



# KAZAKHSTAN

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**Statement by H. E. Mrs. Byrganym Aitimova, Permanent Representative of Kazakhstan to the United Nations at the General Assembly plenary session on the Responsibility to Protect under Agenda items 44 and 107**  
(New York, 24 July 2009)

*Mr. President, distinguished Delegates, ladies and gentlemen,*

At the outset let me thank the UN Secretary-General and his staff for preparing an unprecedented Report “Implementing the Responsibility to Protect” (“RtoP”). This General Assembly plenary session and yesterday’s thematic debate on the RtoP are historical, as Member States, while reiterating their earlier commitment to the 2005 World Summit Outcome Document that contained paragraphs on the RtoP, have gathered for “continuing consideration”, and further elaboration of this novel international law concept.

Kazakhstan shares the universal belief that protecting populations from grave human rights violations, such as genocide, war crimes, ethnic cleansing and crimes against humanity is a moral imperative. At the same time we are the strong advocates for the concept of “non-indifference”, when a state fails to fulfill its primary duty to protect own people. Any loss of civilian lives as a result of egregious open actions against citizens cannot be shielded by the inviolability of the state sovereignty and the absolute primacy of the principle of non-interference. Due to lack of the unanimously agreed recipe how to respond to mass atrocity crimes, far too often the world has failed to provide adequate and timely assistance or paused in silent condemnation and inaction, thus adding to impunity for perpetrator states.

Undoubtedly, under the motto of “Never Again” to mass atrocities, guided by the Chapters VI, VII and VIII of the UN Charter, Member States can start examining security issues with regard to individuals and/or groups of individuals, that is apart from the usual terms of state security. Yet very cautious case-by-case consideration of the RtoP application is pivotal to avoid situations of any military intervention for inappropriate purposes under the RtoP flag.

The UN Secretary-General’s Report “Implementing the Responsibility to Protect” provides a comprehensive conceptual framework that is sufficiently equipped with a set of reasonable practical measures and tools to leverage resources and further promote the global commitment to the RtoP concept. Now, four years after the adoption of the 2005 Outcome Document, it is time to advance the RtoP agenda and commence with efforts to improve the UN capacity in preventing the four horrendous crimes outlined in paragraphs 138 and 139 thereof, through the early warning system, collection and assessment of reliable information, and capacity-building of all parties involved in the RtoP implementation.

Kazakhstan fully supports the simultaneous implementation of the three-pillar strategy upon which the Responsibility to Protect rests: the protection responsibilities of the state; international assistance and capacity-building; timely and decisive response. At the same time, we emphasize the importance of reaching the universal agreement on the accurate criteria, the humanitarian norms, standards and procedures, by failing which the national capacities might give “a green light” for the international coercive measures. The value of prevention by an exhaustive series of diplomatic, economic and others means cannot be overstated. And only when it fails to succeed, the RtoP pillar three on the “use of force” can be applied as a measure of the last resort duly approved by the UN General Assembly and the UN Security Council.

In this regard, we recognize the African Union and the ECOWAS states efforts pioneering the progressive regional legal instruments, policy tools and mandates designed for action-oriented implementation of the Responsibility to Protect concept based on cooperation with the UN main bodies. These examples set forth precedents of more strengthened collective action for other states to follow within their regional and sub-regional arrangements. In the case of my country, Kazakhstan, the RtoP could be considered within the Conference on Interaction and Confidence-Building Measures in Asia (CICA), the Shanghai Cooperation Organization (SCO), the Commonwealth of Independent States (CIS) and the Collective Security Treaty Organization (CSTO).

We would also like to express full agreement with the SG Report’s recommendation on ensuring collection of updated and reliable information through all possible channels and exchange of such information, including practical lessons learnt among Member States. Development of the international law principles and norms, responsive laws and policies, as well as practical toolkits that guide the states in advancing the RtoP agenda to ensure fairness, political participation and non-discrimination become critical. Further deliberation of experts, scholars and practitioners of the international law on the RtoP that may merit further consideration by Member States is therefore more than welcome.

In the era of globalization, it is about time in history of the international law for collaborative efforts of all UN Member States to introduce the RtoP elements into the UN principles as a progressive mean towards universal justice. We have observed these days the international community’s clear demonstration that those who organize or engage in genocide, war crimes, ethnic cleansing and crimes against humanity committed against own citizens should be held accountable. Kazakhstan strongly supports continuous consideration of the Responsibility to Protect concept.