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## PROCEEDINGS

MR. SOLOMON: Good afternoon, everyone, and welcome to Brookings. My name is Andrew Solomon. I'm a fellow in the Foreign Policy Program here, as well as deputy director of the Brookings-Bern Project on Internal Displacement.

Our event today, which we're co-sponsoring with the United States Institute of Peace, will examine strategies for the prevention of genocide and mass atrocities. This is a topic that involves issues that are closely tied to the situation of some 26 million conflict-induced IDPs around the world. But it also has serious and important aspects and dimensions related to humanitarian affairs. Generally, issues of peace and security, justice and accountability. And also importantly, the role and the effectiveness of national authority, civil society, and international institutions in protecting civilians from harm and human rights violations.

Now, fortunately, we have with us here today one of the foremost authorities in genocide and mass atrocity prevention, along with two leading experts and practitioners in the field that can help us unpack the many issues and better understand the complexities of this field. So I'm very pleased to get us underway and I'd like to do so rather quickly by introducing our principal speaker today.

This is someone who is clearly no stranger to this institution and to many of us who are gathered here today. Francis Deng is both a

distinguished scholar and a practitioner in this field. And since 2007, he has served as the United Nations secretary general's special adviser on the prevention of genocide. And in exercising this mandate the special adviser seeks and receives information relevant to the prevention of genocide from all U.N. bodies, in particular early warning information, and also acts as a catalyst within the U.N. System by making recommendations for effective prevention responses by the secretary general, the Security Council, and U.N. operational and specialized agencies. I would note that there's more information about his office on our table at the registration, so please take a look at those.

Prior to serving in his current role, Mr. Deng also served as the representative of the U.N. secretary general on internally displaced persons from 1992 to 2004. And then from 2002 to 2003, he was a senior fellow at the U.S. Institute of Peace, where he also directed the Sudan Peace Support Project. And as a Brookings person I'm also very pleased to note that Francis was a resident senior fellow here at Brookings for over 12 years, during which time he directed the African Project, as well as our work on internal displacement.

Among his many other achievements and accomplishments which are listed in his full bio, which you should have, Mr. Deng previously served as the ambassador of Sudan to the United States, Canada, Denmark, Finland, Norway, and Sweden, in addition to serving as Sudan's minister of

state for foreign affairs.

Mr. Deng will get us underway in a moment with his remarks on constructive management of diversity as a strategy for preventing genocide and mass atrocities. And then afterwards we'll move into what I'm calling phase two and we'll hear from our two commentators today: Julia Fromholz, who directs the Crimes Against Humanity Project at Human Rights First; and Lawrence Woocher, a senior program officer at the United States Institute of Peace.

So with that I'd like to give the floor to Francis Deng.

MR. DENG: Thank you very much, Andrew.

Let me begin by thanking you for giving us priority over that beautiful weather out there.

And I should say that it's a great pleasure to be back at Brookings for an event that is co-sponsored by two institutions with which I have been associated for decades. As Andrew just mentioned, I was a senior fellow here for 12 years. And since the creation of the establishment of the U.S. Institute of Peace, I've been associated with them twice as a fellow and also in working closely with them on all the excellent work they have been doing regarding the Sudan.

Somebody asked me the other day why do they always give you such difficult assignments? And I said, well, I think they realize that I will very modestly play the only role I can of being a catalyst for others who are more

capable of getting the job done. And I mean that seriously because genocide prevention, with the very limited number of staff that we have, cannot be done by us alone. It has to be done by more capable people out there.

For me the most important first step was to demystify genocide. When people think of genocide, the ones that come to mind -- Cambodia, former Yugoslavia -- the horrible things that have happened in history, and people feel this is something that is horrific. Too sensitive to even touch, sensitive for even comfortable conversation. And so people tend to be in denial and keep away from it. And with a title like mine, I definitely get sympathy from many quarters and people say, well, with a title like yours who would invite you to their countries? And people will not even want to get close to discussing what you're doing because it just seems unmanageable.

So for us the first task is to say instead of looking at genocide as some horrific thing up there that we don't want to deal with, bring it down to earth and define it as an extreme form of identity-related conflicts, which means whether you define identities by the terms of the Convention as national groups, ethnics groups, religious groups, or racial groups, or you define them by some other means that are broader than the focus of the Convention. The problem is not how people define themselves or the fact that people are different. It's the implications of those differences which is often reflected in groups that are considered "in" groups, who enjoy the dignity of citizenship, the rights of citizenship, and have their human rights respected.

And those who are considered “out” groups are discriminated, marginalized, and often even excluded, denied the rights of citizenship.

Now, in the days when people could be dominated quietly and endured the suffering and the indignities in silence, perhaps that was sustainable. But now that the world is aware of universal human rights and however weak a group they represent, they will sooner or later raise their voices in protest to the indignity of that kind of subordination, and then you begin to have conflicts that can easily escalate to genocidal levels.

Now, if we accept that this is an extreme form of identity-related conflicts that are rooted in inequalities and violations of human rights, then it really should be something that is manageable, not only by constructively managing the differences, but by engaging governments to point out the root causes of their conflicts. Because quite often when countries are immersed in conflict they don't see the trees from the woods and they blind themselves to only their point of view and totally disregard the other point of view.

So to help that process of assessing situations and to help governments see what they need to do to manage diversities, we have developed a framework of analysis which has a set of factors, which cumulatively will give you some idea about how a country is performing. And we have done this in collaboration with many others, including experts in the field within the U.N., and outside in within academia. And when completed -- we are still working on it; it is a work in progress -- it really can play the role of

a mirror where a country or leaders of a country can look at themselves in the mirror and ask how are we performing? Where are we weakest? Where can we do better? And that in itself can become a tool for prevention.

I should say that although diversity is global and hardly any country can be said to be homogeneous -- even Somalia, which was often cited as the most homogeneous country -- is torn apart by identity conflicts related to clan identities. And so this is a global phenomenon and the threat, the potential, is global. And yet we know that although all countries of the world are characterized by diversity, not all of them go through this kind of genocidal conflicts. Which means that some countries manage their differences in a very constructive way and, therefore, will be preventive of anything that you might call genocidal conflict.

