



AP R2P

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genocide in the Genocide Convention. In the decades that followed, war crimes and crimes against humanity came to be defined and prohibited too, through the Geneva Conventions (1949), subsequent protocols (1977) and the Rome Statute of the International Criminal Court (1998).

Yet despite this, until very recently humanity's default response to mass killing, rape, and forced deportation was to stand aside and do very little to protect the victims of these crimes.

By and large, groups and individuals perpetrate these horrific crimes because it helps them achieve their political goals. Sadly, in a majority of cases since 1945 they have succeeded. Since that time, most episodes of mass killing have ended only when perpetrators themselves have decided to stop the bloodletting – usually because they have succeeded in achieving their goals.

One response to the problem of genocide and mass atrocities has come in the form of the Responsibility to Protect principle—or R2P as it has come to be known. In this lecture I will argue that although it is far from perfect -- as are all human-made things -- R2P offers the best chance in our own time to build an international community that is less tolerant of mass atrocities and more predisposed to preventing them and protecting people from them.

My optimism is based on the fact that R2P has achieved something that no other similar project has: a genuine and resilient international consensus.

That consensus, I will argue, stems

SPOTLIGHT ON R2P

The Responsibility to Protect and International Law

LECTURE PRESENTED BY ALEX BELLAMY AT ENERI UNIVALI CONFERENCE, SANTA CATARINA, BRAZIL, 4 JUNE 2014.

Our better angels may well be making humanity less violent overall, but until very recently we humans demonstrated an immense capacity to perpetrate and tolerate colossal

inhumanity.

No region of the world has escaped the scourge of genocide and mass atrocities in the past century or so.

When they have struck, time and again there have been impassioned appeals to put an end to mass atrocities. After the Holocaust, the world collectively proclaimed “Never Again!” and prohibited the crime of



from the fact that R2P is embedded in existing international law. It does not try to amend the law or tilt the fine balance between sovereignty concerns and the protection of populations from the very worst of crimes. Instead, R2P stands as a political commitment to implement existing legal obligations through existing instruments of international law. Its aim is not to override sovereignty, but to marshal the world's efforts to build a world of sovereigns that take their responsibilities as seriously as their rights.

In this lecture I want to first focus on R2P as a principle – what it is, how it relates to existing law, and how it is being put into practice. Then, I want to examine the challenges that implementation creates and ways in which they might be overcome – suggesting that an important role can be played by concepts like RWP and governments, academics and civil society from this region.

R2P

R2P was adopted unanimously in 2005 by the United Nations General

Despite broad consensus amongst governments about the nature and scope of R2P, there remains a degree of ignorance about what R2P actually is – especially with respect to its relationship with international law

Assembly, in which all 193 Member States of the UN are represented. The UN Security Council has reaffirmed it many times since.

Stemming from the horrors of Rwanda twenty years ago, when the world stood aside as nearly a million people were slaughtered, R2P is a disarmingly simple idea. It holds that sovereign states have a responsibility to protect their own populations from four crimes that indisputably “shock the conscience of humankind” and their incitement: genocide, war crimes, ethnic cleansing, and crimes against humanity. It requires that the UN's Member States assist each other to fulfill their responsibility,

R2P is not just idle talk, as some of its critics suggest. The UN Security Council unanimously reaffirmed R2P in Resolution 1674 on April 28, 2006. It did so again, three years later, in Resolution 1894 on November 11, 2009 and in a Presidential Statement in 2013 on the subject of “Peace and Security in Africa.” Most recently, in April 2014, the Security Council once again reaffirmed R2P in resolution 2050 commemorating the genocide in Rwanda. All of these resolutions were adopted unanimously. In 2009, the General Assembly as a whole pledged to continue its consideration of the implementation of R2P. Since then, the Secretary-General has issued a report on R2P each year and the General Assembly has debated it in an informal and interactive dialogue.

