



## **The future of the Responsibility to Protect: finding a way forward**

UNA-UK roundtable on the responsibility to protect:  
Summary of proceedings and recommendations

16 April 2013

### Introduction

On 16 April, UNA-UK convened a group of 40 representatives from Whitehall, Parliament, the media, academia, the United Nations, the European Commission and civil society for a one-day roundtable discussion on the Responsibility to Protect (R2P). The meeting sought to elaborate how the concept of R2P could inform governments' – particularly the UK Government's – responses, both bilateral and multilateral, to the threat of mass atrocity crimes (genocide, war crimes, crimes against humanity and ethnic cleansing) in countries at risk.

Since being endorsed at the 2005 World Summit, R2P doctrine has framed some governments' policy responses to crises in Kenya, Cote d'Ivoire, Yemen, South Sudan, Kyrgyzstan, Libya and Syria, among others. While it is generally agreed that the terms of R2P should not be renegotiated, real and often paralysing debate still surrounds the practical implementation of the R2P policy framework, particularly in the face of controversy regarding the intervention in Libya to protect civilians, and ostensible failure in Darfur, Sri Lanka and Syria. There also remains a widespread misconception that R2P equates to military intervention.

The roundtable discussions were split into four sessions: early warning and monitoring; implementing prevention on the ground; intervention for the protection of civilians; and mobilising national and international political will. This paper summarises the main themes discussed and recommendations drawn by UNA-UK from the discussion, but does not reflect the views or position of any particular participant.

### **1. Early warning for effective prevention**

Analysis framework: It is essential that actors, whether individual states, regional organisations or the UN, employ a "mass atrocity prevention lens" when collecting early warning information from countries at risk.

- The UK government should integrate the Analysis Framework of the Office of the Special Advisor on the Prevention of Genocide into its existing early warning analysis.

Use and translation of information: Effective action cannot happen on information alone. How that information is received, used and translated into effective policy



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represents just part of the challenge facing a government undertaking mass atrocity prevention, both in their foreign and domestic policies. The packaging of information, credibility of the source, the access and empowerment of the “warner” and the translation of information into timely action are crucial.

- The UK government should undertake a review of how to improve information flows across departments and up and down the chains of command. It should also examine the way in which this information affects how policies are tailored to the situation on the ground.

“Genocide”: Policy makers, the media, civil society organisations and academics alike should be aware of the politics of the word “genocide”, which can enable or constrain policy, create legalistic difficulties and even provide incentives for escalation of violence on the ground (it might support a belligerent’s perception of struggling in a zero-sum scenario). Equally, however, the word needs to be demystified and clarified in the minds of, for example, the media, civil servants and politicians. Genocide is rooted in extreme attitudes and prejudiced ideas, which can be held in check by specifically tailored policies before an actual genocide, as legally defined, takes place.

- NGOs should educate policy makers and the media so as to ensure clarity and understanding of what genocide is and how it may be prevented. A clearer understanding of the warning signs of genocide, as well as an awareness of available policies for tackling crimes with the characteristics of genocide, must be developed in policy circles.

## **2. Implementing prevention on the ground**

Individual accountability: While domestic governments, political elites or the military have often, historically, organised, ignited or perpetuated mass atrocities, it should not be forgotten that it is individuals who act to perpetrate mass atrocity crimes and need to be held personally accountable. Tolerance and interpersonal understanding are best achieved by education programmes that foster imagination, critical thinking, empathy and compassion.

- Policy makers should ensure that, when they are supporting education systems, teacher training programmes and school curricula reflect the importance of education in fostering tolerance and deconstructing prejudice within specific contexts.



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Preventive deployment: Attention should be paid to the potential for preventive deployment to be an effective tool for mass atrocity prevention. As was shown in Macedonia in 1995, preventive deployment can help to avert ethnic conflict.

- The UK should consider the preventive deployment of peacekeepers when acting as the proposer of Security Council resolutions in cases where there is deemed to be an imminent risk of mass atrocities against civilians.
- Further research should focus on how strategies for mass atrocity prevention can be streamed into peacekeeping doctrines.

