

Statement by H.E. Ambassador Antonio de Aguiar Patriota,
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Open Debate of the Security Council
on the Protection of Civilians in Armed Conflict

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* Delivered on his behalf by H. E. Ambassador Maria Luiza Ribeiro Viotti,
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Mr. President,

I congratulate Your Excellency and the Portuguese delegation on assuming the Presidency of the Security Council during the month of November and, particularly, for your initiative of promoting this timely debate on the protection of civilians.

I would like to thank Secretary General Ban Ki-moon for his very informative briefing.

I would also like to extend warm greetings to High Commissioner Navi Pillay and thank her for her presentation. Our appreciation also goes to Ms. Catherine Bragg and Mr. Philip Spoerri for their briefings.

On the occasion of today's debate, I would like to propose a reflection on how the relationship between the maintenance of international peace and security and the protection of civilians has recently evolved and how to build upon the existing conceptual framework to deal with the many challenges confronting us.

My remarks are meant as a constructive, conceptual contribution to help develop our collective thinking on a very important issue that will continue to be of concern to this Council and to the international community as a whole.

No issue could be more deserving of the attention of the Security Council than the need to protect civilians in situations of armed conflict. We are all well aware of the plight of refugees, displaced persons and of all the innocent victims of war.

May I take this opportunity also to reiterate our appreciation for the work carried out by the International Committee of the Red Cross, as well as by all other relief workers on the ground who, often at great personal sacrifice, dedicate their best efforts to the protection of civilians.

At the outset let us bear in mind two different sides of the question of protection of civilians.

On the one hand, there is the imperative need to prevent violence against civilians in the conduct of hostilities – I would even venture to say to prevent violence against non-combatants in general – and the need to ensure accountability.

On the other hand, there is the need to guarantee – especially in situations of armed conflict – that persons in need can have access to humanitarian assistance and emergency relief. Blocking access to humanitarian aid can be just as lethal as pulling a trigger.

On all counts, the most important task, as stressed in the various reports prepared by the Secretary-General on this question, is that of ensuring compliance with the rules of international humanitarian law and human rights law.

That, of course, is easier said than done. But we can derive some reassurance from the fact that the issue is now high on our agenda, and this meeting is eloquent proof of that.

The Secretariat has produced a number of studies that have increased our understanding of this complex question and has presented us with a number of recommendations that are useful and that have enriched the work of the UN aimed at improving the situation of civilians in armed conflicts.

Brazil has a strong interest in the work of the Security Council on the protection of civilians. We have made significant progress since 1999, when discussions on this issue started to receive more focused attention. We support the statement to be made by the distinguished representative of Switzerland on behalf of the "Group of Friends of the Protection of Civilians".

The plight of innocent civilians and the need to prevent impunity of perpetrators of the most serious crimes is what led the United Nations to create the International Criminal Court, of which Brazil is currently a full member. Supporting the work of the ICC is one of the most effective ways of enhancing accountability and deterring future crimes.

A few years back, in September 2005, an important step was taken when the Outcome Document of the High-level Plenary Meeting of the UN General Assembly was adopted. It established the responsibility of States to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

Additionally, it mentions the responsibility of the international community to act collectively, through the United Nations, should national authorities manifestly fail to protect their populations. Indeed, no one can be indifferent to the fate of those who are under the threat of such heinous crimes.

The recognition that there is a responsibility to protect was a milestone. It should be stressed that the same World Summit declaration that established a consensus formulation of the concept of "responsibility to protect" also clearly stated that this responsibility must be exercised, first of all, through the use of diplomatic, humanitarian and other peaceful means, and that only in those cases in which peaceful means prove to be inadequate should coercive measures be contemplated.

Along this process, it is essential to distinguish between collective responsibility – which can be fully exercised through non-coercive measures – and collective security – which involves a case-by-case political assessment by the Security Council.

Before embarking upon military action, the international community is expected to conduct a comprehensive and judicious analysis of all possible consequences. The use of force always brings with it the risk of causing unintended casualties and disseminating violence and instability. The fact that it is exercised with the aim of protecting civilians does not make the collateral casualties or unintended destabilization less tragic.

This is why, in our view, it is necessary to take an additional conceptual step in dealing with the protection of civilians, and I would like to take this opportunity to offer a new perspective on this question, a perspective which we believe has become essential in approaching our common objective.

The point has been made by President Dilma Rousseff, in her opening statement at this year's General Debate at the General Assembly, when she referred to an indisputable and disturbing fact: the world today suffers the painful consequences of military interventions that have aggravated existing conflicts, allowed terrorism to penetrate into places where it previously did not exist, given rise to new cycles of violence and increased the vulnerability of civilian populations.

And she added: much has been said about the responsibility to protect, but very little about the responsibility while protecting.

Because the United Nations can authorize the use of force, it is under the obligation to fully develop an awareness of dangers involved in such use and to set up mechanisms that can provide an objective and detailed assessment of these dangers, as well as ways and means to prevent harm to civilians.

Our collective point of departure should resemble the Hippocratic principle of “primum non nocere” that doctors are so well acquainted with. In the first place, do not cause harm – this must be the motto for those who are mandated to protect civilians. It would also be most unfortunate, ultimately unacceptable, if a UN mission established with the aim of protecting civilians were to cause greater harm than the one it was enacted to prevent.

But we must aim for a higher level of responsibility. One casualty is one too many, no matter how noble the intentions.

The Brazilian delegation will shortly circulate a concept paper. It elaborates on the idea that the international community, as it exercises its responsibility to protect, must demonstrate a high level of responsibility while protecting. Both concepts should evolve together, based on an agreed set of fundamental principles, parameters and procedures, of which I mention a few:

- prevention is always the best policy. It is the emphasis on preventive diplomacy that reduces the risk of armed conflict and the human costs associated with it;
- the international community must be rigorous in its efforts to exhaust all peaceful means available in the protection of civilians under threat of violence, in line with the principles and purposes of the Charter of the United Nations and as embodied in the 2005 Outcome Document;
- the use of force must produce as little violence and instability as possible. Under no circumstances can it generate more harm than it was authorized to prevent;
- in the event the use of force is contemplated, action must be judicious, proportionate and limited to the objectives established by the Security Council;
- enhanced Council procedures are needed to monitor and assess the manner in which resolutions are interpreted and implemented to ensure responsibility while protecting.

We hope the UN members contribute to elaborate the concept of responsibility while protecting. We are convinced that, if we succeed in this endeavor, we will make this Council stronger and better equipped to carry out its responsibilities under the Charter.

The Security Council can no longer postpone a serious discussion of these issues. We are aware that this is not an easy task, and that it may require the adoption of new procedures. But we can do no less.

I thank you, Mr. President.