

DECONSTRUCTING PREVENTION

THE THEORY, POLICY, AND PRACTICE OF MASS ATROCITY PREVENTION



February 26, 2013
Benjamin N. Cardozo School of Law
New York, NY

Co-organized by the Cardozo Law Program in Holocaust,
Genocide, and Human Rights Studies &
the Auschwitz Institute for Peace and Reconciliation

Partners

Carnegie Council for Ethics in International Affairs
Institute for the Study of Genocide
Heinrich Böll Stiftung North America

Cover Photo: Memorial to 1999 Liquiçá Church Massacre, East Timor © Fidelis Leite Magalhães

The views expressed in this conference report reflect the rapporteurs' interpretation of the discussions and do not necessarily reflect either the views of conference participants or those of the conference organizers or partners.

This report was co-edited by Marissa Goldfaden Bleier and Alex Zucker of the Auschwitz Institute for Peace and Reconciliation.

Conference rapporteurs were Marissa Goldfaden Bleier, Lily Samuels, and Christopher Kousouros of the Auschwitz Institute for Peace and Reconciliation.

Unless otherwise stated, all photographs © Sari Goodfriend: www.sarigoodfriend.com

© Auschwitz Institute for Peace and Reconciliation, 2013. All rights reserved.

CONTENTS

Keynote Address: Lt. Gen. (ret.) Roméo Dallaire, Canadian Senator	4
Panel 1: The United Nations Office on Genocide Prevention and the Responsibility to Protect: An Evolving Institution	10
Panel 2: Transitional Justice and Genocide Prevention	12
Lemkin Prize Acceptance Speech: Barbara Harff	14
Panel 3: Crisis Mapping, Technology, and Genocide Prevention	16
Panel 4: Organizing Government to Prevent Genocide	18
Annex: Conference Program	22

Keynote Address

**Speech delivered by Lieutenant-General
(retired) the Honourable Roméo Dallaire,
Senator, on February 26, 2013.**

Drafted by Senator Roméo Dallaire
and Andrew Coleman

INTRO

At long last mass atrocity prevention is the topic of the day. It may not seem like it at this moment, but to the veterans of this long and drawn out battle, this shift is truly incredible. To truly appreciate this shift, we have to look back a bit, and survey the territory behind us. I believe this will tell us a great deal about how far we have come and how far we still have to go. It may also give us new insights as to the expansive and at times counterintuitive scope of prevention.

HISTORICAL PREFACE

Violations of the norms of war have long been a part of our theoretical and legal lexicon. Arguably, this has been the case long before the Lieber Code of 1863, the first Geneva Convention of 1864, and even before Henri Dunant first saw the twisted fortunes that befell the corpses littering the battlefield in Solferino in 1859. But I think that most people today would agree that mass atrocities, as they are presently understood, as part of a spectrum that cumulates in the incomprehensible horror of genocide, came to the fore as a result of the unimaginable crimes of the Second World War, of which the Holocaust is emblematic. That cataclysmic event expanded our conception of the violations of the norms of war, birthing the concept of war crimes and eventually protecting civilians under the laws of war. The shock of the Holocaust also gave us the language of crimes against humanity, which harked back to the December 1915 reaction of the Allies to the Armenian genocide, reborn and elaborated in the judgments of the Nuremberg International Military Tribunal. Perhaps most importantly, the Holocaust forced us to come face-to-face with the persistence of genocide, the attempt to annihilate a whole race, nation, religion or ethnic group, by destroying all or some of its members, throughout recorded history.

THEORY: THE DIFFERENT FIELDS OF GENOCIDE

It was not until after the Second World War that we, as a community of nations, and I beg to suggest, as a community of people, formally signalled our moral and legal excoriation of genocide as a crime in the United Nations Convention for the Prevention and Punishment of the Crime of Genocide (Genocide Convention). We owe this instrument to the eminent Polish lawyer Raphael Lemkin, who himself lost forty-nine of his family members in the Holocaust, and who was the first to coin the term in his seminal 1944 work, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*. The reason I bring up Raphael Lemkin, other than to pay tribute to his achievements, is because I want to make a point about the theory of prevention, and our understanding of genocide and other mass atrocities. Mr. Lemkin said that genocide was affected “through a synchronized attack on [different] aspects of life of . . . [a captive people].”¹ This definition does not at first glance depart too greatly from our present understanding of mass atrocities; that is, until we investigate further to see what Lemkin meant by “attack.” When Lemkin said “attack,” he meant:

in the political field (by destroying institutions of self-government and imposing a German pattern of administration, and through colonization by Germans); **in the social field** (by disrupting the social cohesion of the nation involved and killing or removing elements such as the intelligentsia, which provide spiritual leadership . . .); **in the cultural field** (by prohibiting or destroying cultural institutions and cultural activities; by substituting vocational education for education in the

¹ Dan Stone, “Raphael Lemkin on the Holocaust,” (2005) 7 *Journal of Genocide Research* 539 at 540. Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, DC: Carnegie Endowment for International Peace, 1944), pp xi–xii.

liberal arts, in order to prevent humanistic thinking, which the occupant considers dangerous because it promotes national thinking); **in the economic field** (by shifting the wealth . . . to Germans and by prohibiting the exercise of trades and occupations by people who do not promote Germanism “without reservations”); **in the biological field** (by a policy of depopulation and by promoting procreation of Germans in the occupied countries); **in the field of physical existence** (by introducing a starvation rationing system for non Germans and by mass killings, mainly of Jews, Poles, Slovenes, and Russians); [and] **in the religious field** (by interfering with the activities of the Church, which in many countries provides not only spiritual but also national leadership).²

Mass atrocities are not only carried out through mass murder, they can also be carried out in the political field and in the social field; in the cultural field and in the economic field; and, in the religious field and the biological field. Here, and I do not want to be too critical, Lemkin’s vision has remained far ahead of our present understanding of mass atrocities and the patterns which precede them.

LAW: THE KILLING FIELDS

Since World War II, we have been, with very few exceptions, focusing on the killing fields, the assault on physical existence. For example, our legislation on genocide criminalizes the “killing of members of a group”, the causing of “serious bodily or mental harm”, the prevention of births, and the forcible transfer of persons. The only clause of the Genocide Convention that comes

² Dan Stone, “Raphael Lemkin on the Holocaust,” (2005) 7 *Journal of Genocide Research* 539 at 540. Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, DC: Carnegie Endowment for International Peace, 1944), pp xi–xii.

close to approximating Lemkin’s more expansive definition refers to the deliberate infliction of “conditions of life calculated to bring about its [the protected group’s] physical destruction in whole or in part.” I suspect that the emphasis in that clause is not on the “conditions of life,” but on the “physical destruction” of the group. Unfortunately, the same is true for the definitions of crimes against humanity and for war crimes. In those cases, the only clauses that come close to approximating the scope of Lemkin’s definition are the abolition, suspension or inadmissibility “in a court of law . . . [of] the rights and actions of the nationals of the hostile party” or intentionally attacking “buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected,” both of which are war crimes. The efficacy of these clauses is very much in question, though the treatment of the recent attacks on the cultural heritage of Muslims in Timbuktu by the International Criminal Court will invariably provide some clarity on the matter. My point is that we have been looking at this issue narrowly. While that may be justified to some extent in the sphere of international criminal law, our myopia regarding mass atrocities is evident in the terms of many of our instruments of peace and security.

