AFRICAN TASK FORCE
ON THE PREVENTION OF MASS ATROCITIES

AFRICAN REGIONAL COMMUNITIES AND THE PREVENTION OF MASS ATROCITIES

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FOREWORD FROM THE BUDAPEST CENTRE

Dear Reader,

The Budapest Centre for Mass Atrocities Prevention is pleased to present a new initiative. Based on the outcomes of the 2013 EU Task Force on Mass Atrocities Prevention, which aimed at mapping the strengths and weaknesses of the EU in the prevention of mass atrocities, the Budapest Centre engaged in a new endeavor: mapping the preventive capacities of five African regional communities.

In January 2015 the Budapest Centre established the African Task Force (ATF), composed of six senior African researchers with the mandate to conduct desk research and consultations with the senior management of the regional communities, combining theory with practice. Through this initiative, the Budapest Centre wishes to support regional governance, promote a shared vision among African societies to foster resilience to grave human rights violations, and contribute to the efforts of the international community in turning the principle of the Responsibility to Protect into practice.

During the implementation of the project, the Budapest Centre faced the clear expectation of the concerned African organizations and governments that, although prevention of mass atrocity crimes is a shared responsibility and none of the countries can address the challenges alone, national sovereignty must be respected and priorities should be given to locally owned solutions. In parallel, however, we also found numerous justifications of the principle that sovereignty entails responsibility - a cornerstone of the Responsibility to Protect.

The experience obtained during the eighteen-month dialogue with the regional organizations, the ongoing perpetration of crimes, and some adverse trends of security and stability have assured us that there is a long way to go towards preventing the most extreme human rights violations in Africa. Much needs to be done for raising awareness, ensuring legal conditions, improving capabilities, empowering societies, and strengthening regional cooperation to better protect civilians from future tragedies of genocide and other mass crimes on the continent.

The wounds of colonialism are too deep, the sovereignty too young, and the fight against poverty too acute for making fast progress and finding quick fixes. Steady and consistent efforts are necessary to accomplish substantive achievements.

Possessing state-of-the-art available capabilities and equipped with the lessons learned during the initiative, the Budapest Centre wishes to inspire the African regional communities, member states, and all political leaders and personalities with credibility, sound reputation, and influence to promote political will as one of the principal challenges we identified for making the prevention of mass atrocities a reality in Africa.

The Budapest Centre expresses its gratitude to the African Task Force members for having committed with generosity to this endeavor, its Chair, the Honorable Samia Nkrumah for her invaluable support, and all the actors that contributed to the realization of the project. The Budapest Centre commends the managements of the African Union, the Economic Community of West African States, the Intergovernmental Authority on Development, the International Conference of the Great Lakes Region, and the Southern African Development Community for their indispensable contribution to the activities of the African Task Force. Particularly, the Budapest Centre wishes to thank Humanity United for embracing the project proposal and financing the entire initiative. The common vision and commitment that both Humanity United and the Budapest Centre share regarding respect for human rights, including prevention of mass atrocities, constitute fertile ground for collaboration.

The Budapest Centre hopes that *The Report of the African Task Force* will promote a constructive dialogue among member states, within regional community staff, civil society, and academia, and generate actions for an operational African agenda to prevent mass atrocities. On behalf of the Budapest Centre, I encourage the international community to provide assistance and support for the African regional communities and societies to implement the options elaborated in this Report.

Dr. György Tatár
Chair of the Budapest Centre

FOREWORD FROM THE AFRICAN TASK FORCE CHAIR

I t is hard not to remember the events of the Rwandan genocide and ongoing crimes against humanity occurring in Congo. These internal instabilities produce significant setbacks for the whole of Africa. It is unbelievably horrifying that in today's world which claims to be characterized by high levels of tolerance and integration, we are still witnesses to genocide, war crimes, crimes against humanity, and mass atrocities, which not only violate human rights values, but also undermine the importance of democracy. Subsequently, prevention of these international crimes is still one of the greatest concerns of the entire world. Every state has the responsibility to protect their citizens. However, existence of the above-mentioned crimes prove many states' shameful failure to do so. Although the number of genocide and mass atrocities have significantly decreased, the fact is evident: Africa has failed to protect its nations from these crimes.

To prevent the repetition of these horrifying events and to accompany Africa on her way to progress, the Budapest Centre for Mass Atrocity Prevention launched an 18-month initiative, called The African Task Force on the Prevention of Mass Atrocities. The African Task Force is a reflection of African needs. As the rule of law is still weak in some countries and Africa is in need of honest, uncorrupted politicians of integrity, regional foundations and organizations should assist African nations in the struggle against genocide and mass atrocities. African organizations should be active defenders of human rights across the whole continent. Such defense will create solid pillars for the implementation and acceptance of strong human rights values in African countries. In order to encourage African states and regional communities to actively join this struggle against genocide and mass atrocities, the Budapest Centre has published this report which is also meant to be used as a guidebook.

The report aims to decrease the emergence of genocide and mass atrocities, and assist African countries in transforming the notion of **Responsibility to Protect** into practice. The report is multifunctional as it examines the scope of influence of five regional African organizations. It weighs the protection process carried out by these organizations in the case of five case studies on genocide and mass atrocities, analyzes the challenges of regional African organizations, and finally, offers ways to improve mechanisms for early warning and protection against mass atrocities and genocidal crimes in Africa.

The report can be beneficial for regional African Organizations and African heads of state. Equally, with the guidance of this report, elimination of human rights violations will be considered the first steps towards democratization which, at the same time, will lead to numerous other developments.

Hon. Samia Nkrumah
Chair of the African Task Force

FOREWORD FROM THE AFRICAN TASK FORCE CHAIR

ACKNOWLEDGEMENTS

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EXECUTIVE SUMMARY

The African Task Force on the Prevention of Mass Atrocities (ATF) was an 18-month initiative of the Budapest Centre for Mass Atrocity Prevention. The ATF convened in January 2015 to examine the capacities of the African Union (AU), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority for Development (IGAD), the Southern African Development Community (SADC), and the International Conference on the Great Lakes Region (ICGLR) in prevention of mass atrocities. These five regional communities were selected due to their existing peace and security mandates and architectures, their regional influence in addressing and preventing future crises, and, in the case of the ICGLR, a prior policy focus on the prevention of genocide.

The ATF met in plenary session in Addis Ababa, Ethiopia on March 18, 2015 to launch the initiative in the presence of the AU, representatives of member states, and the relevant regional communities. This final report reflects the outcome of desk research and interviews conducted by the members of the ATF, as well as the result of five subsequent workshops and bilateral interviews organized with the senior management of the relevant organizations in Africa. The final report contains the primary elements of the document:

▸ Chapter 1, *The State of the Art: Regional Capabilities in Africa* examines the current status in relevant capacities of the five regional organizations;

▸ Chapter 2, *Atrocity Prevention in Practice: Five Case Studies* traces and assesses the process of prevention by each organization on the basis of five unique cases of mass atrocities;

▸ Chapter 3, *Observations* assesses strengths, challenges, and needs of the organizations in improving existing capabilities in preventing mass atrocities.

▸ Chapter 4, *Lessons Learned and Options for Improvement* offers policy-makers reflections and options to improve extant capacities and mechanisms for early warning and prevention of atrocity crimes in Africa.

In the course of the study the ATF has deployed a mass atrocity lens encompassing phenomena including war crimes, crimes against humanity, ethnic cleansing, genocide, and mass killing, with a particular interest in protecting civilians and noncombatants from violence. The analytical framework deployed in the research is based on three pillars of prevention, including early warning, operational capacity to respond, and political will. Understanding that political will and available resources will dictate the extent to which options and recommendations are adopted into existing operations, the ATF has gone to great lengths to ensure the analyses and results were data driven, with resulting options that are targeted, pragmatic, and actionable within a two-year and ten-year time horizon.

I.   FINDINGS OF THE AFRICA TASK FORCE ON THE PREVENTION OF MASS ATROCITIES

Observations on the Strengths and Challenges in each organization

Early Warning

1. Existing early warning mechanisms in four of five organizations leverage both human expertise and statistical modeling for conflict early warning. AU (Continental Early Warning System (CEWS), ECOWAS (ECOWAS Early Warning and Response Network (ECOWARN), IGAD (Conflict Early Warning Response Mechanism (CEWARN), and SADC (Regional Early Warning Centre (REWC) have developed situational and event analysis with dedicated Early Warning Departments (EWD) and staffed situation rooms with trained analysts in their respective headquarters. ICGLR maintains a Joint Intelligence Fusion Centre (JIFC) with the primary mission of monitoring armed groups within member states.

2. Technical early warning capacities vary within each EWD. The AU, ECOWAS, and IGAD deploy indicator-based, statistical modeling software (proprietary) that provide risk assessment for conflict situations. The EWDs also utilize Geographic Information System (GIS) technology for mapping.

They do not, however, incorporate more advanced Early Warning and Response (EWR) technologies, such as leveraging big data or machine learning techniques.

3. Early warning of potential conflict is regular and reliable within all five organizations. The *effective* flow of information within and between the regional organizations and member states, however, is mixed.

4. The AU, ECOWARN and CEWARN have a civil society reporting component. SADC and ICGLR rely upon state intelligence for their early warning data.

5. None of the five organizations deploy a mass atrocity lens. Only ECOWAS had previous training examining the explicit phenomenon of mass atrocities[1]. Representatives and staff in all regional roundtables expressed confidence that their existing conflict prevention mechanisms also provide alerts for mass atrocities despite the lack of specific indicators or benchmarks for mass atrocity crimes. ECOWAS and IGAD rely on human security as one of the indicators for conflict prevention.

6. According to EWD staff interviews, the reason there are no references to mass atrocities (or application of the mass atrocity lens) in existing conflict early warning mechanisms is that both concepts involve violence and insecurity. The distinction is therefore perceived as having academic rather than practical value.

7. Each organization showed openness to improve focus on potential extreme human rights violations, including mass atrocities. None of the five organizations have developed a special process (fast-track for atrocity warning and response) or designated a central point for communicating the risks relating to mass atrocities to the senior management within the regional organization.

Operational Capacity

1. There is strong variance in capacity to respond to early warning at the regional level. SADC is highly evolved, from good offices and preventive diplomacy on one end of the spectrum, to more coercive capabilities, including the capacity to rapidly deploy for military intervention (See SADC Ch. 2 - DRC case), while ICGLR has very limited capacity beyond member state diplomacy (see ICGLR Ch. 2 - Burundi case).

2. The concerned organizations have legal capacities for early warning and response activities; however, there is no specific legal provision for preventing mass atrocities. Staffs and mechanisms dedicated specifically to prevention of extreme human rights violations and mass atrocities currently do not exist in any of the organizations.

3. Improvements have occurred in rapid deployment of civilian and military operations at the regional and continental level. The Amani II exercise conducted in South Africa in October 2015 is evidence of this advancement in crisis response at regional levels.

4. The regional organizations have recognized the effectiveness of dialogue as one of the main tools to address potential mass atrocities. There have been numerous attempts to engage in dialogue and preventive diplomacy with the concerned governments in all five cases reviewed (most recently, see the Burundi and South Sudan cases). At the same time, they recognized the need to engage other national stakeholders, communities, and NGOs.

5. While the staffs in each organization have identified poverty as one of the primary causes of mass atrocities, none of the organizations mainstreams prevention of mass atrocities within economic policies including the planning of development options.

Political Will

1. The gaps that exist between early warning and early action are attributed to a lack of *political will* among member states to respond to impending atrocities. This is primarily due to the orthodoxy of sovereignty and unwillingness to interfere in the domestic affairs of member states. This persistent challenge is also reflected thoroughly in the theoretical literature on EWR.

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1   During the Abuja roundtable ECOWAS participants noted they had reviewed their existing conflict indicators to incorporate mass atrocities during ad-hoc trainings for focal points and analysts in 2009 and 2010. See also: Whitlock, M. (2009). ECOWAS Warning and Response Network Focal Point Coordination: Final Training Report. *Center for International Conflict Resolution* Columbia University: New York, NY Harding, T. & Whitlock, M. (2013) Leveraging Web-Based Environments for Mass Atrocity Prevention. *Simulation & Gaming* 44: 94-117

2. Regional lead nations direct the agendas of regional bodies (South Africa within SADC, Nigeria within ECOWAS, for example) and play specific roles in prevention activities. In principle, regional organizations have potential capacity to generate early response to warnings of mass atrocities. In practice, however, they are only conveners. Member states decide how to respond to potential and real atrocities.

3. Each organization has critical views on the activities and interests of main international actors, including the UN, the US, Russia, China, and the former colonial stakeholders in Europe.

See Appendix A for a Detailed Chart of Observations for Each RC.

II.   OPTIONS

Based on data collection and analysis, there are specific options for improvement in the case of each organization in the appendices. Here the ATF offers the following collective options for improvement of extant capabilities to the AU, ECOWAS, ICGLR, IGAD, and SADC:

2-Year Time Horizon (2018)

1. Prioritize the current level of capabilities and challenges in mass atrocity prevention on the political agenda of Regional Communities (RCs) at the highest level.

2. Enhance the legal background for prevention of mass atrocities.

3. Generate political will through declaration to be adopted by AU Summit to act immediately in situations threatening mass atrocities.

4. Encourage uniform understanding and shared language of mass atrocities as distinct phenomena by incorporating a mass atrocities lens within existing regional conflict early warning and prevention mechanisms. This includes targeted training of early warning analysts and data collectors in member states, regional headquarters, and among decision-makers, as well as within the standby brigades constituting the Africa Standby Force (ASF). This has to date occurred in ad-hoc fashion. A common language regarding atrocity prevention can benefit analysis and expedite response.

5. Prioritize and invest in scenario-building and simulation at the regional level to address future plausible scenarios for potential atrocities including disputed elections, coups, insurgency, and communal conflict as examples. This investment in Red Teaming[2] will necessarily increase and improve interaction between early warning departments and political decision-makers, while honing the RC policy response tool kit.

6. Appoint a focal point on Mass Atrocity Prevention (MAP) within existing conflict early warning and response mechanisms. The MAP focal points will serve as liaisons within the RC architecture, and with member states, on issues of concern related to potential atrocities.

7. Create a fast track for atrocity warning/response and for communicating the risks relating to mass atrocities to the senior management within the regional organization. This process can be folded into existing daily and weekly situational monitoring that already is in place within ECOWAS, IGAD, AU, and SADC.

10-Year Time Horizon (2026)

1. Generate political will regarding the need of capacity building and increased resources for effective atrocity prevention. In doing so, devote special attention to the generation of political will at national levels as regional organizations are mainly conveners and can only respond and intervene with the support and approval of Member States.

2. Review annually the progress in improving regional and national capabilities to prevent mass atrocities.

3. Improve the capabilities of civil resources including mediation support and dialogue facilitation at both state and intra-communal levels.

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2   "Red teaming is the practice of viewing a problem from an adversary or competitor's perspective. The goal of most red teams is to enhance decision making". See: http://redteamjournal.com/about/red-teaming-and-alternative-analysis/

4. Strengthen collaboration between governments and non-state sectors as the latter is uniquely positioned to detect threats and facilitate early action.

5. Enhance sharing of experiences. Convene workshops at continental level for sharing of experiences in various fields of mass atrocities prevention and improving collaboration.

6. Increase efforts in the field of education at all levels to raise awareness of universal human rights, and the risks and effects of mass atrocities to improve culture of prevention of human rights abuses.

7. Engage with member states and international partners/donors to address understaffing of early warning departments. There is untapped potential for public-private partnerships in all five regional organizations to enhance and support early warning and response (EWR).

8. Enhance cooperation of NGOs at continental level in sharing practices and experiences.

9. Generate discussion at high levels on the interaction between African Regional Communities, UN agencies and other international players on how to intervene if necessary.

See Appendix B for a Detailed Chart of Options for Each RC.

INTRODUCTION

ATROCITY PREVENTION IN THEORY AND PRACTICE

Since the end of the 1980s, the culture of atrocity prevention has improved globally while efforts have increased to explore and prevent large-scale, identity-based political violence targeting civilians and non-combatants. During this period, growing emphasis has been placed on aspects of human security. Scholars and policy-makers alike have debated the prospects for early warning and prevention of these so-called atrocity crimes including war crimes, crimes against humanity, ethnic cleansing, and genocide.[1] Mass atrocities in the Balkans and Great Lakes region of Central Africa in the 1990s resulted in unfathomable human suffering, presenting grim lessons for those tasked with preventing future crises, while catalyzing renewed focus on the actors, structures, and dynamics that fuel atrocities. As scholarship exploring these inter-related phenomena flourished over the ensuing two-and-a-half decades and processes become better understood, the prospects for prevention have moved to the forefront of theoretical and policy debates. Two intellectual paths in the 1990s, Humanitarian Intervention[2] on the one hand, and Sovereignty as Responsibility[3] on the other, coalesced with the 2001 International Commission on Intervention and State Sovereignty (ICISS) report,[4] culminating in the Responsibility to Protect (RtoP) principle. In 2005 the RtoP principle was endorsed by the UN General Assembly in the Outcome Document of the extraordinary World Summit,[5] marking a rapid ascent of these ideas in international discourse concerning state sovereignty and protection of civilians.

However, twenty years after Srebrenica and Ntarama, and ten years beyond the acceptance of the RtoP doctrine at the World Summit, one observes a bleak landscape of political violence targeting civilians in such diverse conflict environments as Sudan, Central African Republic, Nigeria, South Sudan, Iraq, Democratic Republic of the Congo (DRC), Burundi, Myanmar, Sri Lanka, Pakistan, and Afghanistan to name a few, with now-prolonged humanitarian catastrophes in Libya, Yemen, and Syria emerging from the 2011 Arab Spring. Despite the aforementioned progress in the development of doctrine to protect civilians, during the lifespan of the ATF international aid agencies reported over 20 million refugees worldwide (many fleeing mass atrocities in their home country) and over 60 million forcibly displaced, the highest total since World War II.[6] While mass atrocities are relatively rare, the above cases demonstrate they are extraordinarily destructive. Recent research suggests that mass atrocities including genocide, politicide, and mass killing emerge from already unstable situations.[7] "A key insight is that genocide *(stage 2)* emerges from situations of political instability *(stage 1)* and violence such as civil war and state failure, implying a process with at least two stages."[8]

While scholars agree that there is compelling evidence to support linkages between armed conflict and mass atrocities, it is important to understand that not all armed conflicts result in mass atrocities.[9] There is also clear evidence that situations leading to atrocity crimes, including genocide, evolve over time, providing opportunities for decision-makers within the international community and concerned states to take preventive measures.[10] The inherent limits to decision-making in the context of response remain a primary challenge for prevention

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1   See Adebajo (2010); Evans (2009); Goldsmith (2013); Harff (2003); Kiernan (2007); Kuperman (2008); Mamdani (2009); Semelin (2007); Ulfelder (2012); Valentino (2004); Woocher (2012).

2   2000 UN Millennium Report. Full report available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/54/2000

3   See Deng, F. M. Et Al., (1996) Sovereignty as Responsibility: Conflict Management in Africa. Washington, D. C.: Brookings Inst. Press

4   Retrieved from: http://www.idrc.ca/EN/Resources/Publications/Pages/IDRCBookDetails.aspx?PublicationID=240

5   See paragraphs 138 and 139 (page 30). World Summit Outcome Document available at: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement

6   Retrieved from: http://www.unhcr.org/5672c2576.html

7   Goldsmith, B., Butcher, C., Semenovich, D., & Sowmya, A. (2013) "Forecasting the Onset of Genocide and Politicide: Annual out-of-sample forecasts on a global dataset", 1988-2003. *Journal of Peace Research* 50(4) 437-452.

8   *Ibid* 7, p.438.

9   Bellamy, A. (2011) *Mass Atrocities and Armed Conflict: Links, Distinctions, and Implications for the Responsibility to Prevent*. Stanley Foundation Policy Brief.

10   Valentino, B. (2004). *Final solutions: Mass killing and genocide in the 20th century*. Ithaca, NY: Cornell University Press.

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efforts globally.[11] Cases marked by ongoing atrocities on the one hand, and arguments about cases of successful prevention on the other, compel us to review global progress and development of capabilities of international actors toward prevention since the atrocities of the Balkans and Central Africa. By examining extant regional early warning and prevention architectures and comparing distinct experiences through case evaluation, we can measure stated objectives within organizational mandates against operational successes and challenges.

THE IMPETUS FOR THE AFRICA TASK FORCE

Building upon the UN World Summit outcome of 2005, recent efforts to examine atrocity prevention capacities have been undertaken at the level of several international organizations including the United Nations Office of Special Advisers on Prevention of Genocide and Responsibility to Protect (UNOSAPG),[12] in the European Union (EU) and the United States (US). The recommendations of the US Genocide Prevention Task Force[13] encouraged President Barack Obama to establish the Atrocities Prevention Board (APB) in 2012, an inter-agency mechanism for preventing and responding to mass atrocities and genocide. Similarly, the 2013 European Union Task Force on the Prevention of Mass Atrocities,[14] initiated by the Budapest Centre for the International Prevention of Genocide and Mass Atrocities, reviewed existing capacities within the EU. Apparently, the report helped influence the text and the adoption of the European Parliament recommendation to the Council of 18 April 2013 on the UN principle of the Responsibility to Protect (RtoP).[15] The recommendations endorse the integration of the RtoP principle in EU policies, and call for an inter-institutional "Consensus on RtoP." The Report was also endorsed publically by the Office of the UN Special Advisor to the Secretary General on the Prevention of Genocide (UNOSAPG). Since its publication, civil society groups have deployed the report to spread awareness on RtoP issues, while EU Institutions and member states use it as a supplemental guideline for their work.

These initiatives have increased international awareness and encouraged discourse related to mass atrocity prevention, while also highlighting the necessity of enhancing regional capacities globally for the early warning and prevention of related phenomena.[16] The majority of international documents issued during the last decade recommended supporting Regional Communities (RCs) in Africa,[17] including Regional Economic Communities (RECs), by enhancing their capacity to prevent mass atrocities. While the ATF acknowledges the potential pitfalls of a regional framing, including the compelling evidence for local factors in understanding patterns of violence against civilians,[18] there has been a curious absence of empirical work on regional capacities for atrocity prevention. There have been efforts to explore regional conflict EWR mechanisms in Africa in the last decade,[19] as well as efforts to apply RtoP principles from a continental perspective.[20] However, to date there has been no systematic and rigorous analysis of African regional capacities *and* experiences in preventing mass atrocities. This examination is timely as two recent efforts on the Continent, *Agenda 2063* and *Silencing the Guns*[21] have called for targeted advancements in normative development and operational capacities related to conflict prevention. An important element of this examination is the extent to which states and regional organizations are willing to tailor the implementation of relevant universal human rights to the local environment within Africa.[22] In response to these gaps, the

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11 See: Tetlock, P. (2005) *Expert Political Judgement. How Good is it? How Can We Know?* Princeton, NJ: Princeton University Press Woocher, L. (2008) "The Effects of Cognitive Biases on Early Warning." Paper presented at International Studies Association Annual Convention.

12 For documents related to UN Genocide Prevention and the Responsibility to Protect see: http://www.un.org/en/preventgenocide/adviser/documents.shtml, http://www.un.org/en/preventgenocide/adviser/responsibility.shtml

13 Retrieved from: http://www.usip.org/publications/genocide-prevention-task-force

14 Retrieved from: http://massatrocitiestaskforce.eu/Home.html

15 Available at http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA- 20130180+0+DOC+XML+V0//EN

16 See also: "The Role of Regional and Subregional Arrangements in Implementing the Responsibility to Protect" Report of the UN Secretary - General. Available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/65/877

17 *Ibid.* See also: "Responsibility to Protect: State Responsibility and Prevention" Report of the UN Secretary-General. Available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/67/929

18 See for example: Autesserre, S. (2010) *The Trouble with the Congo: Local Violence and the Failure of International Peacebuilding.* New York: Cambridge University Press, 2010. Carayannis, T., & Lombard, L. (Eds.). (2015). *Making Sense of the Central African Republic.* London: Zed Books.

19 See for example: Nyheim, D. (2009). "Preventing violence, war and state collapse: The future of conflict early warning and response." *Organization for Economic Cooperation and Development.* OECD Publishing. Paris OECD. Wulf, H. and Debiel, T. (2009). "Conflict Early Warning and Response Mechanisms: Tools for enhancing the effectiveness of regional organizations? A Comparative Study of the AU, ECOWAS, IGAD, ASEAN/ARF and PIF. Working Paper no. 49 - Regional and Global Axes of Conflict." Crisis States Research Centre, London

20 Adebajo, A. (2010) "Pax Nigeriana and the Responsibility to Protect" *Global Responsibility to Protect*, Vol. 2, Iss. 4, 414 - 435 "Africa's Responsibility to Protect: Policy Advisory Group Seminar Report 23 and 24 April 2007" Centre for Conflict Resolution, Cape Town. Retrieved from: http://www.responsibilitytoprotect.org/files/Vol-19_R2P_Report.pdf Aning, K. and Atuobi, S., (2009), "Responsibility to Protect in Africa: An Analysis of the African Union's Peace and Security Architecture", *Global Responsibility to Protect*, vol. 1, no. 1, pp. 90-113

21 See "Aspiration 4: A Peaceful and Secure Africa" *Agenda 2063; The Africa We Want* (2015) AU Commission and *Silencing the Guns, Owning the Future: Realising a conflict-free Africa* (2015) ACCORD. Retrieved from: http://agenda2063.au.int/en/documents, http://www.peaceau.org/uploads/arusha-au-high-level-retreat-report-web.pdf

22 For more on this discourse see: Mutua, M.W. (2001) "Savages Victims, and Saviors: The Metaphor of Human Rights" *Harvard International Law Journal, Vol. 42, No. 1,* pp. 201-245

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Budapest Centre for Mass Atrocity Prevention decided to establish the ATF to evaluate, together with the staffs of the concerned organizations, the current capacities, challenges, needs, and prospects for future enhancement. The Budapest Centre believes that the activities of the ATF will bolster political will and improve capacities and skills within the regional organizations to prevent mass atrocities, while exploring local needs for enhancing collaboration with the main international actors in this field.

MASS ATROCITIES IN AFRICA

TABLE 1 - MASS ATROCITIES (INCLUDING MASS KILLING) IN AFRICA SINCE JANUARY 2009							
Country	Year	Location	Target	Est. Victims	Type	Threshold for MK?	Cause
Burundi	2015-2016[a]	Bujumbura	Political Opposition, Civilians, Opposition co-ethnics	<1000	CaH	No	Disputed election, attempted coup, ethnic violence
Cameroon	2012-2016[a]	North, Lake Chad Basin (LCB)	Civilians	<1000	CaH	No	Insurgency
CAR	2013-2015	Bangui, North	Civilians, Opposition co-ethnics	6,000	WC, CaH, EC, MK	Yes	Civil war, ethnic violence
Chad	2014-2016[a]	LCB	Civilians	<1000	CaH	No	Insurgency
Côte d'Ivoire	2011	Abidjan, West	Civilians, Opposition co-ethnics	3,500	WC, CaH, MK	Yes	Civil war, disputed election
DRC	2009-2016[a]	East	Civilians	5.5 million	WC, CaH, possible EC, MK	Yes	Civil war, ethnic violence, insurgency
Eritrea	2009-2016[a]	National	Political Opposition, Civilians	unknown	CaH[b]	No	Government repression of opposition
Egypt	2013	Cairo	Political Opposition	1000	CaH, MK[c]	Yes	Coup opposition, political violence
Ethiopia	2009-2016[a]	Oromia Region	Civilians, Opposition co-ethnics	400	CaH[d]	No	Repression of Protest and Dissidents
Guinea	2009, 2011	Conakry, Nzerekore	Inter-ethnic, Opposition co-ethnics	150-200	CaH[e]	No	Coup opposition, ethnic violence
Libya	2011-2016[a]	National	Civilians, Opposition, State and militia combatants	>1000	WC, CaH	No	Civil war
Mali	2012-2016[a]	North	Civilians	unknown	WC, CaH	No	Coup, Civil war, ethnic violence, insurgency
Niger	2014-2016[a]	SE, LCB	Civilians	<1000	CaH	No	Insurgency
Nigeria	2009-2016[a]	North/NE, LCB	Civilians	13,000	WC, CaH, MK	Yes	Insurgency, COIN
Somalia	2009-2016[a]	Mogadishu, South	Civilians	>1000	WC, CaH, MK	Yes	Insurgency, COIN
South Sudan	2013-2016[a]	National	Civilians, Co-ethnics of government and opposition forces	50,000 - 300,000	WC, CaH, EC, MK	Yes	Civil war, ethnic violence
Sudan	2009-2016[a]	Darfur, S. Kordofan, Blue Nile	Civilians	300,000 in Darfur alone	WC, CaH, EC, MK	Yes	Insurgency, COIN

a   Atrocities are ongoing
b   http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20067&LangID=E
c   https://www.hrw.org/news/2014/08/12/egypt-raba-killings-likely-crimes-against-humanity
d   https://www.hrw.org/report/2016/06/16/such-brutal-crackdown/killings-and-arrests-response-ethiopias-oromo-protests
e   http://www.refworld.org/docid/4b4f49ea2.html

The ATF report examines capacities of the AU, ECOWAS, ICGLR, IGAD, and SADC. As the ATF began its work in January of 2015, there were 17 countries in Africa identified with mass atrocities or atrocity crimes during the period under review.

