

Security Council Open Debate on Protection of Civilians in Armed Conflict, 12th February, 2014, Security Council Chamber

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

We would like to thank the delegation of Lithuania for having organized this open debate to commemorate the 15 years since the Security Council gave fresh impetus to the task of the protection of civilians in armed conflict. We are also grateful to Ms. Navi Pillay, Ms. Valerie Amos, Mr. Hervé Ladsous and Mr. Yves Daccord for their respective statements.

We also appreciate the concept note (S/2014/74, annex) circulated by the presidency among all delegations, which contains valuable guidelines to focus our debate, since the issue is extraordinarily complex and the mandate is so broad that we must prioritize our activities in order to be able to generate the necessary funding.

In the past two years, we have had the privilege of having contributed to the development of the evolving conceptual framework behind the protection of civilians in situations of armed conflict. It was during our membership of the Council that the Security Council adopted resolutions 2086 (2013) — the first to recognize the importance of the protection of civilians as part of the multidimensional mandate of a peacekeeping operation — and 2106 (2013), which also established the practice for staff of peacekeeping operations — military and civilian alike — to be given extensive training in gender issues, including on sexual violence and gender-based violence, all of this in the framework of the protection of civilians.

In his tenth report on the subject (S/2013/689), of 22 November 2013, the Secretary-General clearly identifies that the protection of civilians is a fundamental duty, and for the parties to a conflict a legal obligation to be met by all. He also indicates that his previous recommendations, including the five basic challenges for improving the protection of civilians, are still in force. He also requests the Council to review them and add them to those contained in the present report. Our delegation shares that point of view.

At the same time, it is worth reiterating that United Nations contingents cannot substitute for the State in complying with the latter's basic commitment to protect its civilian population. When States are unable or unwilling to honour that basic commitment, we face major humanitarian disasters, as we have seen again and again in recent years and even in the past few weeks in Syria, the Central African Republic, South Sudan and the eastern part of the Democratic Republic of the Congo, among others.

The recent joint investigation by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs (OCHA) criticizing the Council for not having offered clearer and more detailed guidelines that would have permitted the United Nations to improve the ability to offer effective protection to civilian populations is eloquent in that regard.

On the other hand, let me return to one of the recommendations contained in the report of the Secretary-General concerning support for the investigation of serious violations involving the use of modern technologies, such as distance-guided aircraft and remotely controlled weapons. Those technologies make it more difficult to apply the fundamental norms of international humanitarian law concerning the distinction and proportionality of those methods or asymmetric conflicts and precautions. That may prevent the determination of responsibility and the prevalence of impunity that allows the proliferation of mass atrocities and serious violations of human rights. We have insisted on the singular utility of the Rome Statute and the International Criminal Court in making determinations of individual or collective responsibility, as the case may be.

Finally, I should like to acknowledge OCHA for preparing an update of the aide-mémoire, which constitutes a practical guide to the study of issues related to the protection of civilians and which

describes various measures that can be considered and adapted to each situation in the preparation of the mandates of peacekeeping and other relevant missions.