

# **Acting Against Atrocities: A Strategy for Supporters of the Responsibility to Protect**



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## List of Acronyms

ASEAN	Association of Southeast Asian Nations
AU	African Union
EU	European Union
G-8	The Group of Eight
G-77	The Group of Seventy-Seven developing countries
GCR2P	Global Centre for the Responsibility to Protect
ICBL	International Campaign to Ban Landmines
ICISS	International Commission on Intervention and State Sovereignty
IPAPI	International Partnership on Avian and Pandemic Influenza
ICRtoP	International Coalition for the Responsibility to Protect
MARO	Mass Atrocity Response Operations Project
NAM	Non-Aligned Movement
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OAS	Organization of American States
P-5	Permanent Five Members of the UN Security Council
R2PCS	Responsibility to Protect – Engaging Civil Society
RtoP	Responsibility to Protect
UK	United Kingdom
UN	United Nations
UNGA	United Nations General Assembly
U.S.	United States
WFM-IGP	World Federalist Movement – Institute for Global Policy

## Foreword

Claire Applegarth and Andrew Block prepared this paper as a Harvard Kennedy School Policy Analysis Exercise, the Kennedy School equivalent of a master's thesis. They submitted it as a discussion paper to the Belfer Center for Science and International Affairs.

Given the void in strategic thinking on the long-term evolution of the Responsibility to Protect (RtoP), this paper provides a fresh perspective on the principle. It makes a valuable contribution to the RtoP discussion by highlighting the structural reforms supporters can make to facilitate policymaking that will enhance RtoP's effectiveness. The authors chart a path for clarifying conceptual ambiguity around RtoP, strengthening national institutions involved with its substance, and adopting approaches to sustain the political will to act in the face of genocide, war crimes, crimes against humanity, and ethnic cleansing.

The launch of the concept of the Responsibility to Protect in 2001 served as a promise that the international community would not permit state sovereignty to be a shield behind which perpetrators of mass atrocities could hide. In today's world, working to fulfill that promise is of critical importance.

Graham Allison  
Director  
Belfer Center for Science and International Affairs  
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We would also like to thank the dozens of academics, civil society leaders, and diplomats whose insights form the basis of our conclusions. We have truly enjoyed the opportunity to learn from them and to contribute to their work.



# EXECUTIVE SUMMARY

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## Executive Summary

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The advent of the Responsibility to Protect (RtoP) signals the international community's commitment to ending genocide, war crimes, ethnic cleansing, and crimes against humanity, and serves as a declaration that state sovereignty will no longer be a shield behind which perpetrators of mass atrocities can hide.

Despite achieving consensus for RtoP's vision among UN member states in 2005, efforts to move RtoP from words to action have stalled. The ability of RtoP supporters to regain momentum has been complicated by their own diverging views on RtoP. Lack of coordination has caused them to struggle in arriving at a common understanding of the concept and has hampered efforts to develop a clear vision for its implementation.

As supporters' attention has been focused almost exclusively on an upcoming RtoP debate in the UN General Assembly, there is a void in strategic thinking on the long-term evolution of RtoP. With this consideration in mind, the purpose of this report is threefold: (1) to uncover the areas in which conceptual ambiguity surrounding RtoP persists and recommend ways to better coordinate supporters' positions and messaging; (2) to determine how RtoP supporters can better mainstream RtoP into their own national-level institutions and processes; and (3) to propose a strategy for sustaining the political will to act on RtoP by moving dialogue and action to forums outside the UN.

## OBJECTIVE 1: ACHIEVE CONCEPTUAL CLARITY

### Strategy: Improve coordination among pro-RtoP states

Advances in implementing the RtoP agenda will occur incrementally, but widening agreement on the current understanding of RtoP is an essential first step. Achieving this consensus and reaching agreement on an implementation agenda requires greater coordination among RtoP supporters.

#### Recommendations

- 1.1 Engage capitals in RtoP discussions
- 1.2 Hold regular “Friends of RtoP” meetings
- 1.3 Ensure that supporters are proactive in generating proposals
- 1.4 Create additional Friends forum to drive strategy
- 1.5 Encourage supporters from the global South to be the face of RtoP

## OBJECTIVE 2: ENSURE EFFECTIVE INSTITUTIONS

### Strategy: Create infrastructure for effective RtoP policymaking at the national level

As RtoP reforms at the UN are likely to take shape only over the long term, states should begin crafting their own national RtoP implementation agendas now. Emphasis should be placed on evaluating and modifying management structures and decision-making processes to facilitate good policymaking.

#### Recommendations

- 2.1 Integrate RtoP into national policy planning and budgeting
- 2.2 Assign RtoP to a particular ministry or other appropriate national institution
- 2.3 Label RtoP programs to promote unity of effort
- 2.4 Create a standing interagency process to evaluate RtoP situations
- 2.5 Review relevant agencies’ activities with an eye towards RtoP-oriented reforms
- 2.6 Encourage high-level rhetoric on RtoP

### OBJECTIVE 3: SUSTAIN POLITICAL WILL OVER TIME

#### Strategy: Expand the global constituency in support of RtoP

Mobilizing even pro-RtoP states to address mass atrocities is often challenging, as any given situation requires intensive resource commitments and a deep reserve of diplomatic capital. Leaders in the RtoP movement should work to sustain the political will to act by building multilateral relationships outside the UN and enlisting the support of global publics and civil society.

#### Recommendations

- 3.1 Create a capital-to-capital partnership in support of RtoP
- 3.2 Move RtoP onto the agenda of regional bodies and other multilateral forums
- 3.3 Invest in public diplomacy and new media
- 3.4 Create space for civil society action to build domestic support



# I. INTRODUCTION

# I

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## Introduction

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The Responsibility to Protect (RtoP) is both a conceptual framework and a mandate for galvanizing action to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. While RtoP's underlying moral message of "Rwanda never again" rings true with the international community, the practical mechanisms through which this mandate should be applied remain the subject of continuing debate. With respect to UN member states, even steadfast RtoP supporters have struggled to arrive at a common understanding of the concept and still lack a coherent implementation vision for RtoP both at the UN and within their own national institutions.

As a UN General Assembly (UNGA) debate on RtoP approaches in summer 2009, supportive states at the UN, known as the "Friends of RtoP," are currently channeling their diplomatic energies into finding and cementing consensus around landmark language on RtoP adopted in the final Outcome Document of the September 2005 UN World Summit. The importance of the UN debate for RtoP's acceptance and visibility at the UN justifies this focus on debate preparations in the short term. But regardless of the outcome of the UNGA discussion, RtoP's normative and substantive development will rely on a broader diplomatic campaign and more particular state efforts to move it forward. This report attempts to fill the current void in strategic thinking on the longer-term evolution of RtoP by exploring how individual states can take action in support of the concept.

The analysis and recommendations presented in this report start from the assertion that RtoP is still a nascent norm in the international arena. As such, states need to further internalize the norm for it to become truly actionable, a process requiring simultaneous activities at the UN and in member states. As states make progress in upgrading their ability to monitor, prevent, and respond to RtoP situations, the UN's decision-making and implementation organs are invested with improved prevention and response capacity. In parallel, advances at

the UN encourage or require similar improvements at the national level, feeding back into reforms of member state RtoP capabilities.<sup>1</sup>

While states that are currently ambivalent or resistant to the notion of RtoP will ultimately need to be brought on board, this report focuses on the steps the *supporters* must take to put the process into motion. Supporters have not yet adequately coordinated their policies and strategies, nor made a sufficient attempt to ensure that their own governments understand RtoP, much less develop the capability to monitor, prevent, and respond to RtoP situations. These steps are critical if outreach to the broader global community is to succeed. Accordingly, this report's intended audience consists of those states that already identify themselves as RtoP supporters.

With these considerations in mind, the purpose of this report is threefold: (1) to uncover the areas in which ambiguity surrounding RtoP persists and recommend ways to better coordinate supporters' positions and messaging; (2) to determine how RtoP supporters can better mainstream RtoP into their own national-level institutions and processes; and (3) to propose a strategy for sustaining the political will to act on RtoP by moving dialogue and action to forums outside the UN. The overarching emphasis of this approach is on creating structures and mechanisms that will facilitate RtoP supporters' efforts to move the concept from rhetoric to action, while leaving specific policy content to individual states to define.

The organization of this report is as follows: first, a **background** section summarizes the roots and evolution of the concept over its short history. The next section paints the **current debate** around the RtoP concept, exposing the primary points of contention and mapping the positions of various states and blocs. The following section then sketches the **challenges facing RtoP** that have impeded the emergence of a clear consensus and implementation agenda, including more particular analysis of the **conceptual, institutional, and political objectives** to drive the agenda forward. Each of these sections on objectives assesses the core issue to be addressed, offers a general strategy to guide further advocacy or implementation work by the Friends, and puts forth specific recommendations for action.

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1. See Appendix 1 for logic model.





## II. BACKGROUND

# II

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## Background: From ‘Right’ to ‘Responsibility’

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The arrival at the notion of the Responsibility to Protect is a reflection of the changing nature of conflict in a globalized society. Today, intrastate struggles are the more prevalent form of conflict, and disproportionately affect poorer countries and their largely defenseless inhabitants. In 1994, one of the bloodiest internal conflicts of the twentieth century spiraled rapidly out of control in Rwanda, and the world witnessed a genocide of over 800,000 people in just 100 days. The embarrassing sluggishness of the UN’s response, for which the UN acknowledged its failure to galvanize the political will of its member states to intervene,<sup>1</sup> prompted states to adopt “Rwanda never again” as a mantra for conflict prevention.

In September 2000, on the heels of a more successful North Atlantic Treaty Organization (NATO) intervention to address an escalating conflict in Kosovo in 1999, Canada formed the International Commission on Intervention and State Sovereignty (ICISS) to address questions around the “right” of the international community to intervene in the domestic affairs of sovereign states on humanitarian grounds. The Commission released a report on the findings of its global consultations in December 2001, officially launching the RtoP concept.

According to the ICISS report, shifting the language of the debate from a “right to intervene” to a “responsibility to protect” would help bridge the gap in understanding between humanitarian prevention and intervention activities, and progress to substantive dialogue. The report outlined the core elements of RtoP, including the responsibilities to prevent, to react, and to rebuild, and firmly associated RtoP with four major types of atrocities: genocide, war crimes, ethnic cleansing, and crimes against humanity.<sup>2</sup>

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1. “UN admits Rwanda genocide failures,” BBC News, April 15, 2000, available at: <http://news.bbc.co.uk/1/hi/world/africa/714025.stm>.

