

Fifth Meeting of the Global Network of R2P Focal Points Madrid, Spain, June 2015

INTRODUCTION

On 23 and 24 June 2015 in Madrid, Spain, the governments of Chile and Spain, in association with the Global Centre for the Responsibility to Protect and The Stanley Foundation, hosted the fifth annual meeting of the Global Network of R2P Focal Points. Senior government representatives from more than 50 countries from all regions of the globe participated in the meeting together with the UN Special Adviser on the Responsibility to Protect (R2P), Dr. Jennifer Welsh. The meeting opened with remarks by the Secretary of State for Foreign Affairs of Spain, H.E. Mr. Ignacio Ybañez Rubio, and the Ambassador of Chile to Spain, H.E. Mr. Francisco Marambio Vial.

Sessions of the fifth annual meeting focused upon the theme of “10 Years of the Responsibility to Protect: Responding to New Challenges and Threats to Vulnerable Communities.” During the meeting R2P Focal Points assessed what capacities their governments have built nationally and implemented internationally for the prevention of mass atrocities since the adoption of R2P at the 2005 World Summit. R2P Focal Points also discussed strategies for responding to new threats to populations, including crimes perpetrated by non-state actors. During these sessions, participants focused on the phenomenon of foreign fighters, besiegement of minority populations and targeted gender-based attacks, including kidnapping and disappearances.

Six thematic experts – Dr. Alex Bellamy of the Asia-Pacific Centre for the Responsibility to Protect, Dr. Luis Peral of Club de Madrid, UN Special Rapporteur on Minority Issues Rita Izsak, Dr. Patrick Travers of the UN Office on Genocide Prevention and the Responsibility to Protect, Lauren Wolfe of Women Under Siege and Saudatu Mahdi, the Bring Back our Girls Campaign Leader – facilitated the discussions. Participants closed

by reflecting upon how to deepen ongoing cooperation amongst R2P Focal Points now that the Global Network has expanded to include more than one quarter of UN membership.

This document provides a summary of key issues discussed in Madrid and practical recommendations on the role R2P Focal Points can play in responding to emerging challenges in the protection of civilians and preventing atrocities perpetrated against vulnerable populations.

10 YEARS OF THE RESPONSIBILITY TO PROTECT: STOCKTAKING AND AGENDA-SETTING

During this opening session R2P Focal Points reflected upon the progress made by the Global Network and its individual members in enhancing preventive capacities at the national and international levels. Participants candidly discussed developments in the field of mass atrocity prevention since the adoption of the 2005 World Summit – addressing not just the positive commitments made by various states and organizations, but also the practical challenges the international community continues to face in halting these crimes and crises around the world.

National Commitments

Historically speaking, it is clear that no country is immune to mass atrocities. During this stocktaking exercise, as members of the Global Network described their own national effort, it was clear that the focus of the conversation was no longer *whether* and *when* certain states needed national preventive mechanisms, but

rather, *how* everyone was upholding their Pillar I and II responsibilities. Every R2P Focal Point acknowledged the necessity of having a national conversation across ministries geared towards policies for the protection of human rights and prevention of mass atrocities.

Participants discussed a range of national initiatives they were contributing to as R2P Focal Points. Several countries addressed ongoing inter-ministerial mapping exercises to assess opportunities for mainstreaming mass atrocity prevention into the work of all parts of government. Echoing this, some participants noted that R2P influences political decision-making in a range of areas, including security and justice sectors, as well as trade and development policy. Others discussed training for the security sector and raising awareness within government on the challenges of preventing mass atrocities and of accountability when there is a history of these crimes. Several states that have emerged from conflict in the past two decades discussed challenges in structural prevention, noting that while prevention may be easier to talk about than other elements of R2P, the process of strengthening institutions that protect human rights takes a long time and requires government commitment and perseverance.

With regards to state-level Pillar II and Pillar III responsibilities, some participants discussed how national efforts translate into regional and international behavior. Training the security sector to better identify risk factors and protect populations facing mass atrocities was noted as an essential preventive step that peacekeeping troop contributing countries should make, regardless of the level of atrocity risk they face at home. Similarly, states discussed their responsibility to better understand atrocity risk factors and appropriate diplomatic responses when serving on the UN Security Council, with several states calling upon the five permanent members to restrain their use of the veto in mass atrocity situations.

States also discussed taking steps to integrate national efforts into the regional perspective – citing the need, for example, to ensure the factors assessed in the UN Framework of Analysis for Atrocity Crimes were included in the European Union’s early warning mechanism. Others, notably including participants from Asia and the Middle East, addressed their national efforts at encouraging neighboring states to engage more on issues relating to R2P, civilian protection and mass atrocity prevention more generally.

