



Call for submissions: 2013 report of the Secretary-General on the responsibility to protect

11 March 2013

As part of a consultative process and preparations for the 2013 report of the United Nations Secretary-General on the responsibility to protect, the Secretariat is collecting information from civil society on the causes and dynamics of genocide, war crimes, ethnic cleansing and crimes against humanity as well as on examples illustrating good practices by Member States in the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity.

The concept note of the report and outline and questionnaire are available below.

Deadline: 19 April 2013

Format: electronic MS Word document (.doc or .docx)

Length: maximum 300 words per question. Kindly only respond to questions relevant to the work of your organisation.

To submit your response or for more information, please contact Mallory Mroz at the United Nations Office of the Special Adviser on the Prevention of Genocide at mrozm@un.org.

Concept note for the 2013 report of the Secretary-General on the responsibility to protect: “State responsibility and a strategy for prevention”

Background

Since 2009, Secretary-General Ban Ki-moon has issued an annual report on different dimensions of the responsibility to protect (RtoP) concept. The concept is articulated in paragraphs 138 and 139 of the World Summit Outcome Document, in which all Heads of State and Government committed to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity, as well as their incitement. The Secretary-General issues his reports in accordance with paragraph 139 of the World Summit Outcome Document¹, in which Heads of State and Government called on the General Assembly “to continue consideration of the Responsibility to Protect”. Each report has been debated by the General Assembly during an informal, interactive dialogue.

The Secretary-General’s first report on *Implementing the responsibility to protect*² laid out a three-pillar strategy for implementation of the concept. The first pillar underscores the primary responsibility of states to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity in accordance with their national and international obligations. The second pillar outlines a parallel international commitment to encourage and assist States, including those under stress, to fulfil this responsibility to protect their populations. The goal is to encourage and help States to establish or strengthen structures, mechanisms and operational capacity to reduce the risk of atrocity crimes and thus reduce the need for timely and decisive action under the concept’s third pillar. The third pillar sets out a range of tools available under Chapters VI, VII, and VIII of the United Nations Charter for timely and decisive response, including the employment of coercive measures through the Security Council, should peaceful means be inadequate and states are manifestly failing to protect their populations.

The second report focused on *Early warning, assessment, and the responsibility to protect*³. The report called for early and flexible engagement tailored to the evolving needs of each situation to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity and the development of a nuanced understanding of the relevant dynamics within States. In July 2011, the General Assembly considered the third report on *The role of regional and sub-regional arrangements in implementing the responsibility to protect*⁴. This report recognised the important role of regional actors, given their proximity to potential situations at risk of atrocity crimes, nuanced understanding of the relevant politics and culture, and their ability to mobilise swiftly to protect populations in their respective regions, as envisaged by Member States when developing the responsibility to protect concept.

The fourth and most recent report of the Secretary-General focused on *Timely and decisive response*⁵ and was discussed at an informal, interactive dialogue of the General Assembly on 5 September 2012. Reiterating the importance of prevention, the report considered the relationship

¹ A/RES/60/1

² A/63/677 of 12 January 2009

³ A/64/864 of 14 July 2010

⁴ A/65/877-S/2011/393 of 28 June 2011

⁵ A/66/874-S/2012/578 of 25 July 2012

among the three pillars and suggested that a distinction should not be drawn between prevention and response. The report took stock of the Charter-based tools that have been employed and the partnerships that have been utilized to date, as well as ways of protecting responsibly.

During the 2012 informal, interactive dialogue, Member States reaffirmed their commitment to the principles underlying the concept and their primary responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Emphasising the importance of prevention in saving lives, Member States noted that effective protection strategies often comprise elements of both prevention and response and their implementation should lessen the need to employ more costly or coercive tools at a later stage. A central point to emerge from the 2012 dialogue was that it was time to begin translating the international community's support for prevention into meaningful strategies and actionable policy. Member States further recognised the initiative of United Nations Secretary-General Ban Ki-moon to designate 2012 the "Year of Prevention" and his call for the responsibility to protect to be made a "living reality" through a commitment to strengthen prevention, early warning and response capacities to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

2013 report and informal, interactive dialogue

As the Secretary-General stated in his 2009 report on implementation of the responsibility to protect, prevention is the "key ingredient for a successful strategy for the responsibility to protect." Building on the principle of state responsibility for the protection of its populations, the 2013 report will focus on the primary responsibility of states to protect their populations by preventing genocide, war crimes, ethnic cleansing and crimes against humanity, and their incitement, in accordance with the commitments made in the 2005 World Summit Outcome Document. The report will set out existing research on the causes of genocide, war crimes, ethnic cleansing and crimes against humanity and appropriate prevention measures. Based on an assessment of best practices, it will identify policy recommendations on how Member States could fulfill their responsibilities to protect their populations from these crimes and violations. The report will aim to inform the ways in which Member States undertake preventive action.

