

“Turning Promise into Practice:”¹ The Challenges of & Next Steps for Implementing the Responsibility to Protect

“The most compelling task now is to work to ensure that when the call goes out to the community of states for action, that call will be answered. There must never again be mass killing or ethnic cleansing. There must be no more Rwandas.”

- ICISS Report *The Responsibility to Protect*, December 2001

“The greater danger for a more just world order comes from too little, rather than too much, humanitarian intervention; there should be more, rather than fewer, military-civilian interactions; we should be less preoccupied that military action will be taken too often for insufficient humanitarian reasons, and more so that it will be taken too rarely for the right reasons.”

- Thomas G. Weiss, *Military-Civilian Interactions: Humanitarian Crises and the Responsibility to Protect*, 2005

Ashley D. Benner
Complex Emergencies
Professor Dirk Salomons
8 December 2008

¹ Ban, 2008

INTRODUCTION

After many failed attempts to protect civilians from mass atrocities, in September 2005 the international community, through the United Nations, endorsed a new norm called the Responsibility to Protect (R2P) which commits the international community to protect populations from genocide, crimes against humanity, war crimes and ethnic cleansing. Three years later, much remains to be done to make R2P a reality. This paper aims to answer the question: what are the next steps to implement R2P in the UN system, regional and subregional organizations, governments, and non-governmental organizations (NGOs)? It begins by examining briefly the evolution of the norm. It then assesses to what extent the new norm represents something new, to what extent R2P is viable and realistic, and what are the major challenges to implementing it. The paper argues that there are three next steps to implementing R2P: 1) strengthening the understanding of R2P; 2) operationalizing it; and 3) building political will. The methodology of the paper is to survey the numerous books, journal articles, policy papers, and UN documents and statements which examine R2P, prevention, early warning and the use of force to protect civilians, and provide recommendations for next steps.

EVOLUTION OF THE NORM

The genesis of the Responsibility to Protect can essentially be traced to the end of the Cold War, when the United Nations stepped up its efforts to protect human welfare through various measures, including diplomacy, sanctions and the use of force. The UN Security Council, in particular, became increasingly active and started to define severe and widespread violations of human rights, often occurring in the midst of intra-state violent conflict, as threats to international peace and security. Security Council Resolution 688 in 1991, which declared that

the repression of the Kurds in Iraq was a threat to international peace and security,² was a watershed in that it “signaled the displacement of strict conceptions of state sovereignty by the increased urgency to protect human welfare” and signaled that leading states “embrace[d] human protection as a bedrock principle upon which international peace may depend and which also may require defense by military means.”³

However, as the UN continued to involve itself in preventing, responding to and rebuilding after mass atrocities, many problems became clear—particularly with the UN’s ability to protect civilians from imminent and ongoing crises, both through peaceful measures and the use of force. In fact, many inside and outside the UN feared that the organization’s credibility would suffer if this problem continued and wondered whether there was any hope that the international community would be able to effectively save the lives of people desperately needing external assistance. After all, it seemed that the UN was repeatedly failing people when they most needed help. Just months after U.S. troops were killed by the militias of warlord Mohamed Farah Aideed in Somalia, the Security Council voted to withdraw 2,230 of the 2,500 UN peacekeepers already in Rwanda and limit the peacekeeping force’s (UNAMIR) mandate to monitoring only civilians trapped in stadiums and other fixed locations, even though the genocide continued.⁴ In July 1995, 8,000 men and boys from the Srebrenica “safe haven,” which was guarded by 400 UNPROFOR defenders, were driven to nearby fields and killed by Bosnian Serbs under the command of General Ratko Mladic.⁵ Then, in March 1999, NATO bypassed the divided Security Council, conducting air strikes against the former Republic of Yugoslavia. Although former Secretary-General Kofi Annan strongly cautioned after Kosovo that “anarchy”

² UN Security Council Resolution 688

³ Rice and Loomis, p. 66

⁴ Ibid., p. 72

⁵ Evans, p. 29

would result “unless the Security Council is restored to its preeminent position as the sole source of legitimacy on the use of force,” he also was concerned about the UN not acting on the organizations’ basic principles as set out in the UN Charter—about the ramifications for the world’s confidence in the organization and about the great need to protect civilians from massive and systematic violations of human rights.⁶ He framed the choice as either standing by in the face of Council inaction or bypassing the Council in order to respond.⁷ As Special Adviser with a focus on the Responsibility to Protect, Edward Luck, explains, Rwanda and Srebrenica “raised disturbing questions both about political will and about UN capacity.”⁸

Propelled by these failures, several in and outside the UN searched for ways to reframe the debate, which had predominantly centered on “humanitarian intervention,” and to strengthen the UN’s commitment and capability. In 1996, current Special Adviser for the Prevention of Genocide, Francis Deng, and his colleagues at the Brookings Institution developed the concept of sovereignty as responsibility, expanding the notion of sovereignty to include a responsibility for the welfare of one’s citizens.⁹ The African Union Constitutive Act broke new ground in July 2000 by affirming the principles of sovereignty and non-interference while allowing for the right to intervene in a Member State in the case of “grave circumstances, namely: war crimes, genocide and crimes against humanity,” on the decision of the Assembly.¹⁰ In December 2001, the International Commission on Intervention and State Sovereignty (ICISS) issued a report called the *Responsibility to Protect*, which argued that sovereignty as responsibility includes a responsibility to protect one’s populations from “serious harm” and that the international community has the responsibility to protect populations when states are unwilling and unable to

⁶ Annan, 1999a

⁷ Annan, 1999b

⁸ Luck, 2008b, p. 2

⁹ Rothchild et al.

