

**Informal, Interactive Dialogue of the 67th Session of the General Assembly on the
Responsibility to Protect: Prevention and State Responsibility**

New York, 11 September 2013

PRESIDENT'S SUMMARY

Background

1. The President of the 67th Session of the General Assembly convened an informal, interactive dialogue on the Report of the Secretary-General on the responsibility to protect: "State responsibility and prevention" (A/67/929-S/2013/399) on 11 September 2013. The thematic debate commenced with opening remarks by H.E. Amb. Nawaf Salam, Acting President of the General Assembly, and the Secretary-General, H.E. Mr. Ban Ki-moon.

2. Mr. Adama Dieng, Special Adviser of the Secretary-General on the Prevention of Genocide, moderated a panel discussion on State responsibility and prevention which included remarks by Mr. Jan Eliasson, Deputy Secretary-General; H.E. Cecile Kyenge, Minister of Integration of the Republic of Italy; H.E. María Cristina Perceval, Permanent Representative of Argentina to the United Nations and Ms. Jennifer Welsh, Special Adviser to the Secretary-General on the Responsibility to Protect. Panellists agreed that prevention was the foundation and starting point of the responsibility to protect, noting that implementation of the concept requires not only effective responses to crises, but also a willingness and capacity to prevent crises from emerging and escalating. They explored the causes and dynamics of genocide, war crimes, ethnic cleansing and crimes against humanity (atrocity crimes) and the range of structural and operational measures that States can take to prevent these crimes. A number of immediate steps for national governments were also suggested, including national risk assessments and the ratification of relevant legal instruments.

3. Panellists emphasized that effective prevention implied building resilient, inclusive and transparent societies, with national institutions that respect human rights and the rule of law and have the capacity to address and defuse sources of tensions before they escalate. It also implies building societies which value diversity, and are willing to learn from the past to protect populations. Panellists reflected on national experiences of undertaking preventive action and proposed ways forward to strengthen atrocity prevention efforts. They also underscored that the principle of the responsibility to protect, particularly in its Pillar I dimension, enhances sovereignty.

Summary

4. Throughout the dialogue, Member States reaffirmed their commitment to protecting populations by preventing genocide, war crimes, ethnic cleansing and crimes against humanity, in line with paragraph 138 of the 2005 World Summit Outcome Document (A/RES/60/1). They stressed that the effectiveness of the implementation of the responsibility to protect is linked to the balanced and impartial discharge by Member States of their responsibilities and obligations under the UN Charter. They emphasized that no society should consider itself immune to the risk of atrocity crimes and that the primary responsibility to protect populations lies with each State. Many speakers acknowledged that the responsibility to protect is firmly anchored in existing standards of international humanitarian law, international human rights law and international customary law. Several Member States expressed the view that strengthening domestic prevention capacity could also strengthen state sovereignty by creating societies that are resilient to atrocity crimes and less likely to fall into conflict.

5. Many Member States welcomed the consultative process that led to the preparation of the Secretary-General's 2013 report. Referring to the risk factors associated with atrocity crimes that are set out in the report, many Member States supported the findings of the report. Speakers highlighted socio-economic inequality, identity-based discrimination and marginalization and the denial of rights and freedoms, as well as exclusion from decision-making and other processes within a society as important risk factors. A past history of atrocity crimes was repeatedly cited as a risk factor, leading some Member States to emphasize the importance of international justice mechanisms. Participants also referred to the lack of capacity to prevent atrocity crimes as a potential risk factor, including the absence of institutions to protect populations. Several speakers recognized that, as the Secretary-General noted in his report, gender discrimination and inequality increase underlying risks associated with sexual and gender-based violence, which can constitute genocide, war crimes and crimes against humanity in some circumstance. They therefore called for prevention efforts tailored to this risk.

6. Several speakers recognised that while atrocity crimes often occurred in the context of armed conflict, they also occurred in times of peace and that preventing or ending armed conflict does not necessarily eliminate the risk of such crimes. They noted that atrocity crimes were distinguished by the deliberate targeting of specific groups, communities or populations.

7. Referring to their own experiences, Member States outlined structural and operational measures that could be taken to prevent atrocity crimes. They noted that as each State and society was different, thus each State should assess which measures were most appropriate. However, they overwhelmingly stressed the importance of national infrastructure for the promotion and protection of human rights based on a framework of international human rights law; good governance based on the rule of law; strengthening of the judiciary; security sector reform; constitutional reform and human rights education, as well as the creation and maintenance of an active, diverse and robust civil society, including a pluralistic media, as critical for preventing atrocity crimes. Several Member States pointed to the important role of mediation and preventive diplomacy in resolving conflicts and tensions at an early stage. Ensuring accountability for perpetrators of atrocity crimes was recognized as critical, and several States noted the importance of commemorating past atrocities and ensuring fair and inclusive transitional justice processes. Also recommended were measures to promote horizontal equality by increasing equity in the distribution of resources and opportunities, as well as measures to enhance transparency and reduce corruption. Reference was made to opportunities to build structures for prevention on the basis of existing religious and cultural foundations.

8. A number of speakers welcomed initiatives led by a group of Member States to encourage the appointment of national focal points on atrocity prevention on the responsibility to protect, in order to catalyse and coordinate action among governments. Several said that they had already appointed a national focal point or were in the process of doing so.

9. In addition to national initiatives, Member States stressed the importance of working with regional and sub-regional arrangements and supporting regional and international efforts to assist States in fulfilling their responsibilities. They referred to the important roles played, for example, by the Human Rights Council, including through the Universal Periodic Review process; the Peacebuilding Commission; and the International Criminal Court. Some Member States also mentioned the importance of development aid as a form of international assistance for protecting populations.

10. Reflecting on lessons learned from experiences to date in undertaking preventive action, States stressed that failure to be pro-active and take measures to prevent genocide, war crimes, ethnic cleansing and crimes against humanity can lead to rapidly deteriorating situations, leaving States with fewer and more costly options for prevention. Many participants agreed that a key component of effective prevention was political will to act.

11. Many Member States made reference to the situation in the Syrian Arab Republic as a reminder of the “human cost” of State failure to prevent atrocity crimes. They highlighted also that while there has been a significant international response – particularly in terms of humanitarian assistance and asylum for refugees – there has also been significant failure on the part of some institutions within the international community in meeting their responsibility to protect in the case of Syria. Speakers called on the Security Council to act; some asked for the situation in Syria to be referred to the International Criminal Court. Several Member States called for voluntary restraint on the use of the veto by the five permanent five members of the Security Council in cases involving serious allegations of genocide, crimes against humanity and grave breaches of international humanitarian law. One Member State proposed that the Security Council should adhere to a ‘code of conduct’ on the use of the veto.

12. Focussing on the way forward, States overwhelmingly agreed that the General Assembly should continue consideration of the responsibility to protect. Several supported the Secretary-General’s proposal for a follow-up meeting on the theme of this debate. A number of Member States pointed to the crucial role of the international community in assisting national prevention efforts, thus enabling States to fulfil their responsibilities. In this regard, they welcomed the proposal by the Secretary-General that the next report and debate should focus on Pillar II of the principle as set out in Paragraph 139 of the World Summit Outcome Document, in which States committed to “helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.”