

12 July 2011

Informal Interactive Dialogue on the Role of Regional and Sub-regional Arrangements in Implementing the Responsibility to Protect

Background

As decided at the 2005 World Summit (paragraph 139 of the Outcome Document), and confirmed by the General Assembly (resolution 63/308), the General Assembly is continuing its consideration of the responsibility to protect (RtoP). To this end, the General Assembly will hold its third informal interactive dialogue on the responsibility to protect on 12 July 2011.

In 2009, the Secretary-General presented a wide-ranging strategy in his report, “Implementing the Responsibility to Protect” (A/63/677 of 12 January 2009). This was discussed by the General Assembly in an informal interactive dialogue (23 July 2009) and in a formal debate (23, 24, and 28 July 2009). In 2010, he produced a second report, on “Early Warning, Assessment and the Responsibility to Protect” (A/64/864 of 14 July 2010), to inform an informal interactive dialogue in the General Assembly on 9 August 2010. This year, he prepared a third report, on “The Role of Regional and Sub-regional Arrangements in Implementing the Responsibility to Protect,” for a 12 July 2011 informal interactive dialogue in the Assembly.

The 12 July dialogue will have several purposes. One, it will reconfirm that the responsibility to protect is an evolving principle, on which the continuing input of the Member States is both needed and valued. Two, it will be an opportunity for cross-regional exchanges on lessons learned and best practices. Three, it will offer a forum for considering new ideas and approaches to enhancing global-regional-sub-regional cooperation on the responsibility to protect, as well as for reflecting on implementation efforts to date. Four, the interactive nature of the dialogue will serve to sharpen, clarify, and deepen our collective understanding of the regional and sub-regional dimensions of the United Nations’ overall strategy.

As with the earlier sessions in the General Assembly, it is expected that both the dialogue and the Secretary-General’s report will serve to focus Member State consideration on ways to strengthen the responsibility to protect as an operational, not just conceptual, doctrine. From the outset, it was widely recognized that the implementation of responsibility to protect principles would have to be undertaken in partnership among a range of entities at the global, regional, sub-regional, national, and local levels. Both civil society and governmental and inter-governmental organs would need to be fully engaged in turning the principles of the responsibility to protect into practice.

The Secretary-General’s 2009 report underscored the critical prevention and protection roles that could be played by neighbors and regional and sub-regional organizations, and it called for the development of cross-regional learning networks to encourage a trans-regional lessons-learned process. Almost a

decade earlier, the African Union’s adoption of a philosophy of non-indifference captured the spirit of neighbors helping neighbors to avoid mass atrocity crimes, which can retard economic and social development and breed insecurity for many years afterwards. Recent attempts to prevent such crimes in various parts of the world confirm the importance of regional and sub-regional, as well as global, efforts at prevention and protection. The dialogue will consider ways of reinforcing these linkages.

Tentative Programme

10:00 - 10:15AM	<p><i>Opening remarks by</i></p> <ul style="list-style-type: none"> • H.E. Mr. Joseph Deiss, President of the General Assembly
10:15 - 11:00AM	<p>Panel Discussion I <i>“Regional and Sub-regional Perspectives and Experience”</i></p> <p>Moderator: H.E. Mr. Joseph Deiss, President of the General Assembly</p> <p>Panelists:</p> <ul style="list-style-type: none"> • H.E. Mr. Knut Vollebaek, High Commissioner on National Minorities, Organisation for Security and Cooperation in Europe • H.E. Ambassador Liberata Mulamula, Executive Secretary, International Conference on the Great Lakes Region • H.E. Victor Rico Frontaura, Secretary for Political Affairs of the Organization of the American States
11:00AM - 1:00PM	Interactive Dialogue with the Member States
1:00 - 3:00PM	Lunch
3:00 - 3:15PM	Remarks by H.E. Mr. Ban Ki-moon , Secretary-General of the United Nations
3:15 - 3:45PM	<p>Panel Discussion II <i>“United Nations Perspectives and Experience”</i></p> <p>Moderator: H.E. Mr. Joseph Deiss, President of the General Assembly</p> <p>Panelists:</p>

