

ICRtoP

INTERNATIONAL COALITION FOR THE RESPONSIBILITY TO PROTECT

A **Toolkit** on the Responsibility to Protect



WHAT IS THE PURPOSE OF THIS TOOLKIT?

- I. To help **increase awareness and understanding** of the Responsibility to Protect (“RtoP” or “R2P”) norm.
- II. To support efforts to **strengthen national and regional capacities** to prevent and halt genocide, war crimes, crimes against humanity and ethnic cleansing.

HOW SHOULD THIS TOOLKIT BE USED?

In this toolkit, you will find three sections:

- I. A comprehensive overview of the origins and development of the Responsibility to Protect;
- II. An overview of the roles of a variety of stakeholders in advancing and promoting RtoP;
- III. Additional resources on the norm.

Sections one and three should serve as the foundation for all workshops to raise awareness and improve understanding of RtoP, with additional resources included in the latter as appropriate. Section two can be tailored to the audience that the workshop facilitator is targeting.

WHO SHOULD USE THIS TOOLKIT?

This toolkit is primarily targeted to **civil society actors** wishing to raise awareness of RtoP among civil society organizations (CSOs), academics, media, diplomats, security sector officials and others. We would also encourage portions of this toolkit to be used by **governments, the media, parliamentarians, academia, religious leaders and businesses**.

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PART I:
UNDERSTANDING THE
RESPONSIBILITY TO PROTECT

WHAT IS THE RESPONSIBILITY TO PROTECT?

The RESPONSIBILITY TO PROTECT (“RtoP” or “R2P”) is a new norm to prevent and stop genocide, war crimes, ethnic cleansing and crimes against humanity. The Responsibility to Protect is not a law, but rather a political commitment to guide states and sub-regional, regional and international arrangements in protecting populations from these crimes and violations.

The Responsibility to Protect stipulates that:

1. The state bears the **primary responsibility to protect** its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes and violations, including their incitement;
2. The international community has a **responsibility to assist and encourage** the state in fulfilling its protection obligations;
3. The international community has a **responsibility to take appropriate diplomatic, humanitarian and other peaceful means to help** protect populations from these crimes. The international community must also be prepared to take **collective action, in a timely and decisive manner**, in accordance with the UN Charter, on a case-by-case basis and in cooperation with relevant regional organizations, if a state fails to protect its populations or is in fact the perpetrator of crimes. Such action **may entail coercive measures**, including the collective use of force, where appropriate, through the UN Security Council.

WHY IS THE RESPONSIBILITY TO PROTECT NECESSARY?



Kosovar refugees fleeing homeland in 1999. Credit: UN and UNHCR Photo by R LeMoyne

The Holocaust and later genocides in Cambodia and Rwanda as well as crimes against humanity in the former Yugoslavia, East Timor and Darfur demonstrated massive failures by the international community to prevent atrocities. These cases of unconscionable suffering and the loss of millions of lives gave impetus to the call “never again!”

Throughout the 1990s, controversy raged between those who supported a right to intervene to protect populations (i.e. humanitarian intervention) and those who argued that state sovereignty, as recognized by the UN Charter, precluded any intervention in internal matters. In Rwanda, the international community failed to take measures to protect populations from grave atrocity crimes; however, in the case of Kosovo, the North Atlantic Treaty Organization (NATO) launched a military operation to

end a humanitarian disaster without authorization from the UN Security Council. These varied reactions, with civilians’ lives at stake, illustrated the urgent need for an international consensus on when and how to take action to prevent and end mass atrocities, and led to a renewed understanding that the security of the community and the individual, not only the state, must be urgent priorities for national and international policies. Recognizing this, then UN Secretary-General Kofi Annan, in his addresses to the General Assembly in 1999 and 2000, challenged Member States to reconcile the principle of state-sovereignty and the responsibility of the international community to protect populations from massive human rights violations.



Exhibit on children during the Holocaust at UN Headquarters. Credit: UN Photo by JC McIlwaine

AFRICAN UNION MOVES FROM POLICY OF NON-INTERFERENCE TO NON-INDIFFERENCE

In 2000, African nations formed the African Union (AU), and immediately enshrined principles later echoed in the Responsibility to Protect in the AU founding document, the Constitutive Act. The principles articulated in the Act represented a significant switch from ‘non-interference’ in the affairs of states, a policy which had been maintained by the AU’s predecessor, the Organization of African Unity, to ‘non-indifference’.

The AU’s emphasis on ensuring that the protection of populations be a collective responsibility, can be seen in the following articles of the Constitutive Act:



AU Summit in the Gambia. Credit: UN Photo by Mark Garten

- Art. 3(b) states that a core objective of the AU is to “defend sovereignty, territorial integrity, and independence of its Member States.”
- Art. 4 (h) stipulates that the “Union has the right to intervene in a Member State (MS) pursuant a decision of the Assembly in respect of grave circumstances namely, genocide, war crimes and crimes against humanity.”
- Art. 4 (J) indicates that a MS has the right to request intervention from the Union for the restoration of peace and security.

Furthermore, the AU does not require the consent of the state to intervene in situations where populations are at risk. In contrast, the Organization of African Unity operated on consensus. Importantly, and further in line with RtoP principles, the AU considers that military intervention without the consent of the state must be a last resort, undertaken only after the range of peaceful measures has been exhausted.

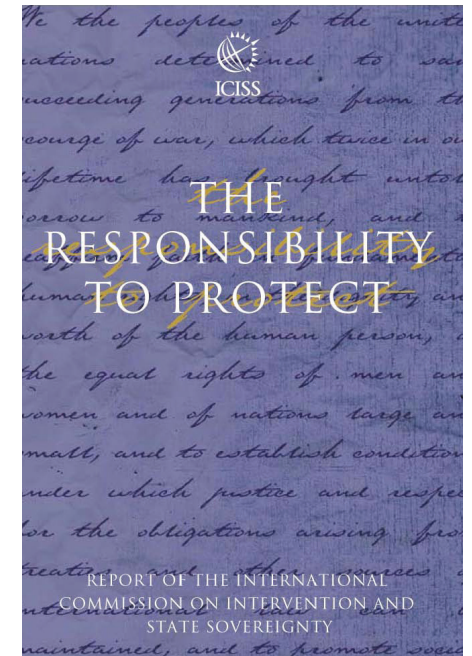
ICISS REPORT COINS THE TERM “RESPONSIBILITY TO PROTECT”

In 2001, the government of Canada sought to answer Kofi Annan’s challenge and formed a panel of international experts, the **International Commission on Intervention and State Sovereignty** (ICISS). Following a series of consultations among governments, non-governmental organizations (NGOs), inter-governmental organizations, universities and think tanks, the Commission issued its report, *The Responsibility to Protect*, in December 2001.

Building on the work by Dr. Francis Deng and his colleagues at the Brookings Institution on the concept of *Sovereignty as Responsibility*, the Commission addressed the question of when **state sovereignty** - a fundamental principle of international law - **must yield to protection against the most egregious violations of humanitarian and international law**, including genocide, war crimes, ethnic cleansing and crimes against humanity.

The Report prioritized the protection of populations at risk of atrocities by **shifting away from the right of an intervening state to the responsibility of the state to protect populations**. It maintained that if a state is to be considered sovereign, it must acknowledge its internal obligations, principally the protection of its citizens, and framed sovereignty not as a mechanism of control, but as a shouldering of responsibility.

The Report also indicated that, if the state in question is unable or unwilling to protect its citizens, there is an international responsibility to protect these civilians. Not only should the international community strive to stop ongoing atrocities, it must also aim to prevent crimes from happening again anywhere. To this end, the Commission called for a continuum of measures to implement the Responsibility to Protect, from **prevention, to reaction, to rebuilding**. The Commission articulated a range of measures to implement the concept, with military intervention to be considered only as a last resort.



