



UN Office of High Commissioner for Human Rights

SEMINAR ON THE PREVENTION OF GENOCIDE

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**Statement by Mr. Githu Muigai
Special Rapporteur on contemporary forms of racism, racial discrimination,
xenophobia and related intolerance**

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Madam High Commissioner,
Special Adviser,
Excellencies,
Ladies and Gentlemen,

Let me start by expressing my appreciation to the Office of the High Commissioner for Human Rights for the invitation to attend this important gathering. Since taking up my functions of Special Rapporteur last August, I have been reflecting extensively on strategies to further the implementation of my mandate and to enhance its effectiveness, particularly in the area of conflict prevention. In this regard, taking part in this seminar gives me important insights and experience that will undoubtedly be useful for the years to come.

Let me also express my wholehearted support for the joint statement prepared by a number of Special Rapporteurs, myself included, and circulated today. Our objective was to put forward ideas on how to improve cooperation between special procedures and other parts of the United Nations on relevant issues to the prevention of genocide. We are convinced that due to the importance of our individual mandates, our methods of work and our independence, we are well placed to make an important contribution to ongoing efforts in this domain, particularly in the area of early-warning.

Excellencies,

It is needless to dwell on an explanation about how racism and genocide are connected. History speaks for itself. Genocide, ethnic cleansing and other war crimes have been traditionally linked to the emergence of exclusionary ideologies based on race or ethnicity. The actions perpetrated by those guided by Nazi or Hutu Power ideology - to mention but two striking examples - show how extreme forms of racism,

often hidden under the guise of radical nationalism, can lead to unspeakable catastrophes.

While it is clear that genocide is frequently accompanied by extreme forms of racism, we have to be careful about sweeping causal statements in this regard. Racism is a widespread and pervasive phenomenon, affecting countries in all regions of the globe. Genocide, on the other hand, has been confined to a limited number of cases which have taken place under specific circumstances. We need, therefore, to better understand the conditions under which racism leads to genocidal violence. This will enable us to articulate sound policy and more effective responses against it.

In this context, I would like to make reference to the particularly helpful efforts undertaken by the Committee on the Elimination of Racial Discrimination to elucidate this question and to identify key factors that have been historically connected to genocide. I am particularly happy to take the floor after the presentation of one of the members of the Committee, Mr. Chris Maina Peter.

The substantive work carried out by the CERD illustrates the importance of combining a focus on long-term and short-term factors leading to genocide. As long term factors, the importance of addressing systematic discrimination against particular distinct groups is clear. The early-warning signs identified by CERD include, for example, the systematic official denial of the existence of such distinct groups; biased accounts of historical events that serve to demonize these groups; the presence of political leaders that foster racial or ethnic tensions by encouraging exclusionary ideologies and by justifying discrimination, or even violence, against these groups. A cursory analysis of recent cases of genocide will confirm that these factors were present and, with hindsight, would have helped predict the events to come. An anti-racism agenda is thus ever more important, pointing to the need to address these flagrant practices before they lead to mass atrocities.

Short-term factors are also essential, as they help explain how long-term causes are triggered into mass violence at particular times and the strategies used to generate mass mobilization to perpetrate genocide. For example, the CERD makes reference to serious patterns of violence against individuals belonging to particular groups; the policy or practice of impunity against the perpetrators of such actions; and the use of the media to broadcast hate messages and incite violence against such groups. These are factors that indicate that mass violence could be imminent and that require

prompt and appropriate action by national authorities and the international community.

Excellencies,

A system of early-warning is never fail proof. At the same time, it is an absolute necessity against the crime of genocide. It allows us not only to identify situations that should be placed on a “watch list” of countries-at-risk, but it also offers us a sense of the measures that may be required, both in the short- and in the long-term, to overcome the problem. While political solutions obviously lie at the center of these efforts, a set of human rights concerns should also guide such political decisions, as they allow for action on issues that constitute the root causes of the conflict.

I cannot but emphasize the importance of dealing with these root causes of ethnic conflict as a fundamental strategy to prevent genocide. Time and again the international community has tried to remedy situations of conflict, while disregarding the real sources of the problem. In too many examples, racial or ethnic tensions have remained long after a peace agreement was signed, only to lead to conflict recurring years later. Without targeted action to address these underlying tensions, in particular a strong anti-racism program, efforts to promote stability will be condemned to failure.

An anti-racism and anti-discrimination approach is thus essential in post-conflict situations, particularly in post-genocide contexts, in order to ensure that such tragedies will not recur in the future. In particular, the racial or ethnic fractions that opened during conflict need to be addressed, such as with broad programs of national reconciliation that foster inter-ethnic cooperation. While the easier short-term fixes sometimes may point to virtual separation among ethnic groups – such as by the creation of ethnically-defined political parties – the only lasting solutions are those that build bridges among communities and allow them to identify with a common future.

While national reconciliation must be a priority in a post-conflict situation, combating impunity should undoubtedly also remain on the top of the agenda. The investigation, prosecution and punishment of those responsible are an absolute necessity leading to a comprehensive and lasting reconciliation process. The culture of anti-impunity which has been referred to several times by the previous distinguished speakers is at

the core of the mandates of the ICC, of ad-hoc international tribunals such as the ICTR and ICTY, as well as of hybrid tribunals in Sierra Leone and Cambodia. Their work should be commended and global support mobilized in this regard. This being said, let us not forget that international mechanisms are the last resort option and that the domestic judiciary systems bears the primary responsibility to prosecute and punish people who have incited or participated to genocide.

We risk stating the obvious when we argue that the promotion and protection of human rights, democracy and rule of law at all times are the best defense against conflict, and also against genocide. And yet, we need to state it again. We all have a role to play to translate these words into concrete actions. I therefore look forward to hearing your views and opinions as to how we can better work to accomplish these important goals.

Thank you very much.