¹⁰ African Union, Articles 4(a), (g) and (h)

do so.¹¹ The Commission explained that the “responsibility to protect” includes the responsibilities to prevent, react and rebuild, and they developed principles to guide the coercive use of force: just cause, right intention, last resort, proportional means, reasonable prospects, right authority and operational principles. Most of the recommendations were then endorsed by the Secretary-General’s High-Level Panel on Threats, Challenges and Change report and *In Larger Freedom*.

At the 2005 World Summit, the General Assembly—with 150 Member States attending—endorsed the Responsibility to Protect which, *inter alia*, asserts that each State has the primary responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. The 2005 World Summit Outcome Document stated that the international community should:

“encourage and help States to exercise this responsibility, ... support the United Nations in establishing an early warning capability, ... [help] States build capacity to protect their populations ... and [assist] those which are under stress before crises and conflicts break out.”¹²

When a state is unwilling or unable to protect its populations, the international community has the responsibility to use “diplomatic, humanitarian and other peaceful means” and to use force “on a case-by-case basis and in cooperation with relevant regional organizations as appropriate.”¹³ Seven months later, in April 2006, the Security Council reaffirmed the

Responsibility to Protect in Resolution 1674. The Council noted that the:

“deliberate targeting of civilians and other protected persons, and the commission of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict, may constitute a threat to international peace and security, and *reaffirms in this regard* its readiness to consider such situations and, where necessary to adopt appropriate steps.”¹⁴ (emphasis in original)

¹¹ ICISS, p. xi

¹² UN General Assembly Resolution 60/1, paras. 138-139

¹³ *Ibid.*, para. 139

¹⁴ UN Security Council Resolution 1674, para. 26

ASSESSING THE NEW NORM

Is R2P really something new?

R2P is unique in that it focuses on mass atrocities, calling attention to them as especially conscious-shocking, and asserts the responsibility of states and the international community to prevent and end them. In fact, the Security Council, despite all its actions in the past, had not explicitly stated that mass atrocities may constitute a threat to international peace and security until April 2006.

Some have argued that R2P is not really anything new and is just a re-packaging of international human rights and humanitarian law and the existing practice of the UN. The Security Council began considering humanitarian crises, including mass atrocities, as threats to international peace and security many years ago. Moreover, the criteria for guiding the use of force as put forth by ICISS has been labeled as a re-packaging of just war theory developed by Saint Augustine in 400s.¹⁵ Moreover, the state responsibility component of R2P “is firmly based on existing international law. Treaty-based and customary international legal obligations require states to prevent and punish genocide, war crimes, and crimes against humanity.”¹⁶ Another critique emphasizes that capacity for prevention, early warning, civilian protection and capacity-building existed in the UN prior to the adoption of R2P in September 2005:

UN System [already] has wide-ranging and well-established programs for advancing human rights and humanitarian norms; for early warning and conflict prevention; for the protection of civilians in armed conflict, including from sexual violence; for peacekeeping and peacebuilding; for strengthening the rule of law; and for capacity-building across the board.¹⁷

While this is true, it is also clear that the capabilities of the UN must be improved if the international community is to find effective solutions to the challenge of mass atrocities.

¹⁵ Annual Joint Seminar of the Canadian Pugwash Group and Science for Peace, p. 4

¹⁶ *Ibid.*, p. 4

¹⁷ Luck, 2008b, p. 6

How realistic and viable is it?

R2P may now, in its infant stage, not be something drastically new, but it certainly has the potential to significantly change the actions and capacities of the UN, regional and sub-regional actors and governments. This can be said in particular in relation to the UN's existing prevention, early warning, non-coercive timely and decisive responses (like peacemaking) and capacity-building abilities, given that they are arguably much less controversial than coercive measures, particularly the use of force. It is argued that:

“existing capacities are often weak, underdeveloped, and resource-starved; 2) that they have not proven effective in preventing and/or protecting populations from R2P crimes and violations in a number of cases; 3) that some of the worst genocides in history have not been causally linked to armed conflict; 4) that UN units with similar mandates are in too many cases scattered, poorly coordinated, and do not share relevant information, analysis, and assessments in a timely manner; 5) that they are not linked directly to the secretary-general, Security Council, General Assembly, and other principal organs; and 6) that adding R2P criteria and perspectives to the ongoing work of existing entities would enhance their ability to prevent and deal with this distinct set of crimes and violations.”¹⁸

Ensuring that R2P significantly changes the actions and capacities of instrumental actors is certainly a challenge and one that this paper aims to outline.

This is not to say, however, that there will not likely be limits to the promise of R2P. Some scholars believe that R2P will have no impact on the *realpolitik* which drives decision making.¹⁹ And this may be true in some cases, particularly when it comes to Security Council decisions when Council action might jeopardize the national interests of the permanent five members (P5) and when it comes to the UN's ability to effectively use force in a coercive way. But the promise of coercive use of force may not lie with the UN but with regional and sub-regional arrangements—much as the Report of the Panel on UN Peace Operations, also known

¹⁸ Luck, 2008b, p. 6

¹⁹ Hamilton, p. 291

as the Brahimi Report, recommended that the UN should concentrate on peacekeeping and civilian administration while others undertake robust military deployments.²⁰

In some ways, it is too early to determine exactly how viable R2P is. The question of whether or not R2P will significantly change the problems of resources, for example, whether for prevention, capacity-building or military deployments, and mandates—both of which depend on political will—is hard to answer at this point. Much of what can be done to increase the UN’s capacity, commitment and actions depends on political will and the ability of R2P through its government and NGO proponents to increase the political costs of inaction.

