



Speech by Didier Burkhalter

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***“Better protection for the victims of war:
real progress is possible”***

**Fourth Meeting of States on strengthening
compliance with international humanitarian law**

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Mr President of the ICRC,
Fellow government representatives,
Ladies and gentlemen,

1. *Introduction – historical context*

The Second World War ended 70 years ago almost to this day. After so much suffering inflicted on civilian populations, the States felt the need to tighten up the rules of international law applicable in armed conflict. Learning the lessons from what had happened, in the Geneva Conventions of 1949 they undertook to provide better protection for the wounded and the sick, for prisoners of war and civilians, in other words for anyone not – or no longer – taking part in the hostilities.

The adoption of the Geneva Conventions, just four years after the end of the Second World War, is a fine lesson in courage. The atrocities committed during the war made the generation that preceded us aware of just how important it was to take action. The generation that lived through the war was neither naive nor carefree. It knew that another war could break out at any time, with even more terrible and unpredictable consequences for humanity, given the invention of nuclear weapons. Because it was already aware of the dangers, and because it had already personally experienced the suffering of war, it sought to strengthen international humanitarian law.

Today we face a different type of challenge. Today's armed conflicts – whether international or internal – are more complex, claiming more civilian victims than combatant casualties, and this suffering endured by civilian populations is not due to the lack of rules, but to the fact that those rules are often flouted.

Today's humanitarian needs are immense. Never, since the end of the Second World War, have they been so high. In the Middle East, in Africa and elsewhere around the world, we are witnessing unspeakable suffering by civilian populations affected by armed conflicts. More than 50 million children, women and men are refugees or internally displaced persons. In some countries at war, life expectancy has been dramatically reduced by 10 or 20 years. Entire generations of children are being deprived of regular access to schooling and are threatened with illiteracy.

We are meeting here today to identify means for addressing these challenges. We bear the heavy and important responsibility to “respect and ensure respect” for the commitments made. Because every violation of humanitarian law is one too many.

2. *Moral and strategic interest of respecting humanitarian law*

Ladies and gentlemen,

Respecting humanitarian law means acknowledging that in an armed conflict there are limits of humanity that must not be exceeded. It means complying with moral values found in various cultures and religions of the world. The Geneva Conventions were an unparalleled success in terms of their acceptance. No other multilateral treaty has gained such universal support. This is evidence, if any were needed, that the Geneva Conventions protect values common to all of humanity.

This fact must be repeated loud and clear at a time when certain non-State armed groups are violating international humanitarian law and thus claiming to challenge the universality of these values. There is no doubt regarding the universal validity of this important body of international law. Protecting the most vulnerable is a universal value.

Respecting international humanitarian law also means improving our chances of seeing our values prevail for the benefit of human beings. Fighting does not only take place on the battlefield. There are also battles to be won in the field of convictions, while remaining true to our principles and values. The Geneva Conventions prohibit the violation of rules under the pretext that the adversary has not complied with them himself.

Respecting international humanitarian law also means preparing for the future. Respect for these rules facilitates post-conflict reconstruction and reconciliation. At a time when we face extended armed conflicts, with phases of high and low intensity, it is important to realise that compliance with international humanitarian law helps to secure support from affected populations. Accordingly, it contributes towards stabilising the security situation and preventing new outbreaks of armed violence.

Accordingly, compliance with humanitarian law is not just a moral imperative, but also a strategic imperative. One of the founding fathers of the Red Cross, General Dufour, was far-sighted enough to express this double interest. In 1847, prior to chairing the diplomatic conference that adopted the first Geneva Convention in 1864 he had served as commander-in-chief of the federal armed forces during Switzerland's brief civil war. General Dufour understood that winning the war was one aim, but a more important one was to win hearts and minds. He managed to do this by imposing strict rules on his troops and through the humanity he displayed in the conduct of war. He told his soldiers: "We must emerge from this struggle not just victorious, but also blameless. People must

be able to say of you: they fought valiantly when they had to, but proved humane and generous everywhere". This lesson is more relevant today than ever.

