

### July 2009 UN General Assembly Debate on the Responsibility to Protect: What did Member States from Europe say?

#### The July 2009 General Assembly Debate on the Responsibility to Protect

The General Assembly debate on RtoP began on 23 July 2009 and continued the full two days of 24 July and 28 July 2009. Of the 92 Member States (and 2 observers) which spoke on RtoP, a clear majority demonstrated not only interest in the norm but also strongly supported implementing the 2005 commitment to prevent and halt genocide, war crimes, crimes against humanity and ethnic cleansing. Member States showed that they were conscientiously considering the proposals in the Secretary-General's report and also raised important issues and recommendations for the General Assembly, the Security Council, the UN departments, regional bodies and governments. Many recognized the important role of civil society in preventing and reacting to these most serious international violations.

#### Background: UN Secretary General's Report on the Responsibility to Protect

On 12 January 2009, Secretary-General Ban Ki-moon released his report *Implementing the Responsibility to Protect*, the first comprehensive UN document on the Responsibility to Protect ("RtoP" or "R2P"). Agreed to by UN Member States at the 2005 World Summit, the Responsibility to Protect is a new international security and human rights norm to address the international community's failure to prevent and stop genocides, war crimes, ethnic cleansing and crimes against humanity.

Based on paragraph 138-139 of the World Summit Outcome Document, the Secretary-General suggests a three-pillar approach: 1) the protection responsibilities of the state, 2) international assistance and capacity building, and 3) timely and decisive response to prevent and halt the four mass atrocity crimes. In his report, the Secretary-General recommended that the General Assembly (GA) meet to consider how Member States will take the 2005 World Summit commitment forward.

#### Overview of Positions from Member States in Europe

**Thirty one European States**, in addition to the statement from the **European Union (EU)** delivered by **Sweden**, spoke at the debate and demonstrated strong support for the norm.<sup>1</sup> Many of these Member States maintained the debate's focus on the implementation of RtoP without reopening negotiations about the value of the norm itself or getting sidetracked by related issues such as UN Reform. **Bosnia and Herzegovina** delivered a poignant statement recalling the atrocities committed in the former Yugoslavia and the clear early warning signs that should have spurred action from the international community. In a surprising show of support, **Russia**, who had expressed concern about RtoP in the

<sup>1</sup> Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia-Herzegovina, Croatia, Czech Republic, France, Georgia, Germany, Holy See (observer), Hungary, Italy, Iceland, Ireland, Kazakhstan, Liechtenstein, Luxembourg, Macedonia, Monaco, Norway, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Sweden, on behalf of the European Union (EU), Switzerland, Turkey, the Netherlands, United Kingdom

past, gave constructive remarks regarding its implementation, emphasized the need to put accountability squarely on national governments to protect their populations, and agreed that, “timely reaction by the UN can help avoid mass loss of life.”

### Areas of Consensus among Member States during GA debate

**RtoP is limited to the four crimes:** European States, including the **Netherlands, Sweden, the United Kingdom (UK), the Netherlands, Switzerland, the Czech Republic, Ireland, Romania, Serbia and Luxembourg** were among those who affirmed that RtoP is meant to prevent and halt four crimes and violations, namely genocide, war crimes, crimes against humanity, and ethnic cleansing, and that RtoP should not be expanded to include other agendas. **France**, however, said it would keep paying attention to situations where natural disasters, together with the refusal by the State to provide assistance to its population or seek the help of the international community, could lead to grave human rights violations.



**Prevention is at the heart of RtoP:** **Italy, Belgium, France, the Czech Republic, Germany and Slovenia** were among those to support a strong focus on prevention in order to end mass atrocities, and in particular, on the importance of early warning mechanisms, to avoid ever reaching a situation where more coercive measures are needed.

**Sovereignty as responsibility:** **Belgium, Germany, Liechtenstein, Switzerland, Ireland, and the UK** were among those in the European community that recalled that with sovereignty comes the responsibility to protect populations from mass atrocities, and that RtoP thus aims to enhance sovereignty, not to undermine it.

**Support for the Three Pillars:** The **UK, Ireland, Slovenia, Belgium, Liechtenstein, and Italy** among others demonstrated support for the three pillars and affirmed the equal strength and importance of each pillar.

### Concerns raised by Member States during GA debate

**Developing criteria for the use of force:** Several European nations, including **Serbia and Switzerland**, proposed that criteria be developed to guide the Security Council in determining when the use of force would be appropriate, as recommended by the Secretary-General's report.

**Security Council reform and limiting the use of the veto:** **Italy, Slovenia, Liechtenstein, Switzerland and Denmark** joined over thirty Member States in calling for the Permanent Five countries (China, France, Russia, the USA and the UK) to refrain from employing their veto power in the Security Council in cases involving mass atrocities. **Ireland** recalled, however, that preventing and halting genocide should not be delayed or made contingent upon reform issues that could take years to advance.

### Moving Forward: Implementing RtoP

Member States expressed an overwhelming wish to move forward on implementing RtoP and submitted specific, constructive actions to help implement RtoP and prevent mass atrocities. Among many others, **Armenia, Croatia, and Bosnia and Herzegovina**, whose citizens have suffered mass atrocities in recent history, affirmed their support for building and strengthening the UN's early warning mechanisms. **Luxembourg** pointed out the role of the Peacebuilding Commission in the prevention of the four crimes and advocated strengthening the PBC.

The **United Kingdom** commented that building good governance, the rule of law, and effective judicial and security sectors created a preventive environment in which RtoP crimes would be less likely to take place. **Armenia** and **Azerbaijan** emphasized the importance of research and education programs on why mass atrocities happen and how to reduce racism, hate speech, and denial of past crises. **Italy** and **Bosnia and Herzegovina** mentioned the need for States to become party to the international human rights instruments, international humanitarian law and refugee law and to adopt the Rome Statute of the International Criminal Court.

Many European states, including **Germany** and **Italy**, supported implementing specific assistance programs to build States' capacities to protect populations. **Hungary** joined them in recommending the strengthening of regional and sub-regional capacity around issues of Security Sector Reform, the promotion of human rights, the protection of refugees and peace-building efforts. **Sweden**, on behalf of the **EU**, and **Austria** strongly emphasized the need for regional cooperation, citing as an example the cooperation of the AU and the UN in achieving successful mediation and conflict prevention in Kenya after the 2007 elections.

### Conclusion: First Resolution on RtoP

On 14 September 2009 at the closing session of its 63<sup>rd</sup> Session, the General Assembly, unanimously passed the first resolution on RtoP noting the January report and July debate and committing to further discussion of RtoP. This resolution was co-sponsored by 67 Member States, almost half of them from Europe, including **Armenia, Belgium, Bulgaria, Croatia, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Luxembourg, Monaco, Netherlands, Poland, Romania, Slovenia, Spain, Sweden, Slovakia, Denmark, Andorra, Austria, Iceland, Portugal, Lithuania, United Kingdom, Ireland, Malta, Norway, Latvia, Liechtenstein, Greece, and Ukraine**.

To see the ICRtoP report on the debate and all statements made by Member States,

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