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The
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R2P: The Next Decade



INSIDE

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Marking Ten Years of the Responsibility to Protect

Policymakers, experts gather to assess the evolving principle of human protection

"In 2011 history took a turn for the better. The Responsibility to Protect came of age; the principle was tested as never before. The results were uneven but, at the end of the day, tens of thousands of lives were saved."

—excerpt from UN Secretary-General Ban Ki-moon's keynote at "R2P: The Next Decade"

Earlier this year, the Stanley Foundation, along with the MacArthur Foundation and the Carnegie Corporation of New York, organized an event titled "Responsibility to Protect: The Next Decade." The daylong conference was intended to mark the tenth anniversary of the "Responsibility to Protect" concept and chart a path toward more effectively halting and preventing genocide and mass atrocities around the world. The event featured an all-star lineup of panelists and participants including United Nations Secretary-General Ban Ki-moon along with many original members of the International Committee on Intervention and State Sovereignty (ICISS) that launched the "Responsibility to Protect" report in December 2001.

That 2001 report spelled out a global framework for stopping and preventing some of the most devastating man-made atrocities in the world. The idea, often shortened to R2P, involves (1) the responsibility of countries to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity—and from their incitement; (2) the commitment of the international community to assist countries in meeting these obligations; and (3) the responsibility of the world to respond in a timely and decisive manner when a country is manifestly failing to provide such protection. R2P was unanimously approved at the 2005 World Summit organized by the United Nations and has since been an important factor in crisis debate and action around the world.

The Stanley Foundation has long been active in helping the world promote and live up to the ideals of R2P. We have organized many conferences and dialogues on the topic, commissioned original writing and analysis, and produced a widely distributed event-in-a-box toolkit titled *Before the Killing Begins: The Politics of Mass Violence*. In addition, the foundation has been honored by the presence of Francis Deng and Ed Luck, two prominent

UN advisors to the secretary-general in this field, on our advisory council.

Our January 2012 conference may very well have marked a turning point in global understanding of the R2P doctrine. While there is still vigorous debate about "how" best to prevent and halt mass atrocities, a cross section of international participants in our event underscored widespread agreement that the task is an appropriate and necessary part of fostering a global



community. Once, vocal groups of nations could claim that most domestic cases of mass violence were internal matters unsuited for discussion at the international level, including the UN Security Council. Today, that idea no longer holds sway.

In this edition of *Courier*, former ICISS Cochair Gareth Evans gives us a quick overview of how R2P has developed over the last ten years. He says, "The principle is firmly established and has delivered major practical results. But its completely effective implementation is going to be a work in progress for some time yet."

Around the world today, from Syria to Libya and Côte d'Ivoire, the idea of R2P animates the

Cover Photo. Recent R2P debate has centered around events in Syria. Here, Syrians and others protest in front of the Syrian Consulate in December 2011 in Istanbul, Turkey. (Photo by Sadik Güleç/iStockphoto)



▲ **The Road Ahead.** Ivorian refugees head down a road after fleeing from mass atrocity violence in western Côte d'Ivoire, March 2011. (Photo by Juliette Robert)

◀ **Held Accountable.** In December 2011 former Côte d'Ivoire President Laurent Gbagbo (center), accused of crimes against humanity, appeared at the International Criminal Court. The year also saw the arrests of two remaining fugitives from the Balkans conflict in the 1990s, including Bosnian Serb Ratko Mladic, who will stand trial in a UN backed war crimes tribunal for genocide and inflicting terror on civilians. (Photo by Peter Dejong/UNDP/ICC/AP Pool)

debate about global responses. Foundation program officer Sean Harder reports on how policymakers and experts at the New York conference considered these present day applications—from Gareth Evans who expressed concern that R2P may be undergoing a bit of a “midlife crisis” to Knut Vollebaek who wondered what happens when the “international community...fails to take up this responsibility?”

Finally, in this issue of *Courier*, foundation program officer Rachel Gerber looks beyond the horizon at the challenges R2P will face in its second decade of existence. She reminds us that at the 2005 World Summit, leaders “reinforced R2P’s focus on peaceful, preventive means” rather than pigeonholing R2P as merely a

rationale for military intervention. As Gerber points out, “Setting the sights of global policy to prevent rather than simply respond to mass atrocity threats raises deeper questions about the internal dynamics that drive atrocity violence.” Answering these questions and responding to those dark motives will be vital for R2P’s future.

—Keith Porter

Director of Policy and Outreach, The Stanley Foundation

Resource.

