PREVENTING GENOCIDE
AND THE RESPONSIBILITY TO PROTECT:
CHALLENGES FOR THE UN, AFRICA, AND THE INTERNATIONAL COMMUNITY

IPI
INTERNATIONAL PEACE INSTITUTE
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CENTRE FOR CONFLICT RESOLUTION
CAPE TOWN, SOUTH AFRICA

OFFICE OF THE UN SPECIAL ADVISER ON THE PREVENTION OF GENOCIDE

POLICY ADVISORY GROUP SEMINAR REPORT
13-15 DECEMBER 2007, STELLENBOSCH, SOUTH AFRICA

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A POLICY ADVISORY GROUP SEMINAR REPORT

STELLENBOSCH, SOUTH AFRICA

13-15 DECEMBER 2007

JOINTLY CONVENED BY THE CENTRE FOR CONFLICT RESOLUTION (CCR), SOUTH AFRICA;
THE INTERNATIONAL PEACE INSTITUTE (IPI), NEW YORK, UNITED STATES; AND
THE OFFICE OF THE UNITED NATIONS (UN) SPECIAL ADVISER ON THE PREVENTION OF GENOCIDE, NEW YORK, UNITED STATES

RAPPORTEURS

RACHEL DAVIS, IPI; BENJAMIN MAJEKODUNMI,UN; JUDY SMITH-HÖHN, CCR

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About the Co-organisers:

The Centre for Conflict Resolution (CCR), Cape Town, South Africa

The Centre for Conflict Resolution is affiliated to the University of Cape Town (UCT) in South Africa. Established in 1968, the organisation has wide-ranging experience of conflict interventions in the Western Cape and southern Africa and is working increasingly on a pan-continental basis to strengthen the conflict management capacity of Africa's regional organisations, as well as on policy research on the United Nations' (UN) role in Africa; South Africa's role in Africa; African Union (AU)/New Partnership for Africa's Development (NEPAD) relations; and HIV/AIDS and Human Security.

The International Peace Institute (IPI), New York, United States

The New York-based International Peace Institute (formerly the International Peace Academy) is an independent, international institution dedicated to promoting the prevention and settlement of armed conflicts between and within states through policy research and development. IPI works closely with the United Nations and, in addition to its Africa Programme that acts as a bridge between the UN and actors on the continent, other IPI projects include work on the Middle East, where it aims broadly to underpin international efforts to establish peace in the region, and Asia, where it seeks to identify and create new partnerships to connect the UN better to regional research and policy networks.

The Office of the United Nations (UN) Special Adviser on the Prevention of Genocide

The UN Office of the Special Adviser on the Prevention of Genocide, headed by Francis Deng, forms part of the Action Plan presented by the UN Secretary-General on the tenth anniversary of the Rwanda genocide to the Commission on Human Rights on 7 April 2004. Its mandate is part of the wider context of UN efforts to create a culture of prevention and to prevent massive violations of human rights and humanitarian law.

The Rapporteurs

Rachel Davis manages the Responsibility to Protect (RtoP) programme of the International Peace Institute in New York; Benjamin Majekodunmi is Human Rights Officer in the Office of the United Nations Special Adviser on the Prevention of Genocide; and Judy Smith-Höhn was a researcher with the Centre for Conflict Resolution in Cape Town, and is now with the Institute for Security Studies (ISS) in Tshwane, South Africa.

Executive Summary

Over the past two decades, there has been increasing acceptance — in policy and academic circles and within the United Nations (UN) itself — of the protection responsibilities of governments towards their citizens.

An early step in the institutionalisation of these principles and norms occurred in April 2004 – on the tenth anniversary of the Rwandan genocide in which about 800,000 people were killed – when then UN Secretary-General, Kofi Annan, established the office of Special Adviser on the Prevention of Genocide (SAPG) and appointed Juan Méndez of Argentina to the post.

The Special Adviser's four main responsibilities were to:

- Collect information on massive and serious violations of human rights and international humanitarian law that, if not prevented, might lead to genocide;
- Act as a mechanism of early warning for the UN Secretary-General and the powerful 15-member UN Security Council;
- Make recommendations to the Security Council (through the Secretary-General) on preventing or halting genocide; and
- Liaise with the UN system on activities to prevent genocide and to enhance its capacity to manage information related to genocide and other serious human rights violations.

An Advisory Committee on the Prevention of Genocide was established in 2006 to provide guidance and support to the Special Adviser on the Prevention of Genocide and to contribute to the broader efforts of the UN system to prevent genocide. By the end of the mandate's first three years of existence, there was significant recognition in the international community of the contribution that had been made by the mandate. However, both the Special Adviser and the Advisory Committee urged that greater progress be made in strengthening the Office's effectiveness and operationalisation. In August 2007, UN Secretary-General, Ban Ki-moon, appointed Francis Deng, the Sudanese UN Special Representative on Internally Displaced Persons (IDPs) between 1992 and 2004, to build on the work done by Juan Méndez. In December 2007, the post of the SAPG was upgraded from that of Assistant Secretary-General to Undersecretary-General level and turned into a full-time position, thus strengthening its effectiveness as the outgoing Special Adviser and the Advisory Committee had urged.

The increasing acceptance of the protection responsibilities of governments towards their citizens was again highlighted at the United Nations 2005 World Summit, during which the international community affirmed the concept of the "responsibility to protect" (RtoP). However, this significant development has so far not been matched by comparable progress in enhancing international machinery or national will to ensure that the failures to protect of recent decades will not be repeated.

To address some of these challenges, the Special Adviser on the Prevention of Genocide, Professor Francis Deng; the Special Adviser to the Secretary-General (SASG) working on RtoP, Edward Luck; and the Centre for Conflict Resolution, Cape Town, held a policy advisory group seminar in Stellenbosch, South Africa, from 13 - 15 December 2007. The meeting brought together about 30 policymakers, experts and practitioners from the UN,

regional organisations, governments and civil society to consider the conceptual, institutional and policy challenges posed by their mandates, as well as by UN Secretary-General Ki-moon's determination to "operationalise" RtoP within the UN system and to turn the UN member states' "words into deeds".

The policy advisory group was organised around six studies of cases in which genocide and/or mass atrocities occurred or were prevented from occurring over the past three decades in Cambodia, Rwanda, Bosnia, Burundi, the Democratic Republic of the Congo (DRC), and Sudan's Darfur region. The case studies highlighted five major and inter-related issues of concern regarding effective and timely international responses to situations in which populations were threatened by genocide, war crimes, "ethnic cleansing" or crimes against humanity:

- Responses to RtoP situations have, by and large, been insufficient and delayed, and there has been an inability to unite political conditions and/or practical measures that allow effective early intervention. Political, geo-strategic and economic factors extraneous to the situation at hand have often become key obstacles to gaining widespread state support for effective UN or regional action, as demonstrated by the Cambodian genocide of 1975-1978, in which over one-and-a-half million people died.

- Few UN member states have been willing to support early intervention in a dangerous internal conflict, unless their own security is threatened, as a result, for example, of conflict spillover, massive outflows of refugees, or threatened access to key strategic resources. It is these factors that have often determined the degree of outrage expressed about mass atrocities and crimes against humanity. Thus, the willingness to prevent, react or rebuild has been marked by overt selectivity, driven mostly by self-interest. In Rwanda, for example, an armed insurgency and human rights violations had led the international community to sponsor a peace process in 1993/1994. While the international community perceived the peace process as ongoing, there was perhaps not sufficient willingness to respond preventively to increasing levels of violence prior to the genocide, for fear that the peace process could be derailed.

- The war in Bosnia from 1992-1995, which claimed over 100,000 lives, highlighted the potentially negative impact of regional involvement in internal conflicts, as demonstrated by the role of key European states. The recognition by the European Union (EU), the United States (US) and the UN Security Council of the right to self-determination was identified as a key cause for the "ethnic cleansing" that took place in Bosnia. Moreover, there was an overall failure to provide solutions that were acceptable to all, especially the ethnic "minorities" created by the dissolution of the former Yugoslavia, based on serious international negotiations to establish new international borders.

- The sometimes difficult relationship between the UN and its regional partners was illustrated by the case of Burundi. Following the incorporation of the former African Union (AU) troops from South Africa, Ethiopia, and Mozambique (AMIB) into the UN Mission in Burundi (ONUB) in February 2004, the UN was seen as minimising the AU's achievements by creating the impression that it had taken over a "failed" AU attempt at intervention. The lack of UN support for regional efforts was further illustrated by the international body's criticism of the African Union Mission in Sudan (AMIS), which deployed 7,000 troops in Darfur by 2004, as being incapable of effectively fulfilling its mandate. Yet the UN was reluctant to provide immediate assistance and to implement Security Council resolutions that called for international support, until the Council approved a 26,000-strong UN/AU hybrid force for Darfur

(UNAMID) in July 2007. If the UN is to continue to rely on the involvement of regional organisations, as it needs to, then it must commit more deeply to developing their capacity. The UN should start to do so through its Ten-Year Capacity-Building Programme for the African Union of 2006.

- A crisis of identity – along ethnic, racial, religious or other lines – was also highlighted as a characteristic common to RtoP situations. However, the issue of identity was described as being extremely difficult to isolate within a broader conflict situation.

The six case studies were complemented by thematic discussions exploring how international and institutional responses to such situations have evolved. This report draws together the lessons from the case studies into a series of broader conclusions and identifies issues for further action. Among these were the following three broad areas:

First, on the scope of RtoP and the characteristics of RtoP situations:

- As adopted in the UN Outcome Document of 2005 and subsequent resolutions of the UN General Assembly and Security Council, the RtoP concept rests on three pillars: first, an affirmation of the primary and continuing obligations of states to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity, as well as incitement; second, a commitment by the international community to assist states in meeting these obligations; and third, an acceptance by UN member states of their responsibility to respond in a timely and decisive manner to help protect populations in distress.

- RtoP is grounded in the notion of "sovereignty as responsibility" and is intended to help states to fulfil their protection responsibilities. The over-emphasis on the coercive dimension of RtoP in public discourse and the under-emphasis on prevention have skewed the post-2005 World Summit debate and precluded expert consideration of both what RtoP-specific prevention and capacity-building efforts would look like, and of the UN's comparative advantage in this area.

- The purpose of RtoP is not to re-label existing prevention and protection efforts, but to bolster them. For the UN, RtoP should function as a lens to help the organisation anticipate RtoP situations, as a strategic framework for connecting the various components of a UN response, and for gauging their cumulative progress.

- RtoP situations do not typically emerge without warning. There are a number of factors that tend to contribute to an "enabling environment", including the sealing off of a country; a "crisis of identity" within societies; the presence of competing elites or political groups (particularly those with an exclusionary ideology); and a history of discrimination, violence and/or impunity. The role played by neighbouring and other interested states as well as by non-state actors should therefore be taken into account, as should the presence of internally displaced persons.

Second, on the respective roles of the UN, regional bodies and civil society actors in preventing and responding to RtoP and potential RtoP situations:

- There are encouraging indications that the political calculus in RtoP and potential RtoP situations is changing and that the international community is much less likely to "look the other way". Ensuring an effective response to these situations, however, remains a challenge for the international community.

- For the UN system, RtoP brings new impetus to efforts to strengthen the institutional "connective tissue" between the international human rights and humanitarian architecture, the political and security structures, and the UN's broader development agenda, including its peacebuilding work. A key issue is the collation, analysis, and use of information to protect populations in distress more effectively.

- The relationship between the 15-member UN Security Council and the UN secretariat in New York needs further analysis and refinement. Although the secretariat has become bolder in advocating particular Council actions, the degree of influence that the UN secretariat can exert is often limited, especially on high-profile security issues. In the short-term, the UN Secretary-General, supported by the secretariat, could make better use of existing informal mechanisms to bring issues to the attention of the Council (consistent with Article 99 of the UN Charter), which should also continue its efforts towards increasing transparency in its work.

- There are several persistent challenges for the UN in dealing with regional partners, including enhanced communication with, and inclusion of, regional and sub-regional mechanisms in its planning, particularly at the preventive stage; a commitment to developing the capacity of regional partners (as the UN has started to do through the UN/AU framework for the Ten-Year Capacity-Building Programme of the African Union of 2006); and improving the ability to analyse regional implications and to generate regional strategies.

- Much of the preventive and capacity-building work being conducted by civil society organisations involved in the promotion and dissemination of human rights, rule of law, and democratic governance norms is directly relevant to the promotion of RtoP, particularly as it stresses the existing obligations of governments to protect their populations. There is an urgent need for improved co-ordination, more consistent messaging by the RtoP advocacy community, and more outreach efforts to developing countries. An emerging global network of supportive non-governmental organisations (NGOs) and other civil society actors could help to address these pressing needs.

The third and final broad area centres on how the discussions and lessons learned from the policy advisory group seminar have informed the work of the two Special Advisers on Preventing Genocide and RtoP. Both advisers have subsequently focused their efforts on three key issues identified and explored at the Stellenbosch meeting:

- First, refining a set of indicators of genocide or other serious violations, and, in the case of the Special Adviser on the Prevention of Genocide, continuing to monitor closely situations in which international attention could make a difference;

- Second, in the case of the Special Adviser to the Secretary-General, facilitating system-wide agreement on RtoP and on strengthening the UN's existing early-warning systems, information flows, and assessment capacities, including through the work of an inter-departmental Contact Group on RtoP in the UN secretariat; and

- Third, reinforcing partnerships among the UN and governments, regional and sub-regional organisations, and civil society groups on prevention, early-warning and analytical functions; and, continuing to explore what successful preventive steps such actors have taken and how such activities

and capacities could both be strengthened and replicated elsewhere. To this end, the Stellenbosch meeting represents the start of a wide-ranging dialogue that both Special Advisers intend to continue in the course of their mandates.

