

# RtoP: Looking back and moving forward

## Civil Society Perspectives on the First Decade of the Responsibility to Protect

2015 marked ten years since all heads of state and government affirmed their Responsibility to Protect (RtoP, R2P) populations from genocide, war crimes, crimes against humanity, and ethnic cleansing (commonly known as “mass atrocities” or “atrocities crimes”) at the World Summit. During this time, the world has witnessed unprecedented normative and operational progress at all levels, ranging from efforts to further institutionalize RtoP within the United Nations system to action to protect populations from the imminent threat of mass atrocities. This first decade has shown that RtoP has directly impacted discourse and policy for civilian protection. That said, the ten years since governments made this historic commitment have also illustrated a range of challenges that tragically continue to impede action to both prevent and to respond to these most horrific crimes; challenges that must urgently and honestly be addressed and overcome.

With the belief that civil society organizations are central to the advancement and implementation of RtoP, the International Coalition for the Responsibility to Protect used this anniversary as a timely opportunity to engage its global membership and partners to garner civil society perspectives on RtoP’s advancement thus far, and the measures that need to be prioritized in the next decade. Soliciting input from over 100 organizations working across sectors and in all regions, this report articulates the views of civil society as they reflected on the successes and challenges of the past ten years, shared their views on new factors facing atrocities prevention, and provided recommendations for policy and institutional change going forward.

### Signs of Progress

Architectures for Prevention | Holding Perpetrators to Account | Advancement of Related Agendas

### Remaining Challenges

Capacity to Act | Absence of Attention to Root Causes | Politics and Will to Act | Exclusion of Women

### Moving RtoP Into the Next Decade

Factors and Trends Driving Atrocities | Measures to Prioritize

## Signs of Progress

RtoP’s first decade has been one where great strides have been made at all levels, which must be commended given the short duration of time that has passed since the World Summit. Civil society respondents championed RtoP as leading a global normative shift, with discourse and action on the principle serving to further centralize human rights values globally. It was noted that such progress was largely the result of the prioritization of RtoP by the United Nations Secretary-General (UNSG), Ban Ki-moon, and the efforts of his Special Advisers on the Prevention of Genocide and the Responsibility to Protect. Conceptual advancements have been made as a result of the annual UNSG reports on the norm and subsequent discussions within the UN General Assembly (UNGA), beginning in 2009. The reports and their consideration by Member States has provided the opportunity to dispel misconceptions of RtoP, provide further clarity on the tools available for its implementation, and give space for discussion on prevention and response in action. Furthermore, the UNGA dialogues have allowed Member States the opportunity to share their governments’ efforts to uphold the norm, as well as voice concern and provide recommendations for its operationalization. Civil

### THREE PILLAR FRAMEWORK OF THE RESPONSIBILITY TO PROTECT

UN Secretary-General Ban Ki-moon established the three-pillar framework of RtoP in his 2009 Report *Implementing the Responsibility to Protect*.

- **Pillar One:**  
The state bears the primary responsibility to protect its populations from genocide, war crimes, crimes against humanity and ethnic cleansing.
- **Pillar Two:**  
The international community must assist states in fulfilling protection obligations.
- **Pillar Three:**  
When a state is unable or unwilling to protect its populations or is perpetrating these crimes, the international community has a responsibility to take collective action in a timely and decisive manner to prevent or halt the commission of mass atrocities. Such action involves the use of a broad range of political, economic, humanitarian, and should peaceful means prove inadequate, coercive measures, including the use of force in accordance with the UN Charter.

society viewed such efforts as serving to cement RtoP as a policy tool within the UN and the international system.<sup>1</sup>

Advancements have not only been made within the UN system, however, with many organizations bringing attention to work done at the national and regional levels. Common themes emerged focusing on the development of architecture for prevention and response; action to ensure accountability as a means for the prevention of recurrence; and efforts to advance related issues so as to ensure a holistic approach to atrocities prevention.

## Architecture for prevention

Many civil society respondents highlighted examples of efforts at the national and regional levels to further institutionalize RtoP. For some states, this included the ratification of relevant treaties to uphold human rights and criminalize the crimes within RtoP's scope. For example, some colleagues highlighted ratification of the Rome Statute for the International Criminal Court and measures to ensure complementarity with this treaty as central steps by their governments to uphold RtoP. In addition to such ratifications, the adoption of domestic legislation, such as the enactment of the first law against the denial of atrocities committed by the Khmer Rouge in Cambodia, were given as examples to take national legislative steps to implement the norm.

