

R2PCS Listserv

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Responsibility to Protect Engaging Civil Society

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[Special Edition: UN Secretary-General defends and clarifies R2P, Global Centre for the Responsibility to Protect releases key backgrounders on R2P

*On 15 July, 2008, UN Secretary-General Ban Ki-moon delivered a speech in Berlin, Germany called *On Responsible Sovereignty: International Cooperation for a Changed World*. With this speech, Ban Ki-moon offers clarity on the concept of Responsibility to Protect, a pivotal first expression from the Secretariat on what R2P is and is not, the challenges in advancing R2P and his personal commitment to turn the concept into policy.*

Also clarifying the norm, the Global Centre on the Responsibility to Protect, based at the Ralph Bunche Institute at the City University of New York has released two new publications on R2P. These documents, combined with the Secretary-General's speech on R2P offer much needed insight surrounding the norm, including on the origins of R2P and why it is needed, its legal standing and when it can be invoked, how it affects the idea of sovereignty and how to advance the norm.

1. SECRETARY-GENERAL DEFENDS, CLARIFIES RESPONSIBILITY TO PROTECT AT BERLIN EVENT

2. GLOBAL CENTRE FOR THE R2P: FAQ AND PRIMER ON R2P

I. Secretary-General defends, clarifies responsibility to Protect at Berlin event

On Responsible Sovereignty: International Cooperation for a Changed World

UN Department of Public Information

16 July 2008

It is an honour to be with you. I commend the organizers -- Managing Global Insecurity and the Bertelsmann Foundation -- for convening this forum on responsible sovereignty, one of the defining challenges of the twenty-first century.

How fitting it is that we address these matters in Berlin, where the twentieth century learned such hard lessons about the dangers of unbridled and irresponsible sovereignty. Today, Germany stands as a model of the responsible sovereign, at home and abroad. Indeed, the leading role that a united Germany now plays in the United Nations speaks to the curative properties of the principles of human rights, tolerance and the rule of law, for which the world body proudly stands.

This evening, I would like to address one of the more powerful but less understood ideas of our times -- the **responsibility to protect**, or **RtoP** for short. Now that the concept has received the ultimate United Nations accolade, a distinctive acronym, we need a common understanding of what **RtoP** is and, just as importantly, of what it is not.

RtoP is not a new code for humanitarian intervention. Rather, it is built on a more positive and affirmative concept of sovereignty as responsibility -- a concept developed by my Special

Adviser for the Prevention of Genocide, Francis Deng, and his colleagues at the Brookings Institution more than a decade ago. **RtoP** should be also distinguished from its conceptual cousin, human security. The latter, which is broader, posits that policy should take into account the security of people, not just of States, across the whole range of possible threats.

The concept of **responsibility to protect** is more firmly anchored in current international law than the two related concepts. It was adopted by the 2005 World Summit -- the largest gathering of Heads of State and Government the world has seen -- and was subsequently endorsed by both the General Assembly and Security Council. It rests on three pillars. First, Governments unanimously affirmed the primary and continuing legal obligations of States to protect their populations -- whether citizens or not -- from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their incitement. They declared -- and this is the bedrock of **RtoP** -- that they accept that responsibility and will act in accordance with it. The second, more innovative pillar speaks to the United Nations institutional strengths and comparative advantages. The Summit underscored the commitment of the international community to assist States in meeting these obligations. Our goal is to help States succeed, not just to react once they have failed to meet their prevention and protection obligations. It would be neither sound morality, nor wise policy, to limit the world's options to watching the slaughter of innocents or to send in the marines. The magnitude of these four crimes and violations demands early, preventive steps -- and these steps should require neither unanimity in the Security Council nor pictures of unfolding atrocities that shock the conscience of the world.

The third pillar is much discussed, but generally understood too narrowly. It is Member States' acceptance of their responsibility to respond in a timely and decisive manner, in accordance with the United Nations Charter, to help protect populations from the four listed crimes and violations. The response could involve any of the whole range of UN tools, whether peaceful measures under Chapter VI of the Charter, coercive ones under Chapter VII, and/or collaboration with regional and subregional arrangements under Chapter VIII. The key lies in an early and flexible response, tailored to the specific needs of each situation.

Our conception of **RtoP**, then, is narrow but deep. Its scope is narrow, focused solely on the four crimes and violations agreed by the world leaders in 2005. Extending the principle to cover other calamities, such as HIV/AIDS, climate change or response to natural disasters, would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility.

At the same time, our response should be deep, utilizing the whole prevention and protection tool kit available to the United Nations system, to its regional, subregional and civil society partners and, not least, to the Member States themselves. As the Summit urged, we need to enhance UN early warning mechanisms, integrating the system's multiple channels of information and assessment. We need to strengthen the capacities of States to resist taking the path to genocide, war crimes, ethnic cleansing and crimes against humanity.