OVERLAP BETWEEN DIFFERENT AFRICAN ECONOMIC ORGANIZATIONS

© Alessandra Terenzi
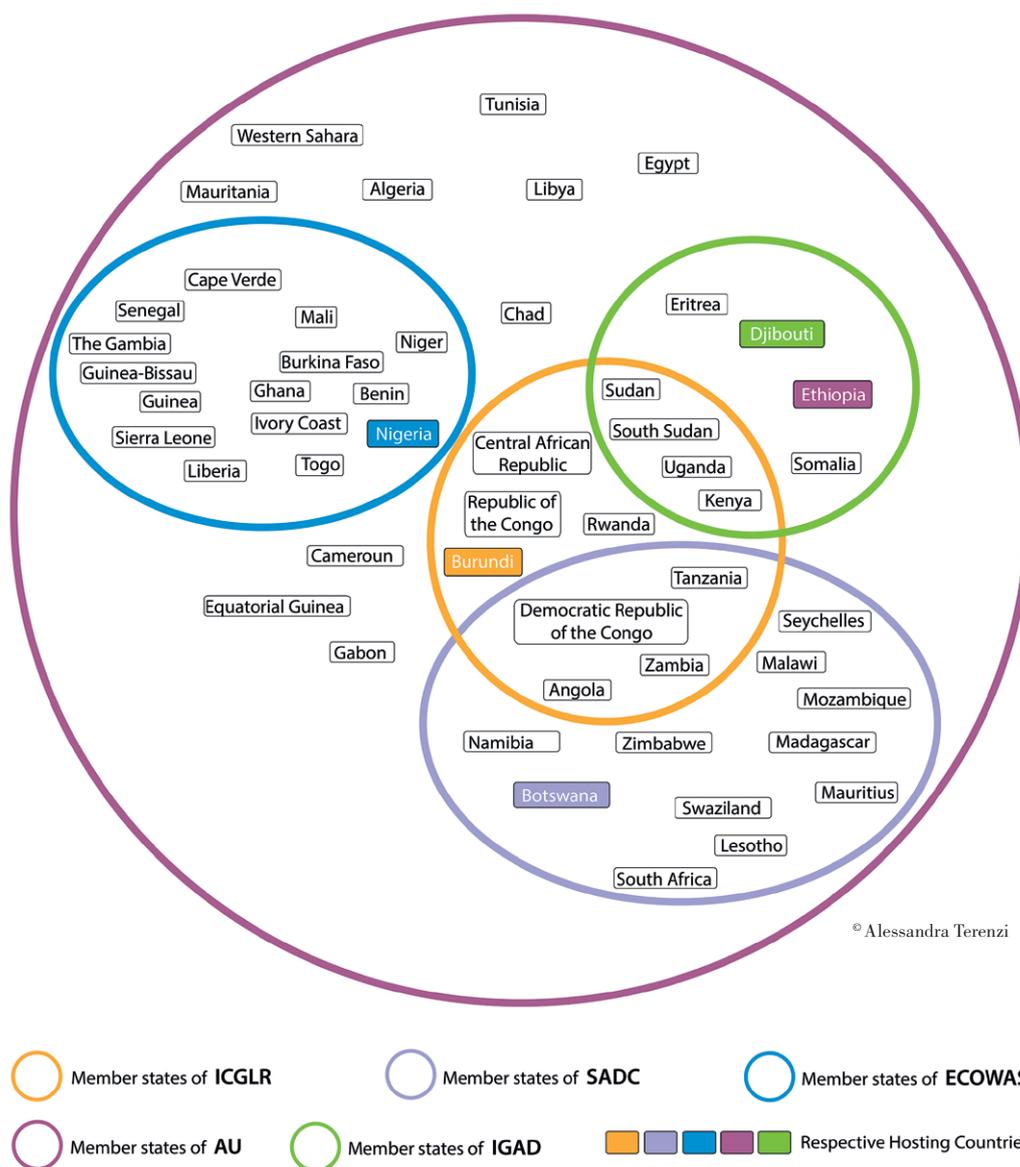
These five organizations were selected due to their existing peace and security mandates and architectures, their regional influence in addressing and preventing future crises, and, in the case of the ICGLR, a prior policy focus on the prevention of genocide.[23] Within mass atrocity literature, scholars have also defined and deployed various terms, including politicide, mass killing, and atrocity crimes. It is useful to note here that the RtoP crimes (except ethnic cleansing) are formally defined in international law, while mass killing and mass atrocities are not legally defined terms.[24] With regard to concepts and definitions, ATF members were not mandated to take on definitional debates in this report. However, the ATF members did engage in lively internal debate over terminology, figures, and cases (particularly Table 1 above) at the beginning and end of the consultation process as part of two shared thought experiments. An example of ATF internal debate follows:

The interface between the technical, legal definition based on the four crimes and the threshold numbers, juxtaposed against the one-year time-frame, is potentially problematic... On another general point, my

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23   For more on nomenclature and the often divisive politics of naming see Harff (2003), Valentino (2004), Semelin (2007), and Mamdani (2009).

24   For legal definitions see the *UN OSAPG Framework of Analysis for Atrocity Crimes*. (2014), pp. 26-32. Available at: http://www.un.org/en/preventgenocide/adviser/pdf/framework%20of%20analysis%20for%20atrocity%20crimes_en.pdf

impression is that the columns on 'target' and 'cause' seem to oversimplify things. Again, I do appreciate that the point of such tables is to present a sharp synopsis and so you don't want to unduly complicate things. In several of these cases, however, I am not sure if the descriptions may not be misleading or unhelpful. For example, in the case of Somalia, in what way is 'government' a target and isn't there a more nuanced way to reflect some of the complexities of perpetrators, victims, and causes? Likewise, for South Sudan I am not sure ... if civil war and ethnic violence suffice as causes.[25]

We embrace this ongoing debate and hope the initial coding attempt, however crude, generates provocative dialogue among our readers at all levels, catalyzing other efforts to build on our work. During its activities the ATF adopted a mass atrocity lens[26] encompassing war crimes, crimes against humanity, ethnic cleansing, and genocide with a particular interest in preventing the intentional targeting of civilians and non-combatants. This report is unique in that it also attempts to unify terms from within international law and political science by also incorporating the phenomenon of mass killing. For the purposes of this project, the ATF adopts an existing definition and considers "a mass killing to have occurred when the deliberate actions of state agents, or other groups acting at their behest, result in the deaths of at least 1,000 non-combatant civilians in a relatively short period of time, usually a year or less."[27] The ATF acknowledges existing debates around terms, definitions, thresholds, and reliable sources to support data, and these debates helped frame the scope of our work. We hope that the product will further the theoretical and policy discourse regarding atrocity prevention on the continent.

THE CONCEPTUALIZATION OF THE REPORT

The ATF met in plenary session in Addis Ababa, Ethiopia on March 18, 2015 to launch the initiative in the presence of the AU, representatives of member states, and the relevant regional organizations. Beginning in the conceptual phase of the ATF project, AU stakeholders underscored the importance of pragmatic recommendations for African analysts and policy-makers and reminded the ATF leadership to prepare a report that is rigorous, innovative, collaborative, and actionable. This guidance reinforced the intuition of the ATF leadership that a report examining future *plausible scenarios* in Africa, by examining gaps between existing capabilities of the regional organizations through analysis of recent cases, would be most beneficial to present a comprehensive assessment of capabilities and provide a sound basis for conclusions and recommendations.

Target Groups

The ATF report is designed to inform several audiences. The primary audience is the African policymaker interested in peace, security, and human rights at domestic and regional levels. These governmental and inter-governmental decision-makers are best placed to have a meaningful impact on policy directly related to preventing mass atrocities. With this audience in mind, we have tilted the theory/practice balance of the report in the direction of practice. The secondary audience of the ATF include scholars, analysts, think tanks, civil society networks, and other related entities *in Africa* that are interested in both theory and daily practice of atrocity prevention to generate civil discourse regarding the protection of African civilians and non-combatants from identity-based political violence. This audience is arguably the most impacted by political instability and potential atrocities. Their disparate perspectives and collective insights are essential ingredients in any robust prevention regime. The tertiary audience of the ATF report is non-African actors interested in peace, security, and the pursuit of human rights on the continent who are engaged in partnerships with national and regional actors for protecting civilians and non-combatants from atrocity crimes. This includes governments, regional blocs, international NGOs, UN agencies, academia, and global peace networks.

Design and Methods

The ATF leadership invited five senior African researchers to undertake the research activities. They combined theoretical work with thorough consultations with the staffs of each organization to explore the needs and arrive at feasible recommendations for better addressing the challenges. In the course of the study the ATF has deployed a mass atrocity lens encompassing phenomena including war crimes, crimes against humanity, ethnic cleansing, and genocide, as well as mass killing. The ATF has utilized the three

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25   ATF Senior African Researcher critiquing the Table of Mass Atrocities in Africa.
26   See Bellamy, A. (2011) Mass Atrocities and Armed Conflict: Links, Distinctions, and Implications for the Responsibility to Prevent. Stanley Foundation Policy Brief.
27   Ulfelder, J. (2013) "A Multimodel Ensemble to Forecast Onsets of State-Sponsored Mass Killing" APSA 2013 Annual Meeting Paper

pillars of prevention[28] framework when reviewing the capabilities in place and analyzing the respective cases since January 2009. The three pillars of prevention include *actionable early warning, operational capacity*, and *political will* to act in a timely manner. The ATF project has been conceived and conducted in the spirit of collaboration and constructiveness where universal values and theory are confronted with practice, local traditions, needs, and possibilities.

The Report of the ATF encompasses four chapters:

1. Chapter 1 *summarizes the state of the art* on the basis of existing documents and the collection of primary data through interviews and roundtables with contacts in the five organizations. The chapter describes the existing mechanisms and foundational legal and operational elements addressing atrocity prevention within each organization.

2. Chapter 2 *examines the effectiveness* of regional organizations in prevention by scrutinizing five recent cases (see below) that resulted in mass atrocities. The analysis is conducted from the perspective of the response (or lack of response) of the regional organization, leveraging the information from Chapter 1 as a guide.

REGIONAL ORGANIZATION	HEADQUARTERS	ATF CASE STUDY
AU	Addis Ababa, Ethiopia	Central African Republic
ECOWAS	Abuja, Nigeria	Nigeria
ICGLR	Bujumbura, Burundi	Burundi
IGAD	Djibouti City, Djibouti	South Sudan
SADC	Gaborone, Botswana	DR Congo

3. Chapter 3 *summarizes the observations* of the state of the art and case-based research to determine strengths, challenges, and needs of the organizations to improve the current capabilities in preventing mass atrocities.

4. Chapter 4 concludes with *lessons learned* and *viable options* for policy-makers to improve extant mechanisms within the five organizations under examination. The options are divided into two distinct time horizons: actionable options over two years to improve technical capabilities for atrocity prevention at the regional level; and long-term options in the next ten years for normative development at member state, regional, and continental levels.

The Appendices contain detailed description of the capabilities and case studies. It is available online.[29]

See Appendix E for bibliography of the introduction.

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28 Woocher, L. (2001). "Deconstructing "Political Will": Explaining the failure to prevent deadly conflict and mass atrocities." *Journal of Public and International Affairs*, 12, pp. 179-206
29 See www.genocideprevention.eu/projects/africantaskforce/atf-report/

1. THE STATE OF THE ART
REGIONAL CAPABILITIES IN AFRICA

INTRODUCTION

Atrocity Prevention in Africa

This chapter summarizes the findings[1] of senior researchers on five African regional organizations including the AU, ECOWAS, ICGLR, IGAD, and SADC. Although there are many formal regional communities recognized in Africa, these five were selected due to their existing peace and security mandates and architectures, their regional influence in addressing and preventing future crises, and, in the case of the ICGLR, a prior policy focus on the prevention of genocide.

This chapter reflects the outcome of desk research and interviews conducted by the members of the ATF, as well as the result of five subsequent workshops and bilateral interviews organized with the senior management of the relevant organizations in Africa. When scrutinizing the existing capabilities of each organization, the researchers deployed a mass atrocity lens that assumes specific differences between conflict prevention and atrocity prevention. Bellamy notes several distinctions between a common conflict prevention agenda and more focused atrocity prevention measures:

▸ While the tools used to prevent mass atrocities and armed conflict might be the same, their objectives are different. The key to a more targeted approach to genocide and mass atrocities lies in using the tools in an appropriate and context-sensitive fashion.

▸ When mobilized for atrocity prevention, common prevention measures must be used appropriately to target atrocity risk and avert the pitfalls of a conflict prevention-dominant mind-set, such as a blind culture of neutrality that treats all parties as morally equivalent, the pursuit of negative peace at any price in the face of a credible threat of atrocities, and the tendency to believe that prevention ends when violence begins.

▸ While an atrocity prevention lens would help outline its broad parameters, the key to narrowing the atrocity prevention agenda lies in identifying strategies that target specific risks and capacity gaps in particular country and/or regional contexts. (Bellamy, A., 2011)

The chapter examines current capacities for atrocity EWR within each mechanism. If the regional organization includes an existing conflict early warning and monitoring mechanism, researchers described the architecture and operational structure, the elements that relate to mass atrocity prevention, and provided answers to the main guiding questions below:

1. Do the activities currently meet the expectations in the mandate?

2. What are the gaps between early warning and early action (decision-making and response)[2]

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1 The complete chapters for each regional organization, including full text for Ch. 1-3, are available online. See www.genocideprevention.eu/projects/africantaskforce/atf-report/

2 The gap between early warning and early action is well-reflected in the existing literature. See: Bellamy, A. & Lupel, A. (2015) *Why We Fail: Obstacles to the Effective Prevention of Mass Atrocities* New York: International Peace Institute Lupel, A. & Verdejo, E. (2013) *Responding to Genocide: The Politics of International Action* Boulder, CO: Lynne Reinner Publishers. Harding, T. & Whitlock, M. (2013) Leveraging Web-Based Environments for Mass Atrocity Prevention. *Simulation*

TABLE 2 - THE STATE OF THE ART IN AFRICA					
Metric	AU	ECOWAS	ICGLR	IGAD	SADC
Legal framework for conflict prevention?	Y	Y	Y	Y	Y
MAs explicitly addressed in foundational documents?	N	N	N	N	N
Legal framework for MAs or deployment of MA lens?	N	N	Y	N	N
Existing conflict prevention or early warning mechanism?	Y CEWS	Y ECOWARN	N[a]	Y CEWARN	Y REWC
Monitoring of specific MA indicators within EW mechanism?	N	N	N	N	N
Inclusion of civil society monitors in EWR process?	Y	Y	N	Y	N
Fast Track process for atrocity early warning and response?	N	N	N	N	N
MA focal point within architecture?	N	N	N	N	N
Ongoing case of MA in region?	Y	Y	Y	Y	Y

a   no formal EWR mechanism, but a Joint Intelligence Fusion Centre (JIFC) in Eastern DR Congo.

SECTION 1: WHAT EXISTS?

The five regional communities (RC) under review all exhibit existing architectures for peace and security. Section 1 provides a brief summary of the history of each RC including foundational documents addressing peace and security, and the background to legal frameworks explicitly and implicitly addressing atrocity prevention. Section 2 describes extant preventive capacities of each RC according to the three pillars of prevention framework, beginning with existing *early warning* mechanisms for mass atrocities, *operational capacity* to respond to warnings, and mechanisms to generate *political will* for response.

AFRICAN UNION

AU - BACKGROUND AND NORMATIVE FRAMEWORK

The context in which the African Union (AU) was established as a successor to the Organization of African Unity (OAU) provides a useful perspective to understand the scope of its mandate and the norms and mechanisms put in place to fulfill its mandate.[3] The need for change and for a new, more robust approach to the way conflict is managed in the region was one of the key inspirations behind the establishment of the AU as a replacement to the OAU. In the three decades preceding the establishment of the AU, Africa had experienced a series of conflicts that were associated with "gross and massive" human rights violations which caused tremendous suffering and exacted a heavy toll on human life and set back the region's socio-economic development.[4] The 1994 Genocide in Rwanda was the latest and most vivid reminder of the scale of human tragedy and the debilitating failure to prevent or end gross human rights abuses and violations. [5]

The OAU had, since its inception in 1963, stressed the need for a foundation that would provide a framework for collective responsibility, joint action, and strategic planning in the areas of security, peace, and stability. The AU, established in 2002 following the reconfiguration of the OAU, has also sought to consolidate efforts towards the articulation of the continental peace and security architecture. In outlining the institutional foundations of African Peace and Security Architecture (APSA), the AU established the Peace and Security Council (PSC) in 2002[6] as a key organ tasked with the mandate of promoting stability in the continent. The PSC was tasked with the duty of facilitating timely and efficient responses to conflict and crisis situations in Africa. The PSC is a 15-member organ of the AU which assumes several responsibilities relating to the promotion of peace and security, including engaging in preventive diplomacy, authorizing intervention missions for peacekeeping, authorizing interventions which prevent cases of genocide, assisting in the preventions of war crimes and crimes against humanity, preventing human rights violations in member states and managing catastrophes and humanitarian actions.

The motivation behind the establishment of the AU in July 2002 was in part a desire for more effective mechanisms to manage violent conflicts and their attendant consequences. Africa had experienced a significant rise in violent conflicts and very serious human rights abuses and violations in the preceding decades, punctuated by the 1994 genocide in Rwanda. By all accounts, the OAU had proved woefully inadequate in managing these situations.[7] The United Nations, and international partners more generally, were also perceived to be reluctant or unwilling to fulfill their responsibility *vis-a-vis* the continent. As a result, there was a greater resolve to be more engaged and proactive in managing the peace and security challenges in the continent and to prevent the recurrence of similar situations, as well as the recommitment to fundamental values, including democracy, good governance, and human rights, as the basis for regional cooperation. Africa, it was argued, could not depend on others to resolve its problems and needed a renewed commitment to managing conflicts in the region, which, in turn, required a significantly different approach and enhanced conflict management mechanisms and institutions.

The AU was thus envisaged as a marked departure from its predecessor to represent the renewed commitment to effectively preventing and managing conflicts, and end the associated human rights catastrophes. To that end, the Constitutive Act of the African Union embodies a more dynamic set of norms, principles, and

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3   For accounts of the thinking and deliberations leading up to the establishment of the AU, See: Kioko, B. (2003) "The Right of Intervention Under the African Union's Constitutive Act," *International Review of the Red Cross* 85:807-25 (arguing that the establishment of AU was inspired among other things by the need for a different approach and strengthened institutions in order to effectively address common challenges) and T. Maluwa (2001) "Reimagining African Unity: Some Preliminary Reflections on the Constitutive Act of the African Union" *African Yearbook of International Law*, vol. 9, 2001, p. 38.
4   See Mutua, M.W. (1995) "Putting Humpty Dumpty Back Together: The Dilemmas of the Post-Colonial African State" 21 *Brooklyn J of Int Law* 505, 506.
5   OAU's International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and the Surrounding Events, Rwanda: The Preventable Genocide (2000) 160.
6   Members of the PSC are selected by the AU Executive Council on a regional basis (East, West, Central, North and Southern Africa). The PSC replaced the Central Organ of the Mechanism for the prevention, management and regulation of conflicts in Africa, created in 1993 by Heads of States during the Summit in Tunis. The Protocol relating to the Establishment of the PSC entered into force on 26 December 2003.
7   OAU's International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and the Surrounding Events, *Rwanda: The Preventable Genocide* (2000) 160.

mechanisms that are intended to underscore the new approach. The APSA that evolved from the framework in the Constitutive Act is the mechanism intended to operationalize this new approach. The Constitutive Act of the African Union outlines the overall objectives and principles of the Union, in Articles 3 and 4 respectively. These are further elaborated in the protocol establishing the PSC, which reiterate very similar ideas and expectations. Both the Constitutive Act and the PSC Protocol incorporate other legal and political instruments, explicitly and by implication, such as the Charter on Democracy, the African Charter on Human and Peoples' Rights, the Solemn Declaration on the Conference on Security, Stability, Development, and Cooperation in Africa (CSSDCA),[8] the New Partnership for Africa's Development (NEPAD),[9] and the African Peer Review Mechanism (APRM), which in that respect also form part of the normative framework. The documents also make reference to the Charter of the United Nations and the Universal Declaration of Human Rights, which shall be referenced as appropriate, focusing on those items pertinent to the prevention mandate.[10]

Article 3 of the PSC Protocol outlines the purposes for which the PSC was established, including:

1. Promoting peace and security in Africa in order to guarantee the well-being of the African people

2. Anticipation and prevention of conflicts

3. Promoting and implementing peace building and post reconstruction activities to consolidate peace and the resurgence of violence

4. Promoting and encouraging democratic practices, good governance, and the rule of law, protection of human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law, as part of efforts to preventing conflicts

The protection of civilians is at the core of this normative framework. The preamble to the Protocol of the Constitutive Act Relating to the Establishment of the Peace and Security Council of the AU,[11] affirms the centrality of the protection of civilians, anchored/premised on AU member states' lamentation that "no single internal factor has contributed more to... the suffering of the civilian population [in Africa] than the scourge of conflicts within and between our states."[12]

Much more so than the OAU, the AU places greater focus on democratic governance, democracy, and the promotion and protection of human rights as critically essential components of the continental peace and security agenda.[13] At least six out of the sixteen fundamental principles by which the AU is to be guided embody elements of human rights norms. For example, Article 4(m), which is concerned with human rights issues in the context of violent conflicts, provides that respect for democratic principles, human rights, the rule of law, and good governance are fundamental principles of the AU. Most notably, Article 4(o) commits member states to respect the sanctity of human life and to condemn and reject impunity, political assassination, and acts of terrorism.

Reinforcing these commitments further, the PSC Protocol provides in Article 3 that one of the objectives of the PSC is to "promote and encourage democratic practices, good governance and the rule of law, protect human and fundamental freedoms, respect for the sanctity of human life and international humanitarian law, as part of the effort for preventing conflicts." In discharging its responsibilities, the PSC is required to be guided by the principles enshrined under Article 4, which includes, as stipulated under paragraph C, ensuring "respect for the rule of law, fundamental human rights and freedoms, and the sanctity of human life and international humanitarian law." In the article outlining its power, the PSC is tasked with the mandate of following-up "the progress towards the promotion of democratic practices, good governance, the rule of law, protection of human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law by member states."[14] Article 4(j) of the protocol reiterates the right of the AU to intervene in member states provided for in Article 4(h) of the Constitutive Act.

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8   Declaration AHG/Decl.4 (XXXVI), adopted by the 36th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Lomé, Togo, from 10 to 12 July 2000, as well

9   Declaration AHG/Decl.1 (XXXVII) adopted by the 37th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Lusaka, Zambia, from 9 to 11 July 2001

10   Article 4 of the PSC protocol provides that the PSC "shall be guided by the principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, in particular the peaceful settlement of disputes and respect for the rule of law, human rights s out the guiding principles of the PSC, which are similar.

11   *Supra*, note 12.

12   *Ibid*.

13   See, for example, references to human rights and democratic governance in the Preamble to the PSC Protocol and to the protection of civilians in the preamble to the CSSDCA.

14   Art 7(1), PSC Protocol

ECOWAS - BACKGROUND AND NORMATIVE FRAMEWORK

The Economic Community of West African States (ECOWAS)[15] was established in May 1975 when the nexus between development and security was very much a blurry concept. At the time, the central focus for regionalization was to promote inter-state relations and economic prosperity. This was evident in the Treaty establishing ECOWAS, which states that "the aims of the community are to promote cooperation and integration, leading to the establishment of an economic union in West Africa in order to raise the living standards of its peoples, and to maintain and enhance economic stability, foster relations among member states, and contribute to the progress and development of the African Continent."[16] However, with the outbreaks of violent conflicts in many West African countries (Liberia from 1989-1999 and in 2003; Sierra Leone from 1997-2000; Guinea Bissau in 1998 and 2003; Cote d'Ivoire from 2003-2004, and Mali since 2012), ECOWAS legal and policy frameworks gradually evolved from its initial mandate promoting economic integration to address human security challenges including armed insurgency, terrorism, cyber security, sectarian violence, political violence, and inter-ethnic conflicts. This changing security landscape led ECOWAS to expand its legal instruments and organizational structures to adapt to the emerging security challenges in the region.

However, the concept of mass atrocity has not been given special attention in spite of the evolution of ECOWAS legal and policy frameworks to address human security challenges. Within policy-making circles in West Africa, there is a widespread view that conflict prevention encompasses mass atrocity prevention. ECOWAS has developed a robust normative conflict prevention and security framework over the past three decades. The first legal instrument adopted in ECOWAS, within the first three years of its establishment, was the Protocol on Non-Aggression (PNA) in April 1978, followed by the Protocol on Mutual Assistance in Defense (PMAD) in May 1981. Given that the human security threats in the region were mostly of external nature in the form of interstate conflicts, the aim of PNA was meant for member states to "refrain from the threat and use of force or aggression" against each other.[17] As one of the first steps to build this normative framework, ECOWAS adopted the collective defense treaty (PMAD) to protect and defend the region as an economic bloc. The PMAD stipulates that armed threat or aggression against a Member State will constitute a threat or aggression against the community as a whole. On August 7, 1990, the PMAD framework was used as a justification for ECOWAS to intervene unilaterally, without the approval of the UN Security Council (UNSC) in Liberia to prevent the occurrence of mass atrocities. By then, there was no clear legal or policy reference to the concept of mass atrocities as the basis for intervention.

The move to prevent mass atrocities was implied in ECOWAS' statement noting that it was about "stopping the senseless killing of innocent civilians, nationals, and foreigners, and to help the Liberian people to restore their democratic institutions." Even though there were no specific legal provisions *a priori* to allow ECOWAS to interfere in the internal affairs of a member state, this intervention was carried-out out of moral obligation to stop the "senseless killing" that has been going for over a decade, thus destroying the stability of the entire region. In the spirit of PMAD, ECOWAS created the Economic Community of West African States Monitoring Group (ECOMOG) on the ground as a collective response to rescue a member state that was on the verge of collapsing, which would have endangered the peace and security of other member states.[18] The protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping, and Security was adopted in 1999. This protocol addresses the immediate causes of conflicts following the 2001 Supplementary Protocol on Democracy and Good Governance, which is complementary to the 1999 protocol and addresses mostly structural causes of conflicts. ECOWAS member states have gradually enhanced cooperation in security and defense and introduced the concept of conflict prevention. To ensure standardization and serve

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15 ECOWAS is composed of fifteen member states: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, The Gambia,Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.
16 ECOWAS Vision 20/20.
17 Dr. Niagalé Bagayoko. ECOWAS Peace and Security Architecture: The Institutional Framework
18 Dr. Niagalé Bagayoko. ECOWAS Peace and Security Architecture: The Institutional Framework

THE STATE OF THE ART: REGIONAL CAPABILITIES IN AFRICA

as a platform for action for multiple actors and stakeholders, the ECOWAS Conflict Prevention Framework (ECPF) was developed and adopted in 2008 with the aim to mainstream conflict prevention into ECOWAS policies and programming. The ECPF has fourteen components.[19] Article 18 of Section IV of ECPF defines conflict prevention as:

> *Activities designed to reduce tensions and prevent the outbreak, escalation, spread or recurrence of violence. Conflict prevention strategies may distinguish between operational prevention (measures applicable in the face of imminent crisis) and structural prevention (measures to ensure that crises do not arise in the first place or, if they do, that they do not re-occur).[20]*

This definition is a demonstration of ECOWAS commitment to address and intervene in the entire continuum of the conflict prevention cycle.

After an analysis of these normative frameworks, it is clear that there is no reference to mass atrocities or application of the mass atrocities lens in any of the instruments at the institutional or national level. According to the staff of ECOWAS, this could be attributed to the fact that both concepts involve violence and insecurity, so the distinction is arguably perceived as being academic rather than of practical value. Policy makers underlined that even though the term "mass atrocities" is not explicitly mentioned, it is implied in some of the protocols and declarations. Notwithstanding, with increasing clarity between the two concepts, ECOWAS representatives have not excluded the possibility of reviewing its legal and institutional frameworks to introduce specific provisions relating to the prevention of mass atrocities.

Under the APSA, each REC has a mandate to establish its own early warning system (EWS) to respond to its regional security challenges. As a result, the West Africa EWS was created with the legal backing and support of ECOWAS member states. At the ECOWAS level, the creation of an early warning mechanism is enshrined in Article 58(f) of the 1993 ECOWAS Revised Treaty, which provides for the establishment of a regional peace and security observation mechanism and peacekeeping forces where necessary.[21] The creation of the mechanism is further elaborated in Chapter IV of the 1999 protocol, which states: "A sub-regional peace and security observation system known as the Early Warning System is established for conflict prevention and in accordance with Article 58 of the Revised Treaty.[22] Article 23 of the 1999 protocol also stressed the importance of setting-up an observation and monitoring center responsible for data collection, analysis, and preparation of early warning reports for the attention and actions of the Executive Secretariat.

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19   Early Warning; Preventive Diplomacy; Democracy and Political Governance; Natural Resource Governance; Cross-Border Initiatives; Security Governance; Women, Peace and Security; Practical-Disarmament; Youth Empowerment; ECOWAS Standby Force; Human Rights and the Rule of Law; Humanitarian Assistance; The Media (role in a Democracy and in Transition); Peace Education (Culture of Peace).
20   Thelma Ekiyor. ECOWAS Conflict Prevention Framework (ECPF): *A new approach to an old challenge.*
21   Dr. Niagalé Bagayoko. ECOWAS Peace and Security Architecture: The Institutional Framework.
22   *Ibid.*

THE STATE OF THE ART: REGIONAL CAPABILITIES IN AFRICA

ICGLR - BACKGROUND AND NORMATIVE FRAMEWORK

The International Conference of the Great Lakes Region (ICGLR) emerged from multiple crises that have long characterized the Great Lakes Region. Mass atrocities commencing during the Burundi civil war of 1993 helped catalyze the Rwanda genocide the following year, eventually leading to the First Congo War (1996-1997). These political events decimated the region, significantly destabilizing all three countries, with the ramifications continuing to be felt throughout Central Africa. A number of diplomatic initiatives were born, aimed at finding lasting solutions to conflict and other security issues in the region:

▸ In 1996, France advocated for the organization of an international conference on peace, security, and stability under the leadership of the United Nations (UN) and the OAU, today's AU.[23]

▸ In February of 2000, the UN Security Council requested that the International Conference on Peace, Security, Democracy, and Development in the Great Lakes Region be held under the auspices of the United Nations and the OAU.[24] This request was reiterated in June 2000 in a new UN resolution.[25]

▸ In that same year, the International Conference on the Great Lakes Region was jointly established by the Secretariats of the United Nations and the AU in Nairobi, Kenya. In contrast to its appellation, the conference was not limited to member states of the region in question. It subsequently integrated all countries sharing borders with the DRC. Indeed, those countries sharing borders with the DRC all have, at different degrees, been either involved and/or affected by the instability experienced by the DRC.

▸ In November of 2004, eleven heads of state and the governments of the member states unanimously adopted the Declaration on Peace, Security, and Development in the Great Lakes Region of Dar-Es-Salaam (Tanzania), which provided for the establishment of "a regional security framework for the prevention, management and peaceful resolution of conflicts."[26] This same declaration is concerned with "the use of violence for conquering or conserving power, the impunity of crimes of genocide, crimes against humanity, and war crimes," and indicated its willingness to fight against genocide in the Great Lakes region.

The heads of state and governments of the member states of the conference soon followed the Dar-Es-Salaam Declaration in December 2006 with the adoption of the legally binding Pact on Security, Stability, and Development in the Great Lakes Region. This convention, which includes the Dar-Es-Salaam Declaration, provided a list of all member states of the conference, formulated monitoring mechanisms at both regional and local levels, and described its different protocols and programs. It also established the secretariat of the conference and defined its missions and *modus operandi* of the latter. One of the protocols of the pact focused on the prevention and repression of crimes of genocide, war crimes, and crimes against humanity, as well as all forms of discrimination.[27] The pact particularly called on member states to "refrain, prevent, and sanction perpetrators of such crimes." The protocol itself recommended the creation of a Committee for the Prevention and Punishment of crimes of genocide, crimes against humanity, war crimes, and all forms of discrimination which shall be composed of one expert from each member state, and the organ shall meet once every six months. The conference shall provide the secretariat and all other facilities and services, as well as the staff required for the effective functioning of the Committee.[28]

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23 Speech by the President of France: Jacques Chirac, on the occasion of the 19th Conference of Heads of State of France and Africa that held in Ouagadougou (Burkina Faso), on the 5th of December 1996.
24 Paragraph 18 of resolution 1291 of the Security Council
25 Paragraph 18 of resolution 1304 of the Security Council
26 Article 19 of the Declaration
27 The other protocols adopted by the ICGLR are the protocol on democracy and good governance, the Protocol on Judicial Cooperation, the Protocol on Management of Information and Communication, the Protocol on the Specific Reconstruction and Development Zone and the Protocol Against the Illegal Exploitation of Natural Resources.
28 Articles 26, 27 and 35 of the Protocol.