	<ul style="list-style-type: none"> • Dr. Edward C. Luck, Special Adviser to the United Nations Secretary-General on the Responsibility to Protect • Dr. Francis M. Deng, Special Adviser to the United Nations Secretary-General on the Prevention of Genocide
3:45 - 5:50PM	Interactive Dialogue with the Member States
5:50 - 6:00PM	<p><i>Closing remarks by:</i></p> <ul style="list-style-type: none"> • H.E. Mr. Joseph Deiss, President of the General Assembly

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General Assembly
Sixty-fifth session
Agenda items 13 and 115**Security Council**
Sixty-sixth year**Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields**
Follow-up to the outcome of the Millennium Summit**The role of regional and sub-regional arrangements in implementing the responsibility to protect****Report of the Secretary-General****I. Introduction and mandate**

1. Paragraph 139 of the 2005 World Summit Outcome and General Assembly resolution 63/308 called for the Assembly's continuing consideration of the responsibility to protect. To that end, the Assembly held a formal debate in 2009 and informal interactive dialogues on aspects of the topic in 2009 and 2010. To inform these deliberations, I prepared reports on "Implementing the responsibility to protect" (A/63/677 of 12 January 2009) and on "Early warning, assessment and the responsibility to protect" (A/64/864 of 14 July 2010). At the informal interactive dialogue of 9 August 2010, many Member States expressed interest in having a similar informal interactive dialogue on the role of regional and sub-regional arrangements in implementing the responsibility to protect in 2011. This report addresses the regional and sub-regional dimensions of the responsibility to protect in anticipation of such a dialogue in the General Assembly in July 2011.

2. The architects of the United Nations accorded a prominent place for regional arrangements in their vision of the new world body. As I noted earlier this year in the Cyril Foster Lecture at Oxford University, the foresight of the founders to anticipate in 1945 the need to work

eventually with yet to be established regional partners was truly visionary.¹ Chapter VIII of the Charter is devoted to the peace and security roles of regional arrangements, while Chapter VI, Article 33(1) speaks of “resort to regional agencies or arrangements” as an option for parties to a dispute, and Chapter VII, Article 47(4) notes that the Military Staff Committee “after consultations with appropriate regional agencies, may establish regional sub-committees.” Chapters IX and X on economic and social matters, however, make no reference to regional arrangements, thus failing to anticipate the growth of regional instruments and capacities for addressing economic and social development, as well as peace and security.

3. Paragraph 139 of the 2005 Outcome Document foresaw several ways in which regional and sub-regional organizations and arrangements could be helpful in preventing genocide, war crimes, ethnic cleansing, and crimes against humanity and their incitement, as well as in responding in a timely and decisive manner when “peaceful means be inadequate and national authorities are manifestly failing to protect their populations” from these crimes and violations. It underscores the responsibility of the international community, through the United Nations, “to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations.” Collective action under Chapter VII is to be considered “on a case-by-case basis and in cooperation with relevant regional organizations as appropriate.”

II. Regional dimensions of the implementation strategy

4. Fostering more effective global-regional collaboration is a key plank of my strategy for realizing the promise embodied in the responsibility to protect. Protection is our common concern. Regional and sub-regional bodies, such as the Economic Community of West African States (ECOWAS), the African Union and the Organization for Security and Cooperation in Europe (OSCE), were in the vanguard of international efforts to develop both the principles of protection and the practical tools for achieving them. The United Nations followed their lead. Over the last three years, we have applied responsibility to protect principles in our strategies for addressing threats to populations in about a dozen specific situations. In every case, regional and/or sub-regional arrangements have made important contributions, often as full partners with the United Nations. As promising as these early experiences have been, however, they have also demonstrated how far we have to go to fully realize the potential synergies of global-regional-sub-regional cooperation in preventing genocide, war crimes, ethnic cleansing, and crimes against humanity, as well as their incitement, and in protecting populations.

5. Beyond these historical, normative, and instrumental connections, there are critical legal and political linkages between global and regional organizations as well. Chapter VIII of the Charter describes a dual bottom-up, top-down relationship. According to Article 52(2), Member States “shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security

¹ Secretary-General, SG/SM/13385, 2 February 2011.

Council.” On the other hand, Article 53(1) cautions that “no enforcement action shall be taken without the authorization of the Security Council.” Article 54 goes on to state that “the Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.” Though not always strictly observed in practice, the provisions of Chapter VIII underline the value of ongoing working relationships among global, regional, and sub-regional organizations for prevention and protection purposes.