### **3. Intervening to protect: When and how?**

On the Security Council: The UK should work through the Security Council to develop compromised positions in cases where international action is required. In 2013 the Security Council includes 10 members of the 'Group of Friends on R2P', a useful avenue for galvanising support for resolutions including R2P-language.

- The UK should support the development of principles to facilitate the inclusion of R2P and mass atrocity prevention language in resolutions and peacekeeping mandates.
- The UK should encourage more frequent contact between the Security Council, members of the R2P Group of Friends and the informal Security Council Expert Group on the Protection of Civilians.
- Similarly, the UK should initiate an informal working group on civilian protection and R2P alongside the Security Council that would ensure continuing Council focus and a growth of expertise in the protection of civilians and the prevention of mass atrocity crimes.
- The UK must work to bring Russia and China on board with reforming the working methods of the Council without isolating them. In particular, support is needed for the idea of non-use of the veto when grave breaches of international law, such as crimes against humanity, genocide, ethnic cleansing and war crimes, are imminent or on-going. Additionally, increased consultations with relevant states and regional organisations should be supported, such as through the Arria Formula and horizon scanning meetings.
- The UK should work to ensure that resolutions outlining R2P-related peacekeeping or military mandates permitting the use of "all necessary measures to protect civilians" will not, when adopted, be interpreted as endorsing the concept of regime change. Such proactive mandates should be formulated with as much definition and clarity as is possible, but without acting as a hindrance on those carrying out the mission.



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Humanitarian organisations: There is a disconnect between the principles of humanitarian organisations and the particular needs of mass atrocity prevention. Moral positioning is often unhelpful since mass atrocities are internationally-recognised *crimes* perpetrated for the most part by particular “protagonists”, rather than part of a recognised conflict. In contrast, the traditional humanitarian principles of neutrality and impartiality dictate that humanitarian organisations remain neutral. Breaking these codes of conduct and speaking out against particular actors risks politicising aid and, ultimately, losing access to those in most need.

- More research needs to be done to clarify the link between humanitarian access, neutrality and the open condemnation of atrocity crimes.

The International Criminal Court: The ICC is an important mechanism for addressing impunity and ensuring accountability in the wake of mass atrocity crimes. Creating an international culture of assured accountability is important in the long term for ensuring that potential perpetrators are aware of the penalties for their actions. However, it is also essential to consider the extent to which premature ICC indictment could hinder efforts to halt on-going atrocity crimes through negotiation and conflict resolution initiatives. For example, if a state leader were indicted by the ICC but held on to power and continued to commit mass atrocities, as in the case of Gaddafi in Libya in 2011, then there would be no incentive for the leader to negotiate a way out of the crisis or potentially receive amnesty, as with Idi Amin; premature indictment could both increase incentives for perpetrating mass atrocities and endanger the credibility of the ICC.

In addition, concerns regarding sovereignty and impartiality mean that the ICC remains subject to widespread suspicion in both North and South. Work must be done to ensure that leaders trust and respect the mechanisms of international law and justice.

- More research is needed to clarify and, where appropriate, underline the relationship between the ICC and R2P, particularly in terms of the use of indictments for halting on-going atrocity crimes.
- Those involved in conflict resolution at the highest levels should consider how linkages between ICC prosecutors and negotiators in conflict situations can be increased.

Tools for Protection: Protecting civilians is not simply about military deployment. Dialogue is a crucial instrument for protection; stabilisation cannot start until parties have begun to talk. Fostering inter-group dialogue and creating the environments where discussion can take place is an important measure for bolstering long-term protection of vulnerable populations. Diplomatic pressure aimed at stimulating inter-



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group dialogue in countries threatened by mass atrocities is crucial before and during crimes, such as that endorsed by the international community during the 2007/2008 Kenya election crisis. In addition, new and increasingly widespread mobile phone technology is being used in innovative ways to prevent violence and mass atrocities and should be kept in mind by policy makers. Text messages about approaching militias, government reminders on the illegality of hate speech and social media reporting and mapping instances of crimes demonstrate that everyday technology is playing an increasing role in protection.

