

Statement by Switzerland at the Open Debate of the United Nations Security Council

Protection of Civilians in Armed Conflict

2 February 2014

(Unofficial Transcript)

I am pleased to take the floor on behalf of the Group of Friends on the Protection of Civilians in Armed Conflict, which is comprised of Australia, Austria, Belgium, Brazil, Canada, France, Germany, Italy, Japan, Liechtenstein, Norway, Portugal, Switzerland, the United Kingdom and Uruguay.

I would like to thank the Lithuanian presidency of the Security Council for organizing today's important debate.

The Group of Friends welcomes the latest report of the Secretary-General under review today (S/2013/689). In the past couple of months, crises have emerged, re-emerged or have been amplified in many different places, and it is with great concern that we observe that the number of civilians affected by armed conflict has significantly increased over the period covered by the report in almost all of the countries reviewed. While all civilians may be victims of conflict in various ways, women and children are particularly exposed during all stages of armed conflict. The full implementation of resolution 1325 (2000) and related resolutions is crucial in that regard.

The Group of Friends also welcomes the adoption of today's presidential statement (S/PRST/2014/3), which endorses the revised aide-mémoire, reflecting important developments since the adoption of resolution 1894 (2009), whose implementation remains the overall way forward for ensuring the effective protection of civilians. In the same vein, the Group of Friends notes with interest the Secretary-General's "Rights up front" action plan, which places the imperative to protect people and preventive efforts at the heart of United Nations strategies and operational activities.

The Group of Friends also notes the Under-Secretary-General's assessment in her briefing today that

"Mandating peacekeeping missions to protect civilians under imminent threat of physical violence remains among the most significant actions taken by the Security Council to enhance protection".

Resolution 2086 (2013) recognized the importance of that mandated task in the context of modern, multidimensional peacekeeping missions.

The Group welcomes the normative progress that has been made through the development of training, guidance and policies, and acknowledges the need to translate that into action. Mission assessment and planning processes, where appropriate, should prioritize the protection of civilians and the resources and capabilities that are required to address them.

Member States and peacekeeping missions should continue efforts to train and support peacekeepers so as to address the challenges and scenarios they may face in the field, drawing on materials that have been developed by the United Nations. The Group also encourages the Secretariat to continue its work in developing further guidance for peacekeeping missions to work alongside host Governments to build the long-term capacity to protect civilians.

While the core challenges in the protection of civilians identified in the previous reports of the Secretary-General still need our sustained attention, the latest report (S/2013/689) also identifies several protection policy priorities that need to be explored. In particular, the following emerging issues would benefit from our attention, and the Group of Friends stands ready to act as a platform to advance them.

First, we need to address the arbitrary withholding of consent to relief operations. The Group recalls that international humanitarian law obliges all parties to a conflict to protect civilian populations from the effects of such conflicts. One way that that can be achieved is by allowing and facilitating access for humanitarian relief operations, including by simplifying and expediting procedures for the rapid and unhindered delivery of life-saving assistance. The Group is concerned about intimidation, threats, arrests, detentions, injuries and killings of humanitarian workers.

In that regard, the Group notes the intention of the Secretary-General to examine the issue of arbitrarily withholding consent to relief operations. We note the fact that several drafting seminars involving legal experts from diverse backgrounds have taken place. Responding to the Secretary-General's recommendation in that regard, the Group expresses its readiness to discuss their findings, among other inputs, with a view to elaborating guidance on how to facilitate consent in a peaceful manner. All parties to a conflict must abide by international humanitarian principles and practices to protect civilians; the international community needs to take the initiative to guarantee that.

Secondly, we turn to the issue of casualty tracking and recording. The Group of Friends notes that civilian casualty tracking, where practicable, plays an important role in efforts to reduce harm to civilians. The Group of Friends calls on parties to a conflict, as well as United Nations peacekeeping missions, to recognize the potential value of such a role. With regard to casualty recording and in the light of the recent presentation of the "Rights up front" action plan, the Group notes the continuation of efforts to ensure effective and credible recording mechanisms, noting further that the establishment of systematic and credible records of civilian casualties in the right context could support broader efforts to monitor and report on violations of international humanitarian and human rights law, while taking into account the practical challenges in recording casualties, civilian or otherwise.

Finally, on the issue of lethal autonomous weapon systems, the Group is of the view that further discussions are needed and welcomes the fact that the issue will be examined in Geneva in May 2014, in the framework of the Convention on Certain Conventional Weapons. The Group hopes that such discussions will also examine the issue with due consideration to the protection of civilians as part of a comprehensive debate that includes legal, military, operational, technological and ethical perspectives. In time, discussion should focus on the relevance of such

systems to the protection of civilians, in particular, in the context of international humanitarian law and with regard to the principles of distinction, precaution and proportionality.

*(spoke in French)*

Allow me now to briefly touch on three points in my national capacity.

First, Switzerland shares the Secretary-General's concerns regarding humanitarian access, particularly in Syria and the Sudan, where millions of people are in great need of assistance. As other delegations have already stated, States have the primary responsibility to protect their civilian populations and must therefore allow and facilitate the rapid and unimpeded passage of humanitarian actors to civilians in need.

Secondly, we support direct interaction with non-State armed groups to protect civilians in situations of conflict. The existence of a dialogue in no case confers legitimacy on any armed group nor on its methods. But today it is not realistic to believe that civilians can be protected in modern-day conflicts without the direct or indirect involvement of armed groups. The Secretary-General quite rightly identified that issue as being one of the main challenges for the protection of civilians, and a welcome step would consist in identifying the best practices and experiences of the United Nations and other actors in a future report by the Secretary-General.

Thirdly and finally, my neighbour from the International Committee of the Red Cross (ICRC) has already mentioned the joint initiative with Switzerland to strengthen respect for international humanitarian law. I will limit myself to calling on all States to actively participate in the consultations that the ICRC and Switzerland will continue to organize to that end.