



General Assembly
Informal Interactive Dialogue on the Responsibility to Protect

Report of the Secretary-General on Implementing the Responsibility to Protect: Accountability for Prevention

Statement by H.E. Ambassador Mauro Vieira
Permanent Representative of Brazil to the United Nations

6 September 2017

(complete version)

Mr. President,

I would like to start by thanking the Secretary-General for his first report on the responsibility to protect, that was appropriately based on the notion of accountability. Such an approach is sensible because it points both to the existence of an international law framework and to the fact that it has not yet been fully implemented. It is attuned with what R2P actually is: a strong political call for all States to engage in cooperation for development and to abide by their legal obligations already set forth in the UN Charter, as well as international human rights, humanitarian and refugee laws.

Allow me also to express my appreciation for the panels organized by the Special Advisor on R2P in New York and Geneva in preparation for this report. Brazil was pleased to profit from additional opportunities to exchange views on the outstanding issues regarding the concept and its implementation.

The format in which discussions on R2P take place at the United Nations should be improved. It is regrettable, for instance, that the informal nature of this very session does not allow for records to be kept – which is crucial not only for the sake of transparency, but also to better understand each others' concerns and identify common ground. The time limitation for statements does not allow delegations and civil society to fully articulate their ideas on an issue of unquestionable importance and that, as acknowledged in previous reports, still coexists with "outstanding conceptual questions".

Since 2005, this Assembly adopted just one resolution on R2P, which had a merely procedural nature¹. In the meantime, the Security Council adopted over 50 resolutions referring to the concept. As the most inclusive and democratic organ of the United Nations, it should be shaping the debate on the protection of populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Brazil supports the proposal presented by Australia and Ghana to include this issue in the agenda of the 72nd Session of the General Assembly. It is high time that this Assembly recovers ownership in this realm. A debate in formal setting would contribute to overcome mistaken assumptions and clarify the areas of convergence that do unite us.

Mr. President,

Brazil welcomes the emphasis on prevention that guided the Secretary-General in his report. For R2P to live up to its original *ethos*, it must not be interpreted as primarily aimed at the imposition of coercive measures but rather as an enabler to assist States in developing the capacity to protect their populations and in building safer societies.

This is why prevention should be interpreted in broad terms. It involves promoting sustainable development, food security, the eradication of poverty and the reduction of inequality. It also involves addressing intolerance, discrimination and other legitimate grievances that may be at the root of conflict. While Pillars 1 and 2 of R2P

¹ Resolution 63/308.

do not pose conceptual difficulties, an inconsistency of a practical nature still needs to be remedied: we have to go beyond rhetoric and ensure adequate and predictable funds for prevention. It is disappointing, for instance, that the Peacebuilding Fund relies solely on voluntary contributions and that the international community is still short of meeting its Official Development Assistance target of 0.7% of GDP.

Prevention also means giving priority to diplomacy. Our collective responsibility does not need to translate into collective security action in order to be effective. It can be fully exercised through non-coercive measures - or, if coercion is considered, through sanctions rather than through military intervention. We need to value, pursue and exhaust all non-military means available for the protection of civilians under threat of violence. This is what stands behind the notion of logical sequencing alluded to in the concept paper regarding the responsibility while protecting circulated by Brazil in 2011².

As recalled by the Secretary-General, international criminal justice also plays a crucial role in preventing R2P crimes, including due to its deterrent effect. As a founder of the International Criminal Court, Brazil encourages those who have not yet done so to ratify the Rome Statute. It represents a key dimension of the rule of law that all States should commit to.

Mr. President,

Though still in its early years, the 21st Century provides ample evidence to the effect that, more often than not, military intervention increases civilian suffering and vulnerability. Strategies based on the hastened resort to force bring along the risks of casualties and the dissemination of instability, frequently causing more harm than good. This is why, in exercising its responsibility to protect, we must simultaneously exert a responsibility while protecting.

Under exceptional circumstances, if military intervention is envisaged and duly authorized, its implementation must be judiciously carried out so as not to harm those whose very protection is being invoked. Action must be judicious, proportionate and strictly limited to the objectives of the mandate.

In order to achieve this, Brazil suggested that the Security Council draw inspiration from the peacekeeping and sanctions regimes so as to ensure that its resolutions regarding the use of force include sunset clauses, demand adequate reporting and establish panels of experts to monitor its implementation. As stressed by the Secretary-General, "it is a basic principle of accountability that those authorized to undertake actions on behalf of others are accountable to those that authorize them".

In addition to proper authorization, it is crucial that the Council be kept sufficiently informed about the military actions carried out on its behalf in order to satisfactorily fulfill its role in legitimizing the use of force. This includes not only deciding to initiate armed coercion, but also ensuring proportionality and deciding when to conclude the resort to force.

As mentioned by the Secretary-General, it would be useful if the Security Council held annual debates on its role in preventing R2P crimes. These meetings should ideally be open to the wider UN membership.

Finally, Mr. President,

When assisting States to fulfill their responsibility to protect, the international community must not permit the adoption of double standards. Civilians in one State are no less deserving of our protection than those in other States, including in illegally occupied territories. In the context of the refugee crisis, a recommitment to our responsibility to protect is crucial. It is after all inconsistent to uphold the notion of a collective responsibility to protect civilians in situations of conflict and turn one's back on the very civilians fleeing atrocities when they knock on your door.

A reformed Security Council, with developing countries represented in both categories of membership, would tend to be a less selective and more effective one. Thank you.

² A/66/551-S/2011/701.