



Statement to the Regional Forum on the Prevention of Genocide
by
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Secretary-General on the Prevention of Genocide
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Your Excellency President Jakaya Kikwete,
Your Excellency former President Benjamin Mkapa,
Excellencies, Ladies and Gentlemen.

I am extremely honored to be here and more importantly, for the opportunity to address this important Forum. I would like to thank the conveners of the Forum, the Governments of Tanzania, Switzerland and Argentina for bringing us together to discuss this very important issue that also falls under my mandate as the UN Secretary-General's Special Adviser on the Prevention of Genocide.

I am also honored to be on this first Panel with very distinguished colleagues, who have a profound wealth of expertise in their own respective areas and are willing to share them with us.

Excellencies, Ladies and Gentlemen, in addressing the subject matter of this Panel, allow me to begin with the normative basis of genocide prevention.

What is genocide?

The 1948 Convention on the Prevention and Punishment of the Crime of Genocide Article 2 defines genocide as:

“Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such; (i) killing members of the group; (ii) causing serious bodily or mental harm to members of the group; (iii) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (iv) imposing measures intended to prevent births within the group; and (v) forcibly transferring children of the group to another group.”

Genocide is one of the most heinous crimes, which humanity can rightly be assumed as united in its determination to prevent and punish. For the same reason, genocide evokes denial from both the perpetrators and those who would be called upon to stop it. That is why

my Office has focused on preventive measures to be taken before situations escalate to the point where the stakes become so high on all ends and denial sets in.

I see genocide as an extreme form of identity conflict, which differentiates groups on the basis of nationality, ethnicity, race and religion. As most countries comprise different national, racial, ethnic or religious groups, the potential for genocide is truly global, although some regions are more vulnerable than others. Sadly, Africa is one of those regions.

It must be emphasized that differences alone do not cause conflict; it is the inequitable management of the differences that precipitates violence. Some groups enjoy the rights and dignity of citizenship, while others are discriminated, marginalized and excluded. Not all countries perform equally; some perform well in managing diversities constructively, while others fail dismally. That is why we are conducting case studies of both success stories, capable of being emulated, and of failures to be avoided.

In order to analyze and anticipate the risk of genocide, my office has developed an Analysis Framework, which we use to evaluate any given situation. Although this is still an internal document, when fully developed and finalized, it can act not only as a tool for assessing the risk of genocide, but also a mechanism of prevention. States should be able to see themselves “in the mirror”, assess their performance by the criteria of the prevention scale, identify problem areas needing attention, and take remedial measures for preventing escalation to genocidal levels.

The core elements of the Analysis Framework are: (1) *Inter-group relations, including record of discrimination and/or other human rights violations committed against a group.* (2) *Circumstances that affect the capacity to prevent genocide.* (3) *Presence of illegal arms and armed elements.* (4) *Motivation of leading actors in the State/region; acts which serve to encourage divisions between national, racial, ethnic, religious groups.* (5) *Circumstances that facilitate perpetration of genocide (dynamic factors).* (6) *Acts of genocide.* (7) *Evidence of intent “to destroy in whole or in part ...”* (8) *Triggering factors.*

Prevention Tools

If early prevention is the best course of action, as we contend, the role of the national authorities becomes the first line of action. In that connection, I have advocated the concept of “Sovereignty as Responsibility”, a principle which we developed at the Brookings Institution’s Africa Project in the early 1990s, and used in the implementation of my mandate as Representative of the Secretary-General on Internally Displaced Persons from 1992 to 2004.

This principle sees sovereignty positively as a concept of State responsibility to protect its people, if necessary, with the support of the international community. Should the State lack the capacity and/or the will to discharge that responsibility, and masses of people are

suffering and dying, then the international community is called upon to step in more assertively to fill the vacuum of responsibility. This concept has now evolved into the Responsibility to Protect, and we are privileged to have at this Forum my colleague Professor Edward Luck, the Secretary-General's Adviser on the Responsibility to Protect, who will share with us more on the subject when he speaks.

The primary prevention tools at the disposal of the State includes national criminalization of international crimes (genocide, crimes against humanity and war crimes); incorporation of international human rights standards in domestic legislation; ratification of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, and the Rome Statute of the International Criminal Court; promotion of good governance, democracy and constitutionalism; and respect for all human rights. The objective must be the creation of a national framework where all groups can identify with pride and dignity as citizens without discrimination, based on such identity factors as race, ethnicity or religion.

The role of the international community, especially regional organizations, in assisting the State to discharge its national responsibilities is crucial. Regional mechanisms have demonstrated consistently that they are well positioned as the second tier of response to these situations, although the lack or weakness of the requisite capacity may necessitate partnership with the wider international community. This calls on such regional organizations as the African Union (AU), the European Union (EU), the Organization of American States (OAS), the Arab League, the South East Asian Nations (ASEAN) and even sub-regional organizations to play a bigger preventive role. This also requires the development of regional mechanisms, in accordance with international standards.

