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The Anna Lindh Lecture - 2008

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Establishing a Culture of Prevention

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Governor Göran Tunhammar

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Ambassador Jan Eliasson

It is a great pleasure for me to return to Lund University to honour the memory and achievements of Anna Lindh and I believe it is also very appropriate that the Raoul Wallenberg Institute, named after the great Swedish diplomat, should be involved in organising this session. I think it is particularly good that you are working to promote human rights, around the world, to expand knowledge and understanding of human rights and to ensure that countries around the world embrace the Universal Declaration of Human Rights.

When I first left the United Nations in January 2007, Nane and I realized we were very tired. And you don't of course realize how tired you are until you stop. We decided to go and hide. So we went to the Lake Como region where we stayed in the house of a friend amidst the mountains. We could walk from the house to the mountain without ever going in to the village and hide very quietly. We were going to be there for three months. After six weeks without television, radio or newspapers, I was beginning to feel a bit bored. So I told Nane, "Let's go to the village and see if we can get a newspaper". We walked into a tobacco shop to get the newspaper. All had gone well, and then I noticed a group of men in the corner and one of them broke away and started coming towards us and I turned to Nane and thought: "Gosh we have six more weeks to go and we have blown our cover. How are we going to manage?" The man came up to me putting his hand out of his pocket and said: "Morgan Freeman, may I have an autograph?" I responded –Sure and signed K. Freeman. He was very happy and I was very happy. The two security officers, who were with us, were also happy. Saying: "you are not here only Morgan Freeman is here". We had another peaceful six weeks. Today we don't have that confusion, I think that my arrival have been announced and that most of you know about me.

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Anna was a great Swede, a great European and a valued member of the United Nations family. I also had the good fortune to call her a dear friend. She was a shining example of all that is good about this wonderful country and its positive impact on the world.

She also underlined, through her decisive and compassionate leadership, why we need more women to be involved in public life. Her death was a tragic loss to your country and to all who knew her.

Throughout her life, Anna was a tireless champion for the promotion and protection of human rights. She believed passionately that “markets without borders must be balanced by values without borders”.

And that those values have long been set out in the Universal Declaration of Human Rights, whose 60th anniversary we celebrate this year.

The Universal Declaration of Human Rights was a document born in the wake of shattered humanity. The atrocities committed during the Second World War remained fresh in the minds of the drafters.

Adopting the Universal Declaration was an historic act, which recognized the inherent dignity of the human being and the equal and inalienable rights of all members of the human family as the foundations of freedom, justice and peace in the world.

Indeed, the Declaration set out for all of humanity a shared vision of rights and freedoms and of shared responsibilities towards each other. No matter what part of the globe we inhabit, no matter our colour, religion, or sex.

However, there were drafting battles over how far to go in allowing the people to choose their government and here Sweden played a decisive role.

One critical Swedish amendment called for the insertion of the clarification that the will of the people be ‘manifested in general and free elections or in equivalent voting procedures’. That is what settled the battle.

This reminds us that participation in elections, and government that is accountable to people, remains as desirable and contested as ever. Not only was this a progressive and pressing demand at a time when much of Africa and Asia were living under colonial rule, the idea of free and fair elections remains a powerful notion that galvanizes all those who are still struggling to have a say in how their government is run.

We saw this struggle most recently in Zimbabwe, where the victor of an unfair vote did not have the legitimacy to govern and could not receive the support of the international community.

Sustained international pressure will be required to make Zimbabwe’s power-sharing agreement work. But the deal only offers a breathing space for the country to rebuild. The political ambitions of a few must not be allowed to set aside the hope and aspirations of the

people of Zimbabwe and only then will security, true democracy and a process of reconciliation be achieved, without which lasting peace cannot take root.

My dear friends,

Anna understood that in our world today, respect for the rights set out in the Universal Declaration was as important as ever as Jan told us.

For today, although we live in a world of great wealth, we witness enduring poverty, inequality and discrimination.

