



# BRAZIL

**Plenary meeting of the General Assembly  
on the responsibility to protect**

**23 July 2009**

**Remarks by H.E. Ambassador Maria Luiza Ribeiro Viotti,  
Permanent Representative of Brazil to the United Nations**

*(Please check against delivery)*

Mr. President,

I thank you for convening this debate, which is both timely and appropriate. The implementation of the responsibility to protect as spelled out in the 2005 Summit Outcome Document requires serious and careful consultations among all Member States. The General Assembly is the proper venue for this process, as the chief deliberative, policymaking and representative organ of the United Nations. I also thank you for the conceptual note prepared for this occasion.

My delegation is grateful to the Secretary-General and to his Special Adviser Edward Luck for the report before us. It constitutes a balanced and thought-provoking effort to assist Member States in their search for the best way to render operational the concepts enunciated in paragraphs 138 and 139 of the Outcome Document.

My delegation's participation in such important exercise is based on a few premises. The first one is that this is not a discussion between those who cherish the dignity of human life and those who do not. By definition, all Member States subscribe to the core values enshrined in the Charter and are bound to act accordingly. The obvious fact that observance of those values varies from country to country neither authorizes nor recommends Manichean views that will lead us nowhere.

Secondly, the political boundaries of the responsibility to protect were clearly set by our Heads of State and Government in 2005 and we are not mandated to alter them in one way or another. As illustrated by the Secretary-General, attempts to expand the responsibility to protect to cover other calamities, such as HIV/AIDS, climate change or the response to natural disasters "would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility".

Thirdly, ignoring legitimate concerns expressed by many Member States is not going to take us forward. If we want to succeed - and I believe we all do - we must address those concerns effectively by ensuring that the implementation of the responsibility to protect is fully consistent with the Charter. This means, inter alia, recognizing that the State's responsibility to protect does not qualify State sovereignty. Paragraph 138 is clear in that such responsibility is taken up by States "individually". On the other

hand, the attribute of sovereignty does not exempt the State from its obligation to protect its population. On the contrary, it is from this very attribute that derives such obligation.

As we embark upon this collective effort to appropriately implement the agreement reached in 2005, we would also benefit from a clear understanding of the nature of the responsibility to protect.

In Brazil's view, it is not a principle proper, much less a novel legal prescription. Rather, it is a powerful political call for all States to abide by legal obligations already set forth in the Charter, in relevant human rights conventions and international humanitarian law and other instruments. As importantly, it is a reminder to the international community that it already has the instruments needed to act, namely those mentioned in paragraph 139 of the Outcome Document. The implications of such understanding of the responsibility to protect are far from academic: perpetrators of the four crimes referred to in the document cannot argue in their defense that the responsibility to protect is still to be implemented nor can the international community justify inaction with the lack of legal instruments. The tragedy in Rwanda, for example, took place neither because authorities were unaware of their legal obligation to protect their populations nor because the international community did not have the means to stop them. This is a sad truth, but we must be true to ourselves if we are serious about the responsibility to protect.

Mr. President

The Secretary-General's report presents the content of paragraphs 138 and 139 of the Outcome Document in three different "pillars". This image may be useful as a means to indicate the basic elements of the notion of responsibility to protect. However, there is a political subordination and a chronological sequence among them. The responsibility to protect the population from genocide, war crimes, ethnic cleansing and crimes against humanity is first and foremost an obligation of the State. Only if and when a State manifestly fails to fulfill such obligation may the international community take collective action in accordance with the Charter. In other words, the third pillar is subsidiary to the first one and a truly exceptional course of action, or a

measure of last resort. With regard to the second pillar, it is complementary to the first one, that is a means to assist the efforts of the State to fulfill an obligation that is primarily its own.

Among the two pillars directly related to the international community, the one regarding assistance and capacity-building must certainly concentrate our attention and energy. Brazil attaches particular importance to the aspect of prevention, as we have already stated in several other fora, such as the Security Council and the Peacebuilding Commission. The first step towards a durable solution to humanitarian crises is to identify their root causes, which usually include underdevelopment, poverty, social exclusion and discrimination. Therefore, in addressing the responsibility to protect, we should deal first and foremost with cooperation for development and try to devise ways to reduce the disparities of all sorts that exist within nations, and among nations and regions. Here the role of the United Nations is indispensable. It must be given the financial and human resources needed to help States facing material and institutional difficulties to ensure the protection of their populations. On its part, the UN system must make the best use possible of such resources in a way that increases the long-term capacity of States to protect their own people.

International assistance and capacity-building should be conceived as a positive support system, as necessary and appropriate. Considerations found in the SG report as to whether the assistance measures in a given case would be "of little use and the international community would be better advised to begin assembling the capacity and will for a timely and decisive response as per paragraph 139" seems to reveal a punitive intention when it comes to the implementation of the responsibility to protect. This perception must be avoided.

Mr. President,

Brazil advocates the concept of "non-indifference" as a way of emphasizing the responsibility of the international community when faced with humanitarian disasters and crises, including those resulting from hunger, poverty and epidemics. These are humanitarian catastrophes that can be prevented or mitigated through political will

and short, medium and long-term cooperation. This requires that developed States fulfill their development-related obligations, as agreed in Monterrey and in the Doha review conferences. "Non-indifference" also calls for enhanced South-South cooperation and innovative financing mechanisms, which complement traditional sources of financing for development. Brazil seeks to implement this approach in its South-South activities.

In conclusion, I wish to express my delegation's willingness to actively participate in the consultations we are now initiating. If guided by a shared sense of objectivity and inclusiveness, in conformity with the Charter, such process should succeed.

Thank you.