



Idealism and realism – Negotiating sovereignty in divided nations

The 2010 Dag Hammarskjöld Lecture

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It is always a great pleasure to be back in Sweden. I have often said that an ambassador to a country is the ambassador not of his country alone but also of the country where he is accredited. And therefore it gives me a great pleasure to return to a country where I was ambassador at a rather young age – my first diplomatic posting – and therefore quite a formative one. I'll tell you a little anecdote that shows perhaps the extent to which I was raw, and I say it without being too embarrassed. I went to present my credentials in Norway and as I was talking to the Director General of the foreign ministry he said: 'Mr Ambassador, why did you choose Sweden as your seat for your mission in Scandinavia?' I replied: 'It was a choice made by my government, not mine. But isn't Sweden the centre of Scandinavia?' And he got up and said: 'Mr Ambassador, you come to my country to say Sweden is the centre?' And I said: 'I'm talking geographically of course.' He said: 'Even geographically – if you consider Iceland – Sweden is not the centre.'

In preparing for this lecture I thought about how to relate it to the core values that Dag Hammarskjöld stood for. And although the title we were using is still appropriate ('Genocide Prevention – A Challenge of Constructive Management of Diversity') I had to adapt it a little bit to sharpen my message. Genocide prevention and the challenge of managing diversity are internal principles for governance. But the role of the international community, which is also critically important, does not figure in the original title, even though it is implicit. And so I have adjusted the title of my lecture to 'Idealism and Realism: Negotiating sovereignty in divided nations'.

I consider that the ideals that Dag Hammarskjöld stood for in terms of peace, justice, respect for human rights for all, and caring for the vulnerable – instead of simply catering for the interest of the state – to be ideals that continue to inspire all of us who are called upon to serve humanity within the United Nations. I should say that Dag Hammarskjöld and what he stood for is not only a challenge and an

inspiration for all those who serve within the United Nations, but has clearly become the standard by which all the consecutive Secretaries-General are evaluated.

My second emphasis has to do with what I consider the gap between aspirations and realities. By the gap I mean that although the ideals of the United Nations, which Dag Hammarskjöld spearheaded and symbolised, are universal, our performance leaves a great deal to be desired, and unfulfilled promises. And why is that so? I believe it's because the United Nations, itself not yet entirely united, is an organisation of nations that are internally acutely divided, of nations where the stratification means that some groups enjoy all the rights and privileges of citizenship, and others are excluded, neglected and even persecuted.

Unprotected by their countries, where can those excluded groups turn, but to the international community? But when they do, a narrow concept of sovereignty as a barricade against the outside world is invoked and used by the states to prevent involvement from the outside world. It would not help to be confrontational, because we do know that when governments assert their sovereignty they have the upper hand. And, very often, international actors are forced to cave in and follow the will of the state, and in a sense compromise the rights of the vulnerable under state sovereignty.

The challenge then becomes one of how to negotiate sovereignty, how to engage governments in a constructive dialogue that would bridge sovereignty and responsibility, that would turn sovereignty from being a barricade against the outside world, into a positive challenge of a state's responsibility for its people. To me, that is a challenge I have faced in my two mandates: both as special representative of the Secretary-General on internally displaced persons from 1992 to 2004 and since 2007 as special advisor for the prevention of genocide.

My appointment to both positions happened in a somewhat similar way: I was surprised by a telephone call from Boutros-Ghali. He said my name had come up and that he was pleased to appoint me as his special representative for internally displaced persons. I said I was honoured and flattered, but could he have his people give me more details as to what the position meant and what it would entail before I could give him my final word. And he said: 'Come on, Francis, I know you very well.' Boutros-Ghali had been Egypt's minister of state for foreign affairs when I was Sudan's minister of state for foreign affairs and we had worked very closely together. He said: 'I know

how concerned you are with these issues. This is not only a crisis that affects many around the world, it is a problem that Africa suffers from the most, and in Africa it is your own country, the Sudan, that is the worst affected. And in the Sudan, it is your own people in the southern Sudan that are the worst hit. I cannot see how you can say ‘no’. So I’ll tell them that you have accepted. And if later on you still want to discuss, we can discuss further.’