IGAD - BACKGROUND AND NORMATIVE FRAMEWORK

The Intergovernmental Authority on Drought and Development (IGADD) was established in 1986 by six East African countries including Ethiopia, Djibouti, Kenya, Somalia, Sudan, and Uganda, with the aim of fighting drought and desertification. The strategic aim was to address the famine and drought that struck Ethiopia and Somalia in 1984 and 1985, devastating significant parts of each state.[29] On March 21, 1996, the Nairobi Assembly of Heads of State Summit adopted the new mandate of regional security and renamed IGADD the Intergovernmental Authority on Development (IGAD) after the signing of the Letter of Instrument to alter the IGADD Charter Agreement.[30] Currently, IGAD is composed of seven member states including Djibouti, Ethiopia, Kenya, Sudan, South Sudan, Somalia, and Uganda. Eritrea joined the regional body but has ceased to remain a member. The March 1996 meeting drafted new objectives to:

1. Foster everlasting peace and security in the sub-region

2. Protect human and peoples' rights

3. Form a way for the prevention, management and resolution of intra and inter-state conflicts

4. Assure sustainable economic development

5. Increase regional cooperation and interdependence.[31]

The IGAD process of 1996 recognized that the sub-region's economic development depends on peace and security. The body has positioned itself to work towards regional security and political dialogue in the region.[32]

While the legal framework of IGAD allows, in principle, for establishment and operationalization of the Conflict Early Warning and Response Mechanism (CEWARN) from the aspects of mass atrocities, there is no existing provision that explicitly addresses risks of mass atrocities and mass killings. Early on IGAD lacked a clear response mechanism to growing challenges in peace and security. There was a need to develop architecture within IGAD's institutional framework that drew from the existing local efforts, mechanisms, and skills in the region related to conflict early warning and management. There was at this time an increased importance placed on REC involvement by the AU and UN. Former UN Secretary General Kofi Annan issued a report on peace and security in Africa, *The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa* (1998), stating that "broader international efforts can only succeed if there is genuine cooperation and support of such measures by the sub-region." Annan was reinforcing the position of his predecessor, former UN Secretary General Boutros Ghali's "Agenda for Peace," where it was noted that "regional arrangements or agencies in most cases possess a potential that should be utilized in serving functions of preventive diplomacy, peacekeeping, peace-making and post-conflict peace building."[33]

The legal framework for IGAD-CEWARN establishes the structures for decision-making and response. It also articulates the process for information sharing among member states. The legal framework has enabled IGAD to combine its diplomatic and political channels to support the work of conflict EWR. This coordination effort has strengthened the involvement of the IGAD permanent secretaries by enhancing their position within the structure and allowing IGAD-CEWARN to establish the regional framework for institutionalization. The legal foundation of CEWARN is contained in the 2002 protocol signed by IGAD member states. The 2002 protocol enables CEWARN to conclude cooperation agreements with international, regional, and sub-regional organizations. The protocol also spells out clearly in Article 16, Signature, Ratification, and Accession, which authorize representatives of member states ratification in accordance with the constitutional requirements and practices of member states. The CEWARN protocol, article 17, allows member states to become an integral part of the establishing agreement.[34] It is dependent upon each member state to include the provisions of the protocol into national laws.

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29 Retrieved from: www.igad.org

30 Healey, S. (2011) Seeking peace and security in the Horn of Africa: the contribution of the Inter-Governmental Authority on Development: International Affairs 87:1 (2011) 105-120. The Royal Institute of International Affairs; Oxford OX4 2DQ

31 IGAD (2002) Protocol of the Establishment of a Conflict Early Warning and Response Mechanism for IGAD Member states, pp. 24

32 IGAD (2004) Intergovernmental Authority on Development Profile: Retrieved from: www.igad.org

33 United Nations. (1992) "An Agenda for Peace: preventive diplomacy, peacemaking and peacekeeping." Retrieved From: http://www.unrol.org/files/a_47_277.pdf

34 IGAD-CEWARN Strategy 2012 - 2019; 2014, pp. 30

SADC - BACKGROUND AND NORMATIVE FRAMEWORK

The Southern African Development Community (SADC) was one of the last regions in Africa to be decolonized, with countries such as Zimbabwe and South Africa gaining their independence in 1980 and 1992, respectively. The Southern African Development Coordination Conference (SADCC) was established in 1980 to coordinate development projects among the then nine member states, which sought to extricate themselves from dependence on Apartheid South Africa. However, owing to the changing environment, SADCC was transformed into the Southern African Development Community (SADC) in 1992, and its mandate broadened to go beyond a focus limited to economic development. Currently, SADC's membership is drawn from fifteen member states of SADC region including Zimbabwe, Zambia, Botswana, Malawi, DRC, South Africa, Lesotho, Swaziland, Tanzania, Angola, Mauritius, Madagascar, Namibia, Mozambique, and Seychelles. SADC seeks to promote sustainable economic growth and socio-economic development through integration, good governance, and durable peace and security. SADC has experienced problems such as conflicts, terrorism, drug and human trafficking, and wildlife poaching, among other challenges, and these problems have had negative political, economic, and social implications. It is against this background that SADC's scope and mandate expanded to focus on peace and security issues.

There are indeed many institutional, legal, and policy frameworks and instruments that are at the disposal of SADC to support the conflict prevention efforts of this REC. These include the SADC Treaty, the Protocol on Politics, Defense, and Security Cooperation, the Strategic Indicative Plan of the Organ (SIPO), the SADC Mutual Defense Pact, the SADC Guidelines on the Conduct of Credible Elections, and the SADC Gender and Development Protocol. The SADC Organ on Politics, Defense and Security (OPDSC) is the central peace and security structure for the regional organization. The organ was launched in June 1996 as a formal institution of SADC, following the SADC Summit of Heads of State (SHS) and Government in June 1996. In August 1999, heads of state and government decided to restructure all SADC institutions, including the organ, and adopted a review of the operations of SADC institutions at an extraordinary summit in 2001. In August 1999, heads of state and government decided to restructure all SADC institutions, including the organ, and adopted a review of the operations of SADC institutions at an extraordinary summit in 2001. The organ is coordinated through a troika (three member states), and is chaired by a head of state from one of the three countries. The chairperson of the Organ is rotated on an annual basis, and reports to the chairperson of SADC.[35] The SADC Troika has in the past acted decisively in intervening in matters threatening peace and security in the region including in the DRC (1998), Madagascar, Lesotho, and Mozambique.

Although SADC documents do not specifically mention mass atrocity prevention, there is language in its policy frameworks and instruments on the role of the regional mechanism in preventing crises such as human rights violations. The key policy frameworks guiding decision-making in the areas of politics, peace, and security are the SADC Treaty and the Protocol on Politics, Defense, and Security Co-operation. The heads of state and government and the relevant ministerial committees then instruct the SADC Secretariat to operationalize and implement the decisions reached at summits or ministerial meetings. Examples of ministerial committees supporting the work of the SADC Organ include the Ministerial Committee of the Organ (MCO),[36] the Inter-State Defense and Security Committee (ISDSC), and the Inter-State Politics and Diplomacy Committee (ISPDC). The SADC Secretariat acts on instruction from heads of state and government and ministerial committees on any intervention in conflict situations, regarding diplomatic or military means. Decisions taken by the organ are referred to the summit for discussion and approval. It is important to note that decisions by the SADC Summit and the OPDSC on political and security matters are generally made by consensus. SADC has clearly articulated policies and legal frameworks on early warning and conflict prevention. Key documents such as the SADC Treaty and *Protocol on Politics, Defense, and Security* underscore the importance of conflict prevention and constructive resolution of disputes. These instruments are supported by a rubric of institutions and mechanisms that work towards ensuring that the region enjoys peace and stability, including the SADC Troika and the SADC Regional Early Warning Centre (SADCREWC). Nonetheless, for effective EWR, there is a need to ensure that the SADC REWC works closely with Civil Society Organisations (CSOs) and other actors.

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35   The current chairperson of SADC is President Ian Khama of Botswana.
36   The MCO comprises the ministers responsible for foreign affairs, defense, public security, and state security of each member state.

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SECTION 2: EARLY WARNING AND RESPONSE

As a component of the broader APSA, Regional Communities (RCs) have established EWSs to apply a proactive approach towards combating conflicts and natural disasters on the continent. The EWSs of RCs are an important subject of critical analysis and discussion in view of the ever-growing challenges of security and development on the African continent. In this section the ATF describes extant atrocity EWR mechanisms in the five RCs.

AU

The AU has no specific mandate addressing atrocity EWR. However, the CEWS mechanism is a developed system for monitoring conflict situations on the continent. One of the main bodies within the AU which is mandated to assess situations at risk is the Peace and Security Council. The protocol relating to the establishment of the PSC, which entered into force in December 2003 defines the PSC as:

> ... a standing decision-making organ for the prevention, management, and resolution of conflicts. The PSC shall be a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa.

Against this background, the AU Summit of 2004 accepted early warning mechanisms as a collective conflict prevention, management, and resolution strategy for the continent.[37] To assist the PSC in doing its work are other APSA pillars, which include the Continental Early Warning System (CEWS). Article 12 of the Protocol Relating to the Establishment of the Peace and Security Council provides for the establishment of a CEWS. The structure and operation of CEWS is based on the premise that there would be harmonization between the AU and RECs (Regional Economic Communities) in the operationalization of EWR processes. In fact, Article 12(3) of the protocol relating to the establishment of the African Union PSC calls on the regional organizations for their active role in early warning activities.[38]

The CEWS is provided for in the PSC protocol among the organs to support the mandate of the PSC "to facilitate the anticipation and prevention of conflicts." The purpose of the CEWS is to provide timely advice (early warning) by availing information and analysis to the Chairperson of the AU Commission on potential conflicts and threats to peace and security to enable the commission, the PSC and other relevant actors to ultimately develop appropriate and timely responses to prevent or resolve conflicts or crisis situations in Africa.[39] The CEWS comprises an observation and monitoring center (the Situation Room) located within the AU Commission at AU headquarters in Addis Ababa and the observation and monitoring units of the RCs early-warning mechanisms. The AU recognizes eight RCs, all of which have EWSs at different stages of development that are considered integral parts of the CEWS pursuant to the PSC protocol, namely The East African Community (EAC), the Common Market for Eastern and Southern Africa (COMESA), the Community of Sahel-Saharan States (CEN-SAD), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Inter-Governmental Authority on Development (IGAD), the Southern Africa Development Community (SADC), and the North Africa Regional Capability (NARC).

There are three elements of the CEWS:

6. The collection and analysis of conflict data

7. Analysis of the data to identify trends and conditions that might be conducive to conflict

8. Production of early-warning reports with appropriate recommendations for the relevant organs of the PSA

In response to the requirement in the PSC protocol, CEWS undertakes its functions in collecting, analyzing, and transmitting data on potential conflicts or crisis situations (early warning) based on the development of "an early warning module based on clearly defined and accepted political, economic, social, military, and humanitarian indicators."[40] The CEWS uses various tools to collect and analyze data. For dynamic data collection, analysis, and covering events, the CEWS primarily uses three tools: *The Africa Media Monitor*

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37 African Communiqué: Extra ordinary Summit, 2004.
38 The protocol was adopted in Durban, South Africa in July 2002, and entered into force in December 2003.
39 The CEWS Handbook (2006) 17.
40 PSC Protocol, Article 12 (4).

(AMM), *The Africa Reporter,* and *Live-Mon.* The AMM collects and processes data from the continent in real time, processing up to 40,000 articles simultaneously in all four AU languages and operates in a way that produces news updates via text messages. *The African Reporter*, which is based on predefined templates of incident and situation reporting, leverages primary data from the different field mission and liaison offices of the AU and produces risk scores on conflict situations. *Live-Mon* is a geo-coded tool that automatically displays news events as they develop on a map in the Situation Room.

For collecting and analyzing structural information, CEWS uses the Indicators and Profiles Module and Africa Prospects. The Indicators and Profiles Module is a repository of structural data that is organized into country background briefings and country profiles. Africa Prospects is a tool used to periodically conduct vulnerability assessments of countries based on various economic and demographic indicators. The existing mechanism does not, however, differentiate between indicators of conflict and indictors of potential mass atrocities. In terms of analytical capacity, the CEWS, housed in the Conflict Management Division (CMD) of the AU, has seven staff members located inside and surrounding the Situation Room, which operates on a 24-hour basis to continually monitor conflict indicators and identify potential flashpoints. The technical staff at the situation room in Addis Ababa is supported by a small complement of staff located at the AU's ten political liaison offices. The focus of the activities to date has been delivering information on political instability to the PSC, and it is in the process of developing indicators of threats, vulnerabilities, and risks relevant to civilian protection.

Data collection and monitoring is followed by strategic conflict analysis involving the interpretation of the processed data and the production of analysis on strategic conditions, trends etc. that form the basis for early warning. Apart from the staff that run and monitors the situation room on 24-hour basis, the CEWS has more than a dozen staff consisting, among others, of analysts organized into regional clusters. They are responsible for strategic conflict analysis, which results in the production of both early warning and the initial policy and response formulation that is directed to policy makers. CEWS produces several regular reports, which include:

A daily news highlight compiled from open source reporting

- ▶ A daily field report, which contains data from AU field mission reporting
- ▶ A weekly update of political and military developments
- ▶ "Flash reports" designed to draw immediate attention to crisis situations as they develop
- ▶ Updates on potential and present conflict situations.

The reports usually include recommendations and response options, including scenario building, and indicate which organs of the AU would be best deployed to help defuse specific crisis situations. The intended recipients of the CEWS reports and recommendations are the relevant organs of the APSA, namely the AU Commission, the PSC, and the Panel of the Wise.

On this basis, the response system involves diplomatic and other methods that relevant recipients of the products of the CEWS initiate in order to ensure either that the threat of violent conflict is averted or an emerging violent conflict is contained before it spirals out of control.

ECOWAS

ECOWAS has no specific mandate addressing atrocity EWR. However, the ECOWAS Early Warning and Response Network (ECOWARN) mechanism is a developed system for monitoring conflict in the region. The activities are undertaken by the EWD, which is comprised of the following divisions: analysis, system, and program management. EWD is located at the ECOWAS Commission in Abuja with four observation and monitoring zones[41] in Benin, Burkina Faso, Liberia, and The Gambia, to decentralize conflict monitoring and reporting throughout the region. Each zone covers three to four countries, thus covering the fifteen countries in West Africa.[42] The four zones liaise with the focal points (Field Reporters) of ECOWARN in member states, while the ECOWAS EWD (EWD) is the hub processing information coming from the entire region to turn into

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41   Zonal bureaus are located in 4 capital cities in West Africa: Banjul, Cotonou, Monrovia and Ouagadougou.
42   Zone 1 based in Banjul covers Gambia, Senegal, Guinea Bissau and Cape Verde; Zone 2 covers Burkina Faso, Cote d'Ivoire, Mali and Niger; Zone 3 covers Liberia, Sierra Leone Guinea and Ghana; and Zone 4 covers Benin, Togo and Nigeria.

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actionable reports. However, this structure is becoming obsolete as the zonal bureaus are being phased out and national conflict prevention mechanisms, currently piloted in five countries, emerge.

The unique feature of ECOWARN is that it is bottom-up and driven by grassroots participation with the collaboration of Civil Society Organizations (CSOs) led by the West Africa Network for Peace building (WANEP). ECOWAS has gained a reputation for being a leading regional bloc in Africa with formal collaboration with regional CSOs as its partners in the field of peace and security. Paragraph 114 of ECPF (2008) stresses the engagement of ECOWAS with civil society at regional, national and community levels. This provision aims to cement and formalize the structure of ECOWAS' collaboration with the West Africa Network for Peace Building (WANEP), which began in conflict prevention in 2002. The partnership with WANEP, the largest peace-building network in West Africa, was formalized with the signing of a memorandum of understanding (MOU) in 2004.[43] ECOWAS collaboration with WANEP is important given the fact that WANEP has national network in each member state. WANEP, through the creation of its national early warning system (NEWS), has replicated the same structure of ECOWARN across West Africa with further presence at the community level. WANEP has four zonal coordinators (ZC) interfacing with ECOWAS zonal bureaus (ZB), a Liaison Office at the EWD (EWD) in Abuja, and civil society monitors at the community level working daily with their government counterparts.

ECOWARN is made up of ECOWAS personnel, specialist organizations, CSOs, and personnel from member states. All actors work together to collect, analyze, and interpret data that helps produce various types of reports. The architecture is built on three tiers of information gathering and response: a member states information gathering team, a civil society information gathering team, and an ECOWAS EWD information gathering team. At the member states level, the designated ministry, in some countries, is the Ministry of Foreign Affairs, which appoints public servants to gather and input data in the ECOWARN conflict-monitoring platform. At CSOs level, conflict monitors across the fifteen ECOWAS countries collect data on a daily basis to populate the ECOWARN online platform. At ECOWAS level, information is gathered at zonal level by the four regional zonal bureaus in Banjul, Monrovia, Ouagadougou, and Cotonou.[44] The ECOWAS EWD also gathers information from its headquarters in Abuja.

Operationally, every team inputs early warning data in the ECOWARN conflict-monitoring platform. The data are analyzed and turned into reports for the attention of policy-makers. The information is shared at the level of the Commission of Political Affairs Peace and Security (CPAPS) and eventually with the President of the Commission. ECOWARN has a long-standing collaboration with Virtual Research Associates (VRA), an American company which has developed its initial software and protocols and continues to support the program.[45] In 2005, the directorate, in collaboration with CSOs, think tanks, and academic institutions led by VRA, produced a set of 94 indicators, which was later revised and reduced to 66 indicators.[46] In early 2005, the Directorate of Early Warning, together with VRA, developed a field reporting and analysis apparatus that is functionally equivalent to the CEWS *Africa Reporter* and the CEWARN *Reporter* applications used in the IGAD region. These tools are inter-operable, thus facilitating comparative analyses, independent testing, and sharing of data within the RECs and between the RECs and AU-CEWS.[47] The system was installed in February 2007 and controlled and operated by the EWD.[48] The system has advanced greatly since the creation of ECOWARN ten years ago, with new technologies for monitoring and visualization (GIS) supporting enhanced decision-making. EWD's "organogram" has also evolved to include new positions, and the program is being decentralized at the national level to reduce the gaps between the warning and response mechanisms and give more ownership to member states addressing emerging conflicts timely and effective manner.

Through the support from the African Peace Facility,[49] a fully equipped Geographic Information System (GIS) loaded with the latest GIS hard- and software was established at the ECOWAS Commission and has been operational since 2010. EWD is working with directors of national survey departments to produce a roadmap that will facilitate the acquisition of geo-spatial data in the required formats and scales for all ECOWAS member states.[50] The GIS

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43   The MoU between ECOWAS and WANEP has been renewed for another 5 years.
44   Again, this structure is increasingly becoming obsolete and is now being replaced by the new structure.
45   Report of the Operationalization process of the ECOWAS Early Warning System (ECOWARN) 2004-2010.
46   The 66 indicators are said to be gender sensitive and comprehensive.
47   Report of the Operationalization process of the ECOWAS Early Warning System (ECOWARN) 2004-2010.
48   *Ibid.*
49   The AU Peace Facility is mainly financed by the European Union.
50   Report of the Operationalization process of the ECOWAS Early Warning System (ECOWARN) 2004-2010.

provides a computer-implemented spatially oriented database for evaluating the information concurrently with other spatially formatted data as well as information that may be acquired from remote sensor data, maps, surveys, and other sources of spatially referenced information.[51] According to a recent report, "The system offers capabilities to view situational data with associated mapping information that could be extremely useful in situation assessment and status mapping."[52] To further strengthen and complement ECOWARN, WANEP NEWS strives to respond to critical demands for pertinent information relating to human security and violent conflicts, especially at the community level. Through NEWS, CSOs are involved in filtering, monitoring, and analyzing information on possible threats of human security at community and national levels. Early warning products are produced and disseminated to relevant stakeholders, such as daily, weekly, monthly, and quarterly reports, and conflict census and assessments.[53]

ICGLR

ICGLR has no permanent department formally charged with atrocity EWR, or more traditional conflict prevention. However, several mechanisms tasked with monitoring the implementation of the pact partly meet this definition since they are concerned with the prevention of conflicts and mass violence. These bodies include:

1. The Joint Intelligence Fusion Centre (JIFC)

2. The Expanded Joint Verification Mechanism (EJVM)

3. The Regional Forum for the Prevention of Genocide

4. National Committees for the Prevention of Genocide

A summit of ministers of defense of all member states, held in Kigali, Rwanda in 2011, decided on the creation of the JIFC. The center was officially opened on the June 13th 2012 in Goma, the capital city of North Kivu province in the DRC. The main mission of the Centre is to collect, process, analyze, and verify information on negative and armed groups from intelligence and security agencies of member states or any other source. It is also tasked with providing and disseminating actionable intelligence with recommended courses of action to the Regional Coordination Committee (RCC).[54] This center is composed of two representatives of each member state. An Expanded Joint Verification Mechanism (EJVM), with two representatives from each member state, was established in September 2012.[55] The main task of this mechanism is to verify allegations on various issues pertaining to insecurity but mainly focuses on interstate tensions and conflicts.[56]

The conference also initiated the creation of regional forums on various themes. These fora synchronize their activities with those of the Executive Secretariat and national coordinators. It is within this framework that the Regional Forum for the Prevention and Punishment of crimes of genocide, crimes against humanity, war crimes, and all forms of discrimination was created. It was established in Kampala, Uganda in September 2010 and convened in Kinshasa, DRC in November 2010. This regional forum urged member states to establish national committees for the prevention of genocide. National committees have now been fully established in eight of the twelve member states including Republic of Congo, the Central African Republic, Kenya, Uganda, DR Congo, Rwanda, South Sudan, and Tanzania.[57]

The JIFC is managed by a regional coordination committee on a rotational basis and is currently chaired in Brazzaville, Congo. It is comprised of representatives from Angola, Burundi, DRC, and Rwanda. The Conference of Defense Ministers of ICGLR member states mandated that it report primarily to the regional coordination committee and the Chairman of the Chiefs of Staff, who, in turn, report to the Committee of Ministers of Defense. The JIFC shares the intelligence reports with the EJVM if necessary. It works in close collaboration with the United Nations Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and in association

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51 *Ibid.*

52 *Ibid.*

53 The system produces the following documents: Incident and Situation Reports; Daily Highlight; Country Profiles; Strategic Conflict and Peace Assessment (SCONPA); Policy Briefs (e.g. Crisis in Cote d'Ivoire); Regional Security Overview; Country Security Risk Assessment (SRA); and Conflict systems.

54 Information obtained from the website: www.icglr.org

55 Except the DRC and Rwanda which each have 3 representatives. It should equally be noted that South Africa has some representatives in this mechanism.

56 Interview with Wilson Kajwenye: Program Officer for Peace and Security Program at the Executive Secretariat of the ICGLR. Bujumbura, April 2015.

57 Interview with Desire Iwangou; Program Officer in charge of Cross-Cutting Issues at the Executive Secretariat of the ICGLR, Bujumbura, January 2016.

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with other similar regional centers, especially those of Dungu and Obo in the eastern province of the DRC and Yambio in South Sudan, under the supervision of the AU in the fight against the Ugandan rebels of the Lord's Resistance Army (LRA). The Centre is funded by contributions from member states but also receives technical support from MONUSCO. It is supposed to play a key role in the joint initiative of the ICGLR, Southern African Development Community (SADC), and the United Nations against negative forces operating in the DRC.[58]

The objective of the EJVM is to verify and, if necessary, validate allegations formulated by member states in regard to armed conflicts, including allegations on the provision of assistance to rebel movements operating in the DRC. It first submits reports to the acting Chairman of the Meeting of Defense Ministers, who in turn submits them to the Summit of Heads of State.[59] Thus, several reports were prepared mainly on Rwanda and the DRC, given that both states were the main subject of both the complaint and the content of reports. A military officer from the chairing state serves as head. The mechanism, whose officers are stationed in Goma, is financed by the member states. The Regional Forum on the Prevention of Genocide handles all missions assigned to the Committee for the Prevention and Punishment of the crime of genocide, crimes against humanity, war crimes, and all forms of discrimination. It is therefore tasked with regularly assessing situations in member states with the aim to prevent crimes of genocide, crimes against humanity and war crimes; collect and analyze information relating to these crimes, warn the Summit of Heads of State in due time for the adoption of appropriate measures to prevent potential crimes, suggest prevention measures, and contribute in awareness-raising and education on peace and reconciliation through national and regional programs. National committees have the same missions as the regional forum but are also expected to provide the former with information on various incidents of crimes of genocide, crimes against humanity and war crimes in member states. However, this collaboration is ineffective as the national committees are largely inoperable; moreover, the forum itself is plagued by various operating problems.[60]

The JIFC and the EJVM have no special provisions in their mandate relating to the prevention of mass atrocities. Moreover, these are mechanisms that are more concerned with the crisis and conflicts in the eastern DRC than with other member states, although the former can equally provide information on other negative forces in ICGLR member states. Given that the FC's mission primarily focuses on these armed groups, it does not play the same role as an early warning mechanism or instrument in other regional contexts. The EJVM is not primarily a conflict prevention mechanism but rather an instrument for the management and resolution of conflicts, because it was created in a region that was already full of conflicts. In essence, the FC's main goal is to corroborate or invalidate the various allegations on conflicts in the DRC in particular.

The FC works in close collaboration with the AU and SADC for reasons mentioned earlier. The Regional Forum on the Prevention of Genocide, as part of its mission, is required to provide Early Warnings, but its mode of operation does not permit it to effectively play this role partly because meetings are spread through the year as it only convenes every six months. It can certainly hold extraordinary meetings when necessary, but currently faces difficulty in convening statutory meetings due to lack of funding. This forum does not yet fulfill its assigned role for reasons already mentioned. In addition, national genocide prevention committees are those required to provide the regional forum with relevant information on all matters relating to the collection and analysis of information on crimes that fall within its competence in member states, but these committees have not been established in all member states and are not even operational in states where they do exist due to lack of resources.[61] Advocacy missions were supposed to be organized in 2015 to boost existing national committees missions for raising awareness and in countries with no national committees, but the project was postponed due to the lack of funding.[62]

All the aforementioned monitoring mechanisms of the pact submit regular or ad-hoc reports, which enable member states to assess the escalation level of a conflict and take appropriate measures for its prevention or de-escalation. These reports are primarily focused on security issues, but they can consider all categories of threats.[63] The member states can also take action based upon the reports. When these assessments are conducted at the top of the chain of command, the Summit of Heads of State reserves the right to decide on the appropriate measures to be deployed. It is in this light that the ICGLR initiated a series of talks between the

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58   Information obtained from the website: www.icglr.org
59   Interview with Wilson Kajwengye: Peace and Security Program Officer at the Secretariat of the ICGLR, in April 2015.
60   Interview with Desire Iwangou: Program Officer for Cross-Cutting Issues at the Secretariat of the ICGLR, Bujumbura, April 2016.
61   Interview with Desire Iwangou: Program Officer for Cross-Cutting Issues at the Secretariat of the ICGLR, Bujumbura, April 2015.
62   Interview with Desire Iwangou: Program Officer for Cross-Cutting Issues at the Secretariat of the ICGLR, Bujumbura, January 2016.
63   Interview with Wilson Kajwengye: Peace and Security Program Officer at the Secretariat of the ICGLR, January 2016.

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belligerent parties in the conflict opposing the March 23 Movement (M23)[64] with the DRC. Some measures are also being taken within the framework of preventive diplomacy, since it shows great promise to prevent violent conflicts. The current Chairman of the Summit is occasionally required by his peers, in countries with a potential risk of conflict and violence, to hold meetings with authorities at the highest level.

As soon as it was created, the ICGLR developed relationships with other international and regional organization as well as development partners. As mentioned above, the AU Commission provides technical, diplomatic, and financial support to the ICGLR, notably in the framework of JIFC. The AU Commission also works with the ICGLR in the framework of its activities. These activities have been the subject of a memorandum of understanding (MOU) between the two organizations. ICGLR has signed other MOU with RECs, such as the East African Community (EAC). Two programs, one on arms and light weaponry and the other on cross-border crimes and terrorism, are in progress with the EAC. With regard to the development partners,[65] ICGLR, whose operating budget is funded by its member states, benefits from their financial and technical supports in the framework of its different programs.

IGAD

IGAD has no specific mandate addressing atrocity EWR. However, CEWARN is a developed system for monitoring conflict in the region. The IGAD-CEWARN Strategy 2007-2011[66] stipulates that the work of IGAD should support the AU initiatives of conflict prevention, management, and resolution (CPMR) strategy. While the mechanism is able to capture mass atrocities at the level of analysis, the CEWARN system does not have specific indicators designed for identifying risks of mass atrocity. The mechanism has a multi-channel information gathering system including event reports, situation reports, and field observation (SMS texting), as well as a multi-tier analytic platform at local, sub-national, national, and regional levels that is focused on identifying threats to peace and security, detecting new and emerging vulnerabilities, and the complex interaction between the two. Built within these data collection systems is a response dimension, which is designed to translate early warming information into early action options.

After conducting focused research, consultations, and assessments by all IGAD member states and the Council of Ministers of IGAD, a protocol and agreement was endorsed and signed on January 9, 2002 in Khartoum, leading to the formation of CEWARN. CEWARN became a legal entity and developed an operational framework. The protocol establishes the principles which govern CEWARN's operations, including the regional framework for institutionalization and its importance, how CEWARN functions, outlining the role of CSOs, and the working relationships with the Conflict Early Warning and Response Mechanism Units (CEWERUs). The cooperation between CEWERUs and CEWARN outlines the decision-making process, focal points for CEWARN, consultations with permanent secretaries, and how the existing coordination mechanisms should function.

CEWARN has expanded its scope from their 2007 - 2011 five-year challenges to the 2012-2019 strategic frameworks to provide a systematic approach. Following the IGAD-CEWARN Strategy for 2012 - 2019 (2014), critical imperatives include the ability to gather credible and sufficient data and to turn them into high quality analysis. CEWARN's ability to serve the appropriate decision-makers with a robust risk and contingency assessment in a timely fashion aims to target the political will of member states. The increased scope has also provided CEWARN with the capability to effectively grow and evolve the networks in line with the needs of preventing violent conflict and enabling successful response. Using the in-country CEWERUs, CSOs, NGOs, LBOs, media, and journalists, CEWARN is now able to provide competent support for ground projects that reduce or mitigate risks of violent conflicts. Other critical imperatives have driven increased facilitation and collaboration capacities at the local, national, and regional levels with CEWARN. CEWARN has developed networks that engage peace champions in the region, including women's groups from the pastoral areas, farmer's associations, elders, and peace committees. However, CEWARN is still reliant on outside funding. The 2012 - 2019 CEWARN strategic framework seeks to facilitate the use of CEWARN's support tools in policy formulation and development.

