

## General Assembly Debate Statement: Francis Deng

### Unofficial Transcription from webcast

I would divide my comments into two sets of issues. One which provides more or less the common ground issues that are agreed upon and other issues which might not be so shared rather than raise some controversy among the participants and as the saying goes ‘the devil is in the details’.

Two questions arise in looking at the devil in the details. What is meant by protection? And how is the responsibility to protect to be shared? I think the premise should be that all these crimes that we are talking about are manifestations of extreme forms of identity related conflicts. Conflicts that result not so much from the differences but from how we manage differences. And this often entails gross inequalities, discrimination, dehumanization, denial of fundamental rights and civil liberties, and exclusion. Protection therefore relates to respect for all human rights and civil liberties as well as physical integrity. Ideally structural prevention should mean that we address issues of diversity through a constructive management of diversity but it also means effective response to the failure to prevent and in meeting the humanitarian consequences of that failure. Protection is therefore prevention, response and addressing the root causes of the crises to facilitate peace, security and stability.

Let me now address the issue of apportioning responsibility to protect. The three pillars of the Secretary General’s report clearly show exactly how these responsibilities should be shared between the state, the international community assisting state and more collective action. The international community is not only the global community through the UN for that matter but it is also regional and sub-regional. Structured prevention is the primary responsibility of the state, and we in the joint office as was kindly mentioned this morning have developed a framework of analyses which indicates factors that could contribute cumulatively to the potential for genocides and mass atrocities. We have also prepared a compilation of risk factors and related legal norms which equally with the framework of analyses provide guidance on what factors could generate genocide and mass atrocities and therefore in a sense provide guidance for the states for prevention.

We often say that the R2P is in essence sovereignty as responsibility, and when we say sovereignty as responsibility some people may think of it as simply as assigning responsibility to the state and keeping out of the context of state responsibility. Sovereignty as responsibility implies accountability and it means that to be respectable, to be legitimate both internally and externally it has to live up to certain fundamental principles of responsibility of which protecting the populations is a central factor. The fact of the practical considerations for involving regional and sub-regional support are shared interests in the regions security and stability among the states in the region, monitoring the situation on the ground as was indicated this morning and a collective sense of responsibility that need not stigmatize one individual except under very obvious circumstances.

Former secretary general of the OAU, Salem Mohammed Salem, once told the organization that we should view ourselves as our brother’s keepers and that is the sense of solidarity that members of the sub-region or region share. The shortcomings of regional and sub-regional organizations (inaudible) should also be borne in mind. Shared interests imply the vested interests that might also be conflictual. The issue of regional or sub-regional hegemony could also be a source of conflict. Problems of capacity also arise

because with all the best of intentions a region or sub-region might lack the means to discharge its responsibility. Structured prevention and response through the strategy of diversity in the regional and sub-regional contexts is an issue that we in our joint office have emphasized in our relating to regional organizations and in recent years as it has often been indicated regional and sub-regional organizations working with the United Nations have effectively cooperated in addressing a series of crisis situations including Darfur, Kenya, Guinea, Cote D'Ivoire and as we now see Libya despite what we heard this morning about some controversies of that issue.

Confronting the dilemma of sovereignty in crisis situations means (being) legitimate and respectable, as I have just said, sovereignty must be responsible. And as I have also indicated earlier the normative frameworks for which we in our joint office are working with member states is the framework of analysis and compilation of risk factors. We should acknowledge the progress made so far in implementing the responsibility to protect.

So far I do recall when my colleague and I, Ed Luck, recalled some three years ago started talking to member states about R2P. It was surprising how quite a number were not only in denial, but in a sense revisiting the whole idea instead of recognizing that it was a principle adopted by the states. Today we are talking about some details and the ongoing concerns of member states which are legitimate and which the secretary general and my colleague Ed had said need to be addressed. We also need to fine tune the substance of the responsibility to protect and the framework or the formula for sharing the responsibility between the member states, regional and sub-regional organizations and the international community.

The importance of recognizing the progress made I think is central because the process of developing and implementing the responsibility to protect clearly appears irreversible despite the concerns that need to be addressed. The responsibility to protect is a concept that is very much demanded globally and also calls for global solidarity with the regions and the sub-regions. While there will be bumps in the road and continuing efforts to chart a better path forward, the march forward appears irreversible.