



ARMENIA

SECOND INTERNATIONAL DAY OF COMMEMORATION AND DIGNITY OF THE VICTIMS OF THE CRIME OF GENOCIDE AND OF THE PREVENTION OF THIS CRIME

REMARKS BY ZOHRAB MNATSAKANYAN
AMBASSADOR, PERMANENT REPRESENTATIVE OF ARMENIA TO THE UN

9 DECEMBER 2016

Mr Deputy Secretary General,
Special Adviser Dieng,
Excellences,
Distinguished Panellists,
Ladies and Gentlemen,
Dear Guests,

2016 marks the 70th anniversary of the beginning of a long yet incomplete process within the United Nations to address a crime, which "shocks the conscience of mankind", "an odious scourge" "contrary to moral law and to the spirit and aims of the United Nations".

70 years ago, on 11 December 1946, the United Nations General Assembly unanimously adopted a landmark Resolution 96/1, which effectively endorsed the word "genocide" as "the denial of the right of existence of entire human groups" and affirmed it as a crime under international law. On this 70th anniversary, I invite all of us to pay tribute to India, Cuba and Panama as the sponsors of this ground breaking Resolution, which paved the way for the drafting and the adoption two years later, on this very day, 9 December 1948, of the Convention on the Prevention and Punishment of the Crime of Genocide. This was a moment of triumph for one man, Raphael Lemkin, a prominent lawyer, a man of principle, integrity and deep sense of a duty, who virtually dedicated his entire life to awakening the human conscience in practical terms of developing international law aimed at prohibiting the destruction of national, racial, ethnic and religious groups, the destruction of human identity.

Today, for the second time since the adoption of Resolution 69/323 on 11 September 2015, we gather within the United Nations to commemorate the victims of past genocides, to honour their dignity and to manifest our collective resolve to prevent by all means the reoccurrence of this crime. 9 December is a reminder of our

collective guilt for past inaction. 9 December bears a function of raising awareness and promoting education about the dangers of genocide, about the Convention, its goals and purposes. 9 December is a platform to advance and promote our collective dialogue on the moral and political imperative to consistently elaborate a strong and effective national and international system of prevention.

Once again, as the main sponsor of Resolution 69/323 and a committed advocate to develop a rigid international machinery of prevention, Armenia reaffirms its deep appreciation to all its partners, including member states, the United Nations system, the civil society organisations, academia and the international media for their unwavering commitment, support and contribution to our collective responsibility of preventing atrocity crimes, including the crime of genocide.

As is often observed today, back than in the times of Raphael Lemkin as well a considerable degree of scepticism and resistance to addressing assaults on identity of vulnerable groups within national borders has been exposed to view. The quest undertaken by Lemkin, on the other hand has been about challenging and confronting the right to kill behind the thick curtain of sovereignty. The profound achievement of Lemkin, of the drafters of the Convention, of the United Nations has been exactly in endorsing international responsibility upon sovereign states to protect their populations from genocide. However, to our collective shame, while Lemkin has elaborated the term genocide on the analyses of atrocities and mass exterminations of minorities taking place within his lifetime, while he laid foundations for the legal definition of the crime and for its prevention and punishment, while the Convention has been in place for 68 years, the phenomenon of genocide continued to take place in our lifetime as well. We should not entertain any illusion whatsoever that an occurrence of new genocides is firmly fenced off. XXI century may rattle our conscience yet again, as tendencies of radicalism, hatred and exclusion are overwhelming national and international agendas. We should be consistently reminded about the deeply penetrating and intensely agonising long-term horrific effects on societies having experienced the phenomenon of genocide. Perhaps genocide is not the kind of a crime that occurs often. It is quite telling that during the times of Lemkin's efforts to impress on the international community the imperative to act against barbarity within national borders, deeply rooted scepticism about developing an international instrument against genocide has persisted on the grounds that such crimes are too seldom to legislate. Lemkin's argument, amongst many, has been about the permanent loss of a group targeted with genocide, while the survivors of genocide would be forever deprived of an invaluable part of their identity. Indeed, seldom as it may be, genocide is an ultimate crime. One genocide is one too many, while denial of justice haunts generations of genocide survivors.

