



**PERMANENT MISSION
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GENERAL ASSEMBLY – PLENARY MEETING ON THE
RESPONSIBILITY TO PROTECT
STATEMENT BY H.E. MR. CHRISTIAN WENAWESER
AMBASSADOR, PERMANENT REPRESENTATIVE

Mr. President,

We welcome today's first formal debate on the Responsibility to Protect (R2P) in the General Assembly and align ourselves with the statement delivered by Qatar on behalf of the Group of Friends of R2P.

Despite the increasing number of times the R2P norm has been referenced in UN resolutions and debates, the actual gap between our expressed commitment to protect civilian populations and our collective action in crises has widened. Thirteen years after the 2005 World Summit, it is high time to take the R2P from the conceptual to concrete action.

Mr. President,

The primary responsibility of each State to protect its population from crimes against humanity, war crimes, genocide and ethnic cleansing is not contested. In adopting the R2P norm, we have also collectively agreed on our joint responsibility when individual Governments are either unable or unwilling to fulfill this task. The Responsibility to Protect norm provides for a wide

range of measures, from diplomatic engagement to more robust enforcement measures. The Security Council, as the guardian of international peace and security, is given a special role to this end. In many situations involving mass atrocity crimes, however, the Council is paralyzed due to the use or threat of the use of the veto. The steadily increasing number of supporters of the ACT Code of Conduct, 117 States at present, is an expression of the collective expectation of UN Member States that Council membership comes with responsibilities and a stated commitment to take action to end or ideally prevent atrocity crimes. The 117 States who have joined the Code of Conduct have committed to support timely and decisive action to this end and not to vote against credible draft resolutions before the Council to this end. The Code of Conduct is in our view a baseline which all States running for SC membership should meet. And we invite all States who have not done so yet to join and work towards its application.

Mr. President,

It is disappointing that the political consensus around the R2P norm – 13 years we agreed on it unanimously – is still fragile. This is due in no small part to the misrepresentation of the norm with respect to the use of force. Frequently, the R2P norm is misconstrued as an attempt to bypass the UN Charter and to justify military action not authorized by the Security Council. This does not only harm the R2P norm, but also our international legal order. R2P does not alter the prohibition of the illegal use of force, one of the most important building blocks of the international order. Much rather, it spells out clearly that military action is possible as a last resort - and only when authorized by the Council.

Mr. President

If the R2P norm moves squarely within the framework of the existing regime with respect to the use of force, there is soon an additional tool for the Council to play its enforcement role with respect to the use of force more effectively: On 17 July, the International Criminal Court will commence its exercise of jurisdiction over the crime of aggression – the most serious forms of the illegal use of force. In addition to the established prohibition of the illegal use of force under the UN Charter, the ICC will in a complementary fashion offer the avenue of individual criminal responsibility for those in breach of this prohibition. We hope that a significant number of States will join the 35 State Parties that have already ratified the Kampala Amendments on the crime of aggression, governing the Court's jurisdiction over this crime. We also hope that the Council will avail itself of this new tool in its work to regulate the legality of the use of force in accordance with the UN Charter.

Mr. President

In addition to this new function, the ICC will continue playing a direct impactful role with respect to our topic of today: Ensuring accountability for mass atrocity crimes is an essential element of preventing their occurrence in the future. With its obvious limitations – in the absence of universality of the Rome Statute and the Security Council at best a reluctant enforcer of accountability – the ICC remains the centerpiece of the fight against impunity for these crimes and deserves our continued support.

I thank you.