

Informal Interactive Dialogue of the General Assembly

"Early Warning, Assessment, and the Responsibility to Protect"

9 August 2010

Conference Room 4, United Nations Headquarters, New York

Program

10:00 – 10:20 Opening

- Short opening statement by the *Acting President of the General Assembly*
- Statement by H.E. Mr. Ban Ki-moon, *Secretary-General*

10:20 – 11:15 Informal presentations by panelists

Panelists

- **Dr. Edward C. Luck**, *Special Adviser to the United Nations Secretary-General*
- **Dr. Francis M. Deng**, *Special Adviser on the Prevention of Genocide*
- **Professor Bertie Ramcharan**, *First Swiss Chair of Human Rights, Geneva Graduate Institute of International and Development Studies; Seventh Chancellor of the University of Guyana; Former UN High Commissioner for Human Rights ad interim*
- **Professor Andrea Bartoli**, *Director of the Institute for Conflict Analysis and Resolution, George Mason University*
- **Professor Muna Ndulo**, *Professor of Law, Director of the Institute for African Development, Cornell University*

11:15 – 13:00 Interactive discussion between Member States and panelists

UNITED NATIONS

NEW YORK

OFFICE OF THE PRESIDENT
OF THE
GENERAL ASSEMBLY



الأمم المتحدة
نيويورك
مكتب رئيس الجمعية العامة

The Office of the President of the 64th session of the General Assembly presents its compliments to all Permanent Missions and Permanent Observer Missions to the United Nations and, with regard to the letter of 2 July 2010 and the note verbale of 8 July 2010 on an informal interactive dialogue of the General Assembly on "Early Warning, Assessment, and the Responsibility to Protect", has the honour to inform that the dialogue will be convened on Monday, 9 August 2010. This dialogue will be part of the General Assembly's continued consideration of the responsibility to protect, as called for in paragraph 139 of the 2005 World Summit Outcome Document and confirmed in General Assembly resolution 63/308 of 14 September 2009. Details on the programme and panelists will be provided shortly.

The Office of the President of the General Assembly avails itself of this opportunity to renew to all Permanent Missions and Permanent Observer Missions to the United Nations the assurance of its highest consideration.

A handwritten signature in black ink, consisting of stylized initials and a surname.

New York, 29 July 2010

All Permanent Representatives and
Permanent Observers of the United Nations
New York

Statement by Edward C. Luck
Special Adviser to the United Nations Secretary-General

Informal Interactive Dialogue on Early Warning, Assessment, and
the Responsibility to Protect
United Nations General Assembly
9 August 2010

Madame Acting President,
Excellencies,
Ladies and Gentlemen,

Many thanks go to the President of the General Assembly for convening this informal interactive dialogue on early warning, assessment, and the responsibility to protect (RtoP) and to you, Madame Acting President, for so energetically and skillfully chairing it. I have no doubt that our conversation today will underscore the value of the continuing consideration of RtoP by the General Assembly. We have listened carefully to all Member States in the process of developing the conceptual, political, and institutional dimensions of RtoP, and we have learned from you. We look forward to our continuing conversation.

My core message today is simple: we should avoid an overly mechanical, simplistic, or sequenced approach to early warning, assessment, and action. Early warning should not be the beginning of the UN's engagement in a situation of concern. We should not wait for the bad news, when options are limited and unattractive and the human toll is rising, before crafting a systemwide response. As you will recall, the Secretary-General has called for "an early and flexible response, tailored to the circumstances of each case." That requires early engagement and early understanding.

Early Engagement

The key to effective policy is early engagement for preventive purposes and hence early understanding of the situation on the ground. Pillars One and Two of the Secretary-General's strategy stress the value of early, sustained, and constructive involvement by the international community. Likewise, in paragraph 139 of the Outcome Document from the 2005 World Summit, the heads of state

and government declared that “we also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.” Clearly such a commitment entails early engagement and early understanding, a point underscored in the Secretary-General’s recent report (A/64/864, para. 4).

Moreover, early and constructive international engagement may make early warning unnecessary. The first goal, as the Outcome Document underlined, should be prevention, prevention, prevention. In this regard, quiet but sustained work on training, education, and advocacy, as Francis Deng’s office on genocide prevention has been undertaking, can be very helpful over the long run. The second pillar of the Secretary-General’s strategy, with its emphasis on capacity building and assistance, envisions an early and ongoing engagement with states as a preventive measure. Such activities highlight the importance of the UN system “acting as one,” as the Secretary-General has just underscored.

Assessment

High quality assessment is needed for prevention and capacity building, as well as for “timely and decisive” response, as called for in paragraph 139 of the Outcome Document. In such sensitive and consequential matters, it is essential that we “get it right” in terms of a calibrated, measured, and differentiated response based on a full and balanced understanding of the situation at hand when prevention fails. We need a sober consideration of the implications of our policy choices, as well as a keen appreciation of the limitations of external action and the unlikelihood of quick fixes to deeply embedded problems. Our goal should be early understanding, not just early warning. We need to understand why certain things are happening, not just what is happening.

In producing broad-based assessments, the analysis and views provided by partners can be an important asset. Such supplementary assessments could come from regional and sub-regional organizations, transnational civil society, or independent experts. The voices of the national government, parliamentarians,

civil society, and neighboring countries can provide valuable local knowledge. We should seek redundancy in sources of information so as to provide corroboration of the facts on the ground. We should avoid sweeping conclusions and knee-jerk reactions to headlines, as these are not sound bases for policy.

We need, as well, a dynamic assessment/reassessment process, not a one-time event or static measurement. In terms of gauging the likelihood of RtoP crimes and violations, the rates and direction of change in key indicators are critical. We need a moving picture, not a snapshot. RtoP situations have multiple dimensions, so we cannot focus on a single factor or event. Assessment entails understanding the mosaic not the pieces, the pattern not a single act.

To the extent possible, we also will pursue joint assessments across the UN system, both of the ailment and of the best course of treatment in particular cases. This underscores the importance of the new convening authority described in paragraph 18 of the Secretary-General's recent report (A/64/864). Though it is intended to address emergency situations, not their prevention, the larger patterns of systemwide cooperation the new process is meant to reflect and encourage could be equally useful to assessments of possible prevention strategies.

I'd like to make one final point on assessment before turning to early warning. As you are no doubt more acutely aware than I am, capacities for gathering and assessing information are distributed markedly unevenly among Member States. That fact underscores the importance of having reliable, timely, credible, and authoritative assessments from the United Nations. When inter-governmental bodies face tough decisions, they particularly value the impartial assessments of the Secretariat, as a source of judgment above the interests of particular Member States or groups.