6. Politically, it has become increasingly evident that the views of neighbouring States and regional bodies may be taken into account by members of the Security Council when determining which course of action to take in particular situations. This is as it should be. States and civil society groups that are closer to the events on the ground may have access to more detailed information, may have a more nuanced understanding of the history and culture, may be more directly affected by the consequences of action taken or not taken, and may be critical to the implementation of decisions taken in New York. Timely and decisive response is most likely when inter-governmental bodies at both the global and regional levels favor similar courses of action. In such cases, decision-making at each level reinforces the political legitimacy of the other.

7. The development of regional and sub-regional arrangements has varied markedly from region to region, whether measured in terms of their scope, capacity, or authority. We cannot apply a single standard, benchmark, or template to all regions. Assets and needs differ from country to country and region to region. This diversity in interests and experience speaks to the value of cross-regional research agendas and political dialogues. These could usefully address good and best practices, individual case studies, patterns over time, thematic issues and lessons learned, including on how to do no harm.

8. Context matters. The responsibility to protect is a universal principle. Its implementation, however, should respect institutional and cultural differences from region to region. Each region will operationalize this principle at its own pace and in its own way. I would encourage intra-regional dialogue among government officials, civil society representatives, and independent experts on how to proceed, such as the Study Group on the Responsibility to Protect of the Council for Security Cooperation in the Asia Pacific (CSCAP) of the ASEAN Regional Forum (ARF). Regional, as well as global, ownership is needed. But make no mistake: each region must move forward, step by step, to ensure that populations are more protected and that the risk of mass atrocity crimes recedes with each passing year. The 2005 Outcome Document spells out national and international responsibilities clearly and unambiguously in paragraphs 138, 139, and 140. These must not be diluted or diminished through reinterpretation at the regional, sub-regional, or national levels.

9. Energetic implementation efforts by regional and sub-regional organizations can bring added value to each of the three pillars of my strategy for realizing the promise of the responsibility to protect: Pillar One on the protection responsibilities of the State; Pillar Two on international assistance and capacity-building; and Pillar Three on timely and decisive

response. The next three sections of the report address the regional and sub-regional dimensions of each of the three pillars in turn.

III. The protection responsibilities of the State

10. First and foremost, the responsibility to protect is about reasserting and reinforcing the sovereign responsibilities of the State. It affirms that a core function of global and regional organizations alike is to permit the full and peaceful expression of sovereignty within the purposes and principles of the Charter and according to the provisions of international law. Sovereignty endows the State with international and domestic responsibilities, including for the protection of populations on its territory. This is not a new or radical idea. In 1945, the drafting committee in San Francisco, referring to the domestic jurisdiction clause of Article 2(7), declared that if fundamental freedoms and rights are “grievously outraged so as to create conditions which threaten peace or to obstruct the application of the provisions of the Charter, then they cease to be the sole concern of each State.”

11. The ultimate goal is to have States institutionalize and societies internalize these principles in a purposeful and sustainable manner. The more progress that States make towards including these principles in their legislation, policies, practices, attitudes, and institutions, the less recourse will there be to the third pillar (response). Recent events, however, have underscored that we are still far from that point, as some governments appear to be at war with their own people. In such situations, neighbouring countries and regional and sub-regional bodies can play a critical facilitating role as political and operational bridges between global standards and local and national action. For instance, the International Conference on the Great Lakes Region (ICGLR), through its 2006 Protocol for the Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes Against Humanity and All Forms of Discrimination and the associated committee structure and regional initiative, is working with its members to foster effective follow-up at the national level. A decade ago, the African Union chose a posture of non-indifference over one of non-intervention. It is a stance well worth echoing in other parts of the world.

12. Preventing mass atrocity crimes is the legal responsibility of the State. Meeting this responsibility, however, requires partnering with civil society, such as women’s and civic groups, clerics, the private sector, academia, and the media, among others. Parliamentarians can give voice to the moral imperative. The constituencies and stakeholders committed to prevention and protection are diverse, dispersed, and frequently transnational in scope. Targeted groups often spill over borders, while threats to populations frequently result in large flows of refugees and internally displaced. Diaspora communities can play either a calming and assisting or a disruptive and destabilizing role in such cases. Neighbouring countries may feel political or moral pressures to get involved one way or another, underscoring the potential utility of constructive early engagement by regional and sub-regional arrangements in a preventive, fact-finding or conflict mediation capacity, as the Charter anticipated.