In our world we are better connected than ever before, but many remain marginalised and excluded from the protective rules and institutions promised by the Declaration.

We have a world where the impact of one nation's economic turmoil can spread across the globe within hours. I don't think I need to say more about this one.

And a world where we all face common challenges, not least those of climate change and terrorism.

Anna knew that to face these common challenges we need a set of common values that bind us as one humanity. And she wanted human rights to be the cornerstone both of Swedish foreign policy and a priority for the international community as a whole.

Thus, on this occasion, let us reflect on how far we have come to delivering on the promises that were set out in the Universal Declaration of Human Rights. This is surely what Anna would have done if she was still to be with us today.

Ladies and Gentlemen,

Back in 1948 the Universal Declaration of Human Rights set out a vision of individual freedoms, social protection, economic opportunities and duties to community.

Since then, decisive steps have been taken. The rights proclaimed in the Declaration have been elaborated in a rich body of international human rights norms that have developed during the past six decades.

The work of elaborating the norms continues, but the focus now must be on the effective implementation of the norms on the ground.

More recently, the establishment of the International Criminal Court and the work of the UN tribunals for the former Yugoslavia and Rwanda, as well as the mixed ones in Sierra Leone and Cambodia, has led to concrete action in bringing to justice the perpetrators of the worst international crimes.

These tribunals have demonstrated the will of the international community that gross and systematic violations of human rights should not go unpunished.

Indeed, the International Criminal Court holds the promise of a universal justice, whereby no official, no commander or general, or indeed no head of state can commit these crimes with the expectation of impunity and will be brought to book.

At the United Nations we have seen important reform.

Throughout my time as Secretary-General I sought to shore up human rights as the third pillar, along with the pillars of development and security on which all of the work of the UN must be based and you heard my good friend Jan refer to that. For I believe there can be no long term security without development and there can be no long term development without security and no society can long remain prosperous without respect for human rights and the rule of law. And I was happy to see the member states and the heads of state embrace this concept at the 2005 summit under the chairmanship of Jan.

For this reason, the Office of the High Commissioner for Human Rights was given the go-ahead to double its regular budget so as to better help governments, the primary duty-bearers, to build capacity to protect and promote the rights of their citizens. The High Commissioner's advocacy role was also enhanced, and the Office's field presence expanded to address urgent situations on the ground.

In 2004, we also published the United Nations Plan to Prevent Genocide. One might recall here that the Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the General Assembly on 9 December 1948, the day before the Universal Declaration was adopted.

Our 2004 Plan has five components, implementation of which has evolved to varying degrees to this day. First, the prevention of armed conflict, the context in which genocide and other crimes against humanity are committed. Second, the protection of civilians in armed conflict, particularly women and children who can be 'caught in the crossfire' or could be considered 'collateral damage'. Third, the ending of impunity, removing shelter for those who commit heinous crimes. Fourth, early and clear warning through the creation of a new post of Special Adviser on the Prevention of Genocide. And fifth, the adoption by the UN General Assembly of a new doctrine called "the responsibility to protect". And here, let me pay tribute to my good friend, Jan Eliasson, whose presidency of the 60th session of the UN General Assembly, also resulted in the creation of the UN Human Rights Council to replace the Commission on Human Rights.

The doctrine of responsibility to protect says that the international community has the responsibility, through the United Nations, to use appropriate diplomatic, humanitarian and other peaceful means to help to protect populations from genocide, ethnic cleansing, war crimes and crimes against humanity; and they declared themselves, this is the General Assembly and the heads of states "prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter... should peaceful means be inadequate and national authorities manifestly failing to protect their populations" from those same crimes.

In other words, sovereignty is not exclusive: sovereignty can no longer be used as a shield, behind which governments can hide and brutalise their people. It also means that we also have responsibility. This idea that governments can step in is not a blank cheque for military intervention by one country into the affairs of another.