And some don't do that well and we know that some do dismally, badly, and fail. And so it's a question of also studying what works best in which countries. Why do some countries succeed and others don't? What models are there out there for us to emulate that are good practices? What are the bad practices that we should keep away from and avoid? And in that way we are able to then advocate on the basis of how best to manage diversities based on practical experiences.

We have also found that engaging subregional or regional organizations is also one of the ways of doing a lot to spread the message, raise awareness without threatening countries that fingers are pointed at

them. And we have been working, for instance, with the African Union, who have heeded the message very positively. I addressed their Peace and Security Council. I addressed their Panel of the Wise. We have been working with Egart. And contrary to what many people thought, I'm being invited by quite a number of African countries to visit their countries and to engage them in a very constructive dialogue. Once they understand that I'm not coming because I think you're already threatened with genocide, but because this is the way I understand the potential for genocide. And since we all have that potential threat, I'm here to see how best we can understand your country and engage you in putting in place the sort of things that will prevent genocide.

I was just recently in Guinea. And when I went to see the permanent representative at the U.N., his response was exactly the kind of thing that I hoped for. He said, you know, we do have problems and we need help. So please do come and tell us what you see and give us recommendations on what we can do. And I got the same kind of response from other countries that are saying please visit us, we need you. This is very different from what anybody would have expected with the word "genocide."

In one specific case, a senior official said when we heard you were coming we were concerned. Do you think we have genocide here? But the way you are explaining it really is a way that we find very constructive and we will work with you. The prime minister of Guinea said to me after analyzing the situation of his country very sophisticatedly, he said we have set group



dynamics so that there is no one group that can dominate and inflict genocide on the others. But we do have problems of ethnic and regional relations which can potentially lead to the kind of conflicts that you are concerned about. So please do talk to my ministers. Go around the country and let us know what you see and what we can do.

Now, if we take genocide prevention at a very early phase, we are talking about not only working with governments, but involving just about every agency of the U.N., which has its own angle, whether it is DPA talking about peacemaking and conflict resolution; whether we are talking about the Peace Building Commission; whether we're talking about political disparities or economic disparities or issues of human rights, just about everybody within the system and outside -- NGOs, civil society, academia -- I think this is an area where we can all play diverse, complementary roles. And that is what I find quite exciting about bringing down the threat of genocide from being something that people are frightened by and want to avoid, to looking at it as something that is manageable.

When we think of the kinds of genocides that are now recognized as genocide, they're all after the fact. They're all in historical hindsight. We say, yes, it was genocide. When it is happening, even when some people will begin to see it as genocide, there's a tendency for us to deny it. And we can debate is it genocide or is it not. I believe very strongly that if we had seen Darfur as just the latest in a series of regional conflicts that

began in Southern Sudan and began to move north to the Nuba Mountains, to southern Blue Nile, to Vija -- if we had seen Darfur as the latest in a series of regional conflicts which have common causes often expressed in one word, "marginalization" by the center of the periphery whose identities are also different from the center, we would have engaged Sudan in a constructive dialogue about how to deal with Darfur.

Instead, the G-word was thrown up there. The debate: Is it genocide or is it not? If it is genocide, what do we do? The United States said it's genocide, but we're not going to do anything different. The U.N. said it's not genocide, but crimes are being committed that are not any less heinous than genocide. And Khartoum becomes defensive. And the whole thing becomes Darfur being seen in isolation of what was happening in the whole Sudan.

And so I do believe that prevention is key before situations get to the point where people become defensive, get into denial, and we must deal with them in a structural manner that makes for really good governance rather than something terribly sensitive and to be avoided.

I'll stop here.

MR. SOLOMON: Okay. Thank you very much, Francis.

(Applause)

Now, as I mentioned, we'll move into phase two. And I'm pleased to be able to more fully introduce our other panelists beginning with

Lawrence Woocher, who is a senior program officer in the U.S. Institute of Peace's Center for Conflict Analysis and Prevention, where he focuses on early warning conflict prevention and the prevention of genocide and mass atrocities. He was a member of the Executive Committee and the lead expert on early warning for the Genocide Prevention Task Force, which was co-chaired by former Secretary of State Madeleine Albright and former Secretary of Defense William Cohen.

Then in addition to Lawrence, I'm pleased to be able to introduce Julia Fromholz, who jointed Human Rights First roughly four years ago and now runs the organization's Crimes Against Humanity Program, which seeks to reduce the incidence and the duration of mass atrocities by developing practical policy approaches for the U.S. Government and other international actors focusing especially on those states and commercial entities that help sustain the atrocities.

So with that more full introduction, I'd like to turn it over to Lawrence first, followed by Julia.

MR. WOOCHEER: Thanks very much, Andrew. And thank you, Francis, for your comments. I think you've succeeded in your goal of demystification.

I wanted to comment a little bit about the relationship between preventing genocide and mass atrocities, preventing armed conflict more broadly, and the concept of responsibility to protect, which most of you

probably know really builds on the work that Francis and his colleagues did here at Brookings and has now become really a very hot subject in the international debate.

As you heard Francis articulate and I think what's very strong in the responsibility to protect -- or R2P -- debate and concept is the emphasis on prevention. And if we want to avert genocide, war crimes, crimes against humanity and ethnic cleansing, focusing on the kinds of earlier actions as opposed to or at least to avoid, hopefully, having to take the kinds of responses in the midst of crises should be most effective and, in principle, easier.

But I think as we've seen the debate, particularly around responsibility to protect evolve, this focus on prevention actually raises some conceptual or analytical puzzles or challenges for us. And particularly trying to flush out what is the substance of what you might call R2P prevention, which is distinct from or different from what we're already doing in the U.S. Government, among NGOs, among all the U.N. agencies that Francis mentions.

So -- and this challenge has been articulated among other places in a recent report from the International Peace Institute. They say the lack of clarity as to what makes R2P prevention distinct from conflict prevention is troubling. They go on to describe conflict prevention and R2P prevention as overlapping in many respects, but they say conflating them

analytically does not serve the cause of developing a clear framework for action on either. And I think what you see is the breadth and intensity of support behind R2P that is preventing these kinds of mass atrocity crimes. It leads people to search for what is different, what's new, what's unique. I actually think that this may not be a very fruitful search. And that if we think about it there may not be a whole lot that's very different when you look further upstream in terms of prevention than what we would do to try and prevent conflicts more broadly. So let me elaborate a bit on how I come to that conclusion.

