

5 September 2012



General Assembly

GA/11270

Department of Public Information • News and Media Division • New York

Sixty-sixth General Assembly
Informal Thematic Debate
AM & PM Meetings

WORLD NOT FULFILLING 'NEVER AGAIN' VOW, SECRETARY-GENERAL TELLS

GENERAL ASSEMBLY MEETING ON RESPONSIBILITY TO PROTECT

Use of Force Must Be Last Resort, Says President before Panel Discussion

Presenting his fourth report on the responsibility to protect, which addressed the third pillar concept of "timely and decisive response", Secretary-General Ban Ki-moon said today that he was haunted by a fear that the international community did not live up to the vow of "Never again."

Invoking previous and more recent large-scale tragedies that illuminated the failure of individual States to protect their peoples, such as the Holocaust, Cambodia's killing fields, and the Rwanda genocide and Srebrenica, he emphasized that States could not use sovereignty as a "shield" to hide crimes committed against their citizens.

He told the General Assembly's informal interactive dialogue that this year's focus was on understanding the idea of a "timely and decisive response" when a State failed to protect its people. By that measure, the third pillar did not contradict sovereignty, but reframed it into the "positive responsibility" of Governments to protect their citizens. Over the past year-and-a-half, the responsibility to protect had been "front and centre as never before", with Security Council and General Assembly resolutions addressing events in Libya, Yemen and Syria, among others, he said. There had been successes in Libya and Côte d'Ivoire, despite problematic aftermaths, and a movement towards greater protection was clearly beneficial.

Yet, over the past eight months in Syria, the failure to protect had resulted in an immense human cost, he said. "The Council's paralysis does the Syrian people harm," he added. That did not mean, however, that the rest of the world must remain silent, as proven by the proactive response of the General Assembly to the Syrian crisis. Nonetheless, without the actions of influential Governments in seeking a political solution, the efforts of United Nations agencies on the ground would only go so far. "Words must become deeds," he stressed. "Promises must become practice," he declared, as he once again called upon the international community to uphold the core responsibilities of the United Nations.

General Assembly President Nassir Abdulaziz Al-Nasser (Qatar) recalled that during the 2005 World Summit, the commitment of world leaders to guarding people against genocide, war crimes, ethnic cleansing and crimes against humanity had been compelled in part by failures to prevent such atrocities in some parts of the world, such as Srebrenica, Rwanda and Kosovo. Since then, the international community had refined the concept and sharpened the tools for implementing its three pillars. Some aspects could still benefit from further refinement, given the persisting controversy over the choice and timing of response, monitoring of Security Council resolutions and other matters related to necessary action. "These are legitimate concerns," he said, emphasizing, however, that the role of the United Nations was not to replace the State in meeting its legal obligation to protect. Rather, the concept was intended as a way to assist a Government that was unable to deliver on its obligations.

Reiterating that the international community could only act when a State “manifestly” failed to protect its citizens, he stressed that the international response was intended to reinforce, not undermine, national sovereignty. In his current report, the Secretary-General encouraged States to pay attention to the close relationship between prevention and response, and the Secretary-General was to be commended for designating 2012 as the Year of Prevention, thereby according the necessary prominence to prevention as the first line of defence against war crimes, ethnic cleansing, war crimes and crimes against humanity. “Prevention is at the core of the responsibility to protect,” he said. The use of force must be a measure of last resort, carried out in a proportional manner and bearing in mind the balance of consequences.

Before moderating the panel discussion on “timely and decisive response”, Adama Dieng, Special Adviser on the Prevention of Genocide, highlighted the extensive range of tools available under the third pillar, telling delegates that it was a collective responsibility to understand fully the conditions under which each could be considered. It was also the international community’s responsibility to establish and strengthen the structures that would ensure that those tools remained effective and successfully engaged. “We all have a role to play,” he said. It was crucial, then, that when the need arose, States were prepared to act effectively. Upholding the responsibility to protect required that each Member State and international, regional and subregional organization, as well as civil society, do what they were charged to do in order to protect populations at risk.

The panel included Jan Eliasson, United Nations Deputy Secretary-General; Ivan Šimonović, Assistant Secretary-General for Human Rights; Gert Rosenthal, Permanent Representative of Guatemala to the United Nations; Youssoufou Bamba, Permanent Representative of Côte d’Ivoire; and Alex Bellamy, Professor of International Security at the Griffith Asia Institute in Australia.

As the floor opened for comments and questions following presentations by the panellists, several delegates expressed support for the concept paper on “responsibility while protecting” presented by Brazil, whose representative said a broader view of what collective action meant must be taken into account when States failed to protect their citizens. The use of force carried the risk of causing unintended casualties and at times made a political solution more difficult to achieve. “This is why it must be utilized in the most judicious way,” she stressed.

