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National human rights institutions and their potential role in prevention and response to mass atrocities in Latin America

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Abstract

Defensorías del Pueblo operating throughout Latin America – or National Human Rights Institutions (NHRIs) – provides a novel lens to explore the role of domestic human rights actors in the application and implementation of the Responsibility to Protect (R2P) paradigm. NHRIs in Bolivia, Colombia, Guatemala and Peru have all begun pioneering conflict resolution mandates, and these cases, plus Mexico, form the bulk of the empirical material. Ongoing armed conflict in Colombia presents manifold political, institutional and social obstacles to an institution mandated to protect and promote human rights, but lacking in coercive powers. Challenges of a different order confront Defensorías operating in variably unstable political regimes displaying persistent low-intensity violence. The chapter frames the Defensoría’s R2P prevention activities by focusing on their contribution to information-exchange, generating publicity, shifting incentives, establishing focal points for coordination, and, in particular, the development of early warning systems. Drawing on the documented response of Defensorías to conflict and massive violations of rights, the chapter goes on to assess their potential role in mediation efforts, monitoring conflict situations, protection of vulnerable individuals and groups, and investigating and prosecuting criminal acts. The chapter reflects not only on the strengths, but also limitations, of these potential R2P agents in political systems defined by political conflict, power asymmetries, and weak rule of law.

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