13. Beyond the legal responsibilities of the State, individuals have a moral responsibility to protect. Mass crimes generally require the mobilization of large numbers of people—whether soldiers or civilians, police or wage earners—to turn on their neighbours and even their families with cold and calculated cruelty and callousness. They also require bystanders who pretend not to see or hear the anguish. On the other hand, those who refuse to look away or to participate, who shelter the vulnerable, and who speak out against the dehumanization of the targeted groups and for human rights and human dignity are exercising individual responsibility. We should honour and publicize such courageous acts, even as we learn from them.

14. To that end, the Joint Office of my two Special Advisers and its partners have provided training and awareness-raising programmes in many parts of the world, as governments, civil society, and international secretariats seek better ways to forestall such violent upheavals. Over time, more of these sessions should be conducted in collaboration with regional and sub-regional organizations. The 2004 Plan of Action of the ASEAN Security Community, for example, called for reducing inter-communal tensions through education exchanges and curriculum reform, as well as for promoting exchange and cooperation among ASEAN centres of excellence in peace research and in conflict management and resolution studies. Similar initiatives are underway in other regions.

15. Bottom-up learning processes can provide essential lessons in the methods of self-protection that have been developed and practiced at the village and even family level in places of recurring violence and repression. These complement the responsibility to protect's emphasis on prevention and on helping the State to succeed, not just reacting once it has failed to protect. Training, education, and awareness-raising are natural areas for new regional initiatives and global-regional-national partnerships.

16. Without sustained public understanding and support, the responsibility to protect will remain unfinished business. We look to the NGO and academic communities, as always, for fresh ideas and information, for comparative case studies and empirical research, for accessible materials and media outreach, for innovative public programming and for well-informed commentary on how we could do better. More of this could be done on a cross-regional and South-South basis, such as a comparative lessons-learned exercise drawing from the experiences in Africa, Asia, and Latin America-Caribbean. Officials and experts from Africa and Europe could compare notes on how their relatively complex institutional structures for early warning, prevention and protection have fared in practice.

17. Regional and sub-regional arrangements can encourage governments to recognize their obligations under relevant international conventions and to identify and resolve sources of friction within their societies before they lead to violence or atrocity crimes. There are many such examples of neighbours helping neighbours. The launch in 2009 of the ASEAN Intergovernmental Commission on Human Rights, as part of an ongoing effort to develop a more people-oriented ASEAN, complements longer-standing regional human rights bodies in Latin America, Africa, and Europe. Among their functions have been the promotion of human

rights and protection standards within the region, the development of effective and independent national commissions on human rights, further accessions of their members to key global conventions, and public education and awareness building on these matters. In Resolution 117 (XXXXII) 07 on “Strengthening the Responsibility to Protect in Africa,” the African Commission on Human and Peoples’ Rights sought to relate this global principle to specific situations on the continent. Under the auspices of the New Partnership for Africa’s Development, the African Peer Review Mechanism has provided candid assessments and reform recommendations to African governments on matters relating to responsibility to protect principles. Consideration could be given to introducing criteria related to the responsibility to protect into the Human Rights Council’s Universal Periodic Review and to regional peer review mechanisms.

18. One of the longest-standing and most quietly effective instruments for preventing atrocity crimes has been the office of the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe (OSCE). Other regions could establish similar posts for undertaking early warning and quiet diplomacy to ease tensions among groups within societies. Through initiatives to stem discrimination and xenophobia and its rigorous standards for membership accession, the European Union helps to discourage conditions that could breed atrocity crimes. Some observers have suggested that the arrest of former Bosnian Serb General Ratko Mladic in May 2011 is evidence that these policies can aid the cause of accountability for atrocity crimes under some circumstances.

