

Best Practices and New Opportunities in Genocide Prevention: Governmental Action, Technology and Regional Contexts



Global Raphael Lemkin Seminar Series Alumni Meeting Arusha International Conference Center, Arusha, Tanzania, May 27 – 28, 2013

Partners: The Ministry of Constitutional and Legal Affairs of the United Republic of Tanzania, The Ministry of Foreign Affairs and International Cooperation of the United Republic of Tanzania, The United Nations Office of the Special Advisor for Genocide Prevention and the Responsibility to Protect, and The Auschwitz Institute for Peace and Reconciliation

Executive Summary

The Global Raphael Lemkin Seminar for Genocide Prevention Series Alumni Meeting entitled “Best Practices and New Opportunities in Genocide Prevention: Governmental Action, Technology, and Regional Contexts” (hereafter called the “Arusha Meeting”) co-organized by the Auschwitz Institute for Peace and Reconciliation (AIPR), the Ministry of Constitutional and Legal Affairs of the United Republic of Tanzania and the United Nations Office of the Special Advisor on Genocide Prevention and the Responsibility to Protect, took place in Arusha, Tanzania, from the 27th to the 28th May 2013.

Arusha was chosen because of its uniqueness on the African continent in administering international justice to the victims of genocide, crimes against humanity and other related serious human rights violations. The city, commonly referred to as “The Hague of Africa,” enabled AIPR to harness the “power of place” methodology central to its work in genocide and mass atrocity prevention to convey the Institute’s message not only through the substance of our discussions, but also through the significance of the city to AIPR’s work in prevention. Tanzania is also one of the countries that have taken comprehensive steps to establish a specific institution, which has as one of its primary focuses as the prevention and punishment of genocide and other atrocity crimes, the Tanzanian National Committee on the Prevention and Punishment of Genocide, Crimes Against Humanity, War Crimes and all forms of Discrimination.

The participants included government officials from a cross-section of the Alumni of the Global Raphael Lemkin Seminar Series coordinated by AIPR, the Alumni’s related colleagues, regional and sub-regional organizations, the United Nations, representatives of non-governmental organizations and experts in the field of genocide prevention and the Responsibility to Protect, international law and justice and the technological/technology sphere.

The goals of the Arusha Meeting were:

- To provide all former participants of the Global Raphael Lemkin Seminar Series with a forum in which to explore ways to strengthen their roles in their respective sectors of government to advance preventative action;
- To identify new policy tools to be applied in their work at the national level in the field of genocide and mass atrocity prevention;
- To identify common concrete elements of prevention and protection strategies in addition to challenges faced at the national and regional level;
- Mechanisms to be developed to monitor and strengthen the impact at the national and regional levels;
- To inform participants about the creation of the “Global Action Against Mass Atrocity Crimes (GAAMAC),” an international cooperation network under which the prevention of genocide and the Responsibility to Protect networks would cooperate to prevent the four crimes (war crimes, crimes against humanity, genocide and ethnic cleansing). A direct outcome the High-Level Working Meeting on the Prevention of Atrocities (PA) co-organized by the Tanzanian Ministry for Foreign Affairs and International Cooperation and the Swiss Ministry of Foreign Affairs, took place in Dar es Salaam, from March 18-20, 2013;
- Making the existence of a joint sub-working group, operating under the umbrella of GAAMAC, tasked with the mandate of paving the way for the first GAAMAC international meeting of Focal Points in 2014.

Introduction

This meeting in Arusha provided former participants of the Global Raphael Lemkin Seminar Series with a forum in which to explore ways to strengthen their roles in their respective sector of government to advance preventative action, and to learn about new policy tools to be applied in their work at home in this field. The main goal was to spur new collaborations through national, regional and international projects in genocide and mass atrocity prevention. The meeting also served to bring this network together with other actors in the prevention field to learn about new policy tools and strategies to be applied at home, and to hear from figureheads in key countries engaging with issues of prevention in their respective administrations.

The meeting was divided into four blocks:

- In the first block, Lemkin Seminar Alumni came together and presented their work to the community on genocide and mass atrocity prevention and related issues. The Alumni were invited to the Lemkin Seminar because of their professional position and their commitment to human rights and atrocity prevention. The “Arusha Meeting” served as a platform for future collaboration and shared learning by providing a forum to present on the work they have done in this field within their governments, and the opportunity to seek assistance from their fellow Alumni, AIPR and its extended team of experts and partners to further their efforts.
- The second block focused on the potential for technology to play a larger role in the prevention of genocide and other mass atrocity crimes through enhancing early warning and risk assessment, mapping, and crisis response. AIPR brought in experts from technology companies, including Palantir and Ushahidi that are starting to specialize in developing mechanisms that will aid in the prevention of mass atrocities, to present their work as possible tools governments can utilize now or in the near future. This field is constantly growing and changing, and so the organizers aimed to continue to add to the participants’ toolbox for prevention.
- The third block focused on the role international justice plays in the prevention of future atrocities. Mr. Adama Dieng, the UN Special Advisor for Genocide Prevention, and Mr. James Arguin, the Chief of the Appeals Division of the Office of the Prosecutor for the ICTR spoke about their vast experience in administering international justice mechanisms and how this contributes to atrocity prevention.
- The fourth block highlighted the importance of working with partners in prevention, such as civil society. One aspect of this meeting was a panel of five civil society organizations (CSOs) from Africa sharing their perspectives on civil society’s contribution to genocide prevention. They also described how they envisioned that their organizational tools and strategies could contribute to prevention-oriented activities in the African context, as well as highlighting opportunities for collaboration between governmental actors and CSOs.

The opening statements were given by His Excellency, **Mr. Mathias Chikawe**, the Minister of Constitutional and Legal Affairs of the United Republic of Tanzania; **Mr. Fred Schwartz**, President and Founder of AIPR; **Mr. Castro Wesamba** of the UN Office of the Special Adviser on Genocide Prevention; and **Mr. Andrzej Kacorzyk**, Deputy Director of the Auschwitz-Birkenau State Museum.

The meeting alternated multiple methodologies (working groups, panel discussions and plenary sessions), with active participation by all attendees. The sessions were mixed (government officials and civil society); the outcomes of the regional working groups, which were not mixed, were shared in the plenary sessions. The methodology chosen and the facilitation enabled productive discussion and for the group to comprehensively determine the outcomes of the meeting.



Left to right: Honorable Mathias M. Chikawe, Castro Wesamba, Fred Schwartz, Andrzej Kacorzyc

Panel 1: Alumni Presentations

The Global Raphael Lemkin Seminar Series alumni presentations, part of the first session of the meeting, were given by a cross-section of participants from Asia, Europe, the United States, and Latin America. The first series of presentations were moderated by **Ms. Samantha Horn**, the Global Raphael Lemkin Seminar for Genocide Prevention Series Program Director and Alumni Coordinator at the Auschwitz Institute for Peace and Reconciliation.

The goals of the Alumni presentations were:

- To provide the Raphael Lemkin Seminar Series Alumni with an arena in which to present their work in genocide and mass atrocity prevention, including any challenges they have

and are facing since undergoing their training with the Auschwitz Institute to their fellow Alumni, colleagues, and other actors in the field of prevention;

- To explore ways to strengthen their roles in their respective governments to advance preventative action, and to learn from each other about new policy tools to be applied in their work domestically in the field of genocide and mass atrocity prevention; and
- To spur new collaborations through existing national, regional, and international projects in genocide and mass atrocity prevention, or the creation of entirely new programs.

Alumni Presentations

Government Representatives: What are the experiences, achievements, current projects, and main challenges of the Alumni in advancing preventative action in their respective countries and administrations? What assistance do the Alumni need in advancing their work in this field from the Alumni Network, as well as AIPR and its extended team of experts and partners?

All alumni presenters agreed that they are working on a common endeavor: the protection of human life and the prevention of genocide and mass atrocities. There was also consensus among the presenters that there is a continuing need to raise awareness among their immediate colleagues in various government departments and at all levels about genocide and mass atrocity prevention. Additionally, both domestic and regional institutional mechanisms for genocide and mass atrocity prevention need to be strengthened.

Mr. Rafendi Djamin

Indonesian Representative to AICHR, Ministry of Foreign Affairs of Indonesia

According to Djamin, one of the most challenging aspects of his work is convincing other state representatives in the Association of Southeast Asian Nations (ASEAN) about the importance of operationalizing a preventative, rather than a reactive, approach to the emergence of genocide and mass atrocities nationally, regionally, and globally. He acknowledged that this is a slow process that requires a step-by-step approach founded on intense discussions and as well as a deep commitment to this work by all 10 ASEAN member states.

Djamin went on to say that the ASEAN Charter serves as a firm foundation for the ASEAN community by providing legal status and an institutional framework for ASEAN member states to operate within. It also codifies ASEAN norms, rules, and values, sets clear targets for ASEAN, and presents accountability and compliance. One of the core principles of ASEAN enshrined in its charter is a shared commitment to promote social justice, peace and security, and stability throughout the region.

Finally, there was a recent workshop with the main purpose of strengthening the ASEAN member states' role in preventing genocide and mass atrocities. Lessons were drawn from the Cambodian experience on how to deal with past atrocities. The importance of victim participation was emphasized by drawing upon the framework of legal theory deriving from the Cambodian genocide trials. This report is available upon request.

Mr. Duje Ančić

Second Secretary, Ministry of Foreign and European Affairs of Croatia, Division for Human Rights and Regional International Organisations and Initiatives

Ančić noted that Croatia has been a member of the International Holocaust Remembrance Alliance (IHRA) since 2005. Acquiring full membership of the International Task Force for

Cooperation on Holocaust Education, Remembrance, and Research (as the IHRA was formerly known) was a great acknowledgement to the Republic of Croatia for all the efforts that it is undertaking in fostering democracy, tolerance, and combatting anti-Semitism.

The Republic of Croatia has significantly advanced its activities in the above areas through projects in the fields of research, museology, and education; and through strong cooperation between domestic institutions and Yad Vashem in Israel, the United States Holocaust Memorial Museum, the Jewish Foundation for the Righteous (based in the US), and numerous other institutions in countries that are Task Force members.

Ančić concluded by discussing the importance of multilateral arenas. The European Union (EU) was established with the view that increased multilateral cooperation, initially through trade and commerce, would aid in preventing future wars from occurring on the European continent and promote human rights, democracy, equality, the rule of law, and the well-being of its peoples. EU membership enables states to have a voice and share their opinions with each other, as well as providing an arena in which to capitalize on the availability of shared resources. Lastly, at the 22nd session of the United Nations Human Rights Council earlier this year, one of the topics discussed was the prevention of genocide and mass atrocities through strengthening international humanitarian law principles—for example, those pertaining to the protection of civilians—and the importance of implementing these standards globally. Also discussed, was the role of women in promoting peace and security. Ančić asserted that women have a fundamental role to play in peacekeeping operations, election monitoring, and the construction and strengthening of judicial systems.

Ms. Andjelka Rogac

Diplomat, Ministry of Foreign Affairs of Montenegro

A relatively new member of the UN, Montenegro is a small country in a region with a turbulent past. As such, said Rogac, perhaps it is not surprising that Montenegro is currently facing challenges raising awareness about genocide and mass atrocity prevention and convincing citizens and government officials alike that everyone needs to take more responsibility for the prevention of these crimes. Such a responsibility does not lie at the feet of a single nation or region. This challenge is augmented by the fact that there is no established civil society sector in Montenegro.

Rogac informed the attendees that Montenegro recently finished its Universal Periodic Review Cycle and is currently improving its human rights situation nationally with the view to doing so at the regional and global levels. Montenegro supports the Responsibility to Protect (R2P) norm and is currently in consultations to appoint an R2P focal point. Rogac finished by saying that it is essential to build institutional mechanisms in Montenegro to prevent genocide and mass atrocities through cooperation with neighboring states and the international community as a whole. Rogac reiterated Montenegro's commitment to cooperation in the Balkans to produce regional results.

Mr. Sebastian Rejak

First Secretary, Department of Middle East and Africa, Ministry of Foreign Affairs of Poland

Rejak opened by saying that he could not provide a list of best practices but rather, the potential for new opportunities, focusing on the expectations of the alumni meeting and ways to move forward in terms of cooperation.

Rejak opined that in regards to the prevention of genocide and mass atrocities, the world has not learned much from the Holocaust. He noted that in Poland, there has been a pre-occupation with commemoration and education, as opposed to how to operationalize the much repeated “never again” sentiment. He believes that given the country’s history, it is essential to question how Poland can fulfil its responsibility globally to prevent future genocide and mass atrocities.

Furthermore, particular attention has to be paid to public diplomacy in a way that externally promotes the democratic image of Poland. The Polish Ministry of Foreign Affairs is currently in negotiations to establish a Jan Karski Chair and associated institute at Georgetown University in the United States. One of the core responsibilities of the Jan Karski Institute would be to sensitize diplomats to the importance of genocide and mass atrocity prevention. Rejak stated that Poland could be more active in prevention by seeking guidance and advice from the Auschwitz Institute and appointing a Polish focal point for the Responsibility to Protect.

Ms. Rachel Sturm

Criminal Intelligence Advisor, United States Department of State, Office of Global Criminal Justice

Sturm’s presentation focused on the War Crimes Rewards Program (WCRP) deployed by the Office of Criminal Justice, under which the State Department is authorized to offer awards of up to \$5 million for information leading to the arrest or conviction of specific international criminals accused of crimes against humanity, genocide, or war crimes by international tribunals. As a result of legislation passed by Congress and signed into law by President Obama this January, the WCRP now includes Joseph Kony and other top Lord’s Resistance Army commanders indicted by the International Criminal Court (ICC).

Moreover, no governmental officials or law enforcement officers may receive rewards. Tips about fugitives’ whereabouts may be submitted through established local hotlines or verbally through the use of informants. Sturm closed by remarking that this type of program could potentially aid in the fight against impunity and act as a deterrent, both of which may have a preventative effect.

Mr. Pamphile Sebahara

Head of Research, Training and Documentation Department, Levy Mwanawasa Regional Centre for Democracy and Good Governance, International Conference on the Great Lakes Region (ICGLR)

Sebahara began by informing the group about the history of the ICGLR; stating that the ICGLR process began in mid-December 2006 with the adoption of the Pact on Security, Stability, and Development in the Great Lakes Region. Two years earlier, at the Dar es Salaam Declaration on Peace, Security, and Development in the Great Lakes Region, a regional vision on these issues was adopted based on the recognition that “bad governance, failure to respect democratic principles and human rights were the main causes of conflict in the region.”

The ICGLR pact not only included the Dar es Salaam Declaration, but also Programmes of Actions and Ten Protocols, two of which are important for the purpose of genocide and mass atrocity prevention—the ICGLR Protocol on Democracy and Good Governance and the Protocol for the Prevention and the Punishment of the Crimes of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination.

Sebahara explained that the initial ICGLR process involved further developments: the creation of the ICGLR Secretariat, which is the organ in charge of monitoring and evaluating the implementation of the Pact; and the Regional Centre for Democracy, Good Governance, Human Rights, and Civic Education, which serves as the scientific and technical organ of the ICGLR Secretariat.

The ICGLR Regional Centre for Democracy and Good Governance became operational in 2011 and implemented its Strategic Plan 2012-2016 the following year. The Centre envisions itself as an authoritative and autonomous think tank that catalyzes, reforms, and promotes best practices on complex governance issues in the Great Lakes Region. Sebahara then outlined the Centre's strategic objectives:

1. To undertake and promote operational research and analysis on governance processes, peace building, conflict prevention, and resolution at the local, national, and regional levels. The purpose is to develop a database on best practices and challenges, as well as promote sharing of experiences and best practices among ICGLR member states.
2. To facilitate and undertake capacity development and training programs in the areas of good governance, human rights, and civic education. This is meant to strengthen public institutions and civil society organizations and promote accountable leadership for effective national and regional engagement in the promotion of democracy, good governance, and human rights.
3. To monitor, evaluate, and advise on the implementation of the ICGLR Protocol and other relevant legal instruments. This serves to create a database on the status of ratification, domestication, and implementation of the ICGLR Protocols and other relevant legal instruments.
4. To facilitate dialogue between different actors on governance reform in order to establish spaces where various stakeholders can exchange ideas/discuss public policies and build consensus on important issues.
5. To establish and maintain an information hub on democracy, good governance, human rights, and civic education. The aim of which is to carve out a space for the exchange of best practices on these policy areas and make the Centre the regional data hub and center of research.

Sebahara concluded by highlighting the Centre's work specifically on supporting genocide and mass atrocity prevention. This includes developing and implementing ICGLR early warning mechanisms; developing and implementing a training manual on ICGLR Protocol for the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination; setting up a regional observatory on democracy and good governance; setting up a regional observatory on human rights and gender; and facilitating and supporting the work of ICGLR regional fora.



Left to right: Sebastian Rejak, Tibi Galis, Samantha Horn

The second session of Alumni presentations was opened by **Mr. Tibi Galis**, Executive Director of the Auschwitz Institute.

Galis began his remarks by thanking everyone for attending the meeting and saying how happy he was to share the importance of alumni involvement. He said that AIPR was born as a small organization with a big mission, looking to find ways to influence governments to put mass atrocity and genocide prevention on their agendas. He attributed all of AIPR's regional and bilateral success to its alumni initiative.