IN PRACTICE: RECENT HISTORY

The march of history is somewhat to blame for this. After the Genocide Convention came into effect, the international community turned a blind eye towards mass atrocities. The security of peoples came second, after the security not only of nations, but also of superpowers. Indeed, it took the international community almost fifty years after the Convention entered into force to acknowledge the existence of genocide, not only as a concept but as a current reality within the international community at large, and particularly within a United Nations member state. The Rwandan genocide of 1994 provided a moment of reckoning for a number of reasons. It awoke the international community to the fact that, even at the end of the 20th century, mass atrocities were still happening, and more importantly, that we must not stand by while they happened. The failures in Rwanda, Bosnia, and Yugoslavia awoke us from our slumber and forced us to look beyond the opaque shell of the state and into the

very core of our shared humanity. It reminded us that it is the very essence of our shared humanity that is at risk in genocide. This is what it comes down to. This is what I experienced personally: faced with the execrable acts of evil incarnate, one must either defend the right of fellow human beings to exist and flourish or become a complicit bystander. This axiom is also what the international community, and in particular the United Nations, was forced to confront.



Canadian Senator Roméo Dallaire
Photo: Alex Zucker, AIPR

POLICY: R2P AS A VEHICLE FOR PREVENTION

It is out of the crises of the early 1990s that our strongest instrument for the prevention and elimination of mass atrocities emerged: the responsibility to protect (“R2P”) concepts. The responsibility to protect re-oriented the discussion on mass atrocities. It re-ordered our priorities. International peace and security was no longer politics as usual, and the continuation of politics by other means. The definition I am using here is from the 2001 report by the International Commission on Intervention and State Sovereignty (ICISS), it starts off by paying respect to the concept developed by Dr. Francis Deng—whom we will all have the pleasure of hearing from in a few moments—that “State sovereignty implies responsibility”

... and the primary responsibility for the protection of its people lies with the state itself.

Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention

yields to the international responsibility to protect.³

There are two reasons why I chose to quote the ICISS report here. First, the report is one of the more telling signposts along the march to mass atrocities prevention. It exemplifies what I described earlier as the narrow, contemporary approach to addressing mass atrocities. It draws the line in the sand: if genocide looms and we can prevent it without doing more harm than good, we will stop it. Now, do not mistake my intentions here. I know that there is a lot more to the ICISS report than that. My aim is not to sell short the report—this much will become clearer in a moment. The second reason I wanted to refer to the ICISS document is that, beyond the central message, which responded to the most pressing issue of the day, the ICISS report outlined the foundations of the concept, set out precautionary and operational principles, and outlined the three key elements of the responsibility to protect: the responsibility to prevent, the responsibility to react, and the responsibility to rebuild. If you recall, when paragraphs 138 and 139 were negotiated and embedded in the 2005 World Summit Outcome resolution adopted by the General Assembly, there was a common presentiment that the principles of the Responsibility to Protect report had been gutted. After all, it had shrunk from some 100 pages to a measly two paragraphs. This sentiment was voiced loudly in 2005 and later. In 2009, at the first informal and interactive debate on the responsibility to protect, there was an expert panel, on which sat two intellectual behemoths and R2P sceptics, Noam Chomsky and Jean Bricmont, who attacked the Responsibility to Protect doctrine from a different perspective. Bricmont said, and I am paraphrasing somewhat “you have to deal with the causes and you have to go in depth. You should not think that [genocide simply pops] out of . . . [a] box.” While I have little patience for such sceptics, he was right on that point, but he was wrong to assume that the supporters of the responsibility to protect did not share his concerns to not only stop mass atrocities once they were already underway, but

³ ICISS, *Responsibility to Protect* (Ottawa: International Development Research Centre, 2001) at XI.

to remedy their causes and prevent them in the first place.

Let me remind you that the responsibility to protect doctrine, as it was affirmed by the United Nations in paragraphs 138 and 139 of the 2005 World Summit Outcome Document (Outcome Document) and embodied in the three-pillar approach outlined by the United Nations Secretary General, states: First, that each individual state has an “enduring responsibility . . . to protect its populations, whether nationals or not, from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their incitement.” Second, that the international community has a concomitant responsibility “to assist States in meeting those obligations.” And finally, that member states of the United Nations have the responsibility “respond collectively in a timely and decisive manner when a State is manifestly failing to provide such protection.”⁴

In outlining the three-pillar approach to the responsibility to protect, the Secretary General emphasized, in addition to the equality of all pillars, the pre-eminence of prevention. Indeed, the Secretary General wrote that “[p]revention, building on pillars one and two is . . . key . . . for the responsibility to protect”.⁵

There has never been any question that prevention is key, at least theoretically. The ICISS report included the responsibility to prevent, and outlined what it may entail. The real difficulty arises in the creation of policy and in its practical implementation. This is where the contributions of the 2009 report and the General Assembly dialogue on R2P, as well as the reports and dialogues that followed in each subsequent year, are so important. It is in these fora that the Special Advisors for the Prevention of Genocide and the Responsibility to Protect have been working with the missions to the General Assembly and Civil Society to expand the apparently sketchy paragraphs of the 2005 Outcome Document into a comprehensive and dynamic policy framework. As the policy lattice has taken shape, a common feature has emerged in the geometry of the framework: and that is the centrality of prevention. Indeed, prevention has been the goal all along. The only true way to

eliminate mass atrocities is to prevent them by attacking them at their roots. Yes, if mass atrocities are already underway, as they were in Rwanda in 1994, and I am dismayed to say, as they are today in Sudan and in Syria, and we possess the capacity to prevent them, it is absolutely imperative that we act decisively to stop them. We have that responsibility today. Shelter can no longer be sought behind indefensible claims of absolute sovereignty. And this goes to the underlying truth of the matter: early prevention is to be preferred to late military intervention.

R2P: TOOLS FOR IMPLEMENTING PREVENTION

It is for this reason that the development of R2P has been focused on developing early warning mechanisms to identify the signs of unfolding mass atrocities and to facilitate early and decisive action to prevent those indicators from erupting into mass atrocities. The Office of the Special Adviser for the Prevention of Genocide and the Responsibility to Protect, which is the moral voice of prevention and the purveyor of practical tools such as the Analysis Framework, is the central and pivotal institution to coordinate and accomplish the task of early warning. In addition to early warning, regional and sub-regional bodies must play a key role, not only for their ability to inform the early warning mechanisms, but because they are best positioned to detect coming mass atrocities and assist member states to fulfill their obligations. That assistance may take a number of forms. It can mean acting as a wise and interested moral voice to encourage conciliation and discourage discrimination, providing development assistance and technical support, or the using Chapter 8 powers for the establishment of regional arrangements or agencies for the pacific settlement of disputes. Recently, the 2011 Libyan crisis emphasized the centrality of regional groups, but I think the best example of regional engagement, if we are to remain focused on prevention, was the 2008 Agreement on the Principles of Partnership of the Coalition Government, which through the leadership of African Union’s Panel of Eminent African Personalities (chaired by former UN Secretary-General Kofi Annan) helped end the 2007–2008 post-election violence in Kenya. But we need to do better than that. If prevention is

⁴ Ban Ki-moon, Implementing the Responsibility to Protect; Report of the Secretary General, UNGAOR, 63d Sess, A/63/677, (2009) at 8-9 [Implementing R2P].

⁵ Implementing R2P, *supra* note 4 at 9.

our goal then we must act before *any* violence occurs, and this will require structural and cultural change among the members of the international community, aided by international and domestic civil society groups, academics, the private sector, and the media.

