

EVAP Ep. 24_ Elisabeth Pramendorfer

Thu, Mar 02, 2023 4:43PM 51:46

SUMMARY KEYWORDS

atrocities, crimes, geneva, situations, mechanisms, human rights council, atrocity prevention, country, governments, political, council, civil society, human rights, investigative, success, conversations, action, information, investigations, states, work

SPEAKERS

Jaclyn Streitfeld-Hall, Elisabeth Pramendorfer

J Jaclyn Streitfeld-Hall 00:12

Welcome to Expert Voices on Atrocity Prevention by the Global Centre for the Responsibility to Protect. I'm Jaclyn Streitfeld-Hall, Research Director at the Global Centre. This podcast features one-on-one conversations with practitioners from the fields of human rights, conflict prevention and atrocity prevention. These conversations will give us a glimpse of the personal and professional side of how practitioners approach human rights protection and atrocity prevention, allowing us to explore challenges, identify best practices, and share lessons learned on how we can protect populations more effectively. Today, I'm joined by Elisabeth Pramendorfer, Geneva representative at the Global Centre for the Responsibility to Protect. Thank you for joining us today, Elisabeth.

E Elisabeth Pramendorfer 00:57

Hi, Jackie. Very happy to be here. Thank you for the invitation.

J Jaclyn Streitfeld-Hall 01:01

Since you're our Geneva rep, I'll start with a very big broad question first and ask why does the Global Centre have a Geneva office to begin with?

E Elisabeth Pramendorfer 01:12

Thank you so much, Jackie. And that's a great question to kick off the conversation. And I feel like it kind of, you know, starts the the very substantive conversation on atrocity prevention and the role of the UN human rights system in a really great way. We started our office in Geneva around 2015. At that point, much more than today, I think R2P was still very much seen as a New York issue. And it was immediately and directly associated with the UN Security

Council, which obviously plays an absolutely essential role. It's part of mobilizing actions, specifically with regards to pillar three of R2P coercive measures, you know, the international peace and security arena is a very, very important for. However, when you look at 2TP as a norm, the central element of it is prevention of atrocity crimes. And this is where the UN human rights system in Geneva comes in and plays such a fundamental role. I would say that with regards to all of the atrocity situations that we currently cover at the Global Centre, they were preceded in one way or another by human rights violations and abuses. These violations and abuses can be and they oftentimes are an early warning sign, and they are an indicator of situations that may escalate into into atrocity crimes. And so this is really where we looked at the role of Geneva, we looked at the wider UN human rights infrastructure and its mechanisms and procedures as vital to advance the norm but also mobilize early action based on the early warning information that comes out of Geneva. Perhaps I'd also say that the deadlock of the UN Security Council and its inability at that time, and today to respond to most atrocity situations, most emergencies that we see are happening around the world was another reason why we came and we expanded our work in Geneva, just because of the way that the UN Human Rights infrastructure, the Human Rights Council works, functions, is set up. Its modus operandi, you know, it allows for response, much more than just the UN Security Council. And we do see this when we look at most atrocity situations around the world where we actually did successfully mobilize some sort of action in Geneva, whether it's Ethiopia, South Sudan, Venezuela, Myanmar. And we really haven't seen that same response in New York. The other point that I'll perhaps mention on why we came to Geneva is we also wanted to bridge the gap between the human rights and conflict prevention, international peace and security architecture, and all of these silos and fora that, you know, we would want to see interacting and coordinating in a much more consolidated, systematic way. Many situations, country situations, crisis situations that we cover in Geneva, where we work with governments in Geneva, are also simultaneously on the agenda of the UN Security Council. But we don't really see a very systematic information exchange, let alone consolidated action through New York and through Geneva. So we really try to bridge the gap and to look at very holistic prevention and response with regards to crisis situations. And the last point, and I'll stop there on why we came to Geneva, from a very institutional and norm development perspective, is precisely to broaden the understanding of stakeholders and what R2P really is, what does it mean? Yes, it is related to the UN Security Council, it includes, you know, coercive measures that we see coming from the Council such as, you know, peacekeeping missions, targeted sanctions, you know, ICC referrals, all of that is part of the R2P toolbox, but there's so much more to it. We look at long term structural prevention of atrocity crimes, we look at the role of the Universal Periodic Review, technical assistance and capacity building, the role of the Office of the High Commissioner for Human Rights in kind of building long term prevention capacities, looking at national architectures of prevention and mitigation to atrocity crimes. We look at accountability and the role that investigative mechanisms play. So we really wanted to expand the way in which stakeholders, and that obviously includes governments, but it also includes UN agencies, policymakers, civil society, how do we understand R2P and, you know, the variety of mechanisms and also the variety of fora that are central to effective and holistic implementation of the norm. You've been with the Global Centre for for some time, and you're in a very unique position of with the exception of maybe Savita, who, who went back and forth between New York and Geneva a lot to help set up the office, you're the only member of our team who has worked, both in the New York office as well as in the Geneva office. So I think you have a very unique perspective on, you know, how does our work around the UN around are to pee in Geneva, compared to our work in New York? I really appreciate your question Jackie and to be very honest, it's absolutely obvious that I'm the only person but I've just never thought about it that way. So this is actually, it's true, and I do think it does help to get a bit of a perspective on the different working modalities and how we operate in New York and Geneva. For full context. When I

