

“State Responsibility and Prevention”: Summary of the Informal Interactive Dialogue of the UN General Assembly on the Responsibility to Protect held on 11 September 2013

INTRODUCTION

The fifth United Nations (UN) Informal Interactive Dialogue on the Responsibility to Protect (R2P) was held in the General Assembly (UNGA) on 11 September 2013. Sixty-nine member states, one regional organization and two civil society organizations delivered interventions addressing the report of the UN Secretary-General on the Responsibility to Protect, “State responsibility and prevention” (S/2013/399).¹

In responding to the report, most member states reflected upon efforts they have undertaken to uphold R2P domestically by building and strengthening national capacities to prevent mass atrocities. More than a third of participating member states highlighted the importance of appointing a senior-level government official as a national R2P Focal Point as a means to enhance mass atrocity prevention both nationally and internationally.

The debate saw the largest number of participants since the start of the single-day format in 2010. All regions, with the exception of the Middle East and North Africa (MENA), saw increased participation by member states as compared to past years. R2P’s growing acceptance was demonstrated by the overwhelming majority of positive statements, with member states reaffirming their commitment to R2P. Those states who did express concerns were less strident in their opposition as compared to previous years.

While most states used the dialogue to address national mechanisms for prevention, many also raised the issue of Syria in the aftermath of the 21 August chemical weapons attack. A number of member states called upon

the UN Security Council (UNSC) to overcome the diplomatic deadlock and uphold its responsibility to address the situation. There was also a marked increase in the number of states calling for voluntary restraint on the use of veto in mass atrocity situations.

Due to a strict time limit on interventions, which was not conducive to substantive discussion, some states explored the possibility of R2P being put on the UNGA’s formal agenda and suggested a return to the debate format used in 2009, which allowed for a longer discussion.

BACKGROUND TO THE DIALOGUE

In his first annual report on R2P in 2009, entitled “Implementing the Responsibility to Protect,” the Secretary-General outlined a three-pillar approach for the operationalization of R2P. Pillar I notes that every state has the primary Responsibility to Protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Pillar II asserts that the wider international community should assist states in meeting this responsibility. Pillar III holds that if a state is manifestly failing to protect its populations, the international community must be prepared to take appropriate collective action in a timely and decisive manner in accordance with the UN Charter.

Since 2009 the Secretary-General has issued an additional four annual reports on R2P: “Early warning, assessment and R2P” (2010), “The role of regional and sub-regional arrangements in implementing R2P” (2011), “Timely and decisive response” (2012) and this year’s report, “State responsibility and prevention.”

While not on the UNGA’s formal agenda, in paragraph 139 of the World Summit Outcome Document states committed to continued consideration of R2P within the UNGA. An interactive dialogue has been held following the release of the Secretary-General’s annual report every year since 2009.

The Secretary-General’s fifth report on R2P focuses on Pillar I measures to strengthen national capacity to prevent the commission of mass atrocity crimes. Before the Secretary-General finalized his report, the Office of the Special Advisers on the Prevention of Genocide and the Responsibility to Protect undertook an extensive consultative process with member states and civil society, which included holding regional consultation meetings as well as compiling written submissions from twenty-seven member states, one regional organization and twenty-seven civil society organizations. The Global Centre for the Responsibility to Protect played a role in assisting the Special Advisers in facilitating regional consultations with over 120 member states whose input allowed for a broad report, detailing the steps member states have undertaken to build national capacities. The final report referenced the domestic initiatives of over forty member states.

PARTICIPATION OVERVIEW

This year’s dialogue began with the Secretary-General noting that R2P is primarily a preventive doctrine and as such it seeks “not only to protect populations at the eleventh hour.” The Secretary-General noted that to build national resilience to mass atrocities states must translate “obligations and standards set out in international law into policies, programmes, laws and institutions that protect and empower their people.” He noted that this includes strengthening the rule of law and accountability mechanisms, as well as improving early warning, education and inter-community dialogue.

