

Summary of the UN Secretary-General's Report on the Role of Regional and Sub-regional Arrangements in Implementing the Responsibility to Protect

I. Introduction, Mandate and Regional Dimension of the Implementation Strategy

On 27 June, 2011, Secretary-General Ban Ki-moon released his Report, *The role of regional and sub-regional arrangements in implementing the responsibility to protect*, in advance of the 12 July 2011 UN General Assembly informal interactive dialogue on the same subject. This is the third report from the Secretary-General since 2009 on the subject of the Responsibility to Protect (RtoP).

Taking special note of recent political events, the Secretary-General sees a natural role for regional and sub-regional arrangements in implementing RtoP as well as a strong relationship between the UN and these bodies, emphasizing that the UN Security Council and regional and sub-regional organizations lend legitimacy to one another. The Report notes that progress made in protecting populations from mass atrocities varies strongly by region, and encourages intra-regional dialogue. It refers specifically to the Study Group on the Responsibility to Protect of the Council for Security Cooperation in the Asia Pacific and the Association of Southeast Asian Nations Regional Forum (ARF) as examples of forums for such dialogue.

The Secretary-General uses the three pillar approach to frame the role that regional and sub-regional institutions can play in implementing RtoP. These pillars were first outlined in the 2009 Report released by Secretary-General *Implementing the Responsibility to Protect (A/63/677)*, and are as follows:

- 1. Pillar one:** the enduring responsibility of the State to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their incitement.
- 2. Pillar two:** the commitment of the international community to assist States in meeting those obligations.
- 3. Pillar three:** the responsibility of Member States to respond collectively in a timely and decisive manner when a State is manifestly failing to provide such protection.

II. Pillar 1 Responsibilities: Regional and sub-regional arrangements and the responsibility of the State to protect

The first pillar defines the State as the primary actor responsible for protecting its population from mass atrocities and the Report emphasizes the collaborative role that regional and sub-regional arrangements can play to reinforce the ability of the State to do so. Regional and sub-regional arrangements can contribute to governmental efforts by:

- 1. Connecting global standards to local and national action.** The Report mentions the efforts of International Conference of the Great Lakes Region (ICGLR) in establishing dedicated committees to provide oversight and follow-up with governments on adherence to human rights standards, and in particular on mass atrocities.

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2. In **responding to the spillover effects of national crises, such as refugee flows**, regional organizations have the capacity to foster collaboration between the State, civil society, and neighboring countries.
3. Responding early to conflict with practical tools to prevent escalation including **fact-finding missions and mediation**.
4. Becoming more involved in **training and awareness-raising programs around conflict prevention** such as those initiated by the Special Advisors for the Responsibility to Protect and the Prevention of Genocide and their partners. The Secretary-General noted the 2004 Plan of Action of the ASEAN Security Community to reduce inter-communal tensions through education exchanges and reform.
5. Working with civil society to implement **cross-regional conflict training programs**. Often, large-scale responses are informed by locally developed and enforced plans for protection that regional organizations can teach and raise awareness of around the world. The Report emphasized the often innovative programmatic and logistical expertise of civil society.
6. **Encouraging governments to fulfill obligations** in regional and international treaties.
7. **Establishing regional norms** to promote human rights and the protection of populations. Regional organizations can apply these standards to existing crises through oversight mechanisms. The African Peer Review Mechanism assesses African governments according to criteria in line with RtoP principles, and the Report recommended that similar criteria be incorporated into the Human Rights Council's Universal Periodic Review and regional peer review mechanisms.
8. Assisting States in **identifying and resolving existing conflicts** among societies **with early warning and quiet diplomacy** to prevent escalated conflict. The Report noted existing efforts from the Office of the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe (OSCE).
9. **Developing criteria for membership in regional and sub-regional arrangements around mass atrocity prevention and the protection of populations**. The European Union (EU) in particular has established high standards for membership accession, to ensuring the government policy and practices are non-discriminatory and xenophobic.
10. **Promoting international and regional justice**. The Report reminded that the International Criminal Court relies on the principle of complementarity at the national level, and made note of the role of regional tribunals. Regional and sub-regional arrangements can strengthen justice and prevent impunity by building their own-- as well as supporting-- national judicial capacities.
11. Continuing to **advance normatively in addressing serious human rights violations**. The Report highlighted the efforts of the Inter-American Court of Human Rights, the Inter-American Commission on Human Rights and the Organizations of American States (OAS) as well as the 2009 African Union (AU) Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

III. Pillar 2 Responsibilities: Regional and sub-regional arrangements and international assistance to Member States

The Report emphasizes that regional and sub-regional arrangements can assist state capacity-building in preventing mass atrocities structurally and operationally. The Report defines structural prevention as changes in context that diminish conditions which can breed mass atrocity crimes whereas operational prevention is more direct in forestalling imminent threats. The Report makes clear that *improving operational prevention and collaboration with our regional and sub-regional partners is our most urgent priority*.

