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DELEGATES WEIGH LEGAL MERITS OF RESPONSIBILITY TO PROTECT CONCEPT

AS GENERAL ASSEMBLY CONCLUDES DEBATE

Speakers Question its Effectiveness in Face of Security Council Veto Power

Concluding the General Assembly's debate on States' responsibility to protect their people from mass-atrocity crimes, delegates today weighed whether that multifaceted and controversial concept provided sufficient legal grounds for collective intervention in national affairs.

Nicaragua's representative pointed out that, since there was no legally binding commitment to protect people from genocide, war crimes, ethnic cleansing and crimes against humanity, it was up to the General Assembly to craft a legal basis to do so. He called for the development of the "novel" responsibility to protect (R2P) concept because the 2005 World Summit had only endorsed it on the premise that it would be discussed further. At the present stage, it was easy to manipulate and could become a right to intervene.

Taking a similar view, Iceland's delegate stressed that R2P must be seen as a means of reinforcing legality in international affairs and shoring up respect for the international system, embodied in the United Nations. He supported giving the General Assembly a lead role in fashioning an effective response to atrocities relevant to R2P. However, the concept should not become a license for illegitimate or arbitrary interference and aggression. It was essentially about saving lives.

For the former Yugoslav Republic of Macedonia, it was time to put R2P into operation and achieve the goals of the United Nations Charter, that country's delegate said. In cases where conflict prevention failed, the global community should ensure an early and flexible response through collective action by the Security Council.

Sounding a note of caution on that point, Sudan's delegate said that giving the Council the privilege of executing R2P would be tantamount to giving a wolf the responsibility to adopt a lamb. Even if R2P were to become an instrument of international law, its effective use would not be far removed from political influence by some Council members. Moreover, Sudan's understanding of paragraphs 138 and 139 of the 2005 World Summit Outcome was that the first merely affirmed and restated the legal duties of a sovereign State to protect its citizens from serious crimes, while the second concerned the commitment of Member States to chapters VI and VIII of the United Nations Charter and the use of force.

Likewise, Iran's representative emphasized that the key to preventing and suppressing grave crimes was faithful implementation of the United Nations Charter, avoiding selectivity and double-standards, and accelerating United Nations reform. Iran supported limiting R2P to the four serious crimes identified in paragraphs 138 and 139 of the 2005 World Summit Outcome, subject to the terms and qualifications outlined. It should not be misused, or indeed abused, to erode the principle of sovereignty, undermine the territorial integrity and political independence of States, or intervene in their internal affairs.

Rounding out the discussion, General Assembly President Miguel d'Escoto Brockmann (Nicaragua) said in his closing remarks that the debate might have been the most intense and extensive R2P discussion to date. After days of debate in which 94 speakers had voiced a range of opinions and concerns, it was clear that discussion on R2P needed to continue. While many had dwelled on the lessons of history, others had focused on addressing development issues, which were often at the heart of R2P situations. Still others had expressed doubts about the global community's ability to respond to massive Government failure to protect people without falling back on double standards.

While reservations lingered about how to ensure true collective security, he said, the Assembly appeared to be on firmer ground, with a majority of States favouring an approach that focused on preventing such crises and on dealing with their root causes. Pointing to one area of agreement, he said: "We are unified in our conviction that the international community can no longer remain silent in the face of genocide, ethnic cleansing, war crimes and crimes against humanity."

In other business today, the General Assembly, acting on the recommendation of the General Committee, decided to include an agenda item entitled, "The scope and application of the principle of universal jurisdiction" on the agenda of its current session under the heading "Promotion of justice and international law". It also decided to consider that item in a plenary meeting.

Sweden's representative, speaking on behalf of the European Union, welcomed the inclusion of the new agenda item.

Also speaking on the responsibility to protect were the representatives of Sri Lanka, Sierra Leone, Jamaica (on behalf of the Caribbean Community, or CARICOM), Myanmar, Slovakia, Russian Federation, Armenia, Timor-Leste, Panama, Democratic People's Republic of Korea, Botswana, Kazakhstan, Swaziland, Bangladesh, Papua New Guinea, Benin, United Republic of Tanzania, Peru, Kenya, Malaysia, Lesotho, Azerbaijan, Georgia, Argentina, Gambia, Serbia and Cameroon.

Representatives of the Permanent Observer Missions of the Holy See and Palestine also delivered statements.

Speaking in exercise of the right of reply were the representatives of the Russian Federation and Georgia.

The General Assembly will reconvene at a time and date to be announced.

Background

Continuing its debate on the responsibility to protect (R2P), the General Assembly had before it the Secretary-General's report, *Implementing the Responsibility to Protect* (document A/63/677). (For further information, please see Press Releases [GA/10845](#) of 21 July, [GA/10848](#) of 23 July and [GA/10849](#) of 24 July.)

Statements

RKS SURESH CHANDRA ([Sri Lanka](#)) said that all the General Assembly could do on the complex question at hand was to consider the issues further. While there had been significant "locomotion" in seeking to implement the R2P concept, there had been insufficient progress in implementing other aspects of the 2005 World Summit Outcome, such as combating transnational crime, tackling climate change and attaining the Millennium Development Goals. The Assembly should clarify all the issues, with a view to finding common ground so as to discourage the loose application of R2P.

It was important to define clearly the triggers for R2P, he said, noting that many States were sensitive to how the concept would be operationalized, often because of their experience with colonial rule. The worst human

tragedies were not confined to any particular part of the world, and there was a need for a balanced approach. It was necessary to proceed with caution, bearing in mind respect for sovereignty, non-selectivity and non-interference in internal affairs. Who would determine when a situation was a candidate for preventive or reactive intervention? How would the scope be defined? Who would gather early-warning intelligence? What were the means for ensuring that prejudice did not creep into analysis? Recognizing that paragraphs 138 and 139 of the 2005 World Summit Outcome were based on pre-existing norms, regional groups had put mechanisms in place to address similar issues, he said, adding that more regional-level involvement was needed.

