

Statement of Edward Luck Special Adviser to the Secretary General United Nations
17 June 2008

Today I will address three issues that have generated widespread public interest and media commentary along with no little confusion and misunderstanding: one, the evolving notion of the **responsibility to protect** and why it does not appear to apply to this particular situation; two, other principles, practices, and norms that do seem to be highly relevant to this case; and three, why the UN was able to respond vigorously and decisively to these events without explicit action by the Security Council.

Responsibility to Protect as adopted unanimously by the 2005 World Summit and by subsequent resolutions of the General Assembly and the Security Council, the responsibility to protect (RtoP) rests on three pillars:

-- First, an affirmation of the primary and continuing legal obligations of states to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity, and from their incitement;

-- Second, a commitment by the international community to assist states in meeting these obligations; and

-- Third, an acceptance by Member States of their responsibility to respond in a timely and decisive manner, in accordance with the UN Charter, to help protect populations from the four listed crimes and violations. "Populations" includes all persons on a state's territory. The emphasis, therefore, is on state responsibility, to be bolstered by international assistance. The concept of RtoP, moreover, is not intended to detract in any way from the much broader range of obligations existing under existing international humanitarian and human rights law, refugee law, and international criminal law.

As defined by the Summit - and the UN must be guided by the collective decisions of its Member States, not by the pronouncements of independent commissions or commentators or the views of individual Member States - **RtoP** does not encompass other dire threats to populations, such as climate change, HIV/AIDs, or the effects of natural disasters. These need to be, and are being, addressed in other ways. To be conceptually coherent, operationally sound, and politically sustainable, the scope of

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should remain narrow and closely tied to the four listed crimes and violations unless and until the Member States decide otherwise. To help prevent such mass atrocities would be a cardinal achievement in the evolution of human rights. We should take care not to undermine the historic but fragile international consensus behind the responsibility to protect by succumbing to the temptation to stretch it beyond what was intended by the heads of state and government assembled at the UN almost three years ago. While the scope of RtoP should remain narrow, the range of tools for implementing it - whether by the UN, its regional, sub-regional, and civil society partners, or Member States - runs deep. Its programmatic dimensions include 1) capacity building and rebuilding, 2) early warning and assessment, 3) timely and decisive response, and 4) collaboration with regional and sub-regional arrangements. The stress is on prevention and building the capacity of states to resist turning to the path of genocide, war crimes, ethnic cleansing, and crimes against humanity.

