

**REMARKS ON
EARLY ENGAGEMENT AND PREVENTIVE DIPLOMACY BY THE UN
SECURITY COUNCIL**

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I am honoured to participate in this year's Vienna Seminar on Peacemaking and Peacekeeping, which will focus on the issue of "The UN Security Council and The Responsibility to Protect: Policy, Process and Practice". By organising this Seminar in continuation of our long-standing and successful cooperation with the International Peace Institute, Austria, as an elected Member of the Security Council, wishes to make a specific contribution to the current discussions at the United Nations on how to operationalise the concept of the responsibility to protect.

In this context, allow me to share a few thoughts as the Chair of Session 2 of the Seminar, looking at the topic of early engagement and preventive diplomacy by the UN Security Council. In the context of our discussions, the Security Council's role has often been seen as being limited to pillar three of the RtoP concept - the international community's collective response to situations where national authorities are failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. While the Council certainly has an important function in such cases – as envisaged in paragraph 139 of the 2005 World Summit Outcome – I believe that the Council's role in implementation of the responsibility to protect should be seen in a broader context and is not necessarily confined to authorising collective response in the last dramatic stage of a conflict. The concept of RtoP has a very important preventive dimension, by seeking to help States to protect their populations from the abovementioned crimes. In order to help prevent the perpetration of these crimes, efforts to strengthen the rule of law are of particular importance in stabilising post-conflict societies to prevent the re-emergence of conflicts and to build a sustainable peace. In our view, it is important to address the preventive dimension of RtoP from a rule of law perspective, which is a cross-cutting issue applying to all pillars.

We can think of a number of tools the Security Council might use to help prevent serious crimes and large-scale human rights violations. Possible courses of action could include requests to be briefed at an early stage on situations and issues of special concern, the publication of statements that reject acts of incitement and remind States of their obligations under paragraph 138 of the 2005 World Summit Outcome, the appointment of fact-finding missions to investigate alleged violations of international law and the preventive deployment of international military presences.

Some of the abovementioned tools have indeed been successfully deployed by the Council in the past – albeit without explicit reference to the responsibility to protect –

and I would refer those interested in reading more to the 2009 report of the Secretary-General on *Implementing the Responsibility to Protect*⁵.

At the same time, we are also facing a number of challenges, which may impede the early engagement of the Council.

First, many of these tools can only be effectively applied if the relevant situation of concern is on the Council's agenda. In certain cases, situations involving the risk of the perpetration of crimes relating to RtoP may not be deemed by all Council Members to pose a "threat to international peace and security" and may therefore not be put on the Council's agenda. Does the Council then have to remain silent on the matter or are there ways and means for the Council to be effectively engaged even if a situation is not on its agenda? The "informal interactive dialogues" held by the Council on the situation in Sri Lanka in the first half of 2009, in view of the dramatic escalation of the armed conflict in that country, can be seen as a creative and groundbreaking development in this regard. Nevertheless, the question remains whether the current practice is satisfactory or whether Member States should start thinking of innovative ideas, such as the creation of new generic agenda items that would allow the Council to address relevant situations at an early stage. In this context, the case of Guinea is an interesting example, which was addressed under the generic agenda item of "Peace consolidation in West-Africa".

Second, even as regards situations which are on the Council's agenda, the Council has, unfortunately, often minimised or ignored the signs of looming mass atrocities. The acts of genocide in Rwanda and in Srebrenica are sad examples. The question arises of how the performance of the Council could be improved in that regard. Would it be useful for the Council to be more open to briefings by the United Nations High Commissioner for Human Rights and possibly also the Special Adviser on the Prevention of Genocide, as well as Special Rapporteurs with relevant mandates, on their assessments and contributions to the prevention of mass atrocities in specific conflict areas? Should the Council, in certain situations, remind the relevant actors more clearly of their personal criminal responsibility? In this context, another question that arises is whether the Council has the necessary tools to engage in confidential suasion in cases where this may promise better results than public statements.

These are just a few thoughts and questions in relation to early engagement and preventive diplomacy by the Security Council. I am looking forward to our discussions and remain confident that this year's Vienna Seminar will help to explore further the ways in which, and the extent to which, the Security Council can play a helpful role in operationalising the responsibility to protect in a comprehensive way.

⁵ UN Secretary-General, *Implementing the Responsibility to Protect*, UN Doc. A/63/677, January 12, 2009, paras. 41-42.



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