More details on the R2P10 event, including full video and a post-conference policy memo, can be found on page 10 or at www.r2p10.org.

courier

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Haunting Past. The 1995 mass atrocity killing of 8,000 Bosnian Muslims in Srebrenica by Bosnian Serbs is one of the historic precursors to development of the Responsibility to Protect. About 20,000 Bosnian Muslims fled the immediate aftermath of the killing. (REUTERS/Stringer)

R2P10

The Responsibility to Protect

In Action *The debate today is about how, not whether, to protect civilians*

For all the setbacks and frustrations in responding to mass atrocity crimes, the world has come a long way in the last ten years. To understand just how far, we need to remind ourselves where we were at the end of the 1990s—the decade of Rwanda, Bosnia, and Kosovo in which it became tragically clear that the catastrophes of the Holocaust of the 1940s and Cambodia in the 1970s were not unrepeatable aberrations. For all the great advances in international human rights and humanitarian law made after World War II—above all, the UN Convention on Genocide—states repeatedly ignored their legal obligations. And when it

came to effective collective response to these catastrophes, the international community was impotent.

The basic problem was political. Policymaking in the 1990s was a consensus-free zone. In bitter and divisive debates in the UN General Assembly and elsewhere, a fundamental conceptual gulf opened between those, largely in the Global North, who rallied to the banner of “humanitarian intervention” or “the right to intervene,” and those, largely in the Global South, who—proud of their newly won independence, often conscious of their fragility, and remembering all too well

the “civilizing missions” of the former imperial powers—argued that state sovereignty was absolute and internal events, however conscience-shocking, were none of the business of the rest of the world.

A Winning Argument

It was to find a way out of this political impasse that the Responsibility to Protect (R2P) was born in the 2001 report of that name by the Canadian-sponsored international commission I cochaired. Its groundbreaking contribution was to lay the foundation for a new consensus that both the North and South could accept. Two moves were particularly crucial. The first was to use much less confrontational language—insisting that we talk not about “right” but “responsibility,” not about “intervention” but “protection,” and focus not on the entitlement of big states to throw their weight around as they saw fit, but the responsibility of *every* state to protect the victims of mass atrocity crimes.

The other crucial step was to make clear that R2P was *not* just about coercive military intervention, but a whole series of graded policy responses: prevention, both long and short term, before the event; reaction when prevention failed (starting with persuasion, escalating to non-military forms of pressure like sanctions and international criminal prosecutions, and considering military force only as a last resort in extreme situations); then postcrisis rebuilding aimed at preventing recurrence.

Articulated this way, the new concept did gain remarkable international traction within a very short time—winning unanimous endorsement by the more than 150 heads of state and government meeting as the UN General Assembly at the 2005 World Summit with a lot of the momentum coming, crucially, from Southern voices—especially in sub-Saharan Africa and Latin America. This was a spectacular achievement on paper—the historian Martin Gilbert described it as “the most significant adjustment to sovereignty in 360 years.” But what has it all meant in practice? The report card in early 2012 is overall very positive, but with some qualifications.

A Matured Principle

First, there is now almost complete consensus about the basic R2P principles: outright spoilers (states like Nicaragua, Venezuela, Sudan, and Cuba) have been routed in successive major General Assembly debates in 2009, 2010, and 2011. As Ban Ki-moon said last September, “It is a sign of progress that our debates are now about how, not whether, to implement the Responsibility to Protect. No government questions the principle.”

Second, although there was quite a deal of confusion initially about what are and are not “R2P situations,” much

more clarity and consensus has emerged as successive cases have been debated—from Iraq to Darfur, Sri Lanka, Georgia, Myanmar, Kenya, Guinea, Côte d’Ivoire, Libya, and now Syria. It is generally agreed that they don’t involve natural disasters, human rights violations generally, or broad “human security” problems, but large-scale mass atrocity crimes (genocide, ethnic cleansing, war crimes, and crimes against humanity) that are being committed, or feared likely, here and now.

Third, there has been much progress made in developing the institutional capacity—diplomatic, legal, civil, and military—in national governments and international organizations, to anticipate and respond effectively to R2P challenges.

Fourth, the Security Council decision in March 2011 to authorize the use of military force in Libya, saw the invocation and implementation of R2P at the sharpest end of all—when prevention had manifestly failed and a massacre was manifestly imminent. If the international community had acted as swiftly and decisively in 1994 and 1995, 8,000 lives would have been saved in Srebrenica and 800,000 in Rwanda.

