

Facts about the 2009 General Assembly debate on the Responsibility to Protect

The General Assembly of the United Nations debated the Responsibility to Protect over 3 days in July 2009. On 21 July Secretary General Ban Ki-moon presented his report *Implementing the Responsibility to Protect*; on 23 July an informal interactive dialogue took place, followed by a plenary debate on 23, 24 and 28 July. A total of 94 member states and two observer missions took the floor and 86 others chose to be represented by some of those speaking. Only 12 of the 192 United Nations member states were not part of the debate. It was thus a genuinely global debate.

Echoing the title of the Secretary-General's report the debate focused on something that concerns the whole world: implementing the responsibility to protect. At the 2005 World Summit, more than 150 heads of state and government had committed themselves to preventing the most terrible crimes against humanity. In his report the Secretary-General now reminds member states of their collective responsibility and offers a broad route for global consensus on how to act on that responsibility.

So what is the basic architecture of the R2P? It has 3 pillars:

1. Every state in the world is obliged to protect its own people from mass atrocities.
2. All states are obliged to assist each other in fulfilling this obligation.
3. When a state is manifestly failing to prevent or halt mass atrocities, the international community is obliged to take timely and decisive action.

Over 50 statements in the debate explicitly endorsed this as the route for implementing the responsibility to protect. And at least two thirds of all the statements had positive words for the report of the Secretary-General. Objectively, the thrust of these statements reflects a greater degree of convergence around R2P.

By contrast, only 4 countries called R2p into question and sought to reverse its progress: Cuba, Nicaragua, Sudan and Venezuela. Certainly some states expressed concern about R2P's implementation, preferring to focus on pillars one and two, and some remain hostile, or at least fearful, about pillar three. But the states who explicitly objected to pillar 3 were a handful (including Iran, North Korea, Pakistan and Sri Lanka), considerably fewer than the 27 members who specifically acknowledged the need to consider coercive measures as a last resort. R2p is an all-but consensus issue where genuine concerns do not equate with opposition.

The three-day debate brought to the fore a shared understanding of R2P as encompassing the 3 pillars and 4 crimes – genocide, war crimes, ethnic cleansing and crimes against humanity. There was also a considerable degree of recognition of R2P as an ally of sovereignty. Although a minority of states rejected the legal status of R2p, 59 member states endorsed its legal anchorage in existing international legal obligations and standards. Likewise, the debate made clear a growing understanding of mass atrocities as threats to international peace and security – with 41 countries expressing this view – and a mounting rejection of the use of the veto in R2P situations. Over 35 countries, from north and south, called on the Security Council's permanent five members to refrain from this practice.

The constructive and forward-looking tone of the debate cannot disguise the fact that a number of legitimate concerns will accompany the implementation of R2P. At the heart of these concerns in the debate lay the question of selectivity and the fear that R2P could be misused to claim legitimacy for unilateral action. Indeed, an important number of member states endorsed the view that the implementation of R2P should aspire to consistency. Many others pointed to the UN Charter as providing the basis for the lawful and collective implementation of pillar three. Indeed, a number of countries echoed the Secretary-General's suggestion that the principles on the use of force could provide greater consistency and legitimacy to the UN's application of the responsibility to protect.

So what did the debate achieve? The bottom line is that there are only 4 countries in the world today prepared to stand up and argue that their sovereignty is sacred no matter what. The rest of the world wants to move on with R2p. The debate was the last chance for the myths and misconceptions about R2p to bar its progress. The attempt to use them failed. Overwhelmingly, countries understand and accept that R2p is not an attack on sovereignty, but a bolsterer of states' capacities to responsibly exercise their sovereignty as they ought; and that far from offering a short cut to either unilateral or humanitarian intervention, the responsibility to protect is a doctrine of collective action in conformity with the UN Charter.

2005 was historic for the responsibility to protect, 2009 confirms the readiness to move forward.