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Reflections and
Lessons Learned
from the
Responsibility
to Protect
Doctrine

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Fifteen Years in the Making: Reflections and Lessons Learned from the Responsibility to Protect Doctrine

Research and Policy Division Managing Director:

Ena Lucia Mariaca

Project Editors:

Aiman Akmal, Ena Lucia Mariaca, Jordan Patel, and Dorottya Szekely, Michael Switzer.

Guest Editor:

Misha Boutilier

Design:

Ena Lucia Mariaca

Contributing Authors:

Aiman Akmal, Tina Bai, Patrice Calancie, Yupeng Huang, Mathuja Jeyakumar, Boris Kyrychenko, Ena Lucia Mariaca, Jordan Patel, Joe Rossi, Dorottya Szekely, Lina Zuluaga, and Michael Switzer.

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Key Terms

- Responsibility to Protect (R2P)
- United Nations (UN)
- United Nations Security Council (UNSC)
- Security Council (SC)
- International Commission on Intervention and State Sovereignty (ICISS)
- North Atlantic Treaty Organization (NATO)
- Responsibility while Protecting (RwP)
- European Union (EU)
- African Union (AU)
- League of Arab States (LAS)

Introduction

Historian Sir Martin Gilbert noted that the Canadian-sponsored concept of '*Responsibility to Protect*' proposed the most significant adjustment to national sovereignty in 360 years."¹ Indeed, the Westphalian notion of 'absolute' state sovereignty has long dominated international relations, making it difficult to achieve consensus on how the international community ought to respond to mass atrocity crimes and human rights violations. This led to the redefinition of sovereignty at the 2005 United Nations (UN) World Summit, where the General Assembly unanimously adopted the *Responsibility to Protect* (R2P).

R2P is a revolutionary principle which reframes sovereignty as, to a degree, conditional. Within the framework of R2P, sovereignty does not only carry with it a set of privileges; in being sovereign, states have a responsibility to ensure the protection of those populations within their borders -- and, in being a part of a wider international community, that all states are able and willing to fulfill such a responsibility. It is a historic compromise, aimed at protecting citizens without falling prey to the controversies surrounding humanitarian intervention. Fifteen years later, R2P is at a crucial crossroads in its development as an international norm. Still a relatively new concept, R2P has already evolved considerably since 2005. Despite its shortcomings and controversies, R2P in 2020 remains an essential tool in dealing with the difficulties of interventionism and sovereignty, and therefore ought to be considered by all governments that oppose mass atrocity crimes, and support a rules-based international order.

This paper will argue that since its inception, the *Responsibility to Protect* has become a widely accepted principle on sovereignty as a responsibility, and has evolved through discussions regarding its successes and misapplications. This paper will examine this evolution in an attempt to provide policy recommendations for the future and argue for their consideration in order for R2P to thrive in this decade and beyond.

Some of these recommendations include:

- **The Development of Cyber/AI technology.**
- **Potential Partnerships with the Private Sector.**
- **Implementing a Feminist Lens in R2P.**
- **The Role of Education and Social Media.**

This report is divided into four sections. The first section will provide historical context to the evolution of R2P since its inception in 2001. The second will focus on the key players involved in the development and implementation of R2P, such as states, multinational organizations, and regional organizations. The third section will examine the successes and failures of R2P and will propose four critical lessons learned. The fourth and final section will attempt to analyze the future of R2P, and offer policy recommendations to ensure its continued success and relevance in foreign policy.

1. Evolution of R2P

R2P's evolution on the international stage is twofold. On an abstract level, the principle of sovereignty as responsibility has developed substantially on the theoretical front and has been accepted as a norm over time. The phrase 'R2P' has been invoked in several UNSC resolutions and has earned support from Western nations in particular. However, on the operational level, R2P has often encountered setbacks. Therefore, R2P's evolution as a whole has progressed unevenly on these two fronts.

1.1 Humble Beginnings: The Report on the International Commission on Intervention and State Sovereignty (ICISS), 2001

Inspired by the previous failures to prevent violence in the cases of Rwanda and Kosovo, the Canadian Government began to explore the future of humanitarianism in international relations through the International Commission on Intervention and State

Sovereignty (ICISS). In response to UN Secretary-General Kofi Annan's call to "find common ground in upholding the principles of the UN Charter," the commission strove towards establishing a consensus regarding the future of collective security.² The ICISS report first coined the term 'Responsibility to Protect', suggesting that state sovereignty should be understood as a responsibility.³ This implies that the state "is responsible for the functions of protecting the safety and lives of citizens, and promotion of their welfare".⁴ Moreover, the report conceptualized R2P's scope to include the responsibility of the state and the international community to prevent, react, and rebuild in response to humanitarian crises. The report outlined the just cause threshold and precautionary principles to be considered in regard to the use of force under R2P.⁵

1.2 Road to the UN World Summit, 2004-2005

UN Secretary-General Kofi Annan embraced the term R2P in the lead-up to the 2005 World Summit. Annan later created the High-level Panel on Threats, Challenges, and Change, which then produced the report titled *A More Secure World* that endorsed the concept of sovereignty as a responsibility.⁶ The report explicitly supported the idea of "a collective international responsibility to protect, exercisable by the Security Council."⁷ Additionally, the 2005 report titled *In Larger Freedom* set the agenda for the discussions to take place at the World Summit on R2P. During this time, the African Union endorsed R2P in the Ezulwini Consensus, provided that R2P is not used by the international community to unilaterally undermine state sovereignty and independence.⁸ This marked the first step towards the normalization of R2P outside of the Global North, though it simultaneously highlighted concerns with regards to R2P, its relation to humanitarian intervention, and maintaining state sovereignty.

The 2005 World Summit Outcome Document narrowed R2P's scope along with the role of the international community in protecting vulnerable persons. Paragraph 138 limited R2P to include, genocide, war crimes, ethnic cleansing, and crimes against humanity - later defined as atrocity crimes.⁹ The Outcome Document emphasized prevention and the duty of

the international community to help other states build their capacity to protect. Paragraph 139 designates the UN Security Council as the main authority to decide when the use of force under R2P should be exercised, on a case-by-case basis.¹⁰

Although R2P's scope had been narrowed considerably, lingering questions remained regarding R2P and the use of force. The Outcome Document did not include the just cause threshold and precautionary principles in the ICISS report. The omission of these two conditions would serve as one of the catalysts for future issues regarding the operationalization and normative acceptance of R2P.

1.3 Revolt, Successes and Misapplications, 2005-2009

The following period of R2P's history marked the difficulty of establishing universal acceptance of the norm, particularly outside the Global North. The 'R2P Revolt,' a term coined by Alex Bellamy, demonstrates how the association between R2P and humanitarian intervention had negative consequences for the norm's development.¹¹ The moment was clearly inspired by the distrust between the Global South towards the North, stemming from historical experiences of colonial and imperial rule. The fear was that R2P would provide the appropriate language to justify self-serving 'humanitarian missions,' similar to the American invasion of Iraq in 2003. As a result, the coordinating bureau of the Non-Aligned Movement (NAM) "rejected the 'so-called right' of humanitarian intervention, observing that there were similarities between [R2P] and humanitarian intervention."¹² Cuba, Pakistan, Algeria, Iran, and Zimbabwe expressed concerns regarding R2P and the capacity of international institutions to interfere in the domestic affairs of states.¹³

This skepticism plagued the acceptance of R2P in the case of Darfur. The 2006 UN Human Rights Council High-Level Mission in Darfur marked the first time where R2P was used as a benchmark to determine whether a state was in violation of its international commitments. In a case of coordinated civil violence in Sudan, the Williams Report concluded that the Sudanese government had failed to uphold their responsibility to protect.¹⁴ In

particular, the report cited the coordination of the Sudanese armed forces with the tribal militia that directly contributed to the death of roughly 200,000 civilians¹⁵. Additionally, the report cited the “arrests of over 30 Darfurian teachers, businessmen, and university students” from the Fur, Masaalit, and Zaghawa tribes as a gross violation of human rights¹⁶. Following this assessment, the Arab Group, Asia Group, and Organization of Islamic Conferences contested the legitimacy of the report and its conclusion.¹⁷

In contrast to Darfur, the December 2007 joint UN-AU mission in Kenya built up R2P’s credibility. In response to electoral violence, the mission helped government and opposition parties in Kenya establish a political framework to address the violence, along with institutional reforms and a Truth, Justice, and Reconciliation Commission.¹⁸

This moment was followed by a period of the international community avoiding R2P misapplications in the Summer of 2008. In the long-term, these decisions would serve to further limit the norm’s scope. As Gareth Evans puts it, “if [R2P] is to be about protecting everyone from everything, it will end up protecting nobody from anything.”¹⁹ In the case of Cyclone Nargis in May, the decision to not invoke R2P was made by UN officials and Asian diplomats. This prevented the international community from delivering aid without the consent of the Burmese authorities and established that inadequate or ineffective state responses to natural disasters would not be included in R2P.²⁰ Additionally, the fear that R2P would be used to justify self-serving humanitarian interventions was addressed in the case of South Ossetia. Russia attempted to invoke R2P to justify their invasion of South Ossetia, Georgia under the guise of protecting a genocide against the South Ossetian separatists.²¹ This was rejected, as it was found that the genocide claim was aggrandized for political purposes. As a whole, these moments of confusion and doubt helped to provide conceptual clarity and established clear precedents for R2P as a norm going forward.

