

Open Debate on the Protection of Civilians During Armed Conflict
Monday, 22nd November 2010, Security Council Chamber (GA-TSC-01)

Statement by H.E. Mr. Paul Seger, Deputy Permanent Representative of Switzerland to the United Nations

I thank you, Sir, for having convened this open debate. I also thank the Secretary-General for his latest report on the protection of civilians in armed conflict (S/2010/579).

Switzerland welcomes the adoption of the presidential statement today, which reaffirms the importance of the achievement made so far in the protection of civilians. I would also like to warmly congratulate Ms. Valerie Amos on her appointment to the post of Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

Over the past ten years, the activities of the Security Council have been increasingly influenced by the issue of the protection of civilians. Encouraging progress has been made, especially in terms of establishing general standards, as well as in taking into account the specific protection needs of women and children. Other bodies of the United Nations system have followed the Council's lead, showing that the protection of civilians is by no means the prerogative of a single body. For example, the Special Committee on Peacekeeping Operations has worked over the past three years on a common definition of the strategic framework within which a mission must perform its tasks relating to the protection of civilians as defined by the Security Council.

However, the impact of those developments will have little value if they are not transformed into a tangible improvement in civilian protection on the ground. We therefore encourage the Security Council, and in particular its informal group of experts on the protection of civilians, to take that into account in their work. I would like to focus my remarks on four central aspects of the report of the Secretary-General before the Council today, which are: engagement with non-State armed groups, humanitarian access, the standards governing the activities of private security companies, and, lastly, the issue of the humanitarian impact of explosive weapons.

First, Switzerland agrees with the Secretary-General's evaluation of the need for greater respect for the law by non-State armed groups and stresses the importance of preventing obstacles to the efforts of humanitarian organizations in that regard. We are concerned by the impact that the adoption of lists of terrorist groups may have on efforts to strengthen the protection of civilians. In our view, it is important rather to gain a better understanding of the motivations of non-State groups and to identify strategies to ensure that they fully respect the law. In that connection, Switzerland welcomes the work of the Geneva Academy of International Humanitarian Law and Human Rights referred to in the report.

Secondly, humanitarian access remains a crucial element for all protection and aid activities relating to people affected by armed conflict and violence. Switzerland expresses its concern with regard to the growing restrictions on access granted to humanitarian actors in conflict zones. We also wish to reiterate that it is the primary responsibility of States to provide their people with protection and aid. To do so, States must ensure swift and unrestricted humanitarian access. In that regard, the Security Council needs to continue in its efforts to monitor constraints on humanitarian access and, where necessary, take the necessary measures to eliminate any such obstacles.

Thirdly, with regard to the normative framework in conflict situations, private security companies are playing an increasingly important role. It is essential that those companies undertake to abide by and respect international norms. We therefore welcome the recent signature of an international code of conduct by some 60 private security companies, under which they have committed to respect human rights and humanitarian law in their activities. This initiative, the first of its kind, was jointly launched by Switzerland and industry associations. The code should be considered as just part of a series of initiatives. Indeed, in 2008, Switzerland and the International Committee of the Red Cross presented the Montreux Document, which reminds States of pertinent international obligations and good practices related to operations of private military and security companies during armed conflict.

In conclusion, we think it appropriate to continue to follow the issue of explosive weapons, especially with a view to better implementing international humanitarian law. The use of certain explosive weapons in densely populated areas is clearly a major source of suffering for civilians in situations of armed conflict. A more in-depth study could, for example, reveal the extent to which greater protection could limit these impacts.