A Work in Progress

Against all these positives, there is one big new negative: the paralysis of the Security Council over Syria since mid-2011—an R2P situation manifestly worse than even Libya. Part of the problem has been some breathtakingly cynical *realpolitik* from Russia in particular; but there has also been some understandable backlash from Libya, with much concern being expressed that the NATO-led coalition stretched its mandate beyond endurance—pursuing not just civilian protection but regime change without seeking further guidance or approval from the council. This case has been pressed most strongly by Brazil, India, and South Africa, with Brazil arguing persuasively that R2P must be complemented by another principle: “responsibility while protecting.” The better news—although it may come too late for the council to forge a productive consensus on Syria—is that the United States, United Kingdom, and France have started to listen.

The bottom line is that R2P, ten years on, does face real challenges, but they are not insuperable. The principle is firmly established and has delivered major practical results. But its completely effective implementation is going to be a work in progress for some time yet.

—Gareth Evans
Former Australian Foreign Minister (1988-96),
President Emeritus of the International Crisis Group (2000-09),
and cochair of the ICISS (2001). He is the author of *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All* (Brookings Institution Press, 2008).

A Coming of Age for Human

Protection *For the R2P principle, 2011 proved to be a banner year for cooperation...and new complications*



Fresh on the heels of people-powered revolutions in Tunisia and Egypt, the people of Libya began to rise up against their leader, Col. Muammar el-Qaddafi in mid-February of 2011.

One week later, Qaddafi gave a rambling, televised speech that put the world on notice about his intentions: “I will not give up,” he said. “We will chase the cockroaches from house to house.” The use of the term “cockroaches” echoed similar language used 17 years earlier during the Rwandan genocide when the world stood by as an estimated 800,000 people were slaughtered.

This time the international community was ready to act—in large part because of the shame of inaction in Rwanda that brought about a new humanitarian principle embraced by the United Nations’ General Assembly: The Responsibility to Protect, or R2P. The principle redefines sovereignty as something that comes with a

responsibility to protect civilian populations. And if a nation can’t protect its citizens, it calls on the international community to assist or, in extreme cases like Libya, intervene to stop bloodshed.

In fairly quick order, the bureaucracy of the United Nations moved into action and within weeks the UN Security Council had adopted two resolutions: The first called on Qaddafi to end the bloodshed and invoked the language of the Responsibility to Protect; and the second, weeks later, called on the international community to take “all necessary measures” to protect civilians from attack.

“It demonstrated at last we could see a genuine consensus in the international community for how to handle even the very complex cases,” said former Australian Foreign Minister Gareth Evans, who helped form the R2P concept ten years ago.

Urgent Debates. *The Human Rights Council has been busy. On February 28, 2012, in Geneva, Switzerland, it held an urgent debate on the situation in Syria as part of the high-level segment of its 19th session.*

"We should put the interests of the people at the center of everything that we do, and I know that the strong international community support, the whole world is coming together, is working with us to resolve this situation in Syria, and with goodwill and determination I am hopeful we will make progress," said Kofi Annan, The Joint Special Envoy of the United Nations and the League of Arab States for Syria, March 13, 2012. (Photo by Jean-Marc Ferré/UNDPI)

Midlife Crisis

In retrospect, the action of the Security Council and resulting NATO campaign in Libya served as the first explicit application of R2P to stop attacks on civilians. It also served to fuel critics' arguments that R2P was simply an excuse for military intervention and regime change.

"A political solution was not possible between the regime and the people because of the level of fear on part of the population of the east and throughout Libya," said Abdel-Elah Al-Khatib, special envoy of the UN secretary-general for Libya, at "R2P: The Next Decade," a Stanley Foundation conference in New York. "They were fearful if they stopped, the regime would go back on them and exercise all kinds of atrocities."

But despite its success in stopping the Libyan regime's violence, powers like China and Russia complain that NATO overstepped its UN mandate. Evans now fears this "buyers' remorse" about R2P has created a "midlife crisis" for the principle—evident this year in the lack of consensus among permanent members of the UN Security Council about how to stop the Syrian regime's brutal attacks on civilians.

Louise Arbour, president and CEO of the International Crisis Group, is one of those who urges caution in considering military action for humanitarian purposes, warning against a rise of "neo-militarism."

"We've gone from protecting civilians during war to protecting civilians by war. This has caused an unfortunate revival of the 'just war' concept," she told the group of academics, policymakers, and United Nations permanent representatives at the New York conference.