Early Warning

Let us be clear: early warning is not an end in itself. Early warning without early and effective action would only serve to reinforce stereotypes of UN fecklessness, of its penchant for words over deeds. The Secretary-General's RtoP

strategy seeks to overcome that prevalent perception. Paragraph 139 of the Outcome Document called for “timely and decisive” collective action when peaceful means prove inadequate and national authorities are manifestly failing to protect their populations from RtoP crimes and violations. Surely that requires reliable early warning, as called for in paragraph 138.

Early and effective action, however, need not be dramatic, loud, or robust. Early warning tells us we need to act. It does not necessarily tell us how best to act. That is where an astute assessment of policy options comes into play.

Early warning should lead to:

- 1) more focused policy attention at the highest levels of the UN, in terms of both the Secretariat and inter-governmental organs;
- 2) a searching and candid assessment of what is needed and of how the international community can be helpful;
- 3) a sober weighing of policy tools and options; and
- 4) the timely authorization of appropriate actions and measures by the proper political authorities and bodies under the UN Charter.

Challenges

All of this is easier said than done. There is an inherent tension in this work between raising false alarms (and hence eroding credibility and access) and the abiding fear of missing the one case that later explodes. It is a lot easier to recognize elevated risks than to know precisely when and how things will escalate into mass violence in specific situations.

Understanding the problem in a given case, moreover, does not guarantee that there is a satisfactory answer. Nor does it offer assurance that the UN has the tools to do the job, even if the will can be forged. Moreover, the UN and the world at large are still learning about the causes of such heinous crimes and about how to help states and civil society to prevent them. Our capacity – even with the increments proposed by the Secretary-General – will never match the scope of

the task. So modesty is in order. One thing is absolutely clear, however: only through a common and concerted effort will the Member States and the Secretariat, with their civil society and regional partners, begin to curb these affronts to human dignity.



**Statement by Francis M Deng
Special Adviser on the Prevention of Genocide**

**Informal Interactive Dialogue of the United Nations General Assembly
'Early Warning, Assessment and the Responsibility to Protect'
9 August 2010**

I. Introductory Remarks

- A. I wish to thank the President of the General Assembly for convening the dialogue, the Secretary-General for his remarks and report on the issue, my colleague Special Adviser Edward Luck, and fellow panelists, Professors Bertie Ramcharan, Andrea Bartoli and Muna Ndulo.
- B. The themes of the dialogue are early warning, assessment and the responsibility to protect. Genocide prevention is a key aspect of the responsibility to protect, not only because genocide is one of the crimes covered by the concept, but also because it does not stand on its own: the other crimes are often precursors.
- C. Early warning is often associated with crisis situations that are about to explode; there is need for even earlier warning, to prevent situations that could potentially explode.
- D. This calls for in-depth understanding of the root causes of genocide and related crimes, and the development of appropriate prevention tools. This, in turn, calls for reliable information and assessment.

II. Genocide Prevention: Mandate and Strategy

- A. Genocide is one of the most heinous crimes that human beings are expected to be united in preventing and punishing. But, by the same token, it is a highly emotional phenomenon that evokes denial on the part of both the perpetrators and those who would be called upon to act.
- B. This is why early prevention is the best course of action, before the situation escalates and denial sets in. This requires understanding the root causes and addressing them early, which is, again, a function of efficient collection and management of information.
- C. My Office is mandated to:
 - i. Collect existing information on massive and serious violations of human rights and international humanitarian law of ethnic and racial origin which, if not prevented or halted, might lead to genocide;
 - ii. To act 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;
 - iii. To make recommendations to the Security Council, through the Secretary-General, on actions to halt genocide;
 - iv. To liaise with the United Nations system on activities for preventing genocide and to work to enhance the capacity of the United Nations to

analyze and manage information regarding genocide and related crimes.

- D. We have recast our mission statement to focus on three areas of capacity:
 - i. First, awareness-raising about the generic causes of genocide;
 - ii. Second, collecting and analyzing information on situations of concern, and acting as a mechanism for early warning to the United Nations and the international community;
 - iii. Third, mobilizing the UN system and the international community to ensure timely action to prevent or halt genocide and other atrocity crimes at an early stage.
- E. Early prevention means working closely with governments on the basis of the three pillars of responsibility in the normative framework of “sovereignty as responsibility,” which guided my work on internally displaced persons for some 12 years, and the “responsibility to protect.” These are:
 - i. The responsibility of the state for its people;
 - ii. The responsibility of the international community to assist state capacity;
 - iii. The responsibility of the international community to step into the vacuum of responsibility should the state be manifestly failing.
- F. In order to facilitate constructive dialogue with governments and other key stakeholders, I am striving 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.
- G. These 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.
- H. In virtually all genocidal situations, society is acutely divided between the in-groups, who enjoy the rights and dignity of citizenship, and out-groups, who are excluded from enjoying fundamental rights and freedoms. It is often the out-group’s reaction to these inequalities, and the counter-reaction by the dominant group, that may provoke insurgencies and genocidal counter-insurgencies.
- I. The challenge then becomes one of constructive management of diversity to promote equitable distribution of power and resources, and respect for human rights.
- J. Since problems of diversity and disparity are global, the potential for genocidal conflicts is equally global, although some regions are more vulnerable than others. Furthermore, not all countries perform equally well in their management of diversity. Some manage well, others not so well, while others fail dismally.
- K. This is why we have embarked on case studies to identify best practices that can be emulated and worse practices to be avoided.

III. OSAPG Methodology for Analysis and Risk Assessment

- A. In order to fulfill the core elements of my mandate, my Office depends on timely and accurate information on situations where there may be a risk of genocidal violence. As the Secretary-General has highlighted, the United Nations system is flush with information; what is critical is the efficient collection, organization and analysis of the information in order to provide timely and relevant advice on situations of concern.
- B. My Office has created an information system to collect and organize existing information both from within and outside of the UN system. It provides a daily overview of global developments relevant to the mandate and alerts to any emerging situation of concern.
- C. However, it is the analysis of information, and not information itself, that is critical to effective early warning. The Office has therefore developed an Analysis Framework, in close consultation with UN colleagues and international experts. Where there is cause for concern, the Office conducts an in-depth analysis using this tool, which focuses attention on eight factors which cumulatively increase the risk of genocidal violence.
 - i. Inter-group relations and record of discrimination;
 - ii. Circumstances that affect the capacity to prevent genocide;
 - iii. Presence of illegal arms and armed elements;
 - iv. Motivation and acts that encourage divisions between groups;
 - v. Circumstances that facilitate the perpetration of genocide;
 - vi. Acts that could be elements of genocide;
 - vii. Evidence of ‘intent to destroy in whole or in part’;
 - viii. Triggering factors.
- D. The Framework promotes consistency in approach in any given situation; it reflects the diverse manifestations of genocidal situations; reflects international and established standards and offers a list of suggested structural and operational prevention measures.
- E. We encourage the adoption of the Framework by other organizations, including States, regional and sub-regional organizations, for training purposes, collection of information, reporting and analysis to alert to risks of genocidal violence. Mainstreaming the elements from the Framework into preventive policies, practices and strategies will also create a global benchmark by which all relevant actors assess the risks of genocide and generate consensus on appropriate action. States should be able to see themselves “in the mirror”, assess their own performance in the prevention scale, identify problem areas needing attention, and take remedial measures for preventing escalation to genocidal levels.
- F. I was invited to address the African Union Peace and Security Council and I also met with the African Union Panel of the Wise in November 2009 and shared with them our Analysis Framework. In their communiqué issued on

12 November, the Panel called for the incorporation of the Analysis Framework into the African Union early warning mechanism.