ICISS Report Cover. Credit: ICRtoP

ICISS REPORT COINS THE TERM “RESPONSIBILITY TO PROTECT”

Importantly, the ICISS Report placed **limitations on when the international community can and should act** in order to prevent states from citing human protection rationales while acting primarily to defend their own political interests. Specifically, the Report proposed **precautionary principles to be considered before authorizing military force** to protect populations, namely:

- Right intention
- Last resort
- Proportional means
- Reasonable prospects of success

The Report also discussed the “**right authority**”, acknowledging that the most appropriate body to authorize the use of force is the UN Security Council, but stating that Council Members should be encouraged to more effectively prevent RtoP crimes (for example by addressing crisis situations promptly and, for the five Permanent Members, by refraining from using the veto in these cases). The Report also articulated the roles of the General Assembly, regional and sub-regional arrangements and other concerned states if the Security Council fails to deal with such situations in “reasonable time”. The Report also discussed the issue of “**just cause**”, stating that force should only be considered if “large scale loss of life or ethnic cleansing” are threatened.

Unfortunately, the timing of the Report’s release was devastating to its initial reception, in part because of the invasion of Iraq in 2003. The United States’ unilateral military operation, premised in part on an argument of humanitarian intervention, heightened concerns that RtoP would be used by powerful states to erode the sovereignty of other countries. Nonetheless, although support for RtoP was limited initially, ongoing humanitarian disasters, including the failure to protect the people of Darfur, signaled that more needed to be done by the international community, as a whole, to respond to threats of mass violence against populations.



ICISS Co-Chairs Mohammed Sahnoun (left) and Gareth Evans.
Credit: UN Photos by Evan Schneider

HOW RtoP HAS DEVELOPED: FROM ICISS TO 2005 WORLD SUMMIT

Support for RtoP was included in the Secretary-General's UN Reform agenda, including:

2004: High-level Panel on Threats, Challenges and Change Report, *A More Secure World: Our Shared Responsibility*

In preparation for the 60th session of the General Assembly, Secretary-General Kofi Annan commissioned a group of eminent persons to assess the most urgent global security threats and issue recommendations on how best to mitigate them. The report included 101 recommendations on how the world must meet its security challenges collectively and comprehensively, including by embracing and implementing the Responsibility to Protect.

2005: Secretary-General's Report, *In Larger Freedom: Towards Development, Security and Human Rights for All*

Secretary-General Kofi Annan then released a report with recommendations on what issues heads of state and government should address at the then upcoming "World Summit" in 2005 and in years to come. In a section entitled *Freedom to Live in Dignity*, discussing the human rights pillar of the UN, the Secretary-General recommended that states embrace the emerging norm of the Responsibility to Protect.

2005: Ezulwini Consensus of African States

African governments endorsed the Responsibility to Protect in the "Ezulwini Consensus" recognizing the authority of the Security Council to authorize the use of force in situations of genocide, crimes against humanity, war crimes and ethnic cleansing and insisting that in such cases regional organizations in areas of proximity to conflicts should be empowered to take action.



Secretary-General is presented Report of High-Level Panel on Threats, Challenges, and Change. Credit: UN Photo by Eskinder Debebe

2005 WORLD SUMMIT OUTCOME DOCUMENT INCLUDES HISTORIC ENDORSEMENT OF RtoP

In September 2005, heads of state and governments **unanimously endorsed** the Responsibility to Protect, and agreed to the following text in **Paragraphs 138-140** of the Outcome Document of the High-level Plenary Meeting of the General Assembly known as the “World Summit”. This was historic as the idea of committing to an international responsibility to protect gained support from governments and civil society from all regions, in part as a result of leadership from states in the Global South, including Argentina, Chile, Guatemala, Mexico, Rwanda and South Africa, all of whom were staunch advocates for the inclusion of the norm.

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 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 manifestly fail 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**.

COMPARE AND CONTRAST: ICISS Report in 2001 and World Summit Outcome Document in 2005

Though the ICISS Report first articulated the Responsibility to Protect, not all the elements presented in the Report were endorsed by Member States in the World Summit Outcome Document (WSOD). When we talk about the Responsibility to Protect today, we refer specifically to what was included in Paragraphs 138, 139 and 140 of the WSOD, as this is the language that all Member States agreed to.

The ICISS Report's and WSOD's respective articulations of the norm differed in the following ways:

- Though the ICISS Report proposed “precautionary principles” to be considered before authorizing the use of force (see page 11), these were not endorsed in 2005.
- Member States in the WSOD agreed that the scope of the Responsibility to Protect was narrow and extended only to four crimes and violations: genocide, crimes against humanity, war crimes and ethnic cleansing. In contrast, the ICISS Report had articulated a broader scope, and included “overwhelming natural or environmental catastrophes, where the state concerned is either unwilling or unable to cope, or call for assistance” and “situations of state collapse and the resultant exposure of the population to mass starvation and/or civil war”.
- The “Responsibility to Rebuild” was articulated in the ICISS Report as part of the continuum of the Responsibility to Protect, but was not included in the WSOD paragraphs. This was partially because rebuilding measures, though an important part of preventing the recurrence of violence and protecting populations, were to be addressed through the creation of the Peacebuilding Commission.



2005 World Summit Opens 14 September 2005. Credit: UN Photo by Mark Garten

WHAT ARE THE NORMATIVE AND LEGAL FOUNDATIONS OF RtoP?

An emerging understanding that **sovereignty includes responsibilities as well as rights** is a guiding principle for RtoP. 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.

The concept of **human security**, originally articulated by the United Nations Development Programme in its 1994 Human Development Report, is also related to RtoP as it plays a large part in shifting the focal point of security from territory to people.

RtoP is also **founded upon international legal obligations** under human rights and human protection declarations, covenants and treaties, international humanitarian and refugee 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.

WHAT ARE THE **FOUR CRIMES AND VIOLATIONS** INCLUDED IN RtoP?

RtoP has a very narrow scope, and applies to only four specific crimes and violations: genocide, crimes against humanity, war crimes and ethnic cleansing. As such, the norm does not apply to other threats to human security including health crises, natural disasters, poverty or corruption. We often use the term “mass atrocities” to encompass all four crimes and violations.

GENOCIDE

After the horrors of the Holocaust, Member States in the UN General Assembly adopted the **Convention on the Prevention and Punishment of the Crime of Genocide** on 9 December 1948. Article II defines the term “genocide” as:

Acts committed with **intent** to destroy, **in whole or in part**, a national, ethnical, racial or religious group, including :

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

**** Note:** Genocide can happen in or outside of armed conflict.

CRIMES AGAINST HUMANITY

The **Rome Statute of the International Criminal Court** was adopted on 1 July 2002 to establish the International Criminal Court, a permanent, international judicial body that can investigate and prosecute cases of genocide, crimes against humanity and war crimes. Not all governments are signatories to the Rome Statute, but Article VII of the Statute defines crimes against humanity (which unlike genocide, requires no specific intent) as:

Acts committed as part of a **widespread or systematic attack** directed against any **civilian population, with knowledge of the attack**.

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

WAR CRIMES

On 12 August 1949, the international community adopted four **Geneva Conventions**. These and the two **Additional Protocols**, adopted in 1977, protect individuals who are not involved in hostilities during times of armed conflict. The Conventions and Additional Protocols articulate the standard of treatment for these individuals under international humanitarian law, and define a **war crime as an act committed during an armed conflict that violates international humanitarian or human rights law**. The range of violations that constitute war crimes is broad and, among others, includes murder or ill-treatment of anyone who is not or no longer taking part in hostilities, including civilians, prisoners of war, wounded or sick, medical and religious personnel and staff of relief operations.

****Note:** War crimes under the Responsibility to Protect should be limited to crimes directed against civilian populations, committed in a widespread and systematic manner.

ETHNIC CLEANSING

Ethnic cleansing is not officially recognized as a distinct crime under international law, but entails a purposeful **policy designed by one ethnic or religious group to remove**, by violent and terror-inspiring means, the **civilian population of another ethnic or religious group from certain geographic areas**. Thus, ethnic cleansing is encompassed in crimes against humanity, which includes the forcible transfer or deportation of populations.

DEVELOPMENTS AT THE UNITED NATIONS SINCE 2005



Secretary-General Introduces 2009 RtoP Report to General Assembly. Credit: UN Photo by Jenny Rockett

Secretariat


In 2004, the **Secretary-General** (UNSG) created the **Office of the Special Adviser on the Prevention of Genocide** (now the Office on Genocide Prevention and the Responsibility to Protect), which has been headed by three Special Advisers on the Prevention of Genocide: Mr. Juan Méndez (2004-2007), Dr. Francis Deng (2007-2012) and Mr. Adama Dieng (2012-present). The UNSG also appointed a **Special Adviser on the Responsibility to Protect**: Dr. Edward Luck (2008-2012).

