

Implementing the Responsibility to Protect The 2009 General Assembly Debate: An Assessment

Global Centre for the Responsibility to Protect

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Executive Summary:

In July 2009, for the first time since the adoption of the 2005 World Summit Outcome Document, the UN General Assembly continued its consideration of the responsibility to protect (R2P) and its implications. On 21 July 2009, the UN Secretary-General Ban Ki-moon presented his report “Implementing the responsibility to protect” to the General Assembly. The President of the General Assembly then scheduled an “informal interactive dialogue” on 23 July, followed by a formal plenary debate on 23, 24 and 28 July.

In one of the largest plenary debates of the General Assembly’s 63rd session, 94 speakers took to the floor, in total representing 180 member states from every region and two observer missions. What emerged was a clear commitment from the vast majority of member states to the prevention and halting of atrocity crimes. Indeed, only four countries sought to roll back what heads of states had embraced. UN members from north and south were overwhelmingly positive about the doctrine, which many asserted spoke to the purposes of the organization and was a fundamental and important challenge for the 21st century.

Based on an analysis of the 94 statements, this report identifies the debate’s key themes, including areas of consensus and concern, and provides a region-by-region overview of member views.

Key themes from the debate

1. Areas of Consensus

With the exception of a handful of delegations, speakers affirmed that 2005 was not open for renegotiation. States supported the Secretary-General's view that R2P was an ally of sovereignty. At least two-thirds of the statements spoke positively of the Secretary-General's report; more than 40 explicitly welcomed it. Over 50 states endorsed his formulation of a three pillar strategy – state responsibility; assistance to states; and timely and decisive action by the international community. And there was unanimity on the importance of the first two pillars and the fundamental obligation to prevent mass atrocity crimes.

Member states were united on restricting R2P's scope to the four crimes of genocide, war crimes, ethnic cleansing and crimes against humanity. Many also stressed that R2P is grounded in the UN Charter, human rights treaties and, international humanitarian law.

Several member states were explicit that mass atrocities committed within a state's borders can be considered as threats to international peace and security. The vast majority of member states also acknowledged Africa's pioneering role in pressing for the shift from non-interference to non-indifference. Finally, a number of states saluted the crucial role of civil society.

2. Areas of Concern

Among the most common concern was that R2P should be implemented without selectivity or double standards, but as few member states noted, no principle had withstood the test of perfect application and that it would be wrong to conclude that because the international community might not act everywhere, it should therefore act nowhere.

Many criticized past Security Council failure to halt atrocities. Over 35 member states called for the Security Council's permanent five members to refrain from using the veto in R2P situations. A few also called for reform of the composition of the Council. A tiny minority argued progress on R2P should be conditional on Council reform. This view was explicitly rejected by others as an excuse to delay implementing R2P.

A handful of member states rejected the use of coercive action in any circumstance, whilst others suggested that the UN work first on pillars one and two of the R2P strategy. Yet far more states were of the view that, should other measures have failed, coercive action and even the use of force is warranted by the UN Charter to save lives.

Several states insisted that R2P would be misused to claim legitimacy for unilateral action but this view was roundly rejected by the majority, many of whom noted the World Summit Outcome Document ruled out unilateral intervention and called for collective action in conformity with the UN Charter.

Some governments asked under what circumstances would coercive action be considered and who would decide whether it should be taken. As one member state noted, each state had the

power to set in motion most elements of R2P. Others stressed that the Charter was clear in the mandate given to the Security Council. Several states echoed the Secretary General's call for consideration of the principles, rules and doctrine guiding the application of coercive force.

Most member states agreed that the General Assembly was the venue for dialogue on R2P. However, members disagreed about whether or not the General Assembly should guide the Security Council on when to act under Chapter VII. Most shared the Secretary-General's view that the UN Charter offered the best guide for divisions of labor among UN bodies.

A small number of skeptical states echoed the President of the General Assembly's view that the international community had to first solve the problem of poverty and under-development before seeking to prevent atrocities. Another small group were concerned that the membership not neglect the growing impact of non-state actors as the perpetrators of mass atrocity crimes.

3. Specific Measures

Many statements suggested specific measures to prevent mass atrocity crimes. Among them: the ratification of human rights treaties, the adoption of accountability measures, education and public awareness. States also stressed the need to strengthen the United Nations and regional organizations in their early warning mechanisms, stand-by abilities, and mediation capacities urging that more resources, time, attention and political will be devoted to these efforts. The Peacebuilding Commission was also cited as an important tool in preventing mass atrocities.

Conclusion

Despite the efforts by some — including the President of the General Assembly — to challenge the value of R2P and the membership's readiness to move forward on this agenda, there was near unanimity that the task ahead was to implement world leaders' commitment to make mass atrocities a thing of the past. The debate itself was an important step toward that goal.

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