

# Prevention of Genocide and Mass Atrocities and the Responsibility to Protect: Challenges for the UN and the International Community in the 21<sup>st</sup> Century

## **The Responsibility to Protect**

Occasional Paper Series

Rachel Davis, *Chief Rapporteur*, Benjamin Majekodunmi and  
Judy Smith-Höhn, *Rapporteurs*

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Centre for  
Conflict Resolution  
University of Cape Town

International Peace  
Institute  
New York

Office of the UN  
Special Adviser for the  
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**Cover Photo:** A young Timorese girl at the Motael Camp for Internally Displaced Persons, Dili, Timor-Leste. December 2007. UN Photo/Evan Schneider.

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#### **IPI Project Staff**

Edward Luck, *Senior Vice President and Director of Studies*

Marilyn Messer, *Special Assistant to the Senior Vice President and Director of Studies*

Rachel Davis, *Associate*

#### **IPI Publications**

Adam Lupel, *Editor*

Ellie B. Hearne, *Publications Officer*

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## **ABOUT THE RAPORTEURS**

RACHEL DAVIS is Associate at the International Peace Institute (IPI) where she manages the Responsibility to Protect (RtoP) program. She works closely with Dr. Edward Luck in his role as Special Adviser to the UN Secretary-General working on RtoP.

BENJAMIN MAJEKODUNMI is Human Rights Officer in the Office of the UN Special Adviser for the Prevention of Genocide.

JUDY SMITH-HÖHN is Senior Researcher, Policy Development and Research Project, at the Centre for Conflict Resolution, University of Cape Town.

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## Preface

The Stellenbosch Policy Roundtable on the “Prevention of Genocide and Mass Atrocities and the Responsibility to Protect: Challenges for the UN and the International Community in the 21<sup>st</sup> Century” was a truly collaborative effort. The Centre for Conflict Resolution (CCR) of Cape Town, South Africa, first took the initiative of proposing the conference to Francis Deng and then proved to be a gracious and efficient host for the event. All of the participants were deeply appreciative of CCR’s unfailingly hospitable and able support staff. The International Peace Academy, now known as the International Peace Institute (IPI), of New York took the lead in drafting the agenda, the concept paper, and this report. Pippa Segall of CCR and Marilyn Messer of IPI worked closely and ably together on recruiting the participants and arranging their travel.

The costs of the event were shared by IPI and the CCR. IPI is most grateful to the Government of Canada, through the Glyn Berry Program, for generously providing the funding for its portion of the costs. Likewise, the CCR is most appreciative of the strong support of the Government of Denmark.

With the Office of the Special Adviser for the Prevention of Genocide as the third co-sponsor of the roundtable, it was evident that its results would be fully integrated into the UN’s approach to both genocide prevention and the responsibility to protect. The work of both Special Advisers was enriched by the far-ranging discussion at Stellenbosch and they were able, in turn, to provide the participants with a full picture of how their plans were developing early in their respective tenures. At Stellenbosch, far more than in similar enterprises, the worlds of research and policy merged in a seamless, productive, and forward-looking exploration of policy and institutional renovation on one of the defining human and political challenges of our time.

Adekeye Adebajo, Executive Director, Centre for Conflict Resolution

Francis M. Deng, Special Adviser to the UN Secretary-General for the Prevention of Genocide

Edward C. Luck, Senior Vice President and Director of Studies, International Peace Institute, and  
Special Adviser to the UN Secretary-General



## Executive Summary

The increasing acceptance of the protection responsibilities of states towards the populations on their territory was highlighted at the 2005 World Summit, where Member States universally affirmed the concept of the “responsibility to protect” (RtoP). However, this significant development has not been matched by comparable progress in enhancing international machinery or national will to insure 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 (SAPG), Professor Francis Deng, and the Special Adviser to the Secretary-General (SASG) working on RtoP, Professor Edward Luck, held a policy roundtable in Stellenbosch, South Africa, that brought together over thirty policymakers, experts, and practitioners from the UN, regional organizations, governments, and civil society to consider the conceptual, institutional, and policy challenges posed by their mandates and by Secretary-General Ban Ki-moon’s determination to “operationalize” RtoP within the UN system and to turn the Member States’ “words into deeds.” The roundtable was jointly convened by the International Peace Institute, New York (where Professor Luck is Senior Vice President and Director of Studies), the Office of the SAPG, and the Centre for Conflict Resolution, Cape Town.

The agenda was organized around six case studies of genocide and/or mass atrocities that have occurred over the past three decades in Cambodia, Rwanda, Bosnia, Burundi, the Democratic Republic of the Congo (DRC), and Darfur, 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:

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

- 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, and from their incitement; second, a commitment by the international community to assist states in meeting these obligations; and third, an acceptance by Member States of their responsibility to respond in a timely and decisive manner, in accordance with the UN Charter, to help protect populations from these four crimes and violations.

- RtoP and genocide prevention are both grounded in the notion of “sovereignty as responsibility” and are intended to help states succeed. The over-emphasis on the coercive dimension of RtoP in public discourse and the under-emphasis on prevention have skewed the post-Summit debate and precluded expert consideration either of what RtoP-specific prevention and capacity-building efforts look like or of the UN’s comparative advantages 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 for helping the organization anticipate RtoP situations and as a strategic framework for relating the various components of a UN response and for gauging their cumulative progress.
- Situations involving RtoP and genocide prevention 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 a society, the presence of competing elites or political groups, particularly those with an exclusionary ideology, and a history of discrimination, violence, or impunity. The role played by neighboring and other interested states and by non-state actors should be taken into account, as should the presence of internally displaced persons (IDPs).

Second, on the respective roles of the UN, regional mechanisms, and civil society in preventing and responding to situations of actual or potential RtoP crimes and violations, including genocide:

- There are encouraging indications that the political calculus in such cases is changing and that the international community is much

less likely to “look the other way.” Ensuring an effective response, however, remains a challenge.

