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MEETING REPORT

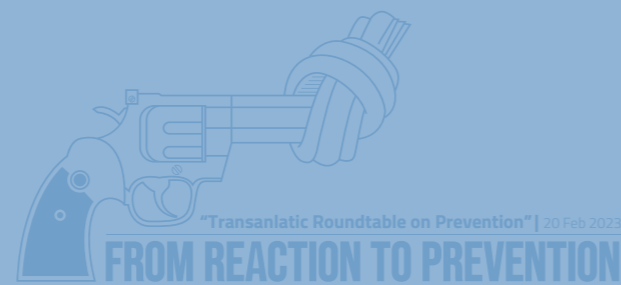
From reaction to prevention: report of transatlantic roundtable on prevention

20 FEBRUARY 2023

Universal Rights Group office in Geneva
and International Crisis Group office in New York.

TABLE OF CONTENTS

WELCOME AND INTRODUCTION	5
UNIVERSAL RIGHTS GROUP, GENEVA	5
INTERNATIONAL CRISIS GROUP, NEW YORK	5
GENEVA SEGMENT	7
INTRODUCTORY REMARKS BY UNIVERSAL RIGHTS GROUP	7
KEYNOTE REMARKSBY FORMER PRESIDENT OF THE HUMAN RIGHTS COUNCIL	7
INTERACTIVE DISCUSSION	8
NEW YORK SEGMENT	12
CLOSING REMARKS	15



WELCOME AND INTRODUCTION

UNIVERSAL RIGHTS GROUP, GENEVA

- A representative of the Universal Rights Group (URG) introduced the dialogue as an attempt to build bridges between the Geneva and the New York communities with regard to the implementation of the UN Secretary-General's prevention agenda. In particular, the aim of the meeting was to take stock of progress on both sides of the Atlantic.
- He recalled how prevention is a top priority for the Secretary-General, and is central to many key UN policy initiatives such as Sustaining Peace, the Call to Action on Human Rights, and Our Common Agenda.
- Notwithstanding, he recalled how prevention has also been a high priority for each of the last four Secretaries-General, yet all had failed to make much headway.
- Key to unlocking this situation, he argued, is the Human Rights Council and its prevention mandate. Previous prevention initiatives have focused almost exclusively on the UN's security pillar, yet the human rights pillar is key to both upstream prevention (resilience-building) and to early warning/early engagement.
- In this light, two years ago, any after many years of work, the Human Rights Council adopted resolution 45/31 on the contribution of the Council to prevention. The resolution committed the Council and OHCHR to take important steps to: build capacity and resilience in countries around the world; strengthen OHCHR's early warning capability and bring emerging situations of concern to the urgent attention of Council members; use preventative or 'good offices' diplomacy to prevent crises at an early stage; and better connect the Human Rights Council with the Security Council, General Assembly, and Peacebuilding Commission in New York.

- Two years on, however, implementation of the resolution has been disappointing. Thus, a key aim of the roundtable would be to take stock, identify blockages, and find ways, along with the core group and OHCHR, to accelerate implementation.

INTERNATIONAL CRISIS GROUP, NEW YORK

- A representative of the International Crisis Group explained that prevention means different things to different parts of the UN community.
- He noted the importance of discussing the relationship between the Human Rights Council and the Security Council on prevention, and he welcomed the dialogue as an opportunity to exchange information between the Geneva and New York communities on how to move the agenda forward.

“ *The human rights pillar is key to both upstream prevention (resilience-building) and to early warning/early engagement.* ”



H.E. Federico Villegas, President of the 16th Cycle of the Human Rights Council at the 50th session of Human Rights Council, 13 June 2022.

