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Statement by Nepal (delivered by Mr. Amrit B. Rai, Minister Counsellor) at the
Informal interactive dialogue of the General Assembly on "Early Warning,
Assessment, and the Responsibility to Protect"
(9 July 2010, New York)

Madam President,

At the outset, let me congratulate you for organizing this important interactive dialogue on 'Early Warning, Assessment, and the Responsibility to Protect'. My delegation appreciates the Secretary-General and all the panelists for their valuable and enriched contributions to the discussion today.

The 2005 World Summit Outcome states that each individual State has the prime responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. It also states that the international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapter VI and VIII of the Charter to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and stresses the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law.

The world leaders in 2005 expressed their preparedness to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

This interactive dialogue today must be guided by the objective of defining the concept and delineating the institutional mechanisms in clear terms by outlining the criteria under which international response should be carried out as envisioned in the 2005 World Summit Outcome. In this context, it is highly important to decide what constitutes the inadequacy of peaceful means and what parameters indicate the failure of national authorities to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This will help allay fears and apprehension that the concept of responsibility to protect would mire in controversy and used indiscriminately.

Madam President,

It goes without saying that the fundamental responsibility to protect its population remains with the individual state. However, it is our view that the United Nations, as universal and legitimate organization created by the member states, responsible for the maintenance of international peace and security and the promotion and advancement of human rights and fundamental freedoms, should not remain as a silent spectator while the individual state manifestly fails to protect its people from the four specified crimes.

It is clear that the success of the implementation of responsibility to protect depends on the effectiveness of early warning and assessment systems as well as preventive measures that the United Nations would apply together with regional and sub-regional organizations. Prevention is always a better option especially to protect the people from dreadful crimes.

Early warning system is fundamental for any preventive action to be taken 'in a timely and decisive manner'. It requires, inter alia, constant presence of the UN machinery in the field with the robust yet impartial and objective information collection mechanisms. They should constantly feed to the headquarters and the headquarters should have the analytical and assessment capacity to discern in an objective and impartial manner whether the situation is leading to genocide, war crimes, ethnic cleansing and crimes against humanity. Collection of information alone would not serve the purpose if it is not properly analyzed and shared by the concerned UN agencies.

This informal dialogue would be beneficial to widening the understanding among the member states that what kind of UN mechanisms are best suited for collecting information, assessing them and putting them into decision making process. Common understanding is required on whether the existing UN 'Inter-agency Framework for Coordination on Preventive Action' is a better option or if there any need of setting-up of a specific structure devoted to the continued collection, analysis and feeding of the critical information to the decision making mechanism. My delegation looks up with interest the idea of the Secretary General that there is a need to ensure that the United Nations acts as one in the flow and assessment of information, as well as in the operational work those assessments help to shape.

My delegation is aware of the suggestion that the Secretary-General has made in his report that the Special Advisor on the Prevention of Genocide and Special Advisor on Responsibility to Protect can have joint office for better collaboration between the two Special Advisors. While this could be a viable option, but we need to know how the information collected on the ground by the relevant UN agencies, including political and peacekeeping missions and other regional and sub-regional organizations will flow up to the Joint Office of Special Advisors and to the Secretary-General.

Madam President,

We cannot emphasize more the importance of cooperation and collaboration between all relevant UN Secretariat departments, funds and programs and the office of Special Advisors and the constant engagement of member states in the work of preventing genocide, ethnic cleansing, war crimes and crimes against humanity,

which are indeed the heinous crimes. This is indeed the measure of our progress on civilization.

Thank you.