Recommendations

In addition to facilitating system-wide agreement across the UN on the concept of RtoP – a task that is well underway – the two Special Advisers will focus on five key issues:

- First, refining a set of indicators of potential or impending genocide, and, in the case of the Special Adviser on the Prevention of Genocide, continuing to monitor closely situations in which international attention may make a difference;

- Second, strengthening the UN's existing early-warning systems and information flows better to integrate the warning signs generated by the far-flung and diverse field operations of the UN, regional, and civil society actors;

- Third, improving the UN's assessment and evaluation capacities;

- Fourth, reinforcing partnerships between the UN and its partners on prevention, early-warning, and analytical functions; and

- Finally, continuing to explore what successful preventive steps that governments, regional and sub-regional bodies, and civil society actors have taken, and how such activities and capacities could both be strengthened and replicated elsewhere.

ABOVE: Mr Langa Malimela, Centre for Conflict Resolution, Cape Town, left; Ms Rikky Miniyuku, South Africa Director, Human Rights Watch
TOP RIGHT: Mr David Coltart, Zimbabwe's Movement for Democratic Change (MDC)
RIGHT: Mr Welile Nhlapo, South African Ambassador to the United States, Washington D.C.

1. Introduction

1.1 Background to the Mandates of the Special Adviser on the Prevention of Genocide and the Special Adviser to the Secretary-General working on the Responsibility to Protect (RtoP).

Over the past two decades, there has been increasing acceptance – in policy and academic circles and within the United Nations (UN) itself – of the protection responsibilities of governments towards the populations in their territory. An early step in the institutionalisation of these principles and norms occurred in April 2004, on the tenth anniversary of the Rwandan genocide in which about 800,000 people were killed, when then UN Secretary-General Kofi Annan, established the office of the Special Adviser on the Prevention of Genocide (SAPG) and appointed Juan Méndez of Argentina to the post.

The Special Adviser's four main responsibilities are to:

- Collect information on massive and serious violations of human rights and international humanitarian law that, if not prevented, might lead to genocide;
- Act as a mechanism of early-warning for the UN Secretary-General and the powerful 15-member UN Security Council;
- Make recommendations to the Council (through the Secretary-General) on preventing or halting genocide; and
- Liaise with the UN system on activities to prevent genocide and to enhance its capacity to manage information related to genocide and other serious human rights violations.[1]

An Advisory Committee on the Prevention of Genocide was established at the UN in 2006 to provide guidance and support to the SAPG and to contribute to the broader efforts of the UN system to prevent genocide.

The responsibility to protect (RtoP) principle set out in paragraphs 138 and 139 of the 2005 UN World Summit Outcome Document entails important political commitments by all 192 UN member states. As adopted in the Outcome Document and subsequent resolutions of the General Assembly and Security Council, the concept of RtoP rests on three pillars: first, an affirmation of the primary and continuing obligations of states to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity, as well as incitement; second, a commitment by the international community to assist states to meet these obligations; and third, an acceptance by member states of their responsibility to respond in a timely and decisive manner to help protect populations in distress. In paragraph 140 of the 2005 document, governments also expressed their support for the mission of the SAPG. In 2006, the UN Security Council reaffirmed RtoP as set out in the Outcome Document of Resolution 1674 on the protection of civilians in armed conflict – the first official reference to RtoP by the Security Council.[2]

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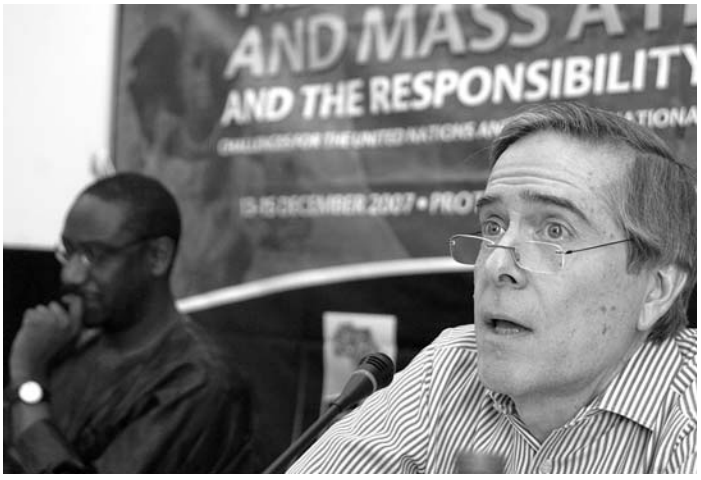
1 Letter dated 12 July 2004 from the UN Secretary-General addressed to the President of the Security Council, Annex: Outline of the mandate for the Special Adviser on the Prevention of Genocide, U.N. Doc. S/2004/567, 13 July 2004.

2 UN Doc. S/RES/1674, 28 April 2006, para 4. In Resolution 1706 of the same year, the UN Security Council recalled its earlier statement in support of RtoP in the specific context of the deployment of the UN Mission in Sudan, see UN Doc S/RES/1706, 31 August 2006.

This significant development has not been matched by comparable progress – either in enhancing existing international machinery or national will – to ensure that the well-publicised failures to protect of recent decades will not be repeated. In 2007, UN Secretary-General Ban Ki-moon sought to move this agenda forward by "operationalising" RtoP and turning member states' "words into deeds". In August 2007, the Secretary-General appointed Francis Deng, the Sudanese UN Special Representative on Internally Displaced Persons (IDPs) between 1992 and 2004, to build on the work done by Juan Méndez.[3] In December 2007, the post of the SAPG was upgraded from that of Assistant Secretary-General to Undersecretary-General level and turned into a full-time position, thus strengthening its effectiveness as the outgoing Special Adviser and the Advisory Committee had urged.

The 192-member UN General Assembly, the 15-member Security Council, and the UN Secretary-General have increasingly recognised that genocide often occurs together with other serious violations of human rights and humanitarian law – for example, the situations in both Rwanda (1994) and Bosnia's Srebrenica region (1995) have been described as involving genocide, war crimes, "ethnic cleansing" and crimes against humanity. To reflect these developments and ongoing practice more effectively, while upgrading the level of the post, the UN Secretary-General sought to change the SAPG's title to Special Representative for the Prevention of Genocide and Mass Atrocities. "Mass atrocities" was not intended as a legal term: it was intended to allow the SAPG to address situations where serious violations may be taking place prior to, or at the same time as, genocide, or where the actual or prospective occurrence of genocide as a legally definable crime may be difficult to determine but where the conduct is no less heinous or is of equivalent concern to the international community. In December 2007, after the meeting in Cape Town and in discussion with member states, it was agreed that the mandate would, in fact, retain its original form, without the new terminology.



ABOVE: Dr Adekeye Adebajo, Executive Director, Centre for Conflict Resolution, Cape Town, left; Professor Edward C. Luck, Vice-President and Director of Studies, International Peace Institute (formerly International Peace Academy), New York, and Special Adviser to the UN Secretary-General on the Responsibility to Protect
TOP RIGHT: Professor Francis Deng, UN Special Adviser on the Prevention of Genocide, New York
BELOW RIGHT: Professor Steven Ratner, University of Michigan, Michigan

3 Letter dated 31 August 2007 from the UN Secretary-General addressed to the President of the Security Council, UN Doc. S/2007/721, 7 December 2007.

In February 2008, the UN Secretary-General appointed Edward C. Luck – a long-time student of UN affairs and an adviser during Ban Ki-moon's campaign for the position and during the ensuing transition period – as a Special Adviser to the Secretary-General (SASG) tasked with the "responsibility to protect" at the Assistant Secretary-General level, on a part-time basis.[4] The concept of RtoP is relatively new and remains highly controversial, despite the 2005 UN Summit's endorsement. The SASG's role is therefore three-fold: to lead efforts to develop a UN-wide conceptual and policy framework for RtoP based on the 2005 Outcome Document; to identify a series of practical recommendations for strengthening and co-ordinating the performance of the UN and its partners on RtoP; and to engage member states in an ongoing, substantive dialogue, given paragraph 139's reference to "the need for the General Assembly to continue consideration of the responsibility to protect".

1.2 Objectives of the Policy Advisory Group

There appears to have been significant slippage in political support for RtoP since the 2005 UN World Summit, and its advocates are seeking to recover lost ground. The SAPG and SASG are working together in carrying out their respective mandates: the SAPG is responsible for the operational side, which involves engaging with specific country situations, while the SASG works on developing structural recommendations in consultation with member states and the UN system more broadly.

The SAPG has his office at the UN; the SASG is supported in his work through the International Peace Institute (IPI) – formerly the International Peace Academy (IPA) – an independent policy research organisation based in New York. From 13 - 15 December 2007, the Office of the SAPG and IPI partnered with the Centre for Conflict Resolution, Cape Town, South Africa, to hold the first of a number of international policy seminars to obtain the input of leading policymakers, experts and practitioners on the dual mandates of preventing genocide and RtoP and on their conceptual, institutional and policy challenges. Africa was the ideal place to start this process in light of the continent's historic support for RtoP principles, as reflected in the Constitutive Act of the African Union (AU) of 2000, adopted five years before the World Summit.[5] The role of some individual African member states was also critical in getting RtoP language included in the Outcome Document in 2005, though some African states also expressed misgivings that the principle could be abused by more powerful states to launch humanitarian interventions in weaker countries.[6]

The three-day policy seminar brought together about 30 senior figures from the UN, regional organisations, governments, academia, and civil society. They included: Ibrahim Gambari, Special Adviser and UN co-chair on the International Compact with Iraq and the UN Secretary-General's Special Representative to Myanmar; Ibrahima Fall, former UN Special Representative to the Great Lakes region; Diego Arria, former Venezuelan Ambassador to the UN and Chair of the UN Security Council; Rolf Ekeus, former High Commissioner on National Minorities of the Organisation for Security and Co-operation in Europe (OSCE); Solomon Gomes, Senior Political Officer of the Darfur Integrated Task Force at the African Union Commission; Welile Nhlapo, Ambassador of South Africa to the US; Margaret Vogt, Director at the UN Department of Political Affairs, New York; and Mary Burton, former Commissioner of South Africa's Truth and Reconciliation Commission. [7]

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4 UN Doc. SG/A/1120 – BIO/3963, 21 February 2008.

5 Available at http://www.africa-union.org/root/au/AboutAU/Constitutive_Act_en.htm ; accessed 26 March 2008.

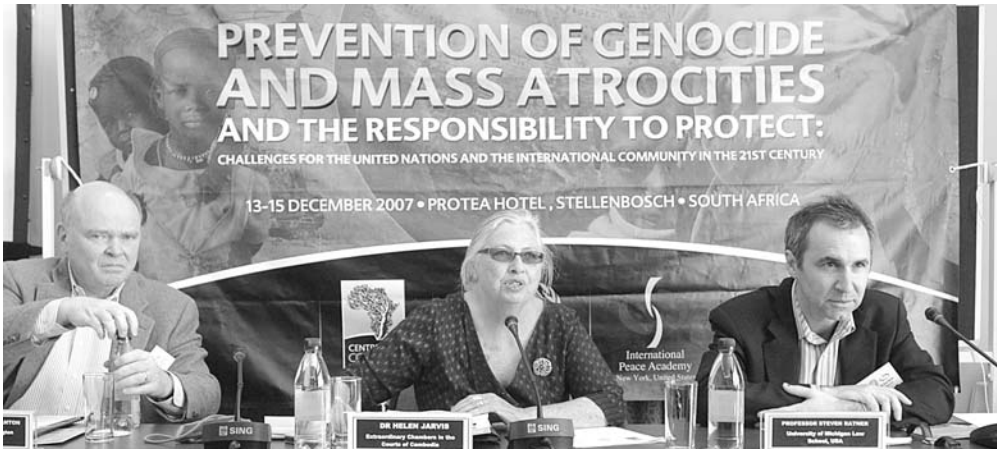
6 Centre for Conflict Resolution, *Africa's Responsibility to Protect*, policy advisory group seminar report, Somerset West, South Africa, 23 and 24 April 2007, p. 21 (available at http://ccrweb.uct.ac.za); and John Akokpari and Daniel Zimbler (eds), *Africa's Human Rights Architecture* (Johannesburg, South Africa: Jacana Media, 2008).

7 See Annex II for a full list of participants.

The agenda was organised around six case studies of genocide and/or mass atrocities that have occurred over the past two decades in Cambodia, Rwanda, Bosnia, Burundi, the Democratic Republic of the Congo (DRC), and Sudan's Darfur region, reflecting the fact that RtoP situations are not confined to any one region. Specific sessions on each case study were complemented by thematic discussions, exploring how international and institutional responses to such situations have evolved over time.[8]

The goals of the policy seminar were three-fold: first, to provide a historical foundation for the substantive work of the two mandates, especially that of the SASG; second, to identify from the case studies a range of lessons learned and "best practices" regarding how the performance, procedures, and tools employed by the UN and its partners in this area can be improved; and third, to engage practitioners, policymakers, and opinion leaders in an interactive dialogue on what the UN Secretary-General is seeking to achieve by "operationalising" RtoP, on how the SAPG and SASG are approaching the key conceptual and institutional issues involved in their mandates, and on the prospective roles for the wide range of governmental, inter-governmental, and non-governmental players involved in protection efforts.

