

Notes for the Next UN Secretary-General

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Abstract

The United Nations faces an existential crisis. The norms that bind and 'safeguard humanity' are currently under threat. The deliberate bombing of hospitals and the indiscriminate killing of civilians has become almost routine in Syria and several other conflicts. Numerous governments and murderous non-state actors (like ISIS or Boko Haram) are defying international humanitarian and human rights law. This article argues that the solution to the current global exigency and a central challenge facing the next Secretary-General is to achieve an equilibrium shift away from crisis response and towards conflict prevention. This is especially true with regard to preventing mass atrocity crimes (genocide, war crimes, crimes against humanity and ethnic cleansing). Historically, no single issue has done more to tarnish the reputation of the UN than the failure to halt atrocities. Under a committed Secretary-General, the UN has unique capacity to prevent these crimes.

Keywords

United Nations – Responsibility to Protect – prevention – Secretary-General – mass atrocities

Benito Mussolini, Italy's former fascist dictator, once dismissively described the League of Nations as being 'very well when sparrows shout, but no good at all when eagles fall out.' The League's inability to stop the drive towards the Second World War, or curb the abuses of the great powers, reduced it to irrelevance and eventual extinction. For different reasons the United Nations, which replaced the League in 1946, faces its own existential challenge today. Many people would argue that metastasizing humanitarian crises are one of the most critical challenges facing the next UN Secretary-General when she or

he takes office in January 2017. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), appeals for 2016 required 'an unprecedented US\$21.6 billion to meet the needs of over 95.4 million people across 40 countries.'¹ Such demands are part of disturbing historical trend:

Over the last 10 years, the number of people who need humanitarian assistance has increased by 237 per cent. Since 2004, the funding needed to respond has increased by 490 per cent due to increased civil conflict. By contrast, OCHA's budget has increased by only 281 per cent. The global humanitarian community is being asked to continually do more with less.²

At the end of May 2016, I attended the World Humanitarian Summit in Istanbul. Presided over by UN Secretary-General Ban Ki-moon and the President of Turkey, the Summit was a historic two-day meeting of governments, UN agencies and humanitarian organizations to discuss how to deal with the 65 million human beings currently displaced by war, persecution and atrocities. But even before the blue lights dimmed on the main stage in Istanbul, and Recep Tayyip Erdogan and Ban Ki-moon headed towards the exits, many in the international press were already writing the Summit's obituary. Some dismissed it as a useless 'gabfest' and there was always a danger the Summit would be reduced to a desperate plea for more money for blankets and bandages for refugees.

However, Ban ki-moon was unusually strong on the dismal state of international politics that necessitated the Summit. From the main stage Ban emphasized that more than 80% of humanitarian resources are spent on the consequences of human-made problems, especially armed conflict.³ The UN is currently responding to four 'Level-3' emergencies in Syria, Iraq, Yemen and South Sudan. In each of these situations mass atrocity crimes have been committed, inflicting enormous misery and displacing millions of human beings. These four conflicts have also consumed billions of dollars of humanitarian aid. The Secretary-General's point was that millions of Syrians have not been driven from their homes by hurricanes or earthquakes, their lives have been shattered by war. According to the Global Peace Index, in financial terms

1 OCHA, Global Humanitarian Overview 2016: June Status Report, <http://www.unocha.org/2016appeal/mid-year/#p=2>.

2 OCHA, http://www.unocha.org/2015_year_in_review/.

3 Secretary-General's Press Conference with President Erdogan of Turkey at the World Humanitarian Summit, 24 May 2016, <https://www.un.org/sg/en/content/sg/press-encounter/2016-05-24/secretary-generals-press-conference-president-erdogan-turkey>.

alone, conflict and terrorism cost the world about \$13.6 trillion annually.⁴ But as Ban pointed out, investment in preventing violence and conflict is minuscule by comparison.

