

Remarks given by Jan Eliasson, United Nations Deputy Secretary-General

General Assembly informal, interactive dialogue on the “Responsibility to Protect: Timely and Decisive Response”

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Thank you very much Mr. Chairman and Mr. Under-Secretary General. I am very glad to be here. I commend you and the President of General Assembly for taking the initiative for this important dialogue on the concept, indeed moral and political norm that is intended to protect civilian population from atrocities and extreme forms of violence. I would like to just make a few informal remarks in the spirit of interactive meeting, of course, taking as the point of departure the statement of the Secretary-General which covers the subject, in my view, very well. But I thought I would give you some snapshots from the creation of the Responsibility to Protect because I was President of General Assembly in the year of 2005 and 2006 when, in fact, this principle was adopted and I was part of those negotiations which took part in the summer of 2005. And I thought I would give you a few observations of the driving forces, the key features, the main elements that were discussed before these paragraphs 138, 139, and 140 were formulated.

The first point I'd like to make is how strongly the Responsibility to Protect is related to sovereignty. It is very much the basis... the basis is to be found in the responsibility for the state, for the nation, for the government to protect its own population from genocide, ethnic cleansing, and all the aspects that are mentioned in the Outcome Document. So let us remind ourselves that Responsibility to Protect is primarily directed to the Member States and directed to their responsibility to protect their own population. Indeed, I would say this Responsibility to Protect is an enhancement of the value of sovereignty. I was also Chair of the Committee 1991, it was an open-ended group in the General Assembly that worked on the humanitarian mandate for the United Nations, and I recall then many efforts from a number of NGOs and also Member States to introduce something which was called humanitarian intervention. But I can tell you this concept was not accepted by that group. It was considered interference in internal affairs, the right from someone from outside to interfere in another nation. You may recall that debate in the early 1990s. But what this principle now states is that sovereignty is so important such a almost sacred principle for a nation and also for the internationalization of the United Nations that, indeed, it requires that one protects one's own population from those horrors that we have seen far too much of even in the post-Second World War period. So that my first recollection of the discussion we had: the value of sovereignty and that sovereignty implies to protect your own population.

The second aspect that I recall was that how strongly we felt that the aspect of prevention would be a primary element for the Responsibility to Protect. I think not least of the debate on Libya that this element tends to be forgotten. Prevention was then, in fact, a key aspect, especially when you then move the situation when the international community would show that they have a responsibility because as you recall from the text of the Outcome Document paragraph 139, there is reference to two very important chapters of the UN Charter, in my view, even underutilized chapters of the UN Charter, namely Chapter VI “*Pacific Settlement of*

Disputes” and Chapter VIII *“Regional Arrangements.”* I always carry the Charter in my pocket and Article 33 tells us what we should do before a conflict erupts.

“The parties to any dispute... shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.”

This is what we should do first before we apply or asked to apply Charter VII, which unfortunately often is the case. And this means that we have instruments in our hands, we have preventive diplomacy, we have special envoys, we have fact-finding missions, we have commissions of inquiry, we have observer missions – all the methods that are there for peaceful settlements of disputes before the disasters occur.

Now, this session should deal with *The Timely and Decisive Response*, the situation where the methods that I just mentioned were not applied or could not be applied because of the audience of situation or it was too late of the day. Well, on that debate I recall a very important discussion down in the basement of the General Assembly without air- conditioning I might remind of, that it was that very importantly that any action in that category, Chapter VII, will be taken on a collective basis. In other words, the Responsibility to Protect cannot be applied by one state, which thinks that they have the right to intervene. It has to be done on the basis of collective action, let’s remember that. And that is very important because sometimes you see in press debates and even political discussions that individual states think they can take that right. That is not in accordance with Article 139 of the Outcome Document.

Libya, of course, I would not bring that up because it was brought up by the Secretary-General and we know that there are different interpretations, different assessments of the application of the RtoP. I would not dwell on this also on the aspects that are related to the Syria discussion. But I think Brazil’s proposals on *Responsibility While Protecting* are very useful to remind us that we have a responsibility to look at proportionality and how this responsibility is applied in those rather dramatic instances where also civilian population may be affected by an action on the basis of RtoP: very difficult moral, political, and, of course, physical dilemma.

So my last point is to say that to me the Responsibility to Protect a concept maybe growingly moral and political, maybe not yet legal norm, which basically deals with two very important, fundamental goals and objectives, namely that we growingly are to put human security in the center. Individual human beings are affected by war and conflict and atrocities we talk about here. And secondly, this responsibility is a responsibility for each state, a responsibility for our own population, for their welfare and for their security. And that is what this principle, this norm, this concept is about, in my view. Thank you very much.