CEWARN operates at local, national, and regional levels. Regionally, the Committee of Permanent Secretaries

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64 The Movement of 23 March is a Congolese rebel group created in May 2012 following the difficulties of the implementation of the peace agreement signed between the Congolese government and the rebellion of the National Congress for the Defence of people (CNDP) of Laurent Nkunda on 23 March of 2009 after the Kivu's war. The M23 was mainly composed of ex-rebels of the CNDP.
65 The Netherlands, Switzerland, GIZ, USAID, Canada, Australia, China, UNIFEM, AFDB, UNDP, etc.
66 IGAD (2004) Conflict Early Warning and Response Mechanism for IGAD: CEWARN Strategy 2007 - 2011, pp. 13

(CPS), provided for in Articles 9(2) and 10 of the protocol, is a structure of the early warning unit made up of Ministries of Foreign Affairs, the Executive Secretary, Director of Political Affairs, and CEWARN as ex-officio members. CPS meets at least twice a year. Its responsibilities include exchanging information on conflict and early warning, and making recommendations to the IGAD Council. The Technical Committee on Early Warning (TCEW) is a coordinating arm of the mechanism, established under articles 9(6) of the protocol. It is made up of heads of National Conflict Early Warning and Response Units (CEWERUs), representatives from civil society and research institutions, and CEWARN. While reporting to the CPS, their functions are contained in Article 3 of the protocol and include promoting cooperation between CEWERUs, civil society and CEWARN unit, reviewing the protocol periodically and recommending amendments where necessary, and reviewing consultative reports of the various mechanisms of CEWARN. CEWARN is the operational arm of the mechanism, whose functions cover both EWR. Contained in Articles 5 - 7 of the protocol, its functions include establishing networks of cooperation among member states, creating and managing the database of information on EWR, developing close cooperation between CEWERUs, and providing technical assistance and other support as required.

At the national level, CEWERUs work closely with sub-regional level sources, which can range from provincial personnel to local authorities, depending on the political structure of the country. CEWERUs are established in suitable locations within relevant ministries in member states and usually consist of a steering committee, a focal point, and local committees. Article 11(3) lists the members of a steering committee that includes security personnel, Members of Parliament (MPs), and civil society representatives, among others. Their functions are to collect information, review and analyze EWR, liaise with civil society at the grassroots level, formulate response strategies, and prepare reports as required. They communicate the information that has been gathered and analyzed to the CEWARN Unit. National Research Institutes are NGOs contracted by CEWARN to assist in set up and management of information collection networks, consisting of Country and Assistant Country Coordinators. Their task is to synthesize field reports into one comprehensive report and provide support for coordinating the work of CEWERUs. The CEWARN structure faces challenges in the integration of the national and sub-regional mechanism into the larger regional CEWARN framework, especially where each level involves both official actors, such as government representatives, and CSOs.

At the local level CEWARN has two entities, local committees and field monitors, engaged in the work of conflict monitoring. At the operational levels, CEWARN works with the sub-national (local), national and regional actors. The committees are expected to bolster response activities within member states. Local committees, sometimes referred to as local peace committees, are composed of representatives from both government and non-government officials. Some of their functions include establishing modes for collection, sharing and dissemination of information, sharing of resources by creating partnerships in peace-building activities, and conducting awareness and publicity campaigns. Field Monitors (FM) are members of communities given the responsibility of collecting and reporting relevant open source or public domain information from the specific area of the cluster. Monitors are stationed in their Area of Reporting (AOR). CSOs are close to the grassroots and their participation in CEWARN is an integral part of EWR. CSOs have acted as a link between and among grassroots groups, within and between IGAD member states.

Some of the activities of CEWARN following the protocol include the upgrading of CEWARN's Early Warning, Early Response (EWER) system, by building the integrated data collection and analysis system. IGAD-CEWARN is scaling up responses that can also include cross border response and strengthen the existing mechanisms through networking with local organizations, CBOs, NGOs, and other peace actors. CEWARN is also improving its information technology reporter system, which is a web database responsible for situation reporting, incident reporting, and events reports (Open Source Information). The current GIS has improved, to the benefit of the National Early Response Mechanism (CEWERUs) and the Database Management System.

SADC

SADC has no specific mandate addressing atrocity EWR. However, there is a developed system for monitoring conflict in the region. SADC has an existing repertoire of institutions involved in its conflict prevention and early warning work. The chief early warning and monitoring mechanism for SADC, the Regional Early Warning Centre (REWC), is based in Gaborone, Botswana. The SADC REWC was fully launched in July 2010.[67] Phase

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67 His Excellency Armando Emilio Guebuza, the President of the Republic of Mozambique and then Chairperson of the Organ on Politics, Defense and Security Cooperation officially launched the SADC REWC on 12 July 2010. Also present were other members of the Troika; His Majesty King Mswati III of the Kingdom of Swaziland, the then out-going Chairperson of the Organ; and Honourable Mkondo D. Lungu, Minister of Home Affairs of the Republic of Zambia, the Representative of the then incoming Chairperson of the Organ on Politics, Defense and Security Cooperation. Members of Diplomatic Corps accredited to the Republic of Botswana were also in attendance.

I dealt with the concept, structure, working system, administrative and financial issues, and Phase II focused on the operationalization of the Centre. The mandate for the operations of the SADC REWC comes from the SADC Indicative Plan of the Organ (SIPO) on peace and security. However, it is important to note that the SADC REWC was only established approximately ten years after IGAD's previously described CEWARN was already in place,[68] so it is essentially a work in progress. While the momentum created by CEWARN could have influenced the development of similar regional mechanisms elsewhere, it is important to highlight that the impetus for creating the SADC REWC came from the organization's expressed need to be able to pro-actively anticipate conflict and ever-growing security threats.

The overall objective of the REWC is to strengthen the SADC mechanisms for conflict prevention, management, and resolution in line with the provisions of the SADC protocol on Politics, Defence, and Security Cooperation. Article 11(3)(b) of the SADC organ protocol provide for the establishment of an "early warning system in order to facilitate timely action to prevent the outbreak and escalation of conflict." Additionally, the mandate of the SADC REWC is derived from the Strategic Indicative Plan of the Organ (SIPO) on *Peace, Security and Defence*. SADC REWC is integrated with member states, which have designated national focal points responsible for communicating with the Early Warning Centre. Focusing on conflicts that are of a socio-economic nature, the main functions of the SADC REWC are described as follows:[69]

▸ To compile strategic assessment and analysis of data collected at regional level,

▸ To share information on major issues posing threat to the security and stability of the region; and

▸ To propose ways and means for preventing, combating, and managing such threats.

The SADC REWC relies mostly on inputs from National Early Warning Centers (NEWCs) of member states and the Regional Early Warning Centre (REWC). Most of the work of SADC REWC is funded by member states. The methodology for SADC REWC on conflict analysis and early warning involves the following processes:

▸ *Collection of information, analysis*: This includes assessment of root causes, proximate causes, and triggering factors of conflict and requires the use of a Situation Room, which facilitates the gathering of relevant information.

▸ *Formulation of likely scenarios and response options*: The analysis is followed by scenario building, which is accompanied by the proffering of policy response options.

▸ *Communication with the decision-makers*: Once the SADC REWC Headquarters in Gaborone, Botswana, analyses the early warning information, it is sent to member states' security services, which in turn communicate it to respective decision makers.

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68   IGAD's CEWARN was established in 2002.
69   From the SADC website

THE STATE OF THE ART: REGIONAL CAPABILITIES IN AFRICA

2. ATROCITY PREVENTION IN PRACTICE
FIVE CASE STUDIES IN AFRICA

INTRODUCTION

Five Case Studies in Africa

In this chapter the ATF explores five recent cases of mass atrocities from the perspective of preventive activities of the regional organizations. An evidence-based exploration of mass atrocities can illuminate causal variables, and help evaluate the performance of the regional prevention mechanisms examined in Chapter 1. This empirical process aids in better understanding the strengths and challenges of atrocity prevention capabilities and mechanisms.

The ATF utilized the following criteria and method during the preparation of the case studies:

1. The presence of mass atrocities - a case within each region that exhibited the dependent variable (DV) of atrocity crimes.[1]

2. To standardize the research, a seven-year time period, from January 2009 to July 2016 was set with each case, for two reasons:

    ▸ The regional organization would have an existing conflict early warning and prevention mechanism in place and operational for the ATF to critique. This was not the case for most African regional communities as recently as fifteen years ago.

    ▸ Advancements in global EWR over the last seven years have been significant and these lessons could be of considerable value to regional organizations in Africa.

3. The ATF researchers utilized process tracing[2] in their case study methodology to identify causal linkages.

4. The Task Force analysis included the background to the conflict situation and was structured according to the three main pillars: actionable early warning, operational capacities, and political will.

ATF members and senior researchers considered multiple cases in each region that met the stated criteria* for selection during the aforementioned 7-year period. These included, in alphabetical order:

1. Burundi (CaH)

2. Cameroon (Boko Haram related CaH)

3. Central African Republic (CaH, EC, MK)

4. Chad (Boko Haram related CaH)

5. Côte d'Ivoire (CaH, WC, MK)

6. DRC (WC, CaH, possible EC, MK)

7. Egypt (CaH[3] after overthrow of Muslim Brotherhood in 2013)

8. Eritrea (CaH[4])

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1   Cases were selected from the "Violence Against Civilians" dataset in the Armed Conflict Location and Event Data Project (ACLED). Code sheets available at http://www.acleddata.com/
2   Process-tracing "attempts to trace the links between possible causes and observed outcomes." (George and Bennett, 2005).
3   https://www.hrw.org/report/2014/08/12/all-according-plan/raba-massacre-and-mass-killings-protesters-egypt
4   http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20067&LangID=E

9. Ethiopia (CaH[5] in Oromia)

10. Guinea (CaH during 2009 Conakry Stadium demonstration)

11. Libya (CaH, WC)

12. Mali (CaH, WC)

13. Niger (Boko Haram related CaH)

14. Nigeria (Boko Haram and Government related CaH, WC, MK, possible EC)

15. Somalia (CaH, WC)

16. South Sudan (CaH, WC, EC, MK, possible Genocide)

17. Sudan (CaH, EC, MK, WC, possible Genocide)

CaH (crimes against humanity), WC (war crimes), EC (ethnic cleansing), MK (mass killing)

Violence against civilians could be coded as a single event with a large number of victims, such as Egyptian security force killings of supporters of the Muslim Brotherhood in Rab'a Square on August 14, 2013, for example, or a long-term campaign of counter-insurgent violence, such as the conflicts in Darfur or South Kordofan, Sudan.

After considerable dialogue five cases were chosen to examine in Chapter 2 (See below):

REGIONAL ORGANIZATION	HEADQUARTERS	ATF CASE STUDY
AU	Addis Ababa, Ethiopia	Central African Republic
ECOWAS	Abuja, Nigeria	Nigeria
ICGLR	Bujumbura, Burundi	Burundi
IGAD	Djibouti City, Djibouti	South Sudan
SADC	Gaborone, Botswana	DR Congo

ATF CASE STUDIES

The ATF developed the following questions to guide the case studies:

1. How did mass atrocities or atrocity crimes develop over the prescribed time period in the particular case?

2. What role did the regional organizations play in the context of early warning, operational capacity, and political will?

5   https://www.hrw.org/report/2016/06/16/such-brutal-crackdown/killings-and-arrests-response-ethiopias-oromo-protests

ATROCITY PREVENTION IN PRACTICE: FIVE CASE STUDIES IN AFRICA

TABLE 3 - CASE STUDIES			
Regional Organization and Case	Pillar 1 Early Warning (EW)	Pillar 2 Operational Capacity (OC)	Pillar 3 Political Will (PW)
AU **Central African Republic**	Strong EW - CEWS monitoring, analysis, and reporting of indicators of violence dating back to review beginning in 2009 and throughout the growing conflict environment in 2012. - Strong EW from Human Rights NGOs during this time as well.	Medium OC - Good offices early including mediation from R. Congo President and AU Chairman Yayi Boni. - AU Sanctions - AU deployment of troops (MISCA) -slow deployment of military forces, an insufficient number of troops, and a lack of financial resources and logistical support	Medium PW - Potential conflicts of interest between negotiators. - Engagement of regional powers raised issues of impartiality. - The parallel peace talks convened in Nairobi in late 2014 and early 2015 exacerbated conflict in CAR
ECOWAS **Nigeria**	Strong EW Clear ECOWARN monitoring, analysis, and reporting of indicators of insurgent and government violence dating back to 2009 and throughout the growing insurgent/COIN environment in 2012-2014.	Medium OC - ECOWAS only started mobilizing and coordinating troops when BH expanded its operations into neighboring Cameroon, Chad, and Niger in 2015. - ECOWAS Standby Force is not yet fully operational	Weak PW Nigerian government's reluctance toward ECOWAS involvement in its internal affairs exacerbated conflict and limited ECOWAS regional response.
ICGLR **Burundi**	Weak EW - No regional EWR mechanism within ICGLR. JIFC monitors armed groups in Eastern DRC only. However, clear record of electoral violence in Burundi and the use of youth militias dating back to 2010. - The EJVM has more recently taken Burundi onto its agenda at the request of member states.	Weak OC - Limited to Good Offices and diplomacy. No coercive capacity. - OC focuses on the use of different monitoring mechanisms (summit of heads of state and regional interdepartmental committees) and is limited to the texts that govern them to generate preventive diplomacy.	Weak PW - ICGLR used diplomacy during 2010 tensions to bring parties together. More recently, however, rivalry and mistrust between regimes in ICGLR member states (Rwanda and Burundi) exacerbated conflict and crippled regional response in 2015 and beyond.
IGAD **South Sudan**	Strong EW Clear CEWARN monitoring, analysis, and reporting of indicators of potential civil war dating back to 2012 and throughout the growing violence up to and including resurgence in July 2016. CEWARN maintains a strong presence in early warning, ongoing monitoring, and decision support related to the S. Sudan Conflict.	Medium OC - Good Offices for years before 2009 including facilitating S. Sudan independence process. - IGAD has played a central role in the mediation efforts between parties in South Sudan with mixed success. - Beyond diplomatic efforts that have shown mixed results, IGAD has limited operational capacity to respond.	Medium PW - Despite the use of good offices for mediation, competing interests of IGAD member states in S. Sudan weakened the effectiveness of the mediation process ad continue to hamper efforts at peace. - Existing bilateral relationships and competition between IGAD member states typically focus on maintaining the status quo.
SADC **DR Congo**	Strong EW - REWC only established in 2010, during ATF period of review. - REWC has been active in monitoring, analysis, and reporting of indicators of ongoing violence in DRC from 2011.	Strong OC - Good Offices including leadership role for SADC member states South Africa and Angola. - Deployment of troops into Eastern DRC through the SADC Force Interventions Brigade (FIB) - FIB actively collaborates with and supports the work of MONUSCO.	Strong PW - FIB is product of discussions between the AU, SADC and ICGLR on how to bring lasting peace to the DRC. - Decision made during 2013 Maputo summit for SADC to intervene in Eastern DRC.

During the 18-month lifespan of the ATF, two cases under investigation, Burundi and South Sudan, degenerated into further political crises marked by atrocity violence targeting civilians, despite massive and prolonged international engagement in both country's peace processes. As the ATF Report went to press in August, 2016, the tenuous situations in South Sudan and Burundi reinforced the vulnerability of civilians and need for specific attention dedicated to mass atrocity prevention.

ATROCITY PREVENTION IN PRACTICE: FIVE CASE STUDIES IN AFRICA

AU - CENTRAL AFRICAN REPUBLIC (CAR)
AFRICAN UNION

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The ATF chose CAR to explore as a case of great importance for several reasons:

1. CAR has recently experienced mass atrocities including war crimes, crimes against humanity, ethnic cleansing, and mass killing resulting from political upheaval in 2013 and 2014.

2. It is a country characterized by periodic political instability and violence targeting civilians since its independence in 1960.

3. The AU has been heavily involved in the response to the political violence in CAR.

Background to the Conflict

Recurring violence in CAR is both a symptom and a cause of structural issues that have plagued the country for the past five decades.[6] These include an absence of state authority and effective governance, as well as

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6   E. Cinq-Mars "Too little, too late: Failing to prevent atrocities in the Central African Republic", 2015 Global Centre for the Responsibility to Protect.

ATROCITY PREVENTION IN PRACTICE: FIVE CASE STUDIES IN AFRICA

the marginalization of communities outside of Bangui. There has been a fundamental lack of justice for past abuses. CAR has been affected by conflicts in neighboring Sudan, Chad, and the DRC, with rebel groups and government forces from neighboring countries freely using remote rural areas as rear bases or for military operations.[7] This has created a significant flow of small arms, further fueling instability in CAR.[8] Cattle thefts and road jacking also contributed to an increasing lack of human security for the population while providing additional resources to militia and criminal gangs.[9] At the heart of the instability in CAR is competition over resources on several levels. There is a perception among many northern Muslims that they have been deprived of their fair share of natural resource wealth by the central government.[10] Moreover, the failure of the state and its institutions to provide adequate security and justice was one of the main causes of the instability in CAR. Indeed, on the one hand, this failure has led to the creation of armed groups, which have replaced the state and have become legitimized.[11] The lack of security has been particularly striking, with both the state security forces and armed groups constituting a threat to the population. The police and the military have been neither willing nor able to provide the citizens with security, resulting in the formation of self-defense militias and rebel groups.[12]

On the other hand, the absence of a functioning state and state security forces has resulted in a lack of basic service provision, such as health care and education.[13] People in the countryside have felt abandoned by the elite in the capital, and the grievances have created a breeding ground for recruitment to different rebel groups.[14] In 2003, upon seizing the presidency, Francois Bozizé suspended the Constitution and dissolved the national Assembly.[15] In 2007, the government signed a peace agreement with the various opposition factions under the aegis of the AU, the Economic and Monetary Community of Central African States, and the Community of Sahel-Saharan States (CEN-SAD).[16] Another agreement, known as the Libreville Comprehensive Peace Agreement, was signed in 2008 between the government of CAR and the rebel groups, including the *Armèe Populaire pour la Restauration de la Democratie*, the Democratic Front for the People of CAR.[17] The deal promised amnesty, disarmament, and demobilization and reintegration programs for former combatants and political power sharing.[18] In August 2012, a loose rebel coalition named Séléka initiated a military campaign against Bozizé's government for failing to implement the disarmament, demobilization, and reintegration program in the northeast.[19]

By early December 2012, the Séléka had already made significant military gains in the north, east, and center of the country. By the end of the month, the Séléka had seized more than half of CAR, overwhelming the national army, the *Forces Armées Centrafricaines* (FACA), and had stopped just 75 kilometers north of Bangui.[20] Peace talks were hastily convened in Libreville, Gabon between the rebel group Séléka and the government under the auspices of the ECCAS, with additional support from the AU and United Nations. On January 11, 2013 an agreement was reached. Known as Libreville Three, it included a ceasefire as well as a

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7   Human Rights Watch "State of Anarchy: Rebellion and Abuses against Civilians" available at https://www.hrw.org/reports/2007/car0907/4. htm (accessed on 24 June 2016).

8   Eric G. Berman & Louisa N. Lombard "The Central African Republic and Small Arms, a regional tinderbox" available at http://webcache. googleusercontent.com/search?q=cache:gqJ4Y76U3r0J:www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-07-CAR/SAS-Central-African-Republic-and-Small-Arms.pdf+&cd=1&hl=fr&ct=clnk&gl=sn (accessed on 24 June 2016).

9   Teja Palko "Away from the spotlight-Central African Republic", 2015 available at http://moderndiplomacy.eu/index.php?option=com_k2&view=item&id=665:away-from-the-spotlight-central-african-republic&Itemid=644 (accessed on 1 July 2016).

10   Sohaib Gabsis & Scott Shaw, 2014 "Crisis in the Central African Republic: Muslim Minorities and the Descent into Sectarian Conflict", p.4 available at http://webcache.googleusercontent.com/search?q=cache:MQ2QFaYldMYJ:www4.carleton.ca/cifp/app/serve.php/1497. pdf+&cd=9&hl=fr&ct=clnk&gl=sn (accessed on 24 June 2016).

11   ReliefWeb "Solutions to conflict in CAR: a better understanding for a lasting peace" available at http://reliefweb.int/report/central-african-republic/solutions-conflict-car-better-understanding-lasting-peace (accessed on 24 June 2016).

12   Gabriella Ingerstad "Violence in the Central African Republic: Causes, Actors and Conflict Dynamics" available at https://www.google. sn/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&ved=0ahUKEwiamoSg78DNAhWDHsAKHaFdCLMQFgg2MAM&url=http%3A%2F%2Fwww.foi.se%2FDocuments%2FFOI%2520memo%25204976.pdf&usg=AFQjCNG4iL0q_ZhAtbBsg-AiqLF_-lafEQ&sig2=xy6eE_tk0KOtV04s1gxBGw (accessed on 24 June 2016).

13   Unicef "Central African Republic: Improving School Enrolment and Retention of Conflict-Affected Children" available at http://www2. unicef.org:60090/innovations/index_48643.html (accessed on 24 June 2016).

14   Human Rights Watch "They Came to Kill: Escalating Atrocities in the Central African Republic" 2013, available at (https://www.hrw.org/report/2013/12/18/they-came-kill-escalating-atrocities-central-african-republic) accessed on 27 June 2016.

15   Los Angeles Times "Rebel Leader in Control" 2003, available at http://articles.latimes.com/2003/mar/17/world/fg-car17 (accessed on 27 June 2016).

16   The agreement is available at http://webcache.googleusercontent.com/search?q=cacher:rWiqBUpvbXEJ:www.peaceagreements.org/wggsite/downloadAgreementMasterDocument/id/669+&cd=5&hl=en&ct=clnk&gl=sn (accessed on 27 June 2016)

17   Siân Herbert, Nathalia Dukhan & Marielle Debos "State fragility in the Central African Republic: What prompted the 2013 coup?" Rapid literature review, 2013 available at http://www.gsdrc.org/docs/open/car_gsdrc2013.pdf (accessed on 27 June 2016).

18   International Coalition for the Responsibility to Protect, p. 12 "Crisis in the Central African Republic" available at http://www. responsibilitytoprotect.org/index.php/crises/crisis-in-the-central-african-republic (accessed on 27th June 2016).

19   *Ibid*, p. 19.

20   *Ibid*, p. 8.

3-year power-sharing agreement for a government of national unity. According to a report from International Federation for Human Rights (FIDH),[21] between December 2012 and March 2013, fighting between the forces loyal to President Bozizé and the Séléka rebels took place in violation of international law, with each camp potentially being held responsible for serious violations of human rights and international humanitarian law. In the absence of central authority, violence continued to escalate, with the Séléka forces reportedly involved in torture, sexual violence, murders, abductions, burning of villages, and widespread pillaging.[22] As a result of the violence, CAR has been designated by the United Nations as a Level 3 humanitarian crises.[23] According to a UN report, CAR faced one of the world's largest humanitarian crises, with more than 187,000 refugees fleeing to neighboring countries over the last year, bringing the total number of refugees and internally displaced persons to over 850,000, about a fifth of the country's population.[24]Lastly, state institutions largely collapsed as officials fled, resulting in pillaging of infrastructure during the conflict.[25]

Despite the gravity of abuses from December 2012 onward, the international community did not prioritize the prevention of mass atrocity crimes, leaving civilians vulnerable to predatory armed groups.[26] Indeed, a massive humanitarian crisis occurred in this country between 2009 and 2013. Around six thousand people were killed and a quarter of the population was forcibly displaced, with more than 400,000 refugees, 300,000 internally displaced persons, and almost three million people in dire need.[27] This conflict had a significant regional impact, with more than 190,000 Central African refugees fleeing to Cameroon, Chad, the Congo, and the Democratic Republic of the Congo since December 2013.[28]

Early Warning

The CAR crisis was one of the first opportunities for the AU to demonstrate its determination to assume its responsibility to protect the civilian population, as proclaimed in Article 4 of the AU's Charter.[29] In 2009, during the Universal Periodic Review Working Group, NGOs had the opportunity to confirm observation of early warning signs of mass atrocities.[30] According to the UPR (United Nations Periodic Review) report on CAR, since January 2008, the national army of a neighboring country launched cross-border raids on villages in the northwest, killing civilians, burning villages, and stealing cattle.[31] Moreover, Human Rights Watch (HRW) indicated that the LRA had been conducting operations in the far southeastern part of CAR since early 2008, while also making its presence known in a series of raids between the towns of Obo and Bambouti in February and early March 2008 in which 150 civilians were abducted.[32]

Alerts of first warning signs were also launched by human rights NGOs such as Amnesty International, Human Rights Watch, FIDH, and *Ligue Centrafricaine des Droits de l'homme* (LCDH). Indeed, during the first cycle reports on CAR in relation to the UN Human Rights Council Universal Periodic Review in 2009,[33] it had been demonstrated that rebel factions and criminal gangs were able to commit abuses against civilians in the region with impunity, and the government apparently lacked the capacity to effectively protect civilians. In the northwest of the country, rebel fighters from the People's Army for the Restoration of Democracy (PARD) supported by Congolese political leader Jean Pierre Bemba, committed extrajudicial killings, rape, and property theft. HRW also added that since January 2008, the national

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21 Central African Republic: A country in the hands of Séléka war criminals, p. 22, 2013 available at https://webcache.googleusercontent.com/search?q=cache:VSmITuaol5gJ:https://www.fidh.org/IMG/pdf/rca616a2013basdef.pdf+&cd=5&hl=fr&ct=clnk&gl=au (accessed on 27 June 2016).

22 United States Holocaust Memorial Museum, "Central African Republic: The Path to Mass Atrocities" available at https://www.ushmm.org/confront-genocide/preventing-genocide-blog/genocide-prevention-blog/central-african-republic-the-path-to-mass-atrocities (accessed on 27 June 2016).

23 Veronique Barbelet "Central African Republic; addressing the protection crisis", HPG Working Paper, p. 8, 2013 available at https://www.odi.org/publications/10103-protection-car-africa-conflict-seleka-anti-balaka-peacekeepers (accessed on 28 June 2016)

24 United Nations News Centre "Central African Republic: UN Chief says security fragile, calls for vote August 2015" available at http://un.org/apps/news/stoty.asp?NewsID=49523 (accessed on 27 June 2016).

25 *Ibid*.

26 Los Angeles Times 'African Union suspends Central African Republic after president ousted', 2013 available at http://www.articles.latimes.com/2013/mar/25/world/la-fg-wn-african-union-central-african-republic-20130325 (accessed 28 June 2016).

27 Global Conflict Tracker Violence in the Central African Republic" 2014 available on http://www.cfr.org/global/global-conflict-tracker/p32137#!/conflict/violence-in-the-central-african-republic (accessed on 20 March 2016).

28 *Ibid*.

29 Gino Vlavonou "Africa is failing the Responsibility to Protect its citizens", 2014 available at http://www.pambazuka.org/governance/africa-failing-responsibility-protect-its-citizens (accessed on 28 June 2016)

30 United Nations General Assembly "Human Rights Council: Working Group on the Universal Periodic Review Fifth session", 2009 p. 4 available at http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/CF/A_HRC_WG6_5_CAF_3_E.pdf (accessed on 28 June 2016)

31 *Ibid*.

32 *Ibid*.

33 Human Rights Council, Working Group on the Universal Periodic Review "Country Report: Central Africa Republic" 2009, available at http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/CF/A_HRC_WG6_5_CAF_3_E.pdf (accessed on 10 March 2016).

army of a neighboring country launched cross-border raids on villages in the northwest, killing civilians, burning villages, and stealing cattle.[34] Lastly, NGOs recommended every possible effort be made to combat lawlessness and to protect civilians from the depredations of the PARD, soldiers of the Chadian army, and all other armed groups, including government security forces.[35] As articulated in Western NGO and UN Special Envoy reports, the mantra "African solutions for African problems" has bolstered the AU's primacy in responding to conflicts on the continent through diplomatic mediation.[36] In view of what developed, reports from the Special Rapporteurs (SR), the media, and NGOs and Special Envoys of regional and international organizations, such as the AU, the Organization of Islamic Cooperation (OIC), the International Organization of La Francophonie (OIF), and the UN, accurately warned of the imminence of a crisis that would lead to mass atrocities. In the face of abundant early warning signs, the AU failed to react appropriately and did not exert sufficient pressure on either the belligerents or on neighboring countries in order to stop the crisis.

Operational Capacity

The AU faced major financial and logistic issues during its intervention in CAR. Following the Séléka coup, the majority of the country's national security forces deserted their posts, leaving the civilians with no official state forces to protect them. In 2012, the ECCAS played a front-line role in responding to the crisis in CAR, mediating peace accords, deploying troops, and influencing the selection of CAR's political leadership.[37] Republic of Congo President Denis Sassou Nguesso had served as the primary regional mediator in CAR. He facilitated peace talks in Brazzaville, Congo that culminated in a cessation of hostilities agreement, signed by Séléka and anti-Balaka representatives, as well as some politicians and civil society representatives.[38] At that time, the AU was following the events in CAR. Initially, the AU did not take the political lead within the region, but this changed in the last week of December 2012, following a visit to CAR by AU chairman President Thomas Yayi Boni of Benin.[39] In early 2013, to further the advancement of the Séléka rebels to Bangui, the AU took one of its first concrete measures by freezing the assets and imposing a travel ban on persons undermining the Libreville Agreement of January 2013.[40] As the situation was deteriorating, a military response to provide protection to civilians became increasingly necessary. At the very beginning of the crisis, the heads of state of ECCAS decided to send a peace-building mission to CAR.

On April 18, 2013 in N'djamena, Chad, two documents were signed under the auspices of the AU: a peace agreement and the N'djamena Declaration, initiated by the ECCAS.[41] The agreements included a ceasefire as well as the limitation of Bozizé's term as President. He would serve to the end of his mandate in 2016 without possibility of re-election.[42] The peace building mission failed in late 2013, at which point the AU authorized the deployment of the International Support Mission to CAR (MISCA). They envisioned that the force would consist of 3,652 personnel, with the ability to draw from a wider pool of African troop and police contingents. They also anticipated increased and multifaceted involvement of the United Nations. Due to logistical gaps, however, the mission lasted only one year. In December 2014, MISCA was deployed under the leadership of General Jean-Marie Michel Mokoko from Brazzaville, and included 40 civilian staff charged with monitoring human rights. MISCA was able to deploy a military presence in all neighborhoods of Bangui and to maintain contact with all parties, including in PK5, home to a largely Muslim population, and Boye Rab, the strong hold of the Anti-Balaka.[43]

The slow deployment of military forces, an insufficient number of troops, and a lack of financial resources and logistical supports were central causes to the AU's weak operational capacity to respond.[44] Indeed, it was only after

34 *Ibid.*
35 *Ibid.*
36 International Peace Institute "Preventive Diplomacy in Africa: Adapting to new realities "2011 available at http://www.crisisgroup.org/en/regions/africa/op-eds/2012/hara-preventive-diplomacy-in-africa.aspx (accessed on 11 March 2016).
37 A. Arieff, T. Husted. Congressional Research Service "Crisis in the Central Republic" 2015 available at https://www.fas.org/sgp/crs/row/R43377.pdf (accessed on 11 March 2016).
38 Martin Welz "Briefing: Crisis in the Central African Republic and the international response", 2014 Oxford University Press, p. 604
39 *Ibid*, p. 604
40 *Ibid*, p. 604
41 A. Weber & M. Kain "Central African Republic in Crisis: African Union mission needs United Nations support" German Institute for International and Security Affairs, available at http://www.swp-berlin.org/fileadmin/contents/products/comments/2914C15_web_kim.pdf (accessed on 28 June 2016)
42 *Ibid*, p. 13
43 Interview with Dr. Ngondzi held on 27th June 2016.
44 Amnesty international "République Centrafricaine: Les violences commises par les forces de sécurité sont désormais impossible à maîtriser", 2013 available at http://www.amnesty.org/fr/latest/news/2013/10/central-african-republic-violence-security-forces-now-out-of-control/ (accessed on 28 June 2016).

the appeal of the UN Secretary General during the 385th meeting of July 2013 that the PSC decided to take over the Central African case. At that date, it decided to deploy MISCA in the country for six months. In view of the deteriorating security and humanitarian situation in the country, sending the 3,652 MISCA soldiers was already insufficient. The deployment of 1,600 French forces actively patrolling alongside MISCA peacekeepers initially suppressed further mass killings in Bangui. The civilian staff of MISCA conducted human rights observations and provided a hotline for people in danger to call for help. In addition, MISCA was able to protect displaced persons with refuge in schools houses of worship. However, the civilian component reported directly to the AU political commission and not to the Peace and Security Commission. For this reason, there were no public records of their investigations, and unlike South Sudan, nothing is known about their efforts to document and provide evidence of mass atrocities when these acts occurred.

