

# **The Centrality of Protection: Whose Responsibility is it anyway?**

**Keynote Address by Mr. Adama Dieng, United Nations Under-Secretary  
General, and Special Adviser of the Secretary-General on the Prevention of  
Genocide**

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**Distinguished colleagues,**

**Ladies and gentlemen,**

**Dear friends,**

I am pleased, and indeed honoured, to join you today in your reflections on how to respond to the protection challenges you face, both at the headquarters and in the field. The relevance of this discussion to me, personally, stems not only from my current mandate as the Secretary General's Special Adviser on the Prevention of Genocide, but also from the importance I attach to the evolving reality- and challenges - of the collective responsibility of the international community to prevent human suffering and our willingness and readiness to meet this challenge. I was therefore extremely delighted when I received an invitation from my good friend Volker to come and share my thoughts on this issue.

**Ladies and gentlemen,**

It is a well-recognized principle of international relations that states have the exclusive authority to determine what happens within their territories and that no other state or external institution can intervene without express agreement of the State. Indeed, recognition of this principle is well captured by the United Nations Charter, which reiterates that '...Nothing should authorize intervention in matters essentially within the domestic jurisdiction of any state'. By emphasizing the sanctity of sovereignty and the right of states to determine their destiny without external interference, the Charter was reaffirming the importance of the principle of sovereign equality –

and its profound aspiration for peaceful co-existence among all states, both rich and poor, mighty and weak.

Yet, we must agree that while the Charter was adopted in the context of the quest to create a peaceful world and to ‘rid the world of the scourge of war’, the Charter – and the broader body of international law of which it forms a part - does not grant states with an automatic license to treat their people any way it pleases them. The principle of sovereign equality does not entail immunity from international concern – or even jurisdiction – over infringements of standards themselves agreed to by states (for example, in agreements such as the Genocide Convention). In addition, it is the same Charter that - while recognizing the sovereign right of states to determine their affairs without external interference – also, goes on to declare that external intervention is legitimate if it serves the “*protection of common interests*”. However, this wording in the Charter leaves us in a dilemma, with many questions unanswered. If I may echo the words of the former Secretary-General, Kofi Annan, what are these common interests? Who determines or identifies them? Who is the guarantor of these interests? And perhaps a more difficult question would be to ask who should act to protect them? These are questions that we must reflect upon and find answers to if we are to protect the weak and vulnerable in our midst and maintain peaceful coexistence among nations and nationalities.

**Ladies and gentlemen,**

It was the recognition of the complex nature of the questions I just raised that in 2004, the Secretary General established the Office of the Special Adviser on the Prevention of Genocide. The establishment of this Office was partly in recognition and acknowledgement of past failures

by the United Nations Organization in preventing the atrocity crimes, such as those that took place in Rwanda and the Balkans in the early 1990s. The establishment of the Office and appointment of the Special Adviser was therefore an attempt to enhance the existing institutional and legal framework to better respond to similar challenges in the future.

Building on the efforts of the Secretary General and the discussions that were taking place within the international community on state sovereignty and responsibility, in 2005 the UN General Assembly endorsed a new doctrine on the ‘Responsibility to Protect’. Through this principle, the international community reaffirmed that the primary responsibility for the protection of populations from atrocity crimes, by which we are referring to genocide, war crimes, ethnic cleansing and crimes against humanity, as well as their incitement, rests with the states where these crimes are anticipated or occurring. It is therefore evident that the ‘Responsibility to Protect’ essentially reiterates the principles of the UN Charter, namely that states have the primary duty to protect their populations from atrocity crimes. However, the Summit Outcome Document also calls upon the international community to assist states in their protection responsibilities, *by helping states build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.*

In addition, when states manifestly fail in this responsibility, their failure becomes a matter of ‘common interest’ to the international community and a variety of means – political, diplomatic, humanitarian, and – if necessary, military – can be used to ensure the protection of populations.