19. Responsibility requires accountability. It should be recalled, in that context, that the developing system of international justice, with the International Criminal Court (ICC) at its core, depends heavily on the principle of complementarity at the national level. Not unlike my strategy for implementing the responsibility to protect, the preferred course of action is for the State to investigate, indict, and prosecute those who commit the most serious crimes of international concern. International justice is a fallback option when domestic judicial processes prove inadequate to the task, as accountability should begin at home. From Argentina to Peru to Guatemala, historic efforts are underway to end impunity in the Americas. It should be recalled, as well, that regional tribunals paved the way for the development of the ICC and have made important contributions to justice in Europe, Africa, and Asia.

20. There have been important normative developments at the regional level. For instance, the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights, along with the good offices of the Organization of American States, have made cardinal contributions to efforts to address serious human rights situations and to prevent mass atrocities. The 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa is the first international legal instrument on a matter closely related to the responsibility to protect. Other regions might want to consider developing similar conventions.

IV. International assistance and capacity-building

21. The second pillar of my strategy addresses ways to help the State bolster its capacity to avoid or stem mass atrocity crimes. These efforts could be either of a structural or operational character. Structural prevention seeks to change the context from one that is more prone to such upheavals to one that is less so. Its time line is more extended and its results harder to perceive or measure. Operational prevention, on the other hand, strives to forestall what appears to be an imminent threat of an atrocity crime. It addresses societies on the edge, where concerns about atrocity prevention often have to be reconciled with concurrent concerns about conflict prevention. Operational prevention thus may be related to the third pillar, on response, just as structural prevention is linked to the first pillar on State responsibility. The regional and sub-regional dimensions of operational prevention are widely recognized. For the United Nations, the global-regional-sub-regional partnerships on operational prevention are forged week after week, in crisis after crisis. A wide range of United Nations entities are involved, both at the field and headquarters to headquarters levels. As discussed below, improving operational prevention and collaboration with our regional and sub-regional partners is our most urgent priority.

22. Less understood and less appreciated are the roles played by regional and sub-regional arrangements in structural prevention. The biggest players in development assistance are bilateral or global, not regional or sub-regional. The same could be said of post-conflict peacebuilding. Strategic planning is generally done on a country-by-country basis, with ownership sought at the country level. This is natural, as economic and social development, like protection, is above all a sovereign responsibility. The private sector can play a pivotal role as well in terms of decisions about where to and where not to invest. Civil society can make essential political and operational contributions.

23. So where do regional and sub-regional arrangements fit into this equation and what is their added value in terms of strengthening the structural prevention component of the second pillar? One place is with the regional and sub-regional development of norms, standards, and institutions that promote tolerance, transparency, accountability, and the constructive management of diversity. A second is in the area of preparedness and planning, which can make a difference in reducing the ill effects of man-made, as well as natural, disasters. In such matters, international actors should listen attentively to the accumulated insights of local ones, especially from civil society. Given the consequences for neighbouring countries that often stem from mass atrocity crimes, particularly relating to the humanitarian and natural resource implications of large-scale refugee flows, preparedness and planning should be undertaken at a cross-border as well as at a country level. Sometimes these crimes are committed not by governments, but by non-state actors, such as armed groups, drug cartels, or terrorists. Such groups tend to operate on a transnational basis, thus calling for cooperative responses at the regional or sub-regional levels.

24. As noted above, paragraph 139 of the 2005 Outcome calls for international assistance to States “under stress before crises and conflicts break out.” Often, neighbors, sub-regional, and

regional organizations have the keenest sense of when trouble is brewing in the neighborhood and of where and how the international community can be of the greatest assistance. They can identify capacity gaps and serve as conduits for the two-way flow of information, ideas, and insights between stakeholders at the local and national levels and those at the global level. Though those associated with regional and sub-regional arrangements frequently have uniquely valuable perspectives on such situations, it should not be assumed that they are always right. Sometimes more distant observers have a broader or more balanced perspective. Politics, profits, and national interests come into play at the regional and sub-regional levels, just as they do in the deliberations of inter-governmental bodies at the United Nations. It is, most often, through the interplay of ideas, perspectives, and preferences among local, national, and international stakeholders that the best policies and most sustainable strategies are identified. As addressed in the final section of this report, the challenge is to find the practices and processes that are most likely to achieve both the proper balance and the best outcomes from these complex interactions.

