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WORLD FEDERATION OF UNITED NATIONS ASSOCIATIONS INTERNATIONAL COALITION FOR THE RESPONSIBILITY TO PROTECT



***Timely Response to the Threat of Mass Atrocities:  
Implementing the Responsibility to Protect's Third Pillar***

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In June 2012, Global Action and its co-sponsors – the World Federation of UN Associations (WFUNA), the Friedrich Ebert Stiftung (FES), the International Coalition for the Responsibility to Protect (ICRtoP), and the World Federalist Movement of Canada -- convened a four-day event at UN Headquarters designed to explore complementary aspects of tools, capacities and mandates related to the implementation-orientation 'third pillar' of the Responsibility to Protect (RtoP) norm. The goal was to examine how RtoP implementation can and should embrace a range of regional contexts, relate to diverse mandates within the UN Secretariat and beyond, and embrace robust capacities with a special emphasis on prevention.

During this event, conference participants made connections with the UN Office for Disarmament Affairs, the UN Office for the Special Representative on Sexual Violence in Armed Conflict, the Joint UN Office of the Special Advisers on the Prevention of Genocide and the Responsibility to Protect, the United Nations University, and military, university and NGO partners from countries and cultures as diverse as Brazil, Nigeria, Canada and Belgium.

These connections were enriched through a series of side events, including a discussion led by the Permanent Mission of Switzerland on recent efforts by the so-called 'Small Five' nations in the General Assembly to impact working methods of the Security Council, including the use of the veto in situations where atrocity crimes are being committed. We helped lead a discussion on RtoP and gender with the NGO Working Group on Women, Peace and Security and also arranged for a discussion on peacebuilding priorities led by Kai Brand-Jacobsen of PATRIR in Romania. The ICRtoP also hosted a reception in their office for our overseas guests, during which Hermann Hokou of Cote d'Ivoire provided an overview and assessment of the UN's role in stopping election-related violence in that country in 2011.

Part of the agenda for these GAPW organized events was to assess prospects for the adoption of GAPW's proposal for a UN Emergency Peace Service (UNEPS) – a standing, service and gender integrated, complementary capacity that can respond rapidly and effectively in those

hopefully rare instances when diplomacy and a range of preventive and early warning tools fail to stem the violence. While discussions continue within the community of UNEPS supporters, particularly regarding the priorities for our common work, there is increasing interest from UNEPS practitioners in the full range of 'third pillar' concerns and proposed capacity building developments. We understand that to facilitate credibility regarding our own proposal we must also demonstrate interest in the security issues and response capacities to which that proposal is inextricably linked.

While renewing interest in organizing a research network on UNEPS and broader aspects of standing peacekeeping capacity, we remain cognizant of the need to build new levels of diplomatic support for 'third pillar' capacities that are prevention-focused, robust and complementary regarding both mandates throughout the UN system and region-based policies and structures. The UN's security responsibilities are complex and multi-faceted and it is important that advocates for particular policies and capacities also invest energies to help explore the varied pathways that can transform state-centered security into a more comprehensive human security.

We must also help tackle some of the major structural impediments to a transparent and robust system of response to threats of mass atrocities, including policy bottlenecks that impede the flow of actionable, early warning information as well as a Security Council that seems to at least some outsiders to be decreasingly transparent and responsive to the pleas of both member states and victims of mass violence.

These were some of the challenges, some exciting, some seemingly intractable, which this event sought to address. However, at least for us at GAPW, the highlight of the event was clear: the learned and enthusiastic participation of some diverse young voices who are beginning to make their mark in the field of genocide prevention and RtoP. These voices – from Armenia, Belgium, Cote d'Ivoire, Venezuela, the UK and elsewhere – demonstrated that the threat of mass atrocities is an issue of high concern for many in this new generation of leaders. Their presentations and comments underscored the degree to which “next generation” scholars and practitioners can combine analytical skill with high levels of communication capacity and an ability to break down barriers of culture and restrictions of single disciplinary (or issue) competencies.

Many of the concerns raised during our multi-phased convening will be taken up in a more formal way during the GA debate on the 'third pillar' which took place on September 5, 2012. Despite a late start on the Secretary General's report and a short period of uncertainty regarding leadership of the Joint Office, the debate provided delegations an opportunity to weigh in on what for many is the essence of RtoP – timely and decisive response to mass atrocity threats. We must do what we can at the UN and in national capitals, including support for educational and outreach activities organized by the ICRtoP and other groups, to ensure that diplomats pay attention to the full range of capacity options (as well as existing capacity gaps) available to prevent atrocities and respond in a timely and effective manner in those rare and unusual instances when preventive options are no longer viable.

A note on process: The idea for this conference came about through discussions with Fergus Watt of the World Federalist Movement in Canada. In addition to creating a UNEPS Policy Brief (attached to this report), he also initiated a process of sub-regional dialogue with many of the experts who eventually joined us in New York (and earlier this year in Brussels). Fergus's idea was to foster discussion in diverse regions which could then be brought to New York and integrated into the GA debate and other discussions on 'third pillar' tools and mandates. Some of the questions posed to help frame regional discussions include:

- *Who are the major and emerging players on RtoP?*
- *How well/poorly is the existing preventive/response system working?*
- *Where are the major obstacles/challenges to progress?*
- *How can we best make our case for complementary mandates (gender, small arms, international justice) in atrocity crime prevention to boost capacity and impact?*
- *What specific new capacities would have the most impact on the ability of the international community to identify and address the threat of mass atrocities and how can they best be developed and funded?*

These questions also formed the basis for our conference in New York and the insights that have been conveyed through this report. The main two days of the conference on which we have reported were operated on the basis of Chatham House rules. Thus while the presenters are identified, the specific origins of key points and insights are not attributed. In some cases, contributions were paraphrased as well as summarized. As noted in the letter that precedes this report, the summaries here are the responsibility of GAPW and do not necessarily reflect the views of the co-sponsors.

