

Second Annual Meeting of the Network of National R2P Focal Points

INTRODUCTION

On 29 September 2012 the governments of Australia, Costa Rica, Denmark and Ghana, in association with the Global Centre for the Responsibility to Protect, co-hosted the second annual meeting of the network of national R2P Focal Points. The meeting was successful in bringing together representatives of 36 countries from around the globe. The timing of the meeting, a day after the annual Ministerial Meeting on the Responsibility to Protect (R2P), was extremely useful in ensuring high-level representation from participating member states and reflected the commitment expressed by ministers the previous day on the effective operationalization of R2P.

Since the launch of the R2P Focal Points initiative in 2010 the network has expanded to include 23 countries. At the meeting, member states framed the discussion as an opportunity to share their experiences on the role of the national R2P Focal Points and to address the importance of strengthening the network in 2013.

HISTORY OF THE INITIATIVE

During the 2005 United Nations (UN) World Summit states unanimously adopted the Responsibility to Protect, pledging to never again abandon people threatened by genocide, war crimes, ethnic cleansing and crimes against humanity. Through paragraphs 138 and 139 of the UN World Summit Outcome Document, states affirmed their primary responsibility to protect their own populations from these four crimes and also accepted a collective responsibility to use appropriate measures to help protect other populations at risk.

An important step that a government can take to improve intra-governmental and inter-governmental efforts to prevent and halt mass atrocities is the appointment of a national R2P Focal Point. A national R2P Focal Point is a senior level official who is responsible for promoting R2P domestically and supporting international cooperation on the issue through participating in a global network. The appointment of a national R2P Focal Point is a concrete step that can be implemented by governments, regardless of their capacity in mass atrocity prevention, to demonstrate their commitment to R2P.

To help facilitate this evolving process within member states, the R2P Focal Points initiative was launched in September 2010 by the governments of Denmark and Ghana in collaboration with the Global Centre for the Responsibility to Protect. Since then the governments of Australia and Costa Rica have joined the facilitating group.

The first meeting of the network of national R2P Focal Points was held during May 2011. Participants discussed the need to define the broad terms of reference for R2P Focal Points and the challenges and opportunities the initiative presents.

The Global Centre for the Responsibility to Protect has also produced a set of recommendations that governments could take into consideration while appointing a national R2P Focal Point. These recommendations are in no way prescriptive. They are available at:

http://www.globalr2p.org/our_work/r2p_focal_points

THE ROLE AND RESPONSIBILITIES OF NATIONAL R2P FOCAL POINTS

The four governmental co-hosts began the second annual meeting by reiterating that no state is immune to mass atrocities. Participants agreed that in the eight years since the UN World Summit, R2P has achieved broad acceptance and now the focus must be on effective operationalization. The appointment of R2P Focal Points within national governments demonstrates the will of member states to take further steps to implement R2P.

The role of a national R2P Focal Point should be tailored to the unique context of each individual country, recognizing the varying forms of government, diverging bureaucratic cultures and diverse policy priorities and capacities. In some instances governments have created new positions, while in others existing offices have been expanded to include R2P within their current portfolios.

Irrespective of their placement within the government structure, for a national R2P Focal Point to be effective they need to be both a convener and a mobilizer. A national R2P Focal Point should have the capacity to bring together different government agencies and departments to advance policies.

Participants agreed that the most important aspect of operationalizing R2P is developing capacities to prevent mass atrocities. All three pillars of R2P are inter-related. While Pillar III of R2P calls for international action when the state is unable or unwilling to protect populations, Pillar I and Pillar II address national responsibility and building the capacity to protect populations from mass atrocity crimes.

The R2P Focal Points initiative is an important aspect of developing preventive capacities under Pillar I and Pillar II. The primary role of a national R2P Focal Point is to influence policy and decision making by introducing an R2P lens to tasks such as conflict prevention, security sector reform and building institutions that uphold the rule of law. The role of a national R2P Focal Point should include both an internal and external dimension. The balance between the internal and external role will be determined by the national context and priorities.

