

Making an Impossible Mandate Possible: The Challenge of Preventing Genocide  
and Mass Atrocities:  
End of Assignment Note  
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As part of the sweeping changes in his senior management team for his second term, the Secretary-General of the United Nations, Ban Ki-moon, announced to the Press on 25 January 2012 what I have known for some time, that my term of office as Special Adviser on the Prevention of Genocide will end mid-year, specifically on 31 July, 2012. I will leave with deep gratitude to the Secretary-General for the opportunity he granted me to serve on this mandate of great importance to humanity, the prevention of genocide. I also leave with the gratification that within the time frame of my term of Office, we endeavoured to establish a conceptual, normative, and operational framework for our work on genocide prevention. I feel confident that given the challenges of the mandate and the constraints on its implementation, we have laid down a framework for cooperation with Member States of the United Nations, regional and sub-regional organizations, governmental and non-governmental organizations, civil society in general, and other stake holders in advancing the cause of preventing genocide and related atrocities.

Although genocide is one of the most heinous crimes that humanity is expected to unite in preventing, stopping, and punishing, it is also a highly sensitive issue that evokes denial on the part of both perpetrators and those who would be called upon to intervene to stop it. While allegations of genocide are too often loosely made to describe various forms and degrees of mass violence, genocide as a legally defined crime is in most cases recognized only after the fact, when the perpetrators are defeated or otherwise neutralized. It then becomes a judgement of the victor over the vanquished. This is why taking preventive measures early, before situations escalate and the stakes become so high that denial sets in, is the best course of action.

From the start, I was aware that I was undertaking a mandate that was virtually impossible, but one that must be made possible. As was the case with my mandate as Representative of the Secretary-General on Internally Displaced Persons (IDPs), from 1992 to 2004, when I was faced with a similar propensity toward denial, I had to devise an approach which would, to an extent, make the impossible possible. This required defining the challenge in such a way as to reduce its complexity and sensitivity and to make it simple and doable without being simplistic. Toward this end, I built my approach on a number of assumptions, premises, and principles:

First, we must admit that most, if not all, countries that confront the challenges of protecting populations within their national borders are severely divided, suffering from acute crises of national identity. These crises dichotomize populations into in-groups and out-groups, creating vacuums of national responsibility to protect the out-groups. Marginalized, denigrated, dispossessed and often persecuted, where do these groups turn for protection and assistance, but to the outside world, the international community?

Second, when these desperate populations seek international protection, national authorities invoke sovereignty negatively as a barricade against external involvement. And, indeed, despite the continuing challenge to sovereignty which is no longer, and in fact never was, absolute, state sovereignty is still a cardinal principle in international relations. It remains a formidable tool which states, whose record of gross mistreatment of their own populations makes them vulnerable to outside scrutiny, assert in pre-emptive self-defence. As recent experiences have shown, unless a state has collapsed, is too weak to resist external intervention, or the national interests of the interveners make the risks of intervention worth taking, this is an adventure that is very costly in both material and human terms. The general response is to avoid it and strive to negotiate with national sovereignty on cooperative bases.

Third, to recast sovereignty in a positive light, it must be stipulated as a concept of state responsibility to protect its own populations, if necessary with international support. This means that the dignity, respectability, and legitimacy, internal and external, of any national authority that claims sovereignty must rest on meeting the requisite normative international standards for protecting and assisting populations in need. I have been very much moved by the wide acknowledgement that “Sovereignty as Responsibility,” which my colleagues and I developed at the Brookings Institution’s Africa Project to address post Cold War conflicts in Africa, and which guided my work as Representative of the Secretary-General on Internally Displaced Persons for twelve years with considerable success, contributed, albeit modestly, to the development of the “Responsibility to Protect” (RtoP). This concept rests on three pillars: state responsibility for its people, international support for the state to discharge that responsibility, and a more assertive, multi-faceted, international involvement in the event of state failure to protect its own population. As the mandates on genocide prevention and that of the responsibility to protect are interconnected, the Secretary-General directed my colleague, Edward Luck, the Special Adviser of the Secretary-General on RtoP, and me to form a Joint Office to cover all the four crimes - genocide, war crimes, ethnic cleansing and crimes against humanity.

Fourth, while the first two pillars of RtoP do not generate controversy, recent actions sanctioned by the Security Council in Cote d’Ivoire and Libya under the third pillar have demonstrated that international response is incrementally gaining ground, but that intervention continues to be highly controversial and problematic.

To make the mandate less threatening and palatable, I decided to de-mystify genocide from being viewed as something too sensitive to deal with, to becoming seen as an issue that can be defined in a way that would make it more understandable and manageable. My understanding of genocide is that it is an extreme form of identity-related conflicts emanating not from the mere differences between groups, but from the implications of those differences, reflected in gross inequalities, discrimination, marginalization, exclusion, stigmatization, de-humanization and denial of fundamental rights. The most effective form of prevention is therefore constructive management of diversity to promote equality, inclusivity, respect for fundamental rights and observance of democratic values and practices. It is gratifying that this approach resonates well with Governments and our other interlocutors worldwide.

