

# Summary of the Eighth Informal Interactive Dialogue of the UN General Assembly on the Responsibility to Protect, 6 September 2016

## INTRODUCTION

The eighth Informal Interactive Dialogue on the Responsibility to Protect (R2P) was held in the UN General Assembly (UNGA) on 6 September 2016. One regional organization (the European Union) and sixty-eight member states delivered statements on behalf of ninety-three countries regarding the report of the UN Secretary-General on *Mobilizing collective action: The next decade of the responsibility to protect (A/70/999-S/2016/620)*. The Netherlands made a statement on behalf of 49 of the members of the cross-regional Group of Friends of the Responsibility to Protect. Four civil society organizations, including the Global Centre for the Responsibility to Protect, also delivered statements.

While the discussion demonstrated the broad conceptual agreement on the principle of R2P, member states used the dialogue to reflect upon remaining obstacles to mobilizing collective action to prevent genocide, war crimes, crimes against humanity and ethnic cleansing. In this context, member states expressed concern about the current global political crisis, including the more than 65 million people who have been displaced by conflict, war and persecution.

## BACKGROUND TO THE DIALOGUE

Since 2009 the Secretary-General has issued eight annual reports on R2P: *Implementing the responsibility to protect (2009)*, *Early warning, assessment and the responsibility to protect (2010)*, *The role of regional and sub-regional arrangements in implementing the*

*responsibility to protect (2011)*, *Timely and decisive response (2012)*, *State responsibility and prevention (2013)*, *Fulfilling our collective responsibility: International assistance and the responsibility to protect (2014)*, *A vital and enduring commitment: Implementing the responsibility to protect (2015)* and this year's report.

While not on the formal agenda of the General Assembly, in adopting paragraph 139 of the World Summit Outcome Document states committed to ongoing consideration of R2P. An interactive dialogue has been held every year since 2009 following the release of the Secretary-General's annual report. The eighth report of the Secretary-General on R2P considers the impending leadership change at the UN, surveys the challenging global context of mass atrocity prevention in 2016, assesses continued areas of debate surrounding R2P and provides recommendations on how member states and the UN system can best deliver on the collective commitment to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing.

## PARTICIPATION OVERVIEW

H.E. Mr. Mogens Lykketoft, President of the 70<sup>th</sup> UN General Assembly, opened this year's dialogue, followed by introductory remarks from UN Deputy Secretary-General Jan Eliasson who celebrated R2P as a signature achievement of the UN and asserted that, "*the time has now come to seriously counter and confront crisis and potential crisis situations. There are millions of people looking to the UN for help in a time of dire need,*

*conflict and distress. In the name of humanity and in the spirit of the UN Charter, we must not fail them.”*

A panel of experts, including the Special Adviser on the Prevention of Genocide, Mr. Adama Dieng, and two former Special Advisers on the Responsibility to Protect, Dr. Edward Luck and Dr. Jennifer Welsh, presented their perspectives on the key messages in the Secretary-General’s report.

These remarks were followed by interventions from the European Union (EU) and 68 member states speaking on behalf of 93 states. The Global Centre for the Responsibility to Protect delivered a statement to conclude the morning session. Three other civil society organizations (the Asia-Pacific Centre for the Responsibility to Protect, the Canadian Centre for the Responsibility to Protect and the International Coalition for the Responsibility to Protect) also delivered statements. Incoming Special Adviser on the Responsibility to Protect, Ivan Šimonović, moderated the discussion.

The statements delivered on behalf of the EU, 49 members of the Group of Friends of R2P and the “Baltic 3” (Estonia, Latvia and Lithuania), as well as a record number of individual speakers, meant that the overall number of viewpoints represented was higher than at last year’s dialogue.

The statement of the Group of Friends of R2P reflected upon the past eleven years of implementing R2P, highlighting milestones such as the establishment and expansion of the Group of Friends, the launch of the Global Network of R2P Focal Points, and the recent adoption of the 50<sup>th</sup> UN Security Council resolution invoking the Responsibility to Protect. The statement argued that, *“these are just some examples of the undeniable progress in implementing a norm that commits the international community to do better to prevent and protect populations from the most egregious international crimes.”* The statement included a number of suggestions for strengthening the operational effectiveness of R2P, including stronger cooperation between the Human Rights Council and the Security Council.

Forty members of the Group of Friends of R2P also made statements in their national capacity. Three countries that have appointed R2P Focal Points, but are not currently part of the Group of Friends, also made interventions in their national capacity: Albania, Croatia and Georgia.

