KEY POINTS

- Since its endorsement in 2005, the Responsibility to Protect (R2P) has become central to how the global community responds to genocide and mass atrocities.

- The norm presently faces the "risk of relevance" as a result of the interventions in Libya and Côte d'Ivoire and the deadlock over the situation in Syria.

- The recommendations in this brief will strengthen preventive capacities, maximize the protection afforded to civilians and ensure the norm's future relevance.

THE RESPONSIBILITY TO PROTECT: ENSURING THE NORM'S RELEVANCE AFTER LIBYA, CÔTE D'IVOIRE AND SYRIA

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INTRODUCTION

The evolution of R2P has been marked by the dual trends of cascading consensus and continued controversy. UN Secretary-General Ban Ki-moon has championed R2P and, since 2009, yearly UN reports and thematic dialogues on R2P have expanded upon the conceptual, political and operational elements of the norm. The work of the UN's Joint Office of the Special Advisers on the Prevention of Genocide and the Responsibilty to Protect and civil society organizations — such as the International Coalition for the Responsibility to Protect and the Global Centre for the Responsibility to Protect — have been integral in this regard.

The UN Security Council has also increasingly referenced the norm in its resolutions to respond to genocide and mass atrocities, including in Sudan, South Sudan, the Democratic Republic of the Congo, Libya, Côte d'Ivoire, Yemen and Mali. Success stories of prevention in post-election Kenya in 2008 and 2013 have also bolstered the norm's standing. The result of these trends has been a growing number of state supporters.

Despite this, R2P presently faces the risk of relevance (Luck, 2011; Bellamy, 2012; Evans, 2012). In March 2011, the Security Council referenced the norm in its decisions to authorize the use of force to protect civilians in both Libya and Côte d'Ivoire. The military operations

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that followed have generated substantive concerns over the manner in which the global community implements the norm, particularly among emerging powers such as Brazil, Russia, India, China and South Africa. They have also aroused lingering concerns with the use of force to protect civilian populations under R2P's framework. The deadlock at the UN over the situation in Syria has also focussed attention on these debates.

Moving forward, there is a risk that rhetorical support for the norm will not be matched by appropriate and decisive action to protect civilians. As the Syrian case has demonstrated, the global community faces a return to the inaction and paralysis of the 1990s — the decade of Rwanda, Srebrenica and the controversy over the NATO-led intervention in Kosovo.

The UN Secretariat, its member states and civil society must take timely and decisive action to ensure R2P's relevance. R2P was conceptualized and agreed upon in response to the events of the 1990s. Continued backsliding will undo years of progress in the effort to protect civilians from genocide and mass atrocities.

ACTION: LIBYA AND CÔTE D'IVOIRE

The crisis in Libya occurred in the context of other Arab Spring uprisings. While demonstrations in Tunisia and Egypt led to a relatively peaceful transfer of power, Muammar Gaddafi declared war and attempted to suppress the popular revolt. This led to an immediate regional response from the League of Arab States, the Gulf Cooperation Council, the African Union and the Organization of the Islamic Conference, which all condemned the violence and called for international action (Adams, 2012).

The United Nations quickly seized itself of the matter. The Security Council unanimously passed Resolution 1970

on February 26, 2011, which called for a series of non-coercive measures to halt the violence, including an arms embargo, asset freeze and travel ban, as well as a referral of the situation to the International Criminal Court (ICC). These measures did not deter Gaddafi's forces from encircling the town of Benghazi and threatening civilians.

