

## ACABQ and Fifth Committee negotiations on the Joint Office

The publication of the Secretary-General's report *Implementing the Responsibility to Protect* in January 2009 set the stage for budgetary negotiations that have now laid the foundations for a Joint Office on genocide prevention and the responsibility to protect.

The Secretary-General's decision to institutionalize the collaboration between the Special Adviser for the Prevention of Genocide and the Special Adviser for the conceptual, political and institutional development of the responsibility to protect (R2P) was first signaled in a letter addressed to the Security Council in 2007.<sup>1</sup> The full details of this proposal were shared with member states in the Annex to the Secretary-General's 2009 report *Implementing the Responsibility to Protect*.<sup>2</sup> Then in 2010, in his report *Early warning, assessment and the responsibility to protect*, the Secretary-General again reminded member states of his determination to proceed with this plan.<sup>3</sup>

The intent to proceed with the institutionalization of the collaboration between the two Special Advisers through a Joint Office had thus been set forth on a number of occasions. Indeed, over the past three years, the idea of the Joint Office has been the object of multiple discussions and debates. These date back to a first round of budgetary negotiations in 2007, in which the proposal suffered some setbacks. There then ensued a formal debate by member states in the General Assembly in July 2009, and an informal interactive dialogue on "Early Warning, Assessment and the Responsibility to Protect" in the Summer of 2010. Over the course of three years the tenor of these deliberations had clearly shifted from initial obduracy to the more pragmatic views voiced in both the General Assembly and the more recent budgetary negotiations.

From the outset, the institutionalization of the collaboration between the two Special Advisers via a Joint Office—together with the setting up of a new convening authority—had been intended to strengthen the UN's capacity to act as one in responding to situations where there was a threat of mass atrocities.<sup>4</sup> As stated in the Annex to the Secretary-General's 2009 report and in the Secretary-General's 2010 report, these institutional innovations are intended to help the UN anticipate, prevent and respond to situations likely to involve the occurrence of mass atrocity crimes; to facilitate system-wide coherence; and to make possible a

broad-base UN response to crises relating to the responsibility to protect.

In line with this design, in the late Summer of 2010 the Secretary-General submitted the budget proposal (A/65/328 and Add. 1-5) on the estimates for special political missions, good offices and other initiatives, as authorized by the General Assembly and/or the Security Council to the Advisory Committee on Administrative and Budgetary Questions (ACABQ) for the period from 1 January to 31 December 2011.

The final presentation of this budgetary proposal was the result of intense consultations within the Secretariat. There were those—including the two Special Advisers—who were ready to capitalize on the positive outcome of the 2010 General Assembly Interactive Dialogue on early warning and assessment, and those in favor of a more cautious line.

The final agreement was a straightforward proposal requesting the regularization—in the Office of the Special Adviser for the Prevention of Genocide (OSAPG)—of two current positions (a P-5 and a P-3), and the appointment of a new P-4 official responsible for early warning and emergency convening functions. This proposal included R2P language in the form of references to the four crimes rather than solely to genocide.<sup>5</sup>

### The Advisory Committee on Administrative and Budgetary Questions

The first stage in this process was the consideration of the Secretary-General's proposals by the Advisory Committee on Administrative and Budgetary Questions (ACABQ). This Committee met with representatives of the Secretary-General to further clarify the budgetary proposals. This review process took place in the autumn, concluding on 8<sup>th</sup> December 2010 with the publication of the ACABQ's final report.

The deliberations within the ACABQ provided the first signs of the politicization of the administrative and budgetary discussion. The dynamics soon revealed a spectrum of supporters, skeptics and neutrals.

By the end of October 2010 the questions raised by the ACABQ had brought some contentious issues to the fore, but also provided the Special Advisers with new opportunities to make their case for the strengthening of

the OSAPG, and for R2P more generally. Thus, while the exchange between the ACABQ and the OSAPG raised the delicate issue of the role of voluntary contributions in helping fund the staff and activities of the Office, the additional written material sent by the Special Advisers enabled them to reiterate the arguments in favor of all three positions and to expound upon the shift in the Office's working methods towards R2P.

