Keynote Address by Under Secretary-General Adama Dieng, Special Adviser of the UN Secretary-General on the Prevention of Genocide

"Ten Years of the RtoP: The Way Ahead. Implementation of a normative principle"
Washington DC, World Bank, 16 November 2015

Ladies and gentlemen,

Despite repeated calls to "never again" allow the most terrible forms of persecution and violence to occur, the international community has struggled to systematically prevent and halt genocide, war crimes, ethnic cleansing and crimes against humanity.

The responsibility to protect was designed to fill this gap between rhetoric and action. At the 2005 World Summit, Member States formally recognized the political and moral imperative to prevent and halt atrocity crimes. They affirmed their primary responsibility to protect their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity and accepted a collective responsibility to assist each other meeting this obligation.

My remarks today will make the case for the principle's enduring relevance, take stock of the progress to date, and address how development assistance can contribute to the prevention of atrocities.

The formulation of the responsibility to protect adopted in 2005 has proven farsighted for four reasons. First, it employs a narrow scope. Limiting the principle to the most serious international crimes has helped to ensure that the responsibility to protect remains squarely focused on closing the distance between specific obligations under international law and the reality faced by populations at risk.

Second, the 2005 World Summit Outcome clarifies who bears the responsibility to protect. It establishes that the primary responsibility to protect falls upon national authorities, and that this responsibility entails prevention. But it also stipulates that the international community has a

collective responsibility to provide assistance and an obligation to take collective action in the most extreme situations when Member States are either unwilling or unable to adequately protect their populations.

Third, while the responsibility to protect directs attention to the plight of individuals suffering from egregious forms of violence and persecution, it does so in a way that respects and strengthens state sovereignty. The principle is premised on the conviction that Member States enhance their sovereignty when they protect populations from atrocity crimes. The responsibility to protect and State sovereignty are thus mutually-reinforcing.

Fourth, Member States reached a carefully crafted agreement that limits the potential for the principle to be abused in the pursuit of other political objectives. The responsibility to protect is governed by the collective security provisions in Chapters VI, VII and VIII of the United Nations Charter. It encourages a broad perspective on the types of instruments the international community can use to prevent and respond to atrocity crimes, but it also maintains that the use of any coercive measures requires Security Council authorization.

These elements of the responsibility to protect have proven both politically and practically powerful. Politically, they have contributed to the development of a consensus on issues that once divided the international community. Member States now agree that prevention is at the core of the principle, that international action should employ the full range of diplomatic, political and humanitarian measures, that military force should only be considered as a measure of last resort, and that implementation must take place in accordance with the United Nations Charter and other established principles of international law.

Practically, the responsibility to protect's clear articulation of both the means available and the actors responsible for protection has enabled the Secretary-General to develop and elaborate a robust framework for implementation based on three equal and mutually-reinforcing pillars. Pillar I addresses how States can fulfil their primary responsibility to protect their populations. Pillar II outlines the collective responsibility of the international community to encourage and help States meet their responsibility to protect. Pillar III elaborates options for timely and decisive response. This framework has not only provided a guide for concrete efforts to improve atrocity prevention and response, but also helped to direct attention to areas where more work is needed.

The responsibility to protect is thus a uniquely useful resource. It both spurs political action and advances our understanding of the policies required to prevent atrocity crimes. It focuses attention directly on vulnerable populations, but also seeks to reinforce State sovereignty and uphold international law.

It should not be surprising, then, that the last decade offers some encouraging signs. Concerted international engagement in Cote d'Ivoire, Kenya, Kyrgyzstan, and Guinea has helped to avert the recurrence of atrocity crimes. Despite paralysis over Syria and the lingering controversy surrounding NATO intervention in Libya, the Security Council has adopted more than thirty resolutions and presidential statements that refer to the responsibility to protect, with increasing frequency and specificity since 2011. And engagement with the principle is by no means limited to the Council. The General Assembly, Human Rights Council, African Commission on Human and Peoples' Rights and the European Parliament have all referred to the responsibility to protect or recommended its full implementation.

