



Never again?

*A guide to the responsibility
to protect and the prevention
of atrocity crimes*





About UNA-UK

The United Nations Association – UK (UNA-UK) is the UK’s leading source of independent analysis on the UN, and a UK-wide grassroots movement.

UNA-UK believes that a strong, credible and effective UN is essential if we are to build a safer, fairer and more sustainable world. We advocate strong government support for the UN and demonstrate why the UN matters to people everywhere.

We pursue this mission by:

- Connecting people to the work and values of the UN
- Influencing decision-makers and opinion-shapers to support UN goals
- Explaining how the UN works and what it can realistically achieve
- Stimulating debate and action on how to make the UN more effective
- Equipping our members and supporters to further all of these aims

UNA-UK derives great strength from its members and supporters, and UK-wide network of local, school and university branches. Together, they form a critical mass of support for the UN in the UK and beyond.

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About UNA-UK’s Responsibility to Protect Programme

UNA-UK’s Responsibility to Protect (R2P) Programme – funded by the Joseph Rowntree Charitable Trust – seeks to galvanise political support for R2P and foster understanding of the concept within the public domain. It aims to do this in four ways:

1. Consolidate a national R2P policy support network in the UK
2. Build support for R2P within the UK Government, as well as in the national and regional political parties
3. Establish greater international political constituency for R2P
4. Foster grassroots support in the UK

This guide is aimed at anyone who has an interest in learning more about R2P and the prevention of atrocity crimes as well as understanding the UK’s role in acting to make ‘never again’ a reality.

For more information, please visit www.una.org.uk/content/r2p-detail, or contact Alexandra Buskie, Peace and Security Programmes Officer on buskie@una.org.uk or 020 7766 3445.

Cover pic: Kosovar refugees flee their homes during the conflict in the former Yugoslav Republic of Macedonia in 1999

© UN PHOTO/UNHCR/R LEMOYNE

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Marche Srebrenica 10 July 2010

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1. Introducing R2P

“After the slaughter of 800,000 people in Rwanda in 1994, the international community vowed “never again”. 20 years on, people are still being massacred”

After the slaughter of 800,000 people in Rwanda in 1994, the international community vowed “never again”. 20 years on, people are still being massacred, from Iraq to South Sudan. Genocide, war crimes, mass rape – these “crimes against humanity” diminish us all. Inherently unacceptable, the fall-out from such atrocities can also threaten our security. We cannot afford to say that these crises do not concern us.

The United Nations Association – UK (UNA-UK) believes that the UK public has the right to be informed about global issues that affect their lives, and to hold decision-makers to account on how these issues are being dealt with. This guide aims to equip the general public with the information about international efforts to prevent atrocity crimes and the UK’s contribution to them.

It introduces the concept of the ‘responsibility to protect’ (R2P) and outlines why you should take an interest in the government’s policies aimed at protecting vulnerable populations. It also suggests ways for you to get involved and support UNA-UK to raise awareness and support for the R2P principle and the prevention of atrocity crimes.

Young children at the “Killing Fields” memorial, outside Phnom Penh, Cambodia



© UN PHOTO/JOHN ISAAC

2. Why should I care about it?

“While the genocide in Rwanda lasted 100 days, the spill-over in the Democratic Republic of the Congo (DRC) has persisted for two decades. Over five million people have died”

As citizens of a free, democratic and wealthy state, we have a moral duty to help those in need of protection from widespread and systematic violations of human rights. There are also practical benefits to doing so.

In our globalised world, the impacts of mass atrocities and conflict are felt internationally. At present, over 50 million people have been forced to flee their homes – the largest number since the Second World War. The states that take them in – mostly developing countries – face increased burdens on their welfare and social support structures.

Other states – such as the UK – give large amounts of humanitarian aid. This helps to protect and assist those affected by violence but does not prevent the need for them to flee in the first place. Aid makes a huge difference but it does not create long-term solutions to political crises.

There are also serious consequences for global security and prosperity. Violence and atrocities can cross borders, destabilising entire regions, putting people at risk, impeding trade and preventing access to resources. Affected states are more prone to extremism, terrorism and organised crime – all of which can endanger lives in the UK too.

