

# “Timely and Decisive Response”: Summary of the Informal Interactive Dialogue of the UN General Assembly on the Responsibility to Protect held on 5 September 2012

## INTRODUCTION

On 5 September 2012, fifty-eight member states, one regional organization and two civil society organizations participated in the fourth United Nations (UN) informal interactive dialogue on the Responsibility to Protect (R2P) held in the UN General Assembly (UNGA).<sup>1</sup> The dialogue on “timely and decisive response” marked an important turning point in member states’ discussions on R2P. For the first time in an interactive dialogue the majority of states focused their contributions on how best to operationalize R2P, rather than debate its status or whether it should be implemented.

This shift stems in part from the UN Security Council’s (UNSC) 2011 invocation of R2P in resolutions mandating Chapter VII missions to protect civilians from mass atrocities in Libya and Côte d’Ivoire. This experience has made the implementation of R2P and its most controversial aspect, the use of force as a coercive tool of last resort, more than an abstraction. Libya, Côte d’Ivoire and the plight of civilians in Syria today was at the fore of many states’ comments as they reflected upon the challenges arising from the operationalization of R2P. The dialogue confirmed that there has been no diminution of the norm and that, as UN Secretary-General Ban Ki-moon noted in his opening address, “R2P’s time has come.”

There was widespread acceptance that the international community must move towards

outlining tangible steps that states can take at the domestic, regional and international level to uphold R2P. Many states outlined the efforts they are taking to uphold R2P domestically, including through the appointment of a senior-level government official to serve as a national R2P Focal Point.

The 2012 dialogue saw an increase in the number and diversity of states participating. When compared with opposition to R2P in 2005 or 2009, the 2012 dialogue saw only two states, Cuba and Venezuela, remaining as outright opponents of the norm. A number of states did, however, voice constructive concerns about how best to implement and advance R2P. For example, states stressed that R2P must be applied in a consistent manner to avoid allegations of double standards, and points of disagreement remained regarding the sequencing of the three pillars and how and when to resort to the use of force.

## BACKGROUND TO THE DIALOGUE

In 2009 the UN Secretary-General released his first report on R2P entitled, “Implementing the Responsibility to Protect.” The report carefully laid out the Secretary-General’s approach to R2P centered around three Pillars: (I) domestic protection responsibilities, (II) international assistance and capacity building to states in need and (III) timely and decisive international response when states are manifestly failing to protect their populations.

In keeping with paragraph 139 of the World Summit Outcome Document whereby the UNGA committed itself to continued consideration of R2P, the UNGA held an interactive dialogue in 2009 followed by a formal debate on the Secretary-General's report. This was followed by a 2010 report on "Early Warning, Assessment and R2P," a 2011 report on "the Role of Regional and Sub-Regional Arrangements in implementing R2P" and this year's report on "Timely and Decisive Response." Since 2009 each report has been presented to the UNGA and has been accompanied by an interactive dialogue. The 2009, 2011 and 2012 reports were also introduced to the UNSC which has yet to hold a discussion on them.

While not on the formal agenda of the UNGA, the dialogue has become an expected part of each UNGA session and is usually held in July or August. This year, the dialogue was held in early September. The strong turnout is worth noting given the unfavorable timing during the first week back from many government representatives' summer break. Nevertheless, a considerable number of Ambassadors prioritized participation in the full-day event. A number of states sought to be added to the speaker's list on the day of the dialogue, resulting in the restriction of speakers at the end of the list to one-minute statements.

This year the Secretary-General's report, which highlighted the range of non-coercive and coercive Pillar III measures available to member states and the UNSC to avert or halt mass atrocities, framed the dialogue. The Secretary-General underscored that each situation is distinct, that prevention and response are closely related and that, therefore, operationalization must be done in a "logical" rather than "chronological" manner to ensure the legitimacy and efficacy of R2P.

In reiterating his call for 2012 to be the year of prevention, the Secretary-General noted that early preventive action by states, regional organizations and the UNGA, UNSC and Human Rights Council saves lives and reduces the need for subsequent, more coercive, action under Pillar III. He also stressed that in those cases where prevention fails, the international community must be prepared to act in a timely and decisive manner using the array of tools outlined in his report. When this happens,

R2P must be operationalized in a responsible, sustainable and effective manner.