The internal dimension of the role of a national R2P Focal Point involves raising awareness about mass atrocity prevention issues within the government and building domestic institutions that can protect populations. This could involve bilateral and government-wide dialogue about what it means for different agencies and departments to apply the R2P lens. It could also include adopting legislation and policies geared towards

protection of vulnerable domestic minorities. In countries with a recent history of mass atrocities the role could involve working with external assistance agencies to ensure that aid flows are directed towards building inclusive institutions and the rule of law.

The external dimension of the role of a national R2P Focal Point involves fostering and developing institutions through multilateral and bilateral cooperation and development assistance to countries emerging from conflict or from situations where mass atrocities have occurred or are likely to occur. This could involve application of the R2P lens in development assistance programs geared towards rule of law and security sector reform, as well as training or support for civil society organizations working on similar issues. It could also involve developing capacities at the national level, training police and military that could be deployed in situations of mass atrocities or developing civilian capacities to provide assistance to peace-building efforts. The essence of R2P is long-term prevention and the tools needed include supporting the UN system and the Office of the Special Adviser for the Prevention of Genocide (OSAPG), as well as the development of effective early warning mechanisms, mediation and assistance to regional organizations.

NATIONAL EXPERIENCES

Australia

The R2P Focal Point is located in the Department of Foreign Affairs and Trade and is a senior level official. Specific functions include:

- Educate and raise awareness about R2P among different government agencies to ensure consistent understanding.
- Build political will to act when necessary by consistently engaging with the political leadership, including ministers and parliamentarians.

Australia does not have a specific national governmental institution dedicated to mass atrocity prevention, but has a well-developed crisis response architecture, including an inter-governmental emergency task force that brings together all relevant departments to calibrate an Australian response. In terms of Pillar II, R2P is part of the Australian development agency's approach to humanitarian assistance and aid. Australia is working with partners in the Asia-Pacific to build regional support

for R2P, including by sponsoring an R2P conference in Bangkok, Thailand during May 2012 on “Regional Capacity to Protect, Prevent and Respond: UN Asia Pacific Strategy and Coordination.”

Costa Rica

The R2P Focal Point is located in the Foreign Ministry and is a senior diplomat. Costa Rica believes that upholding R2P entails implementation of national obligations arising from existing international law. In Costa Rica the primary challenge continues to be the enhancement of democracy and promotion of human rights and international humanitarian law. Costa Rica believes investment in democracy and the rule of law is the best way to prevent mass atrocities and conflict.

In 2005, under the sponsorship of the International Red Cross, Costa Rica created a National Commission for International Humanitarian Law. This Commission brings together different governmental institutions and civil society and has been useful in promoting democracy, human rights and international humanitarian law. It has facilitated dialogue among different actors in Costa Rica and has led to twelve pieces of relevant legislation.

Denmark

The R2P Focal Point is the Under-Secretary for Legal Affairs at the Foreign Ministry of Denmark. The Ministry’s legal service has an established network with all government agencies and works with the Prime Minister’s Office, Ministry of Defense, Ministry of Justice, Ministry of Foreign Affairs and other ministries important for the implementation of R2P. Since his appointment the R2P Focal Point of Denmark has taken the following actions:

- Appointed an academic adviser with special expertise on R2P and initiated an exercise to map the departments and officials relevant to mainstreaming R2P within the government.
- Invited all stakeholders identified through the mapping exercise to a meeting. Participants included several departments of the Foreign Ministry, the Judge Advocate of Denmark, the Special Prosecutor for international crimes, police prosecutors, representatives from the Defense Ministry and the Danish Defense College, as well as from one of the most important stakeholders from a Pillar II perspective, the Danish development agency,

DANIDA, which falls under the purview of the Ministry of Foreign Affairs.

The purpose of the meeting was to raise awareness of how R2P applies and to take stock of Denmark’s current R2P efforts. This applies to policies at the domestic level as well as at the international level.