joined the Global Center in New York, I was an intern at the beginning. And I also joined at the very same time as the Geneva office was established so that was really fascinating to see. I will perhaps say that the nature of our work is, you know, very similar. In New York, and in Geneva, the work that we do, right, the research on country situations, the advocacy that we do with UN member states, with UN institutions, with other civil society organizations, the work on institutional networks, such as the Group of Friends of R2P, or the R2P Focal Points Network, the conversations that we have around the norm, the engagement that we have with champions of R2P, you know, building these alliances, and so on, the nature of that is very much the same. But I think that there's a huge difference in how that plays out. From an institutional perspective, I touched on that earlier before, but of course, New York is an incredibly difficult environment to operate in just because of the deadlock of the UN Security Council where it's been so difficult to mobilize any kind of action. We have seen better performance by the General Assembly, but perhaps going into detail that would explode the conversation a bit. But what we do see, what we do see is that Geneva and the Human Rights Council, has really managed to respond or react to situations where we, when we tried to get that same traction in New York, and that didn't, that didn't really happen. In terms of working modalities, I also see a few differences when it comes to the way in which we can operate and we can work and engage with member states and other stakeholders. Obviously, Geneva is the space for human rights. It's where the Human Rights Council sits, it's the world capital for human rights, but there isn't an obvious role for civil society and human rights organizations. But it is astonishing, you know, to really see the kind of leverage and the kind of impact that we can have directly with UN member states in mobilizing action and really emphasizing our priorities, pushing our narratives making sure that certain situations are being addressed. Obviously, it's far from being perfect. We do see in Geneva continuous attempts, by member states but also by their stakeholders, to limit civil society participation. It's extremely problematic, but I feel that if you compare it to New York, there is really a high level of engagement, there's a high level of leverage that we have directly in resolutions, in negotiations of resolutions before the Council. There's perhaps less of a hierarchy with states. And I'm cautious with that, because there's, of course, still a hierarchy, you feel it every day. But I think that because the UN Security Council is in New York, you know, this is the peace and security arena. And it is the ultimate authority on really, you know, the world's crisis. In Geneva at the UN Human Rights Council, civil society can and really plays a very, very direct, very, very active role being present in discussions, having a say having a word in negotiations, and really being able to share that perspective is something that I find really fascinating. I think that when it comes to Geneva also, and this is very similar to New York, there's a lot of coalition work that we do, we work with other civil society organizations and human rights defenders. But we also engage in Geneva, specifically, with the system itself. So with special procedures, with commissioners of investigative mechanisms, we've worked directly with delegations at missions. But again, also with the system itself, with stakeholders within the system, to institutionalize atrocity prevention, to maximum maximize the potential of the Council. And again, that engagement with actors within the system, I think, it allows us to also understand challenges that not only we from civil society face, but also actors within the UN architecture face, that commissioners, special procedures face when they go about their work. I'll end here by saying that, again, nothing is perfect. And as much as the Geneva space provides us with a lot of leverage, and a lot of engagement and a lot of direct participation in these discussions, which is absolutely essential. For anyone that's listening, and especially member states that are listening to this podcast, I want to just convey a very, very active call to all of you to just continue to fight for civil society participation and access and speaking time, because we are the backbone of Geneva, we are the backbone of the human rights architecture. And we certainly want to want to continue to have that space and expand that space.

