The Responsibility to Protect: From Promise to Practice

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Today, I am going to walk you through one of the most exciting developments in international relations today. The idea that we can prevent the most horrific crimes humans can carry out against each other, like genocide, is a tantalising one. But it is extremely complex – not only are we dealing with protracted tensions and context-specific conflicts that require responses beyond the generic, we are also dealing with a political concept that has evolved very quickly since its inception in 2001 and is still surrounded by debate regarding its implementation. I am going to go over a brief development of the concept of the Responsibility to Protect, before going into more detail about its actual application.

Firstly, to be clear from the outset - the Responsibility to Protect is a political concept that puts forward a framework for preventing and responding to 4 crimes: genocide, crimes against humanity, war crimes and ethnic cleansing. The prevention of these crimes is entrenched in international law, but the Responsibility to protect itself is not a legal concept; it is a lens through which we can analyse tensions and conflicts, which helps policy makers tailor appropriate responses for preventing tensions from becoming worse. As you will see throughout this talk, R2P is not solely confined to military intervention, but actually allows for much more innovative use of policy.

The example of the Rwandan Genocide – Timing is Key

So, what is the issue? Let me take the example of the Rwandan Genocide to start.

It stands out as a stark failure for the international community – just under 1 million Tutsis and moderate Hutus were killed in the space of a month. That is the combined populations of Aberdeen and Edinburgh. It is difficult to explain the extent of the killing, and the varied nature in which killing was perpetrated. Suffice to say that knowledge of the massacres was widespread, but they were painted by many as tribal conflicts about which nothing could be done, the true extent and nature of the genocide was not properly recognised until the killing was almost over.

What has this got to do with us? Firstly, it is morally reprehensible that we do not take a stand against mass killing; all humans are human, none are more or less human than others. State boundaries do not make a difference to the relative quality of people and their lives.
Secondly, there are serious security implications of conflicts such as this – the aftermath of the Rwandan genocide engendered over a decade of conflict in the Eastern Congo, destabilising the security of the entire region and causing widespread displacement and the death of over 5 million people and counting. The crisis in the DRC does not appear to be abating, with a horrific culture of rape, violence and impunity.

Could the Rwandan Genocide have been averted? How and when might the international community have acted?

There are always warning signs in the lead up to large scale killing and ethnic cleansing - usually planned in advance. In the case of Rwanda, there was a clear moment when useful information and calls for assistance were not heeded, and the chance to avert disaster was thrown to the wayside -

- In January 1994, 4 months before the genocide, the Commander of the United Nations Assistance Mission for Rwanda, Lieutenant General Roméo Dallaire, received information about the training of interahamwe rebels, the registration of the Tutsi population in the Kigali area and large arms cachés;
- General Dallaire shared his information and fears regarding the planned violence with the UN Department of Peacekeeping Operations. He requested extra troops to supplement his small force of lightly armed peacekeepers, whose mandate did not allow for the use of force. In another message he asked for equipment to jam the radio stations that were spreading messages of hate, scaremongering and reducing the tensions to an “us” or “them” scenario;
- He received a negative response -
  o any action that might lead to the use of force would contravene the mandate of the mission;
  o international community was reluctant to get involved in more peacekeeping in a conflict abroad after their experience in Somalia in 1993;
  o Moreover, the norm of state sovereignty and the principle of non-intervention trumped concerns of morality – it was not seen as our responsibility as it was within another state’s sovereign territory;
- This means that when tensions between the two groups reached tipping point – the shooting down of then Rwandan President’s plane took place in April 1994- preparations had already been made for the extermination of the Tutsi. The extremist Hutu just needed a reason to start;
Had General Dallaire’s request been met with a positive answer, the recent history of Rwanda and the Eastern Congo may have been very different.

The Formulation of the Responsibility to Protect – The Promise

The brutal legacy of the Rwandan Genocide added to a growing recognition of the need for a collective responsibility to protect populations and highlighted the failure of the international community to make the post-Holocaust promise of “never again” a reality.

R2P sits at the meeting place of state sovereignty and non-intervention on the one hand, and the protection of individual human rights on the other.

The central point of R2P is its re-conception of state sovereignty – from the Peace of Westphalia in 1648 right through to today, State Sovereignty has been understood to mean the supreme authority of a state over its territory, and the states’ autonomy from outside interference. So, the state has the right to govern over its territory, and no other state should intervene within this territory, whatever the reason. This conception of state sovereignty is entrenched in the United Nations Charter, which affirms the right of non-intervention for all states, banning aggression and war between states unless in self-defence.