Ramesh Thakur, professor of international relations, Asia-Pacific College of Diplomacy, Australian National University, said military action will always be controversial but the Libya intervention and the more explicit reliance on the R2P principle demonstrate a growing "internationalized human conscience."

"The use of military force will always be contested and controversial. Moreover, I would like it to remain so. We shouldn't ever get to the point where we're comfortable with neo-militarism," he said. "...but if atrocities are being committed and we have the means to stop it and we fail to do so; then we are part complicit in those atrocities."

"This was the dilemma in Rwanda. It wasn't that we couldn't stop it. It was a failure of civic action on an international level."

Challenges Ahead

As policymakers and experts gathered in New York earlier this year to mark the 10-year anniversary of R2P, the brutal government crackdown and growing death toll in Syria was continuing to test the mettle of this human protection principle.

Many were concerned that the apparent R2P success in Libya may result in failure in Syria. Weeks later, China and Russia—two countries concerned with overreach by the NATO mission in Libya—blocked Security Council action on Syria.

Regardless, the growing acceptance of R2P indicates, "States of all stripes are less prepared to tolerate mass atrocities and more willing to contemplate collective action at a much earlier stage in the crisis," said Alex Bellamy, professor of international security at the Centre for Governance and Public Policy in Australia. "No two cases will be alike and genuine disagreement about the nature of a situation and how best to act is possible. All the while, we need to keep in mind a common purpose."

"It's when that common purpose fails to materialize into action that saves innocent lives that it raises one of the most troubling questions for R2P going forward," said Knut Vollebaek, High Commissioner on National Minorities for the Organization for Security and Cooperation in Europe.

"The underpinning assumption of the R2P is that when a state fails to fulfill its responsibility to protect its citizens, the secondary responsibility falls onto the international community," he said. "It is not clear, however, who exactly should bear this international responsibility or what should happen if the international community also fails to take up this responsibility. How can the international community be held accountable for its failure or failures?"

"The element of ambiguity inherent in the R2P could not only lead to overreaction but also to inaction—both of which are dangerous."

—Sean Harder
Program Officer, The Stanley Foundation

The Future of Responsibility

As R2P moves into its second decade, questions of prevention and use of force grow more complex

All questions are leading questions. Yet, once asked, we tend to lose sight of the way a particular question shapes its answer. We find ourselves all the more bemused when that answer begs fresh questions of its own—many more challenging than the one with which we started.

The International Commission on Intervention and State Sovereignty (ICISS), a collection of eminent political experts that outlined the concept known as the Responsibility to Protect (R2P), convened in 2001 with a very specific question in mind: “When, if ever, is it appropriate for states to take coercive action—and in particular, military action, against another state for the purpose of protecting people at risk in that other state?”

In answering their self-set query, ICISS made a striking shift—one that opened the door to an entirely new set of questions, as well as a whole new set of tools for the global approach to mass atrocity crimes.

Moving Upstream

The crux of the humanitarian intervention debate had always been the tension between the moral impulse to stop mass violence and the principles of “noninterference” and “sovereign equality” that bind the contemporary world order. In a fundamental reframing of this debate, ICISS inverted the premise of the intervention argument, advocating not for a “right to intervene,” but rather a “responsibility to protect.”



Motivated both by analytical rigor and political expediency, ICISS sandwiched its discussion of international response to atrocities between what it described as a “responsibility to prevent” and a “responsibility to rebuild.” Political adoption of R2P by world leaders at the 2005 World Summit reinforced R2P’s focus on peaceful, preventive means and made the novel commitment to “assist states under stress” and help them “build capacity to protect their populations.”

While some world leaders may have hoped in 2005 that phrases like “state responsibility” and “international assistance” would deflect the more invasive tendencies of the concept and shore up traditional notions of sovereignty, highlighting prevention has proven per- versely revolutionary.

Setting the sights of global policy to prevent rather than simply respond to mass atrocity threats raises deeper questions about the internal dynamics that drive atrocity violence. It points openly to the internal governance approaches of individual states and asks how domestic choices might actively incite or enable the potential for genocide and other mass atrocities.

This preventive focus has opened space to consider a set of questions arguably more transformative for global policy than ICISS’s initial query. First, “How must states structure their institutions and approach their own internal governance to ensure the greatest level of protection from the threat of civilian-targeted violence?” and “When and how should the international community exercise its responsibility to engage, assist, or (when necessary) confront sovereign states over the way they choose to guarantee the physical security of their own populations?”