Many states sought to have their voices heard in response to the Secretary-General's report and to the recent military interventions in Libya and Côte d'Ivoire, which contributed to greater overall participation in the dialogue by comparison to 2011.

REGIONAL PARTICIPATION			
	2010	2011	2012
Americas	14	10	12
Asia and the Pacific	8	7	11
Africa	7	3	6
Europe	10	18	20
MENA	3	5	9
Regional Organizations	2	3	1
Total	44	46	59

#### PARTICIPATION OVERVIEW

This year's dialogue began with the Secretary-General calling upon states to affirm their support for R2P and turn their 2005 pledge into practice through operationalizing R2P. Sharing his own concerns he noted that, "Never Again' is the oft-heard cry. But I am haunted by the fear that we do not live up to this." Opening remarks were also provided by UNGA President Nassir Abdulaziz Al-Nasser and Special Adviser of the Secretary General on the Prevention of Genocide Adama Dieng. They were followed by a panel discussion with UN Deputy Secretary-General Jan Eliasson, UN Assistant Secretary-General of the Office of the High Commissioner for Human Rights Ivan Simonovic, Ambassador Gert Rosenthal of Guatemala, Ambassador Youssoufou Bamba of Côte d'Ivoire and Professor Alex Bellamy from Griffith University in

Australia. The panel was moderated by Special Adviser Dieng. The panel discussion was followed by interventions from fifty-eight member states, one regional organization (the European Union) and two civil society organizations (the Global Centre for the Responsibility to Protect and the International Coalition for the Responsibility to Protect).

MEMBER STATES AND REGIONAL ORGANIZATIONS PARTICIPATING IN THE 2012 DIALOGUE	
Americas	Argentina, Brazil, Canada, Chile, Costa Rica, Cuba, Guatemala, Mexico, Peru, Uruguay, United States of America, Venezuela
Asia and the Pacific	Australia, China, India, Japan, Malaysia, New Zealand, Pakistan, Republic of Korea, Singapore, Sri Lanka, Viet Nam
Africa	Burundi, Côte d'Ivoire, Ghana, Nigeria, Rwanda, South Africa
Europe	Belgium, Czech Republic, Denmark, Estonia, France, Georgia, Germany, Hungary, Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Russia, Slovenia, Spain, Switzerland, United Kingdom
Middle East and North Africa	Egypt, Iran, Israel, Libya, Morocco, Qatar, Syria, Tunisia, United Arab Emirates
Regional Organizations	European Union

The 2012 dialogue saw the inclusion of new voices and the return of states that had last spoken during the first UNGA dialogue and debate in 2009. This year, eight states chose to speak publicly in the dialogue for the first time. Of those, six spoke in strong support of R2P: Burundi, Côte d'Ivoire, Estonia, Libya, Portugal, and United Arab Emirates. Syria spoke for the first time but did so only in response to criticisms made against it by others, rather than to comment upon the Secretary-General's report. The 2012 dialogue also saw eight states participate for the first time since 2009: Japan, Malaysia, Norway, Rwanda, Singapore, South Africa, Viet Nam and Qatar. Each provided constructive comments on how best to advance and implement R2P while affirming their support for it. For example, South Africa voiced criticisms about the implementation of R2P in Libya and Côte d'Ivoire, but also said that there was no going back on what was agreed to at the 2005 World Summit.

Twenty-three states have participated in all four UNGA dialogues/debates on R2P: Australia, Brazil, Canada, Chile, China, Costa Rica, Cuba, Czech Republic, France, Georgia, Germany, Ghana, Guatemala, Iran, Italy, Mexico, Netherlands, Pakistan, Republic of Korea, Switzerland, United Kingdom, United States of America and Venezuela.

### KEY THEMES

In contrast to earlier dialogues this year's discussion focused directly on questions of implementation. Estonia clearly outlined this distinction when it commented that, "there is a remarkable degree of acceptance to the principle of R2P. The discussion we are having is not on the principle as such, but on common principles of its implementation, i.e. how to prevent and react to R2P crimes." Whereas previous discussions focused upon tensions around the "status of R2P," the scope of R2P as limited to the four crimes, the risk of unilateral action and which forum, the UNSC or UNGA, should guide R2P's implementation, these themes were largely absent in the 2012 discussion. Instead, many states highlighted the steps that they were taking to implement R2P domestically, regionally and internationally and affirmed their support for the continued operationalization of R2P. The continuous trend across dialogues is found in the call by states

for reform of the use of veto in the UNSC and for the consistent application of R2P so as to dispel concerns about double standards and selectivity.

