

Report on the Work of the Office of the
Special Adviser of the United Nations Secretary-General
on the Prevention of Genocide

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ANNEX I: S/2004/567

ANNEX II: LIST OF RESPONDENTS

1. Introduction

1.1. This Report has been prepared at the request of the Special Adviser to the United Nations Secretary-General on the Prevention of Genocide, Mr. Juan E. Méndez. Its objective is to review the work of the Office of the Special Adviser in implementing the mandate established by the Secretary-General in his letter dated 12 July 2004 to the Security Council (Annex I attached hereto), to gather and assess the views and expectations of the mandate within the United Nations system, and to provide recommendations and options for further action with a view to improving the effectiveness of the Office.

1.2. The Special Adviser was appointed by the Secretary-General on 12 July 2004. The Office was established in late October 2004, staffed by two professional officers in January 2005, and is still in a preliminary phase of activities despite increasing engagement in various situations. A review of the work of the Office at this early stage was deemed opportune in order to ensure that the insights of relevant actors within the United Nations system are taken into account in shaping the mandate and establishing a solid foundation for future activities.

1.3. The Report was prepared primarily through a series of interviews with over forty persons, including officials within the United Nations Secretariat, representatives of several Member States, interested non-governmental organizations and experts in the field of genocide prevention (a list of respondents is included in Annex II attached hereto). In addition, various documents, deliberations, reports, and articles from United Nations, governmental, non-governmental, and academic sources were considered with a view to further ascertaining the perspectives and practices of Member States and other actors on relevant issues. At the request of the Special Adviser, the Report was prepared to coincide with the 2005 World Summit and the related deliberations on UN reform. Thus, the interviews were conducted in a relatively

short-time frame, during September and early October, and the range of respondents is consequently limited in scope. Furthermore, some Member States with possible misgivings about the mandate did not respond to requests for an interview, and their perspectives may therefore not be fully reflected. Nonetheless, the diverse views considered in the Report represent a broad cross-section of the United Nations Secretariat, Member States, and civil society.

2. Origins of the mandate

2.1. The mandate of the Special Adviser is a direct response to the recent failures of the United Nations to take effective preventive action against genocide as outlined respectively in the Report of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda (S/1999/1257) and the Report of the Secretary-General pursuant to General Assembly resolution 53/35 on the fall of Srebrenica (A/54/549). In resolution 1366 of 30 August 2001, the Security Council reiterated “the shared commitment to save people from the ravages of armed conflicts”, acknowledged “the lessons to be learned for all concerned from the failure of preventive efforts that preceded such tragedies as the genocide in Rwanda [...] and the massacre in Srebrenica”, and resolved “to take appropriate action within its competence, combined with the efforts of Member States, to prevent the recurrence of such tragedies” (S/RES/1366 (2001), preambular paragraph 18).

2.2. In operative paragraph 5 of resolution 1366, the Security Council:

Expresses its willingness to give prompt consideration to early warning or prevention cases brought to its attention by the Secretary-General and in this regard, *encourages* the Secretary-General to convey to the Security Council his assessment of potential threats to international peace and security with due regard to relevant regional and subregional

dimensions, as appropriate, in accordance with Article 99 of the Charter of the United Nations.

Furthermore, in operative paragraph 10, the Council:

Invites the Secretary-General to refer to the Council information and analysis from within the United Nations system on cases of serious violations of international law, including international humanitarian law and human rights law and on potential conflict situations arising, inter alia, from ethnic, religious and territorial disputes, poverty and lack of development and expresses its determination to give serious consideration to such information and analysis regarding situations which it deems to represent a threat to international peace and security.

2.3. On 26 January 2004, in his address to the Stockholm International Forum on Preventing Genocide, the Secretary-General pointed to “conspicuous gaps” in the United Nations’ capacity to give “early warning of genocide or comparable crimes” and proposed the establishment of a “Special Rapporteur on the prevention of genocide, who would be supported by the High Commissioner for Human Rights, but would report directly to the Security Council – making clear the link [...] between massive and systematic violations of human rights and threats to international peace and security” (United Nations Press Release, SG/SM/9126). On 7 April 2004, in his address to the Human Rights Commission at the occasion of a special meeting to observe the International Day of Reflection on the 1994 Genocide in Rwanda, the Secretary-General launched an Action Plan to Prevent Genocide, which included the development of a capacity within the United Nations system for “early and clear warning” of potential genocide. In this respect, the Secretary-General announced his decision

to create a new post of Special Adviser on the Prevention of Genocide, reporting through his Office to the Security Council and the General Assembly, as well as the Human Rights Commission (United Nations Press Release, SG/SM/9245).

2.4. On 12 July 2004, acting pursuant to Article 99 of the UN Charter and Security Council resolution 1366 of 2001, the Secretary-General informed the Council of the appointment of Mr. Juan E. Méndez to serve as his Special Adviser on the Prevention of Genocide (S/2004/567). The outline of the mandate, attached to the letter of 12 July 2004, provides in relevant part that the Special Adviser will:

(a) collect existing information, in particular from within the United Nations system, on massive and serious violations of human rights and international humanitarian law of ethnic and racial origin that, if not prevented or halted, might lead to genocide; (b) act as a mechanism of early warning to the Secretary-General, and through him to the Security Council, by bringing to their attention potential situations that could result in genocide; (c) make recommendations to the Security Council, through the Secretary-General, on actions to prevent or halt genocide; (d) liaise with the United Nations system on activities for the prevention of genocide and work to enhance the United Nations capacity to analyse and manage information relating to genocide or related crimes.

2.5. The mandate of the Special Adviser was specifically endorsed in the 2005 World Summit Outcome document adopted by the High-Level Plenary Meeting of the 60th Session of the General Assembly. Under the heading of the “Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity”, the Heads of State and Government of

United Nations Member States call on the international community to “support the United Nations in establishing an early warning capability” and “fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide” (A/RES/60/1, paragraphs 138 & 140).

3. Does the mandate “add value” to the effectiveness of the United Nations?

3.1. Most respondents, in particular Member States, viewed the Special Adviser’s appointment as an opportunity to enhance the effectiveness of the United Nations in preventing genocide and similar crimes. Despite strong political support however, not all respondents had a concrete appreciation of the mandate’s utility in practice and whether they would welcome particular interventions by the Special Adviser in certain situations. Furthermore, as mentioned above, it was not possible to conduct interviews with Member States that may have certain reservations about the mandate. An effort has been made to reflect these views through documentary and other sources. These misgivings however, appear to stem primarily from political concerns about infringement on State sovereignty or the pursuit of narrow interests rather than a studied consideration of the Special Adviser’s capacity to enhance the effectiveness of the United Nations in preventing genocide.

