



The Responsibility to Protect and preventing mass atrocities – UNA-UK Briefing Report No.2

Mainstreaming the responsibility to protect in UK strategy

Report written for the United Nations Association – UK

Professor Jason Ralph

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*Improving the Government's response
to the threat of mass atrocity*

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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.

UNA-UK's Responsibility to Protect (R2P) Programme seeks to galvanise political support for R2P in the UK and foster understanding of the concept within the public domain. It aims to do this in four ways: consolidate a national R2P policy support network in the UK by engaging academics and civil society organisations in discussing government policy for mass atrocity prevention; build support for R2P within the UK Government, national and regional political parties by raising awareness of the principle; establish a greater international political constituency for R2P; and foster grassroots support in the UK through public outreach and advocacy.

For more information, visit <http://una.org.uk/content/r2p-detail>, or contact Alexandra Buskie, R2P Programme Officer, on buskie@una.org.uk or 020 7766 3445.

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1. Introduction

“ The failure to prevent ethnic cleansing in Bosnia was, in the words of one commentator, the UK’s ‘unfinest hour’, and New Labour’s so-called ‘ethical foreign policy’ was in part a response to that failure ”

The purpose of this paper is to examine how the UK Government (as a whole) prepares for and responds to the threat of mass atrocities in locales, countries and regions at risk. Unfortunately, mass atrocity has helped to define core aspects of post-Cold War British foreign policy. The failure to prevent ethnic cleansing in Bosnia was, in the words of one commentator, the UK’s ‘unfinest hour’, and New Labour’s so-called ‘ethical foreign policy’ was in part a response to that failure.¹ Indeed, the UK’s contribution to NATO’s Kosovo campaign was driven by Prime Minister Tony Blair’s insistence that the ‘international community’ had to learn the lessons of the mid-1990s, which also included the failure to prevent the Rwandan genocide.² The late 1990s also saw the creation of the International Criminal Court (ICC). This was set up to prosecute individual perpetrators of war crimes, crimes against humanity and genocide when sovereign states were unwilling or unable to do so. It is not unreasonable to claim that here too the UK provided leadership. Together with France it broke ranks with the Permanent 5 (P5) on the question of whether the Court could operate independently of the United Nations Security Council. This decision was described as ‘pivotal’ in the creation of the kind of Court that exists today.³

One might argue that the UK’s involvement in America’s ‘war on terror’, which in some senses includes the invasion and occupation of Iraq, was also a response to mass atrocity. The attacks on 9/11 were of course atrocious and on an unprecedented scale. This would however be stretching the meaning of the term ‘mass atrocity’ as it is referred to in this paper. The concern here is not with the threat al-Qaeda and its affiliates pose to UK citizens. This national security concern is obviously central to UK strategy overseas but it is not the focus here. Rather the specific focus of this paper is the UK Government’s commitment to the Responsibility to Protect (R2P) principle, which holds that states not only have a responsibility to protect their own populations from mass atrocity, as members of the international community they also have a responsibility to help protect the populations of other states when those states have ‘manifestly failed’ to do so.⁴ It is clear, however, that one cannot understand the UK’s humanitarian commitment to R2P either in a vacuum or separate to national security concerns like the al-Qaeda threat; and indeed if one studies UK strategy for fostering stability overseas there is seemingly a prioritisation of national security concerns like counter-terrorism. We are told for instance, that in implementing the 2011 *Building Stability Overseas Strategy* (BSOS) the UK Government ‘will ensure that it is aligned with related strategies, notably the *CONTEST Counter-Terrorism strategy*.’⁵ This raises the potentially problematic question of whether scarce resources are being allocated to build stability in conflict prone areas where there is a national security concern, but not a threat of mass atrocity, at the expense of attempts to build stability in conflict prone areas where there is a threat of mass atrocity but no national security concern.

This paper is structured by what Professor Alex Bellamy identifies as two strands of thinking about the nature, scope and purpose of R2P.⁶ After an opening section - *2.0 UK rhetoric and the Responsibility to Protect* - the paper focuses on Bellamy’s first strand of thinking, the emphasis on preventing mass atrocities through non-coercive and consensual forms of intervention. There has been a lot of emphasis at the UN level on implementing R2P this way, sometimes referred to as a Pillar II approach after a scheme set out in the Secretary-General’s 2009 report. This is because it is considered less controversial and politically more acceptable than the more coercive approaches, including forceful humanitarian intervention (Bellamy’s second strand).

1 Brendan Simms, *Unfinest hour: Britain and the destruction of Bosnia* (London: Penguin Books, 2002).

2 Tony Blair, *Doctrine of International Community*, 22 April 1999, Chicago at <http://www.britishpoliticalspeech.org/speech-archive.htm?speech=279>

3 Leila Nadya Sadat, *The International Criminal Court and the transformation of international law: justice for the new millennium* (Ardsey NY: Transnational Publishers, 2002) p.7, p.94.

4 For discussion see Adrian Gallagher, ‘Syria and the indicators of a “manifest failing”’, *International Journal of Human Rights*, 18 (1) 2014, pp. 1-19.

5 HM Government, *Building Stability Overseas Strategy* 2011, p.5, emphasis added.

6 Alex J. Bellamy, *Global politics and the responsibility to protect: From words to deeds* (Abingdon: Routledge, 2011).

The emphasis on prevention is primarily concerned with ‘upstream capacity-building and other non-coercive measures aimed at encouraging and enabling states and non-state actors to pull-back from the brink when episodes of political instability threaten to deteriorate into mass violence’.⁷ The paper will explore the extent to which this is built into UK Government thinking in section 3.0 *UK Strategy: an integrated approach to conflict prevention but not R2P*. It focuses on the BSOS because it, more than any other statement of government strategy, represents cross-departmental thinking in this area. It was written as a response to the coalition government’s call in the 2010 Strategic Defence and Security Review for an integrated approach that could better articulate and advance UK goals across government as a whole. Outside of crisis situations it informs decisions on where to intervene.

BSOS emphasises the need on ‘investing in upstream prevention’ and this certainly echoes the recent emphasis on Pillar II among R2P advocates. Somewhat surprisingly, however, BSOS does not once mention R2P. The emphasis in BSOS is on preventing ‘conflict’ and maintaining ‘stability’, which is defined as ‘political systems which are representative and legitimate’ and societies ‘in which human rights and rule of law are respected [and] basic needs met’. This says too much and too little from an R2P perspective: too much because while ‘representative government’, ‘human rights’ and ‘rule of law’ are to be valued, they go beyond R2P’s focus on preventing mass atrocity; and too little because without a ‘mass atrocity lens’ scarce resources might be focused on preventing conflict where there is not a threat of mass atrocity at the expense of attempts to prevent conflict where there is such a threat. Again, this might not be problematic if the purpose of BSOS is to work alongside CONTEST and to prevent conflict in areas that have a direct bearing on UK national security. But to accept that does weaken the argument that the UK’s commitment to implementing R2P is met by the resources it deploys as part of BSOS. Thus, while some R2P advocates describe the UK commitment to R2P as ‘laudable’, it is not without issue.⁸ This paper offers as part of its conclusion three practical recommendations that can help the UK meet its commitments. The hope is that these will feed into discussions about what it means to promote stability, which are taking place in the lead up to the 2015 Strategic Defence and Security Review and the creation of the new Conflict, Stability and Security Fund for Financial Year 2015-16.

Bellamy’s second strand of thinking about R2P focuses on ‘resolving the dilemmas of humanitarian military intervention’. The focus here will be on the legal arguments advanced by the UK Government during the Syrian crisis of August 2013. The published legal advice claimed that the legal basis for military action against Syria in response to the chemical attack of that month ‘would be humanitarian intervention; the aim is to relieve humanitarian suffering’. It continued: ‘If action in the Security Council is blocked, the UK would still be permitted under international law to take exceptional measures in order to alleviate the scale of the overwhelming humanitarian catastrophe in Syria’.⁹ It is argued in the penultimate section – 4.0 *The dilemmas of humanitarian intervention* – that this damages the *political* consensus underpinning R2P and in this respect the government’s actions contradict the claim that the UK ‘will continue to promote a shared understanding of R2P ...’.¹⁰ This is because the World Summit Outcome Document, which codified the R2P principle, explicitly stated that in order to protect populations the international community is ‘prepared to take collective action, in a timely and decisive manner, *through the Security Council*, in accordance with the Charter, including Chapter VII’.¹¹ Humanitarian intervention may be legal from the UK perspective, but to the extent R2P is a political concept based on the 2005 consensus, humanitarian intervention damages R2P.

The final section – 5.0 *Conclusions and recommendations* – finds that the UK commitment to R2P can be strengthened by reviewing its strategy on prevention and its approach to the use of force. A commitment to do this would be a timely contribution given the concerns that the events in Libya and Syria have fatally wounded R2P as an international norm. This paper bundles its recommendations into three packages. This first is the least radical and involves modifications to existing practice. This involves making more of the early warning capabilities being developed by the Cabinet Office as part of its “Countries at Risk” analysis and introducing a mass atrocity lens to the Joint Analysis of Conflict and Stability (JACS) process. To enable this, mass atrocity prevention needs to be made an explicit aim within BSOS. Doing this would also steer the Stabilisation Unit into considering situations where there is a high risk of mass atrocity but no direct national interest. The second recommendation is slightly more ambitious. It builds

7 Bellamy, *Global politics*, p.8.

8 Simon Adams, ‘Humanitarian Intervention: What Future for the Responsibility to Protect?’, in Douglas Alexander and Ian Kearns (ed.), *Influencing Tomorrow: Future Challenges for British Foreign Policy* (London: Guardian Book, 2013).

9 Prime Minister’s Office, *Chemical weapon use by Syrian regime: UK Government legal position*, 29 August 2013 at <https://www.gov.uk/government/publications/chemical-weapon-use-by-syrian-regime-uk-government-legal-position>

10 Foreign and Commonwealth Office, *UK Government Strategy on the Protection of Civilians in Armed Conflict 2011*, p.5 at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/32950/ukstrategy-protect-civilians-arms-conflict.pdf

11 United Nations A/RES/60/1 Resolution Adopted by the General Assembly 2005 World Summit Outcome <http://www.un.org/womenwatch/ods/A-RES-60-1-E.pdf> para.139.

on the first by augmenting the role the “R2P focal point” plays in the implementation of BSOS. These focal points currently exist to coordinate the intra-governmental and inter-governmental implementation of R2P. The UK has ‘participated’ in this process but has not currently appointed a senior person or institutionalised the position. This compounds the problem created by the lack of a mass atrocity lens within BSOS. The proposal here therefore is to strengthen the role the R2P focal point plays in implementing BSOS. The Atrocities Prevention Board created by the Obama administration can provide a model to guide such reform.

These recommendations have resource implications. Strengthening the R2P focal point by turning it into an independent office within the existing BSOS policy community not only requires an increased level of initial investment, it signals an expansion of foreign policy priorities that will demand even further investment in the medium-term. These resources simply may not be available. In this event the third recommendation is to mainstream R2P while streamlining BSOS. As noted, by trying to promote democracy and the rule of law in those areas where there is not a threat of mass atrocity BSOS does too much from an R2P perspective. Mainstreaming R2P while streamlining BSOS will protect from budget cuts those resources that are needed to prevent the most pressing of crises, those involving mass atrocities. The moral imperative to stop mass atrocities is hard for any politician to ignore once they start. But acting in these circumstances can be costly. It is wise therefore to invest in a kind of upstream prevention that is directed by a mass atrocity lens. It would also be wise because, as the Syrian crisis has shown, the failure to prevent mass atrocity radicalises opinion in ways that may have a direct bearing on UK national security. This is not always the case, but together with the moral imperative and the UK’s ‘special responsibility’ to R2P as a permanent member of the Security Council, it strengthens the case for protecting atrocity prevention programmes.¹² The burden of any cuts would then fall on those stabilisation programmes where there is not a threat of mass atrocity and where the link to the UK national interest is indirect.

¹² On the idea of special responsibilities in international society see Mlada Bukovansky, Ian Clark, Robyn Eckersley, Richard Price, Christian Reus-Smit, Nicholas J. Wheeler *Special responsibilities : global problems and American power* (Cambridge: Cambridge University Press, 2012).