Galis then drew the audience's attention to the fact that the speakers on this panel came from two regions – Africa and Latin America – where people are doing things at home and “getting their hands dirty” at the forefront of mass atrocity prevention. Going past declaration to practical implementation, they provide an example for all governments in how to take a sometimes “New York and Geneva boutique” issue and apply it at home.

Ms. Natalia Luterstein

Legal Advisor, National Director of Legal Affairs of the Secretariat of Human Rights of the Ministry of Justice, Security and Human Rights of Argentina

Luterstein opened by thanking AIPR for inviting her to the seminar and stating that her presentation would cover the reparation policy in Argentina and the steps taken to repair for the crimes of the country's 1976-1983 military dictatorship.

She began by asking, what is the best reparations program? She sees this as the key question for which there is no definitive answer. There are as many answers as there are societies and realities. Since the dictatorship ended, Argentina has had a 30-year cycle of progression and retrogression. Currently however, there is a reparations program that is more coherent and comprehensive than ever before.

Luterstein expounded upon this by explaining that the Argentine Republic has experienced different stages in its reparations process. The first stage was the 1995 prosecution of the military junta for murder, abductions, and cases of torture conducted by the national criminal court system. This mostly resulted in life or long-term sentences. The second stage was one of impunity. After the junta trials, mid to high-ranking officers pressured the government and were granted amnesty from trial. In response to the threat of a coup, the government enacted two laws, the Full Stop Law and the Law of Due Obedience in 1996 and 1997 respectively, which prevented the prosecution of these officers. A presidential pardon followed soon after, resulting in the pardon and release of the junta leaders who had been convicted in 1995. The third and current stage is one of full justice. The trials remained closed until 2003, when the Argentine congress declared the Full Stop Law and the Due Obedience Law null and void. This was completed when a Supreme Court judgment found that the two laws and the presidential pardon were unconstitutional. This made it possible to reopen the trials.

According to Luterstein, a public policy of reparations must be comprehensive and coherent. Even if the policy's design continues over time, it must follow always in the same direction. She then said that the first step the government took was towards justice. It was only when the impunity laws came into force that a monetary compensation policy took shape. The three pillars of the reparations program are memory, truth, and justice.

With regards to justice, the Supreme Court found that the crimes of the military dictatorship were crimes against humanity and therefore not subject to statutory limitations. The three branches of the state decided to prosecute the crimes through the existing regulations in force, without special regulations or tribunals. In response, the judiciary had to restructure its traditional operating framework, bringing in new ideas and strategies to deal with the cases of hundreds of accused perpetrators. Luterstein said such necessary steps have involved or do involve: reconstruction and protection of evidence of facts from years ago; added protection of witnesses and victims; specialized human resources and seek advanced technological systems to systematize and preserve files.

Luterstein wrapped up her presentation with another question—why is this process important? Today, we have more knowledge on the workings of state terrorism. We know how each military force operated. There is awareness about the collaboration between security forces and about the anti-Semitism present in clandestine detention centers. There is also knowledge of the civil cooperation and about the numerous cases of sexual abuse that took place at the detention centers. Judicial processes allow the society to go through the process of acknowledging and taking responsibility for their history. They have a fundamental mission to help construct collective memory and prevent future human rights violations because they understand the consequences of replacing the rule of law with a state of terror.

Ms. Cecilia Meirovich

Secretary of Embassy – Human Rights Direction at the Ministry of Foreign Affairs, Argentina

The following presentation delivered by Meirovich built upon many aspects of Luterstein's, particularly concerning Argentina's role in preventing genocide, which stems from its recent history and the fundamental pillar of the eradication of impunity in relation to the crimes committed in the 1970s and 1980s by the military dictatorship. Argentina is in the stage of fighting impunity, bringing with it renewed international legitimacy and leadership and a new agenda.

Meirovich spoke of new initiatives in Argentina aimed towards the prevention of genocide, including teaching Holocaust remembrance, legal developments, such as a right to truth regarding forced disappearances, and the use of forensic genetics in the field of human rights. The country has organized a regional forum on genocide prevention with Tanzania, Switzerland, and Cambodia. The first meeting in Buenos Aires in 2008 was related to the Latin American region. The second was in Arusha in 2010 and was devoted to the African experience. The third meeting was in Bern in 2011. The most recent convening took place in Cambodia last March and involved more than 170 participants from the Asia-Pacific region. The forum is intended to foster discussion among public officials in order to involve other countries in a network willing to reinforce efforts in this area.

Furthermore, the Ministry of Foreign Affairs signed a memorandum of understanding (MoU) with AIPR in 2011 in order to strengthen cooperation through best practice exchange. The ultimate goal is to engage the international community in discussion and exchanges of information with regard to best practices. This MoU paved the way for added engagement with AIPR, which culminated in the launching of the Latin American Network for Genocide and Mass Atrocity Prevention in March 2012.

Meirovich then delved into the details of the Latin American Network. Based on the Latin American experience of democratic disruptions and human rights violations, the network involves almost all Latin American countries and is aimed at preventing future atrocities. It intends to form a base of genocide prevention sensitized officials in Latin America, and to introduce curricula for training public officials about genocide prevention.

The creation of the Latin American Network led to the establishment of Argentina's national mechanism for genocide prevention. Originally proposed by the point of contact in the Ministry of Defense, there will be a stage of articulation in order to implement national policies of genocide prevention. The mechanism is still awaiting a presidential decree, since there are many ministries involved, but it is expected to be launched this year.

Additionally, said Meirovich, Argentina is the only Latin American country to engage in the International Holocaust Remembrance Alliance. The Alliance works with other groups (including civil society) to develop social and political support for education, remembrance, and research with regard to the Holocaust to ultimately prevent such events. Argentina's responsibilities include working actively to spread awareness of the Alliance's recommendations, ensuring active participation and implementation of national initiatives in Argentina, and advocating for early warning systems in the region. Argentina has a local chapter of the Alliance that includes the Ministry of Education, the Ministry of Foreign Affairs, and other ministries and NGOs, many of which represent Argentina's very active Jewish community.

Meirovich concluded that these initiatives demonstrate Argentina's firm commitment to the promotion and protection of human rights, as this is part of both state policy and national identity resulting from Argentina's history.

Ms. Maitê Schmitz

Second Secretary, Embassy of Brazil, The Hague

Schmitz, who participated in the Lemkin Seminar in 2009, thanked the conference organizers and said she was honored to partake in the conference. After attending the seminar, she remained in her position in the Secretariat of Human Rights, at the Office of the President of the Republic in Brazil. Her presentation highlighted two activities among many undertaken.

First, in December 2009, the Brazilian government established its third National Program on Human Rights (PNDH-3). The Secretariat promotes this both federally and at the state level. The objectives of PNDH-3 included the creation of a National Truth Commission, which has been established in May 2012, and, in a broader perspective, the implementation of international recommendations on human rights. Secondly, the Secretariat promotes dialogue at the state and ministry levels in order to bring a human rights perspective to policies and activities. This reflected that human rights are a crosscutting issue with a strong transversal role in many sectors. The Secretariat of Human Rights is in a privileged position to promote inter-ministerial coordination and cooperation,, and to bring the international perspective to national policies on human rights..

Schmitz is currently posted at the Embassy of Brazil in The Hague, and her work is deeply connected to international law related issues. She stated that respect for international law is key to the prevention of genocide and mass atrocities, but most importantly, that the respect for international law is crucial in the actions aimed at preventing genocide and mass atrocities. The international community, as it exercises its responsibility to protect, must demonstrate a high level of responsibility while protecting.

As a proud founder of the ICC, Brazil fully supports the Rome Statute. Through its Embassy in The Hague, Brazil is engaged with discussions, among other topics, on cooperation, positive complementarity, victims and reparations, legal aid, and especially, the universality of the Rome Statute, since a true international criminal system shall be universal and non selective.

The final section of Schmitz's remarks pertained to challenges and activities. She said that a great challenge nowadays involves the promotion of development and the eradication of poverty, both of which have a positive impact on the prevention of genocide and mass atrocity. Brazil is currently working on the promotion of south/south cooperation as well.

Finally, another main activity involves increasing international and domestic awareness by disseminating information on international law and related issues. Schmitz stated that education is the most powerful weapon, as evidenced by AIPR's seminars, and Brazil is trying to replicate this.

René Rojas Illanes

Diplomat, Third Secretary, Inter-American Department of Human Rights, Ministry of External Relations of Chile

Rojas thanked AIPR for the invitation to present and shared the principal activities of the human rights department he works in at the Ministry of Foreign Affairs and Chile's standards related to

the prevention of mass atrocities. One such standard and effort includes the ratification of the Rome Statute in 2009, which is now being implemented in national legislation. Chile approved a domestic law defining crimes against humanity, genocide, and war crimes, and is working to reform its criminal code. It is also working with the ICC on legislation to facilitate the arrest and surrender of perpetrators.

Chile participated in the last session of the UN Human Rights Council, where it supported the resolution presented by Armenia for the prevention of genocide, which encourages working with NGOs and with regional and sub-regional mechanisms. Here, Rojas felt it important to mention the visit of the working group on enforced disappearances last August. He felt this was an important way to receive their recommendations on this issue.

With regard to human rights treaties, in December 2010, Chile ratified the International Convention for the Protection of All Persons from Enforced Disappearance. Chile is currently working on an initial national report for the Convention's committee. Concerning the regional human rights system, the sentence by the Inter-American Court of Human Rights supporting the work on reparations in Chile was notable. The Court recognized the work of the two commissions in Chile that together have the mandate to investigate torture, forced disappearances, and political executions committed during the dictatorship. Finally, Rojas noted that Chile has also joined the Latin American Network for Genocide and Mass Atrocity Prevention.

Ms. Eugenia Gutierrez Ruiz

Coordinator of Human Rights and Human Security at the Direction General of Foreign Policy of the Ministry of Foreign Affairs of Costa Rica

Ruiz opened her presentation by thanking the Tanzanian government and AIPR for giving an important opportunity to showcase genocide prevention efforts. She also thanked the UN Office of the Special Adviser on the Prevention of Genocide and other organizing partners.

Focusing on the work of her country, Ruiz stated that Costa Rica does not have armed forces and as a traditionally democratic country, is recognized for its human rights efforts and sustained national peace. Nevertheless, there can be weaknesses; every country must work at the national level and through the international sphere to prevent atrocity, despite a history of peace.

Accordingly, Costa Rica intensely supports the Group of Friends of R2P, the creation of an R2P Focal Point Network, and the Human Security Network. This is because Costa Rica understands that the protection of persons, respect for human rights, the prevention of conflict, and the protection of populations during conflict are interlinked at supplementary levels that have to be addressed through joint and cross-cutting efforts. Moreover, continued Ruiz, Costa Rica supports the Latin America Network and wants to give and receive best practices from it. It is an important opportunity to work together through a regional understanding.

Costa Rica supports political initiatives aimed at preventing genocide and the suffering of people when conflicts escalate. This includes supporting the ICC. As members of the Human Rights Council, Costa Rica co-sponsored Armenia's resolution for the prevention of genocide despite the political sensitivity that the resolution could raise. Therefore, Costa Rica is working strongly and intensively on genocide prevention. Most importantly, it is working to take actions and not just develop discourse.

Ruiz then said that preventive vision is developed through preparation. She recommended to the Costa Rican Commission on International Humanitarian Law, of which she was secretary until last year, to use a preventive lens. The Commission accepted her recommendation. She also put forward the issue of genocide prevention to the Inter-Institutional Secretary for Human Rights, raising awareness that this particular commission can take important genocide prevention steps. One such step is the construction of national policy for a society free of racism, discrimination, and xenophobia. Its plan of action, which will be launched soon, was cautiously built in collaboration with civil society and indigenous and migrant communities.

Ruiz's first action taken forward is therefore sensitizing authorities. In general, she observes the need for supporting capacity building in both commissions. She appreciates the support from AIPR and other partners to continue sensitizing authorities at the hierarchical level, so that her work is facilitated and strengthened. She closed by saying that she envisions that alumni of the seminar will be educated to replicate this training within their countries.

Ms. Analucia Jacome Quelal

Diplomat, Permanent Mission of Ecuador to the United Nations, Geneva

Quelal attended the regional meeting in Argentina for the Latin American Network in 2012 and later took part in the Lemkin Seminar. She said her participation in AIPR activities was very helpful since dialogue on these topics is not always common, even in human rights instruction. This education gave her further hope that atrocity is preventable thanks to increased knowledge and the acquiring of related tools.

After learning about the Latin American Network, Quelal believes it is important for Ecuador to continue participating in this initiative. She returned to her country and presented a summary of the seminar and received news of her appointment to Ecuador's Permanent Mission to the UN, specifically to the Human Rights Council. She had the chance to apply knowledge acquired at the Lemkin Seminar in the Council's 22nd session. Genocide prevention was brought up during that session, and countries sent their experts to Geneva.

Armenia presented the resolution project. Though R2P was controversial, the main argument was that even if R2P has been used in other resolutions, RES a/63/677 determined it necessary to identify prevention strategies related to R2P. Other countries did not want to acknowledge ethnic cleansing. Thus, both R2P and ethnic cleansing were omitted.

Quelal's conclusion was that Ecuador played an active role during the discussion. Its delegation gave arguments from the capital in order to support the resolution. She personally applied knowledge acquired from the seminar. The delegation convinced authorities to co-sponsor the resolution, and it also proposed improvements. Quelal would like to receive support for capacity building at the national level and hopes to continue to participate in feedback meetings.

Ms. Mariana Salazar Albornoz

Director of International Humanitarian Law, Legal Department, Ministry of Foreign Affairs, Mexico

Salazar thanked AIPR, Tanzania, and all of the other hosts. She said that Mexico is a state party to many legal instruments, including the Rome Statute since January 2006. Mexico's foreign policy aimed at prevention is guided by active participation at the international level, full cooperation with international mechanisms, and implementation at the national level. Salazar believes this last element is the most important.

Addressing the first element of active participation at the international level, Salazar explained that Mexico was the first president of the Human Rights Council and remains very active by presenting resolutions on many issues related to human rights. Additionally, with respect to involvement in international humanitarian law, Mexico has participated in the conference of the International Committee of the Red Cross (ICRC) and the Red Crescent. In the Organization of American States (OAS), Mexico is the author of two separate resolutions on international humanitarian law and the ICC. These resolutions are adopted every two years by the OAS, procedurally creating a special session of the legal committees of the OAS. This authorship is therefore an act of promoting these topics. Regarding the ICC, Mexico is very active in the Assembly of States Parties and was one of the vice presidents in the last bureau.

Moving on to the second element, full cooperation with mechanisms, Salazar said that the Office of the High Commissioner for Human Rights (OHCHR) has an outpost in Mexico, which carries out intense cooperation and capacity building with national authorities. Mexico has an open invitation to Special Procedures of the UN and OAS as well. These human rights Special Procedures have produced more than 30 visits, resulting in many recommendations with which Mexico is complying.

Concerning international humanitarian law, Mexico hosts regional offices of the ICRC for Central America and the Caribbean. These offices have agreements with the Ministry of Defense, including the armed forces and the Navy, and the Ministry of the Interior for carrying out capacity building in this area, as well as with other public officers regarding principles on the use of force and international humanitarian law. Salazar also pointed out that capacity building efforts have been undertaken with the ICC. For example, a seminar was delivered for 1700 judges throughout Mexico on the topic of international crimes and international humanitarian law.

Salazar then said that one must implement in order to prevent. Mexico has special laws on torture and discrimination and is working on adapting old laws. In general, she considers the legal framework regarding human rights to be solid. Mexico just completed draft regulations for the 2007 law to protect the emblem of the ICRC. There has been a cooperation law in congress since 2007 and approval is pending. The crime of genocide is present in Mexico's national code, but there is a continued need to incorporate war crimes and crimes against humanity.

Mexico also has special institutions for women and discrimination. There are human rights units in all government offices, including the armed forces. Salazar is secretary of the National Committee on International Humanitarian Law. Training and dissemination of information is at the core of Mexico's work for genocide and mass atrocity prevention. The National Committee has an annual course on international humanitarian law that has been implemented since 2010. However, it has broadened beyond the government to include the public. This committee has been designated to follow up on all cooperation with AIPR. At minimum, the Ministry of Defense and the Ministry of Foreign Affairs will participate in the Latin American Network Seminar in June at Auschwitz.

Salazar then presented her final thoughts. She said that Mexico experienced political transition in 2012. The task is now getting new officers in government structures interested in prevention. Mass atrocity prevention is a good way to spark the discussion; there is much discourse on human rights and given that context, it would be a good idea to mention genocide prevention. It is a good strategy to get higher authorities involved. Finally, the National Committee on

International Humanitarian Law has made a commitment to make a special training next year based on AIPR's instruction this year.