J Jaclyn Streitfeld-Hall 12:46

Excellent. I mean, even with kind of the inherent challenges and working with the Security Council, you know, New York is a very unique space. And obviously Geneva is its own bubble of unique thought and an action. Can you reflect on some of the challenges we face in Geneva in terms of being an organization that advocates for the prevention of mass atrocities and atrocity situations, as well as in terms of an organization that's advocating for R2P and implementation of R2P more specifically?

E Elisabeth Pramendorfer 13:26

Yes, absolutely. I think that the biggest challenge that we face in Geneva, as in New York, as in any other fora that we engage in, is the question of how do we create political will for action? How do we create momentum and impetus and courage for member states specifically to really act upon the information that they continuously receive? Including through Geneva and through the various mechanisms and the procedures here that that just feed us with that early warning analysis and those recommendations for action. How do we turn that into action? I think that the potential of Geneva, the potential of the Human Rights Council is huge. We just need to really use it. We certainly don't see early warning information put into early action, most times. And I want to stress that, you know, as much potential as there is at the end of the day, the Human Rights Council is a political body. It is composed of member states and if you look at membership of the council, there's a multitude of states on there, which certainly do not have a solid track record on human rights. Sometimes, oftentimes, you know, most times any given year that you look at membership, we have perpetrators of atrocity crimes sitting on the Council. They have voting rights, they are you know, shaping the kinds of conversations that we see on country situation. So I think it's important to remember that at the end of the day, we're dealing with a political body. One of the greatest challenges for us is to just continue to emphasize that states in Geneva need to act based on objective criteria, the need to act based on human rights indicators, that's absolutely essential. That being said, we're also very realistic to the actual reality that we live in, which is that even in Geneva, even at the Human Rights Council, where we're supposed to look very specifically at the situation of human rights in a given country, without double standards, without you know, political economic development objectives. At the end of the day, it's a political body, there are political games and strategies that, you know, we fight all the time. So how do you create a political will? How do you build upon momentum? I think so much depends on the context-specific crisis that we're dealing with, on whether we see action, whether we see sufficient action taking place. Sometimes it's a blessing if you have a country that's of geopolitical importance, and that we want to bring on the agenda of the Human Rights Council, because that could mean that you have a wide group of states that actually have an interest of shedding light on the situation and bringing the situation to the attention. But sometimes it's a curse, because it means that you just have a multitude of states that come in with very, very specific political positions and objectives that may make it harder. With regards to other situations that have almost completely disappeared from the international agenda. That means that it creates avenues for engagement, because you're not, you're not we, you know, you know, jumping into that geopolitical mess. And it allows states to take lead on on initiatives. But sometimes that also means that there's simply no appetite because that country isn't ranked high as a priority on the agenda. When it comes to very, very specific challenges in Geneva, and in our advocacy work, there's also a lot of factors that we simply don't have a lot of control over. When it comes to mobilizing action, right. It's questions of is a country cooperating or playing the cooperation card with the UN