2. International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility*

Since the ICISS report's release, the UN has become the primary forum for RtoP's discussion. Former Secretary-General Kofi Annan encouraged serious consideration by member states of the ICISS report and RtoP, and made genocide prevention a cornerstone of his tenure. The UN's 2004 High-Level Panel on Threats, Challenges, and Change, in its report *A More Secure World: Our Shared Responsibility*, endorsed "the emerging norm that there is a collective international responsibility to protect."<sup>3</sup>

The September 2005 UN World Summit, the world's largest-ever meeting of heads of state,<sup>4</sup> was the first and most high-profile global debate on RtoP and served to lay bare the full spectrum of state views. The conference's Outcome Document affirmed RtoP as associated with the four atrocities, and was hailed by many as an important and positive step forward. Paragraphs 138 and 139 of that document, which address RtoP, have provided the almost exclusive basis for further consideration.<sup>5</sup>

Developments since the World Summit show some positive signs of RtoP's normative advances. The Security Council made its first reference to RtoP in Resolution 1674 on the protection of civilians in armed conflict in 2006,<sup>6</sup> and Secretary-General Ban Ki Moon appointed a Special Adviser on the Prevention of Genocide and a Special Adviser to the Secretary-General who was tasked with promoting the Responsibility to Protect.<sup>7</sup> On January 12, 2009, the Secretary-General released a report titled *Implementing the Responsibility to Protect*, which was to provide the basis for the upcoming UNGA debate on RtoP.<sup>8</sup>

Despite this generally positive trend, many observers note that the momentum of 2005 has stagnated. Pro-RtoP member state mission representatives now attest to spending more time clarifying and defending the principle as enshrined in the 2005 Outcome Document than securing diplomatic commitments to implement it.

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*to Protect: Report of the International Commission on Intervention and State Sovereignty*, Ottawa, Canada: International Development Research Centre, December 2001.

3. *A More Secure World: Our Shared Responsibility*, Report of the Secretary-General's High-Level Panel on Threats, Challenges, and Change, United Nations, December 2, 2004, A/59/565, paragraph 203.

4. "The 2005 World Summit: An Overview," United Nations 2005 World Summit High-Level Plenary Meeting, 14-16 September 2005, available at: <http://www.un.org/ga/documents/overview2005summit.pdf>.

5. See Appendix 2 for Outcome Document paragraphs 138-140.

6. Security Council Resolution 1674 on "Protection of civilians in armed conflict," April 28, 2006, S/RES/1674 (2006), paragraph 4.

7. Although it is widely understood that this Special Adviser to the Secretary-General is responsible for advising on the Responsibility to Protect, states did not agree to using RtoP in the title of the position and so it remains unassociated.

8. See *Implementing the Responsibility to Protect: Report of the Secretary-General*, United Nations, January 12, 2009, A/63/677.





### III. STATE OF THE DEBATE

# III

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## State of the Debate: Issues and Perspectives on RtoP

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In the 2005 Outcome Document, states agreed on RtoP's applicability to genocide, war crimes, ethnic cleansing, and crimes against humanity. The document further affirmed the principle that "each individual State has the responsibility to protect its populations," with assistance from the international community "as appropriate." The international community, in turn, was delegated the responsibility "to use appropriate diplomatic, humanitarian, and other peaceful means...to help to protect populations" if a state was "manifestly failing" to do so on its own.<sup>1</sup>

Observers heralded the Outcome Document's recognition of the four atrocities as a particular achievement, and noted its normative value if not its substantive contribution. This normative success achieves greater meaning when considering that RtoP was preserved in the final document when other issues had to be abandoned for lack of consensus.<sup>2</sup>

Still, the Outcome Document does not specify the unique value of RtoP as distinct from existing international political and legal protection principles beyond using the language of "responsibility" as a stronger restatement of current humanitarian principles and doctrine. While it told states what their responsibilities were, it was silent on how to fulfill them. As a result, the document's two short paragraphs leave room for differing interpretation of these responsibilities and mismatched levels of commitment in meeting these objectives. The Secretary-General's January 2009 report gives more guidance in this regard, but does not lay to rest the most contentious aspects of the debate.

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1. *2005 World Summit Outcome Document*, United Nations, October 24, 2005, A/RES/60/1. See appendix 2 for paragraphs 138-140 on the Responsibility to Protect.

2. Keynote address by Edward Luck, Special Adviser to the Secretary-General, to Harvard Law School Human Rights Journal 2009 Symposium on The Responsibility to Protect, February 20, 2009, Cambridge, MA.

## Points of Contention

The 1994 Rwandan genocide motivated a groundswell of international actors to rally around the promise that “never again” would such an atrocity be allowed to take place. Most of the global community is united behind this cause, and even those who are indifferent or hostile to RtoP—whether because of principled opposition to limits on sovereignty or due to ulterior motives—must at least pay lip service to its vision. As a shared, orienting value, the notion of “never again” provides some coherence to the RtoP debate. Points of contention, however, are not far below the surface.

### SCOPE

One key area of contention relates to the scope of RtoP, particularly to the causes of mass human suffering that would fall under the RtoP rubric. The 2005 Outcome Document states that RtoP applies to four situations—genocide, war crimes, ethnic cleansing, and crimes against humanity—whether they occur at the hands of the government or in spite of the government’s best efforts to stop them. Some supporters would go further, adding humanitarian crises brought about by natural disasters. Nevertheless, this remains a minority view, and many observers of the debate agree that consensus is converging around the four atrocities described in the 2005 Outcome Document.

States also place unequal emphasis on the different stages of atrocities that would qualify for action under RtoP. The Secretary-General’s 2009 report divides RtoP activities into three “pillars”: member states’ responsibility to protect their own populations; the international community’s obligation to provide states with the capacity they need to fulfill this responsibility; and the international community’s obligation to respond to mass atrocities if they occur.

While supporters are united in their embrace of the first pillar, some states place greater emphasis on the second pillar and are hesitant to accept the third. According to this view, development aid and other capacity-building efforts are the primary tools in preventing mass atrocities and in rebuilding post-conflict societies so that such atrocities do not occur again.

The prospect of outside intervention authorized by the third pillar makes some states wary of RtoP as a doctrine of humanitarian intervention that threatens sovereignty, particularly that of weak states. But other actors prioritize the third pillar over the first and second, arguing that development aid may be too far “upstream” from conflict to protect civilians at risk of mass atrocities. They assert that the “teeth” of RtoP lie in encouraging appropriate bodies such as the Security Council to authorize intervention—including coercive means, if necessary—in a state that it is “manifestly failing” to protect its own population.

Finally, a middle-ground group subscribes to the formulation contained in the Secretary-General's report: all three pillars are equally important, and must be viewed as applicable in different stages and contexts of conflict.

## TOOLS

Beyond the arguments over scope, there is disagreement over what tools should be part of the RtoP "toolbag." Gareth Evans, President of the International Crisis Group, former Co-Chair of ICISS, and one of the leading individual proponents of RtoP, defines the tools of RtoP more broadly than some scholars.<sup>3</sup> In his view, the universe of tools consists of four categories: political and diplomatic measures, economic and social measures, constitutional and legal measures, and security sector measures. Each of these measures, in turn, consists of long-term, structural instruments (such as promoting good governance) and immediate-term, direct instruments (such as political sanctions).

When RtoP supporters peer into the toolbag, however, they often disagree on exactly what it is they see. In particular, RtoP's allowance of the use of coercive measures, including sanctions and military deployment, has been a persistent source of debate. Among those who advocate for the preservation of coercive options as part of RtoP, the issue of military force is especially divisive. Even among those countries that are willing to grant the international community the power to impose sanctions or threaten government officials with prosecution by the International Criminal Court, some stop short of endorsing the use of force. Actors in this camp (as well as those who reject coercive tools outright) cite the 2003 U.S. and UK-led invasion of Iraq and Russia's 2008 incursion into Georgia as evidence that the rhetoric of protection is just that—rhetoric. For them, embracing the use of force as part of RtoP simply facilitates imperialism. Supporters, however, remind that RtoP already preserves the option of military intervention under Chapter VII of the UN Charter.

Among those who approve of military force, there is not yet consensus as to whether the UN should adopt criteria for its use. In introducing the RtoP concept in its seminal 2001 report, ICISS recommended that force be used only if it met the following 5 criteria: just cause, right intention, last resort, proportional means, and reasonable prospects.<sup>4</sup> Those who endorse these criteria view them as a check against unilateral military action, as well as an assurance to militarily weaker nations that more powerful states will not use RtoP as a means of exploiting the power imbalance between the global North and South.

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3. See Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All*, Washington, DC: Brookings Institution Press, 2008.

4. ICISS, pp. 32-37.

Opponents of the ICISS criteria fear that it might put an improper “ceiling” on the use of force by prohibiting armed intervention where it may be necessary, or that it may install an improper “floor” by compelling the use of force when other options would be more appropriate.<sup>5</sup> A similar debate centers around efforts to gain agreement among the permanent five (P-5) members of the Security Council not to use their veto power in cases of mass atrocities. Supporters claim such a step is necessary to facilitate action and detractors argue that this authority should not be restricted.

As with the debate over RtoP’s scope, some supporters give the greatest weight to development aid as the more important tool in preventing mass atrocities and building the capability of governments to respond more effectively to those events. But other pro-RtoP actors fear that an agenda that prioritizes aid or purely capacity-building tools will not yield effective action in imminent crisis situations. As one concerned non-governmental organization (NGO) notes in a recent report on civil society’s reaction to RtoP, “it remains unclear...how measures for the prevention of RtoP crimes differ from conflict prevention measures more broadly.”<sup>6</sup> Other groups have voiced concern that associating RtoP with development and human rights activities not explicitly conflict-related undermines the sense of urgency and moral authority of RtoP’s mandate for action.

## SEQUENCING OF ACTIONS

An additional point of contention concerns how all three pillars of RtoP fit together. First, there is the question of whether to sequence among pillars—in other words, whether the international community must exhaust all efforts to protect populations through the capacity-building mandated by pillar two before using the instruments of response provided for in pillar three. Second, there is the question of whether to sequence within pillar three, by mandating that non-coercive measures (such as offering mediation or deploying contact groups) be exhausted before applying coercive measures. Similarly, states debate whether to exhaust non-violent coercive measures before allowing the use of force. While relatively few countries have advocated a strict sequencing approach thus far in the RtoP debate, these arguments foreshadow potential opportunities for future blockage in RtoP’s application to specific country situations.

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5. Interview with official from pro-RtoP country, January 28, 2009.

6. World Federalist Movement – Institute for Global Policy (WFM-IGP), *Global Consultative Roundtables on the Responsibility to Protect: Civil Society Perspectives and Recommendations for Action*, February 2008-August 2008 Interim Report, January 2009, p. 7.

## LANGUAGE OF PREVENTION

RtoP supporters agree on the value of prevention, but define the term in different ways. Some states take it to refer to upstream aid meant to facilitate structural changes that reduce the likelihood of mass atrocities. Development assistance in the areas of good governance, inter-ethnic harmony, or economic development would fall under this definition. Other actors discuss prevention in the context of interventions meant to stop a perilous situation from escalating, such as preventative troop deployments or contact group consultations. These definitions of prevention are not mutually exclusive, but may lead to confusion if users are not cognizant of the varying ways in which the term may be interpreted.