To the extent that R2P creates unrealistic expectations of the UN—and other actors—it may be detrimental for the organization, in some cases setting it up for failure and jeopardizing its credibility. As Luck writes, much of the possible success of R2P lies with keeping expectations realistic: “Like most infants, R2P will need to walk before it can run. Those claiming parentage, kinship, or friendship of the concept should be careful not to raise expectations too high, too soon.”²¹ The Panel on UN Peace Operations was “concerned about the credibility and achievability of a blanket mandate [for civilian protection in peace operations]” and “promising to extend such protection establishes a very high threshold of expectation,” which could raise “the prospect of continuing disappointment with the United Nations.”²² This illustrates the importance of clarifying what R2P means and the difficult problem of identifying the limits of its applications and the comparative advantages of different actors.

²⁰ Brahimi Report, para. 53

²¹ Luck, 2008b, p. 9

²² United Nations Panel on United Nations Peace Operations, para. 62-63

Key Challenges

The major challenges of implementing R2P center on four core elements: addressing the critiques and myths of the new norm; strengthening the understanding of R2P; operationalizing it; and building political will.

Whereas many myths surrounding the new norm result simply from misapprehension some are cultivated by opponents of R2P.²³ In fact, some opponents feel threatened by the potential application of R2P to their own internal behavior, for example their treatment of minorities, but felt they could not hold out against the final consensus at the 2005 World Summit.²⁴

There are two myths surrounding the use of force. The first myth is that R2P is just another name for the “humanitarian intervention” doctrine.²⁵ However, in contrast to humanitarian intervention, R2P “puts relatively little weight on military or coercive responses”²⁶ and the concept of humanitarian intervention does not include the responsibility of the international community to “help the state meet its core protection responsibilities” which is “so essential to the principle of R2P.”²⁷ There are those who discuss R2P only in terms of military intervention²⁸ and contend that R2P always means military intervention, at least in extreme cases.²⁹ However, some extreme cases in which mass atrocities are occurring may not fit the criteria which should govern the use of force—Darfur being an example in which there may not

²³ Evans, p. 56

²⁴ *Ibid.*, p. 58

²⁵ *Ibid.*, p. 56

²⁶ Luck, 2008b, p. 5

²⁷ *Ibid.*, p. 5

²⁸ Evans, p. 55

²⁹ *Ibid.*, p. 56, 59

be a reasonable chance of success and the consequences of action may be worse than the consequences of inaction (the reasonable prospects principle).³⁰

The other myth regarding the use of force is that R2P justifies the use of force where humanitarian goals are not the primary purpose. Some who profess to support R2P want to apply it to justify military intervention in cases where humanitarian reasons are not the primary purpose,³¹ for example in the case of Iraq. Others, especially in the “Global South,” then caution that the invasion of Iraq was an example of an application of R2P and what will continue with the new norm.³² However, Iraq is an “example of how *not* to apply the R2P norm” (emphasis in original).³³ As one of the ICISS Commissioners explained, it is inaccurate to describe the Iraq intervention in 2003 as an example of R2P in practice, as it would not have occurred if the decision making had followed the principles or criteria presented in the ICISS report, particularly the right intention principle.³⁴

Another myth is that R2P encompasses all the human security issues—from climate change to HIV/AIDS—not just mass atrocities.³⁵ There is a great “need to preserve the focus and bite of ‘R2P’ as a rallying cry in the face of mass atrocities.”³⁶ Expanding the focus of R2P will dilute it, making implementation more difficult and providing reasons for those who are concerned that R2P is a cover for neoimperialist, neocolonialist intervention to oppose it.³⁷

The last myth is that R2P applies only to weak and friendless countries.³⁸ Undoubtedly, it is unlikely that one of the permanent five members of the Security Council (P5) will allow

³⁰ Ibid., p. 61

³¹ Ibid., p. 55

³² Ibid., p. 56

³³ Ibid., p. 69

³⁴ Thakur

³⁵ Evans, p. 55-56

³⁶ Ibid., p. 65

³⁷ Ibid., p. 65

³⁸ Evans, p. 56

Council action in relation to its internal affairs. While this is true, this points to a dangerous assumption about R2P which was alluded to above. The “ability to apply coercive military force is not and cannot be the yardstick by which the success and failure of the R2P principle is measured.” Many other types of pressure can be used on powerful countries, including the P5. In fact, most countries, including China, are not completely immune to pressure and care to varying degrees about their international image.³⁹

There are a myriad of critiques as well, most of them concerning the rights of the “South” in relation to R2P. The first critique argues that the sovereignty as responsibility concept “resurrects ‘standards of civilization’ and ‘the white man’s burden.’”⁴⁰ “Southern” states fought hard for their sovereignty, and many are concerned that R2P—often equated with “humanitarian intervention,” as we have seen—is a smokescreen for the neocolonialist, neoimperialist, efforts of major powers.⁴¹ Countering this critique will be especially difficult given that the wars in Iraq and Afghanistan were justified by Washington and London for humanitarian reasons.⁴² According to Ayoob, “third world states” are generally concerned about “what constitutes humanitarian intervention, how it should be authorized, and through what agents it should be implemented.”⁴³ The problem, according to ICISS Co-Chair and International Crisis Group President and CEO Gareth Evans, is that critics like Alex de Waal and Mahmood Mamdani focus on humanitarian intervention, failing to acknowledge that “the debate has moved on.”⁴⁴