As I have the pleasure of being hosted here today by both Cardozo Law School and the Auschwitz Institute for Peace and Reconciliation, I cannot help but point to the exemplary work being done by both of these institutions. Among its numerous projects, Cardozo has been labouring on the daunting task of outlining evidentiary standards to determine when states should act pursuant to their R2P obligations. Central to effective action is “enabling [the] relevant stakeholders to focus on the practical implementation of measures to prevent mass atrocit[ies]” at the earliest stage possible.⁶ With tools like these, we can focus our resources on protecting the most vulnerable people internationally and minimize delays arising from the machinations of politics. Furthermore, we can be confident that we will possess the capacity act preventively. That is because organizations like the Auschwitz Institute for Peace and Reconciliation have been building the capacity of governments to prevent and eliminate mass atrocities by training government officials through its Raphael Lemkin seminars for the prevention of genocide and by assisting governments, such as that of the United States and Argentina, in developing policy mechanisms specifically geared towards preventing and eliminating mass atrocities. In fact, I hear that they have also started to work on increasing capacity at the regional level, having recently signed an MOU with the African Union to create an African Network for Genocide and Mass Atrocity Prevention. And I am happy to say that these are not the only examples of productive civil engagement. Another example worth pointing to is the Global Centre for the Responsibility to Protect’s Focal Point Initiative, which is working to link the relevant executive members of national governments around the world into a global prevention and response secretariat. And there is also the work of the Montreal Institute for Genocide and Human Rights Studies and the Aegis Trust, who are

⁶ Cardozo, Evidentiary Standards for R2P, draft (6.23.11), at 4.

working with Parliamentarians from Canada and the United Kingdom, respectively, to advance the prevention and elimination of mass atrocities within their respective parliaments and to building an international network of concerned parliamentarians. I could keep going, but in the interest of time I simply want to emphasize the crucial role of civil society in the prevention and elimination of mass atrocities, and the fact that civil society actors are driving many of the most significant advances in the prevention of mass atrocities.

REVISITING THE DIFFERENT FIELDS WITH AN EYE TOWARDS PREVENTION

What is remarkable about the contribution of civil society is what it tells us about where we are in the elimination of mass atrocities. When we are faced with the killing fields, when corporeal existence itself is in imminent danger, our tools are very limited. We have little option but to turn towards high politics and hope that the member states of the UN, who have pledged restraint in the use of force, will cooperate with each other and act in the defence of humanity. In those circumstances the risk to both spirit and flesh are dire. On the other hand, when we turn to civil society, to NGOs, humanitarian actors and members of national legislatures, it becomes clear that we are now pursuing the elimination of mass atrocities in another way. We are looking beyond the killing fields, to the political fields, the economic fields, and the social fields. That is what true prevention is about, that is what Lemkin had hoped we would do nearly seventy years ago. We are now beginning to identify the underlying and proximate causes of mass atrocities. As we do so, we are gaining an understanding of the tools required to address these causes, and how they should be deployed. Most importantly, we now recognize the importance of addressing mass atrocities at the systemic level—where cultural identity is threatened, where economic insecurity and inequality breed famine and instability, and where the political and social rights necessary to human advancement are being stifled.

CONCLUSION: THE SCOPE OF PREVENTION:
BEFORE CONFLICT AND AFTER

I would like to pause here to draw your attention to something that is of the utmost importance to prevention, and that is timing. When we think of prevention we tend to think of what comes before. Clearly, if we are to prevent a conflict we must act *before* the conflict erupts. Well, that is not the whole picture. To paraphrase what the Secretary General said in last year's report on timely and decisive action, the protection of civilians from genocide, war crimes, crimes against humanity, and ethnic cleansing is an ongoing responsibility. It is not only a question of what needs to be done before atrocities occur, or what needs to be done if they occur, but also about what needs to be done after atrocities occur. In other words, to truly actualize the responsibility to prevent we need to also be cognizant of the responsibility to rebuild, as it was described in the 2001 ICISS report. I say this for two reasons. First, atrocities quite literally flow from one another, whether due to our inability to fully address atrocities in the first place or due to containment issues. One of our most intractable humanitarian catastrophes and the site of the UN's most substantial peace-keeping missions is the Democratic Republic of Congo, ripped apart by a conflict that has resulted in the most conflict deaths since the Second World War and innumerable atrocities, including widespread sexual violence and the use of child soldiers. I bring it up because in many ways the conflict in the DRC is the progeny of the genocide of 1994 in Rwanda. It is unfinished business. There are many other examples, including the genocide in Darfur, but there is another example that makes the point more directly. One of the central causes underlying the recent collapse in Mali today was the flood of weapons and fighters that came down from Libya before and after the 2011 civil war. Now, make no mistake about my point here. Resolution 1973 on the Libyan crisis responded to a real threat with effective action. Libya was a major victory for protecting civilians from imminent mass atrocities. I did not bring up Libya to discuss any so-called claims of regime change. I brought Libya up because we could have and should have done more to ensure that the appropriate steps were taken after the threat to Libya's population was neutralized. Second, beyond the mere fact that atrocities tend to flow from each other, there

is a very close relationship between the post atrocity approach and the preventative approach. They both deal with structural/systematic issues and the threat to stability posed by competition for scarce resources such as land, water, jobs and influence. This is by no means to say that they are identical. For example, Disarmament, Demobilization and Reintegration is clearly more closely related to rebuilding than it is to prevention. What I am thinking of is the fact that prevention and rebuilding involve capacity building and development. They both require the same type of actors, and the same systematic approach. In many ways, prevention flows from rebuilding. We cannot prevent the atrocities of the future without also helping survivors and their neighbors recover from those in the past.

Audience Questions

Bill Pace, of the International Coalition for the Responsibility to Protect (ICRtoP), asked about regime change as an argument and impediment for R2P in Libya. Sen. Dallaire responded that the construct was a perversion of the exercise. Boots should have been put on the ground and a line drawn between Qaddafi and civilians. Supporting a fighting element was a poor demonstration of willingness to commit to R2P and created worse instability.

Elizabeth White, of the United States Holocaust Memorial Museum's Center for the Prevention of Genocide, asked about R2P in Syria. Sen. Dallaire said he wondered why the international community was so late in the game. Was it a matter of numbers? The UN Security Council? The example of Libya? Reservations on the part of the United States? There is a statistical demonstration of the scale of atrocities in Syria, and they will not stop. There are too many parallels to be drawn between Rwanda and Syria.

The final question came from **Stephen Tebid** of Cameroon. He said the spread of weapons from Libya led to internal social chaos and a cessation of social programs, as well as the current situation in Mali. In this situation, what is the responsibility of the international community? Sen. Dallaire referred to "CNN history," meaning that people only remember what happened as long ago as last week. The third pillar of R2P is not on the radar and there is no member-state containment, which leads to regional effects such as destabilization.

Panel 1: The United Nations Office on the Prevention of Genocide and the Responsibility to Protect: An Evolving Institution

Moderated by Gillian Kitley, OSAPG

The first speaker on the panel was **Juan Méndez**, a human rights lawyer from Argentina who was imprisoned and tortured for his work there, and ultimately went on to create Americas Watch. He was appointed the UN's first Special Adviser on the Prevention of Genocide in 2004. The office was created in response to the UN's failure to prevent genocides in Rwanda and Srebrenica and Méndez was chosen because of his background in protection and international relations.

In April 2004, ten years after the Rwandan genocide, Kofi Annan gave a speech in Geneva promoting the creation of early warning systems—predicated on the notion that early warning leads to early action. However, resources were limited. Although the office was created at the request of the UN Security Council, the promise of being close to a political body was dashed, as the Security Council was only briefed twice: once on Darfur and once on the general idea of genocide prevention. Lessons were learned and communicated to successors, these being that the international community must focus on four areas:

1. Protection (physical/armed if necessary),
2. Humanitarian assistance,
3. Peace-making, and
4. Justice.

Impunity encourages future violations and the International Criminal Court is a credible threat of justice.

As noted above, Security Council engagement poses a challenge to the OSAPG. Other challenges include the fact that the office was conceived as a hybrid of public spokesperson and inside adviser to the Secretary-General, which has turned out to work well. Because there was never censoring, Méndez had to make sure no one was surprised by what he would say. The point was not just to raise a red flag, but to have something constructive to say to the international community.