Recalling that rapid and decisive efforts had saved thousands of lives in his country, Libya’s representative said the international community was taking “too long” to provide protection for Syrians. The international community could not allow regimes to “slaughter its people”, he added.

Expressing shock that the international community had yet to shoulder its responsibility to protect civilians in Syria, Belgium’s representative said the “unacceptable and incomprehensible blocking” of action by some States brought Rwanda and Srebrenica to mind. The international community must never again be placed in a situation of seeking forgiveness for its inaction, he stressed.

However, some delegates expressed concern about the use of the three pillars, with South Africa’s representative cautioning that international intervention might be used as a means for regime change by those pursuing political agendas. It was crucial that Security Council mandates not be the pretence for operating beyond international law.

Singapore’s representative recalled that that the Council had failed to intervene in Rwanda because some permanent members had refused to define the situation as genocide. If the United Nations was prepared to allow the Council to justify military action by invoking the responsibility to protect, as in Libya’s case, it must then commit to exercising that responsibility without fear or favour.

India’s representative said a claim in the Secretary-General’s report — to the effect that there was no sequencing of the three pillars — was “wrong and misleading”, while his counterpart from the Russian Federation said the Secretary-General’s view on the application of the pillars, whether simultaneous or in different combinations, distracted from a useful conversation about the real problems of the concept of the responsibility to protect.

Burundi’s representative said “peace is the natural yearning of mankind”, and a heritage of people

around the world. The concept of the responsibility to protect would become a fully-fledged reality once members of the Security Council, when faced with mass atrocities, finally understood that.

Also participating in today's discussion were representatives of Norway, Australia, United Kingdom, France, South Africa, Italy, Switzerland, Republic of Korea, Mexico, Slovenia, Chile, Venezuela, Germany, Tunisia, Netherlands, Ghana, Iran, Peru, Malaysia, Qatar, Estonia, Liechtenstein, New Zealand, Uruguay, Belgium, Hungary, Ireland, Luxembourg, Denmark, Portugal, Argentina, Israel, Czech Republic, Pakistan, Spain, United States, China, Nigeria, Rwanda, Sri Lanka, Japan, Georgia, Morocco, Egypt, Costa Rica, Viet Nam, United Arab Emirates, Canada, Cuba and Syria.

Also addressing the Assembly was the Deputy Head of the European Union Delegation. Representatives of the International Coalition for the Responsibility to Protect and the Global Centre for the Responsibility to Protect also delivered statements.

The General Assembly will reconvene at 10 a.m. on 6 September to mark the observance of the International Day against Nuclear Tests

Background

Before the Assembly was the report of the Secretary-General on the Responsibility to protect: timely and decisive response (document [A/66/874-S/2012/578](#)), dated 26 July 2012, which focuses on the third pillar of his comprehensive strategy, presented to the Assembly in his report of 12 January 2009, Implementing the responsibility to protect (document [A/63/677](#)).

The three pillars are drawn from the World Summit Outcome, in which Heads of State and Government agreed upon the responsibility of States in protecting their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. They also affirmed the international community's role in helping States to protect their citizens against these crimes and, when necessary, in taking timely and decisive collective action, through the Security Council and in accordance with the United Nations Charter.

Opening Remarks

NASSIR ABDULAZIZ AL-NASSER (Qatar), President of the General Assembly, recalled that during the 2005 World Summit, the commitment of world leaders to guarding people against genocide, war crimes, ethnic cleansing and crimes against humanity had been compelled in part by failures to prevent such atrocities in some parts of the world such as Srebrenica, Rwanda and Kosovo. States had vowed to respond collectively when Governments were unable or unwilling to protect their people. Since 2009, the Assembly had held informal interactive dialogues with the goal of developing different aspects of the concept. Each discussion had been supported by a report of the Secretary-General, who, in his first one, had outlined a strategy for implementing the concept of responsibility to protect.

Since then, the international community had refined the concept and sharpened the tools for implementing its three pillars, he continued. Some aspects could still benefit from further refinement, given the persisting controversy over the choice and timing of response, monitoring of Security Council resolutions and other matters related to necessary action. "These are legitimate concerns," he said, emphasizing, however, that the role of the United Nations was not to replace the State in meeting its legal obligation to protect. Rather, the concept was intended as a way to assist a Government that was unable to deliver on its obligations.

Reiterating that the international community could only act when a State "manifestly" failed to protect its citizens, he stressed that the international response was intended to reinforce, not undermine, national sovereignty. In his current report, the Secretary-General encouraged States to pay attention to the close relationship between prevention and response, and the Secretary-General was to be for designating 2012 as the Year of Prevention, thereby according the necessary prominence to prevention as the first line of defence against war crimes, ethnic cleansing, war crimes and crimes against humanity. "Prevention is at the core of the responsibility to protect." The use of force must be a measure of last resort, carried out in a proportional manner and bearing in mind the balance of consequences, he said in

conclusion.