Sandra Romero Hernandez

Chief of Department of Studies and Public Policy, Human Rights Unit, Ministry of the Interior, Mexico

Hernandez's talk began with human rights priorities in Mexico, of which there are five major efforts: peace, inclusiveness, quality education, prosperity, and a sense of global responsibility. The human rights agenda includes developing public policies, strengthening government institutions, and harmonizing state and federal legislation. Mexico has five main human rights programs:

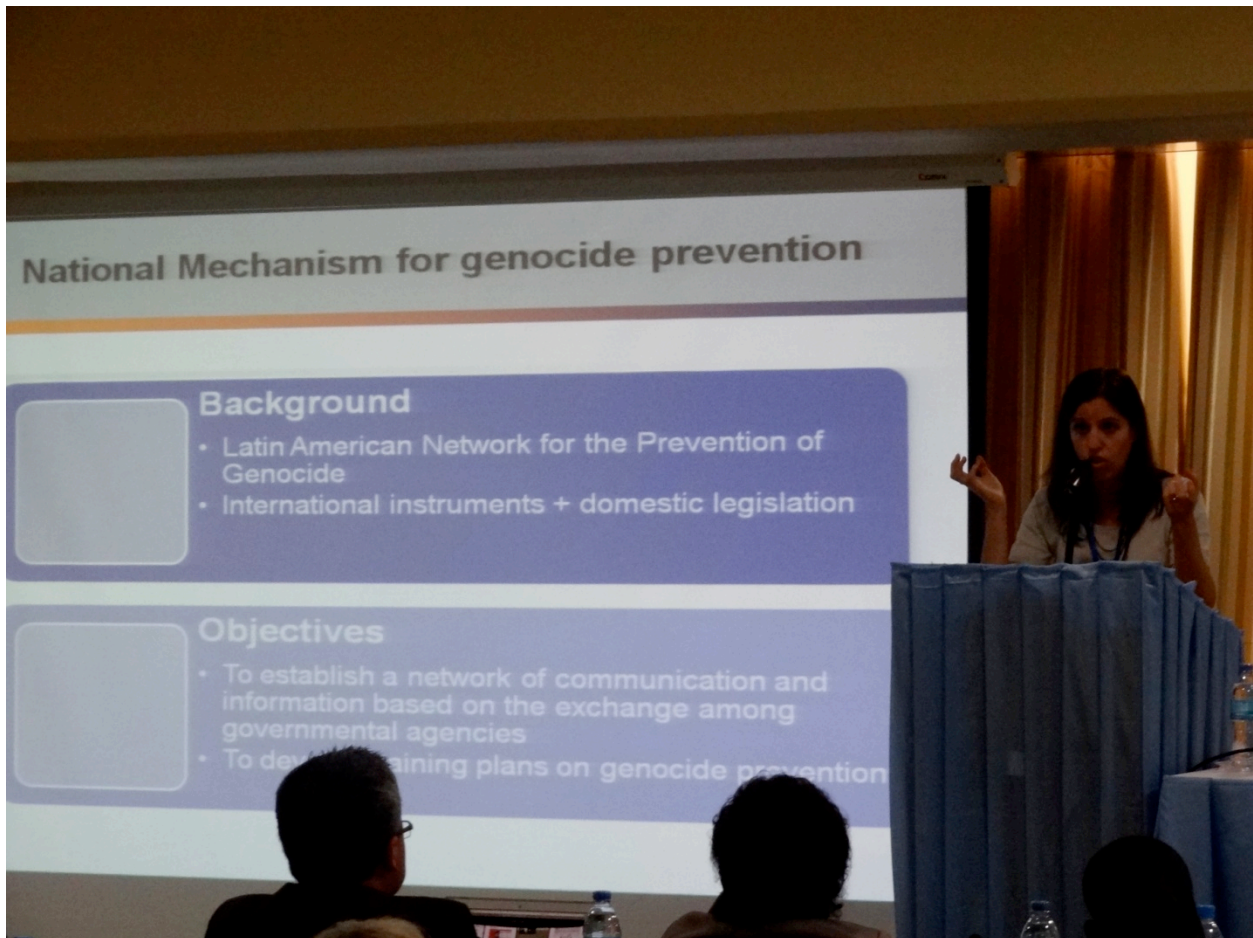
- The National Human Rights Program, in place from 2013-2018, identifies needs through consultations with the people;
- The National Crusade Against Hunger provides social welfare programs for people living in extreme poverty;
- The National Policy for Missing Persons constructs a national registry, develops search protocols, and develops protocols for treatment and forensic identification;
- The National Program on Social Prevention of Violence and Crime outlines a strategy for safety, addressing the structural causes of violence;
- The National Policy against Torture strengthens the legal framework for investigation and punishment; effectively implements the Istanbul protocol; trains personnel and law enforcement; and implements the recommendations of the UN Committee Against Torture in its latest report on Mexico.

As to institutional enforcement, this is a mechanism for the protection of human rights defenders and journalists. After six months, the mechanism has reviewed more than 60 cases—37 involved human rights defenders and 23, journalists. It has ruled on 25 cases and in 14, protective measures have been taken including bodyguards, video surveillance, emergency hotlines, and others. The National Migration Institute has also been restructured to guarantee the rights of migrants.

Hernandez's next topic was framework harmonization. Mexico is preparing a draft bill to reform Article 218 of its federal penal code to define the offense of forced disappearance under international treaties. Lastly, on January 9, 2013, the Victims Act was issued. The Victims Act contains central recognition of the dignity of the victim and establishes a set of judicial, administrative, social, and economic conditions in their benefit that enable the enjoyment of their rights to truth, justice, reparation, and guarantees of non-repetition in accordance with the highest international standards. It also regulates restorative justice and reparations for human rights violations and crime victims.

Tibi Galis (AIPR)

Galis spoke more about the Latin American Network, which focuses on capacity building and mobilizing national resources. He said that it has become a lab for institutionalization and the practice of dealing with all relevant institutions on this issue. There are many examples of national and regional cooperation, one of which is that the Central American Ombudsmen's offices have gathered to consider how their capacities can work as an early warning system. Pertaining to Africa, there are different regional and pan-African mechanisms to encourage government action in this field as well.



Pictured: Cecilia Meirovich

Honorable Lady Justice Jamila Mohammed

Judge of Appeal and Vice-Chairperson, National Committee on the Prevention and Punishment of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination, Kenya

Lady Justice Mohammed stated that she planned to discuss judicial advances in Kenya and also FIDA (Federation International De Abogadas/International Federation of Women Lawyers), which is reflective of the roles she has held. She said that there is a saying, “No justice without peace and no peace without justice,” which was exemplified by Kenya’s most recent presidential election.

In 2008, Kenya experienced post-election violence resulting from political opposition going to the streets instead of to the court because of lack of trust in the court as a judicial body. In comparison, the 2013 election was peaceful because Kenyans now have confidence in the judiciary. In the interim years, Kenya has addressed the root causes of the violence through the appointment of qualified officials, land reform, new police appointments, and the formation of new institutions. In 2013, the defeated opponent brought his petition to the Supreme Court, and it was subsequently dismissed. He accepted the judgment and the newly appointed president,

who is currently wanted by the ICC, was sworn in. The African Union recently said that those matters could be referred back to Kenya for resolution.

Lady Justice Mohammed then posed questions for reflection: how does one measure prevention? How much work went into preventing the violence?

FIDA has done a great deal of work on this issue. It is a human rights organization that fights discrimination against women and is instrumental in preventing violence. Because violence can dissuade women from political participation, FIDA attempts to level the playing field. One way they do so is through the formation of peace platforms in ten counties and different areas of Kenya. FIDA identified “hot spots” for violence and involved community leaders, the police, the public, and other stakeholders in a discussion on how best to maintain peace before the elections.

They also trained “voices of peace,” which consisted of 2500 representatives in Nairobi and coastal regions who became trained community members, capable of training at the community level themselves. Therefore, this education has cascaded down. FIDA participated in a regional peace summit where they talked to many groups collectively to strengthen their networks.

Other efforts have included rapid response initiatives, trained election monitors, and an SMS line for reporting violence, from which FIDA could inform relevant authorities. In speaking about assistance required, Lady Justice Mohammed stated a need for capacity building and training of trainers. She would also seek a network for African states. Finally, there is a need for capacity building for the punishment of genocide. She would like to be trained on the issues of punishment because of her role in the judiciary.

Mr. Manah Kpukumu

Director, Policy Planning & Research Unit, Ministry of Foreign Affairs and International Cooperation of Sierra Leone

Kpukumu thanked all the hosts, AIPR, and his colleagues. As a member of the Mission of Sierra Leone to the UN in New York, he attended the Lemkin Seminar, which heightened his commitment to genocide prevention. Thereafter, he returned to the capital in Sierra Leone and for a time was the chief of protocol to the president and is now the policy planning head in the Ministry of Foreign Affairs.

Mass atrocity does not happen overnight. As such, said Kpukumu, prevention requires putting in place legal frameworks and policy. He was glad Arusha was chosen as the meeting site; Sierra Leone relates to Arusha because of the Special Court for Sierra Leone that was established following their 1991-2002 civil war. In addition to the Special Court, the country also established a truth and reconciliation commission (TRC).

Kpukumu explained that Sierra Leone’s internal conflict resulted in the loss of lives of tens of thousands of people. It was characterized by indiscriminate killings, amputation of limbs, and other forms of atrocities, including the destruction of the entire social, economic, and political fabric of the nation. The country is striving to make itself whole again, build and consolidate peace, and reconstruct society.

This is why Sierra Leone cooperated with the international community to set up the two aforementioned transitional justice mechanisms. These made uneasy bedfellows—the TRC was designed to reconcile the nation as to the causes of the war and prevent its recurrence,

whereas the Special Court was designed to pursue justice and punish those most responsible for the atrocities committed.

Many institutional mechanisms were built out of recommendations of the TRC, continued Kpukumu, including constitutional review, an independent media council commission, and a registration commission for political parties. There is also a human rights commission in Sierra Leone that continues to monitor violations and performs quasi-judicial functions. Sierra Leone is now part of the community of nations and stakeholders contributing to shaping the landscape of the application and enforcement of international humanitarian and criminal law. To this end, it has participated in all three Greentree Retreats in New York, as well as the May 2012 Meeting of Interested States and Organizations on Complementarity in Stockholm.

Talking about breakthroughs and successes, Kpukumu said that successive governments of Sierra Leone have demonstrated support and commitment to the work of the Special Court. The Ministry of Foreign Affairs also worked in close collaboration with the Law Officers' Department, the International Committee of the Red Cross (ICRC), and the Sierra Leone Red Cross Society to facilitate the domestication of International Humanitarian Law (IHL) or Law of War. The 2012 Geneva Conventions Bill saw the ratification of the Convention and its Protocol by Parliament on August 21, 2012. An IHL Committee, co-chaired by the Foreign and Justice Ministries, was also launched to strengthen the understanding of international humanitarian law, war crimes, and crimes against humanity.

Kpukumu summed up by saying that electoral laws have also been consolidated to ensure effective management of elections and prevention of post-election violence at the national level. The Supreme Court of Sierra Leone is currently hearing complaints of the main opposition in the last election. Kpukumu hopes to see continued efforts to broaden the base of experts in Sierra Leone.

Mr. Luete Charles Wani

Officer, Human Rights Commission, South Sudan

Wani initially thanked Tanzania for being a leader in the region on these issues. He also extended thanks to AIPR, the other organizers, and especially Mr. Wesamba, who supported Mr. Wani's participation in the November 2011 Lemkin Seminar.

Wani then launched into his presentation by saying that the Human Rights Commission of South Sudan was born out of the Comprehensive Peace Agreement in 2006, to promote and protect human rights in South Sudan, following the conflict that had resulted in mass atrocities and human rights violations. The Commission's vision is a just and democratic society in which dignity and human rights and fundamental freedoms of all individuals are promoted and protected. Its mission statement is to achieve this goal through training, research, monitoring, and investigation.

The Commission's core values are impartiality, accountability, efficiency, independence, transparency, accessibility, inclusiveness, honesty, and integrity. Its functions include protection via monitoring, promotion through research, education, and raising awareness, and advisory functions. The Commission has been monitoring national exercises, such as the Population and Housing Census in 2008, the election in 2010, and the self-determination referendum in 2011. It also took a baseline survey to establish the foundation for human rights training and education throughout the country.

In December 2009, the president organized a conference for South Sudan's chiefs on the topic "Chiefs, Beacons of Justice and Human Rights Promotion." Wani said its purpose was to enhance knowledge and skills on human rights and how to make this deliverable through customary law, justice, and similar organs. There was also a focus on streamlining gender into all agendas. Chiefs from all ten states attended the forum.

Also in 2009, the Human Rights Commission established a gender committee. It took an active part in training participants from all ten states on gender and human rights. Participants were trained to go into the community to pass on the same knowledge they had acquired. This model is used as an example of a best practice for genocide prevention. Additionally, the Commission created the National Human Rights Forum, designed to be a point of convergence with many actors, including diplomats, to discuss current human rights issues. Another function of the Commission is monitoring inter-communal clashes that could potentially result in gross violations of human rights. Since the Comprehensive Peace Agreement was signed, over 10,000 people have been killed between dissident groups and armed forces clashing, and inter-communal clashes.

In the final part of his presentation, Wani discussed needs for the way forward. The Commission would like the Auschwitz Institute to come up with a training manual for genocide prevention. He feels this would help with their educational efforts. They would also like to have continued cooperation and participation in these conferences. Last, they would request monitoring equipment to address technological needs in fact finding.

Ms. Sarah Mwaipopo

Principal State Attorney and Assistant Director for Human Rights Affairs, Office of the Attorney General of Tanzania

Mwaipopo stated that it had been four years since she and her colleague, Mark Eldad Mulwambo, attended the Lemkin Seminar in 2009. They found it an enriching experience that provided information useful in their daily work.

Since then, she and her colleague have worked in the Office of the Attorney General in the Constitutional Affairs and Human Rights division. They have focused on the promotion and protection of human rights, which they believe to be the cornerstone of prevention. The Tanzanian Office of the Attorney General is charged with ensuring the maintenance of law and order. It also promotes human rights by creating a conducive environment for the protection of these rights, and its mandate is discharged in collaboration with many stakeholders.

Post training, Mwaipopo and Mulwambo continue to advise the government regarding human rights treaty obligations. They have also coordinated and prepared international human rights reports on the implementation of treaties. Last November, they participated in the country's review on the implementation of human rights in Tanzania under the International Covenant on Economic, Social and Cultural Rights in Geneva, Switzerland, and are currently focused on implementing the recommendations in collaboration with NGOs. In 2011, they participated in the preparation of the National Universal Periodic Review Report and recommendations adopted by the UN Human Rights Council in 2012.

Recognizing that a strong foundation for the promotion and protection of human rights reduces the risk of genocide and/or mass atrocities, Mwaipopo and Mulwambo have been participating in the ongoing process of preparing a draft National Human Rights Action Plan, coordinated by the Ministry of Constitutional and Legal Affairs, with the Commission for Human Rights and

Good Governance as a Secretariat. This will be done in compliance with the recommendations of the Vienna Declaration and Programme of Action adopted during the 1993 World Conference on Human Rights.

In August 2012, they both participated in a meeting on international humanitarian law organized by the ICRC in Dar es Salaam. A resultant recommendation advised the establishment of a national committee for the implementation of international humanitarian law in Tanzania, which is being undertaken by the Ministry of Foreign Affairs and International Cooperation in collaboration with the Ministry of Defense, Ministry of Constitutional and Legal Affairs and other stakeholders.

Mwaipopo then said that she and Mulwambo have also been working closely with the National Committee for the Prevention of Genocide since the Office of the Attorney General is represented in the membership and contributes effectively to its affairs. In March 2013, she was appointed to attend a training program in Bujumbura, Burundi on the domestication of the protocols signed and ratified by member states of the Great Lakes Region since 2008 as organized by the Executive Secretariat of the International Conference of the Great Lakes Region. As a legal focal point for the process, her task is to spearhead a process for conducting a comprehensive audit of national laws and advise on the best ways of incorporating or domesticating the provisions of the relevant Protocols within the national framework.

In February 2013, Mwaipopo attended a seminar in Arusha reviewing the successes and challenges of the ICC since its founding. Member states to the Rome Statute were called upon to ensure effective domestication of the ICC within their jurisdictions. Tanzania has already initiated a process of internal consultations in this regard. This meeting also reviewed the work of the ICTR since its establishment.

Later that same year, she attended a meeting on the role of clerics in promoting and maintaining peace in Tanzania, organized by the government, with the purpose of engaging religious leaders on issues of peaceful coexistence and religious tolerance. She prepared a paper on the role of law and religion, which was presented by the office in the meeting.

Regarding help or assistance needed to further her work, Mwaipopo called upon AIPR to:

1. Continue providing technical assistance where needed and training programs on genocide prevention to government officials and civil society;
2. Support and organize more alumni meetings regularly and in different regions;
3. Continue to keep participants/alumni posted with new articles, publications, and papers relevant in this field;
4. Continue to provide technical support to the work of Tanzania's National Committee for the Prevention of Genocide, War Crimes and Crimes Against Humanity.

Panel 2: Technology and Mass Atrocity Prevention

The goals of this panel were to:

- explore the use of technology as a learning opportunity for genocide and mass atrocity prevention;
- explore how technology can impact genocide and mass atrocity prevention with practical examples;

- identify challenges associated with the use of technology as a preventative tool; and
- identify best practices on how to avoid the misuse of technology for negative purposes.

The panel was moderated by **Dr. James Waller**, the Academic Programs Director at AIPR. According to Dr. Waller, one of the primary aims of the alumni meeting was the creation of an arena where participants from the Global Raphael Lemkin Seminar Series may exchange best practices and explore new learning opportunities, not only with their respective seminar colleagues, but also cross-seminar.

He asserted that one area in the field of genocide and mass atrocity that demands further attention through the exploration and sharing of techniques, experiences, and lessons learned is that of the role of technology in the prevention of emerging genocidal tendencies and mass violence. He went on to say that the rise of big data cannot be ignored, nor can the reality that approximately 78% of people in the developing world have access to some form of technology. Everyone is an intelligence gatherer.