R2P has also become part of the diplomatic language used to prevent and respond to atrocity crimes and a principle operationalized in practice.

The practical use of R2P got off to a slow and discouraging start. In the almost five years between Security Council Resolution 1674 (2006) and Resolution 1970 on Libya (2011), the Council referred to the concept only once. This came in a highly contentious preambular paragraph in Resolution 1706 (2006) on the situation in Darfur, where Sudanese government forces and

their notorious allies the “Janjaweed” militia had carried out a scorched earth campaign resulting in the death of approximately 300,000 people and forced the displacement of approximately three million more. Several Council members were cautious about the inclusion of R2P in the resolution (China abstained) and about the diplomatic pressure that was brought to bear to secure it. The diplomatic victory on Resolution 1706 proved to be pyrrhic. The resolution has gone down in history as one of the Council's worst ever because it mandated a peacekeeping deployment that was never likely to eventuate. What is more, the wounds of the diplomatic battle that preceded it ran so deep that the Council stayed well away from using R2P in the context of Darfur or any other crisis for that matter. Darfur quickly became a “test case” for R2P and the principle was widely judged to have failed.

Although the Security Council backed away from R2P, there were signs that others remained committed to its goals. In late 2007, a dispute about the result of the presidential election spiraled into ethnic and tribal violence in Kenya, resulting in the killing of some 1,500 people and the forced displacement of 300,000 more. The international community responded with a diplomatic effort. Kofi Annan was appointed mediator by the African Union (AU). Approaching the situation “in the R2P prism,” as he put it, Annan persuaded the country's president, Mwai Kibaki and main opponent, Raila Odinga, to conclude a power-sharing agreement and rein in the mobs. This diplomatic effort, couched squarely in R2P terms, pulled Kenya back from the brink of further bloodshed. It also provided a tangible demonstration of R2P's capacity to facilitate atrocity prevention through peaceful means.

With the UN and its Member States so hesitant to implement their 2005 commitment to R2P, few—if any—anticipated the role that the principle would play in the dramatic events of 2011. In February 2011, the “Arab

Spring” reached Libya. Protests there quickly turned into a major uprising that threatened to topple the dictator Muammar Gadhafi. Gadhafi’s forces responded to the challenge with typical brutality and the Libyan leader issued chilling threats of retribution reminiscent of the terms used to incite the Rwandan genocide nearly twenty years earlier.

The following month, in March 2011, the Security Council responded to the unfolding crisis in Libya by throwing almost its entire portfolio of preventive measures at the situation. Resolution 1970, which was adopted unanimously, referred specifically to R2P and demanded an immediate cessation of violence, established a political process aimed at finding a negotiated settlement, imposed targeted financial sanctions on the regime and an arms embargo, and referred the matter to the International Criminal Court for investigation. In sharp contrast to the bitterness of debates about R2P just five years earlier, the inclusion of R2P in Resolution 1970 proved uncontroversial.

When the Gadhafi regime failed to comply with the Council’s demands and looked likely to topple the rebel stronghold of Benghazi and commit a massacre there, the Council took the unprecedented step of authorizing the use of force against a UN Member State to protect civilians from imminent danger, enforce a no-fly zone, and enforce an arms embargo (Resolution 1973). NATO and its allies hastily arranged a coalition of the willing which prevented the fall of Benghazi and the widely anticipated massacre there. The conflict dragged on into a stalemate but eventually the regime collapsed and Gadhafi was himself killed, provoking a new storm of controversy that I will return to later.

Libya was the first time in its history that the Council had authorized the use of force for human protection purposes without the consent of the recognized government concerned.

