

Nicaragua – Statement at the July 2009 GA Debate on RtoP (As Delivered)

The Permanent Mission of the Republic of Nicaragua to the United Nations

Statement By: Mr. Jaime Hermida Castillo

Permanent Representative to the United Nations

Mr. Hermida Castillo (Nicaragua) (*spoke in*

Spanish): The delegation of Nicaragua endorses the statement made by the representative of Egypt on behalf of the Non-Aligned Movement (see A/63/PV.97). We thank the President of the General Assembly for having convened this meeting.

As we all know, as a result of inter-ethnic conflicts that led to genocide and ethnic cleansing in certain places in the world, circumstances began to emerge in favour of the possibility of framing what has come to be called the responsibility to protect. At the 2005 Summit, the heads of State and Government committed themselves once again to protecting the interests and rights of their citizens, emphasizing the need for the General Assembly to continue considering the responsibility to protect populations that are or could be victims of genocide, war crimes, ethnic cleansing and crimes against humanity, bearing in mind the principles of the Charter and international law. It is very clear that there is no legally binding obligation and that the General Assembly will be the body entrusted with developing and drawing up a legal basis, by virtue of its responsibility under the Charter.

The responsibility to protect is a very new topic, acknowledged by Member States only so that they might continue discussing it. It was introduced as a concept, and the topic will have to go on being discussed until consensus among Member States is reached. The delegation of Nicaragua reaffirms the principles of the United Nations Charter, the most important and universal instrument. Developing the concept that we are discussing today must be considered more carefully since, as was established in the 2005 Outcome document (resolution 60/1) and the report of the Secretary-General before us (A/63/677), it could easily become a right to intervene, the consequences of which we small countries have suffered on several occasions. History has much to teach us in that regard, and anyone who tries to deny history could have other intentions.

The concept in its current iteration is ambiguous and easily manipulated, set out in a single resolution of the General Assembly whose legal force is that of a recommendation under Article 10 of the Charter. The concept, which allows for the possibility of the use of force, could run counter to well-established principles in the Charter, such as non-intervention in the internal affairs of States and the non-use of force in international relations. We wonder how to view the claim that there is a right to the responsibility to protect and to delegate the authority of implementing it to the Security Council — in other words, to the five permanent member States.

Genuine and interdependent economic cooperation in an enabling international environment can do more to avert situations of genocide, war crimes, ethnic cleansing and crimes against humanity. Thus, urgent reform of the international economic environment is needed, starting with the Bretton Woods institutions.

For my country, the general principles of the responsibility to protect agreed in 2005 are not controversial. What concerns us is how to interpret those principles and their potentially selective implementation. The concept cannot be placed above the sovereignty of States or the United Nations Charter. Relevant organs, such as the Human Rights Council and the Peacebuilding Commission, already exist, and we believe that they must be strengthened in that regard.