UN Photo / Jean Marc Ferré

GENEVA SEGMENT

INTRODUCTORY REMARKS BY UNIVERSAL RIGHTS GROUP

- The representative of the Universal Rights Group introduced Human Rights Council resolution 45/31 and its key elements.
- He noted that the adoption of resolution 45/31 was the culmination of nearly five years of effort and was a product of extensive consultations and discussions including during two Glion Human Rights Dialogues. He recognised important challenges to the resolution's effective implementation, including:
 - Its' politically sensitive nature-many countries fear it is 'responsibility to protect underanother guise' and thus a means of justifying intervention or interference in national affairs;
 - The existence of a particular mindset at the Council, under which the human rights machinery only 'kicks in' once a situation has reached a high level of severity. He described this as a'reaction, rather than a prevention, mindset;'
 - Although prevention was included in the Council's mandate under GA resolution 60/251, paragraph 5f was largely ignored for the first decade of the Council's life.
- Turning to key elements of resolution 45/31, he explained that the text includes important operational paragraphs on:
 - Upstream prevention through building national human rights resilience and capacity.
 - Early warnings and early engagement.
 - Alternative methods of work through the use of good offices or preventive diplomacy, which, he noted, the High Commissioner for Human Rights and the President/Bureau of the Council are well-placed to lead on.

- Better connecting the human rights and security pillars.
- Reflecting on each in turn, he opined that some progress has been made on strengthening capacity-building / resilience-building, notably in the context of the Thailand-led resolution on item 10 reform/revitalisation; on early warning, while OHCHR appears to have made some steps to strengthen its capabilities in this area, this appears insufficient, and moreover, the High Commissioner has only brought one emerging crisis to the Council's attention in two years – Ethiopia; the Council is yet to use preventative diplomacy approaches, though the 2022 President of the Council did take some steps in this direction; and on connecting Geneva and New York, the Peacebuilding Commission chair declined to address the Human Rights Council.

KEYNOTE REMARKSBY FORMER PRESIDENT OF THE HUMAN RIGHTS COUNCIL

- The former President highlighted that the best way to prevent conflicts and to reconstruct societies after conflicts is through strong human rights institutions.
- He then described his efforts, based on dialogue and cooperation, to operationalize the Human Rights Council's prevention mandate, including:
 - Bilateral dialogues with different countries with different interests and perceptions of the Human Rights Council, informal conversations with around 60 ambassadors including incoming members, current members and regional coordinators including conversations on hard issues such as imposition of values, legacies of colonialism, social and economic rights amongst others.

- Efforts towards breaking inertia of non-cooperation which Special Rapporteurs, which he identified as a systemic challenge linked to prevention. He described Special Rapporteurs as eyes and ears for the UN system as they play a key role in prevention through early warnings.
 - Efforts toward breaking two taboos - (1) that Human Rights Council does not engage with peace and security machinery in New York by meeting Presidents of the Security Council; (2) meeting Chairperson of the Peace building Commission, who is not allowed to brief the Human Rights Council despite invitations every year.
 - Dialogues with the United Nations Development Programme (UNDP) in light of the problem that many agencies are doing human rights work on the ground without calling it that. He emphasized the need to link activities within the UN system.
 - Systematic and aggressive outreach to NGOs, think tanks and the press.
 - The former presidential so highlighted the important role of reprisals in prevention as they are a form of an early warning that a state is doing something against the human rights.
 - He further stressed that human rights for prevention is not an option but an obligation.
 - In conclusion, he stated-as food for thought about where to invest resources for prevention-that while the Security Council has an allocated budget for 522 meetings and it passed 1 resolution last year, the Human Rights Council has an allocated budget for 140 meetings and it approved 100 resolutions last year.
 - The representative of the Universal Rights Group in response to the keynote remarks added that the President can play a key role in engaging with states facing human rights crises or difficulties and by leveraging good offices and preventive diplomacy.
- ### INTERACTIVE DISCUSSION
- The floor was then opened for an interactive discussion.
 - A representative from the Geneva Centre for Security Policy:
 - Highlighted that the lack of a formal link between the Human Rights Council and the Security Council remains a formidable obstacle as the Security Council is the body with teeth to translate early warning into action.
 - Further emphasised the need for a thorough analysis to see why ongoing conflicts such as that in Ukraine occurred and prevention failed, so as to better guide future prevention efforts.
 - Next, a representative from OHCHR's Methodology, Education and Training Section:
 - Stressed that COVID-19 exposed critical data gaps and emphasised the need for data-driven approaches to prevention. He highlighted efforts of OHCHR to step up risk analysis to support the prevention mandate of the Human Rights Council, and increase impact and engagement at the national and regional levels including through the use of technology. He discussed the use of open source, big data, non-traditional approaches, analytical frameworks and methodologies as well as increased investment in technology and data tools.
 - Said that strengthening national capacities is at the heart of building resilience along with increasing expertise of human rights mechanisms. According to him, underexplored yet important entry points are the OHCHR toolkit to support states in their practical application and alternative methods of work of the High Commissioner.
 - Lastly, highlighted the need for human rights and the peace and security communities to work together on prevention and to bridge the gap between early warning as a technical act and early action as a political act.



