

Protection of Civilians in Armed Conflict

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Statement by Mr. Núñez Mosquera, Permanent Representative of Cuba to the United Nations

It is a pleasure to see you, Mr. President, presiding over the work of the Council for the month of May.

The protection of civilians in armed conflicts is an issue of indisputable significance. At this meeting, we would have preferred to have had this year's report of the Secretary-General on the topic, which, unfortunately, has still not been issued. The last report (S/2010/579) has shortcomings that were pointed out at the time by many countries, including the Movement of Non-Aligned Countries. On this occasion, however, we will have to restrict ourselves to making slightly more general remarks.

Despite the effort made, there are still many aspects to be clarified with regard to the protection of civilians, such as, *inter alia*, who decides when there is a need to protect; who decides that a State is not protecting its population, and on what basis; who determines the action to be taken, and under what criteria; what are the limits for the duration; and how to prevent the issue being used for the purposes of intervention and interference.

The position of my delegation on the issue under consideration is well known. As pointed out by Comrade Fidel Castro, the historical position of the Cuban revolution, which always opposed actions that threatened the lives of civilians, is also known. The obligation and responsibility of States to promote and to protect all rights of their population are beyond doubt.

Cuba denounces measures that violate the sovereignty of States, the Charter of the United Nations and international law being taken under the cloak of humanitarian protection. We oppose the death of innocent people, whatever the circumstance and place, as we categorically condemn aggression under whatever garb it hides.

Despite all the efforts made by the United Nations, including the sincere and selfless effort of many members of this Security Council, a great number of civilians continue to suffer throughout the world. The steps taken to date have not produced the desired results or allowed the addressing, as a whole, of all the implications of attacks on civilians and their consequences for international peace and security, including their humanitarian consequences.

The fact is simply that some have tried to ignore that respect for the sovereignty of States is the cornerstone of international relations and that it can in no way be disregarded or undermined. If the United Nations has not been able to fully play its role in assisting and protecting the millions of people in need around the world, especially in underdeveloped countries, it is because of the lack of political will in the Organization, as demonstrated by those who have imposed an unjust and inequitable international economic order.

If the Organization has often not been able to act as it should in many situations, it is because of the selectivity and double standards to which it has been subjected and because the resources for development needed by most of its Members are increasingly limited, despite the fact that underdevelopment problems are among the root causes of many conflicts, as stated in the Council in February (see S/PV.6479). It is because of the distortions in the work of some of its organs, in particular the Security Council, to the detriment to the General Assembly.

We must recognize that no legal provisions exist by which to justify the legal nature of an intervention on the basis of humanitarian reasons or pretexts. The Security Council would have to undergo profound reforms, including in its membership and working methods, to ensure that any civilian protection actions taken would be non-abusive and non-selective.

The necessary consent of a State for any measure proposed in relation to its civilian population is an inviolable principle that must be fully respected. Otherwise, as has often been the case, we would run the risk of engaging in actual military interventions in internal conflicts and in regrettable civil wars, with the supposed consent of

the United Nations. In that regard, it is essential that the role of approved peacekeeping missions in protecting civilians be duly clarified from the beginning.

Lastly, it is imperative to permanently stamp out as well the dual morality and double standards exemplified by some Governments with regard to the protection of civilians. A mission as noble and commendable as that of protecting civilians cannot be invoked as a pretext for achieving spurious political and economic objectives, as has been the case with the implementation of resolution 1973 (2011), which was imposed on the Security Council on 17 March and which provides a clear example of this. Nothing in the resolution authorizes, under the pretext of humanitarian actions or protecting civilians, the bombing of cities or populated areas resulting in the death of more innocent civilians, the destruction of schools, homes and hospitals and further suffering of the civilian population.

How can indiscriminate bombing, the use of sophisticated weapons and aircraft and the death of innocent people, including children, under the pretext of protecting other equally innocent civilians, be justified? The United Nations has made no statements whatsoever regarding the protection of the civilian victims of NATO's aggression against a sovereign country. The silence of the Organization in the face of the murder of innocent people, including women and children, perpetrated by the foreign troops attacking that country, is outrageous.

How can we understand the inaction and dysfunction of the Security Council in the face of the death of innocent Palestinian civilians, who themselves have even fallen victim to the excessive and indiscriminate use of force?