

The Responsibility to Protect at Ten: Perspectives and Opportunities



The world is facing the largest displacement crisis since World War II. The international community can fulfill its responsibility to protect by helping people fleeing violence find safe shelter. In this photo, over 100 foreign asylum seekers arrive in Makpandu refugee camp in Western Equatoria State, South Sudan. Their relocation is part of an interagency strategy to find long-term solutions for over 500 foreign nationals who fled to civilian protection sites when conflict broke out in December 2013. (UN Photo/Issac Billy)

Lunch Panel

Hosted by the Friedrich-Ebert-Stiftung, the International Coalition for the Responsibility to Protect, and the Stanley Foundation
September 9, 2015

Ten years have passed since all heads of state and government reaffirmed their sovereign obligations to protect populations from genocide, war crimes, crimes against humanity, and ethnic cleansing (atrocities) and recognized the key role of the international community in assisting states and responding when civilians are under threat. Since the endorsement of the Responsibility to Protect (R2P), there have been situations in which the international community has shown unity and responded proactively to the risk of atrocities. However, there have been many other cases in which actors at all levels have failed to live up to this commitment, with civilians paying the highest price. Meanwhile, new challenges have arisen for the protection of populations from these most horrific crimes, including the rise of violent extremism and increasing use of chemical weapons in conflict.

As R2P moves into its next decade, it will require concerted efforts by all actors to build on the progress that has been made, address new obstacles, and overcome the emerging challenges facing atrocities prevention. A key area of opportunity is to focus on further mainstreaming R2P into other areas, such as the judicial and security sectors, and enhancing capacity for addressing the new protection challenges that are impacting civilians. There remains an overwhelming tendency to view R2P as separate from other policy areas, despite shared tools and objectives. In fact, R2P was never intended to create an array of new tools but rather to build on existing tools and initiatives. Enhancing understanding of the mutual linkages, as well as exploring how existing activities and programs can explicitly address

Speakers

Alex Bellamy, Executive Director of the Asia-Pacific Centre for the Responsibility to Protect

Alexandra Hiniker, UN Representative at PAX

Erin Mooney, Senior Protection Adviser, United Nations

Jennifer Welsh, UN Special Adviser for the Responsibility to Protect

Moderated by **Peggy Hicks**, Human Rights Watch

atrocities will lead to a better, more holistic protection of populations.

On September 9, 2015, the Friedrich-Ebert-Stiftung, the International Coalition for the Responsibility to Protect, and the Stanley Foundation convened an event, “The Responsibility to Protect at Ten: Perspectives and Opportunities,” in an effort to discuss challenges and opportunities to further mainstream R2P and build capacity in the context of pressing challenges for prevention and response to atrocities. The event was held the day after the seventh annual UN General Assembly Dialogue on the Responsibility to Protect.

The event featured an expert panel speaking on the various themes and sectors they view as priorities for implementing R2P over the next decade. The experts were Dr. Alex Bellamy, executive director of the Asia-Pacific Centre for the Responsibility to Protect, who discussed the links between counterterrorism and R2P; Alexandra Hiniker, UN representative at PAX, who presented on disarmament and R2P; and Erin Mooney, senior protection adviser, United Nations, protection capacity, who discussed the challenges of protection for refugees and internally displaced persons. The UN special adviser for the Responsibility to Protect, Dr. Jennifer Welsh, provided introductory remarks, which included her reflections on the General Assembly dialogue the day before.

Welsh opened the event noting that it was easy to forget that R2P has not always been so well recognized, especially given the high level of support shown for the norm at the General Assembly dialogue. She stressed the critical role civil society has played in advancing R2P, particularly in ensuring that states are held accountable to their commitment to it. Over the past ten years, thanks in part to the work of civil society and political leaders, R2P has succeeded in changing expectations on how the international community should respond to atrocity crimes. Nevertheless, she underscored that the international community must do better to ensure that these expectations are answered more consistently.

