

Assembly President warns on doctrine to intervene on war crimes, atrocities

UN News Centre 23 July 2009 The principle of 'responsibility to protect,' the international understanding to intervene to stop atrocities from taking place, could pose a threat to national sovereignty, General Assembly President Miguel D'Escoto warned today.

(...)In a statement to the Assembly's thematic dialogue on the issue, Mr. D'Escoto said that the legacy of colonialism gave "developing countries strong reasons to fear that laudable motives can end up being misused, once more, to justify arbitrary and selective interventions against the weakest States."

Mr. D'Escoto used the case of Iraq as an example of the lack of accountability for "those who might abuse the right that R2P would give nation-States to resort to the use of force against other states."

He also questioned whether the adoption of R2P in the practice of collective security would undermine respect for international law, saying that the principle is "applied selectively, in cases where public opinion in P5 States [the five permanent members of the Security Council: China, France, Russia, the United Kingdom and the United States] supports intervention, as in Darfur, and not where it is opposed, as in Gaza."

In contrast, Edward Luck, the Secretary-General's Special Adviser on R2P, noted that all the heads of State and government at the 2005 World Summit, without reservation, committed to the doctrine, and subsequent unanimous adoptions of General Assembly and Security Council resolutions reaffirmed the principle.

"With the Secretary-General's presentation of his report to the Assembly two days ago, the process of implementation has begun," said Mr. Luck, stressing that what "we do not need at this point are efforts to turn back the clock, to divide the membership, or to divert attention from our central task."

He said that R2P seeks to "discourage unilateralism, military adventurism and an over-dependence on military responses to humanitarian need." He also wanted to dispel the "myth" of the "twisted notion that sovereignty and responsibility are somehow incompatible."

The General Assembly President said, however, that currently "a few States, sometimes only one State, apply rules or benefit from treaties that carry the sanctions of law, but to which they are not subject."

“The Security Council should not have recourse to the International Criminal Court, for example, until all UN Member States are party, or at least until all Security Council members, are party to its convention,” he said

“What is more, the operation of the veto assures that the doctrine cannot be applied to the permanent members of the Security Council. No system of justice can be legitimate that, by design, allows principles of justice to be applied differentially.”

Delivering a set of proposals contained in his latest report on the issue, Secretary-General Ban Ki-moon delivered a set of proposals for implementing the principle in his latest report on the issue, telling the Assembly on Tuesday that the common task of the UN “now is to deliver on this historic pledge to the peoples of the world.”

(...)Navi Pillay, the High Commissioner for Human Rights, said yesterday that the R2P principle must now be translated into concrete steps. “We should all undertake an honest assessment of our ability to save lives in extraordinary situations,” she said in a statement.

“A concerted effort by States, UN partners and regional organizations will be required to develop and maintain a credible capacity for rapid responses to exceptional situations similar to those of Rwanda and the former Yugoslavia,” said Ms. Pillay. (...)

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