- G. 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 have or am working to establish strong 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 of South-East Asian Nations and the League of Arab States.

IV. Concluding Remarks

- A. First, we see our role as purely catalytic to an inclusive approach in which virtually all organs of the UN are involved.
- B. Second, we see the elements of our mandate and our approach as adaptable to the collaborative work of the Joint Office, which the Secretary-General has directed my colleague, Special Adviser Edward Luck, and I to develop.
- C. Third, we see the operationalization of the responsibility to protect as a process which has already made impressive progress, but still has a ways to go. Identifying the areas of concerns of Member States and addressing them in earnest is the way forward.
- D. Finally, the twin concepts of “sovereignty as responsibility” and the “responsibility to protect” should be viewed in tandem to alleviate concerns of Member States that the concept might be abused as a tool of intervention.

PRELIMINARY NOTES ON
GENOCIDE PREVENTION AND THE UNITED NATIONS

Andrea Bartoli

Institute for Conflict Analysis and Resolution

George Mason University

Prepared for the informal interactive dialogue of the United Nations General Assembly on "Early warning, assessment and the responsibility to protect"

New York August 9, 2010

Contact Information:

Dr. Andrea Bartoli

Drucie French Cumbie Chair of Conflict Analysis and Resolution

Director, Institute for Conflict Analysis and Resolution

George Mason University

3330 N. Washington Blvd. Arlington, VA 22201 703-993-9716 (office) 703-993-1302 (fax)

abartoli@gmu.edu

This informal interactive dialogue of the United Nations General Assembly on "Early warning, assessment and the responsibility to protect" is very important in terms of content, timing and process. Please be aware that I will limit my observations to my area of expertise which is genocide prevention.

I see several movements occurring. Among them:

- a movement towards a more respectful, 'victims' centered' approach;
- a movement towards nation-state power through self-control and self-restraint;
- a movement towards increased cooperation and integration

When this UN General Assembly approved the International Convention on the Prevention and Punishment of the Crime of Genocide the globe was the same but the political landscape was very different. What we have seen in the last 60 years is the blossoming of new states and new actors. The longing for proper political representation beyond the constraints of colonialism generated liberation dynamism. In our one and only world the situation of all peoples and communities, of all nations and states is undergoing a historically unprecedented transformation. The limits of violence are becoming more apparent. Of the almost two hundred countries and territories in the world today, only around twenty-five have had the same political form over the last sixty years (and some of these are still colonies of Europe and the United States of America). Many of these transformations –especially in recent years- were not achieved through violent conflict. Many societies have preferred to explore their options unconstrained by violence. Yet when states used violence against populations the results were disastrous. In the last century more people were killed by states and their policies than by war. As human family we are learning to do better and we are seeking ways to build and preserve a more harmonious global society.

A vast political experiment is in process. Of the almost seven billion people in our world today, for the first time in history it is accepted and expected that all peoples will learn to read and write, will go to school. Yet, going to school is in itself a revolutionary gesture, an expression of freedom and a claim that new possibilities can be shared with all new generations. When we think of assessment and early warning we need to look for indicators that will monitor these changes and trends over time. It is not a one-time deal. It is rather the painfully boring task of data gathering, data verification and data interpretation. A vast cultural release of human creativity is emerging and some of this energy has been dedicated to preventing violence, especially in its mass, destructive expressions. Quite familiar to us, yet unprecedented, is the explosion of economic production and of communication technologies bringing us so much in immediate, unrelenting contact with each other. The violations of the rights of someone somewhere do have an impact on others somewhere else. This is the world that you, the UN General Assembly, recognized in its Outcome Document: "Today, more than ever before, we live in a global and interdependent world. No State can stand wholly alone."¹

¹ U.N. General Assembly, 60th session. *Resolution Adopted by the General Assembly, 2005 World Summit Outcome* (A/RES/60/1). 24 October 2005.

Why are these movements central to a correct understanding and appreciation of early warning, assessment and the responsibility to protect? Because there will be no real response to a warning of any kind if the pain of the victims, the horror of the consequences, the sufferings of the inaction is felt somehow by those who can intervene, resolve, prevent. Why is violence worldwide declining? Why do we have less car accidents per numbers of cars? Because we have oriented our collective intelligence and effort to understand them correctly and we have responded properly. Researchers, law enforcements officers, planners, workers, together with state officials, diplomats and media have addressed these issues as a collective problem to be collectively addressed. Success has been the fruit of cooperation and this must be true for genocide prevention as well. The pioneering work of Barbara Harff, as well as the collection and interpretation of trends by Monty Marshall, Ted Gurr, Andy Mack, Heinz Krummenacher and others created a fertile environment through which we can address some of these issues supported by verifiable, theory-based, knowledge processes. The new Framework of Analysis of the Office of the Special Advisor is a splendid example of this new opportunity. After recognizing that genocide happens we must address it intelligently as we do with any pathology. It is not enough to say “Genocide is bad” as it is not enough to say “Cancer shouldn’t happen”. We must be attentive, intelligent, reasonable and responsible together to make sure that not only genocidal violence will not occur and recur but also that the conditions that will set the stage for that violence will not accumulate. This is the call of the OSAGP Framework of Analysis and it is my hope that many will collaborate in use it and expanding it. ²

But violence is not declining everywhere. The power of ethnic mobilization as well as the one new groups like the ‘maras’, the gangs that control so much of youth, the power of organize crime, the power of narco-traffic is growing as the power of extreme ideologies and together with that growth is violence. Human violence must be taken seriously. It must be taken seriously systematically. It is not only an individual issue that binds together victims and perpetrator in a painful clash. It is not in the interest of a UN member-state to be controlled by genocidal forces. Self-control and self-restraint are an indispensable ingredient of a stability and security. What I see emerging is the trend of many UN member-state to fulfill their obligations independently and cooperatively, through adaptations. In the USA for example, we saw a state-wide effort as suggested by the Genocide Prevention Task Force ³ and now we have, within the US National Security Council, Mr. David Pressman working as the first Director for War Crimes and Atrocities Prevention.

