

Security Council Open Debate on Protection of civilians in armed conflict, February 12th 2013, Security Council Chamber

Statement by Mrs. Perceval, Permanent Mission of Argentina to the United Nations.

At the outset, allow me to congratulate you, Sir, on your assumption of the presidency of the Security Council. I also commend you for having convened this important open debate on the protection of civilians in armed conflict. As in every open debate on the subject, Argentina reiterates that the Security Council must remain committed to the protection of civilians in armed conflict through the promotion of full respect for international law, in particular international humanitarian law, human rights law and refugee law, as well as by combating impunity.

Argentina appreciates the report of the Secretary-General (S/2012/376) and its recommendations. Unfortunately, the report is lucid in stating that the state of the protection of civilians remains abysmal. It is therefore imperative to recall that the parties to an armed conflict are bound by the basic norm of international humanitarian law, which provides that civilians must be protected from the effects of conflict. That obligation, contained in common article 3 of the four Geneva Conventions of 1949, is also applicable in the context of armed conflicts that are not of an international character, that is, to non-State combatants.

Argentina not only agrees with the report of the Secretary-General but also particularly thanks the High Commissioner for Human Rights, Ms. Pillay, and the International Committee of the Red Cross (ICRC) Director, Mr. Philip Spoerri, because, as well as being present, they both made statements this morning. We appreciate the presence of the highest authorities, which clearly demonstrates that full compliance with international humanitarian law is still a basic challenge for all States. The principles of distinction and proportionality are crucial. We must also recall the basic norm that non-compliance by one party to a conflict does not justify non-compliance by the other.

With regard to the promotion of compliance, it is important that Member States remain committed to ensuring awareness of the obligations imposed by international humanitarian law. In Argentina, international humanitarian law has been included as one of the most important aspects of international law in the curricula of law schools and in the training of the armed and security forces. In addition, Argentina participates in the joint initiative “Reclaiming the protection of civilians under international humanitarian law”, one of whose undertakings is a series of seminars to promote compliance with international humanitarian law through practical recommendations. The delegation of Norway will certainly mention that initiative, which Argentina supports.

United Nations work is crucial to the protection of civilians in armed conflict, to preventing the emergence of situations of genocide, war crimes, ethnic cleansing and crimes against humanity, and to putting an end to such situations when they arise. My country shares the Secretary-General’s observations with regard to the distinction between the protection of civilians in armed conflict and the responsibility to protect. However, to prevent violations of humanitarian law in armed conflict and the four crimes under the responsibility to protect from being committed, prevention is key. In that regard, we highlight the importance of full respect for human rights law and international humanitarian law.

Regarding action by the Security Council, my delegation wishes to underline the need for peacekeeping operations to comply with international humanitarian law, as well as the need to continue to include protection activities in the mandates of United Nations missions in the field. Those mandates have to be clear, and such missions must be provided with the necessary resources in a timely and effective manner.

As regards the integration of components, it is important to provide the necessary structure and staff in order to be able to protect women and children from all kinds of violence, in particular sexual and gender- based violence.

In that respect, I should like to note that Argentina, in cooperation with the ICRC, has developed courses on humanitarian law for the armed forces, with an emphasis on those that form part of the Argentine contingents in United Nations peacekeeping operations. I note also that the Commission on the Application of International Humanitarian Law has drawn up a manual on international law in armed conflicts, which contains a compilation of the norms of international humanitarian law for the conduct of armed forces in the context of operations. That will be effective only if it leads to the outcome that countries are seeking to achieve when they contribute to peacekeeping operations. We would like here, in drawing attention to the work of all peacekeepers, to commend Argentine peacekeepers — men and women — about whom there has never been a single complaint of violation of human rights or international humanitarian law.

As regards humanitarian assistance, the parties to a conflict must make every effort to ensure effective and timely access of such assistance, including shipments and materials, which enjoys special protection under international humanitarian law. Medical personnel and vehicles, as well as hospitals, must also benefit from such protection.

Fact-finding is another aspect that Argentina deems crucial. Impartial mechanisms are key to determining the facts regarding violations of international humanitarian and human rights law. In addition to ad hoc fact- finding commissions, including those established by the Human Rights Council, we would like to highlight the role of the International Humanitarian Fact-Finding Commission, established under Protocol I to the 1949 Geneva Conventions. Argentina welcomes the fact that, in conformity with the provisions of resolution 1894 (2009), the Security Council has recognized once again, in the draft presidential statement to be adopted later, the possibility of resorting to that Commission.

Lastly, the suffering of victims of armed conflict often continues beyond the end of hostilities, as they continue to be victims when they return to their communities. In that context, in addition to the challenges presented by post-conflict situations, we wish to refer to the role of justice. The Council established two international tribunals — the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda — and, at present, the international community is witnessing the consolidation of an international justice system for the most heinous crimes, including war crimes, that is no longer based on ad hoc tribunals but is permanent: the International Criminal Court (ICC), established by the Rome Statute in 1998. We would like to stress the need for cooperation by all States with the ICC, in particular regarding arrest warrants.

The Council should establish, as soon as possible, a mechanism to follow up closely on its referrals to the ICC. Argentina welcomes the fact that the draft presidential statement to be adopted later makes reference to both to the need for cooperation with the international tribunals and to the commitment of the Security Council to follow up on its decisions in that regard; this is something that has long been hoped for in the context of referrals to the ICC.

Argentina reiterates that, in accordance with international humanitarian law and the resolutions of the Council, attacks of any kind against civilians or other protected persons in situations of armed conflict, as well as the recruitment of child soldiers, all forms of violence against woman and interference with the delivery of humanitarian aid, constitute clear violations of international law.

I would therefore end by urging the fullest compliance with the obligations emanating from the Hague Conventions of 1899 and 1907; the four 1949 Geneva Conventions, which are universally

accepted, and their Protocols of 1977; international human rights law; refugee law and the decisions of the Council. Standards must become reality.