BAN KI-MOON, Secretary-General of the United Nations, presented his fourth annual report on the responsibility to protect, saying he was “haunted” by his fear that the international community did not live up to the call of “never again”. The Holocaust, Cambodia’s killing fields, the genocides in Rwanda and Srebrenica and other large-scale tragedies illuminated the failure of individual States to fulfil their responsibilities and obligations under international humanitarian law. The dialogues held since 2009 had broadened the basis for consent and understanding of the three pillars of the responsibility to protect, the connections among them and the links between prevention and response.

The concept did not contradict the tenet of State sovereignty, but reaffirmed sovereignty as a “positive responsibility” by which Governments were charged with the protection of their citizens, he said, adding that this year’s focus was on understanding the idea of a “timely and decisive response” when a State failed to protect its people. Sovereignty, however, could not be a “shield” behind which States committed crimes against their citizens, he emphasized. The recent past had shown the positive effects of peaceful means, including good offices, preventive diplomacy and mediation, to name a few, that had pulled countries back from mass violence. Yet when non-coercive measures failed or were inadequate, it was necessary to consider enforcement by the appropriate intergovernmental bodies, including sanctions and, in extreme circumstances, the use of force.

He said that despite disagreements relating to oversight of implementation measures, and differences in the interpretation of Security Council resolutions, the concept of “responsibility while protecting”, introduced by the Government of Brazil, was a welcome initiative. The responsibility to protect was fundamentally different from the protection of civilians in armed conflict, although the two concepts did share certain elements, he pointed out. While protection of civilians related to violations of international humanitarian law and human rights law in situation of armed conflicts, the responsibility to protect was limited to four of the most egregious and violent crimes — genocide, crimes against humanity, war crimes and ethnic cleansing, which, with the exception of war crimes, could occur in situations other than armed conflict.

Noting that the responsibility to protect had been “front and centre as never before” in the past year-and-a-half, he said it had been applied to the events in Libya, Yemen and Syria through Security Council and General Assembly resolutions. Furthermore, the High Commissioner for Human Rights and the two Special Advisers had called for compliance in respect of Côte d’Ivoire, Guinea, Kyrgyzstan, South Sudan, Sudan and the Democratic Republic of the Congo, among others. Success had been notably achieved in Côte d’Ivoire and Libya, despite problematic aftermaths, and it was clear that a movement towards greater protection was beneficial. As for Syria, the past eight months had seen the immense human cost of failing to protect, he said, commending the General Assembly for its proactive response to the Syrian crisis.

Although Security Council unity on that issue had been “few and far between”, the rest of the world did not need to stay silent, he stressed. United Nations agencies and bodies were doing everything possible on the ground to help those fleeing from violence. However, their efforts would not successfully avert the worst unless they were accompanied by action by influential Governments in finding a political solution. “The Council’s paralysis does the Syrian people harm,” he said, warning that such inaction also damaged the Council’s credibility. Calling for a deeper understanding of the responsibility to protect, he emphasized that the international community currently faced an urgent test. “Words must become deeds. Promises must become practice,” he said. Referring to the images and reports of horrific events that were emerging from Syria, he called upon the international community to uphold the core responsibilities of the United Nations.

ADAMA DIENG, Special Adviser on the Prevention of Genocide, said the steps taken collectively by the international community since 2005, and the successes and lessons learned in the process, all contributed to crucial communication that encouraged progress and advancement in implementing the responsibility to protect. Noting the Secretary-General’s call to explore the links connecting the three pillars of the responsibility to protect and the relationship between “prevention” and “response”, he said the emergence of a system of international criminal justice — “essentially a response mechanism” — was playing an important role in the prevention of genocide and other related crimes.

Turning to the extensive range of tools available under the third pillar of the responsibility to protect, he said it was a collective responsibility to study and understand the conditions under which the maximum capability and implications of each could be considered. Further, it was the international community's responsibility to establish and strengthen the structures that made those tools actionable and effective. The tools required the creation of partnerships, platforms and structures to keep them successfully engaged. What was crucial in that regard was the ability of States to be ready for action, and to act effectively when the need arose, he stressed. "We all have a role to play," he said, adding that the responsibility to protect called upon each Member State and international, regional and subregional organization, as well as civil society, to do what they were charged to do in order to protect populations at risk.

Panel Discussion

Mr. DIENG moderated the panel on "Timely and decisive response", which featured presentations by Jan Eliasson, Deputy Secretary-General, United Nations; Ivan Šimonović, Assistant Secretary-General for Human Rights; Gert Rosenthal, Permanent Representative of Guatemala; Youssoufou Bamba, Permanent Representative of Côte d'Ivoire; and Alex Bellamy, Professor of International Security, Griffith Asia Institute, Australia.

