

‘Prevention, protection and prosecution’

Speech by Minister of Foreign Affairs Uri Rosenthal at the plenary session of the Genocide Prevention Conference on 15 March at the Hampshire Hotel - Babylon Den Haag, The Hague

Special Adviser Deng, Your Excellencies, ladies and gentlemen,

A quote: ‘Even when I was ill, I would go to work so that I could look for vegetables or insects in the forest for my daughter to eat. She was so weak and before she died, she asked me for a bowl of rice, but I had nothing to give her. When you lost someone you loved, nobody would help you, we had to bury them ourselves.’ These are the words of Denise Affonço. She was forced to work in the killing fields of Cambodia under the Khmer Rouge regime. She lives today with the memories of the genocide and the loss of her daughter. The statement she made at the Cambodia Tribunal gives her something to hold on to: ‘It is important for me, and my daughter, and the future generation. We have to try to understand what happened, and not forget.’

Here in The Hague, we also understand the importance of challenging impunity. This is the ‘international city of peace and justice’. Home to the major international courts and tribunals of the world. Prosecution in The Hague is the final link in the chain of the international community's involvement in prevention, protection and prosecution regarding the most serious crimes. Since international prosecution also serves as a deterrent, these trials represent a beginning as well as an end. It starts with prevention. And bringing a case to trial, here in this city, completes the chain.

These chain of prevention, protection and prosecution. In reality, preventing or stopping genocide is not as simple as we would like. But that does not mean we shouldn't do everything in our power to forge those links together. The international community has a duty to do so.

Ladies and gentlemen,

In 2005 the member states of the United Nations recognised that they had a shared responsibility to protect populations against genocide, war crimes, crimes against humanity and ethnic cleansing. They called it the Responsibility to Protect. Primary responsibility lies with the state involved. But if a government is unable or unwilling to protect its people, the international community also has a responsibility. And here Responsibility to Protect provides a framework.

It's a common misconception that military intervention is the only way for the international community to stop serious international crimes like those going on in Syria now. Many think it's a choice between military action or doing nothing and seeing how the atrocities play out.

Despite the impact of the horrendous cruelties we see on TV, fulfilling the responsibility to protect can take many forms. The principle comprises three pillars, after all, and with good reason. Military action is only one element of one pillar.

Responsibility to Protect starts with prevention. It means ensuring that states fulfil their own responsibility. That states protect their own people and that people are protected from the state. It means challenging impunity and safeguarding human rights and the rule of law. These principles are laid down in international conventions. So we must encourage countries to sign up to them and put them into practice. If there are signs of serious human rights violations, we call countries to account. We employ preventive diplomacy behind the scenes. Abuses are publicly condemned by political authorities or by the High Commissioner for Human Rights. And in this way we keep human rights violations on the agenda.

The international community doesn't stop at laying down principles. Good governance, proper administration of justice and guaranteed protection of citizens cannot be taken for granted. Through training and knowledge transfer we can help countries improve governance and respect for the rule of law.

But if a state is unable or unwilling to prevent the most serious crimes, the international community needs to go further. Mediation, sanctions, inquiry efforts, civil missions and referral to the ICC: even at this point there are many alternatives to the use of force. Military intervention is the last resort. Prevention is preferable to protection. We should try to prevent the need to use force. And not wait to take action until the violence has escalated.

Ladies and gentlemen,

When we talk about the Responsibility to Protect, we cannot ignore the situation in Syria. Secretary-General Ban Ki-moon called Syria a test of the concept. The images of crimes against humanity by the Assad regime leave no one untouched. The violence, the killing and the torture of men, women and children have to stop. There is increasing public frustration that the world community has so far been unable to end the violence. Of course, the situation in Syria is complicated. The Security Council is divided, the regional situation is complex and no one wants to see the situation within Syria escalate into all-out civil war. The conclusions of the Group of Friends of the Syrian People in Tunis last month need to be implemented in full. We need to find a way forward under Kofi Annan's leadership, increase pressure on Assad to end the violence, and bring Russia and China on board. We need to foster an inclusive political process and guarantee that those who have committed crimes against humanity will be brought to account.

The principle of Responsibility to Protect reaffirms the duty of governments to refrain from violence against their people as well as the responsibility of the international community to act when faced with crimes of this nature. At the same time, the situation in Syria shows how complex prevention, protection and prosecution are in real life.