3.2. Those in favour of the mandate considered it to be an unprecedented recognition of the interrelationship between massive human rights violations and threats to peace and security. Some considered it to be a culmination of the process leading to the crystallization of the “responsibility to protect” in the 2005 World Summit Outcome document. The Special Adviser’s privileged access to the Security Council was viewed as the institutional expression of the responsibility to protect and a focal point for the prevention of genocide and similar crimes within the United Nations system. While these Member States favoured unimpeded access by the Special Adviser to the Council, others have expressed reservations about whether briefings by the Special Adviser make a

useful contribution to deliberations. A notable instance was the Council's consideration on 10 October 2005 of the situation in the Darfur region of Sudan. The Secretary-General had transmitted a report by the Special Adviser to the Council based on his visit to the region. Some Council Members were opposed to a briefing by the Special Adviser based ostensibly on political considerations rather than concern with prevention of genocide. However, at least one Member State that was otherwise supportive of the Special Adviser's mandate expressed the view that a briefing on peacekeeping operations by Assistant Secretary-General Hédi Annabi rendered an additional briefing by another Secretariat official superfluous.

3.3. Despite a generally positive reception, some respondents within the United Nations Secretariat also expressed reservations about the extent to which the mandate would "add value" to the effectiveness of the United Nations in preventing genocide. It was suggested that the mandate was largely symbolic and duplicated existing institutions and mechanisms dealing with substantially similar issues. For instance, it was maintained that strengthening the mandate of the Office of the High Commissioner for Human Rights would have achieved the same results as creating a new mandate for the prevention of genocide. Others suggested that the Special Adviser's mandate was subsumed by the Department of Political Affairs's mandate concerning the prevention of armed conflict. Another consideration was whether the appointment of a Special Adviser with a public profile implied the delegation of fundamental responsibilities that the Secretary-General should personally assume. Nonetheless, the prevailing sentiment was that the mandate was "here to stay" and that its potential would be best realized by identifying a unique niche within which it could operate.

3.4. In terms of value added by the Office of the Special Adviser, some Secretariat officials, non-governmental organizations and experts emphasized the popular misconception of genocide prevention as either a question of conflict prevention or simply a human rights issue. There is an apparent failure within

the United Nations system to fully appreciate that the character and urgency of situations leading to genocide requires a unique analysis and approach, justifying a mandate narrowly tailored for this purpose. It was pointed out, as recognized by Article I of the 1948 Genocide Convention, that genocide could be committed “in time of peace or in time of war”. It is apparent that, although genocide is often committed in connection with or under the cover of armed conflict or widespread violence instigated by competing political factions, the correlation between the two is not always immediate or apparent. For instance, in the notorious case of mass killings in Cambodia between 1975 and 1979, “historians have not linked the bulk of the atrocities of the Khmer Rouge to the armed conflicts in which it engaged (with Viet Nam or domestic rebels such as those in the eastern zone) [...]”¹ A conventional conflict prevention analysis may focus on hostilities between armed forces or political instability resulting from power struggles without fully accounting for atrocities against civilians that may be only indirectly connected with such considerations. Indeed, the most vulnerable groups are often those that have no capacity to organize militarily or politically against discrimination and atrocities, thus rendering conventional conflict prevention analysis inadequate for the more specific purposes of genocide prevention.

3.5. Some respondents maintained further that while closely related, human rights monitoring may also be insufficient for predicting and preventing genocide. First, low-intensity conflicts with limited human rights violations could rapidly escalate into “ethnic cleansing” because of political, military, or historical factors. Thus, pre-existing massive human rights violations are not always an accurate indicator of whether and when a situation could lead to genocide. Second, given the very broad mandate of the High Commissioner for Human Rights to “protect and promote all human rights for all”,² it may be

¹ Report of the Group of Experts for Cambodia established pursuant to General Assembly resolution 52/135, U.N. Doc. A/53/850 / S/1999/231, Annex, March 16 1999, ¶ 71.

² See Mission Statement of the Office of the High Commissioner for Human Rights, *available at* <http://www.ohchr.org/english/about/mission.htm>.

difficult among the wide range of activities and areas of concern to accord priority to situations that have not yet escalated into massive human rights violations but which possess a special dimension that could lead to genocide or similar crimes. For instance, in the Darfur region of Sudan, the rebel movements composed primarily of members of the Fur, Massalit, and Zaghawa groups, began their military activities in late 2002 which increased in intensity in early 2003. The campaign of “ethnic cleansing” against the civilian population commenced soon after because “faced with a military threat from two rebel movements and combined with a serious deficit in terms of military capabilities on the ground in Darfur, the Government called upon local [Arab] tribes to assist in the fighting against the rebels. In this way, it exploited the existing tensions between different tribes.”³ In other words, human rights and humanitarian law violations were initially limited in scope and thus not a focus of the United Nations or the international community. Given the particular circumstances in the Sudan however, atrocities escalated rapidly after the Government’s recruitment of tribal militia. A Special Adviser with a specific focus on prevention of genocide may have been better equipped to predict and draw attention to such a situation at an early stage than, for instance, a Special Rapporteur of the Commission on Human Rights who would focus on existing or even imminent human rights violations rather than the broader context of the situation.

3.6. According to some respondents, in addition to the unique aspects of genocide risk assessment, another important dimension of value added by the mandate is the moral authority of the Special Adviser. In view of the imprimatur associated with the prevention of genocide and similar crimes, the Special Adviser is well placed to focus the attention of the Security Council and the broader international community on particular situations that may otherwise not be accorded priority. In this respect, it is the narrow focus of the mandate that

³ Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General Pursuant to Security Council Resolution 1564 of 18 September 2004, U.N. Doc. S/2005/60, 25 January 2005, ¶ 67.

distinguishes the Special Adviser's role from the broader scope of other institutions and mechanisms within the United Nations system.

3.7. There can be no doubt that the Special Adviser's mandate "adds value" to the potential effectiveness of the United Nations in responding to situations that may escalate into genocide or similar crimes. If anything, the question should be why it took ten years after the 1994 genocide in Rwanda to establish such a position. Early warning and prioritization of genocidal situations represents one of the gravest and most profound challenges to the international community; a challenge that it has repeatedly failed to assume. Against the multiple mandates and competing imperatives of the United Nations, this overriding concern requires a narrow and privileged focal point for prompt, informed, and effective action. As discussed further below, prevention of genocide is a subtle but far-reaching undertaking. Appreciating its potential requires elevating perspectives from the horizon of the present to a seemingly remote and unpredictable future, on the understanding that the outcome in a given situation can be profoundly different depending on which course of action is adopted at an early stage.