The report will have four core elements:

- (i) A comprehensive overview of the causes and dynamics of genocide, war crimes, ethnic cleansing and crimes against humanity.
- (ii) An overview of structural and operational measures that Member States could take to prevent these crimes and violations. This section will assess the range of tools, instruments and strategies that could strengthen national preventive efforts.
- (iii) Examples of good practices in the field of prevention. This section would include examples of national preventive measures contributed by Member States, regional and sub-regional organisations, the United Nations system and civil society.
- (iv) Practical recommendations to assist Member States in delivering on their commitment to prevent atrocity crimes, including through strengthening of national-regional-global partnerships.

Proposed consultative process for the 2013 report of the Secretary-General

During the preparations of the report in March and April 2013, the Office on Genocide Prevention and the Responsibility to Protect⁶ (the Office) will hold consultations with the United Nations system, Member States, regional and sub-regional organisations and civil society. In order to gather information and develop policy recommendations that could be utilized by Member States, the Secretariat will disseminate a questionnaire to Member States which will guide contributions. The Office will also conduct a survey of United Nations support for national efforts to address risk factors associated with genocide, war crimes, ethnic cleansing and crimes against humanity. To ensure the participation of civil society in the preparations of the report, the Office will coordinate with organisations focusing on the responsibility to protect to disseminate surveys to relevant civil society organisations worldwide.

Informal, interactive dialogue in the General Assembly on the responsibility to protect

The report would be submitted to the General Assembly, as well as to the Security Council. As was done in the past, the Office will coordinate with the Office of President of the General Assembly to organise an informal, interactive dialogue on the report.

The dialogue is intended to facilitate discussion among the United Nations, Member States, regional and sub-regional organisations and civil society, and to emphasise the value of a collective approach to protecting populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as well as their incitement. The dialogue would have several objectives. First, it would provide a forum for Member States to interact with expert panellists to assess the causes and dynamics of genocide, war crimes, ethnic cleansing and crimes against humanity and the measures that could be taken to prevent them. Second, it would be an opportunity to exchange views and perspectives on the structural and operational options available for prevention and on the policy recommendations set out in the report. Third, the dialogue would serve to facilitate an exchange among Member States on national experiences, including lessons learned and best practices. Finally, it would serve to clarify and deepen the collective understanding of the responsibility to protect and the steps required to move forward with its implementation.

Follow up to the report and General Assembly debate

Six months after the General Assembly debate, the Office would aim to follow up on the status of implementation of the report's recommendations with Member States, regional and sub-regional organisations at an informal meeting with key stakeholders and through consultations, bilateral engagement and, in some cases, field visits.

⁶ This denomination, while not official, is used to reflect the work of the Office on its two mandates

**United Nations Office of the Special Adviser on the Prevention of Genocide****Inputs for the 2013 Report of the Secretary-General on the responsibility to protect**

Below please find the outline of the 2013 Report of the Secretary-General on the responsibility to protect, entitled “Prevention and State responsibility”. In the description of each section, please find questions to guide contributions. Please provide inputs on the areas relevant to the work of your organisation.

The questions are designed as a guide for these inputs. Feel free to respond to all or only some of the questions, based on the priorities and focus of your organisation.

Please aim to limit your input to a maximum of 300 words per response to each question. There is no specific format for contributions. Please submit all inputs in an electronic MS Word document (.doc or .docx format) by 19 April 2013. Responses submitted after this date or in another format may not be considered.

Please note that inputs will be included without attribution and the report may not reflect all the views presented by all contributors.

For more information, please contact Mallory Mroz (mrozm@un.org or +1 917-367-4961) at the Office of the Special Adviser on the Prevention of Genocide (the Office).

Draft structure, outline and questions for civil society**I. Introduction**

The introduction of the report will provide the background of the responsibility to protect concept and will summarize the past four reports of the Secretary-General on the matter. This section will also outline the focus of this report and provide an overview of its overall structure.

II. Consultation process

This section will present the consultation process undertaken in preparation of the report, including within the United Nations system and with Member States, regional and sub-regional organisations and civil society. The report will mention the dissemination of a questionnaire to stakeholders, in-person consultations with Member States in regional groupings, and organisation of round table expert discussions on different angles of the theme of the report.

