

**Address by Mr. Kofi A. Annan on receiving  
the MacArthur Award for International Justice,  
New York, 20 March 2008**

Dear Jonathan and Lloyd,

Friends, ladies and gentleman,

As you know, I returned only recently from a marathon negotiating session in Kenya, where I found myself striving to bridge the gap between two parties that had just lived through the same events, yet had completely opposite views of what had happened. It was an extremely challenging experience – and at times also quite stressful, as you can probably imagine!

It was an enormous relief to me – as it was to all the people of Kenya, and really I think to the whole of Africa – when the two sides finally accepted a power-sharing agreement. But of course that is only a beginning, not an end. It is vital that they both implement the agreement in full sincerity, and use it as a base from which to tackle the underlying problems that had driven that wonderful country to the brink of civil war. They will need all the support the world can give in the months ahead.

Of course every country is responsible for tackling its own problems, and every State has the primary responsibility to protect its own people. But I could not help thinking, when I was in the midst of those negotiations, how much the world has changed over the last half-century or so in its interpretation of sovereignty.

In the past, when a conflict arose like the one in Kenya, essentially within the borders of one country, it was more or less axiomatic that the people of that country had to be left to deal with it on their own. For anyone else to get involved was considered an intolerable interference in the domestic affairs of a sovereign State. As far as the rest of the world was concerned, the State – which meant, in practice, whoever was in control of the State at that particular moment – was perceived as the sole legitimate representative of the people in that country. If those in control of the State used it to attack other people within the country and trample on their rights, those other people had no one to appeal to. The rest of the world could look the other way and not feel responsible.

Fortunately, today, we have come to see things differently. Today we see State sovereignty not as an absolute good in itself but as an instrument – albeit a very important one – which has value only in so far as it is used to protect human life, to ensure respect for human dignity, and to uphold human rights.

Sovereignty, in other words, should be seen not as a privilege but as a very heavy responsibility. It cannot be de-linked from the obligation that every State has to protect its people. Already, in my speech to the General Assembly in September 1999, I remarked that the State was now widely understood to be the servant of its people, and not vice versa. Only when it is exercised in that spirit, with due respect for fundamental human rights and

the dignity and worth of the human person – as proclaimed in the Charter of the United Nations – will sovereignty be recognized by all as credible and legitimate.

Of course, in saying that to this audience I know I am preaching to the choir. And that is why I feel so deeply honoured to be the recipient of the first MacArthur Foundation Award for International Justice. The MacArthur Foundation has worked to advance human rights and promote peace and justice through its support for individuals and organizations over many decades. It gave its very first grant to Amnesty International in 1978.

Where once agendas were set by Governments, today civil society has brought new issues to the table and has been instrumental in, for instance, the establishment of the International Criminal Court. Take for example, the Coalition for the International Criminal Court which brings 2500 NGOs from 150 nations to work in partnership with governments, the UN and others to ensure that the machinery of the Court is being put to use, and those responsible for crimes which shock the conscience of mankind are held to account before the whole global community.

This is a time when the efforts of people like you are bearing fruit, and our understanding of international law has profoundly changed. It has taken us far too long to reach this point; and even now we are still a long way from where we should be.

It is already fourteen years since we witnessed the genocide in Rwanda, in which hundreds of thousands of people were hacked to death. But we can never forget – certainly I can never forget – how a UN peacekeeping force, which was neither mandated nor equipped to fight a war, found itself in the midst of that ultimate nightmare and unable to stop the slaughter. I undertook to acknowledge on behalf of the United Nations this failure and express deep remorse.

At the request of the General Assembly I conducted a searching inquiry into the failure at Srebrenica, and on my own authority I commissioned an independent inquiry into the UN's actions during the Rwanda genocide. It was a moment of truth for the entire international community. It brought us face to face with our limitations. It showed how the absence of clear legal frameworks could be used as an excuse for failing to protect fellow human beings exposed to the most brutal and extreme danger imaginable.