This report summarises the central themes and conclusions from the Stellenbosch meeting. It incorporates the lessons from the individual case studies into broader discussions of the scope of RtoP; identifies characteristics of RtoP situations; and assesses efforts to address RtoP situations through the UN; co-operation between the UN and regional mechanisms; and the role of broader prevention efforts by civil society.



ABOVE: *From left:* Professor Gregory Stanton, University of Mary Washington, Fredericksburg; Dr Helen Jarvis, Chief of Public Affairs, Extraordinary Chambers in the Courts of Cambodia, Phnom Penh; Professor Steven Ratner, University of Michigan, Michigan

FAR LEFT: Professor Susan Woodward, City University of New York, New York
LEFT: Dr Adekeye Adebajo, Executive Director, Centre for Conflict Resolution, Cape Town

8 To enable comparative assessments, panelists were asked to address the same set of questions identifying policy, procedural and institutional lessons for the international community; the UN; regional and sub-regional organisations; civil society; and to make specific proposals for strengthening prevention efforts.

2. Case Studies of Genocide and Mass Atrocities

Responses to RtoP situations have often been insufficient and delayed. There has been an inability to co-ordinate political conditions and/or practical measures that allow for effective early intervention. Political, geo-strategic and economic factors extraneous to these situations have often become key obstacles to gaining widespread state support for effective UN and/or regional action. This was demonstrated by the Cambodian genocide of 1975-1978, in which over 1.5 million people perished.

The external factors that impeded a timely and appropriate response to Cambodia's crisis can be subsumed into four broad categories:

- First, **the national interests of certain member states:** US and Chinese policy was shaped by the Cold War and less dictated by the human rights record of the Khmer Rouge; Washington was constrained from intervening in Cambodia following its defeat in the Vietnam War in 1975; and Beijing's domestic and foreign policies were shaped by its "Cultural Revolution" for which it was seeking allies;
- Second, **the prioritisation of "national sovereignty"**: the Cambodian civil war was considered an issue of national sovereignty, whereas the protection of human rights was regarded as a less important issue at the time. Moreover, there was a desire to keep the Khmer Rouge involved in peace negotiations, hence the reluctance to condemn the ruling group for human rights violations against the civilian population;
- Third, **there was a lack of media and non-governmental organisation (NGO) interest in the Cambodian genocide;** and
- Finally, **the UN lacked the capacity to react** – the UN Security Council was paralysed by the veto-wielding US and China, while the General Assembly largely remained silent.

Few UN member states have been willing to support early intervention in a dangerous internal conflict unless their own security is directly threatened as a result of the spillover of the conflict, massive outflows of refugees, and/or disruption to key strategic resources. It is these factors that have often determined the degree of outrage expressed about mass atrocities and crimes against humanity. Thus, the willingness to prevent, react or rebuild has frequently been marked by selectivity, driven mostly by self-interest.[9] In Rwanda, for example, an armed insurgency and human rights violations led the international community to sponsor a peace process in Arusha, Tanzania, in 1993, and to deploy a UN peacekeeping force by 1994. There was, however, insufficient willingness to respond preventively to increasing levels of violence prior to the genocide in Rwanda, for fear that the fragile peace process could be derailed.

The case of Rwanda is symptomatic of the way in which the UN Security Council, at least until recently, reacted to RtoP crises. There were early warnings about the impending genocide from within the UN system: through the 2,500-strong UN Mission in Rwanda (UNAMIR) in January 1994; the report of the Special Rapporteur on Extrajudicial Executions to the UN Commission on Human Rights (now the UN Human Rights Council) in February 1994; and through the UN Development Programme's (UNDP) field presence in Rwanda. External information was also provided through various humanitarian organisations. Members of the Non-Aligned

9 See Albrecht Schnabel, "Insurgencies, Security Governance and the International Community", in Alan Bryden and Marina Caparini (eds.), *Private Actors and Security Governance* (Geneva: Lit/DCAF, 2006), p. 71.

Movement (NAM) advocated a more vigorous approach to protecting the victims of genocide in Rwanda, but such a response was hindered by, among other things, the withdrawal of the Belgian contingent from the country after ten of its peacekeepers were murdered in April 1994. American fears of a repeat of its experience in Somalia six months before the Rwandan genocide when 18 of its troops had been killed, triggering the eventual withdrawal of that mission, was also an important factor in the international failure to react to Rwanda's genocide. UNAMIR continued to operate under a Chapter VI mandate (on peacekeeping) as the violence worsened, yet the Security Council subsequently approved the French humanitarian initiative, "Operation Turquoise", under a Chapter VII mandate (on peace-enforcement), leading to an extremely confused situation on the ground about who was to be protected, and by whom.

Interactions between the UN Security Council and the UN secretariat also proved to be dysfunctional as the Rwandan genocide unfolded. With pressure growing on the UN force in April 1994, then UN Secretary-General, Boutros Boutros-Ghali, presented three alternatives to the Council. The first "option" was a massive and immediate increase in the UN force under a more robust Chapter VII mandate; the second was a substantial reduction of the existing deployment; and the third was the complete withdrawal of the entire UN mission. Although the Council was not bound by any of the Secretary-General's options, its members chose the second, calling for a sharp reduction of UNAMIR forces in the midst of an unfolding genocide.[10]

The case of the war in Bosnia from 1992-1995, which claimed over 100,000 lives, highlighted the potentially negative impact of regional involvement in internal conflicts, as demonstrated by the role of several European states in Bosnia. The recognition by the European Union (EU), the United States and some members of the UN Security Council of the right to self-determination was identified as a key factor in triggering "ethnic cleansing" in Bosnia. Moreover, there was an overall failure to provide solutions that were acceptable to all, especially the "minorities" that were created by the dissolution of Yugoslavia. This was despite tortuous international negotiations to establish new borders for the country's successor states.

The occasionally difficult relationship between the UN and its regional partners was also demonstrated by the case of Burundi. The UN was reluctant to establish a peacekeeping mission in the country in 2003 while there was the potential for a relapse into conflict. Instead, the African Union sent a 2,366-strong contingent to Burundi under South African leadership with additional troops from Ethiopia and Mozambique (AMIB). The mission played a central role in the establishment of a fragile peace.[11] This led the UN to conclude, in February 2004, that conditions were suitable for the deployment of a UN peacekeeping operation, and former AMIB troops were incorporated into the UN Mission in Burundi (ONUB). However, the UN was seen as minimising the AU's achievements by creating the impression that it had taken over a "failed" AU mission. If the UN is to continue to rely on the involvement of regional actors in future, then it must commit more deeply to developing their capacity through such mechanisms as the Ten-Year Capacity-Building Programme for the African Union.[12]

In the Democratic Republic of the Congo, four decades of bad governance under the western-backed Mobutu Sese Seko dictatorship eventually triggered a civil war by 1997 that resulted in fatalities estimated by some at three million. During peace negotiations, various factions often failed to demonstrate genuine commitment to

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10 See Colin Keating, "An Insider's Account", and Ibrahim A. Gambari, "An African Perspective", in David M. Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century* (Boulder, CO: Lynne Rienner Publishers, 2004), pp. 500-511 and pp. 512-520, respectively.

11 Centre for Conflict Resolution, *The United Nations and Africa: Peace, Development and Human Security,* seminar report, Maputo, Mozambique, 14-16 December 2006 (available at www.ccr.uct.ac.za), p. 24.

12 UN Doc. A/61/630, Annex. See also Meeting Note: *The UN-AU Ten-Year Capacity Building Programme: Towards a Broader Understanding of AU-UN Cooperation* (New York: International Peace Institute, 2008).

implementing peace agreements, and plundered the country's rich economic resources. Uganda, Rwanda, Zimbabwe, Angola, Namibia, and Chad all sent troops to support different sides in the Congo. In July 2003, the UN Security Council mandated its 17,000 thinly-dispersed peacekeepers – deployed from 2000 – to use force to implement its mandate in Ituri and Kivu provinces, and imposed an ineffectual arms embargo. Between 2003 and 2007, Senegalese diplomat, Ibrahima Fall, also oversaw the Great Lakes Conference involving regional governments and civil society in efforts to promote regional integration and reconstruction. The Congo's Transitional Government struggled – amidst widespread allegations of corruption against its members and the military top brass – to implement a disarmament programme.[13] UN peacekeepers were also accused of sexual exploitation of children in areas in which they were deployed. The DRC eventually held its first election in 40 years in 2006, overseen by the UN. Instability, however, continued in the country's Ituri, Kivu and Bas-Congo provinces, and it was clear that a premature withdrawal of the $1-billion-a-year UN mission could result in further full-scale fighting.

A further display of the lack of support for regional peacekeeping efforts became apparent when the UN criticised the 7,000-strong African Union Mission in Sudan (AMIS) for being incapable of fulfilling its mandate effectively, yet was reluctant to provide AMIS with immediate assistance in implementing Security Council resolutions calling for international support. Sudanese President Omar al-Bashir reluctantly accepted the deployment of a 26,000-strong UN/AU hybrid force force in Darfur (UNAMID). China – a veto-wielding permanent member of the UN Security Council, as well as a large importer of Sudanese oil – eventually bowed to international pressure and played a more constructive role with Khartoum to allow a UN presence in Darfur.

In light of the humanitarian crisis in Sudan's Darfur region, the AU acknowledged its "responsibility to protect" and, by 2004, had deployed a peacekeeping force to the region. However, the deployment of African troops in a region the size of France led the intervention to be dubbed "mission impossible", prompting the AU to call for UN assistance to reinforce peacebuilding efforts by providing additional manpower and resources. But by July 2008, UNAMID was still only at about a third of its strength, and vital logistical support (particularly helicopters) had not been provided to the mission.

LEFT: Professor Ibrahim Gambari, Special Envoy of the UN Secretary-General to Myanmar and UN Special Adviser, far left; Professor Francis Deng, UN Special Adviser on the Prevention of Genocide, New York

Ms Heidi Hulan, Political Counsellor, Permanent Mission of Canada to the United Nations, New York

13 See Adekeye Adebajo, "The United Nations", in Gilbert M. Khadiagala (ed.), *Security Dynamics in Africa's Great Lakes Region*, (Boulder and London: Lynne Rienner, 2006), pp.141-161.

3. The Scope of the "Responsibility to Protect"

The 2005 UN Outcome Document affirms that the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity "entails the prevention of such crimes, including their incitement, through appropriate and necessary means".[14]

The scope of RtoP therefore includes not only genocide, war crimes, "ethnic cleansing" and crimes against humanity, but also events and circumstances that are a precursor to, or a cause of, these violations. In the two-and-a-half years since the 2005 UN summit, starkly different perspectives have been voiced on the scope and core content of RtoP, with some seeking to apply the concept to problems as diverse as the spread of HIV/AIDS and the impact of climate change. Moreover, much of the public debate has revolved around how and under what conditions and source of authority military interventions could be contemplated for protection purposes. The Stellenbosch policy advisory group seminar therefore started with a clarification of the approach being taken by the SAPG and SASG to their mandates and to the concept of RtoP.

The SASG confirmed that his work is grounded in paragraphs 138 and 139 of the 2005 Outcome Document and the four crimes and violations specified there: genocide; war crimes; "ethnic cleansing"; and crimes against humanity. Otherwise, there could be a real danger of expanding the principle of RtoP to the point of losing conceptual coherence and operational utility. With respect to the response side, while the 2005 UN Outcome Document recognises the possibility of Chapter VII coercive action through the Security Council when states "manifestly fail" to meet their protection responsibilities, much greater emphasis is placed on preventive measures, or international assistance, including through capacity-building, and on non-coercive action under Chapters VI and VIII of the UN Charter of 1945. The over-emphasis on the military dimension of RtoP in public discourse and under-emphasis on prevention have skewed the post-2005 summit debate, allowing skeptics to cast the doctrine as little more than a facade for interventions undertaken by the strong against the weak for ulterior motives. This tendency threatens to define the discourse in divisive "North-South" terms that are unrelated to the origins and purposes of the concept or to the language of the Outcome Document. This has also precluded any sustained expert consideration of what RtoP-specific prevention and capacity-building efforts might look like, let alone how UN, AU, and sub-regional bodies such as the Southern African Development Community (SADC), the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS), and the Intergovernmental Authority on Development (IGAD) could collaborate with individual states in such efforts.

The underlying purpose of RtoP is to help states succeed – the language of the 2005 Outcome Document reflects the assumption that most governments do not, in fact, set out to harm their own populations. The Stellenbosch meeting recalled that the concept of RtoP is grounded in the notion of "sovereignty as responsibility" developed by Francis Deng, the current SAPG, with his colleagues at the Washington, D.C.-based Brookings Institution by 1996.[15] In an effort to move beyond the then highly polarised debate over "humanitarian intervention", the Canadian-sponsored International Commission on Intervention and State Sovereignty (ICISS) employed the concept of "sovereignty as responsibility" in its 2001 report, *The Responsibility to Protect*.[16] The

14 United Nations General Assembly, *Outcome Document*, 14 September 2005, para 138.

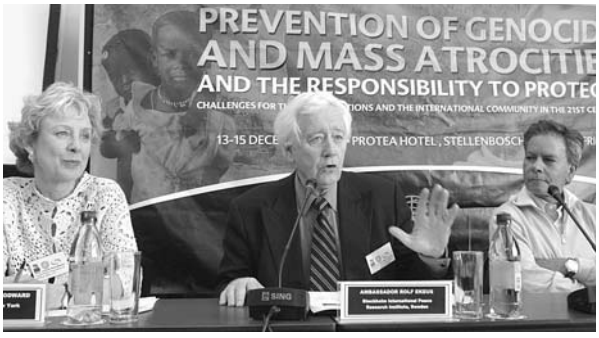
15 See, for example, Francis M. Deng, Sadikiel Kimaro, Terrence Lyons, Donald Rothchild, and I. William Zartman, *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, D.C.: The Brookings Institution, 1996).

