

Responsibility to Protect:

Mr. President,

From the outset my delegation would like to extend its sincere greetings to you and take note of the Secretary-General report on Implementing the Responsibility to Protect, document A/63/677.

Mr. President,

The twin paragraph that is 138 and 139 of the 2005 World Summit Outcome has generated a sea of intellectual and diplomatic controversy, as to the precise interpretation and implementation mechanism of the notion of responsibility to protect. In the center of these controversial debates is the delicate balance of respect for state sovereignty and the need for intervention in state's affairs under the pretext of humanitarian intervention, and when legitimacy becomes responsibility to protect.

Our understanding of paragraph 138 and 139 is based on the following:

- Paragraph 138 merely re-affirms and re-states the legal duties of a sovereign to protect its citizens or population from genocide, war crimes, ethnic cleansing and crimes against humanity. These duties are conferred to the sovereign by what is known

In the political philosophy jurisprudence as the social contract between the governed and the governor or between the crown and its subjects.

- Equally paragraph 139 re-affirms the commitment of the members of the United Nations to both chapters VI and VIII of the United Nations Charter. It is the second part of this paragraph that introduces the phenomenon of intervention by using force if and when necessary under the pretext of responsibility to protect.

Mr. President,

Firstly, there is tendency by some circles to misinterpret the notion of responsibility to protect to mean the right of intervention into affairs of a sovereign state. And secondly, some are trying their best to say that discussion about notion of responsibility to protect has already been finalized by the 2005 World Summit Outcome, this could be true in that the summit has re-affirm the role of state in protecting its people, but there is still no consensus as to the applicability of the R2P to our political realities. It is precisely this misinterpretations that causes majority of countries to be apprehensive and cautious about the debate surrounding the idea of responsibility to protect.

My delegation strongly believes in the notion of non-interference as articulated by article 2 (4) of the United Nations Charter, which articulates and I quote "that all Members shall refrain in their international relations from the threat of use of force against the territorial

integrity of political independence of any state" end of quote. This article is very much in the spirit of the treaty of Westphalia which emphasis that international relations must be based on mutual respect and every state shall refrain from interfering in the affairs of others.

This doctrine of non-interference Mr. President, is what has been the glue that kept countries together and motivated them to work collectively for international security, hence culminating to the creation of the United Nations. It is only when this cardinal principle of non-intervention is violated that international peace and security is threatened. A case in point is when Hitler used force to defend ethnics Germans in the Sudetenland as a pretext for his invasion of Czecho-Slovakia (an example of R2P during the Second World War). Equally, our contemporary political history of interventions into countries such as in Iraq, Somalia to mentioned but a few, have shown beyond doubts that the intervention road is not a bed of roses but it can also be a thorny one too. Neither does the concept of the responsibility to protect give explicit and water tide provisions to ally the fears that one or group of countries or organizations could abuse this principle. Indeed the concept of responsibility to protect is not new at all, what is new about it are the efforts and the school of thoughts that is trying enshrined it as a concept under international law, which could be interpreted as legalization of humanitarian intervention.

Some may argue that humanitarian intervention is not the same as the concept of responsibility to protect. However, under close scrutiny we find them to be the same coin with different face. Humanitarian intervention is defined as "entry into a country of the armed forces of another country or international organization with the aim of protecting citizens from persecution or violation of their human rights. On the other hand the concept of responsibility to protect rest on the paragraph 138 which defines the crimes or violation that warrants the evoking of the concept such as protection of citizens from genocide, war crimes, ethnic cleansing and crimes against humanity. Hence the second part of paragraph 139, authorizes the use of force as means of implementing the concept of responsibility to protect. Therefore, the concept of responsibility to protect equals humanitarian intervention.

Mr. President,

Some strong advocates who intent to use the notion of responsibility to protect as a tool for humanitarian intervention, would like to use the 1994 Rwandan genocide as supporting evidence for the need of future interference. However, It is my delegation contention that the failure of the United Nations to safe lives in Rwandan during 1994 genocide, is not caused due to luck of literature within the UN Charter which permits or warrant intervention as in accordance with Chapter VII of the UN Charter and in accordance to the provisions and doctrines of international law, but it was partly due

to lack of decisive decision making by the top decision makers in the UN, couple with the lack of political motivation by some members of the Security Council. This was evidently clear despite early warning that genocide was a real possibility by the United Nations (UN) special Rapporteur on extra-judicial and arbitrary killings in 1993, and by the UN Force Commander Romeo Dallaire in January 1994 on which the Security Council failed to act,

Had Rwanda been one of the countries where some members of the Security Council had economic and political interest, I believe the genocide would have been stopped promptly. In a nutshell what we need is not some fancy romantic words to dress up the failures of the UN but what we need is serious reforms within the Security Council to achieve the wanted paradigm shift of a world that enjoys security and respects human rights and autonomy of state's to run their own affairs. Reform that either abolishes the veto rights or that gives especially Africa two permanent seats as in accordance to the African position (the Enzalwini consensus) in respect to the Security Council. These at least will guarantee fairness and respect for the Security Council decisions which has been characterized by apathy and indecisiveness. **However, even if the concept of responsibility to protect becomes an instrument within the international law, its effective use will not be far from political influences by some members of the Security Council. To give the Security Council the privilege of executor of the concept of responsibility to protect is just like giving the wolf the responsibility to adopt a lam.**

Mr. President,

The way forward should be the establishment of an effective early warning mechanism as articulated in the report of the Secretary-General and not usurp of the doctrine of state sovereignty.

Thank you.