4. Early warning

4.1. The mandate of the Special Adviser provides in relevant part that he should "act as a mechanism of early warning to the Secretary-General, and through him to the Security Council by bringing to their attention potential situations that could result in genocide". This appears to be the most central, and most misunderstood, aspect of the Special Adviser's mandate. A recurring issue among respondents was determining the optimal point of entry for the Special Adviser in the continuum between a dormant situation that could potentially lead to genocide and the escalation of such tensions into large-scale violence or actual genocide. The predicament is that premature engagement in the very early stages could raise concerns about interference in matters which are essentially within the domestic jurisdiction of States whereas engagement after the outbreak of

large-scale violence or occurrence of genocide would defeat the purpose of a mandate focused on early warning and prevention. There was general agreement among respondents that the Special Adviser should err on the side of caution and intervene at the early stages of situations that contain the potential for genocidal violence. There was also agreement that early warning with respect to situations that have not yet attracted the attention of the United Nations Secretariat or the Security Council is where the Special Adviser could add the greatest value in terms of avoiding duplication of efforts. Despite these views however, in practice there appears to be an entrenched reactive culture that often fails to grasp the full implications of systematic preventive engagement.

4.2. When he was appointed on 12 July 2004, the Special Adviser was quickly thrust into the situation in Darfur. This initially low-intensity conflict had already escalated into a large-scale campaign of “ethnic cleansing” which had been placed on the Security Council’s agenda and substantially engaged the United Nations Secretariat. His high-profile visit to the Sudan in September 2004 at the request of the Secretary-General, together with the High Commissioner for Human Rights, and a subsequent independent visit in September 2005 became the most visible symbol of his mandate. Another somewhat less visible intervention on his part was the situation in Côte d’Ivoire where his Office transmitted a Note through the Secretary-General to the Security Council pointing to the ethnic or national character of attacks against groups labelled as “foreigners” based on the concept of “*Ivoirité*” and making recommendations for action. Again, the situation in Côte d’Ivoire was already on the agenda of the Security Council and had attracted considerable international attention and involvement. Despite misgivings by some Member States opposed to more effective action against Sudan in relation to the Darfur, the Special Adviser’s involvement in these situations has been important and welcome. It is a matter of speculation whether and how his interventions have contributed to the prevention of genocide in these situations. Nonetheless, his recommendations on strengthening peacekeeping forces to protect vulnerable groups, publicly

interceding with officials to prevent incitement to ethnic hatred by radio in one instance, and his high-profile public expressions of concern over the plight of victims, have been important for the visibility and credibility of his mandate in its first months. In the long-term however, the Special Adviser's most valuable contributions may lie in relatively obscure situations largely overlooked by the international community.

4.3. The Special Adviser has a thankless job. His success in early warning and prevention is necessarily measured in terms of what *does not* happen. While he can always be blamed for interfering in situations that involve essentially domestic matters, or accused of “crying wolf” and being alarmist, he may rarely be credited with contributing to the prevention of genocide. He is likely to be most effective, and most criticised, for involvement in situations that do not rise to the threshold of violence that would engage a reactive culture still prevalent among many Member States and also within elements of the United Nations Secretariat. The mandate's effectiveness ultimately lies in changing perceptions and practices relating to prevention. In this regard, several respondents, including some Member States, emphasized the need for “zero tolerance” of extremist political movements – e.g. founded on ideologies promoting violent “negation” of vulnerable groups – that are invariably implicated in genocide or similar crimes, and an open acceptance that the inconvenience of interference in nascent genocidal situations is a modest price to pay for effective prevention.

4.4. There is a conception of the Special Adviser's mandate that confuses *prevention* of genocide with *intervention* against genocide, and which thus looks to the Holocaust, Rwanda, or the Darfur, as the archetypal genocidal situations warranting the Special Adviser's attention. Early warning and prevention should not be understood in such an unduly narrow or stark sense. On some occasions, the Special Adviser's informal expressions of interest in a particular situation have been viewed with scepticism within the United Nations Secretariat on the basis that a conflict was merely political and did not contain an ethnic element, or

that his assessment was alarmist and unnecessary. There is a need to defer to the Special Adviser's judgement in such situations since the potential for genocide may not always be apparent from a conflict prevention, human rights, or other perspectives. Furthermore, the role of the Special Adviser should not be equated with an "alarm bell" warning of imminent genocide or mass murder. Early warning requires interaction and engagement within the United Nations system in order to improve the prospect of warnings leading to appropriate action in a timely fashion. For instance, instead of a public announcement of imminent atrocities, the Special Adviser could, at the early stages of a situation with genocidal potential, discretely inform the Security Council through the Secretary-General and propose the involvement of relevant actors such as donor States, international financial institutions, or non-governmental organizations. In other situations, the Special Adviser could make a discrete proposal to establish a fact-finding mission or initiate a good offices procedure. Such behind-the-scenes involvement, without any public reference to the mandate of preventing genocide, may ease the prospect of constructive engagement with the relevant Government, where such an option exists. Early warning that leads to effective action must be seen as an organic process rather than a disjointed last-minute whistle-blowing exercise.

4.5. A related issue, reinforcing the need for discrete networks of collaboration within the United Nations system, is the apparent stigma attached to the Special Adviser's mandate. There is a widespread perception that his interest or involvement in a given situation is an implicit indictment of a Government for the crime of genocide. The opposition to his briefing the Security Council on 10 October 2005 is a case in point, since at least one Member reportedly emphasized that the issue of whether genocide had been committed was a matter for the International Commission of Inquiry on the Darfur. Such views disregard the express stipulation in the Special Adviser's mandate that he "not make a determination on whether genocide within the meaning of the [1948 Genocide] Convention ha[s] occurred". Others within the Secretariat with competing

imperatives such as delivery of humanitarian relief or peacekeeping may also fear that the Special Adviser's engagement could alienate Governments and undermine efforts to secure their cooperation. The issue of the Special Adviser's role in relation to other departments within the Secretariat is discussed further below. For present purposes, it is sufficient to note that although cooperation with the Special Adviser has been generally good within the Secretariat, some elements have been less eager because of concerns that his engagement would undermine relations with certain governments. Absent greater integration within the Secretariat, such collaboration sometimes depends on the discretion of particular individuals rather than a systematic policy. For instance, the Secretary-General's Special Representative in one State has been completely forthcoming and supportive of the Special Adviser's involvement whereas another has been considerably more reluctant. Even supportive Member States view the title of the mandate as a liability given the unique stigma attached to the term "genocide". However, no convincing alternatives to the title have been proposed and some respondents have pointed out that it is both a liability and an asset, since the term "genocide" also imbues the Special Adviser with moral authority. Such considerations also point to an insufficient recognition of the discrete role that the Special Adviser can play in such situations without necessarily alerting Governments or the public to his direct involvement. Furthermore, the Special Adviser's Office has not yet had an opportunity to fully demonstrate its potential capacity in this respect or to establish a broad working relationship within the United Nations system.