In practice, protecting populations from atrocity crimes requires *preventing* situations that may lead to genocide, war crimes, ethnic cleansing or crimes against humanity. The Secretary General has reiterated the importance of prevention in the context of RtoP, and urged states, regional, and international organisations to improve their early warning and preventive capacities. It also means reacting or providing adequate response to situations where atrocity crimes are occurring or are imminent. To underline the importance of this aspect, *paragraph 138* of the World Summit Outcome Document reminds us that: *'Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. The international community should, as appropriate, encourage and help States to exercise that responsibility'*. Similarly, Paragraph 139 of the same Document reaffirms the resolve of global leaders: *To commit as necessary and appropriate, to helping states build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.*

**Ladies and gentlemen,**

In his 2009 Report on implementing Responsibility to Protect, the Secretary General set out a three-pillar framework for the implementation of the RtoP doctrine to achieve its objectives of protecting populations from atrocity crimes. The first pillar recognizes the inherent responsibility of states to protect their populations from these crimes. The second pillar recognizes the commitment of the international community to provide support to Member States to meet their

responsibilities under pillar one. In other words, when states are under stress and require assistance to fulfill their protection responsibility towards their own people, the international community must be ready to assist. The third pillar recognizes that there may be instances when states manifestly fail to protect their populations from atrocity crimes. Under such circumstances, the international community must be ready to act collectively, on a case by case basis and within the framework of the United Nations Charter, to protect populations and save lives.

The Responsibility to Protect *does not* nor *does it purport* to shift the primary role of states to protect their own people onto the international community. Rather it reinforces the claim that states should undertake to fulfill this role as part of their general obligations towards their populations – and the word “populations” was deliberately chosen to include all populations residing within state boundaries, whether citizens or not, and including refugees. Where a state lacks that capability, it should strive to seek support to acquire the necessary means to discharge this obligation effectively. It is only when the state fails to respond to the protection needs of its people, or when the state is itself the perpetrator, that the international community can step in and take appropriate measures, consistent with the Charter, to protect affected populations.

Concerns have been raised that RtoP could be used to justify intervention by the international community in the affairs of State to bring about regime change. Any military operation that is aimed primarily at regime change, even if that regime is guilty of gross human rights violations, cannot be said to be in accordance with the principles of the ‘Responsibility to Protect’. The use of force is only in accordance with RtoP if authorized by the United Nations Security Council with the specific aim of preventing or halting the atrocity crimes identified by the Summit Outcome Document.

Those who criticise the ‘Responsibility to Protect’ also allude to what they call inconsistent or opportunistic application of the concept. For instance, it has been suggested that there should be guidelines for decision-making by the Security Council when it comes to authorisation of coercive measures in potential RtoP situations. However, we must understand that each situation that comes before the Security Council is different and that the Council, as a political rather than juridical body, is bound to analyze each situation as it arises – indeed, the language of the Summit Outcome Document speaks of the Council acting “on a case by case basis”, taking many different factors into consideration before taking action. It is important that such flexibility is maintained, as different situations will call for different actions at different moments to prevent the commission of atrocity crimes. Moreover, there are many ‘pillar 3’ measures that can be taken without resort to the Security Council; by actors at the national, regional and international level who have different points of entry, different windows of opportunity, and different capacities to influence any given situation.

However, we, within the Organisation of the UN, must be consistent in our application of the responsibility to protect and must work in a coordinated, cooperative way in preventing and responding to potential “RtoP crises”. While I am glad that RtoP has gained traction since its inception within the UN inter-governmental bodies, as evidenced by the use of RtoP language in resolutions of the Security Council, General Assembly and the Human Rights Council – and I deeply appreciate the leadership of the Secretary General on RtoP implementation, it is evident that we still have major challenges ahead of us.

Certainly, the reality that RtoP can be a key tool to protect civilians facing imminent danger of atrocity crimes was demonstrated by the quick action of a united Security Council to authorize intervention to protect civilians in Libya who faced an imminent threat from their government. I

must also say that the ongoing international efforts to protect civilians in CAR, with the support of the Security Council, reinforces the primacy and relevance of RtoP, especially in a situation like this one, where state institutions range from very weak to non-existent.