- For the UN system, RtoP brings new impetus to existing efforts (including through the prevention of genocide mandate) to strengthen the institutional connective tissue between the 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.
- The relationship between the Security Council and the Secretariat needs further analysis and refinement. Although the Secretariat has become bolder in advocating for particular Council actions, the degree of influence it can exert is limited, especially on high profile security issues. In the short-term, the Secretary-General, supported by the Secretariat, could make better use of existing informal mechanisms to bring issues to the Council’s attention. The Council should also continue its efforts towards increasing transparency.
- There are several persistent challenges for the UN in collaborating with regional partners in genocide and RtoP prevention and response. These include enhanced communication with and inclusion of regional and subregional mechanisms in its planning, particularly at the preventive stage; a commitment to developing the capacity of regional partners (as the UN has started doing through the Ten-Year Capacity-Building Programme with the African Union); and improved ability to analyze regional implications and generate regional strategies.
- Much of the preventive and capacity-building work being done by civil society organizations involved in the promotion and dissemination of human rights, rule of law, and democratic governance norms is directly relevant to the promotion of RtoP and genocide prevention, particularly as it stresses states’ existing obligations to protect their populations. There is a need for improved coordination, more consistent messages by the RtoP advocacy community in particular, and more outreach efforts to developing countries. An emerging global network of supportive NGOs and other civil society actors may help address these pressing needs.

Third, with regard to how the roundtable has informed the work of the two Special Advisers, they have since focused their efforts on a number

of areas identified and explored at Stellenbosch, including the following:

- refining a set of indicators of genocide and other serious violations, and, in the case of the SAPG, continuing to closely monitor situations where international attention may make a difference;
- in the case of the SASG, 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 interdepartmental Contact Group on RtoP;
- reinforcing partnerships among the UN and governments, regional and subregional organizations, 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 be replicated elsewhere. Towards this end, the Stellenbosch roundtable represents the start of a wide-ranging dialogue that the SASG and SAPG intend to continue over the course of their mandates.

## Introduction

### 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

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 states towards the populations on their territory. An early step in the institutionalization 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 Secretary-General Kofi Annan established the office of Special Adviser on the Prevention of Genocide (SAPG) and appointed Juan Méndez to the post. The Special Adviser’s 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; to act as a mechanism of early warning for the Secretary-General and the Security Council; to make recommendations to the Council (through the Secretary-General) on preventing or halting genocide; and to liaise with the UN system on activities to prevent genocide and on enhancing its capacity to manage information related to genocide and other serious violations.<sup>1</sup> An Advisory Committee on the Prevention of Genocide was established 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), set out in paragraphs 138 and 139 of the 2005 World Summit Outcome Document, entails important commitments by all 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, and from their incitement; second, a commitment by the international community to assist states in meeting their obligations; and third, an acceptance by Member States of their responsibility to respond in a timely and decisive manner, in accordance with the UN Charter, to help protect populations. In paragraph 140, the states also expressed their support for the mission of the SAPG. In 2006 the Security Council reaffirmed RtoP as set out in the Outcome Document in Resolution 1674 on the protection of civilians in armed conflict—the first official Council reference to RtoP.<sup>2</sup>

This significant development has not been matched by comparable progress—either in enhancing existing international machinery or national will—to insure that the well-publicized failures to protect of recent decades will not be repeated. In 2007, Secretary-General Ban Ki-moon sought to move this agenda forward by “operationalizing” RtoP and turning the Member States’ “words into deeds.” In August 2007, he

appointed Professor Francis Deng, with a dozen years experience as Special Representative on Internally Displaced Persons (IDPs), to build on the work done by Mr. Méndez.<sup>3</sup> In December, he upgraded the post of the SAPG from the Assistant Secretary-General level to the Under-Secretary-General level and made it a full-time position, thus strengthening its effectiveness as the outgoing Special Adviser and the Advisory Committee had previously urged.

The General Assembly, Security Council, and Secretary-General have increasingly recognized that genocide often occurs together with other serious violations of human rights and humanitarian law—for example, the situations in both Rwanda and Srebrenica have been described as involving genocide, war crimes, ethnic cleansing, and crimes against humanity. To better reflect these developments and ongoing practice, at the same time as he upgraded the post’s level, the 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 February 2008, the Secretary-General appointed Professor Edward C. Luck, a long-time student of UN affairs and an adviser during the Secretary-General’s campaign and the ensuing transition period, as a Special Adviser to the Secretary-General (SASG) working on the responsibility to protect at the Assistant Secretary-General level on a part-time basis.<sup>4</sup> The concept of RtoP is relatively new and remains highly controversial, despite the Summit’s endorsement, and so the SASG’s role is three-fold: (1) to lead the efforts to develop a UN-wide conceptual and policy framework for RtoP based on the

1 Letter dated 12 July 2004 from the UN Secretary-General to the President of the Security Council, Annex: Outline of the mandate for the Special Adviser on the Prevention of Genocide, UN 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 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.

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

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

Outcome Document; (2) to identify a series of practical recommendations for strengthening and coordinating the performance of the UN and its partners on RtoP; and (3) 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."

## 2. STELLENBOSCH POLICY ROUNDTABLE, DECEMBER 2007

There appears to have been significant slippage in political support for RtoP since the 2005 World Summit and 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. Importantly, given the conceptual overlap between genocide prevention and the responsibility to protect, discussion of RtoP at the roundtable was understood as encompassing many of the issues arising in the prevention of genocide mandate as well.