On 6<sup>th</sup> November 2010, in an executive session the ACABQ signaled its decision to approve only one of the three positions requested for the OSAPG. In a clear victory for the R2P that position was the P-4 official responsible for early warning and emergency convening functions. While some members of the committee objected to the approval of new posts, and to the terms of reference attached to the P-4 position, forceful intervention from R2P supporters led to the securing of the P-4 position with the job description - early warning and assessment—maintained.

The final report of the ACABQ issued specific recommendations on resource requirements of all the claimants, including those of the OSAPG. In paragraph 24 the report referred to a number of missions—including the OSAPG—to underline that “by their nature, they should be of limited duration and aim at accomplishing specific tasks.”

As for the OSAPG's budgetary proposal, the report noted that three additional positions were being requested—to address “additional functions of the Office related to the ongoing collaboration of the Special Adviser on the Prevention of Genocide and the Special Adviser who focuses on the responsibility to protect.” Also noted was the increase in “the demand for services provided by the Office to entities within the United Nations system and to Member States.” Although the report did not in principle object to all three positions, it resolved to only recommend the approval of an additional P-4 position, for R2P functions. It also asked for clarification on voluntary funding contributions.

From a budgetary point of view, the ACABQ's decision to recommend only one of the three requested positions was disappointing. Yet, from an R2P perspective, the decisions contained in paragraphs dedicated to the OSAPG seemed promising. Not only did the lines on the Office contain no quibbles about the mandate of the R2P; they explicitly referred to the ongoing collaboration between the two Special Advisers as an important factor justifying the request for additional resources. Equally significant was the ACABQ's recommendation to approve the new P-4 position. The functions envisaged for this official precisely concerned the early warning and assessment functions, as well as the emergency convening functions, described in the Secretary-General's report (A/63/864.)

In sum, the budgetary request by the Secretary-General was an important step forwards for the institutionalization of the R2P, with a clear connection between the terms of reference for the P4 position and the functions envisaged for the convening authority for mass atrocity prevention. Behind what appeared to be a mere bureaucratic plan was a critically important piece of the R2P's intended institutional architecture.

## **Negotiating process in the Fifth Committee 16<sup>th</sup> -24<sup>th</sup> December 2010**

### **1. Formal session on Special Political Missions**

Negotiations in the Fifth Committee started on 15<sup>th</sup> December 2010 with a formal debate on Special Political Missions. The UN Controller, Mr. Jun Yamazaki, together with the Under-Secretary-General for Political Affairs, Mr. Lynn Pascoe, presented the Secretary-General's budget proposal. Informal sessions followed on 16<sup>th</sup> December 2010 with a question and answer meeting.

This session was soon dominated by a challenge led by Algeria with Cuba, Nicaragua and Venezuela. They questioned the Secretariat's authority to institutionalize the ongoing collaboration between the two Special Advisers.

The possibility that a vote could be called on this particular question—and so in theory on the authority of Security Council mandates—, prompted a strong reaction from four permanent members of the Council: China, France, the UK and the US. The issue of the authority of the Security Council had already been raised by Iran's call to reject the budget request for a panel of experts on Iran. Cuba's endorsement of Iran's call for a vote at once brought to the fore the balance of power between the Council and the General Assembly.

The US and China devoted repeated efforts to find a formula that—by meeting both the concerns of the opponents and supporters of the R2P—, could keep the option of consensus afloat. Generally, the informal negotiations of 20<sup>th</sup> -23<sup>rd</sup> December were dominated by compromise language—with the risk of an outcome in which the budgetary proposal would have been returned to the Secretariat for additional clarification. As efforts to sustain a consensus failed, the prospect of a vote became harder to avoid.

Member states again met in plenary session on 23<sup>rd</sup> and 24<sup>th</sup> December for the closure of the Fifth Committee's negotiations. In these sessions, member states approved budget requests for a number of items, including: UN missions in the Central African Republic, Chad, Cyprus, the Democratic Republic of Congo, Haiti, Lebanon, and Sudan; and the International Tribunals for the ex-Yugoslavia and Rwanda. On 24<sup>th</sup> December the plenary moved on to consider the program budget for the

biennium 2010-2011. At the point of addressing the 19 sections contained in resolution A/C.5/65/L.22 (L-22), the Iranian and then Venezuelan representatives presented amendment proposals.