Volker Türk, United Nations High Commissioner for Human Rights addresses the 52nd Regular Session of the Human Rights Council, Geneva.

UN Photo / Violaine Martin

- A representative from OHCHR's Emergency Response Section shared that:
 - A pilot early warning system could not be sustained due to inadequate resources.
 - In the meantime, OHCHR has turned towards the prevention processes in New York. A priority particularly was the Regional Monthly Review (RMR) mechanism, which integrates information from human rights mechanisms such as the Universal Periodic Reviews and the Special Procedures and links risk area analysis to specific action points recommended for each country. She noted however that implementation of the RMR on ground remains a challenge, and there is considerable scope for improvement.
 - She also expressed concern that briefings by High Commissioner can lead to potential politicisation of the prevention agenda and result in a backlash.
- A representative from an OHCHR regional office discussed challenges related to implementation in practice at the field level:
 - She noted an overlap in analytical components associated with prevention in the UN system and emphasised the need for a common and integrated inter-agency analysis.
 - She discussed the key role of Emergency Response Teams as established prevention platforms in-country and, in this regard, stressed the need for more resources in execution mode, additional risk analysis capacities, and long-term thinking.
 - She also highlighted the need to systematise and showcase information in a way that can be easily understood by stakeholders.
 - She noted that at the field level the priorities of the UN and civil society often do not match, and that there is a need to bring in the voices of civil society and community-based information and approaches.
- In response to OHCHR, a representative of the Universal Rights Group argued that, in addition to feeding information into RMRs, it is vital that such risk analyses are fed into the Human Rights Council through urgent (perhaps confidential) briefings by the High Commissioner, as mandated by resolution 45/31. In light of the issue of potential politicization and backlash raised by one of the participants, he argued that it is important to discuss the modalities of such urgent briefings—e.g., could they be confidential, only for Council members, or maybe quarterly horizon scannings? In this regard, he shared that in the lead up to resolution 45/31 there was a lot of debate on whether such briefings by the High Commissioner should be confidential, an idea which was supported by some States but not supported by non-governmental organizations.
- Another representative from OHCHR's Methodology, Education and Training Section shared that the use of human rights indicators is away to ensure that information reaches States in a non-politicised manner. He talked about the potential use of Sustainable Development Goals (SDGs) indicators as human rights indicators as there is a link for 232 of them. They could be useful entry points for human rights analysis from a preventive perspective. He shared that OHCHR is custodian of four such indicators, including existence of conflicts, strong national institutions, attacks against human rights defenders, and discrimination. He noted, however, that development was a 'low hanging fruit' for prevention and also outlined the importance of using human rights markers in peacebuilding projects.

“ The use of human rights indicators is away to ensure that information reaches States in a non-politicised manner. ”