2. UK rhetoric and the Responsibility to Protect

The R2P principle emerged out of the failure to protect populations from mass atrocities in the 1990s. The phrase was coined by International Commission on Intervention and State Sovereignty (ICISS), which had been set up by the Canadian government to answer the question of why states and international society had failed so badly. The ICISS argued that states had a responsibility to protect their citizens from mass atrocities and when states proved either unwilling or unable to fulfil that duty residual responsibility was transferred to the international community.¹³ The R2P principle was endorsed by the Secretary-General's High Level Panel to examine the issues confronting the UN, which included amongst others the Chair of ICISS former Australian Foreign Minister Gareth Evans and former UK Permanent Representative to the UN and former Chairman of UNA-UK, Lord Hannay of Chiswick. The final report endorsed R2P as an 'emerging norm', which put R2P 'squarely on the international agenda at the 2005 World Summit.'¹⁴

Evidence that R2P was informing UK foreign policy discourse before the World Summit can be found in the House of Commons International Development Committee's Fifth Report of Session 2004-2005, which was titled *Darfur, Sudan: The responsibility to protect*.¹⁵ It agreed 'entirely' with the principle expressed in UN High-Level Panel that the norm of non-intervention could not be used to protect genocidal acts or other large scale violations of international humanitarian law. It stated that

the primary responsibility for civilian deaths and suffering in Darfur rests with the Government of Sudan. The root causes of the crisis are primarily Sudanese, so too will the solutions. But the international community has responsibilities too. In 2001 the Prime Minister acknowledged, that were a situation similar to the Rwandan genocide to happen again, "we would have a moral duty to act". It is not clear to whom precisely "we" refers, and what sort of action this moral duty entails But if the responsibility to protect means anything, it ought to mean something in Darfur.¹⁶

It concluded that the international community had 'failed the people of Darfur, as well as those of its members who take their responsibility to protect seriously'.¹⁷ While praising the UK for its 'speedy and generous response' in terms of providing humanitarian aid, it criticised its broader diplomatic strategy. The issue here was the apparent priority given to the North-South peace process over the humanitarian crisis in Darfur, a choice the international community 'did not need to make'.¹⁸

It was not until the 2005 UN World Summit, however, that the R2P principle was formally adopted by member states. Paragraph 138 and 139 of the Outcome Document stated as follows:

138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as

¹³ Alex Bellamy, *The Responsibility to Protect: Towards a "Living Reality"*. Report written for the United Nations Association-UK, April 2013, pp.7-9, at <http://www.una.org.uk/sites/default/files/UNA-UK%20Alex%20J%20Bellamy%20R2P%20Briefing%20Report%20no.%201.pdf>

¹⁴ Bellamy, *The Responsibility to Protect*, p.9.

¹⁵ House of Commons, International Development Committee, *Darfur, Sudan, The Responsibility to Protect*. Fifth Report Session 2004-5, 30 March 2005 at <http://www.publications.parliament.uk/pa/cm200405/cmselect/cmintdev/67/67i.pdf>

¹⁶ International Development Committee, *Darfur*, p.15.

¹⁷ International Development Committee, *Darfur*, p.55.

¹⁸ International Development Committee, *Darfur*, p.73.

appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.¹⁹

This was reaffirmed in SC Resolution 1674 (2006) on the protection of civilians in armed conflict, and in SC Resolution 1894 (2009), which the UK helped draft. It reaffirmed 'the relevant provisions of the 2005 World Summit Outcome Document regarding the protection of civilians in armed conflict, including paragraphs 138 and 139 thereof regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity'. Speaking for the United Kingdom on the adoption of this Resolution, Baroness Taylor of Bolton noted that the Council 'should be ready to address flagrant and widespread violations committed against civilians, even when they take place in situations of internal armed conflict. Protecting civilians requires a holistic approach that will sometimes stray into areas that are sensitive for some Governments. We must be ready to face up to those challenges'.²⁰ While the UK statement did not explicitly refer to R2P, it did associate itself with the statement of the Permanent Representative of Sweden on behalf of the European Union, which did exactly that. 'The EU', Mr. Lidén stated, 'calls for the ratification of the Rome Statute of the International Criminal Court and for full cooperation with the Court by all states. We also welcome and support the steps to implement the responsibility to protect set out in the Secretary-General's report (A/63/677), the subsequent General Assembly debate and its adoption of Resolution 63/308. The concept of Responsibility to Protect has to be integrated into our overall normative framework'.²¹

The Secretary-General's Report that Mr. Lidén referred to is described by Bellamy as 'a landmark report that continues to guide thought and practice'.²² Again the purpose here is not to describe or assess that report, suffice to say that the Secretary-General identified three pillars to the implementation of R2P: Pillar I stated the primary responsibility of the state was to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their incitement; Pillar II stated the international community had a responsibility to assist and encourage states to fulfil their responsibility to protect, particularly by helping them to address the underlying causes of genocide and mass atrocities, build the capacity to prevent these crimes, and address problems before they escalate; and Pillar III stated that the international community had a responsibility to take timely and decisive action to protect populations from the four crimes through diplomatic, humanitarian and other peaceful means (principally in accordance with Chapters VI and VIII of the UN Charter) and, on a case-by-case basis, should peaceful means prove inadequate and national authorities are manifestly failing to protect their populations, other more forceful means through Chapter VII of the UN Charter.²³

Rather the purpose here is to identify the UK's response to this refinement of the idea, which as Bellamy notes was driven in part by an insistence on the part of Ed Luck, the Secretary-General's Special Adviser on R2P, 'on distinguishing what states had actually agreed in 2005 from various other forms of R2P circulating in academic and civil society circles'²⁴ (a point to which we return in section 4). Speaking at the General Assembly on 23 July 2009, Lord Malloch-Brown described R2P as a 'groundbreaking' achievement, of which the UN 'should be rightly proud'.

19 United Nations A/RES/60/1 Resolution Adopted by the General Assembly 2005 World Summit Outcome <http://www.un.org/womenwatch/ods/A-RES-60-1-E.pdf>

20 S/PV.6216, Protection of Civilians in Armed Conflict 11 November 2009, p.12 <http://www.un.org/en/sc/meetings/records/2009.shtml>

21 S/PV.6216, Protection of Civilians, p.30.

22 Bellamy, *The Responsibility to Protect*, p.12.

23 http://www.globalr2p.org/media/files/implementing_the_responsibility_to_protect.pdf

24 Bellamy *The Responsibility to Protect*, p.12.

He welcomed the Secretary-General's report and insisted 'we must play our parts and seize this opportunity to continue consideration of how to make real progress on operationalisation.'²⁵ In that respect, Lord Malloch-Brown highlighted the importance of two issues: the key role of regional organisations in implementing R2P effectively, and 'the value to be found in improving and better co-ordinating our early warning efforts, our use of and receptivity to information – a more cohesive UN approach to this can only enhance our collective prevention efforts'.²⁶ He concluded the statement with a strong rhetorical commitment to R2P.

*In the UK's view, R2P should be a governing principle of all Member States' work across the conflict spectrum, as well as on human rights and development. Building good governance, the rule of law, and effective judicial and security sectors all goes towards building a preventive environment in which R2P crimes would be less likely to take place. ... [W]hat I think we should be trying to achieve here ... is an R2P culture, a culture of prevention that is as much about responsible sovereignty as it is international assistance. A culture that in the long-term will help us to prevent mass atrocities and reduce conflict and the cost of conflict. A culture that will help us to build an international system which is better equipped and more effective at preventing and responding to conflict. A culture which fosters our ability to reach consensus on timely and decisive action ... [W]e made a commitment in 2005, a commitment to practical action. We must now live up to that.*²⁷

The creation of a Conservative-led coalition government in May 2010 might have suggested a reversal of this kind of commitment. It was a Conservative definition of national interest, and a narrow definition of peacekeeping, that had governed British policy during the Bosnian conflict of the mid-1990s. Indeed, statements from Conservative frontbenches suggested British foreign policy after Labour would be more focused on narrow conceptions of the national interest and certainly less interventionist.²⁸ Yet it is equally clear that the Conservative leadership had also been moved by the mass atrocities of the 1990s. As leader of the opposition, David Cameron insisted that being 'prepared to intervene for humanitarian purposes to rescue people from genocide' was central to his brand of 'liberal conservatism'.²⁹ What Professor Paul Williams called the 'cosmopolitan genie' was indeed difficult to put back into the bottle.³⁰

This was tested early in 2011 when the violence in Libya threatened to turn into a mass atrocity centred on the city of Benghazi. The UK under Prime Minister Cameron led calls for action and recalled the R2P principle as justification for that. Together with France and Lebanon it proposed what became UN Security Council Resolution 1973 (2011).³¹ This reiterated 'the responsibility of the Libyan authorities to protect the Libyan population' and reaffirmed 'that parties to the armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians'. It demanded that 'the Libyan authorities comply with their obligations under international law ... and take all measures to protect civilians and meet their basic needs, and to ensure the rapid and unimpeded passage of humanitarian assistance'. And crucially, it authorized member states 'to take all necessary measures ... to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi'.³²

As is well documented, the political backlash against the use of force in Libya has been strong.³³ This is not the place to go into detail but the UK response is worth noting. The concern expressed by some states that the R2P principle has been weakened because it is seen as a veil behind which powerful states advance particular political interests has not stopped the UK speaking out in its favour. At the September 2013 UN General Assembly Informal Interactive Dialogue on R2P, for instance, Deputy Permanent Representative Peter Wilson stated that 'we in the UK are fully committed to implementing the Responsibility to Protect'. A theme of that Dialogue – one that Wilson described as 'critical' – was the 'increased focus on preventive aspects of R2P'. On this Wilson echoed Lord Malloch-Brown's words quoted above. He added that the UK

want to see States taking preventive action, for example by reducing and managing ethnic tensions and Minister Kyenge [a panellist at the Dialogue] was right to remind us that this starts at home. In 2012 we in the UK published a national plan to tackle hate crime that focuses on challenging attitudes that foster hatred and encouraging early intervention. We also participate in the Focal Points network and we have encouraged other governments to do so. R2P should be

“David Cameron insisted that being ‘prepared to intervene for humanitarian purposes to rescue people from genocide’ was central to his brand of ‘liberal conservatism’”

25 A/63/PV.97 97th Plenary meeting of the United Nations General Assembly, 23 July 2009, p.6 at [http://responsibilitytoprotect.org/97thPlenary\(1\).pdf](http://responsibilitytoprotect.org/97thPlenary(1).pdf)

26 A/63/PV.97 p.6.

27 A/63/PV.97 p.7. Emphasis added.

28 See Jonathan Gilmore, 'Still a "Force for Good"? Good International Citizenship in British Foreign and Security Policy', *British Journal of Politics and International Relations* online first 2014, pp.12-13.

29 Full text of David Cameron's speech at the British American Project 11 September 2011 at http://www.theguardian.com/politics/2006/sep/11/conservatives_speeches

30 Quoted in Gilmore, 'Still a "Force for Good"?', p.12.

31 See S/PV.6498 United Nations Security Council meeting 17 March 2011 at http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.6498

32 S/RES/1973 (2011) 17 March at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973\(2011\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973(2011))

33 For discussion see Jason Ralph and Adrian Gallagher 'Legitimacy Faultlines in International Society: The Responsibility to Protect and Prosecute after Libya', Unpublished paper presented at European International Studies Association, Warsaw, 18 September 2013 at <http://iisr2p.leeds.ac.uk/current/responsibility-to-protect-and-prosecute/>. For an argument downplaying the impact of any 'backlash' see Alex J. Bellamy, 'From Tripoli to Damascus? Lesson learning and the implementation of the Responsibility to Protect', *International Politics* 51 (1) 2014, pp.23-44.

*an important governing principle of all countries' work across the conflict spectrum, as well as on human rights and development.*³⁴

While this statement demonstrates a continued commitment to R2P despite the post-Libya backlash, it is worth noting what it hides. The reference to the Focal Points network, for instance, is used here to illustrate continuing support for R2P but on closer inspection the UK Government has in some respects fallen short of expectation.

The Focal Point initiative started in 2010 when the governments of Australia, Costa Rica, Denmark and Ghana, in association with the Global Centre for the Responsibility to Protect, asked states to appoint a senior government official to coordinate national strategies to prevent mass atrocities domestically and regionally. Since then, a series of meetings have taken place to discuss further the role and responsibilities of the Focal Point. The first meeting took place in New York on 17-18 May 2011 and was attended by 31 countries; the second, also in New York, included 36 countries and took place on 29 September 2012; and the third took place in Accra on 11-12 June 2013.³⁵ What has emerged from these meetings is a sense that the role of the focal point

*is to integrate atrocity prevention within both domestic and foreign policy. ... For mass atrocity prevention to gain traction within national institutions it is important that the R2P Focal Point be positioned within government. The R2P Focal Point should have sufficient influence and access across their national system to be able to promote R2P broadly and to meaningfully engage with relevant operation mechanisms for preventing and halting mass atrocities.*³⁶

On appointment, the Focal Point should consult across government to identify where existing capacities could be strengthened and where structural gaps and weaknesses need to be addressed. After these consultations the Focal Point is encouraged to develop a National Action Plan

*identifying R2P-priorities and resources for one's country, applying a R2P lens to relevant existing programs and determining R2P-related responsibilities and timeframes at the national level. A National Action Plan on R2P can identify reviewable benchmarks and send a clear message to relevant actors that mass atrocities is a priority for the government as a whole.*³⁷

The UK has participated in these meetings, but its approach appears ad hoc with the decision on who to send to these meetings seemingly dictated by convenience. For instance, at the May 2011 meeting of National Focal Points in New York, the UK belonged to a second group of states that sent representatives from their mission at the United Nations. The first group of 19 states included those that sent a designated senior official from their capital.³⁸ Regionally based staff have also represented the UK at other events, such as the first regional meeting of Focal Points for Europe in April 2013. The UK representative on this occasion was the Senior Political Officer at the British Embassy in Slovenia. This was convenient given that the meeting was in Ljubljana.³⁹ While the UK does 'participate' in focal point meetings, therefore, it has not 'appointed' an officer that fulfils the Focal Point role as it was originally conceived. The author understands that the UK still intends to appoint an R2P Focal Point and the most likely location of this officer would be in the FCO's Multilateral Policy Directorate. Staff changes in that office have delayed the appointment.^{40*} Unlike other policy areas, notably the implementation of UN Security Council Resolution 1325 (2000) on women, peace and security, the UK has not produced an R2P National Action Plan.⁴¹

The focal point question aside, what emerges from this is a strong sense that the UK has consistently expressed support for R2P in international forums and continues to do so. Indeed it has in certain respects been a leader on implementing the principles expressed in the 2005 World Summit Outcome Document and the UN Secretary-General's 2009 report. This is picked up by Simon Adams, the Executive Director of the Global Centre for the Responsibility to Protect, who describes the UK contribution as 'laudable'.⁴² As the following sections demonstrate, however, there is at the level of cross-government strategy a disjuncture between this rhetoric and government practice. R2P does not sufficiently inform UK work across the conflict spectrum.

