

Statement by Ambassador Abdullah Hussain Haroon
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Responsibility to Protect populations from genocide, war crimes,
ethnic cleansing and crimes against humanity

Mr. President,
Excellencies and Dear Colleagues,

We thank the President of the General Assembly for convening this Thematic Debate on Responsibility to Protect and the Secretary General for presenting the report.

Mr. President

It is the first time since the adoption of 2005 World Summit Outcome document that we the member states of the United Nations are debating the concept of Responsibility to Protect (R2P). In the past such debates calling for conflict resolution, peace building and effective role of United Nations and international community have been stimulated as a reaction to some unfortunate tragedies of scale of Rwanda and Srebrenica. Although our world is faced with challenges of magnitude, mercifully this debate has not been triggered by an event of scale and is a result of a process to discuss the concept of R2P which is a one that needs to be delicately dealt with, requires transparency and need to take all member states on-board.

Mr. President,

In this discussion we are guided by the paragraphs 138 and 139 of 2005 World Summit Outcome document and this remains our yardstick for discussions on the concept of R2P. The following elements are important for my delegation:

- We have is no difference on the necessity to protect innocent civilians. However, it is clear that the scope of the concept of R2P is restricted to "responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity". Anything beyond this should not be considered.
- It should be recognized that the responsibility for the protection of civilians rests, first and foremost with individual State where they live. Sovereignty of state should remain the over-arching principle for the contemporary international relations. R2P should not become a basis to contravene the principles of the noninterference and non-intervention or question the national sovereignty and territorial integrity of States.
- The international community's responsibility in case of an R2P situation should be to provide "appropriate, diplomatic, humanitarian and other peaceful means, in accordance with Chapter VI and VIII of the Charter".

- R2P must be dealt with on a "case by case basis" as appropriate. It may not be a norm but an exception in the case if "peaceful means be inadequate and state authorities are manifestly failing to protect their population" from the four specified situations.
- In a world of sharply increasing socio-economic inequities, state building and state-strengthening would continue to depend on socioeconomic development. Situations leading to R2P are more often than not the result of under-development and poverty which need to be addressed in capacity building of development framework. Commitment to "helping states build capacity to protect their populations" would remain our best prevention.

Mr. President,

A comprehensive approach starting from conflict prevention and utilization of all existing mechanisms in the UN system is required to prevent the four grave situations in an effective and complete manner. The existing mechanism of Genocide convention, the Geneva Conventions, the humanitarian law and the International Court of Justice, the International Criminal Court as well as the existing mandates of the Security Council, the ECOSOC and the Human Rights Council can be effectively utilized to prevent the four grave situations.

Mr. President

The report of the Secretary General stimulates the discussion on the concept of R2P. Ours is at this stage essentially a work in progress, nothing more than that. Let me share with you some food for thought, these include:

- Consistency of language and expression will help in furthering the concept of R2P for example while the report rightfully acknowledges the genocide in Rwanda, the tragedy of Srebrenica which was described as genocide by the International Criminal Tribunal for the former Yugoslavia is termed as "mass killings" only.
- And at this particular moment it would be important to add here that in the case of Rwanda while the forces that were there on ground packed their bags and left their compounds in a hurry somehow the early warning bell did not go off in the UN. And until the massacre which took place much later actually happened nothing was done nothing was done, neither was the security council approached nor the membership. And it is a shame to mention here after that the entire files of that particular incident of Rwanda were lost to the United Nations and never have been discovered since and we have to be very careful that the early warning capacity will be used sincerely.
- The forthcoming proposal by Secretary General on strengthening UN's Early Warning Capacity will be critical in moving forward the discussion.
- We need to evaluate the accountability factor and the cost of false alarms.

- How to address trust-deficit in the background of historical injustices including foreign occupation.
- How to agree on level of threshold requiring R2P.

Mr. President,

R2P shall be a delicately defined process and in order to prevent any misunderstanding or misuse of the concept as a tool to pressurize or interfere in the internal affairs of a sovereign state, the continuous double standards and- selective approach to different conflicts in the world including situations under foreign occupation in the world would have to be systematically rectified to remove the doubts about the implementation of R2P.

While we look forward to further debate the concept of R2P in the General Assembly now and later, a few points I would care to move before this august house. One is ultimately it matters down to a very simple point which is that discretion will be the ultimate factor which will decide application of R2P as far as this stage of the document is concerned. I would like to sound a note of caution. There is a brilliant history of lack of historical trust in this organization. That is being overlooked while the creation of this discretion is being put forward to the membership. We are peeling away years of protection that we have found ourselves in, very sagaciously put there by people of great future vision to protect this institution. We have started to peel this away with this particular segment.

And, if you have not noticed that we point out to you everyone agrees to Pillar I and II yet, before I get on to pillar III, has anyone realized none of the criteria that should be mandated in Pillars I and II have been specified to say you cannot go to three this is the considered process of I and II that you slowly must legitimize your access through. Then I come to Pillar III. Pillar III was introduced here over 15 years ago or 10 years ago under a name the right of intervention. It is that and it remains that. The house voted vehemently against it. Today it has reappeared with albeit a much larger specter. I must say that Gareth Evans has done some great work in putting together the concept over many years. The only thing is that I say this is in another way a return, because what are we debating here today, I and II nobody doubts that, but we must add criteria, clear criteria so that it cannot be violated. Number three is the right of intervention no matter how you look at it and how you don't look at it. And I just have to say in this particular aspect that besides that today when we are squeezed financially, when the world food program is cutting back, when we have not been able to raise adequate funds for crises throughout the world, where are we going to get the funding for I and II to be properly adhered to because the prevention is better than the cure and we are not looking at the prevention. As such I think these matters need to be very ably discussed, standardized we are not to overlook I and II as a done thing and only look at III. I and II must become the solid pillars that will prevent anything from going wrong and in the end I must say that I and II must be substantiated financially. Not just glossed over and with that I will merely add time responses at the UN have never proved us to be great appreciators of the early warning bell system we've always been there a trifle late at the cost of many many human lives. I think this early warning system to pass

Pillar III through this house should also be substantiated very very substantially so that we cannot have anything going wrong.

With that I thank you Mr. President for the time you have given me.