The principle has also encouraged the development of new capacities dedicated to atrocity crime prevention. Each of the 52 members of the Global Network of R2P Focal Points formally designated a senior official responsible for promoting implementation of the responsibility to protect at the national level and fostering international cooperation on atrocity crime prevention and response. Complementary networks have also emerged to address these challenges at the global and regional levels, such as the Global Action Against Mass Atrocity Crimes and the Latin American Network on Genocide and Mass Atrocity Prevention. Thanks in part to this progress on institutionalizing the responsibility to protect, efforts are now underway in every region to translate the political commitment made at the 2005 World Summit into practice.

These are promising developments. They demonstrate that the responsibility to protect has achieved political support and policy relevance with unprecedented speed, especially when judged against comparable norms. But this progress must also be assessed against the reality faced by vulnerable populations around the world. Acts that may constitute genocide, war crimes, ethnic cleansing and crimes against humanity are occurring in the Central African Republic, the Democratic Republic of the Congo, the Democratic Republic of North Korea, Iraq, Libya, Nigeria, South Sudan, Sudan, Syria, and Yemen.

We are also witnessing an alarming decline in the protection of human rights and respect for international humanitarian law, particularly in situations where national authorities have argued that exceptional security threats or political crises justify temporary abrogation from their legal obligations. At the same time, too many Member States have yet to become parties to the international conventions that set out the legal framework for the prevention and punishment of atrocity crimes, including the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions and the Rome Statute of the International Criminal Court. Moreover, some parties have not always fulfilled their obligations, and differences linger between how some domestic jurisdictions and international jurisdictions investigate and sanction atrocity crimes.

We must do better, not simply because atrocity crimes present a deep affront to our common humanity, but also as a matter of pragmatic policy. As today's headlines demonstrate so clearly, atrocity crimes exacerbate protection needs, turn existing crises into more severe humanitarian emergencies and generating lasting instability, both within and across borders. The global refugee and migration crisis provides a stark example of the widespread consequences that can flow from the international community's failure to confront atrocity crimes.

Painful experience over the past few decades also illustrates how the perpetration of violence based on the victims' identity destroys the fabric of societies, with consequences that pass from one generation to the next. It erodes processes of governance, dramatically reverses economic development, creates new demands for international assistance, and leaves lasting scars that impede efforts to rebuild peace. Like conflict, atrocity crimes drive development in reverse.

It is thus imperative that we accelerate implementation of the responsibility to protect and invest new resources in atrocity prevention. The Secretary-General has demonstrated impressive leadership on this front. He has taken significant steps to strengthen capacity within the United Nations, including through the Human Rights Up Front initiative, which seeks to embed a commitment to protecting populations from serious violations of international human rights and humanitarian law in the operational culture of organization. Others have also recognized this need. The United States has declared the prevention of atrocity crimes to be a core national security interest and established the Atrocities Prevention Board. The European Union has just recently appointed a focal point for the responsibility to protect and included cooperation with my Office as a component of its new human rights action plan. Denmark is conducting a comprehensive assessment of how it can best integrate atrocity crime prevention and response into its broader domestic and foreign policies, including with respect to development assistance.

These efforts are welcome signs of growing commitment, but much more is needed. Action is particularly needed in five areas. First, the international community must make prevention the rule, not the exception. The Security Council, Human Rights Council, Peacebuilding Commission and regional organizations can all make a greater contribution by engaging in more open discussion of situations of concern. International consideration of emerging signs of risk should become a regular and accepted part of international cooperation. This requires not just a technical shift in working methods and a willingness to seek new information, but also a broader change in political culture and a commitment to early action.