The dialogue saw increased participation from the Africa, Asia-Pacific and Latin American and the Caribbean Groups. Fiji, Iraq, Jamaica and Liberia each spoke for the first time in an R2P dialogue, while one country – Kazakhstan, which is joining the UN Security Council as an elected member in 2017 - spoke for the first time since 2009.

Eighteen states have participated in all eight UNGA discussions of the Secretary-General’s reports on R2P: Australia, Brazil, Canada, Chile, Costa Rica, Cuba, France, Georgia, Germany, Guatemala, Iran, Mexico, Netherlands, Republic of Korea, Switzerland, United Kingdom, United States and Venezuela.

Member States Participating in the 2016 Dialogue	
Africa Group	Benin, Botswana, Egypt, Ghana, Liberia, Libya, Morocco, Nigeria, Rwanda, Sierra Leone, South Africa, Sudan, Tanzania.
Asia-Pacific Group	Bangladesh, Democratic People’s Republic of Korea, Fiji, Iran, Iraq, Japan, Kazakhstan, Philippines, Qatar, Republic of Korea, Singapore, Syria, Thailand, Turkey, Vanuatu.
Eastern Europe Group	Armenia, Azerbaijan, Croatia, Georgia, Hungary, Latvia (on behalf of the “Baltic 3,” including Estonia and Lithuania), Poland, Russia, Slovakia, Slovenia.
Latin America and the Caribbean Group	Argentina, Bolivia, Brazil, Chile, Costa Rica, Cuba, Ecuador, Jamaica, Mexico, Nicaragua, Panama, Peru, Uruguay, Venezuela.
Western Europe and Others Group	Australia, Belgium, Canada, Denmark, France, Finland, Germany, Italy, Liechtenstein, Luxembourg, the Netherlands (on behalf of the Group of Friends of R2P and in its national capacity), New Zealand, Spain, Switzerland, United Kingdom, United States.
Regional Orgs.	European Union (on behalf of all 28 EU members, as well as Albania, the former Yugoslav Republic of Macedonia, Georgia, Iceland, Moldova, Montenegro, Turkey and Ukraine).

Dr. Simon Adams delivered a statement on behalf of the Global Centre for the Responsibility to Protect, discussing the institutionalization of R2P since 2005, including the growth of the Global Network of R2P Focal Points and UN Security Council action regarding R2P. Acknowledging some failures in implementation, Dr. Adams noted that as a principle R2P has no independent agency. It is up to member states to uphold their responsibilities by consistently and comprehensively operationalizing the norm wherever and whenever populations are threatened by atrocities.

## KEY THEMES

The overwhelming majority of participating member states expressed their commitment to paragraphs 138 and 139 of the UN World Summit Outcome Document. Noting that in too many situations the international community is failing to uphold that commitment, the tone of the interactive dialogue focused on how to take more effective action, with many states echoing Jamaica's sentiment that "*there is a need to translate rhetoric into implementation.*"

At the core of this year's interactive dialogue was the call from member states to focus on R2P's practical implementation, rather than discussing its theoretical framework. There was broad condemnation of the increasing violation of international humanitarian, human rights and refugee law, with general consensus that the global displacement crisis is a consequence of the failure to prevent such violations and address the root causes of conflicts. Brazil also asserted that, "*In the context of the current refugee crisis, a recommitment to our responsibility to protect is crucial. It is after all inconsistent to uphold the notion of collective responsibility to protect civilians in situations of conflict and turn one's back on the very civilians fleeing atrocities when they knock on your door.*"

Member states expressed their gratitude to UN Secretary-General Ban Ki-moon for his tireless efforts to prevent mass atrocities and ensure near universal acceptance of R2P's core principles. Several states acknowledged that during his tenure we have seen considerable progress in operationalizing R2P within the UN system, including through the Human Rights up Front action plan. A number of participants underscored the importance of ensuring that R2P and mass atrocity prevention remain a priority under the next Secretary-General, notably South Africa, which stated, "*My delegation encourages the next Secretary-General to*

*actively support and gather the necessary resources to fully operationalize R2P and utilize his/her mandate to bring to the attention of the Security Council situations of concern that may not be on its agenda.*"

Skepticism on the principle of R2P continued to be expressed by a small number of states, including Venezuela, Cuba, Sudan, Syria and the Democratic People's Republic of Korea (DPRK). However, Venezuela and Cuba still made constructive contributions to the discussion and debate.

## *From Crisis Response to Conflict Prevention*

Member states acknowledged that one of the biggest challenges in the implementation of R2P over the past eleven years is in translating early warning into timely action. A large number of participating member states acknowledged that prevention lies at the core of R2P and that preventive mechanisms need to be strengthened on all levels.