A few days after the adoption of its landmark resolution on Libya, the Security Council unanimously adopted Resolution 1975 on Côte d’Ivoire. Having lost an election, the country’s now former president,



Professor Alex Bellamy presenting this lecture at the Eneri Univali Conference, Santa Catarina, Brazil, 4 June 2014

Laurent Gbagbo, refused to stand down. Following the advice of international election monitors, the Council declared Alassane Ouattarra to be the country’s President and authorized the use of force to protect the civilian population. UN forces already stationed in Côte d’Ivoire as part of the UNOCI operation acted alongside French forces to stop the escalating violence, remove Gbagbo and allow the elected President Ouattarra to take his place at the head of the new government.

The Council’s responses to the crises in Libya and Côte d’Ivoire, achieved without a single negative vote, were groundbreaking. They clearly demonstrated a newly found determination to act on the responsibility to protect populations from atrocity crimes, including through the use of force when necessary. But the responses proved highly controversial. Critics complained that NATO and the UN had overstepped their mandates by contributing to regime change, that they had used disproportionate force which increased civilian casualties and that they had ignored or outright rejected opportunities for further political dialogue.

These controversies did not inhibit the constructive use of R2P in other contexts. Indeed, in the wake of

Libya, the Council has become much more willing to utilize R2P – suggesting a deepening of the international consensus.

For example -- Resolution 1996, adopted in July 2011, established a UN peace operation for South Sudan and mandated the UN to assist to help the new government to fulfill its responsibility to protect. The Council also responded quickly to the deterioration of the situation in South Sudan in late 2013 by authorising an unprecedented redeployment of peacekeeping forces to reinforce the beleaguered UNMISS mission there. On several occasions, UNMISS has played a direct role in the protection of civilians – whether by providing information about impending attacks or fighting off armed militia who have sometimes stormed UN camps intent on killing the civilians within. Around a dozen UN peacekeepers have paid for this with their lives – and their service and sacrifice in the name of humanity should be recognized and commemorated.

Preventive diplomacy remains one of the principal tools of R2P and SC Resolution 2014, adopted in October 2011, supported a diplomatic resolution to the crisis in Yemen by reminding the government of Yemen of its primary responsibility to protect its population. In its September 2011

Presidential Statement on preventive diplomacy, the Council again recalled its commitment to R2P.

In Resolution 2085 (2012), on Mali, the Security Council authorized an international mission to assist the government there to fulfill its responsibility to protect. The Council mandated a UN mission (MINUSMA) to assist the government of Mali to protect the population from Tuareg/Islamist militia alongside a French deployment that has applied extensive coercive force.

Resolution 2121 (2013) on the Central African Republic underscored the government's responsibility to protect its own population. In 2014 the Council also authorized a UN mission (MINUSCA) to use all means necessary (i.e. force if needed) to protect civilians in this beleaguered country, which sits at the precipice of genocide.

In 2013, the Council also established an international intervention brigade in the DRC mandated to use force to protect civilians against M23 and other militia – and indeed the brigade succeeded in defeating the M23.

Meanwhile, in 2014 the Security Council referred to R2P in resolution 2139 condemning attacks on civilians in Syria and in resolution 2149 reminded the authorities in the

Central African Republic of their R2P.

In a remarkably short space of time R2P has been transformed into an international principle unanimously endorsed by the world's governments and usefully employed in more than a dozen practical situations. It is a principle that frames how to think about the prevention of genocide and mass atrocities and respond to the outbreak of these crimes. Whatever else might be said about R2P, it cannot be said that it is irrelevant.

Only a tiny handful of governments now object to the principle of R2P and those that do mainly do so for ideological reasons or because, like North Korea, they know that their own conduct falls well short of basic standards of decency. A much larger number of states, drawn from every corner of the world, have signaled their acceptance or support of the principle: more than 130 have made or associated themselves with positive statements on R2P in the General Assembly and some 120 participated in the UN's consultations on the Secretary-General's 2013 report on the topic. This includes countries such as Iran and Myanmar—neither of them keen advocates of human rights or shy of opposing “Western” agendas.

