

Outcome of July GA debate: Adoption of First UN Resolution on RtoP

1. Member states adopt resolution after GA debate United Nations General Assembly 14 September 2009

On the morning of Monday, September 14 2009, the UN General Assembly adopted the first resolution (A/RES/63/308) on the Responsibility to Protect.

This resolution is an outcome of the UN GA debate on RtoP in July 2009 in which governments discussed Secretary-General Ban Ki-moon's January 2009 Report [Implementing the Responsibility to Protect](#)

. In the opinion of the Coalition for RtoP, this debate can be considered a success due to Member States offering overwhelming support for the norm and concrete proposals on how to take the norm forward. These proposals included strengthening the UN's early warning capacity and the Peacebuilding Commission, building the capacity of regional and sub-regional organizations, and adopting criteria for the use of force to prevent misuse. See our latest [report](#) for more details.

The final text of the resolution can be accessed [here](#) :

ORAL AMENDMENTS TO OP.1 OF L.80/REV.1 CONSISTING OF DELETING THE WORDS "WITH APPRECIATION" READ BY THE PERMANENT REPRESENTATIVE OF GUATEMALA, H.E. MR. GERT ROSENTHAL ON September 14, 2009 IN THE GA CLOSING SESSION OF THE 63 GENERAL ASSEMBLY

United Nations A/63/L.80/Rev.1 **Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields Follow-up to the outcome of the Millennium Summit**

Armenia, Belgium, Benin, Bulgaria, Canada, Argentina, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Dominican Republic, El Salvador, Estonia, Fiji, Finland, France, Germany, Guatemala, Haiti, Hungary, India, Italy, Luxembourg, Mexico, Monaco, Netherlands, New Zealand, Panama, Peru, Poland, Republic of Korea, Romania, Rwanda, Senegal, Slovenia, Spain, Swaziland, Sweden, Timor-Leste, Trinidad and Tobago, United Republic of Tanzania and Uruguay

Sixty-third session Agenda items 44 and 107
Assembly
Committee (A/63/L.80/Rev.1 and Add.1)]

Resolution adopted by the General
[without reference to a Main

63/308. The responsibility to protect

The General Assembly,

Reaffirming its respect for the principles and purposes of the Charter of the United Nations,

Recalling the 2005 World Summit Outcome,¹ especially paragraphs 138 and 139 thereof,
1. *Takes note* of the report of the Secretary-General² and of the timely and productive debate organized by the President of the General Assembly on the

responsibility to protect, held on 21, 23, 24 and 28 July 2009, 3 with full

participation by Member States;

2. *Decides* to continue its consideration of the responsibility to protect.

105th plenary meeting 14 September 2009 Additional Sponsors: Slovakia, Denmark, Andorra, Guinea, Singapore, Australia, Austria, Saint Lucia, Iceland, Portugal, Lithuania, Madagascar, United Kingdom, Ireland, Malta, Norway, Paraguay, Papua New Guinea, Latvia, Liechtenstein, Greece, United States and Ukraine.

- Click [here](#) for the final text of the resolution - View the UN webcast of the session at www.un.org/webcast/2009.html

2. Explanation of the discussion on resolution by Member States *The Global Centre for the Responsibility to Protect* (www.globalr2p.org)

) has drafted an explanation of the discussion by Member States following the introduction of the resolution by Guatemala. See the following excerpts:

[...] Presenting the revised text of the document, Ambassador Gert Rosenthal of Guatemala noted an amendment to the draft that had been requested at the last minute by some, in order to secure agreement from all member states, namely that the words, in operative paragraph 1, “with appreciation,” were to be removed from the sentence: “Takes note with appreciation of the report of the Secretary-General...”. He stated that the resolution’s aim was to put forward three ideas: “Firstly, that we received the report of the Secretary-General, secondly that we held a very fruitful debate, and thirdly that we wish the debate to continue.”

Following adoption of the vote,

9 countries took the floor having requested to explain their vote.