human rights system? How much influence does a country have over other states? Who introduces a resolution on a crisis situation? Is it a regional initiative? Is it an initiative that is brought forward by a certain group of countries, a small group, a big group? The question of region here is something that I find specifically fascinating, because a lot of focus is continuously put on the role of regional actors, the legitimacy of regional initiatives, right, that is sometimes the case, we've seen that with regards to Venezuela and Nicaragua, where initiatives that were brought to the UN Human Rights Council were led by the region, and that gave it a lot of legitimacy. In other situations, such as Ethiopia or Afghanistan, the region has been a huge spoiler, right, so it's really context specific, but those are factors that can really impact the kind of action that we see and it can be a big challenge. The other aspect that I'll perhaps mention here is that from the perspective of civil society, you really want to think about strategies, you know, how can we, how can we incentivize governments to take action and bring forward initiatives? Sometimes that may mean keeping a situation very much under the radar, making sure that an investigative mechanism mandate or a special procedure mandate is renewed through a technical rollover not raising too much concern, too much noise, you know, but ensuring ongoing investigations. The biggest challenge, or the biggest game changer, I think, is that in Geneva, we see R2P implemented all the time, the establishment of investigative mechanisms, the establishment of special rapporteur mandates. The information that these mechanisms come out with when they look at atrocity risk factors when they look at when they when they apply the UN framework of analysis for atrocity crimes. All this is part of the implementation of R2P. The biggest problem, the biggest challenge that I see is that it is oftentimes not understood, especially by member states, as R2P in action, or it is deliberately not associated with R2P because states are saying that they don't want to bring in R2P, they don't want to, you know, politicize the issue. They don't want to label it as R2P action, because that may jeopardize consensus or that we that may jeopardize a certain initiative. And I think this is a huge issue that we need to continue to work on because it has consequences, right? The only way that we can expand our understanding of R2P, as a political norm, is through, you know, starting to label different kinds of actions as R2P in action. And that includes, you know, Item Four initiatives, very, very strong measures against perpetrators of atrocity crimes, establishing investigative mechanisms, even though the country concerned is not abroad, even though the country concern is not going to allow an investigation. But it could also mean, you know, utilizing the UPR to look at gaps in the country's national prevention architecture, or looking at how technical cooperation, Item 10 initiatives, can address structural and hybrid risk factors of atrocity crimes. So implementation does happen, but we do not label it as such. And I think this is one of the this is one of the biggest challenges that I see. You know, states are implementing R2P all the time, even states that aren't champions of R2P, aren't necessarily, you know, at the forefront of, you know, rooting for the norm, but it's happening all the time. And we need to better understand what it means to implement R2P and how that looks like.

J

Jaclyn Streitfeld-Hall 21:40

Yeah, I mean, it's interesting, because saying R2P is too political then becomes a self fulfilling prophecy, right? Like, if you say, R2P is too political for this issue, I don't want to politicize this resolution by adding an R2P lens, then you're reserving R2P for the so-called political situations that are worthy of politicizing. And then it becomes this issue where the R2P is only ever used in those situations, you don't understand that it doesn't have to be something that politicizes everything. The more you use it in atrocity situations, regardless of you know, what perspective you think others may have on R2P and the weight it carries, the more depoliticized it becomes, because you're using it where it's meant to be used, regardless of whether it's perceived as political, and then over time becomes less political.

E

Elisabeth Pramendorfer 22:40

No, I totally agree with you, Jackie. And I think that this is something that always baffles me a little bit. It's not just with regards to R2P, we see that in every conversation that, you know, as civil society organizations we walk into, or the broader conversation around the Human Rights Council, you know, it's politicized, it's politicized. Well, of course it's politicized, it's a political body, and R2P is a political norm. I mean, that's the whole point, right, that governments made a political commitment to uphold their existing obligations under international model, that's it. Of course, it's political, how can it not be, you know? And it's always fascinating to see that fear, I would call it fear, by specifically governments, of issues becoming politicized. And I think, you know, as long as you have governments and other actors, non state actors, but a lot of times it is governments who are perpetrating atrocity crimes against their own populations, or who are standing by when they take place elsewhere, as long as that is the place, yes, you it will be a politicized conversation, because you, you will have governments at the other end of the spectrum who will not want to be investigated, you know, don't want to be under under the spotlight. So, yes, absolutely, the whole point about R2P is that it is a political commitment by governments to prevent and to respond to atrocity crimes, and the Human Rights Council is a political body. So if you're a champion of human rights, if you consider yourself a champion of R2P, you know, then you better use that forum and you better use that mechanism to mobilize action.

J

Jaclyn Streitfeld-Hall 24:33

Absolutely. And we have seen, you know, I think sometimes we get in that sort of challenges track and don't give credit where it's due, but we have definitely seen really formidable successes of action at the Human Rights Council, often a result of joint civil society advocacy of Global Centre advocacy. How would you assess the rate of success and failure at the HRC in terms of country situations and responding through that atrocity prevention lens?

