Your presence here today, Minister Patriota, is a clear indication of the importance that Brazil attaches to this critically important matter. We thank you for taking forward broader discussion on this very important, yet politically sensitive matter that confronts us all.

There is tremendous value in expanding on the concept of ‘responsibility while protecting’. Such consideration not only promotes accountability when the international community has to resort to the use of force, but managed correctly, it will engender closer cooperation between the UN and the international community. Therefore, Brazil's initiative in building from R2P to RwP is a welcome one!

We thank you for the Concept Paper 'Responsibility while Protecting' prepared by Brazil and we fully associate ourselves with it.

The role of the international community in conflicts must remain that of assisting the affected State. This must be done in accordance with their own constitutional and legal provisions. International action must eventually enable the affected populations to choose their leaders according to their own political will and not to the will of external forces and influences.

Mr Chairman,

The political basis for R2P was firmly set in 2005 Outcome Document. Our respective leaders displayed a clear intolerance to impunity and criminality by consensually adopting the 2005 World Outcome Summit document. Going back on this undertaking is therefore not an option.

However, whilst recognizing this fact, we must also be very honest about how we collectively manage the critical issue of responsibility to protect. It is all too tempting to throw out the R2P ‘life-raft’ when fledgling states have to deal with issues as diverse as tribal conflicts over cattle rustling, responses to natural disasters such as hurricanes and tornadoes or to more recent and increasing incidences of popular uprisings to address issues of political succession and democratic governance.

It is therefore important to clarify what R2P is not. It is equally important to retain focus on what R2P is. The first report of the Secretary-General, Implementing Responsibility
to Protect, correctly states that R2P should not be applied to disasters other than the 4 identified crimes.

R2P must have at its primacy, the core interests of the safety and well-being of the affected civilians and populations. R2P must not have the narrow, national interests of those who seek intervention or who implement Security Council mandates. Any Security Council mandate imposing a collective international R2P response must be fully respected and implemented in the letter and spirit of its provisions rather than using the mandate as a pretext for other motives.

Put plainly, Mr Chairman, the primary objective of implementing R2P is not regime change!

Mr Chairman,

The use of force by the international community must always remain as a measure of last resort. It must further conform to a set of agreed guidelines and must be made accountable.

The first two of the three pillars of R2P offer much scope and opportunity to assist states under stress. In the case of the first pillar of sovereign responsibility towards its citizens, states should be encouraged to develop internal conflict resolution mechanisms and institutions through which disputes can be addressed through dialogue in a timely manner. South Africa supports this concept as member of the Africa Peer Review Mechanism (APRM) that was introduced through the African Union. Accordingly, regional and sub-regional organizations should also develop such mechanisms that are designed to act as both capacity-enhancing and supportive mechanisms for their Member States. The UN, as the credible and central coordinating international organization, can provide the necessary expertise and support in this regard.

The second pillar of the international community’s commitment to assist states includes elements of development assistance and capacity-building with regard to conflict prevention and management – either bilaterally or through international and regional mechanisms. The inextricable link between security and development can never be over-emphasised. The UNDP, through its Country Team configuration is well placed to assist Member States at the national level in the development, inter alia, of rule of law institutions, strengthening of governance institutions, human rights mechanisms, security sector reform and sustainable development.

The third pillar is by far the most challenging – ie the response of the international community in the face of inability or neglect of a state to protect its citizens within the context of the identified crimes. However, in the event of the need to use force, the need for accountability is of primacy. A Security Council mandate that has authorized the use of force in the name of R2P must not be interpreted as a means to operate beyond the provisions of international law. The Security Council must retain its oversight role as the
authorising body on the use of force. Such oversight would require regular updates to the Security Council by the implementing parties on each phase of implementation of the mandate – ie a transparent indication of the state of play on the ground.

Mr Chairman,

The means utilised to implement R2P must be guided by the ultimate objective to be achieved. The Libyan experience highlighted this clearly. Was a military campaign the best mechanism to implement R2P? Could the protection and well-being of the Libyan people not have been secured through peaceful means negotiated through diplomatic and regional initiatives as the African Union suggested? Was elimination and destruction the only means to diffuse the threat to the Libyan civilian population? Further, is there no scope for a flexible approach that requires the combined approaches of deterrence and diplomacy?

I believe it was Salim Ahmed Salim who kept on saying the first casualty of any conflict is the truth! NATO actions in Libya and its flagrant abuse of resolution 1973 seriously undermined and damaged the reputation of R2P.

Regional initiatives have shown to be beneficial, as evidenced in the case of Yemen. This bolsters the ‘case-by-case’ provision of paragraph 139 of the 2005 World Summit Outcome. The despatching of eminent persons, envoys or political groupings such as the Arab League or IBSA or influential bilateral partners, in the case of Syria, should be considered as the first line of approach. It opens the possibility for other tools such as mediation, dialogue or regional efforts. Put simply, all diplomatic means must be exhausted before the use of force is adopted.

In accordance with the provisions of the Charter, the UNSC as the authorising organization that provides the legal basis for action that involves the use of force must retain its coordinating role. In so doing, the implementing parties must act in accordance with the UN and not in isolation of it. Initial coordination meetings to take forward the mandate must be conducted at UN Headquarters in New York with representatives of all the implementing parties. It is important that the Security Council is not sidelined and undermined in the implementation of its own mandates and resolutions.

Such an approach starts to give substantive meaning to responsibility while protecting. This will invariably contribute to accountability to the Security Council as the authorizing body, by the implementing parties. This approach will also facilitate closer cooperation amongst members of the international community who will want to support international action as the coordination of this action falls truly under the auspices of the UN and will be considered credible and legitimate.

I thank you!