Strengthening the understanding of R2P, though certainly not without its own challenges, will be instrumental in addressing the myths and critiques about R2P. As is already clear, the

³⁹ Ibid., p. 61-63; ICISS, p. 37

⁴⁰ MacFarlane, et al., p. 979

⁴¹ Ayoob, p. 101

⁴² Weiss, 2007, p. 55; Ayoob, p. 101

⁴³ Ayoob, p. 100

⁴⁴ Evans, p. 58

nature and scope of R2P are still debated among the member states as well as NGOs.⁴⁵ Steering the debate from the coercive use of force dimension of R2P will allow for new opportunities to engage in real “expert” consideration of what prevention, early warning, timely and decisive action and capacity-building should look like and what the UN’s and other actors’ competitive advantages are.⁴⁶

Some other challenges making operationalization of R2P in the UN and regional and sub-regional organizations difficult includes: obtaining sufficient resources, proving that R2P “brings added value to the myriad UN programs on related themes,”⁴⁷ and establishing principles or criteria for the coercive use of force. On the issue of early warning, in particular, there is clearly an argument for the added value of R2P. “[With regard to early warning,] the challenge has had less to do with the collection of information than with its assessment and analysis (not to mention with the frequent lack of effective policy follow-up).”⁴⁸ Establishing much-needed criteria governing the use of force will be especially difficult, given that criteria were not agreed upon in the World Summit Outcome document because the US and other P5 member states didn’t want restrictions to affect any decision to use force while some in the South claimed that criteria would encourage the use of force.⁴⁹

Just as there is the potential for the misuse of R2P in the Council, particularly regarding the coercive use of force and particularly if guidelines are not put in place, there is also the potential for misuse by regional organizations or coalitions of the willing. There is a potential danger in “giving legitimacy to the foreign policy objectives of only powerful states”⁵⁰ as well as

⁴⁵ Luck, 2008b, p. 5

⁴⁶ Davis et al., p. 1

⁴⁷ Ibid., p. 6

⁴⁸ Ibid., p. 7

⁴⁹ Evans, p. 60

⁵⁰ Weiss, 2007, p. 51

the potential for imperialism⁵¹ and colonialism—or at least the potential for such accusations—when “Northern” regional organizations engage in responses, especially the coercive use of force, in the “South.”

The last major challenge is that of increasing political will. One aspect of the problem of political will is that it is often easier for states to give humanitarian aid, instead of responding to mass atrocities in other ways that may more effectively address the core problems. This is true because of the “low domestic political costs for humanitarian aid, with a minimal loss of credibility in case of failure.”⁵²

In the end, as was said of the ICISS report and can be said of R2P as adopted by the General Assembly and Security Council, “the key questions of authority, political will and operational capacity remain.”⁵³ Despite the concerns of some states that R2P will lead to too much and uncontrollable use of force, the likelihood is that without enough political pressure on states to act, there will not be enough intervention:

The greater danger for a more just world order comes from too little, rather than too much, humanitarian intervention; there should be more, rather than fewer, military-civilian interactions; we should be less preoccupied that military action will be taken too often for insufficient humanitarian reasons, and more so that it will be taken too rarely for the right reasons.⁵⁴

NEXT STEPS

There are three key next steps to implementing R2P: 1) strengthening the understanding of R2P; 2) operationalizing it; and 3) building political will.

⁵¹ Rieff

⁵² Weiss, 2007, p. 206

⁵³ MacFarlane et al., p. 980

⁵⁴ Weiss, 2005, p. 204

Strengthening the Understanding of R2P

Proponents of R2P have not done a good job of explaining it, particularly its central role of prevention and that it does not mean—only or primarily—the coercive use of force.⁵⁵ The first task is to more clearly explain R2P. It should be stressed, as Secretary-General Ban Ki-moon has done with the help of Special Adviser Ed Luck, that R2P is different from humanitarian intervention: that it is a “more positive and affirmative concept of sovereignty as responsibility.”⁵⁶ In particular, the “formulation of R2P as a broad spectrum of responsibilities ... aligns more closely with African peace, security and development priorities”⁵⁷ and is likely to have broader appeal. It should also be stressed that it is different from human security—as Ban explained that the latter “posits that policy should take into account the security of people, not just of States, across the whole range of possible threats”—and that expanding the principle “would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility.”⁵⁸ The need for these continual efforts cannot be overemphasized.⁵⁹

In order to clarify the scope of R2P and that R2P is largely based on prevention and other non-coercive measures, proponents of R2P should put forth a toolbox of R2P measures, ranging from prevention, early warning and mediation to sanctions and the coercive use of force. Evans suggests identifying “clear examples where the international community has been engaged in exactly this kind of preventive support but without, until now, labeling it as an ‘R2P’ exercise.”⁶⁰ Annan’s effort to mediate the post-election crisis in Kenya in 2008 is, in his own words, a

⁵⁵ Evans, p. 58

⁵⁶ UN Secretary-General, 2008

⁵⁷ Powell and Baranyi, p. 5

⁵⁸ Ibid.

