

**Statement by Antonio de Aguiar Patriota, Minister of External Relations of the Federative
Republic of Brazil, at the UNSC Open Debate on the Protection of Civilians in Armed
Conflict
12/02/2013**

“Mr. President,

I congratulate the Republic of Korea for assuming the presidency of the Security Council for the month of February.

I also thank your Excellency for convening this timely and important high-level debate on the protection of civilians in armed conflict.

I would like to greet Her Excellency Louise Mushikiwabo, Minister of Foreign Affairs of Rwanda, and His Excellency Elmar Mammadyarov, Minister of Foreign Affairs of Azerbaijan, and thank them for their contribution to this debate.

I am equally grateful to Secretary-General Ban Ki-moon for his very informative briefing and to High Commissioner Navi Pillay and Mr Philip Spoerri, of the International Committee of the Red Cross, for their remarks.

Mr. President,

As we gather to discuss this crucial item in the Council's agenda, our departing point must be the acknowledgement that, as indicated by the Secretary-General in his latest report, the state of affairs regarding the protection of civilians is "abysmal".

Civilians continue to be injured, displaced and killed in great numbers and submitted to all kinds of hardship in many parts of the world.

It is our collective moral and political responsibility to confront this situation and offer civilians under actual or potential risk improved prospects.

The difficulties that have prevented us from adequately discharging our responsibilities around the protection of civilians do not stem from differences on the fundamental ethics underlying the concept.

They stem from differences that prevent us from translating our common ethics into agreed policies that will lead to coherent and effective results.

The use of force in the protection of civilians stands out as an issue that divides opinions, compromises efforts towards the peaceful settlement of disputes, and distances us from dealing with the multifaceted issues surrounding protection.

As regards the use of force, a Brazilian concept paper on the “responsibility while protecting” was shared with the Security Council in 2011.

In our view, resort to military action should always be an exceptional measure, after all peaceful means have been exhausted and only upon the authorization of this Council.

And if force is authorized, it must be judicious, proportionate and limited to the objectives established by the Council. One must be careful not to worsen a situation that puts civilians at risk and involuntarily contribute to further violence and instability.

Furthermore, the Council should ensure before the wider membership that military action is monitored and resolutions are interpreted and implemented in a way that guarantees the observance of responsibility while protecting.

Events in the recent past make us ponder whether direct military intervention or support to armed groups has led to improved circumstances for civilians or to further instability and violence.

However, even as we ponder on past experience, we could easily agree on the notion that the most effective way to protect civilians is to prevent armed conflict and, should it arise, display a real commitment to its resolution by peaceful means.

The Charter provides a basis for associating the maintenance of peace and security with the promotion of socioeconomic and institutional development, as well as respect for human rights. I had the opportunity to highlight this aspect in the debate under Brazil's presidency, in February 2011, on the interdependence between peace, security and development.

It is possible to argue that the promotion of sustainable development, poverty eradication and food security contributes to the promotion of peace and security by creating a more stable environment for civilians.

It is regrettable that the world should spend astronomical resources on the development of weapons and military budgets, while we are still short of meeting ODA targets, as agreed in the 2002 Monterey Consensus.

This disturbing situation was described by Secretary General Ban Ki-moon in a powerful article published last August. As he said, the world is over-armed and peace is under-funded. If we are seriously to commit to the protection of civilians – and if we all agree this should be done first by avoiding the emergence of conflict – we must seek to revert this trend.

The upcoming Conference on the Arms Trade Treaty offers us an opportunity to take a meaningful step and agree on rules that will help spare civilians from the consequences of poorly monitored flows of arms.

On the nuclear disarmament and non-proliferation front, consistent and balanced progress needs to be made. We cannot afford to leave this agenda unfinished. In this context, I must say that the Brazilian Government condemns the new nuclear test carried out by the DPRK. We urge the North Korean Government to fully comply with all relevant UNSC resolutions on the matter. In the same vein of approaching the protection of civilians as a means to avoid conflict, this Council should fully assume its responsibility regarding the plight of those who are victimized on a daily basis in protracted conflicts, such as the one between Israel and Palestine.

The protection of civilians must be implemented in a universal and non-selective manner. Civilians ought to be equally protected against threats of violence, be it in Homs or in Gaza; in Khandahar or in Timbuktu. And multilateral efforts should comply with International Human Rights Law and International Humanitarian Law, including in the context of the fight against terrorism. Under this heading, Brazil welcomes the announcement by the UN Special Rapporteur on Counter-Terrorism and Human Rights concerning the launch of an inquiry into the civilian impact, and human rights implications of the use of drones and other forms of targeted killing for the purpose of counter-terrorism and counter-insurgency.

We welcome the increased participation of regional organizations, such as the African Union, in efforts towards mediation and conflict-resolution in coordination with multilateral efforts, in accordance with relevant provisions of the Charter.

But at the same time we must recognize that coordination between the regional and the multilateral has not always been satisfactory and that improved governance will be required to effectively deal with situations of instability in which civilians are placed at risk.

The complexity of the challenges requires inclusiveness in decision-making and in the implementation of decisions. In this respect, a word on the long overdue Security Council reform is also justified.

A more representative and legitimate Security Council can, and in my opinion will, help lead to decisions and strategies that contribute to avoid conflict and protect a greater number of civilians. Negotiating and building common ground is the fundamental task of this Council. And in this regard, diplomacy is of the essence and should not be equated, as it sometimes is, with lack of resolve.

The phrase “there is no military solution to” is being increasingly used and may reflect the recognition that we are entering a phase of greater openness to dialogue, negotiation, diplomacy – certainly a tendency which Brazil would favor.

Syria certainly comes to mind and Brazil agrees with those who are of the view that there is no military solution to the Syrian crisis and that this Council should firmly and unequivocally rally behind the efforts of Joint Special Envoy Lakhdar Brahimi, on the basis of the Geneva Plan of Action – which clearly opposes “militarization”.

Mr. President,

I believe that, after recent experiences in the use of force for the protection of civilians, the international community can now better appreciate the value of conflict prevention and the peaceful settlement of disputes, including as tools to ensure the safety of those whom it wishes to protect.

My conclusion points to the importance of strategies that protect civilians in situations of conflict through non-military efforts.

First, we see the need for a broader awareness on the importance of dealing with the prevention of conflict by peaceful means, including through the promotion of social and economic development, intensified efforts towards the full implementation of disarmament and non-proliferation commitments, and by seriously confronting crucial challenges such as Israel and Palestine, among others.

Second, in situations where conflicts do break out, we see the urgency of placing more emphasis on diplomacy and dialogue as the primary tools in addressing them.”