

## **Suggested Talking Points Preparing for a General Assembly debate on R2P**

As a follow-up to Paragraph 139 of the [World Summit Outcome Document](#), where Members stressed “the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications...”, **we are expecting the United Nations General Assembly to hold a debate on the Responsibility to Protect in July 2009.**

The World Summit Outcome agreement was the combined result of civil society organizations’ mobilization and the awareness of governments that they failed to heed the calls to prevent and halt genocide, crimes against humanity, ethnic cleansing and war crimes. The priority now is to turn this commitment into reality.

### **I. Introduction**

#### **A. Provide an introduction to the Responsibility to Protect:**

We want to talk to you about the 2005 World Summit agreement by heads of state on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity – also referred to as mass atrocity crimes.

Hailed as **one of the most important achievements of the World Summit**, the Responsibility to Protect (R2P) seeks to ensure that the international community never again fails to act in the face of genocide and other gross forms of human rights abuse. The norm stipulates, first, that states have an obligation to protect their citizens from mass atrocities; second, that the international community should assist them in doing so; and, third, that, if the state in question fails to act appropriately, the responsibility to do so falls to that larger community of states.

#### **B. Why does Civil Society care about the Responsibility to Protect?**

This is the expression of the aspiration **to achieve ‘Rwanda never again’** - to avoid the inaction over Rwanda’s genocide or the massacre of Srebrenica, to reiterate a determination to take earlier and more effective action to prevent the escalation and occurrence of some of the worst crimes that human beings commit against each other.

### **II. The Secretary General’s Report.**

#### **A. Offer an overview of the SG’s report**

The report effectively restates and unpacks the commitments set forth in paras 138 and 139 of the WSOD.

Specifically, the SG articulates these responsibilities as three pillars:

- (i) The first of the primary responsibility of every state to protect its populations from genocide, war crimes, crimes against humanity and ethnic cleansing.
- (ii) The responsibility of the international community to assist states to fulfil their national obligations, including through capacity-building;
- (iii) The need for timely and decisive collective response, in ways that are consistent with the UN Charter, in those situations where a state is manifestly failing in its responsibility to protect.

Each of which requires a wide range of measures.

The SG characterizes R2P as a ‘narrow but deep’ concept of 4 sets of crimes or violations and 3 pillars, which require a very broad range of approaches and instruments for their fulfillment.

The report presents an overview of what the SG calls the gaps in “will, imagination and capacity” that must be filled to implement R2P.

### **B. Note particularly important aspects of the SG’s report**

The SG is explicit on **the scope of R2P**: R2P cannot be used to address all social ills but is narrowly focused on prevention of genocide, war crimes, ethnic cleansing and crimes against humanity.

At the outset, the report sets out that R2P is **based on existing international law**.

The SG reminds us of the **roots and leadership on establishing R2P** – including the leading role that African states have played in the development of the norm of non-indifference.

He stresses both that **R2P is not synonymous with military intervention** and describes why and how the doctrine is **fundamentally different to** the idea of **humanitarian intervention**.

The SG is clear that nothing about R2P implies any alteration to the established UN Charter provisions on **the respective roles of the GA, Security Council** and others in peace, security, and the protection of populations .

This is also true on the question of coercive action and the use of force: the SG’s report, like the WSOD, is clear: **collective action to use force should be taken through the Security Council in accordance with Chapter VII of the UN Charter**. R2P does not provide justification for unilateral military action.

It affirms that R2P is an **ally of responsible sovereignty**. [See para 13]: “[T]he purpose of [R2P] is to build responsible sovereignty, not undermine it.”

All three pillars are equally important. While prevention is at the heart of the doctrine, and the assistance to States to build their capacity to ensure their own responsibility to protect is crucial; when prevention fails, the international community should ensure an early and flexible response.

In this regard, the report stresses that in a rapidly unfolding emergency situation, the priority is saving lives through “timely and decisive” action not on “favoring arbitrary or artificial sequences or procedures over results”.

The report makes several proposals to prevent the misuse of R2P and ensure a more consistent response to halting mass atrocity crimes, including that the five permanent members of the Security Council should come to agreement that they will withhold their veto in such instances. The report also recommends that member States consider principles, rules and doctrines that should guide the application of coercive force in extreme situations relating to the Responsibility to Protect.

## **III. The General Assembly Debate**

### **A. Present the GA debate as a positive opportunity**

A debate on implementing R2P in the UN GA provides the chance:

- to expand the understanding of the R2P throughout the UN system;
- for member states to express their enduring commitment to see Rwanda, Cambodia, Srebrenica never again;
- to respond to the SG’s call to look forward to ways in which the UN can best help to ensure the fulfilment of the commitments made in 2005.

## **B. Present view of how a debate in the GA can be most constructive**

For the debate to be constructive, it is essential that the debate is taken as an opportunity for dialogue that brings greater clarity and commitment from member states on what they will do to implement the responsibility to protect.

All supporters agree that what is more important is for us to move forward, rather than renegotiating the 2005 World Summit agreement.

A constructive outcome would be declared support for the SG's report, ongoing UN efforts to implement of R2P and continued GA engagement.

A resolution is not a necessary outcome of the debate.