

**Statement by Philip Spoerri, Director for International Law and Cooperation at the  
International Committee of the Red Cross  
Open debate on the Protection of Civilians in Armed Conflict  
United Nations Security Council  
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(As delivered)

The International Committee of the Red Cross (ICRC) is honoured to brief the Security Council once again and wishes to thank China, as President, for the invitation.

We commend the Secretary-General for his latest report on the protection of civilians in armed conflict (S/2012/376), which highlights several issues of great concern to the ICRC. I will limit my remarks to three of them. The first fundamental concern is threats affecting the security and delivery of health care, the second is the availability and use of arms and the third is the failure to comply with international humanitarian law. The need to improve respect for international humanitarian law and to ensure accountability for violations lies at the heart of all of those issues, which continuously confront the ICRC in its daily operational work around the world. The terrible human suffering caused by those issues can and must be reduced.

Violence against health-care workers, facilities and beneficiaries is one of the most serious yet neglected humanitarian concerns today, as the Secretary-General mentioned in his opening speech. It impedes access to and the delivery of health care in many countries.

I will mention just a few examples. In Pakistan, the kidnapping and murder of an ICRC health manager earlier this year has deprived thousands of wounded patients of adequate treatment. In Somalia, hospitals have been shelled. In Libya and Syria, ambulances have been shot at. Just yesterday, in Syria, a first-aid volunteer of the Syrian Arab Red Crescent was shot and killed. That is the fourth time since last September that a member of the Red Crescent was killed while on duty. In Afghanistan, wounded people may languish for hours in vehicles held up at checkpoints. In sum, blatant disrespect for the neutral status of health facilities, transport and personnel is all too common.

In response to that reality on the ground, the ICRC has documented and analyzed hundreds of violent incidents affecting health care in 16 countries where it operates, over a two-and-a-half year period. The results of the study, published at the end of last year, show that, while the number of recorded incidents is striking, they represent only the tip of the iceberg. A single violent incident against health-care infrastructure or workers can have immeasurable longer-term repercussions on entire communities with war-related or chronic health problems.

The ICRC and some 50 National Red Cross and Red Crescent Societies subsequently raised this issue at the thirty-first International Conference of the Red Cross and Red Crescent, held in Geneva in November and December of last year. That Conference saw the adoption of a far-reaching resolution entitled “Health Care in Danger”, demanding an effective response from States, national societies and the health-care community at large. The resolution called upon the ICRC to initiate consultations with all major stakeholders in order to identify and agree upon concrete measures for making the delivery of health care safer in armed conflicts and other emergencies worldwide. Such consultations are under way, aimed not at creating new international instruments or legal frameworks but rather at producing practical recommendations and measures to be implemented at the national level.

While a concerted international effort is required to tackle such major humanitarian concerns, primary responsibility clearly lies with States. The ICRC therefore makes a special plea to the members of this Council to actively support this important humanitarian endeavour.

Many threats to the security and delivery of health care stem in fact from the widespread availability and use of weapons, which is the second issue I would like to highlight today. Each year, hundreds of thousands of civilians pay a devastating price for the rampant availability and misuse of conventional weapons.

Civilians remain at risk of being injured, killed or displaced by violence involving weapons, even long after a conflict has ended. That is partly a consequence of the poorly regulated international trade in conventional arms. The ICRC, in most of the contexts in which it works, is confronted with the manifold effects of inadequate control over transfers of conventional weapons. That is why the ICRC strongly supports the adoption of a global arms trade treaty.

One key objective of such an instrument must be to reduce the human cost of that availability by setting clear treaty norms for the transfer of conventional arms.

An effective arms trade treaty would require States to assess whether the weapons they are transferring may be used to commit serious violations of international humanitarian law and other relevant international instruments, and to prohibit those transfers when such clear risks exist. A strong treaty would save lives, facilitate medical and other humanitarian aid and strengthen compliance with international law.

The failure to comply with international humanitarian law is the third issue that I wish to stress. As set out in the Secretary-General's report, weak compliance with international humanitarian law and the lack of accountability for violations seriously impact the protection of civilians. Fortunately, some positive developments have been observed. At the national level, there have been many measures to improve compliance and accountability, such as adopting legislation, training public officials, including security forces, and strengthening local judicial capacities. In parallel, key decisions of the international criminal tribunals have constituted major steps in the effort to ensure accountability.

Still, major challenges remain. Last year's International Conference of the Red Cross and Red Crescent endorsed ICRC proposals for further work to strengthen legal protection for people affected by armed conflict. A joint Swiss-ICRC initiative is already under way to explore with States ways to make compliance mechanisms more effective.

The Security Council has an essential role to play in reminding the parties to conflicts to fully respect the rules of international humanitarian law governing humanitarian access. It is vital, however, that all concerned understand and respect the roles played by different actors on the ground, including organizations without any judicial functions, such as the ICRC and national Red Cross and Red Crescent Societies. In that vein, it was reassuring that the Secretary-General's report explicitly recognized the diversity and specific mandates of protection actors and stressed their security and need to have access.

As we deliberate here today, civilians in many parts of the world are bearing the brunt of hostilities. The ICRC urges the States in this Council to take practical measures to counter a wide range of threats to health care, to adopt a strong arms trade treaty and to commit to strengthening legal protection for the victims of armed conflict.

Resolute action in those three areas would go a long way towards ensuring better protection of civilians everywhere.