

FREQUENTLY ASKED QUESTIONS

Part 1: The Origins of the Responsibility to Protect and the R2PCS Project

What is the Responsibility to Protect (R2P)?

R2P is an emerging international norm which sets forth that states have the primary responsibility to protect their populations from genocide, war crimes, crimes against humanity and ethnic cleansing, but that when the state fails to protect its populations, the responsibility falls to the international community. The responsibility to protect expresses a commitment to a continuum of action, from prevention to reaction and rebuilding, with an emphasis on prevention. A 2001 report by the International Commission on Intervention and State Sovereignty entitled *The Responsibility to Protect* recommended that governments adopt these principles; in September 2005, key elements of the responsibility to protect were endorsed by the international community in the 2005 UN Summit declaration.

What is the Responsibility to Protect-Engaging Civil Society (R2PCS) project?

R2PCS works to advance R2P principles and to promote concrete policies to better enable governments, regional organizations and the UN to protect vulnerable populations. The project aims to engage civil society organizations to advocate for their own governments to support and abide by R2P principles. The R2PCS network is an international network of NGOs that support and promote the responsibility to protect.

Why is there a need for R2P?

The end of the 20th Century was marked by a change in the nature of armed conflict. Internal conflicts replaced inter-state conflict and civilians now make up the vast majority of casualties. The emergence in many conflicts of non-state actors as primary executors of large-scale violence demanded a strengthened international legal framework regarding state obligations to protect civilian populations. The genocides in Cambodia, Rwanda and Bosnia, as well as crimes against humanity in Kosovo, East Timor and Darfur have demonstrated massive failures by the international community to prevent atrocities. After these failures, there was a recognized need to shift the debate about crisis prevention and response: the security of the community and the individual, not only the state, must be priorities for national and international policies.

What are the normative and legal foundations of R2P?

An emerging understanding that sovereignty includes responsibilities as well as rights is a guiding principle for R2P. Membership in the United Nations is the primary example of states voluntarily accepting obligations and restrictions on their conduct as members of the international community. R2P is also founded upon international legal obligations under human rights and human protection declarations, covenants and treaties, international humanitarian law and national laws that set forth standards of conduct and the means to enforce these standards. Particularly relevant are the Universal Declaration of Human Rights, the four Geneva Conventions and two Additional Protocols, the Convention Against Torture, the Genocide Convention, the Conventions on civil, political, social, economic and cultural rights, and the Rome Statute of the International Criminal Court. The emerging norm of human security played a large part in shifting the debate from territorial security, and towards the security of people.

The commitments of African regional and subregional organizations are also important precedents. The African Union Constitutive Act puts the interest of people at the center of its goals. One of its main objectives is to "achieve greater unity

FREQUENTLY ASKED QUESTIONS

and solidarity between the African Countries and the peoples of Africa." It also recognizes the "right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity." This charter is a significant contribution to the understanding of sovereignty as responsibility, as well as the limitations of sovereignty, particularly when populations are at great risk. In West Africa, the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security establishes an early warning system for preventing conflicts and a system for collective political or military interventions, including where conflicts or other tensions could lead to serious humanitarian disasters. The Southern African Development Community (SADC) authorized the Organ on Politics, Defense and Security Co-operation to seek to resolve conflicts including intra-state conflicts at the level of genocide, ethnic cleansing and gross violation of human rights. The Organ is mandated to apply measures from prevention to enforcement as a last resort. These and other regional and subregional initiatives address the need for collective responses to crises that threaten vulnerable populations through prevention as well as reaction - ideas that are affirmed in the R2P principles.

Finally, practices of states, regional bodies and the Security Council contributed to this emerging norm. Examples included enforcement actions in the 1990s by the Security Council in Somalia, NATO in Kosovo and ECOWAS in Liberia and Sierra-Leone. Yet the inconsistency of international intervention - the tragic failure to respond to the Rwanda genocide, for example - and the questions about the legitimacy and efficacy of outside interventions demanded a better normative framework, such as R2P.

Part 2: The Intergovernmental Process on R2P

What was the process for the international acceptance of R2P?

The initiative for the international community to address shortcomings in international responses to genocide, ethnic cleansing and other massive atrocities was spearheaded by Secretary-General Kofi Annan. In his addresses to the General Assembly in 1999 and 2000, Annan challenged Member States to resolve the conflict between the principles of non-interference and state sovereignty and the responsibility of the international community to respond to massive human rights violations and ethnic cleansing. The government of Canada responded by forming a panel of international experts, the International Commission on Intervention and State Sovereignty (ICISS), which conducted a series of consultations among governments, non-governmental organizations (NGOs), inter-governmental organizations, universities and think tanks, and issued its report, *The Responsibility to Protect*, in 2001. The ICISS report was a foundation for governmental and NGO efforts to achieve an international consensus on these issues.

R2P was then included in an agenda for UN reform negotiated by the General Assembly throughout 2005. The report of the High-level Panel on Threats, Challenge and Change, and the Secretary-General's report entitled *In Larger Freedom*, two of the key documents that set the reform agenda both included recommendations that governments endorse R2P. The UN reform negotiations led to a September meeting of heads of state and government at the UN and a consensus summit declaration (known as the UN Summit Outcome Document) which included a commitment to R2P.