Remarks were also provided by UNGA President Vuk Jeremić and the UN Special Adviser on the Prevention of Genocide, Mr. Adama Dieng, who also moderated the panel discussion. The panel featured strong statements from the new UN Special Adviser on the Responsibility to Protect, Dr. Jennifer Welsh, as well as the UN Deputy Secretary-General, H.E. Mr. Jan Eliasson, Minister of Integration of Italy, H.E. Ms. Cécile Kyenge, and Permanent Representative of Argentina to the UN, H.E. Ms. María Cristina Perceval. The panel discussion was followed by interventions from sixty-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 Participating in the 2013 Dialogue	
Americas	Argentina, Bolivia, Brazil, Canada, Chile, Costa Rica, Cuba, Ecuador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, United States of America, Uruguay, Venezuela
Asia and the Pacific	Australia, China, India, Indonesia, Japan, Malaysia, New Zealand, Pakistan, Papua New Guinea, Republic of Korea, Singapore, Sri Lanka, Thailand
Africa	Botswana, Côte d’Ivoire, Ghana, Nigeria, Rwanda, South Africa, Tanzania, Togo
Europe	Armenia, Belarus, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Italy, Latvia, Liechtenstein, Luxembourg, Montenegro, Netherlands, Norway, Russia, Slovakia, Slovenia, Spain, Switzerland, United Kingdom
MENA	Egypt, Iran, Libya, Morocco, Qatar, Syria, Turkey
Regional Organization	European Union

This dialogue saw an increased level of representation from all regions but one, with the vast majority of states reaffirming their commitment to protecting populations and preventing mass atrocity crimes. Ten more member states participated in 2013 as compared to 2012. Of these ten, eight – Belarus, Finland, Latvia, Montenegro, Papua New Guinea, Thailand and Togo - spoke for the first time in a R2P dialogue.

Twenty-three states have participated in all five UNGA discussions of the Secretary-General’s reports 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

This year's dialogue reinforced a shift in the tenor of interventions, with the overwhelming majority of member states focusing on the operationalization of R2P as opposed to debating its theoretical foundation. Most member states shared initiatives they have undertaken to build national capacity to prevent mass atrocity crimes.

Many states spoke about prevention serving as the central element of R2P and the preferred course of action both in strategic and moral terms. Several themes emerged with states focusing on different possible preventative measures, including accountability mechanisms, security sector reforms, the rule of law and constitutional protections, such as anti-discrimination legislation. Some states explicitly commented upon the nexus between economic development and R2P, emphasizing that reducing economic inequalities can help mitigate risk factors that may contribute to the perpetration of mass atrocity crimes.

The situation in Syria continued to occupy the discussion with thirty-seven member states expressing concerns regarding the UNSC's inability to respond to ongoing atrocities and the resulting cost of inaction.

Far fewer states raised contentious issues, such as "regime change" and "humanitarian intervention," that were articulated in previous discussions or questioned the status of R2P as a guiding principle to prevent the most conscience-shocking international crimes. Four member states – Brazil, China, Ghana and India - referenced the Brazilian initiative of "Responsibility While Protecting."

Support for R2P is Global

The growth in cross-regional support for R2P reflects an underlying acceptance that mass atrocities can occur in any country. The diversity of voices highlighted that a clear majority of states reject the politics of indifference and have embraced notions of sovereignty as responsibility. Thirty-three members of the cross-regional Group of Friends of R2P participated in the debate, including all ten members currently sitting on the UNSC.

In the Americas, a region which has some of the strongest supporters and also the most vocal critics of R2P, there was a significant increase in participation

(from twelve to seventeen). Costa Rica, a notable champion of R2P, emphasized "the need to take concrete initiatives to establish the institutional arrangements which are necessary to ensure that prevention would become a daily reality."

There was also an increase in participation by Asian states. This included Indonesia, who had not spoken since 2009, and Thailand, who spoke for the first time. Thailand stated that the "prevention of mass atrocities should be viewed in a broader context beyond immediate security to also encompass a range of issues, including human rights and sustainable development." China remarked that "the international community, when necessary, can provide constructive assistance focusing on capacity building in various countries."

Among African states, Togo spoke for the first time while Nigeria, an incoming member of the UNSC, stressed that "impunity remains the greatest challenge in confronting mass atrocity crimes, while inaction and indifference are its accomplices."