While the genocide in Rwanda lasted 100 days, the spill-over in the Democratic Republic of the Congo (DRC) has persisted for two decades. Over five million people have died and there is a pervasive culture of sexual violence and impunity in the country. Similarly, instability in Syria has affected the surrounding region, spawning violence in Iraq and communal tensions in Lebanon, as well as the rise of Islamic State militants. It has also fuelled food shortages and price spikes in the region.

According to the World Bank, “the average cost of civil war is equivalent to more than 30 years of gross domestic product growth for a medium-size developing country”. The cost of assisting states to recover from atrocities – by resettling refugees, rebuilding institutions, rehabilitating soldiers and reconstructing the areas and infrastructure affected by conflict – costs significantly more than preventing them from happening in the first place. Prior assistance – diplomatic pressure, training, technical support and development assistance – is less financially and labour intensive than military intervention, and more sustainable than inaction in the long run. In short, preventing atrocities is worth the investment.

3. What is R2P?

R2P is a globally-agreed principle for preventing and responding to four specific categories of crimes: genocide, war crimes, ethnic cleansing and crimes against humanity (widespread or systematic attacks on civilians). These categories are collectively referred to as atrocity crimes.

R2P was unanimously endorsed by heads of state and government at the United Nations World Summit in 2005. Its central argument is that a state's sovereignty not only involves its right to govern, but the responsibility to protect its populations from atrocity crimes.

In the past, state sovereignty has been understood as the state's right to self-government without interference from anyone else. This principle has formed the basis for international politics since the 1648 Treaty of Westphalia and the UN Charter is based on the principle of sovereign equality of all its member states.

Since then, developments such as the UN's system of human rights treaties, where states consent to international monitoring of their performance, have changed how sovereignty is perceived today. There are also numerous international legal obligations looking specifically at the prevention and punishment of atrocity crimes, such as the four Geneva Conventions and Additional Protocols, the Genocide Convention and the Rome Statute of the International Criminal

Court. R2P is arguably the most important normative development to have occurred, because it adds the notion of responsibility to one's people to the traditional understanding of political authority over a particular territory. It also asserts that other states – the wider international community – have a duty to act when a state is unable or unwilling to uphold its responsibilities.

R2P emphasises the prevention of atrocity crimes and provides a 'toolbox' of actions, from long-term measures to build states' capacity, promote economic growth and strengthen the rule of law; to shorter-term measures like mediation, sanctions and military deployment under a United Nations mandate.

Definitions

- **Genocide:** Acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group
- **Crimes against humanity:** Acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack (including rape and other forms of sexual violence)
- **War crimes:** Acts committed during an armed conflict that violate international humanitarian law or human rights law. R2P focuses on those crimes committed in a widespread and systematic manner against civilian populations
- **Ethnic cleansing:** A purposeful policy designed to remove, by violent and terror-inspiring means, the civilian population of an ethnic or religious group from certain geographic areas

R2P is made up of three "pillars" that set out these actions:

- **Pillar I** emphasises a state's obligations to protect all populations within its own borders;
- **Pillar II** outlines the international community's role in helping states to fulfil this obligation;
- **Pillar III** identifies the international community's responsibility to use appropriate diplomatic, humanitarian, peaceful or coercive means to protect civilian populations where a state manifestly fails to uphold its obligations.

Three pillars of the Responsibility to Protect

Pillar I State responsibilities	Pillar II International assistance	Pillar III A timely response
Each state has the primary responsibility to prevent and protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity.	The international community should "encourage and help" states to exercise this responsibility, including through capacity building and assistance to states which are under stress before crises and conflicts break out.	If a state fails to protect its populations, the international community has a responsibility to use "diplomatic, humanitarian and other peaceful means" and "to take collective action in a timely and decisive manner" if these prove inadequate.
States should: <ul style="list-style-type: none"> - respect human rights and condemn hate speech and incitement - include minorities in public life, economic development and poverty alleviation - implement human rights and international humanitarian law - become parties to the International Criminal Court (ICC) 	The international community can: <ul style="list-style-type: none"> - encourage states to meet their responsibilities under pillar one - help them to exercise this responsibility, including through building their capacity to protect - assist states under threat of imminent crises - support international monitoring and early warning mechanisms 	The international community can: <ul style="list-style-type: none"> - use non-coercive measures e.g. negotiation, mediation, public condemnation, monitoring, ICC referral - apply coercive measures e.g. sanctions, asset freezes, travel bans, embargoes, ICC referral or military deployment, including to create security/no-fly zones

The three pillars are mutually reinforcing, of equal strength and have no set sequence; they all respond to threats and prevent further escalation.

