

## *Summary of the UN Security Council briefing on the “Situation in Bosnia and Herzegovina,” held on 8 July 2015*

### **INTRODUCTION**

On 8 July 2015 the UN Security Council held a briefing on the “Situation in Bosnia and Herzegovina” to commemorate the twentieth anniversary of the mass killings at Srebrenica, where more than 8,000 lives were lost. The adoption of the principle of the Responsibility to Protect (R2P) at the 2005 UN World Summit was a result of painful lessons learned from the failure to prevent genocide in Srebrenica in 1995 and in Rwanda during 1994. Despite the briefing ending with Russia regrettably vetoing a proposed resolution, which commemorated the anniversary and described Srebrenica as a genocide, other Security Council members delivered powerful statements acknowledging the significance of contemporary norms and institutions, such as the Global Network of R2P Focal Points, for the prevention of mass atrocity crimes.

During the debate, the UN Deputy Secretary-General, one permanent member of the Security Council (France) and seven elected members – Angola, Chad, Chile, Nigeria, Lithuania, Malaysia and Spain – expressed strong support for R2P. Specifically, Chad urged that “the Responsibility to Protect must be reflected in substantive measures to prevent the most serious crimes” while Lithuania expressed the importance of converting enhanced early-warning mechanisms into effective preventive action, stressing that “[t]he Responsibility to Protect must not remain a concept on paper only.”

The Deputy Secretary-General and nine states stressed the important role of the UN Office on the Prevention of Genocide and the Responsibility to Protect, including its Framework of Analysis for Atrocity Crimes. Nigeria requested consideration of “an annual open debate on the prevention of genocide, in the same manner the

Council regularly holds debates on the protection of civilians, on women and peace and security and on other thematic issues on its agenda.”

Identifying the Security Council veto as one of the greatest impediments to effective implementation of R2P, France strongly encouraged the five permanent members to “voluntarily commit to renouncing the use of the veto in cases of mass crimes.” This appeal was affirmed by four elected members of the Security Council, with Chile emphasizing that without veto restraint “the Council is left powerless to defend the values and principles that are the most fundamental for humankind.”

The vetoed resolution would have acknowledged the genocide at Srebrenica, reaffirmed the 2005 World Summit Outcome Document on the Responsibility to Protect, highlighted the role of the UN Office on the Prevention of Genocide and the R2P as an early warning mechanism and encouraged states to appoint a national representative to the Global Network of R2P Focal Points.

While acknowledging that Russia’s veto of the draft resolution represents a denial of genocide and callous disregard for Srebrenica’s victims, it is important to note that it was a manifestation of Russia’s unwillingness to attribute the term genocide to the crimes at Srebrenica and not intended to deny that all states have a primary Responsibility to Protect their population from mass atrocity crimes. This was reflected in the alternate draft resolution put forth by Russia, which reaffirmed the relevant provisions of the 2005 World Summit Outcome Document regarding the protection of civilians in armed conflict, including paragraphs 138 and 139 regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This alternative draft was not put to a vote.

The following document provides a summary of relevant excerpts from statements delivered during the briefing.

## REFERENCES TO R2P

### *Deputy Secretary-General*

“The 2005 General Assembly endorsement of the responsibility to protect made the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity a core State and international responsibility.”

### *Chad*

“We believe that the responsibility to protect must be reflected in substantive measures to prevent the most serious crimes by learning the lessons of the genocides in Rwanda and Srebrenica, to which the international community responded with indifference. Learning those lessons will require a greater sense of responsibility, commitment and reactivity in the prevention of mass crimes. Only strong determination and a common willingness to fight together against crimes of genocide and grave violations of human rights will allow us to break with the past.”

### *Nigeria*

“States have the primary responsibility to protect their populations against mass atrocities. In that regard, it is the obligation of every State to implement their commitments made under the 2005 World Summit Outcome Document. The international community in general, and the Security Council in particular, must live up to their responsibilities to ensure that never again will the world witness the horrors of genocide.”

### *Spain*

“Over the past 20 years, the United Nations has done admirable work on the basis of lessons learned. We have worked very hard on an early warning system and on the prevention of atrocities, such as that we commemorate today. Vital contributions have been made to our work, including the 2005 World Summit Outcome document on the responsibility to protect.

