

SPEECH



Speech by Mirjana Spoljaric Egger, President of the International Committee of the Red Cross

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Mirjana Spoljaric Egger is President of the International Committee of the Red Cross (ICRC), commencing in October 2022.

Prior to taking up the presidency, from August 2018 Spoljaric served as the United Nations (UN) Assistant Secretary-General, Assistant Administrator of the UN Development Programme, and Director of the Regional Bureau for Europe and the Commonwealth of Independent States.

Spoljaric previously had many years of distinguished service with the Swiss Diplomatic Corps. More recently she served as Ambassador and Head of the United Nations and International Organizations Division of the Swiss Federal Department of Foreign Affairs (FDFA), where she was instrumental in shaping coherent Swiss policies and priorities in all main UN organs and conferences, represented Switzerland in multilateral processes, and had responsibility for International Geneva and Switzerland's host country policy.

* Please note that this speech is published here as delivered.

Spoljaric served in several assignments at the FDFA in Bern, and as Counsellor and Head of the Political Team at the Permanent Mission of Switzerland to the United Nations in New York.

From 2010 to 2012, Spoljaric was seconded to the Office of the Commissioner-General of the UN Relief and Works Agency for Palestine Refugees in the Near East as Senior Adviser covering organizational development, management reforms and external relations.

Earlier in her career Spoljaric worked in the Embassy of Switzerland in Cairo, Egypt, and was Desk Officer at the Foreign Economic Affairs Directorate (International Finance Institutions) of the Swiss State Secretariat for Economic Affairs.

Spoljaric studied philosophy, economics and international law at the University of Basel and University of Geneva, and holds a master's degree. From 2004 to 2006 she was a part-time lecturer on global governance at the University of Lucerne.

Spoljaric speaks fluent German, English, French and Croatian. She is married and has a son and a daughter.



Ladies and gentlemen,

Dear colleagues,

It is a pleasure to be speaking with you this evening, my first public address since I commenced as president of the International Committee of the Red Cross.

As president, one of my chief responsibilities is to be able to represent the needs of communities affected by conflict – to those with the power to improve their circumstances.

During these first weeks I have been heavily engaged on the work of our major operations. I have travelled to the north of Mali, to Washington, New York, Paris. I also went to Dublin for the important declaration to limit the use of explosive weapons in populated areas.

Over this short time, two things have struck me:

First, what level of human suffering caused by conflict and violence is tolerable?

In the north of Mali, people have suffered enormously from violence, reinforced by the negative impact of the climate crisis. I saw children who do not have food to nourish them, nor clothing, nor any hope of ever seeing the inside of a school.

In the Russia–Ukraine international armed conflict we see unacceptable levels of destruction, leading to senseless suffering among the civilian population.

And not only there: From Ethiopia to Yemen, Afghanistan to Israel and the occupied territories, from Syria to Somalia, armed violence is compounded by the effects failing economies, causing hunger and utter despair.

Second, it is obvious why international humanitarian law and the very function of the International Committee of the Red Cross exist.

Conflict is bloody, ruins lives. Conflict is the very act of dehumanization, destroying of another by force.

In the logic of survival, room for humanity is difficult to find. But it is precisely for these intractable circumstances that neutral and impartial humanitarian action was designed.

International humanitarian law provides minimum standards of humanity that must be respected in armed conflict. Its rules must be applied by all parties, irrespective of their motivation to go to war.

I particularly welcome this moment to speak with you, for I see that this is a decisive time for the world.

Relationships between powerful states are strained, while multilateralism struggles to preserve its value and legitimacy in an atmosphere of division.

States and media speak of large-scale, international armed conflict almost as if they were inevitable. Nuclear weapons continue to threaten all of us. And new ways of causing death and destruction are developed in lockstep with scientific advancements.

While there is good reason to be concerned about a resurgence of conflict between states after a long period of mainly non-international armed conflicts, the established trends of the last two decades show no sign of letting up.

Many non-international armed conflicts drag on, some of them worsening.

Armed groups continue to elude responsibility; and states, operating through state and non-state proxies, do the same.

Technology is rapidly developing, with cyberoperations, autonomous weapons, and the use of outer space raising questions regarding the application and interpretation of IHL.

And the overlapping effects of global financial pressures, rising inequalities, and the climate crisis make everything worse.

