

GA dialogue on Early Warning, Assessment and the Responsibility to Protect

I. Introduction

The General Assembly (GA) held an informal interactive dialogue on Monday, 9 August on 'Early warning, assessment and the responsibility to protect'. The dialogue, held in response to the 14 July [Report of the Secretary General \(A/64/864\)](#) on the same issue, took place in follow up to the July 2009 GA debate on the Responsibility to Protect (RtoP) where Member States agreed in resolution [A/RES/63/30](#) to continue consideration of RtoP. Although the dialogue was initially scheduled to take place on 9 July and then officially announced to Member States for 23 July, delays in the reaching consensus on the content of the report coupled with a "two week rule" for Member States to consider the report pushed back the final date for the dialogue.

At this occasion of the second meeting of the GA, a total of 42 Member States, 2 representatives from regional organizations and 2 representatives from civil society spoke at the dialogue. ICRtoP was very encouraged by the strong participation of Member States, as shown by a completely packed room during the morning session, in the typically slow month of August. A strong majority of States reaffirmed support for the emerging RtoP norm, welcomed the report of the Secretary General (SG) and called for continued discussions on RtoP in the GA. A range of constructive questions and concerns were raised about how the UN system can best gather and analyze information, develop policy options and translate these options into early action. Not surprisingly, a few expected detractors continued to question the definition of RtoP and what has been agreed to by the GA. The dialogue concluded in only one day at the insistence of the Acting President of the GA, however it was clear that a number of Member States had planned on delivering longer interventions (with prepared statements) and due to a lengthy speakers list some RtoP supporters abstained from speaking entirely.

The next step for the UN will be to consider how to better institutionalize early warning and assessment and the Responsibility to Protect within the UN. This will involve the presentation of concrete proposals later this year by the SG to the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and the Fifth Committee on the creation of a joint office between the Special Advisors for the Prevention of Genocide and for the Responsibility to Protect. In addition, Member States supported holding a GA dialogue next year on regional and sub-regional organizations, which indicates their continued support for the Secretariat to take RtoP forward. The ICRtoP will encourage earlier notification and preparation of the dialogue in order to ensure maximum participation by Member States and the facilitation of civil society voices in the dialogue and other parallel events. The ICRtoP will also advocate for a more gender-balanced panel of experts from regional and sub-regional organizations across the world.

II. Opening Statements and Panel of Experts

The dialogue began with a brief opening from Acting GA President, H.E. Mrs. Byrganym Aitimova, Permanent Representative of Kazakhstan to the UN, followed by a short [statement from the Secretary General](#). The SG's statement largely echoed his report, recalling that the mandate to strengthen the UN's early warning capabilities originated during the 2005 World Summit, presenting main gaps and challenges with early warning and assessment, and providing an overview of his plans to create a joint office between the Special Adviser for the Prevention of Genocide and the Special Adviser on the

Responsibility to Protect. The SG also noted the excellent participation of Member States, which showed strong interest on the subject.



UN Photo/Evan Schneider

Following the SG's statement, a **panel of five experts** made preliminary remarks. [Dr. Edward Luck](#), Special Advisor on the Responsibility to Protect, called for early and flexible responses as opposed to an overly mechanical approach to early warning and assessment. On assessment, Dr. Luck highlighted the importance of early understanding, which is not just about understanding "what" but understanding "why". Only based on a dynamic and continued assessment process, he explained, can appropriate policy options be developed and implemented, in association with key partners in the region and civil society voices. Finally, Dr. Luck called for realistic and modest expectations from the UN, noting that capacity will never match scope of the task. [Dr. Francis Deng](#), Special Advisor for the Prevention of Genocide (SAPG), provided an overview of his mandate and explained how genocide prevention was related to RtoP. Calling prevention a key priority for his office, Dr. Deng discussed the challenges with the terminology of genocide but reminded that his work focused on how to encourage governments to constructively manage diversity to prevent identity-based violence. He noted that no region is exempt from these types of atrocity crimes and all regions need to be essential partners with the SAPG's Office, a process currently underway.

[Dr. Bertrand Ramcharan](#), First Swiss Chair of Human Rights and former UN High Commissioner for Human Rights ad interim, reminded Member States that protection is first and foremost the responsibility of the State, and that regional and international action is "back-up". He noted the general anxiety that some Member States feel for the RtoP, and that confidence building and cooperation were needed to overcome these tensions. Dr. Ramcharan recalled the role of the long-established human rights machinery and proposed that a mechanism be set up to follow-up on the implementation of the Genocide Convention. He concluded with issuing his support for the proposed joint office and the importance of allocating resources to the initiative.

Dr. Andrea Bartoli, Director of the Institute for Conflict Analysis and Resolution at George Mason University, focused his remarks on the efforts to support national action plans for the prevention of genocide. Praising the OSAPG for revising the framework for analysis, Dr. Bartoli emphasized that understanding the reason why violence happens is a key component of early warning. He called for analysis of long term trends rather than just examining data points. Dr. Bartoli highlighted the need for cooperation and collaboration in genocide prevention initiatives and reminded that there is much work happening at the regional levels, primarily in Africa and Europe. Dr. Muna Ndulo, Director for the Institute for African Development at Cornell Law School, supported the need for early engagement to avoid reaching the point where the use of more forceful reactionary measures would be needed. Dr. Ndulo pointed to the fact that the challenge is not the availability of information but that warnings are often ignored until it is too late, as exemplified by the 2007 ethnic electoral violence in Kenya. He recommended that conflict analysis incorporate a gender perspective and called for the development of gender based indicators for early warning. Finally, Dr. Ndulo stressed that even while working on early warning systems, we need to work on building political will of international and regional institutions to act early, which also means developing a zero-tolerance policy towards human rights violations.

