

**Security Council**

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**Letter dated 11 April 2014 from the President of the Security Council addressed to the Secretary-General**

I have the honour to inform you that, under the presidency of Nigeria, the Security Council is scheduled to hold a briefing on the prevention of and fight against genocide. The briefing will be held on Wednesday, 16 April 2014, under the item entitled “Threats to international peace and security”. In order to help steer the discussion on the subject, the delegation of Rwanda has prepared the attached concept note (see annex).

I should be grateful if the present letter and the annex thereto could be issued as a document of the Security Council.

*(Signed)* U. Joy **Ogwu**  
President of the Security Council



## **Annex to the letter dated 11 April 2014 from the President of the Security Council addressed to the Secretary-General**

### **Threat to international peace and security: prevention of and fight against genocide**

#### **Concept note**

#### **I. Introduction**

1. On Wednesday, 16 April 2014, the Federal Republic of Nigeria will organize a Security Council briefing entitled “Threat to international peace and security: prevention of and fight against genocide”.

#### **II. Context**

2. The briefing will be organized on the occasion of the twentieth commemoration of the genocide against the Tutsi in Rwanda, during which more than a million people were killed in a hundred days, including Hutu and others who opposed it. The genocide, which took place from April to July 1994, was preventable. Despite reports indicating that genocide was being planned, and even up to the time when there was evidence that the genocide was taking place, United Nations efforts failed to translate into meaningful preventive action.

3. The United Nations Assistance Mission for Rwanda largely withdrew as the genocide started. The mass killing progressed unimpeded, as the Security Council was unable to agree on an appropriate course of action. On 8 November 1994, the Security Council adopted resolution [955 \(1994\)](#), by which the International Criminal Tribunal for Rwanda was established to prosecute persons responsible for the genocide. The Tribunal will complete its work by the end of July 2015.

4. The genocide in Rwanda happened despite the fact that, in 1951, more than four decades earlier, the Genocide Convention, in which signatories agreed to suppress and punish perpetrators who slaughtered victims simply because of their nationality, race, ethnicity or religion, came into force. This genocide took place even when the international community had ascribed to the oft-chanted “Never again”.

#### **III. Scope of the briefing**

5. The briefing on the prevention of and fight against genocide will be an opportunity for the Security Council to discuss lessons learned from the failure of the international community to prevent the 1994 genocide against the Tutsi in Rwanda as the world continues to face new challenges in conflict management, peacekeeping and the prevention of genocide and crimes against humanity. As an organ of the United Nations with the primary responsibility for the maintenance of international peace and security, the Council, with insights from briefers, will re-evaluate the resolve and mechanisms in place to prevent such horrendous crimes from happening.

## IV. Background

6. The prevention of genocide has been a core goal of the United Nations since its inception in the aftermath of the Second World War. In 1946, at its inaugural session, the General Assembly, in its resolution 96 (I), declared that “genocide is a crime under international law which the civilized world condemns”. The Assembly invited Member States to enact domestic legislation for the prevention and punishment of genocide and recommended that international cooperation be organized between States for this purpose. In the same resolution, the Assembly requested that a convention on the crime be drafted for consideration at the next regular session of the Assembly. The resulting Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the Assembly on 9 December 1948. It is regarded as the first “modern human rights treaty”,<sup>a</sup> adopted even before the Universal Declaration of Human Rights.

7. Despite the adoption of the Genocide Convention, however, it is widely recognized that, in the six decades since the Convention came into force in 1951, the record of the United Nations in preventing genocide has been abysmal. Not only did genocide take place in Rwanda and in Srebrenica but also violent conflicts, with signs of potential genocide raging throughout the world. Ongoing efforts to prevent genocide and crimes against humanity at the United Nations level have continued to focus on improving the capacity of the United Nations system, the political will of key Member States, and learning lessons from the failures of the recent past, without however reaching their full potential.

8. The twenty-first century came with new initiatives by the United Nations and its Member States to further prevent and fight genocide. In 2002, the International Criminal Court was created by States parties to the Rome Statute. The Court, which shall be complementary to national criminal jurisdictions, exercises jurisdiction over the crime of genocide, crimes against humanity, war crimes and crimes of aggression. The Security Council, acting under Chapter VII of the Charter of the United Nations, can also refer a situation to the Prosecutor of the Court.

9. In 2005, at the World Summit, Heads of State and Government endorsed the “responsibility to protect”, which, while acknowledging the responsibility of States to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity, gave to the international community, through the United Nations, the responsibility to use appropriate diplomatic, humanitarian and other peaceful means to protect those populations (General Assembly resolution 60/1, paras. 138 and 139). The Heads of State and Government gathered at the World Summit also envisaged taking collective action, in accordance with Chapter VII of the Charter, and in cooperation with relevant regional organizations as appropriate,<sup>b</sup> should peaceful means be inadequate and national authorities fail to protect their populations.

<sup>a</sup> William Schabas, “The Genocide Convention at fifty”, United States Institute of Peace special report, Washington, D.C., January 1999.

<sup>b</sup> “The right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity” was erected as a core principle of the African Union (article 4 (h) of the African Union Constitutive Act, available from [www.peaceau.org/uploads/au-act-en.pdf](http://www.peaceau.org/uploads/au-act-en.pdf)).

10. In relation to the responsibility to protect, the Secretary-General issued two important reports proposing tools for genocide prevention. In July 2010, he issued a report on early warning, assessment and the responsibility to protect (A/64/864) and, in July 2013, he released a report entitled “Responsibility to protect: State responsibility and prevention” (S/2013/399). In the meantime, the Secretary-General established the Office of the Special Adviser on the Prevention of Genocide and Office of the Special Adviser on the Responsibility to Protect.

11. Nonetheless, over the past decade, some of the initiatives taken by the United Nations and its Member States to prevent and fight genocide, such as the International Criminal Court and the responsibility to protect, encountered various challenges in their implementation and created controversies among United Nations Member States.

12. In combination with all those efforts, the key question today relates to the unity and capacity of the international community, including the United Nations, to help protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing through preventive action. Linked to that is whether such capacity is adequate or there are areas that need sustained improvement.

## **V. Proposed issues to be discussed**

13. Members of the Security Council are invited to consider the following issues during the briefing on the prevention of and fight against genocide:

(a) Evolution and assessment of the United Nations preventive capabilities since the 1994 genocide against the Tutsi in Rwanda, including achievements and challenges;

(b) Identification of areas of strength that might be more explicitly utilized in support of the prevention measures, areas in which there are opportunities for improvement, and the potential for United Nations involvement in contributing to longer-term structural prevention;

(c) Assessment of the United Nations early warning mechanisms, the responsibility to protect and regional cooperation to prevent genocide;

(d) Responsibility and capacity of States in genocide prevention;

(e) Accountability and justice as preventive tools, including through national, international and mixed criminal courts and tribunals;

(f) Reflections on the current United Nations capacity to prevent genocide and crimes against humanity, in the light of the current crises and related atrocity crimes.

## **VI. Format and outcome**

14. The meeting will take the form of a briefing. The Deputy Secretary-General and the former Permanent Representative of New Zealand to the United Nations and President of the Security Council in April 1994 will be invited to the briefing. The expected outcome document is a resolution.