25. Prevention at every level shares a common attribute: it is under-resourced locally, nationally, regionally, and globally. Though it is often said that preventing mass atrocities is far more cost effective than responding to them, Member States and donors habitually devote more resources to the latter. I have been determined to bolster the preventive capacities of the United Nations. Over the last few years, the Member States have approved critical increments to the Organization's ability to work with its regional and sub-regional partners on mediation, facilitation, and dialogue in crisis situations, including through strengthening the regional presence and the Mediation Support Unit of the Department of Political Affairs, as well as its programmes to bolster the mediation capacities of the African Union and the African Regional Economic Communities. In 2010 alone, the United Nations helped to mediate almost three dozen crisis situations. In a number of these cases, atrocity crimes had been committed or were threatened. After carefully assessing information from regional and sub-regional arrangements, as well as from the United Nations system and civil society, my Special Advisers on the Prevention of Genocide and on the Responsibility to Protect have made public statements over the past year regarding developments in Kyrgyzstan, Guinea, Côte d'Ivoire, Libya, the Sudan, and Syria, as well as providing me with internal assessments of a number of other situations.

26. The danger of mass atrocity crimes, particularly involving sexual and gender-based violence, is most acute where the rule of law is weak and the security sector is in need of substantial reform. In such cases, the authority and even the legitimacy of the State may come into question, as women, children, the elderly, and the most vulnerable elements of society cannot rely on national authorities and institutions for protection. I have strengthened our capacity to help rebuild legal institutions and train police, prison and judicial officials in countries recovering from conflict. Elsewhere, the UN Development Programme (UNDP) and the Office of the High Commissioner on Human Rights (OHCHR) have taken the lead. Such steps can contribute to prevention as well, and neighbouring countries may be in a position to provide models of successful practice, as well as training, educational, and exchange programmes for officials in the rule of law and security sectors. Regional and sub-regional arrangements could do more to facilitate such cooperative efforts with the support of the United

Nations, the private sector, and civil society as needed. These efforts could build on the normative traditions and institutional capacities that already exist in each region and culture, with regional and sub-regional arrangements again serving as a bridge between the local and the global.

27. Regional and sub-regional arrangements can play a critical role in helping to assure the accurate and timely flow of information and analysis from the country level to global decision-makers, while lessening the risk of misinterpretation, misinformation, and deliberate distortions. The European Union and the OSCE, for instance, have set up dedicated situation rooms. Respected regional figures, such as the African Union's Panel of the Wise, can reinforce global messages about human rights norms and responsibility to protect principles and about accountability and the decline of impunity. They can discourage incitement and dehumanizing caricatures of particular groups within society, while championing the constructive management of diversity. In Africa, both the African Union and the regional economic communities have developed early warning systems that could be very helpful in identifying such danger signs so that timely and effective preventive action can be taken, whether at the sub-regional, regional, or global level. The Panel of the Wise, moreover, has decided to employ the Framework of Analysis developed by the joint office of my two Special Advisers, something that other regional and sub-regional arrangements might want to consider.

28. An encouraging trend, in that regard, is the development of a voluntary network of responsibility to protect focal points in a substantial number of capitals around the world. Over time, the group could take on a range of communication, learning, policy, capacity building, and mapping functions. It would be helpful to our work at the United Nations, including that of the Joint Office of the two Special Advisers, if the focal points could undertake a mapping exercise of the capacities that various Member States have that could help to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity. Parallel networks of focal points in civil society and parliaments could be developed as well.

29. My report on "Implementing the responsibility to protect" noted that the preventive deployment of peacekeepers under Chapter VI or of combat forces under Chapter VII with the consent of the host government to counter armed groups committing mass atrocity crimes, as was the case with the Revolutionary United Front in Sierra Leone a decade ago and with the Lord's Resistance Army today, could be considered acts of assistance to the State under the second pillar. Given the demands for blue helmets in many parts of the world, however, the further development of regional military capabilities, such as the African Stand-by Force, should be encouraged as an alternative, even if they will not be fully operational for some time. Civilian capacities to help inform regional and sub-regional policies toward emerging crises, such as through the European External Action Service, the Central American Integration System, and the African Union's Peace and Security Architecture, could make a more significant contribution to preventing atrocity crimes, especially in the near term.