Mr. ELIASSON launched the discussion by recalling that he had been General Assembly President in 2005/06, when the concept of the responsibility to protect had been taking shape. The main elements discussed centred on the link between the responsibility to protect and sovereignty. It was primarily directed at States and their duty to protect their own people, and enhanced the value of sovereignty, he said. As Chair of the open-ended working group developing the United Nations humanitarian mandate in 1991, he had noted that it was a non-governmental organization that had introduced the concept of humanitarian intervention, considered at that time to be interference in the internal affairs of a sovereign nation.

Today there was a strong feeling that prevention was a primary element of the responsibility to protect, he continued, noting: "This element tends to be forgotten." The United Nations Charter stipulated that before a conflict erupted, the parties would first seek a solution through negotiation, enquiry, mediation, conciliation, arbitration, resort to regional arrangements or other peaceful means. "This is what we should do first," prior to applying Chapter VII, he said. Where those measures could not be applied, action under Chapter VII would only be taken on a collective basis, he said. The responsibility to protect could not be applied by one State only, he emphasized. "Let's remember that." Highlighting Brazil's proposal, he underlined the duty to consider proportionality, pointing out that the responsibility to protect was a moral and political norm that placed human security at the centre of decision-making.

Mr. ŠIMONOVIĆ said the starting point for the responsibility to protect was human rights for everyone. People were entitled to protection from the most serious forms of abuse, and State sovereignty therefore entailed a duty to protect citizens. The starting point for the second pillar — helping States build the capacity to protect their people, and providing assistance prior to the outbreak of conflict — was solidarity, he said, adding that whether such efforts focused on capacity-building or mediation was not important. The third pillar carried dangers from a human rights point of view, as it implied coercive measures which often came with a human rights price, he said.

For the responsibility to protect to be "human rights-friendly", it must avoid such measures when possible. "Prevention is possible," he said, noting that United Nations human rights offices provided warnings about abuses or threats that could lead to genocide, crimes against humanity, ethnic cleansing or crimes against humanity. Special Rapporteurs appointed by the Human Rights Council also provided information, and the timely analysis of that information was critical to avoiding the use of the third pillar. Human rights offices also worked on strengthening national human rights commissions, as well as the human rights approaches of national police and justice systems. In some cases, using the third pillar was unavoidable, but the question should focus on how to reduce the damage of coercive measures.

Measures that were less dangerous to populations should be used first — smart sanctions rather than those targeting populations. If implemented, they should be monitored closely to determine whether

they were serving their purpose. As for other measures, the High Commissioner for Human Rights could call on the Security Council to refer cases to the International Criminal Court, as had been done with the situation in Syria. As a last resort, military force was used to protect a population. Citing one example of when the concept could be human rights-friendly, he recalled that when the United Nations had taken joint action against rebel forces in the Democratic Republic of the Congo, it had applied due diligence in planning and monitoring operations, which had led to an important reduction in human suffering.

Mr. ROSENTHAL, sharing his country's experience in implementing the responsibility to protect, said there was a deeply-rooted culture in Latin America that prized non-intervention in the internal affairs of other States. It stemmed from a history of foreign "meddling", but the region had experienced a significant transition in the latter part of the twentieth century, from authoritarian regimes to democratically elected, civilian ones which had changed their attitudes, shifting towards greater respect for human rights. There was more respect for humanitarian law and international conventions. The principle of non-intervention in internal affairs could not be used in violation the rights a country's own population.

Support for non-intervention and respect for human rights often created tension in the region, he continued, saying that explained some of the region's problems with the concept of the responsibility to protect. That tension often surfaced amid calls for an international reaction to Government violations, or for measures outlined in the Charter's article 42. The universal application of the first two pillars would make the application of the third unnecessary, he said, pointing out, however, that invoking the third pillar was a powerful incentive to focus on pillars one and two. The point was the need for a holistic approach.

He went on to say that bridging the gap between non-intervention and respect for international human rights norms was particularly relevant. As for the link between civilian protection and the responsibility to protect, those distinct concepts clearly overlapped. Concerns over the third pillar were understandable, as it could be abused by international actors to meet their own national foreign policy agendas, but procedural refinements by the General Assembly and Security Council could be introduced, he said. All States were expected to conform to the norms of conduct in protecting their citizens, and Latin America was a bastion of support for the concept of the responsibility to protect, he added.

Mr. BAMBA said the responsibility to protect had for too long been passed over in silence. Recent events reflected the need for greater visibility so that the concept could be incorporated into regional and national security systems, as well as into preventive diplomacy, peacekeeping and peacebuilding mechanisms. Recalling the 1990 intervention in Liberia by the Economic Community of West African States (ECOWAS) in response to mass atrocities there, he said its presence had fostered Security Council negotiations, which had been followed by deployments to Liberia. ECOWAS had also intervened in Guinea-Bissau and Côte d'Ivoire, and was currently in the former country, awaiting deployment to Mali, he said.