International Commitments

The discussion of international commitments focused upon conceptual and practical progress made on R2P since 2005. Some participants asserted that as we look at ongoing conflicts in Syria, South Sudan, Central African Republic and elsewhere, as well as lingering criticism regarding the Pillar III response in Libya, it is easy to overlook positive developments. Despite this, they were encouraged by how mechanisms for atrocity response have evolved in the twenty years since Rwanda and Srebrenica.

Today, ten out of sixteen UN peacekeeping missions have a Protection of Civilians mandate, with many including a specific R2P component as well, and initiatives like the Human Rights Up Front Action Plan underline the importance of leadership by the UN Secretariat in preventing mass atrocity crimes.

Many also praised the annual Secretary-General’s reports on R2P for clarifying the norm, consistently raising awareness, ensuring continued dialogue on R2P and encouraging states and organizations to continue developing meaningful mechanisms for atrocity prevention. One participant noted that, “in September 2005 it was not clear what, if any, follow-up there would be to paragraphs 138 and 139 of the World Summit Outcome Document... we should feel encouraged when we think in practical terms about the national and international developments in early warning, prevention and response we have seen thereafter.”

Finally, in light of the 2015 “generational reviews” of UN Peacekeeping, Peacebuilding and Security Council Resolution 1325 on Women, Peace and Security, as well as the development the Human Rights Up Front Action Plan and debates surrounding the new Sustainable Development Goals, all participants recognized the critical nature of R2P as a crosscutting issue. This year provides ample opportunity for states to critically assess gaps in atrocity prevention capacity in a range of priority areas for the UN and broader international community. With the greatest number of refugees since World War II and several major conflicts where mass atrocities are ongoing, the need for R2P has arguably never been greater.

R2P AND NON-STATE ACTORS

Non-state armed groups in various parts of the world are becoming increasingly prominent as perpetrators of mass atrocity crimes. However, as a result of R2P being a largely state-based principle, conceptual gaps remain in our collective understanding of how the principle relates to these groups and to respond effectively to atrocities perpetrated by these groups. Nevertheless, states have a responsibility to protect their own population from atrocity crimes perpetrated by violent extremists, to assist others in doing so, and to take appropriate action to protect populations from these crimes.

During this session R2P Focal Points explored common themes regarding R2P, terrorism and strategies for countering violent extremism, as well as when and how to utilize these different approaches to halt the commission of mass atrocity crimes by non-state armed groups. As some of these groups increase their capacity and even take a quasi-state form, such as the Islamic State of Iraq and the Levant (ISIL) has done in Syria and Iraq, responding to these challenges becomes ever more pertinent and pressing.

The discussion focused on two primary areas: curbing violent extremists' means for perpetrating mass atrocity crimes and preventing the radicalization of civilians and their recruitment into violent extremist groups. While there is no single template on how to respond to these threats – as each group and situation requires a tailored approach – there are some commonalities across different cases.

Curbing the means for committing mass atrocity crimes

By definition non-state armed groups require a different approach as compared to measures directed at states perpetrating crimes or failing to protect their own population. Mediation and diplomacy, sanctions, referrals to the International Criminal Court and other tools for deterring perpetrators from committing crimes cannot be applied in the same way to violent extremist groups and thus do not have the same impact as they would on a state actor.

Nevertheless, while mechanisms for deterrence and punishment of mass atrocity crimes are difficult to impose, states still have options. By limiting the access

that violent extremists have to weapons and other means of perpetrating crimes, states can utilize existing mechanisms for atrocity prevention. This can include implementing procedures for slowing the global flow of arms by ratifying the Arms Trade Treaty. Governments can also reinforce arms agreements by imposing country-specific embargoes and ensuring mass atrocity risk factors are assessed prior to selling arms to countries where they can be deliberately misused, illegally sold on to non-state actors, or may otherwise fall into the “wrong hands.”

Constraining the financing of violent extremist groups is also crucial to reducing their capacity to perpetrate mass atrocity crimes. In this context it is essential to reduce the capacity of non-state groups to exploit and illegally trade in natural resources and heritage artifacts.

In many developing countries border security is weak, sometimes allowing for the movement of arms, illegal resources and members of non-state groups into their countries. Security forces are often not sufficiently equipped to deter attacks by violent extremists. Countering violent extremism also requires undermining support for networks that armed groups depend upon. This can be achieved, in part, through constructive engagement with local communities.

Finally, some suggested that the Human Rights Council appoint a Special Rapporteur on Countering Violent Extremism. The Rapporteur could help develop comprehensive approaches to non-state armed groups, including the need for non-military strategies focused on socio-economic factors that enable non-state armed groups to emerge and proliferate. The Rapporteur could also assist in clarifying the distinction between specific acts of terrorism and systematic mass atrocity crimes perpetrated by violent extremist groups.