As far as most governments are concerned, the key debates now are ones about how best to implement R2P, not about whether to accept the principle itself or about its meaning and scope. This point was perhaps best expressed by South Africa during its intervention in the 2012 dialogue on R2P at the UN. One of the most strident critics of regime change in Libya and Côte d'Ivoire, South Africa argued that while it was important to think again about the implementation of use of force mandates, there could be “no going back” on what had been agreed in 2005 with respect to R2P.

Yet despite this broad consensus amongst governments about the nature and scope of R2P, there remains a degree of ignorance about what R2P actually is – especially with respect to its relationship with international law. It is still extremely common to see R2P described as a new norm of humanitarian intervention or a new legal principle

authorizing intervention, despite the fact that what emerged from 2005 was neither. Even one of Annan's senior advisers, political scientist Stephen Stedman, has described the principle in these terms, claiming that the World Summit had established “a new norm to legalize humanitarian intervention.”

The reality is quite different. The 2005 agreement on R2P changed nothing with respect to international law on the use of force. Paragraph 139 of the World Summit Outcome Document stated only that the Security Council would exercise a responsibility to protect populations where it saw fit to do so in situations where states were manifestly failing to protect their own from the four crimes. The Council already enjoyed the authority to do this by virtue of Articles 39–42 of the UN Charter, agreed in 1945. The Charter had left it to the Council to determine how to employ its enforcement powers to advance international peace and security.

The reality is that consensus on R2P was possible precisely because it did not change—or even seek to change—the basic international rules governing the use of force. Instead, R2P tries to persuade states to accept and act on their existing responsibilities, be they responsibilities to their own population or the international responsibilities that flow from their various commitments. It also tries to find a balance between principles such as non-interference and human protection.

R2P does not obligate the Security Council to use force. It calls for—but does not obligate—timely and decisive responses to protect populations from the four crimes and sensibly recommends a “case by case” approach. Following the UN Charter, R2P leaves it to the Council to decide on the best course of action – and force will rarely be judged to be the best course of action. While this can be frustrating when the Council fails to discharge its responsibility – as it has spectacularly in Syria – it is absolutely necessary for protecting the consensus on which R2P is based and ensuring that principle pays due respect to other cherished

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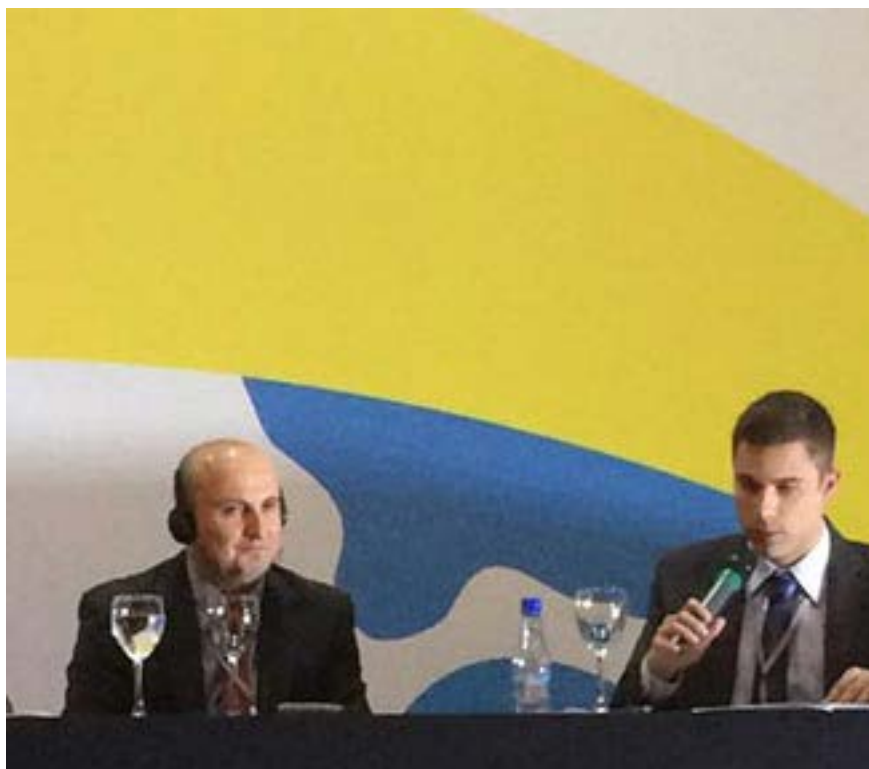
norms such as sovereignty and non-interference. It bears repeating that R2P neither changes, nor seeks to change, international rules in relation to the use of force. It calls for collective action to protect populations through existing laws and institutions.