Moreover, it is not just human beings that are under attack. All that has been achieved since the United Nations was formed in 1945 is in peril. Human rights is the third pillar of the UN, alongside peace and security and global development. The norms that bind and 'safeguard humanity', to use the Secretary-General's words in Istanbul, are currently under threat. The deliberate bombing of hospitals and the indiscriminate killing of civilians has become almost routine in Syria and several other conflicts. Numerous governments and murderous non-state actors (like ISIS or Boko Haram) are defying international humanitarian and human rights law. In this context, humanitarian efforts aimed at assisting the victims of conflict are no substitute for policies that enable peace and norms that protect us all.

Therefore, the solution to the current global exigency and a central challenge facing the next Secretary-General is to achieve an equilibrium shift away from crisis response and towards conflict prevention. This is especially true with regard to preventing mass atrocity crimes (genocide, war crimes, crimes against humanity and ethnic cleansing). Historically, no single issue has done more to tarnish the reputation of the UN than the failure to halt atrocities. From Rwanda and Srebrenica during the 1990s to Syria today, the failure to meaningfully protect vulnerable civilians strikes at the very idea of an international community and undermines the principles upon which the UN was founded. But under a committed Secretary-General, the UN has unique capacity to prevent such crimes.

Mass Atrocity Prevention

While conflict prevention and mass atrocity prevention are distinct fields, they share considerable practical overlap, especially with regard to policies for mediating identity-based conflict and promoting human rights, good governance and the rule of law. In this sense they also overlap with other multilateral initiatives regarding Preventing Violent Extremism (PVE) and Goal 16 of the Sustainable Development Goals (SDGs).⁵ What makes the mass atrocity

4 Global Peace Index 2016, <http://www.visionofhumanity.org/#/page/our-gpi-findings>.

5 UN Secretary-General's Plan of Action to Prevent Violent Extremism, 24 December 2015, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/674; UN Sustainable Development Goals, <http://www.un.org/sustainabledevelopment/sustainable-development-goals/>.

prevention lens unique, however, is its ability to focus these seemingly disparate objectives and link them to the commitment made by all states at the 2005 UN World Summit to uphold their Responsibility to Protect (R2P) populations from mass atrocity crimes. By implementing policies that help prevent atrocities we can simultaneously strengthen the sustainable development agenda, human rights and the global struggle against violent extremism.

The reverse is also true. Mass atrocity crimes are a humanitarian and developmental catastrophe as well as an inherent threat to international peace and security. In the worst imaginable case, the 1994 genocide in Rwanda resulted in the collapse of the Rwandan economy which experienced a 60% decline between 1993 and 1994. More recently, the 2011 conflict and atrocities in Cote d' Ivoire saw the country's GDP decline by 6% in just one year. The UN has estimated that the civil war in Syria has wiped out development gains made in health and welfare over the previous thirty-five years.⁶

According to UNICEF, in 2015 there were nearly 24 million children in twenty-two countries affected by conflict who were unable to attend school. Besides Syria, the worst case was South Sudan where half of all primary and lower secondary school children were not being educated. During the 2013–2015 civil war both government-allied forces and rebel troops committed atrocities, including forcibly recruiting child soldiers and committing targeted killings of civilians from rival ethnic groups. Schools were requisitioned, damaged or destroyed during fighting. According to UNICEF's Chief of Education, Jo Bourne, the net result is a generation of South Sudanese children who face the threat of being 'unable to learn even the basic reading and writing skills' and are 'at risk of losing their futures.'⁷ This is why preventing atrocities must be a global development priority as well as a moral and political imperative.