The SAPG is supported by a UN office; the SASG is supported in his work through the International Peace Institute (IPI), an independent policy research organization based in New York where Professor Luck is Senior Vice President and Director of Studies. In mid-December 2007, the Office of the SAPG and IPI partnered with the Centre for Conflict Resolution, a respected research, policy development, and training organization based in Cape Town, South Africa, to hold the first of a number of international meetings and roundtables to get the input of leading policy-makers, experts, and practitioners on the two mandates and on the conceptual, institutional and policy challenges posed by them. The region was the ideal place to begin this process in light of Africa's historic support for RtoP, as reflected in the Constitutive Act of the African Union,

adopted five years before the World Summit,<sup>5</sup> and the role of some individual African Member States in getting RtoP language included in the Outcome Document in 2005.

The three-day roundtable brought together over thirty senior figures from the UN, regional organizations, governments, academia, and civil society.<sup>6</sup> The agenda was organized around six case studies of genocide and/or mass atrocities that have occurred over the past three decades in Cambodia, Rwanda, Bosnia, Burundi, the Democratic Republic of the Congo (DRC), and Darfur, 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.<sup>7</sup>

The goals of the roundtable were three-fold: (1) to provide a historical foundation for the substantive work of the two mandates; (2) 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 (3) to engage practitioners, policymakers, and opinion leaders in an interactive dialogue on what the Secretary-General is seeking to achieve by "operationalizing" 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, intergovernmental, and nongovernmental players involved in protection efforts.

This report summarizes the central themes and conclusions from the meeting. It incorporates the lessons from the individual case studies into broader discussions of the scope of RtoP; the characteristics of genocide prevention and RtoP situations more broadly; efforts to address such situations through the UN; collaboration between the UN and regional mechanisms; and the role of broader civil society prevention efforts. The roundtable was held under the Chatham House

<sup>5</sup> Available at [www.africa-union.org/root/au/AboutAU/Constitutive\\_Act\\_en.htm](http://www.africa-union.org/root/au/AboutAU/Constitutive_Act_en.htm).

<sup>6</sup> See Annex for a list of participants.

<sup>7</sup> To enable comparative assessments, panelists were asked to address the same set of questions identifying policy, procedural, and institutional lessons for the international community, UN, regional and subregional organizations, civil society, and for national policies, and were asked to propose specific suggestions for the way forward.

rule (i.e., what was said can be relayed but the identity of the speaker cannot).

## The Scope of the Responsibility to Protect

The 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.” So the scope of RtoP 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 years since the Summit, starkly different perspectives have been voiced on the scope and core content of RtoP, with some seeking to apply it 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 intervention could be contemplated for protection purposes. The roundtable therefore began 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 Outcome Document and the four crimes and violations specified therein. Otherwise, there could be a real danger of stretching the principle until it loses conceptual coherence and operational utility. With respect to the response side of RtoP, while the Outcome Document recognizes the possibility of Chapter VII coercive action through the Security Council when states “manifestly fail” to meet their protection responsibilities, it places much greater stress on preventive measures, or international assistance, including through capacity building,

and on non-coercive action under Chapters VI and VIII of the Charter. The over-emphasis on the military dimension of RtoP in public discourse and under-emphasis on prevention have skewed the post-Summit debate, permitting 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. It has also precluded any sustained expert consideration of what RtoP-specific prevention and capacity-building efforts might look like, let alone how UN, regional, and subregional mechanisms could collaborate with individual states in such efforts.

The underlying purpose of RtoP is to help states succeed—the language of the Outcome Document reflects the assumption that most governments do not, in fact, set out to harm their own populations. The roundtable recalled that the concept of RtoP is grounded in the notion of “sovereignty as responsibility” developed by Professor Deng, the current SAPG, with his colleagues at the Brookings Institution in the mid-1990s.<sup>8</sup> In an effort to move beyond the then highly polarized 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*.<sup>9</sup> The ICISS report reaffirmed that the primary responsibility for protecting its population rests with the state, while recognizing a parallel obligation on the part of the international community to assist states to meet these responsibilities—and where they fail to do so, to act collectively to provide such protection, including, when necessary, through military intervention.<sup>10</sup>

<sup>8</sup> See, for example, Francis M. Deng, Sadikiel Kimaro, Terrence Lyons, Donald Rothchild, and I. William Zartman, *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, DC: Brookings Institution, 1996); Terrence Lyons and Francis M. Deng, eds., *African Reckoning: A Quest for Good Governance* (Washington, DC: Brookings Institution, 1998); Francis M. Deng, “Sovereignty and Humanitarian Responsibility: A Challenge for NGOs in Africa and the Sudan,” in Robert I. Rotberg, ed., *Vigilance and Vengeance: NGOs Preventing Ethnic Conflict in Divided Societies* (Washington, DC: Brookings Institution and World Peace Foundation, 1996); and Francis M. Deng, “Reconciling Sovereignty with Responsibility: A Basis for Humanitarian Action,” in John W. Harbeson and Donald Rothchild, eds., *Africa World Politics* (Boulder, CO: Westview Press, 1999).

<sup>9</sup> *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001), available at <http://iciss.ca/pdf/commission-report.pdf>.

<sup>10</sup> The report laid out six criteria to guide decision-making in such cases, namely that 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 nonmilitary options must have been exhausted; the use of military force must be proportionate to the threat; and there must be reasonable prospects of success.

The ICISS report was largely endorsed in the subsequent report of the UN High-Level Panel on Threats, Challenges and Change, commissioned by Secretary-General Kofi Annan,<sup>11</sup> and also in the Secretary-General's own 2005 report, *In Larger Freedom*.<sup>12</sup> There are some differences in the various documents. However, 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 organization'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 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 (clearly including those involving genocide prevention) in order to determine what sort of existing efforts should be strengthened and what additional measures might be of assistance.

