

## SPOTLIGHT ON R2P



### Peacekeeping and Accountability for Atrocity Prevention

#### The Fourth Annual China-Australia Dialogue on the Responsibility to Protect

On 25-26 October 2017, the China Institute for International Studies (CIIS) and the Asia Pacific Centre for the Responsibility to Protect (APR2P) co-hosted the fourth annual China-Australia Dialogue on the Responsibility to Protect in Canberra, Australia. Retired Major General Michael Smith, National President of the United Nations Association of Australia, led the keynote discussion for the dialogue, which was attended by experts and diplomats from Australia and China. The theme of the 2017 dialogue focused on peacekeeping and accountability for atrocity prevention.

In his welcoming remarks, Professor Alex Bellamy, Director of the APR2P Centre, noted that while there have been some positive developments in adding discussion on R2P to the

formal agenda of the UN General Assembly, the inability to reach common ground and stem the tide of violence against civilians in recent years suggests that “progress in winding back genocide and mass atrocities is unravelling”. Highlighting that differences in approaches and perspectives make dialogue and exchange ever more important, Professor Bellamy expressed his appreciation to CIIS for their continued commitment to exploring ways in which Australian and Chinese policy communities might contribute to common goals and mutual interest in atrocity prevention. In his opening remarks Mr. Yang Yi, Secretary-General of CIIS, conveyed that the “the main purpose of the dialogue is to exchange ideas and deepen understanding of each other’s views for

peace and security in the region and the world” which may provide opportunities to “promote China-Australia understanding and cooperation” on issues related to R2P.

#### Keynote Discussion

The dialogue began with a keynote discussion led by Maj. General Michael Smith, who explored some of the challenges to implementing protection of civilians (POC) mandates in UN peacekeeping missions, particularly in situations where atrocity crimes are present. General Smith noted that China and Australia share an interest in and commitment to ensuring the success of UN peace operations. A key expectation for success centres on protecting civilians from gross attacks. General Smith noted that although there has been

a significant amount of training on International Humanitarian Law in the Asia Pacific, there needs to be better practical training on POC and how it relates to R2P. A deeper understanding of the local environment and how to liaise with civil society in the country is also needed in peace-keeping operations. General Smith stressed that “more needs to be done to strengthen civil society” because “top down is not enough, POC also relies on bottom up approaches”. General Smith also reflected on the “lack of success stories” in implementing R2P, in light of controversy over the intervention in Libya that eventuated in regime change, and the inability of R2P “to resolve situations in Syria or Yemen, or more recently Myanmar”. The challenge ahead is to demonstrate the practical contribution of R2P. In his final remarks, General Smith conveyed that the UN Association of Australia is looking to forge closer relations with other UN Associations, and welcomed opportunities for engagement with UNA China.

### Session 1: 2017 UN Secretary-General's Report

Following the keynote discussion, the dialogue turned to a session on the 2017 UN Secretary-General's R2P Report '[Implementing the Responsibility to Protect: Accountability for Prevention](#)'. The session began with a presentation by Mr. Gregory Andrews, Assistant Secretary of the International Organisations Branch of the Department of Foreign Affairs and Trade and Australia's National Focal Point on R2P. Mr. Andrews explained how Australia's support for R2P links into and aligns with Australia's support for other cross-cutting protection agendas, including: POC, human rights, the Sustainable Development Goals, Women, Peace and Security, and Children and Armed Conflict. In reflecting on the UN Secretary-General's report, Mr. Andrews highlighted three particular areas where Australia supports greater accountability for prevention:

- Placing R2P on the formal agenda of the UN General Assembly. Mr. Andrews noted that Australia



lia worked with Ghana to have R2P on the formal agenda of the General Assembly based on the belief that while Track II initiatives are important, multilateral channels offer an important forum “to discuss priorities and to air differences”.

- Upholding the responsibility of the UNSC to respond expeditiously to atrocity crimes. Australia has supported efforts led by France and Mexico on the [Accountability, Coherence, Transparency \(ACT\) Code of Conduct](#) pledging for the UNSC not to vote against credible resolutions aimed at preventing or ending atrocity crimes. Mr. Andrews expressed Australia's concern that when the UNSC is not expedient in responding to atrocities, it erodes confidence of everyday people in the UN.
- Supporting domestic mechanisms to self-assess R2P implementation. Stressing that Australia recognises that no country is immune from atrocity risks, Mr. Andrews reported that Australia has sought to ensure its own capacity to identify and respond to emerging risk situations through supporting a wide-ranging study on the domestic implementation of R2P. As a direct result of that

study, Australia has included R2P in its diplomatic training, particularly to diplomats deploying to conflict-affected countries. This institutionalised training helps to improve the ability of Australian diplomats to assess atrocity risks and to recognise early warning signs using the [UN Framework of Analysis for Atrocity Crimes](#).