4.6. It is apparent that the distinction between *prevention* and *intervention* against genocide and the practical implications of the Special Adviser's mandate are not fully appreciated by many actors, both among Member States and the United Nations Secretariat. When reacting adversely to early warning in a given situation, these actors should consider how they would have reacted had a Special Adviser existed prior to the Rwandese genocide or the "ethnic cleansing" campaign in the Darfur. In other words, have any lessons been learned from

these preventable catastrophes? In Rwanda for instance, the optimal entry point for a Special Adviser could have been as early as October 1990 when eight thousand Tutsis were arrested and several dozen killed based on fabricated allegations that they had been RPF accomplices, or March 1992 when the newly formed Hutu extremist Coalition pour la défense de la republique party killed Tutsis in Bugesera following a campaign of hate propaganda.⁴ Based on the present views of some actors, if an early warning mechanism had been in place, would the call for engagement at least two years before the full-scale extermination of Tutsis beginning in April 1994 have been heeded? Would a similar situation today be regarded as an essentially domestic matter involving local power struggles which does not warrant “interference” by the Special Adviser or an urgent situation containing the seeds of genocide? With respect to Darfur, a Special Adviser could have provided early warning in early 2003 when the ethnic dimensions of the conflict were still not fully appreciated and when the prospect of large-scale “ethnic cleansing” was foreseeable but not certain. Based on the present views of some actors, would early warning and calls for engagement have been rebuffed as alarmist or politically motivated if a Special Adviser had been in place at that point in time? Assuming that early engagement resulted in effective prevention of genocide or similar crimes, would there be a full appreciation of the calamity that had been averted? These are exactly the scenarios that the Special Adviser must confront today in persuading the international community to prevent future cataclysms. The mandate’s central challenge seems to be persuading decision-makers that while predicting genocide is not an exact science, the risks associated with its actual occurrence greatly outweigh those associated with inordinate enthusiasm in its early prevention.

4.7. In order to be effective, Member States and the United Nations Secretariat must recognize that even if the Special Adviser overestimates the potential risk of genocide in a given situation, it is better to be safe than sorry. Prevention is built on an abundance of caution and not grudging concern. As discussed further

⁴ See *Prosecutor v. Akayesu*, Judgment, ICTR-96-4-T (Sept. 2, 1998), ¶ 99.

below, the Special Adviser has a formidable role through effective outreach to transform perceptions and practices that must ultimately sustain a culture of prevention.

4.8. A further consideration in assessing the value added by a focus on early warning is the well-intentioned but simplistic view set forth by some that the mandate is futile because the essential problem of prevention is not a lack of information, but a lack of political will. It is evident that in situations like Rwanda, warnings went unheeded, and there is no doubt that inducing political will remains the essential challenge to a culture of prevention. The same can be said about the unfolding horrors in the Darfur. Nonetheless, assuming that early warning and limited preventive measures are more cost-effective than large-scale military intervention against genocide, it would involve less risk and commitment of resources. Early engagement would thus require less significant political will than intervening after the fact. In other words, while the use of armed force to protect groups at risk may be necessary in certain circumstances, it may be more feasible to induce the political will to act in a preventive context through more modest measures. The sensationalistic fixation with military intervention as the only befitting response to the problem of genocide, and the focus on full-fledged genocide as the only situation worthy of attention, often undermines investment in a more subtle but far-reaching shift in attitudes and practices that can more realistically achieve lasting results.

4.9. A final point concerning early warning is determining the optimal point at which the Special Adviser's engagement may be warranted. Some respondents, in particular within the Secretariat, suggested that the Special Adviser formulate illustrative guidelines that set forth objective indicia of situations likely to result in genocide or similar crimes. Such guidelines, it was argued, would create a greater perception of transparency and avoid suggestions that the Special Adviser's expression of interest in given situations is either random, arbitrary, or the result of political pressure. Others, in particular Member States, were

strongly opposed to such guidelines except for internal purposes, maintaining that the Special Adviser must have a considerable degree of flexibility and not become entangled in legalistic debates. There was widespread consensus however, that the gathering and analysis of information by his Office should be more systematic, requiring internal guidelines. In particular, as discussed below, this could include a listing of indicators that allow for global risk assessment and ranking of relevant situations. Beyond such internal guidelines however, it seems that the Special Adviser's discretion should not be constrained by rigid criteria given that generating political will for early engagement necessarily requires the flexibility to make difficult and nuanced judgements in diverse situations.

5. Quiet diplomacy and public advocacy

5.1. An important consideration is the relative weight to be given to the Special Adviser's role as a "behind-the-scenes" actor, engaging in quiet diplomacy and efforts at early prevention, rather than a visible public advocate acting as a "voice of conscience" and drawing attention to situations at significant risk of escalation or those involving actual genocide or similar crimes. Most respondents suggested that early warning is, at least initially, best pursued through quiet diplomacy in order to allow for dialogue and negotiations. This does not necessarily imply that the Special Adviser himself would pursue such activities, but that he would bring relevant matters to the attention of the Secretary-General to ensure that those in a position to influence a situation, whether in the Security Council or elsewhere, are triggered into action. Furthermore, at an appropriate point, if quiet diplomacy is exhausted, the Special Adviser always has the option of bringing public pressure to bear on a situation. Other respondents, in particular non-governmental organizations, emphasized the public advocacy role of the Special Adviser and the unique moral authority of his mandate in calling for action. Some Member States noted that given the importance of the issue, the Secretary-General should not fully delegate his responsibility to personally call

for action to the Special Adviser. It was also pointed out by some in the Secretariat that the influence of the Special Adviser would be diluted in situations that had already engaged the wider United Nations system, and that the greatest value added by the mandate was in early warning in situations that were overlooked or forgotten by the international community.

5.2. Some Member States pointed to the importance of more public information about the Special Adviser's mandate and activities. It was also apparent from the interviews that some Member States, and even some within the Secretariat, had little information about his work. As discussed above, this was often reflected in a misunderstanding of the nature and implications of early warning, and the utility of the Special Adviser's engagement in a given situation. In this respect, several respondents called for an outreach program that would facilitate the greater integration of the mandate within the United Nations system.

