

Value Added of R2P and Atrocity Prevention to the Protection of Civilians and Peacekeeping

The genocides in Rwanda in 1994 and at Srebrenica in 1995, and the failure of the international community to effectively respond to these tragedies, resulted in the development of two protection regimes: the Protection of Civilians and the Responsibility to Protect.

Currently, populations in many countries are facing the risk of mass atrocity crimes, namely genocide, crimes against humanity, war crimes and ethnic cleansing. From the Central African Republic to South Sudan or the Democratic Republic of the Congo, state and non-state actors continue to perpetrate mass atrocity crimes against vulnerable civilians. It is in these operating environments that peacekeepers are increasingly asked to deploy to protect civilians against the four mass atrocity crimes.

Nine out of fifteen current UN Peace Operations have the Protection of Civilians (POC) at the core of their respective mandates. Protection of civilians mandates demand that Peace Operations use both military and humanitarian means to help foster a secure environment for populations in their area of deployment. In many instances this involves protecting populations from mass atrocity crimes. To better understand the dynamics of threats and violence populations face, Peace Operations need an “Atrocity Prevention Lens” that systematically assesses the risk of the four crimes and enhances their capacity to protect populations effectively.

The purpose of this document is to clarify the added value of the Responsibility to Protect (R2P) and the use of an Atrocity Prevention Lens to the work of actors within Peace Operations mandated to protect civilians.

KEY TERMS

Responsibility to Protect - R2P is a global norm, unanimously adopted by heads of state and government at the 2005 UN World Summit. It is aimed at preventing and halting genocide, war crimes, crimes against humanity and ethnic cleansing. R2P stipulates that every state has the primary responsibility to protect its populations from the four crimes, the wider international community has the responsibility to encourage and assist individual states in meeting that responsibility, and if a state is manifestly failing to protect its populations, the international community must be prepared to take appropriate collective action in a timely and decisive manner and in accordance with the UN Charter.

To translate this commitment into action, R2P can be implemented and operationalized through the application of an Atrocity Prevention Lens. Application of this lens includes assessing dynamics within the country as they pertain to the risk and potential commission of mass atrocity crimes and guiding the actions that need to be taken at the international, regional and domestic level to prevent their perpetration. The application of R2P or an Atrocity Prevention Lens to Peace Operations will enhance the capacity of peacekeepers to meaningfully protect civilians while being deployed in complex operational contexts where civilians are at risk of atrocity crimes.

Protection of Civilians - While the Protection of Civilians concept has been effectively established through International Humanitarian Law, embodied within the 1949 Geneva Conventions, modern definitions of the concept – particularly within the context of peacekeeping - rapidly developed after the UN Secretary-General’s first report on POC in 1999. During October 1999 the UN Security Council authorized its first peacekeeping mission with a mandate to protect civilians from imminent threat of physical violence when it passed Resolution 1270 creating the UN Mission in Sierra Leone. Over the subsequent twenty years POC has emerged as an operational reality for the majority of UN Peace Operations. POC is an activity pursued by a variety of institutional actors - including peacekeepers, humanitarian agencies and NGOs - with the aim of contributing to the protection of communities caught in armed conflict and other situations of extreme violence. Within the context of peacekeeping, POC involves a variety of tasks, including robust protection of civilians from the imminent threat of violence, conflict mitigation, monitoring and reporting of rights violations, early warning and assessment of risks to civilians, community engagement, and facilitation of political processes and the implementation of peace agreements. Within missions with a POC mandate, peacekeepers also have a responsibility to pursue all other mission activities (e.g., humanitarian aid, ceasefires, disarmament, and capacity building) in a manner that does not compromise civilian security.

PROTECTION OF CIVILIANS AND R2P

The application of the Atrocity Prevention Lens enables protection actors (military, police and civilian) to identify patterns of threats and behavior as they emerge and to deploy strategies to respond to these patterns before atrocity crimes occur. Within the peacekeeping context, an Atrocity Prevention Lens brings a more tailored understanding of the broader political landscape and how it relates to the nature of the threats facing civilians.

The Atrocity Prevention Lens is a heuristic, allowing peacekeepers to decipher whether a situation features violent criminality, armed conflict affecting only combatants, violence targeting a civilian population, or precursors for atrocities, as well as whether civilians still face the risk of such crimes in the absence of open armed conflict.