To avoid any further confusion about what R2P actually says and to ensure that we are all on the same page (whether or not you agree that it is the right page), here are five definitional points. They reflect what I understand to be the international consensus on R2P and reflect the positions expressed by the UN Secretary-General, Ban Ki-moon.

First, R2P is narrow in scope. It relates only to the four crimes identified in the 2005 World Summit Outcome Document: genocide, war crimes, ethnic cleansing and crimes against humanity, to their prevention and the prevention of incitement. The principle does not relate to threats to human life stemming from other sources such as natural disasters, diseases, armed conflict in general, non-democratic forms of government, or generalized human rights abuses.

Second, R2P is universal and enduring in its coverage. The principle applies everywhere, all the time. In other words, all states have a permanent responsibility to protect their populations from the four crimes. As the UN Secretary-General pointed out in 2012, the question is never one of whether or not R2P “applies”—because this wrongly implies that there are situations in which states do not have a responsibility to protect their populations—but of how best to realize its goal in any given situation.

Third, States have a responsibility to protect all populations under their care, not just citizens. Paragraphs 138–139 specifically refer to “populations” and not “citizens.” Sometimes, as with the Muslim Rohingya in Myanmar, vulnerable groups are denied citizenship by their host state. Other times, large displaced populations may be vulnerable to attack in the third countries to which they flee. States have a responsibility to protect all those that are within their borders irrespective of their citizenship. This



Alex Bellamy with Guilherme Bez Marques at the Eneri Univali Conference, Santa Catarina, Brazil, 4 June 2014

includes refugees.

Fourth, R2P is based on well-established principles of existing international law and does not try to change the law. The crimes to which it relates are enumerated in existing international law. Under customary international law, states already have obligations to: prevent and punish genocide, war crimes and crimes against humanity; assist states to fulfill their obligations under international humanitarian law (e.g. in Common Article 1 of the Geneva Conventions, the parties agree to “respect” and “ensure respect” for the Convention); and promote compliance with these laws. In addition, the World Summit agreement was clear in stating that R2P should be implemented through the UN Charter. Nothing in the R2P principle permits states or regional organizations to act outside or violate the UN Charter, including with respect to the use of force. Force may be used only when authorized by the UN Security Council and when the Council judges diplomatic, humanitarian, and other peaceful measures unlikely to succeed.

Fifth The World Summit Outcome Document calls explicitly for the prevention of the four crimes and

their incitement. As such, prevention should be at the core of R2P, with other measures contemplated only when prevention fails or (in line with Article 42 of the UN Charter) is thought likely to fail by the UN Security Council. For me, the real long-term measure for R2P is not in its capacity to generate better responses to atrocity crimes—though that is important—but in its ability to facilitate a general reduction in the number of crises that give rise to such crimes in the first place.

These five points – and the three pillars of R2P I described earlier – form the solemn commitment which States have made to one another – and to humanity as a whole. The challenge now is to deliver on that commitment.

R2P in Practice

As I observed earlier, the development of these mandates and missions designed to protect populations from genocide and mass atrocities have not been without controversy. Critics, including powerful governments such as Russia, China, India, Brazil and South Africa, complained that UN forces in Cote d’Ivoire and the NATO-led mission over Libya exceeded their mandates to protect civilians

by pursuing regime change and that the Council did not hold properly accountable the UN officials and states that assumed responsibility for discharging the Council's mandates.