III. Risk factors

This section will examine the causes and dynamics of genocide, war crimes, ethnic cleansing and crimes against humanity (atrocity crimes) and provide a comprehensive overview of trends and

patterns from situations at risk across regions but will not focus on specific cases. It will take into consideration the risk factors identified in the [Analysis Framework](#)⁷ utilized by the Office as well as current academic research in this field, including: inter-group relations and record of discrimination, circumstances that limit the capacity to prevent atrocity crimes, presence of arms and armed elements, motivation and acts that encourage divisions between groups, circumstances that facilitate the perpetration of atrocity crimes, acts that could be elements of atrocity crimes, evidence of ‘intent to destroy in whole or in part’, and triggering factors such as non-constitutional changes of government.

Questions

1. Beyond what is already identified in the Analysis Framework of the Office, what factors or trends contribute to increasing the risk of genocide, war crimes, ethnic cleansing and crimes against humanity? Which factors are specific to certain crimes and which factor could apply to all four atrocity crimes? Under what circumstances is a situation more likely to deteriorate?

IV. Policy options

This section will provide an overview of structural and operational measures available for Member States to prevent the risk factors mentioned in the section above. It will assess the range of tools, instruments and strategies that could strengthen national and regional preventive efforts.

Structural policy options could include developing/strengthening national and regional mechanisms to enhance good governance, human rights, rule of law and security sector reform where these may have a direct relevance to the prevention of atrocity crimes. They may include initiatives to develop and implement national action plans for atrocity prevention, support national independent human rights institutions, ensure accountability for perpetrators of atrocity crimes, broaden participation in decision-making processes, foster confidence building between communities and conflict resolution, respond to incitement to violence, advance initiatives that re-affirm the role of women in atrocity prevention or prevent the proliferation of small arms and light weapons. Operational prevention could include development of early warning, assessment and response mechanisms, or assignment of atrocity prevention focal point responsibilities.

Building on the 2012 report of the Secretary-General on the responsibility to protect, this section will also discuss the inter-linkages between prevention and response.

Questions:

2. What measures or policy options do you believe could be taken to address the risk of genocide, war crimes, ethnic cleansing and crimes against humanity? What combination of measures or policy options do you believe would contribute to preventing atrocity crimes?

3. What are the key challenges to undertaking preventive action?

⁷ The Analysis Framework is also available in Arabic, Chinese, French, Spanish and Russian at: <http://www.un.org/en/preventgenocide/adviser/>

V. Examples of good practices

Drawing on the options identified in section IV, this section will highlight experiences illustrating good practices in the field of prevention of genocide, war crimes, ethnic cleansing and crimes against humanity. Using examples from each region, this section will reflect on examples of local or national initiatives to effectively strengthen capacities to prevent genocide, war crimes, ethnic cleansing and crimes against humanity.

Questions:

- 4. What structural or operational measures have been taken or what preventive tools have been employed by your organisation to reduce the risk of genocide, war crimes, ethnic cleansing and crimes against humanity? Please clearly lay out the practical steps that were taken and the results to date.**
- 5. What national, regional and international partnerships have been utilized to strengthen prevention? Please provide an overview of relevant partnership arrangements.**
- 6. What initiatives have been taken by your organisation to ensure the participation of national or ethnic, religious and linguistic minorities in atrocity prevention processes?⁸**
- 7. What initiatives have been taken by your organisation to ensure the participation of women in atrocity prevention processes? What initiatives have been taken to prevent sexual violence in a context of atrocity crimes?⁹**

VI. Recommendations and the way forward

Emphasizing State responsibility in the prevention of atrocity crimes, this section will provide policy recommendations for Member States to assist them in delivering on their commitment to prevent genocide, war crimes, ethnic cleansing and crimes against humanity, as well as their incitement, and their obligations under international law. This section will also stress the importance of strengthening national-regional-global partnerships and will highlight the role of the United Nations, regional and sub-regional organisations and civil society in strengthening national prevention efforts.

Questions:

- 8. What further measures can Member States undertake to address risk factors for atrocity crimes? List key recommendations for Member States to strengthen atrocity prevention efforts.**
- 9. How can United Nations entities, regional and sub-regional arrangements or civil society further assist Member States in fulfilling their international obligations to protect populations from these crimes?**

⁸ See the [Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities](#).

⁹ See United Nations Security Council Resolutions [1325](#) (2000), [1888](#) (2009), [1889](#) (2009) and [1960](#) (2010).

VII. Conclusion

This section will summarise the main findings and lay out the next steps in advancing the responsibility to protect agenda.

Questions:

10. What do you think should be the next steps towards further advancing implementation of the responsibility to protect concept?