

STATEMENT BY AMBASSADOR HARDEEP SINGH PURI, PERMANENT REPRESENTATIVE,
OPEN DEBATE ON PROTECTION OF CIVILIAN AT THE UNITED NATIONS SECURITY
COUNCIL ON NOVEMBER 09, 2011

Thank you.

At the outset, I would like to thank you, Mr. President, for organizing the Council's open debate on Protection of Civilians, for presiding over this today and for your statement.

Mr. President,

The Right to Life is one of the fundamental rights enshrined in the constitutions of a vast number of UN member-states, including my own. It is, in fact, the foundation of any social order. Unfortunately, there are instances when this foundation is disturbed, leading to killing of civilians on a large scale. Such instances leave a deep scar on our collective consciousness. Living in a globalized world today, the international community cannot but deal with such cases.

At the same time, Mr President, most cases where civilians are at the greatest risk today do not involve nation-states, but belligerents who are not necessarily combatants under international humanitarian law. This makes the task of the international community and this Council, in particular, so much more difficult as it needs to act within the established principles of international law. I would, therefore, like to thank the Portuguese Presidency for organizing this debate and hope that today's debate will contribute meaningfully towards the UN's response for protection of civilians. I would also like to thank the Secretary General for his incisive statement.

Mr. President,

Civilians have always suffered the most in war. Notwithstanding the development of International Humanitarian Law and UN Security Council mandates, civilians continue to suffer today. Even more unfortunate is the fact that civilians or non-belligerents suffer a disproportionate share of the casualties as compared to belligerents. It is they who bear the brunt of violence in conflict and post-conflict situations.

UN peacekeeping has been one of the key instruments available with the international community to protect people from the scourge of war and lawlessness. India has contributed through ideas and resources to global efforts towards protecting civilians. Our men on the ground are the ones who translate this Council's mandates into actions in challenging circumstances.

India is proud to have been associated with UN peacekeeping from its very inception. As a country that has contributed more than 100,000 peacekeepers to virtually every

United Nations peacekeeping operation in the past six decades, India is steadfast in its commitment to protect civilians at the international level. India brings to this table, a quantum of experience in actually protecting civilians in peacekeeping missions that is unique in its relevance and in its variety and depth.

Mr. President,

It has been India's consistent view that protection of its population is the first and foremost responsibility of each State. We recognize the responsibility of all States to respect the fundamental rights of their people, address their legitimate aspirations and respond to their grievances through administrative, political, economic and other measures. At the same time, States also have the obligation to protect their citizens from armed groups and militants. While the right of people to protest peacefully is to be respected, States cannot but take appropriate action when militant groups, heavily armed, resort to violence against state authority and infrastructure.

Mr. President,

The Security Council has placed protection issues squarely at the centre of the conflict resolution and peacekeeping agenda by adopting a number of resolutions and statements on Protection of Civilians and on related issues of violence against women and children in situations of armed conflict.

Protection of civilians when applied as a basis for Security Council action needs to respect the fundamental aspects of the UN Charter, including sovereignty and integrity of the Member States. Any decision to intervene that is associated with political motives distracts from the noble principles and needs to be avoided. Also, the response of the Council and international community must be proportional to the threat involved, use the appropriate methods and make available adequate resources to any peacekeeping mission involved.

In this context, it is pertinent to mention that we find several member-states all too willing to expend considerable resources for regime change in the name of protection of civilians. They are, however, unwilling to provide minimal resources, like military helicopters, to the UN peacekeeping missions, which are mandated to protect civilians and designed to strengthen capacity of state institutions as well.

Mr President,

We must also be clear that the United Nations has a mandate to intervene only in situations where there is a threat to international peace and security. Any decision by the Council to intervene must, therefore, be based on credible and verifiable

information. This requires much greater information flow when the Council is seized of a situation.

The Security Council must make up its mind on what it means by protection of civilians. It must have clarity about who is to be protected and what constitutes a threat. It must also clarify what kind of response it expects and who is to respond. It must, for example, be able to differentiate between threats that require a military response or a "Rule of Law" response. It should not ask Force Commanders or their soldiers to assume policing responsibilities.

In this regard, I would like to draw the attention to the need for accountability. We believe that there should be accountability of those who mandate. Their responsibility does not end with the generation of mandates. They should be held accountable if unachievable mandates are generated for political expediency or if adequate resources are not made available.

Further, it is important that the principle of protecting civilians must be applied in a uniform manner by all parties to a conflict. The recent actions of the Council have brought to the fore a considerable sense of unease about the manner in which the humanitarian imperative of protecting civilians has been interpreted for actual action on the ground. Monitoring of the manner in which the Council's mandates are implemented has, therefore, assumed importance. There are also instances when the Council is expected to quickly criticize national governments for failing in their responsibility to protect civilians, while little or no accountability is enforced on armed groups indulging in violence.

Mr President,

As stated earlier, the protection of civilians is a national responsibility and requires institutions and conditions in which the institutions can function. To enable States to fulfill their responsibility to protect their populations, national capacities need to be strengthened, where needed. Peacekeepers, in spite of their best efforts, cannot possibly "protect everyone from everything." Peacekeepers are primarily there to assist and aid in the development of these national capacities.

Mr President,

In concluding, I would like to stress that force is not the only way of protecting civilians. It should only be the measure of last resort and be used only when all diplomatic and political efforts fail. The Security Council must also be clear that its responsibility for protecting civilians does not end with a military or police response. Civilians require humanitarian wherewithal for survival. It requires a more integrated view. In this process, multiple stakeholders are involved, not just the military.

The actions of the Council and international community should facilitate an engagement between warring factions in a conflict situation in a nationally owned and inclusive political process and not complicate the situation by threats of sanctions, regime change, etc. This inclusive approach to national reconciliation, anchored in state sovereignty, is the only way to move forward and ensure the protection of civilians in an effective, pragmatic and enduring manner.

Thank you, Mr President.

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