

STATEMENT BY MR, DHRUVA NARAYANA RANGASWAMY, MEMBER OF  
PARLIAMENT AND MEMBER OF THE INDIAN DELEGATION, ON PROTECTION  
OF CIVILIANS IN ARMED CONFLICT AT THE UNITED NATIONS SECURITY  
COUNCIL ON NOVEMBER 11, 2009



Mr President,

India would like to thank the Austrian Presidency for organizing this thematic debate on the Protection of Civilians.

We take note of the concept paper that has been circulated on this topic. We also take note of the exhaustive report commissioned by the DPKO on Protecting Civilians in the context of UN Peacekeeping Operations.

The primary responsibility of this Council, that of responding to threats to international peace and security, is exercised in an environment that has changed very substantially since 1945. Major threats to peace and security no longer arise from conventional wars between states. The preponderance of conflicts today are low-intensity and involve belligerents who are not necessarily combatants under international humanitarian law. The Council's attention is also devoted to post-conflict situations which require stabilizing and preventing recurrence of conflict.

Mr President,

Civilians have always suffered in war. International humanitarian law, particularly those provisions that protect civilians, arose to deal with the terrible suffering of civilians in war.

Unfortunately, notwithstanding the development of International humanitarian law and UN Security Council mandates, civilians continue to suffer today. Even more unfortunate is the fact that civilians or non-belligerents suffer a disproportionate share of the casualties as compared to belligerents. It is they who bear the brunt of violence in conflict and post-conflict situations.

Mr President,

The operational reasons behind the UN's inability to fully translate the Security Council's intent to protect civilians on the ground have been spelt out with clarity and precision by the Independent Study commissioned by DPKO. It is clear that the major share of the blame lies with the Security Council itself which has been unable, over more than a decade, to develop a clear understanding of the nature and extent of the problem; has been unable to give clear directions to the DPKO about what it wants and what and how DPKO should operate; and has not taken into account the experience and inputs of countries whose troops are actually on the ground. As the report succinctly states, the "confusion over the Council's intent is evident in the lack of policy, guidance, planning and preparedness."

Representing a country which has been an active participant in UN peacekeeping since 1956 and has contributed more than 100,000 peacekeepers to 40 UN operations, my delegation cannot claim to be surprised by the findings.

The concept paper for this debate that has been helpfully circulated by the Austrian Presidency states that efforts to protect civilians are hampered *inter alia* by the unwillingness of parties to a conflict to abide by international humanitarian law; due to the lack of resources; and due to an information gap. It also reiterates the finding that there is a lack of understanding about what peacekeepers should do and can do to protect civilians.

Mr President,

Why have these gaps arisen? What can be done to overcome these problems?

My delegation believes that the primary gap is that of resources. To use an example, 17,000 peacekeepers are simply inadequate in MONUC. There is no way that this number of troops can provide meaningful support to national authorities in an area of responsibility of the size of Western Europe. We are informed that the presence and activities of high-quality troops acts as a significant and effective deterrent within their effective ranges of operation. It stands to logic that an increase in the number of troops is the first requirement.

It also stands to logic that troops require proper equipment and enablers. India is one of the leading providers of air assets to MONUC and can attest to the efficacy of air assets as enablers. It is somewhat surprising that the UN and the Security Council is unable to generate the required air assets.

In this regard, I would like to draw the attention to the need for accountability mentioned in the Austrian paper. My delegation believes that there should be an accountability of those who mandate. Their responsibility does not end with the generation of mandates. They should be held accountable if unachievable mandates are generated for political expediency or if adequate resources are not made available.

I would also encourage those who concentrate on development of normative frameworks to ponder the question of accountability. They must appreciate the development of these frameworks requires to be accompanied by a willingness to develop mechanisms to enforce these norms. The deficit in the willingness and ability to enforce will inevitably lead to an erosion of credibility. There must also be accountability for this.

Mr President,

The Security Council must make up its mind on what it means by protection of civilians. It must have clarity about who is to be protected and what constitutes a

threat. It must also clarify what kind of response it expects and who is to respond. It must for example, be able to differentiate between threats that require a military response or a "Rule of Law" response. It should not ask Force Commanders or their soldiers to assume policing responsibilities. The Security Council must also be clear that its responsibility for protecting civilians does not end with a military or police response. Civilians require humanitarian wherewithal for survival. It requires a more integrated view. Multiple stake holders are involved, not just the military.

The concept that is developed should be one that can be translated into ground targets. It must be able to quantify the problem and articulate actions that must be taken. Only then will we be able to measure progress or the lack of it.

This would appear to be a simple measure but my delegation suspects that the Council will find it difficult to address this. Development of indicators and norms requires a uniform application of law. The UN Security Council cannot do justice to its role if it discusses protection of civilians in some operations, and not in others.

Mr President,

The Council needs to get a clearer idea of operational realities. This information gap cannot be addressed without meaningful and substantive consultations with Troop and Police Contributing Countries.

Even though there is a relative lack of appreciation on the part of the Council and many so-called humanitarian actors, of the initiative and dedication to humanitarian principles on the part of troops, it is a fact that there is progress on the ground. Many contingents have ideas and concepts that can be effective. An effort by the Indian Brigade in MONUC to distribute cell phone "hot line" numbers within their area of operation has led to a significant increase in the rise of reported incidents of violence and the consequent deployment of troops to preempt or deter attacks. This is also leading to creation of databases of malefactors and their movement patterns.

It is the belief of my delegation that intelligence capabilities such as development of databases on individuals and groups, their movements and weaponry are key requirements to increase effectiveness. Countries and contingents have other inputs that can be brought to bear if there is a willingness to listen.

Mr President,

National capacities need to be strengthened. The DPKO report eloquently states that peacekeepers cannot and should not "protect everyone from everything." The protection of civilians is a national responsibility and requires institutions and

conditions where the institutions can function. Peacekeepers are there to aid in the development of these national capacities. My delegation believes that much more thought needs to go into the manner in which these capacities are developed. Capacities and institutions must be relevant to the realities of the area in which UN operations are deployed. The experiences and capabilities of developing countries, particularly those that have gone through successful nation-building exercises, are of great significance in this regard. The Security Council must find ways and means to harness these capacities.

In conclusion, Mr President, let me thank you again for organizing this debate. India is committed to contribute, through its peacekeepers and its national capacities, to the promotion of peace and security and to the role of the United Nations.

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