Welsh then highlighted some key outcomes of the previous day’s dialogue. A high number of states voiced their support for the priorities listed by the Secretary-General on implementing R2P; demanded that the Security Council refrain from using its veto in situations of atrocity crimes; and urged discussions on R2P to shift toward more practical measures. She then noted that several challenges, both new and old, remained, such as issues of migration and nonstate armed groups, and urged the international community to overcome its reluctance to talk about crises at an early stage due to political sensitivities. Furthermore, she said there is a need to create momentum for the ratification of legal frameworks relevant to R2P—such as the Rome Statute

of the International Criminal Court—and she expressed hope that civil society organizations could press states on this issue. Despite such challenges, she emphasized that the international community has much reason to be hopeful, as concerted international action has helped and can continue to help protect populations.

Displacement and R2P

Erin Mooney began the panel presentations by noting that current refugee crises are the greatest illustration of the international community’s failure to implement R2P. Last year, 33,000 people sought refuge every day, indicating the scale of need for collective action. She emphasized that in encouraging states to fulfill their pillar one responsibilities under R2P, the international community should begin by looking at national legal frameworks on protection for refugees and the internally displaced. Indeed, 27 out of the 60 countries experiencing internal conflicts have such internal frameworks. R2P advocates should provide technical assistance to support the development and implementation of those laws, giving special attention to the need for inclusivity and a role for civil society in monitoring compliance. For example, the Central African Republic has asked for the examination of its legal codes to see to what extent there is space to embed provisions on assistance for the displaced. In an answer to a question on the relationship between national and international laws on this matter, Mooney suggested that national laws should be established to comply with the international legal institutions with which they are aligned.

Mooney also described how external actors can fulfill their responsibility to protect by assisting refugees and the internally displaced. She suggested action such as providing asylum, fast-tracking certain vulnerable groups, delaying deportation until their safety is guaranteed, and giving funding to receiving countries. According to Mooney, current funding levels meet just 40 percent of host-country needs for refugee assistance overall. In Syria, only 31 percent of funding needs are met. Providing more funding to assist refugees and internally displaced persons is a tremendously powerful way for states to uphold their responsibilities to protect under pillar two.

Furthermore, as over 60 percent of internal displacement is deliberate, another key issue is for the international community to obtain access to the internally displaced. Governments should make it easier for staff working on protection and humanitarian assistance to get visas. Access, in order to report and monitor the conditions for the internally displaced, is a first step; it can be the start of the conversation about the situation at hand and create an evidentiary base for advocacy. For example,



States can meet their responsibility to protect by acceding to and enforcing relevant disarmament treaties, providing technical assistance and financing to states to limit arms transfers, and participating in arms embargoes. In this photo, an ex-combatant holds up munitions in Attécoubé, Abidjan, Côte d'Ivoire. He is one of several to have participated in a disarmament, demobilization, and reintegration operation conducted in the area by the UN mission UNOCI. (UN Photo)

the government of Colombia, after reports emerged of the condition of the displaced in Colombia, created a law on the crime of forcible displacement. It now has over 80 prosecutors working on this issue alone.

Disarmament and R2P

Alexandra Hiniker began her presentation by noting that although arms are often used for the commission of atrocities, the relationship between disarmament and R2P has not been fully explored. The irresponsible production, acquisition, stockpiling, transfer, and use of such arms serve as clear indicators for the commission of atrocity crimes. Moreover, in addition to the Arms Trade Treaty, for instance, humanitarian disarmament treaties such as the Cluster Ban Convention, the Chemical Weapons Convention, and newer initiatives, such as the “ban killer robots” movement and humanitarian pledge against the use of nuclear weapons, can serve as valuable tools to protect populations from atrocities. In general, states can meet their responsibility to protect by acceding to and enforcing relevant disarmament treaties, providing technical assistance and financing to states to limit arms transfers, and participating in arms embargoes.

