

Security Council Open Debate on the Protection of Civilians in Conflict
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Statement by H.E. Mr. Phillip Spoerri, Representative of the International Committee of the Red Cross (ICRC)

The International Committee of the Red Cross (ICRC) is honoured to brief the Security Council once again on this very important subject and would like to thank Portugal, as President of the Council, for the invitation.

Among the many different views that may be expressed here today by the various actors concerned with the protection of civilians in armed conflict, there is surely at least one common theme, which is that the reality on the ground has not kept pace with the considerable normative progress achieved in recent years. The undeniable reality is that civilians continue to be the main victims of armed conflict, due to indiscriminate attacks or targeted violence. Hundreds of thousands of women, men and children bear the brunt of conflicts that are in many cases protracted and increasingly complex in both their causes and consequences.

Since the ICRC briefed the Council one year ago, we have noted a number of ongoing and emerging concerns related to the protection of civilians that confront us in our daily work in armed conflicts and other situations of violence around the world. I will mention three of them here.

First, events in North Africa, the Middle East and elsewhere have confirmed that violence against healthcare facilities and personnel is one of the most serious yet neglected humanitarian issues of the day. In some cases, ambulances or hospitals are directly targeted, killing or wounding medical staff and patients. In many cases, health workers are harassed or threatened by fighters sometimes seeking to obstruct treatment for their wounded enemies or demanding supplies. Ambulances are deliberately blocked from accessing wounded people or held up for hours at checkpoints. Each incident effectively denies the right of wounded and sick people to health care. Yet, beyond the direct impact of attacks on medical infrastructure or workers, there are immeasurable longer-term repercussions on entire communities with war-related or chronic health problems.

The ICRC is so concerned by the far-reaching and profound humanitarian consequences of threats to the provision of health care in armed conflicts and other situations of violence that it recently launched a multi-year project and communication campaign on the issue.

Secondly, the so-called Arab Spring has also helped to highlight the extreme vulnerability of migrants living in or crossing through countries affected by armed violence. These migrants are extremely vulnerable to abuse and exploitation by all sides to a conflict, ranging from illegal confiscation of their belongings to sexual exploitation or even torture. In some cases, they are made the scapegoat for causing or exacerbating the conflict.

Thirdly, events over the past year have underscored concerns related to the conduct of hostilities, particularly in urban settings. Military operations conducted in densely populated urban areas, often using heavy or highly explosive weapons, have had devastating

humanitarian consequences for civilian populations. This situation has further highlighted the need for strict interpretation and rigorous application of such key notions as distinction, military objectives, the principle of proportionality and precaution.

The overarching challenge presented by these issues is to achieve consistent respect for international humanitarian law by States and non-State actors in international and domestic armed conflicts, irrespective of the reasons for going to war. Coupled with this is the need to enhance accountability for violations of international humanitarian law both by parties to conflict and by individual perpetrators, be it at the national level or by referral to the International Criminal Court. Indeed, the Secretary-General included these issues in the five core challenges first set out in his 2009 report on the protection of civilians in armed conflict (S/2009/277).

Working to ensure respect for international humanitarian law is at the heart of the ICRC's mandate and mission. That is reflected in our impartial, neutral and independent approach. Of course, principled humanitarian action is nothing more than an empty mantra unless it is translated into a meaningful response on the ground, and the many different actors involved in protection work have many different approaches. For the ICRC, a meaningful response essentially requires an approach that is needs-based, has proximity to the beneficiaries, and entails engagement with all stakeholders, thereby gaining the widest possible acceptance and respect, and thus the widest possible humanitarian access. This approach also helps to ensure the safety of our staff. Protection, for us, goes together with assistance, and one may facilitate the other.

Crucially, if the ICRC's approach is to be effective and credible, it must remain consistently distinct from any kind of political process or decision, be they peace processes, political negotiations, Security Council mandates, the human rights agendas of various organizations, military or peace operations, or judicial investigations and prosecutions. At the same time, the ICRC respects the sovereignty of States and contributes to national capacity-building, for example by supporting authorities in incorporating international humanitarian law into national legislation and into army training manuals, by advising on rules of engagement in order to limit risks for civilian populations and prevent abuses, or by helping existing structures to continue functioning. In so doing, the ICRC contributes to strengthening accountability for violations.

In recent crises, such as those in Côte d'Ivoire, Libya and Yemen, the ICRC has managed to gain and maintain access to people affected by adhering strictly to this approach. Likewise, in protracted armed conflicts — Afghanistan is just one example — the perception of the ICRC's work as impartial, neutral and independent has been absolutely crucial to achieving dialogue with parties on all sides of the conflict, and thus to obtaining humanitarian access to those in need. In this regard, all measures that effectively hamper contact by humanitarian agencies with organized non-State armed groups are a cause for concern. Under international humanitarian law, the ICRC must be allowed to offer its services to any party to an armed conflict.

The success of protection, which is ultimately manifested in the prevention of abuses occurring in the first place, is notoriously hard to measure. It is generally not possible to know how much suffering has been prevented in any given armed conflict or how many

more abuses might have been committed without the efforts of all the various protection actors. Yet the difficulty of measuring success should never serve as an excuse or obviate the need for accountability. When protection fails, we have all witnessed the terrible consequences — for health-care workers, migrants and the countless women, men and children suffering in the face of conflict.

Ultimate responsibility for the protection of civilians clearly lies with States, both on their own territory and in their military operations in other contexts. Little can be achieved without the requisite political will. But other actors — including non-State armed groups, which are also bound by international humanitarian law, military forces and humanitarian organizations — also have important roles to play. Indeed, all of us here today must help to ensure, in our different ways, that normative achievements are felt where they matter, not in the debating chamber, but on the ground, so that they make a real difference for people in the midst of war or other situations of violence.