



Statement by His Excellency Archbishop Silvano Tomasi, Permanent Observer of the Holy See to the United Nations and Other International Organizations in Geneva at the 31st International Conference of the Red Cross and Red Crescent
Geneva, 28 November – 2 December 2011

Madame Chairperson,

Today's crises can arrive totally unexpected. Economic, political and humanitarian upheavals worry both the 'developing' and the 'developed' world. Centers of tension multiply. Violent conflicts are fought in urban conglomerates and it is difficult to distinguish between combatants and civilians who continue to be, by far, the first victims, dead, injured, disabled, of armed conflicts. Action for humanity becomes urgent and demands concrete answers. 'Public conscience' as referred to in the "*Martens' Clause*" needs to be reawakened.¹

Areas of concern targeted for discussion are the worldwide impact of natural disasters and related displacement; the rapidly changing nature of human vulnerability; the evolving human and material cost of contemporary armed conflicts and other situations of violence, that make access to health more difficult; increasing global migration. These concerns indicate new developments that provoke human suffering. Life moves ahead of legislation and thus 'public conscience' serves well while the international community waits for legal measures to catch up with life. In the meantime, the same effort must continue to develop rules that prevent suffering and save lives that marked the emergence of international humanitarian law from its beginning. The acquired patrimony of values and norms has to be preserved, applied and made more relevant and responsive to new situations. Yet the inhumanity of conflicts, particularly when the use of arms is chosen to resolve tensions and controversies that could be solved by means provided by dialogue and negotiation, and the inadequate response to some recent emergencies, are before our eyes. International humanitarian law, in the name of a common good, is always a warning to renounce violence on any person, civilian or combatant, prohibiting the indiscriminate and unrestraint use of violence and weapons. Increasingly it should become the basis for action inspired by *solidarity* toward the direct or indirect victims of natural or man-made disasters.

¹ According to the *Martens' Clause*: «populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity and from the requirements of the *public conscience*»; 1899 Hague Convention No. II, Preamble, 9.

There are moments when peoples and nations are compelled to claim the right to protect their existence, dignity and freedom. 'Public conscience', common to the human family, makes us aware that unfortunately this goal of protection often becomes an occasion to use degrading means both distant from the legal achievements of international law and ineffective in resolving conflicts and disputes. The adoption of dialogue and negotiation, including through the intervention of an impartial third party or of an international authority with sufficient powers, now is a choice no longer to be postponed.² Responsible dialogue will guarantee to opposing parties the respect of their legitimate aspirations and a durable peace.

The end of conflicts always carries with it the problem of repatriation of prisoners of war, a humanitarian problem *par excellence*, that from the perspective of the Holy See includes the reunification of families and the resumption of normal affections, effective ways to ensure reconciliation and justice.

Following the indications of this Conference it will be necessary to consolidate proposals for effective *action plans*. The international community can not ignore the persons kept away from their loved ones and their country without a justifiable reason; the victims of the devastating effects of violent conflicts and the civilians suffering from civil conflicts that by now have become endemic. Our thoughts turn to children victims of war or uprooted from their families and recruited as child soldiers. Millions of refugees and displaced persons also are anxious to return to their land especially since, while forcibly relocated in other regions, they see threatened their ethnic, religious or linguistic identity, and even their very existence.

International humanitarian law should be able to respond to emergency situations determined by natural and man-made disasters. Effective action should be guided by solid ethical and moral principles. This task cannot be ignored by the various currents of thought, nor by faith-communities, and the way forward is to retrace the same path that led to the great achievements of the protection of the human person. In such conflicts, humanitarian action, if inspired by solidarity, a spirit of brotherhood and loyal service³, it will be integrated in a comprehensive and effective plan that includes, *inter alia*, reconstruction, medical care and a sense of justice.

The Holy See does not present technical solutions for the problems posed by today's emergencies. It considers it her duty, however, to point out at this Conference that no principle, no tradition, no claim - whatever its legitimacy - authorizes to inflict on a people repressive actions or inhuman treatment - more so when it consists of innocent and defenceless civilians. It does so in the name of the supremacy of those «principles of international law...and the requirements of public conscience» that remain the solid foundation of international humanitarian law. In this context, we are reminded that the simple application of the law is not sufficient. Pope John Paul II, reflecting on his

² See Pope Benedict XVI, Encyclical Letter *Caritas in Veritate*, 67.

³ See Pope Benedict XVI, Encyclical Letter *Caritas in Veritate*, 19.

experience under Nazi and Communist totalitarianism, wrote: «True peace ... is the fruit of justice, that moral virtue and legal guarantee which ensures full respect for rights and responsibilities, and the just distribution of benefits and burdens. But because human justice is always fragile and imperfect, subject as it is to the limitations and egoism of individuals and groups, it must include and, as it were, be completed by the *forgiveness which heals and rebuilds troubled human relations from their foundations*».⁴

In the search for solutions, the Catholic Church offers a concrete contribution through education and action. It teaches that the source of human dignity and inalienable rights resides in the spiritual and physical unity of the person. Through the formation of conscience, citizens can be prepared to promote those values of humanity that international humanitarian law, more than juridical norms, has made operational exactly in situations where the dignity of the human person is violated and denied. When humanitarian action is reduced to a mere application of norms and procedures there is the risk to weaken the prohibition of inhuman or degrading treatment enshrined in the Geneva Conventions and their Additional Protocols, and perhaps to return to the excesses that those instruments have solemnly and appropriately condemned. Catholic organizations all over the world carry out humanitarian assistance and promote humanitarian law in this spirit as the *2011 Report of the Holy See to the ICRC* shows.

These, *Madame Chairperson*, are some thoughts that the Delegation of the Holy See wants to present this Conference to encourage governments and international institutions to help break existing stalemates; to take specific and timely steps to overcome conflicts; to look in a new light at victims of cluster bombs, mines and other weapons; to renew concern for refugees and displaced persons; to enact generous forms of solidarity with all victims of disasters, catastrophes and conflicts and thus fulfil the aspiration for unity of the human family.

Thank you, Madame Chairperson.

⁴ *Message for the Celebration of the World Day of Peace, January 1, 2002.*