## Characteristics of Genocide Prevention and RtoP Situations

Importantly, RtoP situations are not always the direct result of conflict. Some of the worst cases of genocide and crimes against humanity have occurred without the immediate presence of an “armed conflict” as such—for example, in Rwanda, where the genocide occurred in

the context of a pre-existing peace process, and in Cambodia. RtoP situations do not typically emerge without warning, as substantial information is usually available in advance. While analysis of this information may be lacking (discussed further below), recognition and prioritization 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 decolonization process, acted to immobilize the international community when faced with a government intent on a policy of extermination.

Even in advanced RtoP situations, where genocide, crimes against humanity, war crimes, or ethnic cleansing may already be occurring, legal definitions are no guarantee of action. For instance, while the US announcement in September 2004 that the situation in Darfur constituted genocide may be considered a breakthrough after its reluctance to acknowledge the reality of the situation in Rwanda in 1994, this pronouncement did not produce any obvious change in US policy on the ground. International legal instruments and declarations provide an essential framework for genocide prevention and RtoP, but they rely on political will for their implementation on the ground.

While recognizing that each situation is unique, the roundtable sought to identify factors that tend to contribute to an “enabling environment” for RtoP violations. Such factors include the following:

- 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).
- A “crisis of identity” within a society along ethnic, racial, religious, or other lines, often as a

<sup>11</sup> High-Level Panel on Threats, Challenges and Change, *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.

<sup>12</sup> 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 [www.un.org/larger\\_freedom/contents.htm](http://www.un.org/larger_freedom/contents.htm).

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 (such as Switzerland, which has four national languages and very limited territory). The manipulation of identity and the creation of minorities has been a central feature of some of the worst RtoP cases. The roundtable noted the role played at times by the international community 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).

- 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.
- The existence of competing elites or political groups, and particularly the existence of an elite with an exclusionary ideology, as in Cambodia. There, the absence of real opposition enabled the Khmer Rouge to pursue their genocidal policies. In contrast, there was a profusion of politically active groups in Burundi in the 1990s yet political leaders still emphasized ethnic and other differences in seeking to foment violence and strengthen their own positions.
- 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 be attempts to engage with its own past—one of the most well-known examples being South Africa's truth and reconciliation process (though some South Africans continue to question its effectiveness in achieving genuine political and racial reconciliation).
- The role of non-state actors can be critical. While states 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 conflict, as noted above. While there are some indications from the UN and regional human rights mechanisms that states have a duty to prevent and punish serious 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.

- The existence of a kinship relationship with a neighboring state or states, which may have a positive or negative effect. It may be negative 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. 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.

To understand potential RtoP situations better, it is essential to develop improved indicators, addressing developments from disenfranchisement and the treatment of minorities to the emergence of armed conflict, and to determine which are most closely identified with the four crimes and violations in the Outcome Document. Such indicators should build on work already done in related areas within the UN (particularly on race-based discrimination)<sup>13</sup> and by outside experts (particularly on genocide and on conflict prevention).<sup>14</sup>

## Efforts to Address Genocide Prevention and RtoP Situations through the UN

### 1. GENERAL TRENDS

The UN is a creature of its members and can only be as strong and effective as 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 been unwilling to commit to long-term protection efforts or to support early intervention into what are perceived as other states' internal affairs unless their own security is directly threatened

<sup>13</sup> 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.

<sup>14</sup> See, for example, the work carried out and collated by Genocide Watch at [www.genocidewatch.org/](http://www.genocidewatch.org/); see also Barbara Harff, "No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder Since 1955," *American Political Science Review* 97, no. 1 (February 2003), p.57.

(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 costs of using a veto in the UN Security Council in cases of emerging genocide or mass atrocities are now extremely high 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 is another matter.

## 2. PREVENTION EFFORTS WITHIN THE BROADER UN SYSTEM

The need for greater coordination within the UN is well-known. The overlap among multiple agencies, sometimes with conflicting or duplicative mandates, can hinder the organization’s ability to identify and respond coherently to crisis situations and to contribute to prevention efforts. RtoP brings 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 organization already has access to an abundance of detailed and varied information at the field level, but it is not effectively channelled upwards through the system. The persistence of a silo mentality continues to impede the organization’s ability to conduct strategic analysis and to assess patterns of social and political development within troubled societies. Further, to be useful, such analysis and assessment must actually feed into and affect the decision-making process.

A number of questions were identified by the roundtable as worthy of further consideration. The UN has several existing early warning mechanisms, including the Office for the Coordination of Humanitarian Affairs’ (OCHA) *ReliefWeb*, the Framework for Coordination Team, and the office of the Emergency Relief Coordinator, but are there ways in which these could be strengthened or better linked up? Should a substantial analytical and coordination role be developed within the Executive Committee for Peace

and Security or the 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 “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 organization demonstrate that it has the capacity to receive such information and deal appropriately and confidentially with it? How can it diversify its sources of reliable information, so that it does not become overly dependent on traditional western sources?

The roundtable discussed specific information challenges facing the Office of the SAPG. The Office clearly needs access to existing information collected by the Department of Political Affairs (DPA), the Office of the High Commissioner for Human Rights (OHCHR), OCHA, and other key departments. But a central issue remains: how should it distill and conduct its own analysis of such information? Should there be a system of periodic reporting by the SAPG through the 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 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 departments. To what extent can or should the SAPG be supported through regular input from outside organizations, 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 DPA’s mediation capacity (including the creation of the expert Mediation Standby Team), have the potential to substantially enhance the 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 with other interested states that have leverage in a relevant case—especially

when their interest is a material one—in more sophisticated and varied ways.

