

**Optional Protocol to  
The Convention on the Prevention and Punishment of the Crime of Genocide**

*The Contracting Parties,*

*Having considered* the need to strengthen the enforcement of the Convention on the Prevention and Punishment of the Crime of Genocide;

*Resolving* to implement the consensus of the 2005 World Summit on the Responsibility to Protect;

*Agreeing* that it is especially necessary to prevent the crime of genocide before it occurs and to strengthen cooperation between national, regional, and international institutions devoted to prevention;

*Mindful* of the crucial role played by regional organizations in maintaining international peace and security within their regions; and

*Being convinced*, that when a State manifestly fails to protect its populations from genocide and other mass atrocities, the United Nations and Regional Organizations need to take timely and decisive action to save lives, and to better achieve the purposes and principles of the Charter of the United Nations,

*Have agreed as follows:*

Article 1

**Object and Purpose**

The object of this Protocol is to:

- Establish national, regional, and multilateral mechanisms to foster cooperation in the prevention of mass atrocities through information sharing and leadership training;
- Establish institutions tasked with rapid recognition of situations that may lead to mass atrocities, in particular genocide;
- Strengthen regional mechanisms for intervention in the event of genocide, and cooperation between Regional Organizations and the United Nations;

for the purpose of:

- Contributing to international and regional peace, security and stability;
- Allowing timely and decisive response focused on saving lives, if a State manifestly fails to protect its populations from genocide.

## Article 2

### **Prevention and information sharing**

The Contracting Parties agree to reinforce their efforts to prevent mass atrocities, including war crimes, crimes against humanity and genocide. In particular, they agree to undertake the following:

- (a) Monitor and document mass atrocities and early warning signs of mass atrocities;
- (b) Freely share information gathered in (a) with Regional and Multilateral Organizations of which they are Members and which monitor or prevent mass atrocities;
- (c) Support freely sharing information on atrocities prevention among the Organizations described in (b);
- (d) Ensure cooperation and information sharing gathered at national and regional levels with the United Nations Office of the Special Advisor on the Prevention of Genocide; so that that Office may:
  - coordinate UN prevention or suppression of mass atrocities;
  - offer leadership training on risk assessment and mass atrocities prevention to the Contracting Parties and to Regional Organizations cooperating with the Office; and
  - ensure that urgent information reaches all relevant UN and humanitarian agencies and offices designated by the General Assembly to achieve the Object and Purpose of this Protocol;
  - ensure that urgent information reaches the public, journalists and news media, as well as human rights and other non-governmental and inter-governmental organizations in consultative status with the UN Economic and Social Council;
- (e) Cooperate with national agencies of other Contracting Parties leading similar efforts under (a), and in particular, to cooperate with neighboring Contracting Parties when this information concerns criminal activities of militias or other organizations operating across national boundaries.

## Article 3

### **Decision on genocide and genocidal acts**

1. The Contracting Parties recognize and agree that:
  - (a) On advice from the Secretary-General of the United Nations with regard to any acts described under Articles II and III of the Genocide Convention of 1948, including preparatory steps taken towards the accomplishment of such acts, both the UN Security Council and the UN General Assembly have the right and duty to decide whether those acts could lead to genocide or constitute genocide;
  - (b) Regional Organizations granted the authority described under Article 5 (1) (a) also have the right and duty to decide whether those acts could lead to genocide or constitute genocide within their respective regions;
  - (c) The Contracting Parties of this Protocol have a duty, individual and collective, to bring such acts to the attention of the United Nations and relevant Regional Organizations and to decide in a timely and effective manner whether these acts could lead to genocide or constitute genocide;
  - (d) Should a decision be made under this Article that acts could lead to genocide or constitute genocide, the Contracting Parties have a duty to take collective action under this Protocol.
2. Such decisions shall not be used as evidence of State or individual responsibility before an international tribunal.

## Article 4

### **Recommendations on genocide**

The Contracting Parties agree that, should the UN Security Council fail to take effective action to prevent or stop genocide following a decision under Article 3, recommendations made by the UN General Assembly or a relevant Regional Organization to prevent or stop genocide shall be considered to be binding upon the Contracting Parties and that such obligations, necessary to achieve the Purposes and Principles of the United Nations, shall prevail over obligations stemming from other treaties, except for the Charter of the United Nations according to its article 103.

