



Permanent Mission of Guatemala to the United Nations
57 Park Avenue New York, NY. 10016 Tel. (212) 679-4760 Fax. (212) 685-8741
www.guatemalaun.org

(Check against delivery)

REMARKS OF GERT ROSENTHAL, PERMANENT REPRESENTATIVE OF GUATEMALA
TO THE UNITED NATIONS AT THE INFORMAL DISCUSSION ON “THE RESPONSIBILITY
WHILE PROTECTING” ORGANIZED BY THE PERMANENT MISSION OF BRAZIL
TO THE UNITED NATIONS
(21 February, 2012)

Mr. Minister,

We are grateful to our Brazilian colleagues not only for having organized this debate, but, more importantly, for having taken the initiative launched last year, labeled as “the Responsibility while protecting”. It will be recalled that Ambassador Maria Luiza Ribeiro Viotti circulated an explanatory note on 11 November last, under symbols both of the Security Council and the General Assembly, which contain the parameters and scope of the proposal. The label obviously seeks a linkage with the concept of “The Responsibility to Protect” (R2P), which has been on our agenda during the past years.

We also appreciate the personal presence of Minister Antonio de Aguiar Patriota, as well as the Special Adviser to the Secretary-General, Ed Luck, and their introductory remarks for this afternoon’s discussion.

Guatemala belongs to a group of member states of the General Assembly which calls itself “the friends of R2P”. This reflects our commitment with the defense of human rights as a result of the signing of our Peace Accords at the end of 1996, as well as the impact of our sad experience during the internal conflict, resulting from atrocities committed by the State against our civilian population. Further, it reflects the horror that massacres in Rwanda and Srebrenica, among others, provoked in us in the mid-nineties. The call of “Never Again” evocated by these latter events found resonance in my country: it even coincides with the title of one of the two Truth Commission Reports prepared at the conclusion of the Guatemalan conflict. That is why we took on a pro-active role in 2009 which led to the adoption of resolution 63/308, whose only purpose was to keep up the on-going debate on implementing paragraphs 138 and 139 of the Outcome Document of the 2005 Summit.

We always were acutely aware, and continue to be so, of the apprehensions provoked by the so-called “third pillar” of R2P, as described in the Report of the Secretary-General under symbol A/63/677. After all, the principal of non-intervention in the internal affairs of sovereign states is profoundly ingrained in our own political culture. At the same time, we accept that in the era of globalization, we all have a shared obligation to observe certain codes of conduct compatible with the international norms we have been developing over the past sixty years. The world simply cannot stand by impassively watching a Government commit crimes against humanity against their own populations.

Be that as it may, the mentioned apprehensions came out in full force during the debate organized by the President of the 63rd session of the General Assembly in July of 2009, and multiplied exponentially on the heels of the adoption of Security Council resolution 1973 (2011), which, in the eyes of the skeptics, came to confirm their worst fears, in the sense that invoking the protection of civilians was just a new pretext to meet darker objectives, such as intervening by force to overthrow a regime. For some countries, the execution of resolution 1973 (2011) has been traumatic, and it must be recognized that its implementation has poisoned the environment regarding the “responsibility to protect”, to the point that it is compromising the important progress achieved regarding its acceptance and implementation between 2005 and the present.

That is why the Brazilian initiative is to be applauded, for allowing us to revisit the subject, since it incorporates the positive aspects of R2P but also takes on board the legitimate apprehensions which the concept generates. Far from pursuing substituting the original conception for something new, it builds on that concept, trying to explore in greater detail exactly those aspects which generate the most controversy. This is another way of saying that Brazil is providing constructive ideas to a debate which continues to be indispensable, and those ideas tend to move the process of R2P forward, and not, as some would argue, to arrest it.

It must be recalled that the so-called pillar three was always conceived as a recourse of last resort, with concrete criteria, adapted to singular circumstances, on a case by case basis. In our judgment, the main contribution of the Brazilian initiative is to nuance the borders between the three pillars, underlining that they do not necessarily represent sequential steps, and exploring with greater depth the ample range of options to make pillar three more operational. Logically, emphasis is placed on preventive diplomacy over the use of force, but one has to recognize as another positive aspect of the Brazilian initiative that it does not discard the use of force when all other options fail, subject to a collective decision of the Security Council, based on a detailed analysis. Of course, the use of force is not encouraged, but by not giving in to the temptation of excluding this option from the arsenal of dissuasive measures at the disposal of the Security Council, the Brazilian initiative reveals great realism while at the same time promoting more selective criteria for armed interventions.

To conclude, it seems especially significant to us that the initiative should originate precisely in Brazil, which has made no secret of its discomfort regarding the events in Libya. Its initiative, which surely was inspired by its experience as an elected member of the Security Council when resolution 1973 (2011) was adopted, aims at a more nuanced and careful management of the responsibility to protect, but at no time does it back off from what was agreed in paragraphs 138 and 139 of the 2005 Summit Outcome Document. It is for this reason, and because the protection of civilians in a dangerous world is a noble enterprise, that we acknowledge the value of the Responsibility **while** Protecting initiative, and we congratulate Minister Antonio de Aguiar Patriota and all his team for having submitted the initiative to our consideration.

Thank you.