In this context, capacity-building could cover a range of areas -- from development, good governance and human rights to gender equality, the rule of law and security sector reform. Our goal is not to add a new layer of bureaucracy, or to re-label existing United Nations programmes; it is to incorporate the **responsibility to protect** as a perspective into ongoing efforts.

This actually happened for the first time earlier this year following the elections in Kenya. The

combined efforts of the African Union, influential Member States, the United Nations and my esteemed predecessor, Kofi Annan, were instrumental in curbing the post-election violence. As the 2005 Summit recognized, there are times when persuasion and peaceful measures fall short. Allow me to quote in part from the Summit Outcome document: when national authorities are manifestly failing to protect their populations from the four crimes and violations, Governments are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional and subregional organizations as appropriate. Caveats aside, this declaration could have profound implications. If Member States can indeed summon the will to act collectively in some cases like this, then others may be deterred from inciting or committing such atrocities. Likewise, if United Nations rules, procedures and practices are developed in line with this bold declaration, then there is less likelihood of **RtoP** principles being used to justify extra-legal interventions for other purposes.

In other words, the **responsibility to protect** does not alter the legal obligation of Member States to refrain from the use of force except in conformity with the Charter. Rather, it reinforces this obligation. By bolstering United Nations prevention, protection, response and rebuilding mechanisms, **RtoP** seeks to enhance the rule of law and expand multilateral options.

Finally, let me clear up two more misconceptions and then say a word about how we are proceeding in the effort to turn promise into practice, words into deeds. Some contend that **RtoP** is a Western or Northern invention, being imposed on the global South. Nothing could be further from the truth. It was the first two African Secretaries-General of the United Nations -- Boutros Boutros-Ghali and Kofi Annan -- who first explored evolving notions of sovereignty and humanitarian intervention. And the African Union has been explicit: in the year 2000, five years before the Summit declaration, the African Union asserted the right of the Union to intervene in a member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity.

Equally incorrect is the assumption that the **responsibility to protect** is in contradiction to sovereignty. Properly understood,

RtoP

is an ally of sovereignty, not an adversary. Strong States protect their people, while weak ones are either unwilling or unable to do so. Protection was one of the core purposes of the formation of States and the Westphalian system. By helping States meet one of their core responsibilities,

RtoP

seeks to strengthen sovereignty, not weaken it.

Friends, the task is considerable. As a first step, I have asked my Special Adviser, Edward C. Luck, to work on the conceptual, institutional and political dimensions of **RtoP**. He is consulting widely, including at productive meetings here in Berlin and recently in Brussels, as well as in the developing world. He and Francis Deng are my two professors. They will share an office on genocide prevention and

RtoP

, helping the United Nations to speak and act as one.

Late this year, I will report to the General Assembly on our proposed approach to **RtoP** and the challenges posed by the Summit Outcome document. I will do so in full confidence that

Member States are united in their support of the goals and purposes of the **responsibility to protect**

My personal commitment is deep and enduring. I voiced it even when I was yet only a candidate for this office, and I have kept voicing it since. Let me be clear: just as I am aware of the controversy and doubts the concept of **RtoP** have created, so do I know the public expectations and enthusiasm it has generated.

Today, the **responsibility to protect** is a concept, not yet a policy; an aspiration, not yet a reality. Curbing mass atrocities will be neither easy nor quick. There is no certain blueprint for getting the job done. We are all novices in this field.

But I do know that the United Nations was built on ideas, ideals and aspirations, not on quick fixes, sure things or cynical calculations. This has both inspired and, occasionally, frustrated the peoples of the world. But the world's people have, nevertheless, kept their faith in the institution, because it never tires of trying to accomplish the impossible. So be it with **RtoP**, which speaks to the things that are most noble and most enduring in the human condition. We will not always succeed in this cardinal enterprise, and we are taking but the first steps in a long journey. But our first responsibility is to try. I invite you to join me in this common endeavour, and I will welcome your suggestions and your criticisms along the way.

Source: <http://www.un.org/News/Press/docs/2008/sgsm11701.doc.htm>

2. Global Centre for the R2P: Primer and FAQ on R2P

The double-veto in the Security Council on Zimbabwe, the indictment of President Al-Bashir, and the continuing crisis in Myanmar all bring into sharp focus questions of how the international community should act to save lives, and what measures it should employ. To this end, the Global Centre has released two new publications on the **Responsibility to Protect**, namely

R2P

: A Primer and

R2P

: Frequently Asked Questions to lend clarity to the concept and how the adoption of R2P during the World Summit seeks to address these questions.

Primer on **R2P**: <http://globalr2p.org/primer.html>

Frequently Asked Questions on **R2P**: <http://globalr2p.org/FAQ.html>