Left to right: Zachary Romanow, Daudi Were, Friederike Bubenzer, Dr. James Waller

Mr. Zachary Romanow
Philanthropy Engineer, Palantir Technologies

Romanow explained that Palantir is a software company founded on the principle that we all have a responsibility to create a better world. Working to this end, Palantir has a team of

dedicated philanthropic engineers delivering solutions to a broad spectrum of organizations and causes.

The software that Palantir constructs has not only been developed on the principal of “ease of use,” but this software is effectively an empty vessel ready and waiting to be filled with data collected on the ground from any source. This software then enables organizations to make sense of massive amounts of disparate data that may have otherwise fallen away from sight or simply been too much to process by manpower alone. Palantir’s technology allows organizations to reach data-backed conclusions faster and with more certainty.

Romanow felt it necessary to note that technology does not exist where one can input data in order to determine the location of the next genocide or site of mass atrocity. Palantir’s software does not lend itself to the notion that technology could ever replace the work of people on the ground, collecting data about a given situation, be it the emergence of genocidal tendencies, electoral violence/fraud, human trafficking, environmental context, or the like. Palantir software represents the intersection of data, technology, and human expertise. These data fusion platforms sit above traditional data systems and enable people to ask the questions they need answered in a language they understand.

To better illustrate what Palantir does, Romanow used their Lord’s Resistance Army (LRA) Crisis Tracker as an example. The LRA Crisis Tracker is a real-time mapping platform and data collection system created to bring an unprecedented level of transparency to the atrocities of the LRA. Its data is sourced from the early warning structure of Invisible Children’s Early Warning Radio Network, UN agencies, and local NGOs. Data is collected from real-time accounts on the ground. This tool allows for better response from governments, policy-makers, and humanitarian organizations because data surrounding the crisis is being comprehensively aggregated and made publicly available.

Romanow went into greater detail about the crisis tracker, which includes an LRA defector database. The data makes it possible to identify the tactics that aid LRA defection, for example: radio broadcasts, dissemination of flyers, and loudspeaker announcements. If an organization wants to analyze whether the installation of a radio in a certain location would positively or negatively impact the rate at which LRA combatants defect, they could use the Palantir technology to identify where radios have been installed and examine the influence this has had on, in this case, LRA defections.

Mr. Daudi Were

Project Director – Africa, Ushahidi

Were began his presentation by detailing the historical context of the Kenyan elections in 2007. Though Kenya exhibited a mature political process during its 2007 presidential election, the situation on the ground quickly deteriorated in its wake. Widespread mass violence broke out that was “at best underreported, at worst unreported.” This was the impetus behind the creation of Ushahidi, which means “testimony” in Swahili. The roots of the organization are in the collaboration of Kenyan journalists during the time of crisis with the original website being used to map incidents of violence and peace efforts throughout the country based on reports submitted via the web and mobile phones.

Ushahidi is open source software for the collection of information, visualization, and interactive mapping. It builds tools for the dissemination of open and free information, increasing transparency and lowering the barriers for individuals to share their stories. The majority of

people have access to a source of basic technology or know someone who does, rendering it possible for people to interact with the Ushahidi platform via SMS. All data goes through a process of selection, translation, geo-location, management, verification, and approval process prior to being escalated to the platform and the people who can provide assistance. Were explained that this results in better situational awareness for first responders who interact with platform information.

Ushahidi also has a crisis-mapping Stand-By Task Force (SBTF). The SBTF works with various other actors, such as the Humanitarian Open Street Map Team, a new initiative to apply the principles of open source and open data sharing towards humanitarian response and economic development. Another example is their work with the Sahel Food Crisis mapping team, which in an effort to respond to early warning indicators about an impending food crisis, collaborates to strengthen data sharing in the Sahel region.

Were emphasized that Ushahidi is only 10% of the solution. Strategy and methodology comprised of project planning, leadership, local partners, outreach, training, online/offline teams, programming, privacy, security, verification, analysis, escalation, feedback, and response are essential components when deploying technology in a preventative setting.

Ms. Friederike Bubenzer

Senior Project Director, Institute for Justice and Reconciliation, South Africa

Having worked in Africa extensively, Bubenzer emphasized the important place for the use of social media as a preventative tool. Given the two preceding presentations, it is easy to understand why an audience may be of the opinion that social media is not sophisticated enough to play any significant role in prevention. They may believe that social media is similar to the “donkey cart” of technologies available to actors in the field. It is, however, possible to affect change through social media. Traditionally, it has taken time and a significant number of resources to create a message and its content then disseminate this message to a wider audience. In recent times, certain forms of communication have become instantaneous and communication broadly has become almost cheap. As a result, it is the ease and efficiency of social media that is important.

Widely used forms of social media provide and have been providing an easily accessible form of communication by people on the ground in a given political or environmental setting to have their message heard globally.

Bubenzer then spoke more specifically about her own work, saying that the Institute for Justice and Reconciliation released a statement on its website expressing deep concern regarding the scale of violence occurring in Jonglei state of South Sudan, and condemned the killings of UN peacekeepers, SPLA troops, members of David Yau Yau’s armed group, and civilians. The contents of this press release detailing an imminent escalation of the crisis was picked up and disseminated by traditional media outlets, rippled internationally, exposing the ongoing reality of the situation on the ground in Jonglei state. This ultimately led to a statement by the Commissioner in Jonglei. This represents the use of social media as a tool to reach citizens on the ground through traditional media sources.

However, she was also quick to point out that social media is not always appropriate. Because the bulk of everyday technology users remain among the educated elite, there still exists a need for extensive communication outreach initiatives that engage rural communities. Accordingly,

radio still occupies an important place as a preventative strategy and small stations are very much open to collaborations with partners.

Bubbenzer also cautioned that it is essential to identify the main targets of one's message. For example, literacy rates in South Sudan are estimated at 18% for adult females and only slightly higher for males. Written forms of communication/SMS campaigns are, as such, not suitable for all. Context specific communication is needed. And this is where the role of partners is important. Partners can be grass roots organizations, urban agencies, policymakers, and INGOs to name a few. Truth about the situation generated from on the ground reports by partners stems from constructing trust and mutual respect between partners.

A question and answer session followed the three presentations. Dr. Waller put forth the following question: How can we avoid misuse of technology in the hands of those that perpetrate genocidal violence and mass atrocities?

Were responded that technology is only a tool, the deployment of which can be controlled. Safety standards can be built in and, as stated previously, the strategy and methodology adopted in relation to the technology is of utmost importance when discussing such standards. Concerns of misinformation are more of a human problem versus a technology problem in terms of collection of information and interpretation.

Romanow offered that Palantir has a very clear sense of corporate responsibility fueling all of its activities and very much sees itself as driving sector standards in this regard. Palantir does not enter into partnerships lightly, always being cautious about who they work with. There are mechanisms that have been installed allowing engineers to report the misuse of the software. And where necessary, engineers have the ability to suspend relations with partners as a last resort.

Panel 3: International Justice and Prevention

The goal of the international justice and prevention panel was to display the ways in which international justice contributes to the prevention of future atrocity crimes through the experience of the International Criminal Tribunal for Rwanda, and other international and national judicial bodies.

Mr. Adama Dieng

UN Special Advisor on Genocide Prevention

Mr. Dieng began by extending his thanks for the invitation to sit on the panel and apologizing for his inability to be at the meeting in person. He went on to say that he developed an affinity for Arusha while working as the registrar for the International Criminal Tribunal for Rwanda (ICTR). He also pointed out that the title of his panel contains a key message: that there are direct, strong links between justice and prevention. As we take steps to strengthen prevention strategies, there is much work to do to communicate the importance of these links outside the prevention community. Mr. Dieng said this is true regarding both national and international justice processes.

We often think of justice as a mechanism of accountability that is used to address events of the past, Mr. Dieng noted. A good reason for this is that justice pertains to actions of the past. The primary objective of any tribunal, national or international, is the provision of impartial and

equitable justice for past crimes. However, undertaking judicial processes related to the prosecution of atrocity crimes has other important benefits, such as deterrence of future crimes, the institution of reconciliation processes, and maintenance of peace and security.

Offering an example from his own experiences, Mr. Dieng stated that the focus of the ICTR's work was to establish a truthful narrative surrounding the Rwandan genocide and to prosecute those most responsible. However, it has also conducted activities that go beyond the judicial process itself. As such, Mr. Dieng finds it fair to say that the ICTR's work had a clear prevention component. When drafting the foundational statutes of national and international courts, it is extremely important to establish mandates with explicit reference to prevention, even if it is in a declaratory fashion. The Preamble of the Statute of the ICTR takes prosecution a step further by placing emphasis on ending the commission of atrocity crimes: "Convinced that in the particular circumstances of Rwanda, the prosecution of persons responsible for serious violations of international humanitarian law would enable this aim to be achieved and would contribute to the process of national reconciliation and to the restoration and maintenance of peace."

Mr. Dieng continued that justice for past crimes is directly associated with peace and reconciliation. When talking about prevention in practice, one must look at victim participation and information out reach. Having a prevention mandate and good intentions is important; however, it is through the daily work of the tribunal and its activities that national reconciliation can be nurtured, slowly but carefully. There are different elements associated with this work. In Mr. Dieng's view, first and foremost, the participation of victims who provide evidence for the prosecution and defense in judicial proceedings constitute an essential prerequisite for a successful reconciliation process. Beyond their contribution as witnesses, the participation of victims is essential in supporting the truth-telling process, establishing the facts surrounding what happened, and documenting genocide or related crimes, which in itself constitutes an important element of any reconciliation process. Here, Mr. Dieng stressed that healing can hardly happen without their participation.

On par with bringing the affected population into the court, according to Mr. Dieng, is communicating the work of the court to the population as well. As registrar of the ICTR, Mr. Dieng always emphasized the importance of open communication. At the general informational level, the tribunal works to ensure a wide dissemination of information about its activities through press briefings, newsletters, and press releases, as well as through the use of its website, films, and information brochures. The tribunal's work has also been aimed at developing judicial institutions in Rwanda. Within Mr. Dieng's office, an external relation and strategic planning section was instrumental in raising the necessary support for carrying out capacity-building activities. These included trainings for legal professionals in Rwanda with the aim of strengthening the justice sector in areas such as investigation, witness protection, evidence and information management, and other skills. The court also provided legal students with the opportunity to learn in practice, as well as support the role of the ICTR through comprehensive internship programs. Mr. Dieng said he always views these kinds of activities as a vital tool for bridging the information gap between the tribunal and Rwandans at the grassroots level.

Furthermore, the ICTR has also worked on specific prevention projects. For example, a youth sensitization and genocide prevention project in the Great Lakes Region involved the distribution of 20,000 copies of cartoon books on the work of the tribunal to primary and secondary schools. The ICTR also organized exhibitions and talks on how it worked, in addition to exhibitions on the commemoration of the Rwandan genocide with the National Commission of Rwanda for the Fight Against Genocide.

Mr. Dieng went on to say that such accountability processes face many challenges. The court's rulings are likely to impact different groups in different ways and what some will read as an exemplary victory of the rule of law, others may consider to be a flagrant transgression of the law. The ICTR has not been immune from such criticism. When groups have different views about the court's objectivity, it can have an impact in terms of prevention. Mr. Dieng's view on this is simple: adhere to the rule of law, make sure that all of the accused can defend themselves, make sure that all possible evidence is on the table, make sure that the proceedings are conducted fairly, and make sure that the court reaches its verdict in full compliance with the rule of law. All decisions must be made public to garner trust in the process and in the outcome.

The better informed the public, the more that it can understand how each specific verdict is reached and what legal elements are at play. According to Mr. Dieng, communication is the link between accountability and prevention. Strengthening that link is a task to which international tribunals need to pay close attention. This also applies to the International Criminal Court (ICC). The ICC is firmly established and proving its value every day. The Preamble of the Rome Statute, which refers to its roles in prosecuting grave crimes, expresses its determination to put an end to impunity for the perpetrators of these crimes, and thus to put an end to such crimes. The link between accountability and prevention is therefore established.

However, Mr. Dieng noted, the outreach role of the ICC vis-à-vis each country's situation is more difficult than that of the special tribunals, including Rwanda's. The physical distance of the ICC from the situations that it is charged with investigating can lead to confusion about its purposes or doubts about its objectivity. This can easily be manipulated by those under investigation by the court for political ends. The ICC is making serious efforts to ensure the access of victims to the court, as well as their protection, and these efforts must continue. It has also developed a comprehensive outreach program to ensure that communities affected by the crimes that it is investigating can understand and follow its processes through the different phases of its activities. This is critical, and Mr. Dieng applauds these efforts.

Mr. Dieng concluded by stating that in Rwanda, it was very clear to him that he was serving on an international criminal tribunal, not of the country, but *for* the country. This simple preposition contains a complex meaning: "working for a country" encompasses the future as much as the past and this is the spirit with which Mr. Dieng believes we must address the important topic of this panel. He considers himself a citizen of honor of Arusha, from which he has been gone for more than 12 years.

Mr. James Arguin

Chief of Appeals Division, Office of the Prosecutor of the International Criminal Tribunal for Rwanda

Legacy of the ICTR: Bringing an End to Impunity

Arguin followed Dieng and extended the greetings and congratulations of the ICTR's Chief Prosecutor Jallow. He said he was honored to represent Mr. Jallow at the panel and would focus his presentation on the contributions made by the ICTR in ending impunity. He also explained that he would begin with a review of the context of the Rwandan genocide and then move on to a discussion of contributions for the future.

During the Rwandan genocide, 800,000-1,000,000 people were slaughtered over the course of 100 days. Most of the victims belonged to the ethnic minority Tutsi group; others were moderate members of the Hutu majority, who supported power sharing. One marked characteristic of the Rwandan genocide was the use of rape and other sexual violence crimes. 250,000 instances of sexual violence were recorded.

Arguin then centered his presentation on the ICTR, which was established in November 1994 by Security Council Resolution 955, which states that the ICTR's mission is, "...Prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighboring States, between 1 January 1994 and 31 December 1994." There is a very focused jurisdictional mandate for the court. In the ICTR's history, the prosecutor's office has focused on those perpetrators most responsible, including members of Rwanda's interim government. 93 individuals have been indicted; 65 were found guilty at trial, 10 were acquitted at trial or on appeal, 2 were withdrawn prior to trial, 3 died, 10 cases have been referred to national jurisdictions, and 3 accused have become fugitives from justice.

The next part of Arguin's presentation highlighted several notable firsts, all of which are well documented:

- The ICTR was the first international court to interpret the definition of genocide in the 1948 Geneva Convention.
- It was the first court to take judicial notice of the occurrence of genocide in Rwanda.
- It was the first court to hold a head of state responsible for genocide, conspiracy to commit genocide, and for crimes against humanity.
- It was the first court to confirm that civilians can be held accountable for crimes committed by subordinates.
- It was the first court to define rape as an act of genocide and a crime against humanity.
- It was the first court to hold members of the media accountable for broadcasts intended to encourage the public to commit acts of genocide.

Arguin then shifted to looking forward at the capacity building and complementarity work in the national courts that has been taking place, as well as the development of best practices and lessons learned manuals. He feels they may be useful to prosecutors at the national and international levels, as well as to others involved in prosecuting crimes through international justice.

Capacity Building and Complementarity in Rwanda

Arguin argued that the ICTR has enhanced the capacity of national authorities to investigate and prosecute serious violations of international law, most notably in Rwanda and the surrounding region. Given the tribunal's mandate and ad hoc nature, it has had to focus on those most responsible for the genocide. There were substantially more perpetrators than those prosecuted, some of whom remain at large or have been subject to national prosecutions. Without rebuilding national capacity, there could be an unclosed gap between impunity and accountability.

In terms of legal reforms, the prosecutor's office focused on referring cases to Rwanda for trial. The first attempt was made in 2007 and proved unsuccessful. Both the trial and appeal chambers of the ICTR raised questions about Rwanda's ability to hold fair trials for the following

reasons because of the existence of the death penalty, the defense's access to evidence, judicial independence (based on comments of political leaders around the cases and the nature of tenure regulations for judges), and conditions of detention in state prisons and their compliance with international detention standards.

Reforms were made in the intervening years and in 2011, the prosecutor initiated a second series of cases for referral. These were based on the elimination of the death penalty; immunity granted under the transfer law for defense teams and eye witnesses, i.e., protection from arrest while investigations were conducted in Rwanda and for any traveling witness giving testimony; expanded witness protection measures; the ability to testify by video and take depositions in foreign jurisdictions; clarified policies on judicial independence and reemphasis placed on judges' lifetime tenure; the possibility for foreign justices to be appointed to round out panels; and improved detention conditions as well as monitoring of proceedings and said conditions.

Arguin then offered that another form of capacity building, different from legal reform, took place in the form of knowledge sharing between the ICTR and authorities in Rwanda. The ICTR shared information about best practices with prosecution and defense counsels, judges, registry officials, victims and witness advocates, security personnel, and IT personnel. There was both formal training and informal exchanges through points of contact. These addressed international standards for proceedings, the drafting of judgments, the use of video link technology, motion practice, trial advocacy skills, appellate advocacy skills, tips for pleading and compliance with requirements, best practices for witness protection, and training on substantive law developed regarding the prosecution of genocide, crimes against humanity, and other violations of international law. Both legal reform and knowledge sharing were primarily driven by the ICTR's efforts in pursuing the eventual referral of cases to the national jurisdiction. However, stated Arguin, it is important to note that Rwanda pursued these changes with full vigor to improve its own legal system.