⁵⁹ Luck, 2008b, p. 5

⁶⁰ Evans, p. 58-59

“successful example of R2P at work. The problem is when we say ‘intervention,’ people think military, when in fact that’s a last resort.”⁶¹

To emphasize the prevention, early warning and capacity-building elements of R2P, Secretary-General Ban presented in July 2008 a conceptual reframing of R2P, breaking down the principle into three pillars, which he then elaborated on in his January 2009 report to the General Assembly, ‘Implementing the responsibility to protect.’⁶² The first pillar represents the responsibility of the state to protect its populations—citizens or not. The second pillar refers to the responsibility of the international community to assist states in meeting these obligations, “not just to react once [the international community has] failed to meet their prevention and protection obligations.” The third refers to the international community’s responsibility to “respond in a timely and decisive manner,” the “key” being “an early and flexible response, tailored to the specific needs of each situation.” Several NGOs cautioned, however, that this reframing had the potential to be misinterpreted to mean that R2P should only entail structural forms of prevention or that the pillars represent levels of importance, and suggested that it be emphasized that these are not the case and that “in situations of imminent or ongoing mass atrocity crimes, the international community may have to act – under what you would call pillar three – without prior capacity-building or long-term preventive measures.”⁶³ In his January report, the Secretary-General emphasized that “[t]here is no set sequence to be followed from one pillar to another, nor is it assumed that one is more important than another. Like any other edifice, the structure of the responsibility to protect relies on the equal size, strength and viability of each of its supporting pillars.”⁶⁴

⁶¹ Cohen

⁶² UN Secretary-General, 2008

⁶³ Global Centre for the Responsibility to Protect, et al., 2008, p. 1

⁶⁴ UN Secretary-General, 2009, p. 2

Two conceptual problems remain. One problem is to determine what is meant by the state's responsibility being primary: when does the responsibility become the international community's? The second is: when is a country a "R2P situation"? Evans answers that R2P situations are where mass atrocities "are actually occurring or imminently about to occur, or where the situation could deteriorate to this extent in the medium or longer term unless appropriate preventive measures are taken."⁶⁵ This must be clarified within the UN system and by other actors.

One last recommendation, which points to the danger of operationalizing R2P before it is widely understood, should be noted. The General Assembly will discuss R2P, especially in light of the Secretary-General's report, in April this year. Several NGOs have expressed concern that the GA debate will be premature and likely result in the watering down of the Summit commitments, "before supporters of the agreement have had time to galvanize the broader membership in favor of a constructive, forward-looking debate."⁶⁶ They stressed that the need for continued dialogue among the membership with the engagement of civil society and that the "Secretary-General commit to a serious process of consultation and input from civil society before finalizing his report."

Operationalization

Running through most aspects of operationalization are several common themes. The first is the conceptual problem of how to incorporate R2P into existing efforts. Luck has stressed that "the goal is to mainstream RtoP (sic) considerations and to bolster ongoing preventive and

⁶⁵ Evans, p. 72

⁶⁶ Global Centre for the Responsibility to Protect, et al., 2008, p. 2

mediation work, not to be relabel or redirect it.”⁶⁷ The Secretary-General stressed this in his report on implementing R2P:

The United Nations and its range of agencies, funds and programmes have in place critical resources, activities and field operations that are already making important contributions to the elimination of these man-made scourges. They could do that much more effectively if goals relating to the responsibility to protect, including the protection of refugees and the internally displaced, were mainstreamed among their priorities, whether in the areas of human rights, humanitarian affairs, peacekeeping, peacebuilding, political affairs or development. Each of these areas of United Nations activity have much to bring to the common effort. The emphasis of the present report is therefore on forging a common strategy rather than on proposing costly new programmes or radically new approaches.⁶⁸

How exactly this should be done must be clarified.

Another common issue is the need to operationalize R2P in governments, NGOs and various regional and subregional organizations, including: the AU and its subregional partners, OAS, ASEAN, EU and NATO. In particular, the UN should commit itself to building their capacities to anticipate, assess, respond and rebuild; improving communication; and improving “capacity at UN headquarters and in the field, to analyze the regional implications of a given situation and to generate appropriate strategies.”⁶⁹ Although the implementation of the Ten-Year AU-UN Capacity-Building Programme may have been “modest and uneven” to date, this is an example of the kind of capacity-building assistance needed.⁷⁰ Another often ignored next step is for regional and sub-regional organizations to incorporate R2P, or R2P principles, into core documents or resolutions.

There are three other common themes: distinguishing the roles of and improving the coordination between actors within and outside of the UN, identifying the competitive advantages of all of the actors and reviewing past successes and failures. Luck has argued that:

⁶⁷ Luck, 2008b, p. 4

⁶⁸ UN Secretary-General, 2009, para. 68

⁶⁹ Luck, 2008b

⁷⁰ *Ibid.*, p. 8

efforts to operationalize R2P principles would necessitate closer collaboration between headquarters and the field and between the United Nations and its various partners, as has happened in humanitarian affairs [with the Inter-Agency Standing Committee]. Likewise, the linkages between R2P and the development assistance approaches of donor countries, regional mechanisms, and the UN System deserve further exploration.⁷¹ In the UN, plans are underway to combine the mutually-reinforcing mandates of the Special Adviser on the Prevention of Genocide and the Special Adviser on R2P into a single office.⁷² There is a need for determining the “correct relationship between, and best mix of efforts by,” the General Assembly, the Security Council, the Economic and Social Council, the Peacebuilding Commission, major UN agencies, and the Human Rights Council in relation to R2P.⁷³ There is also a need for determining “how the international community can best assist individual states” in carrying out their responsibility.⁷⁴ Evans sees one of the roles of international community as supporting and encouraging states “struggling with situations that have not yet deteriorated to the point where genocide and other atrocity crimes are a reality, but where it is foreseeable that they *could* so deteriorate if effective preventive action is not taken, with or without outside support” (emphasis in original).⁷⁵ It is also crucial that the competitive advantages of each actor—the UN, regional and sub-regional organizations, governments and NGOs—be evaluated, in preventive⁷⁶ as well as other measures. Lastly, there is the need for a review and analysis of past successes and failures in order to improve future efforts and develop best practices, as much as is possible.