Turning to Côte d'Ivoire, he recalled that on 30 March 2011, the Security Council had responded to the former Government by adopting resolution 1975 (2011), which had strengthened the mandate of the United Nations Operation in Côte d'Ivoire (UNOCI) to respond to populations in danger. Escalating violence in early April had forced the Secretary-General to prevent genocide and order the mission to take all steps to prevent the use of weapons, pursuant to resolution 1975 (2011) and others. On 11 April, the former President had been arrested and his democratically elected successor had assumed office.

Côte d'Ivoire's post-electoral crisis had claimed 3,000 lives and created 1 million internally displaced persons, he said, adding that implementation of the third pillar there had resulted from the failure of the two other pillars. There must be a focus on education and raising awareness of the concept of the responsibility to protect. Also, regional organizations must apply it as part of collective security arrangements. The responsibility to protect had finally come of age and the international community must apply it to situations such as Syria.

Mr. BELLAMY said the responsibility to protect applied everywhere, all the time. The question was not whether to apply it, but how best to achieve its goals in each situation. That hinged on preventing the four crimes at the earliest possible stage, as called for in the 2005 World Summit Outcome. Effective prevention reduced the frequency of calls for international intervention. While prevention and response were closely related, States should worry less about the academic distinctions between the principles and

instead bring their full weight to bear on genocide and other atrocities.

When prevention did not succeed, the international community must be ready to respond under Chapters VI and VII of the Charter, he continued, noting that if the responsibility to protect had no place for the use of force, it would have little to offer victims. Rwanda had taught that failure to use force condemned people to death, sometimes in the hundreds of thousands. The responsibility to protect was controversial because the costs of getting it wrong were so high. To address such concerns, the United Nations Charter awarded exclusive authority for action to the Security Council, he said.

Highlighting the primacy of prevention, he said the responsibility to protect called for decisive action in response to atrocities. Failure to act early increased the likelihood that more robust measures would be needed later. Strengthening accountability was also vital, and the best way forward was to use the Security Council's power to develop accountability measures — mandate limits, reporting requirements and fact-finding missions — when formulating resolutions. Finally, he said judicious analysis must never be a barrier to decisive action. Each State and regional arrangement had a role at the table, and they must request briefings and advice from the Secretariat.

As the discussion was opened to the floor, the Head of the [European Union](#) delegation stressed that non-action was not an option in certain situations, reminding his audience that the regional body had been established because of the atrocities that had occurred in the last century. Expressing support for Brazil's concept paper on "responsibility while protecting", he emphasized that the third pillar was more than military intervention and offered many other non-military coercive measures that the Security Council could and should have put to use, including sanctions and involving the International Criminal Court. The European Union was gravely concerned about Syria and the suffering of its people was unacceptable, he said, stressing that those responsible must be held accountable. How would the United Nations benefit from the insights of civil society networks and non-governmental organizations that often identified early-warning signs?

The representative of [Brazil](#) emphasized that further development of the responsibility to protect must take into account a broader view of what collective action meant when States failed to protect their citizens. Brazil had been engaged in dialogue with countries from different regions, within the Organization, bilaterally, as well as with specialists and non-governmental organizations, she said. Through that process, some of the previous misgivings over the responsibility to protect had been addressed.

Two new elements of Brazil's proposal could contribute to the debate on how to integrate the country's initiative into the concept of the responsibility to protect, she continued. The first was a set of criteria or guidelines to be taken into account before the Security Council mandated any military force, and the second focused on an enhanced monitoring and review process that would enable Council members to discuss mandates during the implementation process.

However, prevention was the best policy and preventative diplomacy could reduce the risk of armed conflict and the loss of lives, she stressed, urging the international community to demonstrate renewed commitment to its capacity for using the tools of the Charter for the peaceful settlement of disputes. The use of force carried the risk of causing unintended casualties, and at times made a political solution more difficult to achieve. "This is why it must be utilized in the most judicious way," she said.

Several other delegates spoke of the relationship between prevention and all three pillars, with the representative of [Norway](#) stating that, with early action by the international community, the choice would not be between "nothing or using force". The representative of [Italy](#) said the use of mediation and preventative diplomacy, among other tools, was crucial. A flexible response using all those tools while keeping the military response as a last resort was the right way to apply the concept of the responsibility to protect.

Many representatives voiced support for an early-monitoring system that would allow timely preventative measures. Using regional and subregional bodies, as well as civil society networks and non-governmental organizations, was a means of taking specific measures to prevent crisis. Other delegates emphasized that the scope of any response must be "narrow, but deep", with a focus on the four major crimes. However, several speakers pointed out that there was no single response template or

standard response to mass atrocities, with the representative of Australia underscoring the need to exercise political will and to strengthen national capacities as an essential step in challenging such crises.

