

Protection of Civilians in Armed Conflict

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Statement by Mr. Gutiérrez, Permanent Representative of Peru to the United Nations

At the outset, I would like to thank France for having organized this debate. I am also grateful for the briefings given by Ms. Valerie Amos, Under-Secretary General for Humanitarian Affairs; Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations; and Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights.

In the previous debate on the issue last November (see S/PV.6427), we outlined a clear message to the effect that the United Nations can and must do more on the ground to meet the requirements for the protection of civilians. We believe that considerable progress has been made in determining the operational mechanisms and guidelines to accomplish that task, in particular in the context of peacekeeping operations, as can be seen in the strategic framework for drafting comprehensive protection of civilian strategies and the recommendations adopted only yesterday by the Special Committee on Peacekeeping Operations.

The treatment of the protection of civilians in armed conflict is multidimensional and cuts across the 23 work of the various United Nations bodies, in particular in the context of the General Assembly and the work of the Third and Sixth Committees through various resolutions, among which those on the “Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts” and the “Intensification of efforts to eliminate all forms of violence against women” stand out.

The protection of civilians is a fundamental factor in achieving peace, sustainable and viable political processes, and the credibility and legitimacy of this Organization. While parties in conflict have the obligation and responsibility to take the steps necessary to protect civilians and to assist the provision of humanitarian aid, the political commitment not only of such parties, but also of this Organization, in particular the Security Council, must be strengthened, bearing in mind that, as resolution 1894 (2009) notes, the deliberate targeting of civilians and the systematic violation of international humanitarian law and human rights norms in situations of armed conflict may constitute a threat to international peace and security.

In that regard, it is vital that protection of civilians mandates be clear, viable and specific so that their implementation is not left to the free interpretation of those executing them. It is a priority to underscore the elements that the mission must address, and provision must be made for such mandates to include appropriate and sufficient allocation of the necessary resources for their implementation in order to avoid expectations exceeding the capacity of the missions, in particular with respect to the use of force. When peacekeeping operations are charged with the task of protecting civilians, their multidimensional nature and the various actors of which they are comprised, as well as the indispensable political commitment that they require, must be considered.

Another clear message from the ongoing consideration of the issue is the need to improve and strengthen the fight against impunity in the light of violations of international humanitarian and human rights law and the aforementioned responsibility to protect civilians. There is international criminal responsibility in the case of such violations. We should recall that the international community, through the four Geneva Conventions of 1949 and their Additional Protocols, as well as under customary international law, provided mechanisms for States to try and punish the perpetrators of war crimes.

Likewise, through the Rome Statute of the International Criminal Court, the Court’s jurisdiction to try those who commit war crimes was established pursuant to article 8 of the Statute, regardless — and I repeat, regardless — of which party to the armed conflict commits them, under the principle of complementarity and through effective cooperation with the Court. Allow me here to underscore once again the importance of avoiding selectivity so that the Court’s work and the mandates of the Security Council are not perceived as tainted with any political bias.

To conclude, as mandates for the protection of civilians are developed case by case, we believe it to be of the greatest importance to develop preventative analysis prior to the deployment of a mission. That will require an analysis of the risks to be faced in order to have the best possible knowledge of the parties to and circumstances of the conflict and to achieve a better comprehensive political and strategic direction. It will also make possible better guidance on the necessary coordination in the field.