## 2. Question and Answer Session

The Q&A session of the 16<sup>th</sup> December was expected to address a variety of issues. However, as much as 60-70% of the three hours were spent on deliberations about the OSAPG. This was the result of a vocal and coordinated attack by a tiny handful of R2P detractors.

Algeria, Cuba, Nicaragua, Venezuela and Egypt questioned the mandate. Algeria—claiming to speak on behalf of the African group—opened by contesting the mandate to proceed with the request of the OSAPG, on the ground that the agreement reached in General Assembly resolution 63/308 was clearly limited to the continued consideration of the R2P. Venezuela followed, recalling President Chávez’s denunciation of the 2005 World Summit Outcome Document.

The attack by Algeria, Cuba, Nicaragua and Venezuela was countered by a notable response by Mr. Francis Deng, Special Adviser for the Prevention of Genocide, and by a fairly coordinated group of supporters.

Mr. Deng highlighted as the sources of the mandate: the 2005 World Summit Outcome Document; the exchange of letters between the Secretary-General and the President of the Security Council on the appointment of Edward C. Luck as Special Adviser on R2P; and resolution 63/308 adopted by consensus in the General Assembly.

Further elaborating, Mr. Deng called attention to two particular aspects of the 2005 World Summit Outcome Document. First, he reminded those present that paragraph 138 provided the mandate for an early warning capacity for genocide, war crimes, ethnic cleansing and crimes against humanity. Secondly, he pointed to the commitment reached by member states in paragraph 140 to “fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide.” Mr. Deng then made the link between the responsibility to protect and genocide prevention. By emphasizing that genocide is often preceded by violations and crimes which may well include those relating to the responsibility to protect, Mr. Deng spelled out the obvious connection between the two mandates. This connection established the rationale for the Joint Office. He then went on to explain that the OSAPG was already working on the four crimes, and accordingly made the case for all three requested positions.

This perspective was again questioned by Venezuela, Cuba, Nicaragua, and Algeria. Venezuela enquired about the somewhat hidden reference to an Assistant Secretary General (Edward C. Luck’s position) mentioned below a

table of OSAPG positions contained in paragraph 63 of the Secretariat’s budget proposal (A/65/328, Add.1, p. 24). In the opinion of Venezuela, resolution 63/308 only embodies an agreement to continue the consideration of the responsibility to protect, and in no way could be regarded as providing a basis for a mandate.

Cuba, in turn, referred to genocide and the responsibility to protect as two distinct concepts, and called into question what it saw as the attempt to broaden the understanding of genocide. In addition, Cuba challenged the apparent intention to rely on a report by the Secretary-General as a source for a mandate.

Nicaragua followed suit, contesting an exchange of letters between the Security Council and the Secretary-General as a sufficient basis for a mandate, and denounced a stratagem that—in its view—had already failed in 2007 with the attempt to expand the remit of the Office to mass atrocities. Turning to issues of efficiency, the Nicaraguan delegate then pointed to the likelihood of duplication in the work of the two Special Advisers, and asked whether the Secretary-General was planning to eliminate one of the positions.

The Canadian expert—speaking on behalf of CANZ—swiftly returned to the question of whether the exchange of letters provided a basis for a mandate. Responding to the questions posed by Cuba, Nicaragua and Venezuela, the Canadian expert pointed to the mission for the Central African Republic, recalling that this mission had also originated in an exchange of letters between the Secretary-General and the then acting president of the Security Council.

Canada’s positive comments about the OSAPG and R2P were followed by South Korea, Costa Rica, the US, the UK and Switzerland, and notably Kenya. One by one, as they asked about the terms of reference for the three envisaged positions, these delegations focused their interventions on the administrative tenor of the request. Moreover, the sequence of questions posed by R2P supporters enabled Mr. Deng to effectively make the case for the three positions.