An awareness of such dynamics and risks can assist force commanders and sector commanders in understanding where to deploy troops, how and when to patrol, potential triggers for violence - such as incitement or low intensity attacks against a particular ethnic group - as well as how to address the particular needs of certain vulnerable communities, such as women and children.

Example: South Sudan and the outbreak of the civil war

The UN Mission in South Sudan was mandated in July 2011 to assist the government in “consolidating peace and security” following its independence from Sudan. Within less than six months of independence, however, UNMISS was aiding the government in responding to widespread inter-ethnic violence in Jonglei State sparked by cattle rustling. Two years later, during December 2013, fighting broke out amongst rival factions within the military aligned with President Salva Kiir or his former Vice President Riek Machar. During the ensuing civil war, thousands of civilians were killed while rival forces perpetrated widespread extrajudicial killings, forced displacement, torture, child abductions and sexual violence against the population.

The lack of analysis anticipating the risks of atrocities when divisions first arose within the government ultimately meant that during 2013 actors and analysts within the country did not anticipate the outbreak of a civil war along ethnic lines that resulted in the systematic and widespread commission of war crimes and crimes against humanity. Had the UN Security Council, embassies in Juba, and the Special Representative of the Secretary-General to South Sudan been equipped with such tools, it is possible the political risks would have been understood differently. Actors on the ground - including UNMISS - and within the UN Secretariat could have adjusted their strategies for engagement with political actors and prepared contingency plans in order to mitigate the impact of the situation on civilians.

Operational Impact of R2P on POC

R2P can help increase the operational impact of peacekeepers when fulfilling their POC responsibilities by:

Understanding the nature of the threat to populations: Utilizing the Atrocity Prevention Lens grants protection actors a wider scope of understanding of the types of threats populations are facing, which may require a different kind of response. Through tools such as the *UN'S Framework of Analysis for Atrocity Crimes*, developed by Office of the Special Advisers on Genocide Prevention and the Responsibility to Protect, protection actors can develop their awareness of the political and societal conditions that may increase the likelihood of atrocities or trigger their commission. By increasing their awareness of potential triggers, actors can take steps to prepare for possible increased protection needs before widespread violence is initiated.

This lens also assists in identifying particular vulnerabilities of certain populations – including ethnic and religious minorities – to atrocity crimes and what factors may put them at particular risk. The Atrocity Prevention Lens increases the awareness of protection actors of the special risks and needs of particular sections of the community, such as women and children. For example, women are sometimes subjected to targeted and systematic sexual violence while engaging in daily activities such as gathering wood, carrying water, picking crops, going to the market and/or attending religious gatherings. By raising their own awareness, protection actors can take simple steps to mitigate the risk of attack, such as through timing their patrols around these community activities. This strengthens the capacity of such actors to protect women and children from opportunistic attacks as well as the wider threat of systematic mass atrocity crimes.

Identifying the patterns that lead to crimes: Whereas POC focuses on imminent risks to civilian populations and how to respond to direct physical threats, R2P assists actors in reframing analysis and intelligence-gathering in order to recognize patterns of behavior that may precede mass atrocity crimes. This long-term pattern recognition allows protection actors to understand when vulnerabilities may intensify, what triggers conflict escalation, and how to protect civilians before it occurs. Further, the Atrocity Prevention Lens, unlike POC, acknowledges that threats to populations and crimes can occur even in the absence of active armed conflict – this raises the value of the monitoring and community engagement work done during times of peace, since actors may recognize or observe ongoing non-violent abuses of a particular population. By understanding that certain conditions could trigger mass atrocity crimes - for example disputes over election outcomes - protection actors are able to improve their situational awareness regarding where and why crimes may occur, allowing them to plan accordingly.

Example: Election violence in Côte d'Ivoire

During 2010 the UN Mission in Côte d'Ivoire (UNOCI) assisted the government in facilitating presidential elections, including a November 2010 run-off between incumbent President Laurent Gbagbo and opposition leader Alassane Ouattara. The relative stability in the country began to quickly deteriorate after President Gbagbo rejected the election outcome and refused to step down, exacerbating divisions between ethnic groups affiliated with his party and that of President Ouattara. Between November 2010 and April 2011 more than 1,500 people were killed in systematic violence that extended from the main cities of Abidjan and Yamoussoukro to rural parts of western Côte d'Ivoire that had already been sources of instability. Despite significant regional efforts to mitigate the crisis, the violence did not end until UNOCI was encouraged to use "all necessary means" to protect civilians from the threat posed by Gbagbo's government. Security Council Resolution 1975, which led to Gbagbo's eventual removal from office, invoked the responsibility to protect. Gbagbo and his youth minister are currently being tried at the International Criminal Court on charges of crimes against humanity.

