

**Секция «Юриспруденция»**

**Early warning as initial component of 'responsibility to protect'**

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Early warning is the initial element of the 'responsibility to protect'. The concept 'responsibility to protect' had been shaping to substitute humanitarian interventions of 1990s, which lacks any coherent theory with which to justify the infringement of sovereignty in each case [5]. The 'responsibility to protect' framework takes a comprehensive approach to humanitarian crises and allow humanitarian intervention as a last resort. It incorporates 'responsibility to prevent', 'responsibility to react' and 'responsibility to rebuild' pillars [5]. Early warning is essential part of 'responsibility to prevent' and primary basis for concept.

Decision making on preventing and responding to mass atrocities requires accurate and timely reports on emergency situations and balanced assessments of the available information. Thus, they are 2 components of early warning. Early-warning assessments should focus on the questions of when, where, and why mass atrocities may occur in the future, and on how preventive engagement can help avert them.

First of all, early warning needs to describe the underlying susceptibility of a country to descending into a situation of mass atrocities. Political, economic, social, legal, and military factors all affect a society's ability to withstand threats of mass atrocities. Second, early-warning mechanisms need to provide information on the strength of institutional coping mechanisms in a society. Finally, early warning critically depends on timely and credible information on current events.

Very specific information is needed to ascertain whether any party is committing perpetration or inciting them. Specific information on the nature of atrocities, on the responsibility of individual leaders in the parties' command chain, and on national investigations and prosecutions of these acts is necessary to determine whether a state is fulfilling its responsibilities under international law, and whether the international community has a responsibility to take collective action. To facilitate early warning of mass atrocities, UN departments, programs, agencies should incorporate considerations and perspectives into their ongoing reporting procedures to the extent that their mandates permit [2]. Independent, professional, and impartial inquiries can ascertain whether specific mass atrocities have been committed, as well as who bears responsibility for their perpetration.

The United Nations Stabilization Mission in Haiti dealt very effectively with the challenge of gathering information on criminal networks that once terrorized the Cité du Soleil in Port-au-Prince. In 2007, the UN peace operation managed to salvage the Cité du Soleil from the reign of these criminal gangs. This success was due to the excellent intelligence obtained by the mission, Mission's careful planning of the operation in cooperation with the national police, and the support from the President of Haiti [6].

Assessing the risk of mass atrocities in particular areas in an accurate, timely, and balanced manner presents a far greater challenge for the United Nations than does gathering information, which is often available in abundance. Only a combination of human rights,

humanitarian, political, security, economic, social, and development perspectives yields an understanding of the patterns of events that could lead to the perpetration of mass atrocity crimes [4]. Early warning of possible crimes needs to draw from each of channels to obtain a full picture of specific risks of a future mass atrocity crime.

At times, multidimensional technical assessment missions have provided the Security Council with evaluations of specific civilian protection crises. For instance, the findings of the two assessment missions on the protection of civilians in refugee camps and IDP camps in Chad and the CAR led the Security Council to deploy a multidimensional peace operation with an explicit mandate to protect civilians in both countries [3]. The Council can also establish groups of experts or a commission of inquiry to obtain in-depth assessments of human security crises; they could be utilized more often.

In the past, crucial information on material dangers was sometimes diluted as it was relayed through the chain of command inside the UN Secretariat, and it finally did not convey the appropriate sense of urgency to the Security Council. The Secretary-General and the Council can mitigate the danger of self-censorship by Secretariat officials if they strongly signal that they want them to provide candid, accurate, and timely assessments of looming threats of mass atrocities.

Some regional organizations have made strong progress in establishing early-warning mechanisms. For instance, the OSCE appointed a High Commissioner for National Minorities and a Representative on Freedom of the Media, and it created a twenty-four hour situation center [2]. The accuracy and timeliness of their assessments can be strengthened through more systematic exchanges of information on imminent crises between the UN and regional and sub-regional organizations.

Ultimately, even the best early-warning mechanisms and assessments cannot substitute for the lack of political will of national, regional, and international institutions to live up to their responsibility to protect before mass atrocities materialize.

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