First, if we think about armed conflict at-large and R2P crimes and violations -- that is genocide, crimes against humanity, war crimes, and ethnic cleansing -- I think they're distinct phenomena, but they're largely overlapping. So first is just the empirical observation that almost all cases of massive atrocity crimes take place in the context of a broader armed conflict or soon after an armed conflict has broken out. Or in some cases in the wake of some other very significant political instability: a regime change, a coup, et cetera.

And in addition, if you look at sort of lower level kinds of atrocities targeted at civilians, there seems to be quite a bit of overlap as well with armed conflict. So by one count recently there were 16 countries that had experienced these lower level kinds of one-sided attacks against civilians. And all but three also were experiencing a broader armed conflict. So there

seems to be quite a lot of coincidence, even though they are not one in the same. Conflict, by definition, involves two or more parties with interests and positions that are at least perceived to be in some tension. Mass atrocity crimes really don't necessarily involve a conflict as such, but we think of them as involving perpetrators and victims and then also bystanders.

The norms related to these two kinds of phenomena are different as well. And really as a result of the differences in their essence, deliberate attacks on civilians are really strictly proscribed in any context. They're never permissible whereas conflict -- the use of force -- is actually allowed by international norms in certain kinds of context, particularly when a state is using it within their own territory.

So I think there are both these kind of -- these differences in the phenomena, but the overlapping nature and the coincidence leads me to say or to conclude a couple of points. One, the first line of defense for preventing mass atrocity crimes should be trying to prevent armed conflicts in the first place because of the high coincidence. I'm not sure that an emphasis on R2P prevention will actually change the shape of these prevention efforts, but I think what it may do is add to the energy and the robustness and the support behind existing kinds of conflict prevention efforts.

And then the third conclusion is really to respond to the question of, well, what about the small number of cases of mass atrocities that occur outside of conflict situations? And I think that we may need to think about

these as actually a different category. And perhaps instead of thinking of those situations as on the extreme end of identity-related conflicts as Francis suggests, we should think of those situations as at the extreme end of human rights violations. And so perhaps instead of a R2P -- generic R2P prevention approach, we need to think of different kinds of approaches, either a conflict prevention approach or a human rights promotion and protection approach in these other cases, which might lead you in some different directions. But I think that if we're continually searching for this sort of special ingredient that is R2P prevention in the upstream cases, we may actually continue searching and not get on with the business of doing the work.

Thanks.

MR. SOLOMON: Okay. Thank you, Lawrence.

Julia?

MS. FROMHOLZ: Thank you, Andrew. I'd also like to thank Brookings and USIP for inviting me to participate on the panel. It's an honor to be on the panel with the special adviser and with Andrew and Lawrence.

The mass atrocities of recent times have spurred a range of responses from public mobilization to initiatives such as the Genocide Prevention Task Force, which has been mentioned already today. These atrocities and these responses have galvanized a consensus among citizens and among policymakers that confronting atrocities should be a foreign policy priority. But the track record of the U.S. and of the international community in

dealing with these atrocities has shown us that they're extremely complex and challenging. Human Rights First, therefore, believes that an appetite exists for practical tools that can change the basic dynamics when atrocities are underway and contribute to efforts to halt violence against civilians.

One potentially effective approach on which we are focusing is to focus on the means used to commit mass atrocities and on those actors who furnish the means. Mass atrocities are organized crimes, so crippling the means used to organize and sustain them, such as money, communications networks, transportation networks, and other resources, can disrupt the execution of these crimes.

A key element of the organization that is particularly relevant to international responses is the role of third party actors. History shows us that perpetrators are generally unable to carry out these crimes on their own. As creative and resourceful as they are, they're generally dependent on direct or indirect support from external actors, whether that is a government, commercial actors, or individuals whose goods and services enable them to wage attacks against civilians.

Some work focusing on what we call enablers is currently being done, although without using that term. For example, there are several organizations that track arms and ammunition transfers and advocate for attention to be paid to the sources of weapons. Another example is the Enough Project's work on conflict minerals in Congo, which has brought great



attention to that problem. And, in fact, this morning the House Foreign Affairs Committee marked up a piece of legislation aimed at tackling that problem.

But this work is happening piecemeal, which means it's not coordinated and it's not covering all possibly useful targets. The U.S. Government and others -- but right now we at Human Rights First are mostly focused on Washington and New York -- should look systematically at enablers when looking to prevent or respond to atrocities. Doing this would open up a new set of policy responses or a new set of pressure points. A quick example of this comes from the most recent report by the U.N.-Sudan Panel of Experts. That group found that technicals, or 4-by-4 trucks that are mounted with weapons, contributed greatly to the widespread nature of the conflict in Sudan -- or in Darfur, excuse me. They also found that most Toyota trucks that were later turned into technicals and then used in Darfur came from the official Toyota distributorship or dealership and secondhand dealers in the United Arab Emirates than in any other -- than from any other source.

The information doesn't all of a sudden make this an easy question to solve, but that evidence could be used to develop various policy responses such as -- or including sanctions. Cutting the supply chain for all trucks going to Darfur cannot, in my view, be done. But going down that road by drawing attention to these enablers -- the ones who are selling the trucks and then subjecting them to the greatest possible pressure -- could decrease the supply chain enough that perpetrators might end up changing their

calculus.

I don't mean to suggest that this would make preventing -- that this or following enablers at all would make preventing or responding to atrocities easy. But it's because of the complexity of these crimes that we need to be looking at all possibly effective levers to prevent and mitigate them.

To use this concept of enablers in preventing and responding to atrocities, the first step in my view is with the new interagency structure on atrocities prevention, which is in the process of being formed. As many people probably know, the NSC has a new director of atrocities prevention, who is working on forming the structure. The structure should include a systematic focus on enablers of mass atrocities. That focus should include things such as tasking the appropriate intelligence agencies with increasing gathering and analysis of intelligence on enablers of mass atrocities in key countries. Some aspects of intelligence analysis that should be considered when developing policy are the identities of the enablers, their specific roles and the actors or connections in the supply chains that are particularly vulnerable to pressure.