Engagement should be flexible, as early as possible and informed by the situation on the ground.

4. Why is R2P important?

From the Holocaust to the genocides in Cambodia and Rwanda to crimes against humanity in the former Yugoslavia, East Timor, Sri Lanka and Darfur - these situations demonstrate the horrific consequences of the failure to respond to atrocity crimes. Contemporary crises, in countries like Syria and the Central African Republic, have challenged world leaders, presenting them with complex choices regarding when and how to intervene.

In 2000, then UN Secretary-General Kofi Annan understood the need for change in the world's approach to these crimes. He asked: "if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica — to gross and systematic violations of human rights that offend every precept of our common humanity?". R2P is the international community's answer.

Military interventions can spur disagreement and mistrust among UN member states, such as the 2003 Iraq invasion and Russia's invasion of Georgia in 2008. Even when a majority of states support intervention it is not without controversy. In hindsight, many states believe that NATO's 1998 action in Kosovo, which did not secure UN Security Council authorisation, was legitimate and served to protect civilians. But many states now question whether it was right to intervene in Libya in 2011, despite Security Council backing and what was perceived as an imminent risk of atrocities.



UN Special Representative for Sudan urges members of the Sudan Liberation Army and the civilian population to refrain from attacks and engage in the peace talks.

R2P seeks to prevent crises from escalating to the point where military operations might be necessary to protect populations and works to safeguard against the misuse of military intervention. It makes the circumstances and degree of intervention clear to all states by:

- Referring only to action relating to the four specific atrocity crimes
- Ensuring there is a broad approach to preventing and responding to these crimes, with military intervention being just one aspect
- Insisting that Security Council authorisation is required for military operations

Timeline: The conceptual development of R2P

1998

Sudanese diplomat and academic Francis Deng makes a leading contribution to the growing debate amongst humanitarians, academics and states that "state sovereignty entails responsibility".

2000

The African Union moves from a policy of "non-interference" in other states' affairs to "non-indifference" to mass abuses of human rights within African states.

2001

The International Commission on Intervention and State Sovereignty (ICISS), a group of eminent international figures including former foreign ministers and NGO leaders, releases a report called "The Responsibility to Protect". The report coined the term "R2P" and sought to reconcile the principle of state sovereignty with the responsibility of the international community to protect populations from massive human rights violations.

2004

The UN High Level Panel on Threats, Challenges and Change, set up to advise how the UN should handle peace and security issues in the new millennium, recommends that states embrace the concept of R2P.

2005

All UN member states endorse R2P, acknowledging that "each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity" in paragraphs 138-139 of the World Summit Outcome Document.

2009

The UN Secretary-General's report on Implementing the Responsibility to Protect sets out the three pillars of R2P.



Refugees from Libya queue for food at a transit camp in Tunisia

“The average cost of civil war is equivalent to more than 30 years of gross domestic product growth for a medium-size developing country”

The World Bank

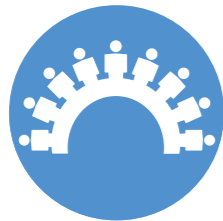
5. R2P in practice

2015 marks the 10th anniversary of the World Summit where global leaders endorsed R2P. What impact has it had?

R2P at the UN

“The Security Council underscores the primary responsibility of the Central African authorities to protect the population”

Security Council Resolution 2121 on the Central African Republic



Security Council

Explicitly referenced in 26 Security Council Resolutions, including in relation to the situations in the Democratic Republic of the Congo, Darfur, Libya, Côte d’Ivoire, South Sudan, Yemen, Mali, Somalia, Central African Republic and Syria.



