



The UN's Evolving Responsibility to Protect Civilians from Atrocity Crimes

Final Report

**23-25, May, 2011
Vienna, Austria**

**UN Youth and Student Association of Austria – Academic Forum for Foreign Affairs
Global Action to Prevent War, New York
Foreign Policy and United Nations Association of Austria (UNA-AUSTRIA)
Austrian National Defense Academy**

(Funded in part by the Ira Wallach Fund for the Eradication of Genocide)

For three days in May, a diverse group of UN representatives, government officials, NGO leaders and young practitioners in the genocide prevention and civilian protection fields gathered in Vienna to explore “New Capacities to Address the Threat of Atrocity Crimes.”

While the specific focus was on the proposal for a UN Emergency Peace Service (UNEPS), a range of atrocity crimes responses were investigated – including early warning mechanisms and more robust diplomatic processes -- with a clear priority to prevent such crimes.

This was the first of a three-part engagement in mid-2011 by UN-based Global Action to Prevent War (GAPW), with subsequent events organized by the World Federation of UN Associations in Nairobi (June) and by the Friedrich Ebert Stiftung in Berlin (July). In each context, participants affirmed the need to fill the UN toolbox with reliable capacities that can address the threat of atrocity crimes quickly and effectively. But as recent events in Libya have demonstrated, at least for most of the participants in Vienna, the most effective response to the threat of atrocity crimes is the one where no military response proves necessary.

The Vienna conference was organized primarily by two extraordinary young professionals: Marc Melich from the United Nations Youth and Student Association of Austria and Katherine Prizeman from GAPW. They helped gather an interesting and diverse group of young professionals committed to ending the scourge of genocide using updated communications and outreach tools and highlighting policy opportunities and challenges relevant to a new generation.

Funding was provided in part by the Ira Wallach Fund for the Eradication of Genocide.

While our three days of meetings included a public event at the UN compound in Vienna, the insights conveyed here will be un-attributed. Readers are invited to consult the appended documents to get a better sense of how our conversations were focused and inspired. Separate reports from Nairobi and Berlin will be available shortly from GAPW. Readers are also urged to consult the websites of GAPW (www.globalactionpw.org) and our principle program partner (www.afa.at) for updated opportunities to help the UN and its member states find the capacities needed to effectively prevent and address atrocity crimes.

Key Issues and Recommendations (click here for access to full program)

- We must develop a clear understanding of the **root causes of genocide** and how they can be addressed at early stages. The Analysis Framework (click here for access) provided by the UN's Office of Genocide Prevention provides guidance (based on 8 factors) on how to predict threats of genocide and respond rapidly to those threats.
- In assessing the costs of rapid, effective response to the threat of atrocity crimes, it is important to **assess the costs associated with the crimes themselves** – the enormous humanitarian and financial consequences of responding to outbreaks of violence, healing its impacts and rebuilding failed states.
- **There are clear but mostly unexamined relationships between the presence of illicit arms and the commission of atrocity crimes.** Illicit arms represent a major threat to the integrity of security systems with implications for mass atrocities. In addition, the conversion from excessive military spending frees resources needed to address social and economic conditions that can breed ethnic-based or other forms of mass violence.
- While there is no 'magic bullet' that can address all RtoP crimes, **there are many tools at our disposal to prevent or halt atrocity crimes, including mediation, sanctions, embargoes and the threat of international legal action.** Regardless, the focus must remain on prevention rather than on military reaction.
- **The Protection of Civilians (PoC) lens is broader than the Responsibility to Protect, since RtoP is restricted to the four crimes within its mandate.** Many states would prefer to talk about PoC than RtoP, at least in initial stages. Part of this is related to the 'stigma' of genocide and the fact that RtoP is seen as only related to state and UN response to genocide and other mass atrocities.
- **There are several, relevant structural matters in the UN system to which priority attention should be given,** including the need for more transparency regarding findings of atrocity crimes (including what happens to findings once they reside in the SG's office), the need for immediate

access to countries where there is a clear risk of genocide, and the need for more effective, rapid-response capacities to stop the violence in its earliest stages in those (hopefully) rare instances when diplomacy fails to do so.