The international community was committed to learning from its past failures to prevent mass atrocities, yet it still witnessed such events, the representative of Slovenia observed, adding: "We must learn to do better." Echoing other delegates, she added that there was no situation in which States did not bear primary responsibility for protecting their citizens. As a country that had witnessed atrocities in its own "backyard", however, Slovenia felt the international community had the right to act in cases where States failed to do so.

Several delegates called for the Security Council to find a way out of the impasse on Syria, with the representative of Libya stating that the international community was taking too long to provide protection for the Syrian people. The international community's rapid and decisive efforts had saved thousands of lives in Libya by instituting a no-fly zone, as Muammar Al-Qadhafi had begun using the national air force to bomb civilians. He called for action in response to the Assad regime, and for the establishment of buffer zones between Turkey and Syria to protect those fleeing the latter country. While it was crucial to respect non-interference, the international community could not allow regimes to "slaughter its people", he stressed. Such a leadership must be stopped as "sovereignty lies with the people".

Commenting on the Security Council's refusal to take action when diplomacy was clearly not effective, the representative of Burundi stated, "Peace is the natural yearning of mankind" and a heritage of people around the world. When members of the Security Council, when faced with mass atrocities, finally understood that right, and not to invoke their veto, then the responsibility to protect would become a full-fledge reality.

However, the representative of South Africa expressed concern that international intervention might be used as a means to effect regimes change by those with political agendas. The concept's primary focus was to protect a country's people, not institute regime change. Security Council mandates could not, then, be the pretence for operating beyond international law.

The panellists then responded to a variety of questions relating, among other things, to what further action could be taken to promote the idea of sovereignty as responsibility, and the role of transitional justice under the concept of the responsibility to protect.

Mr. ELIASSON said the responsibility to protect was a strong concept that was highly resistant to critical scrutiny, and it should be refined.

Responding to questions on prevention from the European Union, he recommended article 33, which listed measures for the peaceful settlement of disputes. Making prevention a reality must also involve the Security Council and a focus on defining the term "threat". Attention should shift from the later to the earlier stages of a crisis, he said, driving that point home by adding: "By acting early, we'll save lives. We'll save money and we'll save the international reputations of Governments."

To a query about non-governmental organizations, he said they must play a "very important" role despite the sensitive nature of the issue. On the rule of law, he urged doing everything possible not to desert countries. Setting up a rule-of-law structure helped to ensure that countries did not relapse into conflict.

In response to Australia's question, he urged viewing sovereignty as a responsibility. The duty to protect citizens should be "self-evident", and the fact that today's debate was taking place spoke to that point, he said. More Governments accepting their duty would mark an enormous step in the creation of a vital human-security dimension at the United Nations.

To a question about priorities, he encouraged more frequent use of Chapters VI and VIII of the Charter, saying they were under-used.

Mr. ŠIMONVIĆ said accountability for the crimes covered by the concept of the responsibility to protect was important for justice, as it contributed to reconciliation. It also was crucial to activate

transitional-justice mechanisms to prevent future conflicts, he said, adding that doing so helped to establish the truth. As for the link between the responsibility to protect and the rule-of-law agenda, he said the former was already a moral and political norm — a customary law in the making.

In the next round of questions and comments, delegates recalled that leaders at the 2005 World Summit had accepted the responsibility to protect their citizens and to act in accordance with it. The international community should, as appropriate, encourage and help States to exercise that responsibility and support the United Nations in establishing an early-warning capability. Many speakers reiterated their support for the concept, with some saying that the ongoing situation in Syria fell under the scope of the responsibility to protect.

Many speakers stressed the preventive aspects of the responsibility to protect, citing a multitude of instruments that allowed for tailor-made approaches to stopping or preventing mass atrocities. Some, including the representative of Germany, underlined the full equality of all three pillars, which excluded an “either-or approach”. He expressed concern at the often narrow focus on the third pillar, pointing out that resolution 1973 (2011), which had led to the imposition of a no-fly zone over Libya, had unnecessarily contributed to reducing awareness of the first two pillars. The responsibility to protect was a holistic concept.

The representative of Singapore, on the other hand, called for moving beyond the mantra that the three pillars were equally important, mutually-reinforcing and supportive. It was doubtful that many would have problems with pillars one and two, whose commitments were well enshrined in international conventions. They were “window dressing”, he said. While Security Council actions in Libya had been hailed as a vindication of the responsibility to protect, there was deep concern over how it had been invoked, with many saying it had led to the current impasse over Syria. Linking such issues to the need for Security Council reform, he recalled that the Council had failed to intervene in Rwanda because some permanent members had refused to define the situation as genocide. If the United Nations was prepared to allow the Council to invoke the responsibility to protect in order to justify military action, the Council must commit itself to exercising that responsibility without fear or favour, he emphasized.

