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Réunion du Conseil de sécurité
sur le thème

"Protection des civils dans les conflits armés"

Déclaration

de

M. l'Ambassadeur Peter Maurer
Représentant permanent de la Suisse

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Meeting of the Security Council
on

"Protection of civilians in armed conflict"

Statement

by

Ambassador Peter Maurer
Permanent Representative of Switzerland

New York, le 9 décembre 2005

Unofficial translation

Mr. President,

First of all, I would like to thank the United Kingdom for organising this open debate during its presidency of the Council and for giving all the members of the Organisation the opportunity to speak prior to the adoption of a resolution on a issue of crucial importance. I would also like to thank the Secretary-General of the Organisation for his report, in which he shows that major progress has been made since the Security Council adopted resolutions 1296 (2000) and 1265 (1999). Switzerland welcomes the commitment of the Security Council to this question and supports the measures planned in the new resolution that the Council is preparing to adopt.

Unfortunately, in spite of the efforts of the international community, the protection of civilians in armed conflicts still remains a burning issue. The numbers are alarming. Each year, millions of people are exposed to armed violence – in particular women and children. I draw your attention to the recent report entitled "Women in an Insecure World" published by the Geneva Centre for the Democratic Control of Armed Forces, which presents an overwhelming situation with regard to violence against women.

In previous statements to the Council, Switzerland has highlighted the priorities guiding its action with regard to protection of civilians in armed conflicts. Today, I will focus on four specific aspects : the role of law; the mandate of peace missions; unrestricted access to the victims of conflicts and the question of the emblem.

The fundamental role of law

Switzerland wishes, in the first place, to recall the fundamental importance of respect for international law. The protection of civilians is ensured not only by international humanitarian law but also by other norms and standards of protection relative to human rights as well as to refugees and to displaced persons. In particular, I wish to draw your attention to the "Guiding Principles on Internal Displacement". Concerning humanitarian law, I wish also to recall the existence of a very dense body of customary law in addition to the conventional legal instruments, the Geneva Conventions of 1949 and their two Additional Protocols of 1977. Customary law applies in all situations and is of particular relevance in non-international armed conflicts. A study published last April by the International Committee of the Red Cross describes the substance of the rules of customary law. A coherent body of non-negotiable law and legal principles therefore exists, providing a list of imperatives to guide the action of the Security Council and the Member States. This must be clearly reflected in the resolution that the Security Council will adopt.

The mandate of peace operations

The second aspect I wish to address is the mandate of peace operations. In recent years, the mandates set by the Security Council have become both broader and more robust. Switzerland welcomes this development but invites the Security Council to build up to a greater degree the civilian component of these operations. The two civilian and military components should

complement one another, with full respect of their distinct mandates. Military have an important responsibility in the physical protection of civilians within their zone of operation. We wish however to emphasise strongly that humanitarian action – be it emergency aid to victims or other activities of protection – must be carried out by civilians. Only in this way will it be possible to ensure the humanitarian principles of neutrality, impartiality and independence. The lack of clarity sometimes seen on the ground between the roles of humanitarian and military actors endangers humanitarian action.

This being said, Switzerland calls for a close coordination between civilian and military actors. That is why we call on the Security Council to include in a stronger way, from the beginning, civilians in the planning and definition of the mandates of peace missions. In this context we draw attention to the “Guidelines on the use of military and civil defence assets to support UN humanitarian activities in complex emergencies”. Switzerland invites the Council to follow these Guidelines in the definition of the mandates of UN peace operations and to exercise its influence on regional organisations with a view to ensuring that they do the same.

Humanitarian access

Humanitarian organisations must have an unrestricted access to the victims of conflicts. It is not acceptable that almost 10 million people are deprived of access to UN humanitarian aid. It is intolerable that States or armed groups prevent – by direct or indirect methods – humanitarian organisations from carrying out their missions. Switzerland calls on the Security Council to give particular attention to the crucial question of humanitarian access.

Even where access to victims is possible, humanitarian organizations must often negotiate again and again. In this context, Switzerland supported the drafting by the UN of a Manual on Humanitarian Negotiations with Armed Groups. This manual, which will be released in the next weeks, is a response to a recommendation made by the UN Secretary-General in his second report on protection of civilians in armed conflicts.

Finally, we welcome the references made to the responsibility to protect contained in the draft resolution under review.

The question of the emblem

The last topic I wish to address is the question of the emblem. Switzerland welcomes the adoption this week of a third Additional Protocol to the Geneva Conventions, which introduces an additional emblem for the International Red Cross and Red Crescent Movement. A large majority of the State Parties to the Geneva Conventions have voted in favor of this new emblem. A long lasting controversy has come to its end. The new emblem is a red square shaped figure against a white background. It is devoid of any national, religious or cultural connotation. In its capacity as the Depositary State of the Geneva Conventions, Switzerland calls on all States to ratify this instrument rapidly.

Thank you, Mr President.