What all of us who came to New York shared regardless of regional or professional context is the belief that atrocity crime prevention is a hopeful and achievable aspiration that has transcended several generations. To date, we have created hopeful structures that have highlighted, but not sufficiently addressed, major threats of violence. As the torch is ready to be passed again to a new generation of leaders, we must use what we have learned – about the crimes, about their perpetrators, and about ourselves – to fashion a more honest, transparent and robust system of response. Thanks to the efforts of RtoP advocates, government officials, academics, funders and others, we are getting close to overcoming the final barriers of policy and institutional inertia that impede honest, robust prevention efforts. We all feel fortunate to be able to contribute in whatever way we can to such a noble objective that can help guarantee the future security of our planet.

## Working Documents for the Conference

- “Analysis Framework,” Office of the UN Special Adviser on the Prevention of Genocide. [http://www.un.org/en/preventgenocide/adviser/pdf/osapg\\_analysis\\_framework.pdf](http://www.un.org/en/preventgenocide/adviser/pdf/osapg_analysis_framework.pdf)

- “Protection of Civilians,” Security Council Report, June 2012.  
[http://www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.8102721/k.3DA8/June\\_2012\\_brProtection\\_of\\_Civilians.htm](http://www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.8102721/k.3DA8/June_2012_brProtection_of_Civilians.htm)
- “Background Note,” Workshop on the Protection of Civilians in UN Peacekeeping Operations, February 9, 2012.
- “Core Functions of the Office,” UN Office on Genocide Prevention and the Responsibility to Protect, November 2011.
- “Operationalizing the Responsibility to Protect: A Contribution to the Third Pillar Approach,” Madariaga -- College of Europe Foundation, February 2012.  
<http://www.globalgovernance.eu/images/documents/20120430%20operationalizing%20rtop%20ggi.pdf>
- Mendlovitz, Saul, “Draft Statute for the Formation and Operation of the United Nations Emergency Peace Service for the Prevention of Genocide and Crimes against Humanity,” May 2011. [http://www.globalactionpw.org/wp/wp-content/uploads/unepps-statute\\_december-05-2010.pdf](http://www.globalactionpw.org/wp/wp-content/uploads/unepps-statute_december-05-2010.pdf)
- Moreno-Campo, Luis. “Statement to the UN Security Council on the Situation in Darfur,” June 5, 2012.
- Watt, Fergus, “UNEPS Backgrounder,” May 2012.  
<http://www.worldfederalistscanada.org/unepps%20backgrounder.pdf>



***Workshop Session I***  
***Complementing the 'Third Pillar': Supporting Balanced and Robust Responses to the Threat of Mass Atrocities***

June 11, 2012

As diplomats prepare to share ideas in the General Assembly on ways to create a broader and more reliable stable of 'third pillar' tools, and as civil society prepares to provide guidelines for diplomats on how to ensure responses to threats of mass atrocities that are robust and prevention-focused, it is important to consider all the wisdom and capacity at our disposal, including regional experts and UN Secretariat offices with complementary mandates. This first day of our multi-day workshop explored various options for support of atrocity crime prevention in diverse regions but also through different security policy lenses at the UN – from disarmament and sexual violence prevention to peacekeeping mandates. The focus was on how diverse offices, missions and civil society organizations can pull together to help the UN fulfill its most important security-related responsibilities.

***Introductory Remarks:*** *Mario Buil-Merce, Political Affairs Officer, Joint Office on the Prevention of Genocide and the Responsibility to Protect; Mr. Bonian Golmohammadi,*

## *Secretary General, World Federation of United Nations Associations*

These first two introductory sessions were pivotal in setting the tone for the four days of workshop activity. Mario and his colleagues in the Joint Office have provided extraordinary support for a range of NGO activities in a field (RtoP) that has reflected much about the civilian-based and civil society contributions to the prevention of mass atrocities. Additionally, under Bonian's leadership, WFUNA decided to invest significant time and energy in norm-related outreach as well as in events worldwide that help to enfranchise civil society as full partners in global efforts to create credible preventive and response capacities to address the threat of mass atrocities.

### Key Points

- With the Secretary General's decision to form the Joint Office, the prevention of genocide mandate has been slightly re-purposed to serve the broader implications of the RtoP norm and its implementation. RtoP encompasses genocide as one of the 'four RtoP crimes' but also includes crimes against humanity, war crimes and ethnic cleansing.
- Complementarity must be affirmed not only with regard to a growing roster of RtoP response tools, but also between the various actors in the UN system tasked with responding to mass atrocities and protecting civilian populations.
- The 'right mix' of available response tools should include sanctions, mediation and preventive deployment as well as more effective early warning systems and channels for communication and information sharing.
- In deciding on that 'mix,' we need a better integration of perspectives from communities that have been directly impacted by mass atrocities themselves or by international community responses to such atrocities. The feedback loop from impacted communities and local civil society organizations to the UN should be more robust as one means of influencing the UN's frameworks of analysis and response.

### ***Policy Recommendations for the 'Third Pillar'*** Mr. Daniel Fiott, Madariaga-College of Europe Foundation; Ms. Laura Spano, World Federation of UN Associations

As noted in the introduction, this conference at UN headquarters was billed as a culminating event that could bring together insights from diverse global regions on the best ways to address mass violence. A number of these regional events were organized by Laura Spano and WFUNA, and a number of the overseas participants were co-organizers of these various WFUNA events. Perhaps the most comprehensive of our pre-conference initiatives was organized in Brussels by Daniel Fiott of Madariaga and Joachim Koops of the Global Governance Institute, which included sessions examining 'third pillar' tools, assessing the Libya resolution and making recommendations for how the ICC prosecutes gender based violence. These events generated a set of policy recommendations for improved response to mass

atrocities that have since been presented to the Joint Office. Following a presentation of those recommendations by Daniel Fiott, Laura Spano shared some supplemental recommendations from the standpoint of WFUNA and its many chapters.