E

Elisabeth Pramendorfer 25:08

I think this is such a great question. Because I do think it is important to begin by how do we define success? What is success, what are the parameters? How do we how do we measure success? And I think that there's a different approach to success from civil society side than perhaps member states or diplomats may understand success. I'm gonna give a few examples just to exemplify, you know, the importance of definition of success. When, in September last year, September 2022, the UN Human Rights Council, had a resolution a decision on the table to vote on holding a debate on the situation in the Xinjiang autonomous region of China, where we see crimes against humanity, and even a possible genocide being committed by the government. That decision that resolution did not pass, it didn't pass by a very, very narrow margin. But it ultimately didn't make it through. And so in the conversations that we've been having with member states, in the months ever since, it's been really interesting to see at least some of them really seeing this as a huge blow back to the Council, to the wider Geneva space to, you know, bringing China on the agenda and under scrutiny. And it was really seen as a failure that we didn't get that through. We've been trying to emphasize very, very clearly and very strongly that this initiative actually was a huge success. A year ago, you know, even a

couple of weeks and months before that initiative was brought to the Council, we thought it's impossible to ever have a resolution on China, and bring a geopolitical superpower and super bully under scrutiny, right. The fact that that resolution didn't pass by such a narrow margin really speaks to a growing momentum, growing political appetite, to hold perpetrators to account no matter how powerful they are on a geopolitical scene. If you talk to victim groups and human rights defenders and civil society from the country, you know, they will all tell you the same, this was an absolute, you know, this was an unprecedented move. And the fact that we had that courage, and we had that political will, by a group of countries to push that initiative forward, knowing that they may fail, that was always a serious risk. And we were all very aware of that. But the fact that that was put on the table, it wasn't withdrawn, it was put to a vote. That is a huge success, because it means that the Human Rights Council has a role to play and, and that, you know, fence sitters, countries that abstained or countries that voted against simply don't understand their job at the UN Human Rights Council. So that's a situation where I would really encourage and urge, you know, whoever is listening, to think about, you know, how do you evaluate success? How do you evaluate failure? It didn't pass but you know, this was a very, very essential first step and the question is where do we go from here? The other situation that I'll perhaps mention is Ukraine because this is a situation where I think it has been considered as a success of Human Rights Council action by many. It certainly was a success, I mean, we managed to get an Investigative Mechanism established in such a short period amount of time, in addition to that operational mechanism that the council created, you know, in the days, and in the weeks after Russia invaded Ukraine. We've seen so much attention, so much action, not only in Geneva, but on an international level by various fora and UN bodies and on the bilateral level, so much response to that invasion. I think it showed us that if there is political will, we actually can respond to a situation in a timely, in an effective manner. And it was really beautiful, to see how that response was mobilized so quickly. But on the other hand, I think Ukraine also exposed a lot of double standards and a lot of hypocrisy and the ways in which we continue to fail populations elsewhere, right, because we've seen such rapid response to the crisis in Ukraine, whereas other situations that we've been trying to bring on the agenda of the Council, where we've tried to create political momentum, we've been trying to do so for years. Yemen is an example where for a year and a half since the termination of the mandate of the group of eminent experts, we've been trying to get the council to establish a follow up mechanism to make sure that there's ongoing documentation, ongoing monitoring on the situation. And it's been impossible. Cameroon is a situation that since a joint statement that we had in 2019 by a large group of countries has been almost absent from Council discussions. So I think Ukraine is a really good example of thinking about what does success look like. To go into, you know, to go into the weeds of Council action, sometimes we have resolutions that are being adopted are considered as a success, but they're actually very low in substance. 2021 was the year of a record of special sessions. That is great, that is really important that shows that the Human Rights Council, again, can come together very, very quickly. But then the question is, what do they lead to, right? So we had a special session on Afghanistan, but the resolution was very weak and it really fell short of the expectations that we had. On the other hand, you know, the Ethiopia Special Session led to the establishment of a strong Investigative Mechanism with a strong, robust mandate. The problem is that that mechanism was established a year too late, that special session came the year too late. It took us more than 12 months to mobilize a group of countries to actually have that discussion in the Council. When it comes to, you know, success overall, again, I will say that the potential of the Human Rights Council to respond to situations at risk for experiencing atrocity crimes is huge. And again, the fact that we see so many special sessions happening, the fact that we saw resolution on China. The fact that we saw the mandate of investigative mechanisms like the FSM on Venezuela being renewed for two years, you know, this was unprecedented, this hasn't happened before. I think it's a really good indicator, again, of the

