

## The Genocide Convention at 70

### Address to the Commemoration of the 70th Anniversary Universal Declaration of Human Rights, 10 December, 2018, University of Queensland.

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I would like to begin by acknowledging the traditional owners of this land on which we meet, the Turrbal and Jagera peoples, and to pay my respects to their elders, past, present and future.

I would also like to acknowledge my colleagues at the Asia Pacific Centre for R2P, our inspiring students here at UQ, and our dear friends at the UN Association Queensland and the George Georgas Scholarship Committee.

Unless we are from the Turrbal and Jagera peoples, each of one us here today comes from somewhere else. We have different genders. Ethnicities. Races. We have different religious beliefs or no religious belief at all. We have had different experiences, different education. We think, and we want, different things.

But we are united by more than what divides us.

In particular, we are united by our common humanity, a common humanity reflected in the very foundations of the United Nations itself.

“We the peoples of the United Nations”, the Charter’s preamble begins, “determined to save succeeding generations from the scourge of war” and “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women, and of nations large and small”.

Sadly, it has often taken acts of inhumanity that shock the conscience of humankind to remind us of that.

It is no coincidence, then, that 70 years ago the United Nations General Assembly passed two landmark acts on consecutive days. On 9 December 1948, after years of tireless advocacy by Raphael Lemkin, the Assembly enacted the Convention to Prevent and Punish the Crime of Genocide. The Genocide Convention recognized the “great losses” imposed on humanity by genocide. It underscored that only by cooperation could this “odious scourge” be eliminated. It placed on states a legal obligation to prevent genocide and punish its perpetrators.

The following day, the Assembly issued the Universal Declaration of Human Rights. “All humans are born free and equal in dignity and rights”.

These landmark acts were issued a little more than three years after the end of the Holocaust.

They are connected by more than mere timing. Genocide never appears from nowhere. It is the culmination of hundreds of tiny steps by which a people is stripped of its rights, its dignity, its humanity, and then targeted for extermination. In Nazi Germany it began with hate speech and vilification. It developed into the stripping of rights and property. Incitement followed. Then violence. Then mass murder. The path to the Gas Chamber starts in the politics of discrimination and racism. The foundations of genocide prevention, therefore, lay in the basic principles of human equality and dignity enshrined in the Universal Declaration of Human Rights. Protecting human equality and dignity is everything.

They were inspired by the commitment to “Never Again”.

“Never again” is amongst the most misunderstood of phrases. It was never meant to be a private prayer, or a self-congratulation about victories past. It was intended as a loud demand for action, as a common standard to judge ourselves and our actions against.

The Genocide Convention and Declaration of Human Rights were needed precisely because humanity had so often failed to protect populations from the most awful and massive crimes and abuses. Because the equal worth and dignity of each human remained an alien idea for many. They set a standard and demand our action. Where we see gaps between what they demand and what we deliver, that is a result of our failings, not there’s.

There has been significant progress over the past 70 years, some of the most dramatic in our own region where genocide and atrocity crimes have declined markedly.

To understand that progress, we need to understand just how bad things once were.

Until recently we barely spoke of the millions of Chinese killed by Maoists, including at least half a million shot by firing squads during the Cultural Revolution and the more than a million executed for being less than forthright in their support for the Great Leap Forward.

Even today, the mass killing of around 650,000 alleged communists in Indonesia in 1965-1966 rarely gets a mention.

Nowadays we understand better what the Khmer Rouge did to Cambodia – a quarter of the country’s population killed in three and a half years. At the time, though, the crisis didn’t even get onto the agenda of the UN Security Council, let alone elicit action.

But progress has been made.

149 states have ratified the Genocide Convention, but 45 have not, including 15 states in our own region.

118 states have ratified the Rome Statute of the International Criminal Court.

When I first visited Srebrenica, more than 20 years ago, and attended some of the first burials of the victims of the 1995 genocide there, nobody could have imagined that the mothers and widows of that town would one day see General Ratko Mladic convicted of the crime of genocide for what he did to their sons and husbands. Yet we did live to see that day.

