

**Security Council Open Debate on the Protection of Civilians in Armed Conflict**  
**25 June 2012, Security Council Chamber**

*Statement by Mr. Seger, Representative of The Group of Friends*

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

I would like to thank you, Mr. President, for convening this important debate and for inviting Under-Secretary-General for Humanitarian Affairs Emergency Relief Coordinator Valerie Amos, Assistant-Secretary-General for Human Rights Ivan Šimonović and the Director for International Law and Cooperation of the International Committee of the Red Cross, Mr. Philip Spoerri.

The latest report of the Secretary-General on the protection of civilians (S/2012/376) is a stark reminder of the importance of our continued collective efforts to address the challenges posed by the protection of civilians in armed conflict. As we speak, more than 26 million persons are internally displaced because of armed conflicts and more than 15 million are refugees.

Finding ways of responding more effectively to the five core challenges identified by the Secretary-General in his last three reports should help the Security Council in its deliberations on protecting civilians, as parties to conflict all too often fail to comply with their obligations. The widespread violence against women and children, as well as sexual violence, the indiscriminate use of weapons in densely populated areas, and the targeting of schools and health-care facilities are worrying and unacceptable trends that must be acknowledged. The Group of Friends believes that serious and timely consideration should be given to the concrete recommendations made by the Secretary-General in that regard in his latest report.

The Group of Friends wishes to use this opportunity to highlight the need to rebuild consensus around the concept of the protection of civilians. In our endeavour to re establish confidence, it is of the utmost importance to reaffirm the basic tenets of the protection of civilians as a legal concept based on international humanitarian law, human rights refugee law and international criminal law. Ensuring compliance with international humanitarian law, which applies to all parties to armed conflict, including the dissemination of international humanitarian law, is critical to effective protection, as emphasized in resolution 1894 (2009). Parties must be reminded time and again that even wars have limits and those limits apply to all. The Security Council must demonstrate its leadership in that regard and systematically reaffirm the basics whenever the need arises. For the protection message to be understood, it is essential to promote a positive perception of humanitarian action, devoid of any political connotation. Such a perception is also key to the safety and security of humanitarian actors, who often operate in complex environments. In that regard, the Group of Friends looks forward to the conclusion of an ongoing study on the impact of national counter-terrorism measures on humanitarian space.

The protection of civilians is a concern for everyone. We must therefore act together, by strengthening communication channels between Council members and troop — and police-contributing countries, for instance, and by improving cooperation between the Security Council and other players — Member States and civil society actors alike. To that end, the Group of Friends has been briefed by various civil society organizations working on issues that the Secretary-General has identified as likely to benefit from further research and discussion. On the issue of civilian casualty recording, for instance, the Council's discussions may benefit from an overview in the next Secretary-General's report of existing practices, as well as from specific recommendations on ways to ensure systematic and reliable data collection in compliance with humanitarian principles. Parties to conflict have a duty to assess the impact of their actions on civilians. Parties to conflict should improve documentation and transparency — complying with their obligation to investigate violations under international humanitarian law — and enable assessment by independent monitors.

The Group of Friends was also briefed on the humanitarian impact of the use of explosive weapons in densely populated areas, which was identified as an issue by the Secretary-General. We call for compliance with international humanitarian law in the use of all weapons, to ensure and strengthen international humanitarian law training for those who operate them and compliance with international humanitarian law with respect to targeting.

We also take note with interest of the increasing practice of some parties to armed conflict to offer amends in the form of recognition and assistance to civilians harmed within the lawful parameters of their combat operations, despite having no legal obligation to do so. We would encourage the promotion of the steps taken so far by warring parties committed to the protection of civilians to minimize civilian harm.

However, I cannot conclude without recalling that the primary responsibility for the protection of civilians lies with the State. When international assistance is provided, it should also be supportive of the Government's capacity to sustain longer-term efforts to protect civilians and involve all stakeholders in a spirit of cooperation that transcends the action of individual actors involved in protection. United Nations peacekeeping operations can play an important role in enhancing the host Government's capacity to protect its civilians, including through assistance in strengthening national rule of law and security institutions.

Finally, efforts towards durable solutions must not exclude accountability. The report of the Secretary-General contains several recommendations in that regard. We invite the Security Council to take them into account when formulating and renewing mandates.

I will now speak briefly in my national capacity. A longer version of my statement was distributed in the Chamber.

Switzerland is gravely concerned by the situation in Syria and firmly condemns the escalation of violence against civilians. We recall that all allegations of violence must be investigated so that those responsible for such acts can be prosecuted. Whoever the perpetrators of the crimes in Syria are, they must know that they will have to answer for their acts in a court of law. Switzerland therefore asks the Security Council to refer the situation to the International Criminal Court, which is the appropriate international institution for prosecuting and judging the alleged authors of crimes against humanity and war crimes. The struggle against impunity is a necessary condition for a lasting peace.

I would also like to mention the worrying situation in the border area between the Sudan and South Sudan. We are pleased that the question of access to Blue Nile and South Kordofan states is again being dealt with specifically by the Security Council.

Humanitarian access remains a critical point in the protection agenda. In contemporary armed conflicts, securing and maintaining such access in order to assist civilians is becoming increasingly difficult. To meet that challenge, Switzerland has launched a project, in conjunction with interested partners, to develop instruments to achieve and maintain humanitarian access. Those instruments clarify the normative framework and provide practical information and advice on humanitarian access.

Non-State armed groups continue to pose a challenge to the protection of civilians, especially when it comes to convincing them of the need to improve their compliance with international law and to allow humanitarian staff access to populations needing assistance and protection.

Switzerland calls on the Council and Member States to take into account the potentially negative effects of certain measures and legislation adopted while pursuing the legitimate goal of fighting terrorism. It would be regrettable if those measures complicated or even prevented the establishment of a dialogue for purely humanitarian purposes, prevented access to vulnerable populations by humanitarian staff or weakened respect for international humanitarian law by armed groups.