Thirteen countries spoke about national capacity building to effectively implement R2P. Qatar and Slovenia outlined clear measures to be taken at the national level, such as training of dispute-settlement experts and organizing awareness-raising activities.

Several countries also discussed strengthening international mechanisms. South Africa stressed the preventive utility of fact-finding commissions, commissions of inquiry, monitoring, mediation and negotiation. Ghana and Rwanda also highlighted the important role that regional and sub-regional organizations must play in implementing R2P.

While raising reservations regarding the third pillar of R2P, Venezuela noted the discrepancy between resources devoted to military intervention when prevention has failed versus the severe fiscal challenges faced by the UN Peacebuilding Commission. Venezuela noted that "*there is a dire need to devote all attention, energy and resources to ensuring that the system does not fail to begin with. But there seems to be no real commitment to do this and thus the existing funding gap for prevention and sustaining peace in this organization.*"

### *Strong Support for the Act Code of Conduct and France/Mexico Initiative*

The Security Council's inability to adequately respond to some mass atrocity situations, notably Syria, was at the center of the dialogue. Spain, which is currently a non-permanent member of the Council, stated that, "*the veto discourages the research of solutions and contributes to the conflict's deadlock.*" Former Special Adviser Welsh similarly argued that "*deadlock at the geopolitical level – including within the United Nations Security Council – cannot be an excuse for general inaction.*" This view was shared by a large number of member states, who expressed the need for permanent members of the Security Council to refrain from using the veto in situations where populations are at risk of mass atrocity crimes.

Thirty countries explicitly supported the Accountability, Coherence and Transparency Group's Code of Conduct regarding Security Council action against genocide, crimes against humanity and war crimes, in addition to 21 member states who referred to the initiative of the governments of France and Mexico on veto restraint. Support for both initiatives has been growing over the past years. Brazil also strongly appealed for wider and deeper Security Council reform.

### *Peacekeeping and the Kigali Principles on the Protection of Civilians*

There was strong recognition of the important role peacekeepers play in protecting civilians from mass atrocities. This year's dialogue saw a number of countries expressing their commitment to the Kigali Principles, a set of eighteen pledges for the effective implementation of the protection of civilians in UN Peacekeeping. These include: Canada, Ghana, Italy, Rwanda and Liberia. Highlighting that peacekeepers are at the forefront of upholding R2P, Ghana stressed that "*the overall UN peacebuilding architecture and the recent adoption of the Kigali Principles address issues that touch on the protection of civilians, women, children and those in vulnerable situations as well as prevention of sexual violence and mass atrocity crimes in situations of armed conflict.*"

Encouraging all member states to join the growing number of countries supporting the Kigali Principles, Vanuatu pointed out that the principles are significant, "*especially as they address some of the weaknesses that*

*undermine the effectiveness of peacekeepers in times of unstable situations.*"

### *Pillar Three Measures and the Use of Force*

During the dialogue member states expressed support for all three pillars of the Responsibility to Protect, with the Group of Friends of R2P reaffirming paragraph 139 of the UN World Summit Outcome Document. Many member states noted that while the use of force should always be a measure of last resort, taken within the parameters of the UN Charter, there are clear recent examples, including in Iraq, Nigeria and Democratic Republic of the Congo, where force was used effectively to protect populations from mass atrocity crimes.

Nevertheless several states also expressed ongoing reservations concerning pillar III measures, particularly concerning the potential for the international community to use force to undermine sovereignty.

### *Putting an End to Impunity and Holding Perpetrators Accountable*

While prevention must remain at the forefront of R2P efforts, the need for accountability – to ensure justice for victims and deter the recurrence of mass atrocity crimes – was stressed by a large number of states, with particular support for the International Criminal Court (ICC) to hold perpetrators of genocide, war crimes and crimes against humanity accountable. As Australia stated, "*Impunity sends a dangerous message to perpetrators and victims – and paves the way for recurring violence.*" At least 29 states called for an end to impunity for mass atrocity crimes while 21 specifically mentioned the ICC.

### *The Global Network of R2P Focal Points*

During the interactive dialogue 11 countries emphasized the role of R2P Focal Points in upholding the Responsibility to Protect and proactively responding to mass atrocity situations. Participants from each regional group noted the importance of the network as a community of commitment, and this was reinforced by the Deputy Secretary-General as well as the Special Adviser on the Prevention of Genocide. Qatar noted that

it will host next year's annual meeting of the Global Network of R2P Focal Points in Doha.