However, this effectively means that states were able to treat the populations living within their borders as they wished, without fearing outside intervention. As we saw in the example of Rwanda, this leaves the international community at a loss when unthinkable crimes take place within borders.

This is the tension that R2P seeks to address. There are a number of documents pertaining to the Responsibility to Protect. I have on the slide what I would call the main ones, but there are a number of other important documents, particularly UN documents, that elaborate the concept even further.

So the first document - In 1998, Francis Deng, a Sudanese Diplomat who had previously worked as the UN Secretary General’s Special Representative on Internally Displaced Persons developed the idea that “state sovereignty implied responsibility”, arguing that the rights of states to govern also came with responsibilities to those living within state boundaries (a bit like spiderman, with great power comes great responsibility). The state has a duty to protect those within its care – note that this is with reference to all populations, whether they be citizens of the state or not.
This concept was further elaborated on by a second document: in 2001 a Canadian-government sponsored group called the International Commission of Intervention and State Sovereignty, which published a report called *The Responsibility to Protect*. This is by far the most well-known conception of the principle of R2P, simply because it tries to tackle to most controversial part of protecting civilians from mass atrocity crimes:

- The report established, in line with Francis Deng, that each individual state has a primary responsibility to protect its population from gross human rights violations.
- It goes on to argue that if a state fails uphold this responsibility, the international community has the obligation to take collective action to protect civilians in countries where they are at risk – thus, the principle of non-intervention yields to the international responsibility to protect.
- The report emphasised the importance of prevention and rebuilding after conflict and intervention, but really focused on the thorny issue of military intervention. It set out a framework for justified military intervention, outlining principles founded on the just war tradition by arguing that any military action should have a just cause, i.e., to prevent or halt mass atrocity crimes; it has to be a last resort, have the proper authority, in general terms meaning the Security Council, but it was argued that coalitions could go round the Council if it was deadlocked by the threat or use of veto, as had happened a few years before in Kosovo in 1999; force had to do more good than harm; be proportionate in its means and have a reasonable chance of success.

The third document is the most important statement of R2P - Member states of the United Nations came together in unanimous agreement at the 2005 world summit to support the Responsibility to Protect principle. This was the culmination of a number of initiatives across the globe, including the development of a new constitution for the African Union, which supported an idea of non-indifference rather than non-interference as well as a report endorsed by the UN Secretary General by the High Level Panel on Threats, Challenges and Change, which supported R2P.

Since 2005, the paragraphs of the World Summit Outcome Document represent the foundations of the responsibility to protect today, as these are the words agreed upon by the international community. Any earlier elaborations of R2P, like the 2001 ICISS document, are important to the concept’s development, but should be distinguished from this 2005 adoption as there are a number of key differences, most importantly, the shifting of emphasis from responding to mass atrocity crimes through military...
intervention to preventing crimes in the long term through assistance, capacity building, diplomacy, sanctions and military might if necessary. It also clearly defines the crimes that are to be prevented – genocide, crimes against humanity, war crimes and ethnic cleansing, the prevention and prosecution of which is embedded in international legal obligations like the Genocide Convention, Universal Declaration of Human Rights, the 4 Geneva Conventions, Rome Statute of ICC.

The Responsibility to Protect Today – Practice

As you can see from the paragraphs on the slide, there is still not a clear indication of how precisely this works in practice.

So, the final important document for our purposes was written in 2009 by the UN Secretary General Ban Ki-moon. It tries to tease out how the international community should act to prevent mass atrocities. It does this by splitting our responsibilities into three sections, or pillars, that build on the three sections from the 2005 World Summit Outcome Document –

- Pillar I provides the foundation for the principle and emphasises the state’s own responsibility to protect the population within its own borders; stems from social contract;
- Pillar II outlines the responsibility of the international community to help states to fulfil this obligation through long term assistance;
- Pillar III identifies the international community’s responsibility to respond in cases where states are clearly failing to protect their population with shorter term “carrots and sticks”.

These pillars are mutually reinforcing and should be applied in no particular order. They contain both preventive and responsive measures. The key is that the state has a primary responsibility to protect its population because of its status as a sovereign state – R2P is argued to reinforce state sovereignty, not undermine it. It is the other side of the coin.