In regards to the impact of the office's work on Darfur and Côte d'Ivoire, Méndez said one cannot expect total success, as it was an experiment. Knowledge and persuasion are important tools but the office failed to stabilize Darfur, which has created a high number of internally displaced persons and refugees. In 2004, steps were taken to prevent massacres, including the African Union putting boots on the ground. Late that year, the office prevented "something terrible from happening" in Côte d'Ivoire. Hate speech had been broadcast on television and radio and Kofi Annan and the office put out statements regarding incitement and punishment for it.

The next panelist was **Francis Deng**, who became the second adviser in 2007, and the first to hold the office full-time. Prior to that appointment, he served as Representative of the UN Secretary-General on Internally Displaced Persons and originated the concept of sovereignty as responsibility, which eventually morphed into the Responsibility to Protect.

When dealing with internal conflicts, where citizens are victims of their governments, where do they turn? Sovereignty can act as a barricade, so the answer then becomes the international community. Deng had to convince leaders that the best way to protect their sovereignty was to discharge their responsibility to protect civilian populations. Deng also sought to redefine genocide as an extreme form of identity-related conflict characterized by marginalization, not belonging, etc. The office's analysis framework sets out the criteria for genocide, and this and other norms are used for training purposes. Deng believes that "constructive management of diversity" is the right approach when dealing with governments. This worked to change attitudes in Guinea and the ASEAN countries, giving further credence to a regional approach.

When asked what some of the challenges were to implementing the mandate and handling Sri Lanka, Deng stated that he sees challenges as opportunities. One has to be able to persuade governments to engage and cooperate, and sometimes that requires naming and shaming. During his tenure his approach was to speak with Security Council members one on one, and he only addressed the Council in an "informal informal meeting." Ethnic and religious divisions are elements to be addressed and require sensitivity. Deng closed his remarks by asking,

Can Rwanda happen again? Is Syria another Rwanda?

The third panel member was **Edward Luck**, who from 2008 to 2012 served as Special Adviser on the Responsibility to Protect. Luck began by saying that the complexity of the challenge of such a newly created role was welcome, as it signaled a move from rhetorical commitment to actualization. In considering the institutional context, Luck wondered how the office would fit into the structure of the UN. Operational development and application was an issue, and [the 2007–2008 electoral violence in] Kenya happened before political support was in place or built. While there was no strategy, it seemed to be a clear case for intervention; Nairobi is a UN capital and the situation appeared to be escalating to ethnic cleansing. Nevertheless, no UN entity lent support, other than the Secretary-General.

Luck then moved on to the cases of Libya and Syria, and the effect they've had on R2P support. Therein lays the paradox of Security Council activity not leading to office activity. Because of the language employed in Libya by Qaddafi, there was a quick response. The office had to be seen and heard on a variety of issues. With Syria, the international response now is being compared to when Assad's father was in power. In terms of an end game, conditions for genocide and reprisal crimes against Alawites are being created. In summer 2011, the office called what is happening in Syria crimes against humanity. There were active Security Council discussions but no resolutions due to difficult politics. A resolution on South Sudan, though, used R2P language as part of the peacekeeping mandate.

In his 2012 report, the Secretary-General emphasized timely and decisive response. It is necessary to assist states on an ongoing basis and remain flexible, without sequencing. There is also need for greater understanding and utilization of Chapter VI, Article 34 of the UN Charter, which states, "The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security." Luck believes that the use of force should not be a last resort, and the office is working on the

application of UN Charter Chapter VIII, Regional Arrangements.



From left: Francis Deng, Edward Luck, Juan Méndez. Photo © Sari Goodfriend

Audience Questions

Stephen Tebid, a retired journalist from Cameroon, asked Luck about madrassas in countries such as Nigeria and Palestine, institutions that train children to hate. He said these can be sources of genocide and need to be condemned. Luck responded that he didn't know enough about helpful developments, policies, and side effects. There are also social and cultural components to consider.

Catherine Barnes, of Eastern Mennonite University, asked about dilemmas and approaches. Highlighting his earlier comments, Méndez responded that protection, humanitarian assistance, peacemaking, and justice must all be covered in good faith and simultaneously, though there are different tools within each category.

Lisa Schirch, of the Alliance for Peacebuilding and Eastern Mennonite University, asked about the Responsibility While Protecting (RwP). Luck said the idea stemmed from Brazil's concern over the number of casualties that resulted from military intervention in Libya. One has to weigh the consequences of acting against those of not acting. R2P is an obligation to act in a way that maximizes positive outcomes while limiting negative ones. Libya was heavily armed before the intervention, which speaks to the nature of its politics, society, and neighborhood. Finally, one must ask what the motivations are, and how accurate.

Francis Deng replied that all three pillars of R2P must stand equally. R2P is not intervention and tools for prevention must be developed. This includes a report on Christians in Egypt, and

posing the choice to certain government leaders of religious or national unity. Governments must be engaged and Deng felt that during his tenure as Special Adviser, he could say anything if it was said the right way.

The next question came from **Joseph Klein**, UN correspondent for the Canada Free Press. He asked about R2P intervention vs. regime change. The reply was that R2P is regime change—in terms of the ways leaders act, not the name plates. Persuasion and pressure need to be applied in order to alter values, principles, and standards.

In his closing remarks, Deng said regional organizations allay fears of external (Western) intervention and give it legitimacy. In the case of Burma/Myanmar, ASEAN wanted to keep the UN out and were successful in transforming the country. Each body plays a different role, with a different approach. There should be mutual reinforcement and collaboration to lessen sensitivity.

Luck concluded by emphasizing that prevention is the core of R2P. Paragraph 138 of the World Summit Outcome Document states, in part: “Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means.” But prevention requires the will to respond. R2P is fundamentally a political movement. That is its strength and will be its future.

Finally, Méndez stressed that R2P is a doctrine. There needs to be a “culture of prevention” and those in the field are well on their way to creating it, as evidenced by the ICC and other such institutions.

Panel 2: Transitional Justice and Genocide Prevention

Moderated by Naomi Kikoler, Global Centre for R2P

After introductory remarks by moderator Naomi Kikoler, Professor **Elazar Barkan** of Columbia University kicked off by saying that there is dissonance between the tools of prevention and frustration at implementation or lack thereof, such as with Syria. He then delved into the topic

of transitional justice and conflict resolution. When it comes to democratization, ‘truth’ can be problematic, since testimony is usually only gathered from victims. Transitional justice is not a means to managing diversity or coexistence; the conversation is about the role of victims in post-conflict situations. There may also be an element of vengeance, hence the need to question victims’ role in nationalistic ideology.

Truth commissions and trials are mechanisms that capture public attention but, as stated earlier, are not adequate in managing diversity. Transitional justice addresses living survivors (and perpetrators) and not necessarily long-term history. There is a need to shape and influence the identity of actors who are in a position to commit atrocities. With the Armenian genocide and present-day Turkey, there is civil society engagement and an historical legacy. But there remain different truths. Prevention needs to expand its time horizon. Barkan went on to say that in the former Yugoslavia in the 1990s, people were re-fighting memories of World War II and transitional justice is more appropriate as a domestic mechanism.

The next panelist to speak was **Pablo de Greiff**, Director of Research at the International Center for Transitional Justice and UN Special Rapporteur on the Promotion of Truth, Justice, Reparations, and Guarantees of Non-recurrence. He said that transitional justice focuses on intervention at social and institutional levels, leaving a need for structural and cultural interventions. We need to acknowledge that accomplishment of consolidating the transitional justice field and its comprehensive approach. Transitional justice normalized itself—the paradigm has shifted from post-authoritarian conflicts to post-conflict situations. These differ in degrees of institutionalization, types of crimes/violations that need redress, and the kind and number of agents of violence. The Balkans and East Timor in respect to Indonesia are examples of cross-border implementation and De Greiff is certain the list will keep growing.

