



Statement by Ambassador Munir Akram, Permanent Representative of Pakistan to the United Nations, at the 97th plenary meeting on “The Responsibility to Protect (R2P) and the prevention of genocide, war crimes against humanity”

(01 July 2024)

Mr. President,

Thank you for convening this debate.

2. The international community has adopted a vast array of laws and norms to prevent genocide and other war crimes and crimes against humanity. The international legislation comprises the Fourth Geneva Conventions and the Genocide Convention. Their observance and implementation is obligatory on all Member Parties.

3. The concept of the Responsibility to Protect was advanced by some States and non-governmental organizations during the preparations for the 2005 UN Summit. It was a controversial concept from the outset. In the context of the foreign intervention in Iraq, it generated concerns that the concept was designed to open the possibility of intervention in the internal affairs of States. The 2005 Outcome Document (in paras 138 & 139) consciously restricted the scope of the R2P concept to genocide, war crimes, ethnic cleansing and crimes against humanity. Thus, broadly, the R2P concept merely encapsulated existing international humanitarian law. The primary responsibility for the protection rests with the State itself. Only if the national authorities are unable or unwilling to do so, can the international community take collective action through the Security Council on a case-by-case basis. This authority exists already under the Genocide Convention. The value addition was its extension to the war crimes, ethnic cleansing and crimes against humanity as defined in the Geneva Conventions and accompanying international humanitarian laws.

4. Unfortunately, from the outset, some quarters sought the application of R2P beyond the parameters set out in the Outcome Document. Secondly, it was sought to be applied in situations where there was no compelling evidence that State authorities were unable or unwilling to act. Some epic interventions – e.g. in Syria and Libya – were partially justified by the R2P concept – mostly with disastrous consequences. And, in other instances, intervention was unilateral, without the explicitly required endorsement of the Security Council.

5. What is most tragic is that, while used to justify certain interventions, the R2P has failed dramatically to prevent and punish genocide and other crimes when there have actually happened.

6. The most visible example of this failure is the on-going genocide in Gaza and other parts of the occupied Palestinian territories. Over 8 months, Israel's military onslaught has killed almost 40,000 Palestinians, mostly women and children; 86,000 have been injured. Humanitarian supplies have been obstructed; hundreds of humanitarian workers killed. Famine and pestilence stalk Gaza. Indeed, there could be no better illustration of a situation where the international community has the right – indeed the urgent obligation – to intervene to stop this genocide and accompanying war crimes.

7. But where are the original eloquent proponents of R2P? Some have impeded Security Council from demanding a ceasefire. Some have supplied – and continue to supply – arms and ammunition to Israel – even after the ICJ has asked Israel and its suppliers to stop this “plausible genocide”. Even the resolution 2735 – where Israel is supposed to have accepted a ceasefire plan – remains unimplemented. Israeli military operations continue. The killing goes on.

8. Is this not a situation where the Security Council, acting under the Genocide Convention, reinforced by the R2P doctrine should intervene to offer protection to the victims? The OIC has proposed creation of a Protection Force. This must be urgently considered by the Security Council.

9. For the rest, the international community need to consider how best it can help in preventing other genocides, war crimes and crimes against humanity. It should take cognizance of situations where entire populations are being brutalized and where genocide is possible. By definition, and by the example of Gaza – it is evident that peoples under foreign occupation are most at risk.

10. Two years ago, the Organization, Genocide Watch, warned of the danger of genocide in Indian-occupied Jammu and Kashmir. An army of 900,000 Indian troops have been deployed to suppress the Kashmiris quest for freedom and self-determination. Since 1989, over 100,000 Kashmiris have been killed; 20,000 women raped; thousand made to disappear; 13,000 young boys abducted and many tortured; where all leaders seeking freedom are incarcerated. Occupied Kashmir where extra-judicial killings, collective punishments, torture and other crimes are a daily reality. Where “laws” have been imposed to deprive indigenous Kashmiris of their properties and to induct Hindu settlers

from outside and change demography of Muslim-majority Jammu & Kashmir into a Hindu majority territory. The R2P movement must act now, if genocide and ethnic cleansing is to be prevented in occupied Jammu and Kashmir.

Mr. President,

11. There is an equally serious danger which has arisen from the officially sponsored ideology of Hindutva- an ideology that encourages the establishment of a Hindu - only Bharat. Muslims face systematic, officially sanctioned, discrimination, violence and oppression. The law-enforcement and judicial machinery is complicit in this oppression. Lynching of Muslims by cow vigilantes and RSS thugs goes unpunished. Calls for genocide against Muslims by Hindutva extremists, and even the leaders of the country, evokes no punishment, like the threat last week by a BJP leader to kill 200,000 Muslims. The head of Genocide Watch has also warned that a genocide against 200 million Muslims of India is possible.

Mr. President,

12. Pakistan's call for cognizance of the situation in occupied Jammu and Kashmir and within India, deserves the special attention of the Special Advisor on the Responsibility to Protect. We look forward to working with her to advance the objectives of international humanitarian laws and the provisions of the 2005 Outcome Document.

I thank you, Mr. President.