

EVENT: Conference on Early Warning for Protection: Technologies and Practice for the Prevention of Mass Atrocity Crimes Conference organized by Oxfam Australia, 3 and 4 November 2010, Phnom Penh, Cambodia

In November 2009, Oxfam Australia organized a workshop in Melbourne which explored the role of NGOs in the prevention of atrocity crimes. One of the key elements of concern that arose from the workshop was the need for better integrated early warning systems and improved policy and program response to early warnings when they are raised.

As a follow-up to the Melbourne workshop, and building on the emerging international norm of the 'responsibility to protect', this conference will explore how private, public and civil society institutions can harness early warning technologies and mechanisms to contribute to the prevention of mass atrocities.

Speakers include Mr Francis Deng, Special Adviser on the Prevention of Genocide, Mr Edward Luck, Special Adviser who focuses on the responsibility to protect and Mr. Patrick Meier, Director of Crisis Mapping at Ushahidi.

Early Warning for Protection will bring together humanitarian and technology specialists from Asia who focus on preventing mass atrocity crimes and protecting vulnerable populations.

KEYNOTE ADDRESS BY Mr. FRANCIS DENG, SPECIAL ADVISER OF THE SECRETARY-GENERAL ON THE PREVENTION OF GENOCIDE AND CHAIR OF PANEL 1.1

CONFERENCE ON EARLY WARNING FOR PROTECTION

Phnom Penh, Cambodia, 3 and 4 November, 2010

I. Introduction

I am deeply privileged to be invited as Keynote Speaker at this very important event and I want to thank the organizers for their kind invitation, hospitality and the assistance they have provided to my team. It is also a pleasure to return to the region that I had visited several times in my previous capacity as Special Representative to the Secretary-General on Internally Displaced Persons.

Today I have been asked to speak on the work of my Office. But before I focus on my mandate on genocide prevention and the work of my Office, allow me to say a few words about what I see as the gap between the ideals which the United Nations stand for and the realities on the ground.

II. The Gap between aspirations and realities

Despite United Nations commitment to the ideals pronounced in the Charter and numerous other international instruments, our performance still leaves a major gap between aspirations and realities. This is largely because the United Nations itself is not so united, is an organization of Divided Nations that suffer from acute crises of national identity, comprising those who enjoy the rights of citizenship and those who are denied those rights and are neglected and over persecuted.

Deprived of national protection, to whom do they turn but to the international community? But when they do, the State invokes national sovereignty negatively as a barricade against outside involvement.

Often times, international actors constrained by Governments' assertion of sovereignty are compelled to compromise the concerns of the vulnerable populations. As confronting and challenging Governments does not help much, the alternative is to negotiate with Governments constructively to bridge idealism with realism, while at the same time promoting respect for international norms and standards.

That is the challenge that confronted me in discharging my two mandates: First as Representative of the Secretary-General on Internally Displaced Persons, from 1992 to 2004, and since 2007 as Special Adviser of the Secretary-General on the Prevention of Genocide.

I realize that the two mandates are quite different, but they share the same sensitivity of sovereignty and have a common approach to the challenges it presents in dealing with Governments.

From the beginning I had to factor this into my approach to the mandate on IDBs. If the mandate were seen as a threat to national sovereignty, doors would be closed and I would not have access for dialogue with the national authorities and to displaced populations whose cause I was supposed to advocate.

Building on the work I was carrying out at the Brookings Institution on post-cold war approach to conflicts in Africa, I re-cast sovereignty positively as responsibility and not as a barricade against international involvement.

That became the normative basis of my dialogue with Government.

The first five minutes with the president or the minister concerned were crucial to getting the message across that I realized that the problem was internal and fell under State sovereignty, that I was respectful of State sovereignty, but that I saw sovereignty positively as a concept of State responsibility for protecting and providing humanitarian assistance to its needy populations, and if necessary, request assistance from the international community.

I then added courteously, but affirmatively, that if the State failed to discharge that responsibility, with the consequence that the population concerned was threatened with suffering and death, the international community would not watch and do nothing; it would find one way or another to intervene. The best way to protect sovereignty was therefore to discharge the responsibility of sovereignty.

This concept of Sovereignty and Responsibility has now evolved into the more authoritative norm of The Responsibility to Protect, which my colleague and long-term collaborator Ed Luck introduced in his opening statement.

