

Fact Sheet; The Responsibility to Protect

What is R2P?

The Responsibility to Protect (R2P or RtoP) is the principle that all states have a responsibility to prevent and respond to genocide, war crimes, ethnic cleansing and crimes against humanity. The crimes are known collectively as mass atrocity crimes. Genocide, ethnic cleansing, and crimes against humanity can all be committed in peacetime; only war crimes have to occur during conflict.

R2P contends that state sovereignty is not an absolute right, and that states forfeit aspects of their sovereignty when they fail to protect their populations from mass atrocity crimes.

The principle emerged in part as a response to the collective failure of the international community to intervene and prevent or halt the atrocities committed in Rwanda and Bosnia in the 1990s.

R2P was unanimously adopted by state representatives at the United Nations World Summit in 2005. In the ten years since it was endorsed, R2P has become a global norm that provides the framework for international responses to mass atrocity situations. R2P is primarily a preventive doctrine.

However, mass atrocities continue to blight our world. Crises in Syria, Burma/Myanmar, Central African Republic, and Sudan are just a few countries where communities are at daily risk of ongoing atrocity crimes, and where many have already perished.

- **Genocide:** Acts committed with the intent to destroy, in whole or in part, a national, racial, ethnic or religious group
- **Ethnic cleansing:** The deliberate and systematic forcible removal of a racial, religious, ethnic, political, or cultural group from a specific geographical area
- **Crimes against humanity** Acts that are committed as part of a widespread or systematic attack directed against any civilian population
- **War crimes** Acts committed during an armed conflict that violate international humanitarian law or human rights law¹

The 3 Pillars

- **Pillar 1: State responsibilities** : the state obligation to protect all populations within its borders
- **Pillar 2: International assistance** : the international community should support states in their efforts to prevent and protect
- **Pillar 3: A timely response** : if a state cannot or will not protect its populations, the international community has a responsibility to do all it can to ensure those populations are protected

The 3 pillars are not sequential.

The UK and R2P

As a permanent member of the UNSC, the UK plays a crucial role. The UK has been a good supporter of the R2P at the UN level and contributes financially to the UN Secretary-General's Special Advisors for the Prevention of Genocide and for R2P. However, the UK is falling behind other states on the national level and needs to integrate the R2P principle into national policies and processes. There is an urgent need for a UK R2P-focussed policy, with emphasis on early warning, in order to draw attention to emerging mass atrocity situations and enable the UK, through the Building Stability Overseas Strategy and its position at the UNSC, to implement pillar two responses.

¹ Resettled refugees are given five years' Humanitarian Protection status; as of July 2015 4,000 have been granted asylum.

Briefing: The Responsibility to Protect & the UK

Summary

In July the world marked the 20th Anniversary of the Srebrenica genocide where, under the eyes of the United Nations, Serbian forces murdered over 8,000 Muslim men and boys. The commemoration was a necessary reminder of a painful moment in the recent history of UK foreign policy and the United Nations. Today the UK prides itself as a champion of international human rights and has become a strong advocate for R2P at the United Nations Security Council (UNSC). Nevertheless, the UK has yet to integrate the principle of R2P into its national policy. The UK is now lagging behind the United States, which established the Atrocities Prevention Board in 2012. This briefing outlines how the UK is currently upholding its responsibility to protect and puts forward a number of recommendations that address some of the weak spots in the UK's approaches to civilian protection.

Ways forward / Recommendations for the UK Government:

- Address the current failures of the UNSC to uphold R2P by promoting consensus regarding a voluntary suspension of veto power in relation to situations of mass atrocity
- Acknowledge publically that preventing atrocities is in the national interest
- Commit to creating an explicit cross-departmental R2P policy
- Prioritise the integration of a mass atrocity lens into current frameworks such as the Building Stability Overseas Strategy
- Take note of the US Atrocity Prevention Board and consider introducing a similar mechanism
- Lead by example and ensure all communities within UK borders are protected from identity-based prejudice, including but not limited to hate speech in the media

R2P at the United Nations

The UK is contributor to the pool that funds the joint office of the UN Secretary General's Special Advisers on Genocide and R2P. It has also contributed funding to the Global Centre for R2P, an NGO that works to promote R2P at UN, regional, and national levels. The UK has generally taken a strong and principled position at the UN. The UK has a progressive standpoint on UNSC reform, particularly in terms of improving working methods and enlarging Council membership. The UK has been supportive of the 1 for 7 Billion campaign, which seeks to reform the process by which the Secretary-General is elected. A strong Secretary-General is crucial to an effective UNSC and to maintaining the commitment throughout the UN to R2P. Supporting the initiative of the "responsibility not to veto" would be in line with the UK's UN policy.