Figure 1: R2P's Evolving Status
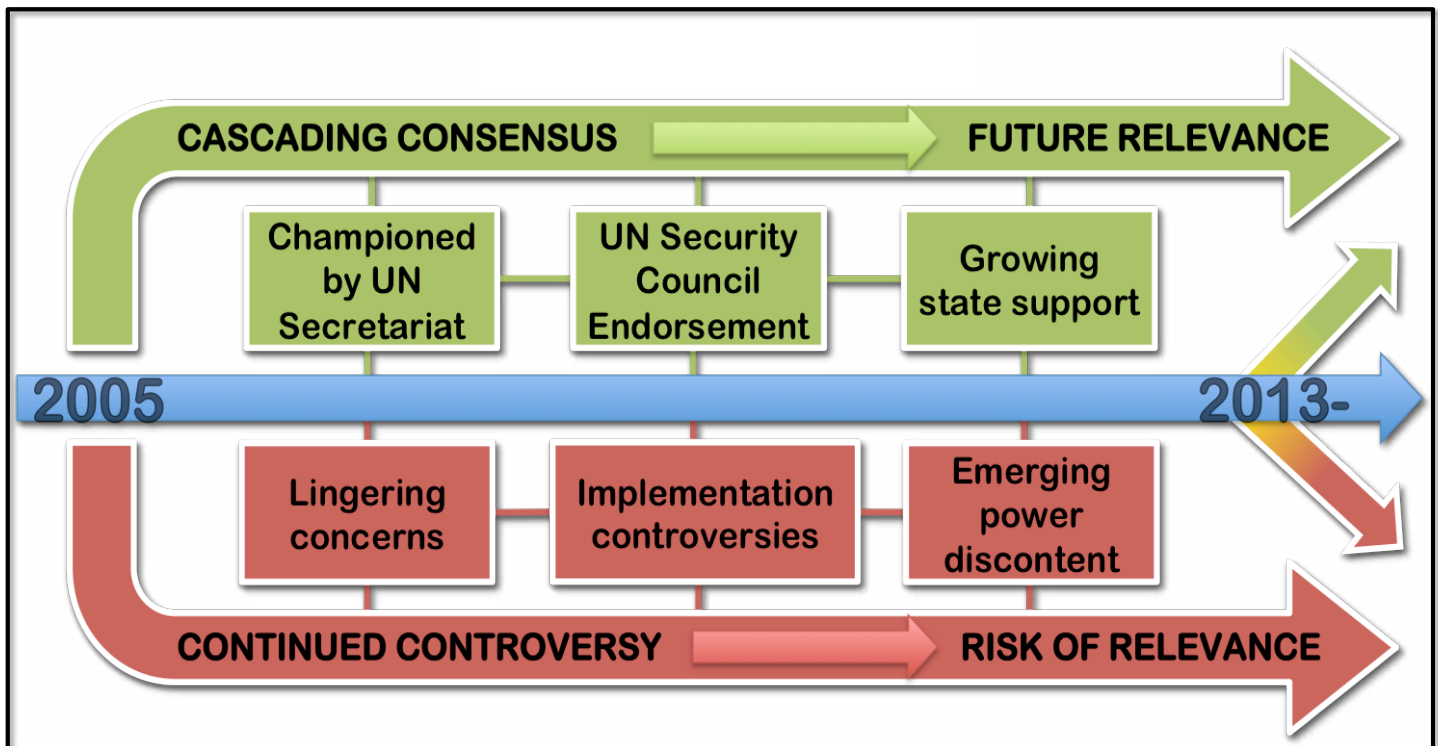
Source: Evan Cinq-Mars.

The Security Council adopted Resolution 1973 on March 17, 2011, calling on the international community to use "all necessary measures" to protect the civilian population in Libya. Under NATO's leadership, and with strong regional support, a no-fly zone was enforced. Despite the intervention, violence against civilians continued. As the conflict spiralled into a civil war, the NATO-led coalition expanded their mandate to directly assist the Libyan rebels and attack regime command-and-control structures (Shanker, 2011; DeYoung, 2011). Gaddafi was captured and summarily executed by rebels in the town of Sirte on October 20, 2012.

In Côte d'Ivoire, the United Nations mandated another civilian protection operation under R2P's framework after the disputed 2010 presidential election turned into a civil war between forces loyal to the incumbent, Laurent Gbagbo, and the declared winner, Alassane Ouattara. Three thousand civilians, targeted by supporters loyal to both Gbagbo and Ouattara, were killed in the ensuing violence (Global Centre for the Responsibility to Protect, 2012).