General Assembly

The General Assembly has held an annual discussion on R2P since 2009. Each has focused on a different facet of the principle, from implementation to the role of regional organisations. While dialogue alone is not enough to put R2P into practice, the discussions demonstrate continued support for R2P amongst a majority of member states and provides the chance to share best practice and encouragement.



Secretariat

The UN now has a joint office of the Special Advisers on the Prevention of Genocide and the Responsibility to Protect. The position of Special Adviser for the Prevention of Genocide was established in 2001 and is mandated to raise awareness of the causes of genocide, alert the UN system to risk and advocate for appropriate action. The post of Special Adviser for R2P was established in 2007 and leads the conceptual, political, institutional and operational development of the R2P principle.



Member states

States have formed an informal “Group of Friends” committed to advancing R2P at the UN. There are 47 members from all regions of the world. Over 30 countries have appointed an “R2P focal point” within their governments. An R2P focal point is a person in government who is responsible for promoting the principle at the national level and within foreign policy.



Civil society

There is lots of support for R2P among civil society groups. For example, the International Coalition for R2P has 82 civil society members from across the globe.

Examples of R2P's pillars in practice

Pillar I State responsibilities

R2P applies to all states at all times. No state is exempt from upholding their responsibilities to prevent atrocity crimes, including the UK. The UK has robust laws against hate speech and incitement of hatred toward someone on the basis of their race, nationality, ethnicity, religion or sexual orientation.

Elsewhere, the Truth and Reconciliation process in Sierra Leone has helped to reduce ethnic and social divisions, reducing the likelihood of future violence by creating a historical record of the events of the 1991 conflict, encouraging members of all communities to express their shared injuries in a cohesive, shared environment. Such attempts to build cross-cultural understanding are vital to pillar one efforts, ensuring that states are responsive to the human rights and needs of their citizens.

Pillar II International assistance

Encouragement:

Peer review mechanisms provide a powerful form of encouragement as they remind states that no society is immune to the risk of atrocity crimes. The UN Human Rights Council’s Universal Periodic Review is one example of this process. The Review has helped Tunisia to address human rights issues following its revolution.

Capacity building:

The UN Office of the Special Adviser for the Prevention of Genocide and R2P provides extensive training for government officials, UN staff and NGO representatives on how governments can best manage tensions within their populations.

Protection assistance:

United Nations police (in Burundi, Côte d’Ivoire, the Democratic Republic of the Congo, Haiti, Kosovo, Liberia and Sierra Leone) have reduced the stress on local law enforcement, working to enforce the rule of law and assist the state in the protection of populations.

Pillar III A timely response

The 2007-08 election crisis in Kenya was resolved through early, non-coercive measures by the international community. The election served as a catalyst for the eruption of longstanding tensions between rival tribal groupings.

Acknowledging rising levels of violence, and inflammatory rhetoric from the presidential candidates, the African Union swiftly established a team of mediators, led by Kofi Annan. The US and EU threatened to impose travel restrictions on key Kenyan public figures, suspend aid and impose sanctions. The two rival leaders agreed to participate in a meeting together within a week and rapid progress was made on negotiating the end to the violence.

Dialogue between the two groups was successful and post-conflict support has led to calm and free subsequent elections. There remain on-going issues with regards to accountability and justice.



UN Security Council meets on the maintenance of international peace and security

Still learning

While R2P has successfully informed UN involvement in Sudan, Yemen and other states, there are still many lessons to be learnt. This is perhaps best encapsulated by the case of Libya in 2011.

A hotspot of the Arab Spring, Libya was deep in civil war when its ruler, Muammar Gaddafi, threatened to massacre the civilian population of Benghazi. Acting swiftly, the UN Security Council passed Resolution 1973, allowing states to enact a no-fly zone over Libya and “take all necessary measures” to protect civilians. R2P was invoked to justify the resolution and subsequent military intervention, based on Gaddafi’s threats. At first this intervention was deemed successful – it was time-limited and targeted; widely supported by people within Libya and the wider region; involved regional actors as well as international organisations; and sanctioned by the UN.

