

## Remarks given by Ivan Šimonović, Assistant Secretary-General for Human Rights

General Assembly informal, interactive dialogue on the “Responsibility to Protect: Timely and Decisive Response”

5 September 2012

(UNOFFICIAL TRANSCRIPTION)

Thank you very much Mr. Chairman, Your Excellencies, Dear Colleagues. I am very thankful to Secretary-General, to President of General Assembly, to Special Advisor, and to Deputy Secretary-General for illustrating and analyzing the concept of Responsibility to Protect. That allows me to focus on specific aspect of Responsibility to Protect, Responsibility to Protect from the Human Rights angle.

The starting point of the Responsibility to Protect is a human rights friendly one. It is the idea that people are entitled to be protected of worst forms of violations, to be protected from genocide, from crimes against humanity, from ethnic cleansing, and from war crimes. In this respect, as Deputy Secretary-General eloquently emphasized sovereignty becomes an obligation. It becomes an obligation of states to protect their own population from these heinous crimes. This is considering the first pillar.

But the idea of second pillar is also human rights friendly one. Its starting point is solidarity among peoples and solidarity amongst nations. There are measures to be taken in order to support countries that are willing but are not capable of protecting their own population. Whether those second pillar’s measures would be focused on capacity building or whether they would be focused on various forms of mediation containing Article 3 of Chapter VI is not that important. It is important that it is support to the sovereign states in order to protect their population.

And now we come to the third pillar, the third pillar the one that carries dangers from the point of view of human rights. Pillar three implies coercive measures, and coercive measures quite often come with human rights price. In order for Responsibility to Protect to be a human rights friendly concept, it is important to avoid coercive measures whenever they can be avoided. If they are unavoidable the price should be reduced. How to avoid them? Prevention, ladies and gentlemen, is possible. There are various ways in how we can contribute as Members States as United Nations but I would focus on human rights information that can contribute to prevention. Human rights office has fifty-eight field presences all over the world. They provide information that are relevant in sense that are warnings about, threats about human rights abuses that could lead to genocide, to crimes against humanity, to ethnic cleansing, and to war crimes. There are treaty body monitoring the situation in various states, and reporting and reviewing the situation, indicating potentially dangerous trends. There are Special Rapporteurs appointed by the Human Rights Council, either thematic or country Rapporteurs, who provide the additional information. What is crucial is timely analysis of that information, observing trends, and using timely second-pillar measures in order to prevent, in order to avoid the use of the third pillar. As far as the Human rights Office is concerned, we do not timely do monitoring, we do capacity building, we are trying to strengthen national independent human rights commissions; we are trying to strengthen human rights approach of national police, judiciary, as well as justice system. Now, in some cases, of course, it is unavoidable to use a third pillar. Now,

the issue is how to reduce the damage when using coercive measures. First of all, advantage should be given to coercive measures that are less dangerous for population whenever we can prevent those crimes by arms embargo, whenever we can use smart sanctions instead of sanctions that are targeting population. There should be an advantage to such sort of functions. If sanctions are implemented they should be closely monitored and see whether they are really serving the purpose or they are unproportionally harming the population that we are trying to protect. Concerning other measures, High Commissioner herself has used referrals and has used to call the Security Council to refer some cases to the International Criminal Court. She has done that in case of Libya and Security Council has followed the advice. She has done that in case of Syria and at the moment there is still no consensus in the Security Council to move forward. Finally, if as a last resort military force is used in order to protect population that should be done in such a way to do maximum to prevent harming of the population. Those were not countries where the Responsibility to Protect has been implemented. However, I will use examples of Afghanistan and DRC in which human rights monitors were registering all the civilian victims in Afghanistan where there were casualties to be held, governmental forces responsible, international forces, or rebel forces. Keeping account of victims is a strong pressure to reduce targeting of civilians. In DRC, in South Kivu, we went even a step further. When United Nations takes joint action together with government against rebel forces, it has been using due diligence in sense of planning the operation and monitoring cooperation. This led to important reduction of suffering of civilians.

Let me finish by summarizing, Responsibility to Protect could be and should be a human rights friendly concept. In order to achieve that first pillar should be encouraged, second pillar should be supported including financially supported in order to enable Member States to avoid atrocities. And finally, third pillar should be avoided but used swiftly, decisively, and, if used, used cautiously. Thank you very much.