Political Will

In 2007, through diplomacy under the auspices of Chad and Libya, the *Front Democratique du Peuple Centrafricain,* the *Union des Forces Democratiques pour le Rassemblement,* and CAR signed the Syrte Agreements. The agreements included, among other points, an immediate cessation of hostilities and cantonment for demobilization, disarmament, and reintegration of former rebel fighters. However, internal rivalries, divergent interests among regional heads of state, and a lack of capacity also undermined international stabilization efforts. In 2008, Mission for the Consolidation of Peace in the Central African Republic (MICOPAX) was under the responsibility of ECCAS.[45] The same year, in response to increasing violence throughout the country, the AU also decided to send troops from the Multinational Force of Central Africa (FOMAC) into CAR. However, the FOMAC troops were eventually overwhelmed by the Séléka violence that followed Djotodia's installation as president in 2013.[46]

The potential conflicts of interest between negotiators also complicated the situation. Indeed, the engagement of a number of other regional powers, including the Republic of Congo, raised issues of impartiality. The attempted international mediation conducted by Congolese President Denis Sassou-Nguesso proved especially problematic. The parallel peace talks convened under President Sassou Nguesso's stewardship in Nairobi in late 2014 and early 2015 did more to exacerbate the conflict than to ease tensions between key protagonists. Indeed, in February 2015, President Sassou-Nguesso convened new negotiations between Séléka and Anti-Balaka leaders in Nairobi, which included former President Bozizé, who was under U.N. sanctions and reportedly subject to an arrest warrant in CAR.[47] In addition, they notably excluded representatives of the transitional government in Bangui.[48] The Nairobi talks drew strong criticism from the UN Secretary General's Special Representative for Central Africa, Abdoulaye Bathily, who warned that they violated resolutions by the UN Security Council and risked harming reconciliation efforts.[49] From the *coup d'état* perpetrated by Francois Bozizé against Felix Patasse and the failures of ECCAS and MICOPAX, the CPS might have anticipated that RECs were not experienced enough for effective management of the Central African Crisis. Initially, the CPS relied on the Principle of Subsidiarity, around which the CEWS is articulated. After the ECCAS's failure to prevent violence, the Principle of Substitution was not activated on time. This failure, compounded by impunity and under reporting, led to the loss of many lives, the suffering of women and children, and provided time for the conflict to take an unprecedented so-called "religious dimension," including religious cleansing of some areas of the country, Bangui among them.

45 Meyer, A. (2009). "Regional Conflict Management in Central Africa: From FOMUC to MICOPAX" *African Security* Vol. 2 Iss. 2-3, pp. 158-174

46 M R Eberhard "Crisis in the Central African Republic" 2014 International Coalition for the Responsibility to Protect available at http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-the-central-african-republic (accessed on 10 March 2016).

47 *Ibid*, p. 28

48 *Ibid*, p. 28

49 Centrafrique-Presse.com "Quand Abdoulaye Bathily recadre Sassou-Nguesso le médiateur de la crise centrafricaine" 2015 available at http://centrafrique-presse.over-blog.com/2015/02/quand-abdoulaye-bathily-recadre-sassou-nguesso-le-mediateur-de-la-crise-centrafricaine.html (accessed on 11 March 2016).

ATROCITY PREVENTION IN PRACTICE: FIVE CASE STUDIES IN AFRICA

ECOWAS - NIGERIA
ECONOMIC COMMUNITY OF WEST AFRICAN STATES

Cape Verde

Senegal

The Gambia

Guinea-Bissau

Guinea

Ghana

Sierra Leone

Liberia

Mali

Burkina Faso

Ivory Coast

Togo

Benin

Niger

Nigeria

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Member States of ECOWAS

Case study / Hosting Country

Abuja:
Capital of the hosting Country

The ATF chose Nigeria to explore as a case of great importance for several reasons:

1. Nigeria recently experienced mass atrocities including war crimes, crimes against humanity, and mass killing resulting from the ongoing Boko Haram insurgency and government counter-insurgency in the north.

2. It is the regional leader in West Africa, and a powerful political and economic presence on the continent.

3. Nigeria is the host country for ECOWAS headquarters, and the REC has been heavily involved in the response to violence in Nigeria.

Background to the Conflict

This section examines the violent actions of Boko Haram and the Nigerian government's counter-insurgency operations through the mass atrocities lens. From 2010, reports confirm that Boko Haram killed over 13,000

ATROCITY PREVENTION IN PRACTICE: FIVE CASE STUDIES IN AFRICA

people and caused the displacement of 130,000.[50] Boko Haram's ongoing violence qualifies as mass atrocities including war crimes and crimes against humanity according to the definitions set forth by the ATF. According to some human rights groups, Nigerian security forces have also committed large-scale abuses accurately categorized as mass atrocities, again war crimes and crimes against humanity, in waging counter-insurgent operations against Boko Haram in the North and Northeast of the country. Whilst Boko Haram uses ethnic and religious divides to carry out mass atrocities, by trying to defeat Boko Haram, the Nigerian security forces also carried out state-directed suppression and killed many people wrongly perceived to be supporters of Boko Haram.

Translated from Hausa, Boko Haram means: "Western education is prohibited." In 2015, Boko Haram declared its affiliation with the Islamic State, branding itself the Islamic State's West Africa Province. Religious violence has been a common feature, especially in northern and central Nigeria. In the early 1980s, the Shiite riots in Zaria and Maitatsine resulted in thousands of deaths. In the Plateau state, inter-communal violence driven by ethnic and religion differences caused hundreds of thousands deaths. Protests supporting Islamic rule of northern states took a different form in 2000, when Zamfara become the first Islamic state, and moreover, the first governed by Sharia law. Eleven other northern states followed Zamfara's example and established Sharia law. It is within this context that Boko Haram emerged to ensure the promotion and practice of fundamental Islam. Boko Haram was established in Maiduguri, the capital of Borno state in northeastern Nigeria, as an Islamic sect in 2002 by Muhammed Yusuf. Yusuf is from the Kanuri ethnic group, found predominately across the border in the southeast of Niger, northwest of Cameroon and southwest of Chad.

In its early days, Boko Haram's main objective comprised the propagation of Islamic teachings in a bid to counteract rising modernization in northern Nigeria. Gradually, Boko Haram came into conflict with non-Muslim communities. Yusuf and his followers sought to convert every non-Muslim to Islam. Consequently, there were intermittent clashes with evangelical Christian groups similarly persistent in propagating their faith. The aggressive nature of the followers of Boko Haram became overwhelming for local authorities and security forces, resulting in violent clashes in 2009. As a result, Mohammed Yusuf was arrested and summarily executed by state security forces in Maiduguri. After the death of Yusuf and arrests of many of his followers, the group went underground for almost a year, giving the impression it was extinct. However, during that period of dormancy, the group's emerging leaders regrouped and planned to launch their insurgency against the state.

In September 2010, Boko Haram re-emerged, attacking security targets, breaking into prisons to free their detained colleagues. The attacks became increasingly sophisticated, progressing in 2011 to include suicide bombings at police barracks and the UN office in Abuja. The government of Nigeria established a state of emergency in the region at the beginning of 2012 and extended it in the following year to cover the entire northeast of Nigeria.[51] Following the death of Yusuf, Abu Bakar Shekau took the reins of leadership and manifest the transformation of Boko Haram from a sect to an armed group capable of perpetrating mass atrocities. Under Shekau, the sect's ideology shifted substantially from addressing local grievances to establishing an Islamic state. Shekau introduced the concept of takfirism, taking upon himself the responsibility to declare non-Boko Haram individuals as members of an apostate, killing both Christians and Muslims in the process.

Boko Haram's main area of operation was Borno state, where its leadership originated. As the group's numeric strengths and capabilities increased, its area of operations expanded to include nearby states such as Adamawa, Yobe, and Gombe. The group's attack capability extended to cosmopolitan cities, including Kano and Kaduna, as well as to Abuja, the federal capital of Nigeria. Boko Haram later expanded into the far north region of Cameroon and the southeast of Niger. On April 25, 2015, Boko Haram mounted an attack on the Niger Island army base as retaliation for Niger joining the Multi-National Joint Task Force (MNJTF), which they had done to put down the insurgency. Niger suffered a wave of attacks and suicide bombings in its southern border region of Diffa in February and March, prompting the government to declare a state of emergency. On April 2, Boko Haram mounted an attack on Malam Fatori, a border town with Chad, killing nine Chadian soldiers and wounding sixteen.[52] The border zone area between Nigeria, Niger, Chad, and Cameroon provided a strategic advantage to Boko Haram, as it is thinly populated and the control of the state is weak.

Suicide bombings accounted for 27% of Boko Haram's tactics since March 2015. Boko Haram has carried-

50 https://africacheck.org/reports/have-13000-people-been-killed-in-nigerias-insurgency-the-claim-is-broadly-correct/
51 Morgan Winsor (17 April 2015). "Boko Haram in Nigeria: President Goodluck Jonathan Rejects Help from UN Forces to Fight Insurgency." International Business Times. Retrieved, 18 April 2015.)
52 Boko Haram kills nine Chadian soldiers in ... - Daily Mail www.dailymail.co.uk/.../Boko-Haram-kills-nine-Chadian-soldiers-ambush-a...

out attacks using Improvised Explosive Devices (IEDs) and vehicle-borne IEDs (VBIEDs) in the Middle Belt, including Abuja. The group claimed responsibility for IED attacks at the Nyanya Bus and Taxi Park in Abuja in April 2014, killing over 100 people, a second IED attack in the same location, and a VBIED attack in Jos in May 2014. Boko Haram members are trained in bomb making and use guerrilla tactics to carry out attacks. In April 2015, Boko Haram members disguised as preachers entered a mosque in the remote village of Kwajafa, on the outskirts of Maiduguri, and opened fire, killing 24 people and leaving several others severely injured.[53] Increasingly, the group now forces young girls and children to function as suicide bombers, carrying out attacks in public places such as crowded markets and security checkpoints in Nigeria and its neighboring countries. Boko Haram's armed attacks in the Lake Chad region qualify as "atrocity crimes" as defined by the United Nations (UN), Article 7 (paragraph 1) of the Rome Statute of the International Criminal Court (ICC).

Early Warning

ECOWARN relies on open source tools for information in preparation of early warning reports aimed at the top leadership in ECOWAS. Since 2009 in Nigeria, ECOWARN monitors from both the government and civil society sent daily information concerning the killing of civilians by Boko Haram. Since 2009 the Early Warning Department (EWD) of ECOWAS provided a daily report highlighting news of violent incidents from monitors. The daily report captures attacks perpetrated by Boko Haram militants. However, the daily report does not carry the analysis and insights of EWD to help distinguish which events or incidents are considered most significant to trigger early response. The daily report has been widely distributed among ECOWAS senior management, focal points of member states, and interested individuals, organizations, and development partners through a listserv. The EWD has also produced weekly reports that provide some analytical insights on a particular event or incidents to provide better understanding. However, the weekly reports do not provide an early warning alert. They merely deepen EWD understanding of the factors behind such events.

The weekly report, unlike the daily report, is not widely distributed but restricted to a targeted audience. The EWD's most critical report, which aims to generate policy and early response, is highly confidential and reserved only for the top leadership at ECOWAS. It is not known whether the ECOWAS Commission shares its confidential report with government national security advisors of its member states. The role of EWD is to provide information. Decisions to respond to a situation of potential or real mass atrocities largely rest on the President of ECOWAS. Moreover, the confidentiality of EWD reports sent to the President of the ECOWAS Commission make it very difficult to assess whether concrete actions were taken on the basis of those early warning reports. It is quite clear, however, that during the period under review, the ECOWARN system captured relevant early warning signs of potential mass violence and passed that information up the chain of command within EOCWAS. Beginning with the extrajudicial killing of Muhammed Yusuf in 2009, ECOWARN was active in monitoring the burgeoning violence perpetrated as part of the growing insurgency. The leadership of ECOWAS in Abuja received weekly situational reports from EWD analysts in Abuja. However, as has been noted previously, these reports did not contain an assessment for potential mass atrocities in Northern Nigeria or regional spillover effects in the Lake Chad Basin (LCB).

Operational Capacity

Since the 2012 escalation of Boko Haram's attacks, ECOWAS has not directly intervened to prevent Boko Haram mass atrocities. One of the reasons why the response may be slow to develop is that atrocities are not properly defined. Initially, Nigeria was reluctant to have ECOWAS involved in its internal affairs. The government of Nigeria repeatedly referred to Boko Haram as a leaderless group with whom they could not engage in negotiation. This stance could result from the lack of reliable information available on the organization. With limited choices regarding diplomatic capacity to respond, the Government chose more coercive measures. ECOWAS only started mobilizing and coordinating troops when Boko Haram expanded its operations into neighboring Cameroon, Chad, and Niger in 2015. However, ECOWAS response capacities have been limited, given its dependence on its member states, particularly Nigeria, which has the largest standing army in West Africa. Moreover, the ECOWAS Standby Force (ESF) is yet to be fully operational.

Another reason for the slow response may have been that initially the relations between Nigeria and its neighbors were not cordial, which undermined the early formation of the Multi-National Joint Task Force

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53   Boko Haram disguised as preachers kill at least 24 in Nigeria *www.reuters.com/.../us-nigeria-violence-boko-haram-idUSKBN0MX114*.

(MNJTF). The MNJTF was created to combat cross-border crimes and smuggling. However, Cameroon, Chad, and Niger never contributed troops to the MNJTF. ECOWAS could have leveraged its good offices to operationalize the MNJTF at the early stage, when Boko Haram was holding territories and causing mass casualties and displacements. However, ECOWAS doesn't have the technical and operational capacity to act on warnings. Even with advanced notice, the ability to respond with preventive measures is not evident, apparently due to two primary factors: the viability of forecasting and preventive models, and the willingness of decision makers within ECOWAS to respond to the early warning products.

Political Will

Though headquartered in Abuja, Nigeria, ECOWAS has acted as a bystander regarding the mass atrocities committed by Boko Haram. On the basis of adequate early warning, even if ECOWAS wished to come to the aid of Nigeria, the ability of the regional body to act is constrained. According to the ECOWAS Treaty, territorial integrity must be respected. Its own protocols do not allow for intervention in national security issues except when member states call for help. ECOWAS can *only* intervene in a member state without invitation when a central government has collapsed, leaving no law and order in the country to protect civilian lives and property. This also explains why ECOWAS has not been able to intervene directly to prevent and end mass atrocities in other armed conflicts in West Africa. ECOWAS' ability to respond to mass atrocities committed at a national level is dependent on the cooperation and political will of its member states.

The evolution of Boko Haram from a sect to armed insurgency took place largely due to the lack of concerted and sustained efforts by the Nigerian government to address the issue at its early stages. A general lack of political will existed as a result of Nigeria's divisive politics between the north, which is predominantly Muslim, and the primarily Christian south. The government preferred the use of its military and security forces, and did not attempt to find political solutions. In the first instance, ECOWAS would have breached its own protocol if it had directly intervened in Nigeria to address mass atrocities. The Nigerian government did not seek outside support, as it was ready to address the situation itself. Moreover, there was a question of national pride: The Nigerian armed forces would not declare themselves incapable of defeating Boko Haram. Article 24 (para.1) of the UN Charter states that the primary responsibility for the maintenance of international peace and security rests with the Security Council, who acts on behalf of its members. ECOWAS's intervention in a member state requires a resolution from the UN Security Council, and limited by this bureaucratic process, ECOWAS could not take immediate action to intervene militarily.

It is important to highlight that ECOWAS was not a bystander in the conflict situation. According to some of the top officials of ECOWAS, the Commission for Political Affairs, Peace and Security (CPAPS) undertook very active quiet diplomacy, which was not known to external actors. In 2013, ECOWAS officials held several meetings in Ghana with all of the security forces of the region, and even some of those outside of the region, such as Cameroon, Niger, and Chad.[54] International stakeholders, such as the UK, the USA, and France, also participated in the consultations. ECOWAS and ECCAS have also been collaborating through the exchange of information. In addition, the UN Office for West Africa (UNOWA) has been involved in the process, as are the Chiefs of the Defense staff and the Ministers of Defense staff.

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54   Meeting with ECOWARN in Abuja.

ICGLR - BURUNDI
INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION

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Member States of ICGLR

Case study / Hosting Country

Burundi:
Capital of the hosting Country

The ATF chose Burundi to explore as a case of great importance for several reasons:

1. Burundi is currently experiencing atrocities, including crimes against humanity, resulting from the ongoing political crisis that emerged in April 2015 from the President's decision to stand for a third term. Analysts agree the situation could quickly devolve into mass killing if the political and diplomatic efforts to halt them, notably from the ICGLR, were to fail.

2. It is a country with a history of political crises marked by ethnic violence and mass killings.

3. Burundi is the host country for ICGLR headquarters, and the threat of future mass atrocities is strong.

Background to the Conflict

Burundi has a long history of identity-based political violence and mass atrocities dating back to, and before, independence from Belgium in July, 1962. While violence is popularly conceived as long-standing ethnic conflict between two primary groups, the reality is more complex with an elite political and military class competing for scarce resources in a small and extremely impoverished country.[55] Elite competition

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55 See: Lemarchand, R. (2009) *The Dynamics of Violence in Central Africa* U. Pennsylvania Press. Philadelphia.

boiled over into mass violence in 1972, and again in 1993, leading to genocide and other mass atrocities.[56] The long civil war that began in 1993 effectively ended in 2005 with the presidential election, set forth as part of the Arusha Peace Agreement in 2000, and placing in office Pierre Nkurunziza, a former rebel leader during the civil war. From 1962 to 2005 it is estimated that more than 550,000 Burundians were killed due to political violence. Since the ATF review only covers the period from 2009 to present, this background to the conflict is crucial to the case study, as Burundi has a grim history of mass atrocity violence that directly informs the ongoing crisis in 2016.

During the period under review, violence in Burundi has emerged principally as part of electoral contestation. Political in nature, the violence usually targets the leaders and supporters of political protagonists competing in a struggle for power. During the general elections of 2010, tensions rapidly increased between the ruling party and the opposition, particularly the main political opposition of that time, National Liberation Forces (FNL). To a lesser extent, this was also true for the Solidarity and Development Movement (MSD), another opposition party.[57] Notably, these elections mark the first time the youth militias loyal to the government, known as Imbonerakure, have been actively employed with the purpose of intimidating the opposition parties on the ground. Since its arrival in power in 2005, the Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD), a former rebellion, has often used strength to neutralize persons or organizations that could compromise its interests. During the electoral campaign for the communal elections, violence remained limited within certain provinces, even if some deadly incidents took place. By contrast, after the boycott by the opposition and the departure in exile of its main leaders, political violence started to increase, typically in the form of extrajudicial killings. In 2010 - 2011, the main victims of gun violence were activists from the main political opposition of that time, the FNL. To a lesser extent, the supporters for Solidarity, MSD and CNDD-FDD were also affected by assassinations. The violence generally targeted individuals, however, in some exceptions, the attacks targeted groups.[58] The escalation of violence was partly curbed due to the ability of security forces to destroy or reduce the threat capacity of certain rebel movements in their formative stages. During 2011, for example, at least four Burundian rebel groups existed in Burundi and eastern Congo.[59]

The current Burundian crisis is due to current President of the Republic Pierre Nkurunziza's decision to run for a third term, contrary to the Arusha Peace Agreement and the organization of general elections. The international community did not consider the July 2015 re-election process to be "free, credible, and inclusive.»[60] This controversial action created political tensions that quickly slipped into violence.[61] The primary actors consist of the security forces supported by the ruling party youth movement, the Imbonerakure, and the opponents of the President's third term, including the opposition parties, civil society activists, deserters of the security forces, and the youth of the several suburban zones of the capital Bujumbura. Members of the last two groups have since formed armed groups, which first operated in the capital before retreating in some rural areas.[62] The situation in Burundi is described as a low-intensity conflict that could rise to one of mass violence at any time.[63]

Indeed, if one analyses the risks of mass atrocities,[64] it is clear that elements of the current circumstances in Burundi exhibit early warning signs. Burundi is now on the precipice of armed conflict and presents strong indicators of political instability. The country has recorded serious violations of human rights and international humanitarian law.[65] In addition, potential perpetrators of these atrocities have the capacity and means to conduct large-scale violence against civilians and non-combatant Burundians. The climate is characterized by tensions between groups and forms of discrimination against specific identity groups. Moreover, there is growing evidence of widespread or systematic attacks against particular civilian groups.[66]

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56   http://www.usip.org/sites/default/files/file/resources/collections/commissions/Burundi-Report.pdf

57   Seventh report of the Secretary-General of the United Nations Integrated Office in Burundi. November 30, 2010. S / 2010/608. Report of the Secretary-General on the United Nations Office in Burundi. November 30, 2011. S / 2011/751

58   http://www.rfi.fr/afrique/20111007-burundi-fnl-accusees-massacre-gatumba.

59   Progress Report of the Expert Group on the Democratic Republic of Congo. June 21, 2012. S / 2012/348. pages 8-11

60   "For the UN, the Burundian elections are not credible." http://www.rfi.fr/afrique/20150729-nations-unies-elections-burundi-credibles-3eme-mandat-nkurunziza." Burundi: not credible elections for Washington." http://www.lemonde.fr/afrique/article/2015/07/21/burundi-des-elections-pas-credibles-pour-washington_4692531_3212.html

61   International Crisis Group. "Burundi: Peace sacrificed?" Africa Briefing" N ° 111. May 29, 2015.

62   These include RED-TABARA (Restoring the rule of law- TABARA) and FOREBU (Republican forces of Burundi). The first one is led according to various sources by Alexis Sinduhije, the chairman of an opposition party and the second one by the general Godefroid Niyombare who was involved in the failed coup on 13 and 14 May 2015.

63   International Crisis Group. "Burundi: a dangerous third term" Africa Report N° 235. May 20, 2016.

64   Framework of Analysis for Mass Atrocities: a tool for prevention. United Nations. 2014.

65   "Burundi: the international community must curb the mechanism of international crimes and open conflict» http://reliefweb.int/report/burundi/burundi-la-communaut-internationale-doit-enrayer-la-m-canique-des-crimes

66   Ibid.

ATROCITY PREVENTION IN PRACTICE: FIVE CASE STUDIES IN AFRICA

Early Warning

As examined in Chapter 1, the ICGLR has no formal mechanism for early warning and conflict prevention in its institutional structure, but different mechanisms partially fulfill this mission. These same mechanisms must collect and analyze information to transmit early warning information to the headquarters of the conference (the summit of heads of state, the regional ministerial meeting, and so forth) so that they may respond to these alerts. However, several of them were established after the beginning of the period under review and have been minimally involved in the case of Burundi until very recently. Moreover, they were created with a priority to eradicate the various rebellions and to reduce or prevent recurrent tensions and conflicts between the DRC and its neighbor, Rwanda, rather than provide early warning information.

The JIFC was established in 2012, and the bulk of its activity has focused on armed groups based in eastern Congo. The expanded joint verification mechanism was established after the information center got started. It is mostly coupled to verify the charges and allegations of mutual tensions, including borders between Rwanda and DRC. Clearly, during the early years, these mechanisms have not functioned as an early warning or conflict prevention mechanism for Burundi. However, the FNL rebellion camped in South Kivu in recent years is one of the armed groups being targeted by the JIFC. Recently, the EJVM was involved in Burundi to verify the allegations of the presence of the Democratic Forces for Liberation of Rwanda (FDLR) rebels in Burundi and to examine Rwanda's perceived aggression toward Burundi.[67] Rwanda issued the first query due to suspicions of Burundi's support of rebel forces at Tanzania's instigation.[68] A mission of the expanded verification mechanism was conducted in Burundi, and the resulting confidential report sent to the President of the ICGLR.[69] The second request emanated from Burundian authorities, conversely accusing Rwanda of harboring political and armed opposition and seeking the destabilization of Burundi. This request has not yet been executed, but it has revived tensions between the two countries.

It should be noted that in its application, the Burundian government evokes the respect of the Pact on Security, Stability, and Development in the Great Lakes Region and the Non-Aggression and Mutual Defense Protocol.[70] Finally, during a special meeting of defense ministers of the ICGLR October 20, 2015, the latter "encouraged" the expanded verification mechanism to visit Burundi in order to investigate the reasons behind the exile of tens of thousands of Burundians.[71] On June 14, 2016, the Sixth Ordinary Summit of the Head of States of the ICGLR directed the EJVM to carry out the verification, ascertain the particulars and intentions of the alleged Burundian nationals arrested and detained in the DRC, and compile a consensual report within a period of 60 days.[72] Other mechanisms of the ICGLR that act largely as an early warning structure are the National Committees of Genocide Prevention and the Regional Forum on the same issue. The forum was only established in 2010, but since then it has pushed for the establishment and effective functioning of national committees to also supply news and information about the risks of potential mass violence. In Burundi, there is still no national genocide prevention committee. The Regional Forum for Genocide Prevention wished to initiate an information-gathering mission to Burundi, investigating potential risks of mass violence. Though there was information for the first time on the clandestine arming of Imbonerakure, the project was abandoned due to lack of funds.[73]

It is worth mentioning that this situation alters somewhat the effective operationalization of EWSs for these mechanisms as far as Burundi is concerned. The national coordination mechanisms of the ICGLR entail one individual who links ICGLR with the national authorities when required. This person, nominated within the Ministry of Foreign Affairs, informs the Conference Secretariat of high-risk situations that deserve attention or consideration. In so doing, these national mechanisms often withhold or manipulate information that could embarrass or endanger the concerned state, and therefore they have very limited scope and effectiveness in the context of early warning. Actionable early warning within the ICGLR mechanism has

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67 Final Press release of the 10th Extraordinary Session of the Regional Inter-Ministerial Committee (RMTC) of the International Conference on the Great Lakes Region (ICGLR). Office of the Permanent Mission of the African Union, New York. September 25, 2015

68 Interview with diplomats, Bujumbura, September and October 2015.

69 To this end, the former Executive Secretary of the International Conference on the Great Lakes Region (ICGLR), Ntumba Luaba was received on August 6, 2015 by the Minister of Foreign Affairs of the Republic of Angola and Chairman of the Regional Inter-Ministerial Committee ICGLR, Georges Rebelo Pinto Chikoti.http://www.icglr.org/index.php/fr/accueil/142-les-nouvelles-page-d-accueil/627-le-se-angola-rimcaout2015

70 Final Press Release of the 10th Special Session of the Regional Inter-Ministerial Committee (RIMC) of the International Conference on the Great Lakes Region (ICGLR). op.cit

71 Final Press release of the Extraordinary Meeting of Ministers of Defence of the ICGLR held in Luanda 20 October 2015.

72 Press release of 6th ordinary Summit of ICGLR Heads of State and Government of the International Conference on the Great Lakes Region (ICGLR) Luanda, Angola 14th June 2016

73 Telephone interview with Diogene Bideri. President of the Regional Prevention of Genocide forum. Bujumbura, September 2015.

been limited in Burundi since 2009. There have been moments, nonetheless, when the mechanism played an important role in alerting member states. Most notably in 2014 they relayed information from a United Nations source on the distribution of weapons and the organization of military trainings for Imbonerakure personnel. However, these mechanisms are often ineffective, incomplete, or completely absent.

Operational Capacity

The ICGLR has a limited capacity to respond to early warnings of mass atrocities within the region. The protocol on non-aggression and mutual defense in the Great Lakes Region has explicitly used the extraordinary summit "to consider appropriate measures" in the event of non-compliance of its articles by a member state. Regarding the protocol on the prevention of the above-mentioned crimes, it notably sets out a series of commitments to be met by the member states. However, it stipulates that they undertake in their national legislation the provisions of that protocol and cooperate in the investigation to prevent such crimes. The protocol also provides for the establishment of information exchange mechanisms, and the genocide prevention committee must alert the conference headquarters in due time. Meanwhile, the pact essentially insists on the peaceful settlement of disputes and the implementation of preventive action tools, such as "negotiation, investigation, mediation, conciliation, or other political means," thus excluding any sanction. Clearly, mechanisms and actions in response to early warning situations refer mainly to preventive diplomacy, but they are confined thereto. No language in the founding texts and documents regulating the conference hinted at coercive measures, including gradual sanctions or enforcement mechanisms, right up to the use of force.

The primary operational capacity to respond therefore focuses on diplomacy and the use of different monitoring mechanisms (summit of heads of state and regional interdepartmental committees), and is limited to the texts that govern them to generate preventive diplomacy. The Conference has played a leading role in Bujumbura diplomatic efforts to try to prevent a political deadlock. Unfortunately, the conflicts in eastern DRC monopolize most of the ICGLR resources, as it recently experienced an unprecedented mobilization to address the M23 rebellion across the border. Consequently, several extraordinary ministerial and heads of state meetings were planned with the DRC as the sole item on the agenda. Informal early warning mechanisms are often not functional because they are biased (national coordination mechanisms), inoperative (National Prevention of Genocide Committee), or acting belatedly (extended verification mechanism). Therefore, monitoring mechanisms are alerted too late, when the violence has already metastasized, as in the case of Burundi under the period of review. Moreover, the bureaucratic inertia poses a serious constraint to the effectiveness of these responses. Another challenge lies in the nature of response and action. While response is often delayed, it often does not correspond to the gravity of the situation. In Burundi, a March 2014 UN cable warned of the probable existence of military training for the ruling party youth and demobilized persons. Quite exceptionally, the conference reacted promptly by alerting the President of RIMC, the Minister of Foreign Affairs of Angola, who quickly inquired about the situation to the highest Burundian authorities. While the government responded to the accusations, there was no operational mechanism to investigate the veracity of the UN allegations. Currently the CNDD-FDD youth movement is identified as a militia by the UN,[74] and has been found guilty of serious abuses since the beginning of the crisis in Burundi.[75]

Similarly, when an alert requires a follow-up mechanism, competing interests of member-states involved cloud the operational response. In this regard, since the beginning of the Burundian crisis, the presentations on the internal situation in Burundi do not correspond to the reality in the field.[76] This does not preclude that they are systematically endorsed by the summits of heads of state and the Regional Inter-Ministerial Committee (RIMC).[77] Finally, even if monitoring mechanisms worked well and in good faith, the implementation of decisions suffers from bureaucratic shortcomings. Because of all these constraints and despite its mandate to intervene in resolving political and security crises in the region, the ICGLR finds itself side-lined in this role by other regional organizations. It competes with SADC in the case of the DRC and the EAC in the Burundian crisis. Beyond these structural, organizational, and functional failures, the conference not only suffers from the divergent or even incompatible interests of a number of its member states, starting with

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74   www.arib.info/index.php?option=com_content&task=view&id=11235&Itemid=1
75   Burundi: spate of arbitrary arrests, torture. Intelligence officials, ruling party youth target suspected opponents. » Human Rights Watch report, 6 August 2015.
76   Declaration of Burundi during the meeting of the Regional Inter-Ministerial Committee in Luanda from 11 March 2015.
77   Interviews with ICGLR. Bujumbura, September and October 2015

those which were directly responsible for its creation (Burundi, DRC, and Rwanda), but also from personal conflicts between some leaders in the region.[78] Hence, it suffers from a lack of confidence and credibility among regional and international organizations and numerous development partners in its operational capacity to respond to the crises that affect the region.[79] Operational capacity to respond within the ICGLR mechanism has been limited in Burundi since 2009. The limitations include both legal obstacles, as funding texts and documents of the conference restrict its prerogatives, and operating difficulties allowing for ICGLR to apply tools of preventive diplomacy.