Nonetheless, this period in R2P’s history made it necessary to establish clarity on how the norm should be exercised. UN Secretary-General Ban Ki-Moon outlined the first comprehensive strategy on R2P’s implementation in his 2009 report titled *Implementing the Responsibility to Protect*.

This report outlined three pillars of R2P:²²

- Pillar I: Responsibility of the State to protect its citizens;
- Pillar II: Responsibility of the international community to assist other states to build their protection capacity; and,
- Pillar III: Timely and Decisive Response from the International Community as needed.

Overall, the report refined the norm in the context of emerging international threats and served as a baseline for R2P's implementation in the next decade.

1.4 Short-lived Consensus, 2011

In 2011, the Security Council reached an unprecedented consensus on the use of R2P. With all the BRICS (Brazil, Russia, India, China, South Africa) member states present on the Council, R2P was invoked more frequently within this period.²³ Of the five resolutions passed that year, two were mandated with the use of force that supported R2P (specifically, Resolution 1973 pertaining to Libya, and Resolution 1975 referencing Côte d'Ivoire).²⁴ Both resolutions were adopted unanimously by the Security Council, and the use of force in both cases was against the wishes of a functioning state, unprecedented in the history of R2P.²⁵ This marked the transitional point for R2P, moving from an abstract idea to a foreign policy instrument.²⁶

Resolution 1973 was acted upon and implemented by the North Atlantic Treaty Organization (NATO) in 2011. The NATO operation is still the only non-UN military operation that implemented a Security Council resolution referring to R2P. By doing so, the Security Council reaffirmed its central role in calling for collective action, contrasting its inactivity in the years before 2011.²⁷ The case of NATO's operation within Libya focused the debate on the military dimensions of acting upon R2P. This, along with the execution of the operation had long-term consequences on the operationalization of R2P. The operation faced heavy criticism during its implementation. For instance, Brazil suspected and accused

NATO of favoring the Anti-Gaddafi forces as opposed to protecting civilians.²⁸ The demise of Gaddafi exacerbated the contention around R2P and force, which challenged whether R2P was being abused to justify operations that implicitly imposed regime change.²⁹ In October 2011, the NATO operation ended in Libya with the passage of Resolution 2016. By that time some of the incumbent Security Council members had shifted their attitudes towards R2P. This shift has notably affected the Security Council's inaction on the Syrian crisis that followed.³⁰

In the early phase of the Syrian Civil war in 2011, the Security Council failed to pass any resolution that called for timely and decisive action.³¹ China and Russia vetoed the majority of resolutions condemning the Syrian government, while other members including Brazil, India, and South Africa frequently abstained.³² While Russia's alliance with Syria had some effect on the voting results, other Security Council members remained skeptical about R2P's operationalization.³³ Up until 2017, eight draft resolutions that suggested taking action, ending violence, and holding perpetrators accountable were blocked in the Security Council.³⁴ In contrast, the General Assembly has embraced the R2P principle, and many members continue to be in favor of decisive action in Syria.³⁵ Some measures on the Syrian case that were vetoed by the Security Council found support at the General Assembly. For example, on February 26, 2019, the General Assembly voted in favor of adopting a resolution condemning the Syrian authority, calling on armed groups to end violence and support the peace initiative of the Arab League.³⁶

1.5 Evolution of R2P under the fallout of Libya

The period that followed focused on efforts to rethink the third pillar of R2P. Before leaving their seat on the Security Council in 2011, Brazil proposed the concept of "Responsibility while Protecting" (RWP), which aims to establish further guidelines before resorting to force. RWP suggested that accountability should be incorporated into the implementation of coercive measures.³⁷ However, RWP received a considerable amount of backlash, with academics such as Xenia Avezov suggesting that its provisions would eliminate the emphasis on a timely and decisive response to crises.³⁸ Additionally, a semi-official Chinese initiative called "Responsible Protection" recognized the need for military

intervention with regards to R2P, but under more restrictive conditions.³⁹ In the following year, Secretary General Ban Ki-moon published another report that pushed for further operationalization of R2P. The report voiced support for timely and decisive action by the international community through coercive measures but also stressed the importance of non-coercive responses. Similar to the document submitted by the Brazilian representative, the report did not address the issue of provision of coercive measures.⁴⁰ In 2015, there was an attempt by the General Assembly to submit a draft resolution that proposed to provide oversight and reform the operational side of R2P, but the resolution was ultimately blocked by the Security Council.⁴¹

Aside from setbacks faced by the third pillar of R2P, the principle saw advancements on the first two pillars. The new decade saw the emergence of non-governmental organizations and civil societies dedicated to the advancement of R2P. These organizations provide support for the monitoring of potential atrocity crimes and offered reports and recommendations on implementing R2P. More than sixty nations had already joined the “Global Network of R2P Focal Points”.⁴² The R2P principle has been integrated into the legal framework of some of the regional entities as well, such as the African Union, which currently has one of the most advanced legal frameworks for the implementation of R2P.⁴³ At the UN, the R2P principle has been added to the mandate of the majority of UN missions.⁴⁴

From the backlash of events in 2011 emerged a greater push for R2P to primarily fall under the responsibility of states.⁴⁵ This rhetoric is being supported by a set of developing countries, notably China. China has emphasized the role of the state to implement R2P, and encouraged the international community to help strengthen a state’s capacity to protect its civilians.⁴⁶ This view is especially relevant as the international community grapples with the role of non-state armed groups, such as ISIS and Boko Haram, in perpetuating mass atrocity crimes.

KEY PLAYERS OF R2P

The Role of States in R2P

2.1.1 Canada's Role in R2P

Canada's prominent role in R2P stems as far back as 2001, both in developing the ICISS report and in the advocacy role the government adopted soon after. However, as time progressed, the burden of advocacy shifted from government officials to R2P scholars. Many argue that this shift occurred during the 2006 election, transitioning from an emphasis on human security under Prime Minister Paul Martin, to "muscular military policy" under Prime Minister Stephen Harper.⁴⁷ The analysis of what culminated during Harper's government demonstrates the inconsistent role Canada has played in advocating for and implementing R2P.

From 2001 to 2006, the Liberal party's primary goal with R2P was to ensure compliance among the international community and support R2P's normative development through staunch advocacy. During the initial steps in establishing the ICISS report, Prime Minister Jean Chrétien stressed the importance of creating a "comprehensive" group of scholars arguing for a way to define sovereignty as a responsibility rather than as something absolute.⁴⁸ The authors of the ICISS report, and the Canadian Prime Ministers who provided the platform for these ideas to flourish internationally, collectively became the early norm entrepreneurs of the doctrine (i.e. the leading vocal advocates for international acceptance of R2P). While some notable Canadians did actively participate in the process (specifically, academics like Michael Ignatieff and Gisèle Côté-Harper) the commission provided the space for Global North and South actors to express their views, and create a doctrine that reflected the aspirations of all participants.⁴⁹ During the negotiation phase of the 2005 World Summit, Paul Martin's last-minute diplomatic phone calls helped ensure the unanimous endorsement of R2P represented in the summit's Outcome Document.⁵⁰ These two Liberal Prime Ministers had the task of advocating for the normative value of R2P, but the Harper government would oversee the opportunity to implement R2P in Darfur and Libya.⁵¹

Harper had been adamant in responding to mass atrocity crimes through preventive measures such as diplomatic action and sanctions. Under Harper, Canada provided ample financial support for the UN – African Union hybrid mission in Darfur, sponsored several diplomatic missions to formulate peace and provided humanitarian aid.⁵² In Libya, following the recommendations of the UN Security Council, Harper also implemented an arms embargo and regulated financial transactions vis-à-vis Libyan government institutions.⁵³ However, while these measures are generally well-received among academics and foreign policy analysts, what becomes more contentious are Harper’s justifications for asserting military action.

In both public discourse and formal debates on the possibility of using force in Darfur and Libya, Harper was adamant about disassociating his government with R2P. Despite aggressive lobbying from R2P advocates and scholars, Harper refused to use the term or invoke any measures under R2P, opting to go with more generalized principles of the “responsibility to intervene.”⁵⁴ The logic for doing so is linked to R2P’s affiliation with the Liberal party and Harper’s goal of distancing his government from the ‘Pearsonian foreign policy’ of the past.⁵⁵ Therefore, R2P was sidelined based on partisanship rather than on the applicability of the doctrine.

While the procedures, norms, and values of R2P and humanitarian intervention differ drastically, Harper's decision to sideline the former for the latter brought an alternative set of objectives. The focus was no longer on preventive measures, but in building a military coalition to end the conflict.⁵⁶

For the future, norm entrepreneurs, when engaging in advocacy, should do so across party lines. These efforts are crucial in developing the objectivity of R2P and removing the “responsibility to intervene” from the Canadian foreign policy discourse. Canadian Members of Parliament (MPs) have suggested that R2P is a “point of pride” that all Canadians can celebrate.⁵⁷ However, in the absence of a diverse set of norm entrepreneurs representing various political parties, it is hard for *all* Canadians to sympathize with that rhetoric. Therefore, creating opportunities for other MPs (aside from liberals) to support R2P ensures that policy debates remain committed to emphasizing preventive measures.

