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STATEMENT BY

**THE CHARGÉ D’AFFAIRES, A.I.
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TO THE UNITED NATIONS**

MR. PIET DE KLERK

**AT THE DEBATE ON THE REPORT
OF THE SECRETARY-GENERAL
“IMPLEMENTING THE RESPONSIBILITY TO PROTECT”
(A/36/677)**

**United Nations General Assembly
New York, 23 July 2009**

Mr. President,

From the outset, allow me to state that I align myself with the statement of Sweden on behalf of the European Union.

The topic of our debate today touches on the core of what the United Nations are all about: a collective world institution inspired to take action when faced with mass conflict and suffering; a world body, aiming to foster the international community's efforts to bring peace and prosperity across the globe.

There have been a few landmark occasions in the existence of the United Nations when member states have transcended their differences to underline what they collectively share and to set out a common agenda. The World Summit of heads of state and government that took place in 2005, the largest of its kind, was such an occasion. It consolidated a consensus that, in the true spirit of the UN's founding fathers, laid down our shared moral responsibility to prevent the occurrence of conscience shocking, mass atrocities: genocide, war crimes, ethnic cleansing and crimes against humanity.

Our heads of state and government have thus laid out before us an agenda that forces us to look towards the future and - in the words of the Secretary-General - "to ready ourselves for the moment when we will be tested by similar horrors" as have occurred in the past.

Our task it is to translate our moral commitment into political and operational readiness. This is not a legal discussion, nor should it be; the Responsibility to Protect is firmly anchored in the provisions, purposes and principles of the Charter of the United Nations. Rather, our discussion must be one that centers on translating our commitment into reality. For this, it will need to focus on practical and effective mechanisms that can help states to live up to their individual responsibilities; that can help us all to assist them where necessary; and that can ensure that our collective response is timely and decisive where all else fails.

The Netherlands very much welcomes the report presented by the Secretary-General as a well calibrated and focused analysis including a series of proposals that merit our consideration and follow-up. Indeed, its focus on four types of crimes and violations and its identification of three parallel pillars presents a solid basis for operationalising the Responsibility to Protect. We must build on this report and my delegation looks forward to further proposals for building on and putting into place the mechanisms needed, notably – but not only - an increase in the United Nations' early warning capacity.

The Netherlands firmly believes that the approach taken in the Secretary-General's report is the right one: the three pillars that have been identified should be treated as integral parts of the concept of Responsibility to Protect. It is their sum that makes the concept of Responsibility to Protect greater than its parts. It becomes a concept that can truly make a difference in our collective response to potential and real conscience shocking situations that may occur.

At the same time however, we should not read more into this concept than was intended in 2005: it is fundamentally about national obligations under the rule of law and it complements state sovereignty rather than undermining it; it is anchored in the United Nations Charter and is based on international humanitarian law and human rights law; it focuses on four types of crimes; and it suggests a response tailored to each situation, focused on saving lives.

Mr. President, it is worth stressing this last point. The effectiveness of implementing our Responsibility to Protect depends on the range of mechanisms to be put in place that the Secretary-General has suggested. It falls upon us, member states, together with the United Nations secretariat, to ensure that this is done. The Netherlands calls on the General Assembly to welcome the Secretary-General's report and to remain engaged on this agenda, enabling the Secretary-General to continue his essential role.

At the same time, we will need to acknowledge the current limitations in dealing with each specific situation. As some have noted before, the Security Council has in the past not always been able to respond to critical situations due to lack of consensus. This may continue to occur in the future, and we will need to continue our efforts to overcome the kind of paralysis that at times has come to haunt the world community. Nonetheless, the endorsement of the Responsibility to Protect does represent a major step ahead. It increases the pressure on the Security Council to optimise its functioning and in fact, it has already led to a discussion about restraining the use of the veto in Responsibility to Protect type situations.

However, if appropriate action is taken by the wide range of actors mentioned in the Secretary-General's report, action by the Security Council should not even be necessary.

Mr. President, this is the yardstick by which success or failure of the principle of Responsibility to Protect, and our commitment to it, must be measured. Our Responsibility to Protect points towards the future and is a recognition that we have learned from history. Historic wrongs and past inactions cannot be undone and never will be. We bear collective responsibility for inaction at critical moments in the past. This must strengthen our resolve to put in place what is needed for us to live up to our Responsibility to Protect. This is what must shape our future actions. Let us now focus on the task at hand.