The General Assembly, the 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 strengthen. The work of the Peacebuilding Commission is closely connected to the kind of preventive and rebuilding efforts that RtoP envisages: much of the peacebuilding work underway in Burundi and Sierra Leone is intended to reduce the risk of a recurrence of violence and to improve the “resilience” of the state in the face of future such crises. There is also a substantial role in the promotion and implementation of RtoP to be played by the United Nations Development Programme (UNDP), the Department of Economic and Social Affairs (DESA), and the development-focused agencies of the larger UN family, like the World Bank. The linkages between RtoP and the broader development assistance approaches of donor countries and regional mechanisms (like the Organisation for Economic Co-operation and Development’s Development Co-operation Directorate) deserve much more detailed discussion and analysis, in close consultation with Member States.

### 3. THE ROLE OF THE SECURITY COUNCIL

Considerable attention was devoted to the relationship between the Council and the Secretariat. Some participants felt that the distinction between the five permanent members of the Council (P5) and the ten elected members (E10) is reflected in the way in which the Secretariat engages with Council members, for example, through the extent to which information is shared differently with the P5 and the E10. The internal dynamics of the P5 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 is symptomatic of the way in which the Council, at least until recently, reacted to RtoP crises. There were early warnings about the impending genocide from within the UN system (through the United Nations Mission in Rwanda [UNAMIR], the report of the Special Rapporteur on Extrajudicial Executions to the Commission on Human Rights in February 1994, and through the field presence of UNDP), as well as from the outside through various humanitarian organizations. Members of the Non-Aligned Movement (NAM) advocated a more vigorous approach to protecting the victims, but such a response was hindered by, among other things, the reaction of Belgium to the casualties that its peacekeeping contingent sustained early in the conflict, and by the US fear of a reprise of its recent experience in Somalia. 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, leading to an extremely confused situation on the ground about who was to be protected and by whom.

Interactions between the Security Council and the Secretariat also proved dysfunctional as the Rwandan genocide unfolded. With the pressure growing on the small UNAMIR force in April 1994, then Secretary-General Boutros Boutros-Ghali presented three alternatives to the Council. The first “option” was a massive and immediate increase in UNAMIR forces 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 all UNAMIR forces. Although the Council was not bound to choose 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.<sup>15</sup>

As the Brahimi report urged, the Secretary-General and Secretariat should tell the Council “what it needs to know, not what it wants to hear.”<sup>16</sup> Although the Secretariat has become bolder in advocating for particular Council actions, the degree of influence it can exert in

<sup>15</sup> 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.

<sup>16</sup> United Nations, *Report of the Panel on United Nations Peace Operations*, UN Doc. A/55/305 - S/2000/809, 21 August 2000, para 64(d).

intergovernmental bodies is bound to be limited, especially on high profile security issues. The 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 participants emphasized that in the short to mid-term, the Secretary-General, supported by the Secretariat, could make better use of existing informal mechanisms before seeking to place situations on the formal Council agenda. When necessary, however, the 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 institution's operating procedures. The SAPG could also play a key role in furthering 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, with greater frequency (as Secretary-General Ban Ki-moon has called for in his most recent report on conflict prevention).<sup>17</sup> 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 wide power is rarely exercised and deserves further attention.

## Collaboration Between the UN and Regional Mechanisms in Addressing Genocide Prevention and RtoP Situations

### 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 (AU) is significantly more engaged in the region than its predecessor, the Organization of African Unity (OAU). The Organization for Security and Co-operation in Europe (OSCE) pursues an “up-stream” approach to addressing emerging social tensions. The Latin American and Asian mechanisms are less developed in this respect than the AU or OSCE, though there are indications that they are 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 roundtable included expert participants from both the AU and OSCE, so roundtable members were able to compare the approaches of those two organizations in detail.

While the OAU staunchly adhered to the principle of “non-interference” in the internal affairs of Member States, from its earliest days the AU indicated its intention to be much more proactive in preventing and resolving conflict in the region. It adopted the principle of “non-indifference,” as championed by the former Chair of its Commission, Alpha Oumar Konaré.<sup>18</sup> More formally, Article 4(h) of its Constitutive Act of 2000 established the right of the Union to intervene in cases of genocide, war crimes, or crimes against humanity occurring in one of its Member States.<sup>19</sup>

<sup>17</sup> United Nations, *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). The “Arria formula” involves Security Council members meeting informally on a particular issue, away from the Council's chambers, with independent experts and other civil society actors.

<sup>18</sup> Alpha Oumar Konaré, “Security is the African Union's Priority,” *African Geopolitics* no. 13 (Winter 2004); See also Musifiky Mwanasali, “Africa's Responsibility to Protect,” in Adekeye Adebajo and Helen Scanlon, eds., *A Dialogue of the Deaf: Essays on Africa and the United Nations* (Auckland Park, South Africa: Fanele, 2006), pp 89-110; Kristina Powell, *The African Union's Emerging Peace and Security Regime*, Monograph no. 119 (Pretoria, South Africa: Institute for Security Studies, May 2005).

<sup>19</sup> 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



The mechanisms for the exercise of this power were further developed by the Protocol creating the AU Peace and Security Council.<sup>20</sup> While the AU does not use the precise language of RtoP, the normative framework adopted in the Constitutive Act is very similar to the political commitment made by UN Member States in the Outcome Document.

The Preamble to the 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 in Article 4(h).<sup>21</sup> The AU has built up its mediation role in the region, and has also used its influence in other ways (for example, in refusing Sudan the AU Chair in 2006 and again in 2007).<sup>22</sup> Beyond this, AU peacekeeping forces have been deployed in a number of situations, most recently in Burundi, Sudan, and Somalia.<sup>23</sup> In Sudan, the AU's modest forces soon proved to be inadequate, as there was little peace to keep, and the AU sought the UN's assistance. Nonetheless, the African Union Mission in Sudan (AMIS) was instrumental in mediating between the Sudanese government and several key rebel groups and in preparing the ground for the AU/UN hybrid mission (UNAMID). While the Security Council passed three resolutions under Chapter VIII in support of AMIS's role, commending the AU's actions and urging the international community to provide support, such support was not forthcoming. When the international community willingly—and appropriately—lets the AU take the lead in responding to regional crises, it must be prepared to support the AU's commitments with adequate resources, an issue addressed further below.