16 The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty (Ottawa, Canada: International Development Research Centre, 2001), (available at http://iciss.ca.pdf/commission-report.pdf).

ICISS report reaffirmed that the primary responsibility for protecting populations rests with governments, while recognising a parallel obligation on the part of the international community to assist states to meet these responsibilities – and that, where they fail to do so, to act collectively to provide such protection, including, when necessary, through military intervention.[17]

> "The primary responsibility for protecting populations rests with governments, while recognising a parallel obligation on the part of the international community to assist states to meet these responsibilities"

The ICISS report was largely endorsed in the subsequent report of the 2004 UN High-Level Panel on Threats, Challenges and Change, commissioned by then Secretary-General, Kofi Annan,[18] and also in the Secretary-General's own 2005 report, *In Larger Freedom*.[19] While there are some differences in the various documents, all three affirm the primary and continuing protection obligations of states, and the role of the international community in assisting states to meet these obligations and in helping to protect populations where necessary. In his initial discussions with member states, the SASG has been focusing on the preventive and capacity-building aspects of RtoP – both capacity-building within states and within the UN itself by strengthening the organisation's "connective tissue" on RtoP. Of course, the UN already engages in substantial capacity-building work in areas such as development, human rights promotion and conflict prevention, so the purpose of RtoP is not simply to re-label existing efforts, but to bolster them. RtoP should also provide a lens to help the UN anticipate RtoP situations, as well as offer a strategic framework for relating the various components of a UN response in such potential or emerging situations and for gauging their cumulative progress. A first step in the work of the SASG and SAPG is therefore to identify some broad characteristics of RtoP or potential RtoP situations in order to determine what kind of existing efforts should be strengthened and what additional measures may be of assistance in such situations.



ABOVE: *From left:* Professor Susan Woodward, City University of New York, New York; Ambassador Rolf Ekeus, Former High Commissioner on National Minorities, the Organisation for Security and Co-operation in Europe (OSCE); Ambassador Diego Arria, Former Permanent Representative of Venezuela to the UN
RIGHT: Professor Gregory Stanton, University of Mary Washington, Fredericksburg

17 The report laid out six criteria to guide decision-making in such cases: any such intervention must be undertaken with the right authority; the seriousness of the threat must justify the use of force; the purpose of the military action must be to avert the specific threat; all non-military options must have been exhausted; the use of military force must be proportionate to the threat; and there must be reasonable prospects of success.

18 *A More Secure World: Our Shared Responsibility*, Report of the United Nations Secretary-General's High-Level Panel on Threats, Challenges and Change, UN Doc. DPI/2367, December 2004.

19 Report of the UN Secretary-General, *In Larger Freedom: Towards Development, Security and Human Rights for All*, UN Doc. A/59/2005, 21 March 2005 (available at http://www.un.org/larger_freedom/contents.htm).

4. Characteristics of Genocide Prevention and RtoP situations

Importantly, RtoP situations do not always involve conflict. Some of the worst cases of genocide and crimes against humanity have occurred without the presence of an "armed conflict" as such — for example, in Rwanda in 1994, where the genocide that resulted in the death of about 800,000 people occurred as part of a pre-existing Arusha peace process, and in Cambodia under the Pol Pot regime in the 1970s, where over 1,5 million people were killed.

RtoP situations do not typically emerge without warning, as substantial information is often available in advance. While analysis of this information may be lacking, recognition and prioritisation of potential RtoP situations are often precluded by broader political, strategic and economic factors. In rare cases, these may combine to make timely and effective action seem almost impossible – as was the case in Cambodia in the 1970s, where factors, including the Cold War and the UN's resulting paralysis, the lack of political will among key actors (particularly the US and China), and the continuing decolonisation process, acted to immobilise the international community when faced with a government intent on a policy of extermination.

Even in advanced RtoP situations, in which genocide, crimes against humanity, war crimes or "ethnic cleansing" may already be occurring, legal definitions are no guarantee of action by the international community. For example, while the US announcement in September 2004 that the situation in Sudan's Darfur region constituted "genocide" may be considered a rhetorical breakthrough after Washington's reluctance to acknowledge the reality of the situation in Rwanda in 1994, this pronouncement did not produce any obvious change in American policy on the ground. International legal instruments and political declarations provide an important framework for RtoP, but actually addressing RtoP or potential RtoP situations still remains a matter of political will.

While recognising that each situation is unique, the Stellenbosch policy advisory group seminar sought to identify factors that tend to contribute to an "enabling environment" for RtoP violations.

Seven key factors were identified:

- First, the sealing off of a country from outside scrutiny or involvement (including restrictions on trade and communications), and the imposition of severe restrictions on internal transparency (for example, on human rights NGOs or the press);

- Second, a "crisis of identity" within a society along ethnic, racial, religious or other lines, often as a result of earlier colonial domination. Of course, the role of identity is extremely nuanced; there are many contexts where substantial identity differences and even tensions do not descend into RtoP situations. The manipulation of identity and the creation of "minorities" has, however, been a central feature of some of the worst RtoP cases. The policy advisory group noted the role played at times by the international community,

through the UN Security Council, in constructing such identities (most notably in the Balkans) or in classifying a situation along ethnic, racial or other fault-lines (for example, in Haiti);

- Third, the existence of internally displaced persons (IDPs) is not only a symptom, but often a potential cause of RtoP situations. It is important to determine what it is that IDPs are fleeing from and how arrangements to assist them will impact on the broader crisis or situation. In 2006, Africa had 12.7 million IDPs out of a global total of 25 million; [20]

- Fourth, the existence of competing elites or political groups, and particularly the existence of an elite with an exclusionary ideology, as in Cambodia. In that country, the absence of real opposition enabled the Khmer Rouge to pursue their genocidal policies in the 1970s. By contrast, there was a profusion of politically active groups in Burundi in the 1990s, yet political leaders still stirred up ethnic and other differences in seeking to foment violence and strengthen their own positions, resulting in an estimated 200,000 deaths since 1993;

- Fifth, a history of discrimination, violence or impunity is a clear warning sign. Conversely, a positive indicator that a country is moving in the right direction would involve attempts to engage with its own past – one of the most cited cases was South Africa's Truth and Reconciliation Commission (TRC), though many within South Africa continue to question its effectiveness in achieving genuine political and racial reconciliation;

- Sixth, the role of non-state actors can be critical. While governments have existing responsibilities under international humanitarian law to control non-state actors in cases of armed conflict, many potential RtoP situations do not involve such conflicts. While there are some indications from the UN and regional human rights mechanisms that states have a duty to prevent and punish serious human rights violations by non-state actors in situations where there is no relevant armed conflict, this is still a developing area of international law and, in any event, the level of state compliance is generally low; and

- Finally, the existence of a kinship relationship with a neighbouring state or states may have a positive or negative effect on RtoP interventions. Negative situations may arise when a "kin state" encourages a political or military dynamic in the home state that leads to RtoP violations, or when it uses its influence to prevent or delay efforts by the international community to assist beleaguered people. Serbia was accused of such behaviour in Bosnia in the 1990s. On the positive side, "kin states" can apply pressure on the home state to meet its protection responsibilities in a variety of ways, particularly when there is a substantial degree of interdependence between kin and home state. Vietnam's intervention in Cambodia in 1979 – though heavily sanctioned by most within the international community for its use of force to oust the Pol Pot regime – served as a positive example to end genocide and prevent further mass atrocities through "kin state" intervention.

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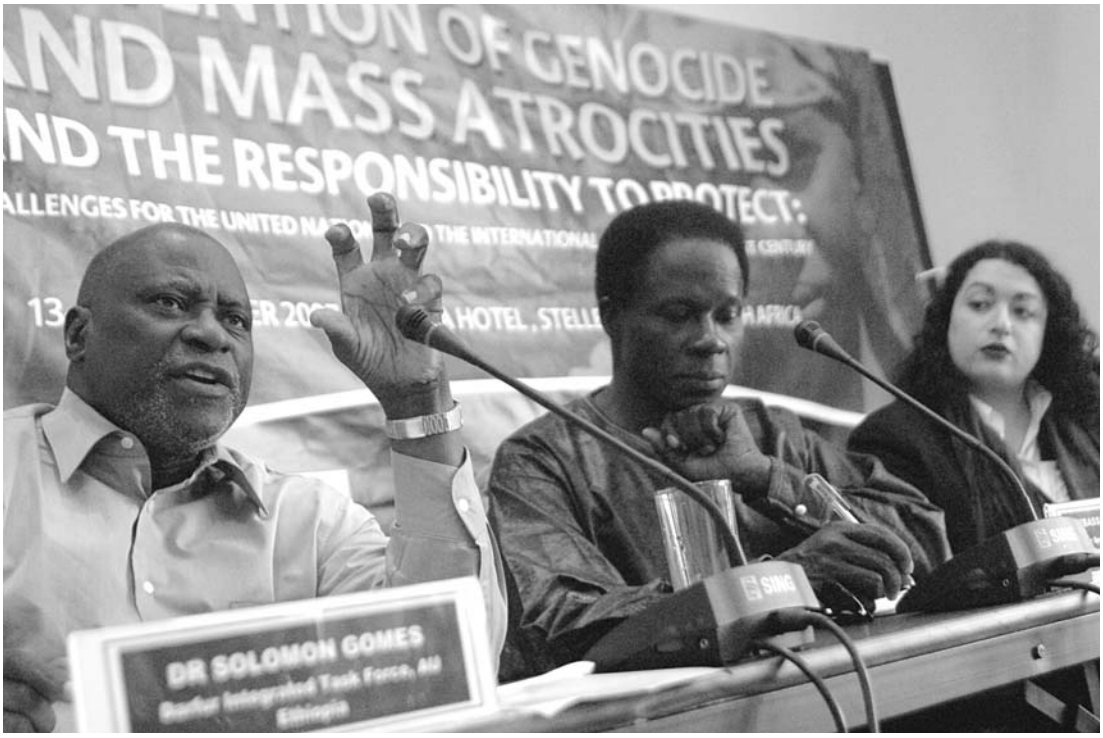
20 See Francis Deng, "The International Challenge of State Failure and Internal Displacement", in Adekeye Adebajo and Helen Scanlon (eds.), *A Dialogue of the Deaf: Essays on Africa and the United Nations* (Johannesburg, South Africa: Jacana, 2006), pp. 111-130; and Francis Deng, "Africa's Internally Displaced Persons", in John Akokpari, Angela Ndinga-Muvumba and Tim Murithi (eds.), *The African Union and its Institutions* (Johannesburg, South Africa: Jacana Media, 2008), pp.183-204.

To understand potential RtoP situations better, it is essential to develop improved indicators, to address developments ranging from disenfranchisement and the treatment of "minorities" to the emergence of armed conflict, and to determine which cases are most closely identified with the four crimes and violations in the 2005 UN Outcome Document. Such indicators should build on work already done in related areas within the UN (particularly on race-based discrimination),[21] or by outside experts (particularly on genocide and on conflict prevention).[22]



ABOVE: *From left:* Dr Solomon Gomes, Senior Political Officer, Darfur Integrated Task Force, African Union (AU) Commission, Addis Ababa; Ambassador Ibrahima Fall, former UN Special Representative to the Great Lakes Region; Professor Chandra Lekha Sriram, University of East London, London

RIGHT: Dr Helen Jarvis, Chief of Public Affairs, Extraordinary Chambers in the Courts of Cambodia, Phnom Penh

FAR RIGHT: Professor Margaret Vogt, Deputy Director, UN Department of Political Affairs, New York; Professor Edward C. Luck, Special Adviser to the UN Secretary-General on the Responsibility to Protect

21 UN Committee on the Elimination of Racial Discrimination, Decision on Follow-up to the Declaration on the Prevention of Genocide: Indicators or Patterns of Systematic and Massive Racial Discrimination, UN Doc. CERD/C/67/1, 14 October 2005.

22 See for example, the work done and collated by Genocide Watch at http://www.genocidewatch.org/home.html. See also Barbara Harff, "No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder Since 1955", *American Political Science Review*, vol. 97, no. 1 (February 2003), p. 57.

5. Efforts to address Genocide Prevention and RtoP situations through the UN

5.1 General Trends

The UN is a creature of its members and can only be as strong and as effective as its member states allow it to be. Broader political factors have often prevented the achievement of widespread support for effective UN or regional action in unfolding or potential RtoP situations. Member states have often been unwilling to commit to long-term protection efforts or to support early intervention in what are perceived to be the internal affairs of other states, unless their own security is directly threatened (for example, through conflict spillover, outflows of refugees, or restricted access to key resources). However, there are encouraging indications that the political calculus in RtoP and potential RtoP situations is changing. The political costs of casting a veto in the UN Security Council in cases of emerging genocide or mass atrocities are now greatly increased, and the international community generally appears much less likely to "look the other way" in such situations than it was even a decade ago. However, ensuring an effective response in these situations is another matter.

