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**REMARKS TO THE GENERAL ASSEMBLY
ON THE RESPONSIBILITY TO PROTECT (RtoP)
New York, 23 July 2009**

Thank you, Mr. President, for the opportunity to address this informal interactive dialogue of the General Assembly on behalf of the Secretary-General. He would have liked to have joined you on this occasion, but, as you may know, he had a long-scheduled trip to Asia at this point.

Mr. President,
Excellencies,
Ladies and Gentlemen,

We gather today with a single objective: to consider the Secretary-General's report on *Implementing the Responsibility to Protect (RtoP)*. The mandate could not be clearer or come from a higher authority. At the 2005 World Summit, all of the heads of state and government, without reservation, committed themselves to preventing genocide, war crimes, ethnic cleansing, and crimes against humanity, as well as their incitement. The General Assembly, in resolution 60/1, adopted the Summit Outcome Document unanimously. Subsequently, the RtoP provisions of the Outcome Document were reaffirmed by the Security Council in resolution 1674 (2006).

With the Secretary-General's presentation of his report to the Assembly two days ago, the process of implementation has begun. Paragraph 139 of the Outcome Document stresses that the Assembly's consideration of RtoP should be a continuing one. The Secretary-General welcomes the prospect of an interactive dialogue with the Member States on how best to operationalize

RtoP, at this session of the General Assembly and well beyond. He would value candid, constructive, and specific comments on his proposals as part of this ongoing conversation. The more focused the comments are, the more helpful they will be.

What we do not need at this point, however, are efforts to turn back the clock, to divide the membership, or to divert attention from our central task. The world is changing. Our thinking needs to evolve with it.

This is not 1999. Ten years ago the Assembly addressed the concept of humanitarian intervention and found it wanting. Unilateral armed intervention under the guise of humanitarian principles was – and is – seen as morally, politically, and constitutionally unacceptable. That is not the UN way. But neither is standing by in the face of unfolding mass atrocities a morally or politically acceptable option for this Organization. Kofi Annan, Gareth Evans, Mohamed Sahnoun, Jean Ping, and Francis Deng, among others, led the search for a better way. The broader, more multilateral, more nuanced, and more positive notion of the responsibility to protect was their answer. Prevention and state responsibility were to be the keys.

This is not 2005. Then, through hard bargaining and astute and forward-looking diplomacy, the detailed RtoP provisions of paragraphs 138 and 139 of the Outcome Document emerged as an integral package. The Secretary-General was careful to preserve this hard-won balance in his proposals. His mandate is to implement all – not some – of those provisions. All three pillars of his strategy are needed to support the Summit Outcome. We cannot pick and choose among them. For practical reasons, of course, the implementation of different pieces may proceed at different rates and in different places, but only within the agreed 2005 framework. Today, our task is to move forward by maintaining this balance and by preserving our unity of purpose.

Like everyone else in this chamber, I am eager to hear the intellectual exchange that is about to unfold before us. Rarely have so many prominent theorists and academicians graced a single rostrum in this house. As a some-time scholar, I would like to join you, Mr. President, in welcoming them. They have an opportunity to shed light where too often rhetoric has replaced reason and the spectacle of debate threatens the quiet search for common ground. They have the opportunity, as well, to help dispel some of the myths that have clung to RtoP like so many unwanted barnacles from an earlier time and place. Among these are:

- one, the old caricature that RtoP is another word for military intervention, when it seeks the opposite: to discourage unilateralism, military adventurism, and an over-dependence on military responses to humanitarian need;
- two, the tired canard that RtoP offers new legal norms or would alter the Charter basis for Security Council decisions, when it is a political, not legal, concept based on well-established international law and the provisions of the UN Charter;
- three, the twisted notion that sovereignty and responsibility are somehow incompatible when, as the Secretary-General has often underscored, they are mutually reinforcing principles and his plan aims to strengthen, not weaken, state capacity; and
- four, the recurring distortion that RtoP favors big states over smaller ones, when in fact large countries were the last to come aboard in 2005, they have their own sovereignty concerns, and efforts to bolster the rule of law and international institutions serve the interests of all.

As the Secretary-General noted in Berlin a year ago, "the responsibility to protect does not alter the legal obligation of Member States to refrain from the use of force except in conformity with the Charter. Rather, it reinforces this obligation. By bolstering United Nations

prevention, protection, response and rebuilding mechanisms, RtoP seeks to enhance the rule of law and expand multilateral options.”

We are pleased, Mr. President, to see wide academic interest in RtoP, because we believe that rigorous scholarship can be an important ally in our common quest for better means of preventing the commission of mass atrocities. There is much that we do not know. The Secretary-General, in his report, underlines the need for more knowledge and keener analysis about which preventive measures have worked best in various places and circumstances. For instance, what kinds of assistance or capacity-building would be most helpful to states seeking to forestall future rounds of violence and social fragmentation? We need carefully documented case studies, particularly about good/best practices in different parts of the world. We need more sober reflection and less polarizing rhetoric in our RtoP discourse. We know, as well, that if we don't ask the right questions, we'll never get to the right answers.

We also believe in the General Assembly and in the quiet work of building and sustaining consensus. Values matter. Over the years, the Assembly has arguably done more than any other body to advance international norms and standards. At its best, the Assembly has truly unique contributions to make.

Mr. President, as you well appreciate, RtoP principles are universal. Every part of the world has suffered mass atrocity crimes at one point or another. Publics everywhere are counting on us to do our best to implement fully and faithfully the decisions of the 2005 Summit. So we look forward to the debate commencing this afternoon with a strong sense of optimism, pragmatism, and conviction.

Thank you, Excellencies, for your attention.