potential of the Council, and the fact that just because something hasn't been done before, doesn't mean that it can't be done. I'm gonna end here by just emphasizing, and maybe, again, challenging a notion of success that states oftentimes like to point to, and that's consensus. Consensus, in my opinion, is highly overrated, especially in the field that we work in, which is prevention and response to atrocity crimes. I think that there's a lot of added value and there's a need for consensus building when it comes to R2P as a norm. We absolutely want and need that, we want to have broader consensus on the way that R2P applies to Geneva and the specific mechanisms and procedures. We want to have a broader consensus on how we understand R2P, how we understand atrocity prevention within the UN system. The Group of Friends, the Focal Points Network, all of those are institutional arenas and fora where that consensus building is so crucial, even if it's just the statement. And even if it's just mentioning, you know, certain mechanisms and certain procedures, that is essential for advancing the norm. However, when it comes to initiatives on specific country situations, consensus oftentimes means that nothing much is really being done, as long as you have governments that are deliberately perpetrating atrocity crimes, that are violating human rights, having consensus doesn't really make a lot of sense, right. I mean, as soon as an initiative has the approval has the consensus of governments such as Russia, or Syria, or China, that probably means that that initiative doesn't say very much, because these are governments that don't want to be under scrutiny, don't want to be in conversations around accountability of atrocity crimes. So I think that consensus is something that for states plays a very, very important role. And I think that we need to analyze and we need to really think hard about the virtue of consensus because it doesn't have a virtue in and of itself, if it doesn't lead to meaningful action to protect populations, from atrocity crimes. And when it comes to success, I will say that ultimately, we want to see governments engage with the UN system, right? We want to have an exit strategy, we want countries to genuinely improve their human rights record. Of course, there are certain governments, I don't expect, again, Russia or Syria or China to be meaningfully interested in improving their human rights record and putting in place, you know, prevention strategies. I mean, these are serious, serious perpetrators of atrocity crimes. But then there's other governments, and Venezuela as perhaps an interesting example, where we do see windows of opportunity, we know that there are opportunities for change, and we can provide certain incentives towards change. So I think that when it comes to successes, it's all about small successes and steps in the right direction. Most of these atrocity situations won't be solved overnight, it will take years, sometimes decades to really put in place an effective response that addresses root causes and looks at necessary structural reform. But again, I think it comes back to you know, how you want to view the world and how you want to engage in this system. And ultimately, success should really be measured on the impact that you had on effected communities.

J

Jaclyn Streitfeld-Hall 36:24

Absolutely. I think that, you know, another core element of our work that you sort of touched on is that work with affected communities. We're not just going to governments and saying atrocities are happening, make another Investigative Mechanism. We're really sort of working with populations who are affected by these atrocities and listening about, you know, what do you need? What do you want? What can solve, not solve, but what can alleviate some of the pressures in the situation you're facing? And then how can we translate that into a tool through the the Human Rights Council that can really, you know, answer some of these questions for you? Whether it be, you know, something that's just doing investigations or something that's documenting and what are they documenting?

E

Elisabeth Pramendorfer 37:19

Yes, absolutely Jackie. And I think that that's such a fundamental point that you're making there, right. I mean, at the end of the day, you know, as an international organization, I do think that we have a huge responsibility towards the colleagues that we work with in affected countries. Affected communities, victim's groups, human rights defenders, you know, who know best what needs to happen, they know best what kind of action they want to see through the UN system. And I think it's so important to really base our action and the way that we engage in advocacy and the way that we engage with member states on those messages that come from the ground.

J

Jaclyn Streitfeld-Hall 38:05

And what role do you think these mechanisms ultimately play in atrocity prevention?

