



Office of the Special Advisers on the Prevention of Genocide and the Responsibility to Protect

Report on OSAPG Seminars on "Preventing and Responding to Genocide and Mass Atrocities" 25 – 29 July 2011 , Juba, South Sudan

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A. Background

1. On 25 to 29 July 2011, the OSAPG in collaboration with UNMISS Human Rights Division organized two training seminars entitled "*Preventing and Responding to Genocide and Mass Atrocities*" for the Government of South Sudan (GOSS) officials, UN staff and civil society representatives in Juba, South Sudan.
2. Approximately forty participants, including local and international staff of UNMISS and civil society representatives, attended the first seminar and twenty-five Government officials from the South Sudan Human Rights Commission, the Judiciary, Ministry of Justice and the Sudan Peoples Liberation Army (SPLA) attended the second seminar.
3. The Special Representative of the Secretary-General, Madam Hilde Johnson and the Head of the UN Country Team Madam Lise Grande provided opening statements for the first and second sessions respectively, alongside Special Adviser Francis Deng.

B. Objectives of training seminars

4. The OSAPG is mandated to liaise with the United Nations system on activities for the prevention of genocide and to enhance the UN capacity to analyze and manage information regarding genocide or related crimes. The seminars aimed to raise awareness on the causes of genocide and mass atrocities, as well as to facilitate discussion on effective and practical means on how the UN, Government of South Sudan and civil society could contribute to the prevention of genocide and mass atrocities in the new Republic of South Sudan and elsewhere in the world.

5. The representatives from the SPLA requested OSAPG to provide a briefing for its military advisors on issues relating to Command Responsibility and Obedience to Unlawful Orders, which OSAPG was able to organize on 29 July at the SPLA Headquarters. The training is consistent with OSAPG's R2P mandate to raise awareness on the responsibility of States to prevent atrocity crimes. The SPLA requested OSAPG to assist the military with more training on these issues and invited OSAPG to return to South Sudan for this purpose.

C. Methodology and Content

6. The trainers employed lecture-style presentations using powerpoint and other audio-visual tools, and created working group discussions focusing on key aspects of prevention and response.

7. The program was divided into three specific sessions. OSAPG gave a presentation on the origins, mandate and methodology of OSAPG; the dynamics and complexities of establishing an early warning system on genocide prevention and R2P crimes. The discussion highlighted the principles of Responsibility to Protect (R2P) and responsibilities of the State and the international community under the three-Pillar approach. OSAPG also shared its policy and operational framework on genocide prevention, explained its relationship with the UN system and the international community and discussed the challenges and opportunities for the UN early warning system.

First seminar

8. Participants from UNMISS, the UN Country Team, local and international non-Governmental Organizations attended the first seminar

9. Dr. Eltringham presented his carefully researched socio-historical perspective on the process of genocide. The discussion focused on the history; the "targets" and perpetrators of genocide. He also utilized the OSAPG's 8-point Framework of Analysis to highlight key early warning signs that perpetrators may be laying the foundations for; preparations to commit genocide and mass atrocities; and the events that should be monitored and reported. He further shared with participants his detailed Framework for Prevention and possible entry points for preventing and responding to risk of atrocity crimes.

10. Dr. Mironko outlined the societal and structural conditions that have proved to be the most conducive to the emergence of perpetrators of genocide and their means and motives, using case studies from the Africa region, in particular from the Rwanda genocide. He also shared with participants his research findings on the role of media in the Rwanda genocide.

11. Participants were invited to form four working groups to identify local risk factors, offer their ideas on how to reduce tensions and moderate the level of conflict in the Republic of South Sudan and discuss possible early preventive strategies by applying genocide prevention strategies and principles of the Responsibility to Protect. These ideas will be discussed with their respective organization and they will decide on the projects and activities to realize them. Based on the OSAPG Framework of Analysis, the four groups chose to discuss inter-group relations, capacity to prevent, motivations to create divisions and illegal arms and armed groups.

12. In relation to inter-group relations and possible mitigating factors, participants indicated that conflicts over land frequently result in 'inter-tribal' killing (perpetuated through feuds and the desire for 'revenge') and that this prevents groups being able to meet to resolve conflicts. Participants also indicated that killing in the course of cattle raiding (a 'traditional' practice accentuated by the presence of small arms – often distributed by the SPLA during the civil war) results in inter-group enmity. Regarding the 'traditional' quality of cattle raiding, participants also noted that 'cultural beliefs' in some groups requiring young men to participate in the raids in order to be eligible for marriage within the group has exacerbated inter-group tensions and violence. They also noted that declining inter-marriages between ethnic groups contributed to 'tribal' affiliation. Regarding the ability of 'power-sharing' to mitigate inter-group conflict, they indicated that if a leader loses an election or is removed from a government position for incompetence, the affected leader returns to his/her ethnic group and will allege that the government is against his or her whole ethnic group. The participants emphasized the danger of mobilizing around ethnicity to oppose the government. Many participants also indicated that there is a general perception that the current government is dominated by one ethnic 'in group' - the Dinka.

