



**Statement by
H.E. Ambassador Desra Percaya
Permanent Representative of the Republic of Indonesia
to the United Nations
at
The Security Council Open Debate on Protection of Civilians
in Armed Conflict**

New York, 12 February 2013

Mr. President,

Allow me to begin by thanking the Secretary-General, the High Commissioner for Human Rights and the Director for Law and International Cooperation of the ICRC for their valuable statements.

Indonesia would like to associate itself with the statements delivered by Iran on behalf of the Non-Aligned Movement and to be delivered by Norway on behalf of countries supporting the initiative on “Reclaiming the Protection of Civilians under International Humanitarian Law”.

Today's debate once more underlines the critical role by the Security Council in setting out effective norms on civilian protection through its resolutions, statements, and mandates for UN peacekeeping operations, as well as strengthening support and required equipment for those operations.

I am hopeful that this deliberation will contribute to more clear guidance on and betterment in practical measures on protection of civilians.

Mr. President,

Since the adoption of the landmark Security Council resolution 1265 (2009), there has been considerable progress on the subject of protection of civilians. However, this progress has not consistently translated into more effective, better-coordinated, and properly supported protection efforts on ground.

The core challenges, as identified in the Secretary-General's report have yet to be fully addressed at the global, regional and national levels. Various numbers in the report illustrate the urgency to do better.

On the three issues highlighted in the Concept Paper, namely bolstering accountability for violations of international humanitarian and human rights law; enhancing implementation of protection mandates by peacekeeping and other relevant missions; and ensuring compliance of international humanitarian and human rights law to protect civilians in armed conflict, I would like to offer some of Indonesian delegation's observations as follows:

First, on the very important challenge of ensuring accountability for violations of international humanitarian and human rights law, we note that the Secretary-General's report urges the Council to encourage and assist states to perform accountability on violations of international humanitarian and human rights law at the national level.

This would be a daunting goal. Apart from insufficient capacity to perform accountability usually present in conflict-affected countries, there is many times a tension between justice and politics. Leaders are often pressured for politics and so called stability rather than undertaking accountability, which can easily deepen confrontation. The traditional method of conflict-settlement through a trade-off between justice and politics is seen as an attractive political option.

The best kind of assistance and encouragement by the Council may be tangible support and capacity-building to improve the preventive functions of justice, rule of law and education, which mitigate the culture of violence in the first place.

Nevertheless, accountability must be an indispensable component of peace and lasting reconciliation. International and national prosecutions are not the only

methods of accountability, however. Our continued dialogue at this and other UN fora can explore all possible options on viable accountability measures, ranging from mechanisms of prosecution to truth and reconciliation and victims' rehabilitation.

Second, the mandates on protection of civilians under imminent threat of physical violence within the UN peacekeeping operations' framework are vital. Indonesia supports the C-34's call in its 2012 report that the protection of civilians' mandates should be implemented without prejudice to the primary responsibility of the host Government to protect civilians.

We reiterate the responsibility by the Security Council and the UN peacekeeping Secretariat to enable the needed equipment, training and resources to peacekeepers along with clear guidelines to them. We also stress the imperative of close cooperation with national authorities in the implementation of all mandated peacekeeping tasks.

There needs to be greater effort on the promotion of knowledge, respect for and observance by all countries and relevant actors on their obligations under the UN Charter, international human rights law, refugee law and international humanitarian law.

Indonesia fully supports this, and it continues to actively participate in the global efforts on protecting civilians in armed conflict through UN peacekeeping missions.

Third, Indonesia concurs that there must be compliance of parties to the conflict with their international law obligations, particularly in conduct of hostilities.

It is a tragic fact that due to lack, if not absence of effective preventive measures and rule of law, women and children remain the most vulnerable in conflict situations.

In this same forum eight months ago, the Secretary-General made a strong appeal to all of us that we must do more to protect women and children.

To expect conflict-parties to voluntarily comply with the international norms, without cross-sector interventions and monitoring is very challenging.

We hope that our continued exchange on this particular issue will yield concrete proposals and frameworks to better protect women and children in times of crises.

Finally, **Mr. President**, I would like to conclude by expressing Indonesia's high appreciation and admiration to all humanitarian actors, operating within and outside the UN system, for their steadfast devotion and work to ensuring that conflict-affected people are protected and their basic needs of living with dignity are provided.

Thank you.