Transitional justice is undisciplined and does not engage in functional analysis. Transitional justice measures have accomplished healing, reconciliation, and strengthening the rule of law, but how? One has to take into consideration the fairness of the assessment of impact. Transitional justice is not a conflict resolution tool but is meant to overcome impunity gaps by 1) providing

recognition to victims; 2) contributing to strengthening confidence in state institutions; and 3) strengthening the rule of law.

Transitional justice measures are effective mechanisms of norm affirmation, with the power to (dis)articulate social groups, including catalyzing civil society organizations and dismantling others.

Next to speak was **Fabián Oddone** from Argentina's Ministry of Foreign Affairs. He stated that in Argentina, transitional justice has dramatically changed the human rights agenda. During the 1976–83 military dictatorship, 30,000 people disappeared and 500 babies were born in captivity. Civil society was the main actor in searching for truth and bringing about justice, which included reparations and the construction of memory. Certain laws and bargains in place necessitated a battle against impunity but trials are ongoing, and there have been more than 1,100 convictions thus far.

According to Oddone, there is no future without looking at the past. In order to diagnose patterns of discrimination, one must look at new laws on immigration, gender identity, marriage, and other factors. The international community plays an essential role in democratizing. Becoming a signatory to an international treaty or convention carries obligations. Each citizen must be part of an early warning system.



From left: Sheri Rosenberg, Fabián Oddone, Pablo de Greiff, Elazar Barkan, Naomi Kikoler. Photo © Sari Goodfriend

Professor **Sheri Rosenberg** of Cardozo Law School then spoke, saying that in the former Yugoslavia there are still different truths taught in different schools. Since Nuremburg, ex-post punishment has served as prevention. In regard to the ICC, "Individuals have a right to know."

That is to say, victims have rights. There is an unanalyzed presumption that punishment prevents. International criminal law brings to the fore the question of long-term, structural prevention vs. proximate, short-term prevention. It also acts as an immediate deterrent, because of its certainty and severity.

Rosenberg then discussed indictments and arrest warrants, which can exacerbate a situation. The fact that more indictees remain at large (such as Omar al-Bashir) and the controversy surrounding the Kenyan presidential candidates create a great deal of skepticism toward the ICC. There are also direct warnings and signals, such as was seen with incitement in Guinea and Côte d'Ivoire. Issuing arrest warrants while crimes are ongoing can constrain them.

Long-term, the complementarity of the ICC can empower national courts. Essentially the ICC's goal is to put itself out of business. It also serves to affirm/build norms and expressivism. Rosenberg closed by pointing out that Srebrenica happened two years after the International Criminal Tribunal for the former Yugoslavia (ICTY) was already established, and from 1941 on, the Allies had warned Germany.

Kikoler concluded by saying that transitional justice is part of the R2P toolbox. Parallel processes are necessary to set expectations, and for self-reflection and questioning. There was rampant impunity in Kenya not just for the 2007–2008 electoral violence but for about 100 years of human rights violations. As such, how does one mobilize political will? When and how does one implement transitional justice? There is a legal vacuum at the local level, and De Greiff said the implementation of transitional justice measures in current contexts is all about timing and sequencing.

Returning to the topic of the ICC, armies are requesting training on how not to run afoul of international humanitarian law. Barkan said that only transitional justice confronts the past, which must be integrated into building democracy and new norms.

Audience Questions

The first question was whether there is a reparative aspect to the ICC. The answer was the ICC does not have enough money for reparations.

The next question concerned individual accountability and impunity. Rosenberg replied that NGOs are drafting a manual with the ICC

reparations unit and the International Criminal Tribunal for Rwanda (ICTR) had a greater impact on the international community than on Rwanda.

De Greiff said reparations are for the direct benefit of victims. While central to a comprehensive policy, they are often overvalued.

Barkan described reparations as a symbolic measure, as there is often no adequate justice or compensation. The symbolism is meant to rebuild or restructure society.

Oddone concluded that every country needs to deal with its past in the way it can.

Lemkin Prize Acceptance Speech: Barbara Harff

I was asked to talk about my research and what it has meant to be a genocide scholar for some thirty years. So let me take you on a journey into the past, that is, to the dawn of comparative genocide research.

It is 1982: Upon returning from my first academic job in Melbourne, Australia, I gave my second scholarly paper at the International Studies Association Meetings in Cincinnati. I presented the findings on a comparative survey on attitudes toward genocide and intervention to an audience of two—one of whom left after ten minutes.

1988: This time we did better at the ISA meetings in St. Louis. Participants on two roundtables included pioneering genocide scholars Hilda and Leo Kuper, Helen Fein, Kurt Jonassohn, Frank Chalk, Herbert Hirsch, Roger Smith and Michael Freeman (a British political theorist). We attracted an audience of about thirty—including some Holocaust scholars, somewhat suspicious, who were wondering what we were up to. Here definitional issues and the uniqueness of the Holocaust took up much of the ensuing debates.

1995: the founding of our Association of Genocide Scholars in Williamsburg—that brought all of us together, though many of us had met before. We were from the beginning interdisciplinary—sociologists, psychologist, historians, political scientist, international law scholars, philosophers all came together trying to explain mass atrocities and hoping to find ways to prevent their re-occurrence. In my view the strength of our community rests upon the recognition that disciplinary boundaries are

artificial constructs. We need to learn from each other—only then can we understand why and how ordinary men become mass murderers, how group dynamics impact on individuals and vice versa, and why governments abandon civilization and kill their citizens en masse. How do political leaders use national resources to mobilize and energize bureaucrats, the military and police to conspire and participate in mass killings of members of groups designated as enemies?

Back one year to 1994: For me one of the more important events was the founding of the State Failure (now Political Instability) Task Force on the initiative of Vice President Al Gore. He wanted to know why revolutions and ethnic conflicts occur with some frequency, and why some regimes collapse. Genocide—and I added the term *politicide*—was on the bottom of the agenda. The task force was to use empirical research and statistical tools to evaluate existing theory and develop risk models. Not only was I the only female on the task force for a number of years, but last in line to receive attention for my research agenda. I think there was interest in the State Department and I was chosen because I knew empirical research, had published some quantitative analyses (testing empathy or the lack of it), and brought a dataset and the crazy idea that one needs to test hypotheses to be taken seriously by the scientific community and, even then, a lot of people in the military and intel community.

It was a dream come true to be potentially heard and taken seriously by the policy community. This had always been my target audience, not just other scholars. In my view, scholars need to listen to people in the field and those who make policy decisions. Not the least to better understand what they need from us. Just imagine if we could work together in preventing mass atrocities! Over the years the policy community has recognized that genocides and *politicides* have happened many times since World War II, and accepted *politicide* as a concept although the Albright-Cohen report still uses the term “mass atrocities.” Now imagine if we could offer in return a conflict resolution toolbox tailored to deal with pre-genocidal violence. Ideally we could develop response scenarios that would take into consideration cultural differences and the capacities and interests of potential interveners.

Let me briefly and boldly assess the state of our discipline.

How are we doing? We have lots of good case studies and could use more, past and present, especially of high-risk cases to learn more of how to prevent escalation into geno/politicide.

Explanations—we are doing OK. To advance the field we need quantitative as well as qualitative analysis. We should not insist that quantitative analysis is the only way to proceed. Yet why not emulate the hard sciences? Probabilities are better than educated guesses. I don't know how many times I had been tackled by prominent scholars such as Seymour Martin Lipset—on how I could do serious research, meaning using accepted scientific tools on a topic that has neither the necessary number of cases nor significant number of scholars ready to generate reliable data and test hypotheses.