Indeed, consensus among the Member States lends essential legitimacy to any military action that may be contemplated within the RtoP framework. We must acknowledge the reality that RtoP can only achieve its full potential to protect populations only if the international community acts with one voice. The tragedies that have been unfolding before our eyes are a potent reminder that RtoP can be truly effective in alleviating human suffering only when the international community is united in its resolve to act with a common purpose in defence of humanity - which is one of the founding principles of the UN Charter, UDHR and scores of international and regional human rights instruments. While a variety of actors have indeed fulfilled their responsibilities of protection in Syria (most notably humanitarian actors and the Human Rights Council), the Security Council has been limited in its capacity to act and regional actors have in many cases fuelled rather than stemmed the conflict.

**Ladies and gentlemen,**

It is in the recognition both of the continued challenges facing the full implementation of the RtoP and of the critical role of the international community in protecting populations against atrocity crimes, that the Secretary General has led the development of an innovative approach to the prevention of mass atrocities and the protection of populations with the UN system. This approach, now called the '**Rights Up Front**' initiative, is premised on an understanding that widespread, grave human rights violations are a crucial early warning sign for the commission of potential atrocities. As we continue to be painfully reminded, whenever we do not pay sufficient



heed, and do not do enough to address serious and widespread violations of human rights, such as those in the Central African Republic, South Sudan and Sri Lanka, we are encouraging an environment that is conducive to potential or actual atrocity crimes. The Rights Up Front initiative is underpinned by six areas of action. It is hoped that by taking timely and decisive action within these specific areas, the United Nations family, working closely with Member States, can address situations where an escalation in human rights violations could lead to atrocities, particularly in countries where there is not a large UN presence. The first area of action is the full integration of human rights into the work of the United Nations staff members. While respect for human rights is at one of the core principles of the UN Charter, the Secretary General wants to reaffirm and re-invigorate this aspect of the Charter and relevant GA resolutions through training, induction and mentoring programmes for all UN staff.

The second aspect calls for the Secretariat and the wider UN family to provide Member States with relevant, timely information on situations of grave human rights violations in order to take diplomatic and political action. Essentially, the Secretary General believes that this is key for the international community in order to be able to act to address mass violations of human rights. It is only through receiving such information and its timely dissemination among key stakeholders that Member States will be in a position to fully consider and take appropriate measures to meet their responsibilities, as enshrined in the Charter and other relevant resolutions and initiatives. The third priority is for the UN's presence in a country to be better used – and better supported – so to respond earlier and more decisively to situations where there is a risk of grave human rights violations. UN field and country offices will therefore be equipped to ensure that they understand what action would be required to address potential risks or crises before they escalate into fully fledged conflicts. Where a UN Country Team does not have adequate resources,

support will be provided. Fourthly, the Secretariat will endeavor to increase its coordination and dialogue with Member States through the General Assembly, Security Council and the Human Rights Council and explore all possible opportunities to work through the Member States and regional organisations to influence a situation at risk. It is hoped that strengthening dialogue and engagement with these key bodies will enhance our collective ability to address human rights violations which, when left unchecked, may lead to atrocities. Fifth, the United Nations will strive to strengthen and better organize its human rights capacity and coordination mechanisms, in New York and Geneva, to achieve greater impact in situations where serious violations are taking place. And lastly, these five areas of action will be underpinned by the enhanced information management on threats and risks to populations and sharing of such information with Member States to ensure early action. Our Joint Office on the Prevention of Genocide and the Responsibility to Protect will be central to the information gathering and analysis of risk factors and triggers for atrocity crimes.

**Ladies and gentlemen,**

The Rights Up Front initiative builds upon, and indeed reaffirms, the critical role and primary responsibility of the Member States to protect their own populations from atrocity crimes. This initiative is therefore meant to concretize what is already reflected in the United Nations Charter, the Universal Declaration of Human Rights, the Genocide Convention, and various GA resolutions on the protection of human rights. It simply calls upon the UN family to strengthen its resolve and capability to address grave rights violations. I can therefore say that the Rights Up Front initiative complements existing initiatives, such as the responsibility to protect, aimed at improving the protection of populations who are at risk of genocide, war crimes, ethnic cleansing and crimes against humanity.