Mr. Andrews highlighted these three initiatives as Australia's efforts to help move R2P from a conceptual agreement to a “practical and action-oriented stage”, in line with the SG's Report on accountability for prevention.

Following from Mr. Andrew's presentation, Mr. Yang Yi, Secretary-General of CIIS, explored how the theme of the 2017 Secretary-General's report on R2P “accountability for prevention” is understood and perceived in China. Mr. Yang flagged that the language of the report is a bit difficult to understand in Chinese, because it is hard to differentiate in Chinese translations the difference between English meanings of the terms responsibility and accountability. Mr. Yang identified two key aspects of accountability emphasised in R2P: the accountability of the state to its people, and the state to the international community. The presentation



noted that the state appeared to be the key focus in the 2017 Secretary-General's report, which reaffirmed the state at the centre of R2P implementation. Yet, in comparison to previous Secretary-General reports on R2P, there seemed to be more attention to the role of the UN and "international community", and the Secretary-General included the first mention since his 2014 report of "moral" responsibility/accountability at both the national and international level, as well as first use the idea of "national duty". Mr. Yang questioned if this represented an "upgrading" of the legal aspects of R2P in the 2017 report, and if the use of the term "accountability" was intended to place stronger emphasis on R2P in relation to international law and legal accountability. Mr. Yang indicated that the focus on legal accountability could be a potential issue for China, as China's key emphasis for prevention is on development. Mr. Yang noted, "China focuses on economic development as the 'master key' to addressing conflict...The development right of the state and society is a premise to the full implementation of R2P in the long run". For China, the focus on legal accountability should "promote rule-setting and follow the spirit of the rule of law...International norms should be based on the purposes and principles of the UN Charter. International and regional rules should be discussed, formulated and observed by all countries concerned. That's the guarantee to fully implement R2P".

As a discussant to the presentations, Professor Alex Bellamy highlighted that both Mr. Andrews' and Mr. Yang's presentations recognised the gap between the promise and practice of R2P, which unless closed would prompt people to begin to question the legitimacy of the UN and the UNSC. Professor Bellamy noted that the 2017 Secretary-General's report was not expanding or upgrading legal aspects of R2P; rather, it emphasised the primary responsibility of the state that is based in international law. Legal obligations to protect populations did not emerge with R2P, because states



already had obligations not to commit these crimes and to take positive steps to prevent or deter them, such as under the Genocide Convention. Professor Bellamy further noted that in addition to the two forms of accountability that Mr. Yang had identified (responsibility of the state to its people and of states to their peers/international community), the Secretary-General's report contained a third aspect of accountability: the accountability of the UNSC to the Charter and the UN membership. In addition to formalising R2P on the agenda of the UN General Assembly, Professor Bellamy suggested that this third aspect of accountability could be upheld through including a thematic dialogue on R2P in the UNSC, which could contribute to setting expectations and considering options for expedient responses to emerging crises.

Professor Bellamy concluded his remarks by distilling three areas of common ground in Mr. Andrews' and Mr. Yang's presentations that could be explored further:

1. Noting that both Mr. Andrews and Mr. Yang highlighted the connection between economic development and prevention, Professor Bellamy reflected that a key challenge is how to address the specific concerns of mass atrocity prevention as part

of the huge issue of development. It was suggested that an area for future dialogue or research cooperation could focus on incorporating atrocity prevention thinking in development assistance, and sharing Chinese and Australian perspectives on specific sources of risk and resilience as well as analysis on the inhibitors to upstream prevention.

2. Another common theme in the presentations was the need for early and long-term prevention. Stressing that situations where the UN and regional actors act early are the most successful at averting atrocity crimes, Professor Bellamy suggested that CIIS and APR2P might share perspectives on improving mediation and diplomacy, including through enhancing support for the UN's [Mediation Support Unit](#), which continues to have no budget line in the regular UN budget and no multiyear contract.
3. Professor Bellamy also noted that both Mr. Andrews and Mr. Yang, as well as General Smith in his keynote discussion, highlighted ongoing activities that China and Australia are already supporting to curtail atrocity crimes. Professor Bellamy stressed that it is important to

deliver on the mandates we already have and not just focus on paralysis of the UNSC. “The more we can make missions we already have successful, the easier it is to find common ground in the future.” Professor Bellamy suggested that CIIS and APR2P could conduct collaborative research or support research exchanges to review past performance, which could help learn lessons about what works and find common ground on assessing action.

