Introduction

The post of Special Adviser to the Secretary-General on the Prevention of Genocide was created by Security Council Resolution 1366 in response to the failure of the international community to prevent the genocides in Rwanda and Bosnia & Herzegovina. The first Special Advisor to the Secretary-General on the Prevention of Genocide, Juan Mendez, was appointed by Kofi Annan in April 2004. On 29 May 2007, Secretary-General Ban Ki-moon appointed Dr. Francis Deng as the Special Advisor for the Prevention of Genocide, who was assigned Under-Secretary-General status and received a full-time post in December 2007 (whereas Mendez was an Assistant Secretary-General and employed part-time). The mandate of the SAPG is to collect existing information, particularly from within the UN system, act as an early warning mechanism, and make recommendations to the Security Council through the Secretary General. A post for the Special Adviser with a focus on the Responsibility to Protect was established on 21 February 2008 following the appointment of Dr. Edward Luck. Dr. Luck’s primary role is to develop conceptual clarity and consensus for the evolving norm, while working closely with the Office of the Special Advisor on the Prevention of Genocide.

Special Adviser on the Prevention of Genocide

On 7 April 2004, in his address to the Commission on Human Rights at a special meeting to observe the International Day of Reflection on the 1994 Genocide in Rwanda, the Secretary-General Kofi Annan outlined a Five Point Action Plan to prevent genocide, which included the following: (a) preventing armed conflict, which usually provides the context for genocide; (b) protection of civilians in armed conflict including a mandate for United Nations peacekeepers to protect civilians; (c) ending impunity through judicial action in both national and international courts; (d) early and clear warning of situations that could potentially degenerate into genocide and the development of a United Nation’s capacity to analyse and manage information; and (e) swift and decisive action along a continuum of steps, including military action.

With regard to the development of a capacity within the United Nations system for early and clear warning of potential genocide, the Secretary-General announced his decision to create a new post of Special Adviser on the Prevention of Genocide, reporting through him to the Security Council.

In his letter of 12 July 2004 (S/2004/567), the Secretary-General informed the President of the Security Council of his decision to appoint Juan Mendez as his Special Adviser on the Prevention of Genocide and attached an outline of the mandate of the Special Adviser. The mandate of Juan Mendez expired on 31
March 2007 and the post remained vacant until 29 May 2007 when Secretary-General Ban Ki-moon appointed Francis Deng as the Special Adviser. In December 2007, Dr. Deng was assigned Under-Secretary-General status and received a full-time post (whereas Mendez was an Assistant Secretary-General and employed part-time) following recommendations by the Secretary-General to strengthen the genocide prevention capacities of the UN.

The mandate of the Special Adviser for the Prevention of Genocide was established in Security Council Resolution 1366 (2001), which states:

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 work of the Special Adviser includes the careful verification of facts and political analyses and consultations, often not publicly released, to help define the steps necessary to prevent of situations of genocide. The Special Adviser does not make a determination on whether genocide within the meaning of the Convention has occurred. The purpose of his activities rather are practical and intended to enable the United Nations to act in a timely fashion.

II. Special Adviser on with a focus on the Responsibility to Protect

At the end of August 2007, UN Secretary-General Ban Ki Moon sent a letter to the UN Security Council President, Mr. Pascal Guyama, proposing the creation of the position of “Special Advisor on the Responsibility to Protect”. This position, acknowledged on 11 December 2007 by the Security Council, is part-time and at the level of Assistant Secretary-General. In late December 2007, discussions in the budgetary committees of the General Assembly regarding the funding for the new RtoP post met with some opposition:
Some Member States argued that the norm lacked clarity and that a specifically RtoP-related mandate has not been fully endorsed by all Member States.

Some Member States even denied that they had endorsed the Responsibility to Protect as a norm in the World Summit Outcome Document. This led to questioning the need for a Special Adviser on the norm.

Some Member States proposed that the General Assembly formally discuss how to implement the commitment in the World Summit Outcome Document (paragraph 139) before deciding on the Secretary-General’s proposals.

Due to this resistance from Member States to the position, the Special Adviser’s title was revised as Special Adviser to the Secretary General with a focus on the Responsibility to Protect. On February 21, 2008 the Spokesperson for Secretary-General announced that Edward Luck was appointed as Special Adviser, with a focus on the Responsibility to Protect.