The last pillar in this concept concerns the responsibility of the international community to step into the vacuum of responsibility should the State be manifestly failing to discharge it. This has been misconstrued by some to make responsibility to protect be seen as a potential basis for intervention by the powerful States of the Global North in the weaker countries of the South. It is for this reason that the concept has become somewhat controversial, although it is increasingly gaining ground and winning broad-based support.

III. The Mandate on Genocide Prevention

Even more than internal displacement, genocide is a particularly sensitive issue.

The source of the mandate of the Special Adviser is Security Council resolution 1366 (2001) in which the Council acknowledged the lessons to be learned from the failure of preventive efforts that preceded such tragedies as the genocide in Rwanda, and resolved to take appropriate action to prevent their recurrence. The Council expressed willingness to give prompt consideration to early warning or prevention cases referred by the Secretary-General.

The challenge then remained on how we could address the gaps at the UN Secretariat that existed in 1994/1995 that contributed to the lack of effective action and political will to prevent the genocide in Rwanda and Srebrenica.

Genocide is a highly emotional phenomenon that evokes denial on the part of both the perpetrators and those who could be called upon to stop it.

This is why the best course of action is **early prevention** before the situation escalates to the point where denial sets in. But prevention requires understanding the root causes of the problem and addressing them to prevent the occurrence of genocidal conflicts or to resolve them in a way that fundamentally ensures sustainable peace.

In order to facilitate constructive dialogue with Governments and other key stakeholders on any situation I am concerned with, I try to de-mystify genocide from being viewed as too sensitive an issue for comfortable discussion, to one which can be prevented or halted by being better understood as an extreme form of identity-related conflicts. The challenge then becomes one of constructive management of diversity to promote equitable distribution of power and resources and respect for human rights.

I take the view that identity conflicts do not emanate from mere differences, but from inequalities generally reflected in egregious human rights violations: discrimination, marginalization, exclusion, dehumanization and denial of fundamental rights.

Four core activities of my mandate were specifically identified as elements of early warning:

- 1) Collection of existing information, in particular from within the United Nations system, on massive and serious violations of human rights and international humanitarian law of ethnic and racial origin that, if not prevented or halted, might lead to genocide. We collect information from the UN system, civil society and NGOs, think-tanks and research institutes and open sources such as the media. My office has an internal system where an information manager officer receives, processes and analyzes

information on country situations that show early signs of instability with an identity element. The information is then transmitted to regional focal points who will conduct further research and risk assessment for my review.

2) Our Office also acts as a mechanism of early warning to the Secretary-General, and through him to the Security Council, by bringing to their attention situations that could potentially result in genocide. Based on the risk assessment, I would then transmit advisory notes to the SG and to relevant UN partners to alert them to potential risks. I see the role of the Special Adviser as that of a catalyst and a mechanism for early warning to alert the Secretary-General, the Security Council and the UN system as a whole of the risk of genocide.

3) Our relations with the Security Council have been discrete, informal and incremental, comprising monthly briefings to incoming Presidents, and occasional informal briefings to the Council. Our Office, however, also makes recommendations to the Council, through the Secretary-General, on actions to prevent or halt genocide. In my advisory notes, I would make recommendations for immediate, intermediate and long term prevention measures to arrest any escalation to genocidal violence. I also have the option to distribute Notes to members of the Security Council when necessary, and to hold informal sessions with the Members.

4) My Office also liaises with the United Nations system on activities for the prevention of genocide and work to enhance the United Nations' capacity to analyze and manage information regarding genocide or related crimes.

To this end, my Office has been engaged in activities such as training seminars for UN staff, government officials and civil society aimed at raising awareness about the generic causes of genocide and other mass atrocities and advocating for timely action to prevent or halt genocide and other mass atrocities.

IV. Operational Framework on Early Warning and Risk Assessment

While a finding of actual genocide cannot be confirmed until a court issues a ruling on a specific case, it is the obligation of the international community, including Member States of the United Nations and the Secretariat, Agencies and Programs of the United Nations, to not only prevent genocide before it can legally be determined as such, but also to stop on-going genocidal acts.

An early warning system should include a regime of indicators highlighting the risk of genocide and mass atrocities, and a structure for the collection, processing and analyzing relevant information. An efficient national early warning system is an essential tool for the prevention of genocide and mass atrocities. There should be an updated menu of preventive action responsive to political complexities, but at the same time securing adequate and timely protection for targeted groups.

