

Summary of the UN General Assembly Plenary Meeting on the Responsibility to Protect

The UN General Assembly held a plenary meeting on the “Responsibility to Protect (R2P) and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity” on 25 June and 2 July 2018 as part of the formal agenda of its 72nd session. The debate constituted the first formal consideration of R2P by the General Assembly since 2009. One regional organization (European Union) and 79 member states made statements on behalf of 113 countries.

While the discussion demonstrated broad conceptual agreement on the principle of R2P, member states used the debate to reflect upon challenges and opportunities for mobilizing collective action to prevent genocide, war crimes, crimes against humanity and ethnic cleansing. At a time when more than 68 million people are displaced by conflict, war and persecution, member states expressed concern about the growing number of mass atrocity victims worldwide and about the weakening of all the international norms that safeguard humanity.

BACKGROUND TO THE DIALOGUE

This year’s plenary meeting marks the first time that R2P has been included on the formal agenda of the General Assembly since a debate was held during January 2009. With the 2005 adoption of paragraphs 138-139 of the World Summit Outcome Document and through Resolution 63/308 at the 2009 debate, states committed to ongoing consideration of R2P. Between 2010-2017 member states held eight informal interactive dialogues on R2P. Australia and Ghana led efforts to have R2P included on the agenda of the 72nd UN General Assembly.

Since 2009 the UN Secretary-General has released ten reports on the Responsibility to Protect. This year’s

report, entitled “From Early Warning to Early Action,” emphasizes that implementing R2P remains an important element of the Secretary-General’s broader strategy for prioritizing prevention within the United Nations. The report outlines a strategy to prevent mass atrocity crimes, including reviewing and strengthening existing preventive capacities, promoting accountability, and expanding civilian action for the prevention of genocide, war crimes, crimes against humanity and ethnic cleansing.

PARTICIPATION OVERVIEW

H.E. Mr. Miroslav Lajčák, President of the 72nd General Assembly, opened the debate followed by introductory remarks by UN Secretary-General António Guterres. Reflecting upon the gap between words and deeds, Secretary-General Guterres emphasized to member states that “open and frank exchanges such as this are necessary to dispel misconceptions and mistrust. We have to forge mutual understanding and establish stronger support for the responsibility to protect as a key tool of protection and prevention.” The President of the General Assembly also stressed that prevention is at the core of the responsibility to protect, reminding states that “we have all committed, through the [UN] Charter’s first line, to save future generations from the scourge of war. And the responsibility to protect is based on this very objective.”

The remarks of the President of the General Assembly and the Secretary General were followed by interventions from Qatar, on behalf of the Group of Friends on R2P¹; the European Union (EU), on behalf of its member states as well as Albania, Georgia, Moldova, Montenegro, Serbia, Ukraine and the Former Yugoslav Republic of Macedonia; Kiribati, on behalf of the Pacific Islands

Forum; Latvia on behalf of the “Baltic Three;” and 76 additional member states. Consequently, the overall number of viewpoints expressed during this debate exceeded the participation observed during all of the informal interactive dialogues between 2010-2017.

Participation in the 2018 Debate	
Africa Group	Egypt, Gabon, Ghana, Libya, Mauritius, Morocco, Nigeria, Rwanda, South Africa, Sudan.
Asia-Pacific Group	Bangladesh, China, Democratic People’s Republic of Korea, Fiji, India, Indonesia, Iran, Japan, Kazakhstan, Kiribati (on behalf of the Pacific Islands Forum), Malaysia, Myanmar, Pakistan, Palau, Papua New Guinea, Philippines, Qatar (on behalf of the Group of Friends of R2P), Republic of Korea, Singapore, Syria, United Arab Emirates, Viet Nam.
Eastern Europe Group	Albania, Armenia, Azerbaijan, Croatia, Czech Republic, Hungary, Latvia (on behalf of the “Baltic 3,” including Estonia and Lithuania), Poland, Russia, Slovakia, Slovenia.
Latin American and Caribbean Group	Argentina, Bolivia, Brazil, Chile, Costa Rica, Cuba, Ecuador, Guatemala, Honduras, Mexico, Panama, Peru, Uruguay, Venezuela.
Western Europe and Others Group	Andorra, Australia, Belgium, Canada, Denmark, Finland, France, Germany, Ireland, Israel, Italy, Liechtenstein, Luxembourg, Netherlands, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States.
Regional Orgs.	European Union (on behalf of its 27 member states as well as Albania, Georgia, Moldova, Montenegro, Serbia, Ukraine and the Former Yugoslav Republic of Macedonia).

The statement of the Group of Friends of R2P recognized that:

“since 2005, considerable progress has been made by the UN, Member States and other stakeholders,

including civil society, in operationalizing our commitment to R2P at the national, regional and international levels. International and national actors have been successful in creating frameworks for identifying risks, developing early warning mechanisms, articulating inhibitors of atrocity crimes and creating new institutional mechanisms.”