34 UK Government, UK Fully Committed to Implementing the Responsibility to Protect. Statement by Ambassador Wilson, of the UK Mission to the UN, at the UN General Assembly Interactive Dialogue on Responsibility to Protect, 11 September 2013, emphasis added, at <https://www.gov.uk/government/speeches/uk-fully-committed-to-implementing-the-responsibility-to-protect>

35 Global Centre for the Responsibility to Protect, Meeting of National Focal Points on R2P convened by Costa Rica, Denmark and Ghana, New York, 17-18 May 2011 at <http://www.globalr2p.org/publications/113>; Global Centre for the Responsibility to Protect, Second Annual Meeting of the network of National R2P Focal Points, 27 February 2013 at <http://www.globalr2p.org/media/files/national-focal-point-meeting-summary-september-2012.pdf>; Global Centre for the Responsibility to Protect, Third Meeting of the Global Network of R2P Focal Points. Preventing Atrocities: Capacity Building, Networks and Regional Organization, June 2013 at <http://www.globalr2p.org/media/files/third-meeting-of-the-global-network-of-r2p-focal-points.pdf>

36 GCR2P, Third Meeting of Global Network, p.2.

37 GCR2P, Third Meeting of Global Network, p.2.

38 Global Responsibility to Protect, Meeting of National Focal Points on R2P convened by Costa Rica, Denmark and Ghana, New York, 17 and 18 May 2011 at <http://www.globalr2p.org/publications/113>

39 Regional R2P National Focal Points Meeting for Europe, Ljubljana 10 and 11 April 2013 at http://www.mzz.gov.si/fileadmin/pageuploads/Mednarodno_pravo/List_of_participants_NFP_R2P_Regional_meeting_for_Europe_Ljubljana__10_and_11_April_2013.pdf

40 Letter from Mark Simmonds MP to Sir Jeremy Greenstock, 30 September 2013 at <http://www.una.org.uk/news/13/09/uk-contributes-general-assembly-dialogue-r2p>

41 Foreign and Commonwealth Office, UK National Action Plan on UN Security Council Resolution 1325, Women, Peace and Security at http://www.stabilisationunit.gov.uk/attachments/article/523/uk_nap_on_unscr_1325_hmg_2010%5B1%5D.pdf

42 Adams, 'Humanitarian Intervention'.

* EDITOR'S NOTE

During the editing process, UNA-UK received confirmation of the appointment of an R2P Focal Point in the FCO's Multilateral Policy Directorate. UNA-UK is seeking clarification on the mandate and activities of this position.

This paper does not argue that Her Majesty's Government (HMG) is being disingenuous in its rhetoric; nor does it claim that the government has simply forgotten the commitment it makes at institutions like the United Nations. There is plenty of evidence that it is fully aware of R2P and its responsibility as a member of international society to prevent mass atrocities. Rather the conclusion is that HMG strategy on R2P is subsumed within a broader strategy to prevent conflict and instability; and while the focus on stabilisation and conflict prevention can complement the UK's commitment to R2P there is a danger that current strategy does not facilitate the fine-grained approach necessary to identify and act on the specific risk of mass atrocity.

In other words, by not being explicit about the need to prevent mass atrocity, by not operating with a "mass atrocity lens", UK strategy can conceivably prioritise government action in areas where there is not a threat of R2P crimes at the expense of government action in areas where there is. After illustrating how this risk arises the report offers three recommendations for counteracting it. The first two involve changes to the UK approach and in effect involve a fine-tuning of existing strategy. The third is perhaps more radical to the extent it involves mainstreaming R2P in a government strategy that is less ambitious and offers a means of streamlining broader foreign policy objectives.

3. UK strategy: an integrated approach to conflict prevention but not R2P

As a noun the term 'mainstream' means 'the prevailing opinion'. As a verb - 'to mainstream' - it generally means elevating a marginalised opinion to the status of a prevailing opinion, or in a strategic sense, a guiding principle. Protecting foreign populations from mass atrocity can never be the guiding principle of a UK national strategy. The primary responsibility of the UK national government will always be to guarantee the security and welfare of its citizens, and protect UK-linked resources and interests. Yet it is recognised in academic discourse that the pursuit of the national interest need not come at the expense of principles - like R2P - that are inspired by more universalistic (or cosmopolitan) ethics. Following classical international lawyers like Emer de Vattel, for instance, Andrew Linklater defined the 'good international citizen' as the state that 'puts the welfare of international society ahead of the *relentless* pursuit of [its] own national interest'.⁴³ This state is not required to sacrifice 'vital' national interests out of fidelity to international law or human rights, but as in national societies there is an element of sacrifice to good citizenship. Protecting foreign populations from mass atrocity is not without cost, but this definition of good international citizenship is in line with the 'special responsibility' of a permanent Security Council member. These states should prioritise R2P over 'the satisfaction of *minimal* national advantage'.⁴⁴

Politicians are understandably more wary about calling for national sacrifice than academics. But here too it is not uncommon to find political leaders framing the national interest in ways that reinforce their commitment to universalistic principles. This in essence was the thinking behind Tony Blair's doctrine of international community, which insisted that 'our values and interests merge'; and while there has been a shift in UK foreign policy thinking since Blair first set out his doctrine in 1999, the sentiment continues to inform government foreign policy.⁴⁵ The current Government's 2010 *Strategic Defence and Security Review* (SDSR) for instance recognises that preventing conflict and building stability overseas is fundamental to the UK national interest. As the SDSR put it:

*Our approach recognises that when we fail to prevent conflict and are obliged to intervene militarily, it costs more. And that is why we will expand our ability to deploy military and civilian experts together to support stabilisation efforts and build capacity in other states, as a long-term investment in a more stable world.*⁴⁶

While 'the national interest' will always be the guiding principle of UK (and any other) national strategy, therefore, it is possible to define 'interests' in such a way that more 'idealistic' goals such as conflict prevention and R2P can become mainstream. Indeed, given the potential costs - both to the politician's reputation and the national interest - of being seen to be disinterested in mass atrocity and overseas conflict, one might argue that interests and ideals do indeed merge. It is, however, the contention of this section that while conflict prevention has become mainstream in UK strategy, and this has informed how the UK intervenes overseas, mass atrocity prevention has not. In fact, mass atrocity prevention appears as something of an afterthought to UK strategy. R2P certainly is not - as Ambassador Wilson insisted it should be

⁴³ Andrew Linklater, 'What is a Good International Citizen?' in Paul Keal (ed.), *Ethics and Foreign Policy* (London: Allen and Unwin, 1992), pp.21-41.

⁴⁴ Linklater, 'What is a Good International Citizen'. See also Tim Dunne and Nicholas J. Wheeler, 'Good International Citizenship: A Third Way for British Foreign Policy', *International Affairs*, 74, 1998, pp.847-70.

⁴⁵ Jason Ralph 'After Chilcot: The 'Doctrine of International Community' and the UK Decision to Invade Iraq', *British Journal of Politics and International Relations* 13 (3) 2011, pp.304-25.

⁴⁶ HM Government, *Securing Britain in an age of uncertainty: The Strategic Defence and Security Review* p.3, at http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/documents/digitalasset/dg_191634.pdf

when he addressed the General Assembly in September 2013 – ‘the governing principle of all countries’ work across the conflict spectrum’.

As noted, the SDSR put great store in the concept of conflict prevention and stabilisation. It also called for ‘an integrated approach, both across government and internationally, to identify risks early and treat the causes rather than having to deal with the consequences.’ It explained that this was the reason behind the creation of the National Security Council, ‘to draw this entire effort together’.⁴⁷ It was also ‘why, given the direct linkages between instability and conflict, our Department for International Development will double its investment in tackling and preventing conflict around the globe’. As part of this integrated approach to conflict prevention and stabilisation, the Foreign and Commonwealth Office (FCO), the Department for International Development (DFID), and the Ministry of Defence (MOD) jointly published The Building Stability Overseas Strategy (BSOS) in 2011. This strategy aimed to improve performance through three mutually-supporting pillars:

Early Warning: improving our ability to anticipate instability and potential triggers for conflict.

Rapid crisis prevention and response: improving our ability to take fast, appropriate and effective action to prevent a crisis or stop it spreading or escalating.

Investing in upstream prevention: helping to build strong, legitimate institutions and robust societies in fragile countries that are capable of managing tensions and shocks so there is a lower likelihood of instability and conflict.⁴⁸

Since its launch, ‘institutional structures have been set up to facilitate better cross-departmental working and to provide oversight of BSOS implementation, such as the Building Stability Overseas (BSO) Steering Group’.⁴⁹ This brings together the Directors General of DFID, FCO and MOD to provide senior level oversight of BSOS implementation. The BSO Steering Group is complemented by the BSO Board comprised of senior officials from DFID’s Conflict, Humanitarian and Security Department, FCO’s Multilateral Policy Directorate and MOD’s Security Policy and Operations division. The increase in cross-departmental meetings on conflict issues has been a positive outcome of this new structure. This was the conclusion of the 2012 Saferworld investigation, although there is a sense that progress was needed in establishing a unified strategic vision what of departments are supposed to be planning in fragile and conflict affected states.⁵⁰ Even with this qualification, the integrated approach has been described to the author as ‘a real success story’.

Part of this success story has been the development of a joint methodology for analysing conflict and stability. The Joint Analysis of Conflict and Stability (JACS) replaced the Strategic Conflict Assessment (SCA) methodology, which was developed in 2002 and primarily used by the Department for International Development (DFID). This emerged in part as a response to the emphasis in BSOS on cultivating a genuine approach but also because existing methodologies appeared increasingly outdated.⁵¹ As described in the Guidance Notes, JACS ‘builds a shared, cross-government understanding of the context and basic drivers of the conflict and instability in a country’.⁵² It is considered to be ‘the agreed analysis and conclusions of experts from across interested Government departments’ and ‘should provide an agreed analytical basis to implicitly and explicitly shape and encourage coherent joint decision-making by senior officials and Ministers on policy and resource allocation towards a country or region’.⁵³

A JACS needs to be jointly commissioned ‘at a suitably senior level’, which, the Guidance Notes state, could include the National Security Council, the BSOS Director-General level Steering Group or BSO Board, the three senior FCO, MOD and Post (Head of Mission or Country Office), or London-based officials of the three departments at Director level. The analysis should be based on all available source material, including classified intelligence material. The guidance notes explain that security classification of the JACS should remain as low as is practical and authors should seek ways of reflecting sensitive material that impacts on the overall analysis without increasing the level of classification.⁵⁴ Finally, the JACS process must ‘ensure that there is strong alignment to existing UK policy programmes and interventions’. Notable examples are listed as CONTEST, the Organised Crime strategy, the Cyber Crime strategy, the Defence

“The increase in cross-departmental meetings on conflict issues has been a positive outcome of this new structure”

47 HM Government, *Securing Britain*, p.3.

48 HM Government, *Building Stability Overseas Strategy 2011*, pp.4-5.

49 Saferworld, *Building Stability Overseas Strategy: The Way Forward*, November 2012 at www.saferworld.org.uk/.../BSOS-briefing_The-Way-Forward_online.pdf

50 Saferworld, *Building Stability Overseas Strategy*.

51 For further background see Sultan Barakat and Thomas Waldman, ‘Conflict analysis for the twenty-first century’, *Conflict, Security and Development*, 13 (3) 2013, pp.259-83.

52 Joint Analysis of Conflict and Stability (JACS) Guidance Notes, 2012, p.3.

53 JACS Guidance Notes, 2012, p.5.

54 JACS Guidance Notes, 2012, p.26.

“From an R2P perspective BSOS simultaneously does too little and too much”

Engagement strategy and Women, Peace and Security (UNSCR 1325, 1820, 1888, 1960).⁵⁵ The Guidance notes offer the example of the 2012 ‘JACS light’ (10 day) study produced on Bangladesh, which was a cause for concern in the run up to the 2013 elections.⁵⁶ To date JACS has produced 10 studies, including a November 2012 declassified study of the situation in Mali, which has been described as essential to informing what the UK could and could not do with the result of saving time and money in that operation.

