

United Nations Secretary-General Ban Ki-moon

**"Responsible Sovereignty in an Era of
Transnational Threats"**

15 July 2008

Bertelsmann Foundation, Berlin

Thank you, Minister Steinmeier, for your most generous introduction.

High Representative Solana,

Excellencies,

Ladies and gentlemen,

It is an honour to be with you. I commend the organizers -- Managing Global Insecurity and the Bertelsmann Foundation -- for convening this forum on responsible sovereignty, one of the defining challenges of the 21st century.

How fitting it is that we address these matters in Berlin, where the 20th century learned such hard lessons about the dangers of unbridled and irresponsible sovereignty. Today, Germany stands as a model of the responsible sovereign, at home and abroad. Indeed, the leading role that a united Germany now plays in the United Nations speaks to the curative properties of the principles of human rights, tolerance, and the rule of law for which the world body proudly stands.

This evening, I would like to address one of the more powerful but less understood ideas of our times -- the responsibility to protect, or RtoP for short. Now that the concept has received the ultimate UN accolade, a distinctive acronym, we need a common understanding of what RtoP is and, just as importantly, of what it is not.

RtoP is not a new code for humanitarian intervention. Rather, it is built on a more positive and affirmative concept of sovereignty as responsibility -- a concept developed by my Special Adviser for the Prevention of Genocide, Francis Deng, and his colleagues at the Brookings Institution more than a decade ago. RtoP should be also distinguished from its conceptual cousin, human security. The latter, which is broader, posits that policy should take into account the security of people, not just of States, across the whole range of possible threats.

The concept of responsibility to protect is more firmly anchored in current international law than the two related concepts. It was adopted by the 2005 World Summit -- the largest gathering of Heads of State and Government the world has seen -- and was subsequently endorsed by both the General Assembly and Security Council. It rests on three pillars.

First, Governments unanimously affirmed the primary and continuing legal obligations of States to protect their populations -- whether citizens or not -- from genocide, war crimes, ethnic cleansing, and crimes against humanity, and from their incitement. They declared -- and this is the bedrock of RtoP -- that "we accept that responsibility and will act in accordance with it."

The second, more innovative pillar speaks to the UN's institutional strengths and comparative advantages. The Summit underscored the commitment of the international community to assist States in meeting these obligations. Our goal is to help States succeed, not just to react once they have failed to meet their prevention and protection obligations. It would be neither sound morality, nor wise policy, to limit the world's options to watching the slaughter of innocents or to sending the marines. The magnitude of these four crimes and violations demands early, preventive steps -- and these steps should require neither unanimity in the Security Council, nor pictures of unfolding atrocities that shock the conscience of the world.

The third pillar is much discussed, but generally understood too narrowly. It is Member States' acceptance of their responsibility to respond in a timely and decisive manner, in accordance with the UN Charter, to help protect populations from the four listed crimes and violations. The response could involve any of the whole range of UN tools, whether pacific measures under Chapter VI of the Charter, coercive ones under Chapter VII, and/or collaboration with regional and sub-regional arrangements under Chapter VIII. The key lies in an early and flexible response, tailored to the specific needs of each situation.

Our conception of RtoP, then, is narrow but deep. Its scope is narrow, focused solely on the four crimes and violations agreed by the world leaders in 2005. Extending the principle to cover other calamities, such as HIV/AIDS, climate change, or response to natural disasters, would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility.

At the same time, our response should be deep, utilizing the whole prevention and protection tool kit available to the UN system, to its regional, sub-regional and civil society partners, and, not least, to the Member States themselves. As the Summit urged, we need to enhance UN early warning mechanisms, integrating the system's multiple channels of information and assessment. We need to strengthen the capacities of States to resist taking the path to genocide, war crimes, ethnic cleansing, and crimes against humanity.