In 2005, all states recognized their “responsibility to protect” populations from genocide and other atrocity crimes, as well as their duties to help one another achieve this goal, and to take timely and decisive action to protect populations when needed.

Today, more than 65 states, including Australia, have appointed a senior official to serve as its “R2P focal point”.

The UN has more than 100,000 peacekeepers deployed with Chapter VII mandates to use all necessary means to protect civilian. Tonight, half a million people in South Sudan, the Central African Republic, DRC, Darfur, and Mali will shelter in the UN’s protection of civilians sites.

Research tells us that the deployment of UN peacekeepers reduces civilian victimization and lessens the chances of war reigniting.

These developments reflect the hard work and determination of people working for the UN, regional organizations, individual states, and civil society to make the genocide convention and UDHR lived realities. They also show us that determined action can make a difference.

In Kenya in 2008, preventive diplomacy led by Kofi Annan stopped that country descending into civil war.

In Cote d'Ivoire in 2011, concerted UN action supported by the AU and ECOWAS prevented violence there escalating.

In Guinea, concerted UN and AU action brought a government back from the brink of gunning down protestors and helped a managed transition of power.

When we prioritise the prevention of atrocity crimes and protection of vulnerable populations, the international community can make a difference.

The goals of the Genocide Convention are not unachievable. We can, and sometimes have, prevented genocide. We can, and sometimes have, prosecuted the perpetrators.

It is just that more often than not, the international community chooses not to do what is necessary to prevent genocide and protect people from it.

As a result, genocide continues to stalk the world and we continue to do too little about it.

As we speak, tens of thousands of children in Yemen are dying or at the risk of dying thanks to preventable diseases caused by malnutrition. This is the result of an entirely man-made famine, caused by war and the deliberate blockage of humanitarian access.

Atrocities have killed more than half a million and displaced more than 11 million people in Syria, yet the world has done little to hold those responsible to account.

Some of you joined us a couple of years ago when we hosted Nadia Murad. Nadia has won the Nobel Peace Prize for her tireless and inspiring work to bring justice to her people and dignity to all those who have suffered from trafficking. Yet the fight for legal accountability for the genocide that IS perpetrated against the Yazidi continues, and we continue to stand with Nadia in that fight.

After years of campaigning and lobbying, we finally saw some progress in South Sudan this year. The Security Council – at last – imposed an arms embargo and international mediators have brokered a new power sharing agreement. But 384,000 people were killed in five years of civil war.

For a painful reminder that genocide continues to stalk the world's most vulnerable populations, we need look no further than to our own region – to Myanmar.

In 2017, the Burmese army unleashed a wave of genocide and terror on the Rohingya population in Rakhine state. Medecins Sans Frontieres counted close to 10,000 killings before it became impossible to continue counting. More than 1 million people were pushed out of

Myanmar. The then UN High Commissioner for Human Rights, Prince Zeid, observed that in his view the campaign of brutality likely amounted to genocide. That is a view that we agree with, and that the US Holocaust Memorial Museum last week confirmed in a detailed report and legal analysis.

80% of women and girls interviewed for one study by the UN reported having been raped. One woman told me “I was lucky, I was only raped five times”.

What did we do about it?

Did we describe what we saw as genocide? Most did not

Have we investigated and brought charges against those responsible? No.

Did we stop cooperating with those responsible? Partially, but only months afterwards

Did we impose sanctions? No

Did we cut or limit investment? No

Have we taken steps to ensure the long term protection of the Rohingya people? No.

We are failing Raphael Lemkin and others who hoped for a world free of genocide.

“The opposite of love is not hatred, but indifference”, commented Holocaust survivor Elie Wiesel. Indifference to genocide and the causes of genocide means that, for all progress, more often than not the international community still looks the other way when genocide strikes or is imminently apprehended.

We all knew what was coming in Rakhine in the middle of last year. Earlier this year, I checked to see what our centre had done to warn of the risks. I found that from the time we started doing early warning and risk assessment we had consistently reported “very high risk” in Rakhine. Before the eruption of violence in 2017, we had raised the alarm fifteen times. It was not that the world didn’t know what was happening, it was that preventing a genocide was not amongst its priorities for Myanmar.

