

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

**Mr. Heller** (Mexico) (*spoke in Spanish*): I would like to thank you, Madam President, and the delegation of Nigeria for convening this debate. I would also like to express my gratitude for the briefings by Secretary-General Ban Ki-moon, Under-Secretary-General Holmes and High Commissioner for Human Rights Pillay, which have once again served to underscore the commitment of the United Nations to strengthening international humanitarian law in order to protect the victims of armed conflict.

I should like to make special mention of Under-Secretary-General Holmes. In carrying out his responsibilities in such an excellent manner, he has been part of one of the best aspects of the Organization on the ground — humanitarian protection.

The multiplicity and complexity of today's conflicts, the lack of respect for the norms of international humanitarian law and the use of increasingly sophisticated weapons that have indiscriminate effects on civilian populations are all factors that have served to increase the challenges facing the Security Council. They have become the raw material for determining the course that the international community must take in addressing an issue of such crucial importance.

Important progress has been made in fine-tuning legislation and international norm-setting bodies. Thanks to that progress, we have been able to more adequately elaborate the concepts on the protection of civilians in armed conflicts. The Council is moving in the right direction, as evidenced by last November's adoption of resolution 1894 (2009), which places an innovative focus on mandates for peacekeeping operations to ensure that they include plans of action and strategies for the protection of civilians that ensure coordination between United Nations missions and humanitarian organizations.

The Security Council has also made progress with regard to the protection of children in armed conflict. During the debate on that issue held a few days ago (see S/PV.6341), the representative of UNICEF pointed to the development of action plans for the successful demobilization of children in the Philippines, Nepal and the Sudan, which have resulted in freeing thousands of children in countries where United Nations reporting oversight mechanisms are in place. Nevertheless, our good intentions have not yet emerged from the realm of the abstract and we continue to lament the various acts of aggression to which civilians are subject in different regions.

Violence in the Democratic Republic of the Congo continues to take a toll on the lives of millions of civilians. The humanitarian situation there, which is marked primarily by forced displacement and the use of sexual violence as a weapon of war, is among the world's most critical.

The deterioration of the situation in Somalia as a result of decades of armed violence

and social and political instability is also worrying. In Darfur, the deaths of humanitarian workers providing assistance in conflict areas is alarming. In Chad, where half a million people require humanitarian assistance, preventing a restriction of the area in which humanitarian work is being carried out is a major challenge. Afghanistan, Gaza and Iraq are also at the centre of our concerns in that regard.

To these examples we must also add the fact that parties to current conflicts are making excessive use of force and using weapons prohibited by international law, causing indiscriminate harm to civilian populations and damaging goods that are essential for their survival, which are protected by international humanitarian law.

It is therefore essential that progress be made in the effective implementation of Security Council sanctions regimes, in particular arms embargoes. In a broader sense, meeting the international obligations set forth in the Palermo Protocol and the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects is essential.

My delegation reiterates the importance of having a balanced strategy that allows us to make progress in defending and protecting civilians in armed conflict. That should also include compliance with international humanitarian law and accountability in order to put an end to impunity as essential components in armed conflicts.

In that regard, we support the decision of the Secretary-General to undertake an impartial and independent investigation into the violations committed against the civilian population at the end of the armed conflict in Sri Lanka, including the appointment of a panel of inquiry. We call upon the authorities of the Government of Sri Lanka to cooperate and facilitate the work of the panel, which has as its sole objective the promotion of justice and national reconciliation in that country.

The Geneva Conventions of 1949, their Additional Protocols and other instruments of international humanitarian law and customary international law provide a solid foundation of principles and standards for protecting the life and dignity of all of those who are not participating in hostilities or who have ceased to do so. Strict compliance with international law should allow us to end the suffering of civilian populations affected by armed conflict and to provide guarantees that will make it possible to repair the damage done to victims, help them to rebuild their lives and restore their dignity as human beings.

We must also bear in mind that violations of international humanitarian law are war crimes and that Member States have the primary obligation for investigating and prosecuting those allegedly responsible for committing such acts. In that regard, as highlighted last week during the debate on the promotion and strengthening of the rule of law, the fight against impunity has been strengthened through the work of the International Criminal Court, the special and mixed tribunals and the specialized

chambers of national tribunals. Nevertheless, it is important that States reaffirm their strong opposition to impunity and their responsibility to meet their obligations in order to put an end to it.

Our consideration of this issue today should contribute to overcoming political interests that hinder the full implementation of the obligations flowing from international law. It should also make it possible for us to respond quickly and decisively to any humanitarian crisis and to ensure accountability in the face of flagrant impunity. Let us not fall into an endless theoretical debate while reality on the ground overwhelms the Organization's capacity to act. On the contrary, let us make progress in consolidating a culture of respect for the principles and standards of international humanitarian law in order to eradicate impunity and repair the damage done to civilians in armed conflict.

Source: S/PV.6354