Summary of the United Nations Secretary-General's Report on the Responsibility to Protect: *Fulfilling our collective responsibility: International assistance and the responsibility to protect*

The sixth report of the United Nations (UN) Secretary-General on the Responsibility to Protect (R2P) focuses on Pillar II assistance and capacity-building measures by national, regional and international actors. The report identifies the main forms of Pillar II support to assist states in upholding their primary responsibility to protect. It also addresses the major challenges and recommendations to improve the implementation of Pillar II assistance and capacity building.

The Secretary-General produced the report following extensive consultations with member states, regional organizations and civil society. This briefing provides a summary of the report, focusing on the spirit of Pillar II assistance, the main forms of international assistance and the challenges in upholding Pillar II responsibilities.

KEY POINTS

The Global Centre for the Responsibility to Protect would like to highlight the following key points from the report:

- Pillar II assistance and capacity building to assist states in upholding their responsibilities reaffirms that R2P reinforces state sovereignty and is preventive at its core.
- Assistance and capacity building should be based on a clear understanding of the nature of genocide, war crimes, ethnic cleansing and crimes against humanity to ensure that factors that contribute to the perpetration of atrocity crimes are not exacerbated.

- A wide array of actors can provide Pillar II assistance to states, including international organizations, regional and sub-regional bodies, states, civil society actors and the private sector.
- Assistance and capacity building can help foster national resilience to atrocities, while also including a wide range of economic, political, humanitarian, and, in some cases, military tools to assist states in upholding their protective responsibilities.
- Effective capacity-building support can buttress efforts already being undertaken by states and may prevent the outbreak of atrocities, thereby reducing the need for collective response by the international community under Pillar III.
- With the tenth anniversary of the 2005 World Summit approaching, states have an opportunity to take stock of R2P implementation and renew global commitment to the collective responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

SECTION III: THE SPIRIT OF PILLAR II

This section of the report identifies the foundations of Pillar II assistance and capacity building - *sovereign equality* and *collective responsibility* – and articulates five common principles that should guide the implementation of the Pillar II agenda.

1. Ensure national ownership: International assistance should be harmonized with national priorities that are reflective of inclusivity.
2. Build mutual commitment: Coherent and coordinated assistance should reinforce national efforts and be premised on a long-term commitment to build resilience to atrocities.
3. Do no harm: International assistance should incorporate atrocity prevention into assessment, planning and monitoring processes to ensure risk factors are not created or exacerbated.
4. Prioritize prevention: Early provision of assistance and capacity building increases the ability to address risks before a crisis or conflict breaks out and is more cost effective.
5. Retain flexibility: Assistance must be designed to respond to specific situations and adapt to evolving needs.

Section III concludes with a discussion of the wide array of actors that can forge partnerships with states to collectively uphold R2P.

1. The UN, including the General Assembly, Human Rights Council, Security Council and Peacebuilding Commission, as well as particular programs, funds, specialized agencies, country teams and independent human rights mechanisms, are critical actors in the Pillar II agenda.
2. Other international organizations, such as the World Bank and the International Criminal Court, as well as other international justice mechanisms can play an important role.
3. Neighboring states, which are closer to events, can play an important role as conduits for information, ideas and strategies. However, a legacy of tension or the presence of partisan interests can impede progress.
4. Regional and sub-regional organizations, such as the African Union (AU), the Inter-Governmental Authority on Development (IGAD), the Economic Community of West African States (ECOWAS), the Association of Southeast Asian Nations (ASEAN), the European Union (EU) and the Organization of American States (OAS), all have economic and political mechanisms that can be mobilized to assist national authorities.
5. Global and regional networks, such as the Global Network of R2P Focal Points, convened by the governments of Australia, Costa Rica, Denmark and Ghana, in cooperation with the Global Centre for the Responsibility to Protect, work to identify and promote effective prevention and protection strategies.
6. The private sector can strengthen national economies and foster inclusivity in the workforce, especially when acting in compliance with the 2011 UN Guiding Principles on Business and Human Rights.
7. Civil society actors can provide and advocate for Pillar II assistance and capacity building to states.

SECTION IV: FORMS OF ASSISTANCE

This section of the report examines the three main forms of assistance under the Pillar II agenda – encouragement, capacity building and protection assistance to states.

Encouragement

Encouragement to meet Pillar I responsibilities

Awareness-raising and disseminating information on human rights and humanitarian standards and norms, including the Geneva Conventions, the Convention on the Prevention and Punishment of the Crime of Genocide and core international human rights instruments, can strengthen structural atrocity prevention at the national level.