Others see in Mali and the CAR a thinly veiled attempt to use the UN to pursue a largely French political agenda in support of governments or political groupings with questionable internal legitimacy – though that perspective seriously underestimates the degree of hesitancy displayed by the French government – and ignores the fact that without the French, a large portion of Mali would be controlled by Islamist extremists who had begun cataloguing the identities of unmarried mothers – and the CAR would surely have succumbed to all out genocide.

At the same time, the capacity of two permanent members of the Council to block decisive collective action on Syria. This blockages comes in the face of a clear majority of Council members who support more decisive action and sharp criticism from the General Assembly, which has “deplored” the Council's failure to take meaningful steps to protect Syrians, more than 100,000 of whom have perished in a savage war and more than 3 million of whom have been forced to flee their homes in fear of their lives.

The Security Council's very obvious failure to live up to its commitment to R2P in Syria has prompted a resurgence of interest in the idea of restraining the use of the veto in cases characterised by genocide or crimes against humanity. These ideas have coalesced around the so-called 'S5' (group of small states) initiative to reform the Council's working practices, which included a call for voluntary restraint on the use of veto in situations involving genocide and mass atrocities, and a similar French proposal.

On the one hand, then, we see the emergence of greater demands for the Council to act to protect populations from genocide and mass atrocities. On the other, hand, however, we see evidence of concern about how the Council – and those who act on its mandate – actually does act when it decides to do so.

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Two trends seem to be at play here.

First, the deepening international consensus on R2P is creating new expectations about the Council's role in responding to genocide and mass atrocity crimes. Sentiments expressed in the GA demonstrate a very clear – if still emerging – expectation that the Council has a responsibility to take reasonable measures to protect populations from atrocity crimes.

Second, as the Council becomes more proactive, and especially as it turns to more robust measures to protect civilians from genocide and atrocity crimes, demands for accountability – in particular the accountability of states acting on Council mandates to the Council itself – are becoming more significant.

These two, seemingly paradoxical, trends are closely connected in that it seems clear that further deepening

of consensus on the use of force or other coercive means for protection purposes in really existing situations will require steps to address the questions of accountability and control that have arisen.

In sum, strengthening international consensus on the use of force for protection purposes requires some recognition of the concerns expressed by those states which fear that protection rhetoric is sometimes used to support other agendas and that states acting on Security Council mandates are not held accountable to the Council itself.

There is, I think, an important role for governments like Brazil, Argentina and others in this region to play in helping to bridge these two imperatives.

One useful way of thinking about the lessons that need to be learnt about the design and oversight of mandates to use force in order to protect populations in the wake of the controversy over Libya can be found in some aspects of the concept of ‘responsibility while protecting’ championed by Brazil. I will not recount to this audience the origins and content of RWP but I would just underscore at the outset that this was, and remains a vitally important contribution to thinking about how to achieve the goals of R2P in real-world cases. I would also strongly urge the government of Brazil to revitalize its efforts on this front and offer whatever support that can be provided to facilitate this endeavor from the organizations with which I work.

To me, there are three particularly important elements of this concept: a focus on the prevention of genocide and mass atrocities; the provision of judicious analysis to guide decision-making; and the establishment of an accountability mechanism to oversee the Council's work. In each of these areas, there is the seed of a major contribution to the future practice of R2P.

Prevention

There have been many generic calls for a focus on the prevention of genocide and mass atrocities, and Member States of all stripes have repeatedly voiced their support for

prevention. A focus on prevention was a central element of RWP. The concept note stated that that “prevention is always the best policy; it is the emphasis on preventive diplomacy that reduces the risk of armed conflict and the human costs associated with it.”