So, now you have made it through the theory and the documents – well done. I’m now going to go through each pillar and discuss a couple of examples of how R2P works in practice – how we are making the prevention of mass atrocity crimes a reality today across the globe.

Pillar 1: State Responsibility - Applies to all states at all times.

In general terms, this means that states should be respecting human rights, work to include minorities in public life and economic development,
implement human rights and international humanitarian law and become parties to the ICC.

To ensure that you remember that R2P is for all states at all times, I’m taking an example of a country that you would think genocide is unthinkable – our own country. The UK, like all other states, has a responsibility to protect its population. It ensures that it is upholding this responsibility on a regular basis. For example, the UK submits itself to the United Nations Human Rights Council’s Universal Periodic Review, and has set up a Joint Committee on Human Rights which works to implement any recommendations made by the UPR.

All states undergo a UPR, which allows them to keep a tab on where they stand in terms of upholding human rights within their territory, the UK is no exception.

**Pillar 2: International Assistance and Capacity Building**

Moving on to Pillar 2: International Assistance – this is mostly used when states are unable to fulfil their responsibilities, as it relies on state consent and willingness to change. Perhaps they are weak or fragmented, and need outside assistance to improve their ability to protect their population.

Under this pillar, policies look much like many policies sitting under conflict prevention and development, only these are tailored specifically towards alleviating tensions within a country.

Development Assistance – providing aid and encouraging good governance and universal human rights in countries – development assistance can be tailored to target some of the root causes of genocide and mass atrocity crimes, like poverty, inequality or political and social segregation. This is aiming to prevent mass atrocities in the long term.

Training Programmes - The UN Office of the Special Advisors for the Prevention of Genocide provides extensive training programmes to government officials, UN Staff, NGO representatives to advise on how they can best manage the diversity of their populations – anything from encouraging representation of minorities in government and security forces, to encouraging economic development.

Assisting states under stress - In October 2011, US President Barack Obama deployed 100 combat equipped US troops to central Africa in order to assist regional efforts to catch and remove the leader of the infamous Lord’s Resistance Army, Joseph Kony. This action was done with the consent of the
host states and in concert with their own militaries. In this case, the US was helping these states uphold their responsibility to protect.

**Pillar 3: Timely and decisive response**

Now for Pillar 3: Timely Response – This pillar contains the more short term and robust policies for crisis management, entailing both Carrots and sticks when states are unwilling or unable to fulfil responsibilities.

There are a couple of great examples of R2P’s third pillar in practice that demonstrate the wide variety of measures available under the framework:

**Well-timed mediation in Kenya - Late 2007 – outbreak of ethnic violence in Kenya after uncertain outcome and legitimacy of presidential election. Killed over 1,500 people and displaced 300,000.**

Unlike in Rwanda, the international community reacted swiftly to the violence in Kenya and within a few days the African Union set up a Panel of Eminent African Personalities, headed by Kofi Annan, to try and mediate the crisis. Within the first week of the arrival of the Panel, the two rival leaders participated in a meeting together and after negotiating the end of the violence, a power sharing agreement was achieved at the end of February 2008, which established a Coalition Government in order to promote stability and reconciliation.

During the crisis, the United States imposed travel restrictions on 10 Kenyan politicians, in an attempt to increase pressure on the political leaders to engage in talks for reconciliation. These restrictions were also placed on their families, a stroke of genius in my eyes – creates the potential for family pressure on politicians to stop orchestrating violence. Imagine being the son or daughter of a Kenyan politician, studying at a top university in the US and being told that your visa had been revoked and that you had to leave the country because of what your dad or mum was doing back home.

Although the situation in Kenya is still tense, swift and effective action certainly averted an explosion of more widespread violence. Kenya is due for elections this year, and much still needs to be done by Kenya and by the international community to prevent tensions from escalating again.

**Libya Crisis 2011 Colonel Muammar Gaddafi reacted to calls for constitutional change in the country with a violent crackdown - called on his supporters on national television to “cleanse Libya house by house” of the “cockroaches” taking part in the protests.**
In a rare moment of unanimous agreement, Security Council Resolution took a number of major steps to attempt to dissuade the Gaddafi gvt in its commission of mass atrocity crimes: referral to the International Criminal Court, enforcing arms embargoes, travel bans, and froze assets of senior government officials.