### Key Points

- It is important that we take discussions about RtoP and atrocity crime response outside the corridors of the UN to ensure that decisions about tools and frameworks for response are taken in consultation with those who have experience in responding to mass atrocities or have directly experienced such crimes themselves. Such discussions can provide needed perspectives for global policymakers and can also help develop political will in national capitals for a wider range of implementation options to prevent mass atrocities.
- We must do more to ensure that the 'third pillar' toolbox is flexible, adaptable, complementary, effective and legitimate for timely and decisive action. The toolbox should reflect the operational diversity of RtoP crisis situations.
- It is important to link civilian and military action in a more coordinated manner with civilian protection, security sector reform, justice reform, development assistance, mediation and dialogue, humanitarian aid and other socio-economic development factors.
- In a complementary fashion, we must ensure that third pillar capabilities are linked with early warning, preventive and capacity assistance mechanisms as well as with other UN offices and civil society organizations working on other issues - including gender-based violence and small arms policy - related to the prevention of atrocity crimes.
- We should prioritize consistency when 'operationalizing' RtoP's third pillar. UN Security Council Resolutions should be unambiguous in intent and language, as must operational guidance when –and if – civilian and/or military operations are launched.

### ***Panel One: Regional Reflections on Best Practices, Lessons Learned, Frameworks and Capacities to Increase Responsiveness to Threats of Mass Atrocities***

Moderated by Sapna Chhatpar Considine, International Coalition for the Responsibility to Protect

Panelists: Dr. Gilberto Rodrigues, UNISANTOS, Brazil; Ms. Amalya Grigoryan, United Nations Association, Armenia; Mr. Hermann Hokou, Esq., Cote d'Ivoire; Mr. Pablo Troconis, United Nations Association, Venezuela

A major component of the 'complementarity' that we seek to promote involves integration of more skills and insights from civil society. NGOs in New York generally have plenty to share about such matters and have largely willing (if not always enthusiastic) listeners among diplomatic missions and UN Secretariat offices. However, there are now many diverse, competent and inspirational figures around the world (including those on this panel) who have taken an interest in atrocity crime issues, have important recommendations to share on how



responses to such issues can be made more effective through regional capacity, and who represent cultures that have been largely and needlessly excluded from the policy debate.

The speakers on this panel were mostly young in age but have already had diverse experiences as scholars, advocates, jurists and media practitioners in identifying and overcoming regional conflict from the vantage points of their host countries – Armenia, Brazil, Venezuela and Cote d'Ivoire. Sapna Chhatpar Considine, deputy director of the ICRtoP, which has been a leading force for regionalizing the norm, moderated this discussion.

### Key Points

- A surprising number of human rights organizations know little about RtoP and are thus outside of any discussions on how to spread the norm and develop the implementation toolkit.
- There is a perception in many places that the difference between levels of action on Libya and Syria can be explained by the presence of oil in one country and its lack in the other. Such perception, correct or not, fuels skepticism about RtoP and lead to charges of 'politicization' when it comes to the norm's implementation.
- At the level of prevention, many complementary factors emerge, including a concern for economic development. Prevention must attempt to address social, political and economic conditions that can lead to violence and, in the worst cases, escalate to the level of mass atrocities.
- In many countries suffering electoral or other forms of violence, the UN's role has been uneven, due in large part to a lack of political will. Thus, the prospect of placing more implementation tools in the hands of the UN and the Security Council without broad discussions among Member States and other stakeholders is cause for alarm in some quarters. Efficiency of implementation must be accompanied by sufficient trust in the implementers.
- Concerns about the lack of 'clear rules and procedures' for implementation of the 'third pillar' as well as concern about Security Council mandates that are insufficiently attentive to prevention and allow for implementation outcomes (i.e. regime change) that appear inconsistent with the UN Charter, led Brazil to develop and present the complementary norm of 'Responsibility while Protecting (RwP)." RwP stresses the need for more transparency and accountability by the authorizing (Security Council) and implementing (NATO and others) authorities. The concept also heavily stresses prevention and seeks to provoke more open debate within the Council on how to balance flexible response and clarity of procedures that can guide and assess coercive engagement.
- Part of the recognized responsibility of New York-based civil society when it comes to impacting RtoP is consistently internalizing and communicating the concerns of communities far from home. While RtoP must become more context-sensitive regarding states and cultures, it must also promote interest in conditions and dangers that link peoples and regions. The 'hub and spokes' model characteristic of the relationship of



specific civil society groups with the UN can become more of a 'web' of interactive engagement with diverse voices and perspectives.

***Panel Two: Engaging Complementary Mandates at the UN to Promote Prevention of Mass Atrocities***

Moderated by Katherine Prizeman, GAPW

Panelists: Mr. Tonderai Chikuhwa, UN Office of the Special Representative on Sexual Violence In Conflict; Mr. Daniel Prins, Director, Conventional Arms Branch, UN Office of Disarmament Affairs; Mr. Martin Vidal, Minister Counselor, Permanent Mission of Uruguay

In a time of budget constraints and a widening scope of issues that need the UN's attention, it is sometimes difficult to convince secretariat staff about the need to share with and even support mandates that overlap with their own. However, despite some of the disincentives to collaboration, many in the UN Secretariat have seen value in linking key policies that affect prospects for mass violence. More and more conversations are taking place that link concerns such as illicit small arms and gender violence, RtoP and the broader-scope concerns grouped under the Protection of Civilians, post conflict peacebuilding and the need to increase women's full participation in RtoP and other peace processes, and much more.