What is needed now is a shift from rhetoric to firm policies and strategies – we need to actively seize and push forward a prevention agenda that actually changes the way the world thinks about this issue. Time again, as Syria, Mali, South Sudan and CAR show, we are reminded that the world still waits for a crisis to happen – for the bodies of civilians to pile up – before taking decisive action. R2P demands that this changes. RWP supports that demand. It is time now to challenge governments, regional organizations and the UN to take up that challenge. Our primary goal must not be to perfect how we respond to untold inhumanity, but how we prevent such inhumanity in the first place. On that score, we have a long way to go.

RWP should give rise to pressure on the UN to develop a system-wide strategy for prevention. Member states have a role to play in instructing the UN to follow this path and in providing the analysis and inputs needed to guide it. Such strategies have been achieved on other vital and complex topics, such as development and poverty eradication, so there is no reason why it cannot be achieved here too. I think a UN strategy for prevention a useful place to start because it might serve as a model that others, such as regional and subregional arrangements might use.

A concerted strategy might be set out in a future report of the Secretary-General on RtoP, with individual components developed in more detail either in subsequent reports or other forums. Elsewhere I have outlined what such a strategy might look like. Because the whole strategy would aim to change the way in which the international community practices prevention in relation to the four R2P crimes, periodic reports assessing progress made and issues yet to be resolved would be appropriate. Although this would be a large

... the three most promising elements of RWP: its focus on prevention, judicious analysis and accountability

and difficult task, the support for prevention evident in the General Assembly suggests that the time is right to undertake it.

Judicious analysis

A second key element of RWP was its call for judicious analysis in advance of decisions to use force. Decision-making is clearly improved if it is based on a solid understanding of the situation at hand and likely consequences of different potential courses of action. Moreover, anything that can help the Council reach a shared understanding of the situation can assist in building a united approach to the problem.

This analysis should include assessment of the possible consequences of not taking military action and the likely consequences of a range of other potential measures.

To avoid the proliferation of analyses each claiming to be authoritative the Council should look to the UN Secretariat – charged by the Charter with the job of providing impartial advice to member states – to provide it with the assessments it needs. As the UN system’s repository of expertise on the prevention of genocide and mass atrocities, the UN’s Office on Genocide Prevention and R2P would be the most promising candidate to provide this sort of advice to the Council on request and through the Special Advisers.

The Office would be able to draw upon its regional experts to provide analysis of the consequences of

various courses of action but its analytical capacity would need to be augmented.

With greater expertise regarding their own regions, relevant regional arrangements could also feed their analysis of a situation and likely consequences of different courses of action into this process.

Of course, this would require not only that the UN secretariat conduct this work, but also that governments be prepared to listen to it. It is imperative that the Security Council avails itself of regular informal briefings from the Genocide Prevention office – both on individual crises and those that are over the horizon – and that the wider UN system is granted access to this information and analysis.

Accountability mechanism

The third relevant aspect of RWP speaks more directly to the question of accountability. Brazil’s concept note called for ‘enhanced Security Council procedures’ to ‘monitor and assess the manner in which resolutions are interpreted and implemented to ensure responsibility while protecting’, and for the Council to ensure ‘the accountability of those to whom authority is granted to resort to force’. These are important considerations if the Council is to continue to play an active role in the protection of populations from atrocity crimes.

Council resolutions generally do contain reporting requirements, but there is concern that these requirements are not sufficiently complied with. For example, there was little transparency in the way in which NATO reported its activities in Libya to the Secretary-General during its Libyan campaign. Moreover, when the Libyan regime made entreaties about a negotiated ceasefire, NATO rejected those entreaties out of hand, without first discussing the issue with the Council. This raised concerns among some Council members that, in effect, NATO had assumed control over the intervention, denying the Council the primacy on the issue that it is entitled to by virtue of the Charter.

