

REMARKS OF THE DELEGATION OF GUATEMALA DURING THE INFORMAL
INTERACTIVE DIALOGUE ON THE RESPONSIBILITY TO PROTECT

(9 August, 2010)

Madame Chair,

Thank you for convening this interactive dialogue. We also appreciate the participation of the Secretary-General and of the five panelists of this morning.

You asked us, Madame Chair, that we limit our remarks to comments and questions in what was announced as an interactive dialogue with the panelists. But what we witnessed this morning with many of the statements made is that there is a strong suppressed demand among us to continue the debate on a topic of singular importance, on which a general agreement was reached among our respective Heads of State, but whose implementation still provokes doubts and questions. What I wish to stress is that today's event has intrinsic value, in permitting a continuing debate that began last year, this time using early warning as the portal of entry.

Of course, this is not the time nor the place to repeat all the arguments that have been put forth in favor of R2P in the three expressions - or "three pillars" – proposed by the Secretary General in his Report *A/63/677* of last year, nor to recall the apprehensions that are still ignited among some delegations due to the risk of an abuse of this innovation in international humanitarian law. Suffice it to say that, in our opinion, we have advanced far enough in order to codify the application of the three pillars, with a marked emphasis on the obligation that each State must assume to protect its own population, and also to reduce to its minimum expression the risk of the concept being abused for purposes other than the defense of humanitarian law.

What we need now is to move in the direction of the practical application of the precept that "never again" will we tolerate situations like Srebrenica or Rwanda in the 1990s. This undoubtedly requires an early warning capacity, to be able to prevent events of genocide, war crimes, ethnic cleansing and crimes against humanity even before they can develop. In this regard, we thank the Secretariat for the new report that has been circulated under symbol *A/64/864*, which we believe points in the right direction.

In our judgment, the two central elements of an early warning system are derived from a continuous and profound analysis of information flowing from the field, and a capacity to convene interested parties on the particular situation at hand to take the appropriate actions based on said analysis. In other words, as saying goes, "it takes two to tango"; in this case, the Secretariat and the Member States, both, it must be said,

supported by NGOs, the media, and, in general, civil society. In discussing early warning, then, we need not only to strengthen the Secretariat in its capacity to gather information, analyze it, and propose calibrated and proportional responses to the imminent threats, but also to channel its proposals to the appropriate inter-governmental forums. The important point, as Ed Luck reminded us this morning, is not only to know what is happening in each situation, but to understand what is happening; at any particular point in time, and as the situation evolves.

Within the Secretariat, Report A/64/864 describes some of the existing capacities, especially within the Department of Political Affairs, and it also suggests some gaps that need to be filled. Among those gaps, the need to improve the Secretariat's capacity to keep its fingers on the pulse on any situation with the potential of becoming a R2P case is mentioned, based on all available information available within and outside of the Organization. As to the inter-governmental bodies, these are not limited to the Security Council; they could include regional or sub-regional bodies, or even the General Assembly. The nature of each unique situation will show us the way, in accordance with the Charter regarding the inter-governmental arrangements to receive the Secretariat's proposals, and, if warranted, to act on them.

In this regard, and as Report 864 reminds us, although since 2004 there is an office of the Special Adviser to the Secretary General to monitor potential situations of genocide, the concept of the Responsibility to Protect is broader and permits more calibrated and nuanced responses; first, because the array of violations is broader (as Francis Deng reminded us this morning, it is difficult to separate, for example, potential situations of genocide from potential situations of ethnic cleansing), and, second, because the range of possible responses is much more ample. Well managed, the responsibility to protect is the most comprehensive tool at the disposal of the United Nations in the area of preventive diplomacy.

The Report does not clarify sufficiently the criteria or the indicators to be used as detonators of a potential R2P situation, or even a genocide situation. But this is precisely the type of discussion that is needed to advance in disposing of an installed capacity within the Secretariat capable of providing follow-up, monitoring, analysis and evaluation of acts that could conceivably become matters of genocide, war crimes, ethnic cleaning or crimes against humanity. What of course is pursued is to prevent them before they actually occur.

Be that as it may, it is clear that any system of early warning begins with strengthening the Secretariat for this purpose. We know that there are arguments in favor as well as against merging the functions to combat genocide with those related to R2P. For our part, we are willing to take Article 97 of the Charter, which confers in the Secretary General the administration of the Secretariat, quite literally, and are ready to

support his proposals on how he wishes to organize the Secretariat to address issues related to the responsibility to protect.

Thank you, Madame Chair.