Under Prime Minister Justin Trudeau, the role of R2P has significantly increased, but there are still points where improvements are needed. This analysis considers both verbatim references to R2P and policies that uphold the values of R2P.

Trudeau made his 2015 campaign promise to increase Canada's role on the international stage, coining the slogan "Canada's back".⁵⁸ His vocal response to Syria, Iraq, and Myanmar serves to exemplify that sentiment. In response to the Syrian regime's harsh crackdown on protests, in which thousands were detained, executed, and tortured, Trudeau imposed sanctions under the Special Economic Measures Act. Through regulations and orders made under the Act, Canada blocked all imports from Syria except for food, all Syrian investments, all exports including oil, and froze all assets in connection with the Syrian government.⁵⁹ Although Trudeau backed out of military action in Syria in 2015, he resettled approximately 25,000 Syrian refugees from November 2015 to February 2016.⁶⁰

In addition, Trudeau has taken action against the genocide of Yazidis in Iraq. The Trudeau government resettled approximately 1,200 Yazidi refugees in 2017, who faced religious persecution by ISIS.⁶¹ Moreover, in the recent lawsuit brought forth by the Gambia against Myanmar, Trudeau collaborated with the Netherlands to show support for the Gambia's resolve, recognizing that the "crimes against the Rohingya" are tantamount to genocide.⁶² However, when comparing the Trudeau government's targeted response towards Syria, Iraq, and Myanmar to its response against China and Saudi Arabia, inconsistencies emerge.

Canada's response to China's re-education camps and Saudi's conduct in Yemen reflects a conflict of interest between a desire to uphold humanitarian values and a desire to secure economic gains. The reluctance to impose sanctions on China for its treatment of Uighurs is tied to the already strained bilateral relations, exemplified by the arrest of Meng Wanzhou (the CFO of Huawei) and the Chinese arrest of the two Canadians, Michael Spavor and Michael Kovrig.⁶³ Another motive lies in safeguarding economic interests, such as the possibility of signing trade deals and avoiding the disruption of Canadian companies' supply chains.⁶⁴ Moreover, Canada has received significant criticism for its' Arms Deal with Saudi Arabia. Similarly, this reveals a desire to safeguard economic and business relations with a

regime that has committed atrocity crimes in Yemen.⁶⁵ Both cases exemplify that Canada has undertaken a selective application of R2P to safeguard its economic interests.

For Canada to return as a prominent and consistent advocate for R2P, policies cannot be selectively applied to prioritize human rights in one region, and economic interests in another. By targeting developing states for their human rights abuses while turning a blind eye against larger powers, Canada lacks both credibility and consistency. Failure to remain consistent diminishes Canada's ability to influence global affairs and puts further strain on relations with other middle powers. With that said, Canada should reorient its foreign policy to ensure consistent efforts across all regions when addressing human rights abuses. However, this suggestion addresses only the surface of an underlying problem.

As argued by Fisher and Stefan, Canada's history with R2P entails a "special" responsibility to uphold its values and add to its normative progression within the international community.⁶⁶ Nevertheless, as Canada's international footing wanes, so too does its ability to advocate for R2P. Continuing on, the authors suggest creating a new commission report (similar to the ICISS report) that can offer solutions to existing problems of R2P, specifically the proliferated use of vetoes in the UN Security Council.⁶⁷ Alternatively, having one report that analyzes Canada's affiliation with the norm, and a second report that addresses contemporary global concerns with R2P can contextualize what Canada needs to improve on. A report solely focused on global R2P concerns neglects deeper rooted issues that have inhibited Canada from focusing on R2P to the same degree as it did from 2001 to 2006. Thus, for Canada to effectively promote R2P as it did in the past, it must ensure consistency and non-partisanship with its approach to R2P.

Key National Governments that Promote R2P

Other than Canada, there have been particular nations that have been strong advocates for R2P. While support for R2P fluctuates depending on who resides in office, the US under the leadership of Barack Obama, France under Nicolas Sarkozy, and Peru under Alan García have strongly supported the R2P doctrine. In their support, these leaders have appealed to the UN Security Council (SC) to act in response to R2P-related crimes, have

contributed to and led military interventions in conflict areas, and have generally made efforts towards protecting civilians. The following section will outline how these leaders have promoted R2P by referring to their rhetoric on the concept and their contribution to military interventions.

2.1.2 United States—Barack Obama (2009-2017)

The inauguration of President Barack Obama marked a shift in American policy. In contrast with previous administrations, the Obama administration actively worked to enshrine R2P principles within the framework and applications of the US foreign policy apparatus. During Bill Clinton's presidency, State Department officials explicitly did not refer to the situation in Rwanda as a genocide to avoid American responsibilities stipulated by the Genocide Convention.⁶⁸ Additionally, President Bill Clinton, known for his intervention in Kosovo in response to ethnic cleansing, voted against the Rome Statute of the International Criminal Court (ICC) in 1998.⁶⁹ President George Bush also directly opposed the ICC and abused the principle of R2P by using it as a pretense for the ill-advised 2003 Iraq invasion.⁷⁰ In contrast, human rights scholar Bruce Jentleson credits Obama for transforming American policy in regards to R2P, by "shifting the US R2P debate from 'if' to 'how' and 'which'."⁷¹ Obama's support for the R2P doctrine is seen through his implementation of the atrocity prevention board by way of Presidential Study Directive 10 -- as well as US actions in Libya, South Sudan, and the Central African Republic.

Circulated in August of 2011, Presidential Study Directive 10 (PSD-10) stipulated, for the first time, that "Preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States."⁷² Moreover, PSD-10 recognized the importance of early preventative action and the lack of a "comprehensive policy framework and a corresponding interagency mechanism" that the US could use in "preventing and responding to mass atrocities and genocide."⁷³ To address this capability gap, PSD-10 established an "interagency Atrocity Prevention Board," which was mandated to "coordinate a whole of government approach to preventing mass atrocities and

genocide.”⁷⁴ This shift in institutional focus away from ad-hoc interventionism and towards a comprehensive approach to prevention illustrates that the Obama administration attempted meaningful incorporation of R2P principles into the principles governing its foreign policy apparatus.

In 2011, Libyan leader Muammar Gaddafi utilized lethal force in response to civilian protests—attacking with tanks, artillery, helicopter gunships, and warplanes while blocking the Internet, phone service, and media across the nation.⁷⁵ In addition, Gaddafi’s forces marched on the city of Benghazi, “threatening to kill all who did not lay down their arms.”⁷⁶ The US took initiative by launching Operation Odyssey Dawn with the objective of implementing UNSC Resolution 1973, which mandated protecting civilians “by all necessary measures” and enforcing a no-fly zone over Libya.⁷⁷ On March 3, 2011, the US, alongside other NATO members, launched military strikes at pro-Gaddafi forces and the Libyan air force.⁷⁸ However, calling Libya a success is questionable, considering the aftermath of intervention, as Libya devolved into a “failed state”, as argued by Kuperman.⁷⁹ Indeed, Obama has been quoted as calling “his failure to plan adequately for Libya after the intervention the ‘worst mistake’ of his presidency.”⁸⁰

However, while Libya represented a failure in enacting R2P, US efforts to enact meaningful responses to mass atrocities met with a greater degree of success in its diplomatic response to the 2012-2013 crisis in the Central African Republic. Characterized by violence between Muslim and Christian and animist fighters --in which non-combatants were frequently targeted along ethnic and religious lines -- the situation had, by December of 2012, escalated into what many US and UN-affiliated commentators termed a credible risk of genocide.⁸¹ In response to this, the US quickly responded with a “multipronged strategy” for de-escalating the situation -- one that included the allocation of \$100 million in support of local and international peacekeeping operations, a recorded address given directly to CAR citizens by President Obama, frequent interagency meetings between regional experts at the National Security Council and State Department (as allowed for by the broader atrocity-prevention framework inherent in PSD-10).⁸² While commentators within and external to the US government have assessed that the US response was far from perfect -- particularly

in the halting pace of the US response at the outset of the crisis -- such a response nonetheless highlighted how the US response benefitted from the institutional changes inherent in PSD-10. As a report forwarded from the Simon-Skjoldt Centre for the Prevention of Genocide highlights: “By making clear that atrocity prevention was a presidential priority, the Mass Atrocities Directive lent a sense of urgency to that work and set the stage for the deputies to put in motion a robust response in November.”⁸³

The US also played a pivotal role in the 2013 South Sudanese civil war. With various crimes against humanity committed and over 50,000 killed, Obama took action against South Sudan, enacting asset freezes and travel bans.⁸⁴ Additionally, Secretary of State John Kerry met with leaders of South Sudan’s neighbors, Uganda, Ethiopia, and Kenya, who stated that they were willing to join the US in placing economic sanctions against South Sudan.⁸⁵ While commentators believe that the case of South Sudan represents an overall “failure of prevention,” there is good reason to believe that the Obama administration undertook concerted prevention efforts in accordance with the administration’s Atrocity Prevention Board.⁸⁶ Ultimately, Obama’s administration was a much stronger supporter of R2P relative to his predecessors.

