

## **Building Collaborative Capacity to Protect Civilians and Address Atrocity Crimes**

On March 24, Global Action led a discussion at the US State Department as part of the Interagency Genocide and Mass Atrocity Prevention Working Group. About two dozen representatives from State, Defense, Justice, Health and Human Services and other Federal agencies were in the conference room.

The one hour session was designed primarily to review recommendations from the book “Healing the Wounds: Speech, Identity, & Reconciliation in Rwanda and Beyond” – authored principally by Sheri Rosenberg of Cardozo Law School with content and editorial support from GAPW – along with other recommendations stemming from our own work with the UN's Genocide Prevention Office, the International Coalition on the Responsibility to Protect (R2P), and other key partners.

A few of the recommendations we offered are listed below. However, the conversation at State quickly turned to Libya and the controversy over the application of a recent Security Council resolution that provided legitimacy for civilian protection activity, specifically in the form of a 'no fly' zone.

Our position in that meeting was that Libya represents a legitimate R2P case, but that there are danger signs in the way in which the resolution was interpreted by implementing parties. Specifically, we are concerned about the conflating in some quarters of civilian protection and regime change, prospects for military action beyond the securing of Libyan airspace (which had already been accomplished according to the UK), the lack of clarity about a Libyan 'opposition' which had already been formally recognized (by France) but that participants in our State Department meeting (and many others) could not clearly identify, and the degree to which military action against the Libyan government is being used by elements of that opposition as a pretext for renewing their own military activities without any apparent pressure being put on them by the 'coalition' to protect civilians or accept a cease fire.

We were clear to point out that this UN resolution establishes both a course of action and a precedent. If states are convinced that the application of the resolution is more about 'taking sides' or ousting a leader 'we don't like' rather than asserting our responsibility to protect, this will erode trust in both the process and the norm. We are concerned that the next time a civilian protection resolution is sought state abstentions in response to this particular resolution will quickly turn to vetoes for subsequent resolutions.

Genocide-specific recommendations for the group included the following:

- Support efforts at the UN (as well as within US government agencies) to create more robust early warning capacity and end bottlenecks that keep legitimate findings from becoming actionable for diplomatic efforts at early stages.

- Support the possibility of a voluntary, UN-based capacity to provide drafting assistance to states contemplating adopting genocide ideology or related laws to ensure that laws are precisely and narrowly crafted with appropriate punitive sanctions and independent authorities to sanction indictable offenses.
- Urge states to promote dialogue about ethnic identity in pre and post conflict settings, rather than attempting to suppress or criminally sanction dialogue in the name of 'national unity.'

GAPW was pleased to have this time with US government officials who face a myriad of challenges related to international diplomatic activity while remaining the 'default' for military engagement once diplomacy has been abandoned. To shift this 'default,' we need more robust and reliable, UN-based preventive tools and capacities as well as more 'good faith' attention to the need for timely diplomatic engagement, to the consequences of our often needless and unbalanced military responses, and to the limits (and not just the permissions) imposed by UN resolutions.