

The Latin American Network for Genocide and Mass Atrocity Prevention:
Using the Holocaust as a Warning Not a Precedent

Owen C. Pell (IHRA Plenary Presentation: 4 November 2015)

I would like to thank the IHRA, and IHRA Chair Szabolcs Takács for inviting me to speak today and bring the Association up to date on the work of the Auschwitz Institute for Peace and Reconciliation, and the Latin American Network for Genocide and Mass Atrocity Prevention, which has received generous support from the IHRA.

This year, we find ourselves facing three important anniversaries in the history of genocide prevention:

- This is the 70th anniversary of the opening of the Nuremberg Trials, and the 20th anniversary of the genocide at Srebrenica. Both events are tied to moments when the conscience of the world was shocked into action by events that seemed unimaginable.**
- Thus, Chief Prosecutor and US Supreme Court Justice Robert Jackson said that “the wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating that civilization cannot tolerate their being ignored because it cannot survive their being repeated.”**
- But 50 years later, after the events in Rwanda, Srebrenica and Kosovo sadly showed that these wrongs could be repeated, Secretary General Kofi Annan was moved to ask “how should we respond to gross and systematic violations of human rights that affect every precept of our common human dignity.”**
- One response is to note that this year marks the 15th anniversary of the Declaration of the Stockholm International Forum on the Holocaust. The founding of the IHRA reminds us that one response to Kofi Annan’s question is to use these humanitarian tragedies to learn where and how the conduct of States must change and grow if we are to address effectively the scourge of genocide and mass atrocity crimes that have plagued the pursuit of human dignity since time immemorial.**

As recognized by the 2001 UN Report by the Commission on Intervention and State Sovereignty, since the end of World War II the international community has struggled with the limits of the Westphalian model of state sovereignty – including the limits on state authority.

Nuremberg exposed gaps in international law relating to external state power, as the victorious Allies struggled to determine what crimes existing international law even allowed them to punish. Nuremberg established at a minimum –

- That there are limits on external state power;**
- That individuals have responsibilities under international law and may be punished for violating international law; and**
- That, at least within the realm of armed conflict, there are limits on the power of the state or individuals exercising state authority to violate the dignity of other states and their peoples.**

But the Nuremberg Tribunals were at a loss to delimit boundaries of internal state authority—refusing to sanction crimes of the Nazi regime committed prior to the onset of war on September 1, 1939 or the crimes committed by the Nazi government against its own people.

Nuremberg also highlighted the problem of addressing the issue of states abusing collectives – that is sub-groups, whether ethnic, racial, cultural, social or political, which exist within every sovereign state.

How states treat collectives highlights a recurrent and fundamental tension between sovereign state authority and human dignity because every state must make choices about how power and resources will be regulated and allocated among the collectives within the state – *and*, in interacting with other states, sovereigns often export their policies and prejudices toward certain collectives. Moreover, when we look at genocide and mass atrocity crimes, we are looking at crimes that are uniquely defined by the abuse of state authority as to collectives.

The events of the 1990s, highlighted significant gaps in state practice. Crisis intervention did not equal crisis avoidance, and the threat of prosecution under a better-defined array of human rights did not appear to deter state conduct.

Thus, although the UN system greatly broadened our understanding of the human rights that form the basis for human dignity, these broad aspirational statements of rights were no substitute for a delineated set of duties that states owed to groups and peoples notwithstanding their sovereign authority. It was this gap that the Responsibility to Protect was meant to address.

The Responsibility to Protect—or RtoP—seeks to limit internal sovereign authority by creating affirmative duties to prevent, react, and rebuild with regard to gross violations of fundamental human rights:

- The 2001 UN Report was especially significant for fundamentally changing how we address genocide and mass atrocity prevention. The Report embraced the idea that genocide is neither random nor spontaneous. Rather, it is a social process that builds over time like a contagious disease, until social, political or economic triggers unleash broad societal violence that require reaction and intervention.**
- As such, at the heart of prevention was the need to develop early warning systems to which policy measures could be applied at the state and regional level so as to head-off crises that would otherwise demand reaction after the worst outcomes could no longer be avoided.**
- The significance of this cannot be understated. The debate now had shifted. It was no longer what we should do when genocide or mass atrocities occur, but what we can do before genocide or mass atrocities occur to prevent them from occurring.**

The 2001 Report spoke broadly of the need to build capacity within states as to prevention. In response, what has emerged in the last 15 years are the so-called “National Mechanisms” or “Focal Points” for genocide prevention, which are offering a very tangible sign of credible and grass-roots progress.

- **In his July 2015 report on the state of RtoP, the UN Secretary General noted the importance of Member State Focal Points as a “particularly promising development of the past decade.”**
- **He stressed that a quarter of UN Member States have created some form of home for RtoP and atrocity prevention, and that these bodies “not only help to increase awareness of the principle and coordinate policy within government, but also provide a launching pad for discussions among Member States. Networks foster a community of commitment and serve as vital repositories of expertise.”**

It is this vital capacity building that has been so significantly supported by the IHRA, and which has been highlighted as one of the goals of the Hungarian government during its Chairmanship. Capacity building demands our attention, because it is only by creating a foundation for and infrastructure of prevention that we can create the types of lasting change in state behavior that are required to combat genocide and other mass atrocity crimes.