Dr. Liu Feitao, Second Secretary, Political Section, Embassy of the People’s Republic of China in Australia, also offered discussant remarks on Mr. Andrews’ and Mr. Yang’s presentations. Dr. Liu noted that, in terms of accountability, the “R2P concept has great improvement and enrichment” due to Brazil’s Responsibility while Protecting principle and China’s “creative involvement” and Responsible Protection concepts. Yet, even though “R2P has been accepted as an international norm of action by more and more states”, Dr. Liu noted that there is “some way to go before it is accepted as international law or rules”. Dr. Liu conveyed that there are still “real gaps” between Western and developing countries in three areas:

1. There is not enough attention to the valid concerns of developing countries on the “boundary” between R2P and “new interventionism” or humanitarian intervention. Is there a boundary and a guarantee that R2P will not be used for a country’s self-interest?
2. There is an expectation gap between Western and developing countries, where “most Western countries want R2P to go beyond the four crimes”. Dr. Liu noted that the 2017 Secretary-General’s report “tries to extend the legal duty to address root causes of atrocity crimes, which is a domestic legal concern. Developing countries, on the other hand, want a strict focus on the four atrocity crimes”.

3. There is not enough focus on development. Even though there is talk of addressing root causes, Dr. Liu expressed concern that developed countries are trying to reduce aid budgets and adopt a very narrow reactive accountability approach to addressing refugees and civil conflicts. Dr. Liu remarked that there are different understandings of root causes and what is needed to address them.

Dr. Liu offered three recommendations that could make a constructive contribution to bridging these divides: research that draws clear lines between R2P and “new interventionism”; greater uptake of Brazil’s Responsibility While Protecting and China’s Responsible Protection proposals to review implementation of R2P; and greater research to link development and aid to atrocity prevention. It was suggested these are three areas where CIIS and APR2P could engage in further collaborative research and dialogue.

During the group discussion that ensued, Mr. Yang and Dr. Liu asked for greater elaboration on what is meant by “translating early warning into prevention”, and what sort of resources or actions are considered “early prevention”? Participants discussed different tools for identifying underlying atrocity risks, and the challenges to addressing these issues when many countries are deeply reluctant to engage in frank and open conversations about the risks they confront. Participants also asked for more information about the role of the R2P Focal Point, as well as more detail about the type of training the Australian government has institutionalised on R2P. It was suggested that more detailed information could be shared on this in future dialogues. The group also echoed Professor Bellamy’s and Dr. Liu’s recommendations for APR2P and CIIS to explore options for facilitating more in-depth discussions among Australian and Chinese experts about how development assistance can support resilience and help address (or at least not exacerbate) atrocity risks.



## SESSION II- Meeting the Challenge of POC in UN Peacekeeping: Sharing Best Practice

Carrying forward a recommendation from the 2016 China-Australia Dialogue on R2P, the second session of the 2017 dialogue focused on sharing best/good practices in POC in peacekeeping. Senior Captain Liu Lijiao, Deputy Director, Chinese People’s Liberation Army Navy Research Institute opened the session with a presentation on the Chinese Navy’s recent experience in “maritime peacekeeping operations” in the Gulf of Aden, Syria chemical weapons export, and World Food Program escort missions. Although these experiences are not directly associated with POC or R2P, Captain Liu noted that there are lessons that can be learned from the missions, in particular related to strengthening joint training, conducting threat analysis, and maritime intelligence sharing. Captain Liu discussed how drawing lessons and linkages where China is already engaging in other new areas of peacekeeping could help contribute to building trust and cooperation and provide opportunities for building operational capacity. She also noted the importance of increasing the proportion of women in peace operations, including in military, police, civil affairs and medical roles.

Following Captain Liu’s presentation, Dr. Charles Hunt, Centre for Global Research, RMIT University, presented on some of the “tried and tested” tools of POC “operational best practice”, which link early warning with early response. Examples include



Joint Protect Teams, community liaison assistance, community alert networks, and agile or flexible military units that can be forward deployed quickly. While it is important to find lessons of good practice in these initiatives, Dr. Hunt stressed that one of the most important factors is context specificity. In terms of accountability for protection, Dr. Hunt noted that in theory, peace operations are mandated to use “all necessary means”, but in practice they are often unable or unwilling to use force in the field. This gap between mandate and practice has given rise to a stronger sense that peacekeepers should be held accountable for POC, and the UN Department of Peacekeeping Operations is developing a POC accountability framework. However, Dr. Hunt noted that it is important to recognise that peace operations need to protect civilians from atrocity crimes within the legitimating frameworks for peacekeeping (host state consent, minimal use of force).