Concerns raised by states during the dialogue regarding the use of force and R2P were not surprising. Controversies over the authorization of Chapter VII use of force mandates pre-date R2P and, in light of UNSC Resolution 1973 in Libya and Resolution 1975 in Côte d'Ivoire, were clearly relevant to a dialogue focused upon Pillar III. Those states who did raise concerns about the use of force during the implementation of R2P did not seek to roll back the 2005 World Summit commitment or argue that R2P lacks legitimacy. The overwhelming sentiment of participants was that they must work together to improve our understanding of how best to implement R2P and address concerns in order to save lives. In keeping with this, variants of the sentiments of Viet Nam who noted that it “strongly condemns such crimes and is always ready to cooperate with the international community in the fight against these crimes,” were echoed throughout the day.

### *Support for R2P is Global*

As with previous years, states from every region spoke in favor of R2P. The number of African states participating doubled from three to six, while Asia and the Middle East and North Africa (MENA) saw similar increases with four additional states making interventions from each region. While these numbers may seem low, within each of these regions were states, including Nigeria, Singapore and Libya, with strong voices advocating for R2P and its implementation at the national, regional and international level.

Nigeria drew upon its own national and regional implementation efforts. It was one of the few states to speak to a theme that had dominated earlier dialogues – R2P's status. They argued that, “R2P and its three pillars, not only derives its global legitimacy on international humanitarian and human rights law, as well at the World Summit of 2005, it also represents a global conceptual and policy shift in the notion of sovereignty and security, with new emphatic ascendancy on human security rather than on state security. It is this regard that Nigeria believes that the *raison d'être* of the state revolves around the

R2P.” They urged states use the debate to strengthen the “global commitment towards an effective implementation of the R2P,” and to provide assistance to regional and sub-regional organizations attempting to operationalize R2P.

Singapore, who had last spoken in 2009, urged participants to “tackle the heart of the matter head-on.” Singapore spoke to an issue that concerned many states participating in the dialogue – the need for consistency. They argued that R2P must be consistently applied in both “rhetoric and implementation so as to guard against accusations of double standards and selectivity.” To address inconsistency they advocated for the restriction of the use of the UNSC veto in situations where “there was evidence of impending mass atrocity crimes.”

Libya, speaking for the first time in an R2P dialogue, was unequivocal in their support for R2P, noting that the international community's rapid and decisive response via UNSC resolutions 1970 and 1973 averted a massacre and saved lives in the city of Benghazi. They noted that, “there is absolutely no doubt that this [R2P] is one of the greatest achievements in the field of human rights this century.”

### *Affected States Call for the Implementation of R2P*

Libya joined an unprecedented number of states speaking in favor of R2P in the dialogue who have experienced mass atrocity crimes in their recent history, including Argentina, Burundi, Côte d'Ivoire, Guatemala and Rwanda. Directly tackling the critique put forward by opponents of R2P that the international community should not interfere in the internal affairs of a state that is manifestly failing to protect its population from mass atrocities, Slovenia drew upon its experience as a country “witnessing these massacres in its own backyard.” Slovenia noted that, “the risk and occurrence of the R2P crimes are in their very nature threats to international peace and security... we believe there are no situations in which states do not have a primary responsibility to protect their own populations. And for the same reason we also see the need for the international community to act - in case states fail to do so.”

### *States Called for the Voluntary Restraint of the Use of the Veto*

In each previous dialogue states have called for the UNSC's five permanent members (P5) to voluntarily restrain the use of the veto in mass atrocity situations. This year six states raised this recommendation. Burundi argued that, "the day on which the members of the UNSC understand that when faced with mass crimes and atrocities, one cannot simply attempt to act in a strategic way or to brandish one's veto, the R2P will become a full-fledged concept." Singapore noted that, "those P5 countries who are fervent supporters of R2P... reject any restriction on the use of the veto." They prudently warned that R2P must not become the victim of competing national agendas, as "it cannot be tarnished by suspicions of domestic agendas, national self-interest or, worse still, political grandstanding." None of the P5 discussed the veto in their statements.

