

KINGDOM OF BELGIUM

Statement of H.E. Mr. Marc Pecsteen de Buytswerve,
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General Assembly of the United Nations

Informal interactive dialogue of the General Assembly on
the report of the Secretary-General
on the Responsibility to Protect

« The responsibility to protect
and accountability for prevention »

New York, September 6, 2017



Mr. President,
Mr. Secretary-General,
Mr. Under-Secretary-General,
Mr. Special Advisers,

First, I would like to thank the President of the General Assembly for organizing this debate. Let me also express my deep appreciation to the Secretary-General for his excellent first report on the Responsibility to Protect, which reminds all of us about the urgency to act together and to implement R2P at national level.

Belgium aligns itself with the statement of the European Union and the statement delivered on behalf of the Group of Friends of the Responsibility to Protect. I would also like to take this opportunity to share with you some views in my national capacity.

1. The legal, moral and political dimensions of the Responsibility to Protect

As the Secretary-General rightly pointed out in his report, the principle of the Responsibility to Protect encompasses legal, moral and political responsibilities. We all subscribed to paragraphs 138 and 139 of the 2005 World Summit Outcome Document. The proper implementation of these paragraphs and the operationalization of the three mutually supporting and non-sequential R2P pillars, however, remains a continuous challenge.

Atrocity crime prevention can only be effective if we have appropriate structures in place and all the diplomatic, civilian and, as a last resort, military capabilities available to foster resilience, and ensure effective early warning and timely action. Therefore, it is absolutely crucial to continuously develop our institutional preparedness at national, regional and global level, particularly at the crucial stages of early prevention, and early reaction to warning signs. I'm convinced that by increasing Member States' accountability for institutionalizing R2P at each level, we can close the gap between principle and practice.

The recommendations put forward in the Secretary General's report are particularly helpful in this respect. We wholeheartedly support the Secretary General's call to further develop the link between R2P and human rights. As outlined in the Secretary General's report, the UN Human Rights Council, with its Special Procedures and the Universal Periodic Review process, can help us gauge how States are strengthening human rights domestically, and what this means in terms of their institutional resilience to the threat of mass atrocities. Appointing a national focal point can also be particularly relevant in this regard.

Belgium would also like to commend the Secretary-General for his recommendation to put a specific item on atrocity crimes prevention and the implementation of the Responsibility to Protect on the agenda of the United Nations General Assembly. This has been a longstanding request of Belgium and many other States from different regional groups. Belgium is well aware that there are the different views with regard to the scope and limits of R2P. However, it is crucial for the health of the international order that the existing differences in interpretation be reduced and dealt with cooperatively. Flexibility from all sides is key. We strongly believe that an open dialogue among UN Member States can only benefit the further development of the principle, we all agreed to 12 years ago.

2. The fight against impunity

Strengthening national capacities to fight impunity and creating a culture of effective accountability for atrocity crimes has an important deterrent effect and is therefore a crucial R2P tool. It is also worth pointing out that every State has an international obligation to investigate and prosecute those responsible for war crimes, crimes against humanity and genocide. That means that every state has to make sure that these most serious international crimes are part of the national legal order.

While the cross-border elements of these crimes make their prosecution more difficult, they are of concern to the entire international community and cannot remain unpunished. As a practical tool to enable States to both comply with their international obligations and empower their national judiciaries, Argentina, Belgium, the Netherlands, Senegal and Slovenia propose to open negotiations for a multilateral treaty on mutual legal assistance and extradition which would facilitate better practical cooperation between States investigating and prosecuting atrocity crimes.

Lastly, I want to underline the importance of current efforts pursued in the Security Council to support Iraq in fighting impunity for the atrocities committed on its territory, as specific pillar two initiative. Belgium is ready to share its expertise in this regard and to assist the Iraqi Government in its efforts to deliver justice to the victims of the atrocities. Belgium is proud to also have been involved in the establishment of the International, Impartial and Independent Mechanism on international crimes committed in Syria, *i.a.* by providing financial support, and looks forward to the full operationalization of the Mechanism.

Mr. President, I thank you for your attention.