



POC AND R2P:

COMMONALITIES AND DIFFERENCES

PoC and the Responsibility to Protect: commonalities and differences

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The genocides in Rwanda in 1994 and at Srebrenica in 1995, and the failure of the international community to effectively respond to these tragedies, provoked states to develop two protection regimes: the Protection of Civilians (POC) and the Responsibility to Protect (R2P).

Though both of these protection agendas were ultimately designed with the intent of providing better protection for vulnerable populations, they each have their own unique purpose. The Protection of Civilians involves the physical protection of civilians through “all necessary action, up to and including the use of force, ai-

med at preventing or responding to threats of physical violence.” POC typically applies in situations of armed conflict. In a peacekeeping context this must be done within the capabilities and areas of operations of the mission’s mandate, and without prejudice to the primary responsibility of the host government to protect its civilians.

The Responsibility to Protect, by contrast, is a global norm 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 mass atrocity 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. Since no country is immune to the commission of atrocity crimes, R2P applies to all states at all times and through its three-pillar approach clarifies responsibility of different stakeholders involved.

Currently, populations in many countries are facing the risk of mass atrocity crimes. From the Central African Republic (CAR) to Myanmar, Syria, the Democratic Republic of the Congo (DRC) and elsewhere, state and non-state actors perpetrate mass atrocity crimes against vulnerable civilians. In many of these operating environments, peacekeepers are increasingly asked to deploy to protect civilians against the four mass atrocity crimes in the context of their POC mandate.

Six out of twelve current UN Pe-



ace Operations have POC at the core of their respective mandates. These mandates demand that peace operations use both military and humanitarian means to help foster a secure environment for populations in their area of deployment. Several of these mandates also refer to the primary responsibility of states to protect their populations from mass atrocity crimes. When a host state is failing to uphold this responsibility, in many instances it falls on peacekeepers to protect populations from mass atrocity crimes.

PROTECTION OF CIVILIANS AND R2P

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 many 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.

R2P is a political commitment made by heads of state and gover-

ment to not stand idly by or use sovereignty as a shield to prevent action in the face of mass atrocity crimes. The concept is articulated in paragraphs 138 and 139 of the UN World Summit Outcome Document, which was unanimously adopted in 2005. Since then, R2P has been invoked in more than 90 UN Security Council resolutions and 50 Human Rights Council resolutions on various country situations, including Syria, Yemen, DRC, CAR, Mali, Libya, etc., and in resolutions on thematic concepts, including POC. Even when not directly invoked, R2P has created a collective consciousness around the prevention of atrocities that has helped pressure states, UN bodies, and regional organizations to be

vocal and take action when evidence of atrocities emerges -- such as mandating the UN missions to the Central African Republic (CAR) and Mali while simultaneously engaging in other diplomatic action.

Similarities and Differences Between R2P and POC

Since the development of POC and R2P were both motivated by the same human tragedies and gaps in capacity to adequately respond and provide protection to vulnerable populations, there are numerous overlaps in modes of implementation. Nevertheless, as a result of their distinct purposes, there are also noteworthy differences between the two.

Under what circumstances does each norm apply?

And what does each norm protect from? As noted above, R2P and POC are both designed with the aim of protecting vulnerable populations. However, the concepts differ on the types of threats they protect against.

Within POC threats are defined as “any impending or potential physical violence against civilians.” This includes: threats to life (murder; arbitrary, summary or extrajudicial executions); threats to physical integrity (torture, rape, and other forms of sexual violence, abduction, deliberate deprivation); threats to freedom (forced disappearance, arbitrary arrest, forced labor, restriction on freedom of movement); and threats to property (theft, looting).

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R2P is restricted to four mass atrocity crimes: genocide, war crimes, crimes against humanity and ethnic cleansing. Genocide includes acts committed in a deliberate attempt to destroy in whole or in part a national, ethnic, racial or religious group. War crimes include acts which constitute grave breaches of the laws and customs of armed conflict, particularly those in violation of the Geneva Convention. Crimes against humanity includes acts committed as part of a widespread or systematic attack directed against a civilian population, such as murder, torture, enslavement and persecution. Ethnic cleansing, though not codified in international law, involves the systematic forced removal of distinct minority groups from a given ter-



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ritory, often with the intent of making it ethnically homogeneous.