GAPW has long advocated issue linkages and has sought to bring together various strands of UN secretariat and other diplomatic activity under the general rubric of 'human security.' Katherine Prizeman has led discussions on gender-disarmament linkages and Melina Lito has stimulated other discussions on the relationship of gender and RtoP. The presence on this panel of such distinguished diplomats and UN officials speaks volumes about the value of continuing these discussions despite occasional institutional and political resistance.

**Key Points**

- It would be useful to have secretariat mandates that are more sensitive to opportunities to build more supportive relations within the security field. From peacekeeping to development, there is much policy discussion within the UN focused on critical matters of security. But there is also much duplication of effort, and much that needs to be done to create viable, synergistic relations between various security-related stakeholders.
- In the pursuit of such complementarity, we are constantly confronted with limitations that impede how much room for improvement there is in this part of our work. Limitations include budget, staffing and institutional expectations which are slow to evolve. Also, the UN is primarily a norm-setting institution and it is sometimes difficult to keep track of how norms lead to changes on the ground.
- With regard to sexual violence, there are key misconceptions that need to be dismantled, including the 'inevitability' of the crime, its 'unspeakable' nature in some cultures, and the belief that it should not be a matter of fundamental concern to the international community.

- Sexual violence must be seen for what it is – not just a violation of human rights but a fundamental threat to international peace and security. In this context, operational security responses are appropriate and even mandated. We must raise the cost of crimes that have too often been cost-free.
- There is a compliance regime applicable to these crimes, including sanctions and the ability of the SG to explicitly list state and non-state actors who commit these crimes. But there is a need for more data on perpetrators, including their chains of command and access to funds, so that sanctions can have full impact.
- It is important in these and related crimes to shift the associated stigma from the survivors to the perpetrators. We can and should have conversations with perpetrators about the full costs of sexual violence, though this conversation will not always inspire recognition of wrong-doing in some societies.
- Protection of Civilians (PoC) represents a broader mandate than the RtoP concern with mass atrocity crimes and it is largely applicable to peacekeeping operations, though it does often embody the ‘spirit’ of the RtoP norm. PoC embraces the universal concern of international humanitarian law and now covers a set of practical tools and activities designed to foster greater civilian security during times of conflict.
- There is a political danger in too close of a relationship between PoC and RtoP. If peacekeeping missions are ever perceived as a ‘backhanded’ means of military intervention in the name of RtoP, PoC will suffer significant political damage. Humanitarian intervention has been highly politicized, especially after Libya. PoC must endeavor to stay above this political fray.
- As with RtoP, the Security Council has affirmed that the primary PoC responsibility lies with the states themselves. However, states have been slow to follow up on Council efforts to apply PoC to peacekeeping mandates. More recently, Uruguay and Australia conducted workshops and briefings through the Special Committee on Peacekeeping Operations (C-34) to raise levels of PoC understanding and commitment within the General Assembly.

**Closing Session:** Introduction: Volker Lehmann, Friedrich Ebert Stiftung  
 Presenter: Vesselin Popovski, United Nations University

One of the important players in discussions about atrocity crime prevention is the United Nations University to which both diplomats and civil society increasingly look for clarity and leadership on a range of security-related issues. Indeed, RtoP represents a particular scholarly expertise of Dr. Popovski who used his time with our participants to remind them of the many ways in which the norm has and must continue to evolve, and the many reasons why the UNU is keen to have a further role in its development.

Back in 2010, GAPW collaborated with the UNU in Tokyo to initiate discussions focused on the UNU's role in promoting women's full participation in political and peace processes. More recently, GAPW agreed to participate in a new UNU initiative focused on Security Council norm

building, which Vesselin also described for our participants. The specific concern with this project is how Council involvement in norms such as RtoP impacts the response of member states. While some states take guidance from the Council on matters such as RtoP, other states find such guidance intrusive and unhelpful.

As with other event co-sponsors, we hold collaborations with the UNU, including those RtoP related, in particularly high regard. The UNU as an intellectual foundation and norm builder in its own right is a key player in collaborative studies and activities focused on the most important issues on the UN's security agenda. In this context we also wish to highlight the work of Volker Lehmann and his colleagues with the Friedrich Ebert Stiftung (FES) which continues to provide has exciting, working level opportunities for many key UN leaders to participate in conversations that help define the security roles and aspirations of the UN and its member states.



Pablo Angulo Troconis (Venezuela) and Amalya Grigoryan (Armenia)

## **Ensuring Rapid, Last-Resort, 'Third Pillar' Response: Assessing and Enhancing the Feasibility of UNEPS**

June 13, 2012

This event brought together diplomats, UN officials, civil society experts and military advisers to discuss how to identify and address capacity gaps in the UN's response system to threats of

atrocities under the RtoP Framework. Capacity gaps exist at all levels of preventive and coercive response, and the UN still faces challenges responding to threats of mass atrocities when it would still be possible to deter atrocities through less coercive means. This workshop explored several complementary capacities, including those that integrate civilian and gender components, focusing specifically on the proposal for a United Nations Emergency Peace Service (UNEPS). The content was based in part on a 'Draft Statute' developed for UNEPS and in part on reflections from region-based discussions that were held earlier in 2012 to identify new leadership and explore and assess options by regional and global actors for more effective, complementary, last-resort, coercive response.