If the analysis side of BSOS is drawn together by JACS, the operational side is focused on the Stabilisation Unit (SU). This was known until 2007 as the Post Conflict Reconstruction Unit (PCRU). It is jointly owned by the FCO, DFID, MOD and more recently the Home Office given its responsibility for drugs and organised crime policy. The SU is an integrated civil-military operational unit that provides staff expertise for the wider implementation of BSOS. ‘Historically, the Stabilisation Unit has primarily focused on taking immediate action to stabilise countries which are already in the midst of violent conflict, suggesting a role in implementing the second pillar of BSOS on ‘rapid crisis prevention and response’.⁵⁷ Following the launch of BSOS, however, the SU has put greater emphasis on investing in upstream prevention. It has established a matrix that identifies countries as being in crisis, a focus for upstream prevention, or at rising risk of instability. Countries in each of these categories are identified as high, medium or low priorities.⁵⁸ The SU has also identified cross-cutting priorities such as the development of JACS and support for new and ongoing military operations (high), and support for defence engagement and international policing (medium). In addition to these priorities, the April 2013 Business Plan highlights particular challenges, including supporting the drawdown of the Helmand Provincial Reconstruction Team (HPRT) and capturing stabilisation lessons to inform civilian and military policy and doctrine; enabling the delivery of commitments made at the second Somalia Conference; preparing for greater engagement in Syria; monitoring the wider consequences of the Arab Spring, instability in the Sahel, and potential instability in East Africa; and responding to the UK G8 (now G7) lead on conflict prevention, specifically on preventing sexual violence.⁵⁹

Two points emerge from this review of current UK strategy as it relates to conflict prevention. The first is that there has been genuine progress in formulating a more integrated approach across government. The JACS process in particular is reported to be working well and supplying valuable analysis in ways that provide for an effective response. Yet it is clear that from an R2P perspective, and this is the second point, this integrated approach has not been informed by the specific aim of preventing mass atrocities. Government documents setting out the BSOS strategy, the principles guiding early warning, in particular JACS, and the principles informing upstream prevention, in particular the work of the Stabilisation Unit, all state the importance of alignment with cross-government strategies, but they do not mention R2P in amongst their examples. These examples do however include CONTEST and the National Action Plan for UN Security Resolution 1325 on Women Peace and Security. This is not consistent with Ambassador Wilson’s 2013 statement to the UN General Assembly that R2P should be ‘the governing principle of all countries’ work across the conflict spectrum’. The following sections explore these gaps in greater detail before recommending ways of addressing them in the context of ongoing policy reviews.

3.1 Building Stability Overseas Strategy (BSOS) and R2P

From an R2P perspective BSOS simultaneously does too little and too much. It does too little because it does not once mention R2P. This does not mean the UK has ignored R2P. We do however have to move down from the cross-departmental level to discuss specific R2P strategy and even then the commitment is somewhat ambiguous. As noted, there is no R2P Action Plan but R2P does gain explicit reference in UK Government Strategy on Protection of Civilians in Armed Conflict (PoC), which was launched in March 2010. It states that the UK will

continue to promote a shared understanding of R2P and is committed to helping states build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out. We will encourage and help States before crises and conflicts break, and work to ensure the R2P agreement is translated into a willingness to act speedily and appropriately.⁶⁰

55 JACS Guidance Notes, 2012, p.26.

56 JACS Guidance Notes, 2012, p.7.

57 Saferworld, *Building Stability Overseas Strategy*.

58 Stabilisation Unit, Business Plan 2013-14, April 2013 at <http://www.stabilisationunit.gov.uk/attachments/article/298/BusinessPlan201314Finalwithoutlinebudget.pdf>. For example, Libya was regarded as a high priority for upstream prevention activity, the DRC a medium priority and Central Asia a low priority; Egypt was a high priority rising risk, Yemen and medium priority in this category and Zimbabwe a low priority. Syria and Western Sahel were considered high priority crises. There were no medium or low priority crises identified.

59 Stabilisation Unit, Business Plan 2013-14, April 2013 at <http://www.stabilisationunit.gov.uk/attachments/article/298/BusinessPlan201314Finalwithoutlinebudget.pdf>

60 UK Government Strategy on the Protection of Civilians p.5. See also Ministry of Defence, Joint Doctrine Publication 0-01 *British Military Doctrine*, 4th edition para.103 at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/33697/2011130jdp001_bdd_Ed4.pdf; and Ministry of Defence, Joint Doctrine Note 5/11, *Peacekeeping. An Evolving Role for Military Forces*, July 2011 at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/33714/20110728JDN511_Peacekeeping.pdf. The author understands there are no plans to remove R2P from future statements of military doctrine.

However, despite the stress here on prevention (i.e. assistance *before* crises and conflicts break) the PoC also states that it 'covers the specific issue of the protection of civilians *once armed conflict has begun*'.⁶¹ Still, this should not hide the fact that the strategy has proceeded along four clear policy areas: political engagement; protection by peace support operations; humanitarian action; and state capacity building.

Before expanding on the work the UK has been doing in each of these areas it is worth pausing to examine why R2P did not appear in BSOS but protection of civilians did. It is understood that because the UK Government considered civilian protection to be a legal norm – expressed in international humanitarian law (IHL), international human rights law (IHRL) and international criminal law (ICL) – it influenced strategy more than R2P, which was (rightly) understood as an international political norm.⁶² There was a sense during the drafting of BSOS that even though paragraphs 138 and 139 of the 2005 World Summit Outcome Document were broadly adopted by the international community, the consensus was not strong enough for the UK to put R2P at the centre of its overseas strategy. Where protection of civilians had the weight and longevity of IHL behind it, R2P was still considered a contentious issue. For that reason the UK, as the above quote indicates, would limit its R2P commitment to promoting a 'shared understanding of R2P'.⁶³ It would not inform the upstream prevention work of the Stabilisation Unit. It would instead be understood as a diplomatic issue to be managed by the FCO's Multilateral Policy Directorate. The more limited and less controversial aim of civilian protection would be the focus of UK interventions.⁶⁴

There are a number of differences between PoC and R2P. Firstly, PoC applies only to 'armed conflict' as IHL defines or in situations of mass violence.⁶⁵ In specifying the former, the UK made clear its focus was narrow. R2P, however, relates to atrocity crimes that can occur outside situations of armed conflict. In the limited context of armed conflict, PoC can in some respects be more demanding than R2P. Where PoC seeks to prevent all attacks on civilians, R2P is narrower to the extent it is only triggered 'in those situations in which mass atrocities have been systematically planned as part of the war strategy'.⁶⁶ In other ways, R2P can be more demanding. Where PoC seeks only to protect civilians in armed conflict, R2P also seeks to prevent war crimes, which could involve atrocities against soldiers that are *hors de combat* e.g. prisoners of war.⁶⁷ Perhaps a more telling distinction, however, is the way R2P and PoC are perceived. As the *Policy Guide to the Responsibility to Protect and the Protection of Civilians* points out, there is a common perception that PoC is unlike R2P because it is impartial and it does not breach state sovereignty; and for these reasons it is better to perform atrocity-prevention activities while not speaking of R2P. The authors of the report dispute the accuracy of these perceptions.⁶⁸ However, the fact that they considered it necessary to address them is not insignificant. Indeed, there is a strong sense in UK Government that it can meet its R2P commitments by presenting them in the less controversial light of a PoC strategy.

This should not diminish the work that the UK has done under the PoC strategy that was launched in March 2010; and indeed there is something to be said for downplaying R2P if shouting about it makes implementing it more difficult. Under the four policy areas defined by the latest annual PoC report – political engagement; protection by peace support operations; humanitarian action; and state capacity building – the UK has made a valuable contribution. In addition to political engagement through the formal UN process for instance, the UK chairs an informal Security Council expert group, instituting thematic and ad hoc briefings on country specific situations. The PoC report also emphasises the creation of a UK National Action Plan for the implementation of UN Security Council Resolution 1325 on Women, Peace and Security. This included the investment of £25million over five years, 'a major and potentially ground-breaking new investment internationally', and a further £1 million for core funding for the UN Secretary-General's Special Representative on Sexual Violence in Conflict. Further work to prevent Violence against Women and Girls (VAWG) includes the establishment of a specialist team of UK experts to deploy to conflict areas to support the UN and civil society to investigate allegations of sexual violence, gather evidence and help build national capacity to do so.

In terms of protection by peace support operations, the UK has continued to take 'a robust position on the inclusion of Protection of Civilians language in UN Peacekeeping mandates' (it lists 9 such mandates up to 2012).⁶⁹ Following up this initiative the UK has supported the

61 UK Government Strategy on the Protection of Civilians, p.2, emphasis added.

62 The idea that PoC is a legal concept and R2P a political concept was asserted by the UN Secretary-General in his 2012 PoC Report (S/2012/376). This was accepted by the meeting of experts convened by The Ditchley Foundation in May 2013. This found that R2P created 'a moral and political obligation to try to act, not a legal one'. *Protecting Civilians in Armed Conflict. A note by the Director, The Ditchley Foundation*, 16-18 May, 2013 at <http://www.ditchley.co.uk/conferences/past-programme/2010-2019/2013/protecting-civilians>. For a contrary argument, see Breakey et.al, *Enhancing Protection Capability: Policy Guide to the Responsibility to Protect and the Protection of Civilians in Armed Conflict* p.14 at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/33714/20110728JDN51L_Peacekeeping.pdf. This Guide notes that in the Secretary-General's later 2012 R2P Report (S/2012/578) 'he eschewed such formulations and returned to the traditional understanding of the normative groundings of R2P: "The responsibility to protect is a concept based on fundamental principles of international law as set out, in particular, in international humanitarian, refugee and human rights law". They further note that PoC has 'major elements that are not specified by international law, which make confining it to a "legal concept" difficult'. For example, a positive duty of peacekeepers to protect civilians is not dictated by the UN Charter.

63 To this end the UK contributes funding to the Joint Office of the UN Secretary-General's Special Advisers for Genocide and Responsibility to Protect, as well as the international advocacy and outreach work of the Global Centre for the Responsibility to Protect, a leading New York-based NGO. The 2012 Foreign and Commonwealth Office Report on Human Rights and Democracy, April 2013 at <http://www.hrdreport.fco.gov.uk/wp-content/uploads/2011/01/2012-Human-Rights-and-Democracy.pdf>

64 The UK contributes funding to the Joint Office of the UN Secretary-General's Special Advisers for Genocide and Responsibility to Protect and provides 'funding for the international advocacy and outreach work of the Global Centre for the Responsibility to Protect, a leading New York-based NGO. This will support increased engagement with states and regional organisations on the implementation of R2P to help build a shared understanding around risks and effective prevention measures'. *Human Rights and Democracy 2012* The 2012 Foreign & Commonwealth Office Report at <http://www.hrdreport.fco.gov.uk/human-rights-in-safeguarding-britains-national-security/reducing-conflict/the-responsibility-to-protect/>

65 Breakey et.al., *Enhancing Protection Capability*, p.4.

66 Vesselin Popovski 'Siblings, but not twins: PoC and R2P', United Nations University, 1 November 2011 at <http://unu.edu/publications/articles/siblings-but-not-twins-poc-and-r2p.html>

67 Popovski, 'Siblings, but not twins'.

68 Breakey et. al *Enhancing Protection Capability*, p.13 note that while the 'humanitarian PoC of, for instance, the ICRC is always impartial, neutral and respectful of state authority, 'peacekeeping PoC' has qualified impartiality ever since the 2000 Brahimi Report.

69 UK National Strategy on Protection of Civilians in Armed Conflict, 2012 Annual Report, p.6.

“Advancing the prevention element of R2P requires an appreciation of the distinctions between the general conflict prevention agenda, and the particular context of mass atrocity crimes”

70 DFID, *Saving lives, preventing suffering and building resilience: The UK Government's Humanitarian Policy*, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67468/The_20UK_20Government_s_20Humanitarian_20Policy_20-20September_202011_20_20Final.pdf

71 BSOS acknowledges that it is trying to prevent violent conflict because this ‘undermines the institutions and relationships on which long-term peace and stability depend’. p.5.

72 Charles R. Butcher, Benjamin E. Goldsmith, Dmitri Semenov and Arcot Sowmya, *Understanding and Forecasting Political Instability and Genocide for Early Warning*, 2012 at http://sydney.edu.au/arts/research/atrocity_forecasting/downloads/docs/GenocideForecastingReportGlobal_2012afp.pdf p.6.

73 Task Force on the EU Prevention of Mass Atrocities, *The EU and the Prevention of Mass Atrocities. An Assessment of Strengths and Weaknesses* (EU: Foundation for the International Prevention of Genocide and Mass Atrocities, 2013) p.30 at <http://www.massatrocitiestaskforce.eu/Home.html>

74 Nick Cumming-Bruce, ‘U.N. Panel Finds Crimes Against Humanity in North Korea’, *New York Times* 15 February 2014 at http://www.nytimes.com/2014/02/16/world/asia/un-panel-finds-crimes-against-humanity-in-north-korea.html?_r=1

75 Cumming-Bruce, ‘U.N. Panel Finds Crimes Against Humanity’.

76 Human Rights Watch, *Burma. Investigate New Killings of Rohingya* 23 January 2013 at <http://www.hrw.org/news/2014/01/23/burma-investigate-new-killings-rohingya>. I am grateful to Alexandra Buskie for this point.

