

FRANCE

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Points 44 et 107

· Réunion plénière sur la Responsabilité de Protéger

**Intervention prononcée par M. Jean-Pierre LACROIX, Chargé d'Affaires a.i.,
Représentation la France auprès des Nations Unies**

New York, 23 juillet 2009

(Vérifier au prononcé)

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63th session of the United Nations General Assembly

Item 44 and 107

Plenary meeting on the Responsibility to Protect

**Speech delivered by Mr. Jean-Pierre LACROIX, Chargé d'Affaire a.i.,
Permanent Mission of France to the United Nations**

New York, 23rd July 2009

(Check against delivery)

Mr. President,

In 2005, the heads of state and government meeting at the World Summit wanted to ensure that never again would we witness mass atrocities—those crimes of intolerable scope and cruelty that were all too widespread in the 20th century. For that purpose, they defined, by common agreement and by consensus, the principle of the responsibility to protect, which brings us here today.

That principle is in line with other legal frameworks and considerations. By virtue of both its preventive dimension and its operational aspect, which can, if necessary, result in a collective action under Chapter VII, it is a key element in the fight against mass atrocities, on a par with international humanitarian law, international human rights law and the international criminal laws.

Its emergence was made possible, let me remind you, by the conceptual leap made in the 1990s with the emergence of the right of humanitarian interference as formulated by France and by Bernard Kouchner, and which was ratified by several General Assembly resolutions. The Convention on the Prevention and Punishment of the Crime of Genocide, whose 60th anniversary we have just celebrated, also paved the way for the responsibility to protect.

The responsibility to protect is not a geographic concept to be implemented solely by developed nations. It was developed by prominent figures from every continent. Evidence of that fact is that article 5 of the Constitutive Act of the African Union in 2000 establishes the principle that the AU has the right to intervene in a member state when the Conference issues a decision in certain grave circumstances such as war crimes, genocide and crimes against humanity.

In fact, nations, the international community and the UN system have already been contributing to the responsibility to protect for a number of years now. Whether in Kenya in 2008 or in the Former Yugoslav Republic of Macedonia from 1992 to 1999, the international community demonstrated that it is possible to avoid the worst by mobilizing all of its stakeholders. Twice in 2006, the Security Council reaffirmed the provisions of paragraphs 138 and 139 of the final document of the 2005 summit in Resolution 1674 on the protection of civilians in armed conflict and in 1706 on the Darfur crisis. UNSC 1674 on the protection of civilians also made it possible to integrate human rights and international humanitarian law in more than a dozen peacekeeping operations, thereby making it possible to avoid mass atrocities.

The responsibility to protect already largely exists; our heads of state and government recognized it as a universal principle nearly four years ago. We are therefore meeting not to discuss the definition of the concept, but rather to debate the means to strengthen its implementation and its respect, as the secretary-general invites us to do in his report.

Mr. President,

France warmly welcomes the report presented by the secretary-general on this topic. We believe it is balanced and pragmatic.

The report proposes an approach that is both strict and in-depth, strictly defining the responsibility to protect against four crimes enumerated by the final document in 2005: genocide, war crimes, ethnic cleansing, and crimes against humanity. France will also remain attentive to

ensure that natural disasters, combined with the deliberate action of a government that refuses to provide assistance to its population in distress or to ask the international community for aid, do not lead to a human tragedy that the international community could only watch helplessly.

France welcomes the important role the report assigns to preventive action. This is a key component of the responsibility to protect through its definition of national sovereignty, which gives nations lasting obligations toward their people.

Nations' respect for human rights law, international humanitarian law and refugee law is the first step toward exercising responsible sovereignty and preventing the four crimes I just mentioned. We call on States, as the secretary-general does in his report, to fully adhere to the permanent international instruments pertaining to these rights and to collaborate with the institutions associated with them, whether they be the UN High Commissioner for Human Rights, the Human Rights Council or special rapporteurs.

The fight against impunity is also one of the preventive tools capable of preventing mass crimes. France encourages all nations that have not yet done so to become party to the Rome Statute on the International Criminal Court and to put in place national legal mechanisms to ensure that no grave crime goes unpunished.

The international community has a role to play in strengthening the capacity of States and helping them exercise responsible sovereignty in order to protect their people. The report lists a whole range of international and regional mechanisms, often linked to the institutions already mentioned. We encourage the UN system to work in partnership with nations on this, and to integrate the logic of the responsibility to protect in their programs.

Likewise, by promoting democratic governance and respect for the rule of law, development aid plays a major role in implementing the responsibility to protect.

Mr. President,

France shares the viewpoint highlighted in the report with respect to the balance of the three pillars. The responsibility to protect is certainly not only the response to a crisis situation, its success depends on the ability of all of us to strengthen the prevention of mass crimes. But the responsibility to protect would not be complete without the third pillar that gives it its meaning—that is, the international community's reaction when one of the four crimes is about to be or is being committed.

This reaction can be expressed through many means, as the report points out. It is not limited to an action by the Security Council, even though that body, as defined by the UN Charter, is essential. It also includes all pacific settlement of dispute measures provided by Chapters VI and VII of the UN Charter.

Mr. President,

The secretary-general's report clearly shows that the responsibility to protect is a broad concept whose key element is prevention, and it is everybody's business—and first and foremost that of the nations whom, this report reiterates, must implement national and international mechanisms

to prevent, through respect for human rights and fundamental liberties, the emergence of situations that could lead to the four crimes listed above.

But is also the business of all the regional and international organizations that work directly or indirectly on preserving peaceful conditions.

Finally, it is the role of the UN and its different bodies, beginning with the Security Council, the Secretariat General, and funds and programs.

France calls on nations, the international community and the UN as a whole to meet this formidable challenge so that never again will we witness such heinous and unacceptable crimes as genocide, war crimes, ethnic cleansing, and crimes against humanity.

France will be fully involved in this daily effort, whether through bilateral action with its partners, in its development policy, or as a member state of regional and international organizations.

Thank you.