

Security Council Open Debate on the Protection of Civilians in Armed Conflict
25 June 2012, Security Council Chamber

Statement by Mr. Caballeros, Representative of Guatemala

I am pleased that my presence in New York to attend to matters unrelated to the Security Council has also given me the opportunity to join you for the third time since I became Minister for Foreign Affairs of Guatemala five months ago. I also take this occasion to thank the Secretary-General for the presentation of his ninth report on the protection of civilians in armed conflict (S/2012/376). I would also like to thank Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for her briefing today, as well as, Navi Pillay, the High Commissioner for Human Rights, for her statement, as read by Assistant Secretary-General Ivan Šimonović. I would also like to thank the Director for International Law and Cooperation of the International Committee of the Red Cross (ICRC), Mr. Philip Spoerri, for his briefing. Their presence underscores the tremendous importance of the strengthening of informal alliances among the United Nations, the ICRC and the community of non-governmental organizations that deal with humanitarian issues and, more concretely, the protection of civilians in conflict situations. The same is, of course, true of more formal alliances in this area among the United Nations and regional and subregional organizations.

The protection of human life in general and the protection of civilian populations from the appalling consequences of armed conflict are at the core of the *raison d'être* of the United Nations and were the main sources of inspiration for the adoption of the Charter following the horrors of the two world wars of the twentieth century.

The majority of the reports that we have seen regarding the protection of civilians in conflict situations and its related aspects, including the protection of women and children as well as humanitarian workers, point to resolution 1265 (1999) as the starting point of a new and prolific stage of the work of the Security Council in that area.

However, it could be argued that the prevention of conflicts before they erupt — which is the core mandate of the Security Council — is the most effective manner of protecting civilians from the scourge of war. Thus the issue has underpinned the Council's activities from the outset.

Having said that, it is undeniable that starting in 1999 a qualitative leap took place in the work of the Council when it added to its generic mandate — to preserve peace and security at the international level — tangible and specific actions aimed at protecting innocent civilians from armed conflicts when, unfortunately, such conflicts occur. In the not-too-distant past, peacekeepers participating in stabilization or peacekeeping missions, unable to intervene, were forced to be the passive witnesses of serious violations inflicted by the parties to a conflict on civilian populations.

Today an increasing number of the Security Council resolutions establishing such operations contain very explicit mandates on the protection of civilians. Unlike in the past, the conflicts in question tend to be of an intra-State, not inter-State, nature. Unfortunately, the main victims of those conflicts are always innocent civilians: often boys and girls, and especially women, who suffer the most grotesque abuses against their life, dignity and fundamental human rights.

We find intolerable the images of the dead, the wounded, the crippled, the mutilated, the tortured, those who have been stripped of all their belongings and the displaced. In many cases such people have been the victims of high-powered explosives, mines or direct attacks. But such barbaric acts occur every day in different parts of the world. This is not only a disgrace to humanity; it also reflects a serious failure on the part of sovereign States that do not comply with one of their primary obligations: to protect their citizens. Speaking from my country's perspective, I would like to say that such images offend us. That is why we have participated actively through our troops in peacekeeping operations that have strong mandates to protect civilians, such as in the Democratic Republic of the Congo.

Our Government aligns itself with the policies that the Council and the Secretariat have been developing over the years. Many of those policies are set out in the presidential statement (S/PRST/2010/25), of 22 November 2010, especially in its detailed annex. We also support the conclusions and recommendations contained in the Secretary-General's ninth report (S/2012/376), presented to us today. We appreciate the updating and further development of the five core challenges identified in previous reports.

Looking ahead, we will continue to participate in the work of the informal Expert Group on the Protection of Civilians. We are also pleased to see certain issues brought into the mainstream of our deliberations — issues that had been

insufficiently elaborated on in previous reports, such as the limited access to humanitarian assistance by people in need of food, water and medical supplies; attacks on humanitarian personnel, health centres and ambulances transporting the wounded to such centres; the kidnapping of humanitarian workers; the difficult situation faced by migrant workers and their families in situations of conflict; and the theft of equipment and provisions intended to be used for humanitarian assistance.

Now that we have acceded to the Rome Statute, we will insist even more forcefully on accountability for Government officials and for non-State armed groups who, in conflict situations, flagrantly violate the relevant provisions of international law and humanitarian law by deliberately attacking civilians.

Furthermore, we align ourselves with paragraph 21 of the Secretary-General's report, which basically proposes that we not politicize the noble task of humanitarian assistance. We have made no secret of our support for the norm of the responsibility to protect, which overlaps and has some aspects in common with the issue of the protection of civilians. However, we believe that the continuing debate surrounding the so-called third pillar of the responsibility to protect should not affect the integrity of the broader concept of the protection of civilians, which is rooted in humanitarian law and which is the subject of today's meeting.

In conclusion, I should like to make two points.

First, we welcome the training modules for the protection of civilians developed by the Department of Peacekeeping Operations and the Department of Field Support, and the fact that these are being offered to the military and police personnel assigned to missions with a mandate to protect civilians. That will allow us, inter alia, to develop further the considerable achievements made by the United Nations in the area of the protection of civilians in conflict situations.

Secondly, we pay tribute to all those involved in peacekeeping operations, past and present, who have undoubtedly been directly responsible for saving millions of lives. It is, however, regrettable that this task is far from being completed.