

## Summary of the Informal Interactive Dialogue of the UN General Assembly on the Responsibility to Protect, 6 September 2017

The eighth Informal Interactive Dialogue on the Responsibility to Protect (R2P) was held in the UN General Assembly (UNGA) on 6 September 2017. A record number of states spoke at the Interactive Dialogue addressing the UN Secretary-General's ninth annual report on R2P, entitled *Implementing the responsibility to protect: Accountability for prevention (A/71/1016-S/2017/556)*. During the dialogue seventy-three member states, two UN observer missions and the European Union (EU) delivered statements on behalf of ninety-eight states. The Netherlands delivered a statement on behalf of the fifty members of the Group of Friends of R2P. Five civil society organizations, including the Global Centre for the Responsibility to Protect, also delivered statements.

While the discussion demonstrated broad conceptual agreement on the principle of R2P, member states used the dialogue to reflect upon obstacles to consistent collective action to prevent genocide, war crimes, crimes against humanity and ethnic cleansing. Member states also used the dialogue to voice their concerns about the growing number of mass atrocity victims worldwide, and about the weakening of the international norms that safeguard humanity.

### BACKGROUND TO THE DIALOGUE

In adopting paragraphs 138-139 of the World Summit Outcome Document states committed to ongoing consideration of R2P. While R2P has not been on the formal agenda of the General Assembly since a debate was held during January 2009, an interactive dialogue has been held every year since 2010 following the release of the Secretary-General's annual report. The ninth report of the Secretary-General on R2P highlights the importance of strengthening legal, moral and

political accountability for the implementation of R2P, outlines practical steps that member states can take to bolster mass atrocity prevention, emphasizes the importance of facilitating collaboration between national, regional and global actors to achieve effective prevention strategies, and underlines the necessity to enhance early warning capabilities to halt the commission of genocide, war crimes, crimes against humanity and ethnic cleansing.

### PARTICIPATION OVERVIEW

H.E. Mr. Peter Thomson, President of the 71<sup>st</sup> General Assembly, opened this year's dialogue, followed by introductory remarks by UN Secretary-General António Guterres. Speaking about his first report on R2P, Secretary-General Guterres voiced his "conviction that the United Nations must give far greater attention to addressing problems before they escalate and spiral out of control. Prioritizing prevention means setting an agenda that must include practical measures."

The Secretary-General's remarks were followed by a panel of experts including the Under-Secretary-General for Political Affairs, Mr. Jeffrey Feltman, UN Special Adviser on the Prevention of Genocide, Mr. Adama Dieng, UN Special Adviser on the Responsibility to Protect, Mr. Ivan Šimonović, and Administrator of the UN Development Programme, Mr. Achim Steiner. These remarks were followed by interventions from the EU, seventy-three member states and two UN observer missions speaking on behalf of ninety-eight states. Five civil society organizations - the Global Centre for the Responsibility to Protect, Auschwitz Institute for Peace and Reconciliation, Asia-Pacific Centre for the Responsibility to Protect, Canadian Centre for the Responsibility to Protect, and International Coalition for

the Responsibility to Protect - also delivered statements. The Special Adviser on the Responsibility to Protect, Ivan Šimonović, moderated the discussion.

The statements delivered on behalf of the EU, the fifty members of the Group of Friends of R2P, the “Baltic Three” (Estonia, Latvia and Lithuania) and the Nordic countries (Norway, Sweden, Denmark, Finland, Iceland), as well as a record number of individual speakers, meant that the overall number of viewpoints expressed this year was higher than that of all previous dialogues.

The statement of the Group of Friends of R2P welcomed the central place that prevention occupies in the Secretary-General’s report, asserting that, “legal, political and moral accountability [...] for mass atrocity crimes is among the most effective ways of preventing their recurrence.” The statement also argued that in order to strengthen their early warning capabilities, states should make better use of the prevention tools already at their disposal, such as the Human Rights Council’s Universal Periodic Review, the Framework of Analysis for Atrocity Crimes and the Human Rights Up Front Action Plan.

Forty members of the Group of Friends of R2P also made statements in their national capacity. Of the fifty-nine members of the Global Network of R2P Focal Points, thirty-four spoke in their national capacity.