77 Task force, *The EU and the Prevention of Mass Atrocities*. p.30.

78 Ruben Reike, Serena Sharma and Jennifer Welsh, *A Strategic Framework for Mass Atrocity Prevention*, Australian Civil-Military Centre and Oxford Institute for Ethics, Law and Armed Conflict, Paper 03/2013 at <http://acmc.gov.au/wp-content/uploads/2013/11/3-2013-A-Strategic-Framework-for-Mass-Atrocity-Prevention.pdf>

African Union Mission in Somalia (AMISOM) by funding the Centre for Civilians in Conflict (CIVIC) and its Civilian Casualty Tracking, Analysis and Reporting Cell (CCTARC). Under this heading the MoD continues its commitment to military training as funded through the Conflict Pool and has participated in joint EU/AU project to support peacekeeping training centres. The UK continues to stress the importance of improving humanitarian access and delivering aid on a non-politicised and ‘need alone’ basis. The protection of civilians and humanitarian space is for instance a key goal of the UK Government’s Humanitarian Policy as written by DFID.⁷⁰ Finally, under the heading ‘state capacity’, the 2012 annual PoC report emphasises UK support for Security and Justice programmes in Afghanistan, Nepal, Malawi, Sierra Leone and Kosovo, as well as its involvement in the creation of a UN Global Focal Point on Rule of Law.

There has then been a lot of work done under the PoC strategy. There is some concern, however, that the PoC strategy that was launched in 2010 was conceived as a three year strategy and has been discontinued. The author understands that there are no plans to revive it. The FCO is seemingly satisfied that the PoC strategy has succeeded in mainstreaming protection-of-civilians thinking. Yet this represents a double concern. The issue from an R2P perspective is not simply that the closest thing to an R2P action plan (the PoC strategy) has been discontinued, it is that the PoC strategy, and BSOS more generally, was always problematic. The focus on violent conflict prevention in BSOS, and the focus on civilian protection in armed conflict, is too narrow.⁷¹ Aspects of the mass atrocity literature argue that R2P crimes do not ‘erupt from stable or harmonious political settings. Some form of “serious political instability” appears to be a necessary, although not sufficient, condition of genocide.’⁷² In this sense conflict prevention and R2P are one and the same. But this is not the case. The EU Task Force on the Prevention of Mass Atrocities, for instance, noted that ‘mass atrocities can occur outside of times of violent armed conflict or after the fighting has ended, so mass atrocity prevention may be needed even in situations requiring no conflict prevention’.⁷³

A recent example of this is the finding of a panel set up by the UN Human Rights Council that crimes against humanity have occurred in North Korea. There has not been a state of armed conflict within North Korea but ‘investigators detail how North Koreans have been summarily executed, subjected to rape, forced abortions and enslavement, and have suffered persecution on political, religious, racial and gender grounds’.⁷⁴ These alleged crimes against humanity ‘were committed through policies and decisions meant to sustain the current political system’.⁷⁵ The point is not that the UK Government could have done more in North Korea, although it is interesting that the North Korean report was considered a matter for the Human Rights and Democracy Department of the FCO and not those parts of the Multilateral Policy Directorate where R2P issues formerly sit (i.e. the Conflict Department). The point rather is that preventing violent conflict is not necessarily the same as preventing mass atrocity. Mass atrocity can take place within the context of political stability and non-violent conflict. Human Rights Watch for instance claims to have found evidence of crimes against humanity in the treatment of the Rohingya in Burma, where there is no official state of armed conflict.⁷⁶

If the PoC focus on protecting civilians in armed conflict does too little from an R2P perspective, the BSOS emphasis on preventing instability and violent conflict potentially does too much. Violent conflict is not necessarily illegal or illegitimate and does not always need to be prevented whereas mass atrocity can never be excused and must always be prevented. This point was made by the EU Task Force in its review of EU policy documents in this area. ‘Mass atrocities’ it noted ‘are always unlawful and need to be prevented, whereas legitimate reasons and circumstances exist for why arms are taken up within and between states’.⁷⁷ This is echoed by Ruben Reike, Serena Sharma and Jennifer Welsh, who argue that ‘[a]dvancing the prevention element of R2P requires an appreciation of the distinctions between the general conflict prevention agenda, and the particular context of mass atrocity crimes’.⁷⁸

In this respect, even the preventative, non-forceful intervention sanctioned by BSOS is potentially problematic. UK interventions to prevent legitimate acts of violence risk being portrayed as external interference and the denial of the right to national self-determination. This would especially be the case if the driving force behind conflict prevention was the UK national interest. Although this might not necessarily be inconsistent with the Good International Citizen criteria – stabilising a country to prevent terrorist attacks might be a legitimate form

of intervention – it would require the UK to prove such an intervention is in its ‘vital’ national interest. Stabilising a country to guarantee commercial gain, for instance, might not justify an intervention in such a scenario.

In addition, the failure of BSOS to distinguish between legitimate and illegitimate forms of violent conflict can again lead to a misdirection of scarce resources. The normative priority should be on preventing conflict where the risk of mass atrocity is high. In order to do this, BSOS, and especially its processes of analysis and early warning (see below), must be able to distinguish these types of conflict from those where that risk is not high, or indeed where violent conflict is a legitimate expression of politics. In other words, if BSOS is to operate with greater sensitivity to the UK’s R2P commitments then it needs to operate with a mass atrocity lens.

There is a second way BSOS may be doing too much from an R2P perspective. This is because UK strategy is defined in terms of preventing ‘instability’ and ‘conflict’, which involves creating political systems that are ‘representative and legitimate, and capable of managing conflict and change peacefully’. It also involves building societies ‘in which human rights and rule of law are respected, basic needs are met, security established and opportunities for social and economic development are open to all’. This is too much from an R2P perspective because ‘representative and legitimate’ government are not *necessary* requirements for mass atrocity prevention. Certainly, representative government reduces the risk of mass atrocity and this is captured by Ambassador Tatham’s contribution to the 2012 interactive dialogue on R2P in the UN General Assembly.⁷⁹ ‘Building good governance, the rule of law, inclusive and equal societies, and effective judicial and security sectors’ he stated, ‘all contribute to building a preventive environment in which Responsibility to Protect crimes are less likely to take place’. But there are governments that the UK might consider illegitimate because they are unrepresentative where the threat of mass atrocity remains low. Investing resources in these might be a misallocation of resources from an R2P perspective. Democracy promotion has an inherent value and it can reduce the risk of mass atrocity. Yet if the threat of mass atrocity is not high in a situation governed by an unrepresentative government then scarce resources might be better in areas where such a risk is high.

3.2 Early Warning, Joint Analysis and Responsibility to Protect

From an R2P perspective there is a normative priority to prevent those conflicts where the risk of mass atrocity is high. In order to distinguish this risk from others early warning processes and joint analysis practices need to operate with a mass atrocity lens. It will not be a surprise, given the above assessment of BSOS, that the UK’s current system of early-warning and joint analysis is not directed to providing this kind of specific intelligence. There is, however, potential. Adjustments to current practices and support for innovative methodologies can go a long way to addressing this gap.

The Countries at Risk of Instability (CRI) Report offers a comprehensive assessment of the risk of instability in 124 countries. It focuses on fragile states outside the OECD that have a population of one million.⁸⁰ The CRI Guide explains that the risk assessment framework

is based on two concepts that capture the degree of risk the country is exposed to. The first concept relates to the country’s formal structures, termed resilience. Resilience covers the economic, political and social institutions such as civil society and economic regulation that ensure a state can maintain control of its territory and people. The second concept relates to the demands for change to a country’s formal structures, termed pressure. Pressures cover a wide range of factors e.g. how a growing population creates demand for new jobs and infrastructure. When a country has insufficient or critical weakness in its resilience, the risk of instability increases.⁸¹

The CRI uses statistical modelling and expert peer review to place countries in a risk matrix of four tiers: high, Moderate-high, Moderate-low, Low. This assessment is updated annually and is formally approved by the Joint Intelligence Committee. The CRI Report is read alongside the Register of British Interests (which is classified as confidential and maintained by the Cabinet

⁷⁹ Quoted by Adams, ‘Humanitarian Intervention’.

⁸⁰ Cabinet Office, *Guide to Countries at Risk of Instability (CRI) Report. One Year Forecast*. Undated.

⁸¹ Cabinet Office, *Guide to Countries at Risk* p.2.

“A mass atrocity lens is said to operate alongside other kinds of lenses, although it is difficult to see from these indicator sets how this is the case”

Office) and together these ‘provide a basis for understanding which countries objectively matter most to the UK’. Adding the Register of British Interests to the CRI ‘provides an evidence-base and a starting point from which policymakers can make judgments about prioritising and allocating HMG effort and resources’.⁸²

The model used in CRI analyses is based on the research conducted by the Political Instability Taskforce, which is a US government-sponsored research project that builds databases on state failure.⁸³ It identifies a ‘pressure indicator set’ and a ‘resilience indicator set’. The former includes factors such as ‘state-led repression’, ‘youth-bulge’, ‘level of repression’, ‘borders in dispute’ and ‘presence of conflict or ethnic war’; while the latter includes factors such as ‘regime type’, ‘press freedom’, ‘years of schooling’, ‘infant mortality’ and ‘gross national income per capita’.⁸⁴ A mass atrocity lens is said to operate alongside other kinds of lenses, although it is difficult to see from these indicator sets how this is the case. None of the indicators, perhaps with the exception of the indicator of ethnic violence, seemingly identify the specific risk of R2P mass atrocity crimes. Indeed, the author understands that the CRI process has not been given the specific task of assessing the likelihood of mass atrocity and there is a concern about the resources available if CRI was to be burdened by such requests.

The Cabinet Office is working to better mine the data that is available through open-sources on the internet.⁸⁵ As part of this initiative the Cabinet Office will be integrating into their early warning processes the open-source dataset being produced by the US Holocaust Memorial Museum (USHMM). This initiative emerged from a one-day seminar held by the museum in October 2011. From that and the recommendations of USHMM Fellow and Dartmouth professor Ben Valentino, the Museum decided to create an early warning database.⁸⁶ The possibility that new methodologies will be able to mine this kind of ‘big-data’ in ways that can improve early warning is encouraging. Yet it is still somewhat dependent on the production of the kind of intelligence that is sensitive to events as they are happening in the regions, countries and locales at risk. An implication of this is that it is necessary to enable populations at risk to produce such data by, for instance, guaranteeing access to Twitter accounts. An example of the power of such a tool was evident during the 2013 crisis in the Central African Republic (CAR) when aid and human rights workers were able to mobilise world attention in ways that were unthinkable 20 years earlier in Rwanda.⁸⁷

If the CRI process triages the world to identify areas where there is a risk of instability, the Joint Analysis of Conflict and Stability (JACS) process aims to provide a clear evidence base for designing policy. As noted above, JACS is generally regarded as a success story within government. Yet from an R2P perspective there is room for improvement. Like BSOS it seemingly operates without a mass atrocity lens. In this sense there is a risk that analysis could miss warnings of mass atrocity. This is not to argue that conflict prevention is unnecessary where there is no threat of mass atrocity. Preventing conflict can be a normative good. Rather the argument is that preventing those conflicts where there is a higher risk of mass atrocity is a greater urgency, especially given the UK’s insistence that R2P ‘should be an important governing principle ... across the conflict spectrum’. In order to address that priority JACS needs to be more sensitive to indicators that highlight the specific threat of mass atrocity. Indeed, the UK’s commitment to this aspect of R2P was reiterated at the Informal Interactive Dialogue of the General Assembly that was held on 9 August 2010 to discuss the UN Secretary-General’s report *Early Warning, Assessment, and the Responsibility to Protect*.⁸⁸

A review of the current JACS Guidance Notes reveals the lack of a mass atrocity lens. These notes split the JACS process up into three phases: initiation, analysis and deployment or utilisation. Those initiating a JACS must be clear on why analysis is needed and ‘establish the UK’s strategic interests, the history of involvement and on-going engagement in the country or region’. Does this imply that a JACS analysis is not appropriate if there is a threat of mass atrocity in an area where the UK has no ‘strategic interests’ or involvement? The Guidance Notes do not answer this. This might mean that a JACS analysis could be initiated as such situations can by themselves generate a new set of ‘interests’. But by vaguely declaring that ‘UK interests can be mapped according to set of broad categories’ there is a risk that the moral imperative to prevent mass atrocity could be missed.

82 Cabinet Office, *Guide to Countries at Risk* p.2.

83 Robert H. Bates, et. al ‘A Global Model for Forecasting Political Instability.’ *American Journal of Political Science*, 54 (1) 2010, pp. 190–208.

84 Other indicators are listed in *Guide to Countries at Risk*, p.6.

85 In November 2013 the Cabinet Office presented at the 2nd annual Recorded Future User Network at <https://www.recordedfuture.com/this-is-recorded-future/rfun2013/> For details on Recorded Future see Tom Cheshire, The news forecast: Can you predict the future by mining millions of web pages for data?, *Wired Magazine* 10 November 2011 <http://www.wired.co.uk/magazine/archive/2011/12/features/the-news-forecast>

86 ‘Building a Public Early-Warning System for Genocide and Mass Atrocities’ <http://darthrowingchimp.wordpress.com/2012/04/07/building-a-public-early-warning-system-for-genocide-and-mass-atrocities/>

87 For example see the reporting of Peter Bouckaert, the Emergency Director of Human Rights Watch at @bouckap.

88 Report of the Secretary-General, *Early Warning, Assessment, and the Responsibility to Protect*, UN Document A/64/864, July 14, 2010; see Report of GCR2P on the interactive dialogue, September 2010.

This risk also occurs in the Guidance Notes on phase two, 'detailed analysis'. Informed by the BSOS, the JACS Guidance Notes focus the analyst on the underlying structural factors and dynamics of 'conflict' and 'instability', as well as identifying opportunities for 'peace'.