The R2P Focal Point agreed with the other Danish stakeholders to follow up with a number of bilateral meetings with relevant agencies in order to conduct an in-depth review of current R2P-related policies. It was agreed that the R2P Focal Point would share the results of the mapping exercise and discuss future initiatives to improve the operationalization of R2P policies both in Denmark and abroad.

In addition, there is a need to include civil society and the European Union (EU) in the Danish dialogue on how to operationalize R2P.

At the end of the consultation period the Danish government will decide on whether to develop a national action plan for R2P.

In the context of the network of national R2P Focal Points, the Danish government will support the creation of a platform through which the national R2P Focal Points can communicate with each other. A web-based forum would facilitate greater cooperation between national R2P Focal Points and foster cooperation on bilateral and multilateral levels.

France

The R2P Focal Point is newly appointed and is the Head of the Division for Human Rights and Humanitarian Affairs within the UN directorate. For France the role of the R2P Focal Point includes mainstreaming R2P within all departments and agencies of the French government. The R2P Focal Point will disseminate information on R2P to different stakeholders within the government, while being in charge of coordinating diplomatic outreach on R2P.

Germany

The R2P Focal Point has only recently been appointed and serves as one of the two Directors-General in the UN department of the Foreign Office. The R2P Focal Point

supervises the Human Rights division and also works with the team that addresses the rule of law. In addition he can draw on the expertise and resources of all divisions in the UN department, including the Conflict Prevention and UN Security Council divisions. The R2P Focal Point has the power and the ability to convene and bring together different ministries on mass atrocity issues.

Germany believes that the strength of the network of national R2P Focal Points is that it is informal, flexible and allows for the sharing of best practices. The network should have a strong regional component, particularly if working on issues of prevention.

Switzerland

The R2P Focal Point is the Head of the task force on dealing with the past and the prevention of atrocities and also works on impunity and accountability issues. The task force is composed of officials working in the Multilateral Division, International Law Directorate, Agency for Cooperation and Humanitarian Assistance and Division for Human Security. The task force is in charge of these issues for the Swiss Federal Department of Foreign Affairs.

United States

The R2P Focal Point is the Director for War Crimes and Atrocities on the National Security Council staff, a position specifically created by the President of the United States to focus efforts on mass atrocity prevention. The creation of this position is a powerful symbol that atrocity prevention is a national priority and the placement of the appointee in the staff of the National Security Council provides it with the power and the ability to convene and bring together different governmental agencies. The day-to-day role of the Director for War Crimes and Atrocities includes monitoring atrocity threats and situations and developing options to address those threats and situations, as well as long-term prevention.

In August 2011, the President of the United States issued a Presidential Study Directive 10 (PSD- 10). PSD-10 stated that mass atrocity prevention is a core national security interest and directed the undertaking of a government-wide review of the capacity to respond in order to make recommendations relating to the government's capabilities to prevent mass atrocities. Mass atrocity prevention involves all components of government, including justice, development, security, diplomacy, information gathering, defense and

immigration. Developing capacities for early action, specifically by strengthening Pillar I and Pillar II capacities and tools, is more effective and less expensive than belated action.

PSD-10 also directed the creation of an Atrocity Prevention Board, an inter-agency board established to strengthen the United States' ability to respond to mass atrocities. The United States' R2P Focal Point is oriented toward external situations because the government already has in place strong domestic mechanisms for monitoring and regulating its internal situation.

European Union

The EU has not yet appointed an R2P Focal Point, but R2P is considered an integral part of their priorities when working with the UN. The EU has promoted R2P in high-level bilateral meetings with key partners and contacts. Furthermore, the EU is strengthening their support in defense of human rights, which will affect how R2P is dealt with. On the structural side, the EU has been working on issues of early warning and the sharing of best practices in governance and has also been discussing R2P frameworks with the OSAPG. The EU still has a lot of work to do when it comes to mainstreaming and raising awareness across all departments about R2P issues.