Within other countries, such as the United States and Australia, among others, it was noted that governments have conducted national policy reviews on atrocities prevention and are moving forward with implementing the recommendations from such processes. The United States, for example, has established its Atrocities Prevention Board, which serves as one example of national architecture to prevent atrocities. Within the Great Lakes Region of Africa participants spoke to the importance of the International Conference on the Great Lakes' (ICGLR) Regional Committee for the Prevention and Punishment of Genocide, War Crimes, Crimes against Humanity, and all other forms of Discrimination, and the national mechanisms within ICGLR states. Lastly, where such appointments have occurred, civil society noted the role of RtoP Focal Points as key actors to push the norm forward within governments.



## Holding perpetrators to account

While national architecture dedicated to the prevention of and response to atrocities are instrumental to protecting populations, civil society respondents noted the central role of judicial institutions in holding perpetrators to account and creating an environment for the prevention of future crimes. For example, in Uganda the government established a High Court Division for International Crimes under which alleged perpetrators of atrocity crimes will be tried domestically. Within the context of Southeast Asia participants pointed to the establishment of the Extraordinary Chambers in the Courts of Cambodia as showing leadership at the state and international levels to end impunity for atrocities.<sup>2</sup>

## Advancement of related agendas

Understanding that measures in various sectors contribute towards building state resiliency and upholding RtoP, civil society reflected on actions in other fields of work that they viewed as reinforcing the norm. This included multiple state efforts to counter the rise of violent extremism, local actions in Tanzania to engage with interfaith groups to promote coexistence and sustainable peace, and the adoption of the Pacific Regional Action Plan on Women, Peace and Security as a tool to ensure and promote the rights and participation of women and girls.

## Challenges still remain

While one must commend the progress made since 2005, as civil society organizations noted, one unfortunately only needs to look at the various challenges that continue to hinder civilian protection to get a sobering reminder of what more needs to be done. Respondents identified the below as the most critical challenges faced by RtoP thus far:

Above photo: Khmer Rouge Leader (Kaing Guek Eav) Sentenced by Cambodian Genocide Court. UN Photo/Extraordinary Chambers in the Courts of Cambodia

## Capacity to act

Many respondents stated that, while great strides have been made in developing the tools for early warning and understanding of the general risks for mass atrocities, turning knowledge into early, swift, and coordinated action is a central remaining challenge facing RtoP. This knowledge to action gap was identified at all levels from the national to the global. Civil society brought attention to the difficulties that arise in coordinating regional and international action, and how this can be further complicated when there is a deficit in human and/or financial capacity to support such efforts. Furthermore, respondents from Africa articulated that issues such as poverty, corruption, and poor governance continue to adversely impact the capacity of states and regional bodies to implement RtoP.

## Absence of attention to root causes

While few countries are at immediate risk of atrocity crimes, many respondents noted that the lack of efforts to address underlying or root causes for instability within their country remains a serious challenge for ensuring the future prevention of atrocity crimes. Many also noted that, despite understanding that a central risk factor for atrocities is the past commission of such acts, post-conflict reconstruction is not prioritized by in a manner that addresses the holistic short and long-term needs of the state and its people. This can also enable the absence of accountability for past crimes, which risks furthering the cycle of violence in a state or region.

## Politics and the will to act

The ability of the international community to garner the political will to act to prevent or respond to the protection needs of populations remains an all too tragic and continued challenge facing the implementation of RtoP. Civil society respondents noted that such difficulties are further complicated by the re-emergence of “Cold War” era geo-politics, which are guiding action in countries and regions where atrocities are ongoing. Additionally, as civil society from Latin America and the Middle East and North Africa pointed out, some states continue to politicize RtoP in part as a result of the actions undertaken in Libya, which has had a detrimental effect for civilians, most notably in Syria and the broader region.

## Exclusion of women

The continued framing of women solely as victims of atrocities, particularly of sexual and gender based violence, was stated by some respondents as another central difficulty that has faced RtoP’s implementation. In addition to not fully understanding the diverse ways in which atrocities impact women and girls, such framing has also resulted in the exclusion of women as key actors in decision making and implementation as relates to atrocity prevention and response.

# Moving RtoP into the next decade

When focusing on the future of RtoP, respondents were asked to consider the factors that are driving changes to the risk or commission of crimes, as well as provide recommendations for policy or institutional changes.

