

40th Round Table on Current Issues of International Humanitarian Law

“The Additional Protocols 40 Years Later: New Conflicts, New Actors, New Perspectives”

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Welcome Address

It is an honour to represent the Italian Ministry of Foreign Affairs and International Cooperation here today. I would like to thank the promoters of the Round Table – the International Institute of Humanitarian Law and the International Committee of the Red Cross – for having gathered such an influential group of experts to discuss fundamental issues, which require growing attention.

This year’s Round Table is particularly important because it marks the 40th anniversary of the 1977 Additional Protocols to the Geneva Conventions.

The Italian Ministry of Foreign Affairs has a special relationship with the Sanremo International Institute of Humanitarian Law. We have a longstanding history of cooperation. The Institute’s solid reputation as an advocate of international humanitarian law is a source of great satisfaction and pride for Italy.

At the *Farnesina*, we are committed to promoting the Institute’s activities in education, training and research. We support the training programmes of the armed forces of many different countries. We also support the Institute’s courses for diplomats, experts, representatives of NGOs and students of different nationalities. As you will remember, an Italian diplomat, Ambassador Maurizio Moreno, was President of the Sanremo Institute in the years 2007-2012, and gave great input to the role of the Institute at both national and international levels.

With regard to the issue of today’s Round Table, it is clear that the Additional Protocols remain – 40 years later – a milestone in the protection of human rights in armed conflicts, and a major achievement of the international community in securing greater safety for civilians.

Nevertheless, the new global scenario is posing additional challenges to international humanitarian law. New weapons and technologies have increased their destructive power. The role of non-state actors, the new tactics of warfare and the absence of clear battlefields give rise to new threats. Nearly all armed conflicts are total war, waged in inhabited areas, where the distinction between military and civilian personnel is blurred. Civilians account for the vast majority of casualties in present conflicts. They are often subject to indiscriminate attacks and other violations of human rights. Hospitals, schools, cultural and archaeological sites are targeted and destroyed again and again.

Take Syria where the crisis has entered its seventh year. Despite recent diplomatic progress, unparalleled suffering and disregard for human life continue to mark the country. According to

OCHA, 13.5 million people still require humanitarian assistance, while over half of the population has been forced out of their homes.

Today, more than ever, the principle of humanity in situations of conflict is in great danger. And not only in Syria: think of Iraq, Yemen and Libya. We all know that war and law do not always go hand in hand, and that international law is not perfect. But we cannot consider all the atrocities we have been witnessing in the last years as being the result of gaps or shortcomings of existing law. Let me quote on this point Ambassador Moreno: *“The main problems do not originate from alleged deficiencies, ambiguities or grey areas of the current legal framework: more often problems come from the lack of political will, ignorance of obligations and deliberate violations by States and groups or individuals involved in military operations”*. This is why, today, the most pressing issue must be to strengthen our efforts to guarantee full respect of international humanitarian law by both States and non-state actors.

Italy has ratified both Additional Protocols and is at the forefront in this endeavour in many respects.

Advocacy. We continue to encourage the widest membership for all the international tools of humanitarian and human rights law, fostering their effective implementation and enforcement as well. The Universal Periodic Review of the Human Rights Council in Geneva is a useful device towards this end.

Training. We provide qualified training for UN and EU peacekeepers, based on highly professional and ethical standards. We offer targeted training programmes on the rule of law, international humanitarian law, human rights law, protection of civilians, prevention of sexual and gender-based violence in conflicts within the Women, Peace and Security Agenda.

The “Solferino spirit”. Italy actively and financially supports the work of the International Committee of the Red Cross, (6.4 million euros to the ICRC budget in 2016), and sponsors the “Solferino spirit”. We promote international humanitarian principles of neutrality, impartiality and independence for governments, organizations and people of different religions and cultural background.

Cultural heritage. Furthermore, Italy encourages the implementation of those rules of international humanitarian law aimed at protecting cultural heritage in wartime.

Humanitarian access. We are committed to ensure humanitarian access to conflict areas. This is still one of the most delicate topics on the international agenda. We need to speak up and condemn the recurring violations of international humanitarian law on this point.

Financial commitment. Last year Italy committed itself to a significant pledge during the World Humanitarian Summit in Istanbul. With an overall humanitarian budget of more than 115 million euros we have increased our resources by 15% in 2017 and we expect to confirm this trend in 2018. These figures reflect the growing importance that we attach to humanitarian assistance.

Accountability. Italy is very much engaged in implementing the principle of accountability for serious and massive violations of international humanitarian law and human rights law in situations of armed conflict. As Professor Antonio Cassese said: “The most effective means of

enforcing international humanitarian law remains the prosecution and punishment of offenders within national or international criminal jurisdictions”.

Overall, constant involvement and action by the international community is what we need to increase the respect of international humanitarian law. A broader engagement in the same issues by all actors in current conflicts, including non-state actors and organized armed groups, would be equally crucial. It would represent an important step forward in guaranteeing the safety of civilians and the safeguard of basic humanitarian standards during armed conflict.

International humanitarian law should remain at the top of the global agenda. In this respect, Italy recognizes the outstanding role of the International Institute of Humanitarian Law in raising awareness and supporting education by promoting international conferences and seminars on the matter, as the one in which we are participating today.