The dialogue saw increased participation from the Asia-Pacific, Eastern Europe and Western Europe and Others groups. Saudi Arabia and Haiti each spoke for the first time in an R2P dialogue, while one country – Andorra - and two UN observer missions– Holy See and Palestine - spoke for the first time since 2009. Seventeen states have participated in all nine General Assembly discussions of the Secretary-General’s reports on R2P: Australia, Brazil, Canada, Chile, Costa Rica, Cuba, France, Georgia, Germany, Iran, Mexico, Netherlands, Republic of Korea, Switzerland, United Kingdom, United States and Venezuela.

Dr. Simon Adams, in his statement on behalf of the Global Centre for the Responsibility to Protect, emphasized that, “the inability of the international community to consistently uphold its responsibility to protect in conflicts across the globe has contributed to a historic weakening of the norms that bind and safeguard humanity.” Dr. Adams stressed that R2P “is a promise to those people for whom crimes against humanity, ethnic cleansing, war crimes or genocide are not abstract words. It is incumbent upon the states gathered here to

honor that promise, to uphold that principle, and to take proximate preventive action, wherever and whenever these crimes are threatened.”

### Participation in the 2017 Dialogue

Africa Group	Botswana, Egypt, Ghana, Morocco, Nigeria, Rwanda, South Africa, Sudan.
Asia-Pacific Group	Bangladesh, China, Democratic People’s Republic of Korea, India, Iran, Iraq, Japan, Kazakhstan, Myanmar, Pakistan, Philippines, Qatar, Republic of Korea, Saudi Arabia, Solomon Islands, Syria, Thailand, Turkey, Vanuatu.
Eastern Europe Group	Armenia, Azerbaijan, Belarus, Croatia, Czech Republic, Georgia, Hungary, Latvia (on behalf of the “Baltic 3,” including Estonia and Lithuania), Montenegro, Russia, Slovakia, Slovenia, Ukraine.
Latin American and Caribbean Group	Argentina, Bolivia, Brazil, Chile, Costa Rica, Cuba, Ecuador, Guatemala, Haiti, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela.
Western Europe and Others Group	Andorra, Australia, Belgium, Canada, France, Germany, Ireland, Israel, Italy, and Liechtenstein, Luxembourg, Netherlands (on behalf of the Group of Friends of R2P), Norway (on behalf of the Nordic States: Denmark, Finland, Iceland, and Sweden), Spain, Switzerland, United Kingdom, United States.
Regional Orgs.	European Union.
Observer Missions	Holy See, Palestine.

### KEY THEMES

The overwhelming majority of participating member states expressed their commitment to paragraphs 138 and 139 of the UN World Summit Outcome Document. Noting that in too many situations the international community is failing to uphold that commitment, numerous speakers echoed South Africa’s sentiment that more needs to be done to “bridge the gap between our near universal commitment towards the prevention

of atrocity crimes and the current state of implementation of these commitments.”

Participants at the dialogue underscored the importance of strengthening practical efforts for preventing atrocity crimes and protecting vulnerable populations. As in previous years, while a small minority of states – including Venezuela, Cuba, Sudan, Syria, and the Democratic People’s Republic of Korea - challenged application of the principle of the responsibility to protect, the discussion was generally positive with many states voicing strong support for placing R2P on the formal agenda of the UN General Assembly. Responding to the recommendations in the Secretary-General’s report, member states discussed the need to hold one another accountable for failures in prevention, including through upholding the Accountability, Coherence and Transparency Group’s Code of Conduct. In that regard, Liechtenstein referred to the Code of Conduct as “the most meaningful contribution to making the R2P concept operational in practice,” suggesting that, by fully implementing it, the international community could ensure that the UN Security Council upholds its duties in mass atrocity situations.

#### *Secretary General’s Prevention Agenda*

Member states acknowledged that one of the biggest challenges in the implementation of R2P over the past twelve years has been in translating early warning into timely action.

Seventy-five countries referred to the Secretary-General’s Prevention Agenda, many welcoming the central place that R2P occupies within it. In their statement, the Group of Friends emphasized that they share the views expressed by the Secretary-General regarding the necessity to “prioritize the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity, not just in word but also in deed.”