Others said the responsibility to protect could only exist in a climate of confidence, which presupposed State equality and evolved through consensus. On that point, the representative of the Netherlands said some Governments favoured a “Westphalian” idea of the concept, making it impossible to devise a collective approach to some situations, including the one in Syria. There was a misconception that coercive, non-military measures would automatically result in military action, which in turn prevented any action at all.

More broadly, other speakers emphasized that the responsibility to protect should be comprehensive and create conditions for economic development and good governance while reducing inequalities among regions, peoples and genders. The challenges included making the first two pillars operational.

Many speakers stressed that prevention was “infinitely preferable” to a military response in responsibility-to-protect cases. Among those was the representative of Hungary, who nonetheless pointed out that no system of protection could be based exclusively on prevention without also making provisions for response.

Meanwhile, some speakers, including the representative of Uruguay, noted that the current discussion was not about the principle of the responsibility to protect itself, but about the principles of its implementation. The discussion was timely, he said, joining many others citing the tragic situation unfolding in Syria.

In the same vein, the representative of Belgium said it was profoundly shocking that the international community had not yet been able to shoulder its responsibility to protect civilians in Syria. The “unacceptable and incomprehensible blocking” of action by some States brought Rwanda and Srebrenica to mind, he said. Indeed, the international community must never again be placed in a situation of seeking forgiveness for its inaction. The representative of Ireland agreed, asking: “How high must the death toll rise?”

Nevertheless, other delegates raised concerns about the complexity of the concept. In that vein, the representative of Malaysia agreed that there was a need to work with regional organizations and neighbouring States, but stressed that “there cannot be a single benchmark for all regional organizations to follow”. Moreover, “unless we are able to tell the future”, it would be impossible to hold a State responsible for not acting in the case of crimes not yet committed. Those questions, among other equally complex issues, gave rise to a need for caution when proceeding with consideration of the concept of the responsibility to protect.

The representative of Estonia stressed that referral to the International Criminal Court was one example of the tools available in cases of the responsibility to protect. The Court’s investigation of crimes could potentially prevent the commission of future crimes. Other such tools were commissions of inquiry and fact-finding missions, he said, before joining the representative of Liechtenstein in stressing that the use of force must always be a last resort while also agreeing that the strict sequencing of the responsibility-to-protect pillars was not always useful.

“The more coercive the tool, the less often it has been used to protect populations,” said the representative of Iran. There was no illusion that tragic cases had not been ignored due to a lack of political will and the playing out of “power politics”. A key to preventing and suppressing such crimes would be faithful implementation of the United Nations Charter to avoid selectivity and reform the systematic deficiencies that had prevented action in past cases. Indeed, it would be a mistake to blame the principle of sovereignty for the failings of the United Nations system, he said.

Like other speakers, the representative of Peru stressed that the collective security system must not be turned into a forum “that can stand idly by” as crimes against humanity were committed.

Meanwhile, the representative of Qatar warned against the stereotyping of the responsibility to protect in the media, which all too often showed only the military side of the issue. He agreed with other speakers that many other tools were available to implement the concept, and that the focus should be on prevention. Indeed, fact-finding and supervision missions should be sent out and all other measures exhausted before resorting to the most drastic action, the use of force.

The representative of New Zealand said history had shown that the slower an action taken under Chapter VI of the Charter, the more likely would be the need for force under Chapter VII. Early action could have averted the depth of the crisis in Syria, he said, adding that there was a need for a “more than ritualistic” discussion of the principle within the United Nations. The Council’s working methods must be adapted “to the real needs of prevention”. A veto should never be used in situations of crimes against humanity, he said, adding that persuading Governments to cooperate with peaceful early-prevention measures was equally important.

Delegates also emphasized the need for a determined focus on preventive measures, with the representative of Luxembourg stressing: “The lesson we need to learn is to act decisively and promptly.” Many others said that prevention required early warning and assessment of possible genocide, war crimes, ethnic cleansing and crimes against humanity — efforts that could be carried out by fact-finding missions, inquiries and the International Criminal Court. The implementation of preventive measures “before crises and conflicts break out” and identifying which States were “under stress” entailed timely early warning and impartial assessment by the United Nations.

Some speakers emphasized that the appointment of a national responsibility-to-protect focal point was one step that Governments of differing capacity levels could take to prevent mass atrocities and show their commitment to the concept. The representative of Denmark pointed out that 17 countries had created national focal points and it was to be hoped that the network would expand. Other speakers stressed that national capacity to prevent and halt atrocities involved continuous self-reflection.

