PERMANENT MISSION OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS

ITEMS 44 AND 107

INTEGRATED AND COORDINATED IMPLEMENTATION OF AND FOLLOW-UP
TO THE OUTCOMES OF THE MAJOR UNITED NATIONS CONFERENCES AND
SUMMITS IN THE ECONOMIC, SOCIAL AND RELATED FIELDS

AND

FOLLOW-UP TO THE OUTCOME OF THE MILLENNIUM SUMMIT

(RESPONSIBILITY TO PROTECT)

STATEMENT

BY

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TO THE UNITED NATIONS

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Mr. President

We welcome this opportunity to discuss the Responsibility to Protect and the excellent report of the Secretary-General. We would like to express our appreciation both to the Secretary-General and his Special Advisor, Ed Luck, for their commitment and outstanding work on this topic. We believe that the three-pillar approach adopted in the SG's report is helpful for the purpose of illustrating the different dimensions of the concept – and we also believe that **all three pillars are integral parts of the concept** as such. The agreement on the Responsibility to Protect was one of the most important achievements of the 2005 World Summit and we embrace this occasion to **reaffirm the concept** as provided by paragraphs 138 and 139 of the Outcome Document, to promote its understanding and to operationalize it.

Mr. President

The concept of the responsibility to protect is based on the notion of **sovereignty as responsibility**. The principle of sovereign equality of Member States, as enshrined in the UN Charter, is of essential importance for our membership in this organization. Indeed, we consider the UN Charter to be the key guarantor of our national sovereignty. We also understand that sovereignty comes with responsibilities, both vis-à-vis the other members of the United Nations and certainly vis-à-vis our own population. This is the foundation of the concept of Responsibility to Protect: Sovereignty and responsibility go hand in hand. So first and foremost, R2P is a matter of **national responsibility**. In this context, it is worth pointing out that States have of course obligations vis-à-vis their own populations that go far beyond the very small area covered by R2P. In particular, they have a legal obligation to promote and protect the **human rights** of all individuals effectively under their jurisdiction, both under customary international law, as reflected in particular in the Universal Declaration of Human Rights, and under relevant treaty law. States are also obliged to observe **international humanitarian law**, as a matter of both

customary and treaty law. Furthermore, States already have a legal obligation to **prevent genocide** under the 1948 Genocide Convention. These **legal obligations precede the concept of R2P** and can be neither amplified nor undermined by this debate. At the same time, the fulfillment of these legal obligations is certainly an indispensable element of R2P in practice.

Mr. President

The report rightly places strong emphasis on the national level and the responsibility of States themselves. It also underlines that the only effective protection from the crimes covered in the R2P concept is their prevention. The novel dimension of the R2P concept is the **strengthened role of the international community** in ensuring its application. The failure of the United Nations to play such a role in Rwanda, in Srebrenica, was at the origin of the R2P debate. This international dimension plays both into the second and the third pillars identified in the report. The **second pillar** has a strong preventative dimension through assistance to States in fulfilling their responsibility to protect their populations and its focus on capacity-building. The **third pillar** finally deals with a situation where a State manifestly fails in its responsibility, due to unwillingness rather than inability. The Summit Outcome Document and the report of the Secretary-General make two things abundantly clear in this respect: **First, peaceful means in accordance with Chapters VI and VIII are to be given precedence** over other forms of collective action. Second, if such other forms are to be considered, they have to be taken in accordance with Chapter VII of the UN Charter and therefore be authorized by the Security Council, as the ultimate arbiter on all matters related to international peace and security. **The third pillar therefore clearly excludes any form of unilateral action taken in contravention of the Charter from the application of the R2P concept.** It was against this background that the High-Level Panel, in preparing its report to the Secretary-General in preparation of the 2005 World Summit, suggested an agreement that there be **no use of the veto in cases involving the responsibility to**

protect. The S5, of which we are a proud member, have consistently taken up this measure as part of our proposals on working methods since 2006.

Mr. President

Extensive debates have taken place on the responsibility to protect since the 2005 Summit. In considering the way forward, we have to pause and remind ourselves what the R2P concept is – and what not – and where its value added lies. Given that the concept was agreed upon at the Summit level, it is certainly **a political commitment of the highest order** and must be treated as such. The Secretary-General has assisted us greatly in submitting a report that follows the letter and spirit of the Outcome Document very faithfully and points to concrete measures we are to take in our intergovernmental work on R2P. It is now up to us, as Member States, to act and to **apply the concept in practice**, in strict conformity with the language of the Outcome Document. This shift of focus should also be reflected in considering a possible outcome of this debate. More than anything else, we must now look for concrete ways to apply the concept in practice and also to consider institutional questions such as the work of the Special Adviser on R2P and the Special Adviser on the Prevention of Genocide.

I thank you.