General Assembly

Since 2009, the UNSG has published annual reports on RtoP, which have been considered by the **General Assembly** (UNGA) in interactive dialogues between Member States, UN officials and civil society organizations. The first Report, published in 2009 and entitled, *Implementing the Responsibility to Protect*, led the UNGA to adopt Resolution A/RES/63/308 supporting the continued consideration of the norm. In the years following, the reports and subsequent dialogues have focused on the following themes:

- *Early Warning, Assessment and the Responsibility to Protect* (2010)
- *The Role of Regional and Sub-Regional Arrangements in Implementing the Responsibility to Protect* (2011)
- *The Responsibility to Protect: Timely and Decisive Response* (2012)

Office on Genocide Prevention and the Responsibility to Protect

The Office acts as a “watchdog”, alerting UN actors, civil society and the general public to situations where populations are at risk of mass atrocities through public statements and private briefings, and enhances the capacity of the UN to prevent RtoP crimes and violations. The Office also conducts missions and trainings around the world 

DEVELOPMENTS AT THE UNITED NATIONS SINCE 2005

to enhance the capacity of local, national and regional actors to protect populations. In this context, the Office has worked with the International Conference on the Great Lakes Region, government and regional organization officials in South East Asia, state-level genocide prevention experts in Latin America and many others.

Security Council

The **Security Council** has referenced RtoP in several resolutions:

- Resolutions 1674 (2006) & 1894 (2009) on the *Protection of Civilians in Armed Conflict*
- Resolution 1706 on the situation in *Darfur* (2007)
- Resolutions 1970 & 1973 on the situation in *Libya* (2011)
- Resolution 1975 on the situation in *Côte d'Ivoire* (2011)
- Resolution 1996 on the situation in *South Sudan* (2011)
- Resolution 2014 on the situation in *Yemen* (2011)
- Resolution 2085 on the situation in *Mali* (2012)

Human Rights Council and Office of the High Commissioner for Human Rights

The **Human Rights Council** considered RtoP during an event co-organized by the Permanent Missions to the UN in Geneva of Australia, Hungary, Nigeria, Thailand and Uruguay in June 2012. This event was preceded by two statements delivered in the Human Rights Council; one was given on behalf of 55 Member States in March 2011 and the second on behalf of the same five governments that organized the event in March 2012. The event itself was the first occasion during which members of the Human Rights Council were invited to discuss the Responsibility to Protect in Geneva, and represented an important step in promoting RtoP acceptance and strengthening implementation in the Council.

The **UN High Commissioner for Human Rights Navi Pillay** has also expressed her continuous support for RtoP, and since 2009, recalled Member States' commitment to RtoP in the context of country cases, including the crises in Libya and Syria.

KEY ELEMENTS OF RtoP: THE **THREE PILLARS**

In his 2009 Report entitled, *Implementing the Responsibility to Protect*, Secretary-General Ban Ki-moon articulated a three pillar approach:

Pillar One: The Protection Responsibilities of the State

The first pillar says that states bear the primary responsibility for the protection of populations from genocide, war crimes, crimes against humanity and ethnic cleansing.

Pillar Two: International Assistance and Capacity-Building

The second pillar says that the international community has a responsibility to assist and encourage states in fulfilling their protection obligations.

Pillar Three: Timely and Decisive Response

The third pillar says that if a state fails to protect its population from these crimes or in fact perpetrates them, the international community must respond in a timely and decisively manner, using appropriate diplomatic, economic, humanitarian and other peaceful means to protect populations. If peaceful means are inadequate, the international community must be prepared to take stronger action, including collective enforcement measures under Chapter VII of the UN Charter.

WHAT MEASURES CAN BE TAKEN TO PREVENT AND HALT MASS ATROCITIES?

The primary goal of RtoP is the **prevention** of genocide, war crimes, ethnic cleansing and crimes against humanity. These atrocities can occur in both peace time and external or internal conflict, regardless of the type of government or level of development of a state. As such, local, national, regional and international actors must be able to recognize factors that can indicate the risk of RtoP crimes. Significant study has been devoted to identifying such factors, with one important example being the **Analysis Framework**, developed by the UN Office on Genocide Prevention and the Responsibility to Protect (then the Office of the Special Adviser on the Prevention of Genocide), which articulates eight factors - including discrimination or incitement against minority communities and the presence of illegal arms, among others - that can determine whether there may be a risk of genocide in a country situation.

The responsibility of all actors extends beyond when the threat to populations is no longer imminent, and includes holding perpetrators accountable, establishing mechanisms for rebuilding and reconciliation and preventing the recurrence of violence. Protecting populations from RtoP crimes and violations requires strengthening the prevention capacities and mobilizing the political will of states, regional organizations, and the UN to respond early when threats of RtoP crimes and violations arise.

Upstream prevention involves measures that governments can employ in their countries, such as developing institutions and policies and strengthening sectors, that reduce the risk that mass atrocities will occur.

Downstream prevention involves responses to imminent threats of mass atrocities. These measures may be economic, political, humanitarian or military, and can be undertaken by actors in the international community, including civil society, individual governments, regional and sub-regional arrangements, and UN bodies.

WHAT PREVENTIVE MEASURES ARE AVAILABLE UNDER RtoP?

Upstream Prevention Measures

ECONOMIC Reducing deprivation and poverty Reducing inequalities, especially horizontal Promoting economic growth Supporting structural reform Providing technical assistance Improving the terms of trade and trade openness Supporting community development and local ownership	GOVERNANCE Building institutional capacity and ensuring delivery of social services Strengthening and supporting democracy Supporting the diffusion or sharing of power Strengthening the independence of judiciaries Eradicating corruption Strengthening local conflict resolution capacity
HUMAN RIGHTS Protecting fundamental human rights and building national capacity, with specific protection of minority, women and children's rights Supporting the work of the International Criminal Court	SECURITY Strengthening the Rule of Law Ending/preventing impunity Reforming the security sector Encouraging disarmament and effective arms control/management with particular reference to small arms
SOCIAL Intergroup confidence building, including interfaith dialogue Strengthening and supporting civil society Establishing freedom of the press Preventing and punishing incitement and hate speech Educating on diversity and tolerance	

Downstream Prevention Measures

DIPLOMATIC Fact-finding Forming “groups of friends” among regional/UN membership Deploying eminent persons/envoys for mediation Exercising the good offices of the Secretary General or head of a regional organization Pursuing arbitration Supporting indigenous conflict resolution processes	LEGAL Referring matters to the International Criminal Court Pursuing justice through International Court of Justice or other legal mechanisms
EARLY WARNING Establishing a regional and UN early warning and assessment capacity	MILITARY Mobilizing preventive deployments Developing and/or threatening rapid deployment capability Jamming and other means of preventing incitement
INDUCEMENTS Promoting economic or trade incentives Offering political inducements	SANCTIONS Banning travel Embargoing trade and arms Freezing assets Imposing diplomatic sanctions

**These charts were drawn from Alex Bellamy, “Mass Atrocities and Armed Conflict: Distinctions, and Implications for the Responsibility to Protect”, The Stanley Foundation, February 2011.

WHAT DOES RtoP SAY ABOUT THE **USE OF FORCE**?

In the event that a state fails to prevent mass atrocities within its borders, and if diplomatic, humanitarian and other peaceful means are inadequate, the Security Council may authorize the collective use of force to protect civilians from mass atrocities.

RtoP seeks to emphasize the existing limits, in accordance with the UN Charter, on when and how an intervention may be conducted in order to prevent unauthorized, unilateral or multilateral military intervention, often characterized as “humanitarian intervention”.

However, consensus has not been reached on the value added of additional criteria to guide the use of force in responding to RtoP crimes and violations, and concern has been expressed that such guidelines would lead to or even legitimize inaction.

The 2001 ICISS report proposed criteria, including four “precautionary principles”, to be considered before authorizing the use of force; however, these criteria have been neither adopted nor seriously considered by the UN Security Council or by Member States in the UN.

The “precautionary principles” proposed by the ICISS Report:

- **Right intention:** “The primary purpose of the intervention must be to halt or avert human suffering.”
- **Last resort:** “Every non-military option for the prevention or peaceful resolution of the crisis [must be] explored, with reasonable grounds for believing lesser measures would not have succeeded.”
- **Proportional means:** “The scale, duration and intensity of the planned military intervention should be the minimum necessary to secure the humanitarian objective in question.”
- **Reasonable prospects:** “There must be a reasonable chance of success in halting or averting the suffering which has justified the intervention, with the consequences of action not likely to be worse than the consequences of inaction.”