The key to operationalizing R2P was devising an acceptable approach to addressing the four crimes in focus, and defining the parameters within those categories, he said. Any attempt to broaden the agenda would only fan existing concerns, whether real or misplaced. The State was the cornerstone of the responsibility to protect, and to succeed, R2P should be approached as a concept aiming to promote cooperation for peace and prosperity. The exercise of R2P was a fundamental obligation of governance, and misapplying it risked an erosion of its credibility. "Responsible sovereignty" must also apply to issues such as the prohibition of the use of nuclear weapons and other weapons of mass destruction, nuclear disarmament and counter-terrorism.

RUPERT DAVIES (Sierra Leone) said the Secretary-General's report was an important part of the current discussion and emphasized that his remarks were grounded in national experience. Sierra Leone had endured a terrible war for many years, and could not have survived without the support of the international community. The development of R2P had originated in part from visits to Sierra Leone's amputee camps in April 2000. Officials had been visibly shaken by the sight of many people, including a mother of eight children, whose limbs had been amputated.

Stressing the necessity of fighting impunity whenever mass-atrocity crimes were committed, he voiced support for the Assembly's decision to include the item on responsibility to protect on its agenda and to discuss it for the first time since its adoption in 2005. The Secretary-General's report outlined R2P, the need for capacity-building as well as timely and decisive responses. At its core was a commitment to protect citizens and the need for the international community to assist in a collective, timely response. It was usually non-State actors who committed atrocities, and it was the obligation of the international community to act, he said, adding that the R2P doctrine must be made user-friendly.

RAYMOND WOLFE (Jamaica), speaking on behalf of the Caribbean Community (CARICOM) and associating himself with the Non-Aligned Movement, said the 2005 World Summit Outcome included a reflection on the Organization's inability to save human lives and resolved to seek to prevent atrocities in the future. The thematic debate now underway was important, given the implications of R2P for the United Nations Charter, especially as it related to State sovereignty and non-interference in internal affairs, an issue now undergoing careful consideration in many capitals.

He said CARICOM supported the view, expressed by numerous other States, that the scope of R2P should be confined to four crimes agreed by world leaders in 2005: genocide, war crimes, ethnic cleansing, and crimes against humanity. The regional body agreed with the Secretary-General that prevention was a key element of a successful R2P strategy, while the use of military force should be an absolute last resort.

All peaceful means at the disposal of the Secretary-General and the United Nations should be fully used, he said. There must be a uniform application of whatever principles were developed for the Security Council to take action under Chapter VII of the Charter, in order to avoid unfair treatment of any particular Member State. CARICOM believed that a reformed Council was an important precondition for any use of force. It would help build confidence among all Member States that the Council would act as an impartial body.

U KYAW ZWAR MINN (Myanmar) said the R2P concept originated from tragedies that had occurred after the Second World War, when national Governments had failed to fulfil their obligation to protect their citizens. As such, leaders at the 2005 World Summit had agreed that when a State manifestly failed to protect its citizens, the international community must act to halt or prevent such atrocities. Indeed, R2P was a collective obligation to act on four specific crimes and violations, he said,

noting that it did not apply to calamities such as HIV/AIDS, climate change or natural disasters. R2P had a clearly delimited scope, and could not be the norm in addressing all social ills. The General Assembly should focus on ways to develop R2P. Myanmar agreed fully with the Secretary-General that it was important for the Assembly to consider proposals and determine how the United Nations could fulfil the commitments made in 2005.

SLOBODAN TAŠOVSKI (The former Yugoslav Republic of Macedonia), aligning himself with the European Union, said the unanimous endorsement of R2P had been hailed as one of the most important achievements of the 2005 World Summit. While various actions had been taken in the last three years to support the concept, much remained to be done. The former Yugoslav Republic of Macedonia supported the Secretary-General's balanced and pragmatic approach to implementing R2P, and stood ready to contribute to the efforts ahead, notably building national capacities and policies critical to that pursuit.

At the same time, he said, his Government recognized that R2P derived from the positive notion of "sovereignty as responsibility" — enhancing sovereignty by acknowledging that Governments had existing humanitarian, human rights and other obligations under international law to protect populations from serious crimes. Prevention was critical to R2P and capacity-building should be of key importance.

In cases where prevention failed, the global community should ensure an early and flexible response without graduated measures, but rather collective action by the Security Council, he said. The General Assembly should continue to make important contributions in the pursuit of international peace and security. Indeed, the international machinery must be enhanced, as must national will to ensure that failures to protect were not repeated. It was time to put R2P into operation and achieve the first preambular goals of the United Nations Charter.

MICHAL MLYNÁR (Slovakia), associating himself with the European Union, said that R2P, one of the most important achievements of the 2005 World Summit, sought to ensure that the international community would never again fail to protect human rights and protect human beings from the worst crimes. Slovakia welcomed the report of the Secretary-General as an excellent basis for further work in that area. It provided a clear focus and achievable goals.

However, not enough had been done to promote and enhance the concept and the international community must redouble its efforts to achieve results, he said. Slovakia was fully committed to all three pillars of R2P and supported the use of all legal instruments and agencies of the United Nations to play a role in its implementation. It also supported prevention as an important concept, similar to those of preventive diplomacy, mediation and the good offices of the Secretary-General. There was also a need for greater coordination of efforts between regional groups and the United Nations.

ESHAGH AL HABIB (Iran), endorsing the statement of the Non-Aligned Movement, said his country shared fully the sentiment that the international community must be vigilant in preventing past horrors of mass killings and genocide from being repeated in the future. While other States may step in to help upon request, on a case-by-case basis and through the United Nations, that did not imply permission to use force under any pretext, such as humanitarian intervention.

He emphasized that R2P should not be misused, or indeed abused, to erode the principle of sovereignty, undermine the territorial integrity and political independence of States, or intervene in their internal affairs. The key to preventing and suppressing grave crimes was faithful implementation of the United Nations Charter, avoiding selectivity and double-standards, and accelerating the reform process. Iran supported the notion of limiting R2P to the four serious crimes identified in paragraphs 138 and 139 of the 2005 World Summit Outcome, subject to the terms and qualifications outlined. It was also important to address the wide range of economic and political causes underlying or contributing to mass atrocities.