Political Will

The organizational problems, structural challenges, and budget difficulties mentioned above have significantly impacted the mass atrocity prevention capabilities of the ICGLR. However, they should not serve as a pretext to weaken the will of action of its actors. When the Burundi electoral process of 2010 began to generate tension between political actors, the conference quickly took the initiative to bring the different parties together to try to resolve their disputes. This process involved various foreign embassies and other regional and international organizations.[80] When the opposition decided to boycott the elections, the ICGLR secretariat, with the support of other organizations, worked to convince them to reconsider the course of action, regrettably without success.[81]

ICGLR also introduced a round of negotiations between the parties in conflict. The on-going crisis in Burundi has not received the same amount of attention. While the first warning signs could have triggered investigations, no response has been enacted. Therefore, no informal mechanisms for early warning and conflict prevention sounded an alarm. Failing to investigate itself, the Regional Forum on the Prevention of Genocide must stick to information supplied to it by the National Committee for the Prevention of Genocide.[82] However, the government of Burundi has not yet established a national committee. Officially, this is motivated by the fact that the Burundian constitution provides for the establishment of a national observatory for the prevention and eradication of genocide, war crimes, and crimes against humanity in terms nearly similar to the ICGLR mechanism. Created by a decree in 2003, this domestic institution also has yet to be effectively established. When discussing the ICGLR national committee project in December 2014, the government of Burundi declined to advance the project, referencing that «the context of 2003, when the enactment of this law revision took place, is different from the one of today."[83] One of the primary positions of the regime since it came to power in 2005 was to finally establish peace and security in Burundi, and is likely upset by this request, since it believes that it has addressed and settled the issue of mass violence. This justifies the current government's irritation when discussing the implementation of these prevention mechanisms. Within the ICGLR, there is an opinion denouncing a lack of political will to address atrocity prevention on the part of the Burundian government.[84] However, since 2014, many developments concerning the possible third term of the president should have alerted the conference about the risks of crisis, and even violence, in Burundi.[85]

In the meantime, through the first half of 2014, violations of human rights and freedoms increased, notably against opposition parties, media, and civil society, and in particular through the atrocities of its youth movement.[86] The activities of the Imbonerakure alarmed the local media, civil society, and the United Nations. The ICGLR deployed the chairman of RIMC to Burundi in response, but was limited to this initiative. At the same time, the warning signs of potential risks of violence drastically increased.[87] In March 2015 the ICGLR held the Tenth Ordinary Session of the Regional Inter-Ministerial Committee in Luanda. The Committee endorsed a statement on the internal situation in Burundi requesting parties to respect the commitments contained in the agreement relating to democracy, good governance, and holding good

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78 The profound hostility that characterizes the relationship between the President of Rwanda Paul Kagame and the former President of Tanzania Jakaya Kikwete is no longer a secret, for example.
79 Diverse Interviews. From April to October 2015. Bujumbura
80 Skype Interview with Ambassador Mulamula, Executive Secretary of the ICGLR 2007-2011 now Permanent Secretary in the Ministry of External Relations of Tanzania. August 2015
81 *Ibid.*
82 Telephone interview with Diogene Bideri. President of the Regional Prevention of Genocide forum. Bujumbura, September 2015
83 Press release of the Council of Ministers on 12 and 13 December 2014
84 Interviews with unnamed sources, Bujumbura, May, July, August and September 2015.
85 Interview with Ambassador Mulamula. Op.cit
86 Report of the Secretary-General on The United Nations Office in Burundi. S/2014/550. 31 July 2014.
87 Interview with Ambassador Liberata Mulamula. Op.cit

elections. The statement disregarded the on-going internal tensions in Burundi, however.[88] The Committee recommended the visit of the President of the RIMC to Burundi in an effort at preventive diplomacy, but the recommendation was only acted upon in December.[89] The Ninth Extraordinary Summit of Heads of State of the ICGLR, held in Luanda in May 2015 at the recommendation of RIMC headquarters, examined the situations in CAR and the Republic of South Sudan. During this meeting the evolving situation in Burundi also made the agenda. Meanwhile, Burundi President Nkurunziza formalized his candidacy, sparking strong popular protest in Bujumbura. There were daily protests in several neighborhoods in Bujumbura that were harshly repressed by the police with additional support of the Imbonerakure. The internal crisis drove a coup attempt on May 13 and 14 that was thwarted by forces loyal to the head of state. Awaking to the gravity of the situation, the summit offered a plan toward a peaceful and consensual resolution of the evolving crisis.

It recommended, among other things, sending a quartet of heads of state to assess the situation in Burundi and contribute to the peaceful resolution of the crisis, the postponement of elections for the establishment of an enabling environment, the end of the violence, research of dialogue and peace, and stressed the constitutional rights of the Burundian people.[90] The tone of the recommendations reflected the international concern caused by the Burundian crisis. Observers noted the fear that this crisis could turn into a new armed conflict with regional ramifications and a risk of mass violence.[91] The recommendations of the Ninth Summit of Heads of State, much like the visit of a delegation of heads of state of the ICGLR in Burundi, were ignored or not acted upon due in part to the resistance of the Burundian government, but also because of the lack of will of the conference to exert pressure for their implementation.

The government has also profited from the reluctance of regional players. Conflicts between the heads of state of the region, particularly between the Rwandan and Tanzanian presidents[92] and their divergent interests in the Burundian crisis, have impacted the will of the ICGLR to try to find a solution to the crisis and thus prevent mass violence. The conference is now reduced to the use of declarations to request the resumption of dialogue and an end to violence[93] in a context where the persistence of violence makes the international community fear for the worst to such an extent that it could send troops for the protection of populations in Burundi.[94] Political will to respond to evolving threats in the Burundi crisis within the ICGLR mechanism has been mixed at best since the situation began deteriorating in May of 2015. As discussed in this section, there have been moments when the mechanism played a role in responding diplomatically to perpetrators of violence in Burundi. Examples of political will included the various initiatives in preventive diplomacy, like the different missions of the President of the RIMC in Burundi and recommendations of the Ninth Summit of Heads of State in May 2015 in Luanda. However, political will remains a concern for the reasons mentioned above, including conflicts between the heads of state of the region and their divergent interests in the Burundian crisis, controversies surrounding the constitutional and electoral issues in several member states, and the limited freedom of action of the leadership of the Conference due to its location. Some preliminary recommendations to improve political will in the ICGLR mechanism include a stronger commitment of the leadership of the Conference to the implementation of the decisions of the mechanisms of the ICGLR, the temporary relocation of the headquarters of the conference to a more secure location as its current location in Bujumbura has clearly impeded the Conferences ability to respond to the Burundi crisis, and the allocation of resources to the Regional Forum on the Prevention of Genocide to promote its operationalization.

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88 Press release of the 10th Ordinary Session of the Regional Inter-Ministerial Committee of the ICGLR, Luanda March 11 March, 2015.

89 Interviews with officials of the ICGLR, Bujumbura, January 2016.

90 Statement of Luanda. Ninth extraordinary summit of the Heads of State and Government of the IGGLR. Luanda, Angola, 18 May 2015.

91 Burundi: Peace sacrificed," International Crisis Group Africa Briefing N ° 111, 29 May 2015.

92 Their relations are particularly tense since Kikwete suggested in 2013 to hold negotiations between the Democratic Forces for Liberation of Rwanda (FDLR) and the Rwandan government. Kagame then threatened to hit Tanzania; in return, Kikwete warned his Rwandan counterpart that he would suffer dire consequences. « Rwandan and Tanzania at loggerheads. » Jeune Afrique. August 27 2013. http://www.jeuneafrique.com/168895/politique/le-rwanda-et-la-tanzanie-couteaux-tirés-

93 ICGLR Statement of 15 December 2015. http://www.icglr.org/index.php/en/homepage/135-laast-news/666-burundi-security-dec-2015. See also the final press release of the extraordinary meeting of Ministers of Defence of the ICGLR held in Luanda 20 October 2015.

94 Burundi: a confidential memo considers a worst case scenario, RFI 12 January 2016. http://www.arib.info/index.php?option=com_content&task=view&id=13842

IGAD - SOUTH SUDAN
INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT

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Member States of **IGAD**

Case study

Hosting Country

Djibouti City:
Capital of the hosting Country
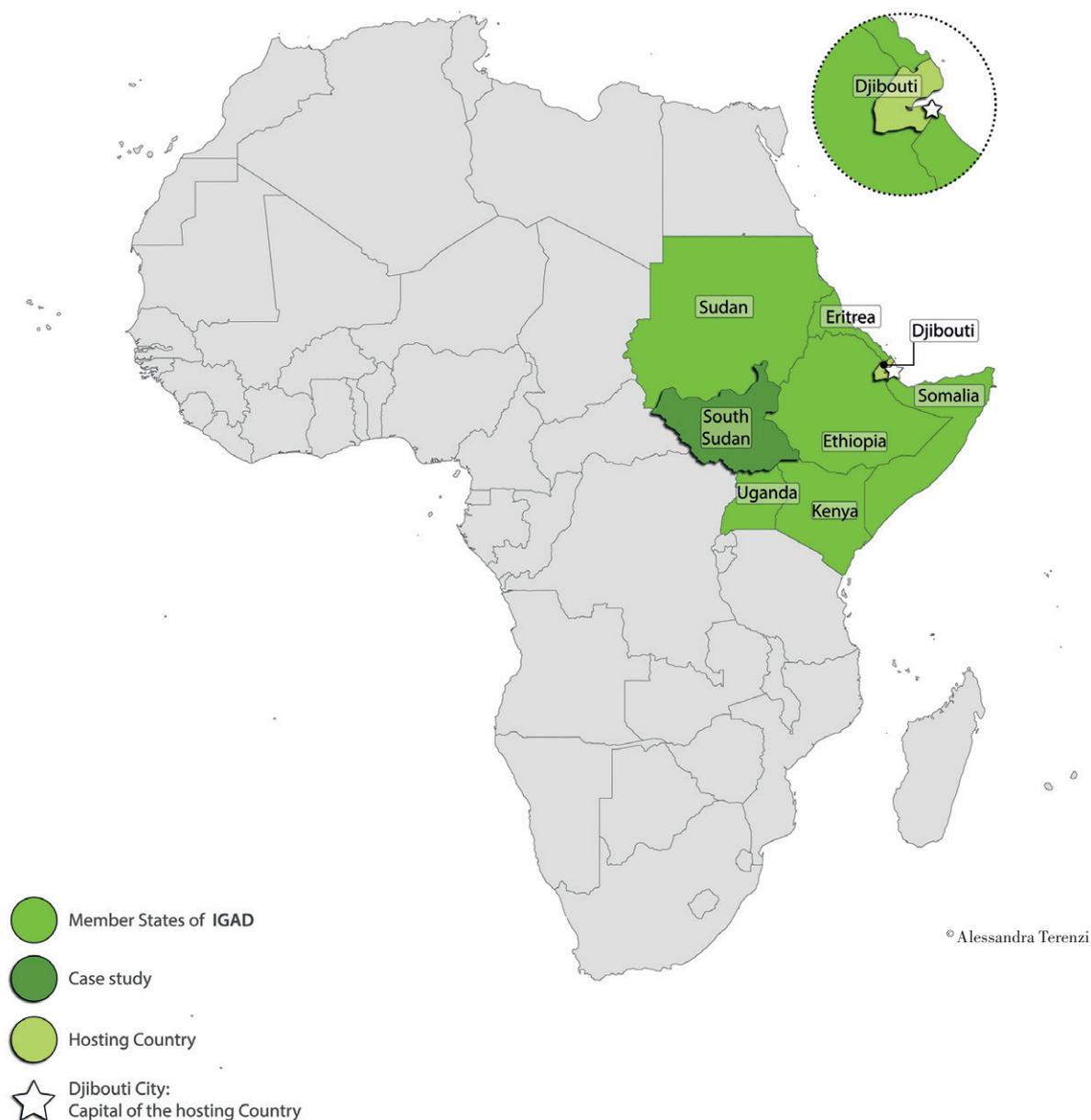
The ATF chose South Sudan to explore as a case of great importance for several reasons:

1. South Sudan is currently experiencing atrocities, including war crimes, crimes against humanity, ethnic cleansing, and mass killing resulting from the ongoing political crisis that emerged in 2013 and the ensuing civil war. Analysts agree the situation could quickly devolve into further mass killing if the political and diplomatic efforts to halt them, notably from IGAD, were to fail.

2. Despite concerted international efforts to mediate the conflict, the threat of future mass atrocities in South Sudan is strong.

3. It is Africa's newest country, with a history of political violence linked to its war of independence from Sudan.

ATROCITY PREVENTION IN PRACTICE: FIVE CASE STUDIES IN AFRICA

Background to the Conflict

South Sudan serves as a unique case within the ATF. Firstly, it is the newest state in Africa, having achieved independence during the timespan of exploration for the ATF (2009 to 2016). IGAD's intervention provides strong data for examining the utility of a mass atrocity lens in the South Sudan case. Secondly, while the ATF examines cases of mass atrocities from January 2009 until the summer of 2016, South Sudan suffered clear and documented examples of mass atrocities during this timeframe, with atrocities continuing to be perpetrated against civilians and non-combatants as the ATF final report was prepared for publication in the summer of 2016. During this period, South Sudan entered into the implementation of the IGAD-led mediation agreement. Thirdly, the South Sudan case study is unique in that atrocities were being committed in the territory when it was part of the Republic of Sudan, starting from 2005, when Comprehensive Peace Agreement (CPA) began to chart ways for the emergence of the new country, after the CPA (and from 2005 through to 2009 and 2010), and when the semi-autonomous country was under the administrative control of the Republic of Sudan government in Khartoum. The atrocity landscape in South Sudan is therefore exceedingly complex and embedded in a history of struggle.

South Sudan is the newest nation born out of Sudan following its recognized independence on July 9, 2011. The Sudan People's Liberation Army/Movement (SPLA/M) had fought for over forty years until 2005 when, under the auspices of Intergovernmental Authority on Development (IGAD), the SPLM and the government of Sudan signed a Comprehensive Peace Agreement (CPA). The 2005 CPA that ended Africa's longest-running war played a major part in today's separated states. Before independence, and as part of Sudan, the Southern part of Sudan was underdeveloped, riddled with instability, and underwent intensely violent civil wars. Barely two and half years after obtaining independence, civil war erupted in Juba, the capital of South Sudan, on December 15, 2013 between the forces of the Government of South Sudan (GoSS) and led by President Salva Kiir and his former vice president, Dr. Riek Machar. The conflict pitted the SPLA against sections of the political party members whose views differed from the president on constitutional and political reforms of the Sudan People's Liberation Movement. The war uncovered deep-seeded animosities where past marginalization that had dominated the society was still fresh and very much visible. Furthermore, South Sudan was affected by the overwhelming technical challenges of creating a new state, including creating and managing a functioning formal economy, political party and democratic reforms, security sector reforms (SSR), and above all, managing ethnic diversity.

While some opposing political heads and many former ministers were arrested on allegations of staging a foiled *coup d'état*, the political groups were later released, and thus formed the "SPLM-Former Detainees." Those who followed Riek Machar's call to stage a military offensive against Salva Kiir's presidency formed the SPLM-in-Opposition (SPLM-IO). Although the political opposition to the conflict involved different tribal members, the tribal allegiance of the Dinka towards the President Kiir (also an ethnic Dinka) and that of Nuer towards Riek Machar (ethnic Nuer) defined most of the killings - most notably at the onset of the war on December 15, 2015. The initial interpretation of the civil war was as an ethnic conflict, which began with the targeted killings of the Nuer ethnic group. The definition of the targeted killings of the Nuer in December 2015 were also described as a much-delayed retaliation from the Dinka against Nuers to the mass killings of Dinka in Bor in 1991 by the Nuer. The 1991 killings took place as a result of the breakaway of groups loyal to Dr. Riek Machar from the founding leader of SPLM/A, Dr. John Garang.

Early Warning

Since 2009 in Sudan (and from South Sudan Independence in 2011), CEWARN monitoring and reporting has been actively engaged under its mandate, first from regional headquarters, and then South Sudan national levels. Riek Machar formally launched a national CEWERU committee directly linked to CEWARN in 2012. The national early warning system, known as CEWERS, had been operational in four states since 2009. During its launch officials noted "The system will also be mirrored on the state and county levels, and connected to the broader regional CEWARN mechanism. The new South Sudan CEWERU comprises key government and non-government institutions working on peace, security and development."[95] It is interesting to note non-governmental conflict early warning and prevention efforts at the national level after the launch and under the period of review. During July 2014, for example, the South Sudan CEWERU was active in

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95   http://www.sudantribune.com/spip.php?article42544   http://cewarn.org/index.php?option=com_content&view=article&id=149:launch-of-south-sudans-national-early-warning-and-response-unit-ceweru&catid=1:latest-news&Itemid=82&lang=en

mapping EWR stakeholders in multiple states with the initiative aimed at identifying conflict threats.[96] At both the national and regional level, the CEWARN mechanism functioned to monitor indicators of ongoing violence as Sudan was already in a long-term conflict environment. During this time there was no specific monitoring of indicators for potential mass atrocities in South Sudan. CEWARN was active in scenario building for policy makers within IGAD, and during the period under review CEWARN was also expected to make recommendations on best practices of conflict prevention, mass atrocities, and ways to overcome the issue of accountability. At a local and subnational level, the mechanism worked with data collectors, local peace committees and national research institutes to collect and analyze information.

Before, during, and after the outbreak of civil war in 2013, CEWARN played a central role in situational and incident monitoring of events. Decision-makers received regular early warning products, and were briefed at the regional level by CEWARN senior analysts on scenarios and decision options. This included statistical analysis and the deployment of geographic information systems to highlight conflict trends. Operationally, CEWARN interpreted its events and situation reports using parameters to show the prevailing trends of events, the potential for a situation to escalate, and the short, medium, and long term probability of reversing emerging patterns. It is within this context that response options were tailored. CEWARN decision makers were quite well-informed of the political situation in South Sudan. Interestingly, during this period CEWARN was also tasked to address processes of healing and reconciliation as a way of preventing relapses to renewed conflicts. This vast mandate limited effectiveness given the pre-existing resource constraints.

Operational Capacity

The enormity of the South Sudan civil war greatly impacted the operational capacity of IGAD to respond. Today, the country faces a daunting humanitarian crisis that continues to deteriorate despite the efforts of IGAD and international actors. IGAD has shown some capacity, however, particularly in the realm of good offices and diplomacy. IGAD-Plus was established eighteen months after the outbreak of the civil war. The member parties of the IGAD-Plus are regional and international actors such as the AU and the Troika, who have been willing to exercise pressure on the warring parties. The AU also showed its engagement in the civil war by establishing a Commission of Inquiry on South Sudan. The African Union Commission of Inquiry on South Sudan (AUCISS) was approved on the 411th meeting held at the end of December 2013, just a few days following the eruption of the civil war. The AUCISS was operational by April 2014. The essential mandate was to explore all mass atrocities and crimes committed during the conflict and make suggestions on the most effective methods to reunite the war-torn country. Accordingly, the commission was required to submit its reports to the AU. Its first report was released in June 2014. The final report was not analyzed in January 2015 because many thought that it was necessary to postpone the discussion of findings that could complicate the negotiation process.

At the outset of the war, the gravity of killings and mass killings worsened in many cities of South Sudan, mainly in Bor, Bentiu, and Malakal. The AU and the IGAD intervened immediately to stop mass killings and resolve the conflict. IGAD intervened in the conflict as a mediator to find a lasting solution to the crisis. In fact, the long engagement of IGAD predates to the 2005 CPA in which IGAD facilitated the negotiation process that brought stabilization and separation of Sudan from South Sudan today. Contained in the ICG report (2015), IGAD appointed Ambassador Seyoum Mesfin as lead mediator to steer the process and ensure that South Sudan achieved peace. The Kenyan diplomat Lazaro Sumbeiywo and a general from Sudan, Mohammed al-Dabbi, assisted him. In January 2014, during the first peace talks, the government led by Salva Kiir and the opposition led by Riek Machar signed a Cessation of Hostilities (CoH) agreement. Under the ceasefire agreement, the warring factions agreed to the establishment of the monitoring and verification team with the mandate to monitor the implementation of the agreement. As past occurrences have shown, the parties did not solidly respect the agreement. Moreover, with the increase of fighting parties in South Sudan, it became unrealistic to mediate only between the two main opposing groups. For this reason, former detainees and other warring factions had to be included in the mediation process. The process stalled many times mainly due to the continuous lack of commitment of the conflicting parties and the violation of the CoH agreement. Moreover, the varying interests of IGAD member states also weakened the effectiveness of the mediation process by diminishing the pressure on South Sudan. The sub-regional organization facilitated the mediation process by convening discussion groups nonetheless, and even consultations that were not productive still decreased the likelihood of a relapse into a major civil war. Despite the mediation efforts,

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96 http://www.cewarn.org/index.php?option=com_content&view=article&id=274:cewarns-national-unit-in-south-sudan-conducts-mapping-of-conflict-early-warning-and-response-stakeholders-in-two-states-&catid=1:latest-news&Itemid=82&lang=en

clashes between factions continued in some regions of the state. In order to put more pressure on South Sudanese warring factions, members of the international community decided to support IGAD's efforts.

Given the protracted nature of the South Sudanese civil war, various scenarios were elaborated based on several potential developments. The best-case scenario saw two leaders removed from their positions and the formation of a transitional government led by other parties.[97] The other operational option was to establish a power sharing agreement. However, according to the Sudan Tribune, a shared transitional government could only worsen the situation by leading the country to relapse into another disastrous conflict.[98] The question raised to IGAD was whether a power sharing agreement would stop mass killings and make peace prevail in the newly independent state or not. Analysts believed that power sharing could create a situation in which Salva Kiir could continue to establish himself as President with Riek Machar as vice president, as the current state dictates. The capacity to run a transitional government would only work to empower and elaborate opportunities in the constitution, given that there will be a new election board. In that case, the transitional federal government should be enshrined in the constitution. This possible best-case scenario, in order to be productive, should be accompanied by several transformations that touch various sectors of a society. With regard to the military sector, the SPLA should be transformed into a federal national army. There is a need to alter the leading party mind-set from a military one into a civil one. Improvements should also be made in the human rights sector by promoting and legalizing accountability and local securities. A worst-case scenario is the protraction of civil war. The only thing that could keep the two parties from adhering to their commitments is the fear of international and regional sanctions.

Political Will

IGAD was slow to respond following acts of violence, which caused delays in the peace process. Initially, the government of South Sudan denied that mass atrocities took place, but later reports claimed that there were mass killings by both sides. IGAD engaged in the full agenda of the talks much later, and precise information about the fighting was lacking. Even though IGAD established the Joint Monitoring and Evaluation Commission (JMEC), the technical and operational capacity to act on continued warnings of renewed violence and killings couldn't be met. IGAD has the ability to warn, but inability to respond with preventive measures. There has been some evidence of political will to respond to impending and real atrocities at the level of the regional organization. However, IGAD member states have shown less willingness politically to address the protection of civilians in the conflict, and in many ways have exacerbated the violence through actions to further their own perceived interests. Uganda intervened militarily in South Sudan, and the willingness to work closely under IGAD was limited. IGAD found support from only three countries for special envoys, with representatives from Kenya, Sudan, and Ethiopia. The ability of IGAD to respond to mass atrocities committed in different states in South Sudan depended on the composition of the TROIKA countries, China, and other international agencies of the AU and EU. It is clear that this lack of leadership and coordination, coupled with an unwillingness among member states to collaborate, increased the risks facing civilian populations and further exacerbated the conflict in South Sudan. The UNSCR issued reports and threats of sanctions to coerce both political leaders and the individuals responsible for the impasse and subsequent violence. IGAD could not take any immediate action to intervene militarily in South Sudan despite the request made to UNSCR. However, the international stakeholders, such as the UK, the USA, France, and others have been very active in consulting with IGAD.

Due to existing national interest, IGAD suffers a deficit in political will to address potential mass atrocities in member states. This might be primarily because of existing bilateral relationships and competition between IGAD member states, which typically focus on maintaining the status quo rather than foster cooperation in addressing situations before they escalate. As such, situations that easily degenerate may go unaddressed in the guise of preserving pre-existing interest. Related bureaucratic challenges, coupled with the desire to be politically correct, create an atmosphere of indecisiveness. In the entire structure of IGAD and CEWARN, bureaucratic staffs are often pre-occupied with second guessing the political structures, thus even if a situation requires rapid response, the process of bureaucratic equivocation translates into procrastination and widens the gap between warnings of an emerging situation and the desired response.

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97 Mehari Taddele Maru, "What Does the Future Hold for South Sudan?" http://www.aljazeera.com/indepth/opinion/2014/07/what-does-future-hold-south-sudan-2014787100654931.html (accessed June 20, 2015).

98 Sudan Tribune, David De Dau, 'South Sudan's Peace Prospects and Possible Scenarios,' http://www.sudantribune.com/spip.php?article50881 (accessed May 10, 2015).

SADC - DR CONGO
SOUTHERN AFRICAN DEVELOPMENT COMMUNITY

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The ATF chose DR Congo to explore as a case of great importance for the following reasons:

1. DR Congo is currently experiencing atrocities, including war crimes, crimes against humanity, ethnic cleansing, and mass killing, resulting from the most recent civil war that began in 1998.

2. SADC has played an important role in the international security response in Eastern DR Congo.

3. It is one of Africa's longest running conflicts with a history of political violence dating back to independence from Belgium.

Background to the Conflict

The conflict in the eastern DRC is complex and epitomizes the hybrid nature of conflict. On the one hand, the eastern Congo is characterized by communal violence and internal armed conflict among local groups, community security groups, and local militias. On the other hand, eastern DRC is a reflection of the coalescing of cross-border insurgencies and regional conflict complexes. The ongoing conflict has been

ATROCITY PREVENTION IN PRACTICE: FIVE CASE STUDIES IN AFRICA

marked by mass atrocities including war crimes, crimes against humanity, and mass killing. At one point in time (1996-1997), the DRC conflict was dubbed "Africa's first world war," a phrase that highlighted the regional nature of this insecurity and its deadly outcomes.[99] This period was followed by what is often referred to as the second Congo War (1998-2003), which involved more than nine countries, including Rwanda, Uganda, Burundi, Angola, Namibia, South Africa, Tanzania, and Zimbabwe, among others. The armed conflict reached a cease-fire with the signing of the Lusaka Cease-Fire Agreement on July 10, 1999. The Lusaka Agreement was regarded as one of the key steps toward addressing the regional dimension of the DRC conflict.[100] The agreement provided for the cessation of hostilities, the withdrawal of foreign groups, disarming, demobilizing and reintegrating of combatants, and re-establishment of government administration. However, violations occurred and fighting resumed until a formal end to the war in July 2003. Following the end of the second Congo war and into the ATF period of review (2009-2016), conflicts in the DRC have continued, albeit at different scales. Ongoing levels of violence in 2016, particularly in the eastern Congo, characterize the current phase of conflict in the DRC.

Armed groups control large parts of the territory in the eastern DRC, and civilians are at the receiving end of the effects of this conflict, including extortion, sexual violence and exploitation, and death. The eastern DRC conflict can be traced back to the colonial era, when Belgium brought in people from Burundi and Rwanda to settle in Zaire. Despite the history of interdependence in the Great Lakes region, an often-observable feature of the DRC conflict is that of elite stereotyping in the region, which is often characterized by construction of identities and conferring of illegitimacy. This ethnic stereotyping is borne out of years of mistrust, first planted by the Belgians in the 1800s, and then manipulated during the Mobutu era, especially through laws in 1972 and 1983, the former of which maintained that everyone who was in Congo in 1960, the time of independence, qualified to be labeled a Congolese national, while the second law revoked this citizenship. Haskin asserts that Tutsis in the DRC were often threatened with revocation of their citizenship.[101] The conflict is therefore linked to nationality and ethnicity, especially when identity is juxtaposed with economic and political power. In eastern DRC (North Kivu), there are high degrees of mistrust between native Congolese and the Banyamulenge and Banyarwanda who came to this region in the early 1900s. The issue of contested citizenship and ethnicity in the DRC becomes salient when one looks at the ideologies of groups such as *Alliance des Forces pour la Libération du Congo-Zaïre* (Alliance of Democratic Forces for the Liberation of Congo-Zaire - AFDL) which was formed as a coalition to topple Mobutu with support from Uganda especially, Rwanda, and the FDLR, which is comprised mostly of Hutus who fled Rwanda following the genocide in 1994.

The DRC conflict has had widespread humanitarian and political impact. Reports indicate that since 1996, the conflict in the DRC has claimed the lives of more than five million people, either through direct hostilities or the indirect impact of war. Since 1998, the human cost of the DRC conflict has surpassed 5.4 million people.[102] Additionally, the war in the DRC has resulted in massive internal displacement and huge numbers of refugees. Approximately 80 percent of the population of eastern DRC has been displaced at some point since 1993. As a result of the conflict, over 2.6 million Congolese are internally displaced, and nearly a half-million more are refugees in neighboring countries.[103] Furthermore, in international media headlines, the DRC is often highlighted as a case study of the humanitarian consequences of conflict, especially through the surge in cases of sexual violence. As a result of the extent of cases of sexual violence in the DRC, the country has often been known as the "rape capital of the world."[104] For these reasons the ATF chose DRC to explore the role of SADC in mass atrocity prevention.

Early Warning

SADC's role in mass atrocity prevention in eastern DRC exhibits evidence of actionable early warning that can be discerned by examining the structure and processes of SADC. Since the operations of SADC early

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99 The conflict in the DRC has been often considered as one of the deadliest armed conflicts since the World War II, owing to the nature of violence and its impact on civilian populations.