The ICISS Report also discussed additional criteria, including **right authority**, that the UN Security Council must be the authorizing body for military force, and **just cause**, that force may only be considered in the event or imminent threat of “large scale loss of life or ethnic cleansing”.

RtoP IN CRISIS SITUATIONS

The following are examples of how RtoP has **applied or not applied** to recent country situations when a population faced the threat of mass atrocities. These cases present a range of measures available to the state and to the international community when responding to threats, but the list is not exhaustive.

DEMOCRATIC REPUBLIC OF THE CONGO (DRC) Although the civil war in the DRC ended in 2003 with the formation of a transitional government, crimes against humanity and war crimes against civilian populations – including murder, rape and sexual slavery, recruitment of child soldiers, and forced displacement – continue unabated. The international community has taken steps to fulfill its **responsibility to respond to ongoing atrocities and rebuild**; however, attempts at alleviating the humanitarian crisis and to implement a peace process in the DRC have progressed slowly.

SUDAN: DARFUR In 2003, the Sudanese government responded to a rebellion in the Darfur region of Sudan and began a horrific campaign against civilians, killing over 300,000 and displacing over three million Darfuris. As the crisis continues into its tenth year, attacks by the Sudanese government and its proxy militias are ongoing and civilians remain at risk of aerial bombardments and ground attacks. As joint African Union and UN personnel in the area **lack the resources to secure the population**, civilians are under additional and increasing threat of looting and gender-based violence from rebel movements.

GAZA (2008-2009) A breakdown of the cease-fire and a military offensive in December 2008 between Israel and Hamas sparked a crisis in which both sides were accused of violating human rights law and international humanitarian law. Civilians were the vast majority of casualties as the crisis claimed over 1,300 lives and wounded more than 5,400 people. Though stability was restored in early 2013, Israel imposed a blockade on the Gaza Strip, allowing access only to basic needs such as food and medicine and hindering long-term recovery and development efforts. **Questions remain** as to the extent to which the crimes committed were widespread and systematic, and as to whether invoking RtoP would have brought the desired changes to protect civilians in this deeply politicized situation. **High tensions continue to lead to violent clashes** between the Israeli army and Hamas forces in Gaza, most recently in late 2012, during which both sides have been accused of human rights violations.

RtoP IN CRISIS SITUATIONS

KENYA (2007-2008) Following the wave of violence in Kenya triggered by a disputed presidential election in December 2007, the **rapid and coordinated reaction by the international community** to reach a political solution entailed an African Union-mandated mediation team commissioned to reach a power-sharing agreement. This was praised as ‘a model of diplomatic action under RtoP’ by several civil society organizations. Nonetheless, in the lead-up to the 2013 presidential elections, given Kenya’s history of election-related violence and the fact that two of the candidates faced charges at the International Criminal Court for their roles in the 2007 violence, the African Union and civil society around the world took steps to **monitor and ensure the safety of the population during the election**.

SRI LANKA (2008-2009) During the final stages of the Sri Lankan civil war, violence escalated dramatically, with clashes trapping hundreds of thousands of civilians without access to basic necessities or humanitarian aid. Though the Sri Lankan government claimed its actions were aimed at stopping acts of terrorism, it was ultimately **responsible for a large number of civilian deaths**, and **failed to uphold its obligations under RtoP**. At the time, several civil society organizations criticized the UN for its limited efforts to hold the government accountable for likely war crimes and crimes against humanity. A UN report later concluded that the case marked a “**grave failure of the UN** to adequately respond to early warnings and to the evolving situation”.

GUINEA (2009) On 28 September 2009, government forces in Guinea interrupted a peaceful political protest in a stadium in Conakry and opened fire on civilians, resulting in over 150 civilian deaths, at least 1400 wounded, and reports of widespread sexual violence and rape. The violence that day **allegedly amounted to crimes against humanity**, and concerns that independent members of the ruling military government had assembled private militias around ethnic lines prior to the attacks emerged. The Economic Community of West African States and the African Union rapidly initiated a mediation effort and imposed economic sanctions; measures which quickly led to the formation of a unity government. The regional community has since been praised for facilitating a **rapid political solution to what could have escalated** into a deadly, long-standing conflict.

RtoP IN CRISIS SITUATIONS

CÔTE D'IVOIRE (2010-2011) Violence broke out following presidential elections in 2010, resulting in high civilian death tolls and massive displacement. The international community **responded rapidly with economic sanctions and calls for political reform**. As the conflict escalated with widespread mass atrocities, the UN Security Council unanimously voted to fortify the UN mission on the ground to enhance its capacity to protect the civilian population. Though the **initial threat of violence to the population was halted, a culture of impunity persists** as accounts of mass crimes remain uninvestigated by the national government.

SOUTH SUDAN Inter-communal violence in Jonglei State between the Lou Nuer and Murle ethnic groups started a few months after South Sudan became independent in July 2011. A series of cattle raiding and revenge attacks between the two communities resulted in over one thousand deaths and many more displaced. Though the South Sudanese government launched a disarmament campaign, deployed troops and facilitated negotiations between the two groups, the **risk of violence against populations from inter-communal tensions remains**. In becoming an independent, sovereign state, the government of South Sudan has shouldered the responsibility to protect its population from RtoP crimes and violations. Nonetheless, personnel from the UN peacekeeping operation established by the Security Council to “advise and assist” the government in fulfilling its responsibility to protect reported that South Sudanese troops committed extra-judicial killings, torture and rape during the disarmament campaign.

SUDAN: SOUTH KORDOFAN AND BLUE NILE Since mid-2011, the Sudan Armed Forces (SAF) have fought against the Sudan People’s Liberation Movement-North (SPLM-N), carrying out indiscriminate aerial bombardments and ground attacks, likely amounting to crimes against humanity, against civilians in the states of South Kordofan and Blue Nile. The SPLM-N has also allegedly committed mass atrocity crimes, though on a smaller scale than the SAF. Though the League of Arab States, the African Union and the United Nations brokered an agreement in 2012 to help the Sudanese population access humanitarian aid, practical steps towards the implementation of the agreement were not taken. The SAF and the SPLM-N **must halt ongoing mass atrocity crimes and be held accountable by the international community for their failure to allow humanitarian access**.

RtoP IN CRISIS SITUATIONS

YEMEN (2011) Pro-government security forces in Yemen killed and wounded hundreds of civilians while cracking down on anti-government protests beginning in January 2011. Protestors were repeatedly subjected to attacks as the conflict between pro- and anti- regime forces escalated to the brink of civil war. To stop ongoing atrocities, the Gulf Cooperation Council **negotiated a peace deal allowing the president immunity** from prosecution in exchange for his transition from power. The agreement received criticism for undermining accountability and allowing impunity for mass violence, but was endorsed by the UN Security Council, as well as much of the international community, in October 2011.

LIBYA (2011-2012) In response to former Libyan leader Muammar Gaddafi's threats against Libyan civilians (reminiscent of the language used by those who incited violence during the Rwandan genocide in 1994), the international and regional communities took economic, political, legal, and later military measures, which were authorized by the UN Security Council, to prevent Gaddafi from committing further crimes against the population. Both controversy over the tactics employed during the military operation, and questions over whether the intervening states acted to protect populations or effect regime change arose. Nonetheless, the international community was largely lauded for its efforts to uphold its responsibility to protect by **rapidly taking action, using a broad range of measures, to protect civilians**. The conflict showed the importance of addressing concerns with implementation without arresting the commitment to protect populations from RtoP crimes. Post-armed conflict, as Libya works to rebuild, promote accountability, and create institutions to ensure civilian protection, the international and regional communities' **responsibility to assist continues**.

SYRIA Massive human rights violations began in March 2011 when Syrian security forces responded violently to civilian protesters. Evidence of systematic acts of brutality, including torture and arbitrary arrests, pointed to a clear policy by Syrian military and civilian leadership amounting to crimes against humanity, according to the UN Commission of Inquiry. The conflict worsened and **escalated into a civil war**, with both security forces and armed opposition groups allegedly committing war crimes. It has also become **increasingly sectarian in nature** as retaliatory attacks deepen divides between ethnic communities. As atrocities continue, the international community has reacted with economic, diplomatic and political measures, but the UN Security Council's failure to agree on more robust action and the repeated use of the veto by some Council Members have generated significant criticism from states, UN officials and civil society.