For me the task from the beginning was to do case studies—identify historical cases (I did put together a formal dataset identifying forty-six cases post-World War II) and generate data for causal variables identified by my fellow researchers. The next task was to test models in order to do formal risk assessment, allowing for replication to improve our current assessments. I have seen within the last year at least three papers to be published by other scholars that test and retest the model used in my original risk assessment in 2003—using more sophisticated analytical tools and adding new data.

Risk assessment we do fine—early warning, not so. Here I mean tracking daily relevant political events based on models designed to explain the dynamics of genocidal evolution. I had done it for the Clinton Administration—it was too time-consuming—and yet we learned a lot by doing it. That is, we were able to identify factors that rapidly escalate skirmishes to genocide. It is simply not enough to take snapshots at yearly intervals. We need time-sensitive models that can be used as tracking devices to know where countries are in conflict development. A word of caution—it is simply not enough to rely on country experts (I was one—on the Mideast). Knowing what happens globally and in the neighborhood, or which situations would attract international attention and where we are in conflict development and what type of conflict we can expect, go beyond the training of country or area experts. At the same time, reality

checks for fine-tuning responses are very much in the realm of area experts.

2004: The highlight of our community was the Stockholm Forum on the Prevention of Genocide—and here I want to give special recognition to Yehuda Bauer, without whom this conference would have not taken place. Once upon a time, Yehuda was thinking of the Holocaust as unique—he has changed his mind and has become an advocate for the genocide community.

Why was Stockholm so important? It brought together heads of state, foreign ministers of fifty-five countries, policymakers, scholars, activists, and promises to end genocide in the 21st century. I had suggested inviting Rwanda's president Kagame, who after receiving a copy of my then-risk assessment, which showed Rwanda still as a possible candidate for genocidal violence, publicly declared that there would never be another genocide in Rwanda—we'll see. And this is what we want, a political leader who is sensitized to international opinion and who recognizes that others are watching.



Barbara Harff
Photo: Alex Zucker, AIPR

Let me conclude with some suggestions to the very talented younger generation and the policy community. We are short on studies that give us hands-on advice to deal with not just

future Macedonias, but future Burmas, Syria, Indonesia, and Rwanda.

These are some lessons learned through my early warning tracking research which could help guide future research agendas.

- Track refugees—those who cross borders and those who are internally displaced—and find out how rebel groups and the government deal with such people, including neighboring countries that provide so-called safe havens.
- Track small arms flow and external support for rebels. These actions often provoke governments to preempt perceived threats.
- Check on state capacity to deal with crises. Weak governments may respond to unrest with disproportionate violence.
- De-ethnicize conflict. Stop hate propaganda—consider counter-propaganda.
- Track behavior of kindred groups in neighboring countries. Track militia development. Avoid catering to minority political elites.
- International actors need to provide human security and stabilize borders. Empty threats are counterproductive.
- Track media restrictions.
- Sometimes good intentions have unintended consequences. Let me give you one odd example. We tracked Indonesia for a number of years—in 2002 the expulsion of Saudis from Maluku increased membership of the militant Laskar Jihad.

Now to Syria: it was highest and second-highest on our last two risk lists before escalation to extreme violence—we are talking about geno/politicide. What to do? Considering the Assad regime's past murderous treatment of the Muslim Brotherhood, it should come as no surprise as to what has happened in the last two years. Of course we are hamstrung by the neighborhood and the odd combination of countries that to some degree still support the regime. Western observers have always underestimated the strength of tribal ties and kinship in Arab societies. In addition, Shi'a and Sunni loyalties cannot be underestimated. We will have to deal with the axis that links Iran, Syria,

Hezbollah, part of Afghanistan, most Bahrainis, and possibly northern Yemeni Shi'a. And we have to moderate Saudi influence in Sunni-majority countries.

Let me conclude on a personal note. As a German-born genocide scholar, I wanted retribution against Nazis responsible for the death of millions. But as a teacher, I had to reign in my emotional and instinctive responses and teach respect and tolerance as a base for human interaction. Yet as genocide scholars we cannot tolerate the criminal behavior of perpetrators. We have to take sides to save the many. The challenge is how academic research can contribute to that goal.

Panel 3: Crisis Mapping, Technology, and Genocide Prevention

Moderated by Shashi Kara, Cardozo Law

The first panelist was **Jennifer Leaning**. As director of the FXB Center for Health and Human Rights at Harvard University, part of her job is to look at patterns of suffering. In this context, “suffering” is defined as acts such as mass atrocities, crimes against humanity, and genocide. Data lead to patterns, patterns lead to understanding, and understanding ultimately leads to policy.

Human beings understand situations best when data is visual. When relationships are apparent, it facilitates more questions. It is important to look for patterns because these processes flux; they are departures from the baseline. Inflections are added. Sentinel events and indicators signal shifts. Throughout history, pattern-tracking has been applied to cholera, famine, population strategies, refugee populations, and households. Geolocation or data reveal associations because there is visual representation, giving rise to clearer analysis. This includes patterns, observation, investigation, trend analysis, and noting escalation.

Certain patterns and expressions of suffering can be observed and framed as escalation scenarios. It is possible to develop a library of patterns that can give robust indications. The next steps are to expand inputs, leverage new technologies, and produce powerful analytics.

Next was Professor **Colette Mazzucelli**, whose professional focus is crisis mapping. She discussed the emergence of the Ushahidi plat-

form, open-source technology originated in the days following the 2007–2008 Kenyan electoral violence. *Ushahidi* means “testimony” in Swahili, and the platform was originally used to report riots, deaths, property loss, looting, etc. It has evolved from 45,000 users in Kenya in 2008 to worldwide use today, with contributions coming via e-mail, text messages, tweets, and smart-phone apps. *Ushahidi* changed while on the ground in Libya and can be used for a variety of purposes, such as emergency needs and response.

One concern is that these technologies cannot accommodate a large volume of data. The difficulty is visualizing and making sense of the data received, and determining its relevance for analysis. How is the data received, organized, and used to make predictions? One way is to organize reported incidents by type, tracking them chronologically and using graphic illustrations and maps.



From left: Jennifer Leaning, Colette Mazzucelli, Zach Romanow. Photo: Rachel Shapiro, ICRtoP

In this field, context is king. Mapping is crucial in monitoring elections and is responsible to its historical relevance, accounting for both past and future narratives. It is important to think about how the local relates to the global. Local community leaders are the lynchpin of the mapping community.

There is also an ethical consideration when it comes to mapping. While the technologies help garner understanding of what is happening locally, mappers are placed at risk, potentially targeted by those who want to prevent the dissemination of information. Then there is an issue with the data itself—how is it verified? What is

the appropriate data to use and what is the appropriate method? Also, how does one link sovereignty as responsibility? Crisis mappers connect the individual to this idea. Local leaders are trained to use the technology, making them capable and, therefore, responsible. This creates a space of accountability.

The community of mappers is emerging as a transnational advocacy network. It is looking to the social field and current needs to see who can meet those needs. It works off of the social elements contained in Raphael Lemkin’s definition of genocide. Going from local to global back to local, the community seeks to constructively manage diversity.

The third speaker was **Zach Romanow**, a philanthropic engineer at Palantir Technologies, a software company. He combines open-source data, geo-satellite data, and unstructured closed-source data such as reports from governments and NGOs as a means of preventing atrocities and responding to humanitarian needs. These are tools that enable practitioners to better understand information flows in the region, maintain situational awareness, and be in a better position to respond. The software looks at aid provision, bombings, attacks, deaths, outbreaks, events, acts of God, weather, and more. The technology needs to be flexible, especially since in conflict zones, the data is often “dirty” and rarely simple. There is a need for tools to fuse the different elements. Lastly, technology needs to be built with the user in mind. If it is overly complicated, those who encounter the data will be less likely to use it.