## LOCUS OF CONTROL

Underlying the RtoP debate is ongoing friction between the mandates and roles of the General Assembly and the Security Council in driving UN action. The 2005 Outcome Document notes in paragraph 139 that member states “stress the need for the General Assembly to continue consideration of the responsibility to protect populations” from the four crimes described in the text. Some states point to this “continu[ing] consideration” clause in arguing that the UNGA should have a gatekeeper’s role in RtoP matters, with the authority to refer or not refer matters to the Security Council. This camp views the Security Council as generally ineffective in discharging its duties and/or discriminatory in deciding when to act.

Opponents counter that such an arrangement strips the Security Council of its exclusive powers and thus violates the Charter. Some observers also note that the UNGA is already empowered to act under the “Uniting for Peace” resolution.<sup>7</sup> While the Security Council is the primary body charged with legalizing military or other punitive action, the UNGA is authorized to do so with a two-thirds majority in instances of Security Council failure to act due to disagreement among the P-5.

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7. See UN General Assembly Resolution 377 A, “Uniting for Peace,” United Nations, November 3, 1950, A/RES 377 (V) A.

## POINTS OF CONTENTION AND KEY QUESTIONS ON RTO P

<i>Points of Contention</i>	<i>Key Questions</i>
Scope	<ul style="list-style-type: none"> <li>• Should RtoP apply to threats to human security beyond the four atrocities defined in the Outcome Document?</li> <li>• Does the real value of RtoP lay in its promise of aid for upstream prevention or in allowing the international community to intervene as conditions on the ground deteriorate?</li> </ul>
Tools	<ul style="list-style-type: none"> <li>• Should the international community be permitted to take coercive measures against other states?</li> <li>• Should coercive measures be limited to non-military tools, or should the use of military force be permitted?</li> <li>• Should the UN adopt criteria for the use of force?</li> <li>• Should P-5 members agree not to use their veto?</li> </ul>
Sequencing of Actions	<ul style="list-style-type: none"> <li>• Must upstream preventative efforts be exhausted before permitting the international community to intervene?</li> <li>• Must non-coercive tools be exhausted before using coercive tools?</li> <li>• Must non-military coercive tools be exhausted before permitting the use of force?</li> </ul>
Language of Prevention	<ul style="list-style-type: none"> <li>• Does “prevention” refer to upstream aid or to intervention when the government’s failure to protect its population seems imminent?</li> </ul>
Locus of Control	<ul style="list-style-type: none"> <li>• Should the UNGA act as a gatekeeper to UN action, or should the Security Council maintain sole authority to act?</li> <li>• What does the UNGA’s “continuing consideration” entail?</li> </ul>

## Mapping Government Positions on RtoP

The range of disagreement over RtoP's conceptual foundation has exposed the principle to an equally diverse array of state views. In addition, the conceptual proximity of RtoP to other international issues, including human rights, development assistance, and humanitarian response, has contributed to implicit linkages between RtoP and other domains more familiar to some states. Most notably, the contentious notion of humanitarian intervention has complicated efforts to carve a unique space for RtoP. Some states remain wary of any doctrine supported by Western powers that purports to assist vulnerable populations, presumably without the consent of the host state. This wariness traces its roots back to the "right to intervene" espoused by Doctors Without Borders founder and current French Foreign Minister Bernard Kouchner during his government tenure in the early 1990s, which inflamed sensitivities over sovereign rights.<sup>8</sup>

Against this backdrop, the RtoP debate provides a unique window into historic antagonisms between the global North and the global South. RtoP's misinterpretation as humanitarian intervention has enabled some less-developed states of the global South to rally opposition against RtoP in casting it as an imperialist tool of the global North. Owing much to this early misconception, rejection or support for RtoP has frequently splintered along geographic or political lines. Principal RtoP opponents often are members of the Non-Aligned Movement (NAM) and the G-77, while the European Union (EU), with growing support from some nations of the African Union (AU) and the Organization of American States (OAS), has established itself at the forefront of the Friends group. Members of the Association of East Asian Nations (ASEAN) generally fall in a less well-defined middle area, offering lukewarm support while holding fast to sovereign values. Of course, the dominant voices in these blocs do not always accurately reflect their members' preferences, and to ascribe a uniform position to each group would greatly oversimplify the spectrum of views and varying levels of support that differentiate countries within blocs.

Also influencing states' views are issues of power, responsibility, and domain between the Security Council and the General Assembly, a division sketched earlier. The P-5 veto power and general UNGA-Security Council power differential help explain the moderate positions on RtoP adopted by members of the P-5 with otherwise weak human rights records—notably China and Russia. States in the General Assembly with similarly weak adherence to human rights and otherwise allied with China or Russia on many international issues often oppose RtoP, fearing their inability to contest an unwanted Security Council decision.

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8. Caroline Wyatt, "Profile: Bernard Kouchner," BBC News, May 18, 2007, available at: <http://news.bbc.co.uk/2/hi/europe/6666707.stm>.

## THE OBSTRUCTIONIST CAMP: RtoP AS “A REINCARNATION OF HUMANITARIAN INTERVENTION”

One group of states has adopted a soundly rejectionist posture toward RtoP from its earliest introduction, rallying opposition by citing an array of deep-seated suspicions. To some in this group, RtoP is seen to contravene the right to sovereignty preserved in the UN Charter and thus violates international law. In the 2005 negotiations on the RtoP text in the Summit Outcome Document, Algeria, Belarus, Cuba, Russia, Syria, and Venezuela all attacked RtoP on the grounds that it had no legal basis in the UN Charter.<sup>9</sup> The NAM argued that RtoP was merely “a reincarnation of humanitarian intervention.”<sup>10</sup> Some members of this obstructionist camp rejected the notion that RtoP could even be acknowledged as a “concept” or claimed, as did Venezuela, that it only served the interests of powerful states.<sup>11</sup> Cuba reiterated that RtoP would “only facilitate interference, pressure and intervention in the domestic affairs of our States by the superpowers and their allies,”<sup>12</sup> and Zimbabwe thought RtoP needed “careful scrutiny in order to test the motives of their proponents.”<sup>13</sup>

Others, most notably Egypt, asserted that responsibility of any form rested primarily with the state. Once discussion of pillars was introduced into the RtoP debate after 2005, Egypt turned this position into a firm emphasis of the first and second pillars and an unswerving call for the sequencing of RtoP actions between pillars two and three, a position thought to effectively neuter the ability of the international community to take any third pillar RtoP actions.<sup>14</sup> In 2005, further defenses of sovereignty and denunciations of RtoP as overly vague came from Iran, Pakistan, and Vietnam, among others.<sup>15</sup>

The majority of these staunch opponents have merely reiterated their opposition to RtoP in discussions since 2005, using much of the same language. These core rejectionist states are,

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9. “State-by-State Positions on the Responsibility to Protect,” Responsibility to Protect – Engaging Civil Society (R2PCS), July 13, 2005, available at: <http://www.responsibilitytoprotect.org/index.php?module=uploads&func=download&fileId=134>; “Chart on Government Positions on R2P,” R2PCS, August 11, 2005, available at: [http://www.responsibilitytoprotect.org/index.php/government\\_statements/295?theme=alt1](http://www.responsibilitytoprotect.org/index.php/government_statements/295?theme=alt1).

10. *Ibid.*

11. *Op. cit.*

12. *Op. cit.*

13. “2005 World Summit Excerpts: The Responsibility to Protect,” R2PCS, September 15, 2005, available at: <http://www.responsibilitytoprotect.org/index.php?module=uploads&func=download&fileId=167>.

14. Interview with official from pro-RtoP country, February 6, 2009.

15. “Chart on Government Positions on R2P,” R2PCS.

however, unsurprising when viewed in the larger context of state relations and historical attitudes toward humanitarian and human rights causes. It is also likely that some of the most vocal members of this camp have simply seized on the RtoP debate as an opportunity to assert leadership amongst their counterparts in the NAM and across the developing world.

Despite much intransigence, not all positions are static, and observers note successes in softening the rhetoric of some dissenters. Vietnam, as one example, has since warmed to the first pillar tenets of RtoP. Even some determined opponents have welcomed key facets of the Secretary-General's 2009 report, and indicate that they may support a modest consensus-based resolution on RtoP in the UNGA. By some counts, the obstructionist camp today consists of roughly only a dozen states.<sup>16</sup>

### THE SKEPTICAL MIDDLE: A CALL FOR "GREAT PRUDENCE"

Some states appeared to mistrust RtoP in 2005, but refrained from openly rejecting it as a project of the West. China, a permanent member of the Security Council but also the subject of criticism for human rights abuses, cautiously called for further discussion on RtoP and deferred to the Security Council on matters of peace and security.<sup>17</sup> In subsequent negotiations, however, China has sided more with the dissenting voices on RtoP, cautioning that responsibility "lies primarily with the Governments of the countries concerned"<sup>18</sup> and calling for "great prudence" in approaching and applying the concept.<sup>19</sup> Nevertheless, China concedes some responsibility for the international community to provide "constructive help and support" to countries to fulfill their sovereign responsibilities.<sup>20</sup>

Russia, aside from its early questioning of RtoP's legal basis, has spoken mostly in favor of the status quo in arguing that the Security Council already has adequate authority to react to international crises.<sup>21</sup> Echoing China's rhetoric, Russia in 2006 called for "the greatest prudence when dealing with documents and concepts worked out without coordination

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16. Interview with UN official, March 25, 2009.

17. *Op. cit.*

18. "Government Statements on R2P, Asia-Pacific 2005-2007," R2PCS, February 13, 2008, available at: <http://www.responsibilitytoprotect.org/index.php?module=uploads&func=download&fileId=487>.

19. "Excerpts of R2P related comments from UN member states: Security Council Open Debate: Protection of civilians in armed conflict, Tuesday, 27 May 2008," Global Centre for the Responsibility to Protect (GCR2P), May 27, 2008, available at: <http://www.responsibilitytoprotect.org/index.php?module=uploads&func=download&fileId=547>.

20. *Ibid.*

21. "State-by-State Positions of the Responsibility to Protect," R2PCS.

with all United Nations Member States.”<sup>22</sup> India too has remained skeptical, preferring to emphasize the Chapter VI role of the Security Council on peaceful settlement of disputes and other conflict prevention measures.<sup>23</sup>

Southeast Asia holds an additional concentration of moderately dissenting voices on RtoP. These include Indonesia, the Philippines, Thailand, and a more outspoken Vietnam, all of which staunchly defended sovereign values, but nonetheless expressed interest in a consensus agreement on RtoP in 2005. The traditional defense of the norm of non-interference throughout this region has characterized attitudes toward RtoP in the past. Analysis by the Asia-Pacific Centre for the Responsibility to Protect contends that states in the region are not so much opposed “to the principle itself” as to “the possibility for the principle to be abused to justify expanded coercive interference.”<sup>24</sup> Accordingly, they seek to shift the locus of debate to the UNGA while cautioning against Security Council use of RtoP.