Improving and better coordinating the prevention and capacity building efforts of the UN, regional and sub-regional organizations and governments are crucial to making R2P work. There are many preventive measure including diplomacy, good offices and preventive deployment, as

⁷¹ Ibid., p. 7

⁷² Luck, 2008b, p. 7

⁷³ Ibid., p. 7; Richard Stanley in The Stanley Foundation, p. 16

⁷⁴ Richard Stanley in the The Stanley Foundation, p. 16

⁷⁵ Evans, p. 56

⁷⁶ The Stanley Foundation, p. 5

was done in Macedonia in 1995. R2P should be integrated into existing prevention initiatives.⁷⁷

An aspect of prevention that needs to be more fully studied and refined is how to prevent mass atrocities. While there has been significant research undertaken about preventing genocide, including the work of Hamburg, Stanton and Heidenrich, the prevention of crimes against humanity, war crimes and ethnic cleansing should be researched.

With regard to capacity-building, Luck recommends that “potential synergies among existing projects, departments, programs, and agencies” should be explored and there should be continued efforts to encourage interagency cooperation.”⁷⁸ It is necessary to invest in states and regional organizations to build capacity⁷⁹ and “strengthen all the tools in the tool box essential to prevent and halt mass atrocities”⁸⁰ and to invest in the wide-ranging efforts to build, rebuild, or bolster institutional capacity in fragile states being undertaken by the UN peace-building and development entities, as well as by bilateral donors and international financial institutions.⁸¹

Early warning systems should be another focus of operationalization. The many early warning systems of the UN⁸² need to be enhanced and “the system's multiple channels of information and assessment need to be integrated,”⁸³ while there is also the need to integrate the systems of the UN, regional and sub-regional organizations and governments and incorporate information, analysis and methodological advances made by academia, think tanks and NGOs.⁸⁴ Some of the current problems needing to be addressed are: “the quality of the information received, its timeliness, uneven reporting levels from the field, the incorporation of a gender perspective, maintaining confidentiality, and ensuring that the information received feeds into

⁷⁷ The Stanley Foundation, p. 6

⁷⁸ Luck, 2008b, p. 6

⁷⁹ The Stanley Foundation, p. 5

⁸⁰ Global Centre for the Responsibility to Protect, p. 3

⁸¹ Luck, 2008b, p. 6

⁸² Ibid., p. 7

⁸³ Ki-moon, 2008

⁸⁴ The Stanley Foundation, p. 4

and informs actual decision making.”⁸⁵ The numerous early warning systems of regional and subregional organizations⁸⁶ should also be improved. Another conceptual problem is how to develop mass atrocity indicators. There currently exists research on genocide indicators (Hamburg, Harff, Heidenrich and Stanton), but not enough research exists on indicators for the other three types of mass atrocities, as distinct from conflict indicators. Existing indicators should be improved.⁸⁷

The last component that needs to be operationalized is the spectrum of timely and decisive responses that can be taken. Operationalization in the UN should include: strengthening and clarifying the relationship between the Secretariat and the Security Council for improved decision-making;⁸⁸ strengthening capacity, including providing more support for the Secretary-General’s good offices function; and improving the criteria for who should be the targets of economic and political incentives and sanctions.⁸⁹ On the use of force, the following should be developed: increased military capacity, including rapid response, planning, logistics, command and control, communications, and intelligence gathering;⁹⁰ definitions of protection and doctrine, strategies, rules of engagement and operational concepts for peace operation mandates,⁹¹ drawing on the work of Seybolt, and Holt and Berkman, which should be common among the UN, troop contributing member states and regional organizations and incorporated in training programs of regional peacekeeping training centers;⁹² criteria for when and how the UN should use force to protect civilians, drawing on the work of ICISS and Weiss, with the difficult issues such as timing and last resort worked out and including an examination of past successes and

⁸⁵ Luck, 2008b, p. 7

⁸⁶ Of Africa: see International Refugee Rights Initiative

⁸⁷ Davis et al., p. 7

⁸⁸ Luck, 2008b, p. 7

⁸⁹ Weiss, 2007, p. 44

⁹⁰ O’Niell and Cassis, p. 72; Brahimi Report; Holt, p. 1

⁹¹ Luck, 2008b, p. 8

⁹² Powell and Baranyi, p. 5; Birikorang

failures; and an agreement by the permanent Council members to not use the veto when there is otherwise majority support for resolutions authorizing military intervention for humanitarian purposes, “where their vital state interests are not involved” and to deal promptly with any request to intervene.⁹³ The Secretary-General recommended this as well in his report to the General Assembly.⁹⁴ Capacity and rapid reaction capabilities of regional forces, including the African Standby Force, should be improved.⁹⁵