Early warning and assessment are functions that imply and thrive through cooperation and integration. Conceptually this is what responsibility to protect is offering. Both functions are fundamentally relational. Someone is warning someone else, often about a third party. Assessment is not propaganda. It must be a candid, verifiable, credible exercise of good judgment. These functions in the context of genocide prevention and responsibility to protect-

² <http://www.un.org/preventgenocide/adviser/pdf/OSAPG%20AnalysisFrameworkExternalVersion.pdf>

³ www.usip.org

are in their infancy. We need to move from early warning to proper warnings, from assessment to understanding. These movements are political in nature and can be accomplished only by legitimated, well-informed, credible actors through processes that highlight inquiry and verification.

Both ‘early warning’ and ‘assessment’ are part of the prevention paradox: we can prevent only what we know. Prevention is deeply linked to knowledge, to a particular form of knowledge: politically relevant knowledge. Who is creating this knowledge? Who is ‘making’ it relevant? We all do and it is the responsibility of political actors to make sure that these processes are effective, inclusive and truly representative. To know accurately, deep into violently contradictory situations is a challenge that the United Nations system knows well. This is why Jan Eliasson, former President of this UN General Assembly, created the ‘ladder’ that takes his name. It is just a list of procedural benchmarks related to the use of force and I think it must be an indispensable point of reference for this debate especially when we attempt at linking these benchmarks with proper action (see Appendix).

One collective action that has involved UN Member states is open inquiry into an issue, genocide prevention that was off limits just a decade ago. Sweden was one of the first to take the issue of preventing genocide seriously at the international level when it convened a series of four international fora that culminated in the Stockholm International Forum of January 2004 on Preventing Genocide: Threats and Responsibilities.⁴ Pioneers such as Yehuda Bauer, Greg Stanton, Ted Gurr, James Smith and Barbara Harff supported it. Delegates from 55 countries attended and signed a Final Declaration. At the Forum the United Nations Secretary-General Kofi Annan announced the establishment of the Office of Special Adviser to the Secretary-General on the Prevention of Genocide. The office’s mandate was fully supported by the subsequent commitment of Member States in the 2005 World Outcome Document to a “responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.”⁵

On the occasion of the Stockholm International Forum it was also presented the preliminary concept of what became the Engaging Governments on Genocide Prevention (EGGP) program and the training of the Auschwitz Institute for Peace and Reconciliation founded by Fred Schwartz. United Nations member states’ government officials participated in a week-long workshop and created the pre-conditions for a hub of diplomatic, intelligence, military and human rights personnel. EGGP’s ambition has been to involve all UN Member states and already 77 countries have been invited and have invested in this network (the list of the countries that participated in initial six sessions is in the Appendix). What is relevant is that all invited countries have taken this opportunity seriously and used it to grow in their genocide prevention capacity, contributing to a truly global, inclusive conversation. Holding the trainings in either

⁴ See the conference report, *Stockholm International Forum 2004, 26-28 January Proceedings: Preventing Genocide Threats and Responsibilities*. Stockholm: Svensk Information for the Government of Sweden, June 2004.

⁵ U.N. General Assembly, 60th session. *Resolution Adopted by the General Assembly, 2005 World Summit Outcome (A/RES/60/1)*. 24 October 2005, paras. 138-140.

Columbia University or George Mason University EGGP has offered unparalleled access to academics and practitioners, including the United Nations. Our guest lecturers and presenters have included such prominent figures as Francis Deng, current Special Adviser to the UN Secretary-General on the Prevention of Genocide; David Hamburg, Chair of the UN Secretary-General's Advisory Committee on Genocide Prevention and President Emeritus of the Carnegie Corporation of New York; George Mitchell, US Special Envoy to the Middle East and the facilitator of the Good Friday Agreement in Northern Ireland; and István Lakatos, Hungarian Human Rights Ambassador directing the announced Budapest Centre for the International Prevention of Genocide and Mass Atrocities and himself the participant of the 5th training session. These efforts have been supported by John Montgomery of Bridgeway who has devoted significant attention and resources to 'abolishing genocide in his life time.'⁶ New explorations are underway to link EGGP with the emerging 'Peace through Governance' network⁷. EGGP is just an example of how UN Member States are taking the lead in transforming the genocide prevention debate. Remarkable is the initiative of Barbados that will host its regional workshop focusing on the Caribe in January.

In this context the Swiss Federal Department of Foreign Affairs (FDFA) and the Ministry of Foreign Affairs, International Commerce and Religion of the Nation of Argentina launched the initiative to organize a series of Regional Fora on genocide prevention. The fundamental idea behind the initiative was to move from New York and Geneva into a truly global conversation.

The first Regional Forum was conducted in Buenos Aires, in December 2008. Among the many positive outcome of the Buenos Aires meeting was a keener appreciation of the role of sub-regional organization. In particular –while analyzing the links between human rights violation monitoring and genocide prevention- it was noted how in the case of the massacres in Pando, Bolivia, UNASUR responded very forcefully and effectively by deploying a fact-finding mission and expressing a coordinated and unanimous political will. Rodolfo Mattarollo presented the insightful response of the USASUR Commission. The proceedings of the forum have been published in print and on line by Politorbis.⁸

After the success of the 1st Regional Forum, the Ministry of Foreign Affairs and International Cooperation of the United Republic of Tanzania joined forces, and together with the Swiss and Argentinean counterparts, the three countries hosted the 2nd Regional Forum on the Prevention of Genocide in Arusha, Tanzania, in March 2010. More than 90 representatives of 31 states, international and regional institutions, NGOs, as well as experts in the fields of genocide prevention, human rights, prosecution of genocide and other mass atrocity crimes, participated in the Forum. The 2nd Forum allowed a space for African states to frame genocide prevention as an African agenda, sharing concrete examples of lessons learned, failed actions as well as cases of

⁶ http://www.bridgewayfoundation.org/about/history_full.shtml

⁷ www.peacethroughgovernance.org

⁸ <http://www.eda.admin.ch/etc/medialib/downloads/edazen/doc/publi/publi2.Par.0095.File.tmp/Politorbis%2047%20-%20Genocide%20Prevention.pdf>

good early warning detections. It was a significant step forward in strengthening regional networks of countries willing to develop regional, sub-regional and inter-governmental mechanisms to prevent genocide. It was particularly important in providing a link between the experiences done at the local, national and regional levels with the international ones.