In this context, capacity-building could cover a range of areas -- from development, good governance and human rights to gender equality, the rule of law, and security sector reform. Our goal is not to add a new layer of bureaucracy, or to re-label existing UN programmes; it is to incorporate the responsibility to protect as a perspective into ongoing efforts.

This actually happened for the first time earlier this year, following the elections in Kenya. The combined efforts of the African Union, influential Member States, the UN, and my esteemed predecessor, Kofi Annan, were instrumental in curbing the post-election violence.

Excellencies,

Ladies and Gentlemen,

As the 2005 Summit recognized, there are times when persuasion and peaceful measures fall short. Allow me to quote in part from the Summit Outcome document: when "national authorities are manifestly failing to protect their populations" from the four crimes and violations, Governments "are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional and sub-regional organizations as appropriate."

Caveats aside, this declaration could have profound implications. If Member States can indeed summon the will to act collectively in some cases like this, then others may be deterred from inciting or committing such atrocities. Likewise, if UN rules, procedures, and practices are developed in line with this bold declaration, then there is less likelihood of RtoP principles being used to justify extra-legal interventions for other purposes.

In other words, the responsibility to protect does not alter the legal obligation of Member States to refrain from the use of force except in conformity with the Charter. Rather, it reinforces this obligation. By bolstering UN prevention, protection, response, and rebuilding mechanisms, RtoP seeks to enhance the rule of law and expand multilateral options.

Finally, let me clear up two more misconceptions, and then say a word about how we are proceeding in the effort to turn promise into practice, words into deeds. Some contend that RtoP is a western or northern invention, being imposed on the global south. Nothing could be further from the truth. It was the first two African Secretaries-General of the United Nations -- Boutros Boutros-Ghali and Kofi Annan -- who first explored evolving notions of sovereignty and humanitarian intervention. And the African Union has been explicit: in the year 2000, five years before the Summit declaration, the AU asserted "the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide, and crimes against humanity".

Equally incorrect is the assumption that the responsibility to protect is in contradiction to sovereignty. Properly understood, RtoP is an ally of sovereignty, not an adversary. Strong States protect their people, while weak ones are either unwilling or unable to do so. Protection was one of the core purposes of the formation of States and the Westphalian system. By helping States meet one of their core responsibilities, RtoP seeks to strengthen sovereignty, not weaken it.

Friends, the task is considerable. As a first step, I have asked my Special Adviser, Edward C. Luck, to work on the conceptual, institutional, and political dimensions of RtoP. He is consulting widely, including at productive meetings here in Berlin and recently in Brussels, as well as in the developing world. He and Francis Deng are my two professors. They will share an office on genocide prevention and RtoP, helping the UN to speak and act as one.

Late this year, I will report to the General Assembly on our proposed approach to RtoP and the challenges posed by the Summit Outcome Document. I will do so in full confidence that Member States are united in their support of the goals and purposes of the responsibility to protect.

My personal commitment is deep and enduring. I voiced it even when I was yet only a candidate for this office, and I have kept voicing it since. Let me be clear: Just as I am aware of the controversy and doubts the concept of RtoP have created, so do I know the public expectations and enthusiasm it has generated.

Today, the responsibility to protect is a concept, not yet a policy; an aspiration, not yet a reality. Curbing mass atrocities will be neither easy nor quick. There is no certain blueprint for getting the job done. We are all novices in this field.

But I do know that the UN was built on ideas, ideals, and aspirations, not on quick fixes, sure things or cynical calculations. This has both inspired and, occasionally, frustrated “we the peoples” of the world. But the world’s people have, nevertheless, kept their faith in the institution, because it never tires of trying to accomplish the impossible. So be it with RtoP, which speaks to the things that are most noble and most enduring in the human condition. We will not always succeed in this cardinal enterprise, and we are taking but the first steps in a long journey. But our first responsibility is to try. I invite you to join me in this common endeavor, and I will welcome your suggestions and your criticisms along the way.

Thank you very much.

