

**Open Debate on Protection of Civilians in Armed Conflict**  
**Statement by Mrs. RA RP, Amb. Maria Cristina Perceval**

Mr President,

First of all, congratulations on the exercise of the Presidency of the Republic of Korea Security Council. I would also like to acknowledge the call for an open debate on the protection of civilians in armed conflict.

As in every open debate on this topic, Argentina reiterates that it is necessary that the Security Council continue committed to the protection of civilians in armed conflicts, promoting full respect of international law, including humanitarian law, the right international human rights and refugee law and the fight against impunity.

Argentina appreciates the Report of the Secretary-General (S/2012/376) and the recommendations contained therein. Unfortunately, the report is clear that "the state of the protection of civilians remains lousy." Therefore, it is imperative to remember that the parties to an armed conflict are bound by the basic rule of international humanitarian law which provides that civilians must be protected from the effects of conflict. This obligation contained in Article 3 common to the four Geneva Conventions of 1949 is also taxable in the context of armed conflict not of an international nature, ie to the disputing parties have no official character.

Mr. President:

Argentina shares with the report that the first basic challenge is to promote compliance with international humanitarian law. The principles of distinction and proportionality are fundamental. Also worth remembering the basic rule that the failure of a party to the conflict does not justify failure by the other.

Regarding the promotion of compliance, it is important the commitment of Member States to the dissemination of knowledge about the obligations under international humanitarian law. In Argentina, international humanitarian law has been incorporated as one of the salient aspects of international law in the curricula of several law schools and in the training of the armed forces. Argentina also participates in a joint initiative called "Recovering the protection of civilians under international humanitarian law", one of whose ventures is a series of seminars to promote, through practice compliance with international humanitarian law. This initiative, which adheres Argentina, will refer the Norwegian delegation.

Mr. President:

The action of the United Nations is essential to the protection of civilians in armed conflict and to prevent the emergence of situations of genocide, war crimes, ethnic cleansing and crimes against humanity and prevent the continuation of such situations when they occur. My country shares with the Secretary General its findings in relation to the distinction between protection of civilians in armed conflict and the Responsibility to Protect. However, both to prevent the commission of violations of international humanitarian law in armed conflict and to prevent the commission of the four crimes of the Responsibility to Protect and prevention is essential, for this, the respect for international human rights and humanitarian law is key.

In regard to the action of the Security Council, my delegation wishes to stress the need for the maintenance of peace comply with international humanitarian law and also the need for continued protection activities including in the mandates of the United Nations missions in the field, and they are clearly developed and that these operations have the necessary resources to effectively and timely. In regard to the integration of components, you must bear in mind the need for structure

and personnel to address the protection of women and children from violence, including sexual violence and based on the genus.

In this connection it may be mentioned that in Argentina, with the support of the ICRC, courses are given humanitarian law to the armed forces, with particular emphasis on those involved in the Argentine contingent operations peacekeeping Nations United and the Committee on the Application of International Humanitarian Law (CADHI) a manual on international law of armed conflict, which compiles, for the conduct of military operations, the rules of international humanitarian law.

Mr. President:

In regard to humanitarian assistance, the parties to a conflict must make every effort to ensure the effective and timely access to humanitarian action, including cargo and materials. Such assistance enjoys special protection by international humanitarian law. Also, protect and transport medical staff and the hospital facilities.

The investigation of the facts is another aspect that Argentina considers crucial. Impartial mechanisms are essential to the investigation of violations of international humanitarian law and human rights. In addition to ad hoc commissions of inquiry that may be established, including those established by the Human Rights Council, there Humanitarian Fact-Finding Commission under Protocol I to the Geneva Conventions of 1949. We are pleased to Argentina, yes as in resolution 1894 (2009), the Security Council recognized the presidential statement to be adopted recourse to the Commission.

Mr. President:

In regard to the victims of armed conflicts, their suffering is often extended beyond the end of hostilities, as victims continue to return to their communities. In this context, in addition to the challenges posed by post-conflict situations, reference is made to the role of justice.

This Council established two international tribunals, the former Yugoslavia and Rwanda, and now the international community is faced with a system of international justice for the most serious crimes, including war crimes, no longer focused more ad hoc tribunals but a permanent court. That court is permanent International Criminal Court established by the Rome Statute in 1998. It is essential the cooperation of all States to the Court, in particular in terms of the warrants, and the Council should establish as soon as a mechanism to closely monitor referrals to the ICC. Argentina is pleased that the presidential statement to be adopted to refer to both the need to cooperate with the courts as to the commitment of the Security Council to follow up on its decisions, something long awaited in the context of referrals the International Criminal Court.

Mr. President:

I would not conclude without reiterating, once again, that under international humanitarian law and the resolutions of this Council, any attacks directed against civilians or other protected persons in situations of armed conflict and the recruitment of children and the obstruction of access to humanitarian assistance, in violation of international law. That is why we ended calling, once again, to strict compliance with the obligations arising from the Hague Conventions of 1899 and 1907, the four Geneva Conventions of 1949, which is universally accepted and its Protocols of 1977, international law of human rights, refugee law and the decisions of the Security Council.

Thank you very much.