The failure to invest in proximate efforts to prevent mass atrocities is definitely not the result of a paucity of information. Most conflicts where mass atrocities eventually occur are slow-burn situations that develop over years, rather than days or months. From Iraq to South Sudan or from Burma to Burundi the problem is rarely the absence of adequate forewarning. Rather, these conflicts are the result of deep structural problems that are often rooted in protracted disputes over the use and abuse of power. Take, for example, Burundi. The tiny central African country has a bloody history, with an ethnic-based civil war consuming 350,000 lives between 1993 and 2005. The origins of the

6 UN Development Program, About Syria, <http://www.sy.undp.org/content/syria/en/home/countryinfo.html>.

7 UNICEF, Press Release: One in Four Children in Conflict Zones Are Out of School, 12 January 2016, http://www.unicef.org/media/media_89782.html.

current conflict lies in the 2015 decision of President Pierre Nkurunziza to run for a third term. This was seen by many as a violation of the 2005 Arusha peace accord. Since mass protests began in April last year, more than 265,000 Burundians have fled the country, claiming persecution by the police or the ruling party's youth militia, the Imbonerakure. Assassinations and extrajudicial executions have become a regular occurrence in Bujumbura and more than 500 people have been killed.

It is for this reason that the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, has warned that, 'all the alarm signals – including the increasing ethnic dimension of the crisis – are flashing red' in Burundi.⁸ But the general level of ongoing violence has not risen to massacres or mass graves. This means that despite the African Union (AU) threatening last year to deploy 5,000 peacekeepers to Burundi, the government will not be forced by anyone to do anything. The UN Security Council undertook two visits to Burundi but was still too divided to agree on what to do. Although in July the Council did finally authorize approximately 220 police to assist in human rights monitoring, four Council members abstained from the vote and the government rejected the proposal anyway.

All too often it appears that the international system still prefers solemn hand wringing in the aftermath of mass atrocities to being accused of acting precipitously to avert them. Burundi, meanwhile, may well survive until its next election in 2020 without experiencing open civil war or widespread atrocities. Or it might not. But catastrophic conflict can be prevented, especially in situations where the UN is able to use its considerable 'soft power,' including multilateral diplomacy and the UN's vast developmental infrastructure, to ameliorate the underlying social and political conditions that sharpen the machetes.

The international community worked successfully to help prevent recurring conflict and support structural reforms in Kenya after the bloody 2007 election pitted ethnic and political rivals against one another.⁹ It also did so in Guinea in 2010, after an election paved the way for the country's first civilian government in five decades. The UN's much undervalued Peacebuilding Commission then helped mobilize funds for the retirement of more than 3,000 members

8 Office of the UN High Commissioner for Human Rights, "Alarming New Patterns of Violations Emerging in Burundi – Zeid," 15 January 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16953&LangID=E>.

9 A. Boru Halakhe, 'R2P in Practice: Ethnic Violence, Elections and Atrocity Prevention in Kenya', Global Centre for the Responsibility to Protect Occasional Paper Series, No. 4, 2013.

of Guinea's bloated and abusive security forces.¹⁰ From 1999 until 2012 the UN also helped an independent Timor Leste reconcile and rebuild after decades of deadly conflict, foreign occupation and atrocities. None of these diplomatic interventions were without blemish, but they all saved lives and enabled crucial political transitions to take place.

Stopping slow-burning conflicts like Burundi requires diplomatic imagination, significant resources, and the creative deployment of a range of multilateral tools. The political will and financial resources of UN member states will be crucial to preventing 'slow burn' situations turning into a conflagration. In support of these ends, the UN Secretary-General has a pivotal role to play.

What Can One Woman (or Man) Do?

Regardless of who becomes the next Secretary-General of the United Nations, she or he will inherit leadership of a UN system that must confront these historic challenges. Earlier this year the Global Centre for R2P released 'A Human Rights Agenda for the Next UN Secretary-General' with our partners Amnesty International, CIVICUS, Human Rights Watch, International Federation for Human Rights and the World Federalist Movement-Institute for Global Policy. Focused on the various ways by which the Secretary-General can strengthen human rights, point three specifically calls on the head of the UN to 'seek to prevent and end mass atrocity crimes,' including using the powers under Article 99 of the UN Charter to bring to the attention of the Security Council situations where mass atrocities may occur. The Agenda also urges the Secretary-General to stand up to the permanent members of the Council in situations where civilians face potential mass atrocities and a veto is threatened.¹¹ More recently, our colleagues at the US Holocaust Memorial Museum have produced a discussion paper elaborating on specific priorities for the next Secretary-General with regard to the prevention of mass atrocities.¹²

In line with the above two initiatives, the Global Centre for R2P believes that there are two key strategic areas where the next Secretary-General needs

10 J. Streitfeld-Hall, 'Preventing Atrocities in West Africa', Global Centre for the Responsibility to Protect Occasional Paper Series, No. 5, September 2015.