**Introduction:** *Professor Saul Mendlovitz, Rutgers University Law School, "The Potential of UNEPS;" Commentary by Col. Michael Wiggins Hyldgaard, Permanent Mission of Denmark to the United Nations*

As the UNEPS community continues to develop its proposal and 'sell' it to often wary governments, it is important to honor the ideas and capacities that set the table for our work and allow us to draw clear lines between past efforts and what we hope will be future success in providing a complementary tool to facilitate rapid response to the threat of mass atrocities. Saul Mendlovitz is one of the two recognized 'birth parents' of UNEPS and was instrumental in developing a 'Draft Statute' for UNEPS. This Statute placed much of the consensus regarding the development of this capacity into a form that was familiar to UN policymakers and diplomatic missions. The presence of Colonel Hyldgaard was most appreciated inasmuch as Denmark has often been uncomfortable discussing openly the circumstances of the demise of its well-regarded Multinational Standby High Readiness Brigade (SHIRBRIG) capacity. Indeed, much of what we have learned through the evolution of UNEPS has come from SHIRBRIG. It is important that we continue to have access to officials like Col. Hyldgaard so that UNEPS and other potential rapid-response capacities can embody the best of what SHIRBRIG represented.

#### Key Points

- States are generally reluctant to intervene in mass atrocities because they don't want the political risks associated with 'body counts' from such operations. Having international sanction for such intervention is considered a minimum condition for coercive response. But we have no standing, rapid response capacity to give effect to such a sanction.
- A UN Emergency Peace Service, if available, would save money and lives. If available, UNEPS could possibly have created a humanitarian corridor in Syria at a point prior to the evolution of the conflict into a full-fledged civil war.
- Obstacles to UNEPS include sovereignty claims, material costs, lack of political will, the 'western' orientation of the capacity, and concerns about providing additional tools for use by a Security Council whose commitment to transparency seems lacking.
- UNEPS is the latest in a long list of proposals for standing peacekeeping capacity. This latest iteration – with its commitment to service and gender integrated components

under a guiding rubric of prevention – would complement wider efforts to reinvigorate UN-based collective security.

- SHIRBRIG was an important effort to provide the UN with a more coherent, rapidly-deployable military capacity. It was not ‘standing capacity’ per se but rather provided a pre-pledged and pre-earmarked pool of troops on standby, along with a permanent ‘Planning Element.’ This arrangement was seen as preferable in theory to DPKO’s system of force generation based on ad hoc contributions, though in practice many of the same problems arose as the UN continued to negotiate with individual states rather than with SHIRBRIG as a whole.
- SHIRBRIG closed in 2009 due to a combination of factors – lack of access to political decision makers, an inability to sustain political commitment and no direct lines of communication with DPKO or firm commitments from the UN. But the political commitment issue was paramount and compromised access to both decision makers and strategic resources.
- There is much that those committed to UNEPS could learn from the rise and fall of SHIRBRIG and more opportunities to do so would greatly benefit the future development of the UNEPS capacity.

### ***Session I: Technical Obstacles to Standing Peacekeeping Capacity***

Moderated by: Melina Lito, GAPW

Speakers: Dr. Peter Langille, Common Security, Canada; Dr. David Curran, Bradford University, UK; Col. Emmanuel Kabuk, Nigerian Military

Some of the obstacles to the adoption of a capacity such as UNEPS by the UN have technical origins: How would such a service be organized? To whom would its commanders report? How would such a service inter-operate with regional capacities and with the Department of Peacekeeping Operations? How would its deployments be authorized? How would such a service be based and funded? Melina Lito of GAPW has worked for several years on the UNEPS proposal and is familiar with both its challenges and its technical needs. Peter Langille is another of the ‘birth parents’ of the UNEPS concept and has probably done more than anyone to highlight and address the technical shortcomings in the initial iterations of this proposal. Colonel Kabuk of Nigeria has written on UNEPS and is directly involved with the Nigerian Defence College which might well be the sight of our next UNEPS workshop. David Curran is a scholar from the UK with good insights on the requirements for a proposal like UNEPS seeking formal adoption. He also has plans to help establish more workshops on UNEPS-style capacities.

#### **Key Points**

- Although UNEPS sometimes seems like ‘mission impossible,’ but governments were proposing a UN rapid response formation over 20 years ago. And there have been proposals of one form or another in circulation ever since.

- We need a roadmap to adoption of UNEPS or it will never happen. It must be one that highlights the degree to which a UNEPS could alleviate pressure on national governments and create wider legitimacy for international efforts to prevent mass atrocities.
- There are multiple obstacles that need to be addressed in the roadmap: political, strategic, operational and tactical. All these are related, but political obstacles influence all of the others and have a particular impact on the allocation of needed resources.
- Any standing capacity proposal must address concerns of legitimacy, reliability and credibility. This is a big step for the international community and while the ‘most radical’ might turn out to be the most rational, we cannot underestimate the degree to which standing capacity creates anxiety in states, especially states that are at risk for violence and that have little or no influence over Council decisions.
- We must be firm in our resolve to re-conceptualize state security in the direction of human security. As such, we need more response options related to ‘soft’ and ‘hard’ power capacities, we need to place more normative significance on the development of credible rapid response capabilities, and we should think about linking all of this with expanded service objectives. Tool development should be practical and experimental. We need to see what ‘works,’ and then do more of that.
- African military leaders have identified ineffective early warning systems and a lack of a standing UN force as key deficits regarding implementation of RtoP. They also point out early AU support for the RtoP norm as well as the existence of a Constitutive Act authorizing the AU to take action within any member state that fails to protect its own civilians in respect to “grave circumstances.”
- The concern with a standing UN force is related mostly to its misuse by the Council for objectives such as regime change. It is critical that any SC-authorized deployments, UNEPS-related or not, focus on the prevention of mass atrocities rather than on enhancing political or economic interests.
- UNEPS as a more ‘cosmopolitan service’ needs further investigation. Should UNEPS keep its ‘advertised’ focus on genocide and crimes against humanity or be open to a wider variety of service objectives, including natural disasters, protecting refugees, etc?
- The deterrent factor of a UNEPS needs to be explored further. The ‘threat’ of peacekeeping operations has not generally served as a deterrent and we cannot depend on public opinion, which generally rises only in the aftermath of atrocities, to motivate prompt action by the international community.
- The need for Security Council reform in relation to a UNEPS must also be carefully deliberated. If UNEPS has more mandated functions with more SC members able to exercise veto based on their own issue and national interests, the service may rarely if ever get out of barracks.