The statement welcomed the formal debate as a significant opportunity to share national experiences and best practices for preventing atrocities. The Group of Friends also argued that in order to strengthen their early warning capabilities, states should better utilize the entire UN system to make use of existing tools, such as the Human Rights Council’s Universal Periodic Review process. Thirty-seven members of the Group of Friends of R2P also made statements in their national capacity. Of the 59 members of the Global Network of R2P Focal Points, 37 spoke in their national capacity.

The debate saw increased participation from the Africa, Asia-Pacific, and Western Europe and Others groups. Gabon, Kiribati, Mauritius and Palau each spoke for the first time in an R2P debate or dialogue, while two countries – the United Arab Emirates and San Marino – spoke for the first time since 2009. Sixteen states who have participated in all ten General Assembly discussions of the Secretary-General’s reports on R2P also made statements during the formal debate: Australia, Brazil, Canada, Chile, Costa Rica, Cuba, France, Germany, Iran, Mexico, Netherlands, Republic of Korea, Switzerland, United Kingdom, United States and Venezuela.

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 Kiribati’s sentiment, speaking on behalf of the Pacific Islands Forum, that implementation of the Responsibility to Protect principle should be the focus of ongoing discussion within the General Assembly, rather renegotiating or reinterpreting the commitment made in 2005.

Participants at the dialogue underscored the importance of strengthening practical domestic and international efforts for preventing atrocity crimes and protecting vulnerable populations. While a small minority of states

– including Cuba, Democratic People’s Republic of Korea, Russia, Sudan, Syria and Venezuela – challenged application of the principle of the Responsibility to Protect, the discussion was largely positive. Many states welcomed the inclusion of R2P on the formal agenda of the General Assembly, with 84 states and the EU calling for it to be included as a standing agenda item. Additionally, 75 member states and the EU expressed support for the Office of the UN Special Advisers on the Prevention of Genocide and the Responsibility to Protect, emphasizing that both positions should continue to play a central role in the UN’s preventive efforts. Noting the end of Special Adviser Ivan Šimonović’s tenure earlier this year, 70 states and the EU also called for the swift appointment of a new Special Adviser on R2P.

Accountability for mass atrocity crimes

The need to ensure justice for victims of mass atrocity crimes was stressed by a large number of states. In response to the Secretary-General’s recommendations within his annual report, 85 states and the EU emphasized the importance of prioritizing accountability for mass atrocity crimes in order to prevent their recurrence. In that regard, the Czech Republic noted that, “National accountability efforts should be strengthened since it is the States that have the primary responsibility to investigate and prosecute crimes committed within their jurisdiction.”

Many states highlighted the various existing mechanisms and tools that can support accountability efforts, including sanctions, fact-finding missions and commissions of inquiry. States also stressed that international courts and hybrid tribunals can provide complementary avenues to enable accountability, with 75 countries and the EU mentioning the International Criminal Court as a crucial instrument to hold perpetrators of genocide, war crimes and crimes against humanity accountable.

The ratification of instruments of international law related to R2P is a concrete step member states can take to uphold and implement their responsibility to protect populations from mass atrocity crimes. During the debate, 59 states noted that this year will mark the 70th anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide and urged the remaining 45 UN member states who have not ratified the Convention to do so.

Early Warning Mechanisms and Domestic Implementation

The timely identification of risks and early indicators of potential atrocity crimes can help prevent their occurrence. During the debate, numerous member states emphasized the importance of developing and bolstering early warning mechanisms, especially at the domestic level. Many speakers echoed the Secretary-General’s words that “it costs far more to pick up the pieces after crisis than it does to prevent it.”

States highlighted the significant role that civil society, religious leaders, women, the media and journalists can play in developing early warning and response systems at the national level through raising public awareness about human rights violations and possible atrocity crimes. Six statements specifically mentioned the work of the Global Centre for R2P in this regard.

The translation of early warning into early action, however, remains a challenge acknowledged by many member states. The Republic of Korea emphasized that, “no matter how effectively early warning mechanisms work, the responsibility to protect cannot be realized if they are not followed by early action.”

Regional Organizations

Many member states also echoed the Secretary-General’s recommendations regarding the development of capacity for regional and sub-regional organizations to conduct early warning. Regional organizations can have an added value in atrocity prevention due to their existing conflict prevention and conflict resolution capacities, and the potential for sharing best practices.

Indonesia called for regional organizations to play a more active role in implementing R2P, noting that in 2012 the Association of Southeast Asian Nations adopted a human rights declaration and established the Institute for Peace and Reconciliation.

Speaking on behalf of the Pacific Islands Forum, Kiribati emphasized that early dialogue, partnership and action at the regional level was critical to implementing the responsibility to protect. In this regard, Kiribati shared the Pacific Islands experience with the Biketawa Declaration, which recognized the vulnerability of all Forum members to civil unrest, noting “at the heart of this commitment is a recognition that no one country alone can meet the security challenges we face.”

Human Rights Council and the Universal Periodic Review

A diverse group of member states referred to the Human Rights Council as a vital institution for the operationalization of R2P, with 12 countries mentioning Special Procedures and 55 countries acknowledging the Universal Periodic Review mechanism as crucial tools for the prevention of human rights violations around the globe. 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 mass atrocity crimes.