While the Atrocity Prevention Lens may have influenced the response of regional actors and the UN Security Council to the worsening situation in Côte d'Ivoire, it could have been used more effectively by UNOCI throughout the crisis. If the Special Representative of the Secretary to Côte d'Ivoire had utilized the Atrocity Prevention Lens, it could have enabled the mission to better understand the underlying patterns of grievances among ethnic groups affiliated with the two political parties, how they related to where and why civilian threats were greatest, and where the mission's physical protection capacity was most needed.

Triggering early action: A result of having better recognition of emerging threats is a greater capacity to take action and respond before a situation escalates. If peacekeepers are able to better identify potential perpetrators, their targets, and their means and motives for perpetrating crimes, it creates opportunities for early response and, in some cases, preventive action. By responding earlier, peacekeeping personnel not only have a greater chance of mitigating the risks to civilians, but they also have a wider range of tools available to them by comparison to a later stage in a crisis. This means that their response to atrocity risks may be different than those currently utilized by actors protecting civilians from imminent risk of physical violence. Early action can include small measures, such as increasing patrols and presence of the mission within communities. It can also include taking steps to remove the means to perpetrate crimes, such as through enforcing arms embargoes and implementing disarmament programs, or addressing motives for committing crimes by launching community engagement programs or reconciliation initiatives to address local inter-communal grievances. When missions convey early warning of crimes to UN Headquarters it can also trigger earlier resource mobilization or action by the UN Security Council to amend the mandate to meet new demands in the field.

PEACEKEEPING AND R2P

Implementation of R2P enables UN peacekeepers to assess threats to a population and develop an appropriate response to emerging mass atrocity risks. These tools are particularly helpful in addressing gaps and recommendations raised in the 2015 UN High Level Independent Panel on Peace Operations (HIPPO) – namely emphasizing the primacy of politics, responsive operations, stronger partnerships, and field-focused and people-centered approaches. As a primarily preventive doctrine, R2P may also enhance the work of peacekeepers by helping to avert potential crises before the risks necessitate a military response.

Primacy of politics – The leadership within peacekeeping missions are often briefed on the political context in the country as it relates to the various elements of their mandate – from election assistance to disarmament and monitoring ceasefire agreements, as well as capacity building activities. The primacy of politics emphasizes that lasting peace is achieved through political solutions – but political strategies must be informed by threats to civilians, particularly when solutions may exacerbate societal cleavages or when parties to the negotiations are also potential perpetrators. The Atrocity Prevention Lens brings a more tailored understanding of the broader political landscape and how it relates to the threat to civilians. It can prepare the mission and UN leadership in understanding what factors in the political process may act as triggers and what actions by state and non-state actors may exacerbate vulnerabilities faced by certain populations or certain regions of the country. R2P can further inform whether the political process remains viable or requires a recalibration of what the mission can realistically achieve.

Responsive operations and tailored responses – Implementation of R2P assists missions in better understanding their operating environment and the specific risks faced by populations. Thus peacekeepers are able to tailor responses to the type of threat civilians are facing and are better prepared to respond to those threats before situations escalate. Atrocity threat assessments can help in identifying which populations in which parts of the country are at particular risk of attack based upon race, religion, ethnicity, perceived political affiliation – as well as some of the root causes that contribute to those risks, such as a prior history of intergroup violence or disputes over land rights.

R2P also helps in understanding imminent priorities while sequencing missions. If the Security Council and mission leadership understand imminent threats, they can ensure mandates emphasize protection capacities when and where the risks of atrocities are high, and may emphasize accountability and capacity building priorities when situations have stabilized. Such capacity building can help address the root causes of violence and help ensure the society is resilient to the threat of recurrence in the future.