As noted for the obstructionist states, not all views expressed by states of the skeptical middle are immovable. Indeed, favorable reactions to the Secretary-General’s report have given cause for optimism, with states like India attesting to the practicality of much of the pillars’ content.

#### THE LIKELY SUPPORTERS: A SILENT MAJORITY?

A large number of states can be classified as relatively inactive supporters of RtoP. States in this group welcomed the notion as agreed in 2005 but have failed to make RtoP a cornerstone of their UN statements or strongly advocate that it become the basis for distinct reforms.

Many states in sub-Saharan Africa embrace the notion with qualified optimism, albeit some more emphatically than others. The African Union, in a March 2005 document outlining a common position on the UN’s Report of the High-Level Panel on Threats, Challenges, and Change, underscored the need for regional organizations to be “empowered to take actions” under RtoP in current crises in their region, with the possibility of the UN Security Council approving an intervention “after the fact.”<sup>25</sup> The growing interest of sub-Saharan Africa in

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22. “Excerpted Statements on the Open Debate on the Protection of Civilians in Armed Conflict,” R2PCS, December 4, 2006, available at: <http://www.responsibilitytoprotect.org/index.php?module=uploads&func=download&fileId=311>.

23. Unpublished civil society document on states’ views.

24. Asia-Pacific Centre for the Responsibility to Protect, *The Responsibility to Protect in Southeast Asia*, Brisbane, Australia: University of Queensland, January 30, 2009, p. 3.

25. “The Common African Position on the Proposed Reform of the United Nations: The Ezulwini Consensus,” African Union Executive Council 7th Extraordinary Session, March 7-8, 2005, Addis Ababa, Ethiopia, p. 6.

RtoP is consistent with the region's damaging experience with internal conflict as well as with some countries' perceived opportunity to benefit from capacity-building initiatives under an RtoP framework. Endorsements of RtoP also follow on the heels of the African Union's move from a staunch policy of non-interference in sovereign affairs to the principle of non-indifference to the plight of other African nations.<sup>26</sup>

A number of Latin American and Caribbean nations also fall under this classification of likely or silently supportive states. Notably, some Middle Eastern countries, among the most silent on RtoP, may also prove persuadable.

Lastly, Japan has long stood out as a strong potential ally on RtoP, having championed the notion of "human security," which has tangible policy overlaps with RtoP. But while Japan has repeatedly expressed approval of RtoP, it continues to favor the prism of human security for its advocacy on human rights, development, and conflict prevention.<sup>27</sup>

#### THE CONSISTENT SUPPORTERS AND FRIENDS: ACTIVIST BUT FRAGMENTED

The staunchly pro-RtoP camp comprises many "middle power" nations that have historically defended multilateral agreements on similar human security and transnational challenges. Within this grouping, however, there is still a range of interest in advancing and implementing RtoP, with some states assuming more distinct leadership roles. Furthermore, the conceptual points of contention outlined earlier still divide states within this group. Even where dedication to RtoP and conceptual understanding are aligned, strategic differences on how to properly promote the concept continue to impede progress.

It is important to note that observers of the RtoP debate use the term "Friends of RtoP" in reference to various compositions of states. By some counts, there are as many as 70 true Friends.<sup>28</sup> For the purpose of this analysis, supporters are distinguished from Friends, the first comprising a large grouping of consistently pro-RtoP voices, and the latter (Friends) referring to the narrower, more established subset of the pro-RtoP camp.

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26. For more discussion of African views on non-indifference and intervention, see Fund For Peace, *Neighbors on Alert: Regional Views on Humanitarian Intervention*, Summary Report of The Regional Responses to Internal War Program, Washington, DC, October 2003.

27. Asia-Pacific Centre for the Responsibility to Protect, *Japan and the Republic of Korea on the Responsibility to Protect*, Brisbane, Australia: University of Queensland, October 10, 2008, p. 7, available at: <http://www.r2pasiapacific.org/images/stories/food/japan%20and%20korea%20on%20r2p.pdf>.

28. Interview with civil society group representative, February 27, 2009; interview with UN official, March 25, 2009.

Within the official Friends group, the true champions of RtoP actively market and promote the norm, missing few opportunities to push for its consideration at the UN. Spearheading this activist work is Canada, the initiator of the ICISS consultations and a firm ally of the civil society groups that played a critical role in shaping the concept at the start. Canada is joined in its robust promotion strategies by Australia, Belgium, France, Mexico, the Netherlands, Rwanda, the United Kingdom, and a handful of other European nations. These states stand out as leaders on RtoP for their involvement in one or more outwardly supportive activities, such as chairing Friends meetings, hosting informational RtoP luncheons or seminars, and pursuing extensive diplomatic outreach on RtoP to other member state missions.

Other consistent supporters, or the less activist contingency of the Friends, include those states that have nonetheless expressed tireless and unequivocal backing for RtoP. These include Ghana, New Zealand, many members of the EU bloc, and Latin American nations such as Argentina, Chile, Costa Rica, Guatemala, and Panama.<sup>29</sup> A newer addition to this list is South Africa, formerly skeptical but now actively engaged with RtoP.<sup>30</sup>

Despite consistent endorsements, however, there are still lingering conceptual differences inhibiting a consistent Friends message on RtoP. France gained the reputation of an outlier in the EU bloc after Foreign Minister Kouchner's suggestion that the humanitarian disaster following Cyclone Nargis in Burma be understood as an RtoP situation. Most states rebuked the suggestion, saying RtoP should be preserved only for strict mass atrocity crimes. Bangladesh regards itself as a strong supporter, but identifies the value-added of RtoP as its provision of assistance for capacity-building rather than the license it gives the international community to intervene in mass atrocities.<sup>31</sup> South Korea, a steadfast RtoP supporter, has similarly emphasized preventive measures over third pillar actions.<sup>32</sup>

But the third pillar is central to other countries' support. Ghana endorsed a more interventionist interpretation of RtoP in June 2006, suggesting it "behooves the United Nations to intervene and protect innocent populations."<sup>33</sup> Other nations, particularly within the EU, have more quietly advocated for retaining the option of military intervention.

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29. Unpublished civil society document on Friends group members.

30. Interview with UN official, March 25, 2009.

31. Unpublished civil society document on states' views.

32. *Japan and the Republic of Korea on the Responsibility to Protect*, pp. 19-20.

33. "Government Statements on R2P: Africa 2005-2007" R2PCS, February 13, 2008, available at: <http://www.responsibilitytoprotect.org/index.php?module=uploads&func=download&fileId=487>.

## THE UNITED STATES: A STRATEGIC WILD CARD

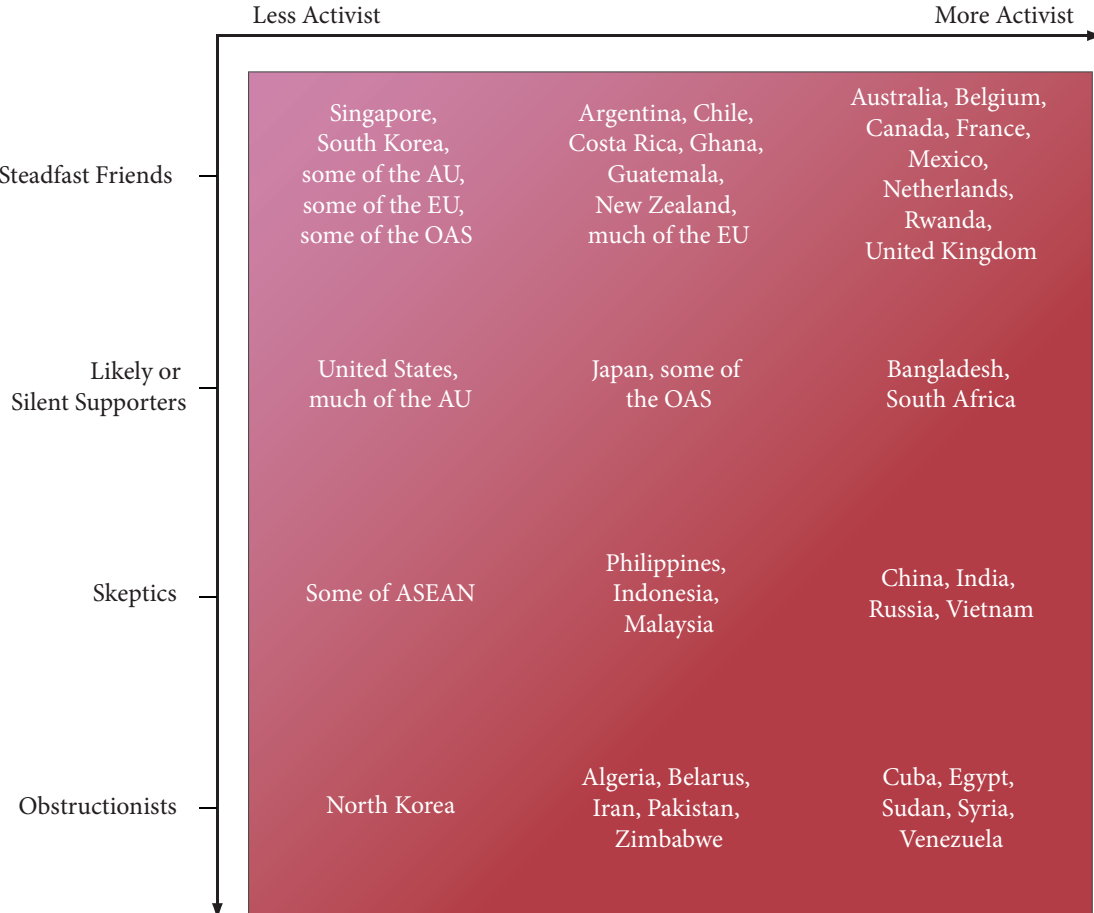
The position of the United States has been more contextual and issue-specific than consistently supportive. Under the direction of U.S. Ambassador to the UN John Bolton in 2005, the U.S. emphasized the role of the Security Council in determining RtoP situations, but never approached the effusive support expressed by Canada and others. In Ambassador Susan Rice's first statement to the Security Council in January 2009, she noted that she looked forward to the Secretary-General's report on RtoP and the subsequent debate.<sup>34</sup> More controversially, Rice also mentioned RtoP immediately following condemnation of the humanitarian situation in Darfur, implicitly linking the concept with the ongoing abuses in Sudan despite the hesitancy of some states to affix the RtoP label to the Darfur situation.

At this time, however, it remains unclear precisely what role the U.S. will play or who within the government will take the lead. While some Friends fear that RtoP may come to be perceived as an American initiative (and therefore a tool of Western intervention), others rightly believe that the U.S. can prove helpful in creating buy-in at the highest levels of government, more effectively coordinating plans and programs, and bringing ambivalent or reticent countries on board.