5. 2 Prevention Efforts within the Broader UN System

The need for greater co-ordination within the UN is well known. The overlap among multiple agencies, sometimes with conflicting or duplicative mandates, has often hindered the organisation's ability to identify and respond coherently to crisis situations and to contribute to prevention efforts. RtoP can provide new impetus to efforts to strengthen the institutional "connective tissue" between the existing human rights and humanitarian architecture, the political and security structures, and the UN's broader development agenda.

A key challenge concerns the collation, analysis, and use of information and the effectiveness of the UN's early-warning mechanisms. The organisation already has access to an abundance of detailed and varied information at the field level (including evolving early-warning systems of the AU, ECOWAS and IGAD), but this is seldom effectively channelled upwards through the system. The persistence of a "silo mentality" within the UN community continues to impede the organisation's ability to conduct strategic analysis and to assess patterns of social and political development within countries in crisis. Furthermore, to be useful, such analyses and assessments must actually feed into, and affect, decision-making processes.

A number of questions were identified by the Stellenbosch policy advisory group as being worthy of further consideration. The UN has several existing "early warning mechanisms", including the Office for the Co-ordination of Humanitarian Affairs' (OCHA) *ReliefWeb*; the Framework for Co-ordination Team; and the Office of the Emergency Relief Co-ordinator. But, there are seven key concerns related to these bodies:

- Are there ways in which these bodies can be strengthened or better linked up?
- Should a substantial analytical and co-ordination role be developed within the UN's Executive Committee for Peace and Security or the UN Secretary-General's Policy Committee?
- Should there be a central "address" for early-warning information at UN headquarters?
- Can RtoP usefully be incorporated into existing UN reporting mechanisms and requirements (and thus be "mainstreamed")?

- How can the UN access information on the kinds of particularly sensitive or high-risk factors that national information agencies are much better placed to source?
- How can the organisation demonstrate that it has the capacity to receive such information and deal appropriately and confidentially with it? and
- How can the UN diversify its sources of reliable information, so that it does not become overly dependent on traditional western sources of information?

The Stellenbosch seminar discussed specific information challenges facing the Office of the SAPG. The Office clearly needs access to existing information collected by the UN Department of Political Affairs (DPA); the UN Department of Peacekeeping Operations (DPKO); the Office of the High Commissioner for Human Rights (OHCHR); the Office for the Co-ordination of Humanitarian Affairs; and other key UN departments. But a central issue remains how the UN Special Adviser on the Prevention of Genocide should distill and conduct his own analysis of such information. For example, should there be a system of periodic reporting by the SAPG through the UN Secretary-General to the General Assembly and the Security Council – and potentially to other inter-governmental bodies? Clearly, the SAPG needs good access to the UN Secretary-General in person; a minimum level of human resources to deal with the collection and analysis of information; and a clarification of the Office's relationship with key UN departments. But to what extent can or should the SAPG be supported through regular input from outside organisations, whether specially created or existing NGOs?

Beyond early-warning, other components of the UN's crisis prevention "toolbox" need to be improved and supplemented, including its mediation, targeted sanctions and monitoring capacities. Recent initiatives, like the strengthening of the UN Department of Political Affairs' mediation capacity (including the creation of the expert Mediation Standby Team),[23] have the potential substantially to enhance the UN Secretary-General's "good offices" function, in terms both of quality and frequency. Such initiatives should improve the UN's ability to engage with governments and other interested parties that have leverage in relevant cases – especially when their interest is a material one – in more sophisticated and varied ways.

The UN General Assembly, its Economic and Social Council (ECOSOC), and the Human Rights Council all have key roles to play in the implementation of RtoP, particularly in standard-setting, and monitoring (including through the work of the various special procedures), which the renewed efforts towards achieving system-wide coherence should help to strengthen. The work of the UN Peacebuilding Commission[24] (established in 2005) is closely connected to the kind of preventive and rebuilding efforts that RtoP envisages: much of the peacebuilding work currently underway in Burundi and Sierra Leone is intended to reduce the risk of a recurrence of violence and to improve the "resilience" of these states in the face of future crises. There is also a substantial role to be played by the UN Development Programme, its Department of Economic and Social Affairs (DESA), and the development-focused specialised agencies of the larger UN family, like the World Bank, in the promotion and implementation of RtoP. The linkages between RtoP and the broader development assistance approaches of donor countries and regional mechanisms (like the Paris-based Organisation for Economic Co-operation and Development's Development Co-operation Directorate) deserve much more detailed discussion and analysis, in close consultation with UN member states.

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23 Centre for Conflict Resolution, *UN Mediation Experience in Africa*, seminar report, Cape Town, South Africa, 16 and 17 October 2006 (available at www.ccr.uct.ac.za).

24 Centre for Conflict Resolution, *African Perspectives on the UN Peacebuilding Commission*, CCR and the Friedrich Ebert Stiftung (FES) seminar report, Maputo, Mozambique, 3 and 4 August 2006 (available at www.ccr.uct.ac.za).

5.3 The Role of the Security Council

Considerable attention was devoted at the Stellenbosch meeting to the relationship between the UN Security Council and the UN secretariat. Some participants felt that the distinction between the five veto-wielding permanent members of the Council (P-5) and the ten elected members (E-10) is reflected in the way in which the secretariat engages with Council members, for example, through rationing of information between the P-5 and the E-10. The internal dynamics of the P-5 further contribute to this impression, particularly through the informal division of work that allows particular Council members to take the lead in addressing certain countries or regions.

The case of Rwanda in 1994 is symptomatic of the way in which the Council, at least until recently, reacted to RtoP crises. Despite early warnings about the impending genocide from within the UN system and the advocacy of members of the Non-Aligned Movement for a more vigorous response to the situation, Belgian and American interests hindered the endorsement of a more forceful response. As earlier noted, UNAMIR continued to operate under a Chapter VI mandate as the violence worsened, yet the Security Council subsequently approved the French humanitarian initiative, "Operation Turquoise", under a Chapter VII mandate.

As the Brahimi Report of August 2000 urged, the UN Secretary-General and secretariat should tell the Council "what it needs to know, not what it wants to hear".[25] Although the secretariat has become bolder in advocating particular Council actions, the degree of influence it can exert in inter-governmental bodies is bound to be limited, especially on high-profile security issues. The UN secretariat also faces pressure to produce reports that will not stir controversy among the Council's members, often leading to cautiously worded documents that do not encourage bold thinking or actions. Significant institutional reform is a long-term process, but in the short to mid-term, the UN Secretary-General – supported by the secretariat – should make better use of existing informal mechanisms before seeking to place situations on the formal Council agenda. When necessary, however, the UN Secretary-General should be willing to employ Article 99 of the Charter to bring issues to the Council's attention, so that use of the Article becomes an accepted part of the UN's operating procedures. The SAPG could also play a key role in improving communication between the secretariat and the Council, particularly in emerging RtoP cases.

Council members should continue their efforts towards increasing transparency by employing informal mechanisms, such as Arria formula meetings,[26] with greater frequency (as Secretary-General Ban Ki-moon has called for in his January 2008 report on conflict prevention).[27] Finally, the Council itself is empowered under Article 34 of the UN Charter to "investigate any dispute, or any situation which might lead to international friction or give rise to a dispute", yet this potentially extensive power is rarely exercised and deserves further attention.

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25 *Report of the Panel on United Nations Peace Operations*, UN Doc. A/55/305 - S/2000/809, 21 August 2000, para 64(d). The document is named after its chair, Algerian UN Special Envoy, Lakhdar Brahimi.

26 The Arria formula is named after Diego Arria, former Permanent Representative of Venezuela to the UN, who developed a process for the Security Council to invite non-governmental organisations to address it in 1992.

27 Report of the Secretary-General on the Implementation of Security Council Resolution 1625 (2005) on Conflict Prevention, particularly in Africa, UN Doc. S/2008/18, 14 January 2008, para 64(b).

6. Co-Operation between the UN and Regional Mechanisms in addressing Genocide Prevention and RtoP situations

6.1 Regional Efforts

Various regional mechanisms have developed distinct methods for engaging with concerns that fall within the borders of their member states. The African Union is significantly more engaged in the region than its predecessor, the Organisation of African Unity (OAU).[28] The Organisation for Security and Co-operation in Europe pursues an "upstream" approach to addressing emerging social tensions. The Latin American and Asian security mechanisms are less developed in this regard than the AU or OSCE, though there are indications that this situation is changing. For example, the new Association of Southeast Asian Nations (ASEAN) Charter, which introduces the concept of collective responsibility for enhancing regional peace and security, should be ratified by all member states by the end of 2008. The policy advisory group included expert participants from both the AU and OSCE, so advisory group members were able to compare the approaches of both organisations in detail.

While the OAU staunchly adhered to the principle of "non-interference" in the internal affairs of its member states, from its earliest days after 2002, the AU indicated its intention to be much more proactive in preventing and resolving regional conflicts. The AU adopted the principle of "non-indifference", as championed by the former Chair of its Commission, Alpha Oumar Konaré.[29] More formally, Article 4(h) of its Constitutive Act of 2000 established the right of the AU to intervene in cases of genocide, war crimes, or crimes against humanity occurring in one of its member states.[30] The mechanisms for the exercise of this power were further developed by the Protocol creating the 15-member AU Peace and Security Council, which began operating in 2004.[31] While the AU does not use the precise language of RtoP, the normative framework adopted in the Constitutive Act of 2000 is similar to the political commitment made by UN member states in the 2005 Outcome Document.

The Preamble to the AU Constitutive Act includes a determination to respect, promote and protect human rights, democratic institutions, "good governance" and the rule of law, while the Act emphasizes prevention and diplomatic and other peaceful measures as the primary tools for dealing with the kinds of situations mentioned

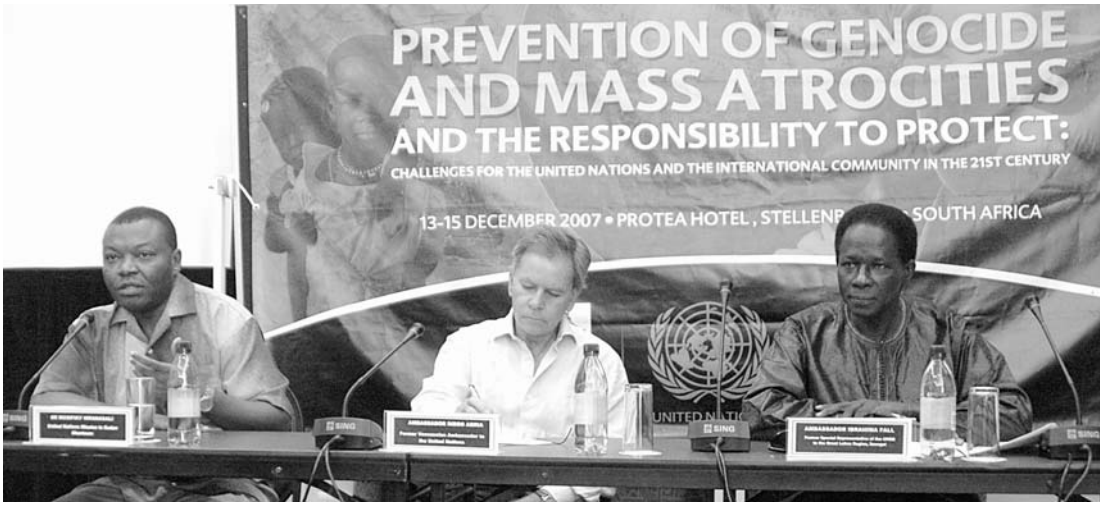
28 See Akokpari, Ndinga-Muvumba and Murithi (eds.), *The African Union and Its Institutions*.

29 Alpha Oumar Konaré, "Security is the African Union's Priority", *African Geopolitics*, no. 13 (Winter 2004). See Musifiky Mwanasali, "Africa's Responsibility to Protect", in Adebajo and Scanlon (eds.), *A Dialogue of the Deaf*, pp. 89-110; and Kristina Powell, *The African Union's Emerging Peace and Security Regime*, monograph no. 119 (Pretoria, South Africa: Institute for Security Studies, May 2005).

30 Article 4(h) of the AU Constitutive Act of 2000 asserts "the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide, and crimes against humanity". Article 4(j) provides for "the right of Member States to request intervention from the Union in order to restore peace and security", meaning that the Assembly can act either on its own motion or at the request of a member state. In July 2003, a Protocol on Amendments to the Constitutive Act of the African Union was adopted and opened for signature. Article 4 proposes to expand the original Article 4(h) to allow the Assembly to intervene where there is "a serious threat to legitimate order" in order "to restore peace and stability to the Member State of the Union", acting upon the recommendation of the African Union Peace and Security Council. However, the Protocol requires a two-thirds majority of states to ratify it before entering into force. As at January 2008, 43 out of 53 AU members had signed the protocol, but only 18 had proceeded to ratification. (Available at http://www.africa-union.org/root/au/Documents/Treaties/treaties.htm ; accessed 31 January 2008).