5.3. It seems clear that the Special Adviser should have flexibility to use both quiet diplomacy and public pressure to achieve optimal results corresponding to the needs and circumstances of each situation. In practice, a focus on early warning may require greater emphasis on behind-the-scenes preventive measures, at least in the initial phases of engagement. In order to be effective however, there is a need for wider understanding and acceptance of the mandate, requiring a high-profile outreach campaign by and on behalf of the Special Adviser.

6. Relation of Special Adviser to the Security Council

6.1. The Special Adviser's mandate is to "act as a mechanism of early warning to the Secretary-General, and through him to the Security Council". Thus far, the relationship between the Office of the Secretary-General and the Special Adviser has been strong and supportive. However, there has been at least one instance where a Note from the Special Adviser that the Secretary-General agreed to

circulate to the Security Council was not submitted to the Council in a timely fashion. Some Member States indicated that had the Note been received in time for Council deliberations, it would have affected the contents of a resolution dealing with the strength and location of peacekeeping forces. This incident points to a need to ensure greater coordination especially because of the exigencies of timely preventive action in crisis situations and the corresponding need to transmit communications so that they are taken into account in the decision-making process. In particular, the Executive Office of the Secretary-General must ensure that communications from the Special Adviser are promptly considered and, if the Secretary-General decides to transmit them to the Security Council, that a formal request is submitted to the Council President to ensure proper consideration of the views and recommendations contained therein.

6.2. Some respondents expressed concern about the role of the Secretary-General in “filtering” notes from the Special Adviser to the Security Council. They pointed out that while the present Secretary-General and Special Adviser have an excellent working relationship, there is a need to ensure that the independence of the mandate survives changes of personalities. Furthermore, it was maintained that if the Council received regular notes or reports from the Special Adviser, the mandate would become a permanent feature of Council deliberations, and thus more easily insulate the Special Adviser’s Office from unwarranted impediments or political vicissitudes at some point in the future. The opposition of some Member States to the Special Adviser’s briefing of the Security Council on 10 October 2005 demonstrates the potential marginalization of his role for reasons of political expedience. If the “responsibility to protect” is to have any meaning, the Council must undertake to make the contributions of the mandate on prevention of genocide a regular feature of its deliberations.

6.3. Some within the Secretariat noted that the original concept of the mandate as expressed at the 2004 Stockholm International Forum on Preventing Genocide was to appoint a Special Rapporteur of the Human Rights Commission that

would act as an independent expert rather than a member of the United Nations Secretariat. Other respondents disagreed that the linkage with the Secretary-General would somehow weaken the Special Adviser's mandate or independence, or that the automatic transmission of notes to the Security Council was necessarily desirable in all situations. It was emphasized that while independence is important, the confidence and close relationship which a Special Adviser enjoys with the Secretary-General, and more generally the privileged access to the Secretariat's expertise and resources that this position entails, is significantly more effective than a Special Rapporteur without the same support network. Furthermore, as discussed below, a factor affecting the independence of the Special Adviser is his appointment on a part-time rather than full-time basis, and his relative distance from the Secretariat in identification of threatening situations and making corresponding recommendations (as distinct from information gathering, analysis, and engagement of the system, where his greater integration is called for).

6.4. It appears that in contrast with a Special Rapporteur of the United Nations Human Rights Commission, the proximity of the Special Adviser to the Secretary-General imbues his mandate with exceptional credibility and moral authority among Member States. Concerns about independence may be better addressed through establishing a routine whereby the Special Adviser becomes a regular and anticipated participant in Security Council deliberations on relevant situations.

7. Role of Special Adviser within UN Secretariat

7.1. The Special Adviser's mandate includes collection of information on relevant situations "in particular from within the United Nations system", and "liais[ing] with the United Nations system on activities for the prevention of genocide and work[ing] to enhance the United Nations capacity to analyse and manage information relating to genocide or related crimes." As discussed above,

there is a greater need for initializing and coordinating the integration of the mandate within the United Nations Secretariat in a systematic manner. One aspect of this integration is establishing working relationships and procedures that ensure the timely and unimpeded flow of “raw” information to the Special Adviser’s Office, especially from missions in the field. Another aspect of integration is ensuring that the Special Adviser attends high-level Secretariat meetings where relevant situations are discussed. This includes in particular, meetings of the Secretariat Policy Committee that have a direct bearing on his mandate. Such inclusion is particularly important in ensuring an effective consultation process between the Special Adviser and other parts of the Secretariat with a view to ensuring that early warning gives rise to effective and coordinated action.

7.2. Some respondents within the Secretariat were of the view that with the exception of early warning, the Special Adviser’s role was not to create consensus on situations like Darfur that had already substantially engaged the United Nations system. An attempt to build consensus may dissipate his efforts and entangle his mandate in the potentially competing imperatives of other United Nations departments, such as the Office for the Coordination of Humanitarian Affairs or the Department of Peacekeeping Operations. In this respect, while he should be involved in consultations, the Special Adviser would best preserve his independence by taking into account the views of others without necessarily being influenced by or attempting to influence those views. In other words, the mandate must strike a delicate balance between integration into and independence from the Secretariat.

7.3. As discussed above, the narrow scope of the mandate is essential to the value added by the Special Adviser within the broader mandate of other United Nations bodies such as the Office of the High Commissioner for Human Rights or the Department of Political Affairs. Given the close inter-relationship between

the mandates of these bodies, regular consultations and a degree of coordination may help create a synergy whereby the effectiveness of all mandates is enhanced.

7.4. Conversely, it is essential to avoid the duplication of the Special Adviser's focused efforts by rationalizing similar activities that, in addition to wasting resources, may dilute the value and authority of the mandate. A recent initiative is the establishment of an independent Advisory Committee on the Prevention of Genocide composed of distinguished experts from outside the Secretariat. While this body was originally envisaged as reporting to the Special Adviser, there is a proposal that the Committee be serviced by the Office of the Special Adviser, but report directly to the Secretary-General. The Special Adviser would be an *ex officio* member of the Committee and be intimately involved in all aspects of its work. There is a serious concern that such a Committee would undermine the value and authority of the Special Adviser's mandate by diluting his profile within the United Nations system. It seems preferable that the Committee report to the Special Adviser as originally envisaged, to avoid yet further confusion within the Secretariat and among Member States about the Special Adviser's role.

8. Scope of the term genocide

8.1. The mandate indicates that the Special Adviser should focus on "genocide or related crimes." It is evident that, because the mandate of the Special Adviser is the *prevention* of genocide, it can not be limited to situations that *actually* constitute genocide under the definition of that term in international law.