However, a number of issues arose as the conflict ended. As the phrase “all necessary measures” was not defined, many now argue that it was too broad and that it led to mission creep. Soon strikes were taking place on military units away from civilian areas, leading to division within the UN General Assembly and accusations that the resolution had been used for regime change. The intervention’s widespread support began to falter as its remit grew, especially after it became clear that rebel troops were using coalition airstrikes as cover to make large advances.

Libya’s problems increased with the fall of Gaddafi. Despite the key role they played in bringing about his fall, the intervening states declined to participate in post-conflict state-building. Without a coherent peacebuilding plan Libya has continued to destabilise, becoming fragile with little infrastructure or state control. Post-conflict stabilisation is a key element of R2P. Many argue that follow-up support should have been implemented.

6. Common misconceptions

There are still many misconceptions about what R2P is, what it can do and what it has achieved.

“R2P is a justification for military intervention by powerful nations”

Military intervention is a last resort and requires Security Council authorisation. R2P focuses on prevention and provides a toolbox for addressing atrocities – highlighted by the 3 pillars (see page four) – emphasising assistance, diplomacy, international pressure and accountability. These pillars make clear the conditions and requirements of action to prevent atrocities, increasing the transparency of interventions. When military intervention takes place it must be well supported; states cannot act unilaterally under R2P.

“R2P has failed”

Endorsed in 2005, R2P was a response to previous failures to uphold international legal obligations to protect populations. R2P is a principle. It alone cannot overcome political differences between states, or a lack of political will to act. R2P cannot be held responsible for the decisions made by states; only increased advocacy and pressure to abide by R2P can encourage them to act.

“R2P is international law”

While the atrocity crimes that R2P seeks to address are defined in international law and punishable through the International Criminal Court, R2P is a political principle, and only provides guidance on how to act.

“R2P applies to all human rights abuses”

R2P specifies four particular crimes: genocide, war crimes, ethnic cleansing and crimes against humanity, as defined by international law, including preventing their incitement. This does not include crises caused by natural disasters or crises not classified as atrocity crimes. Individual cases of human rights abuse do not necessarily constitute atrocity crimes.

7. The UK & R2P

What does the UK do to support R2P?

Supports R2P at the UN and internationally

Internationally, the UK is a supporter of R2P and encourages other nations to put the principle into practice. At the UN, the UK is a member of the Group of Friends of R2P and contributes financially to support the UN Secretary-General's Special Advisers for the Prevention of Genocide and for R2P who assist states to develop their own early warning systems and responses to mass atrocities. The UK also supports R2P related NGOs - such as the Global Centre for R2P.

Encourages states to remain committed to R2P

The UK makes positive statements at the UN in order to encourage other states to remain committed to R2P. During a 2013 General Assembly dialogue on R2P, Britain's Deputy Permanent Representative to the UN stated: "We in the UK are fully committed to implementing the Responsibility to Protect ... R2P should be an important governing principle of all countries' work across the conflict spectrum, as well as on human rights and development."

Assists states to uphold R2P

The UK works directly with states, helping them to uphold their responsibility to protect. Most recently, the UK has committed funding to develop the Ghanaian prosecution service and help protect it from political influences, as well as training the Malian Armed Forces to better protect populations from human rights violations.

As a permanent member of the UN Security Council, the UK plays a crucial role in upholding R2P, through resolutions on country situations and the creation of peacekeeping missions, for example.

The UK has also spearheaded international efforts to tackle sexual violence in conflict, supporting a declaration on this issue in the General Assembly and providing direct assistance, such as advisors and medical teams, to affected communities.

"In order to fully implement R2P, it is time to extend the focus of R2P from the UN to national foreign policy"

What more could the UK do to support R2P?

"... if principles relating to the responsibility to protect are to take full effect and be sustainable, they must be integrated into each culture and society without hesitation or condition, as a reflection of not only global but also local values and standards"

UN Secretary-General Ban Ki-moon, Implementing the Responsibility to Protect, 2009

Implement R2P at the national level

In order to fully implement R2P, it is time to extend the focus of R2P from the UN to national foreign policy. The UK's policies on conflict prevention and post-conflict stabilisation make no mention of genocide prevention or R2P, meaning that there is a potential for the UK to overlook the early warning signs of atrocity crimes both in conflict and in peacetime. There is also a risk that different departments - foreign, development and defence - are not working together as effectively as they could.