### *France*

“Prevention also means acting. The second step was the adoption in 2005 by the Heads of State and Government of the key concept of responsibility to protect. Narrowing the scope of the concept or questioning it would be irresponsible and an affront to the victims of multiple massacres and genocides. Ten years after the adoption of the Millennium Declaration and the recognition of the concept of the responsibility to protect, it is our duty to continue to implement that principle.”

### *Malaysia*

“We are encouraged by the tangible improvements in the workings of the United Nations, including improved peacekeeping capabilities, the establishment of the Office of the Special Adviser on the Prevention of Genocide and the ongoing conversations on the doctrine of the responsibility to protect.”

“The international community, particularly the Council, owes it to the victims and the loved ones to live up to that promise, including by exercising our collective responsibility to protect civilians from the most serious international crimes and to learn from the mistakes of the past.”

### *Chile*

“Ten years after recognizing the responsibility to protect, we reiterate that States bear the primary responsibility to investigate and prosecute crimes of that nature. The international community must work with and support Member States that — either on their own volition or because of their inability — fail to meet that obligation.”

### *Angola*

“We recall that States bear the primary responsibility to protect their own populations from war crimes, crimes against humanity and genocide. For its part, the international community has a crucial role to play, if and when a national Government fails to protect its own population. In that sense, while celebrating the tenth anniversary of the concept of the responsibility to protect, adopted in the World Summit Outcome in 2005, we encourage Member States to strengthen prevention efforts in order to end the impunity for war crimes, crimes against humanity and genocide.”

### *Lithuania*

“The responsibility to protect must not remain a concept on paper only.”

### *Venezuela*

“In a similar vein, the aforementioned draft contains elements that had not previously been agreed on and are controversial in the United Nations, such as the concept of the responsibility to protect, which detracts from the primary responsibility of the State itself for the promotion and respect of human rights and undermines the principles enshrined in the Charter of the United Nations, including respect for sovereignty.”

## **REFERENCES TO VETO RESTRAINT IN MASS ATROCITY SITUATIONS**

### *France*

“In Syria, crimes against humanity and war crimes are committed every day before our eyes, and the Security Council remains paralyzed. In such critical situations, the Council must be able to respond and assume its responsibilities. It is to that end that France is pushing for the five permanent members to voluntarily commit to renouncing the use of the veto in cases of mass crimes. The use of the veto is not a privilege; it is a responsibility. It is therefore up to the permanent members first of all to show that they are responsible within the framework of the Council.”

### *Spain*

“Vetoing such an initiative represents two steps backwards in the Organization’s efforts to support progress in terms of the responsibility to protect our citizens and in limiting the use of the veto for atrocity crimes.”

### *Chile*

“We would like to reiterate our call upon those countries that have the right of the veto to refrain from using it in situations of crimes against humanity, war crimes, genocide or ethnic cleansing. Otherwise, the Council is left powerless to defend the values and principles that are the most fundamental for humankind. We urge the Security Council, in particular its permanent members, to assume that responsibility.”

### *Lithuania*

“Far too often lack of political will and divisions have stood in the way of decisive action, including on the part of the Council. Let me be clear: restraint in the use of the veto in mass atrocity situations should not remain a theoretical option. We call on all permanent members of the Council to declare it forthwith.”

### *New Zealand*

“New Zealand deeply regrets that the efforts that we and others made over a considerable period to try to ensure that this commemorative event would be marked by a united Council did not prove possible. While acknowledging the relevant provisions of the Charter of the United Nations, since 1945 New Zealand has consistently opposed the veto. New Zealand regrets that despite achieving the support of a majority of Council members, the draft resolution was not adopted because of the exercise of a veto by one of the permanent members. At a commemorative event, it strikes us particularly inappropriate that a veto was used. While it was only one negative vote, the outcome reflects on all of us. It once more demonstrates how we must all find better ways of working to ensure that the Council can reach agreement and act when it should.”

## **REFERENCES TO THE GLOBAL NETWORK OF R2P FOCAL POINTS**

### *Chile*

“Firmly committed to the preventive nature of the responsibility to protect, Chile endorsed and participated in the fifth Annual Meeting of the Global Network of Focal Points on the Responsibility to Protect, held in Madrid last June.”