2.1.3 France—Nicolas Sarkozy (2007-2012)

French President Nicolas Sarkozy and his Foreign Minister, Bernard Kouchner, are also strong R2P advocates, as seen through their contributions in military interventions across Africa, particularly in Côte D’Ivoire, Libya, and Kenya. Following the 2010 election in Côte D’Ivoire, incumbent leader Laurent Gbagbo refused to accept the election results which announced Alassane Ouattara as President. Violent clashes then broke out as Gbagbo followers launched attacks against civilians.⁸⁷ France alongside the UN conducted military strikes against Gbagbo’s residence, his office, military bases housing heavy weapons, and other key infrastructure, resulting in Gbagbo’s surrender and Ouattara taking the rightful position of president.⁸⁸ In total, France contributed 1500 troops and the UN contributed 9000 peacekeepers in their efforts to protect Ivorian civilians.⁸⁹

Similarly, during the Libyan conflict, Sarkozy and Kouchner pushed for further international action, working with Britain to propose a draft resolution for a no-fly zone.⁹⁰ Soon after the resolution passed, French fighter jets patrolled the area to ensure compliance.⁹¹ The National Transitional Council (a Libyan civilian group), announced that the government could massacre its citizens if Libyan troops reached Benghazi, prompting France to work alongside the US and the United Kingdom in the NATO military intervention.⁹² The three nations each shut down their Libyan embassies and urged the SC to enact an arms embargo and economic sanctions against Libya.⁹³ In addition, before Kenya broke into conflict, France called upon the SC to act, with Kouchner making a statement directly referring to implementing R2P, “In the name of the responsibility to protect, it is urgent to help the people of Kenya. The United Nations Security Council must take up this question and act.”⁹⁴ Overall, Sarkozy’s leadership has enhanced France’s position as an R2P supporter.

2.1.4 Peru—Alan García (2006-2011)

Peru, under the governance of President Alan García, has also been a strong R2P advocate. García’s administration frequently spoke out against various humanitarian issues and appealed to the SC on multiple occasions to take action. When Peru became President of the Security Council in November 2006, R2P’s implementation was a top priority. Peruvian Permanent Representative Oswaldo De Rivero stated, “acceptance of the concept of the ‘responsibility to protect’ and its effective implementation by the Security Council is now extremely important for enhancing the credibility of the United Nations.”⁹⁵ In response to the 2003 War in Darfur, Peru voted for Resolution 1706 in 2006, approving military intervention in Sudan in order to enforce the Darfur Peace Agreement.⁹⁶ De Rivero also made a statement at the SC, criticizing the poor living conditions of refugee camps in Chad and Darfur.⁹⁷

2.2 The role of Multilateral Institutions & Regional Organizations in R2P

R2P is closely tied to multilateral institutions. Following its endorsement at the 2005 World Summit, R2P has found a permanent place at the UN in the Office on Genocide Prevention and the Responsibility to Protect.⁹⁸ The Security Council also releases annual reports that track R2P's progress and suggests improvements. On June 1, 2019, Secretary-General António Guterres released a report focusing on the preventative aspects of R2P. He wrote, "Measures are most effective when they are individualized and focused on addressing specific problems or influencing specific individuals."⁹⁹ Thus, cooperation between multilateral and regional organizations is essential to creating effective preventative policy. What makes R2P unique is that it has the potential to facilitate action on the local level while retaining the multilateralism that its position within the UN affords.

The opportunity to pursue R2P at the local level may be most effectively achieved through the action of regional organizations. The mandate of such organizations is to develop political and economic cooperation among member states, thereby granting it the ability to efficiently propose and undertake a plan in pursuit of shared goals. However, historically there have been regional disparities in the implementation of R2P; regional organizations choose to implement the components of R2P which best serve their policy goals.¹⁰⁰ This section will explore the historic role multilateral institutions and regional organizations played in the fulfillment of the R2P mandate. NATO and the European Union (EU) both endorse R2P, but struggle to respond appropriately in the face of atrocities. The African Union (AU) and the League of Arab States (LAS) both have favorable organizational frameworks to respond to humanitarian crises but lack the institutional capacity to fulfill their plans and require external assistance to execute their R2P mandates.

2.2.1 The African Union (AU)

In 2002, the AU was formed after the dissolution of the Organisation of African Unity (OAU) with the mandate of addressing human rights offenses on the continent.¹⁰¹ The AU has affirmed R2P and in 2007 the African Common on Human and Peoples Rights adopted a resolution to strengthen R2P in Africa.¹⁰² Much of this support originated in South Africa where R2P is considered a necessary international standard. South Africa aided in negotiating the Constitutive Act and the AU Peace and Security Council (PSC). The Constitutive Act and the PSC would become responsible for upholding R2P in the continent.¹⁰³ Specifically, Article 4(h) of the AU's Constitutive Act asserts "the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances namely: war crimes, genocide, and crimes against humanity."¹⁰⁴ This article is significant as it demonstrates an end to the AU's principle of non-intervention and is aligned with "R2P's threshold criteria."¹⁰⁵ The above sentiment is further reinforced in Article 4(j) which declares "the right of Member states to request intervention from the Union in order to restore peace and security."¹⁰⁶ The PSC is equally valuable in the pursuit of the R2P cause, as its program is premised on the identification of conflict and subsequent approval of AU response to such crises.¹⁰⁷

South Africa and the AU as a whole remains wary of the use of force under R2P. It prefers to focus on prevention and peaceful resolution.¹⁰⁸ The case study of Kenya in December 2007 speaks to this. As disputes regarding the outcome of a presidential election threatened violence, leaders convened the Panel of Eminent African Personalities.¹⁰⁹ The panel was able to resolve the crisis by 2008, proving that the preventative pillar of R2P can be successful in the continent.

Libya in 2011 further proves the African Union's hesitation to involve the military under R2P. The AU "...consistently insisted on a purely diplomatic solution to the crisis..."¹¹⁰ At the commencement of the crisis the AU issued no formal statement, an approach they maintained as the crisis threat exacerbated. Only later did the AU denounce the physical threat the Libyan government posed to its citizens.¹¹¹ This initial approach provided the

opportunity for the United States (US), France, and United Kingdom (UK) to engage the LAS and the Gulf Cooperation Council which created an optimal setting for NATO bombings.¹¹² John-Mark Iyi epitomizes this sentiment as he argues, “That the AU was unable to authoritatively speak with one voice and take full charge to resolve a conflict in its own backyard does not portend well for efforts to stem instability or external intervention on the continent.”¹¹³

It is evident through the case of Libya that by not acting in a timely and conclusive manner, the AU failed to sustain peace and security on the continent¹¹⁴ This is a failure for R2P and “non-indifference.” As António Guterres outlined in a SC update, early action in R2P is what makes it unique and transformative.¹¹⁵ However, this feature becomes less powerful when policies of intervention are not mandated by actors within the region. The AU cannot effectively implement such actions on its accord because it does not possess the institutional and military resources without assistance from external actors.¹¹⁶ This is a critical omission because the AU is relegated to undertaking a reactionary approach whereby they attempt to quell and minimize the damage and extent of atrocity crimes. As such, a focus on prevention should be adopted. In light of this challenging institutional structure, the AU may draw from materials created by the UN Office on Genocide Prevention and the Responsibility to Protect to standardize criteria for intervention, which may assist in proactive intervention by creating already-agreed-upon standards with which external capacities may be more efficiently mobilized¹¹⁷

2.2.2 The North Atlantic Treaty Organization (NATO)

NATO has had perhaps a surprisingly large role in R2P, particularly in Libya in 2011. While the AU wanted to find a peaceful solution, NATO took control of the operation by commencing Operation Unified Protector on March 31, 2011.¹¹⁸ NATO interpreted the mandate of Security Council Resolution 1973 (giving it control of the operation in Libya) broadly. Many states have suggested that NATO exceeded its mandate through its use of force and the successful regime change that it pushed for.¹¹⁹ NATO’s enforcement of R2P in

Libya caused many nations to reduce their support for R2P after 2011. Many viewed NATO's actions in Libya as proof that R2P could be used as a tool for regime change by international actors. For example, NATO's involvement marked a turning point in China's foreign policy as China's thawing to international intervention reversed.¹²⁰ China stated "there must be no attempt at regime change...under the guise of protecting civilians."¹²¹ NATO's actions in Libya also affected Russian foreign policy as it vetoed a resolution on Syria in October 2011. Russia argued that NATO's interpretation should not be a model for "implementing the responsibility to protect."¹²² Consequently, some states (China and Russia among them) cite NATO's involvement in Libya as a realization of their fears that R2P would promote local interference by international bodies.

2.2.3 The European Union (EU)

In 2006 all principal European Union (EU) institutions declared their strong support for R2P.¹²³ In practice, however, the EU has displayed a hesitance to engage proactively or comprehensively (particularly with respect to pillar 3 interventions) in R2P-relevant situations.¹²⁴ This is exemplified by the EU's hesitation to respond militarily to atrocities such as those in the Central African Republic (CAR). On October 1, 2013, UN Special Adviser on the Responsibility to Protect Jennifer Welsh and UN Special Adviser on the Prevention of Genocide Adama Dieng warned of CAR's volatility.¹²⁵ Their concern followed almost a year of warnings to which the EU did not respond. It was not until December 2013 that the EU reacted, eventually becoming the largest development aid donor to the CAR in 2016.¹²⁶ However, the EU faltered when it came to condemning atrocities in CAR by failing to demand an ICC investigation.¹²⁷ The EU deployed a military mission with the goal of protecting civilians in CAR, but France was the only large EU member state to contribute troops.¹²⁸ While the EU worked to support CAR civilians, it was unable to use R2P to prevent atrocities. Its use of the military in preventing mass atrocities is relatively unique to CAR as the EU did not send troops to Myanmar or South Sudan.¹²⁹ The EU is willing to support in times of international crisis but has not been a leader in preventing mass atrocities.

