

**Mr. Rosenthal** (Guatemala) (*spoke in Spanish*): We are pleased to take part in this debate under your presidency, Sir, on the protection of civilians in armed conflict. This issue is of extreme importance not only for the Security Council but for the United Nations system as a whole. My delegation welcomes the valuable report of the Secretary-General (S/2009/277), as well as the briefing by Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, containing information and concrete proposals to enhance the United Nations collective capacity to protect civilians in armed conflict, a vulnerable group that merits our immediate attention.

While noting the conclusions and key proposals identified in the report of the Secretary-General, my delegation wishes to comment on their eventual application and importance. Ten years have passed since the first debate in the Security Council on the protection of civilians. While there is no doubt as to the importance of all the reports, resolutions and actions of the past decade, the report of the Secretary-General reveals that the situation confronting civilians in current conflicts is depressingly similar to that which prevailed in 1999. Civilians still account for the vast majority of casualties and continue to be targeted and subject to indiscriminate attacks and other violations by parties to conflicts. Any progress will therefore remain relative if it is not accompanied by substantial improvement in the protection of civilians on the ground.

With regard to the five core challenges outlined by the Secretary-General, given the need for determined action within and beyond the United Nations to enhance the protection of civilians, we wish to be a part of the proposed culture of protection. In that regard, we offer our firm support for the reinvigorated commitment noted by the Secretary-General and wish to make the following specific observations.

First, regarding compliance with international law, our efforts should not be limited to ensuring respect for existing norms, but should also be aimed at strengthening them. The inability of the parties to a conflict to respect international law applicable to armed conflict exposes civilians to the harshest effects of hostilities.

Secondly, in order to promote compliance by non-State armed groups, we must engage in outreach aimed at sensitizing such groups, as well as civil society, to the importance of maintaining the strictest respect for civilians, international humanitarian law, human rights and refugees.

Thirdly, enhanced protection of civilians will depend on a broad scope of action by the Security Council. We support a multidimensional approach, addressing all aspects of the protection of civilians through thematic and country-specific and group-specific considerations. The effectiveness of protection will also depend on other external factors, some of which we have the power to affect, such as the allocation of adequate resources, the number of personnel on the ground, and the logistical and tactical capacity-building.

Fourthly, access to humanitarian assistance, while not recognized as an obligation under international law, is undoubtedly a fundamental prerequisite for humanitarian action. We are concerned by the reversals experienced in this area in recent years. We welcome the annex to the report of the Secretary-General, which contains an analysis of the restrictions to access, and hope that its recommendations will soon become concrete measures.

Fifthly, with regard to accountability for violations, we must remember that the Security Council is not a legal, but a political body, entrusted with the maintenance of international peace and security. Therefore, we must turn to international cooperation and mutual assistance in criminal matters, as the report proposes, through measures directed at States.

To conclude, in view of what I have said, allow me to mention one subject that cannot be omitted from our debate today and is of particular relevance in meeting the previously mentioned challenges. Our delegation is among those that consider paragraphs 138 and 139 of the 2005 World Summit Outcome (General Assembly resolution 60/1) to be one of the most important achievements of that meeting. The development of the doctrine of humanitarian law in the past years marks, in our opinion, an important step forward. The primary responsibility to protect civilians falls on States, and they, in turn, are obliged to seek international help when they cannot provide it. In the coming years, both the General Assembly and the Security

Council will have a very prominent role to play to make that concept operational; this offers an opportunity to continue improving the United Nations assistance framework.

We must collectively ensure that populations at risk have access to the best possible protection at all times. The Security Council and the entire international community will be judged by their capacity to protect the most vulnerable. That is a challenge to which we must immediately respond.