

Security Council Open Debate on Protection of Civilians in Armed Conflict, 12th February, 2014, Security Council Chamber

Statement by Mr. Oyarzábal, Permanent Mission of Argentina to the United Nations

We would like to thank the Lithuanian presidency of the Security Council for convening this open debate on the protection of civilians in armed conflict and for producing the concept note (S/2014/74, annex). We also thank Ms. Navi Pillay, Ms. Valerie Amos, Mr. Hervé Ladsous and Mr. Yves Daccord for their participation in the meeting.

Unfortunately, the latest report of the Secretary-General on today's subject (S/2013/689) reaffirms that civilians continue to constitute the majority of victims in conflict. However, it is important that the Security Council continue to be committed to the protection of civilians in armed conflict by promoting full respect for international law, in particular respect for humanitarian law, human rights law and the rights of refugees, as well as the fight against impunity.

Likewise, as referred to in the President's concept note, it is imperative that we continue to include protection activities in the mandates of United Nations missions on the ground. The Secretary-General's report includes a description of the activities undertaken by peacekeeping missions in the protection of civilians. In all cases, peacekeeping forces have sought to create protected areas. The challenges they face on the ground include avoiding an escalation of violence between groups, supporting political dialogue to facilitate the protection of civilians and encouraging reconciliation between ethnic groups.

In addition, peacekeeping forces have implemented training programmes for police to investigate crimes of sexual violence and other crimes and have contributed to building domestic institutional capacity. The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo is a special paradigm in that regard, where the Security Council decided to reconfigure the mandate to authorize a peacekeeping mission to carry out offensive operations against armed groups via an intervention brigade.

The clear position of Argentina is that the imposition of robust mandates by the Council and the implementation of those mandates by peacekeeping operations must not divert us from our fundamental mandate to protect civilians, in line with the fundamental principles that govern, and must continue to govern, peacekeeping operations. We believe that, in order for peacekeeping forces to be able to fulfil their missions effectively, where priority is given to the protection of civilians the mandates must be designed carefully. Operations must also have the necessary resources available to act effectively and in a timely manner.

With regard to the composition of missions, there needs to be an appropriate structure and the staffing that is required to protect women and children from violence, in particular sexual and gender-based violence. We recognize the United Nations policy of due diligence in the area of human rights, which should continue to be part of mandates for peacekeeping operations.

One aspect that we want to highlight with regard to peacekeeping operations relates to international humanitarian law. On the one hand, the training of troops is necessary. As for Argentina, with the help of the International Committee of the Red Cross, we carry out human rights courses for armed forces, with a particular focus on those troops that will be participating in United Nations peacekeeping operations. Our commission on the implementation of international humanitarian law has produced a manual on international law in armed conflict that sets out the norms of international humanitarian law to be used by armed forces in peacekeeping operations.

In addition, I would emphasize that peacekeeping operations must respect international humanitarian law. In that respect, I highlight the bulletin of the Secretary-General on "Observance by United Nations forces of international humanitarian law" (ST/SGB/1999/13).

Peacekeeping operations play an essential role in the protection of civilians in many situations. However, ensuring a secure environment for civilians goes beyond the role of peacekeeping forces; it involves the entire Organization and its States Members.

To achieve strengthened and sustainable security, national peacekeeping and institution-building efforts must be supported, including rebuilding national institutions. Coordination in the area of support for the rule of law as part of the Organization's efforts is crucial. But it is also important that the United Nations and Member States make progress on the challenges identified by the Secretary-General, with which my delegation agrees. Those include the following.

First, we must promote respect for international humanitarian, human rights and refugee law by State and other parties to conflict.

Secondly, parties to a conflict must make every effort to ensure effective and timely access to humanitarian aid, including cargo and materials. Such assistance — including access to medical personnel, transport and hospital facilities — enjoys special protection under humanitarian law in all its aspects.

Thirdly, impartial mechanisms are essential in terms of investigating violations of international humanitarian and human rights law. In addition to ad hoc commissions of inquiry, including those set up by the Human Rights Council, I should like to highlight the international commission of inquiry provided for under Additional Protocol I to the 1949 Geneva Conventions of 12 August 1949.

Fourthly, I should like to underscore accountability. In that context, I commend the contributions of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, as well as to acknowledge the role of the International Criminal Court.

Argentina supports presidential statement S/PRST/2014/3 and stresses the useful aide-mémoire on the protection of civilians in armed conflict published by the Office for the Coordination of Humanitarian Affairs.

I should like to conclude by reiterating that, in line with international humanitarian law and the Council's resolutions, any attacks against civilians or other protected groups, as well as the recruitment of child soldiers and preventing humanitarian access, constitute violations of international humanitarian law. In that context, I again urge strict respect for the obligations under The Hague Conventions of 1899 and 1907, the four 1949 Geneva Conventions and their 1977 Protocols, international humanitarian, human rights and refugee law and Security Council resolutions.