2.2.4 League of Arab States (LAS)

The League of Arab States (LAS) was founded in 1945 to grant member states the opportunity to coordinate on areas of mutual interest.¹³⁰ In support of this directive, the LAS initiated a number of reforms, including the 2004 Arab Human Rights Charter, which established a peace and security council and an interim Arab parliament.¹³¹

The concerted and direct action the LAS undertook to fulfill the R2P mandate is illustrated by the reforms mentioned above and in its response to the Libyan Civil War. To begin, the LAS endorsed several policies, including advocating for the Security Council to introduce a no-fly zone over Libya, especially in areas of Libyan military aviation, and suspend Libya's membership in the LAS.¹³² This action subsequently facilitated approval of United Nations Security Council (UNSC) Resolutions 1970 and 1973.¹³³ It is important to note, Resolution 1973 asserted that any state undertaking action in Libya would be required to inform and consult both the UNSC and the Secretary General of the LAS.¹³⁴ This clause further demonstrates the active approach and priority the LAS afforded to pursue an R2P agenda in Libya. Theoretically, LAS action in Libya fulfilled the three pillars of R2P: (i) a state required to protect its population, (ii) attempts by the international community to galvanize and support Libya in pursuit of this obligation, and (iii) action undertaken by the international community when Libya failed to act.¹³⁵

However, the real-world application of the LAS' response plan cannot be deemed a resounding success. After the SC adopted Resolution 1973, American, French and British missiles focused their resources on both pro-Gaddafi forces outside Benghazi and Libya's air defense system.¹³⁶ In response, the LAS, who previously advocated for external intervention, began to question the mission.¹³⁷ LAS Secretary General Amr Moussa exclaimed that "What is happening in Libya differs from the aim of imposing a no-fly zone, and what we want is the protection of civilians and not the bombardment of more civilians."¹³⁸ This concern regarding the motive of the intervention was shared by the larger international community,

specifically when countries undertaking intervention in Libya expressed a desire to remove Gaddafi from power.¹³⁹

While the LAS formulated a plan in response to the humanitarian crisis in Libya, its execution was a source of controversy. This is because the LAS relied on other actors, including NATO, to execute its plan. Thus, it becomes clear that regional organizations frequently cannot enact tangible change in the R2P realm on their own accord. It is thereby vital for regional organizations to set forth clear and cohesive guidelines and actively engage its partners to ensure the proper execution of its advocacy plan for the advancement of R2P.

Multilateral institutions and regional organizations including NATO, the EU, AU and LAS have all worked with R2P in attempts to protect citizens with varying degrees of success. Overall, there is a need to focus on the preventative aspect of R2P. The desire of institutions to minimize the use of military forces must result in a renewed commitment to ensure conflict does not escalate to the degree where large scale military intervention is critical. In order to ensure the success of this goal, such organizations must develop both their own institutional and military resources along with the cultivation of partnerships with external entities governed by active communication and transparency. Additionally, while R2P needs multilateral institutions to survive, it must be flexible enough to translate the goals of the international community to local protection.

THE SUCCESSES, FAILURES, AND LESSONS LEARNED OF R2P

3.1 Success and R2P

Although there continues to be limitations to R2P's reach and operationalization, neglecting to mention the victories, however small, would be irresponsible. This section will attempt to highlight R2P's achievements on both a normative and practical level.

3.1.1: R2P as a Normative Force

The success of R2P is perhaps best displayed within its normative reach. The concept of humanitarian intervention and state sovereignty was completely rewritten by R2P, shifting the focus to not just reaction but the prevention of mass atrocities within sovereign borders. In this view, R2P has been revolutionary, affirming a state's own responsibility to protect its populations and the international community's duty to provide support.

Furthermore, the continued commitment of states and regional groups and the lack of opposition to the principles themselves are evidence of some success.¹⁴⁰ R2P was adopted unanimously by all UN member states at the 2005 World Summit and since then, states and inter-state groups have continued to voice their support for the principle. Even the BRICS, typically assumed to be "irresponsible stakeholders" at the UN, have supported R2P in the majority of cases. In fact, the BRICS, like most international actors, are in agreement about the importance of preventing mass atrocities.¹⁴¹ Most recently at the UN General Assembly plenary meeting on R2P in July 2019, one regional organization (the EU) and 70 member states made statements on behalf of 104 countries.¹⁴² While states debated the implementation of R2P, the discussion demonstrated a broad agreement on the norm itself.

The entrenchment of R2P in international normative discourse is also shown in its frequent invocation by state actors. Demonstrated at the July 2011 General Assembly meeting on the role of regional and sub-regional bodies in implementing R2P, support for

the norm was repeatedly voiced despite the disapproval of the way in which it was enforced in Libya.¹⁴³ Even given the criticisms of Libya today, it is important to note the Council employed R2P for the first time in a Chapter VII context and Council members unanimously approved Resolution 1996 (2011) on South Sudan, with a reference to R2P, only months later.¹⁴⁴ Multiple studies have shown that post-Libya, there has not been a decrease in acceptance of the norm, rather R2P has become further integrated and utilized in the Security Council and Human Rights Council.¹⁴⁵ R2P has been invoked in more than 80 UN Security Council resolutions, more than 40 Human Rights Council resolutions and 13 General Assembly resolutions.¹⁴⁶

3.1.2 R2P in Practice

However, R2P's significance must also be quantifiable in the number of civilians it saves. R2P has arguably played a positive (albeit uneven) role in the prevention efforts of mass atrocity crimes.

The first known "success" of R2P was in response to the violence that broke out following Kenya's December 2007 presidential elections. The two coalitions vying for government – the Orange Democratic Movement (ODM) and Party of National Unity (PNU) were strongly supported by ethnically-rooted political constituencies.¹⁴⁷ When Mwai Kibaki leader of the PNU was declared the winner, Raila Odinga, leader of the ODM, rejected the results which triggered widespread and systematic violence, resulting in more than 1,000 deaths and the displacement of over 500,000 civilians. Clashes were characterized by ethnically-targeted killings of those aligned with opposition parties.¹⁴⁸ International actors responded quickly to the violence, initiating a 41 day-African Union led mediation process, spearheaded by former Secretary-General Kofi Annan, supported by the UN, Kenya's neighbors, and civil society.¹⁴⁹ While critics point to R2P as only marginally involved in conflict mitigation efforts, the application of R2P in the Kenyan case still serves to promote a non-coercive, diplomatic preventative effort that ultimately saved lives.¹⁵⁰ Kenya gave legitimacy to R2P and became a champion for what the norm could achieve without the use of force.

Other cases where R2P's implementation has been noted a success include Cote d'Ivoire¹⁵¹ and Guinea.¹⁵²

A crisis erupted in Cote d'Ivoire following former President Laurent Gbagbo's unwillingness to step down, with newly elected President Alassane Ouattara supporters and Gbagbo loyalists perpetrating atrocities targeting ethnic and political enemies.¹⁵³ Forces on both sides were failing to protect civilians and were accused of gross human rights violations that could amount to crimes against humanity. In an effort to protect the people of Côte d'Ivoire, a military operation began on April 4, 2011, following a statement by the UN Secretary-General Ban Ki-Moon in which he instructed UN Operations in Côte D'Ivoire (UNOCI) to "take the necessary measures to prevent the use of heavy weapons against the civilian population."¹⁵⁴ During the height of the crisis, the UN Secretary General, referring to R2P, stated that the crisis in Côte d'Ivoire triggered an international community's responsibility to protect civilians.¹⁵⁵ Following an arrest warrant, on November 30, 2011, Gbagbo was handed over to the ICC.

In Guinea, violence broke out when opposition supporters organized a demonstration to contest junta leader Captain Dadis Camara's reported intention to refuse the civilian right to power.¹⁵⁶ Government forces killed and wounded hundreds of civilians, prompting Human Rights Watch to publish evidence that the killings and other abuses committed by Guinea's security forces were widespread and systematic, amounting to crimes against humanity.¹⁵⁷ The UN established a Commission of Inquiry on the situation, and there was also an imposition of an arms embargo by the Economic Community of West African States (ECOWAS). Following months of mediation facilitated by ECOWAS, various Guinean stakeholders signed the Joint Declaration of Ouagadougou on January 15, 2010, agreeing to the formation of a National Unity Government and the holding of elections.¹⁵⁸

While efforts in both Guinea and Cote d'Ivoire are not entirely stable, R2P's importance in protecting civilians and stepping in when a state fails to do so continues to be relevant.

3.2 Studying failures: What can we learn from past mistakes?

Despite some success, however, there are cases where the international community failed to uphold R2P. Disagreements within the UN Security Council frequently lead to inaction, and emerging powers like China, Russia, Brazil, and India contend R2P missions. This section analyzes how national interests, veto powers in the UNSC, contingency on Pillar III, and scope limitations prevent R2P from being fully realized.