## Article 5

### **Regional Organizations**

1. The Contracting Parties recognize that:
  - (a) States have the right to grant Regional Organizations authority to intervene to prevent or stop genocide and other mass atrocities within their territories and that such action is in accord with the Principles and Purposes of the United Nations;
  - (b) Regional Organizations have a crucial role to play within their regions to protect civilians from mass atrocities, in particular genocide;
  - (c) Should the UN Security Council fail to take effective action to prevent or stop genocide following a decision under Article 3, it is up to Regional Organizations so empowered to respond in a timely and effective manner to prevent or stop genocide.
  
2. The Contracting Parties further agree that they shall:
  - (a) Seek to create standard agreements between the UN Security Council and Regional Organizations empowered by their Member States under Article 5 (1) (a) to pre-authorize interventions governed by the rules established in the Regional Organization, in particular following a decision made under Article 3;
  - (b) Support UN budgetary contributions in the General Assembly to finance interventions led by Regional Organizations following a decision under Article 3 (1) (a);
  - (c) Support action by any Regional Organization of which they are Members following a decision made under Article 3 (1) (b);

## Article 6

### **Peacekeeping and Rapid Response Forces**

1. The Contracting Parties agree that:
  - (a) Any Memorandum of Understanding or other agreement covering the conditions of their contribution to peacekeeping or rapid response forces, between themselves and the United Nations, shall not exclude the use of force to protect civilians following a decision under Article 3 (1) (a);
  - (b) Any Memorandum of Understanding or other agreement covering the conditions of their contribution to peacekeeping or rapid response forces, between themselves and a Regional Organization of which they are Members, shall not exclude the use of force to protect civilians following a decision under Article 3 (1) (b);
2. Following a decision under Article 3, the Contracting Parties shall:
  - (a) Collectively review the equipment, number and mandate of any peacekeeping forces deployed in the appropriate State of region, and make recommendations to ensure that any deployed forces are able to ensure effective protection of civilians;
  - (b) Collectively consider the deployment of such a force, if none has been deployed, and make recommendations if appropriate;
  - (c) Collectively review the rapid response forces available to the UN or their respective Regional Organizations, if applicable, and make recommendations as to whether such forces could promptly be made available to effectively protect civilians; and
  - (d) Individually review their own national armed forces and police, and evaluate what personnel could promptly be made available to UN or regional operations to ensure effective protection of civilians;
3. The Contracting Parties are encouraged to collaborate among themselves, and to explore cooperation with Regional Organizations of which they are not Members for the development of appropriate training of peacekeeping and rapid response forces to effectively protect civilians from mass atrocities.

## Article 7

### **Other norms of international law**

The Contracting Parties shall take all measures necessary to ensure that forces intervening to stop genocide and other mass atrocities, within the context of decisions by the United Nations or by Regional Organizations of which they are Members, shall respect all norms of international law, in particular international humanitarian law, refugee law and human rights law. They further agree that nothing in the current Protocol shall be understood as authorizing the use of force against the territorial integrity or political independence of any State, and that this Protocol shall be read in a manner consistent with and reinforcing the Principles and Purposes of the United Nations.

## Article 8

### **Dispute settlement**

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Protocol shall be submitted to the International Court of Justice at the request of any of the Parties to the dispute.

## Article 9

### **Signature, Ratification, Entry into force, Accession**

This Optional Protocol shall be open until 31 December 20\_\_ for signatures on behalf of any State-Party to the Convention on the Prevention and Punishment of the Crime of Genocide.

The present Optional Protocol shall be ratified by signatories according to their internal rules for ratification of treaties, and their instruments of ratification shall be deposited with the Secretary-General of the United Nations.

The present Optional Protocol shall come into force on the ninetieth day following the date of deposit of the fortieth instrument of ratification or accession with the Secretary-General of the United Nations.

After 1 January 20\_\_ the present Protocol may be acceded to on behalf of any State-Party to the Convention on the Prevention and Punishment of the Crime of Genocide. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Any ratification or accession effected subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.