

**Statement by H.E. Francis Chullikatt  
Apostolic Nuncio**

**Informal Discussion  
“Responsibility While Protecting”**

**Co-Chaired by the Minister of External Relations of Brazil and  
the Special Adviser to the Secretary-General on the Responsibility to Protect**

**United Nations Headquarters  
New York, 21 February 2012**

Mr. Chairman,

I would like to thank the delegation of Brazil for holding this very interesting and insightful discussion on “*Responsibility while Protecting*”. I would also like to thank Professor Edward Luck for his comments here today. Given the recent and ongoing violence in many corners of the globe this discussion is both timely and necessary for renewing our commitment both to this institution and to humanity.

The responsibility to protect, while only recently agreed upon in the 2005 World Summit Outcome, is a concept which lies at the very heart of the responsibility of national and international governance. Today’s discussion therefore provides an opportunity to discuss the three pillars of R2P and the responsibilities which exist when the international community makes the decision to intervene in order to protect civilians.

The first two pillars of R2P seek to protect through prevention, by placing primary importance on the responsibility of States to protect affected populations from grave and sustained violations of human rights and, furthermore, on the collective responsibility of the international community to provide assistance to States so as to develop the capacity necessary to discharge that responsibility. These two pillars recognize that the best and most just means for protecting populations is not through violence or military intervention but rather through understanding and preventing underlying causes of conflict and putting in place the mechanisms and institutions necessary for States and the local community to protect populations from grave injustice and violence.

The fulfillment of the first pillar requires States to protect the rights of all people and to safeguard and uphold human dignity. National and local authorities, therefore, have a responsibility to protect and provide the right to life, food, clothing, shelter, rest, medical care, education, an adequate standard of living, the practice of religion, the forming of families, political participation through the freedom to assemble and association, freedom of movement and the right to participate in public affairs, to name just a few.<sup>1</sup>

Interconnected with the first pillar is the second pillar of R2P which requires the international community to assist States to develop the capacities necessary for protecting their populations against grave violations of human rights and the effects of humanitarian crises. This requires that the international community work to provide financial, technical and juridical support. This pillar also requires that the international community strive for a more just and equitable trade system, fulfill internationally agreed commitments, create the mechanisms and institutions necessary for responding quickly to prevent or mediate humanitarian situations, promote the rule of law and work to alleviate extreme poverty.

---

<sup>1</sup> *Pacem in Terris*, 11-14

Then, in the exceptional instance that the first two pillars of action fail to protect a population, the international community, acting in complete unity of purpose, has a responsibility as the last recourse to intervene to protect populations from grave harm. This pillar, while often the most contentious, too often is focused purely on the use of force as the only means for intervention. However, true intervention must place greater emphasis on the use of non-violent means of intervention such as the use of mediation, arbitration, dialogue and carefully targeted sanctions which are aimed at preventing violence instead of harming civilian populations.

Only after we have fulfilled or undertaken the above requirements should the use of force as the mode of intervention even begin to be considered. In undertaking this decision to use force, the international community must exercise its prudential judgment to assess the potential damage inflicted by the aggressor, demonstrate that all other means are impractical or ineffective, assess the likelihood of success and ensure that any intervention through use of force does not produce a situation graver than the one to be eliminated.<sup>2</sup> In this regard, “it is good to recall that even the use of force in keeping with the United Nations rules should be a temporary solution, a true emergency measure, accompanied and followed by a concrete commitment to pacification.”<sup>3</sup>

However, there is always a concern that the principle of R2P “may be invoked in certain circumstances as a pretext to use military force.”<sup>4</sup> In this sense, the obligations and decision-making tasks of the Security Council and of the General Assembly, as provided by the UN Charter, must be respected as they constitute provisions of international law voluntarily accepted by all States. The effective implementation of the principle of R2P therefore, must not break or circumvent the international standards, but rather it should open a broad debate to complete and, if necessary, improve the rules and mechanisms of the UN Charter so as to give all States a shared voice in the decision-making process and to provide greater legitimacy to their political, juridical and economic decisions.

Today, we are here to discuss how to build upon the responsibility to protect by recognizing the international community’s “responsibilities while protecting.” When the international community makes the decision to intervene through the use of force they must do so in accordance with the laws and principles governing the law of war (*jus in bello*). This requires that any use of force, even in the name of the protection of civilians, distinguish between combatants and non-combatants, ensure that the intervention is proportionate to the objective aim of the intervention, protect people and property from unnecessary destruction and hardship and uphold the requirements contained in the Geneva Conventions. “Moreover, the long and generally successful history of peacekeeping operations and the more recent initiatives in peace-building can offer valuable lessons for developing models for implementing the responsibility to protect with full respect for international law and the legitimate interests of all parties involved.”<sup>5</sup>

The recent interventions, in both lethal and non-lethal forms, around the world by the international community demonstrate the inherent need to establish a more inclusive, accountable and transparent decision-making process so that the aims and extent of an intervention are clearly established and that implementation of the decision is proportionate to the stated aim. Failure to make such institutional and substantive reforms risks undercutting the principle of the responsibility to protect or the responsibility while protecting, paralyzes the international community’s ability to reach consensus and undermines the realization of our obligation to protect people from the most grave and sustained violations of human rights.

Thank you, Mr. Chairman.

---

<sup>2</sup> *Catechism of the Catholic Church*, §2309

<sup>3</sup> Statement of Archbishop Dominique Mamberti to the 66<sup>th</sup> Session of the General Assembly, 27 September 2011.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*