He was right. I don’t know the statistics today, but at my time there were some 25 to 30 million people internally displaced around the world in some 50 countries. People forced by conflict to flee their areas of normal residence or homes, but who had not crossed international borders. Had they crossed international borders they would have been refugees, and they would have been the subject of protection and assistance by the High Commissioner for Refugees under the 1951 Convention. These people not only needed the protection and assistance that refugees also need, but because they remained within their national borders, and in the zone of conflict, they were even more vulnerable than those who had crossed international borders. Yet, because they were internally displaced, the international community had no access to them, and therefore they could not avail themselves of protection or assistance from the international community. And because their displacement was considered an internal issue, falling under the sovereignty of the state, it was considered very sensitive, and the UN mandate on internal displacement was a very controversial one, which in the end was accepted only with major compromises.

I was aware of that, and therefore, from the very beginning I had to think seriously: How do I deal with this very sensitive issue? If I was to be seen as confrontational, adversarial, and in a sense getting into a kind of conflictual relationship with the state, doors would be closed and I would not have the opportunity to gain access to the needy populations. I would not be in a position to engage the governments, and therefore we would not be helpful to the people who were desperately in need. I decided to build on work I was doing at the Brookings Institution, looking at African conflicts in the context of the Cold War. During the Cold War, as we all know, we used to look at regional and even internal conflicts as proxy wars of the superpowers. And they were to be managed – sometimes resolved, sometimes aggravated – by the superpowers. With the end of the Cold War the superpowers withdrew, and we had to begin to see the conflicts in their proper context – as regional or internal. This was a positive development; they were no longer distorted as proxy wars. But by the same token we had to reapportion responsibility; we

could no longer depend on the superpowers as their interests were no longer involved. We had to find internal solutions, whether domestic or sub-regional or continent-wide.

But issues could not be left entirely to the states to manage, because in an age of concern with human rights and humanitarian issues, no state could say: ‘This is an internal issue and it does not matter how I mismanage my situation, it’s none of your concern.’ The world is watching closely, and, if necessary, would get involved. And so, after a series of studies – regional studies, country-specific studies – we produced a volume with the title, *Sovereignty as responsibility*. Sovereignty as responsibility meant that the state had to take care of its citizens and – if it needed support – call on the sub-regional, regional or continental organisations, or ultimately the international community. But if it did not do that, and its people were suffering and dying, the world would not watch and do nothing. They would find a way of getting involved.

I decided that the concept of sovereignty as responsibility was the most constructive way of engaging governments. And so, once I assumed the position of special representative for internally displaced persons, I used that as my normative basis. The first five minutes with the president or the minister concerned were crucial in my sending the message across to them: ‘I realise that this is an internal matter that falls under state sovereignty; I’m respectful of your sovereignty. But I do not see sovereignty negatively, as a barricade against the outside world. I see it as a very positive concept of state responsibility for its people. And if it needs support, to call on the international community.’

The subtext, in the right spirit of solidarity with the government, would be: ‘But in this day and age of concern with human rights and humanitarian issues, the world will get involved in one way or another. So the best way for you to protect your sovereignty is not only to protect your own people and take care of them, but to be seen to be doing so, and to call on the international community if necessary. That’s how you gain internal legitimacy; that’s also how you gain external legitimacy and a respected place in the international community.’

I have to say that this approach was relatively successful in engaging governments. And I had to do it not just as a job, but as a mission. You come to the affected area within a country with United Nations-labelled planes and cars, all the symbols of UN involvement, and you

go to see all these desperate people and they see in you the concern of the world. And the faith they have is: ‘If only the world knew, our plight would be addressed’. And so if you go with all this evidence of international concern and then you leave and nothing happens to them, the hope they had, the faith they had in the international community, would disappear, and their optimism would turn into despair. They would be worse off than if we had not gone in the first place. Therefore I would plead on their behalf, with the colonel in the battlefield, the officers, the police and the administrators, and up the ladder, to the state powers, the president and the ministers.

I always asked the displaced populations: ‘What message would you want me to take back to your leaders?’ Invariably, in all parts of the world where I went, the response was the same: ‘We have no leaders there, those are not our leaders.’ In one Latin American country, the spokesman said, ‘Those people see us as criminals not citizens, and our only crime is that we are poor.’ In a central Asian country I heard a similar answer, but explained in ethnic terms: ‘None of our people is in that government.’ In an African country the prime minister is said to have said to a senior UN official: ‘The food you give to those people, those internally displaced populations, is killing my soldiers.’ Such comments draw attention to the vacuum of responsibility that these people face and for which they need the international community; and the international community – because of the barricades of sovereignty – is usually denied access. My point is: We cannot live on ideals that cannot be fulfilled. We have to aspire to the ideals, but we have to deal with the reality on the ground. And the reality on the ground is that we need the cooperation of the member states to fulfil our mission.