Nigeria concluded that, *"The efforts of the Global Centre for the Responsibility to Protect as the Secretariat of the Global Network of Focal Points, in championing the cause of the principle through the recommendation of strategies to encourage political will and cooperation among member states, is highly commendable. It is important for member states to support those efforts by subscribing to R2P. It is of necessity for more member states to appoint Focal Points so as to facilitate and accelerate the full understanding and acceptance of the principle."*

### *Countering Violent Extremism and the Rise of Non-State Actors*

The increasing threat of non-state actors as perpetrators of mass atrocity crimes, together with appeals to counter violent extremism, was echoed by a number of participants. Iraq made clear that mass atrocity crimes must be addressed not just within the context of countering violent extremism, but also by translating R2P into practical action. According to Latvia, *"Actions by non-state and terrorist groups such as Taliban, Daesh, Boko Haram, Al Shabab and various off-shoots of Al Qaida continue to claim more and more human lives through brutal slaughter and barbaric abuse of even the most basic of human rights."*

Violence by the so-called Islamic State, spreading across the Levant and Maghreb, were of particular concern to a number of participants. At least 18 countries stressed the importance of civil society organizations in raising public awareness about human rights violations and atrocity crimes by both state and non-state actors alike.

### *Affected Communities*

A number of member states spoke about the suffering of civilians in Sudan, Syria, DPRK and elsewhere, where *"states and non-state actors threaten populations and disregard their responsibility to protect,"* according to Japan. The United Kingdom highlighted what is at stake in addressing mass atrocity crimes, stressing that the need for R2P *"can also be seen on the faces of the thousands being forced to flee from Juba in July, or the hundreds of thousands of poor civilians in Syria who are besieged or under attack in Aleppo."*

Iraq acknowledged the need to overcome challenges in upholding its Responsibility to Protect, welcoming international support and joint action to address atrocity crimes committed by the so-called Islamic State against the Yazidi population and other minorities. Libya argued that in implementing R2P we have to assist countries in restoring law and rebuilding institutions after a conflict and noted that rapid withdrawal by the international community had contributed to the destabilization of their country. By contrast, Syria asserted that the "lofty concept" of R2P has been distorted by member states and simply was not relevant to Syria, where the government was "battling terrorists."

### *Crucial Role of the UN Office on the Prevention of Genocide and R2P*

A number of states called for the strengthening of the UN Office on the Prevention of Genocide and R2P. Support for the Framework of Analysis for Atrocity Crimes came from a number of participants, including Armenia, Mexico and Denmark. Slovenia announced it had recently translated the prevention tool into their national language, stressing that it can serve as an *"excellent guide for assessing risks, indicators and triggers of atrocity crimes."* While thanking former Special Adviser Welsh for her role in developing the Framework of Analysis, states welcomed the recent appointment of Ivan Šimonović to the role of Special Adviser.

Cross-regional support for the Joint Office was also reflected in statements such as Liberia's, which encouraged the UN Security Council to request more regular briefings from the Special Advisers on country situations where civilians are at risk. New Zealand, which is currently a Security Council member, suggested regular UNSC situational awareness briefings with early warning information to ensure proactive measures to prevent mass atrocities.

### *Support for a UN General Assembly Resolution*

As a response to the failure to adopt a General Assembly resolution marking the tenth anniversary of the Responsibility to Protect last year, at least 10 member states encouraged passing a resolution reaffirming support for R2P. Ghana, for example, *"supports the call by the Secretary-General for a demonstration by*

*member states of their deeper commitment and reaffirmation of the principle of R2P through the consideration and adoption of a new General Assembly resolution.* Brazil also called for *“the adoption of a meaningful and forward-looking General Assembly resolution on R2P.”* The Group of Friends of R2P, EU, Belgium, Croatia, Germany, Poland, Republic of Korea and Rwanda suggested including R2P on the formal agenda of the General Assembly.

## **CONCLUSION**

The eighth Informal Interactive Dialogue on the Responsibility to Protect featured diverse perspectives on how best to overcome challenges in implementing R2P and mobilizing collective action in response to early warning of mass atrocity crimes.

During his opening remarks UN Deputy Secretary-General Jan Eliasson said that the 2005 commitment to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity was a “signature achievement” for the UN, asserting that the collective responsibility of states to prevent or halt such crimes *“strongly needed to be articulated, affirmed and placed more prominently on the international agenda.”* While conceding that it is easy to be disheartened by the failure to prevent atrocities against populations in Syria, Iraq, Central African Republic and elsewhere, states used the dialogue to note the achievements made over the past eleven years.

Heralding the efforts of inter-governmental networks for atrocity prevention, the 50 UN Security Council resolutions referencing R2P, and the growing attention given to mass atrocity crimes within Human Rights Council bodies, member states present at the dialogue demonstrated that R2P’s relevance and utility endures.