



**PERMANENT MISSION OF THE REPUBLIC OF SERBIA  
TO THE UNITED NATIONS**

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STATEMENT

by

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AT THE UNITED NATIONS GENERAL ASSEMBLY DEBATE  
ON THE RESPONSIBILITY TO PROTECT

Mr. President,

Serbia welcomes the opening of the debate on the concept of the Responsibility to Protect, based on the comprehensive and astute report of the Secretary-General. The concept, as agreed at the 2005 World Summit and adopted in its Outcome Document is not in any way questionable, as none of us have any doubts about the responsibility of each and every state to protect its population from the four heinous crimes spelled out in paragraphs 138 and 139.

The concept of Responsibility to Protect is a necessity which no one can question. However, this necessity has been preceded by the notion of the four enumerated crimes, as well as by the existing body of international legal instruments and norms which some of the previous speakers have clearly spelled out. Furthermore, this necessity does not in any way imply its legality at this stage. In order for the concept to become a part of international law, let alone customary international law, it must first be elaborated fully by the General Assembly and given a proper test of time as a way of dispelling any reasons for fear of abuse and perversion of noble goals into double standards. We must remain aware of the ease by which noble goals and lofty ideas can be utilized for particular purposes and how paths paved with good intentions can sometimes lead to unjustifiable actions.

Mr. President,

It is this possibility that cautions us against hasty decisions and flamboyant rhetoric. We must not forget the recent past, when the now discredited, hastily-composed concept of humanitarian intervention was a highly prized concept, championed by some of the political leaders bearing great influence on the state of the world affairs then, and even today. Can one feel anything but skepticism and irony while recalling the officially-declared motives of the NATO-led bombing of the Federal Republic of Yugoslavia in 1999? Would anyone present here now condone the killing of over 2000 citizens of FRY, a good number of them ethnic Albanians that the intervention was supposed to protect, as "collateral damage", and the destruction of infrastructure that generations of Yugoslavs worked hard to construct? For that matter, hardly anyone now mentions the "fact" of the supposed Serb-inflicted 100.000 casualties in Kosovo, which was then issued by NATO as a last battle cry, a PR spin to push reluctant members into action and ultimately a pretext for the 108 days of bombing. The "fact" was never mentioned later, after its intended result was achieved, but its use must not be forgotten when we discuss the concept of Responsibility to Protect.

As a further cautionary note, I cannot avoid quoting the former President of Finland and the subsequent Special Envoy Kosovo status process Marti Ahtisaari, who, in an interview to CNN on 10 December 2008 gave his view of the Responsibility to Protect. After acknowledging the fact that the General Assembly had "accepted the principle Responsibility to Protect", he went on to justify it by saying that "If a dictatorial leadership in any country behaves the way as Milosevic and company did vis-à-vis the Albanians in Kosovo, they lose the right to control them anymore".

We wonder if such interpretations truly lead us away from the supposedly defunct concept of humanitarian intervention.

In light of the above, we must remain committed to the principles of the Charter of the United Nations as a basic reference point for any debate on the reform of the international system, especially in the case of adopting norms with far-reaching consequences, that should in time contribute to a level of human conscience that would render the four heinous crimes inconceivable. In this respect we wish to emphasize the utmost necessity for the strict respect of the Chapter VII of the UN Charter and the competences of the Security Council. We also believe in mutual complementarity and interdependence of the three pillars, with the greatest need to invest genuine effort and resolve in elaborating the third pillar.

As the very well prepared and thought-provoking concept note prepared by the Office of the President of the General Assembly states, at this stage there are a number of misnomers and elements that are problematic. As stated, among them are the elements of a "timely and decisive response". One may question what constitutes a timely response and who determines the level of decisiveness. Are we dealing here with a lack of knowledge at an early stage or is it the issue of political expediency that takes precedence?

To take the argument one step further, we can argue the case of Srebrenica as an example of deliberate inaction of the international community in the face of one of the most horrendous crimes in modern history. No one has any right in denying the lack of timely knowledge, nor the lack of capacity to act when an atrocious crime was taking place in a UN declared safe-heaven. So, why then, one may ask, has there been a failure to respond timely and decisively? Though a scant consolation to the survivors and the families of the victims, the Srebrenica massacre has, at least, been recognized as such. But, it should also be mentioned, this has not been the case in the killing of some 3,000 Serb civilians in the villages around Srebrenica by the notorious Bosnian warlord Naser Oric, residing with his troops in Srebrenica between 1992 and 1995 and launching his attacks on Serbian villages from there unopposed. Although there were witnesses that he had not only a command authority in such crimes, a basis for the condemnation of a number of Serb generals, but was also involved personally in the killings, he was released by the Hague Tribunal after only two years. We could further recall the unanswered plight of IDP's and refugees that were forced to flee Kosovo following the arrival of NATO troops, and Croatia, following the so-called operation "Storm". Those examples teach us that all crimes must be treated equally - all of the perpetrators must meet their punishment if better relations and brighter future within the region involved are desired. Otherwise, grievances that remain can only lead to further conflicts in the future.

Mr. President,

To sum-up, we wish to reaffirm our commitment to the concept of the Responsibility to Protect, as defined by the 2005 World Summit Outcome Document. We wish to believe that its elaboration and successive implementation will lead us away from the dreadful examples just cited. But we, for that very reason, cannot forsake the necessity to discuss the concept in a comprehensive and all-inclusive manner, without any imposed constraints. The responsibility placed upon us is too great.