31 The 15-member AU Peace and Security Council is tasked with recommending to the Assembly of Heads of State in which cases intervention may be appropriate and approving the modalities of any action authorised by the Assembly under Article 4(h). See the Protocol relating to the Establishment of the Peace and Security Council of the African Union, Articles 6 and 7, which entered into force 26 December 2003.

in Article 4(h) of the Constitutive Act.[32] The AU is enhancing its mediation role in the region (establishing a Panel of the Wise by December 2007), and has also used its influence in other ways (for example, in denying the government of Sudan the AU Chair in 2006 and again in 2007).[33] Beyond this, AU peacekeeping forces have been deployed in a number of situations, most recently in Burundi, Sudan and Somalia.[34] In Sudan, the AU's 7,000 troops deployed by 2004 soon proved to be inadequate, as there was little peace to keep, and the continental body eventually sought the UN's assistance. Nonetheless, the African Union Mission in Sudan was instrumental in mediating between the Sudanese government and several key rebel groups and in preparing the ground for the 26,000-strong UN/AU hybrid mission that started deploying by the end of 2007. While the UN Security Council passed three resolutions under Chapter VIII (dealing with regional arrangements) in support of AMIS's role, commending the AU's actions and urging the international community to provide support to AMIS, such assistance arrived sporadically and was insufficient. When the international community willingly lets the AU take the lead in responding to regional crises, it must be prepared to support the AU's commitments with adequate resources.



ABOVE: *From left:* Dr Musifiky Mwanasali, Political Affairs Officer, UN Mission in Sudan, Khartoum; Ambassador Diego Arria, former Permanent Representative of Venezuela to the UN; Ambassador Ibrahima Fall, former UN Special Representative to the Great Lakes Region
FAR LEFT: Ms Nicole Deller, Director of Programmes, Global Centre for the Responsibility to Protect, The City University of New York
LEFT: Ms Rachel Davis, International Peace Institute (formerly International Peace Academy), New York

32 The emphasis throughout the region is on prevention (as evidenced in, for example, the ECOWAS protocol on conflict prevention, peacekeeping and security of 1999).

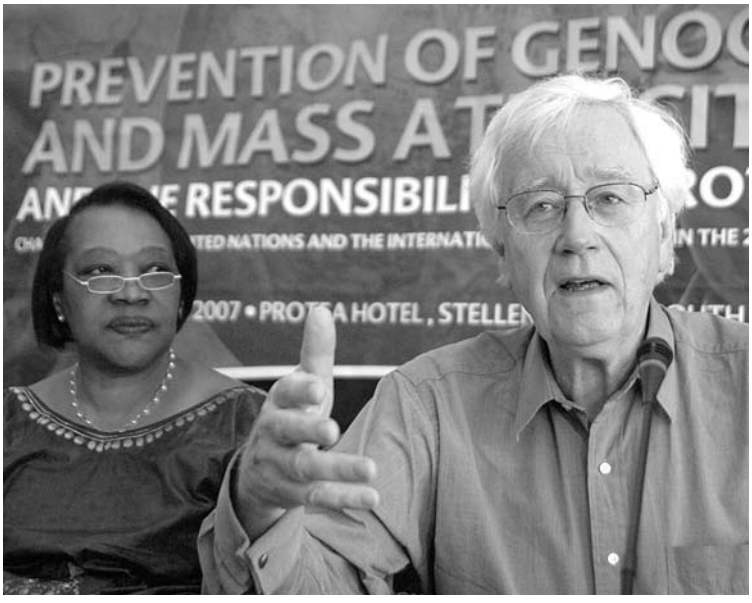
33 Sudan was subsequently offered the Chair of the Arab League.

34 Centre for Conflict Resolution, *Africa's Responsibility to Protect*, pp. 20-21.

In comparison to the AU, the OSCE's approach has focused on quietly addressing, at an early stage and in a targeted manner, social tensions that may develop into violent conflict. The office of the OSCE High Commissioner on National Minorities was established in 1992. Member states agreed to what some saw as an intrusion into their domestic affairs on the condition that the High Commissioner would act in strict confidence. The High Commissioner and his or her representatives engage with political figures at the highest levels, as well as with a range of social actors outside government, in developing a complete picture of a particular situation. The office then generates a range of options for reducing existing tensions, which could include strengthening political participation; education reforms (particularly with respect to language); changes to broadcasting rules and policies; and reforming policing arrangements. Outside experts are used in developing specific thematic and country recommendations. These operate, like the High Commissioner, on the basis of strict confidentiality.

> "The African Union Mission in Sudan was instrumental in mediating between the Sudanese government and several key rebel groups and in preparing the ground for the 26,000-strong UN/AU hybrid mission that started deploying by the end of 2007"

The OSCE office consists of around 30-35 staff, who are sent out in country teams of two (with one political and one legal officer), usually in partnership with a local civil society or intergovernmental organisation, unless the project is a large and complex one, in which case the office staffs the whole project itself. The office is active throughout Central Asia and has collaborated with the Asian Development Bank in a number of initiatives, as well as with the UN. The OSCE approach is double-edged: it may be hard to convince governments that the need for action is sufficiently urgent to warrant intervention so far "upstream", yet this approach offers an opportunity to negotiate before positions harden or there is open conflict. One point that was noted about the OSCE'S effectiveness was the incentive of European Union membership for countries that treated national "minorities" well and respected their rights.



LEFT : Professor Margaret Vogt, Deputy Director, UN Department of Political Affairs, New York, far left; Ambassador Rolf Ekeus, former High Commissioner on National Minorities, Organisation for Security and Co-operation in Europe (OSCE)

BELOW : *From left:* Ms Imelda Nzirorera, Director, Centre for Human Rights and Prevention of Genocide, Burundi; Mr Benjamin Majekodunmi, Office of the UN Special Representative on Genocide and Mass Atrocities, New York; Ms Mary Burton, former Commissioner of South Africa's Truth and Reconciliation Commission

6.2 Joint Regional and UN Efforts

As adopted in the 2005 UN Outcome Document, RtoP emphasises partnerships between the international community and regional organisations to assist individual states in meeting their protection obligations. However, joint efforts between the AU and the UN in cases such as Rwanda, Burundi, Somalia, and Sudan have produced mixed results. For the UN, there are several persistent challenges, including: improved communication with, and inclusion of, regional actors in UN efforts, particularly at the preventive stage; the provision of adequate support for regional prevention and response efforts; and improved capacity at UN headquarters to analyse the regional implications of crises and to generate regional strategies.

There are inherent tensions in any attempt at co-operation between the UN and regional actors. On the one hand, regional organisations are usually closer to, and better informed about, a particular crisis; on the other hand, they often face logistical constraints that can impede their ability to act effectively, and are sometimes not viewed as impartial. Given their relative strengths, it is crucial that the UN involve regional organisations in the analysis of a particular problem and not just in the response phase.

The sometimes difficult relationship between the UN and its regional partners is illustrated by the case of Burundi. The UN's perceived disregard for AMIB's role in creating the conditions through which a fragile peace can be established[35] was identified as an inhibiting factor towards continued co-operation between the UN and regional organisations. If the UN is to continue to rely on the involvement of regional organisations, as it needs to, then it must commit more deeply to developing their capacity through such mechanisms as the Ten-Year Capacity-Building Programme for the African Union.[36]

At both the headquarters and field levels, the UN must improve its ability to take the regional, and, in some cases, sub-regional, dimensions of a given situation into consideration. The world body has found it hard to engage with the complex nature of the conflict in Sudan's Darfur region, and its inter-relationship with other long-standing tensions and open conflicts in Sudan and surrounding countries such as Chad. The 10,000-strong UN Mission in Sudan (UNMIS) is squeezed between the UN missions in the DRC (MONUC) and in Darfur (UNAMID), but lacks the power or resources to deal with spillover effects from these other conflicts, and vice-versa. The UN has also been criticised for establishing mandates that are not appropriately adapted to situations either politically (as with UNMIS and UNAMID) or resource-wise (as was the case with Rwanda and Bosnia). There is an urgent need for a comprehensive doctrine to guide the increasing number of UN engagements that lie between traditional peacekeeping missions – which are intended to monitor and implement peace processes – and armed engagement with a specific adversary or adversaries.[37] While both the UN and a number of governments have been working to develop doctrines and operational capacities to meet such challenges since the mid-1990s, much more work needs to be done on both dimensions of the protection challenge.

Some steps have already been taken to institutionalise a regional perspective on UN operations. The establishment of the UN Office for West Africa (UNOWA) in Dakar, Senegal, in 2002 has facilitated co-ordination among various actors in the sub-region, and an expanded system of regional political offices –

35 Centre for Conflict Resolution, *The United Nations and Africa: Peace, Development and Human Security*, p. 24.

36 UN Doc. A/61/630, Annex. See also Meeting Note: *The UN-AU Ten-Year Capacity Building Programme: Towards a Broader Understanding of AU-UN Cooperation.*

37 See Victoria Holt and Tobias Berkman, *The Impossible Mandate? Military Preparedness, the Responsibility to Protect and Modern Peace Operations* (Washington, D.C.: Henry L Stimson Center, September 2006).

beginning with an office for the Great Lakes and Central Africa – has been proposed as part of the reforms to the UN Department of Political Affairs. Ibrahima Fall, the former UN Special Representative to the Great Lakes region, did some important work, including the development of a framework for addressing complex regional issues in conflict situations, which could be of direct relevance to the situation in Darfur. In some cases, it may even be useful for the UN to draw on cross-regional analyses, perhaps by working with external networks that engage in this kind of comparative analysis rather than developing its own in-house capacity.

There was general agreement that, while a greater role for regional partners is important, the UN Security Council cannot abdicate its principal responsibility under its Charter for the maintenance of international peace and security, as it arguably did in the dissolution of the former Republic of Yugoslavia in the 1990s. In this context, the Stellenbosch seminar weighed the feasibility of the UN developing a clear policy on state recognition and succession while acknowledging that this will remain a political matter for individual member states. Governments should, however, be encouraged to exercise their political judgment in accordance with existing international law and the (admittedly limited) provisions of the UN Charter dealing with state recognition. At the very least, the UN should develop a procedure for reacting effectively to such situations in future.

ABOVE: Participants at the seminar in Stellenbosch, South Africa
LEFT: Dr Devon Curtis, Cambridge University, Cambridge, *left*; Dr Musifiky Mwanasali, Political Affairs Officer, UN Mission in Sudan, Khartoum

7. Implications for broader Prevention Efforts by Civil Society Actors

Despite some of the political "back-sliding" that has occurred since 2005, RtoP remains a powerful concept because of the strong support it continues to enjoy among civil society groups and actors across all major regions of the world.

While the Stellenbosch policy advisory group focused on the ways in which RtoP could be operationalised within the UN system, there was a recognition that much of the preventive and capacity-building work being done by NGOs and other civil society organisations involved in the promotion and dissemination of human rights, rule of law, and democratic governance norms is critical to the promotion and implementation of RtoP. NGOs are actively working at the local, national and regional levels to build more resilient societies, including the promotion of tolerance between different groups, holding politicians and other elites accountable for their actions, and helping individuals to understand their rights better through such basic tasks as translating key international documents and standards into local languages. Their approach stresses the existing obligations that governments have to prevent genocide, war crimes, "ethnic cleansing", and crimes against humanity, as well as other serious violations of human rights and humanitarian norms. The work of these civil society actors thus needs to be recognised and strengthened by the UN and its member states.

There also remains an urgent need to promote the use of RtoP language by civil society groups, while recognising the distinct challenges confronting actors in different countries and regions. Networks linking international, regional and local NGOs and other groups provide the best opportunity of moving the concept of RtoP forward. Co-ordination must be improved and a more consistent message crafted by the RtoP advocacy community in lobbying governments, especially in New York. The Global Centre for the Responsibility to Protect, which was established in New York in February 2008, could eventually function as an advocacy hub for these efforts, pursuing regional outreach in collaboration with a proposed NGO Global Coalition for RtoP, as well as contributing to further research on key issues in the dual mandate discussed at the Stellenbosch seminar.[38]

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38 The Global Centre for the Responsibility to Protect (GCR2P) was established at the Ralph Bunche Institute for International Studies at the Graduate Center of the City University of New York in February 2008 with support from governments, NGOs, and private foundations (see http://www.globalcentrer2p.org). The same core group of NGOs that were instrumental in founding the GCR2P are also involved in an effort to develop a Global Coalition for Responsibility to Protect (Human Rights Watch, International Crisis Group, Oxfam International, Refugees International, and the World Federalist Movement-Institute for Global Policy). The Responsibility to Protect-Engaging Civil Society Project at World Federalist Movement – Institute for Global Policy (WFM-IGP) is leading this effort (see http://www.responsibilityto protect.org).

8. Recommendations and Way Forward

In addition to facilitating system-wide agreement across the UN on the concept of RtoP, a task that is well underway, the two Special Advisers will focus on five key issues:

- First, refining a set of indicators of potential or impending genocide or mass atrocities, and, in the case of the Special Adviser on the Prevention of Genocide, continuing to monitor closely situations in which international attention may make a difference;

- Second, strengthening the UN's existing early-warning systems and information flows better to integrate the warning signs generated by the far-flung and diverse field operations of the UN, regional, and civil society actors;

- Third, improving the UN's assessment and evaluation capacities;

- Fourth, reinforcing partnerships between the UN and its partners on prevention, early-warning, and analytical functions; and

- Finally, continuing to explore what successful preventive steps that governments, regional and sub-regional bodies, and civil society actors have taken, and how such activities and capacities could both be strengthened and replicated elsewhere.