RtoP IN CRISIS SITUATIONS

MISAPPLICATIONS OF RtoP

GEORGIA (2008) In August 2008, Russia launched a unilateral military mission into Georgia, allegedly to protect Russian citizens from what the government called genocide in the South Ossetia area of the country. At the time, Russia justified its actions by saying it was upholding its responsibility to protect its citizens. This justification is disputed as it is **unclear whether the degree of threat was of the scale of mass atrocities** or whether military force was the appropriate response. Furthermore, under RtoP as it was endorsed in the Outcome Document of the 2005 World Summit, military action to protect civilians from RtoP crimes outside a country's borders must be taken collectively and in accordance with the UN Charter.

BURMA/MYANMAR (2008) Natural disasters do not fall within the scope of RtoP; thus, the devastation following Cyclone Nargis in 2008, which hit Myanmar and left 1.5 million “severely affected” (as estimated by UN agencies), was not considered a “RtoP situation”. At the time, some questioned whether continuous obstruction of humanitarian access by Burmese authorities to assist recovery efforts constituted crimes against humanity. However, widespread doubt that these actions were systematic and part of a broader plan of abuses led to the consensus that the crisis would have been a **misapplication of the RtoP norm**.

DISCUSSION QUESTIONS

In your discussion of country situations, reflect on the following questions to further your understanding in applying the norm:

1. In this country case, how did actors at the national, regional and international levels uphold their protection obligations articulated in the RtoP framework?
2. What challenges to the implementation of the norm are apparent from this situation?
3. How can the international community's reaction to this crisis inform future cases when populations are threatened with mass atrocities?

CHALLENGES IN IMPLEMENTING RtoP

Since its initial articulation, RtoP has generated great attention and hope as a potentially powerful tool to promote global peace, and has played a key role in influencing the international community's response to the protection of civilians in several country cases. However, ensuring adequate and timely implementation of RtoP remains a serious challenge. One opportunity to discuss the operationalization of the norm came from a concept note, *Responsibility while protecting: elements for the development and promotion of a concept*, presented by the Permanent Mission of Brazil to the UN Security Council in November 2011, which sought to address concerns regarding the implementation of military measures to protect populations from RtoP crimes. Generally, concerns regarding the consistent and non-selective operationalization of the norm have included:

- **Difficulty in mobilizing political will** to prevent and respond to threats of RtoP crimes and violations, both within the United Nations system and among regional and sub-regional arrangements;
- **Insufficient international, regional and local capacities to prevent** the four RtoP crimes and violations;
- **Need to mainstream mass atrocity prevention goals** in the work of international and regional organizations, individual states and civil society groups;
- **Systematic gaps in communication and cooperation** among relevant actors including in early warning systems, consistent information sharing and cooperating with international response efforts such as fact-finding missions, issued arrest warrants, or authorized sanctions;
- **Security Council Member selectivity** and **use of veto** in crises involving mass atrocities, in spite of a growing number of Member States that have called on the Council's Permanent Members to refrain from using their veto power when considering cases of genocide, war crimes and crimes against humanity; and
- **Lack of guidelines** for implementing the use of force to protect populations, which have been advocated for by several governments, but cautioned against by others who fear that such criteria could hinder rapid responses to help populations at risk.

COMMON MISCONCEPTIONS OF RtoP

IS RtoP THE SAME AS HUMANITARIAN INTERVENTION?

No; RtoP does not articulate a state's right to intervene, but rather the responsibility of a state to ensure that populations are protected from crimes and violations under the norm's framework. The international community is tasked with assisting states in protecting populations or taking rapid action if a state cannot or will not respond to threats or occurrences of RtoP crimes or violations. Humanitarian intervention - characterized as military action employed without the consent of the host state and unauthorized by the UN Security Council - has not been endorsed by states, and is not permitted under the third pillar of RtoP. The norm supports responsible sovereignty, and affirms the existing limits within the UN Charter on when and how outside states may respond to protect populations. Military measures are authorized solely by the UN Security Council and are to be employed only when peaceful means have proved inadequate.

IS THE USE OF FORCE THE ONLY MEASURE WITHIN THE THIRD PILLAR OF RtoP?

No; the third pillar of RtoP defines the responsibility of the international community to take collective action in response to threats of mass atrocities in a timely and decisive manner, on a case-by-case basis, and in accordance with the UN Charter. Under the third pillar, the international community can respond with a wide range of peaceful and coercive tools, including preventive diplomacy, fact-finding missions, economic sanctions and embargoes, and military operations, such as no-fly zones, monitoring and civilian defense missions.

CAN RtoP BE USED AS A VEHICLE FOR REGIME CHANGE?

No; regime change is not a measure included in RtoP. The norm focuses narrowly on preventing and halting the four crimes, and does not call for specific forms of government. Response strategies in RtoP cases always aim for governments to change the way they respond to a crisis situation, which can in some cases result in transitions of power. However, such transitions are not implicit, especially when a regime adjusts its policies to protect populations.

RtoP AND ITS RELATIONSHIP WITH OTHER INTERNATIONAL AGENDAS

PROTECTION OF CIVILIANS IN ARMED CONFLICT

RtoP is closely related to the broader agenda of the **prevention of armed conflict**, even though crimes and violations that fall under RtoP may or may not occur during armed conflict. In particular, RtoP is linked to, though distinct from, the **protection of civilians in armed conflict** (POC) agenda, a framework for UN diplomatic, legal, humanitarian, and human rights activities directed at the protection of populations during armed conflict. However, where POC addresses protection issues more broadly in specific cases of armed conflict, RtoP applies only to cases where populations are threatened by genocide, crimes against humanity, war crimes and ethnic cleansing regardless of whether or not the situation can be characterized as an armed conflict.

WOMEN, PEACE AND SECURITY

RtoP 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 Resolutions 1325, 1888, 1889 and 1960** on women, peace and security. Operational measures to “engender the Responsibility to Protect” can contribute to incorporating women’s leadership in preventing and stopping mass atrocities and ensuring that women and men are equally represented in conflict prevention and resolution as well as rebuilding efforts.

Alongside recognition of women’s roles in prevention and protection, has been the increased awareness that contemporary conflict and post-conflict situations affect women and men differently. UN Secretary-General Ban Ki-moon has reiterated that rape and other forms of sexual violence could amount to mass atrocities, and that gender-based violence is an early warning indicator of these crimes. Nonetheless, sexual and gender-based violence continues largely unabated, with information and resources necessary to understand why being limited or unavailable. This pattern must be reversed to ensure more effective prevention when RtoP crimes and violations are threatened.

RtoP AND ITS RELATIONSHIP WITH OTHER INTERNATIONAL AGENDAS

INTERNATIONAL JUSTICE AND THE INTERNATIONAL CRIMINAL COURT

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. The **International Criminal Court** (ICC), which came into force in 2002, is the first permanent international judicial body mandated to investigate the commission of and try alleged perpetrators for these most serious crimes. The ICC holds individual perpetrators accountable without immunity for heads of state and, under the principle of **complementarity**, investigates possible mass atrocities when national and regional judicial capacities fall short. Under RtoP, referral to the ICC is considered both a preventive measure, insofar as it can deter threats of mass atrocities, and a reactive measure, contributing to accountability and the prevention of impunity.

PROLIFERATION AND TRADE OF SMALL ARMS AND OTHER WEAPONS

The **irresponsible transfer of weapons and ammunition** and the **proliferation of illicit small arms** have a direct impact on the prevention of mass atrocities, and can hinder a government's ability to protect its population. In part because small arms and ammunition can be easily transferred, stolen or diverted, they are frequently the weapons of choice in armed conflicts. Illicit arms can also fuel disputes that might otherwise be solved through diplomatic efforts, risking the escalation of conflict to the level of mass atrocities, and may be used to undermine the security sectors of states as well as regional or international capacity-building mechanisms seeking to stabilize potential crisis situations. In 2001, Member States committed to stop the illicit and irresponsible trade of small arms through the **UN Programme of Action on Small Arms and Light Weapons**. States are also in the process of finalizing negotiations on an **Arms Trade Treaty**, which seeks to regulate transfers of conventional weapons, with provisions that prevent the transfer of arms with substantial risk of being used to commit mass atrocity crimes.