V. Timely and decisive response

30. The responsibility to protect relies on the whole range of policy instruments addressed in Chapters VI, VII, and VIII of the Charter. Since there may be times and places where less coercive policy tools are insufficient to protect large populations from harm, no broad strategy for implementing the responsibility to protect could be complete without some reference to Chapter VII methods. However, though such actions might be the most visible and dramatic instruments in the responsibility to protect repertoire, they are just the tip of the proverbial iceberg. Beneath the surface, gaining far less publicity, are the quiet responses undertaken with the tools of investigation, fact-finding, good offices, mediation, personal persuasion, and conflict resolution laid out in Chapters VI and VIII of the Charter. Over the past few years, the responsibility to protect has been invoked by the Security Council, myself, my two Special Advisers, and other colleagues in a non-coercive manner in Darfur, Kenya, Kyrgyzstan, Côte d'Ivoire, Yemen, Abyei, and Syria. Only in the case of Libya (resolutions 1970 and 1973 (2011)) has the Security Council cited the responsibility to protect in the preamble of a Chapter VII resolution. For the principle to be implemented in an effective, balanced, and sustainable way, with the full collaboration of our regional and sub-regional partners, all of the measures and procedures specified in the Charter will have to be at the United Nations' disposal. As the principle moves from words to deeds on both the global and regional levels, what is needed is an early and flexible response tailored to the circumstances of each case rather than any generalized or prescriptive set of policy options.

31. My 2010 report on "Early warning, assessment and the responsibility to protect" called for early engagement and a balanced and dynamic understanding of the evolving conditions on the ground in each situation. In that regard, there should be natural synergies between the United Nations and its regional and sub-regional partners when it comes to gathering and sharing information, comparing notes, and exchanging assessments of situations of common concern. Such interactive analytical processes can help spur both mutual confidence and a shared understanding of the nature and scope of the challenges to be addressed in a particular case, as well as of the policy choices ahead and their likely consequences down the road. Just as transparency and the free flow of information can help to break down prejudices and stereotypes between groups within a society, they can also contribute to greater coherence and a keener sense of shared responsibility among international actors, whether in a preventive or responsive mode.

32. At the pinnacle of international decision-making, the Security Council could make more extensive use of its broad authority under Article 34 of the Charter to "investigate any dispute, or any situation which might lead to international frictions or give rise to a dispute." By undertaking several visits or missions each year to see how places of concern are faring, the Security Council has taken an important step in this direction. The focus has been more on conflict prevention and resolution, of course, than on the prevention of mass atrocity crimes, though the Council's growing attention on protection issues in a peacekeeping context suggests that it would not be difficult to add these matters to the scope of its concerns, including in its messaging to government leaders and to the heads of armed groups during these missions.

33. In that regard, discouraging incitement and monitoring statements by national officials and opposition leaders and their supporters can be an essential preventive step. Timely sharing of information and of accurate transcripts of statements of concern could be helpful in making sure that the Member States and the secretariats of the United Nations and regional and sub-regional organizations are responding to the same base of information on possible incitement. By providing alternative media, including radio broadcasts, in places where the incitement to violence against particular groups is rampant, the United Nations has sometimes been able to provide a more balanced and calming voice for the population. More could be done, however, in terms of collaboration with regional and sub-regional partners in such matters.

34. In the case of Libya, the Arab League acted to suspend its membership for its assaults on civilian populations and the General Assembly took similar action in terms of its membership in the Human Rights Council before the Security Council acted. The stance of the African Union and sub-regional organizations to suspend countries in which military coups have overthrown established governments is encouraging in terms of accountability, and it would not be a great leap to add criteria related to mass atrocity crimes as well. As noted above, the requirements for entry into the European Union may also be helpful in encouraging countries to meet human rights standards. Such efforts at collective peer pressure may not always constitute timely and decisive action, but they have symbolic and political value. It could be useful to explore ways in which regional and global action on diplomatic sanctions, including membership and representational issues, could be coordinated when the commission of mass atrocities is involved.

35. Doctrine for the possible use of peacekeeping and military assets in the context of preventing, deterring or responding to atrocity crimes is not well developed. There is need for a deeper and more inclusive discussion of such matters both among governments and among independent experts. The roles of both the United Nations and its regional and sub-regional partners should be considered in such dialogues and assessments.