*“The adoption of R2P in 2005 was a historic moment in the fight to end atrocity crimes. Ten years on, R2P remains a vital and enduring commitment to protect the world’s most vulnerable.”*

MOGENS LYKKETOFT  
UN General Assembly President



#R2P

Responsibility to Protect



## Factors and trends driving atrocities

While a range of factors were identified, the most commonly raised issue was that of the rise of non-state armed groups (NSAG) and the role of such actors in the commission of atrocities. Civil society participants raised the need to understand the tools available for responding to such actors when NSAG are committing atrocities, as well as to further understand their place in upholding RtoP. The identification of the rise in NSAG as a trend facing RtoP was closely tied to the growth in acts of violence linked to radicalism and terrorism, as well as the dramatic increase in displacement and refugee flows.<sup>3</sup>

In addition to the impact of NSAG, civil society

<sup>3</sup> Above photo: Quotecard from “High-level Thematic Panel Discussion on Ten Years of R2P” hosted by the PGA. Source: <http://www.un.org/pga/70/events/r2p/>

brought attention to the following factors as having influence in spurring atrocities: impunity for past atrocities; the return of “Cold War geo-politics”; high youth unemployment; accessibility to small arms; and conflicts over natural resources. Participants working in East Africa identified electoral processes and/or disputed elections as a major triggering factor driving atrocities.

## *Measures to Prioritize for the Next Decade*

Civil society organizations identified a diverse range of measures to consider and implement as RtoP enters its next decade. There were general points calling for the prioritization of dialogue and cooperation amongst civil society and national and regional actors, as RtoP’s successful implementation will require cooperation across all levels. This is also increasingly important as civil society in many parts of the world have found themselves under increased scrutiny and with limited or no access as a result of government policy. Additionally, respondents pointed to the need for states and international bodies to enhance their relationships with regional institutions in regards to early warning information sharing and analysis. Continued efforts to develop and strengthen national and regional architecture for atrocities prevention were also stressed.

Many participants noted the need to further mainstream atrocities prevention in development and foreign aid work. It was stated that there should be both the flexibility in the design of programs as well as the inclusion of accountability measures that incentivize the proper implementation of funding. With regards to other thematic areas, some participants highlighted the importance of prioritizing compliance with UN Security Council (UNSC) resolution 1325 as a key step for the norm’s advancement.

The importance of further strengthening regional architecture for atrocities prevention was a central theme, with many respondents providing specific recommendations. For example, participants in Southeast Asia called for the Association of Southeast Asian Nations (ASEAN) to adopt the recommendations of the High Level Advisory Panel on the Responsibility to Protect in Southeast Asia, as well as to conduct a thematic study through the regional organ’s human rights body. It was also stated that a regional early warning mechanism should be established, with stakeholders devoting attention particularly to the root causes and risk factors for atrocities. With regards to Africa, some participants called for the African Union to encourage Member States to develop human rights commissions as a policy for membership in the continental body. In the Americas it was recommended that the Organization of American States take action to strengthen legal institutions for prosecuting transnational organized crime as such networks are implicated in large scale and systematic atrocities. Meanwhile in the United States it was noted that the government should undertake the action needed to institutionalize the Atrocities Prevention Board.

With regards to the United Nations, civil society respondents had suggestions for the UN Office on Genocide Prevention and RtoP (OGPRtoP), the UNGA, and the UNSC. Expressing support for the OGPRtoP and the centrality of this office in furthering the norm, participants advocated for efforts to increase awareness outside of New York of the work of the Special Advisers, and encouraged increasing linkages between this office and the UN’s work in Geneva. Furthermore, it was noted that full financial support was needed for both Special Advisers, as the Special Adviser for RtoP remains a part time, dollar per year position.

Civil society expressed strong support for the formalization of the annual UNGA dialogues on RtoP as a step to institutionalize the norm within the UN system. Additionally, it was raised that the Assembly must ensure that a UNSG is appointed that is dedicated to the prevention of atrocity crimes and will include RtoP as a core pillar of his/her work.

The issue of the misuse of veto power by the Permanent Members of the UNSC was widely raised by respondents and it was strongly recommended that action be taken to prevent its use to block action to protect populations from atrocity crimes. Civil society called for continued action to increase pressure so as to impact institutional change regarding the use of the veto in situations of mass atrocities. It was also noted by many that more effort needs to be taken with regards to the oversight of the UNSC’s action to uphold RtoP. Respondents called for the establishment and implementation of a system or mechanism within the UN that would oversee the monitoring of Council mandates that implement military operations.

## *Going Forward*

Tremendous work is needed to continue the momentum from RtoP’s first ten years, and address the issues that continue to impede the prevention of and swift response to atrocity crimes. Participants consistently raised coordination amongst civil society across regions and sectors as central to spurring the action needed to uphold RtoP and overcome the range of challenges that remain. Additionally, strengthening relationships and working closely with government, regional, and international stakeholders will be crucial to inform policy development and partner for implementation. While the task ahead may at times seem daunting, a major output from the survey was that, through partnership across all levels, the next decade of RtoP’s advancement can see greater success in protecting populations. The International Coalition for the Responsibility to Protect, as the only global civil society network focusing on RtoP, stands ready so contribute towards such goals and bringing an end toward the most horrific crimes.