Francis Deng’s second set of responses was clearly on target. While refuting the assertion that he had suggested that a report by the Secretary-General could provide a basis for a mandate, he again reiterated his understanding of the mandate. In his view it clearly originated in the 2005 World Summit Outcome Document, the exchange of letters, and GA resolution 63/308. While agreeing that resolution 63/308 only embodied an agreement to continue the consideration of the responsibility to protect, he noted that continued consideration needed work and the capacity to do that work. Furthermore, Mr. Deng then described his own understanding of the Genocide Prevention mandate as not being restricted to identity-driven conflicts. And,

addressing arguments of efficiency, Mr. Deng highlighted the advantages of the collaboration established between the two Special Advisers.

A number of other countries and regional groupings participated in the Q&A session and their interventions did not query the budgetary proposal for the OSAPG. They included: Brazil, China, Italy, Japan, Kenya, Lebanon, Mexico, and Syria, as well as the EU.

The question of extra-budgetary funding—mentioned in paragraph 16 of the Report of the Advisory Committee on Administrative and Budgetary Questions—was addressed by the US and Switzerland.<sup>6</sup> The US questioned the fairness of allegations singling out the OSAPG for lack of transparency in the use of voluntary contributions. Switzerland also asked about other UN offices of a similar size which may currently rely on extra-budgetary contributions to fund staff performing core functions.

As the session drew to a close, interventions by Algeria and Kenya made clear the degree of polarization. Algeria again went on the attack, enquiring about the scope of the genocide prevention mandate, the specifics of the collaboration between the two Special Advisers, and questioning the wisdom of “naming the baby before it is born.” In the delegate’s view, a Special Adviser for the R2P had been appointed before member states had actually agreed to the concept.

The swift intervention by Kenya—speaking on behalf of the African group—helped change the tone of the discussion. The Kenyan delegate praised the work of Mr. Francis Deng and his office, and the worthiness of a unique mandate, and proceeded to ask about the details of the assessment methodology and the early warning mechanism. This question allowed Mr. Deng to make clear that the genocide prevention mandate had not changed, and to explain that what had changed was the creation of the Joint Office to cater to the work of the two mandates. He then again referred to his efforts to demystify genocide, to elaborate on the office’s early warning work, and to describe in more detail its framework of analysis.

The attempt by the UK to bring the discussion back to where it belonged—to the agenda of the precise financial needs of the UN system—was again countered by a last offensive by Cuba, Nicaragua and Venezuela. One by one, these countries insisted on: the lack of a mandate; the irregular working methods of the Security Council, with an exchange of letters now presented as sufficient basis for a mandate; and, in the words of Venezuela, the simple fact of the lack of agreement around a concept that remains the object of debate in the GA.

### **3. Informal negotiations 20<sup>th</sup> - 24<sup>th</sup> December**

Following the challenge to the mandate in the Q&A by Algeria, Cuba, Nicaragua and Venezuela, the process of formal negotiations opened with the proposal by these three countries to tackle the “logical framework” of the OSAPG. Concretely, the proposal submitted by Cuba, Nicaragua and Venezuela sought to remove all references to war crimes, crimes against humanity and ethnic cleansing included in the Secretary-General’s budget proposal. The immediate effect of this move—intended to change the “logical framework” of the office back to its original version—, was to polarize the negotiations around the budgetary request for the OSAPG.

Canada—again on behalf of CANZ—submitted a counterproposal which “took note” of the ACABQ report and welcomed the Secretary-General’s budget request. In doing so, the Canadian delegation automatically endorsed all three positions requested by the Secretary-General (one P-3, one P-4 and one P-5). This proposal was then taken up by Kenya as an initiative endorsed by the African group.

The result of these steps—taken by both opponents and supporters of R2P— was to prompt other delegations to take sides and to swiftly turn the negotiation into a zero-sum game, i.e. the three requested positions or nothing. Paradoxically, the politicization of the negotiating process forced those countries and groups—including Mexico and the EU—that for budgetary reasons had decided to endorse the ACABQ’s recommendation in favor only of the P-4 position to now support the call for all three positions and thus the Joint Office.

As a result, Argentina, Chile, Costa Rica, Guatemala, Haiti, Panama and Uruguay joined the group of countries that endorsed the proposals put forward by the CANZ and the African group on behalf of all three positions and the Joint Office.