The interagency structure should also look at tools that already exist in the United States Government, but in distinct but similar environments. For example, particularly since 9-11, the Treasury Department has had success in diminishing financing for terrorism. The same tools used against enablers of terrorism could be applied if the political will exists to enablers of

mass atrocities. The interagency structure should therefore assess the tools used by the Treasury Department to combat terrorist facilitators, money launderers, and drug traffickers. They could then determine how these approaches could be adapted or applied to tackle those commercial entities and individuals that are enabling atrocities.

Tools also exist where U.N. sanctions are already in place. In those cases, U.N. groups of experts' reports often include confidential annexes listing individuals they believe violated U.N. embargos. And those are individuals they believe therefore should be subject to U.N. -- to individual sanctions by the U.N. The U.S. Government interagency structure could task the Treasury Department with further investigating these individuals listed in panel of expert confidential annexes for possible inclusion on targeted sanctions lists.

The Defense Department and other agencies that do technical assistance in high risk countries could also help tackle enablers, especially before atrocities begin. AFRICOM and other agencies run technical assistance and capacity building programs to boost capacities in African countries and elsewhere specifically to deal with transnational challenges. Tackling enablers of atrocities could be made one aspect of those programs. Resources should also be enhanced -- increased to enhance the capacity of states to deal with enablers that operate in or through their territory.

There are also noteworthy regional initiatives in Africa and

elsewhere focused on building capacities to address transnational challenges. For example, the International Conference on the Great Lakes Region. One of its aims is to improve the certification processes for natural resources extracted in the region. A strong certification regime could cripple enablers of mass atrocities. U.S. support for these efforts could enhance their ability to tackle the enablers and mass atrocities. Through these means and others, by focusing on enablers the U.S. Government could squeeze the supply chain that makes atrocities possible. These situations are so complex and so difficult that we should be looking as broadly as possible for pressure points and for creative policy options.

MR. SOLOMON: Okay. Thank you, Julia.

We actually have quite a chunk of time now for questions and answers. And perhaps a conversation among the panel and the audience.

Before I do open it up for questions, I would like to come back to something, Francis, you referred to, particularly this analytical framework that your office is developing to help identify situations which could lead to genocide. I'm just wondering, given that we do have in place the Genocide Convention and other, I guess, international legal norms related to genocide, how does this analytical framework relate to those instruments, particularly the Genocide Convention? Could you just elaborate a little bit upon its content, particularly one of the challenges from the justice and accountability standpoint; how do we determine this genocidal intent? And I guess you're

operating more from the prevention perspective before genocide has occurred. So how do we think about that?

MR. DENG: Well, you know, we are confronted with something of a dilemma. On the one hand, people say that genocide is clearly defined and there's a legal framework for it -- the 1948 Convention -- and, therefore, we should strictly deal with the legal or the legalistic interpretation and approach to genocide. Others would say that that is a risky path because by the time you clarify the situation and prove that there is genocide in the making by using the criteria of the Convention, it's going to be too late. And we all know that to prove a crime beyond a reasonable doubt, which is the normal criminal standard used even in a normal crime, is very difficult.

When I went to Rwanda three months after the genocide, there was still a lot of horrific evidence of the genocide. Bodies still lying all over the place. And there were some investigations being carried out by Dutch lawyers preparing the ground for trials later on. And even then I was of the opinion, and I shared with them my opinion, that if we're going to be holding onto the legal aspect of holding people accountable for crimes and we use the standards of criminal intent, how many people will actually be proven beyond a doubt -- beyond a reasonable doubt that they had been involved in killing with the intention of destroying the whole Tutsi population in part or in whole?

I'm sure only a fraction. And we are talking close to a million people killed. How many people would be made accountable for the million?

And if you do not make them accountable in a way that will make the victim population feel that justice has been done, they will take justice in their hands and there would be revenge.

Now, interesting enough, when I went to DRC I was told before I went don't talk genocide. It's too sensitive an issue in the area. Don't talk ethnicity. People are sensitive about the word "ethnicity." Well, when I went just about every group that is involved in these conflicts in the region not only identified itself in ethnic terms, but they alleged that genocidal acts were being committed against them. And not only that, even a person as senior as a government minister threatened that if this is not stopped we will inflict genocide on the other group. Count the years, 10, 15 years. We will do it.

Now, what does this mean? Some people will tell me this is using the word "genocide" too loosely and that genocide should be approached much more carefully, technically. But from my point of view this popular perception, although it does not reflect any legal sophistication, shows the emotions associated with these allegations of the crime of genocide. And it is these emotions that make people react in an emotional manner against what they see as genocide. We should be sensitive to this popular perception. We know that genocide is very loosely used. Whether there is a conflict, wherever there are mass atrocities, wherever there is massive killing people, people think genocide. This cheapens the use of the word "genocide" because it should be used more precisely. But to me it is also indicative of

popular perceptions that do, in fact, result into conflict.

So what the framework does is, I think, try to solve this riddle by not getting us too caught up in the legalistic details of what is genocide because it won't lead us very far. To prevent genocide you have to prevent something that does not still look like genocide. If you wait until it looks like genocide, then it's too late to say I'm preventing. And so the framework is broadening the scope.

Interestingly enough, when I was appointed my predecessor had only the title of "adviser on prevention of genocide." My appointment added another word. That is "and mass atrocities." Now, this was intended to weaken the debate over the word "genocide" and to broaden the scope of the conversation. And we thought it was going to help, you know, making genocide prevention something more discussable.

Well, a number of governments objected to that because they said we must hold to the legal aspects of genocide. I remember talking to one delegate from a mission that was very keen that we do not dilute the legal meaning of genocide by broadening it. And I tried to explain to him that, well, adding "mass atrocities" was to make the subject less emotional and more discussable and, therefore, make prevention easier to do. And therefore, perhaps I can be invited to countries to engage them more constructively. And they said, Mr. Deng, are you saying that people will be happy to invite you to discuss mass atrocities in their countries instead of genocide? And so I

think we're struggling with this. But I personally think if we get too legalistic we will not do enough to have early prevention.

MR. SOLOMON: Well, we do have two microphones, and I see so far one hand. So, we'll just go one-by-one to get us started.

MR. STEDJAN: Hi. I'm Scott Stedjan with Oxfam.

