

## Analysis Framework to detect risk of genocide; New legal convention on IDPs, new court for Darfur

RtoP Listserv

4 November 2009

Web: [www.responsibilitytoprotect.org](http://www.responsibilitytoprotect.org)

Email: [info@responsibilitytoprotect.org](mailto:info@responsibilitytoprotect.org)

---

### **I. Office of the Special Adviser on the Prevention of Genocide welcomes assistance of all actors to alert and recommend action to the UN to prevent genocide**

1. OFFICE OF SPECIAL ADVISER SHARES ANALYSIS FRAMEWORK FOR DETECTING RISK OF GENOCIDE

### **II. UN High Commissioner for Refugees says African Union has put RtoP into action**

1. AU ADOPTS MAJOR NEW CONVENTION TO PROTECT AND ASSIST IDPs

### **III. African Union creates new hybrid court to investigate mass atrocities in Darfur**

1. HUMAN RIGHTS WATCH ANALYSES AND SUPPORTS NEW COURT INITIATIVE

### **IV. UN General Assembly considers resolution in support of Goldstone Report**

1. HUMAN RIGHTS COUNCIL BACKS GOLDSTONE REPORT AND REFERS TO GENERAL ASSEMBLY

2. GENERAL ASSEMBLY DRAFT RESOLUTION UNSUPPORTED BY U.S. AND WESTERN EUROPE

### **V. Publications and events by Coalition Members**

1. KOFI ANNAN INTERNATIONAL PEACEKEEPING TRAINING CENTRE RELEASES OCTOBER POLICY BRIEF ON ECOWAS STAND-BY FORCE

2. GLOBAL ACTION TO PREVENT WAR: 29 SEPTEMBER, BRAZIL WORKSHOP: PEACEKEEPING AND CIVILIAN PROTECTION; LATIN AMERICAN PERSPECTIVES

3. UNA SWEDEN: 11 NOVEMBER, SEMINAR: RESPONSIBILITY TO PROTECT BY MILITARY MEANS – VISIONS, STRATEGY, AND CHALLENGES FOR THE UN, EU, AND SWEDEN

### **VI. Other Upcoming Events on RtoP**

1. 15 NOVEMBER, EXHIBIT AND CONFERENCE ON RAPHAEL LEMKIN

---

### **I. Office of the Special Adviser on the Prevention of Genocide welcomes assistance of all actors to alert and recommend action to the UN to prevent genocide**

1. OSAPG Analysis Framework

Office of the Special Adviser on the Prevention of Genocide

19 October 2009

The Office of the Special Adviser on the Prevention of Genocide has developed an Analytical Framework, as a guide to assist the staff to monitor and assess the risk of genocide in any given situation. The Framework is also a tool to assist partners who are in a position to share with the Office information relevant to the mandate. Preventing genocide is both a collective and an individual responsibility – the Special Adviser welcomes assistance of all actors to alert the United Nations to the risk of genocide and recommend action to prevent it.

The Analysis Framework comprises eight categories of factors that the OSAPG uses to determine whether there may be a risk of genocide in a given situation. These include:

- \* Inter-group relations, including record of discrimination and/or other human rights violations committed against a group
- \* Circumstances that affect the capacity to prevent genocide (circumstances include existing structures, patterns of impunity and lack of accountability for crimes, etc)
- \* Presence of illegal arms and armed elements
- \* Motivation of leading actors in the State/region; acts which serve to encourage divisions between national, racial, ethnic, and religious groups
- \* Circumstances that facilitate perpetration of genocide (dynamic factors like derogatory legislation, attempts to eradicate diversity, sudden strengthening of military, etc)
- \* Genocidal acts
- \* Evidence of intent "to destroy in whole or in part..."
- \* Triggering factors (ex. change of government outside of electorally or constitutionally sanctioned process, natural disasters, instances of the military being deployed to act against civilians)

See OSAPG website [here](#) .

See the [framework](#) and what issues are included in each category.