The work of the SASG is focused on identifying ways of helping states to succeed rather than simply considering ways to react once they have failed. This, of course, also requires sustained policy analysis and will be addressed in more detail by the SASG at a later stage of his work, in close consultation with UN member states. However, the UN has comparative advantages in prevention, anticipation, and capacity-building, which remain under-explored and are deserving of further attention.

To follow up specifically on the Stellenbosch seminar, the International Peace Institute and the Office of the SAPG jointly convened a session in New York in July 2008 to disseminate the report and themes from the meeting among UN member states, UN staff, experts and the broader NGO community. The Stellenbosch meeting represents the start of a wide-ranging dialogue that the Special Advisers intend to continue for the duration of their mandates. The policy advisory group reinforced the importance of convening such discussions in diverse regions of the world. To that end, the SASG held consultations in South-east Asia and Europe in February 2008, and the two Special Advisers plan another roundtable in Addis Ababa, Ethiopia, in 2008. Other meetings are planned for 2008 and 2009 in Asia, Latin America, and Europe.

Annex I

Agenda

Day One: Wednesday 12 December 2007

18h30 – 20h00 Welcome Reception and Dinner

Day Two: Thursday 13 December 2007

9h00 – 9h15 Welcome by the Co-Convenors

Dr Adekeye Adebajo, Executive Director, Centre for Conflict Resolution, Cape Town

Professor Francis Deng, Special Adviser to the UN Secretary-General on the Prevention of Genocide, New York

Professor Edward C. Luck, Vice-President and Director of Studies, International Peace Academy, New York, and Special Adviser to the UN Secretary-General on the Responsibility to Protect

9h15 – 10h45 **Session I: The United Nations' Twin Mandates: Preventing Genocide and "The Responsibility to Protect"**

Chair: Dr Adekeye Adebajo, Executive Director, Centre for Conflict Resolution, Cape Town

Keynote Address: Professor Francis Deng, Special Adviser to the UN Secretary-General on the Prevention of Genocide, New York

Speaker: Professor Edward C. Luck, Special Adviser to the UN Secretary General on the Responsibility to Protect

10h45 – 11h00 Coffee Break

11h00 – 12h30 **Session II: Genocide and Mass Atrocities in Cambodia: Lessons for the International Community**
Chair: Dr Helen Jarvis, Chief of Public Affairs, Extraordinary Chambers in the Courts of Cambodia, Phnom Penh

Speakers: Professor Steven Ratner, University of Michigan, Michigan

Professor Gregory Stanton, University of Mary Washington, Fredericksburg

12h30 – 13h30 Lunch

13h30 – 15h00 **Session III: Genocide in Rwanda: Lessons for the International Community**

Chair: Professor Francis Deng, Special Adviser to the UN Secretary-General on the Prevention of Genocide, New York

Special Address: Professor Ibrahim Gambari, Special Envoy of the UN Secretary-General to Myanmar and UN Special Adviser

15h00 – 15h15 Coffee Break

15h15 – 16h45 **Session IV: Mass Atrocities in Bosnia: Lessons for the International Community**

Chair: Ambassador Rolf Ekeus, Former High Commissioner on National Minorities, the Organisation for Security and Co-operation in Europe (OSCE)

Speakers: Ambassador Diego Arria, Former Permanent Representative of Venezuela to the United Nations

Professor Susan Woodward, City University of New York, New York

16h45 – 17h00 Coffee Break

17h00 – 19h00 Film on the Rwandan Genocide: "Sometimes in April", by Raoul Peck

19h30 Dinner

Day Three: Friday 14 December 2007

9h30 – 11h00 **Session V: Prevention of Genocide and Mass Atrocities in the Great Lakes Region: Lessons Learned from Rwanda, Burundi and the DRC**

Chair: Ambassador Diego Arria, Former Permanent Representative of Venezuela to the United Nations

Speakers: Ambassador Ibrahima Fall, former UN Special Representative to the Great Lakes Region

Dr Musifiky Mwanasali, Political Affairs Officer, UN Mission in Sudan, Khartoum

11h00 – 11h15	Coffee Break
11h15 – 13h00	**Session VI: Mass Atrocities in Burundi: Lessons for the International Community**
	Chair: Dr Musifiky Mwanasali, Political Affairs Officer, UN Mission in Sudan, Khartoum
	Speakers: Mr Welile Nhlapo, South African Ambassador to the United States, Washington, D.C.
	Dr Devon Curtis, Cambridge University, Cambridge
13h00 – 14h00	Lunch
14h00 – 15h30	**Session VII: Mass Atrocities in Darfur: Lessons for the International Community**
	Chair: Ambassador Ibrahima Fall, former UN Special Representative to the Great Lakes Region
	Speakers: Dr Solomon Gomes, Senior Political Officer, Darfur Integrated Task Force, African Union Commission, Addis Ababa
	Professor Chandra Lekha Sriram, University of East London, London
15h30 – 15h45	Coffee Break
15h45 – 17h15	**Session VIII: Prevent, Anticipate, Respond, and Rebuild: Strengthening UN Capacity and Decision-Making**
	Chair: Professor Edward C. Luck, Special Adviser to the UN Secretary-General on the Responsibility to Protect
	Speakers: Professor Margaret Vogt, Deputy Director, UN Department of Political Affairs, New York
	Ms Heidi Hulan, Political Counsellor, Permanent Mission of Canada to the United Nations, New York
20h00	Dinner

Day Four: Saturday 15 December 2007

9h30 – 12h00 **Session IX: The Role and Potential of Regional and Sub-Regional Organisations and Arrangements**

Chair: Professor Margaret Vogt, Deputy Director, UN Department of Political Affairs, New York

Speakers: Dr Solomon Gomes, Senior Political Officer, Darfur Integrated Task Force, African Union Commission, Addis Ababa

Ambassador Rolf Ekeus, former High Commissioner on National Minorities, the Organisation for Security and Co-operation in Europe

12h00 – 12h15 Coffee Break

12h15 – 13h15 **Session X: Civil Society, National Will, and Public Policy**

Chair: Ms Mary Burton, Former Commissioner of South Africa's Truth and Reconciliation Commission

Speaker: Ms Imelda Nzirorera, Director, Centre for Human Rights and Prevention of Genocide, Burundi

13h15 – 13h30 Filling out of evaluation forms

13h30 – 14h30 **Session XI: Policy and Institutional Innovations: The Way Forward**

Chair: Dr Adekeye Adebajo, Executive Director, Centre for Conflict Resolution, Cape Town

Speakers: Professor Francis Deng, Special Adviser to the UN Secretary-General on the Prevention of Genocide, New York

Professor Edward C. Luck, Special Adviser to the UN Secretary-General on the Responsibility to Protect

Annex II

List of Participants

1. Dr Adekeye Adebajo
   Executive Director
   Centre for Conflict Resolution
   Cape Town, South Africa

2. Ambassador Diego Arria
   Former Venezuelan Ambassador to the
   United Nations

3. Ms Mary Burton
   Former Commissioner of South Africa's
   Truth and Reconciliation Commission
   Cape Town, South Africa

4. Mr David Coltart
   Movement for Democratic Change (MDC)
   Zimbabwe

5. Dr Devon Curtis
   Department of Politics
   Cambridge University
   Cambridge, England

6. Ms Rachel Davis
   Associate
   International Peace Academy
   New York, United States

7. Ms Nicole Deller
   Director of Programmes
   Global Centre for the Responsibility to Protect
   New York, United States

8. Professor Francis M Deng
   Special Adviser to the
   UN Secretary-General on the Prevention
   of Genocide
   New York, United States

9. Ambassador Rolf Ekeus
   Chairman, Governing Board
   Stockholm International Peace
   Research Institute
   Sweden

10. Professor Ibrahima Fall
    Former UN Special Representative to the
    Great Lakes region

11. Professor Ibrahim Gambari
    Special Adviser and UN co-chair to the
    International Compact to Iraq and
    Special Representative to Myanmar
    New York, United States

12. Dr Solomon Gomes
    Senior Political Officer
    Darfur Integrated Task Force
    African Union Commission
    Addis Ababa, Ethiopia

13. Ms Heidi Hulan
    Political Counsellor
    Permanent Mission of Canada to the
    United Nations
    New York, United States

14. Ms Maureen Isaacson
Journalist / Assistant Editor
Sunday Independent
Johannesburg, South Africa

15. Dr Helen Jarvis
Chief of Public Affairs
Extraordinary Chambers in the Courts of Cambodia
Phnom Penh, Cambodia

16. Mr Marc Labrom
Second Secretary
High Commission of Canada
Tshwane, South Africa

17. Mr Benjamin Majekodunmi
Human Rights Officer
Office of the Special Adviser to the UN Secretary-General on the Prevention of Genocide
New York, United States

18. Dr Mireille Affa'a Mindzie
Senior Project Officer
Centre for Conflict Resolution
Cape Town, South Africa

19. Ms Rikky Minyuku
Director
Africa Division
Human Rights Watch
Johannesburg, South Africa

20. Dr Musifiky Mwanasali
Political Affairs Division Officer
United Nations Mission in Sudan
Khartoum, Sudan

21. Ambassador Welile Nhlapo
Embassy of South Africa
Washington, DC, United States

22. Ms Imelda Nzirorera
Director
Centre for Human Rights and Prevention of Genocide
Bujumbura, Burundi

23. Professor Steven Ratner
University of Michigan Law School
Michigan, United States

24. Professor Chris Saunders
Department of Historical Studies
University of Cape Town
South Africa

25. Ms Judy Smith-Höhn
Senior Researcher
Centre for Conflict Resolution
Cape Town, South Africa

26. Professor Chandra Lekha Sriram
Chair in Human Rights
School of Law
University of East London
England

27. Professor Gregory Stanton
James Farmer Professor in Human Rights
University of Mary Washington
Fredericksburg, United States

28. Professor Margaret Vogt
Deputy Director
Department of Political Affairs
United Nations
New York, United States

29. Professor Susan L Woodward
Graduate Centre
City University of New York
New York, United States

Conference Team:

1. Ms Pippa Segall
Centre for Conflict Resolution
Cape Town, South Africa

2. Ms Johanna Webb
Centre for Conflict Resolution
Cape Town, South Africa

3. Mr Langelihle Malimela
Centre for Conflict Resolution
Cape Town, South Africa

4. Mr Fanie Jason
Photographer
Cape Town, South Africa

Annex III

List of Acronyms

AMIB	African Union Mission in Burundi
AMIS	African Union Mission in Sudan
ASEAN	Association of Southeast Asian Nations
AU	African Union
DESA	UN Department of Economic and Social Affairs
DPA	UN Department of Political Affairs
DPKO	UN Department of Peacekeeping Operations
DRC	Democratic Republic of the Congo
ECCAS	Economic Community of Central African States
ECOSOC	UN Economic and Social Council
ECOWAS	Economic Community of West African States
ICISS	International Commission on Intervention and State Sovereignty
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
NAM	Non-Aligned Movement
OAU	Organisation of African Unity
OCHA	Office for the Co-ordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
ONUB	UN Mission in Burundi
OSCE	Organisation for Security and Co-operation in Europe
SADC	Southern African Development Community
SAPG	Special Adviser for the Prevention of Genocide
SASG	Special Adviser to the Secretary-General
UNAMIR	UN Mission in Rwanda
UNDP	United Nations Development Programme
UNMIS	UN Mission in Sudan
UNOWA	UN Office for West Africa

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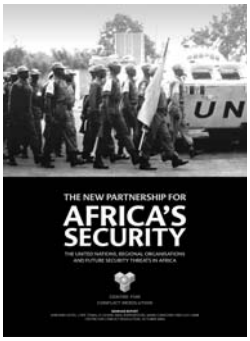

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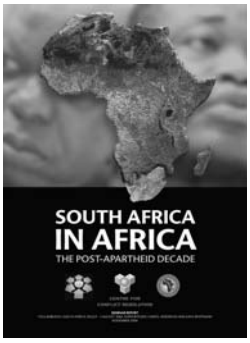
The inter-related and vexing issues of political instability in Africa and international security within the framework of UN reform were specifically focused on at this policy seminar, held from 21 – 23 May 2004 in Claremont, Cape Town.



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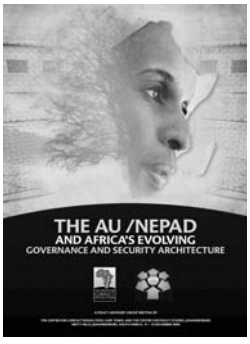
The role that South Africa has played on the African continent and the challenges that persist in South Africa's domestic transformation 10 years into democracy were assessed at this meeting in Stellenbosch, Cape Town, from 29 July - 1 August 2004.



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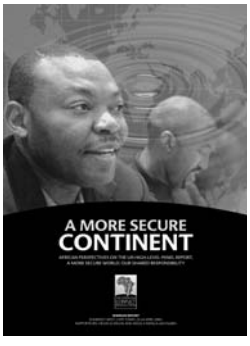
The state of governance and security in Africa under the AU and NEPAD were analysed and assessed at this policy advisory group meeting in Misty Hills, Johannesburg, on 11 and 12 December 2004.