Summary

Thirty–six countries attended the second annual meeting of the network of national R2P Focal Points. While some member states outlined steps already undertaken by them to operationalize R2P, others took this opportunity to learn from shared experiences. A particular highlight was the announcements by Côte d'Ivoire and Slovenia of their intention to appoint R2P Focal Points. The discussion during the meeting was open and purposeful as member states addressed policy options to begin operationalizing R2P nationally and internationally. Suggestions included conducting scoping exercises regarding existing national capacities and the potential development, where appropriate, of national action plans.

NETWORK OF NATIONAL R2P FOCAL POINTS

At this second meeting of the network of national R2P Focal Points participants acknowledged that

strengthening the network was a necessary step in fostering cooperation and dialogue.

The network of national R2P Focal Points is conceived as a support system for states committed to preventing mass atrocity crimes. The core objective is to help create a “community of commitment” that increases capacity to implement R2P’s three-pillar framework to protect populations from mass atrocities. The community is conceived as a network rather than a coalition and therefore members remain free to determine their approach to specific situations and policy applications.

Participants agreed that one of the functions of the network should be to promote education and awareness of R2P principles. The network could be a permanent forum where member states can come together and discuss issues related to mass atrocity prevention and share challenges and experiences in implementing R2P at the national level.

It was discussed that the Global Centre for the Responsibility to Protect could fulfill the function of a secretariat and, with the support of the government of Denmark, could establish a platform that would facilitate communication and dialogue. Emphasis was placed on the development of web-based tools as catalysts for exchanging ideas, sharing documents and discussing best practices without going through the formality of official governmental requests.

The network could also be an important tool for capacity building by promoting bilateral and multilateral assistance under Pillar II. For example, the R2P Focal Point from a country seeking assistance to bolster the rule of law and reform its security sector could directly approach the R2P Focal Point of a country providing development assistance. After the initial approach is followed through by an official proposal, donor and recipient countries could develop a capacity building program with a strong R2P lens.

Some member states pointed out that greater communication within the network could lead to identification of common practice. Although the context in which each R2P Focal Point operates will be dictated by their national realities, identification of some common elements and shared priorities will strengthen the network. Over time, the network could potentially create a community of practice for the implementation of R2P. The value of building a collection of case studies was highlighted. Participants recognized that the intention of the network of national R2P Focal Points was not to reinvent the wheel, but to enhance cooperation.

CHALLENGES

Some member states raised concerns about diversity of language, labels and frameworks being used by different actors regarding mass atrocity prevention. It was discussed that although some UN member states are resistant to the language of R2P, they nevertheless support mass atrocity prevention and are part of other networks working on creating institutions and practices to prevent genocide.

To this end, a few member states argued that while different labels exist the goal is still mass atrocity prevention. R2P as a concept has been accepted by the international community through consensus. The unanimous adoption of R2P at the UN World Summit in 2005 and the developments since then have been symbolic of the importance the international community attaches to R2P. R2P has reenergized debates on mass atrocity prevention.

The capacity challenge inherent in the national implementation of mass atrocity prevention was raised and participants discussed the role of regional organizations in this regard. Participants agreed that more work needs to be done in drafting concrete steps that the UN and regional organizations could implement to assist R2P Focal Points in preventing mass atrocities.

MOVING FORWARD

To make the promise of R2P a reality, institutional capacities need to be developed at national, regional and international levels to prevent and halt mass atrocities. The discussion at the second annual meeting of the network of national R2P Focal Points revolved around identifying lessons from already appointed R2P Focal Points and discussing concrete policies undertaken by states to operationalize R2P at the national level.

Prevention emerged as the most important theme of the meeting. All participants discussed operationalization of R2P from a Pillar I and Pillar II perspective. Many highlighted the potential role of national R2P Focal Points in building capacity nationally and internationally, especially through development assistance programs.

Some member states expressed an interest in having a more focused in-depth discussion on the operationalization of R2P in practice. Future meetings should welcome new members as well as deepen our understanding of what it means to operationalize R2P. Participants also pointed to the need to reflect on the role of regional organizations such as the African Union, EU and ECOWAS and to engage them further on this matter before the next meeting. It was agreed that another global meeting of the network of national R2P Focal Points should be scheduled for 2013.