ICGLR: Sub-Regional Inter-governmental Platform

Similarly to what happened in Buenos Aires, the Forum in Arusha provided an opportunity to learn from actors on the ground experimenting with new approaches. Notable was the intervention of Ambassador Liberata Mulumula, Executive Secretary of ICGLR, who provided a comprehensive updates on the efforts of the International Conference on the Great Lakes Region (ICGLR) in the area of genocide prevention⁹. It must be noted that the region –which includes 11 countries (Angola, Burundi, Central African Republic, Democratic Republic of Congo, Kenya, Republic of Congo, Rwanda, Tanzania, Uganda, Sudan, and Zambia) is among the most effected by genocidal violence. The visit to the region by the UN Special Advisor on the Prevention of Genocide, Dr. Francis Deng, confirmed that the dynamics at play are dangerously close to the high risk of genocide.

In this context it ICGLR was established in 2004 with the main objective to “consolidate peace and security in the Great Lakes region...[by] institutionalizing democratic governance values, promoting sustainable growth and shared development, and resolving critical social and humanitarian issues – that contribute to destabilization in the region and undermine peace, security and stability in the region.”¹⁰ It is a relatively new sub-regional organization and it is not particularly strong. However, given its history (Rwanda’s 1994 genocide, the Burundi civil war that embroiled the DRC and other neighboring countries, the Uganda-Tanzania war in the late 1970s, and the Kenyan crisis in 2008...) the region is so closely interlinked in terms of its social, demographic, economic, cultural and linguistic compositions that conflict destabilizing one country can easily contaminate others in the entire region. It was against this backdrop that ICGLR was born with the premise that any meaningful attempt to establish peace and security in the region must be carried out on the basis of a regional approach. It is undoubtedly still an experiment, a work in progress but it is hopeful that genocide prevention feature so prominently in its agenda.

In November 2004, the ICGLR Heads of State and Government signed the *Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region*, or more commonly known as the Dar es Salaam Declaration. Acknowledging the weaknesses in the area of good governance and the democratisation processes in the region as the main precipitating factors to cause violent socio-political conflicts, this Declaration clearly laid out policy agendas and guiding principles for the member states, calling for the shared vision for

⁹ <http://www.icglr.org/>

¹⁰ “Genocide Prevention: Experience of the International Conference on the Great Lakes Region (ICGLR),” paper presented by Ambassador Liberata Mulamula at the Regional Forum on Genocide Prevention, March 3-5, 2010, Arusha.

democracy, reconstruction, durable peace and political stability, sustainable development and the rule of law in the region. The Declaration manifested the explicit commitment to fight against all forms of discriminatory ideologies, policies, and practices; all acts of genocide and massive violations of human rights and international humanitarian law; terrorism; racism; ethnics; exclusion; as well as all other forms of violence against civilians.

The ICGLR Heads of State and Government then signed the legally binding Pact in 2006, which entered into force in 2008 by the ratification of the member states, to affirm their determination and commitment to “transform the Great Lakes region into a space of sustainable peace and security, political and social stability, shared growth and development, a space of cooperation based on convergent strategies and policies driven by a common destiny.”¹¹ Included in this Pact is *the Protocol for the Prevention and the Punishment of the Crime of Genocide, War Crimes against Humanity and all forms of Discrimination*. The ICGLR member states therefore recognize that the crime of genocide, war crimes, and crime against humanity are crimes under international law and against the right of peoples, and they agree to fight against impunity and to take actions:

- To refrain from, prevent, and punish such crimes;
- To condemn and eliminate all forms of discrimination and discriminatory practices;
- To ensure the strict observance of this undertaking by all national, regional and local public authorities and institutions;
- To proscribe all propaganda and all organisations which are inspired by ideas or theories, based on the superiority of a race or a group of people of a particular ethnic origin, or which try to justify or encourage any form of ethnic, religious, racial or gender based hatred or discrimination.

As such, ICGLR represents the epitome of a regional organization’s commitment to self-organize the prevention of genocide and mass atrocities in an endogenous manner. ICGLR encompasses sub-structures to ensure the effective follow-up on the Pact, consisting of the National Coordination mechanism, the Conference Secretariat (of which Ambassador Mulamula is Executive Secretary), the Regional Inter-ministerial Committee (RIMC), and the Summit of Heads of State. This composition of ICGLR is designed to ensure a proper response mechanism to function as “eyes and ears” of any unfolding violence and early warning signs within the member states. While some of the Great Lakes region states are still volatile, 8 presidential and parliamentary elections are scheduled to take place in 7 countries in the region in 2010 and 2011. It is imperative that preventive mechanisms like ICGLR which has already expressed its manifest will to act on genocide prevention, be fully supported in order to avoid any escalatory spiral of violent outbreaks during or post-election periods.

GPANet in Regional Frameworks and Platforms

ICGLR plans to align preventive efforts at the regional, national and community levels through more seamless collaboration and coordination by utilizing the existing ICGLR National

¹¹ *Pact on Security, Stability and Development in the Great Lakes Region* (2006). Available at <http://www.icglr.org/icglr-pacte.php>

Coordination mechanism chaired by the Ministry of Foreign Affairs in each member state. It is proposed that these 11 national coordinators be the focal points to connect various political, social and cultural institutions within the state, such as Ministries of Education, Internal Affairs, Justice; human rights organizations and offices; cultural leaders; religious leaders; intelligence organs; parliament; and civil society. In effect, these 11 focal point coordinators function as the steering committee of ICGLR and identify their counterparts in their communities – at district, county, sub-county, and village levels – to streamline information gathering and dissemination processes, as stipulated in the Protocol:

- Regularly reviewing situations in each Member States for purposes of preventing genocide, war crimes, crimes against humanity and discrimination;
- Collecting and analyzing information related to genocide, war crimes, crimes against humanity and discrimination;
- Alerting the Summit of the Conference in good time in order to take urgent measures to prevent potential crimes
- Suggesting specific measures to effectively fight impunity for these crimes,
- Contributing to raising awareness and education on peace and reconciliation through regional and national programs;
- Recommending policies and measures to guarantee the rights of victims of the crime of genocide, war crimes and crimes against humanity to truth, justice and compensation, as well as rehabilitation, taking into account gender specific issues and ensuring that gender –sensitive measures are implemented;
- Monitoring among the Member States, where applicable, national programs on disarmament, demobilization, rehabilitation, repatriation and Reinstallation (DDRRR) for former child soldiers, ex-combatants and combatants;
- Carrying out any other tasks that the Inter-Ministerial Committee may entrust it with.