MIKHAIL MARGELOV (Russian Federation) said further work on R2P should be guided by the 2005 World Summit Outcome, whose language was in line with the Charter. Initial responsibility to protect people from

genocide, war crimes, ethnic cleansing and crimes against humanity rested with States, and it was important that they exercise “self-control” in that regard. The international community should focus first on helping States foster their own capacities. Timely reaction by the United Nations could help avoid mass loss of life. When States were not in a position to protect their people, international action should be undertaken on an exceptional basis and in full compliance with international law.

R2P contained enormous potential for change, he said, noting that it could have an impact on trends that would, in turn, affect the entire system of international relations. As such, there was a need for caution in implementing the R2P aspects of the 2005 World Summit Outcome. It was important to avoid rash, hasty steps or broadening the interpretation of the concept, which would endanger efforts to promote international peace and security. The conditions for turning ideas into practical institutions had not yet been fulfilled, and work in relation to paragraphs 138, 139 and 140 of the 2005 World Summit Outcome was far from complete. The outlines had been formed and the United Nations should remain the key forum for discussing the issue.

JAIME HERMIDA CASTILLO ([Nicaragua](#)) said leaders at the 2005 World Summit had emphasized the General Assembly’s duty to consider R2P in order to protect people from genocide, war crimes, ethnic cleansing and crimes against humanity. Indeed, the Assembly was in charge of crafting a legal basis for R2P as there was no legally binding commitment. R2P was a “novel” topic in need of further development since it had only been accepted on the premise that it would be discussed further. It could easily turn into a right to intervene -- something Nicaragua had endured -- and was easy to manipulate. It contemplated the use of force, which might be a contravention of the principle of non-intervention in internal affairs. Genuine economic cooperation in an auspicious environment could do more to prevent genocide, war crimes, ethnic cleansing and crimes against humanity, he said, calling for urgent reform of the Bretton Woods institutions. Nicaragua was concerned about the potential for selectivity in implementation of R2P, and preferred the strengthening of the Human Rights Council and the Peacebuilding Commission.

GUNNAR PÁLSSON ([Iceland](#)) said that four years on from the 2005 World Summit, the time had come to start making good on the commitments undertaken. The task was not to renegotiate the Summit’s conclusions but rather to seek ways to implement its decisions in a truthful, consistent manner. The Secretary-General’s “tripod” approach provided the right framework, with the first two pillars underscoring the importance of prevention going hand-in-hand with early warning and assessment.

Peaceful means should always be the preferred course of action, with coercive measures as an option of last resort, he said. R2P was essentially about saving lives -- it should not become a license for illegitimate or arbitrary interference and aggression. It must be seen as a means of reinforcing legality in international affairs and a way to shore up respect for the international system, embodied in the United Nations. For that reason, Iceland lent its support to giving the General Assembly a lead role in fashioning an effective international response to atrocities relevant to R2P.

LILIT TOUTKHALIAN ([Armenia](#)) said Human Rights Council resolution 7/25 aimed to consolidate the functions of existing United Nations human rights protection mechanisms of prevention, bridging the mandate of the Special Rapporteur on the Prevention of Genocide with the Organization’s human rights system as a whole. It was very important to find the right balance and synergies among those functions so as to allow the system to respond promptly and efficiently to alarming situations.

Underlining the importance and necessity of training, learning and education programmes, she said they could contribute significantly to strengthening a State’s protection capacity. The international community must be vigilant in monitoring the development of situations and events which could lead to the actual legitimization and institutionalization of genocide and crimes against humanity.

She said an early and strong international reaction to systematic and egregious violations of human rights, especially collective rights, could become a deterrent, inhibiting the evolution of potentially dangerous trends towards genocide, war crimes, and crimes against humanity. R2P was a cornerstone of the overall human security

system, and the time had come to take decisive steps towards eliminating the very possibility of crimes against humanity.

NELSON SANTOS (Timor-Leste) voiced strong support for the Secretary-General's three-pillar approach, describing it as a step in the right direction, and recalling that in 2006, his country had been confronted with the challenge of putting it into practice, as widespread ethnic and gang violence had led to killings, the Prime Minister's resignation and the displacement of more than 100,000 people. Seeking help in such times was an exercise in responsible State sovereignty, he said, adding, "We believed and believe in it." The request had been made jointly by the President, Prime Minister and President of Parliament, which underscored Timor-Leste's belief in the legal and moral obligation to protect its people.

Underscoring the importance of pillar two of the Secretary-General's approach, he expressed gratitude for its emphasis on the need to assist States, rather than just waiting for them to fail. In Timor-Leste, a greater proportion of international funding went towards capacity- and institution-building, technical assistance in judicial and security-sector reform and the rule of law, among other things — key areas in strengthening the Government's ability to restore order and confidence. Timor-Leste had come a long way since the 2006 crisis. Trust had been regained and the rule of law strengthened.

Such success took time, patience and political will, he said. Investment in capacity-building, early warning systems and assistance -- though infinitely cheaper than paying later for stronger measures -- were areas in which States were better at talking than actually doing anything. Timor-Leste unequivocally supported the Secretary-General's appeal to permanent members of the Security Council to refrain from employing, or threatening to employ, the veto in situations of clear failure to meet R2P obligations.

GIANCARLO SOLER TORRIJOS (Panama) said the Secretary-General's report was an important step forward in implementing the responsibility to protect, noting that it was only when a State could not protect its own citizens that R2P should come into play. According to the report, it was important to take any actions that would lessen the danger of genocide occurring. The Human Rights Council could help States learn how to comply with their responsibility to protect their own citizens.

While recognizing that some Member States felt R2P was a pretext to intervene in their internal affairs, he said that was why the present debate was necessary. The implementation of R2P should be carried out in all activities to prevent conflict and promote and defend human rights. The absence of Security Council reform should not be an excuse to stop moving ahead in implementation of the responsibility to protect, and efforts should be made to prevent cases requiring R2P intervention from arriving before the Council.