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 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. They operate, like the High Commissioner, on the basis of confidentiality.

The office consists of around thirty to thirty-five 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 organization, 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 up-stream, yet it offers an opportunity to negotiate before positions harden or there is open conflict. Participants also noted the potential

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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 Art. 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 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 of 53 states had signed it but only eighteen had proceeded to ratification, available at [www.africa-union.org/root/au/Documents/Treaties/treaties.htm](http://www.africa-union.org/root/au/Documents/Treaties/treaties.htm).

20 The fifteen-member Peace and Security Council is tasked with recommending to the AU Assembly where intervention may be appropriate and approving the modalities of any action authorized 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.

21 The emphasis throughout the region is on prevention (as evidenced in, for example, the Economic Community of West African States [ECOWAS] protocol on conflict prevention, peacekeeping, and security).

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

23 Centre for Conflict Resolution, "Africa's Responsibility to Protect," Policy Advisory Group Seminar Report, Somerset West, South Africa, 23-24 April 2007 (Cape Town, South Africa, 2007), pp. 20-21, available at <http://ccrweb.uct.ac.za>.

for European Union (EU) membership to act as an incentive for governments to ensure that adequate protection is provided to minorities.

## 2. JOINT REGIONAL AND UN EFFORTS

As adopted in the Outcome Document, RtoP emphasizes partnerships between the international community and regional organizations to assist individual states in meeting their protection obligations. However, joint efforts between the AU and 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 analyze regional implications and generate regional strategies.

There are inherent tensions in any attempt at UN-regional cooperation. On the one hand, regional organizations are usually closer to and better informed about a particular crisis; on the other, they often face logistical constraints that can impede their ability to act effectively. Given their relative strengths, it is crucial that the UN involve regional organizations 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 was reluctant to establish a peacekeeping mission in Burundi in 2003 while there was the potential for a relapse into conflict. Instead, the AU sent a mission under South African leadership with troops from Ethiopia and Mozambique (AMIB), which played a central role in the establishment of a fragile peace.<sup>24</sup> Its success led the UN to conclude, in February 2004, that conditions were suitable for the deployment of a UN peacekeeping operation, and the former AMIB troops were incorporated into the UN Peace Operation in Burundi (ONUB).

However, the UN was seen as minimizing the AU's achievements by creating the impression that it had taken over a "failed" AU attempt at intervention. If the UN is to continue to rely on the involvement of regional organizations, as it needs to, then it must commit more deeply to developing their capacity—as it is starting to do through the Ten-Year Capacity-Building Program for the African Union.<sup>25</sup>

At both the headquarters and field levels, the UN needs to improve its ability to take the regional, and in some cases subregional, dimensions of a given situation into consideration. The organization has found it hard to engage with the complex nature of the conflict in Darfur and its interrelationship with other long-standing tensions and open conflicts in Sudan and its neighbors. The 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 those other conflicts, and vice versa. The UN has been criticized 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 UNAMIR and in Bosnia). There is an urgent need for 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.<sup>26</sup> 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 institutionalize a regional perspective on UN operations. The establishment of the UN Office for West Africa (UNOWA) in Dakar has facilitated coordination among various actors in the region, and an expanded system of regional political

24 Centre for Conflict Resolution, "The United Nations and Africa: Peace, Development and Human Security," Seminar Report, Maputo, Mozambique, 14-16 December 2006 (Cape Town, South Africa, 2007), p. 24ff, available at <http://ccrweb.uct.ac.za>.

25 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, forthcoming 2008).

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

offices—beginning with an office for the Great Lakes and Central Africa—has been proposed as part of the reforms to DPA. A number of participants emphasized the important work done by the former Special Envoy to the Great Lakes Region, 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 linking 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 Security Council cannot abdicate its principal responsibility under the Charter for the maintenance of international peace and security—as it arguably did in the break-up of the former Republic of Yugoslavia. In this context, the roundtable weighed the feasibility of the UN developing a clear policy on state recognition and succession but acknowledged that this will remain a political matter for Member States—although they should 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 least, the UN should develop a procedure for reacting to such situations.

## Implications for Broader Prevention Efforts by Civil Society Actors

Despite some of the political slippage that has occurred since 2005, RtoP remains a powerful concept because of the strong support it enjoys among civil society groups and actors across all major regions. While the roundtable focused on

the ways in which RtoP could be operationalized within the UN system, participants recognized that much of the preventive and capacity-building work being done by NGOs and other civil society organizations involved in the promotion and dissemination of human rights, rule of law, and democratic governance norms is crucial to the promotion and implementation of RtoP. As the roundtable heard, these groups are actively working at the local, national, and regional levels to build more resilient societies, including by promoting tolerance between different groups, holding politicians and other elites accountable for their actions, and helping individuals to better understand their rights through such basic tasks as translating key international documents and standards into local languages. Their approach stresses the existing obligations that states have to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity, as well as other serious violations of human rights and humanitarian norms. Their work needs to be recognized and strengthened by the UN and by Member States.

Roundtable participants discussed the need to promote the use of RtoP language by civil society groups, while recognizing 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. Several participants highlighted the need for improved coordination and a more consistent message by the RtoP advocacy community in lobbying governments, especially in New York. The recently established Global Centre for the Responsibility to Protect in New York 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.<sup>27</sup>

<sup>27</sup> 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 [www.globalcenter2p.org](http://www.globalcenter2p.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 RtoP (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 WFM-IGP is leading this effort, see [www.responsibilitytoprotect.org](http://www.responsibilitytoprotect.org).