11 <http://www.globalr2p.org/media/files/human-rights-priorities-final.pdf>.

12 Richard Gown, Lawrence Woocher and Richard Solomon, *Preventing Mass Atrocities: An Essential Agenda for the Next Secretary-General*, report for the United States Holocaust Memorial Museum, 2016.

to focus her or his efforts. The first is defending and upholding the humanitarian and human rights normative framework, especially regarding R2P. The second is implementing policies to strengthen the UN's mass atrocity prevention architecture. Drawing on the two aforementioned 'Agendas,' I would suggest that the new Secretary-General stake out her/his strategic and operational priorities regarding R2P and mass atrocity prevention during the first 100 days of their term. The following is a short list of potential measures.

1 *Appoint a new 'Special Advisor for the Prevention of Genocide and R2P'*

The Secretary-General currently has a Special Advisor for the Prevention of Genocide and a separate Special Advisor for the Responsibility to Protect. While the Special Advisors' joint office has played an important role in lifting the profile of mass atrocity prevention and R2P within the UN system, the existence of these two closely related positions and overlapping mandates has become organizationally unwieldy. There is also a certain amount of bureaucratic and political incongruity. For example, the Special Advisor for the Prevention of Genocide is appointed at Under Secretary-General level and the Special Advisor for R2P, although covering all four mass atrocity crimes, is Assistant Secretary-General. The latter reports to the former. The Special Advisor for the Prevention of Genocide is also fully-funded position, while the Special Advisor for the Responsibility to Protect works for a nominal payment of \$1 a year.

The Global Centre, a number of other civil society organisations and UN member states believe that the time has come to consolidate these positions. The next Secretary-General should appoint a single Special Advisor for the Prevention of Genocide and R2P. This should be a fully-funded position at the Under Secretary-General level. This will require deft political maneuvering to get member state approval, but it would send a strong signal that the Secretary-General considers the prevention of mass atrocities and the protection of civilians to be a core priority of her or his leadership.

The Special Advisor for the Prevention of Genocide and R2P must be able to integrate field reporting into meaningful policy recommendations for the Secretary-General, and to be her or his trusted spokesperson regarding these sensitive issues. Utilizing the UN's 'Framework of Analysis for Atrocity Crimes' to provide timely analysis and early warning, the Special Advisor must be the trip-wire that mobilizes the UN system when vulnerable populations are threatened. In this context, the Secretary-General should also encourage the Security Council to better utilize the expertise of the Special Advisor in its briefings and deliberations.

2 *Champion R2P and other Norms via Practical Initiatives*

The next Secretary-General must champion and articulate a commitment to the human rights and humanitarian norms and laws that bind the international community together. In particular, during the first 100 days of her or his term the Secretary-General should give a significant public speech emphasizing commitment to the Responsibility to Protect as a means of preventing or halting the most unconscionable crimes. She or he should use existing international diplomatic initiatives as a means of expressing what support for these laws and norms means on a practical level.

In particular, the next Secretary-General should work closely with UN member states to support the 'Kigali Principles' on the future of civilian protection and peacekeeping; the 'Safe Schools' initiative in defense of international humanitarian law and the protection of education sites during armed conflict; and the Accountability, Coherence and Transparency (ACT) Group's Code of Conduct regarding Security Council action in mass atrocity situations (as well as the French and Mexican initiative on veto restraint by the permanent members). The next Secretary-General should continue with efforts to implement the recommendations of the 2015 high-level reviews of UN peace operations, the peacebuilding architecture, and on women, peace and security, many of which directly concern preventing or halting mass atrocities and other grave abuses of human rights.