Peer review and assessment mechanisms, such as the Universal Periodic Review of the UN Human Rights Council, can incentivize states to address potential risk factors and uphold Pillar I responsibilities. The UN Office of the High Commissioner for Human Rights (OHCHR) also supports the implementation of human rights standards, development of national human rights institutions, and establishment of commissions of inquiry to investigate allegations of human rights violations, as it did in Côte d'Ivoire following the presidential elections in 2010.

Public and private advocacy for populations at risk can strengthen commitments to provide protection and assistance.

Focused encouragement from regional and sub-regional actors such as the ASEAN Regional Forum, the Inter-American Commission on Human Rights of the OAS, the European Court of Human Rights and the Regional Committee on the Prevention and Punishment of Genocide, War Crimes, Crimes Against Humanity and all forms of Discrimination of the International

Conference on the Great Lakes Region, can promote peer-to-peer engagement on prevention and protection.

Emphasizing the need to protect the most vulnerable populations, such as children and women, and encouraging states to implement policies, guidelines and national action plans, can help draw attention to those at greatest risk of mass atrocities. The UN Secretary-General's Special Representative on Sexual Violence in Armed Conflict, the Special Representative on Children in Armed Conflict and the UN Children's Fund are engaged in such encouragement.

Dialogue and preventive diplomacy

Confidential dialogue or public exchanges can remind states of their primary responsibilities and provide policy options to prevent the outbreak of atrocity crimes.
- The High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe (OSCE) conducts field missions and private diplomacy.
- The Union of South American Nations supports states from the region that are under stress.
- The Panel of the Wise of the AU uses its good offices to encourage parties to a dispute to resolve issues non-violently.
- The UN Department of Political Affairs (DPA) engages in preventive diplomacy and can stress the importance of Pillar I responsibilities.
- The UN High Commissioner for Human Rights and the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect offer private and public encouragement to states.

Capacity Building

Effective, legitimate and inclusive governance

Assistance to **develop or strengthen the bedrocks of good governance**, such as participatory and accountable political institutions, respect for the rule of law and equal access to justice, including mechanisms for the fair and transparent management of economic resources and assets, can remove core sources of grievance and minimize the risk of mass atrocity crimes.

Addressing horizontal inequalities and exclusion, as well as **assistance to promote and protect the rights of minorities** by building integrated institutions, can further atrocity prevention.
- The *Ljubljana Guidelines on the Integration of Diverse Societies*, developed by the OSCE High Commissioner on National Minorities, is a useful resource in this regard.

Specific inhibitors to atrocity crimes

Capacity building should seek to create or strengthen the following seven inhibitors of mass atrocity crimes:

1. **A professional and accountable security sector** that engenders trust in the population and can respond to the threat of atrocity crimes.
    - Materials complemented by training and advice, such as through the *UN Human Rights Due Diligence Policy on UN Support to non-UN Security Forces*, promote professionalism, respect for international human rights and humanitarian law and accountability.
    - OHCHR assisted Colombia in developing a new legal framework on the functioning of the intelligence service and the establishment of a parliamentary intelligence oversight committee.

2. **Impartial institutions for overseeing political transitions** can prevent election-related violence.
    - Following rigorous assessments, technical and financial support by the UN Development Programme (UNDP) and donor states to Kenya's Independent Electoral and Boundaries Commission helped prevent post-election violence in 2013.

3. **Independent judicial and human rights institutions** that provide accountability for mass atrocity crimes by bringing those responsible for their perpetration to justice and legally redressing grievances.

4. **National capacities to assess risk and mobilize early response** that are context specific.
    - The *Framework of Analysis* by the UN Special Advisers on the Prevention of Genocide and on the Responsibility to Protect can help states identify risks and vulnerabilities in addressing them.
    - The EU, AU, IGAD and ECOWAS have advanced early warning mechanisms that advise states on risk factors.

- The EU has supported Somalia in the development of fragility self-assessment through the *New Deal for Engagement in Fragile States*.

5. **Local capacity to resolve conflict,** particularly to foster dialogue and reconciliation and to mediate on specific matters.
   - UNDP has assisted Guyana in the creation of an *Ethnic Relations Committee* that has helped build governmental and civil society capacity to respond to events that could trigger inter-communal violence.
   - UN DPA's Mediation Support Unit, the UN Alliance of Civilizations, Finn Church Aid, the Organization of Islamic Cooperation and Religions for Peace have created a Network of Traditional and Religious Peacemakers to assist in the diffusion of tensions.

6. **Media capacity to counteract prejudice and hate speech,** such as legislation regarding incitement and codes of conduct and ethical standards for journalists, can help prevent the outbreak of mass atrocity crimes.
   - The UN peacekeeping operation in Côte d'Ivoire has used its radio broadcasting capacity to promote a peaceful environment and report on incitement to hatred, violence or intolerance.

