



MYANMAR

Intervention

by

His Excellency Mr. Kyaw Tin,

Permanent Representative of the Republic of the Union of Myanmar

to the United Nations

at the General Assembly Informal Interactive Dialogue on

the Report of the Secretary General on the Responsibility to Protect

(New York, 8 September 2014)

**Intervention by His Excellency Mr. Kyaw Tin, Permanent Representative of the
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Mr. Moderator,

My delegation wishes to express our sincere thanks to you and through you, the Secretary General, the President of the General Assembly for organizing this informal, interactive dialogue of the General Assembly to exchange views on this important topic.

We also thank the Secretary General for his comprehensive report entitled, **“Fulfilling our collective responsibility: international assistance and the responsibility to protect”** focusing this time mainly on Pillar II; how international community can best assist national authorities in fulfilling their primary responsibility of protecting their populations.

My delegation wishes to make a general comment on the report of the Secretary General and the concept of R2P as a whole.

It was nearly a decade ago that the concept of the R2P was adopted after intensive debate at the 2005 World Summit. We understand that the aim of the concept is to look at possible application only to clear cases of four specified crimes namely: genocide, war crimes, ethnic cleansing and crimes against humanity.

Despite the long and intensive debate on this issue, there remain differing interpretations and diverging views among scholars, lawyers and member States on this delicate concept, especially on its limits and applications as well as how to pursue this concept responsibly.

It is hard to disagree with the idea of collective responsibility to protect populations from those serious crimes, as these heinous crimes should never be allowed to happen again. At the same time, it is all the more so important to take responsibility in the conduct of protecting populations in a sovereign state in accordance with the Charter.

With regard to the Pillar III of the concept of R2P, as suggested by the Secretary General, it is intended to deal with intervention by use of force in sovereign member States in the name of protecting populations under danger of specified crimes. We must take a great caution, as outside intervention could definitely further aggravate that particular fragile situation. It will be a formula for inciting a disaster. Intervention

could be even counter-productive. My delegation therefore believes that this option deserves a deeper and wider discussion from various aspects and its implications before putting this idea into action.

It is also important to make sure that the concept of R2P should not be misused or abused for ulterior purposes or agenda. It should therefore be confined to narrow areas focusing on *bona fide* or dead sure cases of the R2P crimes only. Many questions such as, when and how to apply and who will decide to give the mandate, need to be carefully and widely discussed. The areas of application must be limited to clear cases of the four specified crimes only, as identified by the Outcome Document of the 2005 World Summit.

More importantly, my delegation wishes to emphasize here that judgment or categorization of a situation as specified crime or decision to apply R2P, if ever made, must be based on well-founded, unbiased, factual information with high degree of impartiality, accuracy and objectivity. Therefore, adopting a right decision to take preventive actions at an early stage will be of paramount importance, as the situation at that phase is unclear whether it is really heading towards such a crime or not.

The Secretary General has rightly pointed out that no society is immune to the risk of atrocity crimes and thus, prevention begins at the national and local levels. Therefore, my delegation wishes to stress that national ownership must be ensured in preventing the R2P crimes, as prevention is the most important aspect of the R2P. The international assistance for whatever purpose must therefore be at the consent of the government of the recipient country.

Mr. Moderator,

My delegation wishes to conclude by stressing that without unanimous agreement, we should not rush to make a decision at the international or regional level on the formula to translate this concept into action, just only because we are approaching ten-year anniversary of the endorsement of the R2P by the 2005 World Summit. After all, it is an issue of great concern for all member States that deserve very careful and cautious consideration.

I thank you, Mr. Moderator.