I have a question for Special Adviser Deng. You talked about the analytical framework and how you approach governments and you talk to them about what things they can do to prevent genocide themselves. So, I think that's probably the most constructive type of engagement you can have. But, at the same time, there are a bunch of donors out there who are interested in contributing to programs that would prevent genocide. Some of them, like the United States, have warnings that come up that possibly a mass atrocity could happen in a country, and there's interest to spend money to prevent this.

Do you share this analysis with them -- and I understand how sensitive this could be -- of what could be done? And also, to NGOs, like Oxfam, who also want to do some programs and protection of civilians and prevention? And this type of analysis would be very helpful for the whole community? Or is it too sensitive?

MR. DENG: Well, thank you. Yes, we really would like to share it very broadly, and the order that we have sharing it with the governments that we talk with, with colleagues within the U.N. System, with NGOs that we meet



with. It's on our website. And, as I said before, although it is work in progress, we would hope that people begin to look at situations from that lens.

And particularly if we talk about detecting problems long before they are in the limelight, it would be good to work with NGOs on the ground who follow developments very closely and before they reach the international arena and feed us with information, so that instead of waiting to go to situations the world is already concerned about, which we do, but with the lens of genocide prevention, focusing on those elements of identity conflict, but if we want to be able to respond early and we receive these kinds of information from NGOs that would help us, perhaps develop scenarios of situations and share them with key actors.

And, as I said earlier on, this is a task in which we need the collaboration of everybody. Some may have the leverage, the capacity to be able to influence situations because of the weight of their power. Some are closer to countries who can influence them because of being friends, and, therefore, using the persuasive argument. Some might have the kind of information or the capacity to analyze the information and filter it so that it reaches us to use in a more practical way. And so, I think the scope for collaboration is limitless.

Now, talking about donors, also, I believe that if we go to a situation and we are able to diagnose the source of the problem in terms of, for instance, where the discrepancies were, where the disparities are, where

the crisis points are, whether it is economic disparities, the poverty in certain areas, whether it is political denials upright, one is able to then come with a specific focus on that situation and see who is able to do what.

I'll give an example. When I was dealing with IDPs, internally displaced persons, I went to Colombia and visited a camp of IDPs that was one of the worst I had seen in the world, in Cartagena, one of the best cities in the world. And when I went to meet with the donors to share with them what I had found on the ground, one of the donors said, well, there are many poorer countries in the world. Colombia is not one of them, and, therefore, we cannot give priority to a country that is already well-endowed over countries that are in greater need.

And I said, but these are people who have already been dispossessed by their own countries. They are in desperate need despite the wealth of their own country. If we then say because they come from a wealthy country, they should not receive international support, aren't we dispossessing them twice?

And what we used to do then would be to come with the evidence on the ground, target my colleagues within the U.N. System, this is what I found, this is something that I think your department or your agency can do something about, begin to lobby for them, and the same with the government.

By the way, Lawrence made the point reference to sovereignty

responsibility, which was really one of the point of entries in my working with governments.

We developed here at Brookings in looking at post-Cold War conflicts in Africa, we used them to see these conflicts as proxy wars of the superpowers. With the end of the Cold War, we would begin to see them in their proper context instead of distorting them. But, again, responsibilities would have to shift, and they stayed themselves, and the region would have to assume the first order of responsibility with the cities of case studies, regional case studies, country-specific case studies, published books.

One of those books was titled Sovereignty as Responsibility. And the essence of Sovereignty as Responsibility is to differentially go to a country, which I would do, and tell them I realize this problem is first and foremost internal by definition. It falls under your sovereignty. I respect your sovereignty. But I don't see it negatively as a concept of barricading oneself against the world.

I see it as a positive concept of state responsibility for its people, and if it needs support, to call on the world to assist. But if your people are suffering and dying and you're not able to protect them and don't call on the world to assist, in this day and age of concern with human rights and human (inaudible) issues, the world is not going to watch and do nothing. They will find a way of getting involved.

And so, the best way to protect your sovereignty is to discharge

the responsibilities of sovereignty. This concept, as Lawrence explained, has evolved into the responsibility to protect, which still has the three pillars. The problem with the responsibility to protect the way it is perceived, is people focus on the last pillar. And even the last pillar is not just military action.

There is a various range of things that one can do. And in using this framework of ours and in engaging governments, we still believe it is possible to tell the government, look, this is primarily your responsibility. We know you don't want to see mass atrocities.

Now, this might be theory, might be fiction, because, obviously, much of these atrocities are committed either by governments or with the encouragement of governments, but we tell them we know that any self-respecting government that enjoys or claims legitimacy at home or internationally cannot be taken to be wanting these horrible things happening to its people. And so, you assume the positive and engage them on that basis of the positive, and I believe human beings will be what they are. To assume a positive can also produce a positive and engage them. And if they fail and terrible things are happening, then we must remember that we should develop the tools of the third pillar as a potential deterrent that if conditions continue to deteriorate to this level, the international community will take action. But this cannot be just a threat that is empty; it has to be credible for it to be effective.

MR. SOLOMON: Okay. Other questions? We'll begin here in the third row and then this woman in the green.

MR. POWER: Hello, my name is Austin Power. I first want to thank the panel for their expertise and their dedication to the subject.

And, second, I want to ask what role the International Criminal Court plays in the subject of prevention of mass atrocities and genocide both in the terms of multilateral strategy and also in the term of in let's say a deterrence.

Thank you.

MR. DENG: Let me defer to my colleagues first. Then I'll see whether I can add any.

MR. WOOCHEER: Not trying to dodge, I think the big picture is too early to tell. The ICC is yet a young institution. But I guess I would say if we're going to try and think of what our strongest tools for prevention are, I would not look to accountability in the ICC.

In any scenario, they are only going to be prosecuting a small number of top leaders in any particular case, and for deterrence to have a big impact, people have to have an expectation that they will be prosecuted, not just some possible scenario that they could ultimately end up in The Hague. So, I think in that sort of broad, systemic prevention lens, I wouldn't put a whole lot of weight into the deterrence power of the ICC.

Now, there is the potential then for the ICC to be used in a more case-specific fashion, where the Security Council has the authority to refer specific cases to the ICC, as was seen in the case of Darfur and Sudan. And

there, I think, there may be some greater potential for it to be used as a preventive tool. But there's also a drawback to that and some tradeoff in a way that if the ICC is going to gain credibility, it should be perceived as an impartial tool of justice, not as a political tool which is used by the permanent five members of the Security Council.