***Session II: Political Obstacles to the Adoption of Standing Peacekeeping Capacity: Regional Perspectives***

Moderated by: Volker Lehmann, Friedrich Ebert Stiftung

Panelists: Mr. Hermann Hokou, Esq., Cote d'Ivoire; Ms. Amalya Grigoryan, United Nations Association of Armenia; Dr. Gilberto Rodrigues, UNISANTOS, Brazil

While there are important technical aspects to both the development and eventual implementation of a capacity such as UNEPS, many of the remaining obstacles are political. As GAPW has noted in other publications and as our four days of events often highlighted, there are multiple levels where trust building related to a capacity such as UNEPS must be developed, one of which involves ensuring the cultural and geographic diversity of its designers and promoters. But there are also trust issues with regard to the UN itself, specifically a system of authorization for tools like UNEPS that is rooted in the Security Council and for which there is no reasonable prospect of transparency or assessment-based accountability. So long as the Permanent Five (P5) members retain strong control over all UN-related security matters, other states will likely be reluctant to approve new tools that would effectively operate under the Council's jurisdiction.

There are also political obstacles to the adoption of a new UN capacity that emanate from regional settings, especially in settings which are potential hosts of a UNEPS deployment but which have too little of a say in how such a proposal should be developed. In this panel, we featured leaders from diverse cultural and professional contexts, all working to established regional platforms from which to promote for fair, robust and transparent capacities to respond to threats of mass atrocities at the earliest possible stages.

#### Key Points

- NATO, as the current the 'implementer of choice' for the most coercive, authorized responses to mass atrocities, poses a considerable challenge to UNEPS. As NATO searches for its identity and an ongoing key role in international security, NATO member resistance to a standing UN capacity might be considerable. NATO generally has shown little interest in UN peacekeeping operations and there is little reason to think that this will change regarding UNEPS.
- Part of gaining political legitimacy for a capacity like UNEPS is building a UN that is more representative of diverse interests. Brazil has been one of the nations in the forefront of Security Council reform efforts. Such efforts are not absolutely necessary with respect to RtoP, but are needed if additional, potentially-coercive, 'third pillar' capacities are to be considered. But these efforts must be careful not to sanction 'new hegemonies' with expanded veto powers. The new hegemonies would be seated on the basis of economic power, rather than nuclear power, but the pattern of large countries with vetoes would persist. Council reform is necessary but might not solve all of the problems related to rapid preventive deployment.
- It is important to consider regional culture when composing 'forces' for the coercive and non-coercive functions of UNEPS. For instance, when troops from South Asia are deployed to the Caribbean (MINUSTAH) there are communications and behavioral issues that might be difficult to overcome.



- In addition, there are regions that highly privilege prevention over intervention, and the developers of a capacity like UNEPS must be responsive to those preferences.
- Some parts of the world are currently experiencing cross-border conflict and this provides a context for how proposed capacities like UNEPS are perceived. These regions have experiences with peacekeeping operations which are not always favorable. Coupled with the political obstacles to resolving conflict regionally, there has been insufficient official attention paid to how the UN is prepared to help states respond to the threats of violence in their midst. This can and must change.
- NGOs play a critical role in the process of developing and authorizing new capacities to resolve conflict. NGOs provide a 'window to the external world' of new methods, norms and systems of values that can contribute much to development, security sector reform, and other issues key to making and keeping the peace.
- In Africa, it is an open question whether or not a capacity like UNEPS should seek to link to formal mechanisms like ECOWAS or instead to civil society organizations on the ground. In some African states, civil society is very political and in others, civil society does not experience 'safe spaces' in which to speak out and do their work. From the standpoint of formal inter-governmental arrangements on the continent, action is sometimes painfully slow. As one participant remarked, "we like recommendations but not decisions." Multiple levels of engagement would be needed to overcome political inertia in support of a UNEPS and put civil society skills to work in conflict prevention.
- We need to find ways to engage and sustain public interest in atrocity crime prevention without having to wait for a major global catastrophe. The 'bad shock' theory of social change has not generated the sustained will to fix the system of atrocity crime prevention and response sufficiently.
- There is broad agreement that we have the norm we need to address atrocity crimes, but practicalities are lacking and those are what matter most to victims and others threatened by violence. Norms by themselves don't prevent mass rapes or other massive violence.
- There are examples of training in the UK that prepare military to exercise leadership on conflict resolution and prevention, mediation and other skills that might otherwise be conducted by trained civilians, but these training protocols are not widely practiced. It would be important for those working on UNEPS-style capacities to keep apprised of training developments within the military establishments of key countries.