36. Targeted or smart sanctions, such as restrictions on arms, police equipment, mercenaries, finances, and travel, are often seen as attractive alternatives to more forceful measures. More study is needed, however, of their effectiveness in cases where national authorities seem determined to commit mass atrocity crimes. One hurdle is timing, as their effects may take a number of months to be felt. Another is implementation, as their application invites measures to circumvent their provisions and monitoring is never air tight. A third is the collateral damage to the economies of neighbouring countries and trading partners. Each of these concerns suggests the value of greater global-regional study and dialogue on how to facilitate cooperation between the United Nations and its regional and sub-regional partners on designing and implementing more effective sanctions packages in cases of mass atrocities.

37. The International Criminal Court is an independent body, controlled neither by the United Nations nor by regional bodies. Its work, even its very existence, nevertheless plays a central role in prevention, as well as in efforts to ensure accountability in cases of mass atrocities. Parallel efforts to pursue justice and peace may raise issues of timing and coordination, but in

the end they are mutually reinforcing goals. Both should be served. Regional and sub-regional arrangements can help to set the tone in terms of encouraging the cooperation of local and national authorities in apprehending those who have been indicted or convicted and in restricting their travel. Again, some quiet global-regional dialogue on these issues could be helpful in sorting out lessons learned and possible paths forward.

VI. Collaboration and partnership

38. Most Member States are also members of one or more regional or sub-regional arrangement. Coherence and synergies in global-regional cooperation, therefore, begin in capitals. I would encourage members of the Security Council and of the Peacebuilding Commission, in particular, to consider ways in which greater collaboration in planning and in policy making between those bodies and regional and sub-regional ones could be fostered, including on how to discourage atrocity crimes and promote national responsibility and accountability.

39. Desk-to-desk communication and cooperation between the United Nations secretariat and its regional and sub-regional counterparts is growing and proving to be mutually beneficial. But it has been uneven. Moreover, while the United Nations has robust and productive relationships with a number of regional and sub-regional partners, these generally do not explicitly address the prevention of atrocity crimes. In the future, we might usefully include issues related to the responsibility to protect in our dialogues and agendas. We have much to learn from each other.

40. My Special Advisers on the Prevention of Genocide and the Responsibility to Protect have been accelerating their contacts with regional groups on both thematic issues and specific country situations. Some of these relationships are relatively well developed, such as with the High Commissioner for National Minorities of the OSCE, the African Union, the International Conference of the Great Lakes Region, and the European Union. Others, such as with ASEAN, ECOWAS, the Inter-Governmental Authority for Development (IGAD), the Organization of American States (OAS), and the League of Arab States, are at an earlier stage of development. In the coming months, they will look for ways to broaden and deepen these relationships as a matter of high priority.

41. I look forward to the upcoming informal interactive dialogue in the General Assembly on the regional aspects of the responsibility to protect. As in earlier such dialogues, this will be a prime opportunity to hear the views of the Member States, as well as of leading regional and sub-regional officials and experts, as we move forward in refining the concept and charting the road to full, balanced, and sustainable implementation of the principles laid out by the heads of State and Government at the 2005 World Summit.

42. I would welcome suggestions for the focus of next year's dialogue. One possibility would be an assessment of efforts to date to utilize all of the tools of Chapters VI, VII, and VIII in implementing the third pillar of my strategy.

43. Members of the Security Council may also want to consider some of the issues raised in this report. Paragraph 139 of the 2005 Outcome Document notes that collective action is to be taken “through the Security Council, in accordance with the Charter.” As discussed above, Chapter VIII of the Charter defines a special relationship between the Council and regional arrangements and agencies.

44. There is every reason to anticipate enhanced collaboration between the United Nations and its regional and sub-regional partners in the implementation of the responsibility to protect in the months and years ahead. The conceptual, political and operational development of the responsibility to protect has proceeded with unusual alacrity. Support for the principle is broad, deep and growing. Yet we know, as well, that declaring a principle and ensuring its consistent implementation are two quite different things. The latter will continue to be a learning experience for Member States and the Secretariat alike. We do not have all the answers. But we are confident that the surest path for advancing the responsibility to protect is through global-regional-sub-regional partnership.