Primarily, R2P applications lack consistency because national interests often override R2P considerations. The “Ulterior Motive Exemption” allows countries to intervene in a humanitarian crisis in the name of R2P, even if their motive for intervention is not to provide protection to civilians.¹⁵⁹ For example, Stuenkel indicates that economic interests largely prompted China to support R2P in the 2011 Libya intervention under Resolution 1973¹⁶⁰ In addition, Russia directly quoted the R2P doctrine to justify its military activities in Georgia although Moscow’s primary concern was to control Georgia rather than to protect its citizens.¹⁶¹ Arguably, the US also intervened in Syria in 2016 to realize its strategic interests. Khashanah suggests that the US mainly used Assad’s abuse of human rights as an excuse to promote a regime change that would help safeguard the Israeli and American sphere of influence in the Middle-East.¹⁶² While the “Ulterior Motive Exemption” increases countries’ frequency of supporting R2P-related interventions, it also allows countries to prioritize their national interests over R2P considerations. When national interests clash with R2P interventions, countries tend to neglect the latter.

The national interests of the five permanent members (P5) of the UNSC significantly determine the implementation of R2P missions. Since the P5 have veto powers, they can be selective of where they authorize R2P resolutions. For example, to suppress the 2011 uprising, the Bahrain government potentially committed R2P-related crimes by arbitrarily detaining citizens and conducting torture. However, this crisis was never discussed within the UNSC because the US and the UK were allied with the Bahrain government and did not want to challenge its rule.¹⁶³ Moreover, during the 2001 Darfur humanitarian crisis where mass political violence erupted, the UNSC failed to act because China and Russia had a vested

interest in the region. As such, Beijing and Moscow insisted that the crisis was a “civil war” and blocked the UNSC from invoking R2P. The UNSC’s inaction resulted in a decade of massacres and millions of people displaced.¹⁶⁴ Similarly, the UNSC could not pass R2P-related resolutions during the 2016 Syrian crisis partly because Russia wanted to support Assad in an attempt to limit American influence in the Middle-East.¹⁶⁵ Therefore, the P5’s veto power in the UNSC restricts the implementation of R2P missions when such missions clash with their national interests.

The main disagreement in the UNSC stems from contingency on Pillar III. The UNSC is split between the Global North advocates of R2P-- the US, UK, and France --- and the “sovereignists” -- China and Russia. Although China and Russia agree that specific cases may require the use of R2P, they disagree with Global North countries about using military force in the name of R2P.¹⁶⁶ For example, after the NATO airstrike in Libya, Brazil, Russia, India, and China all condemned the NATO operation for meddling with Libya’s domestic affairs.¹⁶⁷ The BRICS countries argued that the use of force was biased because NATO helped the rebels rather than upholding neutrality and promoting a ceasefire.¹⁶⁸ Fearing that military operations would be misused to secure western interests, China and Russia did not support an R2P mission regarding the 2016 Syrian crisis.¹⁶⁹ This skepticism regarding the use of military force creates deadlock in the UNSC, which prevents the UN from taking necessary steps to help vulnerable populations.

Moreover, the use of force poses moral concerns as military operations could potentially do more harm than good. For example, the 2011 NATO intervention in Libya led to numerous civilian casualties: The Human Rights Watch found that the NATO airstrikes killed at least 72 civilians, of which one-third were children.¹⁷⁰ While military-backed operations can successfully protect vulnerable peoples, they can also lead to many deaths.

3.3 Fifteen Years in the Making: *Lessons Learned from R2P*

2020 marks the fifteenth anniversary of the formal adoption of R2P by the United Nations. In light of this, it is crucial to critically examine the lessons left behind by the application and misuse of the R2P. The following section suggests four key lessons. The first considers the inability of R2P to remain politically neutral and the relevance of including non-state actors in the global effort to promote and ensure the protection of vulnerable populations against mass atrocities. The second highlights the importance of prioritizing the deployment of diplomatic tactics over military operations. The third considers the relevance of expanding preventive efforts as the most important tool to protect vulnerable populations. Finally, the last lesson suggests the necessity of a global commitment to upholding R2P in the present era.

3.3.1: Lesson One: The need to look beyond state actors

The previous section of this report discussed the significance of political neutrality and the R2P doctrine. It identified the failure of states to remain politically impartial and their inclination to act in their own self-interest as a contributing cause to numerous R2P failures.¹⁷¹ Some experts, like Edward C. Luck, have considered it necessary to ensure that states understand the significance of committing to the global effort of implementing R2P in good faith.¹⁷² On the other hand, scholars like Alex Bellamy have focused on recognizing the necessity to involve non-state actors in prevention efforts.¹⁷³

While R2P started as a state-championed principle, the fact that scholars and practitioners have, until recently, seen R2P as a primarily state-centric norm has limited the scope of prevention efforts. Recent developments in the scholarship on R2P suggest that R2P is a task that states cannot accomplish by themselves, making the private sector essential in implementing R2P successfully.¹⁷⁴ While it may seem that the primary interests of the private sector run counter to the values of R2P, mutual concerns exist in securing economic and social stability. For example, corporations have prudential interests in preventing mass

atrocities because in the presence of an ongoing conflict, stable property rights are forfeited, which inhibit profit accumulation.¹⁷⁵

Scholars like John Forrer, Connor Seyle, and Alex Bellamy generally agree that non-state actors play a fundamental role in mobilizing the effective measures to protect vulnerable populations.¹⁷⁶ Moreover, Bellamy notes that because R2P is “universal and enduring: that is, it applies everywhere, all the time,” there is a demand for private actors to utilize their resources and uphold their “moral responsibility to do what they can.”¹⁷⁷

How should private sector actors advance R2P? As Popovski contends, the private sector is best able to operate within the bounds of pillar two -- the “assistance pillar”.¹⁷⁸ In mapping the various roles that private sector actors can take on with respect to R2P, Popovski offers the following taxonomy:

1. Non-perpetrator - non-engagement in atrocities or “Activities complicit to atrocities.”¹⁷⁹
2. Mitigator - preventing and mitigating mass atrocities through “networks of social investment and engagement, institutional strengthening, incorporating social and environmental codes and human rights guidelines.”¹⁸⁰
3. Assistant Protector - responding to atrocity crimes through the provision of “logistics, transportation vehicles, food, water, medicine, and other supplies needed for the survival of victims of mass atrocities.”¹⁸¹
4. Direct protector - leveraging resources to provide direct protection of vulnerable and/or targeted peoples during the commission of mass atrocities.¹⁸²
5. Compensator - volunteering financial resources or employment opportunities to compensate victims of mass atrocity crimes.¹⁸³
6. Rebuilder - supporting post-conflict “reconstruction and reconciliation, and, accordingly, build[ing] tolerance and prevent[ing] atrocities from reoccurring.”¹⁸⁴

However, some of these roles are more easily attainable in the short-term than others; when considering the corporate role of the compensator, Popovski concedes that “there remain many more lawsuits filed against multinational corporations for wrongdoings than corporations’ volunteer offers of compensations.”¹⁸⁵ That being said, there is a particular set of cases where the private sector decisively contributed to the implementation of R2P -- namely, that of the Kenya Private Sector Alliance (KEPSA)’s role in counteracting Kenyan electoral tensions in 2008 and 2013.

Created on 12 March 2003 amid the support of over 200 associations, KEPSA is an umbrella organization representing a diversity of Kenyan businesses and interests .¹⁸⁶ KEPSA played an important role in the cessation of electoral violence in the 2007/2008 incidents of electoral violence and the promotion of peaceful elections in 2013.¹⁸⁷ According to Obath and Owuor, KEPSA was able to do this in virtue of the fact that it (1) had an advocacy platform that was non-confrontational and based on compromise; (2) had over a decade of experience in promoting social stability; (3) was able to take advantage of the fact that “political actors have private sector interests, many of which are part of KEPSA,” and (4) was an organization that had a reputation for transparency and integrity, allowing it to act as a credible intermediary and use “its convening power as an effective foundation for bringing stakeholders to the table.”¹⁸⁸ In this way, KEPSA was able to play the role of mitigator in a variety of ways, from leveraging a broad network of connections in the interest of bringing disparate groups to the table -- to using pre-existing economic interests and associations with political figures to facilitate peaceful engagement.

What does the case of KEPSA tell us about how corporations can aid in the effective prevention of Mass Atrocity crimes? The most important lesson to draw is that they may be uniquely positioned to exert economic and social leverage over actors relevant to the prevention of Mass Atrocity crimes -- because of this, the operationalization of R2P must give directed consideration to the role of corporations.

3.3.2: Lesson Two: Diplomacy should prevail and so should responsibility — before, while, and after.

