

**Open Debate on the Protection of Civilians During Armed Conflict**  
**Monday, 22<sup>nd</sup> November 2010, Security Council Chamber (GA-TSC-01)**

***Statement by H.E. Mr. Puente, Permanent Representative of Mexico to the United Nations***

I would like to join previous speakers in thanking Under-Secretaries-General Valerie Amos and Alain Le Roy for their very valuable briefings. I would also like especially to welcome the participation in today's meeting of Ms. Pillay and Mr. Daccord.

The great number and complexity of contemporary conflicts, the lack of respect for the norms of international humanitarian law and the use on civilian populations of increasingly sophisticated weapons with indiscriminate effects are factors that have increased the challenges facing the Security Council and constitute the basis for evaluating the path that the international community must take in dealing with those matters of crucial importance.

The Council must implement concrete, effective and forceful actions to tackle these situations. That is crucial for those who suffer the pain of armed conflict and is a requirement for States such as Mexico that are convinced of the preponderant role that the Security Council is called on to play.

Resolutions 1894 (2009) and 1882 (2009), promoted by Austria and Mexico in 2009, undoubtedly constitute significant progress, but we continue to witness attacks of various kinds on the civilian populations in different regions. In the Democratic Republic of the Congo, Somalia, Darfur, Chad, Afghanistan, Iraq, Gaza, Sri Lanka and Kyrgyzstan, to mention a few examples, the protection of civilians demands our prompt attention, because of both the variety of situations and the complexity of the scenarios, which require appropriate responses from the Security Council.

We are especially concerned with two specific aspects, given their impact on civilian populations — first, the denial of humanitarian assistance, and second, the use of explosives in densely populated zones.

Parties in armed conflicts barely comply with the obligation to permit and facilitate access of civilian populations to humanitarian assistance, subjecting them to greater risk. Compounding the difficulty are attacks on humanitarian workers in conflict zones and on facilities used in the delivery of assistance. The instruments of international humanitarian law are very clear about the obligations of States and parties in conflict to allow safe, timely and unhindered access to humanitarian assistance.

Regarding the use of explosives, the fact that there is no specific ban on the use of certain weapons does not mean that those weapons are permitted. We must condemn the use of explosives in areas where civilian populations are concentrated because of their indiscriminate effects and the attendant risks. We must add that the widespread availability of small arms and light weapons supplied by illicit traffic has direct adverse consequences on civilian populations.

It is essential to move forward in the effective implementation of Security Council sanctions regimes, particularly arms embargoes, and, more broadly, to enforce the international obligations of the relevant Palermo Protocol and the United Nations Programme of Action on the illicit trade in small arms and light weapons. We also believe it is necessary to deepen our analysis of the impact of certain explosive weapons, such as cluster munitions, landmines and improvised explosive devices, among others, in densely populated areas.

We believe that the international instruments in the area of international humanitarian law, in particular the four Geneva Conventions of 1949 and their Additional Protocols, as well as customary international law, give us a solid basis of principles and standards designed to protect all of those who do not take part in hostilities or who have stopped participating. It is crucial that they be respected by all parties in conflict, regardless of who they are or the nature of the conflict in question.

Violations of international humanitarian law may be war crimes, and it is States themselves that have the primary obligation to prosecute their alleged perpetrators. If they cannot or are unwilling to do so, the International Criminal Court has jurisdiction to receive such cases. Its existence must not only be an incentive

to strengthen national legal systems, but also an effective mechanism for addressing crimes when national judicial structures have been destroyed by conflict.

Our obligation to respect and enforce respect for international humanitarian law requires us not only to make use of the instruments at our disposal to ensure peace, security and international justice, but also to formulate a robust culture of respect that does away with impunity and repairs the harm inflicted on civilians in armed conflict.

During my delegation's presidency of the Security Council in June, we held a debate on the promotion and strengthening of the rule of law (see S/PV.6347), at which, through the adoption of a presidential statement (S/PRST/2010/11), we recognized that "respect for international humanitarian law is an essential component of the rule of law in conflict situations" and reaffirmed that "the protection of the civilian population in armed conflict should be an important aspect of any comprehensive strategy".

I wish to conclude by expressing the support of the Mexican delegation for the presidential statement adopted earlier (S/PRST/2010/25), including the updating of the aide-memoire, which is itself a useful tool for the establishment of a common basis for the responsibility of the Security Council and Member States to protect civilians in armed conflict. We hope that the Security Council will in the future adopt more forceful measures in response to the humanitarian impact of the use of explosives in densely populated areas and areas identified by the Secretary-General in his report on this issue.