

Security Council Open Debate on Rule of Law
Tuesday, 29th June 2010, Security Council Chamber (GA-TSC-01)

Statement by Ambassador Cancela, Permanent Representative of Uruguay to the United Nations

At the outset, allow me to congratulate Sir John Holmes, Under-Secretary-General for Humanitarian Affairs, on his commendable efforts as the head of the Office for the Coordination of Humanitarian Affairs (OCHA). His leadership and commitment have been crucial in facing a period in which, despite scientific, moral and ethical progress, innocent civilian populations in various parts of the world continue to suffer from harsh ongoing attacks, both as collateral damage and as a result of being the direct targets of aggression.

In addition to being an ethical imperative that is part of a long process of the development of human conscience towards civil behaviour that places respect for human life, integrity and human dignity at the centre of its concerns, the protection of civilians is also a legal imperative rooted in universally accepted norms of international humanitarian law. In that connection, with respect to civilian protection provided by the United Nations in the context of peacekeeping operations, we should also bear in mind the consent of host countries and the existence of a Security Council resolution mandating that task.

Any humanitarian response must be sustainable and take the development perspective into account. It is therefore essential to ensure appropriate national capacity-building, in particular in those cases in which constraints arise as a result of the physical environment. We regret that, in other cases, constraints arise as the result of Government policies or of practices on the part of local actors that interfere with humanitarian operations. The Secretary-General's reports thus continue to call for the facilitation of timely and rapid access, given the many obstacles that still exist, even when obligations exist under international humanitarian law.

Uruguay would like to reiterate the urgent need for all stakeholders in all situations to preserve, strengthen and respect the norms of international humanitarian law in order to ensure full respect for the principles of humanity, neutrality, impartiality and independence, and the pressing need to facilitate access for humanitarian personnel and ensure appropriate security conditions for the successful completion of their tasks.

In this respect, it is important to consider the possibility of opening dialogues with non-State armed groups. Such dialogue should in no case imply a legitimization of those groups; rather, it should be aimed at achieving understanding and respect on their part for the norms of international humanitarian law.

Among those groups that find themselves in vulnerable situations, women and children continue to require special protection. Despite the significant achievements in this area, much remains to be done to ensure their proper protection. Recognizing the victims' suffering and the importance of bearing in mind the needs of the civilian population affected by armed conflict should also receive greater attention from the international agenda.

We reiterate the need to pay greater attention to the reintegration of victims who have had their rights seriously violated, in particular in cases of **sexual abuse or exploitation**. It is, in our view, essential that we continue to fight against the impunity of those responsible for violations that are in clear contravention of international norms in these areas.

We experience the complexity of protecting civilians through peacekeeping operations on a daily basis through our military and police personnel deployed on the ground. In addition to material shortcomings is the issue of political sensitivities. On the one hand, we must avoid the premature withdrawal of missions when true security has not yet been established; on the other, this must go hand in hand with the principle of consent by the host country, which has the primary responsibility of providing this protection. This is a crucial aspect that underpins the legitimacy of the peacekeeping system and sets it apart from other alternatives.

We therefore believe it essential that the various stakeholders — the host State, the Council, the Secretariat and the troop-contributing countries — all work hand in hand in drafting realistic indicators that are focused on the well-being of the population. Once these indicators have been agreed upon, they must be complied with. Should they not be complied with and should the mission be withdrawn, the credibility of our Organization will be significantly damaged.

Despite the difficulties I have just listed, we underscore the tangible progress that has been achieved at Headquarters and on the ground over the past year in the protection of civilians in the context of peacekeeping operations. The necessary rapprochement between the Security Council and the General Assembly in the area of peacekeeping in general and the protection of civilians in particular is under way. This lends greater legitimacy to such activities and encourages less resistance to them, and gives rise to a greater commitment among all stakeholders involved in their implementation.

The Special Committee on Peacekeeping Operations has deepened and broadened its commitment to civilian protection through a serious and comprehensive consideration of the matter, including the issue of training and the essential need for a true correlation between mandates and resources. In this respect, it is essential that concrete efforts be undertaken to close the material capacity gap.

Furthermore, the Secretariat has received from the Committee a mandate to draft a strategic framework and from the Council a mandate to draft guidelines. We note that this is more than a merely semantic difference. However, it invites us to focus on those matters on which we can reach common agreement. In coming months, we will have in our hands many documents of great importance, which should be openly discussed. We will be working as closely as possible so that when we speak of protecting civilians, all of those involved will be speaking of the same thing.