The second lesson is that diplomatic efforts should prevail, specifically, they should take precedence over the deployment of military operations. Fadhila Inas Pratiwi highlights the importance of this by rooting her argument in the Libyan case. Pratiwi argued that former Libyan Prime Minister Gaddafi initially accepted the AU's proposal to a ceasefire and a national dialogue with the rebels. However, the rebels rejected the proposal and NATO (as the third party) ignored Libya's efforts to pursue diplomatic solutions and instead sought a militaristic route.¹⁸⁹

By contrast, in Kenya in 2007 the effective and swift coordination of international actors and diplomatic tactics succeeded in halting the escalating violence in the country, as previously discussed earlier in the report.¹⁹⁰ Despite its international appraisal, Dr. Sharma finds that the Kenyan case can be more accurately depicted as a “metaphorical bandage to Kenyan wounds,”¹⁹¹ where pre and post-crisis phases were neglected. The Libyan case has also sparked a conversation on the responsibility of the international community to uphold the principle after the operation. NATO considered the Libyan mission complete following the removal of Gaddafi from power. Yet, as mentioned before, the civil conflict ensued and worsened the conditions of the civilians living there. In view of this, some scholars have called upon the integration of the RWP principle proposed by Brazil to effectively apply the doctrine in a more accountable, integrated, and transparent manner.¹⁹² Others have highlighted that while exercising responsibility *while* protecting matters, it is of utmost importance to exercise *greater* responsibility *before* and *after*.¹⁹³

On the other hand, diplomacy may not always work. The current Rohingya crisis is a testament to this. The genocide and mass exodus of hundreds of thousands of Rohingya people in Myanmar are still ongoing despite the efforts of the international community to halt the escalating violence. Diplomatic efforts have been ongoing for over a year and yet the Myanmar government has consistently failed (or is unwilling) to address the root causes of the problem. Thus, the threat of atrocity endures and as a result is to date, more acute than ever.¹⁹⁴ This calls for further action in *preventative* efforts *before* the outbreak of a crisis.

3.3.3: Lesson Three: Prevention is fundamental

Prevention is the one common principle all scholars agree to be fundamental to the doctrine's success.¹⁹⁵ In his eleventh R2P report, Secretary General Antonio Guterres discussed different priority areas that are crucial for mass atrocity prevention.¹⁹⁶ Past experiences have taught the international community that discriminatory societies, with low state accountability, and huge socio-economic inequalities, are more prone to civil conflict. As a result, it is crucial for these states to individually commit to alleviating these shortcomings.¹⁹⁷ The international community should collectively continue to support efforts to identify and effectively communicate signs of imminent risks. Most importantly, the international community must be *capable* of responding to these risks and atrocity alerts.

Among R2P prevention best practices, scholars have highlighted the appointment, in 41 countries, of senior-level officials specifically responsible for overseeing mass atrocity prevention. Likewise, they have appraised the distinction of mass atrocity prevention in foreign policy from other areas of focus like conflict prevention. This, in view that mass atrocities do not always take place in the presence of armed conflict (i.e. the DPRK and Burma case), and armed conflict often occurs as well without mass atrocities. R2P scholar Boutilier has particularly emphasized Barack Obama's 2011 targeted mass atrocity prevention approach by establishing the Atrocities Prevention Board (APB) that has proven successful in preventing mass atrocities in the Central African Republic.¹⁹⁸ Yet, the international communities' response continues to be insufficient at best in situations similar to the present Rohingya crisis. It is therefore fundamental to prevention efforts to continue building the global capacity to react in times of need.¹⁹⁹

3.3.4: Lesson Four: R2P is relevant today more than ever

Finally, the last lesson learned is that R2P is more relevant than ever. Scholars acknowledge that the world continues to see the eruption of conflicts that heighten the risk of mass atrocities.²⁰⁰ Countries around the world like Yemen, Syria, and North Korea,

continue to see the deaths of millions of innocent civilians at the hands of oppression, hunger, and violence.²⁰¹

Leading R2P scholar Tina Park, argues that while it is easy to be cynical given the current atrocity crisis around the world, “R2P serves as a powerful reminder that we cannot remain as bystanders.”²⁰² Dr. Park argues that the doctrine beyond remind states that they have the primary responsibility to protect their own people from atrocity crimes like genocide, the international community has, as well, a shared responsibility whenever states are unable or unwilling. Lastly, she emphasizes that while it is easy to critique the shortcomings of a global commitment, the norm is still relatively very young in comparison to other international relations doctrines. This entails that there is still ample room for it to develop and successfully live up to its purpose.²⁰³

THE FUTURE OF RESPONSIBILITY TO PROTECT: AREAS OF FOCUS AND POLICY RECOMMENDATIONS

For R2P’s continued relevance in the international sphere, we must take into account trends that will affect R2P’s ability to achieve its goal of preventing mass atrocity crimes. These trends include the continued urgency of refugee crises, social media, cybersecurity risks, gender inequalities, and climate change. Most importantly, it is vital to understand what divides nations and to recognize the ‘geopolitical frames’ and their roles.²⁰⁴ As such, this section will outline key areas of interest where humanitarian efforts should be focused on in the next decade and beyond. In addition, policy recommendations on how R2P can be applied in these specific cases are featured as well.

4.1 The future of R2P at the UNSC.

Geopolitical frames allow us to understand the framework that drives conflict. A substantial threat to the vitality of R2P is its abuse by states seeking to protect their interests under the guise of humanitarian intentions.²⁰⁵ The future usage of R2P must overcome the limits of power politics. One way of doing so would be to achieve a consensus that military organizations should not be able to use R2P as a justification for interventions. Currently, the only organization with the capacity to exercise power on a truly global scale are the US forces under the structure of NATO, which will understandably act in the strategic interests of the United States and its allies. In other words, the Global South is unlikely to welcome an expanded role for NATO anytime soon, especially under the guise of humanitarian intentions. Therefore, while other non-military aspects of R2P ought to take precedence (such as diplomatic and economic sanctions), the use of force under the R2P principle must only be permitted after direct authorization by the UN Security Council, and must only be conducted by UN forces (not NATO) to ensure that a mission will not expand beyond its original objectives. Such reform will help prevent controversies such as the Libyan intervention and encourage further cooperation from the P5.

4.2 The case for Refugees

According to the UN Refugee Agency (UNHCR), there were over 79.5 million forcibly displaced people worldwide at the end of 2019.²⁰⁶ 80% of those individuals are affected by food insecurity and have limited access to health or sanitation services. 26 million refugees are under the age of 18 and are at a high risk of becoming more vulnerable due to the COVID pandemic of 2020.²⁰⁷ COVID-19 has increased the vulnerability of refugees to other types of crime such as human trafficking, exploitation, and decreased their ability to hold basic human rights. The pandemic has taken away stability and has forced refugees to flee from their current areas, unable to receive medical assistance. An example is forced migration due to the pandemic that has caused an increase in the vulnerability of refugees, giving rise to an

increase of cases of refugees falling prey to human traffickers. Once caught in this cycle it is very difficult for a refugee or victim to gain their freedom.

Understandably, refugees are often in precarious situations in which their healthcare and security are often neglected due to a variety of external factors. For instance, the Yemeni government is unable to responsibly protect displaced persons due to the ongoing conflict and famine weakening state powers, a situation which is exacerbated by the current global pandemic.²⁰⁸ Therefore, it is critical to consider refugees and health crises as relevant factors that influence the application of R2P.

4.3: The use of Cyber Capabilities and Social Media for R2P

Using social media to document cases of R2P:

Social media is a powerful tool, as it can garner public attention to conflicts and human rights abuses that would otherwise be neglected by the general public. In the digital age, crimes can be filmed and posted online, which in turn places pressure on governments and international actors to respond accordingly. This has been especially evident in the case of China's treatment of the Uighur population. For instance, Twitter has been used to document and find concentration or 're-education' camps in North-Western China amounting to crimes against humanity against the Uighur population.²⁰⁹ This not only pressures China to act but the international community to hold China accountable. If this strategy is used to bring further attention to atrocity crimes in Yemen, Venezuela, or China, it can serve as a rallying cry that engages state actors and the public.

As such, R2P advocates can use social media to understand the different dynamics of a particular conflict and suggest solutions. Additionally, R2P advocates can also use social media as a tool for conflict prevention. Groups that spread hate, which in turn can manifest itself into violence, tend to use social media to espouse their views and maintain a base of

supporters. With this in mind, the government and NGO's can treat social media as vital intel to monitor the situation and respond before war crimes and violence are committed. Additionally, corporations such as Facebook and Twitter should work to limit hate speech on these platforms and work with authorities to provide further relevant information regarding these organizations.

Using Machine Learning & AI hashes to track R2P in cyberspace:

The use of machine learning and artificial intelligence (AI) hash tracking is currently being used to trace crimes such as terrorism, and the sexual exploitation of children. Areas in which it can be applied to R2P include tracking keywords in both the world wide web and the darknet (i.e., an early warning assessment tool). Hash tracking uses specific data from an image or video to collect its information, such as location and time. For example, if a video is uploaded of refugees fleeing violence, the data from that video can be used by law enforcement agencies or NGOs to pinpoint the location of violence and act accordingly. Using social media and hash tracking can then trace past and present war crimes, genocide, ethnic cleansing, or crimes against humanity, allowing those crimes to come to light.

Policy Recommendations

4.4: Policy Recommendations on Social Media and R2P

1. Arouse public interest in R2P using educational and social media channels:

a. Particularly in democratic countries, public opinion influences government policies. If citizens want to help vulnerable people, their interests could pressure the government to adopt foreign policies in favor of R2P

b. Implementation:

i. Use social media like Facebook, YouTube, and Twitter to promote R2P awareness. This could perhaps arouse a sense of moral responsibility from the audience to help the vulnerable population in another country.