Dr. Luck’s role as the Special Adviser with a focus on the Responsibility to Protect is to develop conceptual clarity and consensus for the evolving norm, while working closely with the Office of the Special Advisor on the Prevention of Genocide. Furthermore, Dr. Luck works to advance RtoP at the UN, in particular at the level of the General Assembly, and has served as the main drafter for the Secretary-General’s reports on the Responsibility to Protect:

- *Implementing the Responsibility to Protect* (2009);
- *Early Warning, Assessment and the Responsibility to Protect* (2010); and
- *The Role of Regional and Sub-regional Arrangements in Implementing the Responsibility to Protect* (2011).

**III. Work of the Joint Office**

On 12 January 2009, Secretary-General Ban Ki-moon released his report on
“Implementing the Responsibility to Protect”

which included in the final section key areas to improve early-warning and assessment within the UN Secretariat, including the establishment of a Joint Office between the Special Advisers on the Prevention of Genocide and with a focus on RtoP. The report called for the expansion of “the Office of the Special Adviser on the Prevention of Genocide to incorporate the RtoP mandate and Special Adviser with attention to RtoP, thus creating a joint office to conduct independent early-warning assessment, build system-wide capacity related to RtoP and help develop common policy on RtoP situations.” The Secretary-General also included paragraphs on how combining the two mandates are related and require additional thinking, stating: “the work of the joint office will preserve and enhance existing arrangements, including for capacity-building and for the gathering and analysis of information from the field, while adding value of its own in terms of new arrangements for advocacy, cross-sectoral assessment, common policy, and cumulative learning on how to anticipate, prevent and respond to crises relating to the responsibility to protect.”

This transition was solidified in December 2010 when the Fifth Committee agreed to fund three additional posts at the Office of the Special Adviser for the Prevention of Genocide, including a post focusing on RtoP.

The Office uses its Framework of Analysis to assess potential and current crisis situations to determine the likelihood of the potential threat of genocide and mass atrocity crimes. Risk assessments of the Office are not public; however, the Advisers release joint press statements on situations where crimes appear to be imminent. The Office has responded to crises through the release of statements or reports in: the Democratic Republic of Congo (2008); Sri Lanka (2009); Kyrgyzstan (2010); Sudan (2011); Côte d’Ivoire (2011); Libya (2011); and Syria (2011). Please view the Joint Office’s country situations page for further information. Also, please see the Office’s statements page for a complete list of press releases issued by the Advisers.

In addition to responding both publicly and privately to situations where mass atrocities are imminent, the Advisers engage with partners within the UN, regional and sub-regional organizations and civil society, as well as participate in conferences and meetings. The Joint Office organizes training programmes for UN staff, governments and civil society to raise awareness of genocide and mass atrocities and mainstream the prevention of crimes. Both Advisers also work to integrate the Responsibility to Protect within the Framework of Analysis for the prevention and detection of mass atrocities.

IV. Funding of the Joint Office

On 30 October 2007 the Secretary-General issued a report on resource requirements for the
positions of both Special Advisers, which included the budget request of the Office of the Special Adviser for the Prevention of Genocide ($1,902,900, including salaries for eight posts), and the breakdown of requests including staffing requirements. Additional information was released by the Secretary-General on 29 November 2007 which proposed to staff the office of the Special Adviser for the Prevention of Genocide as follows: 1 Under-Secretary General; 1 Assistant Secretary-Genera; 4 P-level staff, and 2 General Service posts. The General Assembly’s Advisory Committee on Administrative and Budgetary Questions (ACABQ) began discussing the funding of the Office in December 2007 and negotiated a GA budget resolution that approved the establishment of an additional P-3 and General Service post for the Office.

**Timeline: Funding and Developments at the Office of the Special Advisers**

In December 2010, the Fifth Committee of the General Assembly voted to regularize three existing positions and fund three additional posts in the Office of the Special Advisor for the Prevention of Genocide (OSAPG). One of these positions will reportedly be focused on assisting with an emergency convening mechanism (as described in the SG’s report on *Early Warning, Assessment and the Responsibility to Protect*). The Office will also incorporate all four crimes and violations (genocide, war crimes, crimes against humanity and ethnic cleansing) into its method of work, signaling the integration of the Responsibility to Protect into the work of the Office. These developments are in line with the SG’s 2009 report and 2010 report to establish a Joint Office that would integrate the prevention of genocide and RtoP mandates.