

23 May 2011 – UN Office Vienna

The UN's evolving responsibility to protect civilians from atrocity crimes.

How the UN system engages in atrocity crime prevention?

How the UN departments interact with each other in that regard?

According to Dr Francis Deng, the Special Adviser to the UN Secretary General on the Prevention of Genocide : “The key factor in the prevention of genocide is to develop a clear understanding of its root causes and how those causes can be addressed constructively at an early stage before escalation generates into hatred, violence, defensiveness and denial. Prevention also calls for increased awareness of the nature of the problem, the action needed to prevent it from exploding, the tools required for timely, constructive and effective engagement, and the apportionment of responsibility for preventive collaboration.”

Genocide in Rwanda and the Balkans in the 1990s showed in the worst possible way that the United Nations needed to do more to prevent genocide. In 2001, the United Nations Security Council (Resolution 1366) invited the Secretary-General “*to refer to the Council information and analyses within the United Nations system on cases of serious violations of international law*” and on “*potential conflict situations*” arising from “*ethnic, religious and territorial disputes*” and other related issues. It acknowledged “the lessons to be learned [...] from the failure of preventive efforts that preceded [...] the genocide in Rwanda [...] and the massacre in Srebrenica”, and resolved “to take appropriate action [...] to prevent the recurrence of such tragedies”.

On 7 April 2004, in his address to the Human Rights Commission on the International Day of Reflection on the 1994 Genocide in Rwanda, the Secretary-General launched an Action Plan to Prevent Genocide, which included the development of capacity within the United Nations system for “early and clear warning” of potential genocide. In this respect, the Secretary-General announced his decision to create a new post of Special Adviser on the Prevention of Genocide, reporting through his Office to the Security Council. Succeeding Mr. Juan E. Mendez, Mr. Francis Deng was appointed in August 2007.

In February 2008, the Secretary-General appointed Mr. Edward Luck as his Special Adviser on the responsibility to protect; to further the conceptual and political development of R2P principles and build consensus among member states, as well as to assist the General Assembly to continue consideration of this crucial issue.

In 2010, during the 30 March meeting of the UN Policy Committee, the SG decided to create a joint-office – linking prevention of genocide and R2P. This decision was supported by the SG report in August 2010 to the GA debate on R2P and Early Warning. Later on that year, the 5th Committee of the General Assembly (which is the administrative and budgetary committee of the GA) endorsed the expansion of the OSAPG’s mandate to include early warning and assessment of war crimes, ethnic cleansing and crimes against humanity, as well as genocide prevention, and endorsed the creation of a new regular budget post on R2P. The new joint office would also have a convening function.

OSAPG works to strengthen the role of the United Nations in preventing genocide and mass atrocities by collecting and assessing information on situations of concern to the mandate, alerting the SG and the UN system, advocating for appropriate preventive action, and raising awareness of the causes and

dynamics of genocide and mass atrocities and the measures that can be taken to prevent or mitigate the risk.

Information collection and assessment

The Office collects information, in particular from within the UN system, on massive and serious violations of human rights and international humanitarian law of ethnic and racial origin that, if not prevented or halted, might lead to genocide, war crimes, ethnic cleansing or crimes against humanity. OSAPG maintains working files on situations of concern. Our assessment of the risk of genocide is based on the Office's Analysis Framework, which identifies eight factors which, cumulatively, could lead to genocidal violence¹. The Office encourages other institutions, organizations, member states and regional organizations to adopt this framework for early warning purposes. The Office is in the process of developing a new framework that will encompass the crimes covered under the responsibility to protect.

Early Warning

When there is cause for concern, the Office acts as a mechanism of early warning to the Secretary-General, and through him, to the Security Council. Specifically, the Office provides timely advice to the Secretary-General on situations of concern and measures for preventive action; and mobilizes the UN system and other key partners, taking into account the urgency of a situation, and conducts advocacy missions to countries where the involvement of the Special Advisers is considered of particular value.

The early warning work of the Office fulfills a critical role within the UN system as it is the only organ specifically mandated to consolidate and analyze information on situations where there is a risk of mass atrocity. The Office coordinates closely in this regard with other UN offices including the Office of the HCHR and DPA.

Raising awareness

¹ The following factors cumulatively increase the risk of genocide:

- Tense inter-group relations, including a record of discrimination and/or other human rights violations committed against a group;
- Weak institutional capacity to prevent genocide, such as the lack of an independent judiciary, ineffective national human rights institutions, the absence of international actors capable of protecting vulnerable groups, and a lack of impartial security forces and media;
- The presence of illegal arms and armed elements;
- Underlying political, economic, military or other motivation to target a group;
- Circumstances that facilitate perpetration of genocide, such as a sudden or gradual strengthening of the military or security apparatus;
- Acts that could be elements of genocide, such as such as killings, abduction and disappearances, torture, rape and sexual violence, "ethnic cleansing" or pogroms or the deliberate deprivation of food;
- Evidence of the "intent to destroy in whole or in part";
- Triggering factors, such as elections.

