

Statement by Jennifer Welsh
Special Adviser to the UN Secretary General
on the Responsibility to Protect
Thematic Panel Convened by the President of the General Assembly:
From Commitment to Implementation: Ten Years of the
Responsibility to Protect
Trusteeship Council Chamber, United Nations (February 2014)

Ambassadors, Excellencies, fellow panelists, and ladies and gentlemen

As the Special Adviser to the Secretary General, who has shown steadfast

Indeed, that is what normative commitments are designed to do. Aspiration is at their very core. Yet experience also demonstrates that the normative ideas that have the greatest impact are those that do not stray too far from what member states, collectively, believe is legitimate. And so, with the more controversial case of the Kosovo , ar which did not have Security Council authorisation also in the back of their minds, the diplomats and political leaders present at the , World Summit hammered out a version of the responsibility to protect that would honour the letter

, when we turn to the specific armed conflicts on our landscape, there is an alarming decline in respect for international humanitarian and human rights law on the part of states that have ratified relevant legal instruments, often in situations where national authorities argue that exceptional security threats or political crises justify abrogation from their legal obligations. The scale of civilian harm today is not the tragic but inevitable consequence of what happens in the 'fog of war' but rather the result of conscious choices made by warring sides.

It would be tempting to view these trends as proof of R2P failure. But to do so is to blame the principle rather than those charged with upholding it. The responsibility to protect cannot, on its own, compel states to act; no political principle can do that. Nor can it dictate what specific actions the international community should take in any particular case. States and other actors must choose among an array of mechanisms. What it can do, however, is create political pressure around situations involving atrocity crimes and raise the political costs of inaction. It can also clarify existing legal obligations and provide a practical policy framework for

given its role as the body charged with developing the responsibility to protect.

As Secretary-General Ban Ki-moon has noted, R2P offers an alternative to indifference and fatalism² and constitutes a milestone in transforming international concern about people facing mortal danger into meaningful response.¹ It also does so in a way that respects and seeks to strengthen state sovereignty. Indeed, the principle is premised on the conviction that Member States enhance their sovereignty when they protect their populations from genocide, crimes against humanity, war crimes, and ethnic cleansing.

The challenges of atrocity crimes may be daunting and the human cost staggering, but we cannot lapse in thinking that the means to prevent or halt them are beyond our reach. The past decade of R2P development has shown us that this is not the case. The next decade must build on these concrete advances, to deliver more effective protection for all populations.

Thank you.

¹ Ban Ki-moon, Remarks to General Assembly (Informal Interactive Dialogue) on "A vital and enduring commitment: Implementing the responsibility to protect," 28 September 2011.