Stronger partnerships: The HIPPO recommendations emphasized the need for the UN to improve its use of partnerships with regional institutions – as well as to strengthen partnerships among the UN's own entities. R2P clarifies and further emphasizes the strategic value of strengthening these relationships. In the context of the African

region, various regional and sub-regional arrangements have, at times, been more proactive than the UN in response to signs of growing threats to populations. Often it is the institutions closest to the countries at risk that have the greatest awareness of the threat of atrocities and the appropriate response. In the case of Mali and Central African Republic, sub-regional institutions proposed the authorization of a peacekeeping force to respond to growing tensions months prior to the UN Security Council agreeing to mandate such a response. In cases where a UN peacekeeping mission was already on the ground – such as in South Sudan and Democratic Republic of the Congo – regional institutions have also played a role in constructing responses when new threats to populations have emerged, including through proposing more rapid reaction forces, providing support to political processes, and supporting regional accountability mechanisms. By strengthening partnerships the UN can provide better support to such mechanisms, which serve a vital role in preventing an escalation or recurrence of crimes.

R2P also demonstrates the value of stronger partnerships within the UN system. If the UN is to achieve a common purpose on UN peacekeeping, goals must be set with recognition of the risks that populations face. Unconsolidated analysis resulting from UN agencies acting in isolated silos has frequently hampered the ability of the UN to recognize trends that could lead to mass atrocity crimes. Similarly, gaps in understanding of needs between the field, UN Headquarters, member states and the UN Security Council has resulted in slow responses and late action, which could be mitigated by stronger partnerships among these actors and other relevant actors in the UN system, including the Office of the Special Adviser on the Prevention of Genocide and the Responsibility to Protect.

Field-focused and people-centered: R2P reinforces the need for the UN to improve its focus on how to produce better and faster results in the field without operations being inhibited by bureaucratic processes in UN Headquarters. The HIPPO recommends the creation of “extraordinary measures that allows expedited and effective administrative procedures, particularly for procurement and human resources, to obtain the right people and equipment for a rapid crisis response or a mission start-up.” Such measures would ensure that when a situation is at risk of escalation and troops need to rapidly respond to the threat of mass atrocities, resources are better mobilized to address the needs to civilians. By utilizing the Atrocity Prevention Lens UN Headquarters could better articulate the gravity of needing to mainstream the process for getting personnel and resources to missions in the field. Such an awareness would also reinforce the value of strengthening measures for ensuring mission leadership is accountable to fulfilling its protection responsibilities.

With regard to people-centered approaches, through better engagement with local community leaders, and women in particular, peacekeepers may learn vital information regarding inter-communal dynamics that may increase their ability to respond effectively to imminent threats. R2P thus emphasizes that it is imperative for UN Peacekeepers to strengthen partnerships on the ground with local communities. Such engagement will foster trust building and increase the capacity of the mission to be more responsive to early warning signs before major crises arise.

Example: Fit for purpose mandate in the Central African Republic

When the mandate for the mission in Central African Republic (MINUSCA) was renewed during July 2016, the crisis in the country had significantly stabilized. Despite the ongoing presence of armed groups, the scale and severity of attacks had dropped and the country had held relatively peaceful elections. As a result, MINUSCA’s primary objectives included capacity building activities and disarmament, which strained the resources available to address emerging threats to civilians in areas without a substantial governmental presence. However, during November 2016 the situation dramatically deteriorated with armed groups perpetrating indiscriminate attacks on villages, humanitarian workers and peacekeepers. Hundreds of civilians were killed in indiscriminate attacks as well as targeted violence based upon ethnicity and religion, tens of thousands of people fled the country, and humanitarian efforts were suspended in several areas. Despite these challenges to the protection of civilians, the UN Security Council waited until the mandate deadline during November 2017 before reconsidering MINUSCA’s priorities and resources. Given that multiple actors, including the Secretary-General, called for increased troop deployment - how could the mission leadership, particularly the Special Representative of the Secretary-General to CAR and the Force Commander, do more in this situation to ensure that the mission was given the resources it needs to protect civilians and prevent a recurrence of atrocity crimes? How could actors at UN Headquarters have been more proactive in their response to challenges the mission was facing on the ground? What could member states have done to generate a faster response from the UN Security Council?

Emphasis on preventive roles: Many responsibilities already undertaken by peacekeeping missions – from disarmament to monitoring roles – contain elements of prevention. If peacekeepers understand the unique risks associated with mass atrocity crimes, this creates multiple opportunities to enhance their capacity to prevent such crimes from occurring. By understanding where risks are the highest, missions can prioritize where to increase their deployments as well as where capacity-building efforts may have the largest impact. In situations with a potential for escalation, missions that understand the risk of atrocities can alert the appropriate authorities within the country and the UN Secretariat of growing warning signs in order to prepare the international community of the potential need for a more robust response before crimes have occurred.