

July 2009 UN General Assembly Debate on the Responsibility to Protect: What did Member States from the Middle East region 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) that spoke on RtoP, a clear majority not only demonstrated 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 meet to consider how Member States will take the 2005 World Summit commitment forward.

Overview of positions from Member States in the Middle East region

Four Middle Eastern Member States and one observer spoke at the debate¹. Most Member States maintained the debate's focus on the implementation of the norm without reopening negotiations about the value of the norm or getting sidetracked by related issues such as UN Reform. **Jordan** expressed strong support for the norm, as it has consistently done since 2005, saying it was ready to work toward developing a plan of action to implement RtoP. Only **Iran** was skeptical and thought that the international community needed to continue discussing the political and legal implications of RtoP.

¹ These are Israel, Qatar, Jordan, and Islamic Republic of Iran, and the Palestinian National Authority. To view the positions of North African States, please refer to the African-region summary.



Areas of Consensus among Member States during GA debate

Prevention is at the heart of RtoP: Israel and the Palestinian National Authority (PA) agreed that at the heart of RtoP was the need to focus on the prevention of mass atrocities and, in particular, on the importance of early warning mechanisms, to avoid ever reaching a situation where more coercive measures are needed. Iran supported the focus on prevention but continued to reject any action by the Security Council contravening absolute principles of non-interference and non-intervention.

RtoP is limited to the four crimes: Israel and the PA were among those who affirmed that RtoP is meant to prevent and halt only mass atrocity crimes, namely genocide, war crimes, crimes against humanity, and ethnic cleansing, and that RtoP should not be expanded to include other agendas. Although Iran discussed the need to address under-development and poverty, neither state specifically advocated for the enlargement of the scope of RtoP.

Sovereignty as responsibility: Among others, Iran and Israel affirmed that national sovereignty includes the responsibility to protect civilians from mass atrocities.

Concerns raised by Member States during GA debate

RtoP and national sovereignty: Iran expressed concerns that the use of force, even as a last resort, constituted a violation of national sovereignty. Qatar and Israel, while recognizing the role of the Security Council in extreme situations under Pillar Three, warned that the international community would have to prevent the misuse of RtoP.

Criteria for the use of force: Israel was among the Member States that agreed that in order to avoid misuse, a set of guidelines or criteria needs to be developed to guide the Security Council in determining when the use of force would be appropriate.



Reform of the Security Council and the Role of General Assembly: Qatar, the PA and Iran reminded Member States that the Security Council needed to avoid selectivity and bias and pointed to the lack of political will to react in some cases, most specifically around the recent Gaza crisis. These States called for a more vigorous role for the General Assembly, should the Security Council fail to act and protect populations. The PA, while also critical of the Security Council, emphasized that the implementation of RtoP should not hinge upon the Council reform agenda.

RtoP and humanitarian intervention: Iran expressed concern that RtoP would be used to legitimize the coercive use of force. Others, however, recognized the more limited scope (limited to the four crimes) and collective nature of RtoP (requiring Security Council authorization).

Moving Forward: Implementing RtoP

Member States in the Middle East region focused on strengthening existing UN organs to implement RtoP. Jordan advocated for strengthening the UN's early warning capacity and other organs including

the Peacebuilding Commission, the Human Rights Council, the Economic and Social Council, and the International Criminal Court, and called on Member States to adhere to the Geneva Conventions. More specifically, the **PA** called for increasing good governance, with stronger institutions, the protection of human rights, and the protection of the rights of women and minorities.

Conclusion

On 14 September 2009 at the closing session of the 63rd Session, the GA unanimously passed the **first resolution on RtoP (GA/Res/63/308)**. This procedural resolution noted the Secretary General's report and emphasized the constructive and timely nature of the July GA debate and the desire of Member States to continue these discussions in the General Assembly. This resolution was co-sponsored by **67 Member States**.

To see the ICRtoP report on the debate and all statements made by Member States,
please visit www.responsibilitytoprotect.org