## **II. UN High Commissioner for Refugees says AU has put RtoP into action**

1. African Union adopts major convention to protect and assist the internally displaced

Melissa Fleming and Yusuf Hassan

UNHCR

23 October 2009

African leaders met in Kampala, Uganda for a four-day summit on refugees, returnees and internally displaced persons in Africa from 19-23 October. The outcome of this summit was the adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. Yusuf Hassan is the Senior Liaison Officer at the Office of the UN

High Commissioner for Refugees. Melissa Fleming is the head of the Communications Service and Spokesperson for UNHCR. Hassan and Fleming wrote this article while reporting from Kampala, Uganda.

African leaders meeting in the Ugandan capital, Kampala, adopted a seminal convention Friday that will provide legal protection and assistance to millions of people displaced within their own countries by conflicts and natural calamities on the continent. (...)

The new African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, is the first legal instrument of its kind in the world. It defines the obligations that states, and even armed groups, have to protect and assist their own uprooted citizens.

Forty-six African nations unanimously adopted the landmark convention while 17 heads of state and government, and foreign ministers signed it, including the presidents of Uganda, Zambia, Zimbabwe and Somalia, and the prime ministers and vice presidents of Burundi, the Central African Republic, Equatorial Guinea and Rwanda. The convention still requires ratification by a minimum of 15 countries.

In the official summit declaration, the AU heads of state and government vowed to take measures to "prevent and finally eliminate from our continent the occurrence of forced displacement of people arising from conflict and natural disasters." (...)

The convention, in its preamble, underscores the need to "promote and strengthen regional and national measures to prevent or mitigate, prohibit and eliminate root causes of internal displacement as well as provide for durable solutions." It notes the specific protection expertise of UNHCR and asks the organization to continue and reinforce its role in the protection of and assistance to IDPs. (...)

UN High Commissioner for Refugees António Guterres told a closing press conference that "this represents the concept of 'responsibility to protect' in action. It demonstrates that national sovereignty is fully compatible with the responsibility to protect." He added that the convention serves as a reminder that the responsibility to protect its own citizens is first and foremost an individual state responsibility and that where the state fails to do so, there is a collective African responsibility to act.

Read the [full article](#) .

Read the full text of [the Convention](#) .

### **III. AU creates new hybrid court to investigate mass atrocities in Darfur**

In March 2009, the African Union Peace and Security Council established a High-Level Panel to look at ways to bring peace to Darfur. Headed by former South African president, Thabo Mbeki, the Panel released a report on the conflict and presented it to the AU Peace and Security Council on 29 October 2009 at its meeting of Heads of State and Government in Abuja, Nigeria.

The Panel concluded that, "the people of Darfur have suffered extreme violence and gross violations of human rights," and made several recommendations including the establishment of a truth and reconciliation commission, several reforms within the Justice System in Sudan, and a new hybrid court to investigate perpetrators of the violence. This court would consist of both Sudanese and AU-appointed judges. The Panel did not take a position on whether the new hybrid court would aim to try cases currently before the International Criminal Court.

On 30 October, African leaders agreed to establish the new court. Human Rights Watch published an article supporting the new court, but clarified that the new court would not replace the ICC.

See [the report](#) of the panel and [the Darfur Communiqué](#) from the AU-PSC meeting.

1. AU: Back Mbeki Panel Call for Darfur Prosecutions  
Human Rights Watch  
28 October 2009

The African Union (AU) should support the High-Level Panel on Darfur's call for prosecutions to provide justice for victims in Darfur, Human Rights Watch said today. Human Rights Watch said that the panel's recommendation to create a "hybrid court" - along with establishing a truth and reconciliation commission and strengthening the domestic criminal justice system - could usefully supplement justice efforts in Darfur, but not replace International Criminal Court (ICC) cases. (...)

The establishment of a new hybrid court - which Human Rights Watch said should conform to international standards for fair trials - is likely to face major obstacles, Human Rights Watch said. The Sudanese leadership has previously undercut efforts by domestic courts to prosecute Darfur atrocities. A hybrid court that has Sudanese participation could be plagued by a similar lack of political will to hold perpetrators to account. In addition, new courts can take a long time to create and can be very expensive. (...)