## Conclusion: Next Steps

In addition to facilitating system-wide agreement across the UN on the concept of RtoP, a task that is well underway, the Special Advisers will focus their efforts on a number of areas, including the following:

- refining a set of indicators of potential or impending genocide or mass atrocities, and, in the case of the SAPG, continuing to closely monitor situations where international attention may make a difference;
- strengthening the UN's existing early warning systems and information flows to better integrate the warning signs generated by the far-flung and diverse field operations of the UN, regional, and independent organizations;
- improving the organization's assessment and evaluation capacities;
- reinforcing partnerships between the UN and its partners on prevention, early warning, and analytical functions; and
- continuing to explore what successful preventive steps governments, regional and subregional arrangements, and civil society groups have taken and how such activities and capacities could both be strengthened and replicated elsewhere.

As mentioned above, 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. The latter, 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 Member States. As the roundtable demonstrated, 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 roundtable, IPI and the office of the SAPG will jointly convene a session in New York to disseminate the report and themes from the meeting among Member States, UN staff, experts, and the broader NGO community. The Stellenbosch roundtable represents the start of a wide-ranging dialogue that the Special Advisers intend to continue over the course of their mandates. It reinforced the importance of convening such discussions in various regions. To that end, the SASG held consultations in Southeast Asia and Europe in February 2008 and the two Special Advisers plan another roundtable in Addis Ababa in mid-2008. Other venues for 2008 and 2009 will be in Asia, Latin America, and Europe.

## Annex 1. Roundtable Agenda

### PREVENTION OF GENOCIDE AND MASS ATROCITIES AND THE RESPONSIBILITY TO PROTECT: CHALLENGES FOR THE UNITED NATIONS AND THE INTERNATIONAL COMMUNITY IN THE 21<sup>ST</sup> CENTURY

Policy Advisory Group Meeting  
13-15 December 2007  
Protea Hotel  
Stellenbosch, South Africa

#### Wednesday, 12 December 2007

**6:30 – 8:00 pm**            **WELCOME RECEPTION AND DINNER**  
Venue: Magnifica 6

#### Thursday, 13 December, 2007

**9:00 – 9:15 am**            **WELCOME BY THE CO-CONVENORS**  
Dr. Adekeye Adebajo, Executive Director, Centre for Conflict Resolution,  
University of Cape Town  
Dr. Francis Deng, Special Adviser to the UN Secretary-General for the Prevention  
of Genocide, New York  
Dr. Edward C. Luck, Senior Vice President and Director of Studies, International Peace  
Institute, New York, and Special Adviser to the UN Secretary-General

**9:15 – 10:45 am**            **SESSION I: THE UNITED NATIONS' TWIN MANDATES:  
PREVENTING GENOCIDE AND "THE RESPONSIBILITY TO PROTECT"**

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

#### **KEYNOTE ADDRESS**

Dr. Francis Deng, Special Adviser to the UN Secretary-General for the Prevention  
of Genocide, New York

Dr. Edward C. Luck, Special Adviser to the UN Secretary-General

**10:45 – 11:00 am**            **Coffee Break**

**11:00 am – 12:30 pm**        **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

Professor Steven Ratner, University of Michigan, Michigan  
 Professor Gregory Stanton, University of Mary Washington, Fredericksburg

**12:30 – 1:30 pm**

**Lunch at Aristata Restaurant**

**1:30 – 3:00 pm**

**SESSION III: GENOCIDE IN RWANDA:  
 LESSONS FOR THE INTERNATIONAL COMMUNITY**

Chair: Dr. Francis Deng, Special Adviser to the UN Secretary-General for the  
 Prevention of Genocide, New York

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

**3:00 – 3:15 pm**

**Coffee Break**

**3:15 – 4:45 pm**

**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), Stockholm  
 Ambassador Diego Arria, former Permanent Representative of Venezuela  
 to the United Nations  
 Professor Susan Woodward, City University of New York, New York

**4:45 – 5:00 pm**

**Coffee Break**

**5:00 – 7:00 pm**

**FILM ON RWANDAN GENOCIDE: *SOMETIME IN APRIL* BY RAOUL PECK**

**7:30 pm**

**Dinner at Aristata Restaurant**

### **Friday, 14 December 2007**

**9:30 – 11:00 am**

**SESSION V: PREVENTION OF GENOCIDE AND MASS ATROCITIES IN THE  
 GREAT LAKES REGION: LESSONS LEARNED FROM RWANDA, BURUNDI,  
 AND THE DEMOCRATIC REPUBLIC OF THE CONGO**

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

Ambassador Ibrahim Fall, former UN Special Representative to the Great Lakes Region  
 Dr. Musifiky Mwanasali, Political Affairs Officer, UN Mission in Sudan, Khartoum

**11:00 – 11:15 am**

**Coffee Break**

**11:15 am – 1:00 pm**

**SESSION VI: MASS ATROCITIES IN BURUNDI:  
 LESSONS FOR THE INTERNATIONAL COMMUNITY**

Chair: Dr. Musifiky Mwanasali, Political Affairs Officer, UN Mission in Sudan, Khartoum  
 Ambassador Welile Nhlapo, South African Ambassador to the United States,  
 Washington DC  
 Dr. Devon Curtis, Cambridge University, Cambridge

**1:00 – 2:00 pm**

**Lunch at Aristata Restaurant**

**2:00 – 3:30 pm**

**SESSION VII: MASS ATROCITIES IN DARFUR:  
 LESSONS FOR THE INTERNATIONAL COMMUNITY**

Chair: Ambassador Ibrahim Fall, former UN Special Representative to the  
 Great Lakes Region

Dr. Solomon Gomes, Senior Political Officer, Darfur Integrated Task Force,  
African Union (AU) Commission, Addis Ababa

