

Statement of Argentina: Ninth Open Debate on the Protection of Civilians in Armed Conflict: 7 July 2010

Mr. Argüello (Argentina) (*spoke in Spanish*):

Madame President, allow me at the outset to congratulate you on assuming the presidency of the Security Council for this month, and to thank you for the timely convening of this meeting.

The protection of civilians in armed conflict continues to be a matter to which the international community and my country attribute considerable importance. It is unfortunate that the Security Council must continue to consider this matter, as civilians still suffer greatly from the consequences of armed conflict. Thus the Council must continue its commitment to the protection of civilians in armed conflict with the fostering of full respect for humanitarian law and international law and human rights, as well as the fight against impunity.

My delegation has repeatedly underscored the value and significance of the 1949 Geneva Conventions, which represented a significant step forward for the international community with respect to the dehumanization through which it had lived. Six decades later there are still conflicts. Unfortunately there are still many situations in which civilians are targets of attacks, resulting in unacceptable deaths among the civilian population, situations in which children are recruited as soldiers and girls are recruited for purposes of abuse. Rape and every kind of sexual abuse are daily occurrences, and thousands and even millions of people are displaced. Access to humanitarian support is rendered impossible or is seriously hindered. Many such situations are exacerbated by the lack of mechanisms that guarantee justice and punishment for perpetrators — that is, impunity prevails.

Parties in an armed conflict are subject to the basic norms of international humanitarian law, which stipulate that civilians must be protected from the effects of conflict. As regards non-State armed groups present in those armed conflicts that are not of an international character, it is clear that common article 3 of the four 1949 Geneva Conventions contains specific obligations that must be respected by the parties in conflict. It also applies to a party or parties that are not of a State nature.

Peacekeeping operations and the protection of civilians are of direct concern to the Security Council. As I have indicated on other occasions, my country is convinced of the need to include protection activities in mandates of United Nations missions and to develop them with clarity and provide them the resources they need in an efficient and timely manner. Interaction with the contingents on the ground is essential for the mandates to be not only clear, but also, and fundamentally, appropriate to the circumstances that the peacekeeping operation will face. Regarding the composition of the contingents, it is important to bear in mind the

structure required to meet the needs for the protection of women, in particular, in matters of sexual violence. It is also important to bear in mind the need to protect children from being recruited as soldiers, and for their rehabilitation.

Another critical aspect of the protection of civilians is ensuring access to humanitarian assistance. If parties to a conflict fail to fulfil their obligations according to international humanitarian law, they must at least do their utmost to ensure access of shipments and materials and the delivery of support. Also, persons fleeing combat areas must be allowed to safely transit to areas where they can be safe from hostilities. One delegation mentioned the possibility of establishing commissions of inquiry. On this matter, and in the matter of international conflicts, I would like to highlight a means for one or more parties to a conflict not only to gain access to an investigation of facts that could be serious violations of the Geneva Conventions, but also to obtain the unofficial offices of an impartial body that can allow full respect for the Conventions. I am referring to the International Fact-Finding Commission established in Protocol I to the Geneva Conventions. We encourage States to keep that possibility in mind, and we welcome the fact that, at its sixty-fourth session, the General Assembly granted observer status to the International Fact-Finding Commission.

Being a victim of an armed conflict is a condition that extends beyond the end of hostilities. In the stocktaking exercise of the International Criminal Court (ICC) that took place during the Review Conference of the Rome Statute, held in Kampala, there was an analysis of the victims and affected communities. One element to underscore — as was done at that event — is that the ICC has allowed victims of serious crimes to speak for themselves and that child soldiers were recognized more as victims than perpetrators. It was also underscored that women are usually subjected to sexual violence as a tactic of war. In the case of both women and children it is clear that they continue to be victims when they return to their communities, often stigmatized and subjected to reprisals.

In that context it is thus necessary to refer to the role of justice, a matter to which my country attaches the utmost importance. Perpetrators of war crimes, genocide or crimes against humanity are responsible for serious crimes, and they must be brought to justice. Ensuring justice in relation to such very grave crimes is more than an obligation of States; it is in the interest of the international community represented in this Organization, since justice contributes to alleviating the wounds caused by the conflict and paves the way for reconstruction and peace.

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

It must be repeated once more that, in accordance with international humanitarian law and the resolutions of this Council, any kind of attack targeting civilians and other protected persons in situations of armed conflict — including obstructing access to humanitarian assistance and the recruitment of children — constitutes a violation of international law.

Therefore I wish to conclude by once more urging strict compliance with the obligations arising from the 1899 and 1907 Hague Conventions, the four 1949 Geneva Conventions and their 1977 Additional Protocols, general international law, and Security Council decisions.

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