So what can we do to work to better fulfil the goals of the genocide convention and UDHR?

A partnership between UQ and Australia’s Department of Foreign Affairs and Trade now in its tenth year, the Asia Pacific Centre for the Responsibility to Protect makes a modest contribution by supporting the implementation of R2P in the Asia Pacific region and globally.

We do that by working with the UN, regional organizations, governments, civil society, universities, and individuals. We have facilitated national programs to support R2P in almost every country in East Asia, except North Korea and Laos, coordinate a regional network of organizations, and engage directly with governments, ASEAN institutions and the UN.

In the past year, my team have contributed to genocide education in Auschwitz and Tuol-Sleng in Cambodia, they have engaged with the ASEAN Commission on the Protection of Women and Children and the ASEAN Intergovernmental Commission on Human Rights, they have supported the “Friends of R2P” network in Cambodia, and helped develop similar networks in Indonesia, Thailand, and The Philippines, and they have supported UN Women’s work with Rohingya refugees in Cox’s Bazar.

Thanks to their tireless efforts, we have taken steps to begin making genocide prevention a daily lived reality. Here are six concrete ways they have done that in the past year or so.

First, their engagement with governments has increased levels of awareness and deepened levels of commitment. Six Asia Pacific governments have now appointed national R2P focal points – and we directly assist the work of two of those, in Cambodia and Timor Leste. This year, the UN General Assembly held a formal debate on R2P. 14 countries from this region participated, of which 13 used the opportunity to signal their support for R2P and the UN’s approach to its implementation. The one that didn’t was Myanmar. Interestingly, Indonesia, Thailand, Malaysia, Singapore, South Korea, Japan, New Zealand, and Australia all used the debate to lend their support for restraining the use of the Security Council veto in mass atrocity situations.

Second, they have pioneered research, advocacy, and policy innovation on the prevention of sexual and gender-based violence and empowerment of women as agents of prevention and protection. The first research on the links between R2P and the UN’s women, peace and security agenda was done here. The first ever formal ASEAN statement endorsing R2P was drafted here at UQ. It came in the form of a Chair’s statement after the Centre hosted the ACWC for a week of seminars and dialogue on atrocity prevention and the prevention of sexual and gender-based violence. At that same meeting, the ACWC also committed to encouraging ASEAN to develop an action plan to implement the Women, Peace and Security agenda. Earlier this year, ASEAN ministers committed themselves to doing just that.

Third, they have inspired and facilitated a regional Asia Pacific Partnership for Atrocity Prevention, comprising more than 20 civil society and university organizations from right across the region, including China, Bangladesh, and organizations that work inside Myanmar. The partnership focuses on promoting practical cooperation to support atrocity prevention. Next year it will support partners to conduct projects tackling hate speech and incitement in Indonesia and Myanmar, and supporting the prevention of sexual and gender-based violence in Myanmar and Timor Leste.

Fourth, 2018 saw the region’s first ever youth summit for atrocity prevention. Held in Bangkok, and organized by the Centre, more than twenty youth delegates from across the region gathered to discuss what might be done to strengthen the prevention of genocide and mass atrocities in our region. They included a remarkable indigenous Australian woman from the Kimberley and an equally remarkable all-woman delegation representing several of Myanmar’s ethnic minorities. The youth delegates decided to write their own statement of commitment to preventing genocide and mass atrocities and to establish and grow a youth network for atrocity prevention.

Fifth, they facilitate and organize the only ongoing dialogue with Chinese officials and experts on the Responsibility to Protect. In previous years, this allowed the Centre to facilitate the first ever mission to Beijing of the UN Secretary-General’s Special Adviser for R2P. This year, the Beijing dialogue focused on the Kigali principles for the protection of civilians in UN peacekeeping. My colleague and friend, Dr. Sarah Teitt, helped translate the principles into Chinese and in partnership with experts in China produced the first ever Chinese language paper on the Kigali principles. This has helped strengthen understanding of protection of civilians mandates among Chinese peacekeepers and has paved the way for deeper cooperation between Chinese and Australian peacekeeping training centres. Our Chinese counterparts agreed that next year we should jointly examine practical policies for atrocity prevention, focusing on Myanmar.