Brazil’s calls for strengthened procedures to allow the Council to hold to account states that act on



Alex Bellamy with Alessandro Souza at the Eneri Univali Conference, Santa Catarina, Brazil, 4 June 2014

its mandate flow directly from the Libya experience. But we should not think of this in terms of establishing a superstructure of global governance to police the UNSC.

First, new permanent mechanisms to regulate the Council would require a change to the Charter, which could have the unintended negative consequence of slowing its decision making and making consensus more difficult to achieve.

Second, the Council's responsibility covers international peace and security and not just R2P cases. It would make no practical sense to have one set of rules for some Chapter VII resolutions on the use of force and another set for others.

Third, the UN has had bad experience in the past with excessive political interference in military matters. The experience of the UN Protection Force (UNPROFOR) in Bosnia is testament to what can happen when the Council tries to micro-manage military operations.

These problems should not mean that nothing be done to improve accountability but it does suggest that a better solution would be for the Council to make use of the powers it already has by writing specific accountability measures into its resolutions. The Council has already developed a strong repertoire of accountability measures that might

be appropriate. One way forward may be to foster dialogue on the various accountability measures that the Council already has at its disposal and to inform non-permanent members in particular about what these measures are and when they might be employed.

Experienced states such as Brazil might play a role by advising incoming non-permanent members about the various accountability measures which they could insist upon. The wider GA might do more to hold non-permanent members to account on this point to ensure that those whom the GA elects to the SC reflect the concerns of the wider UN membership.

Five such measures might be considered:

The first is to include sunset clauses in Council resolutions. This would make authorisations to use force time-limited, forcing states acting on mandates to return to the Council for a renewal. This is standard practice for UN peacekeeping operations and helps build an accountability loop.

The second suggestion is to include specific and frequent reporting requirements. The Council can, and does, require reports from those acting on its mandates. In future, the Council might require that the Secretary-General brief it on these reports or demand that implementing

states report directly to the Council.

The third suggestion is for the Council to include specific limitations to rule out certain courses of action. For example, Resolution 1973 forbade the deployment of ground troops as an occupying force in Libya.

The fourth suggestion is direct action: the Council might directly mandate or require diplomatic activity, the dispatch of envoys or acceptance of negotiated agreements.

And the fifth suggestion is to mandate information gathering: to supplement or replace reporting from implementing states, the Council might mandate its own fact-finding mission to gather information about the implementation of its mandates.

Pursuing this route to greater accountability through the activism of non-permanent members of the Council would reduce the likelihood of unintended negative consequences, would allow the tailoring of accountability measures to individual circumstances, and would make use of the Council's existing authority under the UN Charter.

Conclusion

R2P has come a remarkably long way in a short space of time. It has done so largely by showing how existing international law and the institutions we already have can be marshaled to the cause of protection people from genocide and mass atrocities whilst protecting other cherished principles such as sovereignty and the international rule of law.

The challenge now is not to debate R2P but to work together to realize its ambition. There is no silver bullet to the problem of genocide and mass atrocities and R2P does not purport to provide one. Instead, it offers a set of shared expectations about appropriate behavior that may—over time—make the world less tolerant of mass atrocities and more protective of its victims. The ultimate aim of R2P is to persuade states to live up to the responsibilities inherent in their sovereignty and to assist them in doing so. A world of sovereign states that protect their own from these

very worst of crimes is a world that no longer needs R2P. That is the ultimate goal.

As the UN, its Member States, and other international and regional organizations become more actively involved in the protection of populations from genocide and mass atrocities, concerns about the mandating and management of the use of force will grow and, with it, demands for new checks and balances. In the long term, these demands will have to be satisfied if the UN Security Council is to remain in the game of using all available means to protect populations from the very worst of abuses.

Taken together, some of the ideas emanating from RWP would help to create a strong platform for the continuing work of making the protection of populations from genocide and mass atrocities a daily-lived reality. That is the challenge set for us by the responsibility to protect, and it is a challenge that we all have a role to play in fulfilling.



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