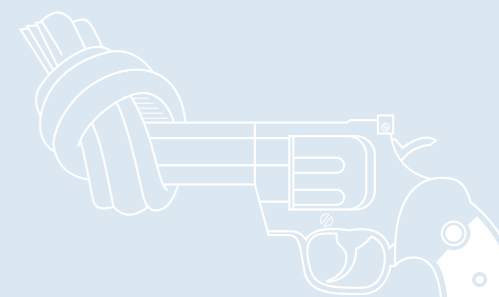
- Lastly, a representative of Switzerland and a lead negotiator on resolution 45/31:
 - Expressed doubts as to whether the ideas related to technical assistance, and the building of capacity and resilience of States would change anything on the ground in the absence of States having the political will to 'address the root causes or the real issues.'
 - She also expressed disappointment with the programme budget implications for early warning and the limit of 1.5/2 years maximum for follow up.
 - Although there is a need for preventive diplomacy, it cannot be fully realised without links with the Security Council. As an example of the challenges involved in this, she highlighted the blockages in securing briefings by the Chair of the Peacebuilding Commission to the Human Rights Council.
- In response to a question on whether there is a constellation in which the Peacebuilding Commission could speak to the Human Rights Council without a briefing by the Chair, the representative of Switzerland replied that one way could be through informal conversations by the Chair, which would not require consensus in the Peacebuilding Commission.
- In response to another question on the problems associated with sending reports to the Security Council, the representative of Switzerland spoke of regularly backlashes.
- At this juncture, the representative of the Universal Rights Group noted that another key element of resolution 45/31 was to strengthen the flow of information from the Human Rights Council to the Security Council and that the briefing by the Chair of Peacebuilding Commission was an effort in that direction.

H.E. Lansana GBERIE, Ambassador, Permanent Representative of Sierra Leone presenting draft resolution on the contribution of the Council to prevention, at the 45th session of the Human Rights Council, Palais des Nations, Geneva, Switzerland. UN TV.



NEW YORK SEGMENT

- A representative from the Permanent Mission of Denmark noted that though prevention is central to peace and security work, while leading negotiations on the sustaining peace resolutions on behalf of the EU there was pushback by States against prevention. She highlighted the issue of language or terminology, where concepts like transitional justice or resilience are more preferable for States as opposed to prevention.
- A representative from OHCHR's Prevention and Sustaining Peace Section addressed in detail how Geneva discussions relating to prevention play out in New York:
 - At the outset, he noted that prevention means different things to different parts of the UN system i.e. prevention of human rights violations in Geneva vis-a-vis prevention of conflicts in New York, and there is a need to better translate information on human rights violations from Geneva in a way that can be responded to in New York. He also noted objections by States on grounds of 'muddy mandates.'
 - He further noted that political sensitivity in New York makes it a constrained space to address prevention issues. There is a need to 'tone down sensitivity' and draw lessons from Geneva in this regard.
 - According to the representative, human rights instruments are the best prevention tools as they provide relevant standards, means for assessment of a situation against those standards, and for using these standards to design a response.
 - He described key traits of the human rights framework which make it an effective framework for risk analysis for prevention, including its universality which helps address issues of selectivity around national ownership, mechanisms for implementation of human rights (though States may need support in light of difficulties in implementation), solidarity - or the notion within the UN system that states help states that are in difficulty.
- He also acknowledged rights-based development as a powerful prevention tool but reiterated the issue of translation as a fundamental and core challenge as prevention work can operate so far upstream that it is not always understood as prevention.
- A representative from Human Rights Watch, referring to the failure of having a former High Commissioner for Human Rights speak to the Security Council on Syria in 2018 and its chilling effect, recalled that the Security Council was created to be a dysfunctional body particularly on accountability, and that it is not the be all end all. He highlighted the need to look at the UN system more holistically to channel efforts. He cited invocation of Article 99 of the Charter by the Secretary-General like in the case of Myanmar and the need for UN officials to be more outspoken on human rights crises. He also reflected on the key role of the Fifth Committee, which he said is opaque, difficult to understand and to access for information, and is where member States try to kill human rights mandates.
- A representative of Security Council Report noted that the Secretary-General requires a lot of support from member States for the invocation of Article 99 of the Charter, which she acknowledged as very important. The representative also noted that while it is difficult for the Peacebuilding Commission to interact with the Security Council, it is even harder for the Human Rights Council to interact with the Security Council.
- A representative from the United Nations Development Programme (UNDP):
 - Highlighted the intersections between development, peacekeeping and human rights work.
 - Reiterated the challenge of language and terminology with respect to prevention. He referred to UNDP's recent report on prevention of violent extremism, containing interviews with members of Al Shabaab, Boko Haram and other such groups, which found that the trigger for around 76% people to join these groups was the commission of human rights violations by relevant States. He stressed that to have impact on ground, which is key for prevention, there is a need for coherent messaging to member States, through advocacy, financial investment etc., that human rights violations will lead to conflicts.
 - In reference to mechanisms for requesting capacity-building or technical assistance, he stated that though investment in new mechanisms may be useful, there are existing mechanisms, however countries may not understand them or not use them as intended.
- A representative from the Department of Political and Peacebuilding Affairs highlighted:
 - The role of RMRs as the primary platform for prevention decision-making in the UN. The RMR adopts a risk-based lens to prioritise preventive engagement for the UN and member States. He noted that the most powerful tool of the RMR is its ability to generate an inter-agency consensus on risk and opportunity in a particular context and provide a baseline assessment, and its importance lies in taking newer action above and beyond what the UN already does in a particular context.
 - He further added that there is a translation issue not only between Geneva and New York but also between countries and headquarters, and outlined its efforts in engaging with countries through dialogue and cooperation to overcome the barrier.
- Another representative from the Department of Political and Peacebuilding Affairs, Policy and Mediation Division noted that prevention has become more upstream, integrated and directly based on national ownership, and that there is greater understanding of the range of its functions. He however also identified structural issues such as:
 - A trust deficit, as countries see prevention as internationalisation of domestic issues.
 - Lack of conflict-sensitive approaches to prevention. Current approaches tend to be too simplistic where the root causes of conflicts are involved.
 - A disproportionate focus on international actors vis-à-vis local actors. He stressed that top-down approaches are ineffective, and prevention cannot work without support of countries.
 - A disproportionate focus on intensive care and not primary care, i.e., not enough attention to upstream prevention.
 - Rhetorical commitments do not translate into sustained funding.
- The above representative also described recommendations informed by consultations and discussions with member States including:
 - Approaching prevention as a universal goal by recognising the landscape or spectrum of violence beyond conflict-related violence and acknowledging that as violence can be country-specific, there is a need for the locus of action to shift to the domestic or national level.
 - Sharing of best practices and for member States to hold each other accountable.