7. **Capacity for effective and legitimate transitional justice** addresses the major risk factor of impunity for previous atrocities.
   - The Extraordinary Chambers in the Courts of Cambodia, the Special Court for Sierra Leone and the War Crimes Chamber in Bosnia-Herzegovina were established by international partners in collaboration with the UN.
   - The ICC provided assistance to victims of the Lord's Resistance Army in Uganda.
   - The UN Team of Experts on the Rule of Law and Sexual Violence in Armed Conflict and UNDP supported investigation and prosecution of incidents of sexual violence by judicial authorities in the Democratic Republic of the Congo (DRC) and the UN Stabilization Mission in the DRC (MONUSCO).

Assistance to States to Protect

Denying means to commit atrocities

Stemming the flow, accumulation and spread of small arms and light weapons by strengthening cross-border customs cooperation and ratifying the Arms Trade Treaty.

Civilian assistance

Supporting local mediation and dispute resolution efforts through the provision of advice and expertise.
- UN DPA's Mediation Support Unit makes technical expertise available through its Standby Team and Roster of Mediation Experts.
- Turkey and Finland lead the Group of Friends of Mediation.
- ECOWAS has recently established a Mediation and Facilitation Unit.

Assistance to expand human rights monitoring capacities can help identify mass atrocity risk factors.
- Human rights monitors deployed by the UN, AU, ECOWAS, EU and OSCE, for example, can identify vulnerable populations, provide early warning, engage with national authorities and protect through presence.

Strengthening law enforcement and criminal investigation through the deployment of personnel and provision of technical expertise can help states meet multi-faceted challenges.
- Police components of UN peacekeeping operations in Burundi, Côte d'Ivoire, DRC, Haiti, Kosovo, Liberia and Sierra Leone have made significant contributions.

Protecting refugees and the internally displaced in crisis situations.
- The UN High Commissioner for Refugees, often in coordination with non-governmental organizations, offers concrete protection and the provision of crucial information about refugees and internally displaced populations.

Protecting civilians in humanitarian emergencies through coordination and protection efforts, particularly through humanitarian protection clusters.

Regional or international military assistance can bolster states in their efforts to protect civilians at risk of mass atrocity crimes.

- In 2003 the Regional Assistance Mission to the Solomon Islands provided military, civilian and police support to protect populations and hold perpetrators accountable.
- The UN Mission in South Sudan is specifically mandated to support national authorities in implementing their responsibility to protect.
- The *Force Intervention Brigade* of MONUSCO provides security, often alongside national security forces, in areas where civilians are under imminent threat.

SECTION V: CHALLENGES AND RECOMMENDATIONS

This section of the report highlights the challenges facing the successful implementation of Pillar II and provides recommendations to overcome them.

Challenges

1. The complex, multi-faceted nature of the Pillar II agenda.
2. The continued lack of political will to operationalize prevention.
3. The current climate of fiscal restraint.
4. The active exploitation of state structures to commit mass atrocity crimes, for example, in the Democratic People's Republic of Korea, which renders efforts aimed at strengthening national institutions untenable.

Recommendations

1. **Leverage existing mechanisms and institutions**, such as the Universal Periodic Review of the Human Rights Council.
2. **Invest in tools such as good offices and preventive diplomacy** to encourage states to uphold their primary R2P.
3. **Incorporate mass atrocity crime risks and dynamics** into conflict analysis to improve national, regional and international assistance.

4. **Focus capacity-building efforts** on eliminating horizontal inequalities and the seven inhibitors of mass atrocity crimes.
5. Enhance availability of **specialized civilian resources** and **expand training programmes** in atrocity crime risk factors and dynamics.
6. **Improve information exchange** to ensure assistance is coordinated and coherent.
7. **Support early warning and capacity-building efforts** of the UN Office of the Special Advisers on the Prevention of Genocide and the Responsibility to Protect.
8. **Improve monitoring and evaluation** of the impact of preventive action.
9. **Strengthen regional and international efforts for mass atrocity crime prevention,** such as the Global Network of R2P Focal Points.

SECTION VI: A RENEWED COMMITMENT TO PROTECTION

This section outlines how states can renew commitment and forge a stronger global partnership to implement R2P in the upcoming year.

- The tenth anniversary of the 2005 World Summit in 2015 provides states the opportunity to comprehensively take stock of efforts to implement R2P.
- States can consider the inclusion of R2P on the formal agenda of the UN General Assembly, which could offer the chance for a deeper consideration of the norm.