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STATEMENT

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UNITED NATIONS

DURING

INFORMAL DISCUSSION ON THE RESPONSIBILITY WHILE PROTECTING

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MR. CHAIRMAN,

I thank you for giving me the floor to share a few thoughts on this important subject and thank Brazil for taking this initiative to convene us.

The 2005 World Summit outcome recognized that states have the primary responsibility to protect their populations. Kenya welcomed the concept because we believe that violence against a population whether national, regional or international should not be condoned.

Today, we welcome this debate on Responsibility while Protecting.

Both concepts of Responsibility to Protect and Responsibility while Protecting are noble, but they behoove us to ensure that we do not give interpretations to the concepts that finally render them unpalatable to the international community.

Perceptions of the misuse of the R2P concept, for example, following recent events on the international scene, still linger with us. These perceptions could eventually lead to the delegitimization of necessary and good intentions to protect populations that rightfully merit assistance, such as was the case in Rwanda.

In seeking to exercise its responsibility to protect **Mr. CHAIRMAN,** we agree with Brazil's view that it is important for the international community to pay heightened attention to the need to exercise judicious responsibility while protecting (RwP). For Kenya the two concepts of R2P and RwP should move in tandem. It follows therefore that how R2P and RwP are implemented must be consistent with the UN Charter and principles of the United Nations reflect the popular will of affected populations and bring along with it the support of a majority of member states of the international community. Equally important, in seeking to promote the concept of Responsibility to Protect in particular we must not lose site of the humanitarian dimension.

MR. CHAIRMAN,

As implied earlier, Kenya condemns violence against civilian populations wherever it takes place. Recent events remind us of the tragic human and political cost incurred when the international community fails to act in time to protect civilians. We agree therefore that situations do arise where the international community must act decisively to protect civilians as and when situations warrant such action, nonetheless it is important that actions to prevent or mitigate harm to civilians must be carefully thought through and take into account the consequences of intended and unintended outcomes.

It is a fact that we have witnessed the painful consequences of R2P inspired interventions that have aggravated existing conflicts, contributed to the proliferation of dangerous arms, permitted lawlessness and even terrorism to penetrate into places where it previously did not exist, giving rise to new cycles of violence and increased the vulnerability of the very civilian populations we sought to protect.

What then is the way forward?

MR. CHAIRMAN,

Responsibility to protect as an emerging norm in international relations was predicted on the need to justify humanitarian interventions. It presumed to subordinate the principle of sovereignty for the greater good of saving humanity from impending tragedy. Even then many Nations had grave misgivings and harbored negative perceptions of R2P. Resolving these misgiving and perceptions will determine the universal acceptance of this nascent doctrine as well as RwP.

MR.CHAIRMAN,

Responsibility while Protecting like R2P has three important and fundamental challenges that it must overcome:

The first is UNIVERSALITY.

As a principle that is international and which the UN espouses and seeks to promote, we pose the question, exactly how applicable and how enforceable is R2P, for example, to all nations? Is it applicable and enforceable universally to all nations' big and small, rich and poor alike? The fact is we have only witnessed a willingness to apply the doctrine by powerful nations over weak ones. Here lies an inherent and rather fundamental problem with the concept.

The second challenge is in JUSTIFICATION and triggering of R2P action.

How exactly R2P action is justified and intervention triggered needs more attention? As will be the case for RwP. Prior to Security Council authorization we normally witness a mobilization of evidence and reasons for action that are ostensibly configured around events on the ground. Experience has shown that this process has neither been transparent nor applied around a set of recognizable rules. The mobilization of evidence and the construction of the narrative to justify R2P action **must** be built around recognizable and verifiable events on the ground that should **not** represent any one powerful nation or political grouping's view, the constructs of media alliance or select social networks. We need to develop a broad based mechanism here at the UN for the collective uptake and application of R2P and similar concepts, because we do not wish actions undertaken in the name of the United Nation to appear to represent a small international political or cultural elite.

Lastly Mr. Chair, we are concerned by the challenge of how R2P is EXECUTED.

Given the first two challenges I have spoken to, we would like to ask in whose hands should we entrust the execution of action on R2P or RwP? What we have witnessed so far has demonstrated neither responsibility to nor protection of civilians but rather pursuit of other goals that do not put the well being of civilians during or after the intervention at the heart of the R2P action. This is simply unacceptable in the future.

We conclude therefore by emphasizing that the international community must be rigorous in its efforts to exhaust all peaceful means available in the protection of civilians under threat of violence, in line with the principles and purposes of the UN Charter and as embodied in the 2005 World summit Outcome.

The use of force if required and justified must consequence as little violence and instability as possible and under no circumstance can it generate more harm than it was authorized to prevent.

Should the use of force be deemed inevitable, then it must be applied in a judicious, proportionate and limited manner consistent with the purposes and principles of the UN.

Selective and opportunistic interpretations, double standards in R2P or RwP implementation and arbitrary and capricious application must be avoided.

In our opinion, therefore, the only way that we can truly have a responsible, protective and universally accepted application of a principle such as the R2P is by putting in place a standing force capability for the United Nations, independent and fully capacitated to execute a universally, justified, R2P action in a predictable, verifiable and responsible manner at the behest only of the General Assembly.

I thank you.