100 Representatives of the governments of Angola, Namibia, Rwanda, Uganda, Zimbabwe, and the DRC signed the agreement in July 1999 in Lusaka, Zambia. South Africa, while the Organization of African Unity (OAU), the United Nations (UN) and the Government Zambia, signed as witnesses.

101 Haskin, J. M. (2005) *The Tragic State of the Congo: From Decolonization to Dictatorship*. New York, NY: Algora Publishing

102 "Mortality in the Democratic Republic of Congo: An ongoing crisis" *International Rescue Committee, 2008*

103 U.N. High Commissioner for Refugees, *UNHCR Global Appeal 2014-2015: Democratic Republic of the Congo*.

104 This statement was made by a UN Official, Special Representative Wallström in 2010. A UN Report released in 2009 had indicated that 15 000 women had been raped in Eastern Congo in one year alone.

warning and response are state-centered, there is less known about them than the workings of ECOWARN, CEWARN, and CEWS, for example. REWC is a recently evolved early warning outfit that seeks to detect, prevent, and mitigate various types of conflicts, including socio-economic and political crises. The *modus operandi* of SADC REWC differs from that of similar EWS, such as the Economic Community of African States' ECOWARN and the Intergovernmental Authority on Development's CEWARN, which highly engage with CSOs and CBOs in their early warning processes. However, if there is sustained interaction between SADC REWC and CSOs, this is not well documented and information is not in the public domain. Furthermore, various SADC structures, such as the MCO,[105] the Interstate Defense and Security Committee (IDSC)[106] and the Interstate Politics and Diplomacy Committee (ISPDC)[107] play varied and complementary roles in interpreting and dispensing early warning messages on DRC from the secretariat. The IDSC deals with "hard security" issues such as military cooperation, while the ISPDC deals with "soft security" issues such as democracy, human rights, and governance. The messages emerging from these institutions have often been accompanied by decisions that are actionable and practical, and which seek to assuage the crisis in the DRC.

Beginning at its founding in July 2010, the SADC REWC was active in monitoring events in eastern Congo, providing strategic assessments and analysis to SADC and member state decision makers. This effort did not include specific indicators for mass atrocities, however. As part of this analysis and the fulfillment of its mandate, the REWC presented assessments of root causes and potential triggers in eastern DRC while also preparing likely scenarios and specific response options. This information regarding armed groups, areas of operation, potential targets, and conflict drivers, was consistently communicated from analysts in Gaborone to member states security services, where it was then ostensibly shared with the member state decision makers. The nexus between SADC early warning and early response in the context of DRC is uncertain considering the role of state intelligence in the process. It is clear, however, that the early warning capacity of SADC is formidable and can be a powerful tool in mass atrocity prevention.

Operational Capacity

SADC has displayed strong operational capacity to respond to early warning in DRC, from leveraging good offices during the period under review, to more coercive measures including the deployment of combat troops in DRC. The creation of the SADC Brigade (SADBRIG) is another example of SADCs formidable operational capacity to prevent mass atrocities. The SADC BRIG (now known as the SADC Force (SADC SF) supports regional peace operations under the African Standby Force (ASF) Policy Framework. Launched in August 2008, the SADC SF is made up of military, police, and civilian members from SADC member states, and is meant to ensure combat readiness required for a rapid intervention force.[108] It has already generated a common doctrine and operational guidelines. The idea of the SADC SF was mooted in 2007 after regional countries resolved to contribute troops to defend member states from aggression. Already, training exercises have been held to strengthen the preparedness of the SADC SF. The SADC Regional Peacekeeping Training Centre (SADC RPTC), which is located in Harare, provides most of the training support. Each year, SADC RPTC trains more than two hundred peacekeeping personnel, and the number of training courses held and persons trained at the center is continuously expanding[109]. Regular exchange with national and regional training centers has contributed to the expertise of the Centre's staff, leading to better curricula and professionally held training courses. SADC RPTC has a number of partners, including the AU and GIZ, which provide support to some of the program activities of the OPDSC.

SADC's decision to establish the Force Interventions Brigade (FIB), a regional peacekeeping force that seeks to stabilize the eastern Congo, contributes towards stabilizing this part of DRC, and is ultimately expected to prevent mass atrocities. Established in March 2013 following the signing of the Framework

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105 The Ministerial Committee of the Organ (MCO) is made up of the Ministers of Defense, Foreign Affairs, Public and State Security. Its main function is to co-ordinate the work of the organ and its structures and Reports to the Chair of the Organ (Head of state and government chairing the organ

106 the Inter-State Defence and Security Committee (ISDSC) consists of all Ministers of Defence, Public Security and State Security and Immigration Services. It has three sub-committees, membership of which comprises of Directors General or Permanent Secretaries, namely Defense Sub-Committee, State-Security Sub-Committee and Public Security sub-committee.

107 The Inter-state, Politics and Diplomacy Committee -Comprising Ministers of Foreign Affairs, and it is a key peace and security instrument of SADC.

108 This was revealed during the Special Forces planning conference in Kariba. For details, see "SADC Special Force may be on the Way," 8 July 2015: http://www.southafrica.info/news/sadc-army-080715.htm#.Vw5vVrHZbIU#ixzz45ivLOos8 (Date Accessed, 13 April 2016)

109 GIZ, 2013. African Capabilities to maintain peace in the SADC Region: SADC- Maintaining Peace in the Region

Agreement for Peace, Security and Cooperation for the Democratic Republic of the Congo and the Region,[110] and adoption of United Nations Security Council Resolution 2098 (2013),[111] the brigade is currently comprised of approximately 3,000 forces from three countries in the SADC region - Malawi, South Africa, and Tanzania,[112] and works closely with the United Nations Stabilization Operation in the DRC (MONUSCO). The FIB has a Chapter VII mandate,[113] since its expressed role is to neutralize armed groups responsible for destabilizing the DRC, especially eastern Congo. The FIB is a product of discussions between the AU, the SADC and the ICGLR on how to bring lasting peace to the DRC particularly through the neutralization of armed groups in the Eastern part of the country.

Preliminary successes of the FIB have been widely documented, especially the defeat of M23. A report by Chatham House (2014) notes that the period from 2013 has seen SADC reasserting efforts designed to bring an end to the crisis in the DRC. Shephard observes:

...though there are many reasons for the defeat of the M23, perhaps the most important factor was the revitalized engagement in the DRC by the SADC, notably the cutting edge provided by the Force Intervention Brigade (FIB), led and staffed by SADC forces. Though the FIB is formally part of MONUSCO (the UN Organization Stabilization Mission in the DRC), its existence is most accurately understood as an expression of SADC political will, backed by South African, Tanzanian and Malawian troops.[114]

Indeed, it is doubtless that since 2013, there has been renewed hope in the possibility of securing peace in eastern Congo. The FIB has been working with the Congolese army, the Armed Forces of the Democratic Republic of Congo (FARDC)[115], strengthening its capacity in conducting offensive operations against rebels. This has renewed a sense of optimism within the DRC army regarding their ability to secure their territory, and ultimately protect civilians. Similarly, other observers note that, "the FIB has however, achieved some significant gains in terms of stabilizing the region by keeping some rebels on a leash and others on continuous run since 2013."[116] Additionally, since deployment, the FIB has suffered a very minor casualty rate, something that could indicate operational capacity of the force.

In terms of SADC's operational capacity to intervene in eastern DRC, the regional mechanism has displayed adept capability militarily and technologically, with South Africa deploying sophisticated technology such as South African attack helicopters. While there is some caution concerning the use of military intervention in efforts toward conflict resolution, historically some military interventions have been known to end mass atrocities. For example, the genocide in Rwanda in 1994 came to an end following the victory of the Rwandan Patriotic Front (RPF). The military intervention in eastern DRC, especially through the peace support operation of the FIB, is thus designed to rid the eastern Congo of negative forces and to subsequently usher in an era of stability and security. The Interventions Brigade is often cited for the successes recorded in the surrender of the M23, which subsequently resulted in the Kampala Dialogue and Declarations for Peace and the Nairobi Declaration for Peace in the eastern DRC in December 2013.[117] These political processes subsequently paved way for the implementation of Disarmament, Demobilization, and Reintegration (DDR) in the DRC. The FIB's intervention has also resulted in some partial neutralization of the FDLR, and these cumulative processes of securing the DRC territory have given a sense of optimism to the DRC government, to the extent that in March 2015, the Congolese government called upon the MONUSCO to begin withdrawing its peacekeeping troops from this country, citing as reasons that the DRC is "ready to assume the responsibility of securing its state."[118]

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110 The Peace, Security and Cooperation Framework Agreement for the Democratic Republic of the Congo and the Region was signed on 24 February 2014 by 11 African countries (Angola, Burundi, the Central Africa Republic, the Democratic Republic of Congo, Republic of the Congo, Rwanda, South Africa, South Sudan, Tanzania, Uganda and Zambia). Additionally, leaders of four regional/ international organisations also sign this Agreement, namely the Chairperson of the African Union Commission, the Chairperson of the International Conference on the Great Lakes Region, the Chairperson of the Southern African Development Community and the Secretary-General of the United Nations For details, see: http://www.un.org/wcm/webdav/site/undpa/shared/undpa/pdf/SESG%20Great%20Lakes%20Framework%20of%20Hope.pdf (Date Accessed: 24 May 2015)

111 UN Security Council Resolution 2098 (March 28, 2013), Un Doc. S/RES/2098, para. 9

112 Scott Sheeran and Stephanie Case, "The Intervention Brigade: Legal Issues for the UN in the Democratic Republic of the Congo," International Peace Institution, 2014. http://www.scribd.com/doc/267461654/The-Intervention-Brigade-Legal-Issues-for-the-UN-in-the-Democratic-Republic-of-the-Congo#scribd

113 Chapter VII of the UN Charter is titled, "*Actions with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression,*" and it allows the international body to use force towards in pursuit of peace and security.

114 Shephard, 2014. Beyond Crisis in the DRC: The Dilemmas of International Engagement and Sustainable Change, Research Paper, Chatham House: Royal Institute for International Affairs

115 Forces Armées de la République Démocratique du Congo (FARDC).

116 Namangale, C. 2015. Dynamics of Conflict Management in the Democratic Republic of Congo, *Prisms, No 2*, pp. 73-83

117 The Nairobi Declaration was facilitated by President Uhuru Kenyatta of Kenya. the M23 agreed to cease the rebellion, demobilize and transform itself into a legitimate political party, while the DRC committed to grant amnesty to M23 members and release those under detention for acts of war and rebellion, while It ensuring the return of refugees IDPs to their homes former M23 combatants.

118 DRC Calls for an end to the UN Peacekeeping Mission, Aljazeera, 19 March 2015.

SADC SF has played a huge role in securing the DRC territory, with the result that "the east of the DRC, for the first time in many years, is no longer held hostage by rebel groups with significant links to neighboring governments, though these undoubtedly remain."[119]

In the case of the eastern DRC, as a result of the complexity of the conflict, SADC did not deploy an independent standby force, but went into the eastern Congo under the auspices of the United Nations Force Interventions Brigade. However, there were concerns about command and control challenges between the SADC SF in the eastern DRC (the FIB) and the United Nations Peacekeeping force, MONUSCO.[120] In many instances, due to the command and control structure, the SADC Forces notably have limited freedom of action and must seek MONUSCO's clearance before undertaking any intervention. Even when there are atrocities that are happening within their area of operation, the SADC SF cannot make a move without the explicit approval and sanctioning by MONUSCO. Evaluation of the SADC SF in eastern DRC is done every three months by the SADC Secretariat, while the SADC Committee Defense and of Intelligence also engages in periodic evaluations on the situation in eastern DRC. The recurring recommendations emerging from each of those evaluations have been that SADC should get more freedom to intervene from MONUSCO.[121]

Despite the readiness and political will demonstrated by SADC in quickly establishing the FIB, the force from SADC has not yet been able to disarm the FDLR. This is owing to several factors including the fact that the FDLR is considerable in size,[122] widely spread, deeply embedded in the local communities, and located in area difficult to reach. Additionally, the assessment of Baker and Maeresera (2009) remains valid today, as it is problematic for SADC SF to effectively intervene in conflict situations, owing partly to lack of common national interests among SADC member states. For effective regional security cooperation to take place, Nathan (2009) argues that states must share an internal logic and normative consensus to cooperate freely with a set of shared and enforceable norms. Moreover, to resolve the conflict in the DRC and provide a strong peace enforcement presence, SADC would need to ensure a steady flow of finance and logistical equipment.

By the measure that the Southern African Regional Police Chiefs Cooperation Organization (SARPCCO) is integrated into the Inter-State Defense and Security Committee (ISDSC), SADC has established mechanisms for regional security cooperation to enhance the fight against organized crime and cross-border illegal activities that may encourage improvement of capabilities in terms of mass atrocity prevention as well. SADC continues to refine its mechanisms for anticipating and preventing conflict, which is crucial to the prevention of mass atrocities. SADC has established the SADC Mediation Support Unit (SADC MSU), which is tasked with coordinating mediation processes and implementing mediation interventions and decisions. Moreover, the SADC mediation processes incorporate the advice and counsel of the Panel of Elders (PoE), and additional support for mediation comes from the Mediation Reference Group (MRG). SADC was involved in some of the political dialogue and mediation processes of the ICGLR, alongside the AU and UN, which led to the signing of the Peace, Security, and Cooperation Framework for the Democratic Republic of Congo and the region, also known as the Framework of Hope, on March 20, 2013. The SADC MSU also works closely with member states in developing and strengthening their mediation capacity. SADC is currently involved in developing a regional mediation curriculum, and will train representatives from member states, including DRC.

Political Will

SADC's intervention in DRC can be understood through the lens of a regional cooperative framework, which calls for regional solidarity, peace, and security, among other issues for the people of the region to live and work together in peace and harmony.[123] SADC demonstrated some political will to address the situation in the eastern Congo when the regional organization worked closely with the ICGLR, AU, and UN in finding a common solution to the Congo crisis. In 2013, following the February signing of the Framework of Hope Agreement in Addis Ababa, the ICGLR called on SADC to support them in strategizing an intervention in the eastern Congo, since DRC is a member of SADC. SADC reckoned that the intractability in DRC crisis had to come to an end, and also noted that previous political and diplomatic efforts had failed to bring about

119 Shephard, 2014. Beyond Crisis in the DRC: The Dilemmas of International Engagement and Sustainable Change, Research Paper, Chatham House: Royal Institute for International Affairs

120 This was mentioned during the ATF Roundtable with SADC Secretariat officials, which was held in Gaborone in November 2015.

121 This was mentioned during the ATF Roundtable with SADC Secretariat officials, in November 2015.

122 Estimates indicate the FDLR force size to be about 1500-2000. However, key to note is that the FDLR leadership announced in May 2014 that they are willing to surrender, although they haven't lived to their promise.

123 From the SADC Website; For details, see "SADC Overview: History and Treaty", <http://www.sadc.int/about-sadc/overview/ history-and-treaty/>, (Date Accessed, 13 December 2015).

sustained peace and security. Against this background, SADC clearly understood that the DRC crisis needed more than soft diplomacy. A military intervention was needed to bring about an end to the M23 rebellion.

Upon the call of ICGLR, the SADC Summit proposed to generate a military structure based on the recommendation of the SADC Sub-Committee on Defense. This proposal was made to the Organ Ministerial Committee, composed of member states' Ministries of Foreign Affairs, Ministries of Defense, Ministries of Home Affairs, and Ministries of State Security or Intelligence. A decision was then made during the Maputo Summit in June, 2013 that SADC should intervene in the eastern Congo. Against this background, Shephard notes "the re-engagement of SADC states in the DRC played a critical role in opening the way for potential progress, a reality that must be understood and reflected by the traditional donor community."[124]

Since as far back as the late 1990s, a SADC regional response to the DRC conflict gradually gained strength among regional leaders. Of significance were SADC's mediation efforts in the DRC, which were led by various intermediaries.[125] The involvement of SADC in these processes reflected impressive political will on the part of leaders of this regional mechanism to decisively bring an end to the political crisis in the DRC. SADC was also part of the mediation process, alongside the ICGLR, AU and UN, which led to the signing of the Peace, Security, and Cooperation Framework for the Democratic Republic of Congo and the region, known as the Framework of Hope on March 20, 2013, as mentioned above. Eleven countries signed this framework,[126] which sought to "build stability by addressing the root causes of the conflict and fostering trust between neighbors."[127] The framework outlines national, regional, and international actions that aim to end violence, and calls on the DRC government to strengthen its SSR efforts and consolidate state authority in the eastern DRC. Following the signing of the Framework of Hope, SADC has continued with regional diplomatic efforts in the DRC, epitomized by the actions of South Africa, Angola, and the DRC, which signed a Memorandum of Understanding in March 2013, establishing a Tripartite Mechanism on Dialogue and Cooperation in DRC.

The regional leaders play a remarkable role in promoting long-term security and stability in southern Africa. That is clearly demonstrated by the activities of Angola and South Africa who have provided support for the efforts in DRC not only to build a responsive and capable state, but also to promote a social contract between the state and its citizens. The high level and ministerial meetings of the Tripartite Mechanism held by South Africa, Angola, and DRC to apprise the SADC members of the situation in the DRC have also contributed to raising awareness of conflict situations.[128] It is worth noting that South Africa plays a substantial role in the DRC through bilateral support in the area of security sector reform, upgrading DRC military training centers and training military personnel, thereby improving the capacity of the DRC government to stabilize the country.

Despite the signs of political will by SADC to resolve the DRC conflict, there are some challenges that have been observed. SADC member states are united by their common liberation legacy, which makes it difficult for the countries in the region to publicly show dissent. Given the fact that the desire for regional autonomy is an important feature of SADC, SADC very much values the principles of non-interference and non-intervention. In fact, Article 11 (section d) of the SADC Protocol indicates the summit shall resort to peace enforcement only as a last resort. This orthodoxy of sovereignty can create problems of political will to respond to early warning signs for atrocities in member states. Xenophobic violence in South Africa in 2015 and uncertainty surrounding political instability in Zimbabwe are two examples of recent situations in which SADC member states were cautious to respond. Additionally, a weakness of SADC relates to its fledgling democratic norms and standards, which are still evolving. Furthermore, while partnership definitely exists between SADC and other entities, institutional collaboration between SADC, the AU, and UN must be elaborated upon to enhance political will and response.

124 Shephard, B. 2014. Beyond Crisis in the DRC: The Dilemmas of International Engagement and Sustainable Change, Research Paper, Chatham House: The Royal Institute of International Affairs.
125 In DRC, SADC has played a significant role in supporting political dialogue between warring parties. The *Lusaka Peace Agreement*, signed in August 1999 was facilitated by SADC, and witnessed President Ketumile Masire, President Nelson Mandela and President Thabo Mbeki playing the roles of facilitators respectively.
126 These eleven countries include Angola, Burundi, the Central Africa Republic, the Democratic Republic of Congo, and Republic of the Congo, Rwanda, South Africa, South Sudan, Tanzania, Uganda and Zambia.
127 The Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the Region was facilitated by the UN Special Envoy for the Great Lakes Region of Africa. The Framework of Hope came in the heels of the adoption of Resolution 2098 by the UNSC, and the appointment of Mrs. Mary Robinson as the Special Envoy of the Secretary-General for the Great Lakes. Mrs. Robinson's mandate focuses on encouraging the parties to the Framework to deliver on their commitments while supporting regional efforts to reach durable solutions in the Great Lakes.
128 "Angola, DRC and South Africa delegations meet in Benguela," Angola Press (ANGOP), 24 April 2014

3. OBSERVATIONS

Chapter Three summarizes the observations collected by the ATF during the state of the art and case-based research, and the consultations with the management of the five organizations, providing a general assessment of their current capabilities and needs structured according to actionable EW, operational capacity, and political will.

EARLY WARNING

1. Existing early warning mechanisms in four of five organizations leverage both human expertise and statistical modeling for conflict early warning. AU (CEWS), ECOWAS (ECOWARN), IGAD (CEWARN), and SADC (REWC) have developed situational and event analysis with dedicated Early Warning Departments (EWD) and staffed situation rooms with trained analysts in their respective headquarters. ICGLR maintains a Joint Intelligence Fusion Centre (JIFC) with the primary mission of monitoring armed groups within member states.

2. Technical early warning capacities vary within each EWD. The AU, ECOWAS, and IGAD deploy indicator-based, statistical modeling software (proprietary) that provide risk assessment for conflict situations. The EWDs also utilize GIS technology for mapping. They do not, however, incorporate more advanced EWR technologies including leveraging big data or machine learning techniques.

3. Early warning of potential conflict is regular and reliable within all five organizations. The *effective* flow of information within and between the regional organizations and member states, however, is mixed.

4. The AU, ECOWARN and CEWARN have a civil society reporting component. SADC and ICGLR rely upon state intelligence for their early warning data.

5. None of the five organizations deploy a mass atrocity lens. Only ECOWAS had previous training examining the explicit phenomenon of mass atrocities.[1] Representatives and staff in all regional roundtables expressed confidence that their existing conflict prevention mechanisms also provide alerts for mass atrocities despite the lack of specific indicators or benchmarks for mass atrocity crimes. ECOWAS and IGAD rely on human security as one of the indicators for conflict prevention.

6. According to EWD staff interviews, the reason there are no references to mass atrocities (or application of the mass atrocity lens) in existing conflict early warning mechanisms is that both concepts involve violence and insecurity. The distinction is therefore perceived as having academic rather than practical value.

7. Each organization showed openness to improve focus on potential extreme human rights violations, including mass atrocities. None of the five organizations have developed a special process (fast-track for atrocity warning and response) or designated a central point for communicating the risks relating to mass atrocities to the senior management within the regional organization.

OPERATIONAL CAPACITY

1. There is strong variance in capacity to respond to early warning at the regional level. SADC is highly evolved, from good offices and preventive diplomacy on one end of the spectrum, to more coercive capabilities, including the capacity to rapidly deploy for military intervention (See SADC Ch. 2 - DRC case), while ICGLR has very limited capacity beyond member state diplomacy (see ICGLR Ch. 2 - Burundi case).

2. The concerned organizations have legal capacities for EWR activities; however, there is no specific legal provision for preventing mass atrocities. Personnel and mechanisms dedicated specifically to

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1 During the Abuja roundtable ECOWAS participants noted they had reviewed their existing conflict indicators to incorporate mass atrocities during ad-hoc trainings for focal points and analysts in 2009 and 2010. See also: Whitlock, M. (2009). ECOWAS Warning and Response Network Focal Point Coordination: Final Training Report. *Center for International Conflict Resolution* Columbia University: New York, NY Harding, T. & Whitlock, M. (2013) Leveraging Web-Based Environments for Mass Atrocity Prevention. *Simulation & Gaming* 44, pp. 94-117

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prevention of extreme human rights violations and mass atrocities currently do not exist in any of the organizations.

3. Improvements have occurred in rapid deployment of civilian and military operations at the regional and continental level. The Amani II exercise conducted in South Africa in October 2015 is evidence of this advancement in crisis response at regional levels.

4. The regional organizations have recognized the effectiveness of dialogue as one of the main tools to address potential mass atrocities. There have been numerous attempts to engage in dialogue and preventive diplomacy with the concerned governments in all five cases reviewed (most recently see Burundi and South Sudan cases). At the same time, they recognized the need to engage other national stakeholders, communities, and NGOs.

5. While staff in each organization has identified poverty as one of the primary causes of mass atrocities, none of the organizations prioritizes prevention of mass atrocities within economic policies, including the planning of development options.

POLITICAL WILL

1. The gaps that exist between early warning and early action are attributed to a lack of *political will* among member states to respond to impending atrocities. This is primarily due to the orthodoxy of sovereignty and unwillingness to interfere in the domestic affairs of member states. This persistent challenge is also reflected thoroughly in the theoretical literature on EWR.

2. Regional lead nations direct the agendas of regional bodies (South Africa within SADC, Nigeria within ECOWAS, for example) and play specific roles in prevention activities.

3. In principle, regional organizations have potential capacity to generate early response to warnings of mass atrocities. In practice, however, they are only conveners. Member states decide how to respond to potential and real atrocities.

4. Each organization has critical views on the activities and interests of main international actors, including the UN, the US, Russia, China, and the former colonial stakeholders in Europe.

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4. LESSONS LEARNED AND OPTIONS FOR IMPROVEMENT

This final chapter of the report is aimed at taking stock of both the lessons learned by the ATF during the 18-month initiative and options that may serve as a framework for action in the next decade. These options are divided into two distinct time horizons: actionable options over 2 years to improve technical capabilities for atrocity prevention at the regional level, and those over 10 years to improve normative development at regional organization and member state levels.

LESSONS LEARNED

1. The mapped regional organizations exhibit a "knowledge gap" in understanding and delineating the concept of mass atrocity prevention from prevention of violent conflicts, including operational differences and viable options to respond.

2. Each organization acknowledges the necessity to devote specific attention to the threats of mass atrocities in the given region and displays readiness to increase efforts in that regard.

3. The willingness to address the mass atrocity threats in a distinctive manner differs: some believe the ongoing early warning activity focusing on stability and security is sufficient to also map the risks of mass atrocities, while others are more inclined to acknowledge the need and apply the available specific indicators to filter mass atrocity risks out of security risks and respond to them adequately.

4. The available legal and normative environment, tools, and mechanisms, as well as political will for prevention of violent conflicts, represent a solid foundation that could be effectively used for enhancing the regional capabilities in prevention of mass atrocities.

5. The existing moral commitment to prevent mass atrocity crimes has not been transformed into sufficient political will and action, but rather to make steady progress in legal and institutional terms, synchronize regional and national activities, tailor international tools and practice to African conditions, and enhance trustful and needs-based interaction with international donors and actors.

6. Sharing of best practices and support by the international community are indispensable to further sensitize the need for progress and develop adequate capabilities.

OPTIONS FOR IMPROVEMENT

Based on data collection and analysis, the ATF offers the following options for improvement of extant capabilities to the AU, ECOWAS, ICGLR, IGAD, and SADC:

2-Year Time Horizon (2018)

1. Prioritize the current level of capabilities and challenges in mass atrocity prevention on the political agenda of RECs at the highest level.

2. Enhance the legal background for prevention of mass atrocities.

3. Generate political will through a declaration to act immediately in situations threatening mass atrocities, to be adopted by an AU Summit.

4. Encourage uniform understanding and shared language of mass atrocities as distinct phenomena by incorporating a mass atrocities lens within existing regional conflict early warning and prevention mechanisms. This includes targeted training of early warning analysts and data collectors in member states, regional headquarters, and among decision-makers, as well as within the Standby Brigades constituting the Africa Standby Force (ASF). This has to date occurred in ad-hoc fashion. A common language regarding atrocity prevention can benefit analysis and expedite response.

5. Prioritize and invest in scenario-building and simulation at the regional level to address future plausible scenarios for potential atrocities including disputed elections, coups, insurgency, and communal conflict as examples. This investment in Red Teaming[1] will necessarily increase and improve interaction between early warning departments and political decision-makers, while honing the RC policy response tool kit.

6. Appoint a focal point on Mass Atrocity Prevention (MAP) within existing conflict EWR mechanisms. The MAP focal points will serve as liaisons within the REC architecture, and with member states, on issues of concern related to potential atrocities.

7. Create a fast track for atrocity warning/response and for communicating the risks relating to mass atrocities to the senior management within the regional organization. This process can be folded into existing daily and weekly situational monitoring that already is in place within ECOWAS, IGAD, AU, and SADC.

10-Year Time Horizon (2026)

1. Generate political will regarding the need of capacity building and increased resources for effective atrocity prevention. In doing so, devote special attention to the generation of political will at national levels, as regional organizations are mainly conveners and can only respond and intervene with the support and approval of member states. Improve the capabilities of civil resources, including mediation support and dialogue facilitation at both state and intra-communal levels.

2. Review annually the progress in improving regional and national capabilities to prevent mass atrocities.

3. Improve the capabilities of civil resources, including mediation support and dialogue facilitation at both state and intra-communal levels.

4. Strengthen collaboration between governments and the non-state sector, as the latter is uniquely positioned to detect threats and facilitate early action.

5. Enhance sharing of experiences. Convene workshops at the continental level for sharing of experiences in various fields of mass atrocities prevention and improving collaboration.

6. Increase efforts in the field of education at all levels to raise awareness of universal human rights and the risks and effects of mass atrocities, to cultivate a culture of prevention of human rights abuses.

7. Engage with member states and international partners/donors to address understaffing of early warning departments. There is untapped potential for public-private partnerships in all five regional organizations to enhance and support early warning and response (EWR).

8. Enhance cooperation of NGOs at the continental level in sharing practices and experiences.

9. Generate discussion at a high level on the interaction between African Regional Communities and UN agencies and other international players on how to intervene if necessary.

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1 "Red teaming is the practice of viewing a problem from an adversary or competitor's perspective. The goal of most red teams is to enhance decision making". See: http://redteamjournal.com/about/red-teaming-and-alternative-analysis/

LESSONS LEARNED AND OPTIONS FOR IMPROVEMENT

APPENDIX A
FINAL OBSERVATIONS

STRENGTHS - AU

1. The commitment of Member States inspired the establishment of a Union with the purpose of prevention of conflicts, encapsulated in the Constitutive Act.

2. Comprehensive normative principles outlined in its purposes and principles further underscore the legitimacy of the African Union's mandate to take necessary steps towards preventing gross human rights violations including in the event of 'grave circumstances'.

3. Under the Constitutive Act, situations involving 'grave circumstances' are a matter of legitimate regional interest, and not purely domestic issues, and legitimately warrant collective regional action.

4. The incorporation of other regional instruments such as the African Charter on Human and Peoples' Rights, the African Charter on Democracy and the African Peer Review Mechanism which bolster the institutional framework.

5. The African Peace and Security Architecture (APSA) established to implement the peace and security agenda, is purposely designed to facilitate interventions to preventive conflict - and thus gross human rights violations.

6. The Continental Early Warning System (CEWS) established to monitor and analyze the security situation across the continent and alert decision makers on potential threats to peace and security.

7. Linkage with the RECs expands the reach of the organization. The PSC Protocol stipulates that the RECS are considered a part of the CEWS. This potentially expands the sources of information and analysis on threats to peace and security and, thus, enhances early warning and the ability for preventive action.

8. Other institutions and mechanisms that form part of the AU institutional framework, notably the African Commission on Human Rights and Peoples,' APRM and NEPAD, could be included in the APSA and thus contribute towards facilitating early warning and response.

9. Support from key international partners. Some, including the European Union and the United Nations, have made long term institutional commitments to support the AU with technical expertise, capacity and resources.

CHALLENGES - AU

1. Although broad, the normative framework does not make specific reference to prevention of atrocity crimes. This is based on the widespread presumption that the prevention of violent conflict would also prevent mass human rights violations such as those associated with RtoP crimes.

2. The AU's experience with the PSC and CEWS since their establishment indicates the inclination to intervene in conflicts after they have erupted and very little if any indication or examples of prevention.

3. CEWS tools have focused more on indicators of violence and less on elements that indicate the potential for human rights violations. There are no mechanisms for their inclusion.

4. The Peace and Security Department of the AU Commission is the lead in the implementation of the APSA as envisaged in the PSC Protocol. However, the experience of the AU confirms it is equally important to provide mechanisms to ensure the involvement of other organs. It appears that the Political Department in particular has not been sufficiently involved and there might not be a linkage with the African Governance Architecture (AGA) which could provide the necessary focus on indicators of mass atrocities.