13. In terms of preventive action that could be considered to mitigate the effects of inter-group enmity, participants recommended:

- a need for peaceful disarmament in exchange for compensation, such as cattle or other traditional means of payment;
- the government to strengthen South Sudan Police Service (SSPS) in order to reduce the reliance on illegal small arms for self-defence; and
- to respond to cattle raiding and the inter-communal conflicts they engender, the UNDP representative highlighted the need to provide watering holes to reduce inter-communal conflicts over 'cattle corridors'.

14. The participants indicated a particular need to sensitize political leaders on inter-group relation issues and that more support should be given to civil society's work to prevent inter-group discrimination.

15. Reflecting on the capacity of the existing structures (such as security forces, executive, legislative and judicial) to prevent genocide and mass atrocities, participants indicated the current structures are not very effective in protecting populations due to

high levels of corruption among government officials, lack of capacity and political interference. They maintained that vulnerable groups in South Sudan are not able to access these structures for lack of information and trust.

17. Incidents of rape and gender-based violence were raised as another concern. Participants observed that some of the cases involving members of the armed forces (SPLA) have been submitted by human rights advocates to the authorities, but little progress is made on accountability and 'impunity continues'. Some of the participants maintained that the SPLA is 'unprofessional' and many soldiers are involved or complicit in committing crimes.

18. Participants stated a need for civil society to engage in human rights sensitization, that '*once you know your rights you can respect the rights of others*'. According to participants, civil society should advocate for particular legislation, such as family law which is protected in the constitution but not in law. They also argued that there is a need for judges, police and army to be trained more effectively in human rights and legal obligations to create a society based on the rule of law. The Human Rights Commission should also operationalize its work more at the community level and NGOs should be asked to contribute to discussions, for instance on legislation in Parliament. This cross-cutting strategy is essential to reduce tensions that could lead to violent conflict.

19. On the presence of illegal small arms and armed groups, participants identified four types of illegal armed elements: (1) groups engaged in cattle raiding; (2) inter-communal clashes; (3) the Lord's Resistance Army (LRA); and (4) the presence of ex-combatants from the SPLA.

21. A number of participants indicated that every household in South Sudan possesses small arms. In terms of the prevalent manner in which illegal armed groups (other than the LRA) are formed, armed groups are normally composed of ex-combatants from the SPLA who have either been demobilized and taken up arms, or have 'defected' from the SPLA. Participants stated that there is often a tribal basis to groups formed by ex-combatants from the SPLA and that these groups either capture arms from the SPLA or acquire them from 'external sources'.

22. In terms of actions that their organizations (or others) should take to mitigate the effect of these illegal armed groups, participants proposed a need to create awareness among the population regarding the danger of armed groups and the promotion of alternative conflict resolution methods. Participants proposed (1) peace education and sensitization regarding human rights principles; (2) local capacity building and reconciliation among communities; (3) the need to build confidence between local communities and state authorities; (3) the need to ensure the equal distribution of resources, opportunities and facilities to all as there is currently a feeling that 'we are not represented by the government'. In terms of immediate action that could be taken

by civil society, participants stated that they should advocate for law enforcement “in the right ways”; for discipline among the SPLA to ensure that the military are accountable; and to establish effective legal frameworks to address unlawful militia activities.

23. Regarding the motivation of political leaders to encourage ethnic divisions, participants identified two key issues: (1) the LRA’s intent to destabilize the government of South Sudan; (2) the ‘domination of one ethnic group (the Dinka) in politics, the economy, the military and other public institutions. Participants stated that there was a need to ‘eliminate domination of high office by one tribe’; to ‘monitor the number of people from one tribe being employed’ in public institutions; that ‘the issue of inclusivity in the government is the most important thing’; that ‘the government must be inclusive to reflect South Sudan’s diversity. Participants stated that ‘service delivery’ needed to be equitable across all the ten states, otherwise, ‘if the government continues to be partial and serving only a few’, those groups that perceive themselves to be excluded will take up arms against the government. Participants also stated that there was a particular need to ensure the protection of the “new minorities” from Sudan who are residents in South Sudan.

24. In terms of actions that could be taken to mitigate the effect of these risk factors, participants proposed that there was a (1) a need for ‘humanitarian agents’ to advocate for equal access to humanitarian assistance; (2) the need to promote respect for human rights, especially support for the South Sudan Human Rights Commission to build its capacity to protect the population (3) the establishment of a neutral and non-partisan “civilian peacekeeping” force or a community-based peace and protection teams which can act as an early-warning and deterrence, and help to diffuse inter-group misunderstandings and tensions.

25. In terms of immediate action that could be taken by civil society, participants stated that civil society organizations could educate communities on norms of ‘coexistence and tolerance’; of ‘inclusiveness’ including gender issues, on understanding ethnic differences and advocacy for people’s human rights.