PAK TOK HUN (Democratic People's Republic of Korea) said military attacks had been launched against sovereign States in the past under the pretext of "humanitarian intervention". More recently, aggression and intervention had been increasingly visible and even justified under the mantra of "war on terror", which had resulted in infringements on national sovereignty and the murder of large numbers of innocent people. Member States must seriously review the responsibility to protect and the role of the United Nations in maintaining international peace and security, with a view to taking appropriate practical steps to address that reality.

Many countries were now expressing concern about the responsibility to protect, he said, stressing that if it was truly intended to protect civilians, it should be applied without exception, including to the mass killing of innocent people in Afghanistan and Gaza. Regretfully, those cases could not even be tabled in the Security Council owing to the involvement of the "superpowers". It was therefore all the more urgent to take steps to fundamentally resolve war and conflict within the current framework rather than creating a new protection arrangement.

He said just international relations should be established without further delay on the basis of respect for sovereignty, equality and non-interference in the internal affairs of States. The Democratic People's Republic of Korea encouraged peaceful solutions to present conflicts through dialogue and negotiations and without foreign intervention and actions that instigated confrontation and conflict. It would

fulfil its responsibility to firmly safeguard its sovereignty and dignity against ever-increasing military threats by foreign forces, thus contributing actively to peace and stability in the Korean peninsula and beyond.

CHARLES T. NTWAAGAE ([Botswana](#)) said his country recognized R2P as a central tenet of the international community's shared humanity. States had the obligation to demonstrate the political will and commitment to ensure that populations at risk had access, at all times, to maximum protection, and that perpetrators of abuse were held accountable for their actions. The Secretary-General's report advocated a three-pillar approach to putting the R2P concept into practice, but it was important that the international community not undermine the sovereignty of the countries concerned under the pretext of providing support and assistance.

The use of early warning capability was essential to putting R2P into effect, he said, citing Rwanda as an example of the need to work hard to operationalize the R2P concept and prevent grave crimes against humanity. The use of concrete steps and the willingness to pragmatically use all means would help the international community save populations from grave crimes against humanity. That conviction informed Botswana's ratification of the Rome Statute of the International Criminal Court, which provided a viable judicial mechanism for addressing issues of impunity and gross human rights violations.

BYRGANYM AITIMOVA ([Kazakhstan](#)) said that protecting populations from genocide, war crimes, ethnic cleansing and crimes against humanity was a moral imperative, while stressing also her country's strong support for the concept of "non-indifference" when a State failed to fulfil its primary duty to protect its own people. Any loss of civilian life due to openly egregious acts against citizens could not be shielded by State sovereignty and the absolute primacy of the non-interference principle. Far too often the world had failed to provide adequate and timely assistance, or paused in silent condemnation and inaction, thus increasing the impunity of perpetrator States.

Under the motto "Never Again", concerning mass atrocities, Member States could start examining security issues in respect of individuals and groups of individuals, she said. However, very cautious case-by-case consideration of the responsibility to protect was crucial in order to avoid military intervention for inappropriate purposes under the R2P banner. Kazakhstan supported implementation of the three-pillar strategy, and stressed the importance of universal agreement on accurate criteria, humanitarian norms, standards and protection. The value of preventing atrocities by diplomatic, economic and other measures could not be overstated.

Force should only be used as a last resort, she emphasized, expressing her country's recognition of efforts by the African Union and the Economic Community of West African States (ECOWAS) to pioneer progressive regional legal instruments, policy tools and mandates to implement the responsibility to protect. They had set precedents for stronger collective action by other States. Kazakhstan had done its part in that regard by joining the Conference on Interaction and Confidence-building Measures in Asia, the Shanghai Cooperation Organization, the Commonwealth of Independent States (CIS) and the Collective Security Treaty Organization.

JOEL NHLEKO ([Swaziland](#)), associating himself with the Non-Aligned Movement, said the Constitutive Act of the African Union made reference to the responsibility to protect while amplifying the value of non-indifference. The depth of R2P relied upon the virtues of good governance, sound institution-building and the protection of human rights, including those of women and minorities. Good governance in peace time deepened pillar one, while States' failure to protect their people triggered a series of events that degenerated into violent interventions by "wayward" elements within the national borders. Indeed, R2P should not start when disagreements degenerated into violence; instead, it should embrace preventive measures during peacetime.

Recounting his country's experience of protecting foreigners and citizens, he said Swaziland wished to see a more detailed prescription for holding occupying Powers responsible for the populations whose countries they invaded, adding that the systematic substitution of some populations might amount to a form of ethnic cleansing. The Secretary-General should look more closely at ethnic cleansing and find the means to broaden, or deepen, it to include such considerations.

That also applied to “P5” nations that might find themselves entangled in cases whereby they held special interests in a specific country, he said. Much scepticism had been expressed about pillar three, and there was also a grey area regarding courses of action, should the need for it arise. There was also a question as to whether Security Council approval of military intervention was an effective avenue — what if the Council suffered from operational incapacity? Swaziland urged the Secretary-General to devise a strategy that would make it impossible for the Council to be inert.

ISMAT JAHAN (Bangladesh) agreed fully that R2P rested first with the individual State and should emanate from the international community’s responsibility to ensure the right to development for all nations. Bangladesh favoured the exhaustive application of all existing mechanisms for the peaceful settlement of disputes, under Charter provisions. The R2P concept should not provide an avenue to intervene in the domestic affairs of Member States under the guise of humanitarian assistance.

R2P should also look into the root causes leading to situations whereby a State was said to be “failing” to protect its own citizens, rather than going for enforcement action after the global community had allowed that State to slide into chaos. The primary R2P tool should be persuasion and support, not military or other coercion. Only when prevention failed might R2P draw on economic, political, diplomatic, legal, security or, as a last resort, military action. If a stage was reached where the Council must take necessary action, it was expected to fulfil it responsibly, as entrusted to it by all Member States.

ROBERT GUBA AISI (Papua New Guinea) supported the Secretary-General’s efforts to flesh out the details of the R2P concept, but agreed that discussions should be confined to genocide, ethnic cleansing, war crimes and crimes against humanity. There were understandable reservations about R2P, and the General Assembly, as the most representative organ of the United Nations, must seriously consider all such reservations in order to gain a broader consensus.