There were a growing number of interventions from Central and Eastern European states with the Czech Republic, Estonia, Hungary, Latvia, Montenegro, Slovakia and Slovenia all making robust statements. Several of these states drew upon their historical experience of past atrocities when explaining their current commitment to prevention, including Slovenia who stated, "as a country witnessing massacres in its own backyard, we believe there are no situations in which states do not have a primary responsibility to protect their own populations."

Regional Participation				
	2010	2011	2012	2013
Americas	14	10	12	17
Asia and the Pacific	8	7	11	13
Africa	7	3	6	8
Europe	10	18	20	24
MENA	3	5	9	7
Regional Organizations	2	3	1	1
Total	44	46	59	70

The debate confirmed, as the Permanent Representative of the United States of America to the UN, H.E. Ms. Samantha Power, eloquently stated, that "the international consensus around R2P remains a signal achievement of multilateral cooperation and a testament to our common humanity."

The Number of R2P Opponents is Dwindling

The number of states expressing serious reservations about aspects of R2P is decreasing. In contrast to their previously critical statements, Pakistan acknowledged that prevention includes “creating the conditions and fulfilling commitments on helping countries overcome the challenges in economic growth and building prosperous societies.” However, those who still voiced serious concerns about R2P included: Bolivia, Cuba, Ecuador, Malaysia, Nicaragua, Syria and Venezuela.

Russia and China continued to raise concerns over the use of force, but affirmed their commitment to the preventive elements of R2P.

Atrocity-Affected States Call for R2P Implementation

Several member states that have experienced mass atrocities in their recent history spoke in favor of R2P. Argentina’s powerful statement from the panel encouraged countries to speak openly about their experiences in dealing with past atrocities and implementing measures to prevent a relapse into conflict and violence.

Libya and Côte d’Ivoire passionately defended R2P, noting that Pillar III coercive measures helped save thousands of people at imminent risk of mass atrocities in their own countries. Both countries also discussed how their respective governments are trying to overcome challenges they continue to face by implementing security sector reforms and strengthening accountability mechanisms.

Rwanda movingly recalled its experience of genocide in 1994 and stated that, “it is morally justifiable that if the state manifestly fails to protect its citizens from mass atrocities and genocide, and all peaceful measures have failed, that the international community has the responsibility to intervene through coercive measures, including military means in order to halt acts of genocide and ethnic cleansing.”

States are Taking Steps to Uphold R2P Domestically

Most member states focused on the various steps they have taken domestically to uphold R2P, expanding upon the general policies articulated in the Secretary-General’s report.

Many states talked about ways they are managing ethnically diverse societies through anti-discrimination legislation and through promoting social cohesion and intercultural dialogue.

Several states remarked that memorialization, commemoration and education regarding past atrocities was important. Argentina noted that there was a “responsibility to remember.” Hungary recalled that “raising social awareness and instituting national and international memory may go a long way in preventing future atrocities.”

Importantly, a number of states spoke about the need to have legislation that forbids the commission of mass atrocity crimes. A number of states, including Morocco, highlighted the importance of criminalizing the commission of mass atrocity crimes in domestic law.

National R2P Focal Points

Twenty-three states and the European Union emphasized the importance of appointing a national R2P Focal Point (a senior government official tasked with coordinating mass atrocity prevention efforts) as a means of upholding Pillar I responsibilities. Most of these countries discussed how their R2P Focal Point has played a critical role in building capacity within their domestic structures as well as providing a multilateral framework for engagement with mass atrocity prevention. Some member states noted that R2P Focal Points help facilitate an inter-agency approach to mass atrocity prevention across government.

Special Adviser Welsh noted that the R2P Focal Points initiative was a powerful example of how states can create a national mechanism for atrocity prevention. The Czech Republic, whose R2P Focal Point delivered their statement, welcomed the regional and global meetings of the R2P Focal Points network, which took place this year in Slovenia and Ghana respectively.

The twenty-three states who mentioned the R2P Focal Points initiative were: Australia, Belgium, Botswana, Costa Rica, Côte d’Ivoire, Czech Republic, Denmark, Finland, France, Georgia, Germany, Ghana, Hungary, Montenegro, Netherlands, New Zealand, Nigeria, Slovakia, Slovenia, Spain, Switzerland, Togo and United Kingdom.