Numerous states insisted on making better use of the UN human rights system and emphasized the necessity of forging closer ties between UN institutions in New York and those in Geneva. Portugal recognized "the pivotal role of the Human Rights Council to implement proactively the early warning and early action mechanisms to prevent violent conflicts and mass atrocity crimes." Rwanda underscored "the importance of the Human Rights Council's Universal Periodic Review as a well-placed tool for member States to support atrocity crimes prevention efforts," and noted that its government will endeavor to fully implement 50 agreed UPR recommendations from 2015 before the next review cycle.

Cross-regional support for a more comprehensive inclusion of human rights institutions and instruments in the R2P strategy was also reflected in the statements delivered by Morocco, Croatia, Armenia, Republic of Korea and Ireland.

Peacekeeping

Peacekeeping remains one of the UN's most effective tools for the protection of civilians in response to atrocities. Sixty states highlighted the relationship between peacekeeping and R2P, with speakers noting that the effective protection of civilians requires adequately trained peacekeeping troops and political commitment, as well as sufficient UN funding. Seven states expressed support for the Kigali Principles on the Protection of Civilians, which can serve as a guide to states on the implementation of the protection of civilians in peacekeeping operations.

Italy, which is the top Western European troop-contributing country for peacekeeping operations, pledged to continue to support peacekeeping operations

in an effort to uphold its responsibility to protect, redoubling its efforts "in providing training and offering capacity building to military, police and judicial officers from all over the world." Similarly, Peru emphasized that its military had undertaken several initiatives to ensure that its troops deployed within peacekeeping operations were trained to uphold International Humanitarian Law.

A number of states also noted that peacekeeping operations often take place in situations of active armed conflict, and therefore require improved funding and resources – both before and during deployment – in order to effectively protect civilians from possible mass atrocity crimes.

Veto Restraint in Mass Atrocity Situations

Some states noted that when domestic efforts fail, early effective action can only occur if the UN Security Council upholds its responsibilities as set forth in the Charter. The Security Council's inability to adequately respond to some mass atrocity situations, notably in Syria and Yemen, remained a key point throughout the debate. Bangladesh spoke of its government's experience with the Rohingya crisis and atrocities committed in Myanmar's Rakhine State, which took place despite ample early warning, noting that, "the apathy or complacency of the concerned international and regional actors largely allowed the crisis to reach its current proportion."

Fifty-nine countries used the debate to support the Accountability, Coherence and Transparency (ACT) Group's Code of Conduct regarding Security Council action against genocide, crimes against humanity and war crimes, in addition to 18 member states who supported the initiative of the governments of France and Mexico on veto restraint. A further five states supported a general call for veto restraint in mass atrocity situations. Support for both reform initiatives has been consistently growing since 2013. In this regard, Liechtenstein emphasized that the increasing number of supporters of the ACT Code of Conduct "is an expression of the collective expectation of UN Member States that Council membership comes with responsibilities and a stated commitment to take action to end or ideally prevent atrocity crimes."

Emphasizing the UN Security Council's role as an essential actor in the maintenance of international peace and security, Belgium reiterated its support for both the ACT Code of Conduct and the French and Mexican Initiative, stating that, "the time has come to act so that we don't find ourselves deploring new tragedies."

Belgium will join the UN Security Council as an elected member in 2019.

Global Network of R2P Focal Points

During the interactive dialogue, 74 countries and the EU 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 Secretary-General, who highlighted the eighth annual meeting of the Global Network of R2P Focal Points held in Helsinki, Finland, during June 2018.

Denmark highlighted a number of initiatives its government has undertaken to implement R2P with regard to all three pillars and noted that all of these efforts were linked to their R2P Focal Point, stating that, “a national Focal Point is a key facilitator to engage different government agencies in atrocity prevention.” The European Union advocated for the appointment of R2P Focal Points within regional organizations, calling it a “useful step for such organizations to raise awareness,” and offering to share its own experience in doing so.

CONCLUSION

The UN General Assembly plenary meeting on the “Responsibility to Protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity” 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 Secretary-General Guterres acknowledged that the debate was taking place against a backdrop of atrocity crimes committed on a scale not seen in many years and called for member states to act promptly before situations meet the threshold of atrocity crimes. In this regard, he emphasized that:

“at this time of extreme challenges, we must not abandon the responsibility to protect or leave it in a state of suspended animation, finely articulated in words but breached time and again in practice. Lofty principles mean little if they cannot be applied when they matter most. The credibility of the international community, and above all the lives of millions, rest on us.”

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

Notes

¹ The Group of Friends of R2P includes the following UN member states as well as the European Union: Argentina, Australia, Bangladesh, Belgium, Bosnia and Herzegovina, Botswana, Canada, Chile, Costa Rica, Cote d’Ivoire, Czech Republic, Denmark, Finland, France, Germany, Ghana, Guatemala, Hungary, Italy, Japan, Liberia, Liechtenstein, Luxembourg, Mali, Mexico, Morocco, Mozambique, Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Qatar, Republic of Korea, Rwanda, Romania, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Sudan, Spain, Sweden, Switzerland, Tanzania, United Kingdom, United States and Uruguay.