Second, the international community must remain prepared to respond in a timely and decisive manner when confronted by atrocity crimes. The lesson to be learned from the intervention in Libya authorized by Security Council resolution 1973 is not that military means must always be avoided, but rather that any relevant mandates need to be clear in their goals, expected duration, and procedures for reviewing progress. International responses must also be informed at the

outset by the need to provide sustained support to societies struggling to recover in the aftermath of atrocity crimes.

At the same time, we must recognize that inaction remains the greatest threat to populations at risk. The Security Council has a special responsibility to employ the full range of non-coercive and coercive tools available to prevent and halt genocide, war crimes, ethnic cleansing and crimes against humanity. When members of the Security Council fail to agree on an effective and collective response, as they have too often in the case of Syria, the impact can be devastating, including for the reputation and standing of the United Nations.

Third, the international community must pay more attention to preventing the recurrence of atrocity crimes. Incomplete or failed peacebuilding processes can create conditions conducive to the perpetration of atrocity crimes. Societies that have suffered from atrocity crimes face unique challenges, especially with respect to reconciliation and accountability. Peacebuilding strategies need to be sensitive to these specific needs and designed to provide the longer-term support required.

Fourth, neighbours and regional organizations are often particularly well positioned to help States protect their populations. Not only are they more likely to understand the local context, but they can also bring longstanding political and economic relationships to bear. While the specific tools and mechanisms vary, each region also has existing institutions and practices that can be used to advance atrocity crime prevention and response.

Fifth, the growth of international and regional networks of focal points dedicated to atrocity crime prevention is a promising development. Building on this progress offers great promise. Expanding the networks will encourage a wider sharing of best practices. Empowering focal points with the resources and authority necessary to drive institutional change can contribute to building long-lasting infrastructure for prevention and protection.

While this agenda may seem ambitious, steady progress on each of these priorities would significantly enhance the global, regional and national capacity available for atrocity prevention and response. It is important to note that this is not an agenda limited to New York or exclusively focused on questions of peace and security. Full implementation of the responsibility to protect requires determined action from a wide range of actors and in every corner of the world.

This includes development partners, who have a crucial role to play in mitigating structural risks and helping to build national resilience.

We know that atrocity crimes frequently, but not exclusively, occur within the context of armed conflict, whether international or civil. Indeed, a history of identity-based violence, conflict, or

significant political instability is amongst the best available indicators of risk. For this reason, assistance directed at fragile states will indirectly help to prevent atrocity crimes. Long-term support for the development of participatory and accountable political institutions, respect for the rule of law and equal access to justice, and mechanisms for the fair and transparent management of economic resources helps to remove sources of tension. Making significant progress on the relevant aspects of SDG 16 on peace, justice and strong institutions, SDG 10 on reducing inequality should dramatically reduce the number of countries that face latent or structural risks.

However, this more general support is unlikely to be sufficient. Development actors also need to understand and specifically incorporate atrocity risks into their strategies and priorities. Although atrocities are closely associated with both conflict and persistent human rights violations, they possess some distinct features. Our Office's experience is that standard methodologies to assess potential sources of conflict and vulnerability can fail to identify the patterns that indicate susceptibility to atrocity crimes. Societies with pronounced horizontal inequalities are particularly at risk. Systematic exclusion of particular groups from civil, political, economic, social and cultural rights creates conditions conducive to identity-based violence.

In order to better capture these dynamics, my Office has developed a Framework of Analysis for Atrocity Crimes that identifies eight general risk factors and several factors specific to genocide, war crimes and crimes against humanity. This framework provides a comprehensive tool for conducting qualitative assessments of atrocity risks and is already being used to inform relevant United Nations processes. My Office has also worked with the European External Action Service to refine its conflict analysis and early warning methodology in order to capture atrocity risks, amongst other factors. I know USAID is developing similar atrocity prevention guidance and others are contemplating how to employ existing early warning and analysis tools.