China noted that the international community should prioritize non-coercive preventive measures such as “dialogue, negotiations and good offices, and take timely, reasonable and appropriate measures at the early stage of crises to solve the disputes through political means.”

#### *Support for the ACT Code of Conduct and France/Mexico Initiative*

The Security Council’s inability to adequately respond to some mass atrocity situations, notably in Syria and Yemen, was at the center of this year’s dialogue.

Speaking on behalf of Baltic countries, Latvia reminded that, in situations of egregious human rights violations, the “Security Council has a special responsibility to take timely and decisive action to prevent the outbreak of brutality against innocent people,” but added that, “unfortunately, on many occasions the privilege of the veto has been abused and left the Council paralyzed.”

Andorra similarly expressed its “enduring support for the international initiatives aimed at restraining the use of veto in the Security Council in situations of grave human rights violations,” reaffirming its conviction that the permanent members of the Council (P5) have a responsibility not to veto in cases of genocide, war crimes, ethnic cleansing and crimes against humanity. This view was shared by a large number of member states, including Chile, Ghana and Costa Rica, who all urged the P5 to refrain from using their veto in situations where populations are at risk of mass atrocity crimes.

Fifty-nine countries explicitly supported the Accountability, Coherence and Transparency Group’s Code of Conduct regarding Security Council action against genocide, crimes against humanity and war crimes, in addition to fifty-three member states who supported the initiative of the governments of France and Mexico on veto restraint. Support for both initiatives, as well as for wider Security Council reform, has been consistently growing since 2013.

#### *Including R2P on the Formal Agenda of the UNGA*

Sixty-five countries expressed their support for the efforts led by Ghana and Australia to move R2P onto the formal agenda of the UN General Assembly. Advocating for the inclusion of R2P as a formal agenda item, Luxembourg declared that, “the time has come for the General Assembly to pass a resolution recognizing and supporting this indispensable norm for the prevention of atrocity crimes.” To achieve this, Luxembourg argued that it was also imperative to further empower the General Assembly to respond to gross human rights violations.

On 15 September, nine days after the interactive dialogue, the UN General Assembly voted by 113 to 21 to include a supplementary item entitled “The Responsibility to Protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity” on the Formal Agenda for its 72nd session.

### *The Global Network of R2P Focal Points*

During the interactive dialogue, forty-one countries emphasized the role of R2P Focal Points in upholding the Responsibility to Protect and proactively responding to mass atrocity situations. Participants from each regional group noted the importance of the network as a community of commitment, which was also stressed by the UN Development Programme's Administrator as well as the Special Adviser on the Prevention of Genocide.

Belgium noted that the appointment of an R2P Focal Point was particularly useful in "gauging how States are strengthening human rights domestically" and in assessing "their institutional resilience to the threat of mass atrocities." Echoing Belgium's remarks, Argentina argued that the Global Network of R2P Focal Points was a "crucial tool to build individual and collective capacities for preventing mass atrocities."

### *Supporting the Role of the Special Advisers on the Prevention of Genocide and R2P*

A number of states called for the strengthening of the UN Office on the Prevention of Genocide and R2P, while fifty-three countries expressed support for the Framework of Analysis for Atrocity Crimes. Italy emphasized the "importance of early warning mechanisms, such as the Framework of Analysis, which should be integrated into pre-deployment and in-theatre training for all peacekeepers." Numerous countries also voiced their appreciation and continued support to the Joint Office of the Special Advisers, emphasizing that both Mr. Adama Dieng and Mr. Ivan Šimonović should continue to play a central role in the UN's preventive efforts.

Cross-regional support for the Joint Office was also reflected in the statement of Kazakhstan which, having joined the Security Council on 1 January 2017, encouraged its Council counterparts to request more regular briefings from the Special Advisers on country situations where civilians are at risk.

### *Holding Atrocity Perpetrators Accountable*

While prevention must remain at the forefront of R2P efforts, the need for accountability – to ensure justice for victims and deter the recurrence of mass atrocity crimes – was stressed by a large number of states, with many countries specifically mentioning the International Criminal Court (ICC) as a crucial instrument to hold perpetrators of genocide, war crimes,

ethnic cleansing and crimes against humanity accountable.