When I accepted the invitation to come to Sanremo I was asked to spend a few words in commemoration of a former president of the Institute, Ambassador Maurizio Moreno. I was very pleased to be given the honour to spend these few words in commemoration of Maurizio for a number of reasons. Of course the most institutional one is that I represent the Ministry of Foreign Affairs as Secretary-General but there is also a very personal reason why I am pleased to be here to commemorate Maurizio and that is because I had the privilege of knowing Maurizio probably better than other colleagues. I was chief of his office when he was Director-General for Europe at the Ministry of Foreign Affairs and I was able to understand and appreciate his complex personality. Maurizio was a very knowledgeable person, with a great sense of State, who was fully committed to the principles and values that have always been fundamental to the Institute.

Now let me turn to Italian to talk a little about Ambassador Moreno.

L’Ambasciatore Maurizio Moreno è stato presidente dell’Istituto dal 2007 al 2012. Ricordo bene quando gli si è presentata l’occasione di assumere questo nuovo incarico e ricordo i motivi che lo rendevano particolarmente entusiasta. Il primo era perché tornava a Sanremo, una terra che amava e da cui traeva le origini e quindi, al di là dell’Istituto, c’era una componente personale che lo rendeva particolarmente felice. Ma c’era anche un certo senso di nostalgia, lo ricordo bene, perché Maurizio era stato membro della delegazione italiana che a Ginevra aveva concluso il negoziato che portò all’adozione dei Protocolli Addizionali e lui aveva quella strana e particolare voglia – una costante del suo carattere – di tradurre in pratica quello che sul piano teorico e sul piano istituzionale aveva contribuito a realizzare. Infine, c’era anche la profonda convinzione che l’Istituto fosse, come lui stesso diceva, una straordinaria risorsa per la comunità internazionale e poiché era una persona che amava molto affrontare le sfide vedeva nel ruolo che si accingeva a svolgere, nonostante non fosse di professione un giurista e tantomeno avesse esperienze umanitarie dirette, l’occasione di poter dare un suo contributo all’affermazione di quei principi e quei valori che avevano ispirato tutta la sua carriera.

Sono sicura che Maurizio sia pienamente riuscito nel suo intento e che il Professor Pocar, succedendogli, possa condividere con me questa valutazione.

Maurizio era consapevole che non poteva dare un contributo, al pari di autorevoli giuristi internazionali, nel merito delle problematiche giuridiche ma era certo di poter svolgere un ruolo importante in termini di valorizzazione dell'Istituto e di *advocacy*. Ho accennato prima all'importanza promuovere e incoraggiare un'adesione più ampia a tutti gli strumenti internazionali di diritto umanitario, sia per gli attori statuali sia non statuali, favorendone un'effettiva attuazione e applicazione. Credo che in questo, anche per quanto ha fatto qui all'Istituto di Sanremo, nessuno meglio di Maurizio abbia lasciato un segno così tangibile.

Lasciatemi concludere questo breve ricordo di Maurizio, che vuole essere soprattutto un atto di riconoscenza per quello che ha fatto, richiamando un episodio personale a me particolarmente caro.

Maurizio amava stressare fino all'ultimo i propri collaboratori e io sono stata una delle sue vittime. Teneva a dimenticare l'esistenza del Primo maggio, Natale e tutte le festività non ponendosi per nulla il problema. Ricordo che in occasione di un Primo maggio, uno dei rari casi in cui avevo programmato di passare la giornata con i miei nipotini che regolarmente trascuravo, puntualmente arriva la telefonata di Maurizio che mi dice di andare in ufficio. Io gli rispondo che avevo con me due bambini di 4 e 5 anni ma lui non ne volle sapere e, non avendo altra alternativa, fui obbligata a portarli in ufficio. Maurizio non si dimostrò minimamente imbarazzato dall'idea di aver rovinato una giornata in famiglia e si presentò con due regali per i bambini. Il più piccolo immediatamente rompe il regalo che gli era stato portato, ma la cosa imbarazzò più Maurizio che mio nipote al punto che si sentì in dovere di fare qualcosa e mi disse: *"Tu continua a lavorare e io porto tuo nipote a fare un giro per Roma sulla mia decapottabile"*. E mio nipote partì con lui.

La cosa divertente è come questo bambino, che non l'aveva mai visto prima, nel giro di mezz'ora riuscì a cogliere quello che Maurizio era realmente. Al ritorno in ufficio, di fronte a lui, mio nipote disse: *"Sai zia, quest'uomo qui non è proprio un Ambasciatore, non sembra proprio un Ambasciatore"* io lo guardai e gli chiesi *"Che cosa vuoi dire?"* e Maurizio incuriosito aggiunse *"Ma che idea hai degli ambasciatori?"*. Mio nipote rispose: *"Be' quelle persone serie, un po' grosse, magari con la pipa, un po' paffutelli"* al che Maurizio sorridendo gli chiese *"E io invece?"* *"Tu sei proprio fico!"* rispose mio nipote lasciando Maurizio in grande imbarazzo.

Quello che voleva dire il mio nipotino, e dopo mi spiegò meglio, era che in quella mezz'ora in macchina con Maurizio aveva appreso tante cose, aveva scoperto l'aspetto umano che Maurizio tendeva a nascondere, ma al tempo stesso aveva percepito l'autorevolezza del ruolo che lui rivestiva. Mi piace molto ricordare con quest'espressione di mio nipote la figura di Maurizio Moreno.