E

Elisabeth Pramendorfer 38:11

Accountability can mean a lot of different things depending on who you ask. But that is an end in and of itself. The impact that the Fact Finding Mission on Myanmar had on the ICJ case, or, you know, the follow up mechanism that's preparing criminal files. The impact that the Fact Finding mission on Venezuela had on the ICC opening an investigation. The fact that we've seen universal jurisdiction cases against Syrian perpetrators being opened, because, partly because of the information also that the Commission of Inquiry provided. I think it's really a testament to the impact that these mechanisms can have, in putting in place follow up accountability measures if there's political will to do so. So that's one. But in addition to accountability, justice, there's also a really, really important element of preventing recurrence here. And there's a key role that these mechanisms can perform in an ideal case in preventing recurrence of atrocity crimes. When you look at the reports that investigative mechanisms come out and present to the UN Human Rights Council. Their reports essentially are risk assessments, because they analyze what has created an environment that is conducive to the commission of atrocity crimes, they analyze the factors, the conditions, the institutional setups in any given country, whether it's Venezuela or Ethiopia or Syria or Yemen or the DRC. What are the factors that have facilitated the commission of atrocity crimes in the first place? And if we look at it from a prevention, a forward-looking risk assessment perspective, that means we actually have an entire assessment of what needs to change. So there's a huge added value of these investigative mechanisms in really providing states with that forward-looking assessment and helping to understand the root causes of atrocity crimes. This is absolutely essential for preventing the recurrence. The question when it comes to investigative mechanisms, but also when it comes to all other mechanisms and procedures that we see in Geneva, in general is what do we do with that information? Right, because the establishment of these mechanisms yes, that's an absolutely essential first step in the right direction, countries that take the lead on these initiatives, and that come forward and bring these initiatives to the Human Rights Council do show significant political will, they show courage, and they really show leadership on addressing situations, but that's not the end, that's the starting point. The question is, what do we do with that information, with that analysis, with that risk assessment that these mechanisms provide us with? And this is where there's a huge, huge gap. And something where we really want states to be much more courageous in terms of follow up action,

implementation of recommendations. And I will say that this, obviously concerns follow up accountability measures. So we want states to utilize that information actively, not only with regards to you know, whatever's happening in The Hague at the ICC, or, you know, follow up mechanisms to prepare these case files, but universal jurisdiction. Or, you know, in a broader sense, you know, think about as a government as a foreign ministry, how can I use that information on Venezuela, on Ethiopia, on Ukraine, on Israel and the Occupied Palestinian territories? How can we use that information that that mechanism provided me with, to design and to change my policies in engaging with that concerned government? Not only, again, from an accountability framework, but also in the context of bilateral, you know, economic, diplomatic, you know, development cooperation. How can I use that information, and make it the basis of my engagement with that concerned state? So I think there's a huge, huge potential there. But it's all about really actively utilizing that information. And again, utilizing it not only in the context of accountability, of international justice, but really taking that information on board in whatever way you engage with that concerned state, in Geneva, or on a bilateral or on a regional level. I do want to just reflect a little bit on a pattern that we see consistently happening, in my case in Geneva, at the UN Human Rights Council, but in all other fora as well. And it's really the way in which governments that are perpetrating or committing atrocity crimes or governments that we hope will take action and will hope to respond to situation utilize, you know, political processes and engagements. Whether that's peace deals, or mediation or negotiation, or whatever it is, to delay or to limit or to end Council scrutiny Council action, and specifically investigations and the role of investigative mechanisms. And this is something that we've seen very prominently as one of the key arguments by those that wanted to terminate investigations into crimes against humanity in Venezuela. We have a political process that's happening, the Mexico Dialogues, which was one of the, you know, the key arguments by spoilers and by countries that really wanted to end investigations to say we have a political process going on, we don't want to jeopardize this process by continuing investigations, that's going to be seen as as an aggressive act. But it was also one of the key concerns by allies and by supportive states saying, you know, are we spoiling that process? Are we jeopardizing political negotiations? We see the same kind of dynamics currently playing out with Ethiopia, the peace deal that's in place, well, barely in place where it's being used as a very strategic argument to end investigations. We've had similar dynamics around getting a new mechanism for Yemen established where once the truce was being put in place, there was concern that you know, HRC action and investigations into atrocity crimes is going to jeopardize that political process. And I think that it's so absolutely important to actively and deliberately counter that narrative. Because the only way that you can have a long lasting and sustainable and meaningful political process is if it's based on a human rights and accountability framework. And so this is, again, where investigative mechanisms can be so essential, you know, in really making sure that political processes that go way beyond Geneva, go way beyond the council and happen, you know, in fora, that are not even associated with whatever happens in Geneva, you know, this is where investigative mechanisms, the information that they produce, the analysis that they produce, can actually be absolutely essential in making sure that it's a long lasting political process that looks at root causes and addresses all of the structural factors. And is, at the end of the day, viewed as legitimate in the eyes of the people that it concerns. So the way in which we think about investigative mechanisms and their utility and the way in which we can use that information, I think it's so important to broaden our horizon, as you said, and really see how can we feed that information in other processes that we may not even have, you know, thought about feeding it into.