There are now more than fifty states who have joined the Group of Friends of R2P in both New York and Geneva. This represents over a quarter of the UN membership. The Secretary-General should utilize the Group of Friends as a supportive diplomatic bloc that can be called upon to vigorously defend the UN's principles and consistently oppose the politics of indifference or inaction with regard to mass atrocities. The Secretary-General needs to continue to make explicit the linkages between peace, security and development, ensuring that the connection, for example, between the current global refugee crisis and the failure to end atrocities in Syria, is clearly understood. The new Secretary-General must consciously strengthen the connective tissue between lofty principles, established international laws and praxis.

3 *Give Meaning to 'Human Rights up Front' within the UN*

The UN system will only take Ban Ki-moon's 'Human Rights up Front' initiative seriously if the next Secretary-General gives it political substance and operational meaning. Congruent with point 2 above, the new UN Secretary-General should issue a system-wide memorandum that clearly affirms that the protection of human rights and the prevention of mass atrocity crimes is a core priority and function of all UN staff. In this context the Secretary-General should

convene all heads of UN political and peacekeeping missions to discuss how Ban Ki-moon's 'Human Rights up Front Action Plan' is applicable to their roles and responsibilities and to the future of the UN.

This should include discussion on how to mainstream mass atrocity prevention and human rights protection within UN Special Political Missions and Peacekeeping Operations, including the need for pre-deployment and in-theatre training on mass atrocity prevention and R2P for all UN peacekeepers. The decision to 'open the gates' of UN peacekeeping bases in December 2013 at the start of the civil war in South Sudan, and provide sanctuary to fleeing civilians, is generally taken as a positive example of the UN putting 'Human Rights up Front' into practice. But the decision was ad-hoc and the lessons, both positive and negative, need to be carefully analyzed and incorporated. With ten out of sixteen UN peacekeeping operations having protection of civilians and/or R2P elements in their mandates, enhancing civilian protection remains the single greatest challenge facing UN peacekeeping.

UN Country Teams and Resident Coordinators should also be engaged in discussions about how to integrate human rights priorities and atrocity prevention into their work. UN development agencies need to be convinced of the centrality of human rights protection to the achievement of their strategic goals, including the SDGs. Putting 'Human Rights up Front' also means supporting whistle-blowers who report on human rights abuses taking place in the field or elsewhere. The initial handling of allegations of child sexual abuse by peacekeepers in Central African Republic is almost a textbook case of how not to do this.

The new Secretary-General should encourage the Deputy Secretary-General to continue to lead the UN's work on mass atrocity prevention and 'Human Rights up Front,' including outreach with the Group of Friends of R2P and relevant civil society organizations. The Secretary-General should also utilize 'Human Rights up Front' to reinforce the strategic bridge between Geneva, New York and UN field operations, especially with regards to early warning of possible mass atrocities and other grave violations of human rights. The UN's 'Framework of Analysis for Atrocity Crimes' should be integrated into early warning and conflict analysis materials produced by the Department of Political Affairs.

4 *Move 'Prevention' Beyond Empty Rhetoric*

Prevention is probably the most redundant term in the lexicon of multilateral diplomacy. Despite the fact that one of the most well-worn lines at the UN is that prevention is much cheaper and more effective than crisis response, very few UN member states actually invest in the structural or proximate prevention

of conflict and mass atrocities. By contrast, with its considerable diplomatic 'soft power' and developmental infrastructure, the UN has unique experience and impressive resources at its disposal to prevent conflict and potential mass atrocities.

The next Secretary-General should implement the recommendations of the 2015 review of the UN's peacebuilding architecture, and enable the Peacebuilding Commission to enhance its institutional potential. Similarly, the UN's Mediation Support Unit remains under-staffed and under-valued. These parts of the UN system should not be seen as 'optional extras' when it comes to preventing conflicts that can potentially lead to mass atrocities.

