

28 July 2009

**Statement of Mr. Miguel d'Escoto Brockmann,
President of the 63rd Session of the General Assembly,
at the Closing of the 97th Session of the General Assembly on Agenda
Items 44 and 107: Integrated and Coordinated Implementation of and
Follow up to the Outcomes of the Major United Nations Conferences
and Summits in the Economic, Social and Related Fields**

Excellencies,
Representatives of the United Nations System,
Friends all,

We have come to the conclusion of this important deliberation on the complex and controversial concept of the responsibility to protect (RtoP), which began last Tuesday with the Secretary-General's presentation of his recommendations on implementation of the RtoP concept. Some viewers of these proceedings, which included a special interactive thematic dialogue on Thursday morning, have commented that this may have been the most intense and extensive discussion of RtoP to date. I agree, and I find it very appropriate that this debate has taken place within the forum of the General Assembly.

I think we can agree that this dialogue must continue here in the General Assembly and that, given the range and diversity of opinions, concerns and reservations expressed by Member States and our extraordinary panel of experts, it would be fair to say that we are far from reaching consensus on how to move the principle of RtoP from theory to operation, much less making it part of international law.

This discussion has been preceded by serious intellectual work, including the World Summit outcome document of 2005, the report of the High-level Panel on Threats, Challenges, and Change, the then-Secretary-General's report, "In Larger Freedom," the present Secretary-General's report, "Implementing the Responsibility to Protect," as well as the work of the International Law Commission, legal scholars, and the judgments of the International Court of Justice. The concept note drew on this legal background.

I also want to thank the panel of scholars and statesmen – Gareth Evans, Noam Chomsky, Jean Bricmont, and Ngugi wa Thiong'o – who set the stage for these proceedings with the interactive thematic dialogue that took place last week. We are indebted to each of them for honouring the United Nations with their presence and stimulating insights.

Over the past few days, we have heard from many sides in this discussion with 94 statements from Member States. Your thoughtful interventions reflect the great interest you have in this concept and in the real problem it seeks to address.

You have done what the World Summit outcome document of 2005 asked you to do, which is to further consider this subject and study all its implications. At the same time, the Summit document had said that any Chapter 7 action has to be in conformity with the UN Charter and international law, considered on a case-by-case basis. The majority of Member States have confirmed that this is their perception. Any coercion has to be under the existing collective security provisions of the UN Charter.

Keeping these concerns regarding military intervention and sovereignty in mind, our dialogue has underscored broad areas of agreement around the concept of RtoP. We are unified in our conviction that the international community can no longer remain silent in the face of genocide, ethnic cleansing, war crimes and crimes against humanity.

Many Member States have dwelt on the lessons of history, as indeed did several of the panelists, and come to the conclusion that we cannot avoid addressing the issue of reform of the Security Council and the issue of the veto. Similarly, many Member States have spoken of the root causes of RtoP situations and highlighted the urgency of addressing development issues.

Some Member States have also expressed strong concern that the UN should not take the enormous leap to make RtoP operational as it is presently formulated. And they have also voiced doubts that we can respond to massive failures by governments to protect their populations without falling back on double standards that would ultimately unravel the credibility of international law and the United Nations.

The proponents of RtoP, as I noted in my opening address, have the best of intentions in pushing for the implementation of this concept. I share their commitment to strengthening the United Nations as the last best hope for preserving our common humanity and our Mother Earth. But clearly the reservations that have been raised by many Member States about how to truly ensure our collective security must be the subject of further deliberation in the General Assembly.

Many of you have highlighted the reasons why so many of us hesitate to embrace this doctrine and its aspirations. Recent disastrous interventions give developing countries strong reasons to fear that laudable motives can end-up being misused, as so often in the past, to justify interventions against weaker states. We must take into account the prevailing lack of trust from most of the developing countries when it comes to the use of force for humanitarian reasons.

It appears that we may be on firmer ground, with a strong majority of member states favoring an approach that focuses our efforts on finding ways to prevent such crises from occurring, not only by crisis management, but also by dealing with their root causes. Quite often, those causes involve poverty, under-development and social exclusion. Due attention should therefore be placed in exploring the true potential of preventive UN action.

I want also to remind you of the benchmarks for assessing the real value of RtoP that I proposed in my opening address.

First: Do the rules apply in principle, and is it likely that they will be applied in practice, equally to all nation-states, or is it more likely that the RtoP principle would be applied only by the strong against the weak?

Second: Can we be confident that adoption of the RtoP principle in the practice of collective security will more likely enhance or undermine respect for international law?

Third: Is the doctrine of RtoP necessary and, conversely, does it guarantee that states will intervene to prevent another Rwanda?

And fourth: If RtoP is adopted, do we have the capacity to enforce accountability upon those who might abuse the rights that principle would give nation states to resort to the use of force against other states?

Reviewing the remarks of Member States, it would appear that the case on each of these points, all of which relate to the use of armed force for implementation of RtoP, is at best uncertain.

I find that my personal view, which I expressed in my opening remarks, is also reflected in the statements of many Member States: RtoP is and should remain an important aspirational goal. We should all be willing to support collective action not just to preserve international peace, but to assure a minimum level of security in all its dimensions – including, today especially, the economic dimension. But we do need to ensure that all the elements are in place to make this a viable and consistent legal norm.

There are many ways to improve our system of collective security. And many ways to demonstrate our solidarity and concern for all of our fellow human beings. Let us be sure that we are rebuilding our broken system of collective security, and let us, by first demonstrating generosity and flexibility in fixing our broken global economic system and architecture, prove that we are indeed prepared to build a better world.

By and large, the UN already has the institutional instruments necessary to deal with those challenges. Yet, political constraints have prevented them from being used to their fullest capacity to promote true human security. I believe this dialogue has contributed to a common understanding of the urgent steps required to deal with those challenges and to strengthen the United Nations so that it can fulfill its mandates.

Let us continue to search for solutions that truly protect our people and enable them to live in prosperity and dignity.

Thank you.