Conflict is dynamic and affected by the interplay of factors. Why, for example, are certain actors interested in continued instability and violence or conversely in championing peace and achieving political settlement? What are the linkages between structural factors, such as a climate of impunity, elite corruption, ethnic exclusion and patterns of violence and conflict? What institutional and informal mechanisms exist to manage violence, and promote peaceful dispute settlement?

Such questions are appropriate but they are, by themselves, unable to distinguish between conflicts where the violence is limited (and possibly legitimate) and situations where violence may rise to the level of a mass atrocity. Again, JACS does not exclude such an analysis. The questions offered in the Guidance Notes 'are just a few of the kinds of complex questions the analysis should begin to address'. Given the UK's commitment to R2P and Ambassador Wilson's insistence that it should be an 'important governing principle of all countries' work across the conflict spectrum', however, this guidance is general and vague. Questions exploring the specific risk of mass atrocity (in both conflict and non-conflict situations) should explicitly inform a JACS analysis.⁸⁹

Having the capability to identify the specific risk of mass atrocity in a particular conflict or non-conflict is especially important because, as the Conflict Pool's Strategic Guidance notes, 'the UK cannot and should not work everywhere to prevent conflict'. Selectivity of this kind is of course inevitable, but by not prioritising the indicators of mass atrocity in JACS, the UK Government risks deploying scarce resources to prevent conflicts where there is not a risk of mass atrocity, at the expense of efforts to prevent conflicts where there is such a threat. This risk is not mitigated by what the JACS Guidance Notes says on Phase 3, 'Utilisation'. This should 'aim to: pull out and agree key findings from the JACS process to date that have the most relevance for HMG action planning; establish what the key findings imply for the immediate and future actions of HMG partners ...'. Again, this does not rule out the possibility that government officials will be warned of the risk of mass atrocity, but JACS does not institutionalise R2P-based warnings in ways that suggest it is a governing principle of the UK approach to conflict.

3.3 The Stabilisation Unit and the Responsibility to Protect

As noted, the Stabilisation Unit is an integrated civil-military operational unit that provides staff expertise for the wider implementation of BSOS. It is the unit that will act on the JACS analysis if policymakers have concluded that some form of preventive intervention is an appropriate response to the threat of instability. It has been funded by the Conflict Pool, which was established in 2001 and restructured in 2008. This is part of the HM Treasury Conflict Resources settlement, which also funds the Peacekeeping Budget. However, from Financial Year 2015-16 the Conflict Pool will be replaced by The Conflict, Stability and Security Fund (CSSF). This will have a budget of £1billion and be governed by the National Security Council. The 2013 Spending Review stated that the CSSF

Will fund a broader range of activity to help prevent conflict that affects vulnerable people in the world's poorest countries, and tackle threats to UK interests from instability overseas. This will include actions the UK delivers directly or through third parties and its contribution to multilateral interventions overseas to help prevent conflict and instability, and support post-conflict stabilisation.⁹⁰

Government Spokesperson on International Development, Baroness Northover, told the House of Lords on the 17 July 2013 that this process is being led by the Cabinet Office to ensure the new fund and its supporting structures implement the National Security Council's priorities. It will, she stated, 'bring together existing conflict resources (the Conflict Pool and the Peacekeeping Budget) with additional resources from across Government.'⁹¹ The recent emphasis on upstream conflict prevention will continue. The CSSF will include funding to ensure the UK can

⁸⁹ Specific atrocity indicators include 'the allocation of public services and offices according to ethnic lines; the existence of ethnic-based tensions; gender-based indicators; the presence of private militias; the record of human rights violations by police and armed forces; and changing patterns of weapons acquisition'. Summary provided to the informal interactive dialogue of the General Assembly, 9th August 2010, by Muno Ndulo, Professor of Law and Director of the Institute for African Development, Cornell University. GCR2P, pp.5-6. See also I. William Zartman, *Preventing Identity Conflict Leading to Genocide and Mass Killings*, International Peace Institute in cooperation with the Office of the United Nations Special Adviser on the Prevention of Genocide, November 2010; Susanne Karstedt, 'Contextualizing mass atrocity crimes: The dynamics of 'extremely violent societies'' *European Journal of Criminology*, September 2012 vol. 9 no. 5 499-513.

⁹⁰ HM Treasury Spending Review 2013, p.45. <http://www.official-documents.gov.uk/document/cm86/8639/8639.pdf>

⁹¹ Hansard, House of Lords, 17 July 2013: Column WA122 at <http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/130717w0001.htm>

respond quickly to crises, but it will also 'ensure longer term conflict prevention work to tackle the root causes of conflict abroad, such as providing military training and capacity building, human rights training, security and justice sector reform, and facilitating political reconciliation and peace processes'.⁹² Despite this continued commitment to funding, the Stabilisation Unit has recently been forced to cut its budget and workforce. In Financial Year 2012-13 for instance it reduced its core team from 86 to 75 personnel and found an 'efficiency saving' of £703k. In Financial Year 2014 the business plan projected a further reduction of staff to 65 and further saving of £497k. This includes relocation to the main FCO building. The business plan is explicit in acknowledging that staff feedback on the process of managing these changes has been poor.⁹³

The pressure to be selective on where to deploy resources is thus very real and indeed there is some evidence that preventing mass atrocity is not high on the Stabilisation Unit's priorities. The Central African Republic (CAR) has been high on the watch lists of organisations using a 'mass atrocity' lens. Indeed, the 2012 study *Understanding and Forecasting Political Instability and Genocide for Early Warning* had the CAR among states where there was the greatest risk of genocide. Yet CAR did not even appear on the risk matrix that was published in the Stabilisation Unit's Business Plan of April 2013. This identified countries that were deemed to be in 'crisis', a 'rising risk' or identified for 'upstream conflict prevention' and classified them as high, medium and low priorities. Syria and the Western Sahel were considered to be countries in crisis and high priorities. Of the other high priorities, Afghanistan, Libya, Somalia, Sudan and South Sudan were identified for upstream conflict prevention and Egypt was considered to be a rising risk. Again, CAR did not feature anywhere on the Stabilisation Unit's geographical priorities, not even a low priority rising risk.

"Against this background, the UK's claim that it covers R2P through its Building Stability Overseas Strategy lacks credibility"

There is not the space to go into the ongoing crisis in CAR but it is clear of course that a very real threat of mass atrocity emerged late in 2013. Even if such a threat had featured on CRI analyses, something happened to stop it appearing on the Stabilisation Unit's list of geographical priorities. No one from the Stabilisation Unit was available to be interviewed for this project. One can only speculate therefore that CAR was left off this list because the Register of British Interests completely cancelled out any pressure to devote resources to CAR. In other words, despite the high risk of mass atrocity, the UK had no interest in CAR and so the resources devoted to BSOS could not be deployed in that instance. This is the outcome of a strategy that does not operate with a mass atrocity lens. Against this background, the UK's claim that it covers R2P through its Building Stability Overseas Strategy lacks credibility. It is however understandable when one considers that the definition of stability that guides HMG is focused on a relatively narrow definition of the national interest. The implementation of BSOS, to repeat, was to be 'aligned with related strategies, notably the CONTEST Counter-Terrorism strategy'.⁹⁴

This emphasis on the selectivity imposed by the UK's Register of Interests is echoed by the *Conflict Pool Strategic Guidance* of April 2013. This warns that 'the UK cannot and should not work everywhere to prevent conflict'. It insists that the UK should 'prioritise where the risks are greatest, where UK interests are most at stake, and where the UK can make a difference. Similarly for the Conflict Pool, spreading resources too thinly risks diluting its impact'. It goes on to explain that geographical priorities should reflect NSC priorities and the Government's internal Watchlist of fragile countries, 'in which we assess the risks of conflict and insecurity are high and where the UK has significant interests at stake'.⁹⁵ For these reasons CAR is missing from the list of five geographical programmes: Afghanistan, Africa, Middle East and North Africa, South Asia and wider Europe. 'Countries that are neither NSC priorities nor on the UK Watchlist', the *Conflict Pool Strategic Guidance* concludes, 'will rarely attract significant levels of Conflict Pool resources'.⁹⁶

Of course the UK cannot act everywhere and the concept of good international citizenship does not expect any state to trade common values for its vital national interest. However, the above example should lead to questions about how the funds for the Stabilisation Unit are being prioritised. It does seemingly represent the case where a country at a high risk of mass atrocity was overlooked because there were other more demanding cases as defined by the UK's Register of National Interest. It is doubtful that the UK had 'vital' national interests in all the cases appearing ahead of CAR on the SU's matrix of geographical priorities. It is hard

92 HM Treasury Spending Review 2013, p.45. <http://www.official-documents.gov.uk/document/cm86/8639/8639.pdf>

93 Stabilisation Unit, Business Plan 2013-14, April 2013 at <http://www.stabilisationunit.gov.uk/attachments/article/298/BusinessPlan201314Finalwithoutlinebudget.pdf>

94 HM Government, *Building Stability Overseas Strategy* 2011.

95 *Conflict Pool Strategic Guidance* of April 2013, p.11.

96 *Conflict Pool Strategic Guidance* of April 2013, p.11.

to avoid the conclusion therefore that the UK could have done more with respect to R2P and CAR.

A more forgiving analysis would again recognise that the UK cannot act everywhere and explain CAR's absence from the Stabilisation Unit's geographical priorities as the consequence of a judgement about where 'the UK can make a difference'. It is important for the UK not to dilute the impact of its aid by spreading it too thinly, and it can expect international partners to take a lead where they have more influence. Indeed, from this perspective the UK response to CAR takes on a different significance. As part of Francophone Africa it makes sense in terms of the effectiveness of limited resources for France to take the lead in stabilisation projects and for the UK to support in times of crisis; and of course the UK *did* do this in December 2013 when it helped move French peacekeeper equipment to CAR by means of a UK C-17 transport aircraft. That deployment was a response to the UN Security Council Resolution 2127 (2013) authorising the deployment of the African-led International Support Mission to CAR (MISCA), and the deployment of French forces to provide assistance. The Mission was mandated to contribute to the protection of civilians, the restoration of public order, and the stabilisation of CAR.⁹⁷ Still, those with responsibility for overseeing the way the SU prioritises its resources under the new CSSF (i.e. Members of Parliament) must themselves operate with a mass atrocity lens if the UK is to stay true to its view that R2P should inform all aspects of its approach to conflict.

⁹⁷ UK support to international response in Central African Republic <https://www.gov.uk/government/news/uk-support-to-international-response-in-central-african-republic>. Hague added 'This comes on top of £10 million in UK aid announced on 30 November. Having already contributed £5 million in July, the United Kingdom is now one of the largest donors of humanitarian assistance to the people of CAR.' This statement says more about the paucity of the international attention given to CAR than it does the generosity of the UK Government.

4. The dilemmas of humanitarian intervention

“During the Kosovo crisis, the UK relied on what it called the ‘doctrine of humanitarian intervention’ to defend the legality of NATO’s actions”

Alex Bellamy’s second strand of thinking centres on the claims that R2P would resolve the dilemmas of humanitarian intervention, or coercive military intervention for the purpose of protecting populations from mass atrocity crimes. As noted in the introduction to this piece, this dilemma was at its most acute during the Kosovo crisis when NATO used force without Security Council authorization, claiming that the moral imperative to prevent mass atrocity outweighed the legal imperative to respect the UN Charter. The ICISS report that followed considered the questions surrounding authority to use force. It found that there was ‘no better or more appropriate body than the United Nations Security Council to authorize military intervention for human protection purposes’. However, it warned that if the Security Council ‘fails to discharge its responsibility to protect in conscience-shocking situations crying out for action, concerned states may not rule out other means to meet the gravity and urgency of that situation – and the stature and credibility of the United Nations may thereby suffer’. It recommended that the P5 agree not to apply their veto in R2P situations where there was majority support for action and their vital state interests were not involved. It also noted that if the Security Council failed to deal with such a situation ‘in a reasonable time’ alternative options were: consideration by the General Assembly under the “Uniting for Peace” procedure; and action within area of jurisdiction by a regional organization under Chapter VIII of the Charter, subject to subsequent authorization by the Security Council.⁹⁸

During the Kosovo crisis, the UK relied on what it called the ‘doctrine of humanitarian intervention’ to defend the legality of NATO’s actions. This stated that force was justified on grounds of overwhelming humanitarian necessity without explicit UN Security Council authorization.⁹⁹ ICISS, however, did *not* recommend unauthorized military action or humanitarian intervention. Despite this, R2P became equated in UK foreign policy discourse with humanitarian intervention. Thus, the March 2005 House of Commons Foreign Affairs Committee Report on Darfur discussed R2P as an emerging legal norm. While recognising that there was no firm legal basis for R2P, it commended the UK for promoting the notion of the “responsibility to protect”, and what it terms the “doctrine of humanitarian intervention”.¹⁰⁰ The World Summit later that year should have corrected any such confusion. To repeat paragraph 139, states were ‘prepared to take collective action, in a timely and decisive manner, *through the Security Council, in accordance with the Charter, including Chapter VII*, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity’. In other words, R2P was politically, if not legally, ‘an explicit rejection of ‘humanitarian intervention’’.¹⁰¹