PART II:

**ADVANCING RtoP: THE ROLE OF NATIONAL
AND REGIONAL ACTORS**

THE ROLE OF CIVIL SOCIETY ORGANIZATIONS: WHAT ARE CSOs ALREADY DOING TO PREVENT AND HALT MASS ATROCITIES?

Promoting the Responsibility to Protect overlaps with many sectors, including: human rights; conflict prevention; governance and rule of law; peace and security; international justice; peacebuilding; humanitarian assistance; women's rights; and faith perspectives. Civil society organizations (CSOs) already contribute to the protection of populations through a wide range of measures and initiatives:

1. MONITORING AND DOCUMENTING ATROCITIES

- Monitoring potential crises on the ground or remotely through fact-finding initiatives and social and traditional media monitoring, looking in particular for indicators of mass atrocities, including incitement, attacks on minority communities, and sexual and gender-based violence.

2. SHARING EARLY WARNING AND ASSESSMENT

- Alerting other actors to potential and nascent conflicts by sharing early warning information and assessments with national, regional and international early warning mechanisms, including during vulnerable periods such as political transitions and elections.

3. MEDIATION, NEGOTIATION AND DISPUTE RESOLUTION

- Encouraging disputing parties to negotiate and resolve crises nonviolently.
- Supporting, participating in, or leading efforts to mediate or resolve conflicts.

4. TRAINING CIVILIAN PROTECTION PERSONNEL

- Facilitating training of civilian and military personnel for protection operations, including providing guidance on recognizing indicators of mass atrocities, minimizing civilian casualties and preventing sexual and gender-based violence and threats to children in armed conflict.
- Assessing RtoP indicators and analyzing past crises to report on lessons learned and best practices to enhance preventive strategies.

WHAT ARE CIVIL SOCIETY ORGANIZATIONS ALREADY DOING TO PREVENT AND HALT MASS ATROCITIES?

5. RECOVERY POST-TRAUMA

- Conducting an assessment of the needs of communities so as to develop reconstruction and reconciliation strategies, independently or in coordination with other civil society, government, and intergovernmental actors.
- Facilitating and assisting with post-crisis peace and development processes, placing emphasis on the importance of ensuring equal representation of minority populations, women, and other vulnerable groups in reconciliation efforts.

6. SUPPORTING AND ENHANCING DOMESTIC AND REGIONAL JUSTICE SYSTEMS

- Monitoring the work of and providing legal support to judicial institutions.



International Women's Day Observed in Liberia.
Credit: UN Photo by Eric Kanalstein

7. ADVOCATING FOR STRONGER INSTITUTIONS TO PREVENT AND RESPOND TO RtoP CRIMES AND VIOLATIONS, CALLING FOR:

- Politicians to make references to preventing and protecting populations from mass atrocities in statements;
- The adoption of legislation to ensure equal rights for minorities, women and vulnerable populations;
- States and regional organizations to strengthen or, if not in place, develop domestic and regional policies and structures to prevent mass atrocities;
- Governments to sign on to international human rights treaties and protocols or establish a national focal point on RtoP.

8. SUPPORTING LOCAL COMMUNITIES IN PREVENTION AND PROTECTION EFFORTS

- Assisting local actors in building their capacities to identify and prevent threats of RtoP crimes and violations, and publicizing and/or replicating these efforts where possible.

THE ROLE OF CIVIL SOCIETY ORGANIZATIONS: HOW DO OR CAN CSOs ADVANCE RtoP?

Civil society organizations can use the Responsibility to Protect to strengthen their ongoing work to prevent mass atrocity crimes. At that pivotal moment in history when governments endorsed RtoP in the World Summit Outcome Document, acknowledging their active role in protecting populations around the world from the worst crimes known to humankind, civil society gained an irrefutable basis upon which to hold states accountable to their promises. Alongside incorporating the norm into their respective mandates and using it to advocate for effective prevention and protection, civil society can conduct many different types of activities to raise awareness of and build support for the norm.

1. BUILD UNDERSTANDING OF THE RESPONSIBILITY TO PROTECT AMONG THE PUBLIC, GOVERNMENTS, PARLIAMENTARIANS, MEDIA, PRIVATE SECTOR AND ACADEMIA

- Hold a public event or closed-door workshop on RtoP, country cases and related themes.
- Develop, translate and disseminate educational materials in local languages.
- Reference RtoP when publishing articles, op-eds, and policy reports on country cases or related themes.
- Call for actors at all levels to take action when there is imminent risk of RtoP crimes and violations and hold governments accountable in situations where populations are threatened or crimes are ongoing. This includes speaking out in situations when RtoP is being misused or abused and clarifying when it should be applied.
- Include RtoP and a mass atrocities prevention lens in discussions on related agendas, including international and regional justice; women, peace and security; arms control; and the protection of civilians in armed conflict.

2. BUILD A CONSTITUENCY OF SUPPORT FOR RtoP AND INCREASE CSO WORK ON THE NORM

- Convene or support regular dialogues with a small group of CSOs where they can debate and discuss the latest updates on RtoP, its application to crisis situations, the response of governments and regional organizations to normative developments, and strategize on advocacy.
- Connect with other CSOs, academic institutions, and the general public using social media to share news and analysis, publications, and events.
- Join the International Coalition for the Responsibility to Protect.

THE ROLE OF CIVIL SOCIETY ORGANIZATIONS: HOW DO OR CAN CSOs ADVANCE RtoP?

3. ADVOCATE FOR INCREASED NORMATIVE SUPPORT FOR RtoP

- Call for politicians to make references to RtoP in statements and for states and regional organizations to incorporate RtoP into national and regional security strategies, white papers, etc.

4. RESEARCH AND POLICY DEVELOPMENT

- Publish research and policy briefs on various aspects of and themes related to the norm to enhance understanding of and contribute to discourse on RtoP.

DISCUSSION QUESTIONS FOR CSOs

WITHIN YOUR NETWORKS AND COMMUNITIES, CONSIDER THE FOLLOWING QUESTIONS ON HOW TO PUT RtoP INTO PRACTICE:

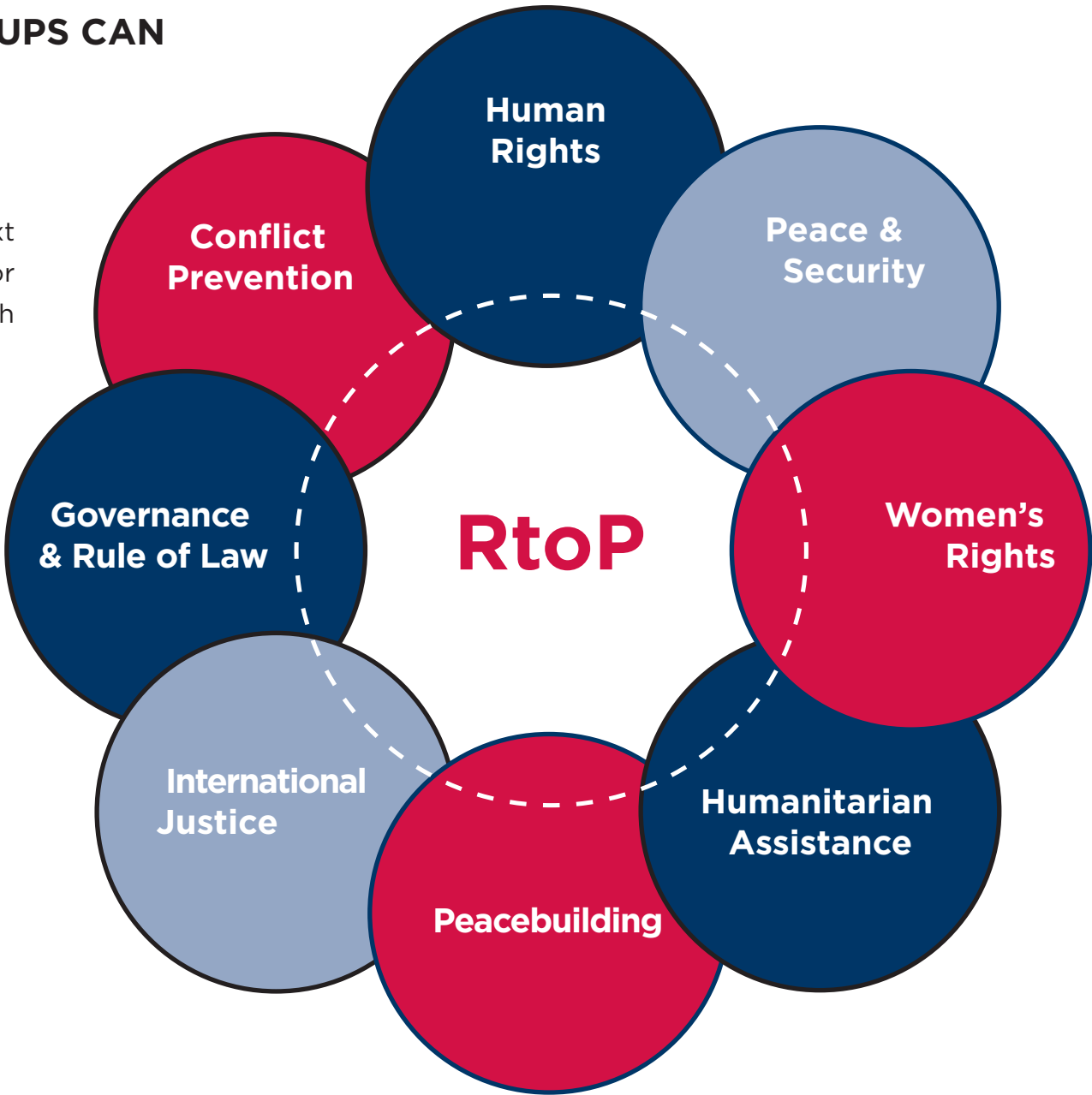
- What are the main questions or concerns for your CSO and community about RtoP?
- What non-coercive measures should CSOs ask the UN, governments and regional organizations to apply? If these measures are not sufficient to protect, would your CSO consider calling for coercive action through the UN or regional organizations? If non-coercive or coercive measures are unavailable, how should these bodies develop their capacities to protect populations from RtoP crimes and violations?