So, I think they need to be very careful in how they use the ICC for those purposes, both in referring and in deferring investigations by the ICC prosecutor.

MR. SOLOMON: Julie, I know you've worked on criminal justice forum in Cambodia.

MS. FROMHOLZ: Well, that is a nice segue to what I was going to add to what Lawrence said, and I agree with everything that Lawrence said. I think it's most useful to look at the ICC in the way that you ask the question: not alone, but with national courts. Because as Lawrence said, it will never have the capacity to try any except a very small number of people who are alleged to be responsible, and it's at the national court level where a lot more work, I think, has to be done.

In the end, the most sustainable answer for deterrence is to have functioning court systems, and I say this recognizing how very difficult that is. But I think that, at the same time, to get away or to at least try to dilute some of the political problems that Lawrence referred to, spending at least as much time looking at or trying to strengthen, national courts can be one

answer, as well.

MR. DENG: I would defer by concurring. Save time by conferring.

MR. SOLOMON: Okay. And then we have a question here in the center there. Yes.

SPEAKER: Thank you. Prevention is great, but for countries like Sri Lanka, where the prevention did not take place, and ongoing genocide, and you are not invited there, how can we hold them accountable to prevent further genocide?

MR. DENG: Well, I should say that when I was dealing with internal displacement, for a while Sri Lanka did not invite me, but they eventually did. And to my very nice surprise, although they were among the countries very concerned with the IDP mandate, for several years after my visit, they spoke very constructively, very well about the manner in which the mandate was being carried out. But I have to say that in this situation, I did not request to go, but I engaged with them in quiet conversation.

I think we're dealing with a situation where two issues are of critical importance. Number one, there is a strong support internationally for Sri Lanka as a government, fighting a movement that was characterized as being very brutal and terroristic. And to that extent, Sri Lanka gets sympathy, and even appreciation for winning the war.

I personally think that the risk we faced not just in Sri Lanka, but

everywhere these days, is that the war against terror is often being used to overshadow certain genuine grievances that people have, and that because leaders exploit these grievances, the grievances become synonymous with fighting terrorism. And so, while people are telling Sri Lanka that you must address the genuine grievances of the Tamil community, the euphoria of having won against terrorists still has an upper hand over genuine, serious, credible, visible way of addressing the grievances of the general population.

And, again, I say this is not only with reference to Sri Lanka, but everywhere in the world. I once heard somebody, a very senior official in the government, say all the rebel movements in the world are just being led by thugs, by criminal elements, by warlords. And he said, the only exception is the Sudan People's Liberation Movement and the cause of the People of the South.

I thanked him for making Sudan an exception, but I said, can we really say all these movements around the world, people who, for various reasons, are rising up, perhaps exaggerating their reaction, perhaps even being exploited by certain terrorist elements, can we say they don't have any genuine grievances? I think we'd be making a mistake, and it almost takes us into the Cold War Divide. You're either with me, in which case, I would overlook some of your sins. You are against me or not with me, in which case, I will exaggerate your mistakes. I think that is doing injustice to masses of people around the world who still suffer a lot of injustice.



And, therefore, I would be very careful to distinguish between terrorism and those elements who lead terrorism and the legitimate cause of people who might not even have a voice, but need to be heard.

MR. SOLOMON: Okay, back row, this gentleman.

MS. MEDEE: Thank you. Animat Medee from Save Darfur Coalition. I have two questions. The first one is for Dr. Francis.

You have said about the sensitivity of using the word "genocide," and I'm not clear if I understood you well. Do you think it is preferable to downplay it and call it and it has a name? Because for me personally, I believe it's important to call it because you make people aware about it, and you draw people's attention around the globe to know that this is dangerous phenomena and need to be stopped. But I wasn't clear. I want to see from your perspective what do you advise or prefer.

And the second question, also related to the -- as example, there's a situation in Sudan, like the U.N., for example, and leaders around the world, they do confuse between protection and conflict resolution. When people calling for protection of civilians while people are dying, they say, yes, we should make peace process priority. And they say "process," we know peace is process. The last end of any solution is peace, but while peace process is taking place, people are dying.

So, what, in your capacity and your perspective -- and also, this is to your colleague -- what do you panelists think that we should do to make it

clear for people to understand that to come to differentiate between protections, the urgency of protection, need for protection, and the conflict resolution process?

Thank you.

MR. DENG: Well, I think your point is well taken, that the use of the word "genocide" certainly raises the stakes. It shows that we are dealing with something terrible, to be taken seriously.

To that extent, I think your point is well-taken, that when we call it "genocide," the assumption is that the world will, therefore, respond, to do something about it. My position is if you call it "genocide" and you know that this is a contested word and you'll not have any easy agreement that, yes, you are right, it is genocide, you want and there will be a debate. That will be time-consuming, wasting very valuable time, perhaps even valuable energy, I mean, valuable resources.

If you respond to it without giving it the label that divides and you identify what needs to be done in order to prevent what we don't want to say, but we know is genocide, then perhaps you could get more constructive response, even cooperation in dealing with it.

I am not saying that we should do away with the word "genocide." On the contrary, I say when we go to a country and we detect certain elements of identity-related conflicts that could become genocidal, but are still far from being genocide, I would almost agree with you that our

coming in with the lens of genocide raises the stakes, and, hopefully, it makes people feel something must be done to prevent this horrible thing that is going to happen.

But giving labels that this is genocide raises the question: So what? Who's going to do what? So far, even when we call it "genocide," we have not seen evidence of genocide being stopped.

As I said before, all cases of genocide that we know are in historical perspective, and it is a judgment of the victor over the vanquished, those who are now called, you know, perpetrators of genocide have lost power, have lost influence, can no longer, you know, counter whatever is being said against them.

So, I guess what I'm saying is somewhere in between what you are saying and what I'm saying. We just have to be a little careful how we apply the word.

The tension between the peace process and protection of civilians, our colleagues in the U.N. System say peacekeepers are not good in protecting civilians because that's not what used to be their mandate. In fact, now, it is increasingly becoming recognized that their role is also to protect civilians.