In parallel, the ICGLR Secretariat is coordinating with the UN Office of Special Adviser on the Prevention of Genocide to conduct a training session in September 2010 on the OSAPG Analysis Framework for UN personnel and other stakeholders in the Great Lakes region. Likewise, there are emerging opportunities for others to support ICGLR during the implementation phase of ICGLR strategies. In particular, I hope that new partnerships will be established among ICGLR, DKPO and researchers around the world specifically on data gathering and interpretation. I find the work of Birger Heldt very promising and it would be very beneficial if new datasets were made available¹².

Especially at the nascent stage of launching the steering committee of 11 focal points, collaboration with ICGLR Secretariat would be beneficial, particularly in the following areas:

- Plan and coordinate programs to build grassroots, national and regional capacities, tailored to unique local dynamics and conflict issues in each affected area;

¹² <http://www.gpanet.org/content/management-civil-wars-and-genocidal-violence-lessons-statistical-research>

- Establish and expand a network of genocide and violent prevention actors and stakeholders, shifting from a ‘victims’ frame to a ‘agents of genocide prevention’ frame at local, national and region levels;
- Identify needs of training and education to create a cadre of respected facilitators for mediation and dialogue to resolve local, national and regional disputes peacefully;
- Gather and share knowledge, tools, methods and skills on violent conflict and genocide prevention initiatives and experiences within the region or from other parts of the world;
- Participate in the evaluation and monitoring of activities at regional and national levels.

The dream of transforming the African Great Lakes Region into a genocide-free zone in which the first effective genocide prevention system can be experiment is extraordinary. I can assure all distinguished members of this General Assembly that my George mason University’s Institute for Conflict Analysis and resolution (ICAR) will devote its maximum amount of energy to support this African project. My speaking today is part of this effort. While recently in the People’s Republic of China I had the opportunity to meet Madame Yan Junqi vice chairwoman of the Standing Committee of China's National People's Congress (NPC) and Vice President of the Chinese People's Association for Peace and Disarmament (CPAPD) and explore the possibilities of actions in support of such a vision.

Hungary, the European role and the need to serve catalytic processes

There is the demand for many to play cooperatively and for the catalytic functions of connecting expert knowledge, practice, and data on genocide prevention with the needs of the peoples in many regions. This is why while it is relevant to underline that ICGLR is one of the emerging initiatives at the sub-regional level intentionally committed to genocide prevention, others actors are exploring meaningful investment in this area. In the evolution of the global architecture for the prevention of genocide, Europe has already taken formal steps in order to include genocide prevention in priorities of the Human Rights agenda of the last EU Presidencies. Hungary especially, through the constitution of a devoted task force, led by Ambassador István Lakatos and Enzo Le Fevre Cerviny, conducted in the last two years a feasibility study for the promotion of the establishment of an international centre fully dedicated to the prevention of genocide. It is relevant to note that the document of the present Spain-Belgium-Hungary EU trio presidency, the first to operate under the post-Lisbon Treaty, says: "Particular emphasis will be put on the international prevention of genocide and mass atrocities." It is my understanding that under the Hungarian presidency new initiatives at the European level will emerge in harmony with the feasibility study on the creation of a Budapest Centre for the International Prevention of Genocide and Mass Atrocities. A Centre able to both help the UN (in particular the office of the UNSG Special Advisor, Mr. Francis Deng and the High Commissioner for Human Rights) and the regional organizations (especially the European Union and the African Union). One could be a closer link to the Universal Periodic Review which has –as the UN Secretary-General Ban Ki-

moon noted- the “great potential to promote and protect human rights in the darkest corners of the world.”

However, there are still too few political entities of states openly concerned with genocide prevention and one of the trends of the next few years –I believe- will be what kind of institutional architecture will emerge. Supporting regional and sub-regional approaches to genocide prevention like ICGLR and the European one means to facilitate the connections with other initiatives that are already in place and can complement each other. There are a number of programs working on genocide prevention simultaneously, (Genocide Watch¹³ and its International Campaign to End Genocide¹⁴ and Anti-Genocide Alliance¹⁵; ICAR’s Engaging Governments on Genocide Prevention, data collection and information management systems by Ushahidi¹⁶ and Humanity United-led initiative in Conflict Early Warning Learning Group¹⁷; new explorations by the US Holocaust memorial Museum’ s Committee on Conscience¹⁸, the interactive website, GPN Genocide Prevention Now¹⁹, the research and experimentation of Funds for Peace’s Early Warnings and State Building Initiative that has collaborated actively with the Office of the Special Advisor on Genocide Prevention²⁰ and many others especially in the academic sector where scholarship has been developed for some time²¹).

One peculiar actor that I saw involved in many of these hopeful signs that I mentioned, is the Genocide Prevention Advisory Network (GPANet)²². Its members were behind the Stockholm gatherings and its members have played a significant role in the risk assessment research that makes genocide prevention conceptually convincing. GPANet members were also instrumental in calling for the establishment of the Special Advisor on Genocide Prevention at the United Nations and have become a hub of the genocide prevention debates. The emerging collaboration with the ICGLR steering committee can provide an unprecedented opportunity to align local, national, regional and international action for an effective, sustainable genocide prevention system where knowledge can be actually shared and committed political will be practiced.

It is essential to see the task ahead as a collaborative effort, a learning and practice-oriented effort that needs institutional continuity. This UN General Assembly is indeed a very important step in the right direction.

¹³ <http://www.genocidewatch.org/>

¹⁴ <http://www.genocidewatch.org/campaigntoendgenocide/about.html>

¹⁵ <http://www.genocidewatch.org/partners/antigenocidealliance.html>

¹⁶ <http://www.ushahidi.com/>

¹⁷ <http://www.humanityunited.org/>

¹⁸ <http://www.ushmm.org/genocide/>

¹⁹ <http://www.genocidepreventionnow.org/>

²⁰ <http://www.fundforpeace.org/>

²¹ <http://www.genocidescholars.org/>

²² <http://www.gpanet.org/>

EARLY WARNING, ASSESSMENT AND THE RESPONSIBILITY TO PROTECT

Statement of Dr Bertrand G. Ramcharan¹
To General Assembly Inter-active Dialogue,
9 August, 2010.

