

**A Symposium on Genocide
and Crimes Against Humanity:
The Challenge of Prevention
and Enforcement**

**by, Justine Wang*,
January 8, 2004**

**Convened by the Nuclear Age Peace Foundation
and Simons Centre
for Peace and Disarmament Studies,
December 5-6, 2003**

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On 5-6 December 2003, the Nuclear Age Peace Foundation and the Simons Centre for Peace and Disarmament Studies convened a symposium entitled “Genocide and Crimes Against Humanity: The Challenge of Prevention and Enforcement,” enabling constructive dialogue among academics and leaders of civil society organizations about the role of the United Nations in enforcing measures to protect civilians from genocide and other gross violations of human rights.

Keynote speaker Lloyd Axworthy, Director and CEO of the Liu Institute for Global Studies at the University of British Columbia and former Foreign Minister of Canada (1995-2000), was joined by Richard Falk, professor Emeritus of International Law and Practice at Princeton University and Chair of the Nuclear Age Peace Foundation, and a range of panelists with varying backgrounds in peacekeeping and humanitarian intervention. The resulting discussions were constructive and cutting edge as the participants shared their ideas on how to engage the UN in facing the challenges posed by humanitarian intervention and the responsibility to protect civilians from avoidable catastrophe.

The Politics of Intervention

On 5 December, Richard Falk set the tone with his address entitled: “The Politics of Prevention and Enforcement in a Time of Mega-Terrorism” during the public morning session. Professor Falk spoke of the need to learn from past experiences such as Rwanda, East Timor and Kosovo. He then proceeded to describe the present context of intervention as shaped by the selective response of leading states (primarily the US) to humanitarian crises that reflect their political and strategic interests. In order for the international community to effectively and reliably prevent and protect civilians from genocide and crimes against humanity, Falk identified the need for the UN to detach considerations of humanitarian intervention from geo-politics and state interests.

In highlighting the degree to which state sovereignty can insulate a government from external accountability for human right violations within its national borders, Falk also addressed the need for the UN Security Council to resolve the tension between the protection of human rights and respect for state sovereignty.

Falk ended his initial remarks by encouraging the resumption of efforts by the global justice movement during the 1990s prior to 9/11. Under the pretext of the “war against terrorism,” the US has imposed its global security interests on the rest of the world, resulting in unilateral action without the consent of the international community. In order to overcome this, Falk called for the establishment of a “necessary and desirable” long-term vision by the global justice community.

Saul Mendlovitz, co-founder of Global Action to Prevent War, commented on Falk's remarks by drawing a parallel between the challenges addressed by the symposium and South Africa's success in abolishing both the apartheid and nuclear weapons, which illustrated the ability of the global social justice movement to influence normative shift in social paradigms. Similarly, the establishment of the Ottawa Landmine Treaty and the International Criminal Court were achieved over time through successful cooperation within the global civil society. Mendlovitz concluded by recognizing the current state of the political climate as timely for mobilizing the global justice movement to develop standing forces to prevent genocide and crimes against humanity.

Options for a Prevention and Enforcement Force

Peter Langille, Senior Research Associate and Human Security Fellow at the Center for Global Studies, University of Victoria, discussed "Options for a United Nations Prevention and Enforcement Force." Langille provided a historical review of lessons learned from previous attempts and diverse proposals to develop a dedicated UN mechanism for diverse peace operations. He supported the need for the UN to develop a suitable mechanism for securing present and future generations from genocide and crimes against humanity. In the event of a crisis, Langille highlighted the need for the immediate deployment of a UN emergency service. This would serve to prevent further atrocities during the four to six months when the UN encounters difficulties deploying multinational contingents.

Langille shared his thoughts on workable rapid deployment proposals. First, he argued for a multi-dimensional and multi-functional capability, including military, police and civilian services. This sophisticated and comprehensive approach would provide a combination of promising incentives and disincentives to deter violence and promote peace. Langille's second argument was that any new UN emergency service should not be confined solely to preventing genocide and crimes against humanity, to attract wider support it should also be able to promptly manage diverse assigned tasks in preventing armed conflict, protecting civilians and providing robust peace operations, including those that entail modest enforcement. Third, Langille warned against the failures of overly ambitious proposals in the past, calling instead for a more focused approach.

Langille also discussed the current efforts of the multinational 'Stand-by' Readiness Brigade. (SHIRBRIG), and called for the establishment of a "UN Emergency Service," consisting of independently recruited volunteers comprised of 13,200 individuals, a static headquarters, and two mobile units.

