

Statement by Ambassador Masood Khan, Permanent Representative of Pakistan to the United Nations at the Security Council thematic debate on Protection of Civilians in Armed Conflict New York,(12 February, 2013)

Mr. President, Honourable Kim Sung-Hwan Foreign Minister of Republic of Korea

We thank the Republic of Korea for organizing this open debate on Protection of Civilians in Armed Conflict. This theme is important for the Council and for the international community. Foreign Minister Kim Sung-Han's decision to preside over this debate is a reflection of Republic of Korea's commitment to address this issue.

We congratulate Ambassador Kim Sook and his team for the able and skilful presidency of the Council this month and for circulating a very useful concept note on Protection of civilians in armed conflict.

Pakistan welcomes the presence of the Secretary General, whose last report and his incisive briefings have guided our work on this theme. We have also benefited from the insightful presentations of Ms. Navi Pillay, High Commissioner for Human Rights and ICRC Director Philip Soperri; as indeed from the statements of the Foreign Ministers of Korea, Rwanda, and Azerbaijan.

We commend the Permanent Representative of the United Kingdom and his able team for steering PRST negotiations in the most professional manner.

Mr. President,

It is a grim reality that today in armed conflicts around the globe, civilians account for the vast majority of casualties. They bear the brunt of wars, conflicts, and strife.

Progress has been made to elaborate the normative framework for protection of civilians, but it has yet to be fully translated into tangible results. Because of ROK's initiative, we will be able to make some progress today on accountability, humanitarian issues and implementation of peacekeeping mandates. We endorse the Presidential Statement being issued by the Council today.

The message going out from the Council is loud and clear. All parties to armed conflict bear responsibility to protect civilians. They must take measures to ensure protection of women, children, journalists, refugees, and internally displaced persons, who are most vulnerable. Protection must be given to humanitarian actors, including medical personnel and premises. It is also the responsibility of the occupation forces to ensure full respect of IHL.

Mr. President,

We strongly condemn attacks against medical personnel and facilities, as well as schools and teachers.

There should be no impunity for those who are 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 targeted measures against violators. Because of its proven value, the Council should persevere in this approach.

Mr. President,

Over a decade ago, when the Security Council started addressing protection issues, there were apprehensions among wider UN membership concerning Security Council's role and mandate as well as its ability to deliver. However, the compelling need to protect civilians in armed conflict 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. This fine distinction must be maintained to avoid the occasional drift in reporting about the situations that do not fall into the category of armed conflict.

Mr. President,

Protection of civilians is part of many UN Peacekeeping mandates.

Pakistan, as one of the top troop contributors, has worked in many missions in different parts of the world to ensure protection of civilians. Our peacekeepers are right now doing so in DRC, Darfur, Cote d'Ivoire and Liberia.

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.

Peacekeepers' ability to perform such mandates is directly linked to the available resources, including intelligence capabilities and configuration of the Missions. Besides, we need continuous training peacekeepers to refine their operational plan to protect civilians.

In developing Mission strategies and plans, consultations with the host government or authorities, troop contributing countries and humanitarian actors must continue. This is indeed is a good practice.

Missions provide physical protection and assist host countries to create protective environment. The Department of Peacekeeping Operations' matrix is a good tool to monitor progress.

Yet there should be no misplaced expectations from the Missions. They cannot provide protection to all the civilians all the time. That is why, it is essential to bolster the capacities national defense and security forces.

New technologies for gathering information and surveillance are being increasingly used in armed conflicts for offensive and non-offensive purposes. In this regard, we support the Secretary-General's views that it is extremely important the use of these technologies complies 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 protection of civilians and responsibility to protect. The conflation of the two concepts creates legal confusion.

Mr. President,

It is important to ensure safe and unhindered provision of humanitarian assistance in accordance with the well established principles of humanity, neutrality, impartiality, independence and Guiding Principles of Res 46/182, which reaffirm full respect for sovereignty, territorial integrity and national unity of States.

There is of course need for consistent engagement by humanitarian agencies with all parties to armed conflict to ensure respect for IHL. Humanitarian actors must conform to and work strictly within the framework of the host country agreements.

Mr. President,

Irrespective of the normative progress, success will depend on how effectively this Council continues take action to protect civilians on the ground in situations of armed conflict.

The key element in that regard is impartial handling of all situations by this Council.

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

I thank you.