1. Deep Appreciation to the Secretary-General for his report and to the President of the GA for convening the meeting.
2. Congratulation to the Secretary-General for his leadership on RTP and for his thoughtful statement opening the meeting.
3. Appreciation to Special Advisers Deng and Luck for their efforts.
4. The United Nations, its Member States, Organizations of the UN System, NGOs, and the broader UN constituency all have important **protection responsibilities** for upholding international norms on human rights universally. Within the framework of these protection responsibilities, world leaders, at the highest levels, have laid particular emphasis on the **responsibility to protect** in respect of genocide, ethnic cleansing, crimes against humanity, and war crimes. What the GA had done, in effect, was to place a special duty of care on the UN, its Member States, and all organs of society in respect of these offences. The RTP had been given the character of a peremptory norm of international law (*jus cogens*).
5. **Touching on protection responsibilities generally**, it needs to be borne in mind that Articles 55 and 56 of the UN Charter place individual and collective responsibilities on Member States for upholding human rights universally. These are legal responsibilities.
6. The Secretary-General has important preventive functions under Article 99 of the UN Charter. He uses his own judgment in deciding if, and when, to act.
7. The Security Council and the General Assembly have their responsibilities under the Charter. If violations of human rights threaten or breach international peace and security the Security Council is required to act. The GA has on different occasions declared that it would act against all situations of gross violations of human rights. (e.g. GA resolution 37/175). This is an issue of principle for the GA.
8. Prevention and protection are needed, in the first instance, at the national level. Regional and international actions are back-up actions. As a matter of policy, the emphasis should be on national prevention and protection. Every Member State must strive for an effective national protection system that includes prevention.
9. The UN Human Rights Council, in its Universal Periodic Review process, could render good service by focusing on the national protection systems of every country, including their arrangements to prevent gross violations of human rights. Its Special Procedures could help in this effort.
10. Information and assessment efforts should also target the national protection systems of Member States, in cooperation with them. The Special Advisers of the Secretary-General, in cooperation with the UN High Commissioner for Human Rights, could dialogue with National Human Rights Institutions on the enhancement of national protection and prevention. UNDP and the IBRD

¹ Previously: UN High Commissioner for Human Rights ad interim, 2003-2004; Chancellor of the University of Guyana; First Swiss Chair and Professor of International Human Rights Law, Geneva Graduate Institute of International and Development Studies.

could help greatly. Early warning and assessment, in addition to regional, and international protection, should emphasise national protection.

11. **Moving on to the responsibility to protect as emphasised by the General Assembly**, there is good literature² and practice on prevention in respect of human rights situations. The urgent deployment of international or regional observers had been quite helpful in a number of situations (South Africa, 1992), and visiting missions (East Timor, post-referendum).
12. Five aspects could be signalled: the issue of principle, the political dimension, the need for confidence-building, the need for cooperation, and the centrality of national protection systems.
13. On the issue of principle, namely the GA's historic emphasis on protection, it could help for the Secretariat to prepare and publish a Note recapitulating past instances in which the GA had declared its own determination to act against all situations of gross violations of human rights. This would be a service to Member States in consolidating the practice of the GA on protection.
14. On the political dimension, it needed to be recognized that, in the light of the recent positions of great powers, the broad membership of the UN is cautious when it comes to the practical dimensions of the RTP. This is understandable. This is why a note articulating the practice of the GA on protection could be helpful in providing a basis for future discussions of when and how the UN could act to discharge the responsibility to protect.
15. In light of the political sensitivities of Member States, but keeping in mind the issue of principle, confidence-building and cooperation would be helpful.
16. There is room for confidence-building and cooperation in working with Governments on the strengthening of their national protection systems. A national protection system has six dimensions: constitutional, legislative, judicial, institutional (NHRIs), preventive and educational. Prevention arrangements are particularly important in multi-ethnic states.
17. Confidence-building and cooperation could be served by establishing a cross-regional Group of Friends of the SG on the Responsibility to Protect.
18. It could also assist to establish a mechanism to follow up on the implementation of the Convention against Genocide. It did not necessarily have to be a treaty body with functions similar to other UN human rights treaty bodies. It could be a group of experts that met periodically to discuss international cooperation for the implementation of the Genocide Convention and to provide its advice to the SG and the GA.
19. The two Special Advisers deserve the support of the GA because they are helping the GA to discharge its own protection responsibilities. It would be important to provide them with the resources they need to carry out their important functions.
20. The consideration of RTP in the future could build on the following foundations that seemed to have broad support in the GA:
 - The Membership is committed to universal human rights on the basis of international norms elaborated by the GA.
 - The Membership is against criminal gross violations of human rights.

² Early-warning in International Law and Practice, Nijhoff, 1992; Conflict Prevention in Practice, Nijhoff, 1995; Preventive Diplomacy at the UN, Indiana UP, 2008; Preventive Human Rights Strategies, Routledge, 2010.

- The Membership wants UN actions to be based on international law, including the UN Charter.
 - The Membership sees the need for confidence-building and cooperation in dealing with the RTP.
 - The Membership respects the initiatives of the SG in appointing his Special Advisers and in arranging their office as he deems appropriate.
 - The Membership wishes to have a continuing dialogue on RTP.
21. It is an honour to participate in this dialogue. Having written the first draft of Agenda for Peace, it is heartening to see the GA continuing its efforts on prevention. Thank you.

RESPONSIBILITY TO PROTECT POPULATIONS FROM GENOCIDE, WAR CRIMES, ETHNIC CLEANSING AND CRIMES AGAINST HUMANITY

Muna Ndulo

*Professor of Law Cornell University Law School and Director Cornell University's
Institute for African Development.*

Nature of the Responsibility

Each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. The first task is to be clear as to what the responsibility entails. At a minimum it entails the following: (a) the state should ensure that people under its jurisdiction are not subjected to genocide, war crimes, ethnic cleansing and crimes against humanity; (b) a state should take effective and credible measures to ensure that such things do not happen; and (c) that when they do happen the state should punish those that perpetrate the atrocities and provide reparations to the victims. This means that the state should be organized in such a way as to be able to live up to these responsibilities. It implies that states should organize the governmental apparatus and, in general, all the structures through which public power is exercised, in such a way that they are capable of ensuring that genocide, war crimes, ethnic cleansing and war crimes do not occur and that any tensions that might lead to the commission of these crimes are resolved peacefully. It means, for example,

that the state should have an independent judiciary, impartial and effective police services, ensure accountability of governments to the people, and effective participation of citizens in the governance of the country. Authoritarian or totalitarian systems of governance simply do not have the institutions by which conflict in society can be peacefully expressed and resolved. The New Partnership for African Development (NEPAD) practice of peer review of government practice is a good mechanism to check on how democratic a state is organized. It seeks to engage states at an early stage and ensure that African states are accountable to each other as well as to their people in the way they rule their people.

To me the answer to what states should do to promote a world free of genocide, war crimes, ethnic cleansing and crime against humanity is eloquently answered for us by the United Nations Charter, which in article 1 proclaims the promotion of, and encouragement of, respect for human rights as one of the purposes of the United Nations. Each of the evils we are trying to prevent through the responsibility to protect is a violation of human rights.

