

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

Statement by Ambassador Gonzalo Gutierrez, Permanent Representative of Peru to the United Nations

I would like to thank you, Mr. President, for having promoted the convening of this open debate, and to express Peru's gratitude to Valerie Amos and Alain Le Roy, Under-Secretaries-General for Humanitarian Affairs and Peacekeeping Operations, respectively, for their briefings on the subject before us today. I also wish to highlight the statements made by the High Commissioner for Human Rights and the Director-General of the International Committee of the Red Cross. We thank the Secretary-General for his latest report on the protection of civilians (S/2010/579). However, it would have been very helpful to have the report far enough in advance to enable us to better evaluate it.

The issue of the protection of civilians in armed conflict has been addressed in this Chamber for over 10 years, and we have seen the subject evolve and develop in that time. In this respect, we believe that resolution 1894 (2009) and last year's presidential statement (S/PRST/2009/1) to be of great value. These debates are a useful opportunity to carry out a critical reflection leading to a more analytical and profound assessment of the progress made to date. To that end, it is important that we be guided by the five core challenges identified by the Secretary-General in his 2009 report (S/2009/277), which clearly remain valid, as reflected in the latest report. They are enhancing compliance by parties to conflict with international law; enhancing compliance with the law by non-State armed groups; enhancing protection 10-64740 15 through more effective and better resourced peacekeeping and other relevant missions; enhancing humanitarian access; and enhancing accountability for violations of the law. In the same vein, we must take as a basis the aide-memoire annexed to last year's presidential statement.

The latest report of the Secretary-General identifies various areas where progress has been made, but it also clearly notes that most of this progress is still taking place within a normative or legislative framework. Such progress contributes to the development of the common conceptual framework we all seek as the basis and guide for the protection of civilians tasks that peacekeeping operations must carry out.

However, we must remember that we have no time to lose in improving protection on the ground. We need to keep in mind both the multidimensional nature of peacekeeping operations and their various civilian, military and police components, as well as the essential political commitment that such missions require. Such commitment should be strengthened not only by the parties to a conflict, but also by Headquarters, and primarily the Security Council. The Council must shoulder its main responsibility, which is the maintenance of international peace and security, by establishing clear mandates that facilitate the preparation of operations in all their aspects and help missions to fully accomplish their tasks. As we have reiterated on several occasions, the protection of civilians has become an essential element for achieving peace and for the credibility and legitimacy of the Organization. In that regard, the Security Council has the capacity to adopt specific measures coherently to promote orderly and systematic compliance with international law by all actors in a conflict, in particular the parties to the conflict and armed non-State groups. This was illustrated by the various examples provided by the Secretary-General in last year's report and in the preparation of the aforementioned aide-memoire.

Other important measures are those taken to punish non-compliance with international humanitarian law in order to put an end to any possibility of impunity. In the context of political support, of equal importance are the role of regional organizations and the contribution they can make to prevention, planning and operations, as well as the support they can provide to national capacity-building for the protection of civilians.

Peru reiterates its support for the promotion of and respect for international humanitarian law by all parties to a conflict, particularly non-State armed groups. Peru is a party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and its Additional Protocols relating to the protection of victims in international and non-international armed conflicts, which are the cornerstones of international humanitarian law on the protection of civilians. That is why we reiterate our call on States that have not yet become party to these international instruments to do so.

In fulfilment of its international obligations, and with the aim of raising awareness of the framework for the protection of civilians in armed conflict among public officials and civil society, my country has implemented a policy of dissemination of international humanitarian law across the board. We have stressed the protection of civilians in armed conflict. We also recently presented a detailed report to the Secretary-General concerning the Peruvian Government's actions in this regard.

We consider it extremely important to develop the preventive, analytical dimension of a mission before it is deployed in order to best protect civilians and achieve an optimum understanding of the parties, reasons and circumstances of the conflict in relation to the civilian situation. More specific and appropriate mandates can be arrived at when they are developed on a more informed, case-by-case basis. This will also make it possible to fill in the gaps in terms of political guidelines and the planning and preparation of missions. It will improve orientation on the ground in the coordination needed to address problems that arise with the arrival and deployment of humanitarian aid, as well as with trafficking in small arms and light weapons.

As part of this preventive analysis, it will also be necessary to carry out an ongoing evaluation of the risks faced on the ground both by civilians and by those protecting them, particularly in peacekeeping operations. In this regard, we thank the informal Expert Group for its work. We suggest that the Group might also assess the lessons learned from missions carried out to date. It would also be helpful to continue to strengthen coordination among the Office for the Coordination of Humanitarian Affairs, the Security Council, the Department of Peacekeeping Operations and the Department of Field Support. We also believe that the membership should have more information at its disposal on the successes, challenges and lessons learned along the way. That is why we would ask for a briefing concerning these lessons in the framework of the Special Committee on Peacekeeping Operations. For the credibility of the United Nations, once the task of protection is accepted and taught, it is of capital importance to have clear, precise and adequately resourced mandates that also reflect limitations and existing conditions, in order not to raise expectations that exceed a mission's capacities, particularly in regard to the use of force. Coordinating the tasks of all stakeholders involved, particularly the efficient dovetailing of responsibilities relating to the need to protect civilians, is also extremely important.

Finally, while Peru supports the adoption of presidential statements at the end of debates of this kind — believing that they are instruments of value and utility to the matter under discussion — we also believe it very important that, before any such text is adopted, we also listen to and consider the opinions of the membership on the issue at hand. My delegation expressed this concern in the General Assembly's joint debate on the report of Security Council and Security Council reform (see A/65/PV.50). If it is our genuine intention to give added value to these debates, they should not be a mere formal exercise. On the contrary, they should be substantial debates where the presidential statement is drafted after the debate has taken place.