The UN Security Council & R2P: Proposals regarding the UNSC veto

Inaction in Syria has led to increasing calls to address failures of the UNSC to uphold R2P. Proposals for permanent members of the UNSC to suspend their veto-power over resolutions relating to situations of mass atrocity offer a solution to the current deadlock that has prevented protective action being taken in Syria. The current proposal would exclude cases where the vital national interests of a permanent member of the Council were at stake. Support for the "responsibility not to veto" is now considerable. The UK is uniquely placed to take a lead with France and support calls for voluntary veto restraint in situations of mass atrocity. The US has yet to make a statement on the proposals but Ambassador Samantha Power has spoken of her frustration at the inability of the UNSC to adequately address the Syrian crisis. Russia and China continue to block R2P related resolutions. Last week, Russia vetoed the proposed UNSC resolution condemning the 1995 Srebrenica genocide. The UK last formally employed the veto in 1989.

Case study: Syria

Syria is facing the greatest humanitarian crisis of our time. In over four years of conflict over 230,000 people have been killed and four million refugees have fled the country. The failure of the international community and UNSC to act in Syria has led to a worsening of the crisis. In February, the UN Human Rights Council-mandated Commission of Inquiry said the Syrian government has "manifestly failed to protect its citizens from mass atrocities," with war crimes and crimes against humanity being "committed on a massive scale." The crisis has had devastating consequences for neighbouring Iraq and poses an enduring threat to Lebanon, Jordan and Turkey. Despite the concerted effort of many, the UNSC has failed to uphold R2P with regards to Syria and urgently needs to take steps to end atrocities in Syria.

What the UK can do:

- The UK must offer sanctuary to more Syrian refugees; of the 4 million Syrian refugees, the UK has resettled 187
- Use all diplomatic efforts to press for the immediate halt of all human rights violations, most particularly atrocity crimes
- Prioritise the delivery of humanitarian aid to 12.2 million Syrians in need of humanitarian assistance
- Work to support a political solution to crisis
- Reiterate calls that situation in Syria be referred to the International Criminal Court
- Support the “responsibility not to veto”

R2P in current UK policy

- i. Currently there is no explicit UK R2P or mass atrocity prevention policy
- ii. Spending cuts do not mean that there is nothing the government can do nor that R2P/atrocity prevention should become less of a priority
- iii. The UK government needs to introduce a mass atrocity lens

The cross-departmental Building Stability Overseas Strategy (BSOS) promotes an integrated approach to crisis response and upstream conflict prevention but emphasis is on conflict rather than mass atrocity prevention. The BSOS informs the UK’s foreign and international development policies yet it contains no mention of mass atrocity prevention or R2P. Furthermore, emphasis within BSOS is on UK national interest. Unlike the US, mass atrocity response is not considered part of the UK national interest. The national interest should guide the implementation of BSOS but it must not stand in the way of the UK’s responsibility to protect. Introducing an R2P lens into BSOS would guard against this possibility. The Joint Analysis of Conflict and Stability (JACS) is considered to work effectively but it does not apply a mass atrocity lens. A ‘mass atrocity lens’ needs to be integrated into BSOS and JACS. R2P was explicitly referenced in the Government Strategy on Protection of Civilians in Armed Conflict (PoC) in 2010 but the strategy has since been discontinued and as such has left a gap in UK R2P policy. However, the PoC was also imperfect as it related only to conflict situations and mass atrocities are not limited to times of war.

The Conflict Pool’s Strategic Guidance rightly notes, that ‘the UK cannot and should not work everywhere to prevent conflict’. It is therefore important that the UK has the capability to identify situations where there is a risk of mass atrocity. In failing to prioritise indicators of mass atrocity in BSOS and JACS the UK government risks failing to assist populations under threat of mass atrocity. A mass atrocity lens would guard against this.

Case study: Central African Republic

The Central African Republic (CAR) has long been high on the watch lists of organisations using a ‘mass atrocity’ lens; in 2012 CAR was considered to be one of the states where there was the greatest risk of genocide. By contract on the risk matrix that was published in the Stabilisation Unit’s Business Plan of April 2013, CAR did not even appear; in December 2014 as UN Commission of Inquiry into the situation in CAR stated that 99 percent of the Muslim population of Bangui has been forcibly displaced or killed. Crimes committed by the anti-balaka are widely considered to constitute a “policy of ethnic cleansing” against CAR’s Muslims. A ‘mass atrocity lens’ within the BSOS would have ensured CAR was identified as “at risk” and prioritised within UK policy accordingly.