Then comes my next mandate on genocide prevention. Genocide, even more than that of internal displacement, is a very sensitive notion. It is a concept about which both those who perpetrate genocide and those called upon to prevent or stop it are usually in denial. That is why we usually recognise genocide after the fact, in historical terms. It’s an issue we would assume the world would be clearly united in preventing and punishing. But by the same token, it’s an issue often seen as too sensitive for comfortable conversation, too difficult to touch, and therefore, the general response is denial.

This mandate came to me in a very similar way to the one on internal displacement; I got a surprising e-mail saying: ‘Secretary-General

Ban Ki-moon is about to make a decision to appoint a special advisor on the prevention of genocide. Your name is on the list, perhaps at the top of the list, and he wants to know, if he were to ask you, whether you would consider accepting.’ I said: ‘This comes to me as a total surprise. But if I were asked, I would take it as a call of duty and a service to humanity, which I cannot take lightly.’ Two days later I met the Secretary-General, and four days after our meeting my appointment was announced.

After the initial feelings of being honoured and flattered I quickly started to worry about what I had put myself into. How could I deal with this very sensitive issue? Again, I decided to look at practical ways of being able to do what needed to be done. I thought the best way was first of all to de-mystify the notion of genocide, to regard it not as something that is untouchable, something too difficult to deal with, but as a problem that is the result of extreme identity-related conflicts. Conflicts that target specific groups of people, identified either by the factors specified in the 1948 Convention, which include national groups, racial groups, ethnic groups or religious groups, or for that matter by some other criteria.

But it is not the mere fact of being different that causes genocidal conflict. It is the implications of these differences in terms of how much people are differentiated and stratified. Whereas some groups enjoy the dignity and rights of citizenship, others are marginalised, discriminated against, excluded, de-humanised and denied the dignity and the rights that normally should accrue from citizenship. It is the reaction of these extremely marginalised groups – those discriminated against, those who are excluded – that generates the conflict. A conflict of resistance to the indignity, a conflict emanating from despair, from having no constructive, peaceful ways of promoting your interest of achieving equality and a sense of belonging to the nation, which then generates a counter-reaction by the state.

Escalation then becomes a zero-sum situation. And this means it’s either you or me, in terms of survival. It is paradoxical that the existential threat that the more powerful feel from the weaker, which then motivates them to react with a genocidal onslaught, creates a dynamic that the groups in conflict cannot manage. It usually takes a third party to mediate. Of course, the irony of all this is that the subjectivity with which people define themselves, as opposed to the objective realities, often means that what divides people has a lot to do with myth rather than reality. The people at war are often not as divided as they think they are.

I've been to Bosnia at the peak of the conflict, I've been to Central Asia, to many countries in Africa, and usually when you look at the people in conflict, it's not easy to tell whether they are as different as they think they are. I remember going to Burundi, addressing groups, some of whom looked typical Tutsis, in the way we are told Tutsis look, and some of whom looked typical Hutus. I asked the foreign minister of the country after all these meetings: 'Can you always tell a Tutsi from a Hutu?' His response was: 'Yes, but with a margin of error of 35 per cent.' And that margin of error is everywhere. But if you then take the challenge as one of how to manage diversity, to promote a sense of equality, a sense of belonging to the nation on an equal footing, a sense of pride in being a citizen, because you feel you enjoy the dignity and rights associated with citizenship – this is a challenge which no self-respecting government can question, can oppose. This is a challenge which should be a topic of constructive discussion with any government.

The concept of sovereignty as responsibility, recast in the 2005 outcome document of the Summit of Heads of State and Government as 'the responsibility to protect' has three pillars: the responsibility of the state to protect its own populations; the responsibility of the international community to assist the state to enhance its capacity to discharge its national responsibility; and the responsibility of the international community to take collective action under the UN Charter when a state is manifestly failing to protect its own populations. Measures under this last pillar range from diplomatic intercession to the imposition of sanctions, and, in extreme cases, to military intervention.