Furthermore, the mandate expressly stipulates that the Special Adviser "would not make a determination on whether genocide within the meaning of the [1948 Genocide] Convention had occurred." A less obvious consideration is whether the mandate extends to situations involving political, social, or other identifiable groups not protected under the terms of the 1948 Genocide Convention. It may be recalled that under Article II, only "national, ethnical, racial or religious"

groups are protected. This determination is important since the scope of the mandate determines the types of situation that the Special Adviser should be following. In particular, in certain instances, the Special Adviser has informally expressed an interest in situations where political or social groups were the subject of widespread human rights violations. Some had expressed misgivings about the Special Adviser's interest in these situations because they could not lead to genocide within the strict legal definition of that term in terms of the enumerated protected groups.

8.2. Despite some misgivings, almost all respondents agreed that the Special Adviser's mandate should include any situation where identifiable groups were at risk of mass-killing or other forms of destruction. It was pointed out that the Secretary-General's speech before the 2004 session of the Human Rights Commission described the mandate as including "not only genocide but also [...] mass murder and other large-scale human rights violations, such as ethnic cleansing." This understanding is confirmed by the 2005 World Summit Outcome document which, in connection with the "responsibility to protect" populations from "genocide, war crimes, ethnic cleansing and crimes against humanity", endorsed the mandate of the Special Adviser. Several respondents pointed out that it would be inconceivable to exclude situations like the mass killing of political and social groups by the Khmer Rouge in Cambodia from the scope of the mandate. It was observed that in practice, it should be the quality and intention behind a potential attack against an identifiable group that guides the mandate rather than strict legal definitions. It was also remarked however, that an unduly broad interpretation of the type of situations that are relevant would dilute the narrow focus of the mandate and consequently, its added value within the United Nations system.

8.3. It appears that the Special Adviser enjoys wide competence to consider not only situations that may result in genocide, but also similar crimes such as political mass-killings or "ethnic cleansing," including mass expulsions without a

component of extermination. While retaining this flexibility however, the focus should be, and appears to remain, on situations that have the potential to result in the physical destruction of groups within the meaning of the Genocide Convention.

9. Collection and analysis of information

9.1. The mandate provides that the Special Adviser should “collect existing information, in particular from within the United Nations system, on massive and serious violations of human rights and international humanitarian law of ethnic and racial origin that, if not prevented or halted, might lead to genocide”. As discussed above, it may be necessary for the Special Adviser not to rely exclusively on information concerning human rights violations, but also to assess situations based on other approaches that are uniquely suited for genocide risk. Furthermore, while the United Nations system provides a wealth of information, it is also necessary to rely on other sources such as Member States and non-governmental organizations. The relevance of these secondary sources increases in importance in situations where the United Nations system does not have a significant presence on the ground. Given the focus on early warning, developing the capacity to receive relevant information from these sources is highly important.

9.2. There is no systematic basis for information flow to the Special Adviser within the United Nations Secretariat. Part of the problem is the massive amount of information within the United Nations system and the consequent difficulty of devising a mechanism for filtering information that may be of relevance. Furthermore, information that has been condensed through the reporting chain from the field to the Secretariat in New York often leaves out crucial details required for the Special Adviser’s unique purposes. For instance, it may not readily be evident to a United Nations Development Program or peacekeeping official in the field that a given fact or event is relevant in the genocide

prevention context. The reports that are sent by such an official will necessarily be filtered through the prism of a development or peacekeeping mandate respectively. Providing special training on the indicators of potential genocides among thousands of staff is clearly not feasible, nor desirable, considering that such activities may compromise the integrity of the mandate of other United Nations actors. Therefore, even where there is a willingness to collaborate with the Special Adviser, his Office must take a proactive approach in the collection of information. As mentioned below, at present there are serious resource limitations affecting the Office's capacity to systematically gather and analyze information, both through fact-finding inquiries as well as the development of a data-base.

9.3. Although his primary task is to exploit existing information, the Special Adviser's mandate also requires "a careful verification of facts and serious political analyses and consultations" which entails something more than the passive collection of information. In practice, the Office staff – consisting of two professional officers and an administrative assistant – have had to manage massive amounts of information, make determinations as to which situations should be prioritized, and then engage in "careful verification of facts" through the building of working relationships, especially with relevant field missions and staff in affected States. Because of the stigma attached to the presence of the Special Adviser, such on-site visits and confidence-building activities have primarily been undertaken by the staff. Such prudence was contemplated in the mandate which calls on the Special Adviser to engage in fact verification and related activities "without excessive publicity." In addition to requiring the active collaboration of the United Nations system in sharing "raw" information, this aspect of the mandate has resource implications which are discussed below.

9.4. In order for the Special Adviser to develop a genuine early warning capacity that can engage in global risk assessment of situations that may lead to genocide, an ad hoc approach towards the gathering and analysis of information

may be insufficient. Several respondents pointed to the importance of developing an analytical data-base that allows for a constant monitoring of situations at risk. It was suggested for instance, that the Special Adviser develop a “genocide alert” scale that ranks relevant situations in terms of risk based on multiple indicia, and to engage in fact verification where a situation has escalated beyond a certain threshold. There are various risk assessment schemes that have been developed by experts on which the Special Adviser could draw as he deems appropriate. It was understood that the prediction of genocide is not an exact science, but that a systematic approach could enhance the process of prioritizing situations that require further investigation, early warning, and particular recommendations for action. There were some suggestions that non-governmental organizations and experts develop such a data-base in support of the Special Adviser’s Office. The support of such organizations in providing information and analysis as well as expertise in setting up a data-base is highly valuable, and the Special Adviser may have to draw on external consultants for this purpose given his limited staff. However, the need for institutional continuity, the Office’s ultimate responsibility for making sensitive and complex judgements, and the option of maintaining confidentiality in certain situations, are compelling reasons for maintaining such a capacity within and under the control of the Office.

10. Staffing and resources

10.1. In establishing the Office of the Special Adviser, the Secretary-General apparently did not intend to build a new bureaucracy that would replicate existing mandates and resources within the United Nations system. Rather, the Office is intended as a focal point for enhancing the capacity of the United Nations to prevent genocide. The Office is staffed by two professional officers at the P-4 level, with previous experience in the Department of Political Affairs and the Office of the High Commissioner for Human Rights respectively. The choice of selecting staff from within the United Nations system – and from these two

departments in particular – has greatly benefited the Special Adviser in his efforts to build working relationships in the exercise of his mandate. Given that the Office was only fully staffed by January 2005, much time and energy has had to be spent on the practical aspects of establishing the Office, and administrative and managerial tasks continue to consume scarce resources.