***Lunch Presentation: An overview of the S-5 Resolution on Security Council***

***Working Methods:*** Ms. Pascale Baeriswyl, Counselor, Political Affairs, Permanent Mission of Switzerland

One of the most important barriers to the adoption of UNEPS has to do with the Security Council itself, particularly the ways in which it makes decisions on matters of peace and security as well as the special, mostly unencumbered 'privileges' that permanent members of the Council enjoy, complete with authorizing power that is not subject to assessment by other

member states. In order to address at least some of these imbalances a group of states known as the Small Five (S5) – consisting of Switzerland, Costa Rica, Jordan, Liechtenstein and Singapore – sponsored a resolution in the General Assembly urging the Council to consider a variety of reforms in its working methods, including restraint on the use of the veto in situations where there have been clear findings that atrocity crimes are imminent. (See <http://www.un.org/News/Press/docs/2012/ga11234.doc.htm>.) The response within the GA of the P5 to the 'meddling' of the S5 seemed harsh to many observers, and spoke volumes about the unwillingness of the P5 to voluntarily cede their prerogatives. It also spoke volumes about the political obstacles that a capacity such as UNEPS faces as wary states contemplate adoption of yet another tool that the Council can use essentially 'as it sees fit.' The willingness of Ms. Baeriswyl to come over from the Swiss Mission to provide this briefing for our group was most appreciated and provided participants with a glimpse into a political process to which most have no direct access.

### **Session III: *Lessons from the UNEPS Statute: Where Could a UNEPS-style Capacity fit in the Global Security Architecture?***

Moderated by Mr. Pablo Troconis, UNA Venezuela

Panelists: Captain Ted Westfall, US Military JAG; Mr. Daniel Fiott, Madiaraga – College of Europe Foundation, Ms. Tanya Domi, Columbia University

Under the direction of Saul Mendlovitz and with support from Captain Ted Westfall and other military and civilian stakeholders, a 'Draft Statute' was created for UNEPS that seeks to address a range of logistical issues – including things like interoperability and command structure – that would require scrutiny prior to any formal adoption of the capacity by the UN. One of the most challenging aspects of UNEPS from the standpoint of diplomats and policymakers is to ascertain where a UNEPS would 'fit' in terms of the UN's security architecture. What would it complement? What would its likely impact be on peacekeeping operations and other core security functions of the UN?

In addition to Captain Westfall work on the UNEPS statute, Daniel Fiott of Madariaga – College of Europe Foundation has had important experience in exploring collaborative security arrangements. Tanya Domi is a veteran of the UN Kosovo mission which continues to impact her teaching at Columbia University. Pablo Troconis is a young leader from a country that is hopefully re-emerging as a more thoughtful participant in UN-based security discussions.

#### **Key Points**

- On atrocity crime deployments, there needs to be more power-sharing between the Secretary General's office and the Security Council. This would be important with regard to both coercive and non-coercive responses.
- One of the key 'selling points' for UNEPS is that it is a complementary service, functioning much like an ambulance tied to a competent hospital. UNEPS would be

useful in stabilizing violent situations but the international community would need to rely on a bevy of other diplomatic, coercive and peacebuilding measures in order to truly keep and/or restore the peace.

- Putting a capacity like UNEPS in ‘treaty language’ is a mixed blessing. On the one hand, it gives more ‘weight’ to the proposal; but on the other, it takes more time to hammer out treaty agreements and states are more skittish about obligations that have legal force.
- More robust civilian components in UNEPS could help perform conflict prevention functions prior to (and perhaps instead of) more coercive engagements. The presence of UNEPS does not always have to result in the most coercive deployments.
- There is much that UNEPS can learn from an examination of EU efforts to implement a Common Security and Defense Policy. The EU could potentially be an important regional actor on rapid response, but is also searching for a role that supports international response, is responsive to the interests of its individual member states, and can overcome organizational complexities, political manipulations and ‘normative ambivalence.’ This takes a lot of political will which doesn’t now exist.
- There has been an increased emphasis on gender in most all peacekeeping and peace prevention operations. There is also a renewed interest in ‘inclusive security’ as a rubric to govern gender integration in peace processes.
- This process can be enhanced by more access to a wider range of media and also to governments, though many are still reluctant to engage meaningfully with civil society.
- UNEPS language, especially as represented by the Statute, is overly militaristic. It is important to remember that military personnel are trained to vanquish enemies, not to lead peace operations. Moreover, the military is not trained to engage civil society organizations as partners. The military’s role in prevention will always be limited since that is not the strength of their training. Thus, there is a need to ensure that UNEPS language conveys the complementary nature of its military components.

#### **Session IV: *Complementing UNEPS: Supporting Civilian-Based and Gender***

***Integrated Preventive Options:*** Moderated by Ms. Laura Spano, WFUNA

Panelists: Mr. Terry Nickelson, Our Humanity in the Balance; Ms. Sarah Taylor, NGO Working Group on Women, Peace and Security

As noted earlier, Laura Spano has been a strong and visible spokesperson for the integration of diverse civil society voices in the elaboration and implementation of the RtoP norm. And perhaps the most important civil society contributions to our four days of discussions were related to the topics of gender and civilian capacity. In both instances, the UN has affirmed at the highest levels the need for gender-integrated peace processes and for more highly-trained civilians to supplement formal UN peace prevention, peacekeeping, and peace building operations. Sarah Taylor has been a vigorous voice for such gender integration and has encouraged gender experts to participate in broader security discussions. Terry Nickelson has worked with Tanya Domi, Gord Breedyk (Civilian Peace Service Canada) and other partners to

form a civilian team seeking to respond more effectively to the violence that plagues the region linking Sudan and South Sudan.

