

## Summary of the Report of the UN Secretary-General: *Mobilizing collective action: The next decade for the Responsibility to Protect*

The eighth report of the United Nations Secretary-General on the Responsibility to Protect (R2P) provides a vision for collective action to accelerate implementation of R2P amid an impending leadership change at the UN. The report is a follow-up to the 2015 report, which took stock of progress in implementing R2P ten years after its unanimous endorsement by all UN member states at the 2005 World Summit. The report surveys the challenging global context of mass atrocity prevention in 2016, marked by an unprecedented number of people displaced by conflict and persecution and a worrying global trend of some member states shirking their responsibilities under international law. The report assesses continued areas of debate surrounding R2P and provides recommendations on how member states and the UN system can best deliver on the collective commitment to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing. It is the last report on R2P by Secretary-General Ban Ki-moon, who placed the advancement of R2P as a core priority of his tenure. The report was produced following inputs provided by member states, regional organizations and civil society.

### KEY POINTS

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

- The consensus built around the Responsibility to Protect is as strong as it is undeniable. The vast majority of UN member states are in agreement with the core principles of R2P and significant resources have been mobilized at national, regional and international levels to elaborate on what these principles mean in practice for the most vulnerable civilians at risk of mass atrocity crimes. This has included the establishment and expansion of the Global Network of R2P Focal Points, consisting of 55 countries (and the European Union) who have appointed senior-level officials responsible for mainstreaming R2P and mass atrocity prevention. This represents an incontrovertible marker of the normative progress achieved by supporters of R2P in a relatively short time span.
- Despite important conceptual progress, implementation of the 2005 political commitment by member states, regional organizations and the UN itself has been woefully inadequate in the face of a number of current crises where populations face mass atrocity crimes. The situation in Syria remains the most egregious example, with over 250,000 people killed and 11 million displaced since March 2011. In Syria and several other situations, states and non-state actors are blatantly disregarding their obligations under international human rights, humanitarian and refugee law. There is also an undeniable connection between the current global crisis of forced displacement and the failure to prevent mass atrocity crimes in Syria, Iraq, Yemen and South Sudan.
- Consistent and effective operationalization of R2P will continue to be beset by challenges. These include a lack of consistent compliance with the principles of international law, insufficient investment in structural prevention and continued unwillingness of some global powers, including several of the Permanent Members of the UN Security Council, to transcend political self-interest and meet their responsibilities to populations at risk of mass atrocity crimes.
- A lingering climate of austerity following the 2008 financial crisis has been compounded by the global crisis of forced displacement. Many member states continue to default to short-term and reactive engagements over long-term sustainable responses to situations where mass atrocity crimes have been committed. Taken together, these factors constrain the ability of the international community to address underlying causes of mass atrocity crimes, thereby increasing the risk of recurrence.

- There is a need for renewed commitment to uphold R2P and prevent genocide, war crimes, ethnic cleansing and crimes against humanity. This includes standing up for the principles of international human rights, humanitarian and refugee law, but also for important and related initiatives like the ACT Group’s *Code of Conduct regarding Security Council action against genocide, war crimes or crimes against humanity*, the French and Mexican Declaration on veto restraint in situations of mass atrocity crimes, and the *Kigali Principles on the Protection of Civilians*. Failing to deliver on the Responsibility to Protect, and the deeply interconnected issues of promoting human rights and protecting civilians, may discredit the UN in the eyes of populations dependent upon the organization for protection and assistance.
- Amid the impending change in leadership at the UN, it is crucial that the next Secretary-General make advancing the Responsibility to Protect and the prevention of mass atrocity crimes a core priority. All necessary resources should be mobilized to further mainstream the principle across the UN system. The new Secretary-General should continue to pursue the development of the *Human Rights up Front Initiative* and utilize his/her prerogative under Article 99 of the UN Charter to bring situations to the attention of the Security Council that may not be on its formal agenda. Finally, the efforts of the UN Office on Genocide Prevention and the Responsibility to Protect, which have been invaluable to advancing the global commitment to R2P, should be supported by the new Secretary-General.