In November 2012, the Secretary General released the report of his Internal Review Process on UN Action in Sri Lanka. This thorough self-assessment of the role of the United Nations in the final days of the conflict, candidly pointed out the shortcomings of the Organization. The report stated that there had been ‘a systematic failure’ of the Organization in the final days of the conflict. The report also concluded that the UN Secretariat, Funds and Programmes were not given the requisite support to carry out their responsibilities as mandated by the Member States. UN actors also failed to use the full range of measures at its disposal – particularly political tools – to prevent the commission of crimes. The decision of the Secretary-General to commission and release the findings of the Internal Review Process demonstrates his determination to follow through on the lessons learnt and enhance the capability of the organization to better respond to similar situations in the future. Indeed, the Rights Up Front initiative represents the Secretary Generals’ key responses to the report of the Internal Review Process.

It is therefore not surprising that one of the key components of the Rights Up Front initiative is a call for better coordination between the Secretariat and UN offices in the field, strengthening of our human rights protection capacities and dialogue with Member States. It is only through working as one family that the United Nations can deliver on its mandate.

Field oriented organizations like the UNHCR play a key role in improving global protection measures for populations at risk of atrocity crimes, given their proximity to these populations. It is therefore crucial that such organizations share information with their counterparts and colleagues both in the field and at headquarters to ensure that there is timely action on potential or actual rights violations.

During my recent mission to the Central African Republic, I witnessed at firsthand how human rights violations can easily and quickly lead to atrocities against innocent civilians, if they are not addressed. In a situation where state institutions are weak, corrupt or, in some cases, non-existent, UN presences on the ground have a primary role to play in raising the alarm at impending atrocities. This is one reason why my office continues to explore ways to enhance coordination with partners such as UNHCR to ensure that information relevant to early warning on potential atrocities reaches relevant stakeholders for timely action. I believe that working closely with your representatives in the field and other officials here in Geneva can significantly enhance our ability to recognize and respond in a more timely way to widespread or serious human rights violations that are potential precursors to atrocities. It is also critical that all of us seek to understand the protection strategies adopted by vulnerable populations themselves so that our efforts – whether through agencies such as UNHCR or through decisions taken at UN headquarters – support, rather than undermine, these local strategies. We must also do more to ensure that the information we gather on vulnerable populations is handled carefully, and sensitively, so that our efforts to protect do not – unintentionally – undermine their security.

**Ladies and gentlemen,**

Before I conclude, I would like to reiterate my firm belief that prevention is a better strategy than intervention after the fact. As a former Registrar of the ICTR, an institution that was established by the Security Council in the aftermath of the Rwanda genocide to try those who bear greatest responsibility for the crimes committed, I too well understand the price of lack of action to prevent atrocities. I speak from painful experience when I say that widespread, serious human

rights violations are the best early warning sign of likely atrocities. As rightly noted by the Secretary General through the Rights Up Front initiative, prevention of mass atrocities must start with documenting and addressing human rights violations and combatting a culture of impunity.

While the prevention of conflicts themselves is another huge challenge, we can always do much more to protect civilians and mitigate the impact of these conflicts. We all have different, equally important roles to play and a shared responsibility. States have a responsibility to protect their own people. However some states are unable to offer this protection and need international support. Others deliberately target sectors of their populations. Given the breadth and scope of its presence worldwide, the United Nations, together with its partners, has the capacity to warn of impending crises, generate effective prevention strategies and, where necessary, mobilize an effective response. Never again can sovereignty stand unchallenged and be held to give states the license to treat their own people any way they deem fit. Sovereignty must be understood as bringing with it responsibility. Responsibility for the protection of all populations under their care, and for the wider goal of global peace and security. We can only achieve this objective if we act with a collective resolve to ensure that *never again* will innocent men, women and children suffer the consequences of atrocity crimes because those who are best placed to do something on their behalf fail to take action.

I thank you very much for your attention.