

**United Nations Informal Discussion on "Responsibility While Protecting" 21
February 2012**

On 21 February 2012, an informal discussion organized by the Permanent Mission of Brazil on the concept of 'responsibility while protecting' (RwP) was held at the United Nations, co-chaired by Brazil's Minister of External Relations Ambassador Antonio de Aguiar Patriota and UN Special Adviser for the Responsibility to Protect Dr. Edward Luck. The dialogue was based on the

[concept note](#)

, 'Responsibility while protecting: elements for the development and promotion of a concept', presented to the Security Council on 9 November 2011 by Brazil's Permanent Representative to the UN, Maria Luiza Ribeiro Viotti, during the Council's open

[debate](#)

on the protection of civilians. As first articulated by Brazilian President Dilma Roussef in her opening

[address](#)

to the General Assembly in September 2011, the Rwp seeks to address concerns regarding the implementation of military measures in the RtoP framework, emphasizing that prevention is the "best policy" and that the use of force in particular must be monitored and assessed.

Thirty-seven Members States, Observers and NGOs asked to speak at the meeting, though time did not allow all statements to be given, including ICRtoP's prepared [remarks](#). Nonetheless, the three and a half hour discussion saw remarks from twenty-two Member States, the European Union, Special Adviser on the Prevention of Genocide Dr. Francis Deng, and three civil society organizations - the Global Centre for the Responsibility to Protect (GCR2P), Campaign for Innocent Victims in Conflict (CIVIC), and Human Rights Watch (HRW).

H.E. Ambassador Patriota opened the discussion urging the international community to be "rigorous in its efforts to exhaust all peaceful means available in the protection of civilians under threat of violence" and indicating that "the use of force must produce as little violence and instability as possible". The Minister set the stage for constructive dialogue both on the RwP and on the effective implementation of protection measures.

Special Adviser Luck, in his opening remarks,

[reminded](#)

participants of the need to, "sharpen all of the instruments for implementing the Responsibility to Protect," stating that, "all of the tools (...) of the Charter—whether diplomatic, political, economic, or military—need to be wielded responsibly." Dr. Luck welcomed the concept as an effort to improve the implementation of RtoP but cautioned that "when thousands of lives are at stake, what is needed is "timely and decisive" action (...) not philosophical debate." He further emphasized that, "Responsibility entails early engagement, proactive prevention, agile employment of non-coercive instruments, careful planning, and sober judgment by the

appropriate Charter-authorized organs. Delaying a response does not make it more responsible.”

Speakers reaffirmed their endorsement of the RtoP framework as outlined at the 2005 World Summit, with many delegations noting that the norm’s conceptual foundation is not to be renegotiated. Thus the discussion on RwP was welcomed as a forum to enhance the norm’s implementation. As the Costa Rican delegation

[noted](#)

in remarks given in Spanish, the discussion was not calling into question the idea of protecting civilians, but rather raising legitimate concerns on the application of the use of force; concerns “of an operative, rather than conceptual, nature”.

Participants agreed on the essential role of prevention and called for such mechanisms to be emphasized in implementing measures to protect civilians. The GCR2P, also speaking on behalf of Gareth Evans,

[noted](#)

that, “Running right through all three pillars is an absolute commitment to prevention: prevention of initial outbreak of a crisis, prevention of its continuation and escalation, and prevention of recurrence.” With regards to the use of force, it was generally acknowledged by speakers as a necessary part of the RtoP framework, though one to be employed with scrutiny. The development of Security Council monitoring and assessment mechanisms for the use of force - a core idea outlined in the RwP concept note - was referred to in many interventions as an appropriate and timely suggestion. Multiple speakers urged Brazil and other actors to provide clarification on how such mechanisms could be developed as well as their practical implications, noting that these discussions would be appropriate in future debates on Security Council working methods and reform. Several remarks, including those made by the Mission of the Netherlands and by Special Adviser Luck, noted that cooperating with military experts would be a constructive step forward.