The Challenge Ahead

As R2P enters its second decade, it boasts a depth of political consensus surprising for its youth and transformative potential. Yet, as R2P is translated from abstract principle into concrete policies, the international community faces questions even more complex than the one with which it started.

Novel approaches are naturally prone to unanticipated, complex, and potentially contentious challenges. While only one of the many R2P-inspired policy responses since 2005, the United Nations Security Council’s decision to mandate force to protect civilians in Libya was the greatest stretch, thus far, for a body unaccustomed

to flexing muscle without the pretext (however indirect) of a given regime’s consent.

The debate that surrounds NATO’s implementation of this mandate echoes longstanding unease over a broad set of issues related to the Security Council and the use of force—most notably the council’s ability to ensure that force mandated for one purpose will not be hijacked for another.

As R2P moves toward 2022, it must not only clarify consensus over the means of applying its most pointed tools, but also address the many challenges faced in preventing atrocities before force becomes the only option.

The logic of prevention, for example, points us further upstream where evidence tends to be fuzzy and qualitative. We grapple to identify the essence of atrocity violence—its root incentives and enablers—and seek to better understand when and why elites consider systematic civilian-targeting the best means to meet their objectives.

When it comes to pinpointing concrete policies for prevention, satisfying answers are few. Policy discussions often devolve into listings of measures that span the full spectrum of the conflict prevention, state-building, and development agendas. Vague nods are always given to the importance of “good governance,” “security sector reform,” and the “rule of law.”

R2P’s Next Decade

Current policy prescriptions—whether for prevention or response—rely heavily on muddled intuition. Yet the questions raised in R2P’s first decade have brought us closer to the core of the true challenge: how to create a world in which mass violence is no longer seen as a viable means to achieve political ends.

Moving forward, policy actors and experts must delve deeper and more deliberately into the dynamics of atrocity violence. They must develop policies for prevention and response that target these unique dynamics across the various phases of (potential) crisis and prioritize atrocity-focused objectives within broader efforts to prevent and resolve conflict, promote security, and encourage economic development.

If our answers are imprecise, they demand that we ask better questions—and then be willing to follow where those questions lead. Our concerted willingness to do so will define “success” for R2P in 2022 and beyond.

—Rachel Gerber

Program Officer, The Stanley Foundation

What’s the Motivation? Armed groups stop outside a shop in Mogadishu, Somalia, December 2010. To prevent atrocities, policy-makers must better understand the incentives that drive perpetrators to target civilians and the gaps in security and governance that allow them to do so. (Photo by Kate Holt/IRIN)

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Web Site Captures Conference Highlights

This conference site brings together video, interviews, and resources from figures critical to the historical and contemporary evolution of the Responsibility to Protect (R2P), including UN Secretary-General Ban Ki-moon; members of the International Commission on Intervention and State Sovereignty; key international, regional, and national officials; academic and policy experts; civil society figures; and journalists. The conference traced the course of R2P through past experience and contemporary realities, and considered the prospects and challenges steering its evolution from political principle to policy doctrine into the next decade. www.r2p10.org.

PREVENTING GENOCIDE

R2P: The Next Decade

On January 18, 2012, the Stanley Foundation, in partnership with the Carnegie Corporation of New York and the MacArthur Foundation, convened figures critical to the historical and contemporary evolution of the Responsibility to Protect to assess the current state of the principle and consider the evolving global dynamics that will frame, drive, and challenge policy development in the years ahead. This policy memo outlines the critical tasks identified by the discussion as R2P moves from political principle to policy framework in the coming decade. February 2012 policy memo.

Structuring the US Government to Prevent Atrocities: Considerations for an Atrocities Prevention Board

As part of its 52nd annual Strategy for Peace Conference, the Stanley Foundation convened some 30 US government officials and mass atrocity specialists recently to discuss the prospects and challenges confronting the ongoing interagency review that will inform the design and approach of this freshly mandated structure. This policy dialogue brief offers an overview of the conclusions and recommendations of roundtable participants. December 2011 policy dialogue brief.

NUCLEAR MATERIAL SECURITY

Nuclear and WMD Security and Summit Diplomacy: Leveraging Top-Level Engagement

The Stanley Foundation convened a group of experts and policymakers from the United States, Asia, Canada, and Europe at its 52nd annual Strategy for Peace Conference to discuss “Nuclear and WMD Security and Summit Diplomacy—Leveraging Top-Level Engagement.” This policy dialogue brief offers an overview of the discussion and recommendations of roundtable participants. December 2011 policy dialogue brief.