Jaclyn Streitfeld-Hall 46:22

Yeah, and, you know, to go to your point about peace processes, and, you know, will this mechanism jeopardize the process? Will it, you know, be in the way? Is it competing with national mechanisms? You know, the best way to know if that's the case is to talk to the widest variety of stakeholders. Which means, you know, actually including civil society, including human rights defenders, and your assessment of, you know, you can't just make this political judgment absent of who it's affecting. So I think that that is all the more reason and makes the best case for why you need to, you know, include affected communities in conversations about whether to continue these mechanisms, because they're ultimately the ones who are going to be most impacted by the peace process, by the peace process falling apart, you know, and by the results of the mechanisms. And, you know, I think one important aspect of that that's often overlooked, but I know you've mentioned it earlier, is the fact that investigative mechanisms, special procedures, mandate holders, they're the actors within the UN Human Rights System, who have the most access to civil society are who are actually talking to affected communities while they're doing their investigations. So it just further legitimizes their importance to these conversations, because they're the ones who are talking to the populations, not the member states who are deciding about whether or not they should continue to exist. So based on your years of experience in Geneva, witnessing successes and failures of the Council, of mechanisms that the Council develops, and, you know, helping to implement the Global Compact and other civil society's various advocacy strategies, you know, what has, what have you seen change in Geneva with respect to the perception of R2P, and what do you think still needs to adapt further?

E

Elisabeth Pramendorfer 48:40

This is a really great final question. I think, when it comes to the changes that I have seen, I do think that there's been a development in the way in which stakeholders in Geneva, understand R2P. The way in which they understand the norm, but also how it translates to their role in Geneva and the role of the Geneva human rights system more broadly. I remember when I arrived in 2017, even myself, you know, it was a huge learning process and the learning curve to understand, okay, how do special procedures, investigative mechanisms the UPR, technical capacity, how does it relate to R2P, because again, it is oftentimes immediately associated with New York, with international peace and security with situations that have already escalated to a point where for us just the UN Security Council would get involved. And I think that that's something that we've managed to really, we've really managed to expand the conversation of the place that R2P has in Geneva, and the ways in which we can utilize Geneva mechanisms and procedures when it comes to early warning and then turning that early warning into action. I think what hasn't changed and I think what what won't change, if I'm being very realistic here, at the end of the day, we won't prevent all atrocity crimes, we won't be able to put all perpetrators of atrocity crimes behind bars. We won't be able to end every atrocity situation that we're so desperately trying to mobilize responds to. But I do think that with every measure that we take, with every courageous step that we see government's taking, we will actually help to build momentum to disincentivize current and future perpetrators to continue to commit atrocity crimes. Even the worst governments, most of them at the end of the day, they don't want to be under international scrutiny. They don't want to be on the agenda of the UN Human Rights Council. They want to avoid uncomfortable conversations. So I think we are on this for the long run. And we will not be able to change the world, especially not overnight, but we can really, really make a difference.





Jaclyn Streifel-Hall 01.12

Thank you for joining us for this episode of Expert Voices on Atrocity Prevention. If you enjoyed this episode, we encourage you to subscribe to the podcast on Apple podcasts, SoundCloud or Spotify. And we'd be grateful if you left us a review. For more information on the Global Centre's work on R2P mass atrocity prevention and populations at risk of mass atrocities, visit our website at www.globalr2p.org and connect with us on Twitter and Facebook at GCR2P.