Sixth, the Centre actively supports the UN, including the Secretary-General and the Office on Genocide Prevention and R2P. I am leading a system-wide lessons learned evaluation of atrocity prevention, requested by the Secretary-General last year, and we are also helping the UN develop its thinking on the civilian dimensions of atrocity prevention.

In addition to those things I have already mentioned, in the coming year we will host the first ever regional meeting of national R2P focal points, here in Brisbane; a Pacific Islands dialogue on atrocity prevention in partnership with the government of Fiji; activities in Malaysia, Indonesia, the Philippines, and we will launch a regional eminent persons group for atrocity prevention, and much more besides.

But we can, and we must, do more. Every one of us here can do something.

We can work through our own networks to build what our late Patron, the great Dr. Surin Pitsuwan – one time Secretary-General of ASEAN – called “communities of compassion”.

Universities and their students, UN Associations, business groups, trades unions, religious communities, women’s groups like WILPF, and other civil society groups and activities connect us and our communities with communities in need and individuals and groups with the capacity to make a difference. We can make much better use of them.

Earlier this year, I helped the Secretary-General develop his report on implementing the Responsibility to Protect. The message was blunt. We are not heading in the right direction.

The international community continues to fall short where it matters most: the prevention of atrocity crimes and the protection of vulnerable populations. The gap between our words of commitment and the experience of vulnerable populations around the world has grown.

But, he argued, we are not yet fully utilizing all the means at our disposal. In particular, we are not fully utilizing all those civilian capacities that we have for preventing atrocities – capacities that can be employed irrespective of whether the Security Council is blocked or not.

He said: “We must further develop and better harness the civilian capacities for atrocity prevention. In both the State and non-State sectors we must engender a spirit of global activism for atrocity prevention. We need to harness this immense capacity, connect it with national, regional and international efforts, and foster a global expansion of civilian action for atrocity prevention.”

We can all play a role in contributing to the Secretary-General’s vision of a surge of civilian activism for atrocity prevention by acting to support this agenda through our networks and groups.

Primo Levi’s haunting account of life and death inside Auschwitz begins with a poem;

“You who live safe  
In your warm houses,  
You who find warm food  
And friendly faces when you return home.  
Consider if this is a man  
Who works in mud,  
Who knows no peace,  
Who fights for a crust of bread,  
Who dies by a yes or no.  
Consider if this is a woman  
Without hair, without name,

Without the strength to remember,  
Empty are her eyes, cold her womb,  
Like a frog in winter.  
Never forget that this has happened.  
Remember these words.  
Engrave them in your hearts,  
When at home or in the street,  
When lying down, when getting up.  
Repeat them to your children.”

Genocide happens still. Let us use the opportunity of this 70<sup>th</sup> anniversary to commit ourselves to acting, to making “Never Again” our call to action.

Thankyou

It is now my great pleasure to introduce my friend and colleague Dr. Sarah Teitt.

Dr. Teitt is deputy director of the Centre and responsible for its work on gender and atrocity prevention, and engagement with Northeast Asia, especially China. She is the only non-Chinese person to publish reports and research on prevention and human protection in Chinese language publications, and can attest from personal experience that her work is very well known and highly regarded amongst Chinese officers training to go on deployment in UN missions. A few weeks ago she was awarded a prestigious fellowship by the Australian Research Council, the only one in the field of international peace and security awarded this year.

Susan Harris Rimmer is an Australian Research Council Future Fellow and Associate Professor at Griffith University Law School, Brisbane Australia.

She is author of *Gender and Transitional Justice* (Routledge 2010) and over 40 refereed works on women's rights and international law.

Susan was Australia's representative to the UN Commission on the Status of Women in 2014, and the W20 (gender equity advice to the G20) in Turkey 2014, China 2016, and Germany 2017. She is a National Board member of the International Women's Development Agency.

Sue was named in the *Apolitical* list of Top 100 Global Experts in Gender Policy in May 2018.

Where were you?