CONSIDER RAISING THE FOLLOWING QUESTIONS WHEN ENGAGING WITH REGIONAL AND GOVERNMENT OFFICIALS:

- Are officials aware of the commitment to RtoP made at the 2005 World Summit?
- Does the official/parliamentarian hold reservations about the RtoP doctrine?
- What strategies and mechanisms are in place within your government or regional organization to prevent mass atrocities? Are these bodies working to build their prevention and protection capacities?
- Is your government taking steps to incorporate RtoP into its policies?
- Does your government or regional arrangement have a mechanism to interact with civil society on these issues?

WHICH TYPES OF GROUPS CAN YOU REACH OUT TO?

Civil society organizations' work to advance the Responsibility to Protect can be done in the context of a broad range of sectors. You or your organization can partner with policy and research institutes, service delivery organizations, faith groups, and academic institutions to promote the norm and prevent and respond to mass atrocities.



HOW CAN ACADEMIA PROMOTE RtoP?

Academics are crucial actors in advancing the RtoP norm, both as researchers and teachers. They can engage different sectors of civil society as well as national and regional diplomats in discussions on many aspects of the norm. As you saw in the earlier section, there are important questions about how to effectively predict, prevent and respond to RtoP crimes and violations. In addition to conducting research on these issues, academics can develop curricula and educational materials, organize workshops and teach courses examining RtoP and how it applies to country cases and related topics. There are also common misconceptions about the norm that experts can assist in clarifying, within and outside of academic circles.

1. RESEARCH AND PUBLICATIONS MAY FOCUS ON:

- Risk assessment and early warning for mass atrocities
- Conflict analysis and research
- Causes, escalatory pathways and mitigation of conflict
- Case studies on past, imminent, and current country situations as well as the range of measures that need to be calibrated to prevent and respond specifically to RtoP crimes and violations
- Clarification of conceptual and practical challenges for RtoP

2. RtoP EDUCATION MAY BE INCORPORATED INTO THE FOLLOWING AREAS OF STUDY, AMONG OTHERS:

- Peace and Conflict
- Genocide Studies
- Prevention
- International Relations
- International Law
- Transitional Justice
- Peacekeeping and Peacebuilding

THE ROLE OF MEDIA: WHAT CAN MEDIA REPRESENTATIVES DO TO PROTECT POPULATIONS?

Journalists and other media professionals frequently bear witness to situations in which civilians are at risk of atrocity crimes or other serious human rights abuses, and therefore use media (newspapers, magazines, journals, radio, internet and television) as an outlet to the world to inform and catalyze preventive action. The rapid growth of social media, including Twitter, Facebook, and Youtube, has allowed individuals to share content that can be viewed instantly the world over. However, a dichotomy also exists concerning the role the media can play: while it serves to inform and invoke preventive action, it may be manipulated to support disputing parties or oppressive governments to incite mass atrocities.

HOW CAN THE MEDIA ENGAGE IN RESPONSIBLE REPORTING IN MASS ATROCITY SITUATIONS?

Journalists and other media professionals should:

- Ensure balanced reporting of critical events and situations;
- Use new media technologies to disseminate this reporting to larger and more diverse audiences;
- Support foreign correspondents who can cover situations over longer periods of time;
- Ensure adequate professional training and high standards of journalism practice amongst media professionals;
- Support independent and diverse media sources so that varied perspectives are available to the public;
- Bring attention to mass human rights violations and conditions that lead to mass atrocities.

THE ROLE OF MEDIA: HOW CAN YOU MAKE USE OF MEDIA TO PROTECT POPULATIONS?

HOW CAN OTHER ACTORS MONITOR AND ENGAGE WITH THE MEDIA FOR EFFECTIVE PREVENTION?

Civil society and national, regional and international diplomats should:

- Verify, analyze and disseminate the large amount of information received from eye-witnesses;
- Translate information in reports of atrocities into other languages to ensure it is well understood and accessible for all;
- Grant media outlets entry to and freedom of movement within countries where such crimes are threatened or occurring to assist in obtaining and reporting on facts;
- Ensure the safety of reporters and journalists working in a nation in conflict;
- Report and counter cases of incitement, including by spreading messages that encourage diversity and urge restraint;
- Allow or advocate for citizens in all countries to access and participate in independent, diverse and fair media.

HOW CAN YOUR GOVERNMENT - AND ALL STATES - PROMOTE AND IMPLEMENT RtoP?

The state bears the primary responsibility to protect its population from genocide, war crimes, crimes against humanity and ethnic cleansing. Governments should also bear in mind their responsibilities to assist other states in upholding their protection obligations and to contribute to a collective response if a state fails to prevent mass atrocities within its borders. Governments can take numerous actions to promote RtoP and build national capacity to prevent and respond to threats of RtoP crimes and violations:

1. NORMATIVE AND INSTITUTIONAL SUPPORT FOR RtoP

- Participate in international and regional discussions on RtoP and endorse the norm in official statements and resolutions.
- Create a joint standing committee or parliamentary group on RtoP.
- Appoint a national focal point or a group of high-level officials to advocate for the domestic implementation of RtoP.

2. REDUCE THE RISK OF THREATS OF RtoP CRIMES AND VIOLATIONS

- Reflect on existing policies to support diversity, increase economic development and maintain fair security sectors and consider how to incorporate a mass atrocities lens into these institutions.
- Prioritize the prevention of mass atrocities in national security strategies, defense white-papers, etc.
- Adopt domestic legislation against RtoP crimes and violations and on the protection of rights for minorities, women, refugees and other vulnerable populations.
- Ratify and implement obligations of relevant international instruments on human rights, international humanitarian law and refugee law, and the Rome Statute of the International Criminal Court (ICC).
- Ensure and/or facilitate the work of international and regional organizations, including by contributing to peacekeeping operations and supporting efforts to strengthen local entities, such as police, soldiers, courts, legislators and others helping to oversee the implementation of human rights and humanitarian standards.

HOW CAN YOUR GOVERNMENT - AND ALL STATES - PROMOTE AND IMPLEMENT RtoP?