Political Will

Clarifying R2P and strengthening the understanding of R2P among member states, regional and sub-regional organizations, governments and NGOs will help to build political will, although there will likely still be significant resistance. A concentrated and coordinated effort to defend and advance R2P through “friendly” NGOs and governments will be instrumental.⁹⁶ The more that proponents work to make sure that R2P is not used as a pretext for unilateral or unwarranted action, the more likely political will should increase as well. “States should be reassured that R2P will not be used as cover for national interests and that friends of the concept will work to prevent it from being used as a pretext for unilateral action or unwarranted intervention in domestic affairs of sovereign states.”⁹⁷ NGOs, especially as mobilized under the newly formed International Coalition for the Responsibility to Protect (ICRtoP), can mobilize their governments and the public to support R2P and engage in needed action. Regional roundtables organized by various groups are also helping to educate and engage NGOs throughout the world. As Power argues in her book “*A Problem from Hell*,” the solution to

⁹³ ICISS

⁹⁴ UN Secretary-General, 2009, para. 61

⁹⁵ Hamilton, p. 297

⁹⁶ Global Centre for the Responsibility to Protect, p. 4

⁹⁷ *Ibid.*, p. 4

government inaction or insufficient action is to raise the political costs for governments.⁹⁸

Another strategy is to build on the support of governments, particularly those in the “South,” like Rwanda.⁹⁹

CONCLUSION

Three years after the adoption of R2P by the General Assembly, much needs to—and can be done to—make R2P a reality. This brief survey suggests that strengthening the understanding of R2P, operationalizing it and building political will will be instrumental. “Friendly” NGOs and governments must be committed to advancing R2P, and now that they have a principle to work with, they should use it in stepping up their efforts to ensure that mass atrocities are effectively prevented and responded to. Keeping expectations realistic and relying on those with comparative advantages will also be indispensable. While R2P may not seem like anything significantly different nor realistic or viable, R2P does have the potential to significantly change the actions of the UN, regional and sub-regional organizations, governments and NGOs to prevent and respond to mass atrocities.

While the international community must ensure that preventive measures are strengthened, we must also ensure that there are effective mechanisms in place to stop mass atrocities once they are imminent or begin. We must be able to stop the Rwandas, Democratic Republic of Congos and Darfurs. Our focus throughout all of this must be on protecting populations from mass atrocities. This will certainly be a great challenge, but it is a responsibility that we cannot shirk.

⁹⁸ Power, p. 508-511

⁹⁹ Ayoob, p. 106

SOURCES

- African Union. Constitutive Act. 11 July 2000. http://www.africa-union.org/root/au/AboutAu/Constitutive_Act_en.htm#Article4
- Annan, Kofi. (United Nations News Centre.) *The Effectiveness of the International Rule of Law in Maintaining International Peace and Security*. 18 May 1999. <http://www.un.org/news/Press/docs/1999/19990518.SGSM6997.html>
- Annan, Kofi. (United Nations News Centre.) Secretary-General presents his Annual Report to the General Assembly. 20 September 1999. http://www.un.org/News/ossg/sg/stories/statments_search_full.asp?statID=28
- Annual Joint Seminar of the Canadian Pugwash Group and Science for Peace. 23 March 2002. *The Responsibility to Protect. A Seminar on the Report of the International Commission on Intervention and State Sovereignty*. Prepared by Erika Simmons. <http://www.pugwashgroup.ca/events/documents/2002/workshop-03-23-02.pdf>
- Ayoob, Mohammed. "Third World Perspectives on Humanitarian Intervention and International Administration." *Global Governance*. 10.1 (2004): 99-118.
- Birikorang, Emma. *Operationalising the "Responsibility to Protect."* 2 March 2007. <http://www.apsta-africa.org/news/article02032007.php>
- Cohen, Roger. "How Kofi Annan Rescued Kenya." *The New York Review of Books*. 55.13 (August 14, 2008).
- Davis, Rachel; Majekodunmi, Benjamin; and Smith-Höhn, Judy. *Prevention of Genocide and Mass Atrocities and the Responsibility to Protect: Challenges for the UN and the International Community in the 21st Century*. (The Responsibility to Protect - Occasional Paper Series.) June 2008. <http://www.ipacademy.org/our-work/coping-with-crisis/the-responsibility-to-protect>
- Evans, Gareth. *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All*. Washington: The Brookings Institution, 2008.
- Global Centre for the Responsibility to Protect. "Meeting Summary - Uniting to Support the Responsibility to Protect: Preserving the Spirit of the 2005 Agreement." 25 September 2008. http://www.responsibilitytoprotect.org/index.php/civil_society_statements/?theme=alt5
- Global Centre for the Responsibility to Protect, et al. Letter to Edward Luck. 2 October 2008. <http://www.reformtheun.org/index.php/eupdate/4486>
- Hamburg, David A. *Preventing Genocide: Practical Steps Toward Early Detection and Effective Action*. Boulder: Paradigm, 2008.