Rwanda has been using the ICTR's referral guidelines for other cases. It has expressed willingness to apply standards for ICTR transfer cases to others, such as those pertaining to the extradition of Rwandan citizens. These protections are being extended to domestic cases, as well.

Additionally, Arguin explained that Rwanda is considering or undertaking the following changes or reforms:

- 1) Reforming the penal code, notably in the reduction of sentences across the board to bring them in line with international standards and to reflect policy judgment aimed at rehabilitation as well as punishment;
- 2) Further articulation of the code of criminal procedure to clarify regulations on the presentation of evidence, particularly the use of accomplice testimony to ensure that evidence is available to both the prosecution and defense and that there are no rules precluding inclusion of certain types of evidence;
- 3) Reconsidering the genocide ideology law to more clearly define the prohibited conduct in response to criticism that the law is too broad;
- 4) Considering the use of other reforms, such as expanding the use of witness protection to domestic cases;
- 5) The use of video link testimony in domestic cases, particularly from witnesses in rural areas;
- 6) The creation of better prison conditions with the addition of a new state-of-the-art prison in Kigali;

- 7) The allowance of extra foreign justices to sit on judicial panels, giving the Chief Justice the option to expand the panel in complicated or novel cases.

Capacity Building and Complementarity in the Region

The ICTR's jurisprudence has been used in international courts, regional bodies, and other national courts—the ICC, the ICTY, the Special Court for Sierra Leone, the Special Tribunal for Lebanon, the European Court for Human Rights, and the African Court for Human and People's Rights, to cite a handful of examples.

Regionally, the ICTR has also contributed by training a generation of lawyers hailing from the continent on international standards. These attorneys can now return to their countries of origin prepared to practice in accordance with their acquired knowledge of best practices. This has had a valuable, intangible effect on raising the standards of legal and judicial practice in the region.

Best Practices and Lessons Learned

Here, Arguin stated that in anticipation of the ICTR's closure, a concerted effort is being made to document and record best practices and lessons learned for the benefit of future tribunals and other legal exercises, both in terms of successes and areas for improvement. The primary project is the creation of a Legacy Website that will be user-friendly and provide materials produced by the court as to both the legal and administrative aspects of the tribunal's work, including insight into its start up and shut down processes. The website is planned to be operational by 2015.

In addition to the website, the prosecutor's office plans to release best practices manuals on the following topics:

- A general manual for prosecutors, which includes information on selecting cases for prosecution in instances of limited time, funding, and capacity;
- The tracking and arrest of fugitives;
- The prosecution of sexual and gender based violence;
- The referral of cases to national jurisdictions, with emphasis on principles of complementarity and capacity building in national legal systems.

Other legacy projects include a digest of ICTR/ICTY Appeals Chamber Jurisprudence that will speak to both the substance and practice of the shared appeals chamber. The ICTR is also planning to produce a 'Story of the Genocide;' an account of the genocide based solely on adjudicated facts presented at trial and upheld at appeal. This will provide the most definitive account of what happened in Rwanda in 1994. It should be completed by 2014.

Another important initiative is the Mechanism for International Criminal Tribunals (MICT), which will inherit the work of the ICTR and complete any residual matters. A primary function will be to maintain a permanent archive for the tribunal in Arusha that will be accessible to the public and an investigative resource for national authorities that continue to prosecute these cases and need access to evidence produced over the course of the tribunal's history.

Justice for Victims

In the final portion of his presentation, Arguin said that the ICTR, as a court responsible for prosecution, is supposed to contribute to national reconciliation in Rwanda. The trial process is

one way of allowing victims to be heard through their preserved testimony. The sentences only contribute to justice if they reflect the gravity of the crime. Genocide being the gravest crime known to humankind, heavy sentences were appropriately levied earlier in the life of the ICTR, but sentences are now lower and life sentences are less common and may not reflect the gravity of the crime. If they are inadequate, they may have a detrimental impact on justice and on victims. A proper sentence provides official recognition by the court of the grave nature of the perpetrator's crime, can restore personal power and dignity to the victim, and provides a sense of closure allowing for reconciliation to take place.

Following the ICTR's closure, it's important to ensure that impunity is not tolerated. Arrest warrants exist for those six fugitives who are wanted in Rwanda for trial in the national court system. The MICT is supporting those continuing efforts for location and apprehension. Rwanda is therefore continuing to work with the ICTR through the residual mechanism. The ICTR is also currently working with MICT regarding the three fugitives from the ICTR. The evidence on these three cases has been preserved in the event of a future arrest. The ICTR prosecutor has transferred updated files to the MICT team, and they are consistently updating those files with regard to these persons.

Finally, Arguin stressed that the closure and transition of functions to the residual mechanism does not address the daily struggles of the victims who need medical, emotional, and social support. From its inception, the tribunal has provided access to assistance, but during closure, there is no capacity to continue support for victims. There is an urgent need to continue that support and for partnerships to ensure the continuity of care.

Questions from the Audience

Question 1:

Maitê Schmitz (Brazil)

Schmitz works with the ICC, where there is an ongoing discussion on the topic of reparations. Regarding the supporting of survivors, how does one connect with and identify victims, assess their needs, and implement reparations?

Response:

Arguin: With regard to the ICTR, most victims were witnesses or potential witnesses that had been identified through investigations. However, Rwanda has organized active victims' rights groups that provide support given by the Rwandan government through donations or grants and from other governments. Reparations were sought out at the tribunal by victims groups. There is a mechanism available to provide compensation to victims, but this was not done. Furthermore, since stepping away from the bifurcated model of adjudication of guilt followed by sentencing, victims are not included at sentencing, meaning that they don't necessarily get a chance to talk about the effects on them as individuals. They are only involved during the adjudication of guilt where they are subject to the rules of relevance and admission of evidence. Therefore, reparations are not included at the judicial level.

Question 2:

Lady Justice Jamila Mohammed (Kenya)

To what extent has the ICTR succeeded in its mandate? Is there anything for judges to learn from Best Practices Mandate?

Response:

Arguin: In terms of its mandate, the ICTR has resulted in the successful prosecution and conviction of most of the interim government and those most responsible. There have been strong success rates in the apprehension of fugitives. At the end of the day, there are only three remaining fugitives from the ICTR. The other major success is the development of the jurisprudence as produced by the court. The website will have links to other legacy projects, including colloquia for judges in the region on best practices. There will also be events and panels on best practices for judges in particular.

Presentation 1: Global Action Against Mass Atrocity Crimes (GAAMAC)

Mr. Tibi Galis began by discussing the impetus behind the creation GAAMAC, how it is structured, and its intended role/position in the field of genocide and mass atrocity prevention.

Key Points

History and Purpose:

- GAAMAC emerged out of comprehensive discussions at the High-level Working Meeting on the Prevention of Atrocities co-organized by the Tanzanian Ministry of Foreign Affairs and International Cooperation and the Swiss Ministry of Foreign Affairs, took place in Dar es Salaam, from March 18-20, 2013.
- It is intended to support current and future genocide and mass atrocity prevention activities
- Participants of the High-level Working Meeting identified the necessity of ensuring national architectures for genocide and mass atrocity prevention are in place
- To identify synergies in prevention of genocide and mass atrocity crimes
- To have comprehensive, multi-lateral engagement among a variety of stakeholders (national governments and CSOs)
- To strengthen partnerships (bi-lateral/multilateral) and existing networks for genocide and mass atrocity prevention;
- For the sharing of strategic planning strategies among stakeholders

Structure

- Focal Points (for genocide prevention and the Responsibility to Protect) to meet regularly with the view to exchanging information/build trust/identify synergies/accumulate shared knowledge and experience – the existing networks at regional and global levels, exchange and share strategic planning
- Creation of a joint sub working group of various stakeholders from CSOs, governments, and intergovernmental agencies tasked to work on the results of the High-level meeting held in Dar es Salaam in March 2013, and pave the way for the first GAAMAC international meeting of Focal Points in 2014
- GAAMAC shall not serve as a super organization or an extra level of conditionality, but rather as a support system for practitioners in the field of genocide and mass atrocity prevention; an informal environment for the exchange ideas and best practices serving as a bridge between genocide and mass atrocity prevention.

GAAMAC Panel

Ms. Felistas Mushi

National Coordinator of the Committee on the Prevention and Punishment of Genocide, War Crimes, Crimes Against Humanity and all forms of Discrimination; Principal Legal Officer, Ministry of Constitutional and Legal Affairs, United Republic of Tanzania

Key Points:

- GAAMAC will bring together all genocide and mass atrocity prevention networks and national mechanisms on the ground working on the issue of prevention
- Several regional networks dealing with genocide and mass atrocity prevention, there needs to be a space to share ideas, how better to do things in terms of proactive preventative strategies
- GAAMAC will form the basis of a support system for those in the field of mass atrocity and genocide prevention

Mr. Donald Deya

Chief Executive Officer, Pan African Lawyers Union, Arusha, Tanzania

Key Points:

- Importance of viewing CSOs as an essential component in any preventative strategy for genocide and mass atrocity prevention
- “Splitting hairs” tendency in existing genocide and mass atrocity preventative strategies, necessary to have people working together, building a mass movement for prevention founded on the collaboration of a diverse array of actors
- Notion of a “community of commitment” needs momentum. Starts with trust/capacity building founded on mutual respect among stakeholders

Mr. Mario Buli-Merce

Political Affairs Officer, UN Office of the Special Adviser on Genocide Prevention

Key Points:

- GAAMAC is a valuable idea and tool; places focus on generating initial conversations, creating synergy, sharing information
- GAAMAC does not replace existing networks, mechanisms – these are important and necessary steps
- UN Office of the Special Adviser on Genocide Prevention subscribes and will simultaneously encourage the notion of a “community of commitment”

Open Floor Discussion

Q: How will this coalition work in the practical sense?

Galis: the structure of GAAMAC is still being finalized, but the creation of GAAMAC is being founded on basis of 1) the establishment of a network of stakeholders for genocide and mass atrocity prevention; and 2) will be flexible in nature

Mushi: GAAMAC will consist of annual meetings and the compilation of reports for dissemination, and there will be various arenas of collaboration to be made available to the diverse stakeholders from high-level meetings to national working groups. At the global level, high-level meetings will operate with the view to reaching out to as many actors/fora as possible.

Galis: GAAMAC is an open network, serving as a catch all function and including all states that have an interest in or that are already working in the field of genocide and mass atrocity prevention. There is an aspiration that GAAMAC serves as a motivator for those actors not currently involved in preventative action policies.

Presentation 2: Working Breakfast: African Network for Genocide and Mass Atrocity Prevention



Left to right: Lily Samuels, Chris Dolan, Delphine Serumaga, Donald Deya, Stephanus Francois Du Toit, Valnora Edwin, Dismis Nkunda

Program Director **Lily Samuels** presented the African Network for Genocide and Mass Atrocity Prevention to an audience of over 40 participants.

In her remarks, Ms. Samuels described the partnership that was forged in Addis Ababa, Ethiopia between the African Union Commission and the Auschwitz Institute in February 2013, creating the African Network for Genocide and Mass Atrocity Prevention.

Ms. Samuels then laid out the structure and goals of the African Network, which will welcome the participation of all African Union Member states, and highlighted the commitment of the Auschwitz Institute to work energetically with governments, regional economic communities, and civil society in pursuit of a shared goal of genocide and atrocity prevention.

Panel 4: Civil Society and Prevention: Solutions from the Ground Up

Moderated by **Mr. Donald Deya** (Pan African Lawyers Union)

Ms. Delphine Serumaga

Executive Director, Centre for the Study of Violence and Reconciliation, South Africa

According to Serumaga, the Centre for the Study of Violence and Reconciliation (CSV) sees itself as an innovator in preventing violence and building peaceful societies mainly through the adoption of a multi-disciplinary approach to understand and prevent violence, heal its effects, and build sustainable peace locally, continentally, and globally.

The first part of Serumaga's presentation was centered on the question, how do we prevent genocide and mass atrocities?

- It is necessary to understand that the process and subsequent perpetration of genocide and mass atrocities is a multi-layered process encompassing a myriad of actors. Building upon this, it is then necessary to identify the various layers of violence and players involved.
- It is also necessary to understand that the transferring of whole prevention models from one context to another does not work. There does not exist a "one size fits all" model of genocide and mass atrocity prevention. It is important to identify preventive best practices, and use these to inform future preventive strategies, not lead them.
- How far does one go back in the history of a given society in order to achieve the greatest chances of sustainability? Assuming atrocities and gross violations are due to socio-cultural and political tensions, it is necessary to acknowledge that legacies of the past and currently emerging tensions have the potential to fuel the escalation of genocidal violence. Such examples of past legacies to be addressed include colonialism, apartheid and occupation. Current issues may include economic exploitation through the struggle for natural resources such as oil, natural gas, diamonds and land.

According to Serumaga, there are three key elements for seeking environments of non-repetition and prevention:

1. Promoting self-determination and citizen participation by giving a voice to the citizenry about their current societal reality. States are only able to respond to the needs of their citizens when the voice of the citizenry can be heard through open channels of dialogue

and communication. This can help promote non-violent societies, but alone does not create an environment conducive for sustainable peace.

2. Engaging with human rights and social justice frameworks that are locally “grown,” which enables further societal transformation through the creation of responsive states.
3. Socio-political, economic, and cultural parity, which has as its base a strong and deeply rooted sense of inclusivity where there is across-the-board, joint social acceptance of the new environment.

Serumaga then moved on to the concepts of acknowledgement and inclusivity. She stated that acknowledging and seeking social justice is not solely achieved through a process of criminalization and seeking out perpetrators, but rather through the addition of knowing and responding to collective and individual truths. It also involves using local peace-building mechanisms, taking into consideration that such mechanisms vary and one should not adopt a one size fits all model. She also stressed greater citizen participation in determining the process – not just being treated as the victim that receives, but rather as an integral component of the process. In doing so, this goes some way in closing the gap between the “victim” and the “decision-makers.”

Serumaga went on to say that information is gathered from a variety of sources, such as individuals, formal and informal interest groups, and citizen participation in state accountability. This research is then used to mobilize collaborations with civil society organizations and INGOs. Working and engaging with personal experiences and collaborating with a broad array of actors in the field, CSVr is able to develop empirical knowledge for intervention to drive policy development and reform at the national level.

CSVr is developing policy for genocide and mass atrocity prevention in several ways. An example of which is the signing of a Memorandum of Understanding (MoU) with the African Union Commission Department of Political Affairs on development of the African Union Transitional Justice Policy Framework (AUTJPF). This framework is designed to establish a general protocol of conflict management and peace-building. Serumaga concluded by saying that CSVr has a role to play in the African Governance Architecture through the popularization of the AUTJPF. They recently signed an agreement with the AU Commission on Human and Peoples’ Rights for technical support for their role of protecting and promoting human rights during transition.

Dr. Chris Dolan

Director, Refugee Law Project, Uganda

Dolan opened by saying that there was an extra sense of urgency informing the Arusha meeting and the broader debate surrounding the prevention of genocide and mass atrocities given that the ICC has received a body blow from the African Union most recently. The AU has resolved not to collaborate further with the Court. He then went on to detail the work of his organization.

Dolan explained that the Refugee Law Project is opposed to the way in which criminal justice has thus far been practiced, but not to the overarching concept of international justice. In the past, there was and continues to be a tendency to conflate a particular model of administering justice, which has been heavily reliant on punitive measures, with the whole principle of “justice.” This can be, and is, seen in many equally valid ways, e.g., reparations, truth-telling, acknowledgment, and institutional reforms. He opined that the beginnings of “justice” should start with reparations, not punishment. By only pursuing punishment, full justice may not be served. Unfortunately, there exists a failing to understand the relationship between concepts

and context on the one hand, and psychology and history on the other. There still exists a particularly raw history of colonialism on the African continent.

Dolan then shifted focus to how to move forward with a prevention agenda. He said that in putting forth effort to prevent further atrocity from the ground up, the struggle against co-optation is as important, or more so, than the fight against corruption. It is important to firstly identify the subtle ways in which citizenries feel they are being re-colonized, then give a voice to those persons and create space for civic participation in which to combat co-optation. Dolan also offered that preventing mass atrocity in the future cannot be isolated from dealing with the past in a way that recognizes the reality of the present.

Accordingly, the Refugee Law Project is deploying a multi-pronged approach that seeks to address the challenge of co-optation (as opposed to collaboration), the reality of the past-present-future continuum, and the need to shift the location and definition of expertise.

Dr. Stephanus Francois Du Toit

Executive Director, Institute for Justice and Reconciliation, South Africa

Du Toit finds it critical that actors working in the field of genocide and mass atrocity prevention do not divorce the emergence of genocidal violence from its antecedents, but also that these same actors develop a critical understanding of the antecedents that shape the emergence of genocide. In many examples of genocide, hindsight has shown that the genocidal process started off in a banal way. Moreover, legal mechanisms were instrumental in the genocidal process and key tools deployed by the architects of genocide, as has been well documented in the case of Nazi Germany and, to some extent, during Apartheid.