Noting that it had been four years since the completion of the United Nations Observer Mission in Bougainville (UNOMB), he said, “nothing can prepare you for the aftermath of a conflict or war”. The truth — or lack of it — was normally framed in a range of questions about why the conflict had not been prevented, and how various factors had been allowed to simmer. In the search for answers, the R2P debate was of extreme interest.

While accepting that the responsibility to protect was the primary obligation of the State, he said that should not preclude assistance in situations requiring it. Papua New Guinea supported the creation of an early-warning system with a better monitoring mechanism, but one challenge was to recognize — and respect — the value of local knowledge. While “Never Again” in its broader reality had been something of a failure, the international community had emerging tools to address such situations. In its proper context, R2P could be among those tools.

JEAN-FRANCIS RÉGIS ZINSOU (Benin), endorsing the statement of the Non-Aligned Movement, said it was very important to protect people against heinous crimes, as human dignity was not a commodity. International action in that area must transcend all political thinking. Benin supported the Secretary-General’s report and supported the three pillars, which were in line with the original spirit of the Charter. R2P would not be credible without the third pillar, which needed the dedication of the international community to collective action. It was a positive persuasive tool.

Emphasizing the importance of addressing social problems that led to unrest and conflict, he said peacebuilding activities also were very important in preventing conflict. In 1990, Benin had made a peaceful transition to democracy with its Constitution providing national consensus. The National Assembly had recently adopted a law to strengthen the office of Ombudsman. Benin had received assistance from development partners over the years to improve living conditions, promote economic growth and ensure democracy.

The Council should enforce R2P and the third pillar, he said, pointing out that the Charter provided the necessary legal basis. It was up to the Council to determine whether, and through whom, that principle had been violated and take measures to stop serious crimes. While genocide was a threat to international peace and security, the real problem was not the legal basis for the enforcement of R2P, but the inconsistent practice of the principle. It

was the absence of the desire to act. Benin was not referring only to permanent Council members; there was a double standard in place.

JOYCE KAFANABO (United Republic of Tanzania), calling the Secretary-General's report a good basis for deliberations on the responsibility to protect, agreed that the task was not to renegotiate the conclusions of the 2005 World Summit but rather to discuss ways to implement the commitments outlined in paragraphs 139 and 140. Those pledges were a response to historic, collective failures to save lives.

Pointing out that her country had played a key role in negotiating peace in Africa, particularly in the Great Lakes and Southern Africa, she said its participation in the maintenance of peace and security stemmed from the belief that there could be no peace when there was instability in neighbouring States. Governments bore the primary responsibility to protect their people, but when they failed to offer that protection, there was a collective duty. "We need to respect sovereignty", she said, cautioning at the same time that, "we cannot remain indifferent to gross human rights violations".

She said States must be held accountable to practise responsible sovereignty, urging that they emulate the African Union position, which had moved from non-interference in State internal affairs to "non-indifference". R2P was not a substitute for — but rather a complement to -- instruments already in place, and it was to be hoped that its focus would remain on genocide, war crimes, ethnic cleansing and crimes against humanity. The challenge was to develop a common understanding of and agreed rules for its implementation. The General Assembly debate was the start of a process to find consensus on the issue, and it was expected to continue during the sixty-fourth session.

GONZALO GUTIÉRREZ REINEL (Peru) said the Secretary-General's report was a first step toward compliance with the responsibility to protect. The implementation process should not seek to redefine the concept of the responsibility to protect, but to make implementation more effective. It was necessary to define clearly the four serious crimes cited in the 2005 World Summit Outcome in order not merely to denounce them in a generic fashion, but also to analyse them in terms of international law, so that the three pillars could be effectively applied.

The three pillars, which aimed to prevent conflicts from escalating into the types of tragedies that had occurred in recent years, must be applied sequentially, he said. There was a need to set up an early-warning mechanism to protect people from the most serious crimes, and to help States build capacity. While the responsibility to protect meant preventing the most serious crimes, it did not mean penalizing or persecuting sectors that did not share a Government's political ideology.

General Assembly resolution 2312 established that asylum was a peaceful and humanitarian act that could not be perceived as hostile by any State, he said. Article 32.1 of the United Nations Convention on Refugees stated that a non-signatory State should not expel refugees residing legally in its territory, while article 33.1 obliged States not to expel asylum seekers when their lives or liberty were in danger due to their political views. Regarding the statement delivered by the representative of Bolivia on Friday, he said Peru had received no official extradition request for people facing trial in that country, adding that such a request would be analysed by the Supreme Court. Judicial authorities would then act in accordance with their international obligations and the relevant regional accords.

GRACE W. CERERE (Kenya) said R2P was a call to implement existing commitments, under international humanitarian and criminal law, to protect civilians from the abuse of human rights at all levels. While not new, and well documented in paragraphs 138 and 139 of the 2005 World Summit Outcome, its implementation had been problematic, a state of affairs that should not be allowed to continue. There should be no recourse to reinterpretation or renegotiation of the R2P concept, but rather ways should be found to implement it.

The Kenyan people appreciated the Secretary-General's personal initiative to lend crucial support in the search for a negotiated solution following the disputed elections of December 2007, she said. The Panel of Eminent Persons had provided invaluable support. Should the use of force be necessary, it must be consistent with the principles of the Charter and international law, she stressed, adding that Kenya's experience demonstrated that

timely diplomatic intervention through negotiations could result in the peaceful settlement of any dispute. Since the signing of the National Dialogue and Reconciliation Accord in February 2008, the Grand Coalition Government had put various mechanisms in place to ensure that the post-election violence would never be repeated.

ZAINOL RAHIM ZAINUDDIN (Malaysia), associating himself with the Non-Aligned Movement, said that when trying to put “meat” on an inherently good idea, the devil would be in the details. “We must ensure that we do not thwart the good intentions behind the original formulation of the concept.” At the same time, it was important not to load it with too many aspects so that it became a conflict in itself. The best concepts were clear, straightforward and easily distinguishable from others. While State sovereignty was the bedrock of the United Nations, States not only had the responsibility to protect their citizens, they could be held liable for not preventing incitement of the four specific crimes.