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34. "US Ambassador to the UN Susan Rice Voices US Support for R2P," R2PCS, January 29, 2009, available at: [http://www.responsibilitytoprotect.org/index.php/government\\_statements/2109?theme=alt1](http://www.responsibilitytoprotect.org/index.php/government_statements/2109?theme=alt1).

# States' Views and Engagement on RtoP







## IV. CHALLENGES OF R<sub>TOP</sub>

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## Challenges of RtoP: Conceptual, Institutional, and Political

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The challenges facing RtoP's acceptance and implementation are multi-dimensional and interlocking. Gareth Evans sees three broad challenges now confronting the principle: conceptual, institutional, and political.<sup>1</sup> The conceptual challenge, according to Evans, is to guarantee that "the scope and limits" of RtoP are understood, agreed, and uniformly promoted by its supporters as the sole definition of the concept. Fundamental differences in actors' understanding of RtoP, or even differing emphases within its pillars, widen the possible grounds for its rejection and frustrate efforts to seek consensus or an implementation agenda.

A second critical roadblock to RtoP's progression is institutional deficiency within multilateral bodies and domestic-level entities relevant for its use. For Evans, building "institutional preparedness" entails creating adequate preventive, reactive, and reconstructive capacity, particularly within international and regional institutions that can contribute the most resources and deliver the most legitimate decisions on RtoP situations. National-level bodies are equally crucial focal points for institutional reform and capacity-building, as national activities strengthen multilateral institutions while also encouraging individual states to accumulate experiences in RtoP implementation and build a repertoire of RtoP best practices.

Lastly, the political challenge of RtoP, in Evans' view, is the struggle to mobilize nations' political will to act upon situations of RtoP concern. The "political will" ingredient has consistently frustrated the human rights community, which rebukes states' reluctance to respond in a timely or decisive manner to clear humanitarian crises. Deficient will to intervene is widely cited as the source of the international community's failure to prevent

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1. Evans, p. 54.

genocide in Rwanda, despite clear early warning signs of atrocities. But political will can again be linked to clarifying the tenets and obligations of the RtoP concept, as well as to building proper institutional capabilities at the UN and within member states.

Each of these three challenges—conceptual, institutional, and political—will be described in turn. In each case, the focus is on creating structures that facilitate RtoP’s eventual implementation, while leaving policy content to states to determine for themselves.

## Objective 1: Achieve Conceptual Clarity

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Advances in implementing the RtoP agenda will occur incrementally, but widening agreement on the current “common denominator” understanding enshrined in the 2005 Outcome Document is an essential first step. Continued contention over the parameters of the concept elaborated in the previous section proves that common ground has not yet been reached.

Supporters’ efforts to achieve consensus should continue to target the UN so as to engage the widest range of states and to bring to bear the legitimacy and moral authority of the UN in approving new international norms. Once the RtoP message has been clarified, it may be more easily discussed and elaborated by audiences beyond the UN.

### **Recommendations to achieve conceptual clarity:**

- 1.1 Engage capitals in RtoP discussions*
- 1.2 Hold regular “Friends of RtoP” meetings*
- 1.3 Ensure that supporters are proactive in generating proposals*
- 1.4 Create additional Friends forum to drive strategy*
- 1.5 Encourage supporters from the global South to be the face of RtoP*

### *Strategy: Improve Coordination Among Pro-RtoP States*

Strengthening consensus around the Outcome Document and facilitating agreement on an implementation agenda for RtoP requires greater coordination among pro-RtoP states. Achieving clarity bolsters the RtoP normative framework, which heightens commitment to the concept among its supporters, pressures reluctant or outlying actors to conform with the consensus view, and makes room for supporters to take implementation steps.

Multilateral efforts to advocate or cement emerging norms, whether legal or political, have much precedent. An international initiative spearheaded by a small group of committed

states and civil society groups in the early 1990s grew into the International Campaign to Ban Landmines (ICBL) and achieved a global treaty prohibiting that weapon in 1997.<sup>2</sup> Although the ICBL conducted its work outside of the UN, and the scope of action sought (i.e., a legal document) exceeded the political parameters of RtoP, the experience demonstrated the value of persistent messaging around a cohesive vision and set of goals supported by a wide range of actors.

The Friends of RtoP group at the UN, co-chaired by Rwanda and Canada, has been an important forum for building a consistent message on RtoP. But this group has not been entirely effective in coordinating supporters' positions. In order to gain greater conceptual clarity, UN missions must begin by engaging their capitals in the discussion to ensure high-level buy-in. Supporters must also hold more regular meetings and work to ensure that participants are more proactive in generating proposals. Furthermore, a core group of supporters should drive the Friends' agenda and long-term strategic roadmap. Finally, supporters should encourage pro-RtoP states from the global South to be more visible in their support, and seek ways to raise RtoP more frequently in formal and informal discussions.

Because dialogue on RtoP currently has its strongest footing in the UN, recommendations in this section are focused on making dialogue among supporters more effective in this forum. Subsequent sections in this report include proposals for moving the RtoP debate outside the UN over the long term.

## *Recommendations*

### **1.1 Engage Capitals in RtoP Discussions**

Many missions report receiving little guidance on RtoP from their Foreign Ministries or other relevant national authorities. Capitals perceive the Responsibility to Protect as a UN concept, and effectively outsource the topic to their diplomats in New York. This approach will condemn RtoP to irrelevance for critical actors within member state governments that will ultimately have to understand and exercise the principle themselves. RtoP will move from words to action only if capitals and missions coordinate their planning and strategy.

Closer coordination between capitals and missions provides two benefits. First, it creates high-level buy-in and channels more of the country's time, effort, and diplomatic capital towards reaching a common conceptual understanding of RtoP that can then be made actionable at the UN and other multilateral forums. Second, it ensures that governments will be more proactive in determining how to mainstream RtoP into their country's own institutions.

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2. "Campaign History," Website of the International Campaign to Ban Landmines, 1998-2006, available at: <http://www.icbl.org/campaign/history>.

Some missions have been hesitant to engage their capitals more fully until RtoP's uncertain future becomes more clear. If supporters want to move RtoP from words to action, they must adopt the opposite approach, and involve capitals in the discussion straight away. To facilitate this communication, this report includes a proposed sample memo from a UN mission to its capital describing the importance of RtoP.<sup>3</sup> Supportive leaders will have to put in the legwork that a project of this magnitude requires, demonstrating that they are personally invested in the success of these initiatives.

### 1.2 Hold Regular Friends Meetings

The Friends group has the potential to be an even more effective coordinating body than at present. Its membership reflects a cross-section of regions and differing levels of political and economic development, demonstrating that support for RtoP is global and not simply limited to a handful of prosperous Northern states. It is important that this forum retain its open and non-exclusive character in order to welcome potential new adherents while limiting the persuasive power of more ambivalent or reticent states.

To make the Friends group more effective in achieving its objectives, meetings should become a regular venue for finding conceptual common ground on RtoP, coordinating messaging, determining agreement on next steps, and sharing information on national-level RtoP activities. Although the Secretary-General released his report on RtoP on January 30, 2009, the Friends did not meet to discuss the report until March 10. Allowing six weeks to pass without engaging in coordination undermines the Friends' ability to forge a unified front. Observers have commented that the NAM has been more cohesive and disciplined in its messaging, putting the Friends on the defensive. The activities of the Friends group are particularly critical in the lead-up to the UNGA debate to ensure a consistent message amongst RtoP supporters and to facilitate a productive discussion.

Although the short-term importance of Friends meetings is readily apparent, the forum could eventually be used as a vessel for addressing other situations on the Security Council and General Assembly agenda that fall under the rubric of RtoP, provided the 2009 debate does not dramatically alter the current 2005 consensus. Friends group meetings do not have to restrict discussion to a strategic plan for RtoP, but can provide an opportunity for its supporters to coalesce around common positions on country situations that involve the four atrocities. This broadening of the agenda, so long as discussion remains centered around a common understanding of RtoP, would make the notion of Friends meetings more attractive to mission representatives juggling competing demands on their time and interest.

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3. See Appendix 3 for sample memo.

### 1.3 Ensure that Supporters are Proactive in Generating Proposals

The Friends group must be more activist in drafting proposals for moving RtoP forward. Observers suggest that, as of now, the group serves principally as a conduit for information from the Secretary-General or his Special Adviser to member states. The group must not only digest information passively, but also be an incubator for ideas. To encourage proactive thinking, these meetings should welcome the input of subject matter experts. Absent experts' attendance, it is incumbent upon mission representatives to seek the information and analysis required to engage in productive discussion.

In addition to working to gain collective conceptual clarity on RtoP, the Friends should be prepared to take swift action following the 2009 UNGA debate to propose concrete measures for institutionalizing RtoP in UN agencies. This could include ideas for securing commitments in the UNGA Fifth Committee to provide a budget for the activities of the Special Adviser and his office on RtoP, methods for advancing the proposals on early warning, and other ways of achieving a continuous process of RtoP consideration at the UN. Friends should also use the momentum of the UNGA debate to look for other openings for visibility on RtoP in the UN. This entails moving the discussion back into the Security Council and other UN forums central to RtoP implementation after the UNGA debate.

### 1.4 Create Additional Friends Forum to Drive Strategy

Supporters should consider creating an additional forum of core Friends states that would complement the work of the wider Friends group but allow for more intensive strategizing on RtoP. The most active states would comprise this group, and would stay in closer and more regular contact than the official "Friends of RtoP" body and the wider group of supportive states. In-person meetings would take place outside UN buildings and the body would not assume an official UN title. The value of this core group would be its ability to engage in more frequent and more thoughtful pre-planning. The purpose is not to subvert the Friends' gatherings, but rather to give direction to Friends' meetings, thereby making them more efficient and ambitious.

Additionally, a core planning group can more discretely engage key nations whose support is currently uncertain. Russia and China sit at the top of this list. As members of the P-5, their support is critical if the Security Council is to have any hope of backing its words with action. It is also necessary to ensure that other rising powers, such as India and South Africa, feel that their concerns have been addressed. A smaller group of core supporters is well placed to explore these countries' needs privately in advance of any open debate.

### 1.5 Encourage Supporters from the Global South to be the Face of RtoP

If RtoP is to bridge the North-South divide that broadly characterizes much of the current opposition from within the General Assembly, Friends countries of the global South should take the lead in rallying further support at the UN. Most Friends missions are already sensitive to the need for greater Southern state engagement, and have quietly begun looking to outspoken RtoP proponents in Africa and Latin America to be the most vocal supporters in the upcoming UNGA debate. Mexico hosted a high-level meeting on RtoP in early March 2009 in a move to bring other Latin American counterparts on board, and the Asia-Pacific Centre for the Responsibility to Protect has provided support to Indonesia, Japan, and the Philippines to promote domestic RtoP consensus and national implementation plans that will advance a constructive Asian dialogue on RtoP.<sup>4</sup>

Northern Friends countries can do more to encourage Southern Friends' leadership on RtoP. They could ask regional blocs such as the AU to officially sponsor subsequent Friends meetings at the UN and host informal awareness-raising gatherings, much in the fashion of the events already sponsored by missions from the Netherlands and Belgium. Draft resolutions introduced at the UNGA should also be sponsored by less-developed countries so as to not to alarm other NAM members or active skeptics. Giving "ownership" of RtoP to states of the global South helps alleviate prior concerns over RtoP's supposed imperialist front.