We know what happened in Rwanda; civilians could have been protected and were not. They say we are not trained as peacekeepers to deal with civilian protection. And what does it mean in DRC, for instance? They

are there to protect civilians, the peacekeeping forces there. But how do they protect civilians effectively if you have all these armed groups in the way and the ones between them and the civilians?

It will turn it into a war with these armed groups, and, as the commander there said to me, if we were to be fully empowered to be able to counter these armed forces, and, perhaps, even disarm them, we would need an expedition force, another peacekeeping force than that which we have there.

So, what it means, therefore, is while we must protect civilians, however weak the system of protection, we must prioritize conflict resolution, peacemaking. And that's why, with respect to the DRC, when I visited, I thought that too much time and effort was being put into countering the armed groups, even wanting to disarm them in helping the government forces to deal with armed groups and instead of focusing on making peace, building peace not only within DRC, but also with the countries of the region.

The Great Lakes Conference was mentioned before. This is the kind of forum which if it brings together all the countries of the region to work in helping DRC to bring a meaningful peace, and, as I said a short while ago, everybody taking up arms, we must go beyond seeing them just as rebels and criminals, to see what is behind that, what is generating this. Can we address those grievances? All those armed groups have something that is propelling them. Without acknowledging them, without recognizing them, giving them

legitimacy, let's address the causes that generate these elements, and have a comprehensive peace within DRC and in the whole region.

MR. SOLOMON: Julie, I'm curious, from a civil society, perhaps, advocacy perspective, what are your thoughts on the use of the term "genocide," and should NGOs and others in the advocacy world be somewhat circumspect in their use of that term?

MS. FROMHOLZ: I don't want to tell others what to do.

MR. SOLOMON: Yes.

MS. FROMHOLZ: But I will give you the response just for myself, and Human Rights First never referred to what happened in Darfur as a "genocide" base, largely on the fact that we haven't been there, and so, we haven't seen evidence ourselves. Human Rights First also used to be called Lawyers' Committee for Human Rights. I'm a lawyer, and a lot of us are lawyers, so it's something that we take very seriously.

I echo or I very much agree with what Francis has just said. I think that the word, of course, does have the power, but it's cheapened if it's used and nothing is done. And I think that we saw especially with Darfur that I think the word "genocide" was one of the things that got a huge public mobilization, and I think it's one of the things that has lead people to be disappointed because the mobilization lead to a great deal of public will, but, in my view, it didn't lead to sufficient political will.

So, I don't have a bright line answer, but I don't disagree with

what Francis said.

MR. SOLOMON: Okay. The gentleman in the last row with the hat.

MR. HOFFMAN: Michael Hoffman, Howard University.

I have a question, briefly. Mr. Ding -- Deng, you were speaking in reference to marginalizing --

MR. DENG: We have a Dinka name called named Ding, D-i-n-g.

MR. HOFFMAN: Yes.

MR. DENG: This one is Deng.

MR. HOFFMAN: Okay, Deng. I apologize for my pronunciation there.

MR. DENG: That's okay.

MR. HOFFMAN: But you made a statement in reference to marginalization in the core and the periphery and things of that nature. It is very interesting because the colorization of the term, if you will, of "genocide" seems to change when governments change, and this pull-push relationship between governments and how they go into -- one government come out, another government come in.

We've seen this is the Hurricane Katrina situation and the Bush Administration when the people in New Orleans were referred to as "refugees." Very shocking, U.S. citizens referred to as "refugees." This term

was all over the news, everywhere.

How can you stabilize this push and pull relationship between governments and the definition of "genocide?" That's one question. How can you stabilize this definition between shifts and changes in governments? That's one question.

Another question is: It seems like people who are more or less against genocide and against the broader aspect of mass atrocities and things of that nature are more or less on the peripheries of effecting the core centers of the people who define genocide, and how can we bring them to the core and change and affect this term, this definition of "genocide?" That's a second question.

I have a lot of questions here, but the last question.

MR. SOLOMON: Yes, let's hold it there.

MR. HOFFMAN: Okay, okay.

MR. DENG: Could you repeat your second question in just --

MR. HOFFMAN: Yes, how can we bring the people who are against mass atrocities and genocides in the core center and participate in the core center of the people who are making these definitions and things of that nature and bring them to bear to have some greater influence in the discussion of genocide? Whether they stay actors, political actors, figures, et cetera.

Thank you.

MR. DENG: Do you want to give a go at that?

MS. FROMHOLZ: I think it was directed at you.

MR. SOLOMON: Yes, do you want to take the first one?

MR. DENG: If I understood you correctly about the shifts and with changes of government, I assume you're saying that one government might have one position, but when that changes, the next government has a different perception of it, and how do we, in a sense, bridge in such a way that there is some consistency for all?

MR. SOLOMON: Yes.

MR. DENG: Well, in the ideal world, changes should always lead to reform and better results.

If you take the Sudan, for instance, the agreement that was reached ending what was literally half a century intermittent warfare in the south had the CPA, the so-called Comprehensive Peace Agreement, as a tool for transformation, democratic transformation that would set the country towards what the Sudan People's Liberation Movement call a New Sudan, a New Sudan of full equality, a New Sudan of non-discrimination, whether based on race or ethnicity or religion or gender. That is a vision which is lofty and which people would work towards.

Now, changes can come this way or that way, which will emphasize the Islamic agenda or try to emphasize the secular agenda. And personalities who were very crucial to the one or the other of the options, such



as the late Dr. John Garang, who was a visionary with the goal of a united, one Sudan, that would be New Sudan, he died in a plane crash. The changes that he was working to bring about, which would have brought the country together, are no longer possible now.

On the contrary, an agreement that was supposed to bring about a democratic transformation has entrenched the differences, the divide between the North -- Arab, Muslim -- the South -- African, secular. People are now waiting for a referendum that most are predicting may mean the South opting for succession, whereas the South was a force for the creation of the New Sudan.

So, I think all one can say is if we have a vision for what society should go towards, which means really eliminating discrimination, promoting the dignity of the human being, irrespective of his identity, then we would hope that shifts of governments should ideally work towards that, and that a new government that comes in would improve the performance towards that universal respect for the dignity of the human being and towards a kind of common ground that would unite people, and, therefore, it is very difficult to say how can you bridge it?

The only way to reconcile that is to work towards the kind of reform that moves us to higher ground. And that, unfortunately, in the world we live in today, it's not easily predictable as to what changes will do.