It is recognition that when faced with crimes of the scale seen in the early 1990s in Rwanda and former Yugoslavia, Srebrenica we cannot shut our eyes. As an international community we must step in, through the United Nations Security Council. We have the responsibility to do so, for those who are threatened with such crimes deserve our help.

So the responsibility to protect imposes duties on both sides. Duties on the government concern to protect its own people. But it also imposes duties on the rest of us, that we can not sit back and do nothing. We can not sit back and say that is the sovereign duty of that and that government or because of the sovereignty we can not interfere. Some crimes are so shameful and so painful that each and every one of us has to ask the question “What can we do?” And sometimes, I think, it is enough of for us to say “We can't take this anymore”. For them to know that third parties are supportive and concerned about their plight often gives them power to resist and fight on”

A good example of the international community acting, and acting effectively is what happened at the beginning of this year, when I was asked to chair a Panel of Eminent African Personalities which mediated the political crisis following the disputed presidential elections in Kenya.

In the month following the elections, 1500 people were killed and about 300'000 Kenyans were displaced. The country was on the brink, and the media was starting to compare what was happening in Kenya with Rwanda because Kenya has 42 different tribes and there was tribal content to some of the violence.

But in this case, the international community acted with speed and in concert. The elections were in the end of December and I was asked to go in early January and by the time I was approached several people had gone in, Archbishop Desmond Tutu had been in. There were four former African heads of states. President Chissano of Mozambique, President Mkapa of Tanzania, President Masire of Botswana and President Kaunda of Zambia were on the ground trying to do something.

I was due to get there on the 15th but on the way to the airport I felt sick and ended up in hospital for a week, and in a way I was able to use that week well to build a coalition and build support among the international community before I got into the media, where cynics were saying the man they are waiting for had conveniently fallen in sick.

Anyway, I did get there on the 22nd of January and started our work. I also assured the people of Kenya, for I met with civil society, the business community, the churches, the women's groups, and youth, that this is your country, you should be concerned about what has happened and the agreement we are going to write will be your agreement and you have to work to make sure it is implemented. We will run an open process, each agreement we sign in private we will release and make it public. That is also what we did. But what was important is that it was an African Union mandate supported very strongly by the European Union, the United Nations and the US and we all worked in concert and spoke with one voice. I got the support I needed from everyone, and the African Union was also very, very active.

We resolved the crisis in two months. By the end of February we had signed an agreement which led to the formation of the coalition Government, and that is still holding. The two leaders are working well together. And of course they have also undertaken a serious reform agenda of the electoral system, of the Constitution and land reform. They will also set up a Truth, Justice and Reconciliation Commission in addition to the Commission established to look into the election whose report came out last month, and a Commission to investigate the post-election violence and incitement to violence, whose report will come out next month. And here I also want to pay tribute to another compatriot of yours. Hans Corell who joined me at a critical stage during the negotiations when we were looking for a legal solution to an intricate constitutional problem – the creation of the post as Prime Minister - was crucial for the formulation of the power sharing agreement.

The mediation process in Kenya and the political settlement that was reached was perhaps the first effective application of the doctrine of the responsibility to protect. The international community moved early, reacted quickly, did not use force but used all economic, political and diplomatic pressure to get an agreement. I think it is an interesting development.

So it is clear, and Anna would have agreed if she was here, that we are moving in the right direction. There is no doubt that, in legal and institutional terms, we are better placed to act collectively to help protect human rights.

But of course, the real test is whether these tribunals, bodies and normative commitments are working in practice, and applied consistently. And unfortunately here, the record of the international community has been mixed at best.

Today, we continue to see gross and systematic human rights violations in too many parts of the world. And we continue to see too many situations where the international community is failing to live up to its responsibilities.

The response to Darfur provides us a stark example of the failure of the international community.

More than one year on from UN Security Council resolution 1769, which authorised the deployment of the Darfur peacekeeping mission, the joint United Nations-African Union force remains short of troops and equipment, most critically the helicopters so needed to carry out its work.