When this action made no difference to the behaviour of the gvt, the Security Council agreed on a second resolution, authorising Member States to take “all necessary measures...to protect civilians” and enforce a no-fly zone over the country with the aim of protecting civilians. This action has been quite controversial, as some states have accused NATO of aiming for regime change rather than the protection of civilians.

The implementation of R2P is still under debate and is undergoing a kind of “learning by doing” process. However, the controversy has not stopped the discussion on R2P; the general assembly has held interactive dialogues on R2P, a number of states have had constructive comments and concepts, like Brazil’s Responsibility while protecting principle, and the Security Council has proven able to use R2P in responding to mass atrocity situations, like most recently in Mali, which has been responded to through the prism of R2P.

The Malian government lost control of the Northern region of the country, where extremists have been imposing a harsh rule of Sharia Law and perpetrating gross human rights abuses against the population. The UN estimates that 150,000 people have fled, while 230,000 IDPs internally displaced. It now believes that as many as 700,000 more could be affected. Mauretania and Burkina Faso already host nearly 100,000 Malian refugees.

On 20 December 2012, the Security Council unanimously adopted Resolution 2085 under Chapter VII of the UN Charter, which emphasised the Malian government’s responsibility to protect civilians and authorised the deployment of an African-led International Support Mission in Mali to help rebuild the Malian government’s capacity to uphold this responsibility. The length of time it has taken to start to mobilise the AU mission lead France to act in a timely and decisive manner to halt the movement south of the rebels. The decision of France to intervene was done with the agreement of Mali’s President, who has been asking for assistance for many weeks. The Security Council endorsed this action and expressed its “grave concern” at the military movements and attacks by extremists, stating that they constituted a direct threat to international peace and security.

Round up
R2P has come a long way in a short space of time

Controversy surrounding R2P no longer pertains to its relevancy, but to its implementation

Political will can be difficult to mobilise – e.g. Syria

Effective prevention and response must be tailored to each case – early warning, monitoring and assessment is crucial

Outside of the UN, R2P is still surrounded by misunderstanding, with many equating it solely with military intervention and the 2001 ICISS report – much needs to be done to clarify the issue and help build support and political will.

National governments have a crucial role to play – The United Nations is only as strong as its member states – political will and policy ideas come from state level politics. Our politicians must be well-versed in the intricacies of R2P, and the government should have mechanisms in place to assess early warning information through an atrocity prevention prism as well as understanding the different policies available under the R2P framework.

UNA-UK Programme

The reason I am here today is to start that work in clarifying the issue. UNA has seen that there is a gap in the public and politician’s knowledge of R2P and we want to work to fill it and help gain support for the concept. I am working towards four main goals, which are -

1. To create a support network of NGO’s academics, and practitioners who can help inform policy – convening experts to inform our policy work
2. To get commitments from national and regional political parties
3. To establish greater international political constituency for R2P in UK and EU – engaging public figures to become part of a group of foreign policy commentators and critiques to push for a strengthened UK and eventually EU role in preventing mass atrocities and assisting states to fulfil their responsibilities
4. To foster grassroots support in the UK – educating, raising awareness and providing examples of advocacy activities.

What can UNA Members do?

- Learn more about the norm – become a member! Plus our website will be a good place to start, I am working on an education pack – coming soon, and we will continue to update news about our work on R2P and
campaigns that you can take part in – recent campaign on protecting the Rohingya in Burma

- Write to MP in support of government work on R2P in and out of UN, lobby for stronger work – MPs to make reference to R2P, make related work known – theyworkforyou.com – find out what your MP is working on.
- Letters to Editor in local and national newspapers – when you see an article on Syria, or Sri Lanka, or Sudan why not write a letter about R2P, clarify the concept for readers and journalists
- Support a civil society group working on R2P related issues – Human Rights Watch, ICRC, I am happy to provide guidance on this.
- Organise events like this one to raise awareness – sometimes genocide survivors take part in lecture tours to share their stories. This can be an excellent way of breaching the subject of preventing mass atrocities.

I believe that preventing mass atrocities is a crucial and realisable goal in international affairs today. I truly believe that an understanding of the importance of preventing mass atrocity crimes is gaining momentum, and a recognition that state sovereignty is not a smokescreen behind which governments or non-state groups can do whatever they please to their populations is coming to be understanding with a taken for granted quality. We all have a role to play in ensuring that we as individuals uphold the responsibility to protect by demanding that our government works to protect vulnerable populations. All humans are human, not matter where they live.

Thank you very much for your time.