While that seemed logical on the surface, under both international and criminal law, a crime would need to be committed in order to be a crime, he said. R2P seemed to be formulated to prevent the occurrence of the crime, but in reality, it was only possible to hold an entity liable for that “extrapolated sense of negligence” in hindsight. Without a crystal ball, it would be difficult to hold a State responsible for not acting on a crime that had yet to be committed. Because of those seemingly illogical steps, the United Nations must iron out the details of R2P. It was questionable whether everyone understood that principle to mean the same thing.

As for the United Nations early-warning capacity, he said he hoped consultations on that matter would be held in an inclusive, transparent manner. Also, agreement had not been reached on the parameters of R2P, including the kind of situation that would trigger it. Since the Secretary-General’s report alluded to the premise that Chapter VII of the Charter should be invoked only as a last resort, then, providing that all agreed that R2P should be invoked, it did not make sense that a Security Council veto could thwart that decision. In that regard, its five permanent members should be restrained from using the veto. Malaysia was concerned that the report’s urging that donors ensure that a State carried out its responsibility to protect might be misconstrued. Donor assistance should be rendered on the basis of the recipient State’s need, rather than by pre-determined criteria that would result in assistance being used as a tool in the service of political ambitions.

MOTLATSI RAMAFOLE (Lesotho) said R2P reaffirmed one of the main purposes of the United Nations: the maintenance of international peace and security and the use of collective measures for the prevention and removal of threats to peace. Some delegations were apprehensive that R2P would be used as an excuse to interfere in their internal affairs, in contravention of the well-established principle of sovereignty. Yet sovereignty went with a State’s responsibility to protect its citizens. States must diligently discharge that responsibility, and once that was done, there would be no need to invoke pillar three, which in any event would not necessarily translate into the use of coercive force because it encompassed many non-coercive and non-violent measures.

History had shown that the Security Council had failed to take action to prevent mass atrocities, he said. In answering the question of what should be done if it failed to act, R2P, on its own, exerted more pressure for Council action. It sought to bolster the Charter provision imposing a duty on the Council to maintain international peace and security. The General Assembly also had an important role to play in that regard, but that role needed to be strengthened. While the responsibility to protect was a relatively new concept based on the idea of collective action, with many questions about its implementation, the international community must forge ahead with attempts to agree on its implementation.

TOFIG MUSAYEV (Azerbaijan) said that despite important steps to address properly the most serious international crimes, populations were still suffering in many places around the world due to the manifest failure of individual States to fulfil their most basic and compelling responsibilities, and the collective inadequacies of international institutions. Regrettably, 60 years after the adoption of the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide, the conspicuous “silence” in certain instances, particularly situations of military aggression and foreign occupation, illustrated the gap between the theoretical values of law and harsh reality.

He said that bitter truth challenged peace, stability and prosperity, and required a redoubling of efforts to end the most serious international crimes. It was important to develop an overall strategy for implementing R2P, including ways in which the United Nation could best ensure fulfilment of the 2005 World Summit commitments. Measures to end impunity must be sharpened, which required State commitments to prosecute those responsible for the most serious crimes. Fighting impunity was essential for bringing perpetrators to justice, and for peace, truth, reconciliation and victims' rights.

There must be no justification for attempts to make participation in political processes aimed at ending conflicts conditional on demands for immunity, he said. To justify such attempts would be tantamount to legitimizing the results of mass atrocities, which amounted to rejecting the responsibility to protect. More research and analysis was needed to determine why one society resorted to mass violence, advocating "ethnic incompatibility" and the creation of a monotheistic environment, while its immediate neighbours remained relatively stable in terms of preserving cultural diversity and fostering respect among various groups.

ALEXANDER LOMAIA ([Georgia](#)), aligning himself with the European Union, noted that the international community had accepted the R2P principle, with many States having followed the Secretary-General's advice not to turn the common effort into a struggle over ideology, geography or economics. Perhaps the most important priority to have emerged during the debate was an urgent need to pay closer attention to proper implementation of R2P. Georgia joined others who had highlighted the perils associated with the ingenious — even cynical — misapplication of the R2P principle.

Sharing his thoughts about when R2P was likely to be abused, he said ominous signs included when a State turned on its propaganda machine to instigate ethnic hatred, and when it began to invoke quasi-legalistic justifications for unilateral military action. Red flags should also be raised when, in the wake of "ethnic cleansing", aggressor countries were able to banish international monitors to keep them from observing what was taking place on the ground. The roots of such tragedies could be traced back to the collapse of the Soviet Union.

More recent early-warning signs that could have predicted last year's invasion of Georgia and subsequent "ethnic cleansing" had been ignored, he said, recalling that the leader of the country responsible for those actions had coined the term "ethnically contaminated places" in reference to marketplaces serving traders from Central Asian and South Caucasian countries. The Russian Federation had used its veto power in the Security Council to terminate the Organization for Security and Co-operation in Europe (OSCE) mission in Georgia and the United Nations Observer Mission in Georgia (UNOMIG). Georgia supported Hungary's idea to establish, in Budapest, an international centre for the prevention of genocide and mass atrocities.

DIEGO DESMOURES ([Argentina](#)) said his country had a prominent role in defending international humanitarian causes, including in preventing and stopping situations of systematic mass violations of human rights. The responsibility to protect was quite simply a synthesis of other international obligations. Respect for human rights, refugee rights and international humanitarian law were essential.

Supporting cooperation in terms of policies and practices for capacity-building and technical assistance, he said prevention based on the first two pillars was a fundamental element for the success of the three-pillar strategy. The General Assembly should continue to examine the question of responsibility to protect, including the terms of paragraph 139 of the 2005 World Summit Outcome, with a view to implementing that responsibility.