98 ICISS, *The Responsibility to Protect*, pp.xi-xiii.

99 Nicholas J. Wheeler, *Saving Strangers. Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000), pp.275-81.

100 International Development Committee, *Darfur*, p.57.

101 Adams, ‘Humanitarian Intervention’.

Indeed, the UN Secretary-General’s first special adviser on R2P, Edward Luck, considered it a key part of his role to distinguish R2P from humanitarian intervention. The three pillar approach to implementing R2P was designed in part to reaffirm the centrality of the Security Council to the decision on when to use force and to explain that there was much more to R2P than military intervention. Despite Luck’s efforts to promote R2P, however, the idea of humanitarian intervention still appealed to parts of the UK political elite, including David Cameron. In a 2006 speech before entering office for instance, Cameron stated he supported humanitarian

intervention and questioned the centrality of the Security Council in authorising force.¹⁰² This approach was maintained in office. Commenting in March 2012 on the deteriorating situation in Syria and the deadlock at the Security Council, Prime Minister Cameron stated:

I think Kosovo proved that there are occasions when your responsibility to protect ... to save lives, to stop slaughter, to act in a way that is both morally right but also in your own national interest – that there are occasions when you can do that without a UN resolution ... I've always thought it odd the argument that because there's a Russian veto, suddenly all other moral arguments are washed away. I don't believe that.¹⁰³

This is not the place to argue Cameron's position, suffice to say that the issue is not simply a question of morality versus legality. Moral considerations underpin the UN Charter. Whether these carry as much weight as those underpinning the principle of humanitarian intervention is debatable. R2P, however, is a political norm and there is no question that humanitarian intervention without a UN resolution contradicts it. As Simon Adams notes, the action envisaged by Cameron, 'although morally justifiable, would not be consistent with R2P and would definitely damage the development of the norm'.¹⁰⁴

Put in this light, the UK Government's actions during the Syria crisis of August 2013 risked contradicting the UK claim that it 'will continue to promote a shared understanding of R2P'.¹⁰⁵ In response to the Syrian regime's alleged use of chemical weapons the government argued that the UK should join a US military strike and argued it had authority to do this even without UN Security Council backing. It defended itself against the charge that such action would be illegal by recalling the doctrine of humanitarian intervention. The published legal advice claimed that the legal basis for military action against Syria in response to the chemical attack of that month 'would be humanitarian intervention; the aim is to relieve humanitarian suffering'. It continued: 'If action in the Security Council is blocked, the UK would still be permitted under international law to take exceptional measures in order to alleviate the scale of the overwhelming humanitarian catastrophe in Syria'¹⁰⁶ Evidence that this was not simply a knee-jerk reaction to events can be found in the 4th edition of British Military Doctrine, which was published in November 2011. It identified humanitarian intervention as one of three scenarios that could legally justify the use of force, self-defence and Security Council authorization were the other two.¹⁰⁷

Of course, the UK Government might argue that it did not claim R2P authorized the use of unilateral force during the Syrian crisis and it did not therefore damage the credibility of that concept. Such an argument misses the point, however. The UK Government was arguing that a humanitarian emergency in Syria necessitated unauthorized military action *despite the fact states had agreed that their response to humanitarian emergencies of this kind would be governed by R2P as set out in the World Summit Outcome Document*. By demonstrating that it would not be constrained by that political norm it is likely that the UK Government compounded the suspicion that many states, especially the BRICs, have about the UK (and US) attitudes to military intervention and R2P. It was only the intervention of Parliament that prevented the UK Government from doing even further damage to the concept as well as to an international order that is based on a legal hierarchy controlled by the UN Security Council. A vision of the world without such a hierarchy, one based on anarchic claims to be defending human rights through unauthorized military intervention was reflected in the March 2014 crisis when Russia occupied the Crimea.

Commentators like David Reiff were too quick to declare the death of R2P after the Libyan intervention.¹⁰⁸ However, the UK should accept that it has a lot of diplomatic work to do if it is to repair the political damage it did to R2P during the Syrian crisis. Indeed, Parliament has been probing the government to clarify the Government's position on humanitarian intervention and R2P. In a question to the Foreign Office, for instance, the Foreign Affairs Committee noted that the Independent International Commission on Kosovo (IICK) concluded in 2000 that NATO action based on the doctrine of humanitarian intervention was 'illegal but legitimate'. The Government, it suggested, 'appears to regard as lawful, military action (for example, that proposed in Syria) of a type which the International Commission on Kosovo concluded was unlawful'. It wished to know if this was indeed the Government's position, what impact the 2005 World Summit Outcome Document had on that understanding and what the FCO understood to be the implications of humanitarian intervention.

¹⁰² David Cameron speech to the British American Project, 11 September 2006 at http://www.theguardian.com/politics/2006/sep/11/conservatives_speeches. For further discussion see Jason Ralph, 'The liberal state in international society. Interpreting recent British foreign policy', *International Relations* 28, (1) 2014, pp.3-24.

¹⁰³ Quoted in Adams, 'Humanitarian Intervention'.

¹⁰⁴ Adams 'Humanitarian Intervention'

¹⁰⁵ *UK Government Strategy on the Protection of Civilians*, 5.

¹⁰⁶ Prime Minister's Office, *Chemical weapon use by Syrian regime: UK Government legal position*, 29 August 2013.

¹⁰⁷ Ministry of Defence, *Joint Doctrine Publication 0-01. British Military Doctrine, November 2011, Annex 1-B* at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/33697/20111130jdp001_bdd_Ed4.pdf

¹⁰⁸ David Reiff, 'RtoP, RIP', *New York Times* 7 November 2011.

In his reply on 14 January 2014, Foreign Office Minister Rt Hon Hugh Robertson MP unambiguously defended the doctrine of humanitarian intervention. The Government's position, he insisted, had not changed. It did not agree with the IICK's conclusion that the Kosovo intervention was illegal. On the question of whether the World Summit had altered this, Ottoway stated bluntly that '[n]othing has changed with regard to the basis for the Government's position, which predates 2000'. The World Summit Outcome Document he stated is non-binding. He welcomed it as an expression of political intent but added that R2P 'does not in itself create new legal rights and duties or modify existing ones'. Furthermore,

it does not address the question of unilateral State action in the face of overwhelming humanitarian catastrophe to which the Security Council has not responded. Rather "Responsibility to Protect" is aimed at making sure that the Security Council does take action.¹⁰⁹

109 Further supplementary written evidence from Rt Hon Hugh Robertson MP, Minister of State, Foreign and Commonwealth Office: humanitarian intervention and the responsibility to protect <http://justsecurity.org/wp-content/uploads/2014/01/Letter-from-UK-Foreign-Commonwealth-Office-to-the-House-of-Commons-Foreign-Affairs-Committee-on-Humanitarian-Intervention-and-the-Responsibility-to-Protect.pdf>.

110 *UK Government Strategy on the Protection of Civilians*, 5.

111 Joel Gunter and Nassos Stylianou, Syria crisis: how does Britain's aid donation compare?, *The Telegraph*, 15 January 2014 at <http://www.telegraph.co.uk/news/worldnews/middleeast/syria/10570726/Syria-crisis-how-does-Britains-aid-donation-compare.html>

112 Patrick Wintour, 'UK agrees to take up to 500 of the most traumatised Syrian refugees', *The Guardian* 29 January 2014 <http://www.theguardian.com/world/2014/jan/28/syria-refugees-uk-agrees-up-to-500>

113 Amnesty International *Fortress Europe: Syrian refugee shame exposed* 13 December 2013 at <https://www.amnesty.org/en/news/fortress-europe-syrian-refugee-shame-exposed-2013-12-11>; see also exchanges during the House of Commons, Foreign Office statement on Syria on 13 January 2014 at <http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140116/corrtxt/140116c0001.htm>

Despite recognition that there was a political understanding, the Minister insisted that the doctrine of humanitarian intervention would have no adverse implications for the UN. He did not elaborate on why the FCO thought that to be the case. Again, the Russian intervention in Ukraine might cause some reflection here, although of course any Russian claim that their unauthorized use of force was in response to a humanitarian catastrophe would lack any credibility. The more significant point is that the Minister's reaction is at odds with his Department's view that the UK 'will continue to promote a shared understanding of R2P'.¹¹⁰ As the Executive Director of the Global Centre for the Responsibility to Protect noted, the doctrine of humanitarian intervention undoubtedly damages R2P. This might not be a concern for the government, but it is not right to dismiss the possibility of adverse implications for the UN.

This is not to argue the UK has failed to meet its responsibility to help protect the Syrian population. Its contribution to the international provision of humanitarian aid compares favourably to other countries. As of January 2014 the UK had donated £600million to humanitarian causes in the region. That makes it by far the biggest donor in the EU, having pledged almost three times that of Germany, the second-largest donor, which has donated £204 million to date.¹¹¹ On the global stage, the UK was in 2013 the second largest donor behind the US. The record is perhaps more mixed when it comes to the taking in refugees from the crisis. In an agreement with the UN high commissioner for refugees (UNHCR), the government decided to provide refuge for some of those most traumatised by the crisis, such as vulnerable women and children. The agreement was said to limit to 500 the number of the most vulnerable persons that would be permitted entry.¹¹² That was after the UNHCR had appealed for Western countries to resettle 30,000 refugees. Although UK policy is to help protect and cater for refugees in situ, it is criticised relative to Germany, which has promised to take-in 10,000 refugees or 80 percent of the EU's total pledge.¹¹³

5. Conclusions and recommendations

The UK has been and remains a strong advocate of R2P. As this report has shown, however, it has not always followed through on its rhetoric. Lord Malloch-Brown, and more recently, Ambassador Wilson told the UN that R2P should be a governing principle in the work of all governments ‘across the conflict spectrum’, yet UK Government guidelines on early warning, conflict analysis and preventative aid do not explicitly reference the specific threat of mass atrocity. Furthermore, the UK continues to insist that the unauthorized use of force to prevent mass atrocity is legal, when advocates of R2P insist that this stance damages R2P. There is an opportunity to revisit these questions in the context of upcoming security reviews. The following sections address these concerns with specific recommendations. The first addresses the concern that humanitarian intervention is undermining R2P. This can be considered separate to, and in conjunction with, the other recommendations, which address the non-coercive aspects of UK strategy.

5.1 Addressing the dilemmas of humanitarian intervention

There is a strong moral argument for by-passing the Security Council when it fails to authorise the measures, including the use of force, that are necessary to prevent or end mass atrocity. However, the UK claims that there is a legal right to use force in such circumstances and this is contested. For some the UK might be seen to be acting as a ‘norm entrepreneur’.¹¹⁴ By insisting that the right of humanitarian intervention emerges from state practice, and by adding to that practice through its own actions, the UK is leading the process by which the norms that characterise international society change.

This may be true; but to insist that there are no adverse implications for the UN and the political consensus underpinning R2P is incorrect. The UK (and for that matter the US and the EU) cannot act to prevent mass atrocity everywhere. This is recognised in the strategy documents informing the preventive side of its overseas strategy. Yet it is seemingly content to defend a unilateralist approach to the use of force even though it knows this may alienate the kind of states whose support is needed if the UK is to have recourse to multilateral solutions in areas beyond its competency or strategic reach. R2P, in other words, is about mobilising international society *as a whole*. This is done by building an understanding that humanitarian intervention will not be abused by powerful states acting unilaterally. By refusing to recognise that, the UK risks weakening the emerging norm and weakens the ability of the UN to respond to the threat of mass atrocity as a whole.

To address this concern, the UK should be more supportive of the initiatives of those states that have sought to re-establish trust within the Security Council. This would include encouraging and championing the Responsibility While Protecting (RWP) formula, which was proposed to the UN General Assembly by Brazilian President Dilma Rouseff in September 2011. As a response to concerns that the US, UK and France had gone beyond the mandate set out in Resolution 1973 (2011), RWP sought to establish guidelines for intervening states. These, the Brazilian Permanent representative observed,

“The UK should be more supportive of the initiatives of those states that have sought to re-establish trust within the Security Council”

¹¹⁴ For discussion see Nicholas J. Wheeler, ‘Reflections on the Legality and Legitimacy of NATO’s Intervention in Kosovo’, in Ken Booth (ed.) *The Kosovo Tragedy. The Human Rights Dimensions* (London: Frank Cass, 2001), pp.145-63.