10.2. The establishment of procedures for the systematic gathering and analysis of information referred to above is still in its very early stages. However, based on the limited experience thus far, it appears that the exigencies of building working relationships and on-site fact verification are such that the processing of massive amounts of information and the development of a data-base may require some additional staff, probably at the P-2/P-3 level. This assumes however, that the initial design and development of the data-base would draw on external consultants, as mentioned above. The addition of some additional staff and external consultants would allow the more experienced P-4 staff to focus on developing vital working relationships within the United Nations system in order to ensure effective information flow and fact verification as well as the engagement of the Special Adviser where and when it is required. The fact that the Special Adviser is appointed on a part-time basis makes this preparatory role of the P-4 staff even more important for the work of the Office.

10.3. Some respondents maintained that given the importance of his role, the Special Adviser should be a full-time position. The commitment of time and energy that is required could not be properly satisfied with a part-time involvement. Other respondents argued however, that the part-time arrangement allows the Special Adviser to maintain a degree of independence from the United Nations system thereby enhancing his credibility. It was also pointed out that a part-time position may allow for the appointment of a broader range of high-profile candidates that may not be able to completely abandon their existing commitments and engagements. Furthermore, as in the case of Juan Méndez, his active involvement with non-governmental organizations and civil society, in

addition to his activities as Special Adviser, has only served to enhance the credibility and moral authority of the mandate. Another consideration is the expiration of the current Secretary-General's term in 2006. It may be more prudent to wait for the arrival of the new Secretary-General before making a long-term decision as to whether the Special Adviser's position should be full-time or part-time. Accordingly, the question of a full-time position may have to be re-visited at some point in the future, but does not appear to be imperative to the effective functioning of the mandate for the time being.

11. Recommendations

11.1. The Special Adviser should develop a systematic early warning capability including in particular the establishment of an analytical data-base for global monitoring of situations that may lead to genocide or similar crimes. The data-base should take into account indicators of potential genocide – *e.g.* the rise of extremist political movements, incitement to ethnic hatred and violence, etc. – and a ranking of situations based on a hierarchical assessment of risk – *e.g.* ranging from situations of general concern to those of imminent threat. Although the data-base may have to be developed and maintained with the assistance of outside experts, it should be an in-house capacity under the direction and control of the Office. An aspect of such control is appropriate measures of confidentiality as to sources of information and ranking of particular situations, leaving the Special Adviser the sole discretion to make such determinations public, consistent with the objectives of his mandate.

11.2. The Special Adviser's Office should hire two additional staff at the P-2/P-3 level, to assist in the collection and analysis of relevant information from United Nations and other sources. Appropriate external consultants should also be enlisted for the initial design and development of an analytical data-base. Such resource enhancement would allow the two existing P-4 staff to spend more

time on developing working relationships with relevant actors within the United Nations system and elsewhere as required. In addition to verification of facts, such working relationships should also establish the basis for early engagement in relevant situations which may require discreet advice or assistance with the Governments concerned. Where necessary and under the direction of the Special Adviser, the P-4 staff should provide the relevant advice or assistance, or ensure that it is provided by others in a position of influence or authority, without making a specific reference to the prevention of genocide or the potential political burden of direct or public involvement by the Special Adviser.

11.3. The proposed Advisory Committee on Prevention of Genocide should report directly to the Special Adviser and not the Secretary-General. A Committee operating outside the Special Adviser's Office will create further confusion about the mandate, dilute its unique moral authority, and undermine the role of the Office as a focal point for genocide prevention within the United Nations system. The purpose of the proposed Advisory Committee should be rendering assistance to the Special Adviser in implementing his mandate. It should meet periodically to discuss general trends relating to potential genocidal situations, the ways and means of ensuring international cooperation for prevention of genocide, and hold thematic in-depth discussions on specific problem areas such as ethnic tensions and ways to respond to them. Other than periodic meetings, the Committee members should be generally available as resource persons that can assist the Special Adviser as required by particular circumstances.

11.4. The Secretary-General should take steps to ensure that the Office of the Special Adviser is more fully integrated into the United Nations system. This includes in particular (a) an enhanced understanding in the Secretariat of the scope and implications of the early warning aspects of the mandate for existing United Nations operations and activities; and (b) ensuring that the Special Adviser is involved in relevant consultations of the Policy Committee or other

bodies as appropriate. Efforts should also be made to increase and improve consultations and coordination between the Special Adviser's Office, and the Office of the High Commissioner for Human Rights and the Department of Political Affairs respectively, with a view to ensuring an effective and regular exchange of information and views on matters of mutual concern, and coordination of activities where necessary.

11.5. The Secretary-General should facilitate improved coordination with the Executive Office to ensure that communications from the Special Adviser are reviewed as a matter of priority. If the Secretary-General deems that such communications should be transmitted to the Security Council, either through the Special Adviser's briefing the Council or the circulation of relevant written communications to the Council, there should be a system in place to ensure that a formal request is made to the President of the Council in a timely and effective fashion. The Secretary-General should encourage the Council to admit such formal requests, as Council refusals to be briefed by the Special Adviser undermine both the value added by the mandate and international expressions of commitment to the responsibility to protect.

11.6. In collaboration with the Office of the Secretary-General, the Special Adviser should launch an outreach campaign focused on Member States to ensure widespread understanding of the scope of his mandate and the nature of his activities. The purpose of this campaign should be to sensitize Member States to the requirements and practical implications of early warning and prevention of genocide. Beyond Member States that have demonstrated support for the mandate, there should be a particular effort to reach those Member States that either have little awareness of the mandate or those that may have misconceptions about the Special Adviser's activities.

**ANNEX I
S/2004/567**

United Nations

S/2004/567



Security Council

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**Letter dated 12 July 2004 from the Secretary-General addressed
to the President of the Security Council**

I should like to inform you that I have decided to appoint Juan Méndez to serve as my Special Adviser on the Prevention of Genocide. Please find attached an outline of the special Adviser's mandate, which was circulated to the members of the Security Council on 24 March 2004 (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(Signed) Kofi A. Annan

Annex

Outline of the mandate for the Special Adviser on the Prevention of Genocide

The source of the mandate is Security Council resolution 1366 (2001), in particular the following paragraphs:

(a) the eighteenth preambular paragraph, in which the Council acknowledged the lessons to be learned for all concerned from the failure of preventive efforts that preceded such tragedies as the genocide in Rwanda and resolved to take appropriate action within its competence to prevent the recurrence of such tragedies;

(b) paragraph 5, in which the Council expressed its willingness to give prompt consideration to early warning or prevention cases brought to its attention by the Secretary-General;

(c) paragraph 10, in which the Council invited the Secretary-General to refer to the Council information and analyses from within the United Nations system on cases of serious violations of international law, including international humanitarian law and human rights law and on potential conflict situations arising, inter alia, from ethnic, religious and territorial disputes, poverty and lack of development, and expressed its determination to give serious consideration to such information and analyses regarding situations which it deems to represent a threat to international peace and security.