Du Toit asked, how does one track the subtle beginnings of genocide? Firstly, nobody is an expert above the fray. We do not yet have a global justice system, but a global movement for a global justice system. Alternatives must be considered, and he desires his organization to work together with national governments with the view to strengthening national institutions. In his opinion, the best preventative strategy is the creation of a National Truth Framework based upon a national consensus of the events that unfolded that lead to the emergence of genocidal violence.

The next topic in Du Toit's presentation was the South African Truth and Reconciliation Commission (TRC). The TRC built a national picture surrounding the nature of the violence that was perpetrated during Apartheid. When thinking about the success of the TRC, it is necessary to note that while Apartheid has been forgiven per se, there is universal consensus that Apartheid was a crime. That is a success in and of itself. Du Toit said it is necessary to note that the TRC neither provides nor should be viewed as a reconciliation blueprint for others to adopt. The South African experience, impressive in some regards, has experienced major drawbacks and shortcomings. Consequently, it is from these experiences that lessons and insights have been created, which are fairly unique to the South African context and it is on this basis that these may be shared among partners in the field and independent actors.

Du Toit continued that truth can serve as a bulwark against the emergence of genocidal tendencies. Genocide is not concerned with small acts of revenge, but rather with the presence of an inconvenient people whose existence must be wiped out for the benefit of the society in question. But, he asked, whose truth are we concerned with?

To this end the Institute for Justice and Reconciliation has developed a reconciliation barometer. The Reconciliation Barometer project is a national public opinion survey that has tracked progress in reconciliation in South Africa since 2003. Its focus is on attitudes towards political and socio-economic transition, and how these impact national reconciliation. The project conducts applied social research on reconciliation in South Africa and other post-conflict societies in Africa. One of only a handful of projects of this kind anywhere in the world, the primary data, research findings, and publications produced by the Reconciliation Barometer since 2003 have become an established resource for governments, civil society organizations, and researchers alike, in the processes of policy development, encouraging national debate, and broadening theory and the study of reconciliation. This provides the Institute for Justice and Reconciliation with a critical perspective that is not readily available to most of its peers, a public opinion perspective, which offers the Institute a finger on the pulse of ordinary citizens as it relates to matters of social justice and national reconciliation.

Ms. Valnora Edwin

Director, Campaign for Good Governance, Sierra Leone

Edwin explained that the Campaign for Good Governance (CGG) exists to increase citizen participation in governance through advocacy, capacity-building, and civic education in order to build a more informed civil populace and a democratic state. CGG works with key partners, including international NGOs and government departments, such as the police, to effectively deliver programs. The organization belongs to several associations and research communities as well. This strong network and a long history of successful campaigns have given CGG an excellent base upon which to provide effective long-term strategies for its areas of specialization on issues of decentralization and local governance, democratic participation, corruption, human rights, gender, peace-building, poverty reduction strategy and budgeting.

Edwin said that the core objective of the CGG is to figure out how to narrow the gap between those who govern and those who are governed. People must have the abilities and opportunities to raise their voices and take part in the formation of public opinion. A well-informed and well-educated society is needed to create and sustain democratic structures and values. CGG works year-round with the government and marginalized populations for capacity building and education with the view to increasing the effectiveness of the government. CGG's program design and interventions are informed at the practical level by the 2004 TRC report of Sierra Leone to prevent a recurrence of mass atrocities that plagued the country since 1991-2002.

CGG has also worked with parliamentarians to raise awareness among them that they must visit their constituents and not merely govern from the capital. Another method CGG has employed with the view to bringing elected officials closer to their citizenry is facilitating open lines of communication through the active sharing of parliamentarian contact details.

Shifting the focus to practical intervention, Edwin explained that natural resources exploration and the resultant investment has created challenges whereby citizens in affected areas have had to relocate and the necessity of workers' rights is being brought to the foreground. CGG provides a space for dialogue between national governmental bodies and those citizens/communities affected and any additional stakeholders in the hopes of diffusing any resulting tensions. For example, religious bodies play an important role particularly at the local community level very often in these circumstances.

Edwin concluded that there must be a concerted effort by all stakeholders to construct national institutions and mechanisms that progressively address transition. It is necessary to be aware of the subtle beginnings of genocide and mass atrocity crimes and never lose sight of them. However, when it comes time to deploy mechanisms to deal with transitioning societies, it is dangerous to employ a “copy and paste” methodology and adopt, for example, the exact solution of the South African TRC because the underlying issues are not then addressed. These mechanisms should inform the development of new, context-sensitive frameworks, not replace them.

Mr. Dismis Nkunda

Co-Director, International Refugee Rights Initiative, Uganda

Nkunda explained that the International Refugee Rights Initiative (IRRI) has sought to bring an end to the ongoing crisis in Darfur through its collaboration with, and stewardship of, the Darfur Consortium. (To recognize and address all of Sudan’s conflicts in a holistic manner, it has been currently renamed the Sudan Consortium.)

The Sudan Consortium is a coalition of more than 50 Africa-based and African-focused NGOs dedicated to working together to promote a just, peaceful, and sustainable end to the ongoing humanitarian rights crisis in Darfur. There was a shared consensus among these stakeholders to strengthen the voice of African civil society in calling for a just and sustainable peace in Darfur. The Sudan Consortium was born out of a deep conviction that African NGOs have a vital role to play in both balancing the Western focus of Darfur advocacy and in advocating directly with African governments and the African Union.

The Consortium reflects the unique perspective of African civil society and provides a forum for unified actions, particularly through sustained engagement with AU institutions.

Nkunda closed with the practical aspects of the Sudan Consortium:

1. The necessity of field research to gather first-hand testimonials from refugees and internally displaced persons on the ground in Darfur. This primary evidence can serve as the basis for constructing a picture of what is happening, and also inform decisions about what agencies/stakeholders should be the target of intense advocacy works;
2. The Mass Atrocities Unit concerned with identifying potential violence flashpoints, developing early warning mechanisms, and conceptualizing and identifying regional dynamics that may impact positively or negatively the reality on the ground;
3. The Convening for Mass Atrocities;
4. The necessity of conceptualizing how advocacy work is done in Africa, concluding that context-specific advocacy is essential.

Civil Society Discussion

Moderator **Don Deya** said that one of the issues raised by all the panelists is the question of state capacity. This is something important to look at. Sometimes, when one meets African leaders in New York or in Addis Ababa, one feels like returning to the African setting where all men (sexism aside) were permitted to sit under the big oak tree, but not all were allowed to speak before they had justified their place and voice. The more important issue is the question of context-specific advocacy. With that, he welcomed the questions and comments of the audience.

Sebastian Rejak (Poland): There is a problem with transitional justice and questions of truth and consensus. Sometimes, there is the impression that if consensus has been reached, then that constitutes justice. There are two examples to be given. Firstly, after World War II the trials in Nuremberg in 1946, and following this, the second wave of trials in the 1960s, during which a number of former Nazis were found throughout Germany in local and federal institutions. His impression was that this exercise was a continuation of transitional justice. He also noted a conversation he had with the director of the Kigali Memorial Center in which he inquired if reconciliation is really over. The Director mentioned a custom in her country where discussion of a problem takes place under a tree, and once the conversation is over, the matter is considered closed. His question was, "Is that really so?" Does reaching a truth or a consensus imply that justice has been done?

Isabel Varela (Cape Verde): She addressed her question to Don Deya and Delphine Serumaga, as they had mentioned the past and delving back into history. She was surprised that the slave trade was not mentioned in these presentations when talking about the historical record, despite the fact that all signs of genocide were there, for example, displacement, mass killings, and destruction of traditional norms and institutions. This is a topic that is seldom discussed, and she welcomes explanation on why this was not included.

Lady Justice Mohammed: She addressed her question to Valnora Edwin. She knows that in Sierra Leone, there is a Women's Situation Room. Has Edwin worked with it and can she share her experiences?

Responses

Dismas Nkunda: Traditional resolution mechanisms were adopted in many communities in Africa. In the case of Rwanda, there was a grassy area where people sat under a tree and they would solve a wide range of cases, even including murder. There are similar mechanisms in Northern Uganda and in South Africa. These were taken in conjunction with other justice mechanisms. Now the supranational mechanism is being used on the basis of the international system. However, he sees no problem with using traditional mechanisms at the local level.

Regarding the comment on the inclusion of the slave trade in a historical narrative of genocide, he agreed that this is important. He noted that corporations and exploitation that constitutes mass death should be mentioned. For instance, regarding the exploitation of minerals in DRC, how does it fuel the conflict in the region? And since this is carried out by multinationals, how do we respond and deal with that in terms of justice? He said that everyone with a cell phone is part of the problem in the DRC.

Valnora Edwin: She addressed traditional mechanisms and the questions of how long transitional justice processes can extend, when there is closure, and when one arrives at an end point. She noted that even after transitional justice processes come to a close, there are still issues to be dealt with. These include, but are not limited to, completing the legal framework, addressing gaps in state capacity, and confronting corruption. There are programs that do use traditional methods and call upon community mechanisms for resolution. These are used to adjudicate irrational crimes, such as atrocities that are not often encountered. The traditional legal framework is then expanded to capture these crimes. These processes are carried out with community leaders, through family meetings, and through gatherings in communal spaces. Edwin noted that this was a long-term process.

Regarding the Women's Situation Room, that outreach has come about to address inequality and to ensure visibility for women's issues during the electoral process, especially when there is the potential for violence. However, she noted that there is a need to push for gender mainstreaming in all processes, as opposed to always adding an additional office. She further noted that they had a general "Citizens" Situation Room that also addressed women's issues, in addition to the devoted Women's Situation Room. She stated that they should not be thinking in terms of "copy and paste" solutions. When there is another Women's Situation Room founded, it is clear that there is still a problem in that society regarding women's issues. From the onset, there should be an effort to mainstream women's issues in key national processes.

Fanie du Toit: He responded to the question of an "end" to transitional justice processes. He joked that the only term "fuzzier" than "reconciliation" is "justice." What that means is that there is a comprehensive and sophisticated conversation to be had about these large concepts. He supports the idea of restorative and retributive justice working together post-conflict. One cannot rely solely on a single approach without arriving at a deficit. Peacemaking is increasingly understood simply as justice through prosecution, and this is a fundamental mistake. He noted that the establishment of truth is important, as a different kind of justice. Its focus is backward looking, but secures justice for the future. In many cases, it is the wish of the people not merely to avoid a return to violence, but to stop the guns. There must be a consensus about moving forward *and* away from what came before. That is justice on the ground. After that, one can focus on institutions. What is the impact on the ground?

Reconciliation is not at all about closure. In fact, it is the opposite – it is about opening the space, unfinished, where people can come together to discuss their problems, not closing things down.

Regarding accountability, what does it mean to account for the past? It means answering to a court of law, but also to place front and center the victim narratives of the nation. It is the consensus based on the victim narrative that is most effective. The resolve to never return to the old status quo is translated through the victim narratives. It gets lost through retributive court cases. Truth commissions are effective through their ability to highlight the narrative of the victim. He noted that this is a form of justice.

Delphine Serumaga: She asked, at the end of the day, what kind of consensus are we trying to build? The methods of building consensus are equally important as consensus itself. If a method is situated within the context of the people, and if the people are ok with it, that is what is important. Therefore, the idea of sitting under the tree is valid. The power of that act must not be negated since, at very local levels, other legal processes or legislative frameworks may mean nothing. The ability to sit and face one's perpetrator may be very powerful.

Furthermore, conflict is part of transition. It is a natural human process, but it does not have to be violent. We can learn from previous conflicts. We should not remove conflict from the process of transition itself.

Regarding slavery, it is correct to say that it should be included in the discussion. When President Clinton apologized in Ghana, it caused an uproar because North America and Europe did not want recognition of genocide through the slave trade. It implies reparations and acknowledgment. This is why it is key to understand that this is a multi-layered story, and there are other actors involved. It is not just Africans who are part of the African story. Moving from resource exploitation and colonization to enslavement of the continent to neo-colonialism through continued resource exploitation – those continuums have to be understood. She noted

that we are better able to respond from viewing history as a continuum. From a cultural perspective, we must not negate what seem to be simple acts. They may be powerful.

Chris Dolan: Regarding the issue of “truth,” there is not a call from the panel for consensus on a single truth; there can never be one single truth for a particular happening. Rather, there is a call for the need to look for truth. Keeping the space open for the layers of truth to be exposed is important. The problem is trying to fit transitional justice into a program with rigid timelines. It is long-term process involving emotional and psychological justice for individuals, which cannot be achieved according to a set timeline. There are violations that must be spoken of that will only come out years after they have happened because the narratives are dependent upon each person and their ability to process what has happened to them. This is particularly true of some of the sexual violence cases. The early closing of a truth-telling process will truncate their inclusion. The truth is what enables all the other dimensions we talk about: acknowledgement, prosecutions, and reparations. If one does not prioritize truth telling, the other aspects of transitional justice are crippled. Therefore, the truth-telling dimension is the most ambitious and comprehensive part of the transitional project.

Don Deya: Regarding the exploitation of natural resources, at some point, it is necessary to understand the ICGLR’s process of addressing this issue and the great thought that has been involved. One of the ICGLR’s ten protocols is devoted to the illegal exploitation of natural resources. It commits state parties to enact within their national codes, laws that explicitly criminalize the illegal exploitation of natural resources, in addition to other laws geared towards abuse of office and corruption. These laws are to be added because of the large role played by this issue in the fermenting and sustaining of conflict. They are currently working on the protocol that may eventually give the African Court international criminal jurisdiction to regard this abuse as a specific crime. They have also added corporate criminal liability and responsibility.

Manah Kpukumu, Sierra Leone: Regarding Sierra Leone’s transitional justice system, what has been learned is that transitional justice is transient. In the Sierra Leonean context, reconciliation was about confession. Perpetrators came out and confessed. The victims would forgive but could not forget. Thereafter, some recommendations came and were aimed at the creation of governance-oriented institutions. The Special Court has operated as mandated, and the largest case was taken to The Hague for security reasons. However, the whole process of the Special Court is almost forgotten in Sierra Leone. The resources given by the Court do not compare to proper reparations programs. In fact, there have been no reparations made.

The question is, “What is justice?” Is it litigation, sentencing, and then a conclusion? What comes next? He noted that “as we meet in this forum, we must look beyond all immediate processes.” Transitional justice mechanisms are applied through a gradual process. After the war in Sierra Leone, the Special Court was necessary in order to restore legitimacy and allow the new government to function. The Court supported the government, respected it, and continues to work with it. Thereafter however, the national legal system was unable to undergo extensive reform, including the development of best practices because the Special Court and its legal support was short lived. He advised that, in the future, these structures should be incorporated into transitional justice mechanisms to ensure that there is some legal legacy left on the ground that can be nurtured.

Nathan Byamukama, ICGLR: He addressed his question to Fanie Du Toit. How does one deal with the question of class in South Africa and economic justice? We deal with the manifestations of poverty spilling out of apartheid. Potential conflict springs from this.

Cecilia Meirovich, Argentina: Reconciliation should be contextualized. In Argentina, reconciliation has not led to justice or dialogue because there was a pact of silence carried out by the military dictatorship. Even those confessions that were made were also without regret.

Pamphile Sebahara, ICGLR: The process of transitional justice without transition can be extended to many peace processes in the region. For instance, what does it mean to have a peacekeeping operation with no peace agreement? As with the Central African Republic and Chad during the Darfur crisis, there was a UN peacekeeping operation without a peace agreement and it was finally closed without a change in the situation on the ground. How can this framework contribute in improving the process?

The second issue is how to account for cultural context. This is relevant in terms of justice processes and also in the peace process as a whole. The community needs to determine how to find balance between the challenge on the ground, international standards, and cultural context. Working within this framework will help to build and legitimize institutions.

Don Deya: What are some of the actual initiatives on the ground? We have an excellent range of regional and national organizations that represent the different regions of Africa, from national organizations with continental programs to international organizations with continental and national programs. They work on:

1. Community engagement (practical work at the ground level);
2. Thorough research, documentation, and analysis;
3. Periodic surveys to track changes;
4. Broader advocacy on issues of rule of law;
5. National advocacy (without targeting the usual prospects, they work with Parliaments and Parliamentarians, and with many ministries and other institutions. They also work with devolved and local authorities.);
6. Regional and continental arrangements; and
7. An annual training institute for transitional justice practitioners.

Closing Remarks

Chris Dolan: In talking about international standards and local culture, it is interesting how we talk about them as if they are different things. They are both actually two different forms of culture and two different forms of standards.

Delphine Serumaga: Regarding the shift from racial justice to economic justice, we have moved from race to class, and it is unfortunate because now, the perpetrators are the same people who were working to achieve reconciliation when the focus was on race.

Fanie Du Toit: Genocide is also an economic strategy. Genocide is often carried out because of economic reasons. Therefore, economic justice is central, not peripheral, to reconciliation. His own theory is that in South Africa, the logic of truth telling and of consensus building has been lost for economic justice. It was present for political justice, but has been lost and it will come back to haunt the country.

Valnora Edwin: It is interesting to note that the question is often raised of “Whose justice? Whose truth? Whose reconciliation?” We need to strategize about how to address these issues. One way is to ask, “What do people want to see happen regarding institutions?” What is the distillation of the big picture into something everyone can understand?” Once these questions

are answered, then we will be able to work on the issue of understanding whose voices are being heard and what ends are being pursued.