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4. "R2P in Asia-Pacific National Programs," Website of the Asia-Pacific Centre for the Responsibility to Protect, 2008, [http://www.r2pasiapacific.org/index.php?option=com\\_content&task=view&id=80&Itemid=95](http://www.r2pasiapacific.org/index.php?option=com_content&task=view&id=80&Itemid=95).

## Objective 2: Ensure Effective Institutions

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As states continue to converge on the core tenets of RtoP and to consider its more specific obligations, the political space to implement RtoP is growing. Implementation means reforming structures and processes to better support decision-making for RtoP situations, which in turn calls for states and international bodies to conduct a thorough review of their current RtoP-related activities.

The Secretary-General's report has framed the implementation agenda at the UN by proposing initial modifications to the UN's early warning capabilities, and has indicated more specific proposals to come. Some individual states have also begun to incorporate RtoP language into national strategy documents, mainstream RtoP into policy agendas, and encourage references by high-level public officials. Still, state activities taken under the rubric of RtoP are the exception, not the rule, and many supportive governments have left nearly all deliberation on RtoP to their nation's mission to the UN.

In understanding the challenge of institutionalizing RtoP, this report contends that there is an important distinction between institutionalization and "operationalization." Institutionalization requires evaluating management structures and decision-making processes to facilitate good policymaking. Operationalization refers to particular policies, decisions, and actions taken to implement RtoP's vision, sometimes in the context of specific country situations. While operationalization of RtoP may ultimately be a better barometer for RtoP's success, institutionalization is a prerequisite for identifying and mobilizing appropriate actors and resources.

### **Recommendations to ensure effective institutions:**

*2.1 Integrate RtoP into national policy planning and budgeting*

*2.2 Assign RtoP to a particular ministry or other appropriate national institution*

*2.3 Label RtoP programs to promote unity of effort*

*2.4 Create a standing interagency process to evaluate RtoP situations*

*2.5 Review relevant agencies' activities with an eye toward RtoP-oriented reforms*

*2.6 Encourage high-level rhetoric on RtoP*

### *Strategy: Create Infrastructure for Effective RtoP Policymaking at the National Level*

The Secretary-General's 2009 report is the first official effort to clarify the institutional and procedural advances that would encourage RtoP's application at the UN. The report makes an important contribution to recognizing the UN's institutional deficiencies with respect to RtoP, but stops short of providing a roadmap for reforms to address those weaknesses. This is due, in large part, to the report's deference to the UNGA as the initial forum for further discussion on RtoP. However, the current political mood within the UNGA suggests that RtoP reforms will take shape at the UN only in the long term. In the interim, member states should take the lead in crafting their own national RtoP implementation plans.

States are only at an early stage of integrating the RtoP perspective into their foreign policy bureaucracies. Individual governments must further develop their RtoP-relevant capacities and resources, as well as more broadly mainstream the principle into strategy, policies, and programs. Essential to the success of an RtoP national implementation plan is high-level political attention and leadership.

The following recommendations primarily address management processes and institutional structures that may facilitate RtoP-oriented policymaking. They are not intended to provide an exhaustive list of actions that governments may take. Supportive states wishing to mainstream RtoP exhibit a range of capabilities and structures, and will have to modify recommendations to fit their particular needs. As best practices can only be determined as states gain experience mainstreaming RtoP, these recommendations should be viewed only as promising ideas.

### *Recommendations*

#### **2.1 Integrate RtoP into National Policy Planning and Budgeting**

Incorporating the language and perspective of RtoP into strategic planning documents is a crucial step in encouraging an all-of-government approach to mass atrocity prevention and response. Many nations already have lower-level action plans to guide their human rights, development, conflict prevention, or humanitarian work, but lack high-level, cross-cutting strategies.

Recognizing RtoP as a national priority would help to align programs and policies across the bureaucracy under an RtoP agenda, including international aid, diplomacy, military, and intelligence sectors. Mainstreaming of RtoP into national strategic documents should occur both in those documents of truly national scope as well as in the guiding strategy or doctrine of individual agencies or ministries where appropriate. Critically, budgets must be aligned with the priorities established in the strategic document to ensure that resources match objectives.

One example of a state's integration of RtoP into high-profile national strategic documents is the government of France's inclusion of RtoP in a June 2008 revision of its Defense and National Security White Paper.<sup>5</sup> On a regional level, the EU has also integrated language on RtoP into its December 2008 Report on the Implementation of the European Security Strategy.<sup>6</sup>

In the United States, the U.S. Institute of Peace—a Congressionally-chartered think-tank—recently published a genocide prevention strategy targeted at the American foreign policy establishment. Although the report addressed only genocide and not RtoP more broadly, it provides a useful template for conducting an institutional review. The authors identify six areas that governments must address: leadership, early warning, early prevention to engage before the crisis, preventive diplomacy to halt and reverse escalation, employing military options, and strengthening norms and institutions through international action.<sup>7</sup> This report was not commissioned by the government but has generated considerable buzz among U.S. policymakers.

An example of attempts to integrate preparedness into military doctrine is found in the Mass Atrocity Response Operations (MARO) Project, a collaborative effort between the Carr Center for Human Rights Policy at Harvard University and the U.S. Army Peacekeeping and Stability Operations Institute. Among the items in the project's toolkit is an Annotated Planning Framework, meant to guide military planners to address such areas as “mission analysis, mission planning parameters, critical variables, main operating tasks, end states for parties to the conflict, and courses of action development, comparison, and recommendation.”<sup>8</sup> In the future, MARO plans to add table-top exercises, a handbook, and a user's guide to the box of planning tools.

## **2.2 Assign RtoP to a Particular Ministry or Other Appropriate National Institution**

In addition to mainstreaming RtoP into policy documents, the principle needs a clear home in domestic government structures. Ideally, both an institution and a particular person within the institution should be designated as the lead coordinators on RtoP activities, tasking the individual and the office with overseeing the integration of the principle across the government.

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5. President of the French Republic, *The French White Paper on Defence and National Security*, June 2008.

6. European Union, *Report on the Implementation of the European Security Strategy – Providing Security in a Changing World*, December 11, 2008, Brussels, S407/08.

7. Madeleine K. Albright and William S. Cohen, *Preventing Genocide: The Report of the Genocide Prevention Task Force*, Washington, DC: USIP Press, December 2008.

8. *Mass Atrocity Response Operations Annotated Planning Framework Version 2.0*, Harvard Kennedy School of Government Carr Center for Human Rights Policy and U.S. Army Peacekeeping and Stability Operations Institute, August 1, 2008.

The national coordinator could set a national plan of action to mainstream RtoP into the appropriate agencies, bringing together the necessary stakeholders in precursor discussions, and would define metrics for successful implementation. This process then allows for holding particular government structures and people accountable for moving the agenda forward. As an international network of high-level officials tasked with advancing RtoP grows, it will also give rise to a natural constituency with a strong interest in mobilizing international action to confront RtoP situations, making it more likely that a UN response will be timely and effective.

Given the delayed recognition of RtoP at the national level, few governments have advanced to the stage of appointing any individual or agency as its coordinator. The Canadian government has such a position, whose portfolio of issue areas includes related humanitarian work. UN missions of RtoP Friends governments also commonly have a political affairs officer whose portfolio includes RtoP and who is knowledgeable enough on the principle to partake in ongoing discussion. For many governments, the appointment of Special Advisers for areas of strategic concern is already a common mechanism for ensuring ongoing monitoring and reporting on critical national security and foreign policy topics. The designation becomes even more essential given the wide range of national actors, resources, and activities that are essential to RtoP, and that may not otherwise be incorporated into a coherent, interagency program.

While much of this work will be concentrated in the executive branch, Parliamentarians must also be engaged. The government's RtoP point person should work to educate members of the legislative branch on RtoP and enlist their help in making it a national priority.

### **2.3 Label RtoP Programs to Promote Unity of Effort**

Most governments already engage in RtoP-type activities without applying the framework and logic of RtoP. States may participate, for example, in bilateral or multilateral capacity-building initiatives, preventive diplomacy, peacekeeping operations, sanctions regimes, or numerous other forms of conflict prevention and response activities. Many states are simply reluctant to re-label existing work as RtoP absent a stronger consensus on the principle at the UN, or they view a re-branding of current work to be unnecessary.

But the RtoP label adds value to ongoing human rights, humanitarian, military, and foreign policy practices. The Secretary-General's report, in its annex on early warning and assessment, argues for the logic of the RtoP label, albeit in the context of UN activities:

First, adding the perspective of the responsibility to protect to existing perspectives would help the United Nations to anticipate situations likely to involve the perpetration of such crimes and violations by enhancing its ability to identify precursors, recognize patterns, and share, assess and act on relevant information...

Second, such a unifying perspective would facilitate system-wide coherence by encouraging more regular dialogue, information-sharing and common analysis among disparate programmes and agencies.<sup>9</sup>

Governments should use RtoP as a lens through which they analyze and organize different work-streams, ultimately tying together existing programs and policies to form a uniquely RtoP agenda. Although RtoP is no silver bullet for transforming bureaucratic practice into policy successes, linking relevant programs to each other and to the RtoP principle makes it clear which tools are available for use in RtoP situations. Furthermore, affixing programs or policies with the RtoP name as the norm gains legitimacy and recognition heightens the profile of such work.

Mainstreaming RtoP into national government policy and practice may also require prioritizing among the RtoP tools available. States should be able to determine their own sources of leverage with respect to different humanitarian situations, and devise a system by which to select the necessary and appropriate tools for various contingencies in the context of their own capabilities and national interests. As this work continues, proper documentation of instances of RtoP use will give rise to a database of RtoP best practices, feeding into an evaluative process for the programs and policies that generated these practices.

#### **2.4 Create a Standing Interagency Process to Evaluate RtoP Situations**

Part of the work of the designated coordinator for RtoP should be to enact a standing interagency and cross-sectoral process for evaluating RtoP situations. This process could take several forms, depending on the structure of the implementing government and foreign policy decision-making bodies, and individual governments should look for models of such a system in their own institutions.

A standing interagency mechanism for mass atrocities prevention was recommended to the U.S. government in the Genocide Prevention Task Force's final report, which proposed a committee co-chaired by the U.S. National Security Council and State Department.<sup>10</sup> Regardless of the form of this structure, its key elements should include regular meetings, representation from all relevant agencies, associated processes for producing standardized assessments of and reporting on situations, and a direct link to decision-makers with the ability to act quickly in response to situations of concern. This last element is perhaps the most crucial; lower-level government officials will need to have immediate access to national leaders who can mobilize assets in the event of developing crises.