Must be observed throughout the entire length of authorization, from the adoption of the resolution to the suspension of the authorization by a new resolution; ... [e]nhanced Security Council procedures are needed to monitor and assess the manner in which resolutions are interpreted and implemented to ensure responsibility while protecting; ...[t]he Security Council must ensure the accountability of those to whom authority is granted to resort to force.¹¹⁵

In a similar vein, the Vice President and a senior research fellow at Chinese Institute of International Affairs, Ruan Zongze has proposed the idea of 'Responsible Protection'. The 'objects of protection', he writes, 'must be the innocent people, not specific political parties or armed forces.... the purpose of protection must be to mitigate humanitarian catastrophe. It is absolutely forbidden to create greater humanitarian disasters because of protection, let alone to use protection as a means to overthrow the government of a given state.'¹¹⁶ Questions exist concerning how such principles would be put into practice and how they would impact on the effective implementation of military mandates.¹¹⁷ But for R2P advocates these initiatives offer 'reason for confidence that it may be possible to recreate international consensus, so long missing in Syria, about how to deal with the hardest mass-atrocity cases'.¹¹⁸ As noted, the UK has been committed to promoting a shared understanding of R2P. If this remains the case, then it should take the opportunity to engage constructively with these proposals. This would first mean correcting the impression that it is 'impatient regarding criticisms by Brazil and other countries regarding the way R2P was implemented in Libya'.¹¹⁹

Another interesting proposal in this area includes the French proposal to limit the veto in mass atrocity situations. At a Security Council meeting on 29 October 2013, it blamed abuse of veto power for Council paralysis in the face of blatant humanitarian crises and called on the P5 to establish a code of conduct with the help of views and expertise provided by research institutions and non-governmental organizations. The UK did not address this proposal at that meeting, concentrating instead on a proposal to increase the efficiency and transparency of the Security Council meetings.¹²⁰ The danger with limiting the application of the veto in situations involving mass atrocity is that Security Council disunity may simply manifest itself in debates about how best to characterise a violent situation. This could potentially lead the Security Council to overlook mass atrocities out of fear that it will lead to military force being used without the consent of one of the P5. The cost to this, of course, is that the Security Council may not recognise the appropriateness of non-coercive international action. An alternative may be to reconsider a proposal originally aired within ICISS. If in situations involving mass atrocity a permanent member exercises a veto, the UK should assess the political legitimacy of its legal argument to use force against the distribution of other votes at the Security Council. A majority vote that makes it clear that the vetoing state is isolated (and has essentially lost the argument) lends greater legitimacy to the state who claims it does not need a Security Council resolution to intervene. This would prevent states by-passing the Security Council entirely. It would mean the UK amending its claim that the 'doctrine of humanitarian intervention' justifies unauthorized intervention.

5.1.1 Addressing the gap in UK's preventive strategy: minimal change

As well as addressing the concerns relating to the coercive aspect of R2P, future UK strategy should address the gap between the rhetoric and UK practice as it relates to the non-coercive, preventive aspects of R2P. This can be done by implementing minimal changes to the existing early warning and conflict analysis process. As noted, the Countries at Risk of Instability (CRI) and the Joint Analysis of Conflict (JACS) processes are well thought of within government. Their role in the so-called 'integrated approach' to conflict analysis is regarded as a success story. Yet it is clear that these do not operate with a mass atrocity lens and in this sense R2P does not inform all aspects of the UK's approach to conflict. More to the point there is a risk that situations demanding the greatest attention because the threat that instability will escalate to a level of mass atrocity will be missed by the CRI and JACS methodologies.

This can to a certain extent be addressed by inserting a mass atrocity lens into the Guidelines that inform CRI and JACS. So, for instance, paragraph 4.16 of the existing JACS guidelines directs the analyst to ask questions about the actors involved in specific unstable situations. It suggests asking 'what are incentives and disincentives (towards peace or conflict?); what are actor's peace agenda and peace building capacities? Are they willing and able to negotiate?' It

115 United Nations A/66/551-S/2011/701 Letter dated 9 November from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General <http://www.un.int/brazil/speech/Concept-Paper-%20RwP.pdf>

116 Ruan Zongze, 'Responsible Protection: Building a Safer World', *Chinese Institute for International Studies* 34, May/June 2012 at http://www.ciis.org.cn/english/2012-06/15/content_5090912.htm. For a view that this offers 'reason for confidence that it may be possible to recreate international consensus, so long missing in Syria, about how to deal with the hardest mass-atrocity cases', see Gareth Evans, 'Protecting Civilians Responsibly', *Project Syndicate* 25 October 2013 at <http://www.project-syndicate.org/commentary/on-moves-by-china-and-other-brics-countries-to-embrace-humanitarian-intervention-by-gareth-evans>

117 See Ralph and Gallagher, *Legitimacy Faultlines*; see also 'Brazil as a norm entrepreneur. The Responsibility while Protecting'; Patrick Quinton-Brown, 'The Responsibility while Protecting: Linchpin or Trojan-Horse?' and Paula Wojcikiewicz Almeida, 'Implementing the Responsibility while Protecting after the new report by the UN Secretary-General on R2P', all in Eduarda P. Hamman and Robert Muggah, *Implementing the Responsibility to Protect. New Direction for International Peace and Security* (Igarapé Institute and Norwegian Embassy, 2013) at http://igarape.org.br/wp-content/themes/igarape_v2/pdf/r2p.pdf

118 Gareth Evans, 'Protecting Civilians Responsibly', *Project Syndicate* 25 October 2013 at <http://www.project-syndicate.org/commentary/on-moves-by-china-and-other-brics-countries-to-embrace-humanitarian-intervention-by-gareth-evans>

119 Adams, 'Humanitarian Intervention'.

120 SC/11164 7052 Meeting of UN Security Council, Speakers Call for Voluntary Suspension of Veto Rights in Cases of Mass Atrocity Crimes, as Security Council Debates Working Methods, 29 October 2013 at <https://www.un.org/News/Press/docs/2013/sc11164.doc.htm>.

is not too much given the UK commitment to R2P to specifically direct the analyst to address the question ‘what is the actor’s propensity to commit mass atrocity crimes?’ Evidence used to answer this question would enable JACS to separate conflicts (and indeed non-conflict situations) that trigger the UK’s responsibility to help protect from those conflicts where there is no threat of R2P crimes. This would more easily elevate R2P situations in the UK’s list of priorities. A similar adjustment is necessary to the CRI process. A mass atrocity lens is said to operate alongside other kinds of lenses. Again this could be made explicit in the guidance notes, which currently identify pressure and resilience indicators that are not fine-grained enough to separate the risk of mass atrocity from conflict. The use of new technologies to mine new datasets is being explored by the Cabinet Office and this is encouraging. Parliament should find a way to fund this initiative as well as ways of producing data through social media platforms that better integrate vulnerable populations to these early warning technologies.

5.1.2 Addressing the gap in UK’s preventive strategy: Minimal change-plus

The CRI and JACS processes are heavily influenced by the Register of British Interests, which is held by the Cabinet Office and classified as confidential, and they take their lead from the BSOS strategy, which for reasons explained above does too little and too much from an R2P perspective. The situation in the CAR and the fact that it did not appear on the matrix that identified the Stabilisation Unit’s geographical priorities for 2013-2014 demonstrates the risk the UK runs when it operates without a mass atrocity lens. The argument that the UK cannot act effectively everywhere, and that it should concentrate resources where it has comparative advantage, is a strong one. It is a possible explanation for why CAR did not appear on that particular matrix. But falling back on the argument that the UK will, in these instances, act through multilateral processes is not wholly satisfying. This is especially the case when one realises that many of the criticisms made in this paper are also levelled at an EU level.¹²¹ The UK should only be confident that it is fulfilling its responsibility to protect in these situations if the multilateral partners it relies on are themselves operating with a mass atrocity lens.

In fact the US, not the EU, is a better model for UK policymakers. Under the Obama administration the US has defined the prevention of mass atrocity to be in the US national interest. There is always the possibility that this is mere rhetoric, especially given the failure of to prevent mass atrocity in Syria. But it does highlight the omission of R2P from UK strategy and – as the oversight concerning CAR suggests – it further reflects the way R2P seemingly *competes* against the Register of British Interests. A rewrite of BSOS and the concept of stabilisation is necessary if CRI, JACS and the Stabilisation Unit are to be more alert to the threat of mass atrocity. Without it the UK is failing to live up to Ambassador Wilson’s insistence that R2P should be a guiding principle across the conflict spectrum.

The US approach to mass atrocity prevention can further inform the UK approach to R2P. President Obama created the Atrocity Prevention Board (APB). This was inserted into the National Security infrastructure to ‘ensure that information about potential or ongoing atrocities reaches key decision makers in a timely way’.¹²² Departments and agencies are now ‘required to have “alert channels” that will allow individuals to share relevant unreported information about mass atrocities with the APB—including analysis or reporting that a superior may have blocked from being disseminated—without adverse professional consequences. Comparable procedures within the National Security Staff will ensure that information about atrocity threats and situations, reaches the President.’¹²³ Recent commentary on the CAR and South Sudan suggest this process has informed US practice and made a positive contribution to atrocity prevention.¹²⁴

Of course, the UK Government does not have the resources available to its US counterpart. But given the UK’s commitment to R2P it can do more to institutionalise mass atrocity prevention in a way that guarantees this policy priority is heard at higher levels of government. Government responsibility for R2P currently rests with a junior level post in the Conflict Department of the Multilateral Policy Directorate. It has not yet decided if it is going to make a senior appointment as the R2P focal point.’ Any argument that the UK does not want to prioritise R2P out of a concern that it will alienate those states that are not fully on board with the concept does not go very far when one considers that it is the UK commitment to humanitarian intervention (not the consensual aspects of R2P) that is really alienating other countries. Not to appoint an effective

“The US approach to mass atrocity prevention can further inform the UK approach to R2P”

¹²¹ Task Force on the EU Prevention of Mass Atrocities, *The EU and the Prevention of Mass Atrocities. An Assessment of Strengths and Weaknesses* (EU: Foundation for the International Prevention of Genocide and Mass Atrocities, 2013) p.30 at <http://www.massatrocitiestaskforce.eu/Home.html>

¹²² Fact Sheet: A Comprehensive Strategy and New Tools to Prevent and Respond to Atrocities, 23 April 2013 at <http://www.whitehouse.gov/the-press-office/2012/04/23/fact-sheet-comprehensive-strategy-and-new-tools-prevent-and-respond-atro>

¹²³ Fact Sheet: A Comprehensive Strategy and New Tools to Prevent and Respond to Atrocities, 23 April 2013 at <http://www.whitehouse.gov/the-press-office/2012/04/23/fact-sheet-comprehensive-strategy-and-new-tools-prevent-and-respond-atro>

¹²⁴ Hayes Brown, ‘The Inside Story on how the US acted to prevent another Rwanda’, *Think Progress* 20 December 2013 at <http://thinkprogress.org/security/2013/12/20/3054321/inside-story-acted-prevent-rwanda/>

^{*}See Editor’s note on p.10

R2P Focal Point under these circumstances would add grist to the mill of those who argue R2P is indeed dead.

In fact the UK should be ambitious if it is to stand by R2P as a concept. It should recognise, as UN Special Adviser Jennifer Welsh put it, that the responsibility to protect is borne by all actors and is not simply an issue that is discussed at the Security Council. It should take responsibility for R2P out of the Multilateral Policy Directorate and give the R2P Focal Point a cross-departmental scope that is similar to the existing Stabilisation Unit in the UK and the APB in the US. Like the interagency function of the APB, the Focal Point should be staffed by a team that is managed by someone senior enough to draw together from across government all aspects of mass atrocity prevention. To make sure the threat of mass atrocity is given adequate consideration in the decision of where to deploy the resources allocated by the new CSSF, the Focal Point should work with the BSOS Director-General level Steering Group, as well as the BSO Board.

5.1.3 Addressing the gap in UK's preventive strategy: Maximum change

These recommendations have resources implications. Strengthening the R2P Focal Point by turning it into an independent office within the existing BSOS policy community not only requires an increased level of initial investment, it signals an expansion of foreign policy priorities that will demand even further investment in the medium-term. These resources simply may not be available and the Treasury will demand cuts to overseas aid and the CSSF. In this event the third recommendation is to mainstream R2P while streamlining BSOS.

As noted, by trying to promote democracy and the rule of law in those areas where there is not a threat of mass atrocity BSOS does too much from an R2P perspective. What is more it conceivably does too much from a national security perspective. The recommendation here is for Parliament to audit the resources committed to BSOS, to assess their relationship to those interests represented on the Register of British Interests and to identify where BSOS is serving the 'vital' national interest. The more ambitious programmes of democracy promotion might in this instance be revealed as extravagant and would be identified as areas where the budget cuts could fall. In order to protect R2P from such cuts, however, BSOS should – following the American lead – be rewritten so that the prevention of mass atrocity is considered a 'vital' national interest. Mainstreaming R2P while streamlining BSOS will protect from the budget cuts those resources that are needed to prevent the most pressing of crises, those involving mass atrocities.

Adopted by United Nations (UN) Member States at the 2005 World Summit, the Responsibility to Protect (R2P) advances a political framework for preventing and responding to the threat of mass atrocity crimes. The principle holds that all states have a primary responsibility to protect populations from atrocity crimes and that the international community has a responsibility to assist and respond in cases where governments are unwilling or unable to do so.

At the September 2013 UN General Assembly Informal Interactive Dialogue on R2P, UK Deputy Permanent Representative Peter Wilson stated that 'we in the UK are fully committed to implementing the Responsibility to Protect'. He concluded the statement with a strong rhetorical commitment to R2P: "R2P should be an important governing principle of all countries' work across the conflict spectrum, as well as on human rights and development."

In this report, Professor Jason Ralph, University of Leeds, examines how the UK government prepares for and responds to the threat of mass atrocities. Surveying current UK policy on Building Stability Overseas, the author finds that while conflict prevention has become mainstream in UK strategy, mass atrocity prevention has not. The author then focuses on the dilemmas of humanitarian intervention and the potential damage this poses to the political consensus underpinning R2P.

Thus, while some R2P advocates describe the UK commitment to R2P as 'laudable', it is not without issue. This paper offers as part of its conclusion three practical recommendations that can help the UK meet its commitments.

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