By 22<sup>nd</sup> December Cuba, Nicaragua and Venezuela had started to mobilize. The initial moves aimed at their remaining regional allies (Bolivia and Ecuador) were soon followed by those targeting members of the African and Arab groups, as well as Russia, and China.

As Cuba, Nicaragua and Venezuela signaled their intention to call for a vote, a second stage was opened.

This was characterized by an attempt—led by the EU and some permanent members of the Security Council—to keep the consensus afloat. The efforts of China to mediate with Cuba, Venezuela and Nicaragua stood out. At this point, delegations considered compromise language in exchange for the three requested positions. The proposed language of compromise noted the “concerns expressed by a few/some member states” and requested the Secretary-General “to review the logical framework of the OSAPG in

order to ensure that their programmatic aspects and resource requirements are consistent with mandates of the General Assembly and the Security Council, and to report thereon to the Assembly no later than the early part of the second part of its resumed sixty-fifth session.”

Beyond the perceived advantages of proceeding by consensus, the permanent members of the Security Council present in the negotiations—and more specifically the US and China—, made clear their uneasiness about the implications of proceeding with a vote. The apparent concern was the possibility of losing the vote and then creating a precedent by which the General Assembly could claim the right to interpret and give an opinion on mandates emanating from the UN Security Council.

#### 4. The Vote

Although by midnight on 23<sup>rd</sup> December efforts to strike a compromise deal seemed possible, despite persistent negotiations no such compromise was reached. As the General Assembly saw its time to complete the first segment running out, the Fifth Committee returned to the plenary. This indicated its readiness to adopt and/or vote the resolutions that had been negotiated in the intense interactions of the previous days.

One by one a number of resolutions were adopted by consensus, but this trend was interrupted first by Israel—calling for a vote on resolution L-20—, and then by Iran and by Venezuela on resolution L-22. Iran asked for the floor and proposed an amendment (to section 18), objecting to the request to fund a panel of experts on Iran. Venezuela, in turn, submitted new language to be considered for insertion in section XIII of the draft resolution A/C.5/65/L.22 on political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council.

The Venezuelan delegate voiced concern over the modifications observed in the logical framework of the OSAPG. In her view, both the inclusion in the Office’s mandate of concepts that did not enjoy inter-governmental agreement, and the attempt to operationalize the R2P through the OSAPG, represented a serious failure in administrative procedures. She again insisted that the only agreement reached within the GA—as embodied in resolution A/RES/63/308—was to continue consideration of the R2P. She contested the match between the logical framework under consideration and the guidelines presented in the Secretary-General’s report on Early Warning and the Responsibility to Protect. Venezuela then called attention to the primary responsibility of the state to protect its population and to the constructive role that the international community can play in supporting these efforts—but warned against a trend that entailed ignoring the root causes that too often lead to armed conflicts. Venezuela then proceeded to read the proposed

amendment and called other member states to “rectify the problems of mandate reflected in the current document.”

The language proposed by Venezuela was in effect a call to edit out all the references to the four R2P crimes; to re-establish the 2009 “logical framework” of the OSAPG; and to request the Secretary-General to issue a report on the “logical framework accepted by the GA in its resolution 64/425 as contained in the Secretary-General’s report A/64/349/Add.1.”<sup>7</sup>

Venezuela’s call for a vote immediately prompted Canada to request a recorded vote, urging all member states to vote against the proposed amendment. This move was swiftly seconded by the Netherlands.

In her intervention the Dutch delegate explained that while the Netherlands did not agree with the narrative proposed by Venezuela, the main motivation behind the decision to call for a recorded vote was procedural. According to this view—which was also echoed by Belgium on behalf of the EU—, the Fifth Committee is the main committee of the General Assembly entrusted with the responsibility for administrative and budgetary matters. In their view, the substance of the proposed amendment went beyond the function of the Fifth Committee.

In light of these reasons, the Netherlands requested a recorded vote, inviting other delegations to vote against the Venezuelan proposed amendment. The interventions by Canada and the Netherlands were then followed by Cuba.