Mr. Yang Yi and Dr. Jeni Whalan, Senior Research Fellow, School of Political Science and International Studies, University of Queensland, served as discussants for the session. Mr. Yang raised concerns over the use of force and peacekeepers becoming parties to conflict and suggested that there is a need for clearer guidance on POC and the use of force, particularly if POC is linked to “operationalizing R2P”. Dr. Whalan noted a tension in the need to develop generalized POC doctrine and guidance, while at the same time stressing the importance of tailored and case specific responses: “One of political barriers that POC runs into is needing to speak only at general level, but the local context will determine what is appropriate”. Because the daily tasks of POC are going to vary in each context and over time in a single mission at different stages of the peace processes, Dr. Whalan suggested that one way forward is to not just invest in pre-deployment training, but also in mobile, in-field scenario-based training. Dr. Whalan also noted the need for “proactive not just reactive POC”, and highlighted the [2015 Kigali Principles](#)

as the “clearest articulation of best practice on protection” with a focus on training, consultations between troop contributing countries and the UNSC, early threat detection and reporting, speed of deployment, and accountability for personnel, including tackling the problem of sexual exploitation and abuse by peacekeepers. While recognising that accountability for the action of peacekeepers is a “small part of the POC agenda”, Dr. Whalan noted that it is very important and “a part that the UN can do something about”, including through adequate resourcing for human rights monitors and gender advisors. Sharing Mr. Yang’s concern over the use of force, Dr. Whalan highlighted that there has been substantial recognition over the past couple of years by the Secretary-General and in the [HIPPO report](#) that political solutions are an essential, if not most important, source of protection. “Inclusive negotiations rather than enforcement or coercion might end up with a better outcome for protection.”

### Session III – Meeting the Challenge of POC in UN Peacekeeping: Building Critical Capacities

The final session of the dialogue focused on critical capacities for civilian protection. Ms. Xing Yi, Director, Council for Security Cooperation in the Asia Pacific (CSCAP) China Secretariat, noted three critical capacities for improving POC in peacekeeping:

- Clear and feasible mandates, which include improved conflict analysis capabilities that systematically include considerations of human rights and threats to civilians;
- Enhanced rapid deployment capability; and
- Promoting gender balance and increasing women peacekeepers.

Ms. Xing highlighted China’s ongoing commitments to build the latter two capacities, including China joining the UN Peacekeeping Capability Readiness system, building an 8000-strong standby force, and es-

tablishing two permanent 160-member peacekeeping police units. Ms. Xing also reported that over 1000 Chinese women peacekeepers have participated in missions in medical, staff officer, military observer, infantry battalion and police roles. China’s commitment to increasing women’s participation in peacekeeping is evidenced in China’s hosting in 2016 an international training course for 40 women peacekeepers from 24 countries.

The second half of the session featured a presentation by Ms. Lisa Sharland, Head of the International Program, Australian Strategic Policy Institute. Ms. Sharland highlighted that it has taken some time to translate POC political commitments into substantive training and guidance for peacekeepers, but in recent years the debate has moved from “whether to how to protect civilians”. Ms. Sharland pointed to key areas where China and Australia can help build peacekeeping capacities:

- Leadership and accountability: Ms. Sharland noted that there is a lot of focus on the role of troops but not on civilian responsibility and accountability for POC failures. The lack of action by peacekeepers should be treated as seriously as the excessive use of force, and where a host government is interfering there is a need for the UNSC and troop contributing nations to be engaged.
- Rapid response: Ms. Sharland noted that limited medical evacuation capabilities heightens risk aversion of troop contributing countries, and that there is still limited information and intelligence sharing that could assist in early response. Investing in medevac capabilities, along with intelligence sharing in the C-34 (the UN General Assembly’s Special Committee on Peacekeeping Operations) could contribute to early response to threats/risks.
- Enhancing women’s representation: Ms. Sharland highlighted the need to enhance women’s



roles in peace operations, including through budget allocation for gender advisers and promoting women's leadership.

Ms. Sharland concluded by suggesting that one way forward is for "more substantive discussion of what 'good POC' looks like, to highlight examples to give peacekeepers as something to strive for and to showcase good action on the ground".

