

Opening Statement of Dr. Edward C. Luck, Special Adviser to the United Nations Secretary-General on the Responsibility to Protect

Informal Discussion on the “Responsibility While Protecting” Initiative
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Your Excellency, Minister Patriota, distinguished delegates, ladies and gentlemen, it is a pleasure to be with you today for this timely and important discussion.

Mr. Minister, I know that the Secretary-General has told you of his deep appreciation for this constructive initiative. We welcome this ongoing dialogue, because the maturing principle of the Responsibility to Protect can only be strengthened through open and interactive discussion with Member States, independent experts, and civil society.

Thank you, Mr. Minister, for your thoughtful opening remarks. Let me just add a few points—eight to be exact.

First, we need to sharpen all of the instruments for implementing the Responsibility to Protect. All of the tools of Chapters VI, VII, or VIII of the Charter—whether diplomatic, political, economic, or military—need to be wielded responsibly. As I have said many times, we must take care to do no harm in the name of doing good.

Second, we need to distinguish between the specific and the generic. When it comes to employing military force, the United Nations has always had to rely on coalitions of the willing or regional and sub-regional arrangements. Debates about implementation are as old as the world body itself. So let us avoid double standards: i.e., more restrictive ones for using force in Responsibility to Protect situations than in other situations.

Third, as the United Nations has learned the hard way, protecting populations is no easy task. In his 2009 report on Implementing the Responsibility to Protect, the Secretary-General noted that “Member States may want to consider the principles, rules and doctrine that should guide the application of coercive force in extreme situations relating to the responsibility to protect.”¹ If such a review is undertaken, the expert input of military officers who have planned and conducted such protection operations could be most helpful. They, as much as anyone, want to get this right.

Fourth, it is critical that the Secretary-General’s strategy of early and flexible response tailored to the circumstances of each case be retained. As Francis Deng and I have discovered in trying to find better means of prevention and protection, each case is distinct. As the Secretary-General has written, in dealing with such “diverse circumstances... there is no room for a rigidly sequenced strategy.”²

¹ Para. 62, p. 27, A/63/677.

² Par. 50, p. 22, A/63/677.

Fifth, when thousands of lives are at stake, what is needed is “timely and decisive” action, as the 2005 World Summit put it, not philosophical debate. Responsibility entails early engagement, proactive prevention, agile employment of non-coercive instruments, careful planning, and sober judgment by the appropriate Charter-authorized organs. Delaying a response does not make it more responsible. Once the bodies begin to pile up, there may be no good options left.

Sixth, we should be careful not to second-guess the conclusions of the Heads of State and Government at the 2005 Summit. And there should be no effort to rewrite the Charter, with its time-tested provisions on the competencies of each principal organ.

Seventh, let us recall that the employment of coercive force to implement the Responsibility to Protect has been, and should be, relatively rare. We have primarily relied on Chapter VI and VIII measures. Nevertheless, as you say Mr. Minister, we need to get this critical piece of the puzzle right. So the upcoming report of the Secretary-General on the implementation of the third pillar of his strategy will devote considerable attention to the issues raised by your “responsibility while protecting” initiative.

Eighth and most critically, let us not forget the tragic history that led to the development of the Responsibility to Protect in the first place. The core problem has been the unwillingness of States or international organizations to respond to unfolding atrocities, to take risks to save lives. Let us not raise the political costs of doing the right thing at the right time. That would be truly irresponsible.

I know that is not what you are seeking Mr. Minister. Your goal, as ours, is to help the Responsibility to Protect reach its full potential.

In the words of the Secretary-General, “the world has embraced the Responsibility to Protect not because it is easy, but because it is right.”³ Thank you, Minister Patriota, for helping us to get it right.

³ Speech to the Stanley Foundation, 18 January 2012.