Crimes perpetrated by non-state actors are a global issue and require a coordinated international strategy to address the challenges they pose. This has to be more than a military strategy and must include a multi-faceted approach that addresses socio-economic gaps. This approach should involve the constructive management of diversity through structural reforms aimed at ending discrimination, minimizing disparities and promoting equality and inclusiveness among different ethnic and religious groups.

Preventing radicalization

Preventing atrocities perpetrated by non-state armed groups also involves preventing these groups from recruiting new members. This applies to both the radicalization of potential supporters into a local non-state armed group as well as the rise in foreign fighters joining such groups. In this context, education aimed at promoting social cohesion and highlighting the importance of diversity within society, is a key tool in preventing the growth of violent extremism.

States must address the underlying socio-economic grievances that can sometimes cause individuals to turn to such armed groups. In order for states to develop strategies for addressing violent extremists' actions, they must understand the root causes of conflict both domestically and internationally. One way to better identify these causes is to increase meaningful contacts between government and civil society, helping to separate violent extremist groups from their claimed constituency.

Without understanding underlying grievances, security responses risk exacerbating existing tensions and can contribute to the further radicalization of sections of the population. Additionally, responses must be comprehensive – not strictly military – and security forces should be trained to always undertake proportional measures aimed at countering violent extremism in ways that remain clearly within the realm of international law.

One identified source of radicalization in some countries experiencing the growing threat posed by violent extremist groups is perceived and actual marginalization and inequality. Governments need to implement policies that encourage social cohesion and promote inclusive national narratives. Since narratives of marginalization and persecution are often central to the recruitment strategies of non-state armed groups, it is essential for governments to help build counter narratives through such mechanisms as inter-religious dialogue and inter-cultural exchange.

This challenge extends to global narratives on countering violent extremism. Marginalization, particularly of ethnic and/or religious minorities, allows non-state actors like ISIL to spread their influence and attract foreign fighters.

VULNERABLE COMMUNITIES

Within many countries, certain communities – notably ethnic and religious minorities - are particularly vulnerable to targeted attacks and/or are disproportionately affected by conflict-related crimes and violence. Even in the absence of conflict, in some cases these communities are the subject of discriminatory state policies or behavior that creates an environment that is permissive of crimes perpetrated against them. For example, the targeting of vulnerable communities has contributed to a growing international crisis, with the number of displaced persons or refugees at its worst level since World War II, and growing numbers of Rohingya Muslims from Myanmar, as well as Syrians and others, fleeing persecution, war and atrocities.

During this session R2P Focal Points addressed means for protecting these communities, discussing recent cases where populations that had coexisted relatively peacefully were mobilized along religious and ethnic lines after the start of a conflict. The nature of the conflict in the Central African Republic changed from a political crisis into religious-based violence between armed groups of Christians and Muslims. Participants noted that due to conflicts evolving in this way, the UN Framework of Analysis for Atrocity Crimes is a useful tool through which to raise awareness of risk factors relating to the use and abuse of identity politics.

States and their partners should increase their awareness of government policies and practices that directly promote discrimination as well as those that indirectly contribute to marginalization. In Burma/Myanmar, for example, discriminatory policies against the Rohingya, including denial of citizenship, have contributed to societal attitudes that are permissive of anti-Rohingya mob violence.

National and international actors, including development partners, need to be aware of political trade-offs when providing assistance to certain vulnerable groups. Supporting a vulnerable group may result in perceived bias and reinforce social cleavages, which could entrench protection challenges if they are not properly implemented.

The participants also discussed the growing trend of perpetrators besieging communities as a tactic for targeting minority populations (notably the Yazidis in the Sinjar region of Iraq) and whether the international community has developed stronger mechanisms for

responding to besiegement in the twenty years since Srebrenica. The consensus view was that UN Peacekeepers often still lack the capacity to adequately protect such communities. Nevertheless the UN Security Council has threatened to impose sanctions and passed resolutions urging the lifting of sieges and opening access to humanitarian assistance in response to the widespread use of besiegement tactics in conflicts, such as the civil war in Syria.

Structurally, states that uphold good governance, the rule of law and have a functioning democracy have a stronger capacity to promote and protect human rights, including the rights of vulnerable minorities. Additionally, taking steps to address inequalities between groups can help societies avoid some of the triggers for inter-group violence. Adopting policies that foster inclusivity mitigates against the risk factors associated with mass atrocity crimes.

Finally, the Special Rapporteur on Minority Issues asserted that R2P Focal Points should review the comprehensive set of recommendations from the 7th Session of the Forum on Minority Issues, held in November 2014, which focused on preventing and addressing violence and atrocity crimes targeted against minorities.

UNIQUE CHALLENGES FACED BY WOMEN IN MASS ATROCITY SITUATIONS

Women and girls are disproportionately affected by displacement and gender-based violence in mass atrocity situations. In many ongoing crises, parties to the conflict have used rape as a weapon of war – while in others the security forces sent to protect populations have sometimes also participated in sexual and gender-based violence.