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9. *Implementing the Responsibility to Protect*, Annex 1, paragraph 4.

10. Albright and Cohen, p. 8.

## 2.5 Review Relevant Agencies' Activities With an Eye Toward RtoP-Oriented Reforms

As stressed throughout this report, RtoP adds value to existing governmental activities by linking policy agendas that may not normally interact. Following the suggested initial government-wide cataloguing of all relevant activities, an RtoP implementation plan should ask agencies and bodies to internally review the impact of these activities and the opportunities for their expansion or revision to better support RtoP objectives. As activities are documented, it is important that member states carefully consider how RtoP's institutional requirements may differ from existing policies and programs on similar issue areas, such as genocide prevention. States must appreciate the broader mandate of RtoP.

To aid in this process, member states should look to the activities listed in the Secretary-General's report for guidance on identifying the kinds of initiatives to consider as RtoP, and for ideas on improving their own RtoP-related work. For example, some of the activities suggested under the first pillar—targeted at states seeking to strengthen their ability to protect their own populations—include further research on the causes of violence, strengthening of national judicial processes, and establishing national mechanisms to support post-conflict peacebuilding. Similarly, the report suggests actions under pillar two that member states may take to improve other states' ability to protect, while the text of pillar three provides guidance to the international community on appropriate responses to a state's failure to protect. The EU has begun such an effort to document its members' RtoP activities.<sup>11</sup>

## 2.6 Encourage High-Level Rhetoric on RtoP

When heads of state or other key leaders speak publicly about their commitment to RtoP, there are two audiences listening: the government's own bureaucracy and other members of the international community. In regards to the bureaucracy, this rhetoric signals that RtoP is a political priority and that the leadership expects lower-level government officials to dedicate time and resources to putting RtoP into action. Such statements make other governments aware that RtoP is an important item on the global agenda and that their cooperation in meeting RtoP's objectives is highly valued. High-profile rhetoric also serves as a tool of public diplomacy, bringing the arguments in support of RtoP directly to the world's people and civil society groups.

The opening meeting of the 63rd session of the General Assembly marked a defining moment in some nations' rhetoric on RtoP, as a growing number of Foreign Ministers from supportive countries made strong affirmative RtoP references. Still, these references occurred in speeches at the UN, to an audience already relatively sensitized to RtoP's value. High-level rhetoric on RtoP must be infused into speeches and press conferences before national publics and foreign constituencies, and directly into bilateral dialogue.

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11. Interview with official from pro-RtoP country, March 3, 2009.

## Objective 3: Sustain Political Will Over Time

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The political will required to mobilize the international community to address genocide, war crimes, ethnic cleansing, and crimes against humanity is always in short supply. From a purely political perspective, some amount of stonewalling will always come from certain corners. In any particular RtoP situation, some states or regions will feel unfairly targeted, will try to block action in order to gain concessions, or will see value in assuming a leadership role in the opposition movement.

Mobilizing even pro-RtoP states to act is often challenging, as any particular use of RtoP is a highly political decision. Where states fail to understand mass atrocities abroad as a direct threat to their national interests, they will be unwilling to engage in prevention or response activities. Prevention—let alone intervention—requires intensive and long-term resource commitments, including an extensive reserve of time and attention. In any given case, there are strong incentives to channel these resources elsewhere.

### *Strategy: Expand the Global Constituency in Support of RtoP*

RtoP supporters must acknowledge these disincentives to act and prepare now to counteract them. States need to take a long-term perspective, creating structures and adopting policies that will ensure that RtoP is a central part of the international agenda.

To begin, capitals should seek ways to advance RtoP in settings outside the UN. The intent is not to replace the work at the UN, but rather to complement that work in other venues. This initiative would entail creating a new international partnership in support of RtoP, as well as moving RtoP onto the agenda of regional organizations and other multilateral forums.

Importantly, global publics must be actively engaged in spurring nations to act, and pro-RtoP states should initiate a campaign of public diplomacy to publicize the benefits of RtoP both at home and abroad. In addition to general messaging, supporting civil society groups is a key part of this program. Over time, empowered populations will push their governments to follow through on their commitments.

### **Recommendations to sustain political will over time:**

*3.1 Create a capital-to-capital partnership in support of RtoP*

*3.2 Move RtoP onto the agenda of regional bodies and other multilateral forums*

*3.3 Invest in public diplomacy and new media*

*3.4 Create space for civil society action to build domestic support*

## *Recommendations*

### **3.1 Create a Capital-to-Capital Partnership in Support of RtoP**

The RtoP conversation has become trapped in New York. Many governments see RtoP as solely the preserve of the UN, with member state missions driving the debate while national leaders remain under-engaged. Supporters must expand the discussion into capitals. Concerned nations should create a new, capital-to-capital partnership in support of RtoP. The RtoP Partnership would not sidestep the UN, but rather tackle issues that require government officials to engage directly with one another.

The International Partnership on Avian and Pandemic Influenza (IPAPI), formed in 2005, provides a model for this type of intergovernmental cooperation. The centerpiece of IPAPI is an annual Senior Officials Meeting, which gathers key officials from dozens of countries and a handful of NGOs to develop “a plan of action for coordinating national activities, evaluating national capabilities and filling gaps.”<sup>12</sup> Similarly, the primary purpose of the RtoP Partnership would be to build state capacity and coordinate planning to address mass atrocity monitoring, prevention, and response. The relationships built at the annual meeting would catalyze intergovernmental cooperation throughout the year with more informal contact. Also during this time, a core group within the Partnership would retain contact to drive broad planning, coordination, and strategy.

Specific outcomes of the Partnership in these first two areas may include such initiatives as increased early warning system information sharing, coordinated aid programs, and partnerships to build a civilian advisory corps. Regarding peace operations, potential avenues for cooperation include the establishment of joint scenario planning teams, shared efforts in building specialized capabilities, and joint strategic planning.<sup>13</sup> With respect to each of these efforts, the UN can contribute to the Partnership by providing substantive issue area expertise.

Supporters should announce the launch of the Partnership in a capital with some significance for the RtoP concept. An announcement in Skopje or Nairobi may draw attention to instances in which international cooperation was effective in preventing mass atrocities, while holding a kick-off event in Kigali might symbolize the international community’s pledge to work harder to fulfill the promise of “never again.” The Partnership’s annual meeting among senior officials would rotate to a different region each year.

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12. U.S. Department of Health and Human Services, *HHS Pandemic Influenza Plan*, 2005, available at: [www.hhs.gov/pandemicflu/plan/appendixh.html](http://www.hhs.gov/pandemicflu/plan/appendixh.html).

13. Bruce Jones, Carlos Pascual, and Stephen John Stedman, *Power and Responsibility*, Washington, DC: Brookings Institution Press, 2008.

### 3.2 Move RtoP onto the Agenda of Regional Bodies and other Multilateral Forums

Supporters should look to regional and sub-regional bodies and other multilateral forums (such as the G-8) in forging cooperation on RtoP. As a first step, member states must put RtoP on the official agenda of the body's regular meetings. Simply raising RtoP in passing is not enough—there must be sustained discussions focused specifically on this topic.

Once RtoP is on the agenda, the opportunities for ongoing collaboration are broad. Such forums provide space for member states to clarify their understanding of the RtoP concept, share best practices on RtoP mainstreaming, and rally political support for RtoP principles. Additionally, these bodies should explore ways to integrate RtoP into their collective programs in areas such as foreign aid, early warning systems, diplomacy, and military cooperation. As with the new capital-to-capital RtoP Partnership, non-UN forums should look to the UN as a source of RtoP expertise and as a potential partner in launching new initiatives.

### 3.3 Invest in Public Diplomacy and New Media

The RtoP Partnership kickoff campaign described above should be part of a broader investment in public diplomacy. Engaging publics directly on RtoP is a key part of building a global constituency in support of RtoP's vision. By educating average citizens about RtoP and enlisting their support for the concept, governments will find it more difficult to sit idly by in the face of mass atrocities. Such engagement should take place domestically, as well as abroad through the country's diplomatic posts.

Public outreach may come in forms as varied as speeches by senior officials and diplomats, opinion pieces published in local and national newspapers, or high-profile events featuring professionals who have experienced RtoP-related atrocities. Mainstream media is critical to the success of such a campaign, but so is effective use of internet-based “new media.” Such outlets include online newspapers, blogs, social networking applications, and video-sharing sites. Creating a central RtoP website that gives visitors easy access to these tools and invites them to create and disseminate their own content would be especially effective in achieving mass engagement.

A promising example of the use of internet-based tools in advancing RtoP objectives is found in a project called *Ushahidi*.<sup>14</sup> Meaning “testimony” in Swahili, Ushahidi's platform was first used in the midst of post-election violence in Kenya in 2008. Witnesses to the violence sent reports of what they were seeing to Ushahidi's website, where managers then produced maps that served as visual representations of the crisis as it spread. The ability to monitor crises in real time has far-reaching implications for improving crisis response.

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14. More information may be found at [ushahidi.com](http://ushahidi.com). Additionally, the Harvard Humanitarian Initiative (HHI) is engaged in a project seeking to expand the use of crisis mapping, with details available at: <http://hhi.harvard.edu/programs-and-research/crisis-mapping-and-early-warning>.

The genius of Ushahidi comes from its ability to harness the power of widely-available technology and channel it towards humanitarian ends. This is a model that RtoP supporters should explore further as efforts to engage global publics proceed.

### **3.4 Create Space for Civil Society Action to Build Domestic Support**

Civil society groups have played a critical role in advancing the RtoP agenda. Often, these groups can reach out to actors that supportive states cannot engage, or make the blunt statements that states themselves are hesitant to make. Civil society organizations and networks are also the most direct link to national publics, building constituencies that understand and accept RtoP, and thus adding another layer of pressure on states themselves. Civil society's ability to mobilize publics is all the more crucial considering that NGOs and other groups may sometimes constitute the only source of new perspectives or pressure for change in countries where governments have thus far proved immovable.

A large number of NGOs target national government policymakers in their home countries, while a few have assumed coordinating roles for this widening web of actors, looking to channel disparate activist efforts into coherent policy recommendations to governments. One such coordinating NGO, the New York-based Global Centre for the Responsibility to Protect, has developed close working relationships with Friends countries and has been instrumental in consolidating consensus around RtoP. Another key group, the World Federalist Movement-Institute for Global Policy (WFM-IGP), launched an International Coalition for the Responsibility to Protect (ICRtoP) in February 2009, composed of eight organizations strategically located in Africa, Asia, Latin America, and North America.<sup>15</sup>

Pro-RtoP states must ensure a favorable political environment for the continuance of these groups' work, aiming to expand their number and reach. To date, civil society endeavors have received financial support from a handful of countries. But supporters' initiatives can extend well beyond funding by inviting civil society to participate in forums where governments themselves engage in dialogue on RtoP, either at the UN or on a national stage. Indeed, the Canadian-sponsored ICISS report that first introduced RtoP was in many ways a product of civil society; many of the Commission's members hailed from non-governmental institutions and academia, and the report was a consultative endeavor in which Commission members sought input from government and non-governmental actors worldwide.