The Security Council responded to the situation by expanding the mandate of the existing UN peacekeeping operation in the country. Resolution 1975 called for

targeted sanctions against Gbagbo's inner circle, ordered him to step down immediately and instructed UN forces to use "all necessary measures" to protect civilians. A military operation began on April 4, 2011, as UN peacekeepers, with French support, engaged in combat with Gbagbo supporters. The former president was arrested on April 11, 2011 and transferred to the ICC to be put on trial for crimes against humanity.

IMPASSE: SYRIA

The popular revolt against the Bashar al-Assad regime is now a civil war, with both sides accused of human rights violations. More than 90,000 people have been killed. The United Nations estimates that over four million Syrians have been internally displaced and over one million have sought refuge in neighbouring countries (UN Office for the Coordination of Humanitarian Affairs [OCHA], 2013). The warring factions are unable to achieve victory without outside assistance, yet political and strategic considerations among major and regional powers have only exacerbated the crisis.

The Security Council remains deadlocked over the crisis. Non-coercive measures — such as diplomatic envoys, fact-finding missions and a UN ceasefire supervision mission — have been attempted, but with limited success. The council is unable to agree on measures such as an arms embargo, economic sanctions, referral of the case to the ICC or the use of force under Chapter VII of the UN Charter. Russia and China have cast three vetoes over the course of the crisis, striking down measures well short of military force and seeking to prevent a "Libya-style intervention." This being said, there appears to be little appetite for a military response from Western powers. Nor does it appear such an intervention would bring about an immediate end to hostilities.

A Syrian-led political transition remains the preferred outcome, but appears untenable at time of publication. At this stage of the conflict, it is questionable that any agreement at the Security Council on more robust measures would stem the crisis. A military response is unlikely to pass, meaning an intervention, if conducted, would proceed without council authorization. The ensuing controversy could resemble the aftermath of the 1999 NATO-led intervention in Kosovo. Returning to the "Kosovo moment" would undermine global consensus on R2P.

IMPACT: THE RISK OF RELEVANCE

The situations in Libya, Côte d'Ivoire and Syria have highlighted the risk of relevance facing R2P. Critics of the interventions in Libya and Côte d'Ivoire, including the BRICS bloc (Brazil, Russia, India, China and South Africa), have raised several complaints.

First, they have argued that Resolution 1973 was passed without substantive debate over the limitations of the operation and the rules of engagement. Second, it is argued that consideration for political dialogue to resolve both crises was rejected outright. Third, the BRICS and others have argued that civilian protection mandates granted by the council were replaced by regime change. Finally, concerns have been raised that a disproportionate use of force by intervening actors endangered civilian lives.

These critiques have also shaped the international response to the Syrian crisis. There is a perception that R2P has failed in Syria as a result of the Security Council's deadlock (Reiff, 2012). Such arguments are misguided. The successful implementation of R2P hinges on the international community adopting measures in an appropriate manner, reflecting the specific contexts of

each case. The inability of involved actors to secure a consensus on resolving the Syrian crisis and protecting civilian populations is their failure, not the failure of the norm.

RECOMMENDATIONS

R2P is a normative commitment in a complex and changing global system. The norm's implementation in country-specific cases is unlikely to be separated from competing geopolitical interests. Prevention or protection will never be perfect endeavours; however, "perfect" should not be made the enemy of "good." Acting on the recommendations that follow will strengthen preventive capacities, maximize the protection afforded to civilians at all levels and ensure R2P's future relevance.

All UN member states should devise and implement a national R2P action plan.

Support for R2P at the global level must be matched by strategies to implement the norm at the national level. All UN member states should devise and implement a national action plan to make the prevention of genocide and mass atrocities a domestic policy priority. The Obama administration has led the way by establishing an interagency Atrocities Prevention Board to institutionalize and coordinate a whole-of-government approach toward the prevention of such crimes. The US approach serves as a model that other states could follow, reflecting national contexts and capacities.

An important element of a national action plan is the appointment of a national R2P Focal Point: a senior-level official within a relevant ministry or office who promotes the norm at the national level by integrating and harmonizing national policies toward the prevention of genocide and mass atrocities. A Focal Point also supports international cooperation on the norm by joining a network of governmental officials. This "community of commitment" can increase individual capacities to implement R2P and harness collective responses when necessary (Global Centre for the Responsibility to Protect, 2013).