Professor Chandra Lekha Sriram, University of East London, London

**1:30 – 3:45 pm**

**Coffee Break**

**3:45 – 5:15 pm**

**SESSION VIII: PREVENT, ANTICIPATE, RESPOND, AND REBUILD:  
STRENGTHENING UN CAPACITY AND DECISION-MAKING**

Chair:

Dr. Edward C. Luck, Special Adviser to the UN Secretary-General

Professor Margaret Vogt, Deputy Director, Africa I Division, UN Department  
of Political Affairs, New York

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

**8:00 pm**

**Dinner at Black Bull Restaurant**

**Saturday, 15 December 2007**

**9:30 am – 12:00 pm**

**SESSION IX: THE ROLE AND POTENTIAL OF REGIONAL AND  
SUB-REGIONAL ORGANIZATIONS AND ARRANGEMENTS**

Chair:

Professor Margaret Vogt, Deputy Director, Africa I Division, UN Department  
of Political Affairs, New York

Dr. Solomon Gomes, Senior Political Officer, Darfur Integrated Task Force,  
African Union (AU) Commission, Addis Ababa

Ambassador Rolf Ekeus, former High Commissioner on National Minorities,  
Organisation for Security and Co-operation in Europe (OSCE), Stockholm

**12:00 – 12:15 pm**

**Coffee Break**

**12:15 – 1:15 pm**

**SESSION X: CIVIL SOCIETY, NATIONAL WILL, AND PUBLIC POLICY**

Chair:

Ms. Mary Burton, former Commissioner of South Africa's Truth and  
Reconciliation Commission

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

**1:15 – 1:30 pm**

**Filling out of evaluation forms**

**1:30 – 2:30 pm**

**SESSION XI: POLICY AND INSTITUTIONAL INNOVATIONS:  
THE WAY FORWARD**

Chair:

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

Dr. Francis Deng, Special Adviser to the UN Secretary-General for the  
Prevention of Genocide, New York

Dr. Edward C. Luck, Special Adviser to the UN Secretary-General

**2:30 – 3:00 pm**

**Lunch at Aristata Restaurant**

## 2. List of Participants

**Adekeye Adebajo**

Executive Director  
Centre for Conflict Resolution  
University of Cape Town

**Mireille Affaa**

Senior Project Officer, Conflict Intervention and  
Peacebuilding Support  
Centre for Conflict Resolution  
University of Cape Town

**Diego Arria**

Former Permanent Representative of Venezuela to  
the United Nations and  
President of the UN Security Council

**Mary Burton**

Former Commissioner of South Africa's Truth and  
Reconciliation Commission  
Cape Town, South Africa

**David Coltart**

Member of Parliament  
Harare, Zimbabwe

**Devon Curtis**

Lecturer, Department of Politics  
Cambridge University

**Rachel Davis**

Associate  
International Peace Institute

**Nicole Deller**

Director of Programs  
Global Centre for the Responsibility to Protect  
Ralph Bunche Institute for International Studies  
The Graduate Center, The City University  
of New York

**Francis M. Deng**

Special Adviser to UN Secretary-General for the  
Prevention of Genocide

**Rolf Ekeus**

Chairman, Governing Board  
Stockholm International Peace Research Institute,  
Sweden

**Ibrahima Fall**

Former Special Representative of the  
UN Secretary-General, Great Lakes Region  
Dakar, Senegal

**Ibrahim Gambari**

Special Envoy of the UN Secretary-General to  
Myanmar and UN Special Adviser

**Solomon Gomes**

Senior Political Officer  
Darfur Integrated Task Force  
African Union Commission  
Addis Ababa, Ethiopia

**Heidi Hulan**

Counsellor, Political Affairs  
Permanent Mission of Canada to the  
United Nations

**Maureen Isaacson**

Journalist/Assistant Editor  
*Sunday Independent*  
Johannesburg, South Africa

**Helen Jarvis**

Director of Public Affairs  
Extraordinary Chambers in the Courts  
of Cambodia

**Marc Labrom**

Second Secretary, Political Affairs  
High Commission of Canada  
Pretoria, South Africa

**Edward C. Luck**

Senior Vice President and Director of Studies  
International Peace Institute  
Special Adviser to the UN Secretary-General

**Benjamin Majekodunmi**

Office of the UN Special Representative for the  
Prevention of Genocide

**Rikky Minyuku**

Director, Africa Division  
Human Rights Watch  
Johannesburg, South Africa



**Musifiky Mwanasali**

Political Affairs Division Officer  
United Nations Mission in Sudan  
Khartoum, Sudan

**Welile Nhlapo**

Ambassador  
Embassy of South Africa to the United States  
Washington, DC

**Imelda Nzirorera**

Director  
Center for the Promotion of Human Rights and  
Genocide Prevention  
Bujumbura, Burundi

**Steven Ratner**

Professor of Law  
University of Michigan Law School

**Chris Saunders**

Department of Historical Studies  
University of Cape Town  
South Africa

**Judy Smith-Höhn**

Senior Researcher, Policy Development  
and Research  
Centre for Conflict Resolution  
University of Cape Town

**Chandra Lekha Sriram**

Chair in Human Rights and Director,  
Centre on Human Rights in Conflict,  
School of Law  
University of East London  
United Kingdom

**Gregory Stanton**

James Farmer Professor in Human Rights  
History and American Studies  
University of Mary Washington

**Margaret Vogt**

Deputy Director, Africa I Division  
UN Department of Political Affairs

**Susan L. Woodward**

Professor of Political Science  
The Graduate Center, The City University  
of New York

**Centre for Conflict Resolution Staff:**

**Langa Malimela**

Research Assistant/Intern  
Centre for Conflict Resolution  
University of Cape Town

**Pippa Segall**

Research Assistant  
Centre for Conflict Resolution  
University of Cape Town

**Johanna Webb**

Administrator  
Centre for Conflict Resolution  
University of Cape Town





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