

INTERVIEW: Amid increased suffering, responsibility to protect all the more necessary – UN Special Adviser

24 March 2017 – In 2005, the United Nations General Assembly adopted the outcome of the World Summit in which it, inter alia, underscored that each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

In addition to the State's responsibility, the General Assembly also highlighted that the international community, too, has the responsibility to use appropriate means in accordance with Chapters VI and VIII of the UN Charter – the chapters dealing with peaceful settlement of disputes and regional arrangements – to help to protect populations from such crimes.

Within the UN system, the Secretary-General has designated a senior official to serve as his Special Adviser and to support both the organization and UN Member States in implementing the principle as well as in fulfilling the obligation.

The current Special Adviser on the Responsibility to Protect is Ivan Šimonovic who assumed the office in October last year.

Prior to his appointment, Mr. Šimonovic served as the Assistant Secretary-General for Human Rights, heading the New York office of the Office of the UN High Commissioner for Human Rights (July 2010 to September 2016). He has also published extensively in the fields of law and human rights.

UN News spoke with Mr. Šimonovic on the progress made by the international community since the adoption of the principle of Responsibility to Protect, the challenges it is facing at the moment, and his role.

***UN News:* Can you briefly talk about your mandate and role; why do we need the Responsibility to Protect?**

Ivan Šimonovic: I am the Special Adviser of the United Nations Secretary-General for Responsibility to Protect. My mandate is to develop 'Responsibility to Protect' conceptually, politically as well as operationally.

This means clarifying what the principle really is. It means gathering political support for Responsibility to Protect and discussing the ways how it should be implemented and what mechanisms should be used.

Responsibility to Protect is very much needed to protect populations from the worst of all crimes – protect them from genocide, war crimes, ethnic cleansing and crimes against humanity.

Unfortunately, I have to say that those so-called "atrocious crimes" are on

the rise. Therefore activating the Responsibility to Protect – not only speaking about the commitments but also implementing it in practice is hugely important.

UN News: Since the adoption of Responsibility to Protect in the outcome of the 2005 World Summit, what major progress has been made by the international community on fulfilling the principles?

Ivan Šimonovic: There has been quite a lot of progress in the sense of conceptual development of Responsibility to Protect, such as through the Secretary-General's yearly reports and informal interactive debates. It has been clarified what Responsibility to Protect means.

It means that UN Member States are obliged to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. However if a State is unable to do it itself, it is the obligation of other States to provide assistance and support to the State that is under stress.

But if all these efforts do not work, if the State manifestly fails to protect populations or the State itself targets the population, then it is the obligation of other States to act collectively through the Security Council to protect populations.



Women wait with children to be examined at a mobile clinic run in the village of Rubkuai, Unity State, South Sudan. Photo: UNICEF/Modola

UN News: What are the biggest challenges at the moment?

Ivan Šimonovic: The biggest challenge is implementation.

We have seen from 2005 until now, many interactive dialogues, UN Member States expressing commitment, we have also seen Security Council as well as Human Rights Council resolutions having specific provisions dealing with Responsibility to Protect. More and more peace missions have protection of civilians in their mandate.

These are all [indicators of] progress.

But reality check: we are facing an increase of atrocity crimes and this is very concerning.

UN News: Going forward, how can the Responsibility to Protect agenda be advanced? For instance, what can UN Member States do?

Ivan Šimonovic: What UN Member States not only could, but in my firm belief – should do – is that they should regularly conduct risk assessments of risks of atrocity crimes in their own country, and they should introduce mitigation measures to prevent it from happening.

It is not only the responsibility of the Member State to prevent atrocity crimes and punish those who commit them, if they occur. It is also their

obligation to prevent them through a set of measures such as through adequate budget allocations; ensuring their security forces are properly trained, professional, and they know about their obligations in protecting human rights and preventing mass atrocities. There is also a need to ensure that there is no structural discrimination and that there is equal access to justice, so it is a lot to do.

But is also an obligation of Member States who can afford and who have the capacity to help other Member States that have protection gaps to prevent mass atrocities. A very good opportunity to do this is the Universal Periodic Review, which is conducted by the Human Rights Council.

Finally, I think what should also be improved is the Security Council reaction to mass atrocities.

Unfortunately, far too often we have faced situations such as in Syria during which terrible crimes are being committed without adequate reaction because of divisions within the Security Council. So I fully support all initiatives to reduce the veto power in the Council when the issue of atrocity crime is at stake.

As far as peace operations are concerned, we must ensure that their mandates have protection of civilians included. At the same time, adequate means of protection should be provided so that it can work in practice.

UN News: Also, what role can the civil society and other organizations play to help progress the agenda?

Ivan Šimonovic: Responsibility to Protect is defined in outcome document of 2005 World Summit as primarily the obligation of Member States so the civil society in this respect serve as a watch dog – whether the Member States are observing the obligations that they have themselves, free willingly, undertaken.

In practice this could also mean, for example, ahead of the Universal Periodic Review, civil society can submit stakeholder reports emphasizing protection gaps that exist in a country.

Beside this watchdog function, civil society itself can have an active role, it is not obliged by the principle of Responsibility to Protect, because it applies to States, but in the sense of preventing atrocity, especially on a local level, civil society can do a lot in the sense of conflict prevention and conflict resolution.

At the global level, the civil society can work to remind both Member States and the UN of their obligations under Responsibility to Protect.

UN News: In the end, would you like to add anything from your side?

Ivan Šimonovic: I think that in challenging situation, where we are, with atrocity crimes on the rise, all of us – the UN system, Member States, regional organizations and civil society – must work together.

The increase of atrocity crimes is simply unacceptable, we should do more to protect the most vulnerable against horrific crimes, namely: genocide, war crimes, ethnic cleansing, and crimes against humanity.