Darfur is the size of France. We do not have enough troops and will never have sufficient troops to flood the territory. You have to make up the shortage of troops with mobility, with helicopters, with APCs and others, but the troops don't have them.

A report published this summer discovered that of the 18 transport helicopters required by the force, not a single one has been delivered. Despite the fact that more than 20 countries have surplus helicopters and aircraft that could be made available to the mission.

The consequences were described by the force commander of the mission, General Martin Luther Agwai. He said: “We were sent to the boxing ring with our hands tied behind us.” And in effect this is what the situation is.

Some question whether justice should be sacrificed in the interests of peace.

But we have seen in Sierra Leone and in the Balkans that, on the contrary, justice is a fundamental component of peace.

Indeed, justice has often been bolstered by lasting peace, by delegitimizing those individuals who pose the gravest threat to it.

That is why one should not endorse amnesty for genocide, crimes against humanity or other massive violations of human rights. That would only be to encourage today’s murderers – and tomorrow’s would-be mass murderers – to continue their vicious work.

There is also no doubt that the 2003 invasion of Iraq has set back the chances of building a robust common approach to both conflict prevention and the promotion and protection of human rights through military intervention.

As early as 2002, I declared to Heads of State and Government, that while nations have an inherent right of self-defence under the UN Charter, beyond that, on broader threats to international peace and security, only the Security Council could authorise military action.

As Secretary-General I made my view absolutely clear: that I considered the war in Iraq to be illegal and a violation of the UN Charter. And we will feel the negative consequences for many years to come.

The decision by the United States and her allies caused division even among their friends. And it has distracted the international community from other major international challenges, and drained resources from other vital areas such as the need for development assistance. .

In the guise of the so called war on terror, we have also seen many nations, particularly in the West, bring in new legislation in the interests of national security, but which present additional challenges to civil liberties and fundamental human rights.

We must fight terrorism in conformity with international law, those parts of it that prohibit torture and inhumane treatment must be respected, and detainees should be guaranteed their rights to due process before a court of law.

Once we adopt a policy of making exceptions to these rules, or excusing breaches of them, no matter how narrow, we are on a slippery slope.

Regrettably, in all regions of the world, we see double standards with the result that human rights are selectively invoked rather than universally protected.

And when terrible injustices remain unaddressed, such as in the Middle East, intolerance and hatred take root, breeding violence and instability.

There can be no trade off between effective action against terrorism and respect for civil liberties and human rights human and those who promote freedom, human rights and the rule of law at home must apply the same standards to their actions and behaviour abroad. Not just as a matter of political expediency.

My dear friends,

When we consider the situation in 1948, we can see that important steps have been taken since then towards realising the vision set out in the Universal Declaration.

But clearly, the struggle is by no means over. And the best action that we can take is to embed a culture of prevention in every society. By this I mean:

- establishing processes for consensus-building;
- facilitating transitional justice and reconciliation in societies emerging from conflict;
- strengthening the rule of law and promoting accountability;
- delivering essential services to the most vulnerable;
- ensuring the participation of women, youth and minorities in key national processes;
- building support for diversity and tolerance in the media, popular culture and education;
- supporting the work of the UN human rights mechanisms, particularly the independence and impartiality of the High Commissioner for Human Rights in carrying out her broad mandate to protect and promote human rights for all.

These are values and principles that Anna passionately believed in and to which she dedicated her political life.

Each and every one of us must be prepared to stand up and challenge our governments and the international community to meet their obligations to protect the lives and uphold the dignity of every single man, woman and child.

And now I want to say a few words to my young friends who are in this room, you are also the leaders of tomorrow, the leaders of the 21th century and as this nation's next generation of human rights activists, practitioners and lawyers, I encourage you to continue Anna's legacy.

I encourage you to work towards realising the goals of the United Nations Declaration of Human Rights for all. Yes, we must remember that the fight for human rights will not be easily won. But we must wake up each morning, each day, prepared to fight it again. Each generation has a challenge by which future generations will judge them by, this maybe your challenge.

Thank you.

