

I give the floor to the Permanent Representative of Argentina.

Mr. Argüello (Argentina) (*spoke in Spanish*): At the outset, allow me to commend the Austrian delegation for its work in the presidency of the Security Council for the month of November and to thank it for convening this open debate, to which my country attaches special importance. I also reiterate the importance of the Council's holding public meetings to allow all Members of the Organization to express their opinions and interact with members of the Council.

This year, the Security Council is considering for the tenth consecutive year the issue of the protection of civilians in armed conflict within the legal framework of resolutions 1265 (1999), 1296 (2000) and 1674 (2006) and the aide-mémoire on the protection of civilians (S/PRST/2002/6) adopted by the Security Council in 2002. This year also marks the sixtieth anniversary of the adoption of the Geneva Conventions of 1949, the keystones of international humanitarian law.

In accordance with international humanitarian law, the protection of civilians in armed conflicts is a legal obligation under international law. It is regrettable that the Council must continue to deal with the matter because civilians continue to this day to suffer the grave consequences of armed conflicts. We are therefore convinced that the Security Council must remain committed to the protection of civilians in armed conflicts by promoting respect for international humanitarian and human rights law and fighting impunity.

At the open debate held by the Council on 26 June (S/PV.6151), my delegation referred to the Secretary-General's report on the protection of civilians in armed conflicts (S/2009/277) and expressed its regret that the situation was just as discouraging as it had been 10 years earlier.

The 1949 Geneva Conventions were a step forward for the international community, given the dehumanizing situation it had recently experienced. Sixty years later, conflicts continue to arise and, regrettably, there remain numerous situations in which civilians are the targets of attacks and, as others have noted, the number of victims among the civilian population is unacceptably high; in which children are recruited as soldiers or are subject to abuse; in which sexual violence is a daily occurrence; and in which thousands and even millions of people are displaced and humanitarian access is severely hindered.

Parties to armed conflict are required by the basic rules of international humanitarian law to guarantee protection of civilians from the effects of the conflict. With regard to non-State armed groups in armed conflicts that are not of an international nature, it is clear that common article 3 of the four 1949 Geneva Conventions sets out specific obligations that must be respected by the parties involved, including non-State parties.

With respect to peacekeeping operations and the protection of civilians — the focus of this debate — my country is convinced of the need to include protection activities in the mandates of United Nations missions. However, the Secretary-General's report and the conclusions of the workshop on the subject organized in January by Australia and Uruguay, stress the need to develop clearer mandates and to provide the necessary resources in an efficient and timely manner. In this respect, interaction with components on the ground is essential to ensuring that the mandates are not only clear but also and, most importantly, appropriate to the circumstances the mission will face.

As to the integration of the components, it is important to ensure the necessary structure to guarantee the protection of women, especially from sexual violence. At the same time, we must also take into account the need to protect children, and in particular to prevent the recruitment of girls and boys and to rehabilitate child soldiers.

Another important aspect of the protection of civilians is to guarantee civilian access to humanitarian assistance. If, due to inability or to a lack of political will, the parties to a conflict do not fulfil their obligations under international humanitarian law, they must at least do their best to guarantee civilian access to shipments, materials and emergency care. Likewise, persons fleeing combat zones must be allowed to travel safely to areas where they will not be harmed.

My country believes that justice plays a fundamental role. Individuals who have committed war crimes, genocide or crimes against humanity are responsible for very serious violations of the law and must therefore be held criminally accountable before the law.

This Council established two ad hoc international tribunals, one for the former Yugoslavia and one for Rwanda, and the International Criminal Court is now fully functional. I recall that the International Criminal Court does not replace national justice systems, but operates to complement such systems when they are not functioning.

Ensuring accountability for such serious crimes is more than an obligation for States. It is also in the interest of the international community, represented at this Organization, since justice contributes to mitigating the harm caused by armed conflict and sets the stage for reconstruction and peace.

I reiterate once more that, pursuant to international humanitarian law and the Council's resolutions, any attack on civilians or other protected persons in situations of armed conflict, including the restriction of access to humanitarian assistance and the recruitment of child soldiers, is a violation of international law. I therefore conclude by calling for strict compliance with the obligations arising from the 1899 and 1907 Hague Conventions, the four 1949 Geneva Conventions and their 1977 Protocols, and the decisions of the Security Council.