Appropriate forms of assistance to prevent atrocity crimes require a clear understanding of the specific nature of genocide, war crimes, ethnic cleansing and crimes against humanity, and the particular form of violence that they represent. The UK should lead by example and ensure that its current policies are geared towards preventing atrocities abroad.

It should also strengthen its capacity to coordinate atrocity prevention policy across government. The UK participates in the Focal Point network, which designates a member of staff in the government to promote R2P at the national level and support international cooperation. However, there is little public information about the role, remit and activities of the UK's R2P Focal Point. A proactive and institutionalised Focal Point would help to improve the UK's capacity to implement R2P across government, acting as a hub for early warning, analysis and supporting and informing policy on atrocity prevention across Whitehall.

In order to address these gaps, UNA-UK believes that the UK should:

- 1. Acknowledge publicly, and in relevant strategies, that preventing atrocities is in the national interest**
- 2. Ensure guiding policy and implementation mechanisms for the new Conflict, Stability and Security Fund are geared to support R2P**
- 3. Incorporate indicators on genocide and atrocity crimes into early warning systems, country analysis and policy formation**
- 4. Improve cross-departmental action on R2P, including by implementing best practice for R2P Focal Point activities and by reviewing government capacity to prevent and respond to atrocity crimes**

8. What can you do?

Support us

- **Sign up to our foreign policy manifesto**, which calls for a stronger UK strategy for preventing atrocity crimes (www.una.org.uk/manifesto)
- **Become a supporter** and take part in our monthly campaign actions on R2P and other global issues (www.una.org.uk/interest)
- **Become a member** and join our nation-wide grassroots movement for a strong, credible and effective UN working to protect civilians (www.una.org.uk/join)

Get involved

- **Write to your MP setting out our recommendations**, and include our parliamentary guide on R2P (www.una.org.uk/news/14/05/r2p-parliamentary-briefing)
- **Meet your MP** in person to discuss the ideas raised in this briefing. You can use our hustings guide to help you grill your MP (www.una.org.uk/hustings)
- **Write to the local press** – letters pages are one of the most widely read sections of a newspaper
- **Phone your local radio** and contribute to the debate

Further reading

- **Read more about R2P**
 - A comprehensive strategy to prevent atrocity crimes (www.una.org.uk/manifesto/atrocity-prevention)
 - 2005 World Summit Outcome Document paragraphs 138, 139 and 140 (www.un.org/womenwatch/ods/A-RES-60-1-E.pdf)
 - Ban Ki-moon, *Implementing the Responsibility to Protect*, 2009 (www.unrol.org/files/SG_reportA_63_677_en.pdf)
 - Gareth Evans keynote address on “R2P: Looking Back, Looking Forward” (www.gevans.org/speeches/speech568.html) given in Phnom Penh, Cambodia, 26 February 2015
- **Read the testimonies of survivors or practitioners with first-hand experience**
 - *A Long Way Gone* – Ishmael Beah’s first-hand account of life as a child soldier in Sierra Leone
 - *Shake Hands with the Devil* – Romeo Dallaire’s reflections on his tour as Force Commander of the UN Assistance Mission for Rwanda during the 1994 genocide
 - *A Problem From Hell* – Samantha Power’s Pulitzer Prize-winning book on how the US has failed to act to prevent genocide internationally

“From the Holocaust to the genocides in Cambodia and Rwanda to crimes against humanity in the former Yugoslavia, East Timor, Sri Lanka and Darfur – these situations demonstrate the horrific consequences of the failure to respond to atrocity crimes”



Rwandan children who had lost their parents fleeing the 1994 Genocide in Rwanda rest at Ndosha refugee camp in Goma



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To find out more and to join our growing movement, visit www.una.org.uk

If you are interested in working with us, please contact us on: +44 20 7766 3454 or info@una.org.uk

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