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STATEMENT

The Responsibility To Protect And Accountability For Prevention

By **H. E. Archbishop Bernardito Auza** Apostolic Nuncio and Permanent Observer of the Holy See to the
United Nations

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Apostolic Nuncio and Permanent Observer of the Holy See to the
United Nations**

*at the Informal interactive dialogue on the
Report of the Secretary-General on the Responsibility to Protect:
The Responsibility to Protect and accountability for prevention*

New York, 6 September 2017

Mr. President,

The Holy See would like to thank you for this opportunity to address the critical importance of the Responsibility to Protect and of accountability for prevention.

The report of the Secretary General opens with an honest admission that there is “a gap between our stated commitment to the Responsibility to Protect and the daily reality confronted by populations exposed to the risk of genocide, war crimes, ethnic cleansing and crimes against humanity.”[1] Closing this gap is a collective responsibility that calls all of us to urgent action.

The Responsibility to Protect is intrinsic to the relationship between those who govern and the governed as well as being an essential element of the common good. There is universal consensus that this primary responsibility of individual States to protect their own populations is the first pillar of the norm.

Although the Responsibility to Protect has been defined only very recently, during the 2005 World Summit,[2] in fact it has always been implicit in the idea that gave birth to the United Nations. During the first part of the sixteenth century, when the concept of national sovereign States was emerging, the Dominican Friar Francisco de Vitoria, rightly considered one of the fathers of international law and of those concepts that eventually developed into the United Nations, described the responsibility of governors to protect their own subjects as an aspect of natural reason shared by all nations, and a rule for an “international” order whose task it was to regulate relations between peoples.[3] Today there is also a more-or-less general political consensus that this collective responsibility of all States is the second pillar of the norm.

There is a growing consensus that the international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, countries have agreed that they should be prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities be manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

The greatest challenge in the implementation of the Responsibility to Protect lies in this third pillar. That is why this pillar was at the core of the deliberations of world leaders in defining the principle during the 2005 World Summit. Confronted by the evidence that the increasing number of atrocity crimes committed in recent decades was due to the failure of individual States to protect their own populations, coupled with the difficulties of the international community in exercising its collective responsibility in this regard, the third pillar was and remains a wake up call to the international community to overcome such difficulties vis-à-vis mass atrocities.

Consensus, sincerity, transparency, mutual trust and the adequate reform of articles 2.7 and 39 of the UN's Charter, are meant to be the answer to the potential opposition between national sovereignty and outside intervention. Strengthening the third pillar and making it "more workable" are key to a "timely and decisive" implementation of the Responsibility to Protect.

Mr. President,

The Holy See upholds the perennial validity of the Responsibility to Protect and wishes to reaffirm its commitment to this principle and call for its full, impartial and consistent implementation. Such an application means, as the report of the Secretary General recommends, meeting obligations under international human rights and international humanitarian law, and condemning deliberate attacks against civilians and civilian infrastructures. It means preventing or stopping atrocity crimes and protecting populations from them through greater legal, political and moral accountability. The Holy See thus supports those initiatives that will facilitate the observance of obligations under the Responsibility to Protect, such as the Code of Conduct regarding Security Council action against genocide, war crimes or crimes against humanity, as well as the inclusion of mandates to protect civilians in peacekeeping operations.

Finally, the Holy See would like to highlight the increasing importance of the concrete implementation of the Responsibility to Protect in the context of the migration and refugee crises. The use of threats to commit atrocity crimes against populations or the actual commission thereof as a strategy to displace them forcibly must be condemned, prevented or stopped. Both the right of all to remain in their own homelands and the right to return and regain possession of property must also be enforced under the norm.

Over and above every consideration, our common humanity impels us all to assist the victims of atrocity crimes and to respond in solidarity to their needs in the most humane and fraternal way possible. When the international community fails to exercise adequately the Responsibility to Protect, we all have a great and urgent responsibility, as Pope Francis has proposed, to welcome, to protect, to promote and to integrate the victims of those failures.[4]

Thank you Mr. President.

1. A/71/1016 –S/2017/556.
2. A/RES/60/1, paragraphs 138 and 139.
3. Cfr. Benedict XVI, Address to the UN General Assembly, 18 April 2008.
4. Pope Francis, Message for the 104th Day of Migrants and Refugees (14 January 2018).