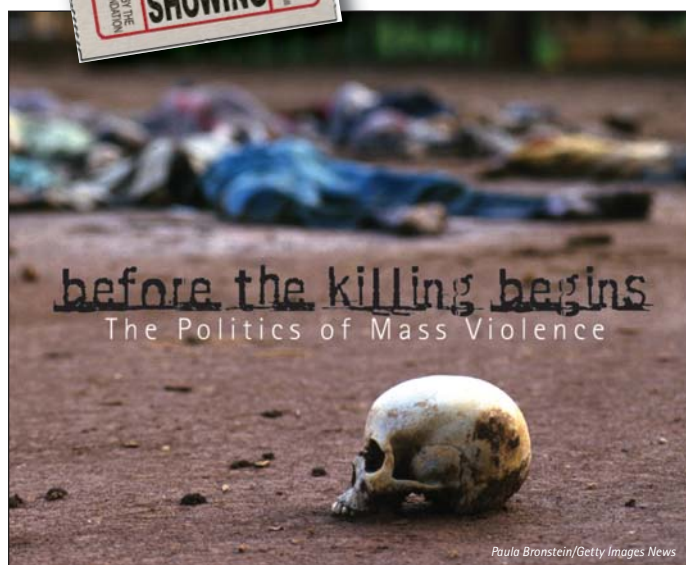
Strengthening WMD Security: A “Whole of Society” Approach

As part of its 52nd annual Strategy for Peace Conference, the Stanley Foundation convened government officials and non-proliferation experts to examine how governments, particularly the US government, utilize nonproliferation assistance and other multilateral assistance mechanisms to meet evolving international security objectives while bolstering capacity-building efforts in the developing world through a “whole of society” approach. This brief offers an overview of the discussion and recommendations of the participants. December 2011 policy dialogue brief.

GLOBAL LEADERSHIP

Beyond Blocs: The West, Rising Powers, and Interest-Based International Cooperation

NYU Professor Bruce Jones examines various spheres of policy and national interests that align Western and rising powers with and against each other, finding there is room to forge a more peaceful and prosperous international order. October 2011 policy analysis brief.



The phrase *never again* has been used for decades as a symbol of international resolve to never allow an abomination like the Holocaust to happen again. That resolve has been tested many times, and too often it has failed.

Now Showing *Before the Killing Begins: The Politics of Mass Violence* encourages discussion of the efforts by governments and the international community to use early preventive strategies to build much-needed capacities within countries to better protect populations under threat, making it harder for leaders to resort to violence, and giving new resolve to the promise of *never again*.

With event planner and moderator guides chock-full of helpful tips and resources, the toolkit has everything needed to put together a successful event. Discussion guides are provided to facilitate group discussion on the issues raised in the video. It also includes materials that provide further background on the discussion topics.

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People Come First. United Nations Secretary-General Ban Ki-moon visits Dadaab, Kenya, where the UN is assisting hundreds of thousands of refugees from neighboring Somalia. (Photo by Mark Garten/UN DPI)



Let's make 2012 the "Year of Prevention"

An excerpt of remarks by the UN secretary-general at "R2P: The Next Decade," a conference held in January in New York by the Stanley Foundation, the Carnegie Corporation of New York, and the MacArthur Foundation:

In 2011 history took a turn for the better. The Responsibility to Protect came of age; the principle was tested as never before. The results were uneven but, at the end of the day, tens of thousands of lives were saved.

We gave hope to people long oppressed. In Libya, Côte d'Ivoire, South Sudan, Yemen, and Syria, by our words and actions, we demonstrated that human protection is a defining purpose of the United Nations in the 21st century. We also learned important lessons.

For one, we have learned that this organization cannot stand on the sidelines when challenged to take preventive action. Where there is a "clear and present danger," we may need to define the field...cautiously but proactively.

We have also learned delivering on the Responsibility to Protect requires partnership and common purpose. We get the best results when global and regional institutions push in the same direction.

Today, I ask you to join me in making 2012 the "Year of Prevention."

This is going to be one of my five generational opportunities of the United Nations for the coming five years. The 2005 World Summit called for assisting states "under stress before crises and conflicts break out." Prevention does not mean looking the other way in times of crisis, vainly hoping that things will get better. We have done that too often. Nor can it be just a brief pause while Chapter VII "enforcement measures" are being prepared.

Prevention means proactive, decisive, and early action to stop violence before it begins.