Commenting on Langille's proposal, Professor Robert Johansen, Senior Fellow and Professor of Political Science at the Kroc Center at Notre Dame University, reminded the audience that positive institutional changes occurred slowly throughout history. He cited the normative shift on racial discrimination and equality, which occurred during the period between the drafting of the charters by the League of Nations after World War I and the UN after World War II. Furthermore, Johansen remarked on the reluctance of many governments to embrace past proposals due to issues related to costs, intervention and control over the UN. In order to overcome this reluctance, Johansen proposed an initial capability with limited intervention powers, a narrow political agenda and uncontroversial laws. Johansen stated that Langille's proposal was the most sophisticated to date. He left the audience with several questions to

ponder: Should the proposal address terrorists? What is the potential for the abuse of power of a UN Force?

The Responsibility to Protect

In his keynote address, Lloyd Axworthy spoke of his involvement in “The Responsibility to Protect: A Report of the International Commission on Intervention and State Sovereignty.” In addressing the challenges of humanitarian intervention, the report wrestled with issues concerning state sovereignty, the duty to protect civilians against human rights violations and the current opposition to providing the UN with the autonomy and resources to act in the interest of preventing genocide and crimes against humanity.

In its recommendations, the report proposed to establish the principle of humanitarian intervention on the basis of international law and to redefine state sovereignty through its right to national security and defense as well as its responsibility to protect its civilians. The failure of any state in fulfilling its obligations to protect its citizens would trigger international action for intervention. The decision to intervene should not rely on decisions from elite states but should instead be based on established procedures that determine whether the violation of human rights would justify intervention. With the primary objective of preventing and stopping genocide and crimes against humanity, humanitarian intervention should, therefore, not necessarily include regime change and/or winning a war.

In recognizing the failure of current efforts in protecting civilian security, Axworthy spoke of the need to reestablish the integrity of the international community and to reform the UN and its decision making procedures in the Security Council. This can be achieved by enabling progressive voices to formulate, disseminate and elaborate an effective prescription to generate global public support, as well as by empowering the younger generation with the ability to bring the issue to the fore of the international arena.

Global or Regional?

Bill Pace, Executive Director of the World Federalist Movement, discussed the “Next Steps in Creating a UN Prevention and Enforcement Force.” Pace identified governments as the weakest link in the responsibility to protect civilians due to their reluctance to respond to circumstances with potential political and strategic risks. At the regional level, however, alliances such as the Economic Community of West African States (ECOWAS) and SHIRBRIG have proved their ability to move forward by establishing rapid deployment forces, yet lack the ability to adequately train and equip their troops.

Pace therefore suggested a “three-legged” approach for effective protection action, in which the UN, a regional organization and, more controversially, the US or another leading power are involved in creating a robust force. Furthermore, Pace reiterated the importance of terminology and issue framing in order to minimize opportunities for criticism from opponents of the project. In advocating for the shift of present discussions from “the right to intervene” to the “responsibility to protect,” Pace supported the expansion of constituencies of peace organizations to effectively tackle the issue.

Don Kraus, Executive Director of the Campaign for UN Reform, commented on Pace's discussion on political viability by focusing on the need to counteract US resistance to the proposal. He emphasized the need to replace the idea of preemption with that of prevention and protection. Furthermore, Kraus recommended the empowerment of the UN through increasing its role in post-conflict reconstruction and shifting its current zero financial growth to a policy of sound fiscal management. Kraus agreed with Pace on the necessity to reach out to new constituencies, and identified the need to frame the issue as attractive to the media.

Next Steps

The participants proceeded to discuss ways forward during the working sessions following the symposium. Throughout the afternoon portion of December 5, the participants discussed preferred models for UN prevention and enforcement. Langille's second presentation elaborated on the current status of the Brahimi report, the expansion of the Department of Peacekeeping Operations (DPKO) and the UN Standby Arrangements System, the SHIRBRIG and the related, recent efforts to enhance rapid deployment. Kraus spoke about HR1414, the International Rule of Law and Anti-Terrorism Act of 2003. This bill calls on the US to support negotiations on creating a UN Civilian Police Corps. Mendlovitz proposed a UN Constabulary Force as part of the International Criminal Court (ICC). Based on the Rome Statute of the ICC, Mendlovitz envisions a standing force to intervene in the event of genocide or crimes against humanity. James Paul, executive director of the Global Policy Forum, provided his perspective on the role of the Security Council in moving forward.

On December 6, the participants extended their discussion of preferred models for a UN force to prevent genocide and crimes against humanity. The scope and responsibilities of a potential UN force was discussed, and a consensus on a working title, a UN Emergency Peace Service, was reached.

Following this, the working group deliberated on contents for a draft proposal, agreeing to use and adapt material from "The Responsibility to Protect"; "Building the Commitment-Capacity Gap"; as well as the Brahimi Report. A drafting committee was established to prepare a proposal and participants proceeded to consider logistical measures to enable an effective Emergency Service under UN auspices.

The working session ended on a high note, as participants collectively brainstormed ways to promote the Emergency Service, making initial arrangements for future steps to be taken. Proposals included the establishment of an international coalition of civil society organizations, encouraging an annual meeting with DPKO, and approaching sympathetic governments to play an active role.

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