Our Office has developed a Framework of Analysis which provides us with an objective tool for assessing the risk of genocide, based on eight identity-relevant sets of factors. The Framework, which is now being expanded to include all the four RtoP crimes and violations, is not only an analytical tool, but one that can also serve as a means for States to see themselves in the mirror, so to speak, to evaluate their own performance and to identify where they are doing well and where they need reform. In partnership with the Jacob Blaustein Institute for the Advancement of Human Rights, we have also developed a Compilation of Risk Factors and Legal Norms for the *Prevention of Genocide* which complements the Framework of Analysis and serves the same purpose of providing guidance for national responsibility and international cooperation.

A critical element in the work of our Office is the collection and analysis of information for early warning purposes. The Office monitors conditions worldwide and on the basis of available information, prepares reports and policy advisory notes to alert the Secretary-General and members of the Security Council to situations where there is a risk of genocide and related crimes. We also issue statements on situations of concern after extensive internal review and consultations.

An important aspect of the work of our Office is a programme of capacity-building training seminars and workshops on the prevention of genocide and related crimes, which has proved popular and very much in demand. Between 2009 and 2011, we conducted 34 training sessions in 13 countries and trained 738 persons. In addition, the Office has organized awareness-raising consultations and the two Special Advisers on Genocide Prevention and on the Responsibility to Protect and members of the staff have participated in conferences and given lectures in different parts of the world.

Since we see the role of our Office as catalytic, collaboration with partners within and outside the UN, including governmental and non-governmental organizations, civil society in general, research institutions, and the scholarly community, is pivotal to the over-all prospects of achieving the objectives of prevention. It is noteworthy that the initial sensitivity to the mandate on the prevention of genocide and the tendency of colleagues within the UN to be cautious about involvement with our Office has significantly abated. The Office is now increasingly invited to contribute to inter-departmental fora and to the development of policies and strategies of the UN System at all levels.

Our interaction with the Security Council has been incremental. First we kept members of the Council briefed individually, then we adopted a plan for meeting with every incoming President, and, in addition, we have periodically been invited to brief the Council on an informal basis on thematic and country-specific situations. At the invitation of the President of the Human Rights Council, I briefed the Council on occasions and have a standing invitation to do so as mutually called for. The two Special Advisers also participate in the annual General Assembly Interactive Dialogue on the Responsibility to Protect, focusing on different aspects of the implementation of RtoP.

A vitally important part of our collaborative activities is with regional and sub-regional organizations. As the recent experiences in Cote d'Ivoire, Libya, Sudan and Syria have demonstrated, regional and sub-regional organizations are critical to approaching specific situations of concern for reasons of both legitimacy and complementarity. Countries of the regions and sub-regions often have mutual interest in effectively addressing situations of concern because problems overspill across the borders and affect neighbours and the entire regions.

I should note that the capacity of our Office in terms of human resources has grown appreciably, due to the support of the Secretary-General and extra-budgetary funding by donors, both Governments and foundations. My predecessor served on a part-time basis at the level of Assistant-Secretary-General and was supported by two P4 Officers seconded from the Department of Political Affairs and the Office of the High Commissioner for Human Rights, supported by one General Service Staff Assistant. I assumed the Office on a full time basis at the level of Under-Secretary-General and, including myself and the Special Adviser on RtoP, the Office now has eleven professionals, two General Service Staff Assistants, and successive interns, a group of dedicated men and women who are deeply committed to the cause. Although the challenges of the mandate will continue to require increasing support and growth in capacity, this is a significant accomplishment, given the financial constraints on the UN.

The Office has also benefitted immensely from the guidance and counsel of the Secretary-General's Advisory Committee on the Prevention of Genocide under the wise and dedicated leadership of Dr. David Hamburg as Chairman and comprising eminent personalities. Listed alphabetically, they include: Ms. Monica Andersson, Senator Romeo Dallaire, Mr. Gareth Evans, Mr. Roberto Garreton, Dr. Zakari Ibrahim, Mr. Juan Mendez, Ms. Sadako Ogata, and Archbishop Desmond Tutu. With the establishment of the Joint Office, the composition and functions of the Advisory Committee were reviewed and proposals have been submitted for consideration and decision by the Secretary-General.

Looking to the future and whomever the Secretary-General appoints as my successor and whatever changes he introduces after "taking stock of the achievements made so far and to suggest a way forward to scale up and harness institutional synergy with related offices," as he stated in his press conference, I hope that the conceptual, institutional and operational framework which we have established for the work of the Office will provide a basis to build upon.

On a personal note, whatever I do in the next phase of my professional life, I have no doubt that the causes that have preoccupied me over the last several decades, the mandate on genocide prevention being the latest, will remain areas of concern for me and provide a basis for continuing cooperation with organizations and institutions that share these concerns.