All the while, respect for international humanitarian law is, at best, uneven.

This also means that warring parties too frequently try to exclude whole categories of people from the humanitarian protection of the law. And that war crimes are committed every day with impunity.

Yet, as I assume the important role of president of the ICRC I am realistic, but hopeful.

Yes, there are urgent and grave problems to address.

But we hold in our possession something extremely valuable: an international consensus.

Every single state has signed onto the Geneva Conventions.

Every state has freely and voluntarily agreed to be legally bound by the rules they embody.

Every state has decided that no matter the circumstances that give rise to war, limiting its human cost is a legal obligation that cannot be swept aside.

At a time when division hampers multilateralism, we must not underestimate the strength of the world's agreement on the basic rules of armed conflict.

We cannot let the air of uncertainty about the future of peace make us doubt the world's overwhelming certainty about the limits of war.

To the contrary, now is the moment to elevate the laws of war to a political priority; to harness this unique consensus and empower international humanitarian law to do the work it was meant to do at a moment in history when the worst has become too easily imaginable.

Today, I propose three ways of doing so.

First: We must preserve the hard-won gains we have made.

Too often, the positions and practices of governments, whether in statements, policies or positions in multilateral negotiations, weaken interpretations of the law.

We recognize that some state or other will always have an interest in carving out a new exception to the application of IHL's protections to suit an immediate policy objective.

The counterterrorism narrative of recent decades has been invoked countless times to say that a certain situation is so unique, IHL simply cannot handle it – or, worse, that some people are so evil they don't deserve IHL's protection.

This, frankly, is one reason we have ended up with camps in north-east Syria where tens of thousands of children from dozens of countries have been left stranded in inhuman conditions in full sight of the international community.

We also recognize that some governments and non-state armed groups question the legitimacy of international humanitarian law: they take the view that IHL constitutes foreign imposition and use this argument to undercut its force.

But isn't the principle of humanity universal?

Humanity is age-old. Tables can turn in the long term – no State is immune from one day seeing its own fighters, civilians, or cities in enemy hands.

And when their own people are vulnerable, states will not want life-saving rules to have been swallowed by ill-conceived exceptions.

The impacts of conflicts too, are not retained in borders. Millions of people globally have had to flee for their lives to more safe countries. In past months we are also seeing in Africa a looming food crisis, and in Europe electricity and gas shortages.

Frighteningly, we also know that the impacts of any use of nuclear weapons would be widespread and cause irreversible destruction.

In other words: we all have something at stake. International humanitarian law protects everyone, it protects us all.

In terms of concrete action, preserving our gains means using our voices to reaffirm the universality and relevance of IHL on every possible occasion – in multilateral fora, in conversations with leaders, in academia.

It means not letting the language of the law – agreed universally and enshrined in treaty – to be eroded by the political exigencies of the day.

And it means invoking the rules with the confidence – that, no matter how different the next conflict is from all those that came before, IHL is fit for purpose, and questions about its relevance must be put to rest.

Second: Preparedness is critical – but I also want to talk more about prevention. For the ICRC, prevention means having all the tools in place to ensure IHL is respected if armed conflict breaks out.

Prevention is about states passing legislation implementing IHL, training the military on the rules of war, issuing orders that respect the law, and fostering a culture of accountability.

It means, states must plan to accommodate detainees with dignity, to provide them with legal process, and prevent disappearances; it means states must put in place targeting practices that avoid civilian casualties and protect homes, schools, hospitals, and cultural property; and it means states must plan military operations in a way that spares essential services like health care and the provision of clean water.

Prevention is also about political will to investigate the conduct of states' own armed forces – to seriously examine the facts surrounding allegations of IHL violations. Effective investigations do not exist solely to deter and punish misconduct, but they help identify systemic shortcomings and allow armed forces to correct course.

The ICRC works closely with states, whether by assisting them with legislation, encouraging them to sign onto new treaties, or by training their armed forces, judges, parliamentarians, and diplomats on the rules of war.

Whatever states do to prepare for the conflicts of the future, prevention of IHL violations must be an integral part.

Third: We must confront the problem of noncompliance.

IHL, as a living body of law, is respected daily. Harm that never occurs is difficult to quantify.

There is no doubt that in the more than one hundred armed conflicts ongoing in the world today, the implementation of IHL by the parties has spared civilian lives and property, prevented torture and disappearance, safeguarded hospitals, and kept horrific weapons off the battlefield.

