

Mr. Argüello (Argentina) (*spoke in Spanish*): Allow me first to congratulate you, Sir, on your work during your presidency of the Security Council for the month of June. In particular, I would like to thank you for convening this open debate, to which my country attaches special importance. I would also like to acknowledge the presence of Mr. John Holmes and to thank him for the briefing he gave this morning.

This is the tenth consecutive year that the Security Council considers the issue of the protection of civilians in armed conflict. In accordance with international humanitarian law, the protection of civilians in armed conflicts is a legal obligation of the parties to the conflict from which they are not relieved even if the counterparty or counterparties act in breach of it. It is regrettable that there are still situations in which that protection is not guaranteed, which has led to the Council's permanent consideration of the matter. We are therefore convinced that the Security Council must continue to be committed to the protection of civilians in armed conflict, to promoting full respect for international, humanitarian and human rights law and to combating impunity.

My delegation is grateful for the report (S/2009/277) of the Secretary-General on the protection of civilians in armed conflict. We deeply regret that, as it was 10 years ago, its conclusions are discouraging. There are still many situations in which civilians are the target of attacks, as evidenced by the unacceptably high number of victims among civilians, situations where children are recruited as soldiers and are subject to abuse, situations where sexual violence is a daily occurrence and other situations where thousands and even millions of persons are displaced and where it is impossible to deliver humanitarian assistance. The report of the Secretary-General very clearly identifies five challenges.

Eradicating armed conflict is one of the objectives of the Charter of the United Nations and of the international community as a whole. However, where conflicts exist, the parties are obliged to respect the basic rule — which originated even before the establishment of the Organization — that civilians must be protected from the effects of the conflict.

With regard to non-State armed groups in conflicts that are not of an international nature, it is clear that common article 3 to the four 1949 Geneva Conventions includes specific obligations that must be respected by the parties — that is, they apply also to parties that are not of a State nature.

With regard to peacekeeping operations and the protection of civilians, my country firmly believes that including protection activities in the mandates of United Nations missions is important to ensuring the effectiveness of humanitarian assistance in practical terms. However, the report of the Secretary-General and the conclusions of the workshop on the subject organized in January 2009 by Australia and Uruguay have underscored the need to develop clearer mandates that provide the necessary resources in an efficient and timely manner. In that regard, we await the independent study requested by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, which could serve as a starting point in continuing to address this issue.

Another important aspect of the protection of civilians is to guarantee humanitarian assistance. If, owing to the inability or lack of will of the parties involved in a conflict to fulfil their obligations under international humanitarian law, they should at least make every effort to guarantee the passage of shipments and materials and the delivery of emergency assistance. The other fundamental aspect of access is that persons escaping from combat areas must be allowed safe passage to places where they are protected from the hostilities.

With regard to the role of justice, that is an issue to which my country, by virtue of its not-too-distant past, attaches the outmost importance. Individuals who commit war crimes, genocide or crimes against humanity are responsible for very serious violations of the law, and must therefore be criminally accountable before the law. The Council has established two international tribunals, namely, for the former Yugoslavia and for Rwanda. In addition, the International Criminal Court is now fully operational. I would like to recall that the International Criminal Court is not a tribunal intended to supplant national justice; instead it operates when the latter is not functioning. In other words, ensuring accountability for such crimes under national systems is not only an obligation of States. As suggested by the

Secretary-General, it could also help to alleviate some of the perceptions about the tension between the quest for justice, on the one hand, and the search for peace, on the other.

Allow me to conclude by reiterating that, under international humanitarian law and Security Council resolutions, attacks on civilians or other protected persons in situations of armed conflict constitute a blatant breach of international law. I urge 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.