

The Special Advisor on the Prevention of Genocide

In December 1948, the United Nations General Assembly adopted the Convention on the Prevention and Punishment of the Crime of Genocide. The Convention, which came into force in 1951, defines genocide in legal terms and makes genocide a crime under international law, applicable to all countries whether they are party to the Convention or not. However, after the international community failed to prevent genocides in Rwanda and in the Balkans in the 1990s, it became clear that the UN had to considerably strengthen its role in genocide prevention. Subsequently, in 2001, the UN Security Council in its resolution 1366 invited the Secretary-General to provide the Council with information and analysis on cases of serious violation of international law and potential conflict situations stemming from ethnic, religious and territorial disputes. Responding to the Council's request, Kofi Annan in 2004 appointed Juan Méndez as the first Special Advisor on the Prevention of Genocide for a four-year tenure. In 2007, Secretary-General Ban Ki-moon chose Francis Deng as his Special Advisor. The post also became a full-time position at the level of Under-Secretary-General, the third highest rank in the UN system. The office of the current Special Advisor consists of five professional and five support staff.

The Special Advisor is mandated¹ to act as an early warning mechanism to the UN system by collecting information on serious violations of human rights and international humanitarian law of ethnic and racial origin that might lead to genocide and by alerting the Secretary-General and through him the Security Council to these situations. The Special Advisor can make recommendations to the Council on actions to prevent genocide, liaises with the wider UN system on genocide prevention and works to enhance the UN's capacity to analyze and manage information relating to genocide and related crimes.

In executing his mandate, the Special Advisor works together with various UN entities, particularly the Office of the High Commissioner for Human Rights, the UN Departments of Political Affairs and Peacekeeping Operations, as well as governments, regional organizations, NGOs and academia. In addition to monitoring developments in all countries, the Special Advisor may also conduct country visits. Lastly, the Special Advisor seeks to compile lessons learnt from successful genocide prevention cases to learn how societies can best manage diversity. A nine-member UN Advisory Committee on the Prevention of Genocide, that was established in 2006 and is expected to meet biannually, provides further support and guidance to the Special Advisor's work.

The Genocide Convention affirms that states have the duty to "prevent and punish" genocide.² In a similar vein, at the 2005 World Summit UN member states agreed that "each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity" and that the international community has the responsibility to protect where states fail to do so.³ Given the strong correlation between the principle of the responsibility to protect and the Special Advisor's mandate, Mr. Deng works closely with the Special Advisor with a focus on the Responsibility to Protect, Edward Luck. Together the Advisors work to improve information collection and analysis as well as early warning mechanisms within the UN system. The Secretary-General's proposal to join the two offices under the leadership of the Special Advisor on the Prevention of Genocide will be submitted to the General Assembly later in 2010.

Mr. Deng is carrying out his mandate under considerable difficulties. The term genocide is highly politicized and its definition generally disputed as too narrow or too broad. A substantive part of his work relies on the cooperation of governments to share information and provide him with access to specific areas within their boundaries. However, many governments see Mr. Deng's work as interfering with their sovereignty and collaboration can thus be sparse. Similarly, the principle of the responsibility to protect is surrounded by controversy, as some countries fear that the notion will lead to an erosion of their sovereignty. Mr. Deng therefore has to tread waters lightly and, in addition to his mandated tasks, raise awareness and educate about the importance of this work.

1 Letter dated 12 July 2004 from the Secretary-General to the President of the Security Council (S/2004/567).

2 UN Convention on the Prevention and Punishment of the Crime of Genocide, Article 1.

3 2005 World Summit Outcome document (A/Res/60/1).