

GHANA



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STATEMENT

BY

HIS EXCELLENCY MR. LESLIE K. CHRISTIAN

AMBASSADOR AND PERMANENT REPRESENTATIVE
OF GHANA TO THE UNITED NATIONS

ON

AGENDA ITEMS 44 AND 107:

*INTEGRATED AND COORDINATED IMPLEMENTATION
OF AND FOLLOW-UP TO THE OUTCOMES OF THE MAJOR
UNITED NATIONS CONFERENCES AND SUMMITS IN THE
ECONOMIC, SOCIAL AND RELATED FIELDS;*

*FOLLOW-UP TO THE OUTCOME OF THE MILLENNIUM SUMMIT:
REPORT OF THE UN SECRETARY-GENERAL
(A/63/677) 97TH PLENARY MEETING OF THE
GENERAL ASSEMBLY*

New York, July 23, 2009

Mr. President,

Let me from the outset commend you, Mr. President, for convening this meeting. My delegation welcomes the Report A/63/677 of the Secretary-General which provides a very balanced analysis and an objective basis for Member States of this Assembly to consolidate the dialogue on the way forward in ensuring the effective implementation and exercise of the *Responsibility to Protect* populations from genocide, war crimes, crimes against humanity and ethnic cleansing or their incitement. The Responsibility to Protect is embodied in paragraphs 138, 139 and 140 of the 2005 Outcome Document, in which world leaders unequivocally pledged that 'we accept that responsibility and will act in accordance with it'. So this debate should not be about renegotiating the concept which has already been negotiated and agreed in the Outcome Document adopted at the 2005 Summit generally regarded as the largest gathering of Heads of States and Governments so far. Instead, the primary focus of our ongoing dialogue must be on how to garner the needed political and collective will to act and take concrete measures at the national, regional and international levels towards the prevention of those four crimes.

Nonetheless, we cannot fail to continue to promote a comprehensive and common understanding of *raison d'être* or essence of the Responsibility to Protect, which partly informs Ghana's support for the concept and its inherent and intrinsic value. To this end, my delegation wishes to recall the following pertinent observations made by the Secretary-General in his report before us today: 'The twentieth century was marred by the holocaust, the killing fields of Cambodia, the Genocide in Rwanda and the mass killings in Srebrenica, the other two under the watch of the Security Council and the United Nations peacekeepers. Genocide, war crimes, ethnic cleansing and crimes against humanity - the brutal legacy of the twentieth century, speaks bitterly and graphically of the profound failure of individual States to live up to their most basic and compelling responsibilities, as well as the collective inadequacies of international institutions. Those tragic events led my predecessor, Kofi Annan, and other world leaders to ask whether the United Nations and other international institutions should be exclusively focused on the security of states without regard to the safety of the people within them. Could sovereignty, the essential building block of the nations-states era and of the United Nations itself, be used as a shield behind which mass violence could be inflicted on populations with impunity?'

Former Secretary-General Kofi Annan, whose role in the adoption of the concept, Secretary-General Ban Ki-moon cites with approval, gave the following rationale for the Responsibility to Protect in New York on 20 March 2008, when he received the MacArthur Award for International Justice:

"In the past, when a conflict arose essentially within the borders of one country, it was more or less axiomatic that the people of that country have to be left to deal with it on their own. For anyone else to get involved was considered an intolerable interference in the domestic affairs of a sovereign state. As far as the rest of the world is concerned, the state - which meant, in practice, whoever was in control of the States at that particular moment - was perceived as the sole legitimate representative of the people in that country. If those in control of the state used it to attack other people within the country and trample on their rights, those other people had no one to appeal to. The rest of the world could look the other way and not feel responsible. Fortunately, today, Mr. Kofi Annan, further noted, we have come to see things differently. Today we see State sovereignty not as an absolute good in itself but as an instrument - albeit a very important one - which has value only in so far as it is used to protect human life, to ensure respect for human dignity and to uphold human rights. Sovereignty, in other words, should be seen not as a privilege but as a very heavy responsibility. It cannot be de-linked from the obligation that every State has to protect its people. The State was now widely understood as a servant of its people, and not vice-versa. Only when it is exercised in that spirit, with due respect for the fundamental human rights and dignity and worth of the human person - as proclaimed in the Charter of the United Nations - will sovereignty be recognized by all as credible and legitimate."

Mr. President,

To ensure the effective implementation of the Responsibility to Protect at the regional level, it is imperative that the United Nations more actively support regional and sub-regional organizations such as the African Union and ECOWAS in the implementation of legally-binding regional instruments they have adopted for the prevention of genocide, war crimes and crimes against humanity. Based on our bitter experience with violent conflicts and civil wars on the continent of Africa, the Constitutive Act enshrined a careful and delicate balance between the principle of non-interference and the principle of non-indifference. Article 4 (h) of the Constitutive Act (2000) confers the right on the Union to intervene in a Member State pursuant to a decision of the AU Assembly of Heads of States and Government in respect

of grave circumstances, namely genocide, war crimes and crimes against humanity. Article 4 (j) further confers a right of a Member State to request intervention from the Union 'in order to restore peace and security'.