3. *Creating a space for dialogue*

In 2011, the International Conference of the Red Cross and Red Crescent invited the ICRC and Switzerland to consult States and other interested actors on how to improve compliance with international humanitarian law and encourage a dialogue between States on this issue. We invested both time and considerable effort in fulfilling that mandate. We took care to consult all States as part of an open, inclusive and transparent process in a bid to secure the broadest possible support.

This consultation process first served to analyse the reasons why the compliance mechanisms defined in the Geneva Conventions and their Additional Protocols do not work satisfactorily. It also enabled us to explore ways of improving this implementation.

One of the essential points to emerge from the consultations is the existence of an institutional gap in the implementation of international humanitarian law. An institutional framework would make it possible to create the conditions needed to conduct a dialogue and facilitate exchanges between States.

The aim is to bolster the importance and visibility of humanitarian law by encouraging the States to regularly discuss its application. Today, there is a broad convergence of views on the need to have an institutional space specifically for international humanitarian law. The Geneva Conventions and their Additional Protocols deserve a specific forum which gives them all the attention they require.

All the major multilateral conventions provide for a conference of States Parties or some other type of institutional forum where the States meet regularly to discuss issues of common interest in the application of commitments made and to discuss current challenges. The time has come to remedy this shortcoming in the implementation of the Geneva Conventions. We must seize this historic opportunity to fill this institutional gap.

4. Added value of a meeting of States

What can one expect from such a meeting of States?

Several benefits are expected:

- First, it should make international humanitarian law feature more prominently on the international agenda and in government priorities, thereby helping to enhance knowledge of its content and specificities;
- Second, it will provide an opportunity for States to discuss current challenges and jointly identify ways of overcoming them. It will also enable exchanges of relevant information and examples of good practices in the implementation of international humanitarian law through a national reporting mechanism;
- Third, it should help to better identify possible needs for technical assistance and thus facilitate capacity-building the implementation of their obligations under international humanitarian law;
- Finally, by regularly bringing together the government officials in charge of international humanitarian law, it should help to strengthen contacts between experts and encourage cooperation and partnerships.

In other words, this meeting of States will enable a regular, institutionalised dialogue between the States Parties to the Geneva Conventions concerning their implementation. Obviously, this forum must also be open to interaction with the various humanitarian actors, specifically those working in the field, providing assistance to victims of armed conflict.

This new mechanism must not be used to point an accusing finger at anyone. It will aim to facilitate implementation and create an environment that encourages greater respect for humanitarian law.

It aims to better protect human beings who are already suffering from the horrors of war. Humanitarian law was developed for them, and it is for them that we must step up our efforts to apply it more effectively.

5. *Next steps*

Ladies and gentlemen,

We are now entering the final phase of the consultation process co-facilitated by Switzerland and the ICRC. This is the last meeting in this consultation process. It must be used to consolidate the work done in recent years and to discuss certain questions. The remaining differences are not fundamental and can be overcome.

Following the meeting, a final report will be drafted with a view to the next International Conference of the Red Cross and Red Crescent in Geneva this December. At that meeting, the ICRC and Switzerland will set out specific options and recommendations based on the results of this intense consultation process. It will be up to the States to seize the opportunity to implement them; it will be up to them to shoulder their collective responsibility to ensure compliance with humanitarian law and contribute towards better protection for victims of war.

6. *Conclusion*

Ladies and gentlemen,

We have made extensive progress together. Work remains to be done on defining how this meeting of States to promote compliance with international humanitarian law will work. This is a task we must accomplish together, by making a joint effort. It is important to maintain momentum until the process has been completed.

Switzerland has been involved in this initiative alongside the ICRC. It is prepared to continue resolutely down this path, both diplomatically and financially, and to work with all of you, in order to bring this initiative to a successful conclusion and ensure that this meeting of States for international humanitarian law operates smoothly in the future.