### *States are Taking Steps to Uphold R2P Domestically*

At the fore of a number of states' comments was a description of what steps they are taking to establish the domestic preventive architecture needed to uphold the Responsibility to Protect. This included eight states - Australia, Costa Rica, Czech Republic, Denmark, France, Germany, Ghana and Slovenia - that spoke about their participation in the national R2P Focal Point initiative. Similarly, Argentina mentioned the creation of the Latin American Network for the Prevention of Genocide and Mass Atrocities. The United States of America highlighted the creation of its Atrocity Prevention Board and President Obama's declaration that preventing mass atrocities is a core national priority. Nigeria referred to a workshop recently co-hosted by the Global Centre for the Responsibility to Protect and the Economic Community of West African States (ECOWAS) in Abuja. Ghana discussed efforts to utilize R2P to strengthen the rule of law. South Korea stressed that, "as a member of the Group of Friends of the R2P, [Korea] has been a strong supporter of R2P and has been taking every opportunity in international fora to contribute to solidifying support and full implementation of the concept."

### *The Pillars and Sequencing*

States did not shy away from dealing with difficult issues related to using force to halt or avert mass atrocities and nineteen states raised the issue of the sequencing of R2P's pillars. Echoing the Secretary-General's report, many states stressed the non-sequential and mutually reinforcing nature of R2P's three pillars. Brazil argued that sequencing must be, "logical, based on political prudence. It does not mean the establishment of arbitrary check-lists." Pakistan and Malaysia were in the minority in their explicit rejection of the Secretary-General's call for "logical" sequencing, advocating instead for the pillars to be strictly implemented chronologically. India similarly suggested that, "the report argues that neither the three pillars can be treated as stand-alone options, nor can they be sequenced. In our view, the three pillars cannot be mixed, and the support aspect, including the capacity building under Pillar II, should take precedence over the response aspect under Pillar III." They argued that, "sufficient time should be allowed to see that the non-coercive measures employed are bringing the desired results."

As with past dialogues, there was strong consensus about Pillar I and II. There was unanimous agreement about the importance of prevention and the need to strengthen states' and regional organizations' understanding about how best to prevent mass atrocities while enhancing their capacity to do so. South Africa called for an integrated strategy for prevention. Russia, in not dismissing possible recourse to coercive measures, argued that "in order to implement R2P we agree with the conclusion that priorities should be given to strengthening preventive mechanisms allowing one at an early state to highlight/detect problematic situations and prevent large scale atrocities."

While differences remained on Pillar III, the majority of states were clear that these differences should not slow the implementation of R2P. There was widespread agreement that the international community must be prepared to use all means necessary to uphold R2P. Pakistan acknowledged that force may be needed in certain circumstances but that it must be a last resort. They asked how R2P

can be implemented “in a system which is based on political preferences and is often guided by economic and strategic interests or alliances.”

### *States Express their Concern About the Price of Inaction*

The price of inaction was a common theme in the discussion. In addressing systemic challenges that contribute to inaction, South Korea reiterated the Secretary-General’s message that, “disagreements about the past must not stand in the way of our determination to protect populations in the present.” Morocco, in a departure from its statements in previous dialogues, argued that, “this difference of opinion [on Pillar III] should not be the justification for inaction of the international community and the council.” Norway affirmed that “if the international community acts early enough, the choice needs not be between doing nothing and using force.”

Australia supported Singapore’s call for the P5 to voluntarily restrain their use of the veto and noted that, “history shows that, the slower we act under Chapter VI, the longer we delay, the more likely we’ll find ourselves eventually obliged to consider coercive action, maybe even, the use of force – under Chapter VII.” In a poignant call to action, Rwanda reflected upon its own historical experience noting that, “many ask this morning how many times we can say ‘never again.’ But we often ask ourselves the same question. We say the cost of inaction is immeasurable – it is not. It is measurable in the millions of lives lost in Rwanda, and the thousands more lost each day. We must stay the course in clarifying and implementing the Responsibility to Protect.”

