

**Statement by
H.E. Mr. Herman Schaper
Permanent Representative of the Mission of the Kingdom of the Netherlands to the United Nations
Open debate of the Security Council on “Protection of civilians in armed conflict”
New York, 10 May 2011**

Mr. President,

I would like to thank the French presidency for organising this important debate. And of course I align myself with the statement of the EU-delegation.

Mr. President,

My comments will focus on the relationship between Protection of Civilians and the Responsibility to Protect. An important relationship that also has been acknowledged in various resolutions on PoC in recent years.

The two principles of Protection of Civilians and of the Responsibility to Protect have different origins, and their practitioners do not always seem to see eye-to-eye. The Netherlands believes therefore that it is important to enhance our collective understanding of both principles, and how they are related in their implementation.

Conceptually, the Responsibility to Protect and Protection of Civilians are indeed distinct. R2P is focused on the four specific crimes: genocide, war crimes, ethnic cleansing and crimes against humanity. And not only in conflict situations, but also in non-conflict situations. PoC is on one hand broader in scope as it aims to protect the general safety, dignity and integrity of all human beings, and on the other hand more focussed on conflict situations.

At the same time, the two principles are also closely related as they share a similar normative foundation that consists of four elements:

1. That the protection for individuals is a primary responsibility of each state.
2. That the international community plays a supportive role in both principles.
3. That prevention and early warning are key to PoC as well as R2P. Let me repeat: prevention is key.
4. That neither PoC nor R2P are synonymous with military intervention.

At the same time support for both PoC and R2P has grown among the membership of the UN. The C34 has made important progress this year on protection of civilians and effective peacekeeping. The “Framework for Drafting Comprehensive Protection of Civilians Strategies in UN Peacekeeping Operations” is a welcome tool. The three tier approach for PoC as described in this framework has great promise and enhances the prevention aspects.

We also saw an increasing consensus on R2P in the GA-debate in 2009 and 2010. The SG articulated a three pillar approach for R2P in 2009, which is very useful. In 2010, the report of the SG focussed, much to our agreement, on the importance of early warning to prevent the four R2P crimes from happening. And proposals to strengthen the Office of the Special Advisor on the Prevention of Genocide attracted overwhelming support by the Fifth Committee and the GA in December 2010.

A second positive development is that progress in practice has been achieved, especially in two respects: prevention and military measures. Timely mediation by the international community in

Kenya and Guinea prevented further mass atrocities and protected civilians. Both not only have made further action by the Council unnecessary, but are also important precedents of preventive measures.

As far as military measures are concerned a distinction can be made between situations where a UN mission is already present on the ground and situations where this is not the case.

In Ivory Coast for instance, UNOCI played an important role in halting further violence by robust implementation of their mandate to protect civilians. In doing so it also contributed to the prevention of further events which might have amounted to crimes against humanity from happening.

In Libya the implementation of resolutions 1970 and 1973 on Libya by the Coalition resulted in the Protection for Civilians and the prevention of massive crimes against humanity in Benghazi and other cities in Libya.

Both recent resolutions on Libya also acknowledged in their language that there is a very close relationship between PoC and R2P. The Netherlands is very pleased about that. We believe that we need to acknowledge that the relationship between R2P en PoC exists. Doing so strengthens the implementation of both principles, individually and jointly.

This includes looking for synergies between R2P and PoC. As an example: the reform of the judiciary creates a safer environment for civilians and helps to avoid the four R2P crimes from happening. The same goes for the implementation of human rights conventions, training of police forces and support to inclusive political processes. Early warning is another area where synergies are possible.

I would like to highlight two specific issues in this regard:

1. The UN, and the Council in particular, should focus more systematically on prevention, also in situations that are not yet on the Council's agenda. We therefore welcome the monthly briefings to the Council by DPA. We also welcome the statements by the Secretary-General on serious country situations and his role in drawing the Councils attention to them. This is a good example of putting into practice his promise to inform the Council 'about what it needs to hear, not what it wants to know'. We hope that the Council will continue to consistently act on his recommendations and heartened to see the progress to date.
2. Integrated Peacekeeping Missions and Special Political Missions have, of course, a very important role to play in the Protection of Civilians. In addition, these missions can, and should in the view of my country, also support within means and capabilities host governments in the prevention of the four crimes and in the exercise of their Responsibility to Protect. Mandates should, where appropriate, enable Missions to fulfil these roles.

In conclusion Mr. President, we believe that PoC and R2P are extremely important principles. We have to acknowledge their similarities and strengthen their relationship in practice. This will benefit both R2P and PoC and their implementation in any given situation.

Thank you.