Both the Netherlands and the international community are working to enhance the principle of the Responsibility to Protect. For example, my country and Rwanda co-chair the Group of Friends on the Responsibility to Protect. The Netherlands supports the Global Centre for the Responsibility to Protect and the joint UN office of Francis Deng and Edward Luck.

Our central task should be to examine the options that lie between ignoring atrocities and military intervention as a last resort. I expect the UN Secretary-General to report this summer on those precise options. When I go to Brazil in April, the Netherlands and Brazil will discuss these issues. And we want to address the subject again in September in New York. The links in the chain of prevention, protection and prosecution do need strengthening.

First, to enhance prevention we need to pay more attention to giving and receiving information. Knowledge has a key role to play. We need to know exactly what is happening, and we need to know at an earlier stage and faster. We need more focused UN fact-finding missions to help ensure that timely information is available. What's more, NGOs, governments and international organisations need to improve their knowledge sharing.

For when a crime like genocide is in the offing, it's vital that we recognise it as soon as possible. The early-warning framework for genocide drawn up by Dr Deng is now also being used to recognise signs of the other three most serious crimes. The Deng framework is an important instrument for gaining insight into situations even before an international crime has been committed. Alarming signals must be shared by governments as soon as possible. And they definitely must lead to early action, not 'analysis paralysis'. Together with the EU and the US, the Netherlands is looking at how to enhance both early warning and early action if there are signs that international crimes are being committed.

Second, we must continue developing our mediation skills and preventive diplomacy. There are opportunities to be seized here. That's why the Netherlands is supporting capacity-building for mediation, both within the UN and at relevant NGOs. In addition, we need a more targeted approach to non-military sanctions. We have to ensure that sanctions hit those responsible for crimes, and not the civilian population.

Third, we must challenge impunity by ensuring that more states become parties to the Rome Statute of the International Criminal Court. In that case the net of states parties will close around those responsible for international crimes. By making agreements with other states parties we can arrest and bring to trial the worst violators of human rights. It's important, for example, that Joseph Kony and other commanders of the LRA be captured and brought to The Hague to answer for their actions. Where a state party itself is unable or unwilling to prosecute, the ICC will do so instead, and there will be a deterrent effect. Prevention continues when conflict ends.

Fourth, in our capacity-building efforts we should focus more on prevention. We need to be more keen on recognising states' potential weak spots. The Netherlands is working on this in Burundi. Burundi was lacking properly trained police and armed forces to protect its people. So we are helping to organise the security sector and train its officers.

Fifth, we also need to pay special attention to women when it comes to preventing atrocities and peacebuilding in vulnerable countries. Because they play a pivotal role in society.

In Liberia, it was women who ended the civil war. They took to the streets dressed in their white T-shirts, armed only with colourful signs, and demanding peace. They urged their husbands and sons to lay down their arms and return home. These women ended the conflict in 2003 and Liberia remains relatively stable today.

As my American counterpart, Hillary Clinton, has said, we should talk about women not as victims, but as future leaders. The influence women exert in the family, the village and the clan needs to be

reflected in society, the economy and the institutions of political power. If women do not take part in conflict resolution and mediation, lasting peace will be impossible.

The Netherlands has a National Action Plan that puts UN Security Council resolution 1325 into practice. We are promoting the political participation and leadership of women in six countries that are or have been in conflict. We're involving women in reconstruction. We're galvanising them so they can demand an equal role and help create a more stable society which is less vulnerable to violence.

Ladies and gentlemen, so the international community has more options than doing nothing or using military force. We can – we must – get better at using them. The Netherlands is doing what it can to prevent atrocities.

We want to help forge the links in the chain of prevention, protection and prosecution. To help the international community build a chain that won't break when tested. A chain to bind international criminals, so that in Cambodia, other Khmer Rouge leaders, besides Duch, can be convicted. A chain to protect ordinary people, like Denise Affonço, from the most serious crimes. A chain of states working together to prevent crimes like those committed by the Khmer Rouge. So that that genocide survivors like Ms Affonço can make peace with what has happened to them. So they can join with the next generation and look to the future, without ever having to forget.

Thank you.