Dismas Nkunda: He noted that the African Union in particular has refused to use the term “Responsibility to Protect,” yet it is contained in its founding document, the Constitutive Act of the African Union at Article 4(h). However, regarding the Responsibility to Protect, they have put a narrative around it that it is a colonial issue. That dichotomy is present, and if the Responsibility to Protect is not desirable, one should merely refer to Article 4(h) and one will have achieved the same end.

Presentation 5: Review of Established Mechanisms for Genocide and Mass Atrocity Prevention by Alumni and Introduction to Regional Working Groups

Moderator: **Castro Wesamba** (OSAPG)

Ms. Cecilia Meirovich (Argentina)

The Latin American Network for Genocide and Mass Atrocity Prevention largely served as the impetus for the creation of a new national mechanism for genocide prevention in Argentina in the form of the establishment of an inter-ministerial body for genocide and mass atrocity prevention, which derives its authority from the 1948 Genocide Convention and the Argentinean government’s obligations as a start party to this document.

This national mechanism, which holds as its foundation a presidential decree officially establishing the body within the Argentine government, seeks to formulate a national policy on genocide prevention. Competences of the national mechanism include:

- Risk detection and early warning: setting mechanisms of exchange of information on specific cases/situations; collaborating with NGOs and academic institutions.
- Systematic prevention and awareness: developing workshops, seminars and trainings, designing training programs and curricula for all levels of education and public officers, developing content standards for mass media and advertising.
- Collaboration and exchange of information: establishing a mechanism for information processing in order to cooperate with the UN and regional organs of human rights, if appropriate/applicable.

The structure of the national mechanism includes:

- Coordination Committee: comprised of several governmental ministries and secretariats, all of which will actively participate in national policymaking on genocide prevention. The chair of the Coordination Committee will rotate among these bodies. The Coordination Committee will have as its central duties requesting reports from appropriate governmental agencies; conducting research in the field; convening experts, agencies, organizations, and any other person/entity that could collaborate; advises national and local departments as required/requested on issues pertaining to genocide and mass atrocity prevention.

- Council for the Prevention of Genocide: comprised of representatives of agencies that the Coordination Committee determines relevant to the achievement of the objectives of the national mechanism, due to the expertise they may have on the subject. The Council, a non-permanent entity, will act as an advisory board with links to civil society organizations and governmental agencies.
- Federal Network for the Prevention of Genocide: the Federal Network is charged with coordinating with federal agencies throughout national and provincial governments.

The launching of the Argentinean national mechanism currently awaits the signing of a presidential decree, which, although a long process, is hoped to be completed by the end of this year. Upon completion, this national mechanism will serve to establish genocide prevention as a priority of the Argentinean government, not only in the creation of its national policy, but also in the education/training of its government officials.

Ms. Rachel Sturm (USA)

One year ago, President Obama announced a comprehensive administration strategy to prevent atrocities. He underscored the fact that the prevention of genocide and mass atrocities is a core national security interest and a core moral responsibility of the United States of America.

In the intervening year, the US administration, under the direction of President Obama, has invested in prevention efforts all around the world – from Central Africa, where a multi-pronged regional strategy has seriously degraded the capability of the LRA; to Burma, where the US government is playing an important ongoing role in supporting efforts to address violence and protect vulnerable communities; to Kenya, where long-term US investments in constitutional reform, peace-building, and civic education helped the Kenyan people conduct peaceful and credible elections.

Be that as it may, there are also situations where in the past year civilians have suffered a marked increase in violence, such as in Syria, where the regime's brutality has led to more than 70,000 deaths [note: this figure has increased significantly since this presentation] and displaced upwards of five and a half million people. These situations underscore the critical importance of acting preventatively before violence is at full blaze. Consequently, just as it is important to bring an end to the violent conflict in Syria, it is also necessary to continue with broader efforts over the coming year(s) to prevent and respond to future such situations. In so doing, it is necessary to build upon the efforts of the past year, namely the establishment of the Atrocities Prevention Board (APB) to coordinate and prioritize atrocity prevention.

The APB, which meets once a month and is informed by sub-APB groups, is comprised of senior representatives of the Departments of State, Defense (DOD), Treasury (DOT), Justice (DOJ), and Homeland Security (DHS), the Joint Staff, the US Agency for International Development (USAID), the US Mission to the United Nations, the Office of the Director of National Intelligence, the Central Intelligence Agency (CIA), the Office of the Vice President, and the National Security Staff (NSS).

The APB identifies and addresses emerging atrocity threats by scanning the horizon for critical developments, assessing the risk of mass atrocities in particular situations, and supplementing existing efforts, or catalyzing new efforts, to ensure that atrocity threats receive adequate and timely attention. It also coordinates the development of new policies and tools to enhance the capacity of the United States to effectively prevent and respond to atrocities.

For example, the intelligence community is finalizing the first-ever National Intelligence Estimate on the Global Risks of Mass Atrocities and Prospects for International Response, which will provide a rigorous analytical framework for anticipating and preparing for future mass atrocities; agencies represented on the APB have all taken steps, including the creation of dedicated “alert channels,” to help ensure that information related to atrocities and atrocity threats is appropriately collected, evaluated, and disseminated within the US Government.

Employing financial sanctions, export controls and travel bans to isolate, inhibit, and weaken those who enable or perpetrate atrocities: the Department of the Treasury and a dedicated team from its staff focus on sanction designations based on human rights abuses and atrocities. It is also developing guidance and training for United States government staff to improve collection and transmission of information to facilitate human rights and atrocity-related designations.

Domestically, the State Department has identified the need to expand the pool of appropriate civilian expertise to better identify atrocity-prevention skills within the US government and develop partnerships with outside organizations, such as the UN Department of Peacekeeping Operations, Justice Rapid Response, and the American Bar Association Rule of Law Initiative. Internationally, the State Department and USAID urged civilian experts to help conduct local peace-building activities well in advance of the recent Kenyan elections to name but one example internationally.

The DOJ and DHS have done extensive outreach to immigrant communities, and established a tip line and email address for anonymous reporting, to identify leads on human rights abusers present in the United States. These two government agencies have also worked together to prosecute a number of individuals who participate in atrocities overseas. DHS has also, over the past year, worked to and successfully did, remove from the United States a number of perpetrators of atrocities, including a former Bosnian-Serb police commander wanted for participation in the 1995 genocide at Srebrenica.

President Obama signed bipartisan legislation to enhance the APB’s ability to offer financial rewards for information that helps bring to justice certain perpetrators of atrocities who have been indicted by international tribunals. USAID launched a technology challenge, in partnership with Humanity United, to identify innovative technology in the service of atrocity prevention.

Furthermore, the United States is working to build the UN’s capacity for atrocity prevention by advocating for and materially supporting increased whole-of-UN crisis planning and response; deepening the APB’s partnership with the Office of the Special Adviser on the Prevention of Genocide; urging all UN field missions to enhance their early warning capacity; and contributing funding to UN preventive diplomacy. The DOD published, for the first time, a formal doctrine on mass atrocity response operations, as an appendix to its Joint Publication on Peacekeeping Operations.

Lastly, USAID has trained its humanitarian first-responders on civilian protection; the State Department has provided training on atrocity prevention in multilateral policy; the State Department and USAID are each working to ensure that their officers receive dedicated atrocity-prevention training before or shortly after deploying to countries at risk for mass atrocities; the DOD is developing specialized training on atrocity prevention and response that will be made available online; the State Department and USAID are developing robust “toolkits” to provide guidance for staff confronting atrocity threats. DHS is preparing a “handbook” providing Immigration and Customs Enforcement field officers with guidance and recommendations for

conducting investigations on human rights violations.

Ms. Felistas Mushi (Tanzania)

The International Conference on the Great Lakes Region's (ICGLR) efforts to consolidate a regional approach to genocide prevention were marked by a milestone following the conclusion of the third meeting of the Regional Committee for the Prevention and Punishment of Genocide, with the first training seminar for the Tanzanian National Committee. This was the first genocide and mass atrocity training of its kind to be held at the national level to bring together ten focal point representatives of government, ministers, and civil society organizations.

Officially launched on February 9, 2012, the Tanzanian National Committee for the Prevention and Punishment of Genocide, War Crimes, Crimes Against Humanity and all forms of Discrimination is founded on the fourth ICGLR protocol for the Prevention and the Punishment of those crimes. The protocol, which is legally binding, is contained within the Pact on Security, Stability and Development in the Great Lakes Region, serving as a legal framework and an agenda of the ICGLR with the aim of creating the conditions for security, stability, and development between the member states. The ICGLR Protocol draws from the 1948 Genocide Convention and the Rome Statute of the ICC.

The Tanzanian National Committee is composed of 15 members from cross government agencies, academia, and civil society organizations. After the first training seminar for the National Committee, which was principally led by the OSAPG and experts in the field of prevention, the members produced their own Work Plan. This plan identifies a set of risk factors to monitor and establishes a timetable to institutionalize their secretariat in the Ministry of Constitutional and Legal Affairs, and the Rule of Procedure.

The Tanzanian National Committee has the following responsibilities:

- Creating a space for frank discussions of the risk factors that may exist nationally and that could contribute to violent conflicts, mass atrocities, or genocide;
- Exploring early prevention opportunities and examining lessons learned elsewhere, under the expert guidance of local and external facilitators, to develop strategies that could mitigate these risks; and
- Organizing peace forums that provide a space in which a broad spectrum of actors may come together to expose potential societal fault lines along which tensions may escalate into dangerous conflicts.

The overarching goal of the Tanzanian National Committee is to engage the public in local peace-building initiatives through forums it organizes with religious leaders, government officials, students, civil society organizations, and the like. It also endeavors to involve the local citizenry in preventing genocide and mass atrocity crimes from the ground up. This is necessary for an effective, long-term strategy in the prevention of genocide and mass atrocities.

However, the Tanzanian National Committee is not without its challenges. Traditionally, Tanzania has sustained peace, stability, and security through precarious times, in a particularly turbulent region. The first president of Tanzania paved the way for the country's commitment to matters of regional and national peace, security, and stability. Consequently, one of the biggest challenges facing the members of the Tanzanian National Committee is proving the worth of sustaining the body and spurring its growth, in addition to proving the need for its existence and the required budgetary expenditure by the national government, amid relative domestic peace

and security. It is important to remember that peace should never be taken for granted and citizens must always remain vigilant.



Left to right: Janice Misoi, Alice Nderitu

Ms. Janice Misoi & Ms. Alice Nderitu

National Committee on the Prevention and Punishment of Genocide, War Crimes, Crimes Against Humanity and all forms of Discrimination, Kenya

The Kenyan National Committee on the Prevention and Punishment of Genocide, War Crimes, Crimes Against Humanity and all forms of Discrimination was officially launched on May 22, 2012 by Mr. Thuita Mwangi, Permanent Secretary, Ministry of Foreign Affairs. The Committee translates into concrete terms the commitment expressed by the Heads of State of the Great Lakes Region through the Dar es Salaam Declaration of 2004, to promote a common vision based on the establishment of public authority and the rule of law in all 11 (current membership runs to 12 with the recent addition of South Sudan) Member States.

The Kenyan National Committee is comprised of a broad array of representatives from government ministries and secretariats, in addition to members of Kenyan civil society organizations. Supported by the OSAPG, it underwent a capacity-building seminar, aimed at establishing its early warning and coordination mechanisms for preventing and responding to genocide and related atrocity crimes. The seminar examined the ICGLR Protocol for the Prevention and Punishment of the Crime of Genocide, War Crimes, and Crimes Against

Humanity and all forms of Discrimination, the causes and dynamics of genocide, as well as strategies and methodologies to build an effective early warning system for atrocity crimes. In the course of the workshop, the fledgling Kenyan National Committee developed a draft national action plan for early warning and early response.

The Kenyan National Committee continually strives to implement its mandate for the prevention of genocide with regular reviews of domestic potential for the outbreak of violent conflict that could culminate in genocide or other atrocity crimes. It regularly analyzes information and field data with the view to alerting the ICGLR regional committee about potential crisis situations for timely preventive action and provides a space for multidimensional and multi-agency discussions and presentations from varying actors about how their work can feed into that of the Kenyan National Committee more broadly.

One such example is the work of the Kenyan National Cohesion and Integration Commission (NCIC). The NCIC was born out of the realization that long-lasting peace, sustainable development, and harmonious coexistence among Kenyans required deliberate normative, institutional, and attitudinal processes of constructing nationhood, national cohesion, and integration.

The following falls under the mandate of the NCIC:

- Increased knowledge and transformational practice on national reconciliation, cohesion, and integration;
- Elimination of all forms of discrimination based on ethnic, racial, religious, and social origin in Kenya;
- Strengthening good governance and implementation of the new constitution through emphasis on equitable access to public resources;
- Promoting research and monitoring of the status and trends of national peace and stability and advising the relevant state agencies;
- Facilitating operationalization of laws, policies, and practices that counter ethnic, racial, and religious tensions;
- Organizational growth and development.

Charged with the responsibility of acting out the process of genocide with the view to underscoring certain indicators that point to the potential for genocidal violence to emerge, Kenyan drama teachers visited Rwandan genocide memorial sites. Upon returning to Kenya, they formulated scripts using the information they collected from their Rwandan trip that could then be performed by their pupils to not only raise the citizenry's awareness vis-à-vis genocide and mass atrocity prevention, but also send a powerful message to those in positions of power within government. This is one example of an NCIC project and how it feeds into the broader objectives and aims of the Kenyan National Committee for the Prevention of Genocide

Question

Ms. Alice Nzomukunda, Former Vice President of the Republic of Burundi: In states where it is difficult to establish a national mechanism for genocide and mass atrocity prevention due to political reasons, how does one convince/try to establish such a mechanism?

Answer

Meirovich: It is challenging, there is no question about that. If authorities have been involved/associated with mass atrocities, it is necessary to, firstly, rely on the international community, then engage with CSO's to involve the government, before then going on to involve a broad array of different actors in the field to engage further with the government in question. From our experience in Argentina, we know that it is a slow, long-term process, but one that is surmountable.

Main challenges identified by panelists included:

- Keeping the initial momentum that led to the creation of these national mechanisms alive, so the goals and objectives of the mechanisms may be met and surpassed;
- Endeavoring to work towards the objectives laid out in each of the initial work plans of the national mechanisms without specific budget allocations for them. Many mechanisms rely on pulling resources (technical/economic/people) from the budgets of the individual ministries and secretariats that make up the national mechanism;
- In the case of Kenya, they have not been able to establish a permanent secretariat, which would have as its primary function disseminating the agenda of the National Committee to a varied audience;
- In the case of the US administration, which can apply to other states more generally, it is diverse and vast. Many of the bodies that make up the APB have to focus on genocide and mass atrocity prevention, which is something that their individual agencies do not traditionally focus on. In certain cases, a re-working of skill sets is required. This is where capacity building in the form of technical assistance and personnel training comes in.

Presentation 3: The ICGLR Regional Committee on the Prevention and Punishment of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination

Nathan Byamukama

Secretary to the Regional Committee on the Prevention of Genocide and Program Officer, Cross Cutting Issues

The International Conference on the Great Lakes Region (ICGLR) Program on Genocide Prevention

Byamukama said that for his colleagues outside the region, "it is important to remind ourselves about the Great Lakes Region." The Great Lakes Region was once understood to include the Democratic Republic of Congo (DRC), Rwanda, and Burundi. Following the 1994 genocide in Rwanda and the conflict in the DRC, it became important to expand that territory to include all of the DRC's neighbors. Therefore, the ICGLR includes the DRC, its nine neighbors, Kenya, and South Sudan, which joined in November 2012.

Expansion was relevant because the events taking place in the DRC affect the rest of the region. Refugees are flowing from the DRC to all its neighboring countries. Similarly, explained Byamukama, what takes place in the neighborhood of the DRC affects the country itself. There are other countries that are "co-opted members" that take part in the discussion, and indirectly affect the events in the DRC. These include Zimbabwe and Namibia, among others.

Byamukama then moved on to genocide prevention in the ICGLR, which he said is hinged on several instruments. First, it is based on the binding ICGLR Pact on Security, Stability, and Development for the Great Lakes Region, which includes ten protocols, Programmes of Action, and the Dar Es Salaam Declaration. Article 8 of the Pact directly addresses genocide prevention issues. The 2004 Dar Declaration formed the basis of the other emerging structures, such as the Pact. Paragraph 29 states that the Heads of State will “combat all discriminatory ideologies, policies and practices and any acts of genocide, massacres, terrorism, racism, ethnicism, exclusion, as well as any other forms of violence or crime.” Other instruments include the Protocol on Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all Forms of Discrimination (Arts. 1-43), the Protocol on Judicial Cooperation, and the Protocol for the Prevention of Sexual Violence against Women and Children.

Under the Protocol on the Prevention and Punishment of the Crime of Genocide, member states agree to refrain from, prevent, and punish the crimes of genocide, war crimes, crimes against humanity, and all forms of discrimination. Byamukama offered that prevention is the best strategy through which to avoid all forms of discrimination. Member states also undertake to condemn and eliminate all forms of discriminatory practices/ideologies/prejudices, ensure the strict observance of the undertaking by national, regional, and local public authorities and institutions, and fight propaganda inspired by theories based on ethnic, religious, racial, or gender-based hatred or discrimination.

