

Security Council Open Debate on Protection of Civilians in Armed Conflict, August 19th, 2013, Security Council Chamber

Statement by Mr. Shaanika Permanent Mission of Namibia to the United Nations.

I thank you, Madam President, and your country, Argentina, for organizing this open debate on the important issue of the protection of civilians in armed conflict. I would also like to thank the Secretary-General for his informative briefing, as well as Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights; Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator; and Mr. Philip Spoerri, Director for International Law and Cooperation of the International Committee of the Red Cross, for their invaluable contributions and briefings. They all made persuasive presentations on the numerous challenges and risks that civilians face in conflicts and in which they are victims.

The protection of civilians in armed conflict can be strengthened by strict adherence to the elements highlighted by the reports of the Secretary General, which are, enhancing compliance by parties to conflict with international law, enhancing compliance by non-State armed groups, enhancing protection by United Nations peacekeeping and other relevant missions, improving humanitarian access and enhancing accountability for violations of international humanitarian law.

The Namibian delegation appreciates the fact that, since adopting resolution 1265 (1999), the Security Council has been addressing the issue of the protection of civilians in conflict and has adopted numerous resolutions on that issue. The international community has long had in place instruments of international law that provide the legal framework for the protection of civilian populations in armed conflicts. They notably include the following: international humanitarian law, in particular the Fourth Geneva Convention of 1949 and the two Additional Protocols of 1977, which established basic rules of conduct during hostilities and the need for making a fundamental distinction between the civilian population and combatants. Those instruments include the prohibition of torture. The protection of particularly vulnerable groups, notably women, the elderly, children and internally displaced persons, are essential elements in protecting civilians in armed conflict. It is more often women and girls who are disproportionately affected in conflict because, in many cases, they have been subjected to rape and other forms of sexual violence.

The preamble to the Charter of the United Nations opens with a firm determination by Member States to save succeeding generations from the scourge of war. Therefore, it is our shared responsibility to protect civilians and vulnerable groups in conflict situations. However, the protection of civilians in conflict situations should not be motivated by factors other than purely humanitarian considerations. Also, double standards and selectivity send the wrong signals to perpetrators of crimes against civilians in armed conflict and make a mockery of justice.

While the primary responsibility to protect the civilian population lies with the Governments concerned, in some conflict situations, it may happen that Governments are unable to act on that responsibility. If their inability is due to a lack of capacity, then the international community should offer its assistance. It is for that reason that, at the World Summit in 2005, Heads of State and Government adopted the global norm known as the responsibility to protect.

However, those assuming the responsibility to protect, in particular under the third pillar of that responsibility, should take extra precautions so that civilians do not become statistics of so-called collateral damage due to the negligence of those assuming responsibility to protect them. Hence, my delegation rejects the usage or deployment of drones as inappropriate for the purpose of protecting

civilians in conflict. In most cases, the use of unarmed drones results in the death of innocent civilians. Therefore, enhancing compliance with international humanitarian law, human rights law and refugee law is an obligation that requires strict adherence by all warring parties, including those assuming the responsibility to protect civilians. Those who have been identified and proven to have committed or tolerated war crimes should be held accountable for their crimes.

With the goal of meeting the challenges I have mentioned here, international humanitarian law has been integrated into the training programmes of the Namibian defence force, as well as the Namibian police force, so that when deployed in peacekeeping missions or in any other operations, they will abide by international humanitarian law and effectively assume the responsibility of protecting civilians in conflict.

In conclusion, I wish to reaffirm Namibia's strong commitment to meeting its international obligations, particularly under international humanitarian and human rights law. In doing so, we strive to contribute to the attainment of the noble ideals of reaffirming faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women to live in peace and freedom.