States Called for Voluntary Restraint on the Use of the Veto

In light of heightened international tensions regarding Syria, a number of member states argued that R2P had not failed in Syria, but rather the UNSC had failed to uphold its responsibilities. As such, eight member states – Costa Rica, Côte d’Ivoire, Hungary, Liechtenstein, Netherlands, South Africa, Spain and Switzerland - called for voluntary restraint on the use of the veto in mass atrocity situations.

Switzerland noted that all twenty-one members of the ACT (Accountability, Coherence and Transparency) group demanded that the Permanent Five (P5) members of the UNSC “refrain from using the veto when atrocities are committed.” Liechtenstein, a member of the ACT group, stated that the UNSC “could make a very essential contribution to prevention by committing themselves to not using the veto to block action aimed at preventing R2P crimes.”

France, a P5 member, proposed to “develop a code of conduct whereby the permanent members of the Security Council collectively agree to refrain from using their veto with respect to mass crimes, which the responsibility to protect is supposed to prevent.”

It is also worth noting that a number of countries did not mention the veto in their written statements, but felt compelled to highlight this issue in their verbal contribution following France’s intervention.

R2P and the Human Rights Council

Nine member states addressed the important role of the UN Human Rights Council in supporting states as they reinforce human rights within their national contexts.

India noted that, “the Human Rights Council provides the international community with a specialized mechanism to monitor and take appropriate action on human rights violations.” Echoing these sentiments, other member states noted that the Universal Periodic Review can identify risk factors and recommend policies, in keeping with R2P, to address them.

Armenia highlighted the initiative they had taken in the Human Rights Council, which resulted in a resolution on the prevention of genocide that was co-sponsored by nearly sixty member states. However, they lamented that a lack of support during negotiations resulted in the resolution only containing a single reference to R2P.

Format of the Debate

The growing interest of UN member states in R2P, reflected by an increase in annual participation, has raised questions about whether the current format is genuinely conducive to an interactive dialogue. Member states were initially given three minutes to deliver their statement, although this was reduced to two minutes towards the end of the day. This resulted in one government, Burundi, a country which has experienced mass atrocities, voluntarily unregistering from the speakers list.² The restricted time limits did not allow for a substantive discussion on policy options to move R2P forward.

The Permanent Representative of Guatemala to the UN, H.E. Mr. Gert Rosenthal, noted that “since we adopted Resolution 63/308 in 2009, all of our debates have been of an informal nature. We would like that next year our debate be a formal agenda item to clarify the way forward.” By putting R2P on the formal agenda, the President of the UNGA would be obligated to hold the debate, rather than states needing to lobby each year for an interactive dialogue. Another benefit is that states would be given more time to make interventions during the debate.

Despite increased levels of participation, the date of this year’s event, so close to the opening of the 68th session of the UNGA, proved to be a hindrance for a number of small states who complained they were unable to adequately prepare for both events.

CONCLUSION

It is clear from this year’s interactive dialogue that the overwhelming majority of states see R2P as an effective tool to address the complex set of challenges all states have to consider with regard to the prevention of mass atrocity crimes. The discussion advanced the debate on operationalization by enabling member states to share best practices from their own domestic experience.

Ahead of the 20th Commemoration of the Rwandan Genocide in April 2014, it is clear that the vast majority of states are actively upholding their primary Responsibility to Protect their populations from genocide, crimes against humanity, war crimes and ethnic cleansing. The failure to halt the commission of mass atrocity crimes in Syria provoked states to address contentious issues, such as the use of veto at the UNSC,

as well as to discuss the institutionalization of prevention through the appointment of a national R2P Focal Point.

The focus over the coming year must be on action aimed at reinforcing global commitment to prevent atrocities and protect populations.

NOTES

¹ This number includes Italy, whose representative spoke as a panelist, but did not deliver an additional intervention.

² The government of Burundi distributed their official written statement during the event, which is available on the Global Centre for R2P's webpage for the 2013 Dialogue:
<http://www.globalr2p.org/resources/471>