

HRC39 Group of Friends of the Responsibility to Protect Statement

High-level panel discussion to commemorate the seventieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide

13 September 2018

Mr President,

I have the honour to deliver this statement on behalf of members of the Group of Friends of the Responsibility to Protect.

Seventy years ago, the UN General Assembly established the Convention on the Prevention and Punishment of the Crime of Genocide through Resolution 260 A III. The Convention not only provides a legal definition of genocide, but also constitutes one of the first and most significant practical attempts by the UN to address international crimes and human rights. Under the Convention, States undertake to prevent and punish acts of genocide, regardless of whether they have been committed in peacetime or during armed conflict. The Rome Statute of the International Criminal Court further affirms that the most serious crimes of international concern, including genocide, must not go unpunished and that their effective prosecution must be ensured.

Despite the celebration of the seventieth anniversary of the Genocide Convention later this year, over the last seven decades acts of genocide have still occurred. The 100 days of slaughter in Rwanda in 1994, killing more than 800,000 men, women and children, and the massacre at Srebrenica, both demonstrate the ongoing need to prevent and punish genocide.

Despite efforts to learn from the past and better prevent mass atrocity crimes, ongoing serious violations and abuses of international law highlight the need to bridge the gap between words and deeds, and to uphold our shared responsibilities.

It is clear that there is a growing body of evidence of terrible crimes committed against the Yazidi in northern Iraq, four years after these atrocious events took place. This August marked the first anniversary of the 25 August ARSA attacks in Myanmar and the horrific and disproportionate response of the Myanmar security forces. According to the HRC's Independent International Fact Finding Mission, there is sufficient information to warrant the investigation and prosecution of senior members of the Tatmadaw/Burmese military in the Tatmadaw chain of command, so that a competent court can determine their liability for genocide in relation to the situation in Rakhine State.

Mr President,

One of the most significant efforts to transform the sentiment of “never again” into meaningful action was the unanimous adoption of the principle of the Responsibility to Protect, whereby states unanimously committed to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing, as set out in the 2005 World Summit Outcome Document. The primary responsibility for protecting a population from genocide and other mass atrocities lies with that population’s government. Where national authorities are manifestly failing to protect their population from such atrocities, the international community has a responsibility to act.

We strongly believe that the Human Rights Council and all Geneva-based human rights mechanisms are particularly well suited to recognise the early warning signs of genocide and other mass atrocity crimes. This includes focusing on country-specific situations where States may be unable or unwilling to protect their populations and establishing monitoring and/or investigative mechanisms as well as offering technical assistance, capacity building and access to special procedure mechanisms, within their mandates. All of these measures are critical to achieve effective and early action aimed at preventing genocide and other mass atrocities.

In this regard, we wish to highlight the crucial role of the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence, whose work is an essential contribution to seek truth, ensure accountability and promote reconciliation, all of which are essential for the prevention of genocide and other mass atrocities.

We further wish to highlight the crucial role of the UN Office on Genocide Prevention and the Responsibility to Protect, and applaud the Special Adviser to the Secretary General on the Prevention of Genocide, Mr. Adama Dieng, for his tireless efforts to promote and defend the principles enshrined in the Genocide Convention. We therefore urge all member states to continue and strengthen their cooperation with the Special Adviser’s Office, as well as with all other relevant UN bodies. We would also like to call for all member states to urge the UN Secretary-General to progress the appointment of a new Special Adviser on the Responsibility to Protect.

Mr President,

As was noted in Resolution 37/26 on the Prevention of Genocide from 6 April 2018, “further international cooperation is required to facilitate the timely prevention and punishment of the crime of genocide”. In this context, we call upon all member states to sign and ratify the Genocide Convention and, where applicable, enact relevant national legislation.

Resolution 37/26 further reiterated the responsibility of each State to protect its population from genocide through appropriate and necessary means. Such means may include the establishment of national institutions focusing on mass atrocity prevention and the appointment of national Focal Points on the prevention of genocide, which are already engaging in dialogue and the exchange of best practices on an international level. We encourage Member States who have not done so to consider appointing such an R2P Focal Point and help promote genocide prevention at the national, regional and international level.

We also stress the importance of ending impunity for perpetrators of genocide and mass atrocities. Accountability provides a glimpse of justice for victims of atrocity crimes, and helps prevent their recurrence. Therefore, we wish to call upon all member states to continue to investigate and prosecute those responsible for grave breaches of international law and, where applicable, cooperate with the International Criminal Court.

Mr President,

Protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing is our individual and collective responsibility. The best way to uphold that responsibility and to honour the Genocide Convention is by consistently holding perpetrators to account and meaningfully preventing future atrocities.

Thank you.