A genuine law reform process requires the Sudanese legislature to repeal or amend existing laws to bring them into conformity with applicable international human rights standards, Human Rights Watch said. These should include, as a matter of urgency, reform of the National Security Forces Act, which currently grants sweeping powers of arrest and detention to national security authorities who continue to commit human rights violations in Darfur and across Sudan." The Mbeki Panel's call for real legal reform in Sudan as one key element in improving accountability for human rights violations is welcome," said Georgette Gagnon, Africa director at Human Rights Watch. "Genuine reforms could also help create the conditions necessary for free and fair national elections in April 2010." (...)

Read HRW full [analysis](#) .

#### **IV. UN General Assembly considers resolution to support Goldstone Report**

On 29 September 2009, Justice Goldstone presented the report from the UNHRC

commissioned fact-finding mission in Gaza to the Human Rights Council. The report concluded that both Israel and Hamas were guilty of war crimes and possible crimes against humanity, and recommended that the Security Council require both parties to launch investigations into the perpetrators of these crimes within six months or be referred to the Prosecutor of the International Criminal Court. The Council adopted a [resolution](#) supporting the report and asked the President of the General Assembly, Ali Trekki, asking the GA to consider the report. On 2 November 2009, Arab UN delegates began circulating a draft resolution that obliges Secretary-General Ban Ki-moon to refer the report to the Security Council. This [draft resolution](#) is now under consideration by the General Assembly.

1. Endorsing Gaza war report, UN Human Rights Council condemns Israel  
UN News Centre  
16 October 2009

The Human Rights Council today [strongly condemned](#) a host of Israeli measures in the occupied Palestinian territory and called on both sides to implement the recommendations of a United Nations commission that found evidence that Israel and the Palestinians committed serious war crimes in the three-week Gaza war nine months ago.

In a resolution, adopted by 25 votes in favour, six against, and 11 abstentions, the Council recommended that the General Assembly consider the Goldstone report during the main part of its current session, requested Secretary-General Ban Ki-moon to submit a report on the implementation of its recommendations to the Council in March, and condemned Israel's refusal to cooperate with the commission. (...)

The Council demanded that Israel allow Palestinian citizens and worshippers unhindered access to their properties and religious sites in the occupied Palestinian territory, cease immediately all digging and excavations beneath and around the mosque, and refrain from any acts may endanger the structure or change the nature of Christian and Islamic holy sites.

It requested that UN High Commissioner for Human Rights Navi Pillay report periodically on Israel's implementation of its human rights obligations in and around East Jerusalem.

Read [full article](#) .

2. UN assembly draft urges action on Gaza "war crimes"  
Louis Charbonneau  
Reuters  
2 November 2009

Arab U.N. delegates circulated a draft resolution on Monday that would require Secretary-General Ban Ki-moon to bring a U.N. report alleging war crimes in the Gaza Strip before the Security Council.

A special meeting of the 192-nation assembly on Wednesday will debate the U.N. report on

the December-January war in the Gaza Strip and vote on the draft resolution. (...)

The Arab draft resolution, obtained by Reuters, says the assembly "requests the Secretary-General to transmit the report ... to the Security Council." It also urges Israel and the Palestinians to comply with the report's recommendations for launching investigations into allegations of war crimes.

The draft also tells Ban to report back to the assembly within three months on implementation of the resolution.

Arab and Western diplomats told Reuters there was little doubt a majority of the General Assembly would vote in favor of the Arab draft. But negotiations were underway as Arab delegates sought to persuade Western powers to back the text.

An Israeli official in New York condemned both the report and the assembly's discussion of it. "At a time when we are debating restarting peace talks, this is not helpful to anyone," said the official, who asked not to be identified.

Diplomats said the five veto-wielding permanent council members -- United States, Britain, France, Russia and China -- all agreed that there was no point in bringing the issue to the Security Council, which meant it was unlikely the 15-nation panel would do anything with the Goldstone report. (...)

Read the [full article](#) .

View the text of the [draft resolution](#) now before the UN General Assembly.