Responsibility of international community

The international community should as appropriate encourage and help states to exercise this responsibility and support the United Nations in establishing an early warning capability at both United Nations headquarters and regional levels. They should also encourage regional organizations to develop early warning systems to compliment

efforts at the international level. They should do this through constant engagement with states aimed at improving the capacity of states to govern democratically. The early warning systems established by Economic Community for West African States (ECOWAS), as well as in the one in the process of being established by the Southern African Development Community (SADC) are important initiatives that need support.

The crucial question of when the events observed in a given country are of such gravity as to trigger an international response is always going to be problematic. We are not dealing with an exact science. Given that this is never going to be an easy matter to resolve, the best approach is to emphasize early engagement with states by promotion of human rights and the capacity of states, so that we do not have to come to a situation where intervention becomes necessary to halt genocide, war crimes, ethnic cleansing or crimes against humanity.

Early Warning Capability

This is critical in order to avoid the use of force, which as we all know is expensive both in terms of resources and human life. It is also destructive in terms of its impact on society. The Heads of State and Government have unambiguously pledged to “support the United Nations in establishing an early warning capability. Although the system faces many challenges, the field of early warning has evolved significantly since its initial conceptualization and it has been integrated into the policies of the UN and a number of regional organizations.

It is accepted that the international community has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means in accordance with Chapter VI and VII to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

Such peaceful and preventive measures, it should be noted, are most likely to be effective if they are undertaken at an early point and are carefully targeted and calibrated. This in turn requires early warning and a differentiated assessment of the circumstances of each case.

Any early warning system, to be effective, should be generated by people and NGO organizations, as they are close to the ground. This involves creating conditions where NGOs can play their role and compliment international and regional efforts. Facilitating NGO work will require the creation of structure through which their participation can be channeled. A free press is probably the best early warning system. Only a free press can provide citizens with a range of information and opinions of various actors in a state. In addition, a free press, by exposing wrong doing encourages accountable behavior by public officials and politicians. Amartyn Sen, the Nobel Laureate, has for example, emphasized the role of the free flow of information in the prevention of famine.

Some of the key factors that should trigger the attention of the international community about the likelihood of the commission of genocide, war crimes, ethnic

cleansing and crimes against humanity are the following (a) people in leadership positions concentrated in one or a set of ethnic groups with display of their ethnic attributes and hostility toward other ethnic groups; (b) existence of ethnic based political tensions; (c) composition of the police and armed forces concentrated in one or a set of ethnic groups with a policy of exclusion of others; (d) existence of private militias; (e) types of weapons purchased by the armed forces as that may indicate for whom the weapons are meant for and (f) a history of human rights violations by the police and armed forces.

I think there is now consensus on what the elements of a good early warning system are. David Nyhein's report prepared for the OECD indentified the following elements: (1) based on the ground; (2) uses multiple sources of information; (3) capitalizes on appropriate communication and information technology; (4) provides regular reports and updates on conflict dynamics to key national and international stake holders and (5) has a strong link to responders or response mechanisms.

Early warning some of the problems

There is a perception that there is not sufficient focus or institutional resources for early warning and risk analysis at the United Nations headquarters. There is also a perception that there is an institutional weakness in the analytical capacity of the United Nations. These perceptions would need to be attended to.

Many would argue that the United Nations System does not lack relevant information. Nor is the gathering of information and assessment of information for the purpose of early warning a novel undertaking for the organization. Substantial progress has been made over the past decade in enhancing UN early warning capacities.

Often the problem is not that there are no early warning systems, it is that early warnings are generally ignored and not followed by action until after the catastrophe. For example, the problems that led to violence after the 2007 Kenyan elections were identified in EAC/NEPAD Peer Review conducted on Kenya several months before the 2007 elections and nothing was done to address the problems identified in the report. Fighting and grievous human rights violations in Somalia were widely reported as early as 1988, yet provoked no regional or international response.

Additional Responses

There are things that can be done. In communities where there is potential for ethnic violence, it is important as part of the response, to create an environment where calls for non-violence are heard and accepted by people, even when politicians call for violence. This requires long term programs to create such environments by connecting people from different ethnic groups and enhancing inter-ethnic activities.

Another problem is that conflict analysis, including early warning, has traditionally not included women's rights or gender perspectives. The consequences

when women are not included in early warning is that their opportunities to fully participate in conflict prevention and post-conflict reconstruction are limited and thus early warning systems risk failing to adequately predict or prevent conflict. Moreover gender-based indicators can provide a more complete understanding of the causes of conflict, and as result help develop more appropriate responses to mitigating or preventing it.

Another matter than needs addressing is that of who does what when a crisis is developing or breaks out. One of the reasons for failure to take rapid actions to prevent the violence in crisis countries is the fact that often the question of who does what is unclear. It may be necessary to indentify and allocate this responsibility to the UN agency dealing with response. Deciding who does what might, in fact, be allocated as one of the important responsibilities of the agency responsible for early warning at United Nations headquarters.

The key problem in responses

All said and done, the key problem, though, is really why we find it hard to intervene to prevent conflicts. My experience working as Legal Adviser to the UN in East Timor in UNAMET in 1999 was that we had plenty of information that there was going to be violence after the referendum. We communicated this in our weekly reports to United Nations headquarters and mentioned the fears to visiting government officials

from member states. Yet no action was taken to prevent the violence. Why was there no action to prevent the violence?

The real problem is one of political will. Early warning rarely leads to effective and timely response because of the lack of political will and in some cases obstructionist tendencies of regional organizations that insist on the right to deal with the problem when that desire is not matched by adequate capacity. I think that Nick Grono in his article, “Early Warning and the Responsibility to Prevent Conflict,” put it rightly when he observed that: “one of the reasons is that early warning is largely a technical exercise, while early response is a political exercise. Here, of course, technical is used in a narrow sense to indicate the difference between gathering observable facts such as killings and making decisions to commit troops etc and intervene. Perhaps the most eloquent identification of this problem I have ever come across is in a speech Nyerere’s gave in reaction to the Idi Amin crisis at an OAU heads of states meeting in 1975. He exploded with a blistering indictment of the OAU and his fellow presidents for failing to condemn the Idi Amin regime. (OAU, 1975). Of course, much has changed since then. The work of ECOWAS in Togo, Guinea Sierra Leone and Liberia is exemplary.

The complaints about inaction, though justified, I think must be tempered with the realization that although early warning does not always lead to early action as the Secretary General’s report observes: “it is also true that early action is highly unlikely without early warning.”

This means that as we work on early warning systems, it is imperative that we work on building the political will to act, one of whose critical manifestation must be the international community's zero tolerance for human rights violations wherever they occur and regardless of identity of the perpetrator or the victim.