



**Opening Statement of Mr. Francis Deng,
Special Adviser of the United Nations Secretary-General
on the Prevention of Genocide**

**"Preventing Genocide, sixty years later"
At the OHCHR Seminar on the Prevention of Genocide
21 January 2009, Geneva**

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One and a half months ago, on 9 December 2008, we commemorated the sixtieth anniversary of the adoption of the Convention for the Prevention and Punishment of the Crime of Genocide. As we all know, this Convention was the outcome of the vision and the life-long work of one individual, Rafael Lemkin. Lemkin wanted to capture in one word the act of killing with the purpose of exterminating an ethnic or religious group. He coined the word *genocide*, from the Greek word *genos* and the Latin suffix *-cide*, which literally means killing (hacking, cutting down) a species, or, metaphorically, an ancestry or an extended family. He then went on to convince the international community to recognize this as an international crime and have the newly created United Nations adopt a Convention for its prevention and punishment. The enormity of this task becomes obvious if we take into account that, in Lemkin's days, massacres and other atrocities were considered as internal affairs of a country, not to be interfered with by international law or third countries, let alone be declared 'international crimes'.

What I have described above is the legal concept of genocide. But the term 'genocide' is also commonly used in a less strictly defined fashion, by, for instance, social scientists, to mean killing of a large group of people on the basis of a shared common characteristic. It is even more loosely used by peace and humanitarian advocates and by victims of various forms and degrees of violence. In all these cases it is a very powerful concept, which can be invoked as justification for retaliatory violence and for unauthorized intervention. Hence, in our prevention work, we need to take into account this broader concept and its implications.

Let me now say a few words as to where we stand today in terms of preventing genocide. First, it is no longer disputed that genocide is an international crime. The Genocide Convention itself entails prevention elements, when it calls for punishment and also for incitement to genocide and conspiracy to commit genocide. It also provides a normative basis for the competent UN bodies, including the Security Council, to act in order to prevent and suppress genocide. The Convention has been greatly strengthened by the remarkable developments in international human rights and humanitarian law over the past sixty years. And in 2005, Member States agreed unanimously to a new global norm, the responsibility to protect, which aims to keep national leaders from hiding abuses

behind the false cloak of sovereignty. This emerging norm reinforces the related concept of sovereignty as responsibility that guided our mandate on the protection and assistance for the internally displaced for twelve years.

Furthermore, the United Nations, through its work and presence in most countries, provides practical assistance to States in building democratic institutions and resolving disputes through peaceful means, thereby contributing to the prevention of genocide in the broad sense.

The United Nations also seeks to ensure that perpetrators of genocide are brought to justice promptly. The crime of genocide is included in the Statutes of the International Tribunals for the former Yugoslavia and Rwanda, in the Law on the Establishment of the Extra-ordinary Chambers in the Courts of Cambodia, and in the Statute of the International Criminal Court. Justice is not only one of our main goals; it is in itself an important means of prevention.

In my capacity as Special Adviser on the Prevention of Genocide, I seek to clarify for States their obligations to prevent genocide, and to remind them of their responsibilities and duties in this area. The extent of these obligations is currently being examined by the Jacob Blaustein Institute for the Advancement of Human Rights, which I have requested to assist me in clarifying the normative legal framework for genocide prevention. I am grateful that the Blaustein Institute has undertaken this complicated task and is at this time working with a distinguished advisory board to identify the legal norms that can be invoked to counter the threat of genocide. As Special Advisor, I look forward to consolidating this information and using it to encourage States to fulfill their genocide prevention obligations.

One of the main strengths of my mandate is that I can draw on the extra-ordinary work of the United Nations around the world. Having been a 'human rights mechanism' myself, that is, having served as the Representative of the Secretary-General on internally displaced persons, I am familiar with the very diverse and thorough work that human rights special procedures and treaty bodies carry out in protecting and promoting human rights. The findings and recommendations of both treaty bodies and experts reveal remarkable insight and wisdom which are very relevant to my mandate, and one can only wish that their recommendations would be better heeded, so that we would not see atrocities still being committed. Nevertheless, we cannot afford to lose hope; and while we tend to focus on failures and weaknesses, we should also celebrate the UN's successes, especially in the areas of preventive diplomacy, human rights protection and international justice.

I look very much forward to the conclusions of this seminar, which brings together human rights law, humanitarian law and international criminal law experts, so that we can see together how we can advance our common cause. As the Secretary-General has said recently, far from being consigned to history, genocide and its ilk remain a serious threat. Not just vigilance, but a willingness to act, are as important today as ever.