The world was shocked, and some lessons were learnt. In 2004, on the 10<sup>th</sup> anniversary of the Rwanda genocide, I launched a United Nations Action Plan to Prevent Genocide, with five components: first, prevention of armed conflict – the context in which genocide and other crimes against humanity are most often committed; second, protection of civilians in armed conflict; third, ending impunity; fourth, early and clear warning (for which I created the new post of Special Adviser on the Prevention of Genocide); and fifth, swift and decisive action when, despite all our efforts, we learn that genocide is happening, or about to happen.

By “action”, I explained that I meant a continuum of steps, in which military action would be the last – an extreme measure, to be used only in extreme cases.

That, of course, is the doctrine of “responsibility to protect”, which was embraced by the entire membership of the United Nations in the outcome document of the 2005 World Summit. They said – let me remind you – 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 “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: when state protection fails, the international community must step in. It has the responsibility to do so, and those who are threatened with genocide, ethnic cleansing, war crimes or crimes against humanity have the right to expect its help.

Member states were, of course, not intending to encourage arbitrary or self-interested intervention by individual states or groups of states. That is why they specified that such action must be taken through the Security Council and in accordance with the Charter. But by so doing they also placed a heavy responsibility on the Security Council, and on its individual members. It is fair to question whether all of them have yet fully lived up to that responsibility – notably in Darfur.

In any case, while clear legal frameworks and statements of principle are very important, they are never enough. We must all work to establish a culture of protection. We must strive to uphold the principle that no one is above the law, and no one should be denied its protection. Every nation that proclaims the rule of law at home must respect it abroad; and every nation that insists on it abroad must enforce it at home.

Dear friends, ladies and gentleman,

Human rights and the rule of law form one of three interlinked and mutually reinforcing pillars of the United Nations system, alongside development, and peace and security. This too was recognized by the World Summit, because – as I wrote in my report *In Larger Freedom* - “we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights”.

When I challenged member States to renew the UN through my report *In Larger Freedom* indeed, the very title “*In Larger Freedom*” was intended to encapsulate this idea, and to remind people that it is rooted in the Charter, whose preamble expresses the determination of the peoples of the United Nations to save succeeding generations from the scourge of war, reaffirm faith in fundamental human rights, establish conditions under which justice and the rule of law could be maintained, and “promote social progress and better standards of life in larger freedom”. Freedom from want, freedom from fear and freedom to live in dignity go hand in hand.

Poverty remains both a source and consequence of rights violations. Therefore, if we are serious about human deprivation, we must also demonstrate that we are serious about

human dignity, and vice versa. Eight years ago, in the Millennium Declaration, the world's political leaders expressed their resolve to free their "fellow men, women and children from the abject and dehumanizing conditions of extreme poverty", to make the right to development "a reality for everyone" and to free "the entire human race from want".

It is in this spirit that the Millennium Development Goals were conceived. They had the ambition of providing any individual, institution, corporation, Government, or international organization with easy to recognize goal posts, based on objectives, rather than specific policy prescriptions. Their contagious effect have mobilized energies and motivations for practical and clear solutions. MDGs are a people-centered vision of development that must be underpinned by fair and balanced frameworks for the global economy. Development with justice can prevent conflict and realize basic human rights, provided that economic growth is accompanied by the rule of law - such as an effective and impartial police, independent courts, increased participation and inclusiveness - and people-centered development strategies.

Friends, ladies and gentleman,

Let me end where I began – in Kenya. Kenyans in the past few months have lived through a traumatic and murderous experience but somehow managed to pull back from the edge of the abyss.

While Kenyans and the African Union deserve the credit for this unusually positive development, the international community should also be proud of its role, for several reasons:

First, the international community heeded the early signals;

Second, they agreed, through my coordination, to speak with one voice and act in concert;

Third, there was a single negotiating process;

Fourth, there were limited high profile visitors.

In the months and years ahead, as Kenyans rebuild their Nation, promote healing and reconciliation, and undertake comprehensive constitutional, institutional and land reforms, I urge the international community to provide all the support and encouragement needed to make this a true success story. And in this endeavour, you will find that you have worthy allies in the robust Kenyan civil society, the churches, mosques and other religious groups, the professional associations, the universities and the private sector.

Let us work in partnership to rebuild this haven in a turbulent region.

Thank you very much.