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[...]

Protection of civilians in armed conflict

Mr. Ambassador Ricardo Alberto Arias

Permanent Representative of Panama to the United Nations

Mr. Arias (Panama) (*spoke in Spanish*): Permit me at the outset to thank you, Mr. President, for the timely convening of this open debate on a topic of great importance on which your country has taken the lead. We also appreciated the briefing by Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, about the alarming situation of civilians in armed conflict.

The Geneva Conventions and their Additional Protocols are the foundation of international humanitarian law. They are the highest expression of international law as regards the protection of civilians in armed conflict. Nevertheless, there are countless obstacles to protecting civilian populations caught in the midst of hostilities, which were extensively described in Mr. Holmes's presentation. Among them we wish to emphasize restrictions on access for humanitarian assistance owing to security, bureaucratic or logistical factors.

We must also emphasize other challenges to the provision of humanitarian assistance that we consider to be of great importance. These include a lack of clear mandates for humanitarian actions; a lack of monitoring and investigating mechanisms to identify and register the perpetrators of flagrant and systematic violations of international humanitarian law. Among such violations, the use of sexual violence as a weapon of war and, most recently, acts of piracy deserve particular attention.

To confront these challenges, the Security Council must implement a strategic vision for the more effective allocation of existing resources and capacities. Also, the Council should take on a supervisory role and use all the tools at its disposal to identify those who commit such violations and bring them to trial before the relevant judicial bodies. At the same time, the United Nations should carry out preventive activities by collecting and disseminating information, implementing an early-warning system in coordination with regional and subregional organizations, and strengthening State institutions in order to protect human rights, the rule of law and the provisions of basic services.

In parallel, it is important to incorporate — or where it already exists, strengthen — the civilian protection element in current peacekeeping operations. In that context, we agree with the suggestion that a Security Council working group on the protection of civilians in armed conflict be established. In the sphere of international justice, the International Criminal Court is, without question, the key instrument for avoiding the obstacles I have mentioned and deterring parties from ignoring the rules in this area. Unfortunately, initiating a case and gathering evidence can sometimes be an enormously complex and difficult task owing to the situation on the ground. Hence, we encourage all States Members of the United Nations to help the Court in its work by providing the resources and evidence needed to punish the perpetrators of crimes in conflict areas. Nor can we forget that the protection of civilians is relevant not only during armed conflict. The international community must also support States in meeting the most pressing needs of their populations when those populations are affected by natural disasters.

Finally, my delegation has repeatedly stated that there is a close relationship among international humanitarian law, the protection of civilians and the concept of the responsibility to protect, as set out in the 2005 World Summit Outcome (General Assembly resolution 60/1). That principle makes the State and its institutions responsible for protecting its citizens from genocide, war crimes, ethnic cleansing and crimes against humanity, and it warns that, if the State does not wish to protect its population or is unable to do so, the international community is obliged to help with that task, or to assume it, through an effective and transparent response. In order to prevent this concept from becoming a mere footnote to history, we must be clear about its definition so that it can provide a concrete mandate for those entrusted with the protection of civilians.