### *Nigeria*

“Nigeria supports the formation of a Global Network of Focal Points on the responsibility to protect, as that responsibility is only as consistent, powerful and effective as practitioners make it.”

### *Spain*

“A meeting of the Global Network for Focal Points on the Responsibility to Protect was held just recently, in Madrid on 23 and 24 June, which considered, among

other topics, the new challenges and threats confronting the most vulnerable populations and the contemporary factors linked to crimes against humanity.”

## **REFERENCES TO THE UN OFFICE ON GENOCIDE PREVENTION AND THE RESPONSIBILITY TO PROTECT AND THE FRAMEWORK OF ANALYSIS FOR ATROCITY CRIMES**

### *Deputy Secretary-General*

“Prevention has become an imperative. A Special Adviser on the Prevention of Genocide has been appointed.”

“The Special Adviser on the Prevention of Genocide and the Special Adviser on the Responsibility to Protect have developed a framework of analysis for atrocity crimes, a useful tool to assess risks and develop prevention strategies.”

### *United Kingdom*

“Twenty years on from Srebrenica, we now have an even greater set of tools to predict and prevent conflict and genocide. The High Commissioner for Human Rights and the Special Advisers on the Prevention of Genocide and the Responsibility to Protect play vital roles. The Secretary-General’s Human Rights Up Front initiative and the new framework of analysis for atrocity crimes are welcome developments.”

### *Lithuania*

“The Special Advisers on the Prevention of Genocide and on the Responsibility to Protect, as well as the Special Representatives of the Secretary-General on Sexual Violence in Conflict and for Children and Armed Conflict, are vital elements in this strategy. Their tireless efforts in bringing human rights abuses to the Council’s attention are commendable.”

### *Chile*

“Whenever faced with the need to prevent such crimes, it is essential that we remember the Secretary-General’s Rights Up Front initiative. We should also look to the work of the Special Advisers on Prevention Genocide and the Responsibility to Protect, as well as make use of the framework of analysis for atrocity crimes.”

### *Malaysia*

“We are encouraged by the tangible improvements in the workings of the United Nations, including improved peacekeeping capabilities, the establishment of the Office of the Special Adviser on the Prevention of Genocide and the ongoing conversations on the doctrine of the responsibility to protect.”

### *Nigeria*

“We reaffirm our support to the Special Adviser to the Secretary-General on the Prevention of Genocide and to the Special Adviser on the Responsibility to Protect. Their briefings to the Security Council are an early-warning mechanism. We call for more regular briefings by those officials, especially when civilians are faced with an imminent threat of mass atrocity crimes.”

“The protection of civilians is an important aspect of the mandates of peacekeeping missions today. We therefore call for the integration of the United Nations framework of analysis for atrocity crimes into the planning for peacekeeping operations. That would give peacekeepers a better understanding of the risk factors that could trigger mass atrocity crimes and enhance the protection of civilians.”

### *Angola*

“Empowering United Nations peacekeeping missions with clear mandates to protect civilians is an outstanding task. Effective peacekeeping requires a clear understanding of the risk factors and a trigger for mass atrocity crimes. We encourage the integration of the United Nations framework of analysis of atrocity crimes into strategies guiding United Nations peace operations.”

### *Spain*

“We now have such posts as the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect, who report to the Secretary-General and who play a huge role in prevention and protection.”

### *France*

“Since the genocide in Srebrenica, the United Nations has developed its own mechanisms to prevent such tragedies from recurring. Preventing means above all warning. A first step was the establishment of the joint Office for the Prevention of Genocide and the

Responsibility to Protect, now headed by Mr. Adama Dieng, which I welcome. The Office acts as an early warning mechanism for the Security Council by bringing to its attention any situation that could degenerate into genocide.”

#### *Jordan*

“One of the most important lessons that the Organization can learn and must develop from the massacre is that a genocide early-warning system must be established so that such events can be monitored and preventive diplomatic efforts intensified. We therefore welcomed the establishment of the Office of the Secretary-General’s Special Adviser on the Prevention of Genocide, whose work must continue as part of an overarching early warning system. But the efforts of the Office of the Special Adviser will be useless unless the Security Council works together to implement in a timely manner the necessary resolutions when national Governments are unable to protect their citizens under imminent threat.”