The Cuban delegate denounced the way in which delegations had been forced—during both informal and formal sessions—to consider certain issues and were now compelled to vote. In addition to criticizing what in his view was a shameful attempt by European and North American delegations to lobby delegates from the South, the Cuban delegate condemned the proposals concerning the OSAPG as a clear violation of GA rules of procedure. In his view it was unacceptable that matters still under consideration in the GA were now presented as part of the established mandate of the OSAPG. The Cuban delegate then questioned the existence of an agreement to support the view that the notion of R2P is part of the mandate of the OSAPG. This was followed by a chain of references to standard concerns often repeated by R2P skeptics: from the risk of manipulation, to the need to fully respect the UN Charter, to the challenges of implementing the R2P in a fundamentally unjust international order. As the Cuban delegate closed his remarks, he warned that “those pushing for resources” should be aware that the “Secretariat has poisoned the process in the General Assembly.”

Nicaragua then joined Venezuela and Cuba in what the delegate said was a “matter of principle.” In addition to criticizing the trampling of the mandates, Nicaragua also

denounced the attempt to use a Secretary-General report as a basis for a mandate. In the view of Nicaragua, given that the report had not been the object of any action by the GA, the attempt of the Secretariat to rely on this document to proceed with the envisaged changes amounted to a “self-mandate.” As Cuba, Nicaragua warned that the attempt to push the changes in the mandate through a back door had endangered the dialogue initiated in the GA on the R2P. In Nicaragua’s view, the attempt to impose consensus on a matter that still did not enjoy it had pushed them to a vote. Nicaragua called on other delegations not to accept such impositions.

The forthright interventions by Cuba and Nicaragua were then followed by a brief but sharp statement by Belgium on behalf of the EU. Calling attention again to the administrative and budgetary responsibilities of the Fifth Committee, Belgium reminded all delegates of their responsibility to ensure that the OSAPG is adequately funded so that it can effectively implement its mandate. In the view of Belgium and that of the EU, the activities of the OSAPG—as proposed by the Secretary-General in the report on political missions—are fully justified on the basis of decisions taken by the GA and the Security Council. Accordingly, the Belgian delegate announced that the EU would vote against the Venezuelan amendment.

Despite efforts to persuade a country from the South to accompany Canada and the Netherlands in their call for a vote, none was found ready to second this motion.

The Venezuelan amendment received: 17 votes in favor; 51 abstentions; and 68 votes against. 56 delegations were absent.

Once Cuba, Nicaragua and Venezuela saw their amendment lose, Cuba asked for the floor to call for a vote on section XIII of the resolution on Special Political Missions. Although Cuba explained that its call for a recorded vote on section XIII did not reflect lack of support for all the other political missions (in particular those taking place in developing countries), this vote in effect corresponded to the entire section devoted to the OSAPG.

As was the case before, Cuba again saw this vote lose, but this time by an overwhelming margin. A total of 130 countries voted in support of section XII; 9 countries joined Cuba voting against this section; and 4 decided to abstain.

In a brief intervention Brazil made clear its understanding of the logical framework of the OSAPG presented in the documents A/65/328.1 as broadly corresponding to the mandate given by the General Assembly. Moreover, the Brazilian delegate went on to add that in her view the logical framework of the OSAPG did not prejudice the

discussions currently underway in the General Assembly. Nonetheless, the delegate explained that Brazil shared the concerns expressed regarding the design of the strategic frameworks of the special political missions, and the lack of review of those frameworks by an inter-governmental body. Brazil concluded by highlighting that the current budgetary process of special political missions does not allow for proper inter-governmental consideration of the logical strategic frameworks.

### Conclusion

In many ways, the outcome of the fifth committee process, namely the recorded votes, was a significant battle won for the R2P, notwithstanding the reservations expressed by some delegates—notably those representing the permanent members of the Security Council—about the recourse to a vote. The results of the two recorded votes related to the OSAPG and the R2P also prominently reiterated the trends that had already been clear in the 2009 and 2010 General Assembly debates on the R2P.