The representative of Israel highlighted the gap between the reality at the United Nations and that on the ground, pointing out that the Syrian regime was slaughtering its own people without a response. While the responsibility to protect had emerged from an historic moral tradition spanning cultures and continents, the basic notions of humanity had been neglected and ignored throughout the twentieth century

— from the Holocaust, to the killing fields of Cambodia to the Rwanda genocide. Expressing support for the Secretary-General's call for action in the face of the four atrocities, he said existing tools and mechanisms could be used, and urged recognition that the responsibility to protect was distinct from the broader concept of civilian protection.

"Inaction is not an option," the representative of [Spain](#) emphasized. The Brazilian initiative and the Secretary-General's report provided clarity on when the concept should be applied. Intervention in Libya and Côte d'Ivoire should be viewed as a success for the United Nations and the international community. He asked about the involvement of civil society and humanitarian agencies, saying their actions should not supplant nor be confused with political actions.

Other speakers commented on the Secretary-General's report, with the representative of [India](#) describing his claim that there was no sequencing of the three pillars "wrong and misleading". There could only be a resort to measures under article 42 when States had manifestly failed to protect their citizens from the four main atrocities, he stressed.

The representative of the [Russian Federation](#) said the report contained interesting proposals on launching the instruments outlined in Chapter VI of the Charter, on the peaceful settlement of disputes, and Chapter VIII, on regional arrangements. He said the Secretary-General's views on the simultaneous application of the three pillars — or their application in different combinations — distracted from a useful conversation about the real problems of the responsibility to protect.

Other delegates, including the representative of [China](#), highlighted the importance of sovereignty, territorial integrity and non-intervention in internal affairs. Brazil's proposal on "responsibility while protecting" was of great significance in the implementation of Council resolutions and worthy of consideration, he added.

The representative of [Rwanda](#) emphasized that timely and decisive responses to responsibility-to-protect crimes did not necessarily have to be military in nature, but there were indeed times when all other measures failed. Historically, where parties hesitated to take action, wounds festered and conflicts continued, he said.

The representative of [Japan](#) expressed deep regret that the Security Council had been unable to take action on Syria. It should seriously consider, and agree on, appropriate measures to address the situation, bearing in mind the responsibility to protect, he said, stressing that no additional procedures should be created to enable the Council to take "timely and decisive action".

The representative of [Georgia](#), welcoming the designation of 2012 as the Year of Prevention, noted that in challenging situations over recent years, the United Nations had lacked unity and effectiveness.

The representative of [Egypt](#) said it was important to distinguish between collective responsibility and collective security. The third pillar of the responsibility to protect should be used judiciously, transparently and with accountability. Moreover, the Organization's sluggish response in several recent cases brought to mind the shortfalls of the system, which was often shackled by political interests. There was a need for multifaceted peacebuilding and peacekeeping missions, and for the further exploration of the nexus between the two functions, in order to prevent further conflicts.

Other representatives agreed with the Secretary-General's report that there was no "one-size-fits-all" approach to implementing the responsibility to protect, and that each case must be dealt with on its merits. The representative of [Costa Rica](#) said there was no need to create a general protocol for the implementation of the concept, but instead there should be implementation guidelines. He called on permanent members of the Security Council to refrain from exercising the veto in cases of mass atrocity and crimes against humanity.

The representative of [Syria](#) said the most important point was that of preserving the sovereignty of the State. The concept of the responsibility to protect was still under discussion, and the international community must be wary of States implementing it in order to advance their own agendas. What had not

been emphasized in today's discussion was the external role that some countries were playing in inciting crimes in other States, and which led to the suffering of civilians. He added that he was surprised that the representative of Libya had urged military intervention in Syria.

Several other delegates, including those of Sri Lanka and Cuba, agreed that the concept of the responsibility to protect had yet to be clearly defined to the satisfaction of most of the international community. They urged caution in its implementation.

Mr. BELLAMY, responding, said there was a need to move from rhetoric to strategy in relation to prevention and identifying gaps. On sequencing, he said it should be thought of in terms of prudence, not chronology. What would chronology have meant in Rwanda? He asked. As for the inconsistency of political bodies, he urged States to call on the Secretariat to provide briefings and advice when they were needed.

Mr. BAMBA said implementation of the responsibility to protect was important at the national, subregional and regional levels. Nigeria's representative had spoken about the outcome of the Abuja Forum and it was important to integrate those principles into regional laws, he added.

Mr. DIENG recalled that the United Nations had been founded on idea that war could be prevented by working together. Today's debate had shown that despite differences, the commitment to that principle continued.

Closing Remarks

Mr. NASSER (Qatar), General Assembly President, said he was pleased to see the high level of interest in today's topic. Many important recommendations had been made about the available tools and challenges of implementation. Two key points centred on the need to ensure that measures were effective, and that the lessons of past implementation had been learned. Military action should be deemed a final response only when all other means of peaceful engagement had been exhausted. Protecting people from genocide, war crimes, ethnic cleansing and crimes against humanity was a high and noble cause, he concluded.

* * * * *

For information media • not an official record