Ms. Ma Li, Deputy Director, CSCAP China Secretariat and Dr. Sarah Teitt, APR2P Deputy Director, served as discussants for the session. Ms. Ma stressed "partnerships with regional organisations" as a key POC capacity, along with better analysis of the "complexity of the threats". Dr. Teitt's remarks highlighted that preventing atrocity crimes is not necessarily the same as preventing conflict, and there is a need to integrate atrocity risk analysis into conflict analysis frameworks and peacekeeping training programs. Dr. Teitt reaffirmed the UN Framework of Analysis for Atrocity Crimes as a useful tool for more strategically incorporating atrocity risk analysis into existing conflict analysis and integrated threat analysis frameworks used by peacekeeping missions. Expanding training on the UN Framework of Analysis for peacekeeping troops, police and civilian personnel could help build capacities that are currently lacking, including: (1) deeper understand-

ing of the factors and dynamics that enable atrocity crimes to occur; (2) ability to assess threats against particular groups, including the motives, opportunities or resources of potential perpetrators; (3) ability to monitor changes that could signal that any of the armed groups or parties to the conflict may be preparing to commit atrocity crimes.

Dr. Teitt also stressed that atrocity crimes are not isolated events, but tend to evolve over a period and develop through patterns of human rights violations against particular groups. There is a need for better coordination between peacekeeping forces and human rights monitors, which could assist peacekeeping forces to more systematically ensure that their strategies and tactics are targeted toward addressing early patterns of abuse before they spiral into larger scale violence. Peacekeeping police components or criminal justice experts also play a critical role in inhibiting atrocities through assisting justice sector officials to investigate crimes and determine facts, uphold due process and prosecute perpetrators. Their role in preventing atrocity crimes could be improved through supporting efforts to develop more regular and systematic casualty recordings to investigate early patterns of lethal violence against particular groups.

In the group discussion, participants

returned to a point raised throughout the dialogue about the importance of enhancing the participation of women in peacekeeping. It was noted that this is not just a matter of including more women, but also investing more in gender analysis and programming. This includes expanding the number of peacekeeping personnel with specialized capacities to identify and respond to particular types of crimes that exacerbate risk of larger scale violence, such as widespread sexual and gender-based violence. It was suggested that this could be aided by China and Australia supporting dedicated training and budget support for women protection advisers, and supporting peacekeeping experts to share guidance and good practice with other troop contributors on how civilian, police and military peacekeeping components can assist in preventing sexual and gender-based violence.

Drawing on points made earlier about the "primacy of politics" and concerns over the use of force, the group discussion also stressed that a critical capacity for civilian protection is for the international community and the UNSC to respond earlier to situations before they escalate into intractable conflicts. There is a need to make use of the broad range of response tools that can help eliminate the threat of atrocity crimes,



including: fact-finding, monitoring, reporting and verification; commissions of inquiry; public advocacy; quiet diplomacy; mediation; community engagement; humanitarian assistance and protection; the protection of refugees and displaced persons; and civilian and technical assistance. Participants discussed how good offices, preventive diplomacy and mediation could encourage parties to conflict to fulfill their responsibility to protect and reduce the need for peacekeepers to take robust protection measures. The group discussion also focused on how states can assist peacekeepers serving under POC peacekeeping mandates by supporting measures and initiatives to deny potential perpetrators access to the means to commit atrocity crimes, including through: fully implementing the Arms Trade Treaty to curb the supply of small arms and light weapons (SALW), assisting states to effectively manage existing SALW stocks, and supporting UNSC-authorized arms embargoes to stem the flow of weapons to all potential perpetrators of atrocity crimes. States also support peacekeepers in the field by engaging in quiet diplomacy to encourage all parties to respect international humanitarian law and human rights law, and by encouraging the UNSC to remind all parties that there will be consequences for actors who commit serious international crimes.

### Closing Session and Future Directions

Mr. Yang offered closing remarks on behalf of CIIS, noting that the discussion has shown “a lot of consensus” but also “some different opinions where there is room for more discussion”. Professor Bellamy’s closing remarks stressed APR2P’s appreciation for frank and open dialogue between Chinese and Australian participants, and how important it is to continue this type of dialogue and exchange.

The second day of the program in-

cluded a visit to the Australian Civil-Military Centre and a tour of the Majura Training Village at the Australian Federal Police International Deployment Group Training Centre. These activities provided an opportunity for Chinese delegates to learn more about Australia’s approach to POC training and doctrinal development, as well as Australian efforts to enhance women’s participation and gender perspective in the armed forces.

To further some of the recommendations from the dialogue, the APR2P Centre hosted Ms. Ma Li for a visiting research fellowship from November-December 2017. During her fellowship Ms. Ma worked on the first Chinese translation of the Kigali Principles. To promote further exchange on POC and peacekeeping, Ms. Ma and Dr. Teitt will jointly publish a short briefing note on the Kigali Principles and China’s peacekeeping policy along with Chinese translation of the principles prior to the next China-Australia Dialogue on R2P, which is scheduled to take place in Beijing in October 2018.



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