



Kingdom of the Netherlands

Statement
by
Ambassador Herman Schaper
Permanent Representative
Permanent Mission of the Kingdom of the Netherlands to the
United Nations in New York

Informal debate on Brazilian conceptnote on
“Responsibility while Protecting”
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Mr. Minister, the Netherlands appreciates this opportunity to exchange views directly with you on the concept note “Responsibility while Protecting”. We welcome the concept note as it is important to deepen our collective understanding of the implementation of Responsibility to Protect, in particular of the third pillar. In other words, RWP in our view is not a separate concept, but a contribution to the ongoing discussion on the implementation of R2P.

For the Netherlands, the Outcome Document of 2005 is the basis for these discussions. This has been agreed and we should not deviate or undermine this consensus.

We therefore welcome ideas in the concept note, such as the focus on the four crimes; on prevention; the centrality of the Security Council, and the necessity to remain within the limits of a mandate provided by the Security Council.

On some aspects of the note, however, we would like to see further discussion. This applies first of all to the distinction made in the note between on the one hand collective responsibility exercised through non-coercive measures, and on the other hand collective security, when a situation of violence against civilians can be characterized as a threat to international peace and security. This distinction is not made in the Outcome Document, which in paragraph 139 expressly refers to Chapter VII when timely and decisive action in the exercise of R2P needs to be taken. In other words, our collective responsibility includes also the options of military actions.

Another point is the argument made in paragraph 7 of the concept note, which states that “the use of force must then be preceded by comprehensive and judicious analysis of the possible consequences of military action on a case-by-case basis”. First of all, let’s not forget the wise military saying that “no military plan survives first contact with the enemy.” Even the most comprehensive analysis will not change this. This should not prevent us to

discuss various consequences of military action, but we should strike a balance between analyzing and discussing various policy options and "timely and decisive action". And be careful that this recommendation does not lead to the institutionalization of "inaction".

However, we do believe that decision making by the Council could benefit from enhanced military advice on such complex operations, also to ensure that afterwards no disagreement will surface on the exact meaning of the language in a mandate. DPKO could play this advisory role with support from military experts. For R2P-situations specifically, it would be useful to articulate more clearly how R2P will impact military doctrine and strategic concepts.

Such military advice would help to come to clearer and more specific mandates which would make monitoring the implementation of mandates easier. However, we also need to be realistic. If you source out implementation of SC-mandates to other organizations or coalitions of the willing, for example NATO in case of Libya, the expectations of monitoring should also be limited. I must add that in general I find it somewhat peculiar that countries which have shown willingness to implement a mandate of the Security Council, and executed a very complex military operation are being criticized by countries who decided not to contribute to the implementation of this mandate.

Also, micro management from the Council might result in a decreased appetite to implement SC-mandates. This would be to the detriment of implementation on military action based on pillar three of R2P. We would be interested to hear more about the idea to ensure accountability of those to whom authority is granted to resort to force.

To conclude, Mr. Chairman: when considering whether or not a military action under R2P has gone too far, one should also ask oneself: what would have been the consequences if no action or much more limited forms of action would have been taken. Too often we have unfortunately seen a tendency to remain inactive in situations of mass atrocities. And even today, I fear that the greater risk is not that military action would come too early or goes too far, the greater risk is still that no action will be taken at all.

Thank you.