

Security Council Open Debate on the Protection of Civilians in Armed Conflict
25 June 2012, Security Council Chamber

Statement by Mr. Hardeep Singh Puri, Representative of India

At the outset, I would like to thank you, Sir, for having organized today's debate on the protection of civilians in armed conflict. I would also like to thank the Secretary-General for his report on the subject (S/2012/376) and for his incisive statement. Our thanks are also due to the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, the Assistant Secretary-General of the United Nations Office of the High Commissioner for Human Rights, and the Director of the International Committee of the Red Cross for their statements.

It has been India's consistent view that the protection of its population is the foremost responsibility of every State. The right to life is the foundation of any social order. It is one of the fundamental rights enshrined in the constitutions of a vast number of United Nations Member States, including my own, from which no derogation is permissible even in times of emergency.

India's commitment to the right to life has been demonstrated at the international level as well. More than five decades ago, long before that term came into common usage in the Council, Indian soldiers defended the civilians of the Congo as part of the United Nations mission. Since then, our men and women in uniform have been at the forefront of turning this Council's word into deed, including through the services of the United Nations first female formed police unit. We remain at the cutting edge of many United Nations operations in places where civilians are under threat. India thus 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.

The Security Council has been considering the protection of civilians as a thematic subject since 1999 and has adopted a number of resolutions. This issue has also been incorporated in the Council's resolutions on women, children, the protection of humanitarian workers, conflict prevention and sexual exploitation. A number of country-specific resolutions also have provisions aimed at the protection of civilians. These resolutions, taken together, have raised awareness and strengthened the international legal framework for protecting civilians in armed conflict. Unfortunately, notwithstanding the development of international humanitarian law and the efforts of the international community, civilians continue to suffer disproportionately during armed conflicts.

It is therefore necessary to take stock of what we have achieved and where we have failed and why. The latest report of the Secretary-General has identified four challenges: 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.

A study undertaken by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations (DPKO) makes it clear that the major share of the blame for failures lies with the Security Council itself, which has been unable, over more than a decade, to develop a clear understanding of the nature and extent of the problem; has been unable to give clear directions about what it wants and how the DPKO should operate; and has not given credence to the voices of countries whose troops are actually deployed on the ground. As the report succinctly states, the confusion over the Council's intent is evident in the lack of policy, guidance, planning and preparedness.

It is important for the Council to act urgently to address this situation. As was made clear by the Force Commanders of United Nations missions in their briefings to the Council last week (see S/PV.6789), the primary gap facing the peacekeepers in protecting civilians is the lack of adequate resources. Without an adequate number of well-trained troops, equipped with adequate equipment, assets and enablers, the Council cannot hope to realize its aspirations for the protection of civilians in armed conflict. In that context, my delegation thinks that the Council's responsibility does not end with the generation of mandates. The Council should be held accountable if unachievable mandates are generated for political expediency or if adequate resources are not made available.

At the normative levels, there are several other issues that the Council needs to consider in the context of the role it has assumed for the protection of civilians in armed conflict.

First, the protection of civilians, when applied as a basis for Security Council action, must respect the fundamental

aspects of the Charter of the United Nations, including the sovereignty and integrity of 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.

Secondly, the principle of the protection of civilians must be applied in a uniform manner to all parties to a conflict. The failure of the Council to enforce the accountability of armed groups has served to exacerbate the situation in several instances, and must be addressed.

Thirdly, in the implementation of the Council's mandate for protecting civilians, there is a need to ensure responsibility while protecting. The recent actions of some organizations and Member States 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 great importance.

Fourthly, to enable States to fulfil their responsibility to protect their populations, national capacities need to be strengthened, where needed, without political or extraneous motives. That calls for enhancing support for socio-economic development and promoting inclusive political institutions. It also calls for patient work, rather than media-driven deliberations and actions.

Fifthly, the Council must resist the temptation to resort to its Chapter VII powers instead of promoting the peaceful settlement of disputes under Chapter VI. In that connection, the Council must also respect international legal institutions, and not make use of them for political purposes such as regime change.

In conclusion, I would like to stress that the Council's responsibility for protecting civilians does not end with a military or police response. Civilians require humanitarian wherewithal for survival. That requires a more integrated and holistic view. Multiple stakeholders should be involved in that process, not just the military. Engagement among warring factions in a conflict situation in a nationally owned and inclusive political process is of paramount importance. Such an 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.