The same countries that in the two previous years had vocally objected to the R2P again presented their views. From the perspective of Cuba, Nicaragua and Venezuela—and less vocally, Algeria—the agreement on the R2P does not extend beyond the decision to continue its consideration in the GA. With the Venezuelan amendment, the three leading opponents led the motion in favor of the vote against the R2P. This prompted those countries that had expressed similar concerns to vote in favor of the amendment.

As was the case in the debates in 2009 and 2010 in the General Assembly, the vote made clear that those objecting to R2P represent a small minority of 17 countries. *They can in no way claim to represent the whole membership.* Indeed, their claim that there is no consensus on the R2P ought now to be met with the correct point—namely, that by “consensus” they can mean no more than unanimity.

Along with Algeria, Cuba, Nicaragua and Venezuela, those who voted in favor of the proposed amendment were: Bolivia, the Democratic Republic of Korea, Ecuador, Iran, Lao People’s Democratic Republic, Libya, Mauritania, Myanmar, Qatar, Solomon Islands, Sudan, Syria and Zimbabwe.

In stark contrast, 68 countries voted against the Venezuelan amendment, and thus in support of the R2P.<sup>8</sup> While this group concentrated a significant number of Northern and European countries, it would be difficult to claim that this is a homogeneous group. Equally significant was the vote against the Venezuelan amendment from Latin American countries—including Argentina, Chile, Costa Rica, Guatemala, Mexico, Panama, Peru, Uruguay and notably Brazil.

From Africa, four countries voted against this anti-R2P amendment—Benin, Liberia, Nigeria and Rwanda. From Asia Pacific half a dozen countries did so too, including Australia, Singapore, East Timor, and India.

The total number of abstentions, however, is not insignificant—especially as it concentrated around African and Caribbean countries.<sup>9</sup> Two possible explanations come to mind. In the first instance, delegates attending the Fifth Committee negotiations are often experts on administrative and budgetary matters who are not always in control of more substantive issues, such as those reflected in the Venezuelan amendment. As a result, abstention may have well been perceived as the safest option. A second possible explanation of the voting trends is that through their vote experts expressed the fact that they felt disconcerted at having been forced to discuss substantive issues in a forum that is only expected to deal with administrative issues.

In sum, a battle was won—but everything indicates that the continued advance of the R2P will require constant mobilization from its supporters. There should be no complacency—the group of abstainers is an advocacy target for opponents as well as supporters. Worth mentioning for their special importance were the abstentions of China and Egypt.

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## NOTES

<sup>1</sup> In a letter of 31<sup>st</sup> August 2007 addressed to the President of the Security Council the Secretary-General made clear his plans to strengthen the United Nations' role in the prevention of genocide and mass atrocities. He referred to the foundations of the genocide prevention mandate as outlined in resolution 1366; to his decision to appoint Mr. Francis Deng as his new Special Adviser for the Prevention of Genocide and Mass Atrocities; and to the more recent recommendations provided by the Advisory Committee on Genocide Prevention. The intentions to upgrade Mr. Deng's position to the level of Under-Secretary-General, to strengthen his office, and to designate Mr. Edward Luck as Special Adviser on the Responsibility to Protect at the level of Assistant General were justified on three bases: the agreements embodied in paragraphs 138 and 139 of the 2005 World Summit Outcome Document; the obvious link between large-scale atrocities and threats to peace and security; and the recommendations of the advisory committee for the prevention of genocide. In this letter the Secretary-General underscored that due to the "complementarity of the prevention of genocide and mass atrocities and the responsibility to protect," and for reasons both of "efficiency and of the complementarity of their responsibilities, they [the two Special Advisers] will share an office and support staff." S/2007/721

<sup>2</sup> In paragraphs 6 and 7 of this Annex, the Secretary-General reminded member states of the explicit recognition granted by the 2005 World Summit Outcome Document to the relationship between two "distinct but closely related mandates." The logic of such a close relationship was established by including genocide as the first of the four crimes and violations encompassed by the responsibility to protect, and by the inclusion of the expressed

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commitment of member states to support the mission of the Special Adviser on the Prevention of Genocide, under the provisions relating to the responsibility to protect. In addition, the Secretary-General confirmed that in the "interests of efficiency and effectiveness"—and due to the complementarity of their responsibilities—, the two Special Advisers would also share an office and support staff. *Implementing the Responsibility to Protect*, Report of the Secretary-General, U.N. document A/63/677, 12 January 2009.