The Special Adviser will (a) collect existing information, in particular from within the United Nations system, on massive and serious violations of human rights and international humanitarian law of ethnic and racial origin that, if not prevented or halted, might lead to genocide; (b) act as a mechanism of early warning to the Secretary-General, and through him to the Security Council, by bringing to their attention potential situations that could result in genocide; (c) make recommendations to the Security Council, through the Secretary-General, on actions to prevent or halt genocide; (d) liaise with the United Nations system on activities for the prevention of genocide and work to enhance the United Nations capacity to analyse and manage information relating to genocide or related crimes.

The methodology employed would entail a careful verification of facts and serious political analyses and consultations, without excessive publicity. This would help the Secretary-General define the steps necessary to prevent the deterioration of existing situations into genocide. The Special Adviser would not make a determination on whether genocide within the meaning of the Convention had occurred. The purpose of his activities, rather, would be practical and intended to enable the United Nations to act in a timely fashion.

ANNEX II
LIST OF RESPONDENTS

I. United Nations

(position held at time of interview)

Andrés Salazar Van Epp (Political Affairs Officer, Office of the Special Adviser to the Secretary-General on the Prevention of Genocide)

Bacre Waly Ndiaye (Director, New York Office of the High Commissioner for Human Rights)

Craig G. Mokhiber (Deputy Director, New York Office of the High Commissioner for Human Rights)

Daphna Shraga (Principal Legal Officer, Office of the Legal Counsel, Office of Legal Affairs)

Edward Mortimer (Director of Communications, Executive Office of the Secretary-General)

Ekkehard Strauss (Human Rights Officer, Office of the Special Adviser to the Secretary-General on the Prevention of Genocide)

Fannie Lafontaine (Executive Office, Office of the High Commissioner for Human Rights)

Haile Menkerios (Director, Africa I Division, Department of Political Affairs)

Hansjoerg Strohmeyer (Chief, Office of the Under-Secretary-General for Humanitarian Affairs, Office for the Coordination of Humanitarian Affairs)

Jan Egeland (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Office for the Coordination of Humanitarian Affairs)

Jonathan Prentice (Policy Adviser, Office of the High Commissioner for Human Rights)

Juan E. Méndez (Special Adviser to the Secretary-General on the Prevention of Genocide)

Louise Arbour (United Nations High Commissioner for Human Rights)

Mona A. Rishmawi (Legal Advisor & Coordinator of the Rule of Law and Democracy Unit, Office of the High Commissioner for Human Rights)

Monica Andersson (Senior Adviser, Ministry for Foreign Affairs (International Law, Human Rights and Treaty Law Department) Sweden)

Musifiky Mwanasali (Special Assistant, Office of the Assistant Secretary-General, Department of Political Affairs)

Mark Quarterman (Senior Legal Officer, Office of the Legal Counsel, Office of Legal Affairs)

Robert Pulver (Acting Chief, Criminal Law and Judicial Advisory Unit, Department of Peacekeeping Operations).

Tuliameni Kalomoh (Assistant Secretary-General for Political Affairs, Department of Political Affairs)

II. Member State Missions (position held at time of interview)

Argentina

Gustavo Ainchil (Counsellor, Permanent Mission of Argentina to the United Nations)

Canada

Heidi Hulan (Counsellor, Permanent Mission of Canada to the United Nations)

Jessica Blitt (3rd Secretary, Human Rights and Humanitarian Affairs, Permanent Mission of Canada to the United Nations)

France

Brigitte Collet (Conseiller Juridique, Mission Permanente de la France auprès des Nations Unies)

Philippe Bertoux (Premier Secrétaire, Mission Permanente de la France auprès des Nations Unies)

Germany

Thomas Fitschen (Counsellor, Legal Affairs, Permanent Mission of Germany to the United Nations).

Jordan

H.R.H. Prince Zeid Ra'ad Al-Hussein (Ambassador, Permanent Mission of Jordan to the United Nations)

People's Republic of China

Xie, Bohua (Counsellor, Permanent Mission of the People's Republic of China to the United Nations)

Nigeria

Chijioke W. Wigwe (Minister, Social, Humanitarian & Cultural Committee (3rd Committee), Permanent Mission of Nigeria to the United Nations)

Russian Federation

Dmitry A. Lobatch (Senior Counsellor, Head of the Legal Section, Permanent Mission of the Russian Federation to the United Nations)

United Kingdom

Gavin Watson (First secretary (legal), United Kingdom Mission to the United Nations)

United States of America

Gordon R. Olson (Deputy Political Counselor, United States Mission to the United Nations)

Miriam K. Hughes (Deputy U.S. Representative, UN Economic and Social Council, United States Mission to the United Nations)

III. Non-governmental Organizations
(position held at time of interview)**GENOCIDE WATCH**

Gregory H. Stanton (President)

HUMAN RIGHTS WATCH

Iain Levine (Program Director)

Joanna Weschler (formerly U.N. Advocacy Director, Human Rights Watch, currently Director of Research, Security Council Report)

INTERNATIONAL CRISIS GROUP

Suliman Baldo (Director, Africa Program)

OPEN SOCIETY JUSTICE INITIATIVE

Kelly D. Askin (Senior Legal Officer, International Justice)

Tracey Gurd (Junior Legal Officer, International Justice)

UNITED NATIONS ASSOCIATION OF THE UNITED STATES OF AMERICA

Lawrence Woocher (Program Manager, Global Policy Programs)

WORLD FEDERALIST MOVEMENT

William R. Pace (Executive Director)

Lene Schumacher (Director of Programs)

IV. Experts

Barbara Harff (Proventus Distinguished Visiting Professor, Clark University; Professor of Political Science, United States Naval Academy)

Danilo Turk (Professor of International Law, Faculty of Law, University in Ljubljana, formerly Assistant Secretary-General for Political Affairs)

Eric Markusen (Senior Researcher, Danish Institute for International Studies, Department of Holocaust and Genocide Studies; Professor of Sociology and Social Work, Southwest Minnesota State University)

Frank Chalk (Professor, Department of History, Concordia University; Co-Director of the Montreal Institute for Genocide and Human Rights Studies)