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15. "Launch of the International Coalition for the Responsibility to Protect," R2PCS, January 2009, [http://responsibilitytoprotect.org/index.php/civil\\_society\\_statements/2144?theme=alt1](http://responsibilitytoprotect.org/index.php/civil_society_statements/2144?theme=alt1).

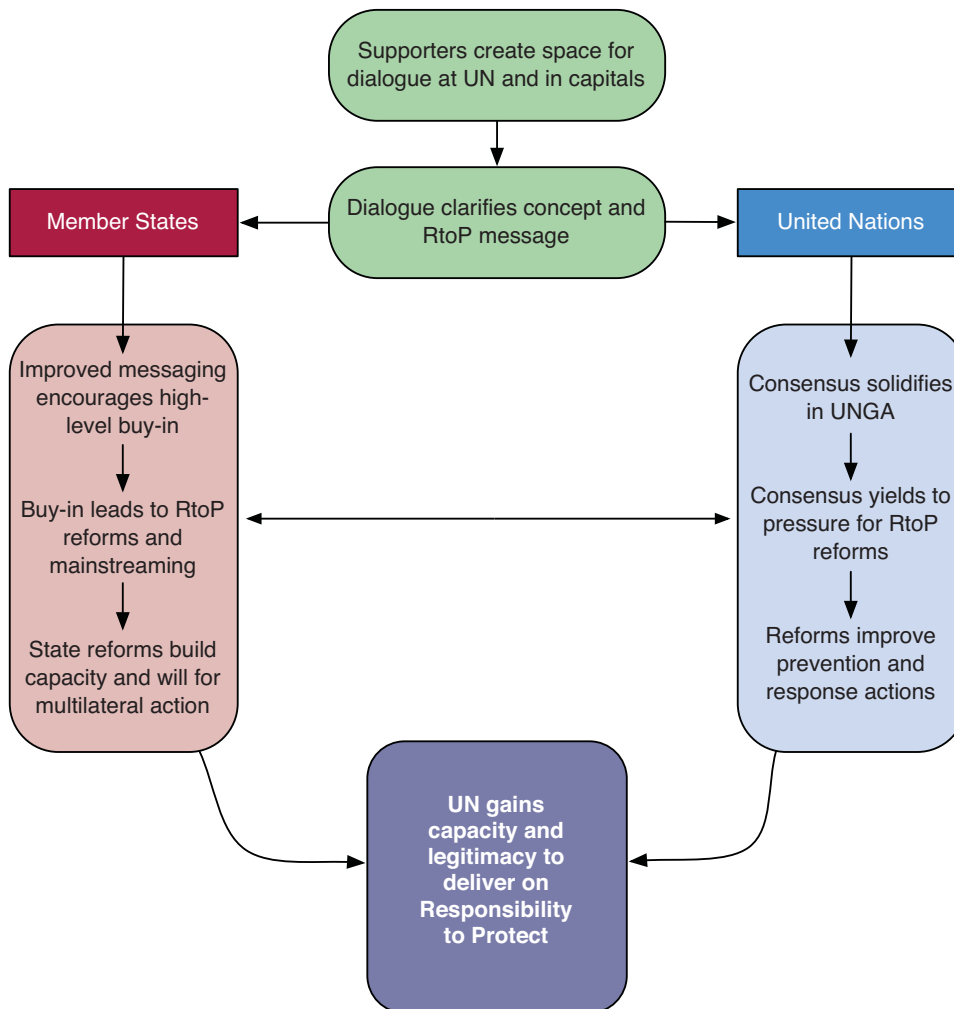




# APPENDICES

## Appendix 1: Logic Model for RtoP's Advancement

This logic model sees two parallel tracks of activities taken to implement RtoP at the UN and in member states. First, supportive governments create space for dialogue, which is intensified in New York but also expanded into the capitals. Dialogue produces a more coherent and coordinated understanding of and message on RtoP. As this conversation unfolds, the model splits into the “state track” and the “UN track.”



At the state level, a coherent message encourages buy-in at the highest levels of member state governments. Buy-in stimulates states to review and upgrade their own RtoP-related capabilities, as well as to more effectively push the RtoP agenda within the regional bodies or other multilateral organizations of which they are members. A growing domestic and international constituency pushing for RtoP reforms drives policy. It also agitates for action at the UN, which is now backed by member states with stronger internal bureaucracies and more resilient political will when facing RtoP situations.

At the UN level, dialogue and messaging on RtoP promote agreement among both supporters and hesitant states on the value of RtoP, leading ideally to an expression of consensus in the General Assembly through a political document that reaches further than the 2005 agreement. A stronger consensus agreement creates additional momentum for RtoP-relevant UN reforms.

There are many points at which progress in the UN and in member states reinforce each other. For example, a growing consensus in the UNGA creates an additional source of pressure for member state governments to recognize and accept the principle. The UN may also play a role in creating space for dialogue among supporters, pushing governments to devote time and attention to RtoP at the highest levels, or partnering with states and regional bodies to upgrade their RtoP-related capabilities.

## Appendix 2: 2005 World Summit Outcome Document Excerpts

Paragraphs 138-140 of the 2005 Outcome Document, which refer to RtoP, are as follows:

### *Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity*

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 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 to 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.

140. We fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide.

## Appendix 3: Sample Memo from UN Mission to Capital

**TO:** The Minister of Foreign Affairs, Country X  
**FROM:** Permanent Mission of Country X to the United Nations  
**SUBJECT:** The Importance of the Responsibility to Protect to our Foreign Policy

### *Overview and Status Update*

The Responsibility to Protect (RtoP) is a concept affirming that states have a responsibility to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. It calls upon the international community to assist states in that effort, and to intervene if a state is “manifestly failing” in its duty to protect. The United Nations Secretary-General’s January 2009 report on implementing RtoP has been received favorably at the UN, and is to form the basis for a debate in the UN General Assembly anticipated for June. Following the conclusion of this debate, our government should remain committed to carrying RtoP forward through our own implementation agenda, advocacy, and outreach.

### *RtoP’s Role in Our Foreign Policy*

Embracing RtoP at the highest levels of government will advance our foreign policy. The concept fully aligns with our country’s values and complements many areas of our work. RtoP addresses mass atrocity prevention, response, and reconstruction, and thus furthers both our conflict prevention efforts and our humanitarian outreach. This concept has international support, and so our RtoP-related programs will likely attract willing partners whose assistance will augment the impact of our initiatives.

Additionally, the continuing conversation on RtoP is an opportunity to exercise leadership within the international community. By becoming a principal voice in this discussion on critical humanitarian issues, we will build our moral legitimacy, boost our global reputation, and facilitate cooperation with like-minded states on global priorities.

### *Next Steps*

1. *Achieve consensus among supporters on the scope and substance of RtoP.* Advances in implementing the RtoP agenda will occur incrementally, but widening agreement on the current understanding of RtoP is an essential first step. We should work to gain greater coordination among RtoP supporters in order to reach this consensus. Personally investing yourself in this effort will demonstrate our government’s commitment to RtoP and create a sense of urgency that will compel other supporters to act.

2. *Ensure that our national institutions support RtoP.* As RtoP reforms at the UN will take shape only over the long term, we should begin crafting our own national RtoP implementation agenda now. Emphasis should be placed on evaluating and modifying management structures and decision-making processes to facilitate policymaking that supports RtoP objectives.

3. *Sustain political will over time.* We should seek to sustain the political will to act by building multilateral relationships outside the UN, enlisting the support of our citizens, engaging global publics, and creating space for civil society to do its work.

## Appendix 4: Methodology

The discussion around RtoP is continuously evolving. The Secretary-General's January 2009 report and the anticipated UNGA debate have accelerated the pace of political activity surrounding RtoP, complicating efforts to paint a static portrait of the diplomatic landscape during the course of researching this report.

The flurry of quick-moving developments made interviews an indispensable tool in evaluating RtoP's current status and future implementation prospects. Given the range of actors involved in the debate, an attempt was made to interview and consult with representatives from all relevant sectors in the process of seeking clarity on RtoP. Conversations with civil society groups that monitor UN activities, and discussions with professors and lecturers, have yielded insights into the scope and texture of the disagreements that exist among actors, as well as the political dynamics of the debate in the UN context. Interviews with individual country missions to the UN and other UN officials provided an unfiltered snapshot of current policy positions and offered a window into RtoP activities in national capitals.

Because the RtoP concept is less than a decade old, there is not yet a broad body of academic literature devoted to it. The academic sources consulted for this report consisted of brief academic papers and published articles, analytical policy papers produced by civil society groups, and some recent longer texts. Books on topics tangential to RtoP helped situate the concept in the larger field of humanitarian studies. The more prevalent category of written document consulted included primary source UN transcripts, reports, statements, and resolutions.

The states' views presented in this report were gleaned from these primary source UN documents as well as from civil society compilations (published and unpublished) of state commentary during the RtoP deliberations at the 2005 World Summit and at consecutive meetings of the Security Council sessions on the Protection of Civilians. Any analysis of state views on RtoP will inevitably suffer from the difficulty of capturing all nuance in the debate; nevertheless, the positions distilled here were an attempt to represent the most commonly held and widely corroborated views.

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## LIST OF INTERVIEWS

### *Academic Faculty*

Harvard Law School  
John F. Kennedy School of Government, Harvard University

### *Civil Society*

Asia-Pacific Centre for the Responsibility to Protect  
Belfer Center for Science and International Affairs, Harvard University  
Carr Center for Human Rights Policy, Harvard University  
Global Centre for the Responsibility to Protect  
Harvard Humanitarian Initiative  
Human Rights Watch  
International Crisis Group  
Security Council Report  
United States Institute of Peace  
World Federalist Movement – Institute for Global Policy

### *United Nations Offices*

Office of the Special Adviser to the Secretary-General  
Peacebuilding Support Office

*Permanent Missions to the United Nations*

France  
Germany  
Mozambique  
Netherlands  
Panama  
United Kingdom

*Other Foreign Affairs Offices*

British Consulate General in Boston  
Current and former officials from various UK ministries  
Department of Foreign Affairs and International Trade Canada

*Conferences and Seminars*

Inter-Parliamentary Union Session on the Responsibility to Protect  
November 20, 2008  
United Nations  
New York City, United States

Crimes Against Humanity Meeting  
December 4-6, 2008  
John F. Kennedy School of Government, Harvard University  
Cambridge, Massachusetts, United States

Harvard Law Human Rights Journal Symposium on the Responsibility to Protect  
February 20, 2009  
Harvard Law School  
Cambridge, Massachusetts, United States