## **V. Publications and events by Coalition Members on strengthening capacity to protect**

1. Policy Brief on civilian component in ECOWAS Standby Force  
Samuel Atuobi and David Nii Addy  
Kofi Annan International Peacekeeping Training Centre  
October 2009

Samuel Atuobi and David Nii Addy from the Conflict Prevention Management and Resolution Department (CPMRD) of the Kofi Annan International Peacekeeping Training Centre (KAIPTC) have written a policy brief, Towards the Operationalisation of the Civilian Component of the ECOWAS Standby Force. The brief discusses the progress of the developing civilian component of the ECIWAS Standby Force, which primarily consists of training workshops by KAIPTC. The ECOWAS Standby Force (ESF) is a peacekeeping force that works to address the need for multi-dimensional and long-term peace and security operations in Africa. The brief further defines the roles that civilians can play in the Standby Force in areas such as administration, planning, supporting reforms, rehabilitation services, and the delivery of humanitarian assistance, and monitoring elections. The brief concludes with specific policy recommendations including further discussion on the operationalization of the civilian component, as well as increased civilian training.

Read the [full policy brief](#) .

You can access other publications by CPMRD and KAIPTC at the [following link](#) .

2. Workshop: Peacekeeping and Civilian Protection; Latin American Perspectives  
Global Action to Prevent War (GAPW)

Brazil

29 September 2009

GAPW, in collaboration with the Institute of International Relations at the University of Brasília, hosted a workshop in Brasília, Brazil called Peacekeeping and Civilian Protection; Latin American Perspectives. High-level government officials, NGOs, and academics met together to discuss civilian protection, RtoP, challenges to UN peacekeeping, and regional security, focusing largely on Brazil's role in each of these institutions and initiatives. MINUSTAH, the current UN peacekeeping operation in Haiti, in which Brazil plays an active role, was used a case study during the workshop. According to GAPW, an outcome document of this workshop will be available shortly.

View [the agenda](#) from the workshop. For more information, visit the .

3. Seminar: Responsibility to Protect by Military Means - Visions, Strategy and Challenges for the UN, EU and Sweden

Ed Luck to Speak Swedish conference on RtoP and the military

Swedish National Defence College

11 November 2009

The Raoul Wallenberg Institute, the Swedish Institute of International Law-Uppsala University, the Swedish National Defence College and the United Nations Association of Sweden have organized a seminar, Responsibility to Protect by Military Means – Strategy and Challenges for the UN, EU, and Sweden, to take place on 11 November 2009.

Edward Luck, the United Nations Secretary-General's Special Advisor on Responsibility to Protect, will be the keynote speaker. His remarks will be followed by several presentations and a panel discussion on RtoP and Swedish Defense planning.

The event will be held in Sverigesalen/Sweden Hall at the Swedish National Defence College, Drottning Kristinas Väg 37, in Stockholm.

To attend, you must register by emailing [jens.petersson@fn.se](mailto:jens.petersson@fn.se). For more information, please click [here](#) .

**VI. Other Upcoming Events on RtoP**

1. Genocide and Human Experience: Raphael Lemkin's Thought and Vision

The Center for Jewish History

15 November 2009

The Center for Jewish history has organized an inaugural event for the new exhibition, “Letters of Conscience: Raphael Lemkin and the Question to End Genocide” on Sunday 15 November. The event, an international conference called Genocide and Human Experience: Raphael Lemkin’s Thought and Vision will focus on the history of genocide through the perspective of Raphael Lemkin, interpreted through his written works and letters that remain in archives throughout the world. Scholars from Australia, Ireland, Bosnia, Canada, and the United States will be participating in panel discussions surrounding genocide as a legal term and Lemkin’s activism.

The event will take place at 9:00 AM on Sunday 15 November at the Center for Jewish History at 15 West 16th Street, New York, NY, 10011.

You can find registration information [here](#) . Register online [here](#) or by phone at (212) 868 4444. Tickets are \$45 for general admission, \$58 for general admission and a Kosher box lunch, \$25 for students, and \$38 for students with a Kosher box lunch.

Please note that the Center for Jewish History has received a donation that will sponsor the attendance of twenty students to the event. These spots are on a first-come-first-served basis. Interested students should use the code KIM020 when they register online.