

Statement by Ms. Feda Abdelhady Nasser, Charge' d'Affaires, a.i., Permanent Observer Mission of Palestine to the United Nations, General Assembly Debate on "The Responsibility to Protect", 24 July 2009

Mr. President,

Allow me to begin by affirming that Palestine aligns itself with the statement delivered by Egypt on behalf of the Members of the Non-Aligned Movement.

Having said that, our intervention today is aimed at bringing a new angle to our deliberations on the concept of the Responsibility to Protect - R2P. We seek to constructively join this debate by focusing on various key factors impacting the efforts to develop and implement R2P, on the basis of respect for well-established and universally-accepted legal norms and principles, particularly with regard to protection of civilians, protection of human rights, provision of humanitarian assistance and promotion of peace and security.

Mr. President,

In the September 2005 World Summit, Heads of State and Governments committed to strengthening international institutions, particularly the United Nations, so that global challenges could indeed be met with global responses. To that end, they adopted a reform agenda, which included the Responsibility to Protect (R2P) and other initiatives to address root causes of conflict, a stronger human rights mechanism, a peace-building commission to prevent countries emerging from conflict from sliding back into violence, and a standby reserve of peacekeepers and civilian police.

Perhaps the most challenging concept endorsed then was the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity; acceptance of this responsibility, including the prevention of such crimes and their incitement; and assertion of preparedness to take collective action to uphold this responsibility.

In this regard, the language of paragraphs 138 and 139 of the World Summit Outcome Document clearly constituted a blanket formula not excluding any population or ignoring the plight of others as inapplicable or irrelevant. It is relevant to recall the pledge, in paragraph 5, to establish a new world order where just and lasting peace prevail in accordance with the principles of the Charter and of justice, including ***"the right to self-determination of peoples which remain under colonial domination and foreign occupation... respect for human rights and fundamental freedoms... and the fulfillment in good faith of the obligations assumed in accordance with the Charter"***.

Yet, despite the recognition that all populations are entitled to such protection, we find that relevant literature on the issue, including the Secretary-General's important reports, to be selective, focusing on some situations while ignoring others. This does not contribute to promoting the concept and could erode the comprehensive support it needs to succeed at this critical stage. A perception that certain actors in the international community are tailoring this concept to fit specific cases and meet certain interests would only lead to more doubts about the real intentions behind it. We believe such an unfortunate conclusion would seriously impede development of this effort and counter the aim of the 2005 World Summit Outcome.

Mr. President,

If protection purposes are at the center of this exercise, then our collective effort must concentrate on formulating ways to ensure respect for the set of core international standards, including the Charter, the Universal Declaration of Human Rights, international humanitarian and human rights law, and relevant UN resolutions. We must also agree on ways to ensure that this respect is maintained and that violations can be addressed on a case by case basis, in a proper and timely manner. In other words, to stay true to the principles we aim to uphold, it is our collective responsibility to develop a global political consensus that can enable the necessary action within the international system, particularly through the United Nations, in all appropriate cases.

Our aim then must not be to add a new concept to the international system that will trap us in an endless discussion on how and where it must or can be applied. Instead, this endeavor requires deep understanding and respect of the core international standards this concept entails.

To that end, and in order to overcome fears that R2P could become a selective tool exploited by some to intervene in the domestic affairs of others, we must agree that countries should lead by example, particularly in the case of principle advocates of the concept. In this regard, it should be unacceptable for a country to advocate this concept and similar others, preaching on human rights and calling for intervention while at the same time consistently ignoring abhorrent and systematic breaches of human rights, war crimes and crimes against humanity by others, including its allies. Such selectivity and double-standards have regrettably obstructed any and all attempts in international forums to protect civilian populations entitled to and desperately-needing protection in several cases.

Mr. President,

When speaking of vulnerable populations whose rights and lives are being violated, we cannot ignore the plight of those among the most vulnerable - peoples living under foreign occupation, denied their inalienable right to self-determination and subjugated to a brutal reality dictated by their oppressor.

In this regard, it is undeniable that the failure of an Occupying Power to meet its obligations in accordance with international law, particularly with regard to protection of civilians, typically results in a vast humanitarian human rights and political tragedy whose short and long-term consequences on the occupied population are devastating. The perpetuation of such circumstances - despite the clear provisions of international law intended to prevent such oppression, collective punishment and violence against civilian populations - exposes a moral and legal failure of those whose duty it is to ensure prevent such disasters and yet stand idly by watching human misery and hardship mount without intervening to stop it.

In this connection, while the R2P doctrine places primary responsibility on the State in question, it also highlights the collective responsibility of other states for protecting any civilian population facing genocide, war crimes, ethnic cleansing or crimes against humanity.

At this juncture, it is imperative to remind that the Palestinian people have suffered from the violations of their human rights and countless war crimes at the hands of Israel, the occupying Power, for decades. This is why their protection and the way in which the international community responds to their ongoing suffering remains one of the most fundamental legal and moral tests the international system has been facing for over six years, including in particular in the context of the global attempts to advance human rights and to protect civilians in armed conflict, including via R2P.

Continuing to turn a blind eye to their need for and entitlement to protection shall continue to cast shadows of doubt on the very credibility and viability of our principles.

In this vein, the role of the Security Council is crucial as it is entrusted with the maintenance of international peace and security. If we are to apply the R2P doctrine effectively, we must ensure that the Security Council acts in good faith, without selectivity and with strict adherence to the Charter and international law, for the promotion of international peace and security rather than the narrow interests of those who have inhibited the Council from fulfilling this most crucial responsibility.

I wish to conclude, Mr. President, with the words of the civil rights leader, Martin Luther King, who so eloquently stated: *“Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.”* This Mr. President is at the core of the principle we deliberate today.