One of the key challenges facing my Office lies in identifying situations, which if not prevented or halted, might lead to genocide. My Office has developed an analytic tool, a “Framework of Analysis” to guide its assessment of situations of concern. The elements of the Framework have been drawn from lessons learned from historical episodes of genocidal violence and established warning signs and indicators developed by researchers and experts. They are adapted to reflect how the UN would respond to situations that might lead to genocide and to address the gaps in existing early warning systems within the UN.

We encourage all stakeholders to explore using the Framework as it reflects international standards and principles and offers a consistency in approach for risk assessment in any region of the world. The Framework is helpful for risk assessment in times of peace and conflict, can be used to identify relevant information for analysis and a good indicator of how well a State is performing in terms of managing diversity and protecting vulnerable populations.

The Framework highlights elements of socio-political situations/structures/processes that if present, could lead to a risk of genocide. Due to time constraints, I will just highlight a few factors.

1. Inter-group relations

In this category, we study inter-groups relations including existing and past conflicts; past and present patterns of discrimination against members of any group, history of genocide or mass atrocities.

Some of the measures we have proposed for Member States include condemning and eliminating doctrine and policy of superiority, including social segregation based on identity and to review national legislation to ensure removal of any features allowing discrimination, profiling that facilitate targeting.

2. The capacity of a state to prevent genocide

In this section, we examine structures that exist in a State to protect populations and deter genocide including effective legislative and judicial protection, national human rights bodies, presence of international actors, neutral security forces and independent media.

The measures we highlighted include support for the work of NGOs and independent media and to encourage the presence of UN human rights officers and advisers to assist States and to encourage States to ratify the 1951 Convention Relating to the Status of Refugees to offer protection to civilian populations fleeing from genocidal violence.

3. Presence of illegal arms and armed elements

We analyse whether there exists capacity to perpetrate genocide by use of arms, how armed groups are formed and links to State and in cases of armed uprising, whether a State has justified targeting groups from which armed actors have drawn their membership.

One of the measures we highlighted is for States to address national security concerns and political instability within a conflict prevention framework that is respectful of human rights, minorities' rights and right to self-determination.

4. Motivation of leading actors and acts that encourage divisions

The issues to be analysed here include underlying political, economic, military or other motivation to target a group and to separate it from the rest of the population; the use of exclusionary ideology and the construction of identities in terms of "us" and "them" to accentuate differences.

Some of our recommended measures include discouraging single-ethnicity or religion based political parties and prohibiting organizations and organized activities that incite racial and religious discrimination.

The other Categories of Factors we examine are dynamic factors and circumstances that facilitate perpetration of genocide; existence of elements of acts of genocide; evidence of intent to destroy in whole or in part; and potential triggering factors.

V. The regional approach

There is no doubt that regional and sub-regional approaches should be the primary response to crises in all parts of the world. I have therefore prioritized strengthening relations with such organizations. In addition to the African Union, I am working to establish cooperative relations with the Intergovernmental Authority on Development, the Economic Community of West African States, the Southern African Development community, the Organization of American States, the European Union, the Association South East Asian Nations and the League of Arab States.

We have organized or participated in a number of regional conferences or seminars and consultations and, contrary to expectations, I have visited a number of countries at the invitation of the Governments. Our message of constructive engagement appears to be heeded as a basis for inclusive collaboration among all concerned.

And, indeed, if we see prevention in the broad structural sense I have tried to outline, then there is a role for virtually all the UN and non UN actors. In this process, while we must continue to aspire to the vision of an ideal world, we must live with the realities on the ground and negotiate constructively in the interests of those who need our help.

V. Concluding remarks

There is no doubt that the international community has made considerable progress towards the ideals of the Charter. We must continue to press for more progress towards those ideals. But we must also negotiate sovereignty as a concept of responsibility. It is one thing to say that in the name of universal human rights the international community must override sovereignty; it is quite another thing to say that sovereignty itself is the responsibility of the leadership to protect and assist its own people, if need be with the support of the international community to assist in building the capacity of the State to discharge its obligations towards its national populations.

The possibility of a more robust international action to protect populations when their Governments fail to do so must remain a credible option. No one could possibly argue today that if the Rwandan genocide were to be seen unfolding today, State sovereignty could be invoked to prevent the international community from stepping in to stop it. Indeed, inaction would only add another layer to the pile of too many 'Never agains'.

Because of the devastating consequences of genocide in terms of human cost and psychological impact on the victim group and huge financial burden on the international community, every Member State has an interest to implement early warning structures as an aid to prevent the risk of genocide anywhere in the world again.