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Addressing Gaps in Protection: Putting Targeted Minorities at the Fore of Prevention and Protection Strategies – Naomi Kikoler

Chair, thank you for the invitation to speak at the Minority Rights Forum. It is an honour to be here.

"If I leave here dressed like this I will be hacked to death." The man who told me this was wearing a traditional Muslim outfit and was a government Minister in the Central African Republic.

The plight of those in the Central African Republic and elsewhere is a stark reminder that the protection of targeted minorities in the midst of unfolding violence and atrocities is one of the most pressing challenges facing the UN system and international community.

Governments have a responsibility to protect populations from mass atrocities as enshrined in the 1948 Convention on the Prevention of Genocide and the 2005 commitment to the Responsibility to Protect.

Yet tragically today we find far too often that domestic government's are unable or unwilling to protect populations from mass atrocities and that the international community acts too little and too late if at all to avert preventable crimes.

To prevent this, the UN system, regional organizations and member states must begin looking in a more systematic way at the specific risks of atrocities facing these communities. This is especially true in situations where violent conflict or civil war is unfolding, and in the context of the war on terror, all of which can obscure the commission of mass atrocities against targeted communities.

The failure to act early narrows dramatically the policy options available to governments, regional and international actors to avert and halt unfolding violence and atrocities. As the political and economic costs of responding increases so too does the difficulty in mobilizing the political will to act, creating a deadly dynamic.

When crafting policy responses for situations where violence and atrocities are unfolding it is critical to recognize that each situation has its own dynamics. Responses must be informed by the experiences and desires of local communities and our understanding of 'protection' must extend beyond physical protection of individuals to the preservation of communities cultural institutions and livelihoods.

600,000 Muslims in the Central African Republic were driven from their homes, Mosques were destroyed, and the livelihood of those who have fled is in ruins.

Despite the presence of a United Nations peacekeeping mission, the Muslim minority remains at risk. When I visited a few thousand Muslims remained in besieged communities, many wanted to be evacuated to safer areas, others refused to leave their homes and businesses. Both options presented protection challenges and in both cases, the United Nations struggled to provide adequate protection, inhibited often by resources limitations.

A primary objective of the responsibility to protect is to halt ongoing attacks and avert future atrocities. Stopping perpetrators involves a number of strategies including: physically restricting the ability of perpetrators to reach at risk communities; limiting the flow of weapons to perpetrators; raising the costs of committing crimes and changing the calculus of perpetrators; inhibiting the ability of those within and outside the country from aiding and abetting the perpetrators; and impairing the ability of those orchestrating violence to mobilize foot soldiers to commit crimes.

We have seen that rapid, coordinated and sustained engagement by domestic governments, regional and international organizations to implement these strategies can help to save lives once atrocities have unfolded. There is no one policy response that will on its own be sufficient to provide protection, instead a range of measures must be used in a calibrated way to address the risks.

While there is much discussion of the role of peacekeeping and military intervention in upholding R2P it is worth noting that the majority of tools available do not involve the use of force. In our research we have found that policy responses in three areas can be particularly effective:

(1) Targeted economic sanctions and travel bans enacted by the UN Security Council, regional organizations and individual states on suspected perpetrators and where merited, members of their family, and on those aiding and abetting their work can raise the cost of continuing to perpetrate atrocities. All too often we hear that would be perpetrators are concerned about limitations on their ability to travel, and notably on their children's ability to attend school abroad.

(2) Rapid response accountability measures; one of the most prevalent features of situations where atrocities are unfolding is the rampant culture of impunity that fosters a cycle of violence. In such situations where there is little domestic accountability, rapid response accountability measures seek to deter further atrocities by warning perpetrators that in the absence of domestic accountability they will be held responsible by the international community. These measures also serve to provide protection by shining a spotlight on the affected communities, helping to mobilize policy maker and public action, ideally raising the cost of perpetrating atrocities. These measures can include the creation of Commission of Inquiries to investigate and bring their findings to the UN Security

Council, General Assembly and Human Rights Council, and the involvement of the International Criminal Court or threat thereof.

Rapid response measures can also be used to re-enforce domestic accountability capacities. While the pre-occupation is often on accountability for mass atrocities we need to begin to look more closely at the impact that widespread criminality plays in increasing insecurity and creating security vacuums that can leave minorities at heightened risk and compels all sides to arm themselves. In the Central African Republic rapid response accountability mechanisms should include measures to help re-build destroyed prisons, provide physical protection to judges and advocates, and provide international legal assistance to try cases involving serious criminality as well as mass atrocities.

(3) Peace messaging to counter dangerous speech and divisions as well as local-level mediation and dispute resolution between communities can help to defuse situations. In that process, non-state actors including notably community, religious and political leaders are critical allies in de-escalating situations where violence and atrocities are unfolding.

In Guinea in 2010 we saw domestic, regional and international actors use these measures to help avert further atrocities. Following a massacre of over 150 Guineans and the sexual assault of women from ethnic minorities by government security forces, targeted economic sanctions and travel bans were placed on senior Junta leaders, including the former Minister of Defense who was serving as the interim President. This, along with the threat of an International Criminal Court investigation, is reported to have played a significant deterrent impact. The interim President called repeatedly for calm, visited the military barracks to warn soldiers that they would be held accountable for any crimes they perpetrated and he agreed to stop down in favour of a civilian government. In addition to the threat of the ICC, a Commission of Inquiry investigated and reported that crimes against humanity were perpetrated and the UN worked with the government to try to advance accountability at the national level. Mediation between Presidential candidates resulted in the candidates similarly appealing messages of calm to their supporters. An infusion of support from the UN helped to spread messages of tolerance and peace throughout the country though formal and informal means. Religious and community leaders were brought together for peace forums and peace tours, spoke out against dangerous speech and were asked to mediate disputes at the local level amongst their communities. These efforts combined help to avert ethnic conflict and further atrocities.

Guinea, though fragile today, is an example of where domestic and international protective efforts worked. They were buttressed by a strong desire from peace amongst the Guinean public, and the tireless efforts of local civil society.

Today we need to see the same level of coordinated and sustained engagement and a willingness to use an array of tools in a calibrated way to provide protection to vulnerable targeted minorities around the world. Guinea was fortunate in that there were not major obstacles preventing a response by the UN Security Council nor was there a call for a UN

peacekeeping force. Mobilizing the political will to act in those cases can be incredibly difficult, and UN peacekeeping as it is carried out today remains ill-equipped to provide the type of protection vulnerable communities require. We must collectively work to improve our understand of how and array of non-coercive and coercive tools can be used in a creative and targeted way to protect communities. If I might just end by highlighting one point made by a speaker yesterday, one avenue that must be explored more is the role of policing both by local and international actors. In many of the situations I've worked in international police or gendarmes would often be far better placed to respond to the crises than soldiers or peacekeepers. They understand crowd control and how to respond to mobs, their physical presence monitoring situations can serve as a deterrent and help to build confidence and trust in local communities. The challenge ahead will be to understand how policing and other responses can be better used to tackle protection challenges – especially at a time where mobilizing the political will to prevent and protect remains hard to do.

Thank you.