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Swiss Confederation

Global IHL Initiative

Prevention Good Practices

(Workstream 1)

First State Consultation

Geneva, 13 May 2025

Statement by Switzerland

Good afternoon,
Excellencies,
Distinguished delegates,
Dear Colleagues,

First, let me thank the ICRC and the co-chairs Australia, Austria, Kenya and the United Arab Emirates for organizing these first consultations on Prevention Good Practices.

I would like to take this opportunity to congratulate the ICRC on this important and timely initiative. Its commitment and vision respond to a crucial need. Switzerland fully supports the global initiative on IHL and is delighted to engage in its different workstreams.

This initiative echoes the call formulated by Switzerland last year, during the 75th anniversary of the Four Geneva Conventions, that respect for the Geneva Conventions must be raised as a political priority.

Within this scope, Switzerland has called upon all States to take concrete measures to renew the commitments they took by ratifying the Geneva Conventions. More specifically, it has called on States to:

- (i) use their influence to prevent and put an end to violations of the Geneva Conventions;
- (ii) ratify the three Additional Protocols;
- (iii) recognise the competence of the International Humanitarian Fact-Finding Commission;
- (iv) set up or strengthen National Committees for the implementation of IHL;
- (vi) adopt laws implementing the Geneva Conventions at the domestic level and disseminate them within the armed forces and the civilian population.
- (v) establish voluntary reports on the domestic implementation of IHL;

On this last point, Switzerland published its second voluntary report last year.

The report provides an overview of national implementation of IHL by Switzerland. It was prepared by the Interdepartmental Committee for International Humanitarian Law (our national IHL Committee), which brings together representatives from Different ministries (the Federal Department of Foreign Affairs, the Federal Department of Defence, Civil Protection and Sport, the Federal Department of Justice and Police, the Federal Department of Economic Affairs, Education and Research, the Federal Department of Home Affairs and) , as well as the Office of the Attorney General, and also cooperates with the Swiss Red Cross and the ICRC.

The report reviews the most prominent examples of best practice on the national implementation of IHL and covers measures taken on different topics, such as measures to ensure special protection, rules governing the means and methods of warfare, rules pertaining to the prosecution of serious violations of IHL, IHL dissemination and training, support for IHL implementation, and other measures to ensure respect for IHL.

It also deals with topical issues that reflect some of today's challenges in implementing IHL, such as new technologies, promoting IHL during at the Security Council, the issue of missing persons, and humanitarian exemptions to limit the impact of sanctions on humanitarian aid.

This last issue, that is humanitarian exemptions to sanctions regimes, leads me to the measures that I wanted to highlight today based on the guiding questions submitted.

Switzerland has long been committed to limiting the adverse effects of sanctions on civilian populations and humanitarian activities in accordance with IHL.

In December 2022, the Security Council adopted Resolution 2664 put forward by the US and Ireland, which provides for a humanitarian exemption to the asset freeze measures contained in Security Council sanctions regimes. The aim of this resolution is to facilitate the delivery of humanitarian aid and other humanitarian activities to populations in need.

A few months after its adoption, Switzerland integrated the resolution into its national legislation. (entry into force on 1 June 2023). Swiss legislation already contained exceptions for humanitarian actors, as foreseen by the EU's sanctions regimes taken over by Switzerland. When deemed necessary, Switzerland can also introduce additional ones.

The inclusion of humanitarian exemptions to sanctions regimes has been motivated by Switzerland's obligation, as a state party to the Geneva Convention, to respect and ensure respect for IHL.

Indeed, some measures taken within the scope of sanctions can have the effect of delaying, hindering, or preventing humanitarian activities laid down by IHL. Such measures contradict both the letter and spirit of IHL, and in particular the obligation of all states and parties to a conflict to allow and facilitate rapid and unimpeded passage of humanitarian relief to all civilians in need.

The inclusion of humanitarian exemptions hence enables compliance with IHL., (as well as neutral, independent and impartial humanitarian action that is directly based on the populations' needs).

A few months after its adoption, humanitarian actors have started to report how the humanitarian exemption had boosted vital humanitarian work in line with IHL principles, creating the necessary space for dialogue amongst various actors, and also providing Member States as well as the private sector with the necessary legal clarity to enable them to operate in such contexts, hence reducing instances of over compliance.

It is on this basis that Switzerland actively engaged, towards the end of its term at the Security Council, as a co-pen holder for the continuous applicability of the humanitarian

exemption to all sanctions regimes, including the ISIL /Al-Qaida sanctions regimes. It culminated in the unanimous adoption of resolution 2761 last December.

It is now up to us all, member States, to implement both resolutions and make sure that humanitarian exemptions are effectively integrated into national legislation, in order to facilitate humanitarian activities as foreseen by IHL. This specific topic highlights the importance of national implementation for an effective respect of IHL, as well as the importance of the dissemination of the rules and measures at stake.

Finally, to shape our national policy on this matter, which implies different areas of expertise and interests, we have engaged closely with different members of our National IHL Committee, in particular the Agency for Development and Cooperation (SDC), the Peace and Human Rights Division, and the State Secretariat for Economic Affairs (SECO). Given the different actors implied, it proved crucial to break silos and adopt a Whole of Government Approach.

I thank you for your attention.