- Alternative protection methods should be considered; for example, unarmed civilian peacekeepers and human rights monitors, whose presence can be a force for prevention.
- NGOs should facilitate exchanges between prevention practitioners working on the ground, policy makers and parliamentarians, to ensure that decision-makers and informers are aware of the broad range of measures available for preventing mass atrocities.

International Coordination: More work is required to coordinate international responses to the threat or occurrence of mass atrocities so that separate initiatives are mutually reinforcing and logically organised in terms of timing and focus.

- The UK should use existing R2P groups, such as the Group of Friends within the UN and the Focal Points network, to help coordinate prevention and response to mass atrocities, particularly regarding information sharing, operations and multilateral policy coordination.
- The UK's R2P focal point in the FCO must be more engaged in communicating and coordinating on international efforts to prevent atrocity crimes. The focal point should also act as a coordinator across Whitehall departments, to ensure a coherent whole-of-government response to mass atrocity prevention.

## **4. Galvanising international political will**

Political will must be constructed on a case-by-case basis within national governments and regional organisations. Parliamentarians have a key role in holding the government to account and should be mindful of countries at risk and available policy tools in order to highlight need for action or a change of policy. In practical policy terms, many parliamentarians understand 'intervention and response' as opposed to 'prevention'. Upon hearing of risk factors, they may not be aware of the necessary tools available for formulating a preventive strategy.



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- NGOs should increase efforts to brief Parliamentarians and political parties on how R2P is fundamental to civilian protection and atrocity prevention. They should work to make MPs aware of cases of successful prevention as a reference point for the options and feasibility of mass atrocity prevention.
- MPs should be urged by civil society to participate in debates and formulate questions to government on how atrocity prevention is being incorporated into foreign policy strategies.
- Parliamentarians should interact internationally through networks of All-Party Parliamentary Groups as well as the Inter-Parliamentary Union. APPGs should be engaged to work with other international groupings.

Leadership: The UK has an important role to play in garnering support internationally for the principle of R2P and ensuring responsible sovereignty has force and meaning as an international norm. UNA-UK's R2P programme seeks to foster understanding and awareness of the principle and its application within the UK policy context. It is important that civil society works with other UK and international partners to build political awareness and constituency for R2P, while ensuring that the norm itself remains clearly understood and interpreted.

- The UK government should review its ability to prevent and respond to potential mass atrocity crimes within its current 'preventing conflict in fragile states' policy strand. It should review the extent to which R2P's atrocity prevention lens has been mainstreamed into existing policy and examine the extent of coordination and coherence across departments, including the FCO, DFID, the MOD, the Treasury, the Home Office and the Department for Business, Innovation and Skills.
- NGOs should work to foster awareness, understanding and support for R2P, atrocity prevention and civilian protection within parliament in order to foster leadership on these issues among peers and MPs.

### Conclusion

Two issues were brought up consistently throughout the discussions. The first was that the political context provides a backdrop for acting to prevent atrocities, and this is central to determining what action should be taken, and how that action is negotiated. The second is the question of capacity: innovative and coordinated thinking on tactics, tools and policy prescriptions, both at the UN and in national capitals, is necessary for improving the implementation of this important emerging norm. Prevention was naturally understood to be more effective than reaction, but it





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was conceded that for this to become a reality, more work needed to be done to increase awareness of R2P amongst policy makers.

There was a general sense that, though its status as a fully-fledged norm was still debated amongst participants, R2P is a principle that aims to change the conditions of international statehood by linking the treatment of populations with the political legitimacy of the state. In this way, R2P is a counterforce against atrocity crimes, raising pressure on those states that misuse their sovereignty. Such norms continue to grow in importance in an increasingly multipolar international context. Although a consistent international response is highly unlikely, directing energy towards the consolidation of international expectations and standards for legitimacy through national policy, international diplomacy and international assistance is crucial for ensuring that the emerging norm makes a difference to international political decision-making and behaviour in conflicts themselves.