The primary responsibility for the protection of their populations, including, and, in particular, minority groups, and for the prevention of atrocity crimes within their borders lies squarely with sovereign states. It is, of course, also an international obligation upon every member of the United Nations. The centrality of the national level of prevention determines the priority of consistently addressing the resilience of national institutions to sustain political, social and economic harmony, to promote inclusive societies with solid foundations for the protection of all human rights, and governance firmly based on the rule of law. This is, undeniably, the perfect condition to prevent atrocities at the earliest stage possible. However, challenges to sustainability of rigid protection systems may expose any society to risks of deterioration. Capacity to recognise underlying risks that may develop into genocidal tendencies is not necessarily manifest in peaceful times. Indeed, the tragic history of the family members of Rafael Lemkin is one such example of incredulity towards impending catastrophe in times of carrying on with ordinary lives.

Over time, the contemporary expert community, including within the United Nations, has been studiously elaborating the concept of early warning system. In short, one might advise to consider the concept of early warning system in the context of the propensity to recognise behind deteriorating conditions of the functioning of the national institutions or growing tendencies of human rights violations the far-reaching consequences of such situations. In other words, every instance of torture, for example, or every occurrence of discrimination should be viewed beyond its face value and through the prism of early warning signs indicating potential risks of atrocity crimes. To insist that any given society is immune from committing atrocity crimes is a false view. To erect solid foundations of early prevention, to raise awareness and educate about the risks of deep and lasting social and political disintegration and ignominy as a result of genocide is a guarantee against the actual perpetration of such crimes and its consequences.

In the context of early warning system of preventing genocides, the assessment of the rigidity of national institutions and their capacity to resist deterioration targets the quality of the functioning of independent and impartial judiciary, accountability of the state security and law enforcement machinery, the degree to which societies are open and inclusive, the scope of political space for participation in governance, the strength of civil society, the status of basic freedoms, including freedoms of assembly and association, speech and expression, as well as the conditions for the operation of free media. This is a broad and non-exhaustive framework of guarantees, within which minority groups should be expected to also obtain additional specific and targeted political and legal protection substructures, aimed at securing their national, ethnic, religious and racial identity.

The national protection systems are further reinforced by the depth of cooperation of national governments with the international and regional human rights institutions. The United Nations with its elaborate human rights and prevention machinery has every reason to claim a strong role in advancing a consolidated early warning system against genocide and other atrocity crimes. It is far from perfect. Otherwise we would not have admitted repeatedly "complicity with evil". Amongst other things, the aim we collectively pursue today is exactly in contributing to the further expansion of the early warning system within the UN. However, within the existing machinery there are sufficient instruments to assist member states in assessing and advancing the national levels of prevention. With sufficient political will, the Universal Periodic Review mechanism, as well as the national reporting practice within UN Treaty Body mechanisms could, for example, be effective platforms for such function.

Finally, the centrality of the Special Adviser of the Secretary General on the Prevention of Genocide in the global promotion of the agenda of prevention deserves full recognition and support. Over the past twelve years since the inception of this Office, each of the three Special Advisers, including Juan Mendez, Francis Deng and you, Mr Dieng, have made considerable contributions to elaborating the concept of prevention and early warning system. This office has been equipping states and the UN system with instruments of detection and assessment of risk situations.

While speaking of the Office of the Special Adviser, we should also pay tribute to the late Benjamin Whitaker, who back in 1985 in his landmark report to the United Nations provided in-depth analyses of early warning mechanisms and initiated the idea of an impartial international body concerned with the prevention of genocide.

The list of early warning signs that might lead to genocide, elaborated by Juan Mendez and contained in his report to the Human Rights Commission in 2006 is as relevant today. This remains an important blueprint for developing further analyses and methodology of risk assessment. Persistent violations of basic civil and political rights, especially those targeting specific groups at risk, climate of impunity and absence of accountability, hate speech, incitement to violence, humiliation of a group in the media, forced relocation, segregation or isolation of a group, a history of vilification, denial of past genocides and atrocities, celebration of instances of abuse of a group are amongst such conspicuous warning signs, which, if not addressed, may lead to the occurrence or reoccurrence of the crime of genocide.

The Framework of Analyses for Atrocity Crimes, elaborated in 2014 jointly by Mr Dieng and the Special Adviser on the Responsibility to Protect, Jennifer Welsh, represents an elaborate tool for prevention

and should be widely used by member states, the United Nations, especially in the field, as well as the civil society.

In conclusion, Ladies and Gentlemen, the gathering today is about commemorating the victims of genocide and their dignity. That we are compelled to have this date at all is a manifestation of our collective failures in the past. So often so many desperate people around the world look at the United Nations as a voice of conscience and a shepherd to rescue and survival. It is heart breaking to admit that the United Nations and we collectively have not always been up to this mission. We cannot possibly diverge from our commitment to prevent lest we forget that we are duty bound before the victims and before our collective conscience. "Never again" must not be a shallow phrase.

Thank you.