3. PREVENT THE ESCALATION OF CONFLICT THROUGH EARLY RECOGNITION, DISPUTE RESOLUTION AND RECONCILIATION

- Establish independent national institutions such as human rights commissions with diverse membership, including members of ethnic and religious minorities and women, to act as “watchdogs” and protect human rights.
- Review early-warning mechanisms for the prevention of mass atrocities, improve understanding of relevant indicators, such as sexual and gender-based violence and hate speech or escalating attacks on minority communities, and ensure that early warning information from local level is collected, analyzed and shared with relevant actors.
- Improve coordination among government offices in responding to potential or ongoing RtoP situations.
- Strengthen national and local mediation, dispute resolution and fact-finding capacities.
- Train security and peacekeeping personnel to prepare protection operations and maximize civilian safety, including by providing guidance on minimizing civilian casualties, and preventing and responding to sexual and gender-based violence and threats to children in armed conflict.
- Ensure judicial institutions are in place so that the government is able to prosecute and investigate perpetrators of mass violence or otherwise support like cases within regional courts or the ICC.
- Encourage reconciliation and truth-telling through national peace and reconciliation commissions.

HOW CAN PARLIAMENTARIANS SUPPORT RtoP?

Parliamentarians can use their influence with their governments to increase a state's support for RtoP and strengthen national capacity to prevent and respond to crimes and violations under the norm's framework.

WHAT CAN PARLIAMENTARIANS DO TO PROMOTE THE NORM AND ENCOURAGE THE PREVENTION OF MASS ATROCITIES?

- Propose resolutions endorsing RtoP, which may include:
 - Recalling that the primary responsibility to protect populations from mass atrocity crimes rests with the state, and that this responsibility is shouldered by the international community if the state fails to uphold its protection obligations;
 - Affirming that there are four specific crimes that reach the threshold for a RtoP situation: genocide, war crimes, crimes against humanity and ethnic cleansing;
 - Recognizing that RtoP entails, first and foremost, the prevention of these crimes using non-military measures, and that the use of force is a last resort, which can only be authorized by the UN Security Council, to halt or avert mass atrocities if the state has been unwilling or unable to do so and if peaceful means have failed.
- Allocate funds for protection of victims.
- Create thematic parliamentary groups focused on the prevention of mass atrocities and engage with like groups of parliamentarians from other countries on mass atrocity prevention.

HOW CAN PARLIAMENTARIANS ENHANCE THEIR GOVERNMENT'S ENGAGEMENT WITH AND IMPLEMENTATION OF THE RESPONSIBILITY TO PROTECT?

- Call for national security strategies to incorporate the protection of populations from RtoP crimes and violations.
- Conduct hearings and hold debates to evaluate the government's capacity to prevent mass atrocities, including by reviewing intelligence and early warning capacity; assessing available resources for prevention, response and rebuilding; and examining a state's institutions, policies and overall ability to employ measures to prevent or halt RtoP crimes and violations and punish offenders.
- Publish reports and issue recommendations to the government based on the findings of hearings and debates on state capacity.

HOW CAN REGIONAL AND SUB-REGIONAL ARRANGEMENTS PROTECT POPULATIONS FROM RtoP CRIMES AND VIOLATIONS?

Regional and sub-regional arrangements are increasingly developing their capacity to respond timely and decisively to protect populations at risk of mass atrocities. Often the first to become aware of these situations, they may take preventive action utilizing their specific understanding of and influence within their region, respond rapidly to an imminent or ongoing crisis and alert other actors to the urgency of situations:

1. PREVENT RtoP CRIMES AND VIOLATIONS

- Establish and enforce organizational membership criteria related to human rights violations and mass atrocity crimes.
- Develop or use existing early warning mechanisms to call attention to situations in which populations are threatened.
- Share information about potential or ongoing crises with their membership and other regional and international organizations.
- Prevent incitement by monitoring inflammatory statements issued by local and regional media and government agencies.

2. RESPOND IN A TIMELY AND DECISIVE MANNER TO THREATS OR OCCURRENCES OF MASS ATROCITIES

- Exert diplomatic pressure through statements of concern and/or the recalling of envoys.
- Establish fact-finding missions and commissions of inquiry to investigate and report alleged threats to populations.
- Facilitate preventive diplomacy, which may include dispatching eminent persons and appointing envoys to initiate dialogue or mediation assistance.
- Adopt targeted diplomatic sanctions, travel bans, asset freezes, trade and arms embargoes as well as suspending aid.
- Deploy military, police and civilian personnel for peacekeeping, monitoring and civilian protection missions, in accordance with the UN Charter.
- Cooperate with regional judicial bodies or call for the referral of a case to the International Criminal Court (ICC).



League of Arab States holds conference on Libya in Cairo in April 2011. Credit: UN Photo by Paulo Filgueiras

PART III:
FOR MORE INFORMATION ABOUT THE
RESPONSIBILITY TO PROTECT

LEARN MORE ABOUT RtoP

CORE DOCUMENTS

- Constitutive Act of the African Union (2000)
- Report of the International Commission on Intervention and State Sovereignty (2001)
- Report of the Secretary General's High-Level Panel on Threats, Challenges and Change, "A More Secure World: Our Shared Responsibility" (2004)
- Report of the Secretary General, "In Larger Freedom: Towards Development, Security and Human Rights for All" (2005)
- The 2005 World Summit Outcome Document (see paragraphs 138-140)
- Secretary General Ban Ki-moon's Reports: "Implementing the Responsibility to Protect" (2009); "Early Warning, Assessment and the Responsibility to Protect" (2010); "The Role of Regional and Sub-Regional Arrangements in Implementing the Responsibility to Protect" (2011); and "The Responsibility to Protect: Timely and Decisive Response" (2012).

KEY RESOURCES

The **International Coalition for the Responsibility to Protect's** website has a complete resource center on the norm. Visit **www.responsibilitytoprotect.org** to learn more. Other important websites and portals include:

- **Asia Pacific Centre for the Responsibility to Protect**, www.r2pasiapacific.org
- **Coordinadora Regional de Investigaciones Económicas y Sociales** (Spanish language), www.cries.org
- **Genocide Alert** (German language), www.schutzverantwortung.de
- **Global Centre for the Responsibility to Protect**, www.globalr2p.org
- **The Stanley Foundation**, <http://www.stanleyfoundation.org/programs.cfm?id=27>
- **United Nations Office on Genocide Prevention and the Responsibility to Protect**, www.un.org/en/preventgenocide/adviser
- **World Federation of UN Associations**, www.wfuna.org/r2p-activities

ABOUT THE INTERNATIONAL COALITION FOR THE RESPONSIBILITY TO PROTECT

The **International Coalition for the Responsibility to Protect**, or ICRtoP, is a global network of CSOs dedicated to advancing RtoP at the international, regional, sub-regional and national levels. Formed in January 2009, ICRtoP has members representing every region, and working in a wide range of sectors including women's rights, conflict prevention, human rights, international and regional justice, and humanitarian service delivery.

ICRtoP Members seek to:

1. **Increase awareness of RtoP** among governments, CSOs and the public;
2. Push for international, regional, sub-regional and national **endorsements of RtoP**;
3. Encourage governments, regional, sub-regional organizations and the UN to **build capacity to prevent and halt** genocide, war crimes, crimes against humanity and ethnic cleansing;
4. Help build and strengthen **global support for RtoP**;
5. Mobilize CSOs to **push for action to save lives** in RtoP country-specific situations.

ICRtoP Members are dedicated to promoting RtoP by improving understanding of and garnering support for the norm's principles as well as advocating for - and where possible, directly strengthening - the capacities necessary to prevent and halt genocide, war crimes, crimes against humanity and ethnic cleansing. Coalition Members publish journals, develop toolkits and educational documents and conduct workshops and conferences for diplomats, UN and regional officials, parliamentarians, academics, media groups, and other CSOs. The ICRtoP Secretariat, hosted by the World Federalist Movement-Institute for Global Policy in New York, maintains several information and social media channels, which can be used to rapidly update membership and other partners on country situations, assist in research and facilitate communication and collaboration.

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- find us on **Facebook**: www.facebook.com/icrtop
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- read our **blog**: www.icrtopblog.org
- **support our work**: www.responsibilitytoprotect.org/donate

For more information about the Coalition and RtoP, visit our Website: www.responsibilitytoprotect.org

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For more information about how you can support our work, visit our website at www.responsibilitytoprotect.org/donate or contact us at +1.646.465.8527 or development@responsibilitytoprotect.org.

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