### **REFERENCES TO THE HUMAN RIGHTS UP FRONT**

#### *Deputy Secretary-General*

“The Human Rights Up Front initiative is generating structural changes inside the Organization, which aim to improve our efforts to take early preventive action.”

#### *United Kingdom*

“The Secretary-General’s Human Rights Up Front initiative and the new framework of analysis for atrocity crimes are welcome developments.”

#### *Nigeria*

“The implementation of the Rights Up Front initiative, launched by the Secretary-General in December 2013, with a human rights mandate, will contribute to strengthening the capacity of the United Nations and the Security Council in responding to conflicts in a timely manner. This laudable initiative should be sustained.”

#### *Spain*

“Over the past 20 years, the United Nations has done admirable work on the basis of lessons learned. We have

worked very hard on an early warning system and on the prevention of atrocities, such as that we commemorate today. Vital contributions have been made to our work, including ... the Secretary General’s Rights Up Front initiative.”

#### *Chile*

“Whenever faced with the need to prevent such crimes, it is essential that we remember the Secretary-General’s Rights Up Front initiative.”

### **REFERENCES TO ACCOUNTABILITY FOR MASS ATROCITY CRIMES**

#### *Lithuania*

“We condemn the genocide, war crimes and crimes against humanity committed during the conflict in Bosnia and Herzegovina. Their perpetrators must be brought to justice...Acceptance of the past and ensuring justice for the victims on all sides is essential in pursuing reconciliation.”

#### *Angola*

“The establishment of the Human Rights Council, reinforcing human rights and international humanitarian law, and the institution of international criminal tribunals, strengthening accountability and international criminal law, have been important gains in upholding human rights and the rule of law.”

#### *Chile*

“Another core tool available to us are the mechanisms and/or international tribunals, which ensure accountability and the avoidance of impunity and act as a deterrent tool or as a prevention of future crimes. In that regard, we would like to point out the key roles of the International Tribunal for the Former Yugoslavia and the International Criminal Court.”

#### *Russia*

“In the course of the Balkan crisis, the region witnessed a variety of atrocities, including war crimes, crimes against humanity and ethnic cleansing. The Russian Federation has consistently advocated the investigation of all crimes committed during the conflict in Bosnia

and Herzegovina with respect to all ethnic groups, including Bosnians, Serbs and Croats.”

### *United States*

“We also commemorate Srebrenica to show our ongoing commitment to holding accountable the perpetrators of those atrocities. The perpetrators of the genocide in Srebrenica killed more than 8,000 Muslim men and boys and raped countless women and girls, in part because they felt confident that they would never be punished. That is why it is so important that all of the indicted masterminds and commanders of the genocide in Srebrenica — most notably Ratko Mladić and Radovan Karadžić — are now facing trial for their crimes in The Hague. That shows that the arm of justice is long and that abusive regimes — from the Al-Assad regime that gasses its own people to the North Korean Government that works its people to death in gulags — will one day have to answer to their atrocities.”

### *Jordan*

“A massacre is not frozen in time. Its aftermath remains present in the survivors, as we have seen in the faces of the survivors of Srebrenica 20 years later. Delivering justice requires us to ensure the upholding of justice and the absence of impunity, so that the families of the victims can receive the justice they deserve, thereby becoming part of the reconciliation process in the State of Bosnia and Herzegovina. Jordan appeals to the International Criminal Tribunal for the Former Yugoslavia to continue its work. We call upon all partners to continue to support the ICTY to ensure the necessary political will to support the efforts of the international community to successfully deliver justice.”

### *Nigeria*

“Nigeria remains firmly committed to the fight against impunity. We believe that impunity must be addressed resolutely wherever it occurs in the world. The fight against impunity and the prevention of mass atrocity crimes are national priorities for us. Our belief in the need for global action against mass atrocity crimes and security threats to humankind underpins our ratification of the Rome Statute of the International Criminal Court, the Arms Trade Treaty and other relevant international legal instruments.”