## **SECTIONS I AND II: A MORE CHALLENGING CONTEXT**

Section I introduces the main themes of the report, asserting that despite progress in making the protection of populations from mass atrocity crimes a key part of the daily work of actors at the national, regional and international levels, the international community has fallen woefully short in preventing such crimes. The Secretary-General notes that although challenges in preventing atrocity crimes are increasing, it is imperative that member states remain resolute in their commitment to upholding R2P. Acknowledging the importance of cooperative action between member states and the UN, the introductory section notes that the report could contribute to an agenda for the next

Secretary-General regarding the responsibility to protect.

The report underscores that member states are operating in a more challenging context than existed when they made the political commitment to protect populations from mass atrocity crimes in 2005. As the report states, “The frequency and scale of atrocity crimes have increased and will likely continue to do so unless the international community takes more determined and consistent action to fulfill its responsibility to protect.” The report notes that the commission of mass atrocity crimes in Syria, Iraq, South Sudan, Central African Republic, Nigeria and Yemen have directly contributed to the unprecedented global crisis of forced displacement.

Section II highlights many of the challenges in protection, notably the increased targeting of civilians in armed conflict, the growing disregard for international humanitarian, human rights and refugee law, and the emergence of violent extremist groups openly committed to the perpetration of mass atrocity crimes. This section also highlights challenges that hamper early action to respond to the risk of mass atrocity crimes, including ongoing global financial austerity, resulting in insufficient funding for humanitarian and protection needs, and intractable political divisions within the UN Security Council.

## **SECTION III: DELIVERING ON OUR POLITICAL COMMITMENT**

This section of the report elaborates on the challenges in translating rhetorical commitment to R2P into determined, consistent and effective implementation.

Two areas are identified that will continue to be the subject of debate among UN member states:

- The relationship among the three pillars of R2P, namely whether they are sequential or mutually reinforcing and often exercised simultaneously. The Secretary-General and the vast majority of member states have prioritized the latter approach, but a minority of member states still insist the three pillars must operate in a strictly sequential manner.
- The basis upon which collective action is taken and, in particular, when military force is considered an appropriate response to mass atrocity crimes. The report emphasizes that the use of force is clearly prescribed as a measure of last resort under the framework of R2P, and that any decision to use

force should be taken through the UN Security Council and must always be consistent with the UN Charter.

The report notes that outstanding conceptual questions should not be minimized, but that they must not stand in the way of continuing to move from conceptual refinement to practical implementation.

Three “deeply worrying” trends are identified as continued **barriers to implementation**:

- An alarming decline in compliance with international law, including deliberate attacks on civilian-populated areas, hospitals, schools, humanitarian workers, peacekeepers and journalists, as well as the besieging of civilian communities;
- The rhetorical commitment to prevention not yet being consistently translated into the necessary will and resources to make preventive strategies work, including in situations where early warning signs are clearly evident, such as in Syria in 2011 and in the Central African Republic in 2013.
- The enabling of mass atrocity crimes by external actors, including the supply of weapons or direct use of force in support of parties to a conflict that are responsible for violations and/or abuses that could amount to mass atrocity crimes. The situation in Yemen is directly referenced in this regard, including the provision of weapons to parties to the conflict by external powers who are State Parties to the Arms Trade Treaty.

#### SECTION IV: A VISION FOR COLLECTIVE ACTION

This section of the report elaborates on four priority areas as part of a vision for collective action to uphold R2P amid unprecedented protection challenges around the world. The section emphasizes the need to recognize the interconnectedness of problems that could result in mass atrocity crimes and to strategically utilize all the institutions, mechanisms and capacities available to the international community to prevent such crimes.

1. **Effective and coordinated preventive strategies** can save lives, as exhibited in past international responses to election-related violence in Kenya and Guinea. However, as mentioned above, rhetorical support for prevention is not matched by political will and resources. The report calls for making mass atrocity prevention a clear policy priority among national governments,

regional organizations and international institutions. It also calls for greater investment in training for officials on early warning and early action. The Secretary-General’s *Human Rights up Front Initiative* is referenced as a positive institutional development to make the UN system more aware and responsive to the risk of mass atrocity crimes.

