

**The Secretary-General's High-level Retreat with Heads of Regional and other Organizations (AU, ASEAN, CSTO, Commonwealth, ECCAS, ECOWAS, EU, IGAD, Francophonie, LAS, NATO, OSCE, OAS, OIC, SAARC, SADC)**

**Panel I – Acting Early to Prevent Conflict**

**Statement by Ms. Patricia O'Brien,  
Under-Secretary-General for Legal Affairs  
The Legal Counsel**

**Saturday, 9 June 2012, 10.40 am – 10.45 am  
Greentree**

Secretary-General,  
Distinguished Heads of Regional and Other Organizations,

Thank you very much for giving me the floor. Allow me to say a few words here from a legal point of view on the topic of our panel "acting early to prevent conflict".

Thanks to the leadership and determination of our Secretary-General, I think it is safe to say that legal considerations, such as the rule of law, justice, responsibility to protect and accountability are now accepted as indispensable elements in every conflict prevention strategy. This is a major achievement.

Let me be more specific on two essential elements of our strategy of preventing conflict through strengthening accountability: one is the concept of the responsibility to protect and the other is the significance of international criminal justice.

**R2P**

Adopted by the 2005 World Summit of Heads of State and Government, the concept of the responsibility to protect was translated into action on a major scale in 2011. It is remarkable how far we have come since 2005. By now, the world has embraced the Responsibility to Protect - not because it is easy, but because it is right.

R2P gives expression to what has become a global-wide conviction that it is immoral and unacceptable for States to commit or to allow serious international crimes to be committed against their populations, and that the international community has a responsibility to prevent these crimes and, where they are occurring, to address them. Although, R2P may not be an obligatory new rule and may not impose binding new duties, it nevertheless does confer

additional responsibility and that additional responsibility includes taking action. And just to make this very clear: the sometimes controversial pillar III includes action under Chapters VI and VIII, as well as under Chapter VII, and includes cooperation with relevant regional organisations, as appropriate. And of course, the concept is necessarily limited by the legal framework provided under the Charter.

2011 was the year in which the Responsibility to Protect came of age and passed a tough reality test.

The results were not always even, but I firmly believe that at the end of the day by implementing the concept of R2P, tens of thousands of lives were saved. We demonstrated that protection of fellow human beings from atrocity crimes is a defining purpose of the United Nations in the twenty-first century.

And let me add: implementing the concept of the responsibility to protect will not be possible without the strong support the UN receives from regional and other organizations. In Libya we partnered with NATO; in Syria we stand shoulder to shoulder with the League of Arab States. Nothing will work well without the regional and other organizations working closely with the UN. Nothing is impossible if we work hand in hand.

It is interesting to note that as the discussions on Syria continue, many have noted that it is the 30 year anniversary of the so-called "1982 Hama Massacre" in which the Syrian Army, under the orders of Hafez al-Assad, quelled an uprising in the town of Hama. The city of Hama was shelled for weeks and it has been estimated that tens of thousands were killed. At that time, the bodies of the United Nations did not take action, or even debate taking action, in response to the incident. It is a sign of how far the international community has come that there has been such a relatively quick response and that even if there is not a consensus on what action to take, the general consensus is that some action should be taken with respect to the current incidents in Syria.

Secondly, I wish to underscore the importance of our system of international criminal justice for the prevention of conflicts.

## **Accountability**

Sixty-seven years after the Nuremberg and Tokyo Trials and 64 years after the Genocide Convention, the world has come to embrace accountability as an integral part of enduring peace.

A remarkable expression of the power of accountability was the recent judgment of one such tribunal, the Special Court for Sierra Leone, in the case against Charles Taylor, former President of Liberia. This judgment constitutes a major victory in the fight against impunity.

The judgment sends a strong signal to all leaders that they are, and will be held, accountable for their actions. And this is precisely where we need to go.

His conviction is the most recent in what is becoming a long line of powerful figures who have been held to account by international courts and tribunals and, increasingly, too, by domestic courts. They include prime ministers, ministers, politicians, military leaders and media figures, from the Balkans to Rwanda, from Cambodia to the Democratic Republic of Congo. Accountability has become firmly entrenched as part of the way that we do business.

The ICC provides the opportunity and the vehicle for our generation to significantly advance the cause of justice and, in so doing, to reduce and prevent unspeakable suffering.

The ICC builds on the significant pioneering work of international and internationalised criminal tribunals.

Accountability for serious international crimes has a strong preventive element. It helps to deter future perpetrators. We want to move from retribution to reconciliation and from punishment to prevention.

In different stages of a conflict, R2P and accountability blend into one another and have to be seen within the overall framework of the rule of law. The rule of law weaves its way through the concept of R2P and is the solid foundation on which accountability can be ensured.

Thank you very much for your kind attention.