R2P as a cross-departmental & cross-party issue

R2P is an issue that cuts across departments and party politics. There is currently no mechanism in the UK that supports and monitors the Government’s commitment to and implementation of R2P. As a result, the UK is lagging behind the US, where the Atrocity Prevention Board brings together departments and civil service institutions in order to facilitate earlier and coordinated responses to R2P threats, and improve the US Government’s mass atrocity prevention toolkit (which includes targeted sanctions, reports on lessons-learned, financial levers, early warning systems and alert channels.) The UK should consider reviewing its current approach to R2P and atrocity prevention with a view to creating a mechanism that would support the government in upholding R2P. Furthermore, the UK could elevate the position of R2P focal point to a government position, or create a cabinet portfolio for R2P and the prevention of mass atrocity. A cross-party special advisor on mass atrocity prevention would also be beneficial.

The issue of intervention

Since 2005, R2P has provided a framework for the international community to legally intervene to protect civilians at risk of mass atrocity within a state's borders. From an R2P perspective states must act through the Security Council before engaging in military action for humanitarian purposes. However, the UK Government continues to maintain humanitarian intervention without UN authorisation can be legal, although the vote in August 2013 against proposed intervention in Syria in response to the alleged use of chemical weapons implied a shift in attitude. It is important that instances such as the 2013 Syria vote are understood as R2P policy issues. A UK R2P/mass atrocity prevention policy would provide a framework for debates such as the August 2013 Syria vote. Given the tension between the current deadlock at the UNSC and the 'illegality' of intervention without UNSC support, the UK government should seek to fix the broken UNSC by supporting the "responsibility not to veto."

Pre-election commitments

Only the Liberal Democrats explicitly referenced support for R2P in its election manifesto. In his response to a pre-election letter from 8 civil society organizations including Protection Approaches and UNA-UK, Ed Miliband MP committed to prioritising a cross-Whitehall approach to preventing genocide and mass atrocity, with a focus on early warning and prevention. The Conservative Party did not reference R2P or mass atrocity prevention in its manifesto or in its response to the same letter.

R2P at home

The UK government has a responsibility to ensure that it maintains the same high standards regarding the protection of communities at home as it promotes abroad. R2P is not only about crisis situations but about preventing the type of discord between communities that leads to identity-based violence.

Hate Speech

The UK has cited progress on tackling hate crime as an example of its commitment to R2P. However, the rise in hate speech directed at migrants and other marginalised communities is a cause for concern and has been identified as such at the UN. Following Kate Hopkin's article in the Sun, where she called migrants "cockroaches", UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein called on 'the UK authorities, media and regulatory bodies to take steps to curb incitement to hatred by British tabloid newspapers, in line with the country's obligations under national and international law'. The UK has a primary responsibility ensure that all communities within its borders are free of identity-based hatred.

Furthermore, the ongoing so-called "migrant-crisis" facing the EU is an R2P issue. Many of those seeking dangerous passage across the Mediterranean to Europe are fleeing mass atrocity situations, including from Syria, Sudan and CAR. It is the responsibility of the UK and other EU member states protect refugees from mass atrocity crimes. The recent death of Nicholas Winton, who saved 669 mostly Jewish children from Czechoslovakia on the eve of the Second World War, serves as stark reminder of the collective responsibility to protect civilians from mass atrocities.

Prosecuting suspects of R2P crimes

It is estimated that 100s of suspects of mass atrocity crimes are currently resident in the UK. The government has failed to prioritise their investigation and prosecution, and instead treat the serious issue of post-atrocity justice as an immigration issue. The UK has a responsibility to ensure justice and accountability are upheld for the victims, and must not become a safe haven for those guilty of committing mass atrocities.

Why else should the UK strengthen its R2P policy?

There are also practical reasons why R2P and atrocity prevention policies should be supported. The human and financial costs of mass atrocity crimes are vast: the genocide in Rwanda lasted 100 days but the spill-over conflict in the Democratic Republic of Congo has lasted for twenty years; in all five million people have died and millions in international aid is needed each year to protect vulnerable communities. Early action to prevent situations from spiraling out of control protects human life, mitigates the economic costs of rebuilding states and communities, and avoids the spill-over consequences that threaten global security.

Parliamentarians & R2P

There are a number of ways parliamentarians can demonstrate their commitment to R2P, including using the language and principle of R2P, and working to engage the public with R2P issues.

For more information relating to any of the issues in the briefing please contact Kate Ferguson,
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