The Office creates knowledge and raises awareness about genocide and mass atrocities prevention in order to enhance the capacity of the United Nations to analyze and manage information relevant to genocide and related crimes and enable States, the United Nations system and civil society to work collectively towards preventing mass atrocity crimes. The Office assists regional organizations and governments to institute genocide prevention mechanisms, and engages governments on the nature of genocide and constructive ways of managing diversity as a preventive strategy. Finally, the Office conducts training seminars for government officials, UN staff and civil society and has developed a training manual on genocide prevention.

Engaging with partners

The Special Adviser acts as a catalyst within the UN system and the international community to prevent genocide and related mass atrocities. He, alone, cannot prevent these crimes. He therefore works to strengthen the ability of other actors to do so, in particular Member States, the UN system, regional and sub-regional organizations and civil society. In addition, these same actors provide information and knowledge to the Office without which it cannot act as a mechanism of early warning. The Office's partnerships are therefore central to its execution of the mandate.

UN partners

Much of the work of UN departments, programs, agencies and independent experts is of direct relevance to the work of the Office. Collectively, they represent a vast resource for information, analysis, policy and strategy recommendations and implementation. The Office coordinates closely with relevant UN partners to make the best use of available resources, maximize impact, and avoid duplication or contradiction in the UN's action to address a given situation. In addition to ad hoc relationships, the Office engages on a regular basis as a participating member which coordinates policy and action, with the following UN entities:

With inter-departmental bodies : Secretary-General's Policy Committee ; Executive Committee on Peace and Security ; Meeting of senior advisers of the Secretary-General ; Inter-Departmental Framework for Coordination on Early Warning and Preventive Action (Framework Team), Country-specific inter-agency working groups and task forces.

Departments, programs and specialized agencies: DPA, OHCHR, DPKO, UNICEF, UNHCR, UNDP, OCHA, OLA, UNIFEM, WPF.

Regional and sub-regional organizations

In addition to the devastating loss of life, the humanitarian, financial, security and political costs of mass atrocities are enormous. These are shouldered not only by the State in which these crimes occur, but also by their neighbours. These crimes can thus be particularly effectively addressed by groups of states that share the consequences of violent conflicts in their region and have the greatest interest in preventing and halting them.

Genocide and mass atrocity crimes are, by their very nature, a sensitive issue, one that States can shy away from discussing when singled out. Regional and sub-regional organizations can provide

opportunities to engage States on the prevention of genocide and mass atrocity in a pro-active, non-threatening manner.

In this vein, the Office is working with several regional and sub-regional organizations including the Organization of American States (OAS), the European Union (EU), the African Union (AU), the Intergovernmental Authority on Development (IGAD), the Economic Community of West African States (ECOWAS), the International Committee on the Great Lakes Region (ICGLR) and the Association of South-East Asian Nations (ASEAN).

As examples of OSAPG's collaboration with these organizations: In November 2009, Francis Deng addressed the African Union (AU) Peace and Security Council and the AU Panel of the Wise. The two institutions expressed their support for the mandate and work of the Special Adviser and the Panel of the Wise called for the incorporation of OSAPG's Analysis Framework into the African Union's early warning mechanism.

On 23 September, following an OSAPG training seminar for state representatives of the International Conference on the Great Lakes Region (ICGLR) in Kampala, OSAPG participated in the founding meeting of the ICGLR's Regional Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity and all forms of Discrimination. The Committee is the world's first sub-regional body created specifically to prevent mass atrocity crimes. It will monitor Great Lakes Region implementation of the 1948 Genocide Convention; its creation is historically significant because of the absence of a treaty body to monitor compliance with the Convention. OSAPG is working closely together with OHCHR to assist each ICGLR Member State to design a national action plan, including establishing early warning structures at the national and regional level, through the current meeting of ICGLR which is currently being held in Brazzaville this week.

And of course, OSAPG works closely with national and international NGOs.

The success of our Office in contributing to prevent genocide and mass atrocities is very difficult to measure and can probably be best reflected in terms of what *does not* happen. While the Special Advisers may be blamed for getting involved in domestic matters and being alarmist, they will rarely be credited with contributing to the prevention of acts which do not happen. The mandate's effectiveness ultimately lies in contributing to changing cultural social perceptions and state practices on prevention which in many instances require the implementation of long term strategies, resources, and of course, political will.