Systematic targeting of women and girls in conflict has become increasingly prevalent alongside the rise of non-state actors perpetrating mass atrocity crimes. Trafficking of women and forced marriage are a feature of many conflicts, notably the kidnapping and trafficking of women and children perpetrated by Boko Haram in Nigeria. Meanwhile, the UN Special Representative on Sexual Violence in Conflict recently noted that, in Iraq and Syria, “ISIL have institutionalized sexual violence and the brutalization of women as a central aspect of their

ideology and operations, using it as a tactic of terrorism to advance their key strategic objectives.”

Reflecting upon these threats and bearing in mind the current review of UN Security Council Resolution 1325 on Women, Peace and Security, the R2P Focal Points discussed prevention and protection mechanisms for addressing the specific needs of women. This includes added protection from sexual and gender-based violence, improved preventive mechanisms, including accountability for crimes perpetrated against women, and greater provision of recovery measures, particularly in refugee and displacement camps where women are especially vulnerable.

Participants discussed three specific measures for preventing and responding to crimes against women. First, many countries and peacekeeping missions lack adequate psycho-social care, healthcare to recover from the consequences of sexual violence and kidnapping. Improving post-atrocity response to crimes against women should include strengthening these mechanisms. Second, security forces need proper training in both the protection of women from gender-based violence as well as in the consequences of committing these crimes themselves. This is particularly important in militarized conflicts, such as the Democratic Republic of the Congo, where the security forces have previously been one of the main perpetrators of sexual violence. Finally, post-atrocity response and accountability would be improved if commissions of inquiry included a gender dimension and/or gender-based violence expert.

One of the core pillars of Resolution 1325 was to call upon national, regional and international institutions to increase participation of women in decision-making and in mechanisms for conflict prevention and resolution. Since the adoption of Resolution 1325 the number of women peacekeepers has increased and more than 40 states have adopted National Action Plans on Women, Peace and Security.

Participants also learned from the example of the Bring Back Our Girls Campaign in Nigeria about how women’s peace initiatives could trigger greater government response and transparency, as well as draw international attention to a mass atrocity situation. Nevertheless, in some states women continue to be marginalized from playing a role in their own protection. As one participant noted, peace processes in many countries emerging from crisis have not included female participants, fewer than 20 percent of peace agreements contain reference to women’s issues and less than 5 percent of money spent

on security sector reform has a specific gendered objective.

THE WAY FORWARD: KEY RECOMMENDATIONS

The fifth meeting of the Global Network of R2P Focal Points featured critical conversations regarding atrocity prevention and emerging civilian protection challenges. The following are recommendations for states to consider:

1. Each state should recognize R2P as a crosscutting issue. Governments should encourage inter-ministerial dialogue on mass atrocity prevention.
2. Each state should provide training on minority rights and the protection of vulnerable populations, including the special protection needs of women in conflict. Such training should be offered to the security sector and across relevant ministries.
3. In developing and “fragile” states there is often a need to extend state authority to peripheral areas of the country. It is also important to develop mechanisms for empowering civil society to address local grievances and strengthen preventive mechanisms.
4. All states should sign and ratify the Arms Trade Treaty to help curb the flow of small arms to non-state actors.
5. Encourage the UN and Human Rights Council to utilize the Framework of Analysis for Atrocity Crimes when reporting on conflicts, particularly in Commission of Inquiry reports and Secretary-General’s updates to the Security Council on country situations.
6. Support the possible appointment of a UN Special Rapporteur on Countering Violent Extremism.
7. Foster a mass atrocity focus within dialogues on related international norms and policies. In particular, ensure that R2P is a part of relevant conversations at the Human Rights Council and within regional organizations.

8. Encourage regional organizations to institutionalize mass atrocity prevention via their early warning mechanisms.
9. When serving on the UN Security Council, balance protection needs of civilians with operational capacity when establishing mandates for peacekeeping operations. Ensure that the R2P lens is applied to conflicts or crises where mass atrocities are occurring or are threatened.

CONCLUSIONS

The fifth meeting of the Global Network of R2P Focal Points occurred during a critical moment for reflecting upon lessons learned from the first ten years since the adoption of R2P. The discussion was of particular importance in helping R2P Focal Points to frame their thinking about the progress their states have made, but also the ongoing implementation challenges the international community continues to face.

The meeting’s discussion of how to respond to non-state actors and vulnerable populations, encouraged R2P Focal Points to think practically about how to prevent and protect in the face of new and emerging challenges and threats. As one participant noted, “In order to show that the norm does not only address yesterday’s news there must also be success stories about adaptation to new challenges... R2P Focal Points benefit from the Global Network addressing the future implications of unprecedented needs.”