### Key Points

- We need to reinforce the fact that by the time peacekeeping operations deploy, it is often too late to stop the violence. We need new tools, including civilian-based tools, to fill capacity gaps and provide complementary support.
- Factors that contribute to effective civilian capacities in situations of evolving mass atrocities include an active media, high-end monitoring technology and volunteers prepared to take risks. In order for civilian components to intervene effectively, they must pay attention as early as possible to the warning signs. The longer injustices or oppression fester, the more difficult it will be for non-coercive deployments to have an impact.
- We need more relevant data on sexual violence. Such data should include women's perceptions of their own security. We need more meaningful, up-to-date information – including the ways in which sexual violence is trending in particular societies -- that we can share with policymakers. And, when gender-based violence threatens to rise to a level where coercive response by the international community might be contemplated, accurate data becomes especially important.
- Ensuring full participation by women in political and peace processes is important, but in many states it is deemed to be 'political' and thus raises sovereignty issues. 'Protection' seems easier to measure – though it is not easy – but this is related to crimes rather than to something like participation which isn't 'legal' in nature and might not be taken as seriously despite the existence of relevant Security Council resolutions. In mediation for instance, it is important to have more women in leadership roles, but neither member states nor the UN are willing to invest precious political capital to ensure this balance.
- It was noted that one huge potential value of a UNEPS is its close attention to civilian/conflict resolution capabilities and full gender integration.
- There was disagreement about the value of 'star power' (from Hollywood, professional sports) in leveraging public and policy attention to issues of gender-based violence and the need to promote participation by women in political and peace processes.
- We must focus more on the roles of women in post-conflict rebuilding, ensuring that women have functional decision making authority to help prevent societies returning to cycles of violence.

### **Summary and Next Steps:** Mr. Fergus Watt, Canada

As noted above, Fergus' initiative succeeded in helping to bring together diverse regional stakeholders both to examine 'third pillar' tools and to grow the global movement for effective, standing, rapid-response peacekeeping capacity through the United Nations. But he and others recognize that the fruit of an extended workshop like this one is less about what was said in

New York and more about what happens next in all the global regions represented. The main objective moving forward from Fergus' standpoint (supported by many others) is to convene and sustain an intentional community of international scholars and policymakers on UNEPS and complementary response tools, a community that could generate regular research and outreach exchanges and targeted follow up meetings. Some additional follow up has already been alluded to in this report, but there have been other fruitful outcomes, a sample of which includes the following:

- WFUNA is organizing an RtoP event in India for this October, the first such event ever in that country.
- The FES has commissioned an updated study on the political and technical feasibility of UNEPS by Dr. Peter Langille.
- WFM-Canada, in association with David Curran of the UK and Joachim Koops of Belgium, is exploring options for events on standing peacekeeping capacity to be held in the UK and Denmark.
- The ICRtoP is planning new educational resources to encourage NGO participation and will produce a summary report of the GA debate on the 'Third Pillar' of RtoP.
- In November, GAPW will be co-sponsoring training on RtoP and international humanitarian law in November for new military officers in Nigeria as well as exploring ways to end impunity for violence against indigenous women in Guatemala. We will also convene a meeting in Athens in February 2013 for representatives of Balkans states to assess levels of participation of women in political and peace processes with a special emphasis on women's roles in atrocity crime prevention and response.

## ***Conclusion***

A conference over many days and in multiple venues tends to generate a diversity of outcomes— some related to substance, others related to the formation of new or expanded networks, and still others related to innovative initiatives that can push discussions on the 'third pillar' of RtoP in new and creative directions. Clearly we have a long way to go until we can 'sleep' on addressing the challenges of atrocity crime prevention. In order to succeed, we need new response tools, new commitments to complementary engagement, and new levels of transparency and accountability for the states that authorize and the authorities that implement. If these days reinforced anything, it is the multitude of tasks that stand before us as we move towards a seamless, prevention-oriented architecture of response that can prove both reliable and trustworthy. Only such a system can appease wary states and uphold the legitimacy of the UN as the essential authority for atrocity crime response.

The partners that contributed to this conference have set for themselves an ambitious schedule of events in the coming year – some of which have been alluded to above – to keep alive the momentum on atrocity crime prevention in the aftermath of this September's General Assembly debate on the 'third pillar' of the RtoP. The ICRtoP will continue to grow civil society interest in

the norm and its implementation in a variety of global settings. WFM Canada will continue holding its government accountable to its prior RtoP commitments while helping the rest of us to explore viable civilian and military based options for atrocity crime response. WFUNA will continue to organize RtoP events for wary governments, keeping policy officials up to date on the potential of the RtoP norm and reminding them of why they should offer more support for full-spectrum implementation. And the Friedrich Ebert Stiftung office in New York will continue to be one of the most important conveners in the UN system, lending logistical and intellectual support to a range of security discussions pertinent to effective global governance.

As for GAPW, we look forward to participating in as many of these events and activities as we can. We will also organize a few of our own, including the aforementioned training workshop in Abuja on RtoP and related protection of civilians commitments for new officers in the Nigerian military. And we will continue our work on 'Gender and RtoP' with diplomats, UN officials and NGOs at UN Headquarters.

But perhaps most importantly, we all will do everything possible to support new and existing leadership in the Joint Office on Genocide Prevention and the Responsibility to Protect, leadership that is already taking new shape with the recent appointment of Adama Dieng of Senegal as the new Special Adviser on the Prevention of Genocide. As the UN's role in atrocity crime prevention continues to expand, the need for infrastructure sufficient to this challenge remains acute. All of us associated with planning and implementing this multi-day conference at the UN are committed to both issue competence and the structure needed to ensure that such competence is trustworthy and effective.

## Conference Presentations (Soon Available at [www.globalactionpw.org](http://www.globalactionpw.org))

“Introductory Remarks,” Laura Spano and Bonian Golmohammadi, World Federation of UN Associations

“The Potential of a UN Emergency Peace Service: The SHIRBRIG Perspective,” Colonel Michael Wiggins Hyldegaard, Permanent Mission of Denmark to the United Nations

“Recommendation for the Third Pillar,” Daniel Fiott, Madiaraga – College of Europe Foundation

“Gaps in the Responsibility to Protect: The Role of Non-Governmental Organizations,” Cara Lacey, GAPW

“Operationalising Cosmopolitan Arrangements: A Role for the United Nations,” David Curran, Bradford University, UK