Audience Questions

Question: There are two functions of crisis mapping: the ability to fact-find and enhanced presentation of information. Traditional fact-finders use witness reports with “do no harm” as a rule, no repeated trauma, and they constantly deal with issues in verification. With these new methods, are we dealing with different kinds of ethical questions entirely or is it just difference in degree (DNH at macro level; tons of verification issues)?

Leaning: It’s like a Venn diagram. You have traditional mapping, then you have modern crisis mapping, and between the two there is lots of overlap. Existing precepts should reign (yes, try to verify and yes, DNH). This issue is weighted with the consequences and stakes of atrocity.

Mazzucelli: It's a question of degree rather than difference. Can it dramatically affect issues on the ground.

Romanow: This is a key question. We have to be aware of the effects of our work.

Question: Open-sourced intelligence is only used once "bad" events have already started. How do you look earlier?

Romanow: As far as historical data, the more signal you have, the better. We were talking earlier about going back and trying to use the technology we have now to go back and see what, if any, indicators were present before things like Kosovo or the Rwandan genocide. Could we have used that to predict what would happen? If so, can we use it now in similar situations as early warning indicators? We can't know.

Question: Will the danger of technology fetishism crowd out other kinds of data, data that is difficult that can't be rendered visual? What are the limits of this technology?

Mazzucelli: We rely on technology to fill the gaps that it can without over-relying. It's all about balance. It's up to educators to recognize that is just one of many tools.

Kara: It's about the presentation. There are advantages to having something up on the web, it's very compelling. Dangerous disclosure is a disadvantage to having it public. What are the considerations when you make something public and make it private?

Romanow: We support Invisible Children and its sister organization, Resolve, who do real-time mapping, get out the vote efforts, and have their own efforts. We rely on their sense of what is appropriate to make public.

Leaning: This is the dream ideal: historians sitting around a platform like Palantir and able to contextualize that data; building a visual display of everything they do. Iterative relations between and among minds that can make those key decisions about disclosure.

Question: How do you channel data analysis to decision makers and those who push decision makers (NGOs)?

Romanow: We are connected through partnerships. Technology can't create political will.

Mazzucelli: This does happen. In Libya in 2011 the Standby Taskforce was activated through the UN, and mappers filled in UN officials on the ground from UNHCR, OCHA, and Amnesty.

Question: What about Darfur?

Leaning: If they had seen the historicity of the Darfur crisis in the '80s and '90s, it would have changed the understanding. They would have known it was a cycle of violence. Drones and satellites would have helped with mapping.

Romanow: Yes, there needs to be a distinct capacity to set up standards.

Mazzucelli: Analysts are needed, and young people are essential. A comparative perspective is useful.

Panel 4: Organizing Government to Prevent Genocide

Moderated by Tibi Galis, Auschwitz Institute

Following introductory remarks by moderator Tibi Galis, **Onyinye Onwuka**, of the ECOWAS Commission's Early Warning Directorate in Nigeria, opened by saying that she speaks from a West African perspective and, more generally, an African perspective. The West African region is one of the poorest regions in both Africa and the world and is home to a great deal of intractable conflict, i.e., Mali, Guinea, Guinea-Bissau, and Côte d'Ivoire. Therefore, out of necessity, Africa has made tremendous progress in terms of institutionalizing mechanisms for fighting conflict, genocide, and mass atrocities. From an African Union perspective, there has been a Constitutive Act in place since 2000 that provides for "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."

Dealing with issues of sovereignty and supra-nationality of regional organizations, ECOWAS has long been at the fore of regional initiatives. As the Cold War was drawing to a close, conflict escalated in Liberia, Sierra Leone, and other parts of Africa. There were no instruments or institutionalized intervention at the time, so issues of R2P and a legal framework started ad hoc. By 1999, though, ECOWAS had developed its regional framework for conflict prevention, the landmark of which is the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security. That same year ECOWAS also created the Council of the Wise, comprised of indigenous

members tasked with mediating and preventing conflict.

Onwuka concluded by saying that, “Genocide is our human security concern.” Conflict and its impact are comprehensive. In Africa, identity-related conflict, struggle for resources, and competition for space are all rampant. People manipulate issues of identity, in addition to the presence of concentrated greed.

The next speaker was **Victoria Holt**, of the US State Department’s Bureau of International Organization Affairs. She began with the question, Why does prevention matter? Whether you start with World War II or the end of the Cold War, policymakers have a sense of “we could have done better, we could have done more.” The Genocide Prevention Task Force (2008) looked at whether the U.S. government was well organized to prevent genocide and mass atrocities. How good is the U.S. government when it comes to early warning, prevention, response, and accountability? The task force validated that this was a unique problem with moral and strategic weight.

But presently, no one’s day job is prevention. There is no overarching policy framework, either, to deal with prevention. The 2010 National Security Strategy contained a whole paragraph on the prevention of genocide and mass atrocities but the Foreign Service remained skeptical. That is, until more government documents contained similar language and content. Then President Obama issued the Presidential Study Directive on Mass Atrocities. This is only the 10th Presidential Study Directive in history, which underscores the importance of the issue.

The State Department had to figure out how to work together to see things earlier and identify common signs, flashpoints, and indicators. They also had to narrow down the subset of countries at greatest risk.

Holt then discussed the challenges the department faced: What are mass atrocities? What is genocide? Does this compete with R2P? What about protection of civilians?

American diplomats around the world know that having to confront instances of mass atrocities or genocide is a potential reality for them. They need tools, not speeches. They have to consider who America’s partners are and what has worked in the past. To this end, the Foreign Service Institute now offers a course covering these topics.

According to Holt, governments are about leadership and management. They are not learning institutions. To develop indicators, it is necessary to ask another set of questions: Who is threatening whom with what and why? Is this situation one that can escalate out of control? What minority groups are at risk? This was all put into interagency discussions and “routinized.” It is also necessary to look for flashpoints, such as elections, other quick changes of government, and land disputes. UN peacekeepers are being trained to respond to flashpoints in the regions in which they are deployed.

Holt’s department now holds monthly and weekly meetings to discuss these initiatives. It is the United States’ moral responsibility and in its strategic interest. Holt then ended by noting that in this area, the government is just starting and is modest. They’ve begun the conversation with themselves. They are ambitious and hope to learn from others.

Following Holt was **Beth Van Schaack**, of the State Department’s Office of Global Criminal Justice. She said the Department of the Treasury is working to see how to use sanctions as a deterrent and a means of preventing mass atrocities. They have been working with NGOs and other international partners to encourage good governance by compiling the requisite information to apply sanctions, as has been done with counter-terrorism. In this regard, the office has also been working with the European Union. To bring more countries and organizations into the fold to work together, the office has been using multilateral, bilateral, and regional outreach.

In addition to sanctions, Van Schaack said her office has been exploring how to encourage specialists who possess the skills to analyze hate speech, the use of child soldiers, or similar issues, to come together and aid governments in places where embassies can become overwhelmed processing such a plethora of information. Said information is collected through governments, embassies, alert channels, and tip lines. The office must ensure that it then gets to the right people at the right time.

Robust responses and accountability are key in preventing a culture of impunity. Van Schaack’s office existed before the Atrocities Prevention Board (APB) was created, as did much of the APB’s work. It has now been elevated and placed within an interagency context that makes it part of a national policy.

The final speaker was **Ramiro Riera**, Program Director of the National Department of Human Rights and International Humanitarian Law at the Ministry of Defense in Argentina. He discussed his country's national mechanism for genocide prevention, which will be officially established by presidential order. The Ministry of Defense had proposed creating an institutional body responsible for implementation of genocide prevention policies. Argentina has been a signatory to the UN Genocide Convention since 1956, which is included in the Argentine legal system.