- Hamilton, Rebecca J. "The Responsibility to Protect: From Document to Doctrine—But What of Implementation?" *Harvard Human Rights Journal*. 19 (Spring 2006): pp. 289-297.
<http://www.law.harvard.edu/students/orgs/hrj/iss19/hamilton.shtml>
- Harff, Barbara. "No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955." *American Political Science Review*. 97.1 (February 2003): 57-73.
- Heidenrich, John G. *How to Prevent Genocide: A Guide for Policymakers, Scholars, and the Concerned Citizen*. Westport, CT: Praeger, 2001.
- Holt, Victoria K. *The Military and Civilian Protection: Developing Roles and Capacities*. (HPG Research Briefing) March 2006.
- Holt, Victoria K. and Berman, Tobias C. *The Impossible Mandate? Military Preparedness, The Responsibility to Protect and Modern Peace Operations*. Washington: Henry L. Stimson Center, 2006.
- International Commission on Intervention and State Sovereignty. *The Responsibility to Protect*. Ottawa: International Development Research Centre, 2001.
<http://www.iciss.ca/pdf/Commission-Report.pdf>
- International Refugee Rights Initiative. *Some Reflections on the Legal and Political Mechanisms Bolstering the Responsibility to Protect: The African Union and the Great Lakes, Eastern, Southern and Horn of Africa Sub-Regional Arrangements*. 21 October 2008.
http://www.responsibilitytoprotect.org/index.php/civil_society_statements/?theme=alt5
- Luck, Edward. Statement at the Arria Formula Meeting on the Responsibility to Protect, Working Group on Conflict Prevention and Resolution in Africa. 1 December 2008.
http://www.responsibilitytoprotect.org/index.php/civil_society_statements/?theme=alt5
- Luck, Edward. *The United Nations and the Responsibility to Protect*. (Stanley Foundation Policy Analysis Brief.) Muscatine, IA: August 2008.
<http://www.ipacademy.org/asset/file/373/UNROP.pdf>
- MacFarlane, S. Neil; Thielking, Carolin J.; and Weiss, Thomas G. "The Responsibility to Protect: Is Anyone Interested in Humanitarian Intervention?" *Third World Quarterly*. 25.5 (2004): 977-992.
- O'Neill, William G. and Cassis, Violette. *Protecting Two Million Internally Displaced: The Successes and Shortcomings of the African Union in Darfur*. (An Occasional Paper of the Brookings Institution-University of Bern) November 2005.
- Powell, Kristiana and Baranyi, Stephen. Delivering on the Responsibility to Protect in Africa. (An NSI Policy Brief)

- Power, Samantha. "A Problem from Hell:" *America and the Age of Genocide*. New York: Perennial, 2002.
- Rice, Susan E. and Loomis, Andrew J. "The Evolution of Humanitarian Intervention and the Responsibility to Protect," in Daalder, Ivo H., ed. *Beyond Preemption: Force and Legitimacy in a Changing World*. Washington: Brookings Institution Press, 2007. pp. 59-95.
- Rieff, David. "A Nation of Pre-emptors?" *New York Times Magazine*. January 15, 2006.
<http://www.un.org/Depts/dpko/missions/monuc/facts.html>
- Roth, Kenneth. *The War in Iraq: Justified as Humanitarian Intervention?* (Kroc Institute Occasional Paper #25:OP:1) 20 April 2004. <http://www.ciaonet.org/wps/rok01/rok01.pdf>
- Rothchild, Donald; Deng, Francis M.; Zartman, I. William; Kimaro, Sadikiel; and Lyons, Terrence. *Sovereignty as Responsibility: Conflict Management in Africa*. Brookings Institution Press, 1996.
- Seybolt, Taylor B. *Humanitarian Military Intervention: The Conditions for Success and Failure*. New York: Oxford University Press, 2007.
- Stanley Foundation. *Actualizing the Responsibility to Protect*. (Report of the 43rd Conference on the United Nations of the Next Decade, rapported by Mikulaschek, Christoph Roman.) Muscatine, IA.
- Stanton, Gregory H. *The 8 Stages of Genocide*. (Genocide Watch website) 1998.
<http://www.genocidewatch.org/aboutgenocide/8stagesofgenocide.html>
- Stanton, Gregory H. *The 8 Stages of Genocide*. (Briefing Paper) 1996.
<http://www.genocidewatch.org/images/8StagesBriefingpaper.pdf>
- Thakur, Ramesh. "It's Time to Re-define a 'Just War.'" *UNU Update*. Sept.-Oct. 2003.
http://update.unu.edu/archive/issue27_2.htm
- United Nations General Assembly. 2005 World Summit Outcome. (A/RES/60/1) 16 September 2005.
<http://daccessdds.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement>
- United Nations Panel on United Nations Peace Operations. Report on the Panel of United Nations Peace Operations. A/55/305 - S/2000/809. 21 August 2000.
http://www.un.org/peace/reports/peace_operations/docs/full_report.htm
- United Nations Secretary-General. Report of the Secretary-General. A/63/677. 12 January 2009.
<http://daccessdds.un.org/doc/UNDOC/GEN/N09/206/10/PDF/N0920610.pdf?OpenElement>

UN Secretary-General. "Secretary-General's address at event on 'Responsible Sovereignty: International Cooperation for a Changed World.'" 15 July 2008.
<http://www.un.org/apps/sg/sgstats.asp?nid=3297>

United Nations Security Council. Resolution 688. 5 April 1991.
<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/596/24/IMG/NR059624.pdf?OpenElement>

United Nations Security Council. Resolution 1674. 28 April 2006.
<http://daccessdds.un.org/doc/UNDOC/GEN/N06/331/99/PDF/N0633199.pdf?OpenElement>

Weiss, Thomas G. *Humanitarian Intervention: Ideas in Action*. Cambridge: Polity Press, 2007.

Weiss, Thomas G. *Military-Civilian Interactions: Humanitarian Crises and the Responsibility to Protect*. Lanham, MD: Rowman and Littlefield, 2005 (Second Edition).

Weiss, Thomas G.; Forsythe, David P.; Coate, Roger A.; Pease, Kelly-Kate. *The United Nations and Changing World Politics*. Boulder: Westview Press, 2007.

Wheeler, Nicholas J. "A Victory for Common Humanity? The Responsibility to Protect after the 2005 World Summit." *Journal of International Law & International Relations*. 2.1 (Winter 2005): 95-105.