5. While the ACHPR, NEPAD and other organs are mentioned, there are no mechanisms for their involvement. In the case of CAR, for example, it is not clear if information generated through the visit of the ACHPR, which raised serious concerns about the human rights situation ever made its way to the CEWS or the PSC.

6. The RECS are specifically designated as part of the CEWS but the five have developed in different directions, each with its own protocols, processes and operational modalities. In order for the system to better function as one, issues of interoperability, common norms and standards and mechanisms for sharing information and intelligence will need to be addressed. The Division of labor between CEWS and the RECS also needs clarification.

7. The national level is not included as part of the APSA. From the point of view of generating intelligence, information and influencing the prevention of mass atrocities, national level interventions can be much more effective than regional or sub-regional ones.

8. In principle, support from international partners is most effective if directed towards priorities and needs identified by the recipient. However, the experience of the AU indicates that partners such as the EU and the UN have their own priorities which influence their decisions about what to support and where to intervene.

APPENDIX A - FINAL OBSERVATIONS

STRENGTHS - ECOWAS

9. There is a strong recognition among Member States of the importance of conflict prevention in the region.

10. Operational early warning is advanced as ECOWARN collects, analyses, and interprets data to produce Situation and Incidence reports on a daily basis.

11. Member States have agreed to the creation of national early warning system (NEWS) in each country of West Africa as a form of ensuring conflict monitoring and response at community, local and national levels where ECOWAS would not be able to directly intervene.

12. The Task Force on the Statutory Board of the National Early Warning and Response mechanism coordinating center is a new tool for prevention which is planned to ensure early response in a coordinated manner.

13. The decentralization of the NEWRM is a testimony to ECOWAS' commitment as a forward looking institution always striving to remain relevant. This project will empower local populations to better prepare for and respond to threats affecting their community.

14. ECOWAS is working with three Peace Support Operations (PSOs) Training Schools of Excellence (TCEs) constituting an organic part of ECOWAS' infrastructure and contributing to the capacity development for peace support operations in West Africa.

15. The intervention of the Authority of Heads of State has proved successful in many occasions in West Africa to restore political stability after a military coup or to prevent a conflict from further degenerating.

16. ECOWAS was the first REC to intervene militarily in the internal conflict of its member states. The first experience was in Liberia under the ECOWAS Monitoring Group (ECOMOG). After Liberia, ECOWAS has deployed troops in other member states including Sierra Leone, Cote d'Ivoire and currently in Guinea Bissau.

17. The ECOWAS conflict prevention mechanism engages a wide array of actors including academic, civil society, security forces and government officials. Paragraph 114 of the ECPF provides space for ECOWAS to engage with CSOs.

18. The ECOWAS Peace Fund (EPF) provides a solid and steady stream of funds to sustain and develop the conflict response system.

19. In addition to the early warning reports by the ECOWAS Commission, WANEP's reports are widely distributed and made available to the public. ECOWAS, member states and other partners have recognised the utility of WANEP's report and contributions to peace and security in West Africa.

20. The operationalization of the ECOWAS Standby Force (ESF) exemplifies the commitment of Member States to have a well-equipped army at the disposal of ECOWAS for timely intervention to prevent dispute and nascent conflict from degenerating into war and humanitarian emergencies.

CHALLENGES - ECOWAS

1. ECOWAS exhibits a "knowledge gap" in understanding and delineating the concept of mass atrocity prevention from prevention of violent conflicts, including operational differences and viable options to respond. There is no specific provision for mass atrocities, or deployment of a mass atrocity lens in handling situations at risk.

2. ECOWAS protocols do not allow for the regional body to intervene in national security issues, even when mass atrocities are ongoing, if its member states do not request help. This weakens the position of ECOWAS to act in a timely manner.

3. The current indicators of the ECOWAS early warning system are designed to monitor factors that can lead to political instability and outbreak of conflicts. However, there are no specific indicators for mass atrocities.

4. Operationally there is little interaction and exchange of information between the Early Warning Directorates and other directorates of the Commission that are responsible for responding to risks. This creates a gap between early warning and early response as information does not reach the right decision-making level in a timely manner.

5. The current legal framework of the ECOWAS Commission does not allow for swift response as the decision-making lies with the Heads of States.

6. ECOWAS technical and operational capacity is still evolving and needs more support to become more robust and more professional. The ECOWAS Standby Force (ESF) depends largely on financial and troop pledges from Member States, which do not often materialise.

STRENGTHS - ICGLR

1. ICGLR Member States expressed their commitment and willingness to fight against mass atrocities in the Great Lakes region in the founding texts of the organization. The Pact - which explicitly addresses the prevention and repression of crimes of genocide, war crimes and crimes against humanity, as well as all forms of discrimination - is an example of a legal and moral commitment to implement state-led initiatives to prevent mass atrocities.

2. There are various mechanisms and consultative frameworks in place within the ICGLR which are dedicated to prevention of mass violence. The Summit, RIMC, regional forum and national committees for prevention of genocide and mass atrocities represent unique features which don't exist in the case of any other regional organization in Africa.

3. The legal environment has allowed ICGLR to quickly alert the different mechanisms for preventing and addressing possible deterioration and escalation of situations.

4. It is one of the few regional organizations whose Secretariat budget is fully funded by its member states and not dependent on donors. That ensures full ownership by Member States of the ICGLR mechanism and institution building.

5. The organization and Member States are aware of the lack of capabilities in early warning/response to violent conflicts including extreme human rights violation and open for improving available capacities and capabilities through joint training and sensitization seminars that offer excellent opportunities for enhancing collaboration and sharing experiences and best practices between the staffs of the regional organization and Member States, as well as among administrations of Member States.

6. Various partnerships established with the other regional organizations (AU, EAC, etc.) and completed joint initiatives with these organizations serve as solid background for creating synergies.

CHALLENGES - ICGLR

1. The regional legal environment has not been buttressed by acts at national level. The establishment of national committees and mechanisms has been slow and not effective due to fragile situations and weak institutional building.

2. The political will to act is weak. There is no strong commitment and dedication by Member States to set up a sustainable and solid regional peace and security architectural framework and steer the work of the organization in line with its mission.

3. There is irregular participation of Member States in the activities. Officials often organize meetings where only some delegations from various Member States of the Conference participate. This is a particular challenge to meetings held by the Regional Forum on the Prevention of Genocide.

4. Despite the conducive legal background ICGLR has no formal mechanism in place for early warning and response in its institutional structure. Moreover, only the JIFC and EJVM are in the position to convene impromptu meetings, the activities of which are often ineffective due to their limited mandate on early warning.

5. Collection and analysis of information often takes too long. Such delays in turn adversely affect the proper functioning of the various mechanisms and the Secretariat of the Conference as a whole and cause delays in the response to the outbreak of a crisis.

6. The ICGLR has limited technical and operational capacity to respond to early warning of mass atrocities which is coupled with bureaucratic inertia to implement agreed decisions.

7. Recently member states have not been fulfilling their financial obligations to the budget of the ICGLR Secretariat. Many of the mechanisms in place face operational and technical problems as a result.

8. The mechanisms are state focused and lack cooperation with civil society.

STRENGTHS - IGAD

1. IGAD has a strong legal and operational foundation in conflict early warning and prevention.

2. Operational early warning is advanced with CEWARN undergoing a significant review and repositioning in the last 2 years.

3. The mechanism has a multi-channel information gathering system that is focused on identifying threats to peace and security, detecting new and emerging vulnerabilities, and the complex interaction between the two.

4. CEWARN has a structure which facilitates decision making from a sub-national level to the regional level. That structure includes the CEWERU (national equivalent of the CEWARN unit) the TCEW (responsible for vetting regional early warning reports), the Committee of Permanent Secretaries (CPS) (tasked with giving bureaucratic and policy support) and the Committee of Ambassadors and Council of Ministers, which shapes CEWARN's policy options.

5. The active engagements of IGAD member states in responding to conflict, including mass atrocities indicates the availability and pursuit of some political will to protect (RtoP) and intervene (RtoI). Indeed, one of the justifications for intervening in South Sudan after conflict broke out in 2013 was to ensure that the country does not degenerate into a genocidal situation.

6. The above activities are undertaken within the context of the IGAD Strategy, the IGAD Minimum Integration Plan, the IGAD Peace and Security Strategy, and the CEWARN Strategy Framework 2012-2019.

CHALLENGES - IGAD

1. While the mechanism is able to capture mass atrocities at the level of analysis, the CEWARN system does not have specific indicators designed for identifying risks of mass atrocity. The non-application of mass atrocity lens at the level of data collection implies that CEWARN field monitors are likely to miss an opportunity to report a situation that is likely to degenerate into mass atrocity as it arises. The process of closing the gap between data collection and data analysis may, therefore, take longer than is required to forestall mass atrocities.

2. While it has been noted that CEWARN has human technical and technological capabilities for running a robust Early Warning Mechanisms, the Mechanism nonetheless is understaffed and under resourced, and therefore requires additional skill sets and resources to operate efficiently and effectively including in detecting the threat of mass atrocity.

3. CEWARN also suffers the perennial problem of linking early warning to early response. To focus specifically on identifying the risk of mass atrocities will therefore widen, rather than close, the gap between early warning and early response and therefore call upon CEWARN to establish innovative ways of dealing with the former. It is not clear at the moment that such innovative ways are being explored even if the region within which CEWARN operates is inundated with situations that could possibly degenerate into mass violence, for example in South Sudan.

4. Due to existing national interest, CEWARN suffers a deficit in terms of the political will it requires to address a potential mass atrocity attention. This might be primarily because of existing bilateral relationships and competition between IGAD member states.

5. In the structure of IGAD and CEWARN, bureaucracy widens the gap between an emerging situation and the desired response.

STRENGTHS - SADC

1. SADC has developed an elaborate normative framework on prevention and early warning-early response, which is hinged on the SADC Protocol on Politics, Defense and Security.

2. In the Strategic Indicative Plan for the Organ (SIPO), there is explicit mention of the need to "protect the people of the region against instability arising from conflict,. That provides a building block upon which SADC could strengthen a "mass atrocity prevention" perspective in its normative architecture.

3. SADC normative policy framework is supported by an elaborate and articulate decision making process. While the SADC Secretariat plays a major role in coordinating processes on peace, security and politics, it is at the level of the SADC summit that policy and strategic decisions are made.

4. SADC has operational capacity to respond to violent conflicts in the region. That is epitomized by the creation of the SADC Brigade (SADBRIG), now known as the SADC Standby Force. This mechanism supports regional peace operations under the ASF.

5. SADC member states and principals often stand in solidarity. A key observation from many scholars is that at the political level, SADC is very sensitive to external interference. SADC exudes a sense of autonomy and freedom from donor interference.

6. SADC continues to refine its mechanisms for anticipating and preventing conflict, which is crucial for prevention of mass atrocities. The Mediation Support Unit, for example, is an important tool for mass atrocity prevention.

7. Within SADC there is coordination of early warning and response mechanisms between the SADC REWC and NEWCs. This synchronized approach prevents duplication of initiatives and ensures that regional and national level actors effectively share and process relevant information.

8. A strength of SADC lies in the structural set-up of the Regional Early Warning Centre. Located within the Organ on Politics, Defence Security Cooperation (OPDS), the SADC REWC has human resources with skills to conduct early warning.

9. Another key strength of SADC is the REC's commitment to the ideals of the AU in pursuing peace and security and regional cooperation that is epitomized by SADC REWC's linkages with the Continental Early Warning (CEWS) at the AU.

10. SADC has represented the AU in matters relating to peace and security in its region such as the deployment of a SADC observer mission in Lesotho, following the attempted coup in 2014.

CHALLENGES - SADC

1. One of the last regions in Africa to gain independence, SADC's democratic infrastructure and conflict prevention tools and mechanisms are still evolving with prevention of mass atrocities not yet attracting attention. While at the regional level, SADC is guided by the Protocol on Politics, Defense and Security Cooperation and the SIPO, at national level, there is scarce evidence of political will as well as the capacity to domesticate the regional norms.

2. SADC REWC is only 5 years old. It is still engaged in processes of norm setting for conflict prevention and early warning. SADC not elaborated indicators for detecting threats of mass atrocities.

3. The regional organisation has established SADC National Committees (SNCs), which are supposed to comprise government, civil society organisations and the private sector. The SNCs are therefore akin to similar structures such as ECOSOC in the UN and AU, and are supposed to provide that engagement and interface between government and non-state actors. There is however differential capacities and relative diversity among the SNCs in each of the Member States, and not much is known about how they function and interact with the regional organs.

4. SADC political inclination toward the affairs of member states can be challenging especially when it comes to some specific cases of early warning, conflict prevention and mass atrocity prevention. SADC highly values the principles on non-interference and non-intervention. While the high value of non-interference is not a weakness, per se, the challenge is that due to their relatively recent independence the member states highly respect the principle of non-interference even in cases where there is a need for intervention to forestall potential atrocities.

5. Another challenge is the limited role played by civil society in peace and security matters, particularly in early warning and conflict prevention. While the SADC REWC links with NEWCs, and this national-regional feedback loop is regarded as a major strength, the interaction between REWC and CSOs is not sufficiently developed.

6. SADC administration highlighted the lack of capacity regarding mass atrocities. The administrations of the SADC Secretariat and Member States are not trained for making distinction between prevention of violent conflicts and prevention of mass atrocities, and applying a mass atrocities lens when mapping the risks and elaborating responses.

APPENDIX B
FINAL OPTIONS

OPTIONS - AU

1. Strengthen and expand the normative framework: The AU already has a strong normative framework that gives it the mandate to deal with issues of mass atrocities. But there are gaps and important areas to be filled. We suggest bolstering the normative framework to include mass atrocities as this will play an important role in guiding other actions.

2. Mainstream a "Mass Atrocity Lens": throughout AU conflict early warning and response activities by sensitizing analysts and decision-makers to concepts, analysis, scenarios, and options for response.

3. Stronger Internal Coordination: The Department for Peace and Security currently takes the lead in supporting the APSA and in the implementation of the AU peace and security agenda. It would be useful and enhance the broad mandate of APSA if the Political Department is more directly involved. The AU Commission has apparently established an inter-departmental task force to further internal coordination. This could be further institutionalized with a specific goal of promoting a holistic approach to the peace and security agenda as envisaged under the APSA.

4. Coordinate with and among other organs and parts of the AU: The APRM, NEPAD, and AU's work on election observation, for example, show collaboration on issues that are pertinent to the peace and security agenda. Consideration should be given to bringing these organs more directly into the APSA. This could contribute toward an examination of security in the broad framework that is intended in the Constitutive Act and not only from a violent conflict standpoint.

5. Revisit Relations with RECs: The relationship between APSA and the RECs is acknowledged in the PSC Protocol. However, the specific nature of the relationship could be more elaborated to enhance the division of labor. This is particularly useful for early warning where some RECs seem to be even more advanced than the CEWS; both could be persuaded to incorporate a mass atrocities lens.

6. Adopt a Preventive Lens: This concept needs to be developed further from the specific perspective of the AU; what does it actually mean; how is it to be applied?

7. Improve early action: The early response/action part of APSA is still far less developed than the other components. The AU should consider ways to enhance early action. For mass atrocities in particular, we propose the appointment of a Focal Point or Special Adviser on Mass Atrocities who would promote the analytical work and also response to early warning situations.

8. National Level Support: It is generally acknowledged that the prevention of mass atrocities can be most effective at the national level for various reasons - better early warning capability, access to actors, ability to influence, etc. There is very little on national level focus in the APSA. The AU can play a very important role in influencing events at the national level. This should be an explicit mandate within the APSA and could be linked with the promotion of the role of CSOs. It is also consistent with the three pillars of the RtoP, with respect to the responsibility to support the development of national level consciousness and capacity to prevent mass atrocity. It could be incorporated and prioritized within the broad mandate of the PSC without the need for change in mandate or new institutions.

9. The Role of CSOs: The role of CSO's is well developed within the AU more generally. But there is no obvious linkage with respect to peace and security. Experience across the continent has demonstrated the valuable role that CSOs have played in early warning and action to prevent or end mass atrocities.

10. Relations with International partners: APSU has relied very heavily on international partners such as the EU and the UN - for resources but also influence. Partners have their own priorities and some, like the EU, have tended to focus more on the peace operations. International partners should be influenced to look at the AU peace and security architecture more generally and support the whole agenda, not just peace operations. A compelling case can be made for a specific focus on the prevention of mass atrocities.

OPTIONS - ECOWAS

1. Mainstream a "Mass Atrocity Lens" throughout ECOWAS conflict early warning and response activities by sensitizing analysts and decision-makers to mass atrocity concepts, and in delineating conflict prevention from atrocity prevention.

2. The EWD should actively seek to identify and incorporate indicators of mass atrocities. A common analytical framework could be developed for ECOWAS and its CSOs partners to assess the conditions and triggers relating to mass atrocities.

3. At national level, Member States should seek to address the issues of governance deficit and fundamental human rights to reduce structural vulnerability causing conflict and mass atrocities and increase the resilience of communities. Moreover, ECOWAS should encourage member states to seek outside support at regional and international levels to address situations that have the potential of turning into genocide and mass atrocities. Most Member States lack the capacity and resources to identify and resolve conditions leading to mass atrocities.

4. Enhance coordination and close collaboration between the EWD and other directorates within the ECOWAS Commission to share actionable early warning reports in a bid to inform timely and effective response.

5. The technical and operational capacity of ECOWAS should be reviewed and assessed on a periodic basis to identify gaps, weaknesses and successes to inform continuous development and learning by other regions in Africa and across the world.

6. The creation of the ECOWAS Standby Force, with combat-ready troops, should be expedited and made operational.

7. Security forces, in particular the armed forces, should be sensitized and trained on the aspects of mass atrocities to be able to prevent them rather than they become unwitting perpetrators of the crimes in times of conflict.

OPTIONS - ICGLR

1. Mainstream a "Mass Atrocity Lens" throughout ICGLR conflict early warning and response activities by sensitizing analysts and decision-makers to mass atrocity concepts, and in delineating conflict prevention from atrocity prevention.

2. The ICGLR can actively seek to identify and incorporate indicators of mass atrocities in all programmatic activities. A common analytical framework could be developed for ICGLR and its CSOs partners to assess the conditions and triggers relating to mass atrocities.

3. With the view of improving the political will and legal environment within ICGLR, the national committees should domesticate the Protocol on Prevention and Suppression of the Crime of Genocide and take measures on its operationalization at both regional and national levels.

4. Adopt and implement an Action Plan for operationalization and reinforcement of ICGLR preventive mechanisms. Make specific efforts to ensure the necessary financial, technical and human resources.

5. Given the inefficient data collection and information analysis adopt and implement an Action Plan for the enhancement of early warning activities and increase the role of the regional committee in that domain. Increase the interaction between ICGLR, civil society and international NGOs in terms of early warning.

6. Leverage the RIMC for establishment of ad hoc groups of independent experts to prepare reports on challenges and risks in Member States to better sensitize the threats and inform the activities of Summits.

7. Invite local and international organizations as well as regional bodies (AU, UN, EAC, etc.) to contribute to the assessment processes. Launch a pilot project in the specific case of Burundi.

8. Increase the capacities in the field of preventive diplomacy including mediation and dialogue facilitation.

9. Intensify capacity building of National Committees on Prevention of Genocide and the National Commissioners on Human Rights through organizing a series of workshops. In doing so, pay specific attention to the improvement of skills of, and collaboration with, the security forces.

10. Promote cooperation with other regional and international organizations working in the area of conflict prevention and prevention of mass atrocities.

OPTIONS - IGAD

1. Close the knowledge gap relating to the comprehension of the concept of Mass Atrocities and its prevention particularly at the national (CEWERU) and sub-national (local peace committees, field data collectors) levels of CEWARN-IGAD. At the higher echelons of IGAD there is near sufficient comprehension of the risk to mass atrocities, it's prevention and its potential impact at national and regional levels. It is based on this that the CEWARN-IGAD data collection mechanism was designed, Data collectors and some analysts at the national, sub-national levels do not share the same understanding.

2. Create mechanisms and processes for peer to peer sharing of experiences relating to the collection, analysis and dissemination of information for the detection and prevention of mass atrocities before they occur. It has been established that the different early warning and early response mechanisms are at different levels of maturity and in deed have different conceptions of the data that they are supposed to collect even if the all unite under the umbrella of the AU Continental Early Warning System (AU-CEWS). Yet it is clear that the manifestation of violence, human rights violations and their patterns of occurrence are broadly similar across the continent.

3. Explore avenues for mitigating the technical, technological and resource capability deficits that are limiting the ability of early warning mechanisms to operate efficiently and effectively. CEWARN is experiencing resource challenges, including shortages in funding resulting in a limited number of staff, and challenges to deploying new technologies, that impacts the Mechanism's ability to deliver on its mandate.

4. Provide opportunities for interactions between early warning suppliers and consumers. Increased interaction between early warning analysts and decision-makers help the former understand the concerns of the latter, builds trust, and has the potential to impact the political will to act.

OPTIONS - SADC

1. Build on existing SADC normative frameworks such as the SADC Protocol on Politics, Defence and Security, (Article 1) to ensure that mass atrocity prevention becomes another area of explicit focus for the sub-region. Encourage member states to domesticate and harmonize their national policies and legal frameworks on prevention of mass atrocities.

2. Ensure that political will is summoned towards fully implementing the existing norms and standards on promoting peace and security including the prevention of mass atrocities at regional and member states level.

3. Mainstream a "Mass Atrocity Lens" throughout SADC conflict early warning and response activities by sensitizing analysts and decision-makers to mass atrocity concepts, and in delineating conflict prevention from atrocity prevention.

4. In order to enhance synergies among actors at all levels, develop a common set of indicators and toolkit for data collection and processing, as well as a regional curriculum on conflict analysis and prevention with a special focus on prevention of mass atrocities.

5. Apply a more systematic and distinct approach for conflict prevention and mass atrocity prevention through elaborating national strategies and mechanisms for prevention of extreme human rights violations which include the appointment of regional and national focal points, and the establishment of specific decision making mechanisms.

6. Harmonize collaboration between regional and national institutions as well as interaction between SADC and civil society organizations so that the regional approach can go beyond its current state-centric focus.

7. Build inclusive and peaceful state-society relations to empower local people to identify their own security issues and address them through Track II Diplomacy. In this vein, SADC and Member states should support local peace committees and other local initiatives.

8. Strengthen the documentation of SADC's activities and initiatives related to conflict intervention including prevention of mass atrocities to create institutional memory.

9. Further institutionalize interaction and cooperation between SADC, the AU and UN.

APPENDIX C
AFRICAN TASK FORCE ON THE PREVENTION OF MASS ATROCITIES MEMBERS

ATF CHAIR

Hon. Samia Nkrumah *Ghana*

ATF SENIOR RESEARCHERS

AU Dr. Ibrahim Wani Juma *Uganda*
AU Mr. Bacre Waly Ndiaye *Senegal*
ECOWAS Ms. Oury Traoré *Mali*
ICGLR Mr. Willy Peter Nindorera *Burundi*
IGAD Dr. Sunday Okello Angoma *Uganda*
SADC Dr. Martha Chipo Mutisi *Zimbabwe*

ATF RESEARCH COORDINATOR

Mr. Mark A. Whitlock *USA*

BUDAPEST CENTRE FOR MASS ATROCITY PREVENTION

CHAIR

Dr. György Tatár *Hungary*

DIRECTOR OF RESEARCH AND COOPERATION

Dr. Enzo Maria Le Fevre Cervini *Italy/Argentina*

APPENDIX C - MEMBERS

APPENDIX D
ACRONYMS

AFDL..........................Alliance of Democratic Forces for the Liberation of Congo-Zaire

AMM..........................The Africa Media Monitor

AOR..........................Area of Reporting

APB..........................Atrocities Prevention Board

APRM......................African Peer Review Mechanism

APSA..........................African Peace and Security Architecture

ASF..........................African Standby Force

ATF..........................African Task Force on the Prevention of Mass Atrocities

AU..............................African Union

AUC..........................African Union Commission

AUCISS.....................African Union Commission of Inquiry on South Sudan

AUPF..........................African Union Peace Facility

AU PSC.....................African Union Peace and Security Council

BINUCA...................UN Integrated Peace building Office in the Central African Republic

CaH..........................Crimes Against Humanity

CAR..........................Central African Republic

CBOs..........................Community Based Organization

CBR..........................Cross Border Response

CC..............................Community Coordinator

CEDEAO/ECOWAS...Economic Community of West African States

CEMAC/ECCAS......Economic Community of Central African States

CEN-SAD..................Community of Sahel-Saharan States

CEW..........................Conflict Early Warning

CEWARN..................Conflict Early Warning Response Mechanism (IGAD)

CEWERU..................Conflict Early Warning and Response Unit (IGAD)

CEWS........................Continental Early Warning System

CM............................Community Monitor

CMD..........................Conflict Management Division

CNDD-FDD..............Council for the Defense of Democracy-Forces for the Defense of Democracy, Burundi

CoH..........................Cessation of Hostilities

COMESA...................Common Market for Eastern and Southern Africa

CPA..........................Comprehensive Peace Agreement

CPS..........................Committee of Permanent Secretaries (CEWARN)

CPAPS.....................Commission for Political Affairs, Peace and Security (ECOWAS)

CPMR.......................Conflict Prevention, Management and Resolution

APPENDIX D - ACRONYMS

CSOs..........................Civil Society Organizations

CSSDCA....................Conference on Security, Stability, Development and Cooperation in Africa

DRC..........................Democratic Republic of the Congo

DDR..........................Disarmament, Demobilization and Reintegration

DV.............................Dependent Variable

EAC...........................East African Community

EC.............................Ethnic Cleansing

ECPF.........................ECOWAS Conflict Prevention Framework

ESF...........................ECOWAS Standby Force

ECOMOG..................ECOWAS Monitoring Group

ECOWARN...............ECOWAS Early Warning and Response Network

ECOWAS...................Economic Community of West African States

EJVM........................Expanded Joint Verification Mechanism

EW.............................Early Warning

EWER.......................Early Warning, Early Response

EWR.........................Early Warning and Response

EWS..........................Early Warning System

EWD.........................Early Warning Department

EU.............................European Union

FACA.........................Central African Armed Forces

FARDC......................Armed Forces of the Democratic Republic of Congo

FC.............................Fusion Centre (ICGLR. See JIFC below)

FDLR........................Democratic Forces for Liberation of Rwanda

FIB............................SADC Force Interventions Brigade

FIDH.........................International Federation for Human Rights

FM.............................Field Monitors

FNL...........................National Liberation Forces, Burundi

FOMAC.....................Multinational Force of Central Africa

GIS............................Geographic Information System

GoSS.........................Government of South Sudan

HRW.........................Human Rights Watch

ICCPR.......................International Covenant on Civil and Political Rights

ICGLR.......................International Conference on the Great Lakes Region

IDSC.........................Interstate Defense and Security Committee

IED...........................Improvised Explosive Device

IGAD........................Inter-Governmental Authority on Development

ISDSC.......................Inter-State Defense and Security Committee (SADC)

ISPDC.......................Inter-State, Politics and Diplomacy Committee (SADC)

JIFC...........................Joint Intelligence Fusion Centre (ICGLR)

JMEC........................Joint Monitoring and Evaluation Commission

LCB............................Lake Chad Basin

LCDH ....Central African Human Rights League

LRA ....Ugandan Lord's Resistance Army

M23 ....March 23 Movement

MCO ....Ministerial Committee of the Organ (SADC)

MICOPAX.................Mission for the Consolidation of Peace in the Central African Republic

MINURCA ....UN Mission in the Central African Republic

MISAB........................Inter-African Mission to Monitor Implementation of the Bangui Agreements

MISCA........................International Support Mission to the Central African Republic

MK..............................Mass Killing

MNJTF ....Multi-National Joint Task Force

MONUSCO ....UN Organization Stabilization Mission in the DRC

MOU ....Memorandum of Understanding

MP ....Member of Parliament

MSD...........................Solidarity and Development Movement, Burundi

NARC ....North Africa Regional Capability

NEPAD......................New Partnership for Africa's Development

NEWC........................National Early Warning Centers (SADC REWC)

NEWS........................National Early Warning Systems (ECOWAS)

NGO...........................Non-Governmental Organizations

OAU ....Organization of African Unity

OIC ....Organization of Islamic Cooperation

OIF ....International Organization of La Francophonie

OSAPG......................see UNOSAPG

OPDSC......................Organ on Politics, Defense and Security Cooperation (SADC)

PARD ....People's Army for the Restoration of Democracy

PMAD........................Protocol on Mutual Assistance in Defense (ECOWAS)

PNAD ....Protocol on Non-Aggression (ECOWAS)

PoE ....Panel of Elders

PSC............................Peace and Security Council

PSO ....Peace Support Operation

RtoP ....Responsibility to Protect

RC ....Regional Community

RCC ....Regional Coordination Committee

REC ....Regional Economic Community

REWC........................Regional Early Warning Centre (SADC)

RIMC........................Regional Inter-Ministerial Committee

ROs............................Regional Organizations

RPF ....Rwandan Patriotic Front

SADC.........................South African Development Community

APPENDIX D - ACRONYMS

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SADC-BRIG ....SADC Brigade

SADCC ....Southern African Coordination Conference

SADC C-NGO...........SADC Council of NGOs

SADC LA ....SADC Lawyers Association

SADC MRG ....SADC Mediation Reference Group

SADC MSU ....SADC Mediation Support Unit

SADC PF ....SADC Parliamentary Forum

SADC PoE ....SADC Panel of Elders

SADC REWC...........SADC Regional Early Warning Centre

SADC RPTC ....SADC Regional Peacekeeping Training Centre

SADC SEAC ....SADC Elections Advisory Council

SADC SF...................SADC Standby Force

SARPCCO ....Southern African Regional Police Chiefs Cooperation Organization

SCONPA....................Strategic Conflict and Peace Assessment

SEAC ....SADC Elections Advisory Council

SEOM ....SADC Elections Observations Mission

SGBV.........................Sexual and Gender Based Violence

SHS............................Summit of Heads of State

SIPO..........................SADC Indicative Plan for the Organ

SPLA/M.....................Sudan People's Liberation Army/Movement

SPLM-IO...................Sudan People's Liberation Movement -in-Opposition

SR ....Special Rapporteur

SSR ....Security Sector Reform

STAREC....................Strategy for the Stabilization of the Congo

TEWC........................Technical Committee on Early Warning

UN.............................United Nations

UNOSAPG ....United Nations Office of Special Advisers on
Prevention of Genocide and Responsibility to Protect

UNOWA.....................UN Office for West Africa

UNPR ....United Nations Periodic Review

UPR...........................Universal Periodic Review

US ....United States

USAPB ....US Atrocities Prevention Board

VRA...........................Virtual Research Associates

WANEP.....................West Africa Network on Peace building

WARN ....West Africa Response Network

WACSOF ....West Africa Civil Society Forum

WC ....War Crimes

ZB ....Zonal Bureau (ECOWAS)

ZC..............................Zonal Coordinator (ECOWAS)

APPENDIX E
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