

## **Starting the Conversation: What Would A Successful National Prevention of Atrocity Policy and Architecture Look Like?**

This plenary session called upon the expertise of a three-member panel to share their experience and set the tone for the group work over the next two days. The panel consisted of:

Ms. Liberata Mulamula, Ministry of Foreign Affairs, Tanzania

Prof. Vitit Muntarbhorn, former UN Special Rapporteur, DPRK and Commissioner on Independent International Commission of Inquiry on Syria

Ms. Loretta Rosales, Philippine Representative to the ASEAN Intergovernmental Commission on Human Rights (AICHR)

**Ms. Liberata Mulamula** was the opening speaker at the session and she touched upon the importance of this issue around the world. She explained that the history of the Great Lakes region shows that no one can afford to sit idle. The situation in Rwanda is a prime example. Everyone pays a price when mass atrocities occur, most notably Rwanda's neighbors.

She explained how she was given the tough task of the International Conference on the Great Lakes Region (ICGLR) to transform conflict-ridden zone to a zone of peace. In the aftermath of the genocide in Rwanda, the influx of people displaced showed Tanzania that the principle of non-intervention could no longer be followed. States must take notice that we must be collectively involved in human rights. To re-instate the commitment that atrocities should be stopped, she believes that the onus is on states to create a national architecture. Although plans may be made regionally, action has to be taken at the national and community level.

The situation in Burundi shows that the region is still tense and there is still a challenge. Ms. Mulamula shared how Tanzania has engaged grassroots to access the major triggers of conflict. It has engaged local and religious leaders in dialogues and worked with all key players for peace. She urged the plenary to recognize what exists and build on that – to analyze what has worked, what has not worked for there is so much to learn.

**Prof. Vitit Muntarbhorn** addressed the plenary next, and with his insight and experience with Syrian conflict he wanted to make one thing clear - everyone must support the peace process. He then spoke to the situation in Asia, which is premised upon international work for preferred architecture. The region is large and heterogeneous. Understanding of mass atrocities at the international level must be integrated to the national framework. Prof. Vitit Muntarbhorn clarified that for the moment, when we say mass atrocities we mean genocide, war crimes, crimes against humanity and human rights violations. However, should the crime of aggression be on the agenda for prevention? What about other illegal actions, such as the breach of the arms trade treaty? Should they also fall under atrocity prevention agenda?

He went on to say that whether in situations of war or peace, we must look at prevention through a variety of lenses – primary, secondary and tertiary.

Many things have to be considered at the region level. From ASEAN for e.g., only 3 countries have ratified international treaties- how do we overcome hesitancy, mistrust and indifference? How do we change mindsets?

He pointed out ten major points to consider in creating national architectures:

1. Need for responsive laws
2. Integrated prevention policies
3. Programs: people should be exposed to cross cultural integrative programs from a young age to promote inclusivity.
4. Practices and case enforcement – it is currently very difficult to incriminate someone
5. The question of mechanism and personal human rights commissions must be answered. There have to be checks and balances and focal points for R2P issues
6. Resources
7. Information monitoring, trigger monitoring as early warning mechanisms
8. Process of participation, networking, getting people on board, advocacy
9. Education, capacity and mindset building. Use history and reports to build a narrative.
10. Accountability and remedy, reparation of victims, responsibility of various actors. A confidential list of perpetrators and the use of national jurisdiction can be used for remedy

He stressed that regional networks such as ASEAN, SAARC among others need to take up the debate formally. At the multilateral level, we must use all the tools and entire system of the UN including the general assembly, human rights council among others.

According to Prof. Muntarbhorn, the five strengths that need to be built include:

1. Inclusivity and inclusiveness (non-discrimination and democratic methods)
2. Transparency (keep track, expose, advocate)
3. Accountability (for crimes)
4. Gender and other sensibilities (including those most marginalized)
5. Accessibility (access to humanitarian aid must be paramount)

He ended by saying that we must work by example, create sensitivities and be proud to be a part of the movement to end mass atrocities.

To conclude the discussion, **Ms. Loretta Rosales** shared her experiences with the plenary. She stated that the most important thing that she learned from her experience both as a victim and advocate is that you cannot achieve anything alone. In the Philippines, it took years to create a law of reparation and recognition for victim under martial law but it is not a landmark decision, perhaps the 1<sup>st</sup> in Asia. Through a human rights commission, people who were scared and afraid can finally speak out, be documented and heard.

She also stressed that reparation for victims must be monetary and non-monetary in term of health and education and so on. Of course there needs to be a mind set change – we must celebrate the fact that people are worth fighting for.

Coming back to the ide of partnership, the law in the Philippines would not be a reality without the help of the Swiss who helped us lobby in the senate and supported the cycle of due process. Eventually, illegally gotten monies in Switzerland will now go victims.

She reiterated the belief that international statutes need to be translated down to the provincial level. In the Philippines, it is called the Rock and Roll Program, where the attempt is to articulate laws to the village level. She also thought it critical to recognize that politics is a relationship and must include different actors including human rights institutions. They are a very important force that is emerging.

She ended by saying everything around prevention must be done at the level of the household, family and community. People must think of the most marginalized and weakest sections of society. Non-discrimination should be addressed fully and completely.