FREQUENTLY ASKED QUESTIONS

What have governments committed to at the Summit in terms of R2P?

Governments affirmed that states have the primary responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and that this responsibility entails the prevention of these crimes. Governments further affirmed that the international community, through the United Nations, also has the responsibility to use peaceful means to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Governments expressed their willingness to act in a timely manner against these threats when individual states “manifestly fail” to protect their own populations, including collective action through the Security Council. They also committed themselves to helping states build their own capacities to prevent conflicts and protect their populations. Finally, in paragraph governments affirmed their support for the mission of the UN Special Adviser on the Prevention of Genocide. See 2005 World Summit Outcome Document, paragraphs 138-140.

How have governments reacted to R2P?

Governments overwhelmingly supported R2P principles at the Summit. Most states expressed support for the Declaration’s pledge to take collective action, noting recent failures of the international community to prevent genocide in places such as Rwanda and Bosnia. Many affirmed that the primary responsibility for protection lies with the sovereign states and that enhancing this capacity must be a priority. A small group of dissenters continues to express concern that powerful countries will use R2P as a pretense for military intervention.

Although the UN Summit Outcome Document includes a reference to the need for the General Assembly to continue considering R2P and its implications, currently there is no formal inter-governmental process to implement R2P at the UN. In April 2006, the Security Council “reaffirm[ed]” the World Summit Outcome Document provisions “regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity” in Resolution 1674 on the protection of civilians in armed conflict. In the Summit Outcome Document, world leaders affirmed that the international community is prepared to take action through the Security Council in a timely and decisive manner on a case by case basis when states are manifestly failing to protect their populations. Resolution 1674 signifies that the Security Council has accepted this role. Further discussions are still needed to determine how R2P will be put into practice, particularly to determine when R2P should apply and what measures should be used.

How does R2P complement the other commitments made at the Summit?

R2P is one of several reforms adopted at the Summit that could greatly improve the international community’s ability to protect vulnerable populations. The R2P principles include a responsibility to help shattered communities rebuild after crisis; the Peacebuilding Commission, which world leaders agreed to establish at the Summit, could serve as the nexus for the exercise of this responsibility. The creation of the Human Rights Council is another such achievement as a strengthened UN institution for promotion and protection of human rights.

Part 3: Confronting Criticisms about R2P

FREQUENTLY ASKED QUESTIONS

Does R2P advocate for a right to 'humanitarian intervention'?

No. R2P advocates for states to accept that sovereignty entails a responsibility to protect its populations, and for the international community to accept its responsibility to protect when the state is unable or unwilling to protect its populations. The issue should not be viewed from the perspective of a state's right to intervene, but from the perspective of the population in need of protection.

The ICISS report was released shortly after 9/11 and the reception of the responsibility to protect concept was very much colored by debates regarding the war on terrorism and the invasion of Iraq. The fear that R2P would be used by powerful governments to mask other hegemonic motives was further fueled by the argument that the invasion of Iraq was necessary for the protection of the Iraqi people.

R2P is not intended as an intervener's charter. Rather, R2P seeks to codify a spectrum of activities to be taken by the international community and regional organizations, where appropriate, when crises that threaten populations reach a certain threshold. Military intervention for human protection purposes should only be exercised as a last resort, when all peaceful means of conflict resolution are inadequate. R2P attempts to create more, and not fewer, rules about when and how intervention might be conducted.

How is it possible to ensure that R2P is not used to justify politically-motivated interventions or interventions conducted without international approval?

While R2P itself can't prevent unilateral actions, civil society and the public can use R2P as a standard against which to judge proposed actions. R2P is meant to act as a safeguard against unilateral intervention by states seeking to advance their status as global or regional powers by requiring that any response to large-scale threats to populations take the form of a collective response. R2P requires that the right authority approve any intervention. The UN, by its nature as a representative international body, is the principal institution to confer legitimacy upon any use of force. The Security Council is the principal organ to take on this responsibility, as it is charged with the maintenance of international peace and security. The Secretary General, the High-level Panel, the ICISS report and other supporters of R2P proposed additional criteria to serve as a threshold for military intervention. The just cause criterion requires that interventions for human protection purposes only occur to halt or avert large-scale loss of life, or large-scale ethnic cleansing. Other proposed criteria are that any interventions take place with the right intention, as a last resort, using proportional means and carrying reasonable prospects of success.

How can R2P be expected to prevent genocide and other massive crimes that are the result of a deeply-rooted problems in a society?

R2P is a norm that reconciles the needs and rights of the individual with the duties of the international community and the rights of the sovereign State. It is not considered a panacea to resolve the problems that lead to genocide or massive human rights violations. But as a new international commitment, along with the commitments to the Peacebuilding Commission, the Human Rights Council, the establishment of the International Criminal Court, the adoption of Security Council resolution 1325 on women, peace and security, and an array of regional initiatives to institutionalize prevention, peacekeeping and peace enforcement, R2P can enhance the ability of the international community to prevent and react to

FREQUENTLY ASKED QUESTIONS

deadly conflict and to secure peace.