AMANUEL YOANES AJAWIN ([Sudan](#)) said his understanding of paragraphs 138 and 139 of the 2005 World Summit Outcome was that the first merely affirmed and restated the legal duties of a sovereign State to protect its citizens from genocide, war crimes, ethnic cleansing and crimes against humanity, while the second concerned the reaffirmation and commitment of Member States to chapters VI and VIII of the Charter and the use of force. There was a tendency to misinterpret the R2P concept to mean the right to intervene in the affairs of a sovereign State. Some said discussion of the concept had already been finalized in the 2005 World Summit Outcome, and that there was no room for renegotiation or interpretation. While there was indeed a worldwide

consensus on the role of the State in protecting its citizens, there was still no consensus on the applicability of R2P to political realities.

It was precisely that misinterpretation that caused most countries to be apprehensive and cautious about the responsibility to protect, he said, expressing his strong support for the principle of non-interference, and describing it as the glue that kept countries together and motivated them to work collectively for international security. Strong advocates of R2P wished to use the 1994 Rwanda genocide as supporting evidence to excuse future interference. The failure of the United Nations to save lives in 1994 had not been caused by the lack of language in the Charter, but partly by the lack of decisive action by top decision-makers and the political motives of some Security Council members. Even if R2P became an instrument of international law, its effective use would not be far removed from political influence by some Council members. Giving the Council the privilege of executing R2P was like giving a wolf the responsibility to adopt a lamb.

LAMIN FAATI (Gambia), fully associating himself with the Non-Aligned Movement and the African Group, said his delegation had no problems with the responsibility to protect, as outlined in paragraphs 138, 139 and 140 of the 2005 World Summit Outcome, an historic milestone in collective efforts to protect civilians from four massive crimes. Gambia would continue to study the next steps in the implementation phase, and would move “cautiously and constructively” until consensus was reached on all outstanding issues. A building block for the creation of a depoliticized R2P architecture was needed to bridge the existing trust deficit over the way forward. Any rush to conclusions not anchored in reality and informed by history would only lead to the establishment of a “utopian paradise”.

R2P implementation should be founded on rule-of-law-based approaches that would prevent abuse, he said. Africa had led the way in fashioning the R2P principle, due in part to the international community’s paralysis, as well as deep mistrust of the United Nations system owing to a proven history of inaction where African R2P situations were concerned. Gambia believed in the African Union Constitutive Act, regional and subregional arrangements across the continent, and their effectiveness in dealing with certain R2P situations. Gambia called for the creation of a committee on the responsibility to protect, mandated to make non-binding recommendations to the General Assembly, the Security Council and regional organizations. It would indicate its views on the use or non-use of the veto in particular situations.

BORIS HOLOVKA (Serbia) said the R2P concept was a necessity that no one could question. Yet that necessity did not in any way imply legality at the present stage. In order to become a part of international law, let alone customary international law, it must be developed fully by the General Assembly and given a proper test of time as a way to dispel any reason to fear that it would be abused and that double standards would pervert its noble goals.

He warned the international community against forgetting the recent past, when the now discredited, hastily composed concept of humanitarian intervention had been highly prized and championed by political leaders wielding great influence in world affairs. Could one feel anything but scepticism while recalling the officially declared motives for the bombing campaign led by the North Atlantic Treaty Organization (NATO) against the Federal Republic of Yugoslavia in 1999? He stressed the need to remain committed to the principles of the Charter as a basic reference point for any debate on reforming the international system.

Serbia believed in the mutual interdependence of the three pillars, and the need to invest efforts in developing the third pillar, he said. As stated in the concept note prepared by the office of the General Assembly President, however, the Secretary-General’s report contained several problematic elements, including that of a “timely and decisive response”. One had to question what constituted a timely response and who determined the level of decisiveness. Serbia reaffirmed its commitment to the concept of responsibility to protect, as defined in the 2005 World Summit Outcome, but it could not forsake the necessity to discuss the concept in a comprehensive and all-inclusive manner and without imposed constraints.

MICHEL TOMMO MONTHE (Cameroon), citing the Secretary-General’s report, said human tragedies had not been confined to any particular part of the world, and urged as much pragmatism as possible in approaching

the R2P concept. Cameroon had followed the negotiations on and drafting of paragraphs 138, 139 and 140 of the 2005 World Summit Outcome and had noted the emergence of two currents of opinion. One viewed the “responsibility to protect” as implying a concept with fluid outlines and a broad scope, while the other believed that the main topics had already been well defined and left no room for legal quibbling. In 2005, Heads of State and Government had opted for the second view, and, hence, the unambiguous mandate given to the General Assembly not to seek a new standard. Rather, it was important to continue considering R2P. Cameroon called for compliance within the strict scope of the four specific crimes.

Discussing pillar one, he said that in his own country, which represented an “Africa in miniature”, the President assumed office with justice and equity, in reaffirmation of the rule of law, democracy and human rights. Cameroon had undergone the African Peer Review Mechanism and that of the Human Rights Council. Its national Human Rights Commission was managing social tensions and issued an annual human rights report. Regarding pillar two, Cameroon endorsed proposals aimed at supporting States in terms of capacity-building. As for pillar three — which concerned a timely and decisive response by the international community — Cameroon favoured moving prudently on a case-by-case basis and focusing on prevention. He emphasized that the United Nations must be strengthened and democratized, including through Security Council reform, pointing out that, “We are in the twenty-first century.”

KURIAKOSE BHARANIKULANGARA, Observer for the Holy See, said that national and local authorities that failed to protect their citizens or actually helped to perpetrate crimes had failed in their basic functions. They should face legal responsibility for their actions as well as inaction. A human-centred approach to developing policies to protect populations from grave human rights violations and to developing humanitarian law and other internationally agreed legal standards was vital to fulfilling national responsibility.

National policies that fostered greater inclusion and protection of religious, racial and ethnic minorities were a key to fostering greater dialogue and understanding between and among populations, he continued. For the third pillar of R2P to gain momentum and efficacy, greater efforts were needed to ensure that action taken pursuant to Security Council decisions was carried out in an open, inclusive manner, with the needs of affected population rather than the whims of geopolitical power struggles at the forefront. In doing that, the world could respond to its moral responsibility to intervene when human rights and the right to exist were in jeopardy.