Three challenges to strengthen the preventive capacities of the UN are identified:

- *Working with the UN Security Council* to help make the body more responsive to emerging risks at early stages of potential crises, including through *regular briefings by the Special Advisers on the Prevention of Genocide and the Responsibility to Protect*, as well as through other formal and informal mechanisms at the disposal of both the Council and Secretariat.
- *Improving early warning and analysis* to better anticipate risks and inform tailor-made responses. The *Framework of Analysis of Atrocity Crimes* is noted as an important tool in this regard and should be mainstreamed throughout the UN system and by member states and regional organizations.
- *Creating complementary approaches to prevention* of mass atrocity crimes and violent extremism, including by countering narratives used to justify violence, addressing impunity for incitement to commit mass violence by extremist groups, and tackling “the transnational flow of ideas, arms and people” that enable the commission of mass atrocity crimes.

2. **Timely and decisive response** continues to be a crucial pillar of R2P given that prevention does not always succeed. The report articulates three steps to strengthen the international community’s capacity to respond in a timely and decisive manner to the threat or commission of mass atrocity crimes.

- *Recognizing “timely and decisive response” as an individual and collective responsibility.* The report states that member states, regional organizations and the UN must all consider what they can contribute to the protection of populations in response to imminent or on-going mass atrocity crimes.
- *Investing in peaceful tools of response.* The report calls for more significant investment by member states in peaceful policy response tools such as fact-finding, monitoring, reporting and

verification, commissions of inquiry, public and private diplomacy, mediation and humanitarian aid and protection, including to refugees and displaced persons.

- *Acting early and decisively.* The political will to translate early warning into early and decisive action is paramount. Disagreement and delay at the Security Council, however, continues to inhibit early action and exacerbate situations where mass atrocity crimes are threatened. The report recognizes the *Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes*, launched by the ACT Group and supported by 112 member states, and the Political Declaration of France and Mexico, supported by 95 member states. The report also calls for more effective cooperation between the UN and regional organizations for early action, and highlights the important role played by civil society, the private sector and individual communities in upholding R2P.

3. **Preventing the recurrence of atrocity crimes** must be prioritized, particularly given the devastating consequences of relapse witnessed in countries like Central African Republic, Iraq and South Sudan. The report calls for the provision of targeted assistance to countries who are transitioning from conflict to help them uphold their primary responsibility to protect, highlighting the cases of Côte d'Ivoire, Timor-Leste, Guinea and Kenya as potential examples of lessons learned. The importance of ensuring accountability for mass atrocity crimes is also emphasized, noting the recent convictions of Radovan Karadžić, Jean-Pierre Bemba and Hissène Habré. The report makes clear that, despite delays in bringing perpetrators to justice, accountability for past crimes contributes to preventing recurrence.
4. **Renewed institutional capacities** will be necessary to advance the national, regional and global commitment to R2P. In this regard, the report highlights the importance of national and regional networks for mass atrocity prevention, specifically referencing the Global Network of R2P Focal Points, which consists of 55 countries (and the European Union) who have all appointed senior-level officials responsible for mainstreaming R2P and mass atrocity prevention.

Five recommendations are also provided to strengthen regional protection architectures:

1. Strengthen relationships between regional organizations;
2. Improve information flow between the UN and regional organizations;
3. Strengthen coordination between regional organizations to ensure they do not pull responses in different directions;
4. Share guidance and doctrine on best practices for mass atrocity prevention, as well as on the protection of civilians and the prevention of sexual and gender-based violence;
5. Encourage regional organizations to develop their own capacities for mass atrocity prevention.

The report also calls upon the UN to “redouble its own efforts” to mainstream R2P and to draw from the interconnected lessons of the three major reviews during 2015 on UN peace operations, the peacebuilding architecture, and on women, peace and security in this regard. A review of lessons learned from past instances of prevention is currently being undertaken by the UN Office on Genocide Prevention and the Responsibility to Protect, which will further inform the effort to mainstream R2P across the UN system.

## SECTION V: CONCLUSION

The conclusion of the report urges member states to consolidate the consensus built since 2005 on the Responsibility to Protect. The Secretary-General specifically calls upon UN member states “to reaffirm and deepen their commitment through a new General Assembly resolution” on R2P, as well as the launching of a “vigorous and comprehensive global campaign” to reinforce the fundamental principles of international human rights and humanitarian law that underpin the global commitment to the principle. Finally, the report concludes by reiterating the crucial point that the Responsibility to Protect is a *political commitment made by member states*. The principle does not possess independent agency and is dependent upon member states and their leaders for its implementation.