Regional and sub-regional arrangements can assist Member States in protecting their populations by:

1. **Building capacity in preparedness and planning for natural disasters and conflict.** The need for input from regional and sub-regional arrangements is natural due to the spillover effects of many national crises and their, at times, transnational perpetrators, and the widespread effects of natural disasters which can lead to regional destabilization.
2. **Identifying capacity gaps** in national structures when working to prevent and resolve crises.
3. Giving input to local, national, and international actors to **identify best practices in the prevention of mass atrocities.**
4. Diverting resources to **advance mediation capacities** of regional and sub-regional arrangements. In particular, the Report mentioned recent efforts by Member States to support mediation efforts within the UN Department of Political Affairs, the AU and African regional economic communities.
5. **Facilitating security sector reform and strengthening of the rule of law** independently and in collaboration with UN programs, which seek to train police, prison and judicial officials and rebuild legal institutions, to streamline recovery from conflict. The Report noted that sexual and gender-based violence is more prevalent in area where these institutions are weak.
6. **Sharing information and building capacity for crisis analysis.** There are many practical tools available in the realm of crisis-specific analysis:
 - Regional and sub-regional arrangements including the EU and the OSCE have **established situation rooms.**
 - The Report also noted the **early warning mechanisms** developed by the AU and African regional economic communities.
 - The Panel of the Wise has begun employing the **Framework of Analysis** developed by the Special Advisors for Genocide Prevention and the Responsibility to Protect and can promote RtoP principles, human rights and the prevention of impunity.
 - The Report suggests that the **network of RtoP focal points** conduct a **mapping of national capacities.** Parallel networks among parliament and civil society could also be developed.
7. Developing **regional military and civilian capacity.** The Report highlights the development of the African Stand-by Force and the importance of civilian capacity through bodies such as the European External Action Service, the Central American Integration System, and the AU's Peace and Security Architecture.

IV. Pillar 3 Responsibilities: Regional and sub-regional arrangements in timely and decisive response

The international community needs to have a full range of preventive and reactive tools at its disposal that can be used to respond to crises early and flexibly. The Report also noted the increase in Security Council attention to protection in investigative and peacekeeping missions, and potential opportunity to incorporate mass atrocity prevention into the Council's scope during national visits.

Regional and sub-regional arrangements can contribute to effective response by:

1. **Timely sharing of information and preventing incitement in collaboration** with the larger international community. Monitoring disputes and statements from state and opposition leaders and installing alternative media sources can prevent the transition from intention to capacity to commit

crimes. Regional and sub-regional arrangements can further contribute to these efforts by sharing information with the UN.

2. **Adding criteria related to mass atrocities to regional and sub-regional organization membership.** The Arab League's suspension of Libya and the General Assembly's similar actions in the Human Rights Council are such examples.
3. Developing doctrine for preventing and halting mass atrocities through **peacekeeping and military assets**. Although military intervention is a last resort, the Report notes that these methods are necessary but underdeveloped, needing further discussion.
4. **Continuing the study and cooperative implementation of targeted sanctions.** Financial tools like travel bans, targeted sanctions, and restrictions on arms and equipment often take too long to become effective, are difficult to implement and monitor, and can cause collateral damage to trading partners and neighboring countries. Further study and dialogue is needed to make these methods more effective tools for prevention.
5. Encouraging **local and national cooperation with the International Criminal Court** to apprehend those indicted or convicted and in restricting their travel.

V. Conclusions: Areas for collaboration

The Report emphasized opportunities for collaboration between regional and sub-regional arrangements and other bodies such as the Security Council and the Peacebuilding Commission. As existing **relationships between UN organs and regional and sub-regional arrangements** can be inconsistent and often do not involve collaborative efforts to prevent mass atrocity crimes, these partnerships should be enhanced.

The Secretary-General highlights the **role of civil society organizations** throughout his Report. Civil society enhances the work of regional and sub-regional arrangements by sharing information about action on the ground, contributing to local dialogue on implementing the Responsibility to Protect and raising awareness of the norm in each region, and partnering in collaborative efforts to reform security sectors and establish norms.

The Secretary-General in his Report, asked Member States to consider the special relationship between the Security Council and regional and sub-regional arrangements in line with the commitment to collective action made in Paragraph 139 of the 2005 Outcome Document. The Secretary-General emphasized that he looks forward to a productive discussion between Member States and regional and sub-regional arrangements, and to continued dialogue on implementation of the Responsibility to Protect.