THE WORK OF AIPR

The Auschwitz Institute for Peace and Reconciliation is dedicated to building state capacity for genocide and mass atrocity prevention. Through education and technical assistance, AIPR supports states in developing and strengthening national mechanisms for prevention, and in encouraging and supporting state cooperation through regional and international networks that further advance prevention.

The emerging National Mechanisms that AIPR is helping states establish and develop are being designed to meet the unique challenges posed by the Responsibility to Protect:

- **They focus on genocide and mass atrocity crimes as processes.**
- **They are developing ways to monitor precursors and possible triggers.**
- **They are gathering information, assessing risks, reporting on risks and/or issuing alerts both within states and to regional**

partners, and developing policy responses to mitigate processes that could result in genocide or mass atrocity.

- **They are helping to develop a vocabulary so that states may compare experiences and concerns on genocide-related risks—building off of the seminal 2014 work by the UN Special Advisers on Genocide Prevention and RtoP on “The Framework for Analysis of Atrocity Crimes”.**
- **They are identifying stakeholders and devising methods for state engagement with those stakeholders.**
- **They are developing and implementing training and education programs relating to genocide and mass atrocity prevention—which programs are integral in building consensus around how to measure, understand and respond to genocide-related risks.**
- **They are focused on prevention.**

AIPR has benefited from the support of key UN member states and organizations like the IHRA in pursuing its work.

Four particular AIPR projects are relevant here:

- **The Latin American Network for Genocide and Mass Atrocity Prevention;**
- **The recent Report on National Mechanisms for Genocide and Mass Atrocity Prevention;**
- **The Parliamentarian’s Project in Support of Pillar II of RtoP; and**
- **The recent Report on the Impact of the Global Raphael Lemkin Seminar for Genocide Prevention.**

Reports on these developments are available on the AIPR website at www.auschwitzinstitute.org.

The Latin American Network for Genocide and Mass Atrocity Prevention

- **Was formed in 2012 by 18 nations.**
- **Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.**
- **Has received support for its educational programming for the last two years from IHRA, which has facilitated the development and growth of a significant network of government officials active in the area of genocide prevention.**
- **Each nation has committed to creating either a National Mechanism for Genocide and Mass Atrocity Prevention or establishing a Focal Point representing their government in the Network.**
- **Each nation has committed to developing a two-week training curriculum with AIPR that is currently in a three-year testing phase, after which the nations of the Latin American Network will implement this curriculum into a mandatory training framework for all civil servants at the national level. This particular objective is where IHRA has been instrumental in its support for the Network.**

The first week of training takes place in Poland at the site of the former Nazi concentration and extermination camp of Auschwitz-Birkenau.

- **Use of the Auschwitz site takes advantage of the unique power of this place, where the process of genocide reached a level of industrial efficiency and brutality in WWII with the mass murder of Jews from across Europe, Poles, Russian POWs and Sinti and Roma peoples.**
- **Consistent with the work of the IHRA, we use the Holocaust as a teaching tool in forward-looking genocide prevention. The initial focus of training is the process of genocide – as Professor Yehuda Bauer said earlier this year, using the Holocaust as a warning, not just a precedent in understanding how genocide unfolds, and in**

then introducing the preventive measures states can take in response to the warning signs of genocide.

- **In particular, government officials receive training in how to communicate and work with non-governmental and other civil society organizations, which can be important sources of information, engagement, and mitigation.**
- **Participants also receive training on the principles of transitional justice central to rebuilding societies damaged by prior violations of human rights. Again, consistent with the work of the IHRA, using remembrance as a tool for preventing future crises.**

The second week of the training curriculum takes place at a site in Latin America that has borne witness to atrocity crimes. This second week focuses specifically on issues of atrocity prevention in the context of Latin America and is dedicated to topics identified by the Latin American Network as key to the development of atrocity prevention policy in the region.

- **Thus, we have taken to heart what IHRA Chair Takács said earlier this year: “Remembrance is not only a duty towards the past, but a commitment to the future as well. That is, remembrance is not only the awareness of ‘do not forget’, but also a recognition that there is always hope for reconstruction, and even hope for rebirth in the sense of community.”**
- **In the Latin American Network, AIPR is using the Holocaust to create a framework for thinking about genocide prevention in a national setting, and using Holocaust-related education to build a replicable model that states can implement at the national level to build the capacity to prevent genocide and mass atrocities in the future.**

Over the last five years – and with the support of IHRA – almost 600 government officials have participated in dozens of seminars and training events sponsored by the Latin American Network.