We have developed a Framework of Analysis that gives us eight sets of categories or factors that we look at in determining what the level of risk of genocide is. And they are all very practical issues that range from the existence of identity groups, to the extent to which there are circumstances that could be conducive to conflict, the presence of armed groups and arms and so forth, the factors that tend to constrain prevention. And on to whether there are actions being carried out that are reflective of genocide, and evidence of the intent to destroy a people, in part or in whole, which is a definition of genocide. We also consider other triggering factors such as elections, and if they tend to be seen as winner takes all. If it is perceived that the winner will take whatever power, resources and services that come from victory, the stakes become very high. This is in contrast to the notion of elections being seen as the core of democracy in a state, and in some fashion giving a position of respect and dignity to the opposition.

In many third world countries elections are simplistically viewed out of context, and not ascribed the kind of values associated with democracy in other parts of the world. Once the Framework of Analysis is widely accepted, it can make governments stand in front of the mirror and ask themselves some tough questions: How are we performing? Where are we weakest? Where do we need to reform? And it becomes a tool for self-scrutiny and a way of achieving the objectives that any self-respecting government should want: namely of addressing the issues and preventing the kind of atrocities that usually precede genocide. I see this as a constructive approach, which frankly in my own work appears to be gaining ground.

Contrary to what people expected I was invited, for instance, to the African Union (AU) to address the Peace and Security Council and the Panel of the Wise, which adopted the Framework of Analysis to be incorporated into the AU's early warning mechanism. I have been invited to a number of countries in Africa, and have also engaged in meetings around the world, carrying this message of constructive management of diversity as a tool for prevention of genocide and other mass atrocities. Many of my colleagues said I would not be able to make frequent flyer mileage, because I would not be invited to visit countries. But I have to say that so far the delicate balance between asserting the need for international protection for the vulnerable and the need for constructive engagement on the part of governments seems to be working.

I know that this is not the approach favoured by those who believe that on these matters we should cry out loud, stand on the mountain-top and preach what is right and condemn what is wrong. However, when we do that, we might satisfy our conscience, but how much can we help the people who need to be helped in a practical way? I also think that a regional approach is critically important, because countries in the same region quite often share the problem. Crisis in one country overflows into the neighbouring countries in the form of refugees, carrying their baggage of political crisis that can destabilise the whole region.

Let me conclude by saying that I consider my mandate an impossible one, but one that must be made possible. The way to make it possible is for my office to play the role of a catalyst: a catalyst that can then raise awareness, generically, and specifically in given situations, mobilising those with capacities for action; in a sense a collaborative

approach that involves everyone. Because if we take genocide prevention of the type that I have talked about, as constructive management of diversity, to minimise disparities, to promote equality and inclusiveness, then there is room for all the agents of the United Nations and other actors beyond the United Nations. And that, in essence, is what we are trying to do.

So, to end with the essence of the title that I chose: I'm trying to bridge the gap between our aspirations for the ideal and our engagement with the realities on the ground. It is one thing to say to governments that in the name of human rights we will override their sovereignty; to threaten that if they violate human rights the world will move in and will stop them from doing it by whatever means necessary. It is another thing to say: 'Sovereignty itself means responsibility, and the dignity you enjoy in the international community, the respect you have, your legitimacy at home and abroad, has a lot to do with the degree to which you discharge the positive responsibilities of sovereignty.' The notion of sovereignty as responsibility has now evolved into the responsibility to protect, with the three pillars outlined earlier as shared between the state and the international community.

Unfortunately, the responsibility to protect is being seen more and more in terms of the third pillar: that is, when all else fails and the world is forced to use coercive means to control the situation. But that is an absolute last resort. Even the third pillar has non-coercive measures that can be taken.

I therefore end by saying: Let us of course continue to press for greater reform. We have made a great deal of progress. We have to keep pushing for progress, sing the inspiration of Dag Hammarskjöld, who strove and eventually sacrificed his life, in pursuing the ideals of the United Nations, in protecting the vulnerable, the weak, from the strongest. Let us hopefully move the progress forward towards an ideal that we know we will not achieve soon, but which inspires us to continue to struggle, to press on. In the meantime let us find some practical ways of working with governments to minimise the negative impact of sovereignty and to make sovereignty a concept of responsibility.