### *Mass Atrocities in Syria*

The plight of civilians in Syria was at the fore of many states’ interventions as clearly exemplified in Ireland’s statement that, “the horrific scenes from Syria continue to affront our conscience. How high must the death toll rise, and to what further depths must the Assad regime sink, before the Security Council is ready to bridge its internal differences and speak with one voice?” While situations where populations are at risk of mass atrocities have been referred to in R2P dialogues before, the number of states raising Syria and the applicability of R2P was unprecedented.

In total, twenty countries - Australia, Belgium, Egypt, Estonia, France, Georgia, Germany, Ireland, Israel, Japan, Libya, Luxembourg, Netherlands, New Zealand, Nigeria, Qatar, Singapore, Spain, United Kingdom and United States of America - and one regional organization, the European Union, raised Syria in their statements.

Syria’s own intervention sought to deflect criticism made by others against it. The Global Centre for the Responsibility to Protect’s statement noted that, “as Syria has shown us, inaction and indifference still remain our greatest enemies in confronting mass atrocity crimes.”

Many states highlighted the leadership of the UNGA on the issue of mass atrocities in Syria. The United Kingdom noted that, “on Syria, the overwhelming majority voted in favor of the UN General Assembly Resolution on Syria on 3 August and sent a clear message that the world condemns escalating violence and human rights violations by the Syrian regime. But the collective response by the international community to the situation in Syria has been thwarted by a lack of consensus in the UN Security Council.” Spain, echoing the Secretary-General, expressed the sentiments of the majority of states gathered that, “inaction is not an option,” while Japan said that “we must work together to bring an immediate end to the violence and bloodshed in Syria.”

### *R2P and the Use of Force, the Case of Libya*

The recent international response to halt and avert mass atrocities in Libya informed many states’ positions during the dialogue. Twelve countries raised Libya in their statements: Argentina, France, Ireland, Japan, Libya, Nigeria, Russia, South Africa, Syria, United Kingdom, United States of America and Venezuela. The Secretary-General, anticipating concerns about the military intervention in Libya, outlined that he believes the UNSC used force only as a last resort after Council members found peaceful means inadequate. He further noted that the Commission of Inquiry found that NATO, in its implementation of UNSC Resolution 1973 had “conducted [a] highly precise campaign with a demonstrable determination to avoid casualties.” The United Kingdom, a state that was closely involved

in the implementation of Resolution 1973, was unequivocal in its position arguing that, “on Libya, we believe that UNSC-mandated action taken by NATO was necessary, legal and morally right. By taking prompt action, the UNSC and NATO saved tens of thousands of people from becoming victims of crimes against humanity and war crimes.”

By contrast, Argentina argued that concerns have arisen that “the coercive action in Libya included resorting to the use of force without trying other measures first, regime change, the adequacy of air strikes to protect civilians, the need for the UNSC to do a follow up of the authorized measures and accountability of those authorized to use armed force.” India was particularly critical of implementation arguing that, “it is the pursuit of the objective of regime change that generated a great deal of unease among a number of us who support action by the international community, anchored in the United Nations, to implement the provisions contained in paragraphs 138 and 139 of the World Summit Outcome Document.” Seven states raised the issue of “regime change,” each voicing concerns similar to those raised by South Africa that R2P “must be fully respected and implemented in the letter and in the spirit of its provision rather than using the mandates as a pretext for other motives, including regime change.”

Of the states who expressed concerns about R2P’s implementation in Libya, the majority were constructive and generally supportive of R2P. Even on the highly controversial issue of regime change, South Africa challenged R2P’s skeptics by stating, “put plainly, Mr. President, the primary objective of R2P is not regime change.”

#### *States Welcomed the Brazilian Initiative of Responsibility While Protecting*

On the concept of “responsibility while protecting” (RwP), the Secretary-General welcomed the Brazilian government’s initiative in his opening statement and nearly half of the participants discussed its main points. Argentina, Brazil, China, Egypt, Germany, Ghana, Guatemala, India, Ireland, Japan, Liechtenstein, Luxembourg, Mexico, Malaysia, Morocco, New Zealand, Portugal, Qatar, Russia,

Rwanda, South Africa, Singapore, Spain, Uruguay and the European Union, raised RwP in their statements. Many noted that the use of force must be exercised responsibly and with greater accountability, and France expressed the sentiments of many when they noted that RwP, as they understand it, is meant to be “complimentary rather than competing with R2P.”