4.5: Policy Recommendations on Private-public partnerships:

The establishment of partnerships is vital for proactive and preventative measures within R2P. Local partners can be a valuable source of aid, information, and intelligence on cases of R2P. These can include volunteers, NGO staff, international schools, and employees in foreign companies. Sources can report incidences of R2P directly to an embassy, local law enforcement, or non-formal channels such as social media. It is important to develop networks of local partners, which can be done through attending workshops, seminars, or being a part of research groups. These events allow for the identification of stakeholders in the field of R2P and human rights.

The importance of Public-Private Partnerships (PPP)

A Public-private partnership (PPP) is often defined as “*a long-term contract between a private party and a government agency for providing a public asset or service, in which the private party bears significant risk and management responsibility*” (World Bank, 2012).²¹⁰ This partnership depends on the acknowledgment that the two entities have advantages for delivering certain products or tasks. The private sector’s responsibilities are listed but not

limited to delivering the financial backing, design, construction, operation, management, and maintenance of a project. Therefore, there is increased importance in working with private-partnerships for R2P, especially if governments are unable or unwilling to take the necessary steps. Private organizations have a mandate outside government and IGOs and are able to not only make contributions but manage the risk on projects. These partnerships can assist not only on a humanitarian relief level, but also in post-conflict rehabilitation, and preventive social programs. As noted earlier in 'Lessons Learned', non-state actors have a vested interest in championing R2P and thus can play an invaluable role in helping governments and international institutions to implement key preventative measures.

Policy Recommendations on Private-Public Partnerships:

1. Military action under R2P must only be enacted via explicit authorization from the UN Security Council, preventing abuse from non-UN forces and to encourage cooperation from Russia, China, and the Global South.
 - a. Military missions may only be conducted by UN forces, and must not be assisted by any other military organizations/ forces, which will ensure that missions are conducted in full accordance with the UN Charter and international law.
2. Increase collaboration between multilateral institutions and regional organizations/the private sector.
 - a. Multilateral institutions must seek to further international goals of R2P while staying within the confines of accepted R2P actions. This will prevent nations from casting doubt on R2P from fear of foreign intervention. As such, strengthening warning and early action systems through partnerships with regional organizations and the private sector will be the most effective way of combating mass atrocities.
 - b. Implementation examples:
 - i) Increase circulation and use of the Framework of Analysis for Atrocity Crimes, a guide developed by the Office on Genocide Prevention and the Responsibility to Protect to recognize the beginnings of an atrocity.

Partner with NGOs and regional organizations to increase audiences on alert for atrocities.

- ii) Streamline the process of atrocity reporting by including a standardized reporting protocol as part of the Framework of Analysis for Atrocity Crimes circulation.
- iii) Encourage participation of NGOs/private sector/regional organizations in policies traditionally centered around multilateral organizations.
- iv) For example, supporting collaboration between the African Union and the International Federation of Red Cross in responding to the crisis in the Central African Republic.

4.6: Policy Recommendations on Empowering Women in R2P peacekeeping and post-conflict security:

Since women and girls tend to face unique experiences in conflict-ridden areas, their rights must become a central tenet in the future of R2P, and planning phases in conflict and post-conflict zones.

In addition to dealing with the emotional and psychological trauma that comes with conflict, women and girls have the added trauma of sexual and gender-based violence. As such, female survivors have a different set of needs from their male counterparts which must be addressed by the international community. For example, it is important to include women on the frontlines when conducting projects so that safety from gender-based violence is considered. A 2018 study by UN Women suggests that women are more likely to report gender-based violence than men, and this creates a culture of compliance with non-harassment policies within a peacekeeping mission. Furthermore, increasing women's participation in peacekeeping forces from 0 to 5% decreased the frequency of sexual assault allegations by 50%.²¹¹ Female contributors also increase a project's overall success through situational awareness of women's security concerns by having greater access to and trust within female-led communities.²¹²

In addition to this, international organizations such as the United Nations should consider bringing local women from conflict-areas to the decision-making table. Since women and girls have unique needs, their voices should be prioritized as the international community moves forward to bridge the gap between gender-related crimes and the responsibility to protect. Research on the experiences of victims and survivors not only gives a nuanced understanding of the physiological and psychological effects of violence but also a deeper knowledge of the perpetrators' criminal methodologies.²¹³ Female survivor representatives should be given advisor roles for R2P initiatives and provide instruction in R2P and human rights training courses, as they hold first-hand knowledge of the crimes.

Macro-level gender mainstreaming requires an increased representation by women at all decision-making levels and within any institutions dedicated to humanitarian aid, peacebuilding and conflict prevention, management, and resolution. In order to have a successful future, R2P needs to incorporate women within its management and in conflict zones, and female victims/survivors leading or advising project initiatives. The future of both the UNSC and R2P lay in the hands of women and their involvement in important issues such as peace and security.

Policy Recommendations to Achieve Female Empowerment in R2P and Peacekeeping:

2. Women that show high potential in R2P-oriented institutions, security, or peacekeeping organizations should be identified as early as possible and gradually mentored towards attaining high-level positions of authority. This will ensure that the gender perspective is included in all projects in R2P conflict zones.
3. Projects should exhibit not only superficial-level KPIs on women's participation in R2P project activities, but also incorporate the issue of gender across the entire project in a holistic manner. For example: in a training course on R2P, a holistic gender approach might require the creation of a modernized training agenda that touches upon every area in which the concepts of gender and R2P intersect.
4. The management of projects in conflict areas should fully incorporate mainstreaming best practices, such as those put forth in the gender training template issued by the

North Atlantic Treaty Organization (NATO).²¹⁴ This would improve the welfare of female soldiers and civilians in combat zones. The training must be based on clear directives that are “intended to enforce standard behavior” such as codes of conduct, standing operating procedures, and rules of engagement.

5. The international community needs to prioritize the voices of local women when tackling the issue of gender-based violence in conflicts. Their experiences can serve as guidelines for the prevention of these crimes in the future. As such, the international community should consider establishing a commission to study the gap between gender-related crimes and R2P. Commission members should include scholars, government, and non-governmental organizations, as well as local actors.

4.7: Canada and R2P:

6. For Canada to effectively contribute to R2P advocacy in the same manner as it did in 2001, it must ensure non-partisanship and consistency with its application.
 - a. By converting the “All-Party Parliamentary Group of the Prevention of Genocide and Other Crimes Against Humanity into a standing joint committee with a budget”, norm entrepreneurs from various parties can work collaboratively to offer insight into applying R2P objectively.²¹⁵ The emboldening of this institution will also allow Canada to collaborate with similar all-party groups such as AEGIS (the UK equivalent).²¹⁶
 - b. Canada must reorient its foreign policy to ensure consistent efforts across all regions when addressing human rights abuses. This can be done through two reports.
 - i. The first analyzes Canada’s role within R2P’s normative development, where Canada has failed, and what is needed to improve its advocacy. This first report would be conducted by the Standing Committee on Foreign Affairs and International Development (FAAE), which would include the perspectives of various MPs from differing political parties, further supporting the non-partisan approach to the analysis of Canada’s relationship with R2P. Additionally, the FAAE could

collaborate with the Subcommittee on International Human Rights to provide deeper analysis. The purpose of this report is to provide clarity, ensuring that Canada stays focused on reinvigorating its humanitarian legacy.

- ii. The second commission will be geared to the international community which can offer policies addressing contemporary issues of R2P. This second report would mimic the structure of the ICISS report; commissioned by the Government of Canada and contain a group of scholars from both the Global North and South.

7. China's treatment of its Uighur population poses an immediate threat to R2P and requires Canada's attention. China has arbitrarily detained Uighurs on the grounds of pacifying their "religious extremism" through "re-education" detention camps where forced labor is utilized to provide goods for numerous companies, including Bombardier.²¹⁷

- a. Imposing Magnitsky style sanctions on Chinese officials who are complicit in these acts will be a first step in holding China accountable. These sanctions should be imposed collaboratively with other members of the Inter-Parliamentary Alliance on China, to strengthen the importance of multilateralism as an effective tool when responding to belligerent larger powers.²¹⁸
- b. Additional measures should be taken by the Canadian Ombudsperson on Responsible Enterprise (CORE) to ensure Canadian companies are not complicit in utilizing forced labor as part of their supply chains.²¹⁹ If there is sufficient evidence to suggest complicity, subsequent policy recommendations should be at the discretion of a CORE report.

8. Canada should advocate for additional research on R2P within the context of current and emerging international threats. Additional funding and partnerships with research organizations prepared to handle such tasks should be given specific attention. Topics for further research include the intersection between R2P and Climate change, cyber and

technology, and women in R2P. These efforts can further strengthen Canada's image globally as a middle power driven to address human security in the context of emerging international threats. Taking a proactive approach to R2P is a crucial opportunity that Canada should seize in the near future.

VI. Conclusion

The impacts of crises are felt across international boundaries and require the implementation of swift and effective solutions. While not without its critics, R2P remains the most effective framework under which these solutions can be attained; a practical middle ground between the violation of sovereignty and international inaction. If done correctly, R2P has the potential to become one of the most important diplomatic achievements of the 21st century.

While normative frameworks for the Responsibility to Protect may be comprehensive and clear, the implementation of policy into practice remains a cumbersome and complex undertaking. R2P in practice will require public and private stakeholders to collaborate on a shared vision to adapt to challenging contexts. The future of R2P therefore lies in the hands of those that focus on proactive engagement, collaboration, and prevention-based projects. In other words, the future lies in the Responsibility to Protect.

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