### *France*

“Prevention also means judging. In 1948, the Convention on the Prevention and Punishment of the Crime of Genocide anticipated the establishment of an international criminal court. Fifty years later, we finally adopt the Rome Statute establishing the International Criminal Court. Meanwhile, the International Tribunal for the Former Yugoslavia has helped to bring to justice the main perpetrators of violations of international law in the territory of the former Yugoslavia committed since 1991. At the heart of the reconciliation process, the Court remains an essential vehicle for memory and reparation.”

### *Malaysia*

“Malaysia believes that ending impunity is crucial to preventing future atrocities. While we failed to prevent Srebrenica, we must at least strive to ensure that justice is served for its victims. In that regard, Malaysia continues to support the work of the International Tribunal for the Former Yugoslavia in ensuring accountability for the crimes committed during the war in the region. We urge all States to fully cooperate with the Tribunal is that it can implement its mandate to completion.”

## **REFERENCES TO GENOCIDE DENIAL**

### *Lithuania*

“Srebrenica’s crimes cannot be denied ... It is therefore vital that political elites on all sides recognize and accept past events, including the fact of the genocide. The politicians in the region must show courage, overcome their differences and unite for the stable future that all of us wish to see.”

### *United Kingdom*

“But reconciliation must be based on a shared acceptance of the fact that genocide occurred at Srebrenica. This is a legal fact, not a political judgement. On this there is no compromise. So it is profoundly regrettable that Russia has chosen to side with those who, by their actions, are preventing reconciliation from moving forward — those who are unwilling to accept the facts today.”

“As Adisada Dudic said so poignantly at the commemorative event last week, ‘Denial does not make the facts go away. It does not change the past. And it certainly does not erase memory.’ It is denial, and not this draft resolution, that will cause division. Denial is the final insult to the victims. It undermines the prospects for a secure, peaceful future for Bosnia and Herzegovina — a future that all of its citizens deserve. Because, even two decades on, the horrors some choose to deny are still ongoing for families in Bosnia. The remains of hundreds of the victims of the genocide — fathers, sons, mothers and daughters — have yet to be found. The suffering of their loved ones, and their search for truth, continues to this day. Russia’s actions will only exacerbate their grief.”

### *United States*

“As we saw today, some political leaders and groups denied that genocide took place in Srebrenica or fail to wish to recognize it. Bosnian Serb leader Milorad Dodik last month called the genocide ‘the biggest sham of the twentieth century.’ We have heard such statements from Holocaust deniers and even, more recently, from Rwandan genocide deniers. Individuals who use such phrases humiliate themselves, and they embarrass and mislead those whom they claim to represent. Genocide happened in Srebrenica. That is the conclusion reached by both the International Tribunal for the Former Yugoslavia (ICTY) and the International Court of Justice, based on mounds of evidence. The refusal to acknowledge that genocide occurred is not only deeply hurtful to the victims and their families, who have already endured so much, but it is the very obstacle to reconciliation. Imagine being the mother of those five sons, killed in the Srebrenica genocide, and being told that a denial of the genocide would advance reconciliation. It is madness — a madness motivated by a similar negation of the Bosnian Muslim experience that helped fuel the slaughter at Srebrenica in the first place. As long as the truth is denied — whether in the Council or in the region — there can be no meaningful reconciliation. Imagine if this were us — if those were our families. Would we reconcile when our experience was being denied? There is no stability in genocide denial.”

“The Rwandan genocide, like the Srebrenica genocide, is an established fact. Would anybody here dream of arguing that we should not mark the Rwandan genocide or, indeed, that we should deny it because a group of genocide deniers said it might undermine reconciliation or stability? Does Holocaust denial advance

reconciliation, or do we all agree that recognition and remembrance are the key, critical ingredients to moving forward? Everyone here knows the answer to those questions, yet a number of countries today have chosen to remain neutral on genocide recognition by abstaining from supporting the draft resolution.”

### *Malaysia*

“In light of the region’s troubled history and signs of rising ethno-nationalism, we believe that it is crucial for the Council and for the international community to send a strong signal condemning genocide and its denial. We are convinced that the substance and the uncovering of the truth, particularly on the fate of those killed at Srebrenica, will go a long way towards promoting and deepening national healing and reconciliation.”