#### *The Number of Opponents is Dwindling*

Many states raised constructive concerns about implementation yet were unequivocal in their support for R2P. It is important to distinguish between those states that raised such concerns and those who outright oppose implementation. Of those who remain hostile to R2P, Cuba and Venezuela are increasingly isolated in their positions. Cuba and Venezuela claim that there is no consensus about R2P, that it is only a “concept,” and that double standards have eroded its integrity. Venezuela went so far as to state that, “the Responsibility to Protect could only be considered as a barbaric principle originated from the Law of the Jungle.” This year’s dialogue was notable for how marginal such views have become.

Nevertheless, a number of states outlined lingering concerns. Malaysia seemed to suggest that efforts to implement R2P should be slowed down, arguing that, “since the World Summit in 2005, there has been some debate on the issue of R2P. Despite this, we feel that R2P is still a relatively new concept, one that requires greater deliberation. The principle of R2P would need to be understood in the same way by all parties before we can consider it as an accepted concept that has been applied.”

Tunisia questioned the level of consensus that exists for R2P’s implementation suggesting that inconsistency undermines efforts to reach consensus, arguing that “for the operation to be legitimate the cause must be just, and the application of the concept must be equal. Then we can speak of R2P as an expression of the will of the international community.”

While the majority of states clearly expressed that consensus exists and the challenge ahead is implementation, a small minority of states, including

China, India, Malaysia, Pakistan and Tunisia, raised questions that suggest that significant points of political division remain.

## CONCLUSION

Analysis of the R2P dialogue confirms that states are generally committed to taking steps to implement R2P and embrace the Secretary-General's declaration that "inaction cannot be an option for our community of nations." In debating the difficult questions surrounding operationalization, the majority of states supported his assertion that "there should be no misuse of the responsibility to protect. But fears of its possible misuse should not inhibit us in the face of incitement and grave violence." Few states chose to use their comments to question R2P's status and parameters, a marked and promising change from earlier debates. On this issue, the Netherlands' statement reflects the sentiments of the majority: "[R2P] is not a concept which opens the door to arbitrary and widespread military intervention, but it is a narrow and deep concept focusing on four mass atrocities only."

Norway captured the dominant theme of the dialogue when it eloquently argued that, "there are never situations in which states do not have a responsibility to protect their populations from mass atrocities – the question is therefore not whether R2P applies to a situation, but rather how best to operationalize the principle." When it comes to the implementation of Pillar III, especially the use of force, Egypt expressed the sentiments embraced by many that, "invoking measures under Chapter VII must be done in a judicious and proportional manner while respecting the mandates given to them by the UNSC or UNGA through a transparent and accountable framework."

Thirteen out of fifteen sitting UNSC members (the exception being Colombia and Togo) participated in the 2012 R2P dialogue. In January 2013, five newly elected members - Argentina, Australia, Luxembourg, Rwanda and South Korea - will join the UNSC. Each is a supporter of R2P and all participated in the 2012 dialogue. This may present an opportunity for the UNSC to discuss R2P more formally. Given the important role the UNSC plays in the implementation of Pillar III, it would also be an important moment for the Secretary-General to address the constructive

concerns expressed by many states regarding consistency and use of the veto. This could be a critical step towards ensuring that vulnerable populations today are not, in the words of the Secretary-General, "held hostage to the disagreements about the past."

With the theme of next year's Secretary-General's report tentatively expected to focus upon prevention, the question of implementation will undoubtedly remain at the center of the debate about R2P. In light of this, the time may be ripe for states to explore the creation of national action plans for the implementation of R2P and to appoint national R2P Focal Points. This could enable the 2013 dialogue to be a forum for the sharing of best practices and lessons learned from a diverse group of states. This would also be in keeping with the Secretary-General's call to action: "Let us by all means continue to talk through the Responsibility to Protect in all its aspects. Each year we achieve greater precision and common understanding. But let us recognize that we face an urgent test here and now. Words must become deeds. Promise must become practice."

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## Notes

1. Includes in the tally Guatemala and Côte d'Ivoire whose Ambassadors spoke as panelists during the Interactive Dialogue in the General Assembly.