<sup>3</sup> *Early Warning, Assessment, and the Responsibility to Protect*, Report of the Secretary-General, U.N. document A/64/864, 14 July, 2010.

<sup>4</sup> The first details of an emergency convening authority were provided in paragraph 5 of the Annex to the Secretary-General's report *Implementing the Responsibility to Protect*. The creation of this convening authority was justified by the need to guarantee system-wide coherence in policymaking within the Secretariat, and to facilitate an "early and flexible response tailored to the needs of each situation." An inter-agency and interdepartmental mechanism was thus conceived to consider policy options to be presented to the Secretary-General and—through him—to the relevant intergovernmental bodies.

<sup>5</sup> The main tasks described for the P5 position—a senior political affairs officer—include: the design and management of a development of strategy, together with the office's work-plan, and support the Special Advisers in their interaction with member states and international non-governmental organizations. The P3 position was in turn envisaged for an information officer responsible for collecting and managing information from a wide variety of sources for early warning purposes. Last but not least, the functions considered for the new P4 position involve expanding the existing early warning and assessment functions, and providing support for the emergency convening functions described in the Secretary-General's report (A/63/864.)

<sup>6</sup> In paragraph 16 of its report, the ACABQ stated that the budget presentation for special political missions should include information on all resources available from different sources of funding in order to "allow for a clear and transparent analysis of the resources proposed as compared with capacity available from all types of funding and the needs identified." The report mentioned the OSAPG as a case in point. Although subsequently all relevant information was made available, the report underlined the failure to disclose all information related to extra-budgetary resources which had helped cover the costs of certain positions. See "Review of the efficiency of the administrative and financial functioning of the United Nations." Programme budget for the biennium 2010-2011, Sixty-fifth session of the General Assembly, Items 128 and 129 A/65/602.

<sup>7</sup> The amendment proposed by Venezuela read as follows: "Requests the Secretary General to review the logical framework of the Office of the Special Adviser of the Secretary General on the Prevention of Genocide, taking into account the concerns expressed on the variation of the narratives as contained in paragraphs 44, 46, 50, 52, 53, 56, 57, 58, 59, 61, 63 the report of the Secretary-General A/65/328/Add.1 and Corr.1 and Corr.2 from the strategic framework of the Special Adviser to the

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Secretary General on the Prevention of Genocide as contained in the SG's report A/64/349/Add.1, in order to ensure that its programmatic aspects and resource requirements are consistent with the legislative mandates of relevant inter-governmental bodies, and to issue a technical review and report thereon to the General Assembly no later than the early part of its first resumed session of the sixty-fifth session; based on the logical framework accepted by the General Assembly in its resolution 64/245 as contained in the Secretary-General report a/64/349/Add.1”

<sup>8</sup> These included Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bosnia-Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liberia, Liechtenstein, Lithuania, Luxemburg, the Maldives, Malta, Mexico, Monaco, Montenegro, the Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Poland, Portugal, the Republic of South Korea, the Republic of Moldova, Romania, Rwanda, Serbia, Singapore,

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Slovakia, Slovenia, Spain, Sweden, Switzerland, Macedonia, East Timor, the Ukraine, the UK, Uruguay, and the US.

<sup>9</sup> The abstaining countries were: Antigua-Barbuda, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Dar-Salam, Burundi, China, Congo, Cote D'Ivoire, Djibouti, Dominican Republic, Egypt, Eritrea, Ethiopia, Gabon, Ghana, Grenada, Guyana, Haiti, Indonesia, Jamaica, Jordan Kenya, Kuwait, Lebanon, Lesotho, Malaysia, Mali, Mongolia, Morocco, Namibia, Nepal, Niger, Oman, the Philippines, Russia, Saudi Arabia, Senegal, South Africa, Suriname, Thailand, Trinidad-Tobago, Tunisia, Uganda, the United Arab Emirates, Tanzania, Yemen and Zambia.