In what appeared to be a coordinated effort, seven of these - **Venezuela, Cuba, Syria, Sudan, Iran, Ecuador, and Nicaragua**

sought to stress that the resolution was solely procedural, that it did not commit the Assembly to implementation of the responsibility to protect, that ongoing discussion was required, and to express, in varying ways, their opposition to the concept.

In its intervention, Venezuela referred back to questions posed by its President Hugo Chavez at the World Summit - asking who would protect and how it would be done - and asserted that if the General Assembly was going to consider this matter, it was necessary to convene a conference to revise the UN Charter to reform the Security Council and strengthen the General Assembly. Syria lamented that, in its view, the Secretary-General’s report had “drop the reference to a due protection for the population under foreign occupation,” before expressing the common view that the responsibility to protect still needs much study, transparency, and

deep study.” The Cuban representative articulated the shared view that the General Assembly, as “the most representative body of the entire international community” is the competent organ to guide the debate on R2P, adding that it, “trust that other organs of the system, including the Security Council shall respect the letter and the spirit of this resolution and refrain from acting on their own.” Venezuela and Cuba were joined by Sudan, Iran and Nicaragua in stressing that the responsibility to protect could be manipulated by the powerful to justify intervention in weaker states, running counter to the principles of the Charter, especially that of non-intervention, enshrined in Article 2 (4). Each evoked sovereignty as an absolute principle, not to be curtailed in any way. As the Cuban representative stated, “The principles of sovereignty, territorial integrity and non-interference in the affairs of other sovereign states must be defended because without these the UN cannot continue to exist, and poor and weak nations will be abandoned to the mercy of the powerful and strong.” Sudan claimed the majority of countries were apprehensive about the application of R2P and that, “There is still no consensus as to the applicability of R2P to our political realities.”

In its intervention, Iran, having stated first that, “We are still far from a consensual understanding on the R2P concept, let alone the emergence of any such authoritative norm,” stressed its view that inaction on the part of the United Nations in the face of grave mass atrocities in the last decade was not the result of an absence of concepts or normative framework. It was rather a consequence of failure of the Security Council to act when action was needed.

Ecuador called for ongoing discussion of R2P to be “comprehensive, careful and lengthy” and that should reflect the positions of “each and every one of member states.” It added its particular concern that, “The elements and guidelines included in the report submitted by the Secretary-General last July to the GA do not meet all the concerns and questions that various member states amongst us had regarding the implementation and implications of the responsibility to protect,” stating that these had been highlighted during the thematic debate convened by General Assembly President D’Escoto Brockmann.

This echoed the statements of Venezuela, Cuba, Iran, and Nicaragua, who also all stressed the importance of the thematic debate convened by the PGA and regretted that his concept note was not reflected in the resolution.

For its part, Bolivia adopted a more positive tone. Although it judged R2P to be controversial and requiring further discussion by the GA, it endorsed commitment to the responsibility to protect, stating “the importance for states to reiterate their obligation to protect its citizens in order to ensure its own longevity.” Going a step further, the Bolivian Representative suggested sovereignty was a “conditional right,” arguing that, “A state, if it does not have the will to provide protection and cannot do it, will lose the right to invoke this principle of sovereignty as an argument to avoid international intervention, including an intervention motivated by purposes of different nature, which might derive from the use of force.”

Although nearly overlooked by the President of the General Assembly, the representative of Rwanda, Ambassador Eugene Gasana was given the last word and seized the opportunity to express something of the majority view within the General Assembly. Expressing appreciation “to the Delegation of Guatemala and to all the cosponsors of Resolution for bringing forward this item of pivotal importance in preventing the four crimes articulated in the Secretary General’s excellent report on the responsibility to protect,” he welcomed the General Assembly’s continued consideration of the responsibility to protect, “in order to ensure the implementation of the mandate set out in paragraphs 138 and 139 of the World Summit Outcome Document.” [...]

Source:

http://globalr2p.org/media/pdf/GCR2P_Summary_of_Statements_on_Adoption_of_Resolution_on_R2P.pdf