Hiniker provided Cambodia as an example of how R2P and disarmament can work together to protect populations. Cambodia remains one of the most mine-filled countries in the world, and it was also a leader in the Ottawa Conference, which resulted in the Mine Ban Convention. By taking its obligations under the treaty seriously, Cambodia is strengthening its own governance structures, as the treaty implementation requires coordination and input among a wide array of ministries. Such work contributes to Cambodia fulfilling its obligations under pillar one of R2P. Moreover, by providing assistance to other states working to demine their territory, Cambodia is fulfilling its pillar 2 responsibilities under R2P.

Finally, Hiniker noted that a recent Security Council resolution on South Sudan had included the first-ever reference to cluster munitions. Chile and Lithuania advocated strongly for the inclusion, which succeeded even though three of the permanent five members of the council are not party to the Cluster Munitions Convention. The inclusion demonstrates that there are ways to use existing diplomatic frameworks to address the issue of arms being used to commit atrocities. Beyond those frameworks, the role of civil society as monitor, observer, and reporter is also critical, as is the role of the private sector in importing and exporting

arms. However, as Hiniker noted, these relationships call for more exploration.

Countering Violent Extremism and R2P

Alex Bellamy then presented on the issue of countering violent extremism under R2P. He noted that the issue of the obligations of nonstate actors toward populations represented the “unfinished conceptual business” of R2P. Many questions are raised when one tries to link the issue of countering violent extremism and R2P, particularly because the principle itself does not contain obvious hooks for nonstate actors. Additionally, there is no legal consensus on the linkage between R2P and the broader category of counterterrorism, of which countering violent extremism is a subcategory. Regardless, acts of terrorism and violent extremism often include deliberate attacks on civilians, which demonstrates a clear overlap with R2P.

The relationship is difficult for a handful of reasons. Actors pursuing counterterrorism have committed atrocities themselves, and advocates of R2P must emphasize that preventing atrocities by such actors is as important as preventing violent extremism. Counterterrorism efforts implemented without caution can further fuel atrocities or counteraction, leading to further insecurity. Also, some states have passed antiterror legislation that suspends human rights under the claim that such action is necessary to protect national security. Countering violent extremism can also create a community of suspicion in which people automatically become suspects because of

their ethnic, national, and/or religious identities. Finally, there is concern that counterterrorism efforts can draw resources away from other important agendas, including advancing human rights and development, which can lead to entrenched inequality.

Bellamy acknowledged the importance of these concerns and provided some suggestions for how the relationship could be managed. States and security forces should avoid overreaction and oppression in response to acts of terror, promote accountability and transparency within governments, and ensure that all actions are in accordance with international humanitarian law and a larger political strategy.

As the nature of terrorism is transnational, Bellamy said he believed that the United Nations is best positioned to coordinate efforts to counter violent extremism and suggested that the UN approach to counterterrorism is already focused more on prevention, which is in alignment with R2P. He provided several recommendations for the international community, including appointing a UN special rapporteur on countering violent extremism and empowering the United Nations to coordinate the work of regional organizations. He further encouraged actors to promote greater collaboration between different UN departments, agencies, and processes on countering violent extremism, for example, with UN Women and the Human Rights Council’s Universal Periodic Review. The United Nations can play a leading role in ensuring that action to counter violent extremism is aligned with human rights and international humanitarian law. The upcoming plan of the Secretary-General on preventing violent extremism will be a welcome addition to the discussion.

The Stanley Foundation

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Friedrich-Ebert-Stiftung

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workshops, and publications. Furthermore, the office serves as a liaison between the foundation’s field offices and partners in developing countries with the objective to strengthen the voice of the Global South in multilateral bodies, particularly the United Nations and the Bretton Woods Institutions. Online at www.fes-globalization.org/new_york/.

The International Coalition for the Responsibility to Protect

The International Coalition for the Responsibility to Protect convenes and collaborates with civil society, member states, and regional and subregional organizations to strengthen normative consensus for RtoP, further the understanding of the norm, push for strengthened capacities to prevent and halt genocide, war crimes, crimes against humanity, and ethnic cleansing, and mobilize nongovernmental organizations to push for action to save lives in RtoP country-specific situations. Learn more at www.responsibilitytoprotect.org.