26. The OSAPG team suggested that the participants prioritize the issues that it could translate into workable projects and programs and to discuss with UN and international organizations on support for these projects. OSAPG emphasized that it is critical that the participants, having been made aware of the causes of mass atrocity crimes and how to prevent them, represent the “moderate middle” voices in South Sudan that would have to speak out against extremism and explore means to isolate those who advocate hatred and intolerance.

Second seminar

27. Approximately 25 government representatives from the South Sudan Human Rights Commission, the Judiciary, Ministry of Justice and the SPLA Military Justice participated in this seminar.

28. The content of the training program was largely similar except for adjustments to the type of preventive actions and responsibilities that were more relevant to States.

29. The participants were similarly invited to form three working groups to identify priority risk areas for the Republic of South Sudan, offer their ideas on how to reduce the risks and discuss possible early preventive strategies by applying genocide prevention strategies and principles of the Responsibility to Protect. From the OSAPG Framework, participants discussed, capacity to prevent, motivations to create divisions and presence of illegal arms and armed groups.

30. In relation to motivation to create group divisions, participants identified hate speech that is disseminated through the media as one of the key risk factors that could lead to incitement to commit mass atrocities in South Sudan. They identified political leaders as the main culprits of disseminating hate speech and inciting communities against each other.

31. Participants proposed that legislation should be enacted to (1) prevent and punish those disseminating hate speech and inciting violence, especially along ethnic lines and (2) bar the army (SPLA) from engaging in politics and ensure that it remains non-partisan. They would encourage all actors, including civil society, to raise awareness about the dangers of hate speech. They proposed that the international community should assist the civil society organizations to build their capacity to raise such awareness in their activities and campaigns. The Judiciary and law enforcement agencies, particularly SSPS, should ensure proper application of the laws related to freedom of speech; to both guarantee free speech and media and also prevent hate speech. The participants proposed that the Government should develop clear guidelines for the media and should not use the pretext of national security to violate the freedom of speech and media.

32. In relation to the presence of illegal small arms and armed groups, participants identified the sources of illegal arms as (1) the Government of Sudan (2) SPLA (3) neighboring countries that are experiencing internal armed conflicts (4) the LRA (5) smugglers/gun dealers. The LRA operates in South Sudan and has been involved in killings, pillaging and abductions in Western Equatoria and Bar el Ghazal states. There is also heavy presence of militia groups especially in Bor, Western Upper Nile, Jonglei, Lakes, Warrab and Unity, who mostly carry out cattle-raids and killings among different communities.

33. In terms of preventive strategies, participants highlighted the urgent need for peaceful disarmament of all communities (and simultaneously, whenever possible, to

avoid transfer of arms); reinforcement of security in all the states, with specific focus on those most affected by inter – communal violence and cattle raiding and deployment of the army to secure South Sudan’s border with the neighboring countries. The participants urged UNMISS to investigate allegations that the Government of Sudan is supplying arms to discordant groups in South Sudan and to take steps to prevent it. Although the presence of small arms in South Sudan poses a high risk for mass atrocities, participants emphasized that individuals and not guns alone, kill and therefore there is urgent need to educate the general population to eschew the general culture of violence and enhance local capacities to resolve disputes without resorting to arms or violence.

35. On existing State structures to prevent genocide and mass atrocities, participants noted that the current Government institutions lack capacity to deal with the existing security challenges, including protecting the population. To address this huge gap, they proposed the following preventive measures; (1) the Government should ratify the 1948 Genocide Convention to assist the country to put in place national structures to prevent and punish genocide; (2) the Government should put in place concrete structures, both legal and administrative to guarantee the independence of the Judiciary; (3) the international community, including bilateral partners should support capacity building programmes for the Judiciary, the military, police and human rights institutions as a priority (4) the Government should aggressively fight impunity to halt the ongoing inter-communal violence and the prevailing war culture mentality in the country ;(5) access to government services should be enhanced as this is one of the key ways to demonstrate its legitimacy in all regions across the country. Other measures include establishing unarmed community police, professionalizing the security forces, establishing national early warning mechanism to monitor and alert on risks factors. The South Sudan Human Rights Commission and the media should be an integral part of early warning mechanisms.

36. The OSAPG team emphasized that it was also essential that the Government of South Sudan ensure an inclusive and non-divisive historical documentation of past conflicts in order to discourage revenge and promote reconciliation between different ethnic-religious groups. The team found it encouraging that there was an agreement among all participants of the need to balance criminalizing dangerous speech and protecting freedom of expression.

D. Conclusion and observations

37. The seminars fulfilled all key objectives - to enhance the knowledge of UN staff, government officials and civil society on the process/causes of genocide; to familiarize them with the OSAPG working methodology and to discuss preventive strategies that participants could consider in their work.

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38. The participants agreed that the Framework of Analysis is a useful tool to determine risks produce early warnings, and to explore genocide prevention measures. They recommended that the training should be expanded to include more government officials from the center and counties, including the governors and state legislature.

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