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STATEMENT

OF

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**Thematic Debate on the Report of the Secretary-General on
Implementing The Responsibility to Protect (A/63/677)**

General Assembly Hall
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Mr. President,

Thank you for giving the floor to the Philippines.

At the outset, my delegation commends you for organizing these activities relating to the subject of Responsibility to Protect, or **R2P**, which end with this open debate on the **Report** of the Secretary General on **Implementing the Responsibility to Protect**, document A/63/677.

My delegation also commends and congratulates the Secretary-General for this **Report**, which is, undoubtedly, comprehensive and enlightening and done with utmost care and prudence. The **Report**'s discussions on its mandate, the context and the definition of its approach, the identification of the three pillars of **R2P** and its recommended prescriptions for the way forward would have warranted an earlier discussion or debate thereon by the General Assembly for it to enable itself to formulate effective measures to further invigorate and give fuller meaning to **R2P**. As it is, nearly 3 ½ years had already gone by since September 2005 when the biggest gathering in history of Heads of State and Government convened at the 2005 Summit approved this concept of **R2P** by enshrining it in paragraphs 138 and 139 of the Summit's Outcome Document. We are lucky that it has not been forgotten at all. The **Report** of the Secretary-General could yet be the best document that provides us a healthy environment to nurture and cultivate the **R2P** principle towards its early maturity.

Mr. President,

The political foundation of **R2P** in paragraphs 138 and 139 of the 2005 World Summit Outcome Document is firmly anchored on existing international practice. The concepts in these two paragraphs do not create new binding norms, but build on current international standards condemning genocide, war crimes, ethnic cleansing and crimes against humanity, and confirming their classification as international crimes. In fact, paragraph 138 is just a restatement of the positive binding obligation of States to protect their populations from the four crimes enumerated therein. As to paragraph 139, the term "collective action" is clearly meant to be applied or used strictly **in accordance** with the Charter of the United Nations, bearing in mind respect for the sovereignty and territorial integrity of States, non-interference in their internal affairs, and respect for fundamental human rights.

More important, of course, is that the adoption by our Leaders at the highest level of paragraphs 138 and 139 demonstrated a strong political commitment that accomplished a breakthrough which provided a new framework for understanding and applying existing legal obligations concerning these four international crimes.

Our Leaders, haunted, tormented and tortured by the memory of the past in relation to genocide, war crimes, ethnic cleansing and crimes against humanity – which, sadly and painfully, are still being committed today in some part of our planet - and resolved to put an end to these crimes, left nothing vague on the scope or intent of **R2P**. It should only be limited or applied to these four crimes. Any attempt to enlarge its

coverage even before **R2P** is effectively implemented will only delay, if not derail, such implementation; or worse yet, diminish its value or devalues its original intent and scope.

Indeed, the call of the hour is to put into concrete action and deeds the voice and implement the will of our Leaders expressed in **R2P**. The Secretary-General's **Report** provides the roadmap for our deliberations on how the General Assembly would proceed in operationalizing the concept of **Responsibility to Protect**.

Mr. President,

Successful implementation of any initiative in the United Nations depends on the support from the Member States. This support is engendered through frank and transparent discussions and dialogue, done with utmost good faith. The plenary debate today is the ideal venue to begin these discussions and dialogue to develop a clear understanding on how **R2P** can be implemented and to be enlightened on its implications on the work of the United Nations.

For the time being, my delegation would like to make the following points in relation to the **Report** of the Secretary-General:

1. Let me begin with **Pillar One** on The Protection Responsibilities of the State. We fully concur with the statement that "The responsibility to protect, first and foremost, is a matter of State responsibility because prevention begins at home and its protection of populations is a defining attribute of sovereignty and statehood in the twenty-first century."

In the Philippines, this responsibility is mandated by the Constitution itself. Section 4 of Article II thereof provides: "The prime duty of the Government is to serve and protect the people". This is so because, as also solemnly provided in Section 1 of the same Article, "Sovereignty resides in the people and all government authority emanates from them". The best guarantees a State can provide to protect its citizens are its adherence to democratic principles, ideals and practices; protection and promotion of fundamental human rights, of the dignity and worth of every human person; observance of the Rule of Law; an independent Judiciary; good governance; and, for U.N. Member States, unconditional fidelity to the U.N. Charter and observance of the Universal Declaration of Human Rights.

2. As to **Pillar Two** (International Assistance and Capacity Building) and **Pillar Three** (Timely and Decisive Response), the General Assembly and the Security Council, as well as the Secretary-General, should have an active and substantive role in their implementation. It must be underscored that the General Assembly approved paragraphs 138 and 139 in 2005, and its overall role on the issue, specifically oversight on its implementation must be promoted and strengthened with abiding vigour and vitality. It should never be diminished or diluted. The latter may only make **R2P** all sound and fury.

3. The concept of **R2P** should be **universal**, i.e., applied equally and fairly to **all** States, although the manner of implementation would be on a case-to-case basis. Doing otherwise breeds or raises the issue of selectivity and brings up valid and legitimate questions on the criteria used for the priority given to situations requiring action.
4. The time-frame and mandate of any action to be taken under *Pillars Two* and *Three* should be clearly defined without any trace of ambiguity. Open-ended or ambiguous mandates are indications of indecisiveness, or even weakness, and should not be tolerated for it could cause not only chaotic confusion but dismal failure.
5. The U.N. resources to be used for **R2P** should not affect other activities undertaken in the context of other legal mandates, such as development assistance. It may be recalled that there is still an imbalance in the program budget for items relating to the three intertwined and indivisible pillars of the United Nations – the promotion of peace and security, development, and human rights. **R2P** may further skew the balance against development.
6. International assistance and capacity-building should focus on maximizing the contributions from regional and sub-regional organizations. In particular, the United Nations should look into building the civilian capacities of regional and sub-regional organizations to prevent the commission of crimes covered by **R2P**, as well as looking into the potential value of region-to-region learning processes and their adaptation to local conditions and cultures.
7. There should be more focused discussions on the implementation and modalities for *Pillar Three* – Timely and Decisive Response – the most controversial pillar. Deliberations should lead to more clarity on the use of force to enforce **R2P**. It is imperative that policies, principles and rules be laid out in cases where coercive force is applied in extreme situations. Dialogue and peaceful persuasion, measures undertaken Chapters VI and VIII of the U.N. Charter, should take precedence over coercive responses.

My delegation looks forward to a meeting of minds among us that would lead to a fair, reasonable, responsible, responsive, effective and expeditious operationalization of **R2P**. In doing so, let us be reminded by these words of Sir Edmund Burke which I find very relevant to our discussions today – “*All that is necessary for the triumph of evil is that good men do nothing.*”

I thank you, Mr. President.