

Open Debate on the Protection of Civilians During Armed Conflict
Monday, 22nd November 2010, Security Council Chamber (GA-TSC-01)

Statement by Mr. Diego Limeres, Minister, Deputy Permanent Representative of Argentina to the United Nations

First of all, allow me to congratulate you, Mr. President, on your assumption of the presidency of the Security Council this month. I would also like to commend you for convening this open debate on the subject before us. The protection of civilians in armed conflicts continues to be a subject to which the international community and my country in particular attach the utmost importance. Unfortunately, the Security Council has to continue to consider this issue owing to the fact that today civilians still suffer greatly from the consequences of armed conflict. The Security Council must therefore remain committed to the protection of civilians in armed conflicts, to promoting full respect for humanitarian law, human rights law and human rights in general, and to combating impunity.

Argentina would like once again to underscore the value and significance of the 1949 Geneva Conventions, which represented a remarkable step forward for the international community against the backdrop of the dehumanizing experiences it had suffered. Six decades later, conflicts continue to take place. Regrettably, there are still many situations where civilians are the targets of attacks and there are unacceptably high numbers of civilian deaths; where children are recruited as soldiers and girls are subject to abuse, rape and all other types of sexual abuse; where thousands and even millions of people are displaced; and where access to humanitarian assistance is impossible or seriously curtailed. Many of those situations are made worse by impunity.

Parties to an armed conflict are subject to the basic obligation of international humanitarian law to protect civilians from the effects of armed conflict. Such an obligation, embodied in common article 3 to the four Geneva Conventions of 1949, also applies in the context of armed conflicts of a non-international nature, that is to say, to non-States parties to conflict. The Security Council is directly responsible for matters of peacekeeping operations and the protection of civilians. As I have pointed out on other occasions, my country is convinced of the need to include in the mandates of United Nations missions protection activities that are clearly developed and receive the necessary resources in an effective and timely manner. In this regard, interaction with components on the ground is essential to ensuring that mandates will be clear and appropriate to the circumstances faced by the peacekeeping operation.

Regarding the integration of the components, it is important to bear in mind the need, where relevant, to ensure the necessary structure for the protection of women, especially from sexual violence. At the same time, it is also worth bearing in mind the need to protect children, particularly from being recruited as child soldiers, and to rehabilitate former child soldiers. Another critical aspect of the protection of civilians is the need to ensure access to humanitarian assistance. If the parties to a conflict fail to fulfil their obligations under international humanitarian law, they must at least do all they can to ensure access to shipments and material, as well as first aid support. Furthermore, people fleeing combat areas must be allowed to transit safely to areas where they will be safe from hostilities. Action by the Organization is essential to prevent the emergence of situations of genocide, war crimes, ethnic cleansing and crimes against humanity, and to end them when such situations emerge. Those four crimes, included in the concept of the responsibility to protect, demand not only action, but also prevention.

The commitment of the Organization is needed to prevent the recurrence of the horrors of the past. It is often possible to detect in a society elements that set off alarms regarding the possible emergence of situations of massive and serious violations of human rights and humanitarian law. Therefore, prevention requires that the Organization be provided with appropriate mechanisms to gather information on present and potential situations that may trigger the responsibility to protect. Fact-finding is an important element. Argentina considers it worth reiterating that there exists an impartial body for fact-finding into possible serious violations of the Geneva Conventions: the International Humanitarian Fact-Finding Commission, established by virtue of Protocol I to the Geneva Conventions of 1949. We welcome the Security Council's recognition in its resolution 1894 (2009) of the possibility of recourse to the Commission for timely, objective, accurate and reliable information.

Being a victim of an armed conflict is a condition that usually extends beyond the end of hostilities. In the case of women and children in particular, they continue to be victimized after returning to their communities by being stigmatized and subject to retaliation. In this context, it is necessary to underscore the role of justice. Perpetrators of war crimes, genocide or crimes against humanity are responsible for serious crimes and must therefore be held accountable before justice.

This Council established two international tribunals: the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. Currently, we are transitioning towards an international justice system for the most serious crimes, including war crimes, based on a permanent tribunal more than on ad hoc tribunals. That permanent tribunal, which is fully functioning, is the International Criminal Court, established by the Rome Statute in 1998.

I would like to end my statement by stressing once again that, in accordance with international humanitarian law and resolutions of this Council, any kind of attack against civilians or other protected persons in situations of armed conflict, including the obstruction of access to humanitarian assistance and the recruitment of children, is a violation of international law. Thus, I would like to conclude by urging once again strict compliance with the obligations arising from The Hague Conventions of 1899 and 1907, the four Geneva Conventions of 1949 and their Additional Protocols of 1977, general international law and the decisions of the Security Council.