Many interventions raised concerns regarding the distinction made in the concept note on ‘collective responsibility’, which can be fully exercised through non-coercive measures, and ‘collective security’, involving a case-by-case assessment by the Security Council whether to characterize a situation as a threat to international peace and security. The Mission of the Netherlands

[reminded](#)

that, “this distinction is not made in the Outcome Document, which in paragraph 139 expressly refers to Chapter VII when timely and decisive action in the exercise of R2P needs to be taken.” In prepared remarks, the International Coalition for the Responsibility to Protect

[declared](#)

that “genocide, war crimes, crimes against humanity and ethnic cleansing are by definition and under international law threats to international peace and security, thus requiring Member States and the UN to take preventive and reactive measures when faced with the threat of these crimes.”

Discussion of monitoring and limiting the use of force was met with some caution not to establish barriers to action in responding to the threat of mass atrocities. As the Australian delegation

[stated](#)

, “It is right that the international community should vigorously debate the most the effective actions to prevent and respond to mass atrocity,” warning that, “The application of any such criteria or guidelines must remain flexible so as to not tie the hands of the Council in cases where action is needed.” The Mission of Denmark agreed,

[saying](#)

“The parameters and conditions for acting under the R2P-doctrine should never be used to block action aimed at protecting civilians, where there is a real need for action. As we are continually reminded of, the risk of inaction in the face of mass atrocities is great, possible greater than the risk of doing too much.” These concerns were also voiced by several speakers with regard to the RwP concept note’s proposal to chronologically sequence the norm’s three pillar framework. Though the Missions of India and Malaysia were in favor of this initiative, the majority of participants insisted that the pillars were of equal weight and importance. The ICRtoP warned in its remarks that “the chronological sequencing...would risk impeding timely and decisive action by limiting the array and flexibility of measures available and establishing required actions to be taken regardless of the needs of those under threat of mass atrocities.”

Some participants voiced concern with the norm following the international community’s responses to recent crises. The Indian delegation suggested that RtoP had been invoked selectively, and noted that this “must be avoided at all costs”. Meanwhile, the Mission of Guatemala

[stated](#)

that in the eyes of skeptics, invoking the norm of protection of civilians can be perceived simply a way to facilitate regime change. The statement given by the Venezuelan delegation was the only one to suggest that RtoP had not yet been endorsed by the international community, with the majority of speakers providing constructive remarks and reaffirming support for both the norm and the prevention of mass atrocities.

Generally, speakers noted their wish for future discussion on “responsibility while protecting” but urged that dialogue on the concept expand to include the full scope of RtoP as well as the vast spectrum of measures under the third pillar framework. The Mission of Australia [noted](#) that an Arria-Formula meeting of the Security Council would be an appropriate forum for additional discussion of the implementation of the norm. In discussing ongoing and future developments, the Australian, Costa Rican, Danish, and Ghanaian delegations noted the potential value added of the developing RtoP Focal Points initiative.

The ICRtoP was disappointed to note that the role of civil society in working with national, regional and international actors to respond to the threat of genocide, war crimes, crimes against humanity and ethnic cleansing was not included within the discussion. Civil society is

crucial in monitoring the implementation of RtoP by actors at the national, regional, and international levels. NGOs also work to galvanize the political will to prevent and halt the four crimes through improving understanding of RtoP and alerting actors to at-risk situations. As the international community continues to strengthen its commitment to protecting populations from mass atrocity crimes, the ICRtoP urges all actors to cooperate with civil society. **The ICRtoP is in the process of gathering statements and will post them to the website as they are received.**

STATEMENTS Co-Chairs **H.E. Ambassador Antonio de Aguiar Patriota,**
Brazilian Minister of External Relations [Dr. Edward Luck, Special Adviser to the Secretary-General on the Responsibility to Protect](#)

UN Officials

[Dr. Francis Deng, Special Adviser to the Secretary-General on the Prevention of Genocide](#)

Civil Society

[Simon Adams, Global Centre for the Responsibility to Protect, on behalf of Gareth Evans](#)

Sarah Holewinski, Campaign for Innocent Victims in Conflict (CIVIC)
Jose Miguel Vivanco, Human Rights Watch Americas Division [Megan Schmidt, International Coalition for the Responsibility to Protect \(ICRtoP\)](#)
(distributed but not delivered)

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