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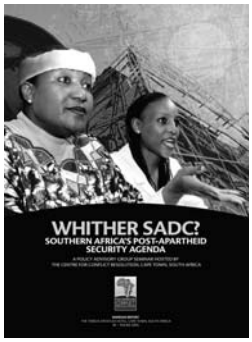
AFRICAN PERSPECTIVES ON THE UN HIGH-LEVEL PANEL REPORT,
A MORE SECURE WORLD: OUR SHARED RESPONSIBILITY

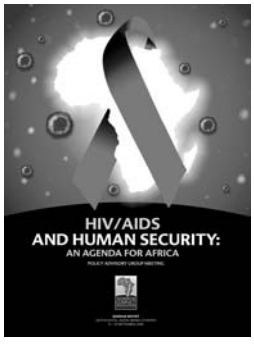
African perspectives on the United Nations' (UN) High-Level Panel report on Threats, Challenges and Change were considered at this policy advisory group meeting in Somerset West, Cape Town, on 23 and 24 April 2005.



VOLUME 5
WHITHER SADC?

SOUTHERN AFRICA'S POST-APARTHEID SECURITY AGENDA

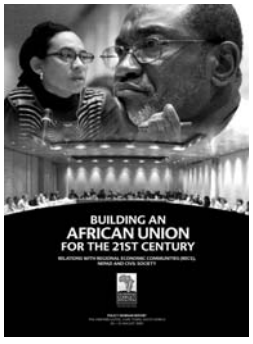
The role and capacity of the Southern African Development Community's (SADC) Organ on Politics, Defence and Security (OPDS) were focused on at this meeting in Oudekraal, Cape Town, on 18 and 19 June 2005.



VOLUME 6
HIV/AIDS AND HUMAN SECURITY:

AN AGENDA FOR AFRICA

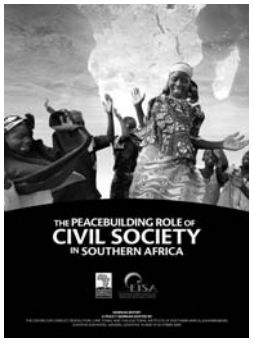
The links between human security and the HIV/AIDS pandemic in Africa, and the potential role of African leadership and the African Union in addressing this crisis were analysed at this policy advisory group meeting in Addis Ababa, Ethiopia, on 9 and 10 September 2005.



VOLUME 7
BUILDING AN AFRICAN UNION FOR THE 21ST CENTURY

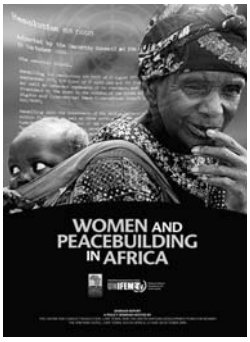
RELATIONS WITH REGIONAL ECONOMIC COMMUNITIES (RECS), NEPAD AND CIVIL SOCIETY

This seminar in Cape Town from 20 – 22 August 2005 made policy recommendations on how the AU's institutions, including NEPAD, could achieve their aims and objectives.



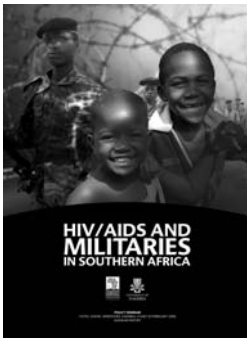
VOLUME 8
THE PEACEBUILDING ROLE OF CIVIL SOCIETY IN SOUTHERN AFRICA

This meeting, held in Maseru, Lesotho, on 14 and 15 October 2005, explores civil society's role in relation to southern Africa, democratic governance, its nexus with government, and draws on comparative experiences in peacebuilding.



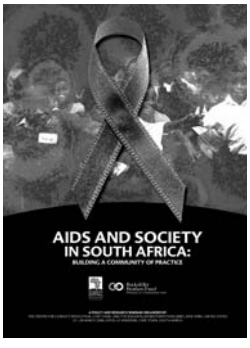
VOLUME 9
WOMEN AND PEACEBUILDING IN AFRICA

This meeting, held in Cape Town on 27 and 28 October 2005, reviewed the progress of the implementation of UN Security Council Resolution 1325 on Women and Peacebuilding in Africa in the five years since its adoption by the United Nations in 2000.



VOLUME 10
HIV/AIDS AND MILITARIES IN SOUTHERN AFRICA

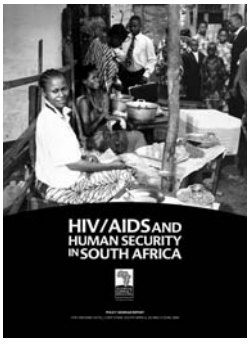
This two-day policy advisory group seminar in Windhoek, Namibia, on 9 and 10 February 2006 examined issues of HIV/AIDS and militaries in southern Africa.



VOLUME 11
AIDS AND SOCIETY IN SOUTH AFRICA:

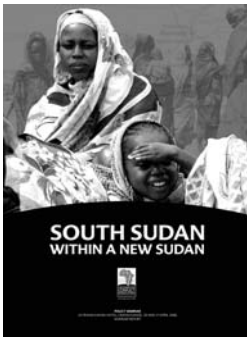
BUILDING A COMMUNITY OF PRACTICE

This policy and research seminar, held in Cape Town on 27 and 28 March 2006, developed and disseminated new knowledge on the impact of HIV/AIDS in South Africa in the three key areas of: democratic practice; sustainable development; and peace and security.



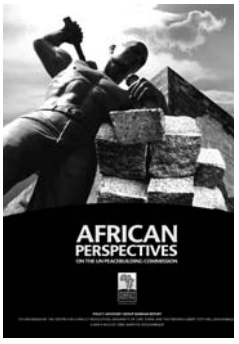
VOLUME 12
HIV/AIDS AND HUMAN SECURITY IN SOUTH AFRICA

This two-day policy seminar on 26 and 27 June 2006 took place in Cape Town and examined the scope and response to HIV/AIDS in South Africa and southern Africa from a human security perspective.



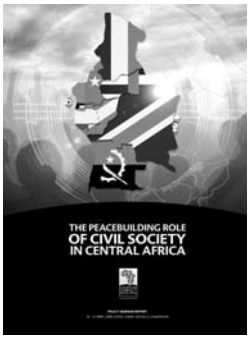
VOLUME 13
SOUTH SUDAN WITHIN A NEW SUDAN

This policy advisory group seminar on 20 and 21 April 2006 in Franschhoek, Western Cape, assessed the implementation of the Comprehensive Peace Agreement (CPA) signed in January 2005 by the Government of the Republic of the Sudan (GOS) and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/A).



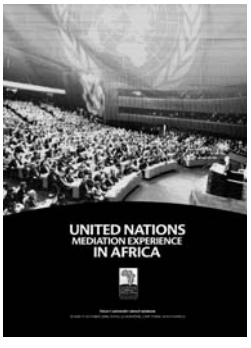
VOLUME 14
AFRICAN PERSPECTIVES ON THE UN PEACEBUILDING COMMISSION

This meeting, in Maputo, Mozambique, on 3 and 4 August 2006, analysed the relevance for Africa of the creation, in December 2005, of the UN Peacebuilding Commission, and examined how countries emerging from conflict could benefit from its establishment.



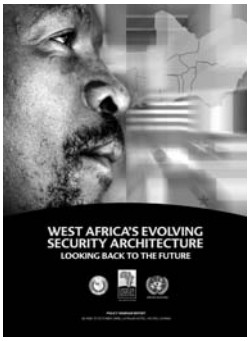
VOLUME 15
THE PEACEBUILDING ROLE OF CIVIL SOCIETY IN CENTRAL AFRICA

This sub-regional seminar, held from 10 to 12 April 2006 in Douala, Cameroon, provided an opportunity for civil society actors, representatives of the Economic Community of Central African States (ECCAS), the United Nations (UN) and other relevant players to analyse and understand the causes and consequences of conflict in central Africa.



VOLUME 16
UNITED NATIONS MEDIATION EXPERIENCE IN AFRICA

This seminar, held in Cape Town on 16 and 17 October 2006, sought to draw out key lessons from mediation and conflict resolution experiences in Africa, and to identify gaps in mediation support while exploring how best to fill them. It was the first regional consultation on the United Nations' newly-established Mediation Support Unit (MSU).

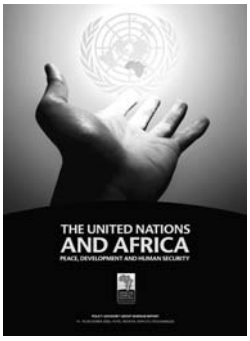


VOLUME 17

WEST AFRICA'S EVOLVING SECURITY ARCHITECTURE

LOOKING BACK TO THE FUTURE

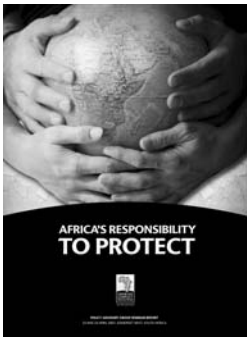
The conflict management challenges facing the Economic Community of West African States (ECOWAS) in the areas of governance, development, and security reform and post-conflict peacebuilding formed the basis of this policy seminar in Accra, Ghana, on 30 and 31 October 2006.



VOLUME 18

THE UNITED NATIONS AND AFRICA: PEACE, DEVELOPMENT AND HUMAN SECURITY

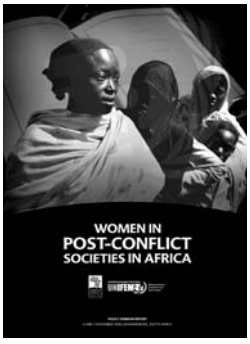
This policy advisory group meeting, held in Maputo, Mozambique, from 14 to 16 December 2006, set out to assess the role of the principal organs and the specialised agencies of the UN in Africa.



VOLUME 19

AFRICA'S RESPONSIBILITY TO PROTECT

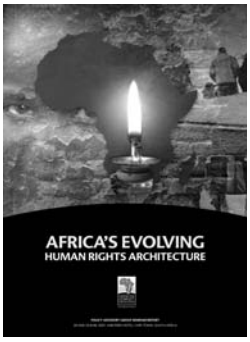
This policy seminar, held in Somerset West, South Africa, on 23 and 24 April 2007, interrogated issues around humanitarian intervention in Africa and the responsibility of regional governments and the international community in the face of humanitarian crises.



VOLUME 20

WOMEN IN POST-CONFLICT SOCIETIES IN AFRICA

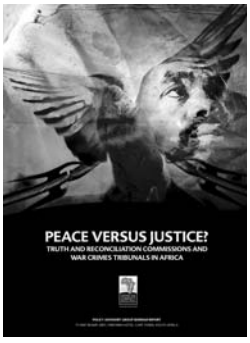
The objective of this seminar, held in Johannesburg, South Africa, on 6 and 7 November 2006, was to discuss and identify concrete ways of engendering reconstruction and peace processes in African societies emerging from conflict.



VOLUME 21

AFRICA'S EVOLVING HUMAN RIGHTS ARCHITECTURE

The experiences and lessons from a number of human rights actors and institutions on the African continent were reviewed and analysed at this policy advisory group meeting held on 28 and 29 June 2007 in Cape Town, South Africa.

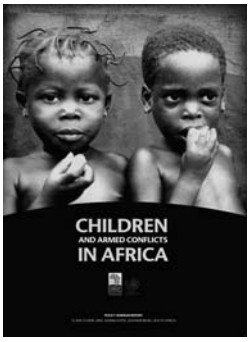


VOLUME 22

PEACE VERSUS JUSTICE?

TRUTH AND RECONCILIATION COMMISSIONS AND WAR CRIMES TRIBUNALS IN AFRICA

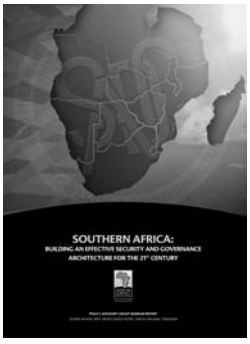
The primary goal of this policy meeting, held in Cape Town, South Africa, on 17 and 18 May 2007, was to address the relative strengths and weaknesses of "prosecution versus amnesty" for past human rights abuses in countries transitioning from conflict to peace.



VOLUME 23

CHILDREN AND ARMED CONFLICTS IN AFRICA

This report, based on a policy advisory group seminar held on 12 and 13 April 2007 in Johannesburg, South Africa, examines the role of various African Union (AU) organs in monitoring the rights of children in conflict and post-conflict situations.



VOLUME 24

SOUTHERN AFRICA:

BUILDING AN EFFECTIVE SECURITY AND GOVERNANCE ARCHITECTURE FOR THE 21ST CENTURY

This report is based on a seminar, held in Tanzania on 29 and 30 May 2007, that sought to enhance the efforts of the Southern African Development Community (SADC) to advance security, governance and development initiatives in the sub-region.

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The responsibilities of governments to protect their citizens has gained increasing acceptance in policy and academic circles, and within the United Nations (UN) itself, over the past two decades. This was again highlighted at the United Nations 2005 World Summit, during which the international community affirmed the principle of the "responsibility to protect" (RtoP) citizens. The policy advisory group meeting on which this report is based focused on six African, Asian and European case studies. These highlight major and inter-related issues of concern regarding effective and timely international responses to situations in which populations were threatened by genocide, war crimes, "ethnic cleansing" or crimes against humanity.

CAPE TOWN, SOUTH AFRICA

UNIVERSITY OF CAPE TOWN ■ C/O RHODES GIFT POST OFFICE ■ 7707 ■ CAPE TOWN, SOUTH AFRICA
TEL: +27 21 689 1005 ■ FAX: +27 21 689 1003 ■ E-MAIL: mailbox@ccr.uct.ac.za
http://ccrweb.ccr.uct.ac.za