

Informal Interactive Dialogue of the United Nations General Assembly on the Roles of Regional and Sub-Regional Arrangements in Implementing the Responsibility to Protect, 12 July 2011

Remarks of Dr. Edward C. Luck, Special Adviser to the United Nations Secretary-General on the Responsibility to Protect

Thank you, Mr. President. In the spirit of your plea this morning for making this dialogue as informal and interactive as possible, I will not make a formal statement. Rather, I will comment briefly on seven of the points raised by various speakers in the morning session.

One, to those who have suggested that we somehow postpone the implementation of the responsibility to protect, I would respond that we have no choice but to move forward as best we can. Governments and publics alike expect us to do our best to move this concept from words to deeds. As the Secretary-General has just said, we cannot tell victims that we are debating whether to come to their aid. They cannot wait until every point of our strategy is perfected and every controversy has faded away. To use a colloquial phrase, this horse is out of the barn and there is no way that we can go back on our commitments.

We concur on the need to move prudently, step by step. We should recognize potential pitfalls, being careful to do no harm. But move we must. Prudence cannot be allowed to become an excuse for inaction.

As I have said many times, the United Nations cannot risk leaving the task of implementation to others. To do so would turn concerns about possible misuse into a self-fulfilling prophecy. We must prove--Member States, regional and sub-regional partners, and secretariat together--that there is a multilateral alternative for providing prevention and protection, that the multilateral system is up to the task, and that we have the will and the capacity to succeed.

Two, in an age of practice we must learn--quickly--how to perform more effectively when faced with the imminent danger of atrocity crimes. There will be lessons for the United Nations Secretariat and others for the Member States and for our regional, sub-regional and civil society partners as well. That is why we have gathered today. Given the events of the past twelve months, there can be no doubt about the relevancy of the responsibility to protect to current world affairs. Francis Deng, the Secretary-General's Special Adviser on the Prevention of Genocide, and I have found that the demand for the services of our small Joint Office is high, much higher than I would have predicted just a year ago. So there is an urgency to this cross-regional learning process.

As we move forward, we will need our critics. But we will need them to focus much more on our performance and much less on theory. (There is, by the way, an academic journal devoted to the theory of the responsibility to protect, should anyone here be moved to contribute.) This morning, there were several comments about friends, neighbours, and family. This is apt, as they are the ones who tell it like it is. In that

regard, may I draw your attention to the points about peer review and peer pressure in the Secretary-General's report. Perhaps they could be addressed more fully this afternoon than they were this morning.

Three, there were a number of comments this morning about consistency of application. These were well taken. Let me make one point and then express some caveats. In my view, there may be reason to hold the Secretariat to higher standards in this regard than the inter-governmental bodies. We in the Secretariat are to apply principles with as much consistency and as little hint of selectivity as possible. The list of situations in which we have spoken out over the last few years is growing quite long. Please let us know if you detect inconsistencies in the ways in which we have sought to apply responsibility to protect standards.

Now, here are the caveats. Inter-governmental bodies, unlike the Secretariat, are necessarily political. This is true at the regional and sub-regional levels as well as at the global level. They negotiate and vote on their resolutions, rather than scientifically applying principles and standards. It has always been that way. Moreover, no two situations are identical. We should avoid false consistency as well as double standards. Also, differences in regional attitudes from case to case can be important variables in how the United Nations and its inter-governmental bodies act. Context matters. The Secretary-General makes this point in his report.

Despite (or because of) these caveats, we need to act and appear to act as consistently as possible on these matters. Perceptions also matter. As a relatively young standard, the attractiveness and even the legitimacy of the responsibility to protect will be affected by how well we manage the case-to-case dynamics inherent in the implementation process.

Four, as much as we need to identify capacity gaps, in the end it is most often a lack of will that precludes effective action. At each level--global, regional, sub-regional, and national--we need to focus more attention on how to generate and sustain political will for prevention and, most acutely, for protection. A lack of will on one level can undermine the willingness to act in a timely, decisive, and effective manner on the others.

Sometimes initial enthusiasm is hard to sustain. Earlier and fuller consultations among global, regional, and sub-regional bodies--especially inter-governmental ones--could help. The goal should be to arrive at common assessments of a situation before it gets out of hand or different assessments lead to divergent policy conclusions. As the Secretary-General's report notes, desk-to-desk cooperation may well be progressing more quickly than consultative processes at political levels. In that regard, I hope that the members of the Security Council and its regional counterparts will take these comments to heart.

Five, Chapter VIII of the Charter provides the authoritative legal framework for global, regional, and sub-regional collaboration, but more and more partnerships necessarily are being defined and refined by operational requirements, case by case. These should be based, as far as possible, on common understandings of comparative advantages, as well as of capacity gaps. Interdependence is made of such things.

Early warning can make a difference and the proliferation of such systems in recent decades has been little short of remarkable. But, as we discussed last year, a bigger problem may be the analytical one of trying to gain a nuanced and dynamic understanding of what is transpiring in a society at risk of atrocity crimes. This is where early and candid discussions among the secretariats of global, regional, and sub-regional bodies and with leading civil society groups and independent experts could pay substantial prevention dividends.

These days, as the Secretary-General's report notes, efforts at prevention and conflict resolution typically attract multiple partners. Achieving coherent and effective messaging in such circumstances can be challenging. At best, actors will be tempted to forum shop. At worst, their penchant for splitting tactics will be encouraged and rewarded by declining international cohesion and coherence.

Six, we should acknowledge that efforts to implement the responsibility to protect will not always succeed. We should learn from our failures. They can be the best teachers. The utility of cross-regional learning processes rise in such situations, just as joint lessons learned exercises are to be much preferred to finger pointing. We should strive to reverse the old saying that failure is an orphan.

Seven, and finally, while I certainly agree with the morning's pro-prevention chorus, I would also warn against complacency: what are we to do when prevention fails, as it surely will at times? The third pillar of the Secretary-General's strategy--calling for the use of all the tools available under Chapters VI, VII, and VIII in response to the manifest failure to protect--is as essential as the first two. A stool without three legs will not be stable. I can certainly understand why the first two pillars are easier to address than the third, but we cannot postpone a serious discussion of pillar three much longer.

In that regard, you will note that this is the first of the Secretary-General's three reports to be submitted to the Security Council as well as to the General Assembly. We very much hope that the members of the Council will find a time and means to consider its contents.

Also, it would be helpful to hear views on the suggestion in the report that next year we address an assessment of how the Organization has tried to employ the broad range of possible response tools in cases to date. In other words, we should ask ourselves how we are doing in applying the strategy to actual situations. Are we making a difference? How could we do better in the future?

Thank you, and I trust that the discussion this afternoon will be as lively, constructive, and interactive as the one this morning.