By integrating the Framework of Analysis for Atrocity Crimes and strengthening the cohesiveness and connectivity between different parts of the UN system, the next Secretary-General can move 'prevention' beyond rhetoric to meaningful action. UN Regional Offices should include analysis of the risk factors for mass atrocities in the countries where they work as a means of enhancing the UN's early warning capacity. The Secretary-General should ensure that the UN system coordinates and integrates field intelligence in a way that enables it to share alerts across the system, develop meaningful contingency plans and take proximate action.

The next Secretary-General should also lobby for an expansion of funding for the Office of the High Commissioner for Human Rights (OHCHR). The Human Rights Council (including its Universal Periodic Review mechanism) and OHCHR have become an essential part of our international early warning system for conflict and potential mass atrocities.

5 *A Pragmatic Idealist*

The Secretary-General is the international community's leading diplomat. Her or his 'good offices' can be essential to mediating international disputes and brokering peaceful solutions. As the highest representative of 193 diverse nation states the Secretary-General speaks with immense moral authority. There is much talk about the importance of preventive diplomacy at the UN but the presence and influence of the Secretary-General has to be carefully cultivated and judiciously deployed. For example, Ban Ki-moon has generally been strong on R2P issues, especially with regard to speaking out before many other world leaders regarding growing religious violence in Central African Republic or the threat of renewed conflict in Burundi. However, it was noticeable that Ban did not visit Syria until it was too late and the developing conflict had become a bloody civil war. The longevity, destructive power and humanitarian consequences of seemingly intractable crises like Syria or South Sudan now

threaten to overwhelm the United Nations much in the same way that the wars in the former Yugoslavia undermined faith in the UN's credibility and utility during the 1990s. But it is precisely in these situations that the political influence, timely diplomatic intervention and personal reputation of the Secretary-General can be crucial.

The Economist, in an editorial entitled 'Get the Best', argued that the next Secretary-General will need 'a mixture of cunning, courage, charm and idealism' to get the job done.¹³ The Secretary-General has to not only effectively manage the UN system in a time of increased stress, she or he has to personally inspire and lead the international community. Balancing between the need to accommodate the interests of 193 member states and the UN's advocacy of universal human rights, the Secretary-General must be prepared to challenge great powers when necessary and use their political prestige to speak in defence of the weak, marginalized and vulnerable. To state the obvious, this requires immense personal and professional skill. The next UN Secretary-General can not be a bland functionary of a dysfunctional system. The seven billion people of this planet need to know that the person on the 38th floor of the Secretariat building in New York was truly the best candidate for the position.

Conclusion

It is easy to criticize the UN for its indisputable failures and inscrutable deficiencies. Politically, it is a twentieth century organization that is struggling to deal with twenty-first century challenges. As former UN official Anthony Banbury put it in a scathing piece in the *New York Times* earlier this year, the UN is a 'Remington typewriter in a smartphone world.'¹⁴ But despite all its inefficiencies and frailties, the UN still has immense diplomatic convening power and is uniquely capable of transcending national and regional interests to speak on behalf of the international community. For ordinary people trapped in the most remote, deadly and dangerous conflicts in the world today the presence of the UN can mean the difference between life and death. Unlike the League of Nations, the UN need not crumble in ignominy and recrimination. But if it is to survive the twenty-first century the UN must work with governments and civil society to advance, rather than retreat from, its core

13 'Get the Best,' *The Economist*, 21 May 2016.

14 Anthony Banbury, 'I Love the UN, but It Is Failing,' *New York Times*, 18 March 2016.

values and mission. This is why the next Secretary-General must focus, above all else, on upholding humanitarian and human rights norms and preventing mass atrocities. The next Secretary-General must be a pragmatic idealist who must do everything within their power to mobilize the international community to consistently uphold its responsibility to protect where ever and when ever people face the threat of the machete or the mass grave.