Part 4: The Role of Civil Society in the Responsibility to Protect

Civil society organizations have assumed significant responsibilities for the protection of civilians through human rights monitoring, providing humanitarian assistance and peacebuilding, to name a few. Because R2P is an important element for the enhancement of these efforts, civil society organizations should endorse R2P and support efforts to raise awareness and acceptance of R2P.

How does R2P contribute to other peace, security, rights agendas?

R2P is closely related to the broader agenda of the prevention of armed conflict. The responsibility to protect was described in the ICISS report as comprising three specific responsibilities: prevention, reaction and rebuilding with prevention as the most important dimension of R2P. ICISS recommends that more resources and attention be paid to addressing root causes and direct causes of crises that put populations at risk. ICISS also recommends greater support for early warning and response mechanisms. The Summit Outcome Document provisions on R2P also emphasized prevention and called for support by the international community for a UN-established early warning capability.

R2P is rooted in the concept of human security because it emphasizes the duty of the state and the international community to prioritize the security of the individual. Ensuring the capacity and will to implement R2P should be part of a comprehensive strategy to promote human security, including through the advancement of democracy, protection of human rights, good governance and economic stability. The responsibility to protect thus relates to initiatives directed at improving national, regional and international policies to prevent conflict and assure human security, such as the campaigns to stop the proliferation and misuse of small arms and the use of child soldiers.

As an initiative to halt or avert genocide, war crimes and crimes against humanity, the responsibility to protect is closely linked to efforts within international justice to end impunity for these crimes. As the first permanent court established to prosecute individuals for genocide, war crimes and crimes against humanity, the International Criminal Court (ICC) should be supported as an institution for the prevention of and reaction to large-scale atrocities. The ICC is intended to serve a preventive role by “put[ting] an end to impunity for the perpetrators of these crimes and thus contribut[ing] to the prevention of these crimes” (Rome Statute). ICC investigations are also an important measure short of military force that could help bring an end to atrocities being committed against populations in a war-torn country. The ICC also includes measures for post-conflict rebuilding, as it offers support to states establishing or restoring their own justice systems post conflict.

The R2P concept is an essential complement to the existing set of intergovernmental commitments to women’s human rights and security, such as the Beijing Platform for Action and Security Council resolution 1325 on women, peace and security. The emphasis on individual and population-centered security inherent to the R2P concept is a commitment by the international community to take a broad view of security. This includes using gender-specific indicators for crises and

FREQUENTLY ASKED QUESTIONS

acting upon these indicators early to prevent, and failing that, stop grave crimes against humanity. The ICISS report's recognition of rape as a weapon of war and mass rape as a means of ethnic cleansing that warrants collective international action to stop it is an important advancement in this area.

R2P, in conjunction with Security Council resolution 1325, demands that the international community act to prevent crises early through the involvement of women at all levels of activity. If prevention fails, the international community must respond collectively to stop crises, prioritizing the protection of affected populations by conducting gender-specific assessments of the impact of the response, including by ensuring that women and children are not subject to sexual exploitation by those tasked with their protection.

Unfortunately, the original report outlining R2P principles (ICISS) failed to recognize the potential usefulness of R2P for the women's security agenda, nor did it satisfactorily incorporate gender-specific perspectives on both conflict and responses to conflict. As the implementation of the responsibility to protect begins, it is critical that activists and governments demand that these shortcomings are corrected. Despite the limitations of the ICISS reports in this area, R2P is an important tool for women's rights activists and others to call for the prevention of and early response to situations on the verge of crisis.

What can civil society do to advance acceptance and fulfillment of the responsibility to protect?

What is now needed is for civil society to raise awareness about this historic commitment. Civil society organizations (CSOs) should seek to inform their governments, regional organizations and other inter- and non-governmental organizations about the endorsement of R2P at the 2005 world Summit. Engage government officials, national parliamentarians, regional and sub-regional organizations and parliamentarians to consider whether steps are being taken to incorporate these norms into strategies on human rights, peacebuilding, prevention of armed conflict and protection of civilians.

CSOs should also seek to engage in a strategy with other members of civil society to encourage the implementation of R2P principles at the national and regional level, and incorporate the R2P principles into their own work. The responsibility to protect principles should be invoked by civil society organizations in conflict-specific situations to hold their governments accountable for protecting populations within and beyond their own borders.

Where can I find more information about R2P?

For the report, The Responsibility to Protect, please visit

<http://www.iciss.ca>

For up to date information on R2P, please sign up for our listserv by sending an email to:

R2P-CS-info-subscribe@yahoogroups.com

For R2PCS documents, please visit

<http://www.responsibilitytoprotect.org/documents>

FREQUENTLY ASKED QUESTIONS

For the UN Summit Outcome Document, please visit

<http://www.responsibilitytoprotect.org/unsummit>

For government positions on R2P, please visit

<http://www.responsibilitytoprotect.org/statements>

For information on pre-Summit and current negotiations, and past versions of the Outcome Document, please visit

<http://www.reformtheun.org>

If your organization would like to join the network of NGOs that support R2P, email us at:

info@responsibilitytoprotect.org