In addition, and significantly, the 18 nations of the Latin American Network have chosen to focus on six issues on which they will gather data and compare national practices – taking network-building activities to a new level:

- **Transitional Justice;**
- **Anti-Discrimination Policies;**
- **Indigenous Peoples Rights;**
- **Security Sector Practices, especially demilitarization of security forces, impunity issues and issues of violence prevention;**
- **Political Rights; and**
- **Educational Policies surrounding prevention.**

The Network also has agreed to technical assistance on prevention issues across states, and on the development of information exchange networks and strategies to lead to coordinated prevention activities.

In addition to Latin America, AIPR is working with several nations of the International Conference of the Great Lakes Region in Africa, based on an MOU signed with the Organization of African States. This African regional network has been mandated to form National Mechanisms through the Great Lakes Conference, and OAS States have been sending delegates to the Raphael Lemkin Seminars in Poland to build capacity, as well as receiving technical assistance from AIPR on the national level to boost their ability to carry-out their mandates.

Report on National Mechanisms for Genocide and Mass Atrocity Prevention

In June 2015, AIPR issued the first ever report on National Mechanisms for the Prevention of Genocide and Mass Atrocities.

The purpose of the Report was to begin providing a resource to other states on the various approaches that have been taken to National Mechanism formation, and the emerging principles guiding how National Mechanisms operate.

The Report will be updated annually to account for new National Mechanisms and to account for emerging trends in state practice as to the formulation and structure of National Mechanisms.

Case Studies in the 2015 Report include reports on:

- **Established National Mechanisms in Kenya, Tanzania, Uganda, Mexico and the United States.**
- **Emerging National Mechanisms in the Central African Republic, the Democratic Republic of the Congo, Argentina and Paraguay.**

The Parliamentarian Project in Support of Pillar II of RtoP

In December 2014, AIPR sponsored the first forum for Parliamentarians relating to the UN Secretary-General's report on Pillar II of RtoP.

As part of states assisting other states in building RtoP capacity, delegates from Africa, Latin America, and Europe joined with NGOs in a discussion of how the responsibility to prevent could be furthered by Parliamentary action.

Discussion included the role of parliamentary investigations in improving transparency and accountability, as well as what can be learned and shared among states with regard to better designing legislation across a range of areas to better facilitate prevention.

The work of the Parliamentarian Project ultimately will dovetail with the work of the Latin American and African National Mechanism Networks, as government officials will compare existing laws and potential legislation across common areas of concern.

The 2015 Report on the Impact of the Global Raphael Lemkin Seminar for Genocide Prevention

Since 2008, the Global Seminar designed by AIPR has trained over 500 government officials from 75 nations.

The four goals of the Lemkin Seminars are:

- To familiarize participants with the concept of genocide and other atrocity crimes, and to examine the processes by which genocide occurs – processes that were not unique to the Holocaust – but which may be understood through reference to the Holocaust.**
- To empower participants with the practical knowledge and skills necessary to prevent genocide from occurring, prevent further atrocities should genocide have begun, and prevent future atrocities once a society has begun to rebuild after genocide.**
- To examine critically and reinforce the emergent norm of RtoP, which recognizes that, among other things, sovereignty is not a privilege but a responsibility.**
- To develop a worldwide network of state officials capable of taking action to prevent genocide and other atrocity crimes.**

Following training, government officials prepare an assessment of the current infrastructure of prevention in their own nation – a forward-looking approach aimed at creating replicable models for state engagement and action.

Seminar graduates then provide recommendations on future participants so as to encourage the creation of networks both within and among states. Alumni meetings are used to move training ahead to more advanced levels, deepen dialogue among participating states, and create opportunities for collaborative projects for prevention among Seminar alumni.

Overall, the Lemkin Report provides early empirical evidence on the impact the Lemkin Seminars are having on participants and on capacity-building across states. The Report will become another resource for National

Mechanism leaders in their continuing work to develop networks of prevention.

So, Where Do We Go From Here?

Events in the world confront all of us with the choice of capitulation or redoubled engagement.

The Responsibility to Protect offers a new way forward by directly addressing the limits on sovereign state authority and the affirmative obligation of states to prevent gross violations of human rights.

While this was a necessary first step, the 2001 RtoP Report recognized the lack of capacity – and content – on how states should understand and implement the Responsibilities to Protect and Prevent. Until we fill these capacity gaps with best practices, and consistent and accepted methods for understanding and mitigating genocide risks, we will not make progress on genocide prevention.

As recognized in the Stockholm Declaration: “We must strengthen the moral commitment of our peoples, and the political commitment of our governments, to ensure that future generations can understand the causes of the Holocaust and reflect upon its consequences.”

The Latin American Network and the other programs being supported and implemented by AIPR are designed to try and meet the challenge inherent in the Stockholm Declaration. AIPR is using Holocaust education and remembrance to help states address the knowledge and capacity gaps that must be filled for the Responsibilities to Protect and Prevent to become a force in the world in preventing genocide and other atrocity crimes.

Many thanks for your attention and for the IHRA’s continued support. [●]