The ICRC staff bears witness to the protective effects of IHL every day. Our own ability to work – visiting detainees, repatriating mortal remains, supporting hospitals, and moving freely on both sides of the front lines to assist those in need and document allegations of violations – is owed to IHL's efficacy.

And yet, flagrant violations of the most basic norms occur regularly. Torture is committed as a matter of policy. Civilians are targeted to sow fear. Hospitals are destroyed with brutal disregard. Cultural sites are desecrated.

Among the many challenges confronting IHL today, noncompliance is the most critical.

But we need to be clear about the appropriate response. Too often, war crimes are met with more uncertainty than resolve.

Is international humanitarian law still relevant?

Does anyone still care about the Geneva Conventions?

Well-meaning observers are calling into question the adequacy of IHL in the face of violations of its most basic tenets.

When the law is broken, it doesn't need to be fixed, it needs to be enforced.

And there are many ways of doing this.

The parties to the conflict, first and foremost, need to respond with effective investigations and criminal prosecutions where appropriate.

In an era of coalitions and partnered operations, supporting countries must ensure that they are not encouraging or contributing to IHL violations. They have a unique role to play in using their influence to put an end to violations by their partners.

For states that provide arms to parties to conflicts, international rules governing the transfer of weapons are designed to prevent them from being put in the hands of violators.

And even uninvolved states, far from the battlefield, have tools to deploy.

Diplomatic and other forms of pressure from states can help convince a party to a conflict to come into compliance.

When suspected war criminals cross international borders, the Geneva Conventions and the doctrine of universal jurisdiction empower any state to prosecute them before their courts, regardless of where the conduct occurred.

Complemented by international tribunals and monitoring mechanisms – with all their strengths, weaknesses and limitations – there are plenty of tools available for states to confront noncompliance with international humanitarian law.

States are the very architects of the laws of war. Rather than express self-doubt about their creation, they must demonstrate the tenacity to enforce them.

The ICRC, for its part, works within the framework of IHL to promote compliance with the law. Our bilateral, confidential protection dialogue with states and non-state armed groups is aimed at drawing attention to allegations of violations and pressing for corrective measures.

We reach out to non-state armed groups, no matter their motives or their structure, to alert them to the most basic principles of humanity, and their responsibility to spare civilians, care for the wounded, and safeguard the dignity of detainees.

Working through our mode of confidentiality, ICRC can support states to hold those who commit international crimes accountable, ensuring that all parties to the conflict are aware of their obligation to investigate and prosecute.

Ladies and Gentlemen,

Dear colleagues,

I want to conclude by stating the following:

For most states in peaceful times, armed conflict is something for the history books. But for us, for the International Committee of the Red Cross, armed conflict is ever-present.

Since its founding, the ICRC has constantly lived among and between warring factions. So today, I stand on the shoulders of many courageous colleagues when I say that the current global climate is inviting calamity.

As states prepare for the potential conflicts of the future, they risk making that very future more likely. We cannot let ourselves drift into a world where multiple, powerful states accept armed conflict as a political instrument, and mass civilian casualties as a necessary by-product of war.

Should war break out along the fault lines we are seeing today, the ramifications and humanitarian consequences would be beyond overwhelming. And there is nothing that IHL, the ICRC or the whole of the world's humanitarian movement could do to make it bearable.

States alone are responsible for the direction our future will take.

As a humanitarian leader, I will always avoid political entanglements. But I will implore states at every turn to consider their responsibility to maintain peace. We will do our work to promote IHL, to assist states with their obligations to prevent violations, and to protect civilian and military victims of armed conflicts when they will arise.

For all states, as parties to the Geneva Conventions, it is their responsibility to prevent war from occurring in the first place, and, when conflict occurs, to minimize the suffering of civilians.

In this, states must succeed.

And humanitarian organizations and societies at large must not unwittingly provide them with the comfort to fail. This means me, you, it means the media, community and business leaders, and academia.

The Geneva Conventions were made for us all and it is for us all to play our part. We cannot for a moment allow apathy to be our ruler.

The avoidance of war is imperative. Even when wars break out, respect for international humanitarian law has been and will continue to be the only way to preserve a minimum of humanity, to stave off the worst atrocities, and ultimately, to pave the way back to peace and prosperity.