- Leveraging the unique role of the Peacebuilding Commission and the Human Rights Council. He stated that the Human Rights Council in particular is under-utilized and needs to be strengthened to play a gap-bridging role. He also noted that the preventive role of Security Council is limited in light of its polarised environment.
- In response to a question regarding the role of accountability in prevention of mass atrocity crimes, a representative of the International Crisis Group noted that the issue of accountability has featured prominently within the Security Council framework in recent years, and particularly referred to developments in the context of Ukraine and the crime of aggression. He acknowledged that it is an enormously difficult and potentially divisive issue. A representative of OHCHR's Prevention and Sustaining Peace Section referred to the Basic Principles and Guidelines on the Right to Remedy and noted that its provisions on addressing root causes and non-recurrence which have direct links with prevention in the development, peacebuilding, and sustainable peace contexts, can be very effective though very different from individual and criminal accountability.



UN Secretary-General António Guterres attends the High Level Segment of the 43rd Regular Session of the Human Rights Council in Geneva.

UN Photo/Violaine Martin.

CLOSING REMARKS

- The representative of the Universal Rights Group noted that the negotiations on resolution 45/31 showed how various States favoured different elements of prevention, which made its adoption a challenge. He concluded by underscoring the urgent need to follow-up on the implementation of resolution 45/31, whether through meetings of the core group or civil society with the High Commissioner, or taking up the matter of urgent briefings by the High Commissioner and/or the use of good offices or preventive diplomacy with the bureau. He said maybe there is a need for a follow-up resolution.
- A representative of the International Crisis Group concluded that the meeting demonstrated the need for more transatlantic discussions on prevention and how to make it work in practice.



A United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) peacekeeper is taking part in a training exercise, near Bunia in Ituri. 19/Oct/2006.

UN Photo/Martine Perret.



MEETING REPORT

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 working together to protect universal human rights



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