Again, if by changes we're talking of change of government

through elections and things like that, there's a tension in Africa between the kind of politics that should be consensus-based and which I think is really very much part of the culture of the people in traditional, African societies. This idea of elections being a form of democracy where winner takes all. And, again, in the Western context, democracy, winner doesn't just take all. There's a place for the opposition, the loyal opposition, which has its own dignity and its own resources and access to levels of power. But then when you bring elections and use them as the way to bring about who controls power in societies that don't have that background, that don't have that culture, winner takes all becomes synonymous with depriving others and enriching others, particularly when power is the source, is the access to many other things, and, therefore, that kind of change of government requires rethinking.

We have seen how in Kenya the elections led to violence but ended up with a sharing of power. We've seen in Zimbabwe the same thing. Over and over again, you'll find that in situations where elections lead to winner take all, it continues to be a source of tension and conflict.

This is why, among other factors that we look into, elections are seen as potential triggers for conflict, but this might go beyond the question you were raising. And I'll turn to you for the second question.

MS. FROMHOLZ: I could take one stab at it because I wanted to add something, Andrew.

MR. SOLOMON: Okay.

MS. FROMHOLZ: To your question about civil society. One thing I think that civil society can do when people who are interested in this is not focus so much on -- the word "genocide" not only gets cheapened when it's used and then nothing happens, but the use of it as if that's the only thing we care about also cheapens the term "crimes against humanity" and other things that we refer to as "mass atrocities." These are horrific crimes themselves, and if we are talking only about genocide, it makes it seem as if there isn't the intent there to eliminate a national, ethnical, racial, or religious group, it doesn't matter to us. And I think that's not what anyone intends. And I think that civil society and people who are interested can help by talking more broadly about, as you were referring to earlier, your title. I think it is helpful to talk about genocide and mass atrocities.

MR. SOLOMON: Lawrence, I want to loop back to something that you addressed, particularly the responsibility to protect, but, also, touching on this notion of sovereignty as responsibility, which is related, in my view, to R2P. I guess what can we use to look somewhat objectively to recognize that a country is not exercising its sovereignty in a responsible fashion? I mean, is it really only after the fact when we see genocide or mass violence and human rights violations?

And then, also, this question of, well, then, what's the trigger for some sort of intervention or action under the R2P and who's supposed to

make that decision in whether it's legitimate or lawful?

MR. WOOCHEER: Yes. Well, I think that the first point I'd make is that the responsibility to protect, sometimes, people forget that there are actually multiple responsibilities, and there are enduring responsibilities. It's not the case that it's either on or off and that it's triggered at a certain point, but the first part of the Responsibility to Protect agreed language is that states have a responsibility to protect their own populations from genocide, war crimes, crimes against humanity, and ethnic cleansing, and that's an enduring responsibility that all states have at all times. Now, as you know, the following part does say then when states are manifestly failing to fulfill that responsibility, the international community is prepared to take timely and decisive action.

So, the question of triggering, is of triggering this timely, and of decisive action, and at least what's been agreed by member states is that that should happen through the U.N. Security Council. So, ultimately, the U.N. Security Council is the decision-making body, and I don't see that there's a sort of technical answer to deciding when a state is manifestly failing to fulfill those responsibilities.

To the other part of your question, though, about how do we know when a state may be moving sort of in the direction of manifest failure, but short of it, I think we also should remind ourselves that states have lots of obligations. And there's particularly a large set of human rights obligations

that states have that they're not strictly part of the Responsibility to Protect, but these are obligations of the state to protect basic human rights. And there's a whole set of international mechanisms that are set up to monitor and report and engage with states on their human rights performance. So, I think that that would be a central place to look to see whether states are being responsible in their exercise of their own sovereignty.

MR. SOLOMON: Okay. Staying in the back on that end, and then we can work over here.

MS. NAHAPETIAN: Thank you to all for your presentations. Kate Nahapetian with the Armenian National Committee of America.

I wanted to first address the issue of using "genocide." I think it cheapens the word when you don't use it when you know that it is occurring, and there were fact-finding missions that the U.S. Government sent to Darfur before they started saying it was genocide. And I'm concerned that there's very little talk about punishment after a genocide has occurred. The convention is about the prevention and punishment of genocide, and I think it's crucial to preventing genocide to have a deterrent. And there were concerns about if we don't address the incentives to commit genocide, which is, a lot of times, resources or land, we're not going to prevent it, and that's why it's so important to force states to pay reparations and restitution after a genocide is committed. And I heard concerns that the International Criminal Court will only prosecute certain individuals, but, normally, it is a small group,

the top leaders, who are ordering the genocide, and if we can prosecute those people, we can deter it. It's not the low-level leaders who are committing the genocide, who possibly will not be prosecuted through the ICC because of limited resources. What we need to do is prosecute the leaders.

And another reason why punishment is so important is to reform the state that committed the genocide. Like, for instance, Germany, because of the punishment, is now truly a reformed state that we don't have to worry about committing genocide again. Turkey, on the other hand, is not a reformed state and is helping enable the genocide in Darfur by denying the genocide in Darfur. Erdogan said it's not a genocide because "a Muslim cannot commit genocide." And Turkey's also --

MR. SOLOMON: Is there a question that we can --

MS. NAHAPETIAN: Well, my question is: Why aren't you talking more about the punishment of genocide? I really think that's crucial to preventing it.

MR. SOLOMON: Okay. We did touch on the role of the ICC and other justice measures, including at the domestic level, and there's also internationalized and hybrid tribunals and other forms of justice.

Does anybody want to pick up on the justice theme?

MR. WOOSHER: Just a quick point. I mean, I take many of your points. I think that, though, internationally, if you look at the policy, attention, and resources devoted to prevention versus punishment on this

issue, actually, there's been an imbalance where we've spent much more time and energy and resources on punishment and much less on prevention.

So, all good points, but I think we're just trying to inject that the emphasis needs to be equally on prevention.

MR. SOLOMON: I've just been made aware that Special Advisor Deng has to leave us. So, I'm sorry to cut it off there, but we are looking at both the prevention side and then also on the accountability side. We have to keep both in mind.

So, once again, I would like everyone to join me in thanking our panelists. (Applause)

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