From left: Beth Van Schaack, Ramiro Riera, Victoria Holt, Onyinye Onwuka. Photo: Rachel Shapiro, ICRtoP

The action plan of the UN Secretary-General in 2004 and the launch meeting of the network in March 2012 together resulted in the creation of the national mechanism. This prioritized the concept of genocide prevention education in the Argentine government. The mechanism's goal is inter-institutional work in genocide prevention. Its mission is two-fold: to establish a communication and information-sharing network to gather information to send to the UN if necessary, and to create and implement a genocide prevention curriculum.

The mechanism's three tasks are to establish an early warning system, cooperate with NGOs and scholars on international humanitarian law, and organize training seminars on topics such as international criminal law and R2P. It also seeks to develop a training curriculum in genocide and mass atrocity prevention to continue training all involved governmental bodies. The mechanism coordinates with the Organization of American States (OAS), Mercosur, the Office of the Special

Adviser on the Prevention of Genocide (OSAPG), the Human Rights Commission, and the Inter-American Commission on Human Rights, among others.

Mechanism members include, but are not limited to, the Ministry of Defense, the Ministry of Foreign Affairs, the Ministry of Security, Education, and Justice, the Secretary of Human Rights, and the National Institute Against Discrimination and Xenophobia. These members will be parties to the mechanism for one year, and must submit to the authority of each working member in creating the mechanism's agenda and progress reports.

A council for genocide prevention will also be created as the advising and coordinating party to work with civil society. Each member will be represented on the council. Additionally, a federal network for genocide prevention will be established to create and coordinate national, regional, and local policies. In November 2012, the Auschwitz Institute and the OSAPG organized a training program for all members of the national mechanism, and offered them advice on implementing public policy in genocide prevention.

Audience Questions

Onwuka spoke about the structure of Nigeria's early warning system. Governments and civil society are utilized for information gathering and open sourcing. The information is already out there but needs to be obtained, processed, and verified. Working with civil society has been huge, due to its grassroots capabilities. It helps governments understand the meaning of R2P in Africa, including the focal point initiative. It also allows the International Conference on the Great Lakes Region (ICLGR) to construct what R2P means from the ground up so that people don't see it as a Western-born plot. Political will is the key to an effective early warning system. That is built by continually talking about it, and training and informing government officials to the realities of the situations.

Visiting scholar from Sudan to Onwuka: The African Union (AU) is engaging with Omar al-Bashir, but they failed to stop the atrocities in Sudan. In a way, they have helped him. Are you evaluating/working on this? Under Article 4, the AU has an obligation to intervene but they have not. They have abstained. The US has helped, in

that Colin Powell described what was happening in Darfur as genocide. But nothing is happening and the conflict has spread to Abyei and Kordofan.

Onwuka: Speaking as an ECOWAS official, it's complex. One must deconstruct the meaning of all these international contexts, and it's very difficult. Many question why Africans are going to the ICC instead of being tried in Africa. I don't have the answers, it's politics. There is engagement now with issues of R2P.

Holt: We have no magic wand. We have great ambition but no way of achieving it easily. There is no easy answer but constant attention is applied and may result in increased action.

Professor **Ted Perlmutter**, Columbia University: In discussing information sharing and focal points, how do we politically coordinate and what are the challenges to getting both of these right? My suggestion in thinking about this is, maybe we shouldn't focus on top-level issues like Libya—those get taken up by politics and are dealt with by politicians. So perhaps this should also apply in early warning. What areas can we intervene in early enough to prevent a situation where politics would take over? One example of an effective intervention would be Côte d'Ivoire. Should we focus our efforts on cases where focal points and early prevention would be most effective? How?

Holt: We try not to focus on just the big headlines, but on the ones that haven't escalated too much, because the more you wait, the harder the decisions become. In terms of an early warning system, we have sustained high-level visits and diplomatic engagement that don't make headlines. We don't make a big deal of it, but rather treat it as everyday work. Sometimes, the most important thing is to know the tools of your government and not be afraid to use them. We don't want people to feel like bringing these things up is a bad thing, we want to encourage our employees to work on it.

Alex Buskie, United Nations Association of the UK: How do you ensure that elected representatives are behind the coordination at a bureaucratic level? How do you inform them of the agencies and tools being set up for an early warning system and genocide prevention policies?

Van Schaack: We haven't done a good job of it. We're still trying to engage Congress more. As a result, the APB is unfunded. It doesn't have a full-time staff, just people pulled in from different

departments. It's hard to raise money for it and hard to build a national constituency sensitive to genocide prevention so that people are asking their congressmen about these things. We should all do more of this at the local level. Grassroots local action will be what prioritizes this topic in the U.S.

Annex: Conference Program

9:00 a.m. Keynote Speaker: Lt. Gen. (ret) Roméo Dallaire, Canadian Senator

10:00 a.m. The United Nations Office on the Prevention of Genocide and the Responsibility to Protect: An Evolving Institution

Moderated by Gillian Kitley, Senior Officer, UN Office on the Prevention of Genocide and the Responsibility to Protect

Ambassador Francis Deng, Permanent Representative of South Sudan to the United Nations; Special Adviser to the UN Secretary-General on the Prevention of Genocide

Edward Luck, Dean, University of San Diego School of Peace Studies; Special Adviser to the UN Secretary-General on R2P

Juan E. Méndez, Visiting Professor of Law, American University – Washington College of Law; UN Special Rapporteur on Torture and other Cruel, Inhuman, and Degrading Treatment of Punishment; Special Adviser to the UN Secretary-General on the Prevention of Genocide

11:45 a.m. Transitional Justice and Genocide Prevention

Moderated by Naomi Kikoler, Director of Policy and Advocacy, Global Centre for the Responsibility to Protect

Elazar Barkan, Professor of International and Public Affairs and Director, Institute for the Study of Human Rights, Columbia University

Pablo de Greiff, UN Special Rapporteur on the Promotion of Truth, Justice, Reparation, and Guarantees of Non-recurrence of Serious Crimes and Gross Violations of Human Rights

Fabián Oddone, Chief of Section, Foreign Policy, Defense and Security Section, Embassy to Brazil, Ministry of Foreign Affairs, Argentina

Sheri Rosenberg, Professor of Law, Benjamin N. Cardozo School of Law

1:30 p.m. Lunch

Barbara Harff, Professor of Political Science Emerita, U.S. Naval Academy; Visiting Scholar, Department of Political Science, University of Nevada, Las Vegas, receives the **Raphael Lemkin Prize** from the Auschwitz Institute, in recognition of her outstanding contribution to the cause of genocide prevention.

3:00 p.m. Crisis Mapping, Technology, and Genocide Prevention

Moderated by Shashi Kara, Program Consultant, Program in Holocaust and Human Rights Studies, Benjamin N. Cardozo School of Law

Jennifer Leaning, Francois-Xavier Bagnoud Professor of the Practice of Health and Human Rights, Harvard School of Public Health; Associate Professor of Medicine, Harvard Medical School; Director, FXB Center for Health and Human Rights, Harvard University

Colette Mazzucelli, Associate Adjunct Professor, Center for Global Affairs, New York University; Chair, Academic Advisory Council

Zach Romanow, Philanthropic Engineer, Palantir Technologies

4:45 p.m. Organizing Government to Prevent Genocide

Moderated by Tibi Galis, Executive Director, Auschwitz Institute

Victoria Holt, Deputy Assistant Secretary, Bureau of International Organization Affairs, U.S. Department of State

Onyinye Onwuka, Program Officer, Early Warning Directorate, ECOWAS Commission, Nigeria

Ramiro Riera, Program Director, National Department of Human Rights and International Humanitarian Law, Ministry of Defense, Argentina

Beth Van Schaack, Deputy to the Ambassador-at-Large for War Crimes Issues, Office of Global Criminal Justice, U.S. Department of State