

Security Council Open Debate on Protection of civilians in armed conflict, February 12th 2013, Security Council Chamber

Statement by Mr. Rosenthal, Permanent Mission of Guatemala to the United Nations.

We welcome the presence of the Minister of Foreign Affairs and Trade of the Republic of Korea, His Excellency Mr. Kim Sung-hwan. We thank him for having convened this open debate at such an opportune time and for presiding over it. We regret that our own Minister for Foreign Affairs, Mr. Fernando Carrera Castro, who wanted to join us here, was unable to do so due to a last-minute conflict in his schedule.

We would like to thank Secretary-General Ban Ki-moon for his very informative statement and for his ninth report on the matter (S/2012/376). As that report was published in May 2012, it is essential that it be updated. We also appreciate the statements by the United Nations High Commissioner for Human Rights, Ms. Navanethem Pillay, and express our thanks to Mr. Philip Spoerri for his contribution to this debate.

The protection of human life and the protection of civilian populations are at the core of the United Nations mandate and the agenda of the Security Council. However, civilians continue to suffer and are the victims in every conflict, despite the resolutions of the Council on the matter, a solid base of international jurisprudence and the tireless and increasing efforts of the international community with respect to those noble intentions.

It is regrettable that, over and over again and in recent examples such as in the Syrian Arab Republic, the Democratic Republic of the Congo, the Sudan and Mali, we are compelled to energetically condemn premeditated attacks against civilians and the consequent loss of human life resulting from the use of indiscriminate or disproportionate force. All parties to an armed conflict, whether domestic or transnational, must promote the peaceful resolution of conflicts and undertake their obligations in accordance with international humanitarian law.

Many decisions have been adopted after resolution 1265 (1999), which marked the beginning of a new approach to the protection of civilians in the Council's discussions. However, in most of the reports on the subject, as well as in those on the protection of specific groups such as women and children, we are merely informed of the immense suffering endured by civilian populations and the casualties among them, which invariably surpass military casualties.

In his 2009 report (S/2009/277), the Secretary-General presented the five basic challenges that the United Nations in general and the Security Council more specifically, together with the international community, must address. Those challenges continue to be entirely pertinent, because in most cases we have not yet been able to resolve the problem.

Moreover, as members know, we are now faced with the fact that conflicts are increasingly of an intra-State nature, rather than between two States, which makes intervention by the Council more difficult as these are, strictly speaking, the internal affairs of sovereign States, even if those States are not upholding their primary obligation of protecting their own citizens. Precisely when such situations arise, especially when they are of a flagrant nature, the established principle of non-intervention must be superseded by our common commitment, and even responsibility, to protect civilian populations from mass violations and atrocities inflicted on them by their own Governments.

Guatemala participates actively, through our troops and under the flag of the United Nations, in peacekeeping operations that have strong mandates concerning the protection of civilians, as in the Democratic Republic of the Congo. However, a simple examination of the ratio of peacekeepers to

civilians reveals that Blue Helmets cannot guarantee protection for everyone. The protection of civilians also requires significant equipment and logistical support, which are often insufficient or not available to missions. That gives rise to the broader question of the balance between mandates and resources.

We will continue to work in close cooperation in the Special Committee on Peacekeeping Operations on the strategies for the protection of civilians in peacekeeping missions. We will do so in compliance with their mandates, international law and full respect for the primary responsibility of host States to protect their own civilian populations. However, we remain concerned about many issues, which I will not mention in my oral statement but which are listed in the text of the statement that we have circulated.

Furthermore, we trust that a legally binding treaty that would establish common international norms that are as strict as possible on the import, export and transfer of arms will be adopted at the final United Nations conference on the arms trade treaty, to be held in New York in March. The lack of such a universal instrument has a high toll in terms of human lives.

We recognize that important steps have been taken in the area of international justice to bring those responsible for violations to justice. The Security Council itself has provided important such examples by creating the International Tribunals for the Former Yugoslavia and Rwanda, respectively, and in referring the situations in Darfur and Libya to the International Criminal Court. In that regard, it should be stressed that the International Criminal Court is an ally of the Security Council in the fight against impunity for the worst crimes. We should not fail to take advantage of its preventive, dissuasive and punitive capacity. We call on all Member States to ratify the Rome Statute and to cooperate fully with the International Criminal Court.

I would like to conclude with a brief reference to the ample arsenal of preventive diplomacy at our disposal. We would recall that, in 2012, the Secretary-General presented his five-year plan of action, which included promoting the agenda of the responsibility to protect. As I suggested earlier, my delegation fully supports that priority, which in turn contributes to further shaping the subject of today's debate in spite of the differing concepts of the topic, which the Secretary-General himself has rightly brought to our attention.

The important message regarding the responsibility to protect is that it is expected of all members of the international community to observe a pattern of behaviour relevant to their respective populations.

Notwithstanding, committing genocide, war crimes, ethnic cleansing or crimes against humanity or provocative actions that lead to those crimes should be considered totally prohibited.

States that do not meet that basic commitment must understand that they will face consequences. Our own heads of State jointly accepted the concept in 2005; the least that we can do now, seven years later, is to offer assurances that this important achievement continues evolving in its practical and operational application. We are pleased that the concept has been included in the draft presidential statement to be adopted today.

In defending the protection of civilians, we send a message of hope and a signal of our firm collective commitment. We are prepared to protect the vulnerable from the scourges caused by conflicts and other violations of peace and security. If we continue to act collectively, in time we will be able to fully fulfil our responsibility to protect our civilian populations.