

**THEMATIC DEBATE OF THE GENERAL ASSEMBLY ON
THE RESPONSIBILITY TO PROTECT**

**JOINT STATEMENT OF THE DELEGATION OF
DENMARK AND COSTA RICA**

**STATEMENT BY AMBASSADOR JORGE URBINA, PERMANENT
REPRESENTATIVE OF COSTA RICA TO THE UNITED NATIONS**

23 JULY 2009

Mr. President,

I have the honor to speak on behalf of the delegations of Denmark and my own country Costa Rica. We would like to thank you for convening this meeting and to express our appreciation for the interesting discussion that took place today. We warmly welcome the report of the Secretary-General and reaffirm our strong support for the three-pillar flexible strategy, as well as the recommendations for each of them and the way forward. We agree with the Secretary-General that all three pillars are equally important, and that the responsibility to protect is a “*narrow but deep concept*”, requiring the application of a broad range of existing approaches and instruments.

We also reiterate our commitment to the agreement enshrined in the 2005 World Summit Outcome Document, which has also been reaffirmed by several Security Council resolutions, including 1674, 1706 and 1755. The commitment to prevent mass atrocities has also been developed at the regional level. For the African Union, who pioneered the development of this concept, the responsibility to protect is based on the principle of non-indifference to mass crimes against humanity. It is the inexorable duty of all States and the international community to follow that lead.

Mr. President,

This debate is an opportunity to make progress in our task to provide operational content to the concept of responsibility to protect and uphold our commitment to a responsible sovereignty. This concept represents a shift of paradigm and the evolution of the concept of sovereignty, as well as a reaffirmation for the respect of life and human dignity as the basis of fundamental human rights as timeless and irrevocable values. The responsibility to protect must be a fundamental guarantee for the safety of people that goes beyond the security of States, especially in light of examples of abuse by governments that threaten the life and the integrity of their citizens.

The responsibility to protect, both Denmark and Costa Rica believe, is not without boundaries. The legitimacy of this concept is clearly restricted to the four specific crimes outlined in the 2005 World Summit Outcome Document. This entails a consistent application and adherence to rules and principles of international law on which the concept itself is based. We must avoid its abuse, double standards, selectivity, arbitrariness and its misuse for political purposes.

Mr. President,

The strengthening of the first pillar, related to the permanent responsibility of the State to protect its people, requires steps at the national level: strengthening democratic institutions and the rule of law, access to independent justice, security sector reform, freedom of expression, dialogue, social cohesion and political participation, among others.

As highlighted in the Secretary-General's report, it is urgent to continue the fight against intolerance, exclusion, racial hatred and discrimination. These warning signs should never be minimized or ignored again. States should be more effective in promoting and protecting human rights, including respect for the rights of minorities and to quickly respond to challenges by reducing tensions and preventing widespread violence. The peaceful settlement of disputes is highly relevant and national justice must act effectively against those inciting to or committing crimes under the responsibility to protect.

Mr. President,

Regarding the second pillar on international assistance and capacity-building, technical assistance in security sector reform and the rule of law are key areas for strengthening States' ability to protect. Donors and partners should increase international cooperation and funding to improve policing and civilian services, which are vital for restoring order and confidence in times of crisis. Furthermore, capacity-building must ensure access to justice and improvements in the legal sector, as well as to provide training to national authorities to deal with cases regarding responsibility to protect and to provide assistance to victims. Mechanisms of international law, such as the International Criminal Court, also play a key role.

The concept of responsibility to protect implies a process that not only includes prevention and response to violence, but also subsequent reconstruction to prevent reoccurrence of conflicts. As the report clearly states, "*the surest predictor of genocide is past genocide.*" Assistance in the responsibility to protect area has a critical impact on peacebuilding. The Peace Building Commission role in this area should be strengthened.

It is important that international cooperation for development reduces the exposure to mass violations of human rights. Costa Rica has stressed the importance of the incorporation of ethical criteria in the cooperation for development. Denmark, as a major international donor, will continue to provide substantial assistance for capacity-building efforts, not least in the legal sector and the human rights sphere, that are relevant for building more resilient institutions.

Mr. President,

Costa Rica and Denmark are both convinced – as stated in the Secretary-General’s report - that it is “*the responsibility of member states to respond collectively in a timely and decisive manner, when a State is manifestly failing to provide protection*” in a responsibility to protect situation. The variety of options presented by the Secretary-General are broad, and are in no way limited to the coercive actions or the exclusive application by the Security Council. The responsibility to protect favors prevention and assistance first; peaceful means over the use of force and the establishment of proper conditions in cases, where the use of force may be necessary as a last resort. Namely, in situations where States are manifestly not able or willing to assume their responsibility to protect and other options have been exhausted.

We recognize the importance and complementarity of the different actors and United Nations bodies in implementing the third pillar. In this regard, we support close interaction between the Security Council, the General Assembly and the Secretariat, as well as the communication between them and regional and sub-regional organizations. These organizations play a key role in preventing and resolving conflict situations, as well as avoiding conflicts resulting in crimes that fall under the concept of responsibility to protect. In this sense, mediation, dialogue and preventive diplomacy are essential – at both the international and regional level.

It is imperative to deploy effective instruments to prevent the occurrence of such crimes. Early warning and assessment mechanisms are critical to improve the rapid response capacity of the Organization.

With respect to the use of force, rather than authorizing unilateral interventions, the responsibility to protect aims at expanding multilateral options to improve the Security Council’s performance. The Council has great dissuasive potential and can apply binding punitive measures, such as targeted sanctions, in addition to military action. There are cases of crimes under the responsibility to protect that constitute threats to international peace and security and therefore, the Security Council should make use of all tools at its disposal – even in situations that are not formally on its agenda.

Systematic violations of human rights constitute a threat to international peace and security that deserves special attention by the Security Council. No country or group of

countries should be allowed to interfere or obstruct decisions that impede the implementation of the responsibility to protect, including by veto. We support the Secretary-General's call to refrain from employing the use of veto in situations where there is clear failure to meet responsibility to protect obligations.

We have come here to follow up on the concrete implementation of these commitments agreed upon at the highest level in 2005. Denmark and Costa Rica, are committed to a cross-regional effort to avoid the repetition of past crimes. Advancing the responsibility to protect must be a common goal that transcends geography, levels of development, and political, religious or ideological barriers. In the words of the distinguished Scandinavian, the former Secretary-General Dag Hammarskjöld, "*the United Nations was not created to take humanity to heaven but to save it from hell.*"

We urge the international community to move forward together so that the responsibility to protect becomes a tangible reality, an applicable concept, and a permanent hope for the victims of responsibility to protect crimes. In order to advance this concept, Denmark and Costa Rica, both support the proposal by the Secretary-General to present regular reports - annual or biannual - on progress in the implementation.

Thank you