When talking about genocide in the Great Lakes Region, Byamukama said one must mention Rwanda and Burundi while acknowledging the issue of semantics. He continued that the topic of war crimes brings to mind the LRA in Uganda and the Central African Republic. The issue of crimes against humanity raises the issue of the Central African Republic, the DRC, and Kenya. Regarding discrimination, all member states have some element of deficit at this level.

Byamukama further explained that the Pact also created a Regional Follow Up Mechanism. At the top of the Mechanism is the Summit of Heads of State, who ratified the Pact and continue to give policy directions and are to whom others report. They meet once every two years, and in extraordinary circumstances, in monthly meetings as which they did last year due to the situation in Eastern Congo. Reporting to the Summit is the Regional Interministerial Committee, composed of Ministers of Foreign Affairs, which meets twice per year, and in extraordinary circumstances. Then there is the Conference Secretariat, the technical arm of not only the Summit, but the whole Mechanism. Finally, there are national coordination mechanisms, which contain actions taken at the national level.

In instances of emergency, the present Chair, the previous Chair, and the future Chair meet and communicate with the Heads of State. An ad hoc committee of experts deals with issues of a special nature. This helps them to progress and to be sure that what is achieved and communicated will reach the appropriate organs.

The ICGLR Protocol for the Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes Against Humanity and All Forms of Discrimination

With 5 chapters and 43 articles, the ICGLR Protocol for the Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes Against Humanity and all forms of Discrimination (hereafter “Genocide Protocol”) is one of the longest of the 10 ICGLR Protocols. It is the only protocol where the structure, specifically the Regional Committee, must be endorsed by the Summit. Under the Genocide Prevention Protocol, member states undertake to:

1. Domesticate the Protocol and punish the titular crimes;
2. Put in place measures to eliminate discrimination and promote harmony in a nation;
3. Teach and encourage understanding, tolerance, and friendship between nations, as well as racial and ethnic groups;
4. Combat impunity;
5. Extradite criminals;
6. Provide resources to the Committee; and
7. Cooperate with the ICC.

Education is therefore in line with the Protocol itself.

Focusing on the Regional Committee, Byamukama outlined that each state nominates a representative to the Committee, who serves a renewable four-year term. The Committee has a bureau consisting of a Chairperson, Vice Chairperson, and Rapporteur. The Committee Secretariat appoints a Secretary to the Committee.

The Committee's functions include:

- Regular review of the situations in member states to prevent genocide and other named crimes through visits and the noting of warning signals;
- Collecting and analyzing information;
- Alerting the Summit or RIMC in good time just in case in order to take urgent measures as necessary;
- Suggesting specific measures to fight;
- Contributing to raising awareness;
- Recommending measures to safeguard victims' rights; and
- Monitoring programs on Disarmament, Demobilization, Repatriation, Reintegration, and Resettlement (DDRRR) for former child soldiers, ex-combatants, and combatants.

To date, the Committee has met in: Kampala in September 2000, Lusaka in December 2010, Brazzaville in May 2011, Zanzibar in August 2011, Dar Es Salaam in February 2012, and Kampala in September 2012 and February 2013.

The priority has been forming National Committees in all member states. In the little more than two years that the Regional Committee has been in place, National Committees have been formed in Tanzania, Kenya, Uganda, and Congo-Brazzaville. A National Committee already existed in Rwanda. By the end of 2013, the Regional Committee aims to have all 12 member states set up with National Committees, as directed by the RIMC of February 2013. Zambia plans to establish a National Committee in June 2013.

The Regional Committee has received reports from civil society organizations, including the International Rice Research Institute, on the situation in Sudan and is awaiting Sudan's response to the report sent by the Committee. Here, Byamukama pointed out that according to procedure, reports are shown to the member state, which is given a chance to respond before the Committee takes action. The Regional Committee has developed Rules of Procedure and is working on a genocide prevention manual for the regional and national committees for training purposes. This is designed to address the different backgrounds of each state.

The Committee presented its second report to RIMC in February 2013. To encourage the effectiveness of the Regional Committee, the National Committees must be functional. As such,

Byamukama sees the national representative at the regional level as the best link to connect the national to the regional and should have membership in the Regional Committee. He also believes the National Committees should have regional and grassroots structures connected for early warning and should report for effective prevention and control of the crimes.

The final part of Byamukama's presentation was on challenges faced. These include:

1. The politicization of the Committee

No state wants to be associated with a crime. Genocide issues are sensitive and can delay assessment visits, as well as delay discussion of submitted reports. Members of the Committee are sometimes bureaucrats, not members of civil society. Key questions include: how does one reconcile the need to ensure that one's member state is safe and secure and respectful of human rights with the reality that the challenge of safeguarding these is there? How does one avoid antagonizing the state and the risk of the failure to cooperate?

2. Finances

The Protocol requires member states to finance the Committee, but this remains a challenge as there is a difference between what is written and what is practiced.

Byamukama also spoke about partnership. He said that partners could assist at the technical level and through the training of members, as requested by colleagues at the national level. He cited the need for customized, locally sensitive manuals and for financial support for training, early warning, and information dissemination at the national level. Member states are not always able to incur technological costs.

In conclusion, Byamukama believes that the mechanism can meaningfully contribute to prevention because there is much political will. There may be some disagreement over methodology and the method of engagement, but there is agreement that these crimes should not take place. For the member states, there are challenges of reconciling security issues and balancing that with human rights concerns. Finally, it is a program that is sensitive and can be highly politicized. There is perhaps room for a more diplomatic process of dealing with member states on some of these sensitive issues. It requires strong leadership, clarity, diplomacy, objectivity, early warning, and early response to remain relevant and effective. The mechanism is working and needs support to advance.



Left to right: Nathan Byamukama, Castro Wesamba

Plenary Session

Moderator: **Castro Wesamba** (OSAPG)

Working Groups

Prior to the plenary session, alumni broke into regional teams focusing on specific issues related to their respective geographic areas. Tibi Galis asked them to come up with policy options, concrete ideas that could be taken to policymakers and implement in regional frameworks. He stated that we are doing a lot at the national level, but can do more at the regional level. Certain steps can be taken that will advance the prevention initiative. Africa, Latin America, and Europe each have existing groups such as the AU, ICGLR, OAS, EU, High Commissioner for National Minorities, and so forth.

If they could not come up with specific regional recommendations, alumni were asked to reflect on serious violations of international human rights and humanitarian law taking place in areas such as Syria and Sudan.

Marc Emilian Morar of the Ministry of Foreign Affairs of Romania, rapporteur for the European Working Group, reported that the guiding question for the group was “what added value could Europe as a region bring in terms of genocide and mass atrocity prevention?” The consensus in the group was that it was through the sharing of national and regional experiences from World War II and the dictatorial regimes. He mentioned that it was only after 1989 and the fall of Communism that societies had access to their histories. The group also posed the question of what could be the main mechanism of genocide and mass atrocity prevention in Europe. The group concluded that it was through the process of remembrance of the Holocaust and the honoring of victims that prevention could be mechanized in Europe. The group also advised that institutions devoted to the memory and study of the Holocaust collaborate through the formation of a network, the ultimate aim of which would be prevention-oriented education. The group proposed a one-year timeline for these institutions to connect with each other and with the Auschwitz Institute for Peace and Reconciliation.

Morar concluded that by noting that European countries are active in matters relating to the Responsibility to Protect and conflict mediation efforts. Particularly in relation to those activities undertaken with the European Union and regional instruments, countries should also develop atrocity prevention policies.

Mariana Salazar Alborno of Mexico served as the rapporteur on behalf of the Latin American Working Group. She reported that since the Latin American Network for Genocide and Mass Atrocity has been formed in Latin America, the group asked themselves what various steps could be taken within the Network to further the cause of genocide and mass atrocity prevention in the region.

The group developed a range of actions that could be taken *before* the Latin American Network seminar in Poland, set for June of 2013. These actions included:

- 1) The promotion of consultations within Latin American countries to ensure that there is broad representation at the June seminar and
- 2) The creation of the “Arusha Group,” comprised of present Latin American participants, who could collaborate by phone and by email for purposes of continued engagement with the issues raised at the present conference in anticipation of the June seminar.

The Latin American Working Group identified an action that could be taken *during* the Latin American seminar in Poland in June 2013, specifically: the allocation of designated opportunities for internal dialogue by the Latin American representatives to discuss the implementation of the activities and goals of the Latin American Network and to achieve greater presence and give visibility to the Latin American Network in their home countries and regionally.

Examples of such visibility efforts to be taken in the short- and long-term include:

- a) At the national level, ensuring coordination between human rights, international humanitarian law, and international criminal law representatives at the meeting of the National Committees on International Humanitarian Law, to take place in San Jose, Costa Rica;
- b) At the regional level, presenting on the Latin American Network at the thematic meeting of the Inter-American Court of Human Rights on genocide prevention (particularly since all the country members of the Latin American Network have membership in the Organization of American States [OAS]);

c) At the universal level, the making of a joint intervention by interested states with membership in the Latin American Network at the Human Rights Council at the United Nations and the organizing of a parallel high-level event in coordination with the African Network for Genocide and Mass Atrocity Prevention; and

d) Also at the universal level, to ensure presentation of the Latin American Network at the meeting in June of high-level authorities on human rights.

Finally, the group decided upon a set of actions that could be taken in the phase *following* the June seminar. These actions include:

- 1) The initiation of a bi-annual process of exchange of best practices among the member countries in the Latin American Network, as well as the establishment of a cadre of trained officers in each country that can interact with the diplomatic representation of member countries in each given country;
- 2) The exchange of qualified genocide and mass atrocity prevention trainers between the Latin American Network and the African Network;
- 3) The development and roll-out of implementation strategies, such as training of key beneficiaries at the national level such as the armed forces, police, judiciary, diplomatic schools, state lawyers schools, public prosecution, Ministries of the Interior, Ministries of Justice, and Ministries of Foreign Affairs, among others; and
- 4) The institutionalization of genocide and mass atrocity prevention policy at the national level.

As rapporteur for the African group, **Isabel Varela** of Cape Verde stated that after a heated discussion, they organized their ideas by listing regional mechanisms already in place, such as the UN and AU; identifying hot spots/conflict zones; and identifying challenges that exist, including those related to mandates and their clarity, or lack thereof. She said there is a lack of communication and political will when it comes to implementing decisions. Moreover, Africa has a dearth of resources and without resources there is no way to implement action.

She then moved on to her group's recommendations. Concerning resources, she said that if there is a problem in Africa, Africans should solve it. The African Union (AU) should convene an African donor conference to fundraise support for crisis response; regional economic communities and intergovernmental organizations should be allowed to attend as well. She also recommended that the AU request contributions from the UN and other development partners. Varela then pointed out that while early warning systems may be helpful in the future, there are conflict situations already underway. The coordination of regional organizations and mechanisms in place need to be improved/harmonized. While groups such as Human Rights Watch and Amnesty International put out reports, Africans must commission their own reports and generate fact-finding missions to gather information for themselves. It is also of the utmost importance that these reports include the voice of the victim.

Further recommendations by the African group include ratifying recent arms treaties and coordinating regional efforts to disarm both groups and individuals. The issue of illegal exploitation of resources must also be addressed by adopting strict measures against all forces involved. Democracy, good governance, transparency, and accountability are crucial elements that capacitate each state to function and prevent human rights violations and mass atrocities.

Next to speak was **Rafendi Djamin** of Indonesia, on behalf of the Asia. He stressed four points:

1. There should be an increase in the engagement and participation of mid-ranking diplomats at the Auschwitz Institute's seminars in order to gain knowledge on genocide prevention.
2. The ASEAN Commission on Human Rights has produced thematic studies on the right to peace and is currently developing a concept note. It is possible that the issue of genocide prevention could be part of the discussion and studies. The right to peace is enshrined in the ASEAN declaration.
3. In a broad sense of conflict prevention, there is cooperation among the ten ASEAN member states. This has led to the establishment of a second and third track institution, the ASEAN Institute for Peace and Reconciliation. It will be headquartered in Jakarta, so Indonesia has taken the lead in the process. The Institute's agenda and strategy planning still need to be developed, so mass atrocity prevention could be a part of it. The ASEAN region has a history of mass atrocity – both past and ongoing – so prevention should be of urgency in this regional cooperation.
4. There is an existing strong civil society network in the ASEAN region focused on peace building, particularly the prevention of armed conflict. It is part of a global movement against armed conflict, and Djamin envisions the region as a single hub for capacity, training, awareness, and understanding R2P.

Plenary Remarks

Dismas Nkunda said that the AU wanted to be funded from within the African continent, so as to not be influenced by outside donors. An independent expert produced a plan that forecasted the collection of \$600 million USD per year by taxing all airline tickets within Africa, as well as all African exports. Together, Nigeria, Libya, Algeria, South Africa, and Egypt used to fund more than 70% of the AU.

Delphine Serumaga then wondered about how the money from African philanthropy gets diverted and how it can reach the people. Discussions must continue in this area, especially on the issue of drawing money out of the private sector.

Moderator **Castro Wesamba** then asked which crisis situations were being referenced. He also asked those presenting to think more short-term. For instance, there are standby peacekeeping forces in parts of Africa, but not enough resources to allow quick deployment.

Isabela Varela then offered that Africans should fund African missions. Along the lines of Serumaga's comments, she said the biggest challenge is really to address the question of how the money is utilized and if it is reaching the appropriate beneficiaries. She reiterated that without good governance, transparency and accountability, appropriate use of funds is unlikely. She also suggested that the African diaspora be leveraged as a major source of funding.

Castro Wesamba then asked how a crisis could be fixed without the requisite resources.

Nathan Byamukama said action must be taken in a timely manner and that there needs to be mobilization and engagement at the regional level. This responsibility then falls to regional leaders. The AU addresses long-term issues.

Rafendi Djamin said that we will know before the end of the year whether it's possible to also include the prevention of genocide as an element of the right to peace. Increasing participation of ASEAN member states and setting a clearer cut vision for the ASEAN Institute are also goals he foresees attaining in 2013-2014. The OSAPG has actually approached the ASEAN Secretariat and met with the previous Secretary-General. This contact must be renewed, in addition to contact with the ASEAN Institute. The Special Adviser was invited in 2012. The ASEAN Inter-Parliamentary Association has an annual gathering, always back-to-back with thematic issues. This is another way to expose people to the idea of genocide and mass atrocity prevention. Law enforcement officials are receiving training on the ASEAN declaration and related mechanisms.

Following Djamin, **Analucia Jacome Quelal** contributed that ethnic cleansing is part of the concept of genocide. Additionally, the Decade for People of African Descent is being discussed by the UN General Assembly. We should consider this an opportunity to propose possible commitments to preventing genocide within this framework.

Nathan Byamukama then wondered if these recommendations might actually be submitted to the African Union. In regards to all that was discussed above, he said that all in attendance should be taking these suggestions to their superiors back in their home countries. He also agrees with having concrete reports coming from the African continent. He then mentioned mandates for regional intervention. He noted that there are many steps in procuring these and that the process should be shortened. While waiting for UN authorization, lives are lost, he asserted. But without it, the intervening country may face negative consequences. He inquired of his colleagues how this might be reconciled.

The floor was opened to comments regarding what had been said earlier about ethnic cleansing and timelines for implementing suggestions.

Another audience member explained that regional economic communities in Africa have set up standby forces; to deploy, they only need the sanctioning of the AU Peace and Security Council. They do not need UN authorization to intervene. There must be a greater understanding of the triggering mechanism.

Galis then spoke, saying that we have fallen into the trap of talking about prevention as crisis management. This places too large a burden on weak institutions that are emerging to prevent mass atrocities or deal with crisis management and with intervention exclusively. He voiced his concerns about thinking in those terms. He invited everyone to think about prevention as a long-term process. Even countries that do not necessarily have the exemplary capacity needed to mobilize resources to deal with an emergency situation in the neighborhood have the resources to run long-term prevention programs.

Major conclusions of the Arusha Meeting

Participants agreed upon the necessity of:

- The establishment of national mechanisms for the prevention of genocide and mass atrocity crimes, ensuring that these mechanisms, new or existing, be proper and efficient;
- Identifying synergies for potential joint and collaborative efforts on the prevention of genocide and other mass atrocity crimes;

- Engaging with a variety of stakeholders; other national governments and civil society organizations (CSOs) on the prevention of genocide and mass atrocity crimes at the national, regional and international levels;
- Sharing strategic planning and building trust and mutual respect between stakeholders;
- Creating an environment, such as that provided by GAAMAC, which functions as a support system, a space, where ideas about potential collaborative initiatives shall be discussed; where best practices shall be shared; and lessons learned.

Participants underscored their shared effort, notably the prevention of genocide and mass atrocities. Acknowledging that there is a growing interconnection and interdependence between the national, regional and international levels, they noted the need for greater communication and cohesion among those stakeholders working in the field of genocide and mass atrocity prevention and for the strengthening of partnerships. For this to happen, participants reiterated the necessity of and their enthusiasm for proactively engaging with the central idea of GAAMAC, a “Community of Commitment,” centered on the fulfillment and operationalization of:

- concrete results in the field;
- common working language;
- education efforts and awareness raising;
- a larger and more diverse constituency;
- significant outreach efforts (international public events);
- training and policy development;
- sustainability (knowledge, resources, structure).

**Global Raphael Lemkin Seminar Series Alumni Meeting
Arusha International Conference Center, Arusha, Tanzania, May 27 – 28th 2013**

“Best Practices and New Opportunities in Genocide Prevention: Governmental Action, Technology and Regional Contexts”

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