As the central focus of this year's report, accountability occupied a prominent place in the statements delivered by the various speakers. In that regard, France argued that the "ICC, which is based on the principle of complementarity and which only exercises its competency when a given state is either unwilling or unable to prosecute those responsible for mass atrocity crimes, remains key to the implementation of R2P." The Baltic States and Thailand also expressed their conviction that the ICC and R2P should be envisaged as interdependent elements for mass atrocity prevention.

Several countries also highlighted the importance of strengthening international investigation and monitoring mechanisms. In that regard, fifty-one countries expressed their support for the International, Impartial and Independent Mechanism (IIIM) on atrocity crimes committed in Syria, echoing Canada's conviction that such mechanisms are critical "to respond to situations of serious violations of international human rights and humanitarian law, including atrocity crimes, and to deter the recurrence of violations." Support for the IIIM was also acknowledged in statements delivered by Germany, Belgium and Costa Rica.

### *Pillar 2 Measures and Capacity Building*

During the dialogue numerous member states expressed support for all three pillars of the Responsibility to Protect, with many countries reaffirming their commitment to paragraphs 138-139 of the UN World Summit Outcome Document. A total of forty-six states noted the central importance of pillar two, echoing Brazil's views that, "for R2P to live up to its original ethos, it must not be interpreted as primarily aimed at the imposition of coercive measures, but rather as an enabler to assist States in developing the capacity to protect their populations and in building safer societies."

Noting that development and R2P were inextricably linked, Brazil added that, "prevention should be interpreted in broad terms. It involves promoting sustainable peace, food security, the eradication of poverty and the reduction of inequality." Emphasizing the necessity to invest in pillar two measures while implementing R2P, Sudan also noted that the international community should "focus on social, economic and environmental development in order to address the root causes of conflict and in order to

prevent atrocity crimes. In this regard, we need to provide assistance to developing countries, to build their capacities in the field of the rule of law, development, economic and social development, and building States' institutions and ensuring national unity."

### *The Human Rights Council and the UPR*

A diverse array of member states referred to the Human Rights Council (HRC) as a vital institution for the operationalization of R2P, with sixty-six countries acknowledging the HRC's Universal Periodic Review (UPR) mechanism as a crucial tool for the prevention of human rights violations around the globe. Speaking on behalf of its twenty-seven member states, the EU welcomed the Secretary-General's comprehensive atrocity prevention strategy and noted that "incorporating the Human Rights Council, human rights treaty bodies [...] as well as the Universal Periodic Review process" into the R2P framework was crucial for the effective prevention of genocide, war crimes, ethnic cleansing and crimes against humanity.

Insisting on the necessity to forge closer ties between UN institutions in New York and those in Geneva, Spain similarly argued that the UPR mechanism was a particularly "useful tool to alert us as to whether enough is being done nationally, regionally and internationally for the prevention of mass atrocity crimes." Cross-regional support for a more comprehensive inclusion of HRC institutions and instruments in the R2P strategy was also reflected in the statements delivered by Mexico, Montenegro, Georgia, Armenia, Ghana, South Korea and Ireland.

## **CONCLUSION**

The ninth Informal Interactive Dialogue on the Responsibility to Protect featured diverse perspectives on how best to overcome challenges in implementing R2P and mobilizing collective action for the prevention of mass atrocity crimes.

In his remarks UN Secretary-General António Guterres urged member states to "move beyond the conceptual debate towards improved protection of people from atrocity crimes," suggesting that "by confronting misunderstandings and deficiencies in our past responses we can improve our efforts and overcome the political disagreements and the distrust that is so often at the heart of the UN's weaknesses in effective prevention."

While acknowledging that ongoing atrocities around the globe are a constant reminder of the gap that still exists between the promise and the reality of R2P, states used the dialogue to constructively debate practical steps that the international community could take in order to better uphold the historic pledge taken in 2005. Member states attending the dialogue demonstrated that today more than ever, R2P retains its practical utility, political significance and moral relevance.