III. Statements by Member States

Following the panel, **42 Member States and 2 representatives from regional organizations** took the floor.

1. General themes and overall support for the Responsibility to Protect

Many Member States **welcomed the latest report of the SG** and voiced their support for **continued discussions of RtoP within the GA**. While some noted that the focus of this year's dialogue was specifically on early warning and assessment, most Member States nonetheless recalled the basic principles underlying RtoP, as highlighted in the 2009 debate, namely that:

- A. the scope of **RtoP is limited to four crimes and violations**; genocide, war crimes, ethnic cleansing and crimes against humanity
- B. **RtoP enhances the sovereignty of the States** by emphasizing the primary responsibility of States to protect their populations
- C. **RtoP is rooted in existing international law**
- D. **prevention is the heart of RtoP.**

Many Member States recognized the growing consensus for the norm since the 2005 World Summit and noted the considerable progress that has been made in taking it forward.

2. Early warning and assessment

Noting the gaps outlined in the report, many Member States agreed that **the real challenge is to translate information into analysis and then into action**. Member States spoke of a real need to "develop early understanding", which could aid in an informed assessment of a particular situation and to the development of policy options. These steps are critical for ensuring **early engagement** to address deteriorating situations before it is too late.

Information sharing, coordination of information and analysis

A recurrent theme throughout the debate was the need to ensure that **information received comes from credible sources, provided in a timely way and on a confidential basis**. Multiple sources of information should be sought, including from UN funds, programs and agencies, as well as field missions. Many Member States supported information coming from **civil society**. There were a few calls for Member States to overcome their inherent unwillingness to provide sensitive information. Consensus was voiced that proper **coordination and cooperation** between multiple actors within the UN system was a crucial premise for improving early warning and early engagement. It was mentioned that the OSAPG's current **Framework of Analysis** would need to integrate the three other crimes included under the RtoP. Integrating a **gender perspective** was also recognized as essential for a stronger and more accurate prevention system.

Proposal of the Secretary General to create a joint office

Many Member States voiced support toward efforts to ensure collaboration of the Special Advisor for the Prevention of Genocide and the Special Advisor for the Responsibility to Protect including the **creation of a joint office**, which would align the complementary mandates and ensure budgetary efficiency. Questions were raised as to how specifically the office would address the gaps in the coordination of information, how the Special Advisors would divide their work and how the **emergency convening mechanism** would operate. One Member State asked whether it might make sense to create an RtoP office headed by a USG which would have different departments (genocide, etc.). Another State indicated the wish that the Special Advisors **speak publically during crises**, as they did in their joint statement on crisis in Kyrgyzstan. Member States indicated that they **were looking forward to hearing additional details about these proposals**, which Dr. Luck explained would come later this year during the ACABQ and 5th Committee meetings. Some Member States questioned whether governments should have a role in voicing **how the SG structures his office** (as per Article 97 of the UN Charter). Finally, some Member States mentioned that while strengthening the UN Secretariat was important, **effective prevention would come from building regional and national capacities**.

Cooperation with regional organizations and sub-regional organizations

There was wide consensus that **regional and sub-regional organizations are key partners for the UN on early warning, capable of collecting and providing information and engaging early to prevent and stabilize crises**. The European Union, the African Union and ECOWAS in particular were mentioned since they are closely cooperating already on the development of early warning systems and early engagement frameworks. The proposal to **continue discussions in the GA**, specifically on the subject of the role of regional and sub-regional organizations next year, was particularly well received by Member States.

Support for civil society organizations (CSO) in contributing to early warning

A high number of Member States recognized the **crucial role that civil society organizations** can play in providing early warning information to key actors. CSOs often have access to conflict zones and are in direct contact with victims, allowing them to provide unique types of information.

3. Expected opposition to RtoP

Strong opposition only came from a few States which mentioned similar criticism as had been heard in last year's GA debate on RtoP ([see 2009 ICRtoP report](#)). These statements questioned whether RtoP had a **legal status under international law**, misrepresented RtoP as a doctrine aimed at justifying **military intervention** and insisted that RtoP was inherently contradictory to **national sovereignty**. The need to reform the **Security Council** to address the selectivity in its reaction to crisis situations was also reiterated, as well as the need to increase the **role of the General Assembly** rather than the Security Council in taking measures to address mass atrocities. New concerns touched on whether Member States should have the principal role in making decisions for taking RtoP forward, as opposed to it being centralized within the Secretariat or with the two Special Advisers. Similarly, there was a minority of Member States who questioned **whether a mandate from the GA exists for RtoP**.

IV. Statements from civil society

Finally, two CSOs were given the opportunity to take the floor. Ms. Doris Mpoumou, Director of the [International Coalition for the Responsibility to Protect](#) emphasized the strong support of civil society for the Responsibility to Protect, adding that CSOs can play an important role in providing early warning information, mobilizing in the face of RtoP crimes, and being close partners for the UN and Member States in advancing RtoP. Ms. Monica Serrano, Executive Director of the [Global Centre for the Responsibility to Protect](#) recalled that strong lessons from the past demand that efforts for enhancing the capacity for early warning and assessment be taken seriously. She stressed that RtoP challenges the notion that the international community cannot confront and halt the most heinous of crimes.

Please go to www.responsibilitytoprotect.org to view [statements from Member States](#).