He went on to underline that countries in a position to exercise their authority within the Council must do so in a way that reflected the selflessness needed for an effective, timely and human-centred approach to saving people from grave atrocities. He said that religious and community leaders also had an important role in promoting the responsibility to protect, noting that, all too often, ethnic, racial and religious intolerance had given rise to violence and murder. The exploitation of faith to further violence was a corruption of faith, and religious leaders must challenge such thinking. Faith should be seen as a reason to come together rather than a source of division, for it was through faith that communities and individuals were able to find the power to forgive so that true peace could emerge.

FEDA ABDELHADY-NASSER, Chargé d’affaires, Permanent Observer Mission of Palestine, associated herself with the Non-Aligned Movement, and noted that the language of paragraphs 138 and 139 constituted a blanket formula that did not exclude any population nor ignore the plight of others as irrelevant. Despite that recognition, literature on the responsibility to protect, including the Secretary-General’s report, was selective, focusing on some situations while ignoring others. That could erode support for R2P.

Collective efforts must focus on ensuring respect for core international standards, including the United Nations Charter, she said. There was a collective responsibility to develop a global political consensus to enable action within the international system in all appropriate cases. The plight of those living under foreign occupation could not be ignored. It was undeniable that the failure of an occupying Power to meet its obligations under international law had resulted in a vast human rights and political tragedy.

Its perpetuation exposed the moral and legal failure of those with the duty to prevent such disasters, she continued. For decades, Palestinians had suffered violations of their human rights at the hands of Israel, which was

why their protection was among the most fundamental legal and moral tests of the international system. The blind eye continually turned to their need for protection would continue to cast shadows on the very credibility the General Assembly principles. To apply R2P effectively, the Security Council must act without selectivity, adhering strictly to the Charter, for the promotion of peace.

Closing Remarks

MIGUEL D'ESCOTO BROCKMANN (Nicaragua), President of the General Assembly, said in his closing remarks that the debate might have been the most intense and extensive discussion on the responsibility to protect to date. Given the diverse range of opinions and concerns, the dialogue must continue. The discussion had been preceded by serious intellectual work, including the 2005 World Summit Outcome, the Secretary-General's report and the work of both the International Law Commission and the International Court of Justice. Over the past few days, the Assembly had heard 94 statements from Member States, reflecting the great interest in both the R2P concept and the problems it sought to address.

In line with what the 2005 World Summit Outcome asked, States had considered the subject and studied all its implications, he said, adding that the Outcome also noted that any Chapter VII action must be in conformity with the United Nations Charter and international law, considered on a case-by-case basis. The majority of States had confirmed that such was their perception. Any coercion must take place under the existing collective security provisions of the Charter and only in cases posing an immediate threat to international peace and security.

Underscoring the broad areas of agreement, he said: "We are unified in our conviction that the international community can no longer remain silent in the face of genocide, ethnic cleansing, war crimes and crimes against humanity." Many States had dwelled on the lessons of history, while others had spoken of the root causes of R2P situations, highlighting the urgent need to address development issues. Still others had expressed concern that the United Nations not make the enormous leap to make R2P operational as presently formulated, voicing doubts that the global community could respond to massive Government failure to protect populations without falling back on double standards.

He said that while R2P proponents had the best intentions for pushing implementation, clear reservations raised by many States over how to ensure true collective security made clear that it must be the subject of further General Assembly deliberations. Recent "disastrous" interventions had given developing countries strong reason to fear that laudable motives could be misused to justify interventions in weaker States. However, it appeared that "we may be on firmer ground", as a majority of States favoured an approach that focused on finding ways to prevent such crises and on dealing with their root causes.

Reminding delegates of the benchmarks for assessing the real value of R2P, he asked whether the rules applied in principle would be applied equally in practice. Would the adoption of R2P be more likely to enhance or undermine respect for international law, and would it guarantee that States would intervene to prevent another Rwanda? Was there capacity to enforce accountability on those who might abuse the right to use force against others? It would appear the case on all such points was "at best uncertain", he said, adding that there were many ways to improve the collective security system. The first was to fix the broken global economic architecture so as to prove that indeed "we are prepared to build a better world".

Rights of Reply

Speaking in exercise of the right of reply, the representative of the Russian Federation said that Georgia's representative had used the debate to make blatantly anti-Russian comments. Regarding the tragic events of August 2008, it would have been useful for the Georgian delegate to provide an analysis of his own Government in the context of the responsibility to protect. All were aware of that historic August conflict, when the Georgian President had declared that those living in Abkhazia and South Ossetia did not exist. When Abkhazians and South Ossetians had resisted that interpretation of history, the response had been violence. When that war had ended in defeat, it had taken titanic political efforts, including on the part of the Russian Federation, to create a peacekeeping regime.

He said there had been genuine opportunities for achieving agreement, one of which had emerged in 2004, but the Georgian President had not wished to seek such solutions. Despite numerous pledges on the non-use of force against South Ossetians and Abkhazians, Georgia had undertaken a treacherous use of machinery on the 7-8 August. How was that in keeping with the responsibility to protect? Russians had saved South Ossetians and Abkhazians from destruction, he said, adding that he anticipated that the European Union would play its role, as its observers had been deployed to prevent further Georgian aggression. At the end of the day, by preventing the Georgian President's intentions, the Russian Federation had provided an opportunity for regular relations with its neighbours. Georgia still thought in terms of unleashing hysteria rather than peace. The Georgian delegate's remarks did not bring any solution to the problem of the Caucasus.

The representative of Georgia said the Russian Federation's statement was a desperate attempt to save face and justify what had been universally condemned as unlawful: its illegal military occupation of two Georgian territories and the ethnic cleansing its forces had carried out.

Taking the floor a second time, the representative of the Russian Federation said his country had exercised its right of self-defence when under fire by Georgian peacekeepers.

The representative of Georgia said that cases brought to the International Court of Justice by Georgia concerning the unlawful actions that had led to "ethnic cleansing" in Abkhazia and South Ossetia would soon be determined. He reminded the Russian representative that the responsibility to protect had been cited as the pretext by the Russian Ministry of Foreign Affairs to justify its military invasion of Georgia.

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