

Security Council Open Debate on Protection of civilians in armed conflict, February 12th 2013, Security Council Chamber

Statement by Mr. Masood Khan, Permanent Mission of Pakistan to the United Nations.

We thank the Republic of Korea for organizing this open debate on the protection of civilians in armed conflict, a theme that is important for the Security Council and for the international community. Foreign Minister Kim's decision to preside over the debate is a reflection of the Republic of Korea's commitment to addressing the issue. We congratulate you, Ambassador Kim, and your able team on presiding over the Council in a skilful and capable manner, and for circulating the concept note on the protection of civilians in armed conflict (S/2013/75, annex).

Pakistan welcomes the presence of the Secretary-General, whose latest report (S/2012/376) and incisive briefings have guided our work on this team. We have also benefited from the insightful presentations of Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights, and the Director for International Law and Cooperation of the International Committee of the Red Cross, Mr. Philip Spoerri, as indeed from the statements of the Foreign Ministers of the Republic of Korea, Rwanda and Azerbaijan. We also commend the representative of the United Kingdom and his able team for steering the negotiations over the draft presidential statement in a most professional manner.

It is a grim reality today that civilians account for the vast majority of casualties in armed conflicts around the globe. They bear the brunt of wars, conflicts and strife. Progress has been made on elaborating a normative framework for the protection of civilians, but it has yet to be fully translated into tangible results. Thanks to the initiative of the Republic of Korea, we will be able to make some progress today on accountability, humanitarian issues and the implementation of peacekeeping mandates. We endorse the draft presidential statement that the Council will issue today. The message going out from the Council is loud and clear: all parties to a conflict bear the responsibility to protect civilians. They must take care to ensure the protection of women, children, journalists, refugees and internally displaced persons, who are the most vulnerable in conflict situations. Protection must be given to humanitarian actors, including medical personnel and premises. It is also the responsibility of occupation forces to ensure full respect for international humanitarian law.

We strongly condemn attacks on medical personnel and facilities, as well as on schools and teachers. There should be no impunity for those involved in serious violations of international humanitarian and human rights law. The Security Council and international tribunals have addressed these concerns in a number of situations, through measures targeted against violators. Because of the proven value of this approach, the Council should persevere with it.

More than a decade ago, when the Security Council first began to address protection issues, there were apprehensions among the wider United Nations membership concerning the Security Council's role and mandate, as well as its ability to deliver. However, the compelling need to protect civilians in armed conflict has led to a broad consensus that such an approach, when pursued objectively and without politicization, produces salutary results on the ground.

It is an established norm that international humanitarian law covers only situations of armed conflict and should not be extended to other situations. For other situations, other forms of law, such as international human rights law, are applicable. That fine distinction must be maintained in order to avoid the occasional drift into reporting about the situations that do not fall within the category of armed conflict.

The protection of civilians is part of many United Nations peacekeeping mandates. Pakistan, as one

of the top troop contributors, has worked in many missions in various parts of the world to ensure the protection of civilians. Our peacekeepers are doing so right now in the Democratic Republic of the Congo, Darfur, Côte d'Ivoire and Liberia.

The protection of civilians remains the primary responsibility of host countries. Peacekeeping missions should assist host authorities as and where appropriate, in accordance with their mandates. The peacekeepers' ability to perform such mandates is directly linked to the resources available, including intelligence capabilities and the configuration of the missions. Besides, we need to pursue the continuous training of peacekeepers so that operational plans to protect civilians can be refined.

In developing mission strategies and plans, consultations with the host Government or authorities, troop-contributing countries and humanitarian actors must continue. That is simply good practice.

Missions provide physical protection and assist host countries in creating protective environments. The metrics developed by the Department of Peacekeeping Operations provide a good tool for monitoring progress in that context. Yet there should be no misplaced expectations as to what missions can ensure. They cannot provide protection to all civilians all the time. That is why it is essential to bolster national capacities with regard to defence and security forces.

New technologies for gathering information and for surveillance are being used increasingly in armed conflicts for offensive and non-offensive purposes. In that regard, we support the Secretary-General's view that it is extremely important that the use of such technologies should comply with the principles of distinction and applicable international humanitarian law. A clear distinction must also be made, as the Secretary-General has advised us, between the protection of civilians and the responsibility to protect. The conflation of those two concepts has created some legal confusion.

It is important to ensure the safe and unhindered provision of humanitarian assistance, in accordance with the well-established principles of humanity, neutrality, impartiality, independence and the guiding principles set out in the annex to General Assembly resolution 46/182, which reaffirm full respect for the sovereignty, territorial integrity and national unity of States.

There is, of course, a need for consistent engagement on the part of humanitarian agencies with all parties to armed conflict in order to ensure respect for international humanitarian law. Humanitarian actors must conform to and work strictly within the framework of the host country agreements.

Irrespective of the normative progress, success will ultimately depend on how effectively the Council continues to take action to protect civilians on the ground in situations of armed conflict. The key element in that regard is the impartial handling of all situations by the Council.

I conclude by paying tribute to the peacekeepers and humanitarian actors in the field, who are trying, under very difficult circumstances, to protect civilians.