Implementation and Political Will

I have often stated that mine is an impossible mandate that has to be made possible. My main objective has been to de-mystify genocide from being viewed as a highly emotive and sensitive issue to be avoided, to that of a horrific crime that can still be prevented through the constructive and equitable management of diversity. Initially, colleagues within the UN system and Member States were concerned about the complication which the sensitivity of the mandate imposes on our joint work. Whenever we sought to get involved in any given situation, our presence was viewed as a risk factor.

Through awareness raising and explanation of our approach, the mandate is now increasingly being seen as less threatening. Colleagues have begun to understand that our catalytic role does not complicate their work but rather complements it. My office now participates in many UN inter-agency/departmental, policy and working group meetings. Their contributions continue to de-mystify our mandate and promote the collaborative approach needed to make the seemingly impossible challenge possible.

On the side of Member States, I have held many bilateral meetings with Permanent Representatives in New York to brief them on the mandate and my approach. I have also established a monthly procedure of meetings with every in-coming President of the UN Security Council to brief them on my approach to the mandate and the work of the Office, including when necessary, exchanges of ideas on country specific situations. I have also briefed the President of the UN General Assembly and discussed how I could engage the General Assembly more directly in the work of my office.

The most significant of all has been my regional approach to engage Member States. In this regard, I must say that our engagement with the African Union has been very constructive and I was honored to formally address the African Union Peace and Security Council and the Panel of the Wise in November 2009. I was very encouraged by the support they extended to my mandate and our work. We agreed to collaborate on country situations and early warning mechanisms.

I have also established collaborative interaction with the Inter Governmental Authority on Development (IGAD). We plan to explore possibilities for further collaboration, especially on early warning mechanisms and country specific situations. I am also in the process of establishing relations with the Economic Community for West African States (ECOWAS) and will be undertaking a mission to West Africa shortly after this Regional Forum.

Collaboration on genocide prevention must include Non-Governmental Organizations (NGOs) and other actors. Accordingly, we have established working relations and collaboration with the civil society groups, research institutions, think-tanks and academics working on the prevention of genocide. The role of these actors as partners is vital to our work and complementary to the work of regional and international organizations.

Overall, significant ground has been gained on the political will and the constructive engagement of Member States on genocide prevention. The challenge is how to transform this constructive engagement into concrete steps to address situations of concern. My involvement in any particular situation or country does not necessarily mean that there is a risk of genocide. I should emphasize that our mandate is on prevention and not on determining whether genocide has been or is being committed. It is incumbent upon every country, regional organization, civil society and the international community at large to work collaboratively with the United Nations on the structural prevention of genocide through good governance, constructive management of diversity and equitable respect for human dignity of all identity groups.

Challenges and Opportunities

Challenges

Some of the challenges facing the prevention of genocide work include:

- (a) Existence and persistence of political sensitivities towards the term genocide, by many actors including those who are affected and those who would be called upon to prevent.
- (b) Establishing a universally acceptable threshold, determining when to intervene or conclude to agree on the existence of the risk of genocide. Prevention requires early warning and decisive response, yet there is neither consensus on the indicators nor who should take the lead in situations, which the Special Adviser has concluded existence of risk.
- (c) Some governments remain reluctant to allow access to the UN and international community actors working on the prevention of genocide into the country.
- (d) Implementation of UN resolutions relating to prevention work. In situations where the Special Adviser may be involved, the Security Council or the General Assembly could have adopted resolutions relating to conflict prevention but implementation could be lacking or faltering.

Opportunities

There are equally a number of opportunities that we can build on in prevention. Some of the opportunities include:

- (a) There is a fairly well developed normative framework relating to the prevention of genocide (e.g., 1948 Convention on the Prevention and Punishment of the Crime of Genocide, international human rights and humanitarian law norms, Statute of the International Criminal Court, relevant jurisprudence of international courts, tribunals and bodies, as well as national courts).
- (b) General acceptance of the doctrine of ‘sovereignty as responsibility’ and the ‘responsibility to protect’ as reflected in the 2005 Summit Outcome Document.
- (c) The fact that situations leading to genocide often takes years, during which much preventive work can be done.

Conclusion

It is clear that prevention of genocide entails the building of robust national institutions that people can trust and also building societies that respect the diversity of religion, ethnicity, nationality and race. Many conflicts have been fought on the basis of identity and because of exclusion and marginalization; the international community should be united in addressing such cleavages, and support governments to guarantee the full enjoyment of human rights without discrimination on the basis of ethnicity, nationality, religion or race. Upholding the

rule of law, effective constitutionalism, good governance and combating impunity are integral to the structural prevention of genocidal conflicts. All these are hallmarks in preventing genocide. Thank you for your kind attention.