These frameworks and methodologies are important for several reasons. At the most basic level, they help uphold our basic obligation to "do no harm." This is not an abstract point. Experience has shown that poorly designed international assistance can inadvertently create or exacerbate cleavages, thereby contributing to the development of atrocity crimes. International support or technical advice that contributes to disparities between social groups or generates competition over resources is particularly damaging.

Identifying these risks also lowers the political and economic costs associated with response strategies. At the very earliest stages, there may be more space to encourage and support national actors as they respond to latent risks within their society, especially where this takes the form of building inclusive institutions designed to identify and mitigate emerging threats. Missing these signs limits the scope for action and requires more extensive engagement, sometimes by actors with more explicitly political mandates.

More systematically incorporating an atrocity crime perspective also helps us to understand when to step outside "business as usual" approaches. As several of my senior colleagues in the United Nations have admitted publicly, South Sudan provides the clearest warning of what can go wrong when a focus on formal state institutions ignores the underlying social and communal context. Efforts to build capacity must be rooted in the informal mechanisms that already exist within societies, designed and sequenced in a manner that reflects the prevailing political economy, and developed in interaction with other important sources of authority within a society, particularly religious and community leaders.

Conducting regular analysis of atrocity crime risks can help adjust support or redefine priorities. In many cases, this may require placing additional emphasis on building capacities that more directly "inhibit" atrocity crimes. The Secretary-General has identified seven of these inhibitors: a professional and accountable security sector; impartial institutions for overseeing political transitions; an impartial and independent judiciary; capacity to assess risk and mobilize early response; local capacity to resolve conflicts; media capacity to counteract prejudice and hate speech; and effective and legitimate transitional justice.

These capacities are certainly not unique to atrocity crime prevention, but each plays a particularly important role in helping to identify, mitigate and resolve the risk factors associated with atrocity crimes. The specific focus required may also differ in the context of elevated atrocity risks. For example, support for security sector reform needs to prioritize safeguards against potential abuse, including robust civilian oversight, and retain the right to cease security sector cooperation if the objective of atrocity crime prevention is compromised. The distribution of various identity groups within the security sector, especially as it relates to deployment, also becomes a crucial consideration. Likewise, efforts to encourage mechanisms for national dialogue may need to be carefully embedded in traditional dispute resolution practices and backstopped by sustained engagement with religious and cultural leaders. Combatting incitement and hate speech must be carefully considered within broader attempts to promote open societies characterized by freedom of expression.

I will not examine each of the seven capacities in detail, but simply note that together they provide a society with the means of managing periods of instability or political tension without resorting to identity-based violence. Most importantly, they hinder the means by which political elites have traditionally drawn on group grievances.

I want to be clear that I am not suggesting we need to design entirely new mechanisms or adopt radically different approaches. What is required, at the most fundamental level, is a greater appreciation of atrocity crime risks and a willingness to revise priorities accordingly. Development actors are well placed to make a significant contribution. They operate in contexts where limited adjustments may help mitigate risks before they escalate into more severe

challenges. They bring considerable resources to bear, but also possess collaborative relationships with a wide range of national actors that can be used to encourage a greater focus on prevention. And they operate on time-scales and provide sustained assistance in a manner consistent with the long-term nature of atrocity crime prevention.

When put in these terms, I hope the agenda I outlined earlier now appears less daunting. We know from past successes that the collective weight of the international community can make a difference. One of the key tasks before us is to make better use of current resources and programming to undertake prevention at a much earlier stage. I encourage all of you to examine your own efforts and consider how they might better contribute to averting the most egregious forms of violence. My Office stands ready to assist, whether through technical advice, institutional cooperation, training or targeted policy development.

As Secretary-General Ban ki-Moon has noted, the responsibility to protect "offers an alternative to indifference and fatalism" and represents a "milestone in transforming international concern about people facing mortal danger into meaningful response." It remains a vital and enduring commitment. I encourage you to join me in making the promise of the responsibility to protect a reality in the lives of those most in need.