- **There is also a need for more advocacy efforts directed towards the Security Council so that they are ‘seized’ of threats at earlier stages when preventive measures are still feasible.** There is also a need to end the ‘self-exemptions’ that the P5 grant themselves when it comes to peace and security issues, the sense that the ‘rules’ governing state conduct in the security field do not apply to the larger powers.
- **We also need more clarity regarding peacekeeping mandates proposed by the SC.** Peacekeepers are often sent into the field based on protocols that would be deemed unacceptable by national military commanders. We need to ensure that mandates are clear and that responses are adequate to the problems that civilian and military peacekeepers are likely to confront when dealing with atrocity crimes.
- **We should consider starting an ‘endangered people’s movement’** to call greater attention to populations that have not been adequately served by our current, collective response to our PoC and RtoP responsibilities.
- Successful advocacy on RtoP requires that we communicate more clearly about the premises for implementing of our civilian protection responsibility, **which is in part about guaranteeing the most appropriate response capacities and in part about building sufficient trust with wary diplomats that RtoP is not another excuse for authorizing humanitarian intervention.**
- **A case can easily be made that Libya represents a mis-use of the RtoP norm.** The civilian protection function was tainted with national political agendas in ways that could very well compromise successful future resolutions. Libya was a test-case for our discipline in implementation, not a cover for unauthorized political pursuits.
- Women have often not been ‘pre-destined’ to play a key role in peace processes, but this can and must change. **Security sector reform is one key area where gender integration is strongly mandated.** Part of this is sensitizing the public of the fairness and benefits (including better access to female victims of violence) of full participation by women in all peace policies and processes.
- **Part of our responsibility related to RtoP includes ending impunity for the commission of or incitement to mass violence.** This work involves bringing domestic criminal law into conformity with ICC standards, but also having such law reflect the obligations made explicit through acceptance of the RtoP norm.
- **For many younger practitioners, there are multiple entry points into the work of addressing atrocity crime violence.** From conflict prevention to post-conflict reconstruction, and from education to law, there are many skills needed to prevent mass atrocities, ease societies emerging from violence, and prevent states that have emerged from

violence from slipping back into patterns of abuse. We must find more pathways to participation and leadership for younger scholars and activists.

- **There are many state concerns regarding adoption of a rapid-response, complementary capacity such as UNEPS.** There is the belief that the SC should not be given additional capacities at a time when they cannot demonstrate effective deployment of the tools and capacities (ie. sanctions) already under their control. This is related to the concern that a capacity like UNEPS, once developed, would create temptations to deploy it even in situations which would be widely seen as inappropriate.
- **As a standing capacity consisting of UN employees, UNEPS would carry UN legitimacy** which is still globally acknowledged as more significant than the legitimacy of regional organizations, and certainly more than NATO or other default implementers of UNSC mandates.
- While affirming Francis Deng's notion of 'sovereignty as responsibility,' **we must insist that prevention is the response of preference to the threat of atrocity crimes.** Prevention is harder to 'brand' or even 'prove' empirically than other types of response, but any failure on prevention that opens the door for mass violence cannot be justified by our skillfulness in post-conflict peacebuilding. The most effective deployment is almost always the deployment that we are not required to make.

General Conclusions

The public event and workshop organized by Mr. Melich and Ms. Prizeman took many weeks of consultation and required much generosity from organizers and participants, including from the Office of the Special Adviser on the Prevention of Genocide at the United Nations in New York. The results were beneficial at many levels, including integrating insights on RtoP and standing peacekeeping capacity from experts and practitioners in several central European countries.

The following became clear from our robust 2-day conversation:

- **There are many young practitioners interested in finding a role in the prevention of atrocity crimes** and many of these young people have both the technical and emotional skill to provide leadership on RtoP and related issues of conflict prevention and resolution, civilian peacekeeping, international humanitarian law, etc.
- **We must devote as much time and attention to response capacities as we do to norms and principles.** Preventive and early warning capacities must be made more robust, but we must not neglect the need for last-resort capacities that can provide rapid, limited and disciplined response to threats of atrocity crimes that cannot be resolved through diplomatic means.
- **Aside from response toolkits, there are three basic pillars of our efforts to address atrocity crimes** – preventing the violence before it

begins, stopping the violence quickly, fairly and effectively once it begins, and helping societies avoid 'recidivism' once they have emerged from initial patterns of violence. These pillars all require robust civilian capacities and skills sets.

- We must do more to ensure a broad vetting of new proposals for peacekeeping strategies and capacities in diverse global regions, but especially in the regions that are most likely to experience their use. There are issues in the UN regarding the willingness of the SC to consult on mandates with countries contributing troops to peacekeeping operations let alone to states that are likely candidates for some future peacekeeping operation or a deployment of some new capacity. **Direct and regular consultation with end users and implementers is indispensable.**

The Vienna meetings reinforced what our other regional engagements have also affirmed. As frustrating as they might be, objections to our norms and policies are not fatal, they are not personal; they have a context and a history that we must take seriously. If we really want to build support for RtoP and 'third pillar' implementation tools, from prevention to reaction, we must listen more and talk less. We must understand more and judge less. We must do more of our work in private and less in the spotlight. We must risk and trust more. And we must do all of that together. One person can make change. But an intentional community can make sustainable change. We need that kind of change when it comes to atrocity crimes.

Genocide and crimes against humanity remain more than legal and political problems; they represent blights on our human condition. These scourges deserves as much of our skill, our passion, our creativity and our love as we can provide. We have what it takes to prevent and to address. We all need to get busy.