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**REMARKS TO THE GENERAL ASSEMBLY INFORMAL  
INTERACTIVE DIALOGUE ON THE RESPONSIBILITY TO  
PROTECT**

**New York, 5 September 2012**

Thank you, Mr. President, for the opportunity to offer some remarks to this informal interactive dialogue on the Responsibility to Protect. I have followed the General Assembly's deliberations on this subject with considerable interest. They have helped to clarify the concept, identify key challenges, and find ways of moving forward towards the achievement of our shared goal – a world free of the fear of genocide and other mass atrocities.

Mr. President,  
Excellencies,  
Ladies and Gentlemen,

The Responsibility to Protect is universal and enduring; it applies everywhere, all the time. As the Secretary-General notes in his report, the question is not one of whether to apply the Responsibility to Protect – for that would imply that there are situations where a government does not have a responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity – but of how best to achieve RtoP's goals in each situation.

The best way of achieving RtoP's goals is through the prevention of the four crimes at the earliest possible stage. That is why RtoP's first two pillars rest upon the state's primary responsibility to protect its own population and the international community's duty to assist the state to that end. The 2005 World Summit declaration called specifically

for the prevention of the four crimes and their incitement. This should be part of our discussion today for two reasons.

First, effective prevention reduces the frequency with which the international community is called upon to respond to the four crimes. This is important because response is intrinsically more difficult to do effectively and is more controversial precisely because the best way of achieving our common goals is seldom obvious in the midst of the storm.

Second, as the Secretary-General makes clear, prevention and response are closely connected. Not only are they related conceptually, but specific tools such as diplomacy or fact-finding might be used for either purpose. We should worry less about academic distinctions between the three pillars of RtoP or between prevention and response – remembering that the whole edifice of RtoP is governed by the UN Charter – and focus instead on bringing the full weight of our collective capacity to bear on the enduring problem of genocide and other mass atrocities. This involves the flexible and careful tailoring of international support to each individual situation. There is no ‘one-size-fits-all’ way of achieving our common goals. We must do what works and learn from experience.

Sadly, preventive efforts will not always succeed. That is why the international community must be prepared to take timely and decisive action, using all the measures placed at its disposal by Chapters VI, VII and VIII of the UN Charter, when it is needed to protect populations from the four crimes. Such measures do not replace the state’s primary responsibility to protect but instead aim to facilitate the full resumption of its sovereign responsibilities.

The Secretary-General emphasizes the need to think holistically about timely and decisive response. In some cases, protection from the four crimes can be achieved through diplomatic, humanitarian and other peaceful means. The Secretary-General’s report highlights many of these peaceful measures, including mediation and preventive

diplomacy, fact-finding, public advocacy, monitoring and observation, and criminal investigations. Many parts of the UN system have important roles to play in this regard.

To be effective, though, these measures must be adopted resolutely and early. When it comes to the early adoption of peaceful measures, the international community cannot sit with its foot on the brake in the early stages of a crisis and then bemoan the deteriorating situation and apparent need for more robust measures later on. As the Secretary-General points out, the early and effective use of peaceful means reduces the need for enforcement measures later on. We need to better understand the repertoire of appropriate peaceful measures, identify and fill any gaps in capacity, and know more about the effectiveness of different combinations of measures in different situations.

The use of force for any purpose is always a tragedy. Sometimes, however, as the Secretary-General points out, it is a tragedy made necessary by the need to protect populations from the very worst of crimes that have blighted human history. The Holocaust, the killing fields of Cambodia, and the Rwandan genocide were ended only by the use of force and the removal of genocidal regimes. A concept of protection that has no place for the use of force in such circumstances has little to offer the actual and potential victims of untold misery in cases like this. Without the use of force in the RtoP toolkit, the international community would effectively need to rely on the the perpetrators to deliver protection. That option is unconscionable. Rwanda teaches us that failure to use force when necessary condemns innocent people to death, sometimes in their hundreds of thousands.

But, the use of force remains controversial. That is as it should be, because the costs of getting it wrong are so high. There is always a danger that armed intervention will fail to achieve its goals or that it might do more harm than good.

It was to partly address concerns such as this that the UN Charter awarded exclusive authority to mandate

enforcement action to the Security Council. Paragraph 139 of the 2005 World Summit underscored both the primary responsibility of the Security Council to take 'timely and decisive' action when necessary and its exclusive authority to mandate enforcement under Chapter VII of the Charter.

As experience in 2011 shows, we still have much to learn about the effective implementation of military enforcement mandates. The concept of 'responsibility while protecting' is welcome in this regard. I commend the government of Brazil for this initiative. The concept reaffirms articles of good practice that are at the heart of RtoP, and indeed of the UN Charter, such as the notion that coercive measures should be used only when other means are judged likely to fail. Whilst I have difficulty reconciling some of the concept's elements – such as the chronological sequencing of RtoP's three pillars – with what was agreed in 2005, I think that 'responsibility while protecting' makes three significant contributions that ought to guide our ongoing consideration.

-- First, the primacy of prevention. Timely and decisive response will always be controversial. When violence erupts, the best means by which to protect populations is sometimes clouded by uncertainty. RtoP calls on the international community to act decisively to reduce the frequency with which the world is confronted with the dilemmas of responding to genocide and other atrocity crimes. We need to move our consideration of prevention from the realm of rhetoric to that of practice. To make this a reality, though, in addition to helping Member States build the capacities they need to mitigate sources of underlying risk, the international community must be prepared to act decisively at an early stage in any crisis. Failure to act early only increases the likelihood that more robust measures will be needed later, after countless people have lost their lives.

-- Second, strengthening accountability. Legitimate concerns have been expressed about the accountability of Member States that act on mandates from the Security

Council. RwP proposes measures to address these concerns. In my view, the best way forward is to utilize the authority that the Council already has and develop individually tailored accountability measures as part of its authorizing resolutions. Over the years, the Council has developed an impressive repertoire of accountability measures. These include sunset clauses, mandate limitations, specific reporting requirements, and fact-finding. These, and other, measures could be tailored to each individual situation.

-- Third, judicious analysis. RwP is correct to point out that decisions about timely and decisive response should be made on the basis of judicious analysis. Good analysis is imperative for good decision-making but must never be a barrier to decisive action. Analysis should examine the likely effects of different potential courses of action as well as the likely effects of inaction.

Each Member State as well as regional arrangements has a role to play in bringing their own expertise and insights to the table. The UN Charter, however, awards the Secretariat with an important role in this regard. The Secretariat is an invaluable source of independent and impartial reporting and analysis. The Office of Genocide Prevention and RtoP has already done excellent work in this regard. Member states have a part to play here as well. They must be prepared to request briefings from the Secretariat and to listen to the Secretariat's advice. All too often, in the past the Secretariat's ability to provide analysis has outstripped Member States' willingness to receive it.

In sum, the Secretary-General's report offers a balanced and comprehensive approach to the challenge of timely and decisive response to genocide and other mass atrocities. It identifies a broad range of measures and partners that can be employed to protect populations. The challenge now is to:

-- first, focus on reducing the frequency with which the world is called upon to respond to acts of conscience shocking inhumanity;

-- second, increase our capacity and preparedness to act early and decisively with peaceful means;

-- third, learn from experience about the most effective forms of response in different situations and improve the relevant capacities and management arrangements;

I am sure that today's discussion will help advance these goals. Thankyou.