Twenty-eight countries from the global North and South have appointed a national R2P Focal Point since the initiative was launched in 2010 by the Governments of Denmark and Ghana and the Global Center for the Responsibility to Protect. This number is set to increase: two recently convened regional networks in Latin America and Africa have seen states from these diverse regions commit to appointing R2P Focal Points.

Implementing national action plans, which includes the appointment of an R2P Focal Point, will ensure more effective prevention and protection at national and global levels, expand the community of actors committed to R2P and broaden and deepen normative consensus. All UN member states should seize the opportunity to join this growing network.

Strengthen capacities for the prevention of genocide and mass atrocities.

Improving preventive capacities is in the interest of all states: coercive measures to protect civilian populations — and the controversies that ensue — would be unnecessary if crises are prevented before they erupt. However, rhetorical calls to bolster prevention have not been matched by adequate resources and strategies. A staff member of the UN Joint Office of the Special Advisers on the Prevention of Genocide and the Responsibility to Protect stated that early warning information is widely

available, but political will to take action remains the critical missing link.[1]

First, UN member states should increase their support to the early warning and assessment mandate of the Joint Office. Additional resources are required to allow the office to conduct real-time assessments, in-depth analysis and targeted information sharing. Second, greater and more effective coordination in prevention, including the adoption of an atrocity-prevention lens within relevant UN departments and offices, is necessary (Bellamy, 2012). Intra-organizational information sharing and joint lesson learning, as well as an understanding of the triggers of genocide and mass atrocities, are critical in this regard.

While the UN system is important, these steps must be complemented by a system-level approach to capacity building and information sharing. Strengthening the preventive capacities of regional arrangements and individual states is integral to realizing prevention and ensuring the future relevance of R2P.

The UN Secretary-General's report on R2P, which focusses on the prevention of genocide and mass atrocities and released August 2013, is a welcome step forward in this regard.

Revive dialogue aimed at improving the manner in which the UN Security Council authorizes the use of force to protect civilians.

The situations in Libya and Côte d'Ivoire have generated specific concerns over the manner in which the Security Council authorizes and monitors the implementation of civilian protection operations under Chapter VII of the Charter. While these concerns have not focussed specifically against R2P, they present real implications for

normative implementation when the use of force may be required in specific cases.

In light of these situations, the Permanent Mission of Brazil to the United Nations introduced the "Responsibility while Protecting" (RwP) concept in November 2011. RwP calls for greater responsibility, accountability and transparency when the United Nations authorizes the use of force to protect civilian populations (UN, 2011). While a number of proposals within RwP have been rejected, the Brazilian concept makes important recommendations regarding Security Council procedures when force is authorized, including strengthening accountability, assessment and monitoring. However, the Brazilian mission to the UN has stepped back from the promotion and refinement of the RwP concept, meaning its tractable tenets are presently lost without leadership.

Dialogue aimed at improving the manner in which the council authorizes the use of force should be revived. Finding common ground on these issues through global consultation and cooperation will resolve concerns over the coercive elements of R2P implementation. The recent appointment of a new Special Adviser to the UN Secretary-General on the Responsibility to Protect, Dr. Jennifer Welsh, is promising in this regard. The incoming adviser can play an important role as a catalyst and collaborator in picking up where Brazil left off.

CONCLUSION

R2P is central to the manner in which the global community confronts genocide and mass atrocities. However, the controversial interventions in Libya and Côte d'Ivoire and the present impasse in Syria threaten R2P's relevance in an increasingly multipolar global system. The recommendations in this brief serve to bolster the norm's standing moving forward. Acting on

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1   Confidential interview, staff member, UN Joint Office of the Special Advisers on the Prevention of Genocide and the Responsibility to Protect, May 2013.

them will expand the community of states committed to R2P, strengthen capacities for prevention at all levels and mitigate controversial elements of the norm's framework, particularly regarding the use of force to protect populations at imminent risk. Skillful leadership, consensus-based diplomacy and global cooperation brought about the global agreement on R2P in September 2005, and this same spirit is critical to ensure R2P's relevance in 2013 and beyond.

ACKNOWLEDGEMENTS

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