The AU Protocol (2002) establishing the African Peace and Security Council which has been elevated retroactively to the status of a provision of the Constitutive Act, states that the AU Peace and Security Council can recommend to the Assembly of Heads of States, an intervention on behalf of the Union in a Member State in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, as defined in relevant international conventions and instruments.' The AUPSC Protocol reinforces the Constitutive Act by going further in defining the situations that will trigger an intervention, including cases where there are 'massive violations of human rights or where the situation threatens regional or neighbouring states'. Similar provisions can be found in the ECOWAS Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security and in instruments adopted by countries of the Great Lakes Region. The UN and the rest of the international community must support ongoing efforts by the AU to implement regional instruments in the context of which the AU has requested international assistance to complement the operationalization of the AU Standby Forces arrangement.

Mr. President,

My delegation believes that in the scheme of the responsibility to protect, prevention must be given top priority. As the framers of the genocide convention, for example, observed that in cases of genocide, it is often too late to save the population who are victims of the massacre and, therefore, urged that more attention be focused on prevention of incitement to genocide and ethnic cleansing. It is thus imperative for the UN to support early warning mechanisms embodied in the NEPAD and its Plan of Action, the African Peer Review Mechanism. The APRM to which Ghana was the first to voluntarily subscribe, aims at consolidating good democracy, developing a strong, vibrant and free civil society and media respect for human rights, the rule of law, as well as promoting national integration and non-discrimination, equitable distribution of national resources and enhancing our capacity for good governance. Experience has shown that the absence of these standards have contributed in no small measure to the civil wars that have ruined many countries emerging from conflicts. Ghana thus attaches great importance to the peer Review Mechanism and the Rule of Law and has indicated its willingness to submit herself for a second peer

review as soon as possible.

The UN should support the elaboration and implementation of the AU Framework for Post-Conflict Reconstruction and Development (AUFPCRD) in order to promote regional ownership of peace building processes on the continent. The success of the AUFPCRD will no doubt enhance the work of the UN Peacebuilding Commission. The PBC is already developing a capacity to gather data on lessons learned in countries emerging from conflicts. The possibility of strengthening its early warning capacity must be explored by Member States acting in concert with the Secretary-General. More support for early warning mechanisms by other regional organizations such as those adopted by the AU and ECOWAS will be needed.

Mr. President,

It is recalled that in its resolution A/RES/57/337 of 18 July 2003, entitled 'Prevention of Armed Conflict' the General Assembly stressed the need to bring to justice the perpetrators of war crimes and crimes against humanity as a significant contribution towards the promotion of a culture of prevention (paragraph 12). The role of the civil society in the fight against impunity and in advancing the responsibility to protect will continue to be critical going forward. If the UN system is to be effective in lending assistance in the area of capacity-building and in forging cooperation between the UN and regional organizations at the national and regional levels, then an improvement in the coordination and coherence among UN agencies will also be essential in ensuring the success of the implementation of the Responsibility to Protect.

Mr. President,

Let us keep in mind that the Responsibility to Protect predates 2005. The spirit of the concept may be partly traced to the traumatic events that led to the San Francisco Conference in 1945 and gave birth to the UN Charter which spell out the principles and purposes of the United Nations. Nor is the concept new to the General Assembly. In the many resolutions and conventions adopted by the General Assembly during the struggle against apartheid, the overwhelming majority of member States of this Assembly not only rejected the argument that apartheid was an internal human rights affair but also defined it as crime against humanity for which the international community had a primary or principal responsibility to intervene and provide assistance to end it.

There has been on occasion a discernible tendency to discuss the R2P only in terms of the hindsight gained from the lessons learned from the mistakes of our recent past experiences and the foresight to prevent their repetition in the future. Regrettably, the ongoing conflicts in many parts of the world, including Africa, give us insights into the present but yet conveniently forgotten reality that we (the international community) 'continue to lack the needed political will, as well as a common vision of our responsibility in the face of massive violations of human rights and humanitarian catastrophes occasioned by conflict' (SG's report A/58/323 of 2003).

Mr. President,

Ghana believes that the Responsibility to Protect is a reaffirmation of our faith in the dignity of the human person and a tool for the realization and fulfilment of the promise and potential of the Charter of the United Nations. Perhaps it would be a good idea for the Secretary-General to submit proposals for a Global Strategy or Plan of Action for the implementation of the R2P.

I wish to end by paying a special tribute to Professor Edward Luck, the Secretary-General's Special Adviser on R2P, as well as Dr. Francis Deng, the Secretary-General's Special Representative for the Prevention of Genocide for leading a broad consultative process involving all Member States and civil society groups, the results of which have been well reflected in the Secretary-General's report. Ghana looks forward to continuing the dialogue towards effective implementation.

I thank you, Mr. President.