

Informal discussion on “Responsibility while Protecting” with FM Patriota and Prof. Ed Luck – Dienstag, 21. Februar, 15 – 18 Uhr, CR 3 (NLB)

Remarks of Ambassador Dr. Peter Wittig, Permanent Representative of Germany to the UN

- ☒ Many thanks to Foreign Minister Patriota for coming to New York, for discussing “Responsibility while Protecting” with the wider membership and for his commitment that he is displaying. We are also very grateful to the co-chair of this meeting, Prof. Edward Luck, for having provided his views on the Brazilian paper. Since the EU will also present its views, I should just like to complement the EU-statement with a few additional remarks:
- ☒ Firstly, on the Concept: we feel that “Responsibility while protecting” should be looked at through the prism of RtoP as agreed upon by the international community at the 2005 World Summit. Since the various grave scenarios to be addressed under RtoP occur in very different contexts, the flexible 3-pillar-approach contained in the World Summit Outcome Document (WSOD) was the right choice. From this perspective, “Responsibility while Protecting” appears much more limited on various levels: this applies to its exclusive focus on the third RtoP pillar, but also to its prescription of a strict chronological sequencing, the mandatory exhaustion of all peaceful means, and the introduction of “exceptional circumstances” as an additional qualifying trigger. “Responsibility while Protecting” therefore limits the scope for timely, decisive and tailor-made solutions to situations of extreme gravity.
- ☒ Secondly, on implementation: In as much as “Responsibility while Protecting” relates to RtoP, we feel it lacks a precisely defined concept of its own. And since it originates in the wider context of the discussion surrounding the actual application of RtoP, the paper’s merit in our view lies less in its contribution to the conceptual debate rather than in underscoring concerns raised in relation to the implementation of RtoP.
- ☒ Thirdly, on the added value : Although the Brazilian paper, notably in its para. 11, does not add anything to the already existing legal framework guiding action by the international community under RtoP, it nevertheless usefully recalls a number of relevant principles (such as proportionality). We also acknowledge that concepts have to stand the test of time, and that any implementation of RtoP needs to follow its

letter and serve its purposes. We are therefore confident that this discussion will feed usefully into both the forthcoming report of the Special Adviser and the GA debate on the third RtoP pillar later this year.