Some acts which fall under the definitions of atrocity crimes may also constitute threats of physical violence against civilians, which means that POC and R2P frequently overlap. However, POC typically applies in situations of armed conflict, whereas atrocity crimes can also happen in the absence of violence, meaning R2P applies everywhere at all times.

Who is protected under each norm?

The Protection of Civilians by definition and its name, applies specifically to attacks against civilians. R2P applies to a wider group because states agreed that all populations, not just civilians, required protection from atrocity crimes. This includes civilians, but also combatants, refugees and all

other individuals and emphasizes that no actor should be a target of atrocity crimes, regardless of their status.

Who is responsible for protection?

For both norms, the primary responsibility for protection lies with the state.

Within a peacekeeping context, POC involves multifaceted and multi-layered protection. A diverse set of actors, including military, police and civilian personnel, such as humanitarian actors, are called upon at different times to perform actions specifically tailored to their role and capacities.

R2P has a three pillar approach to protection and prevention. Beyond the individual state responsibility to its own populations (pillar one), a range of international actors have a responsibility to assist

the state in preventing atrocities (pillar two), and in responding to ongoing atrocities if the state is failing in its responsibilities (pillar three). This includes regional organizations, such as the European Union and African Union, and various UN entities. Under R2P the UN Security Council is given special responsibility to authorize collective action in response to atrocities, but actors like peacekeepers, other international forces, sanctions experts, and the International Criminal Court are called upon to implement these actions.

How might actors respond to threats under each norm?

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, com-



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.

R2P emphasizes the prevention of atrocity crimes through actions that reinforce good governance, strengthen mechanisms for human rights protection, ensure accountability for and memorialization of past atrocities, and generate cooperation among diverse communities, etc. When atrocities are ongoing, tactics to protect civilians from the four crimes are similar to POC. Although in recent years given the role of hate speech in inciting violence and in the lead up to commission of atrocities, UN missions have incorporated monitoring of hate speech as a tactic to prevent and anticipate escalation.

POTENTIAL OPERATIONAL IMPACT OF R2P ON POC

As advocates for the principle, the Global Centre for the Responsibility to Protect implements and operationalizes R2P 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.

To operationalise the Atrocity Prevention Lens within UN Peacekeeping, in 2017 the Global Centre launched a project aimed at facilitating the inclusion of R2P and mass atrocity prevention within pre-deployment training for peacekeepers (military, police and civilian). Despite the evolution of UN peacekeeping doctrine, a 2014 report of the UN Office of Internal Oversight found that in 80 percent of the cases reviewed, UN peacekeepers failed to uphold their POC mandates under Chapter VII of the UN Charter to use all necessary and appropriate measures to protect civilians. In many circumstances, a lack of training and/or guidance directly contributed to peacekeepers not

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upholding their mandate to protect civilians. Several of these POC mandates also reference a state's primary responsibility to protect its population, sometimes calling upon the mission to assist in holding perpetrators of mass atrocity crimes accountable, but clear guidelines have not been developed for how peacekeepers should implement an "R2P mandate."

These recent challenges and failures to respond to early warnings or halt mass atrocity crimes from occurring in South Sudan, DRC, CAR and elsewhere highlighted the need for peacekeeping personnel to be trained not just in the protection of civilians, but also in risk factors and warning signs for these

crimes to anticipate where the threat is coming from and to respond to it effectively. The Atrocity Prevention Lens adds distinct operational and tactical value to peacekeeping and the protection of civilians without adding to the immense responsibilities already undertaken by missions. By improving the way that peacekeepers assess threats to populations and patterns of activity in their operating environment that may be risk factors for mass atrocity crimes, this lens can contribute to early action and response before a situation escalates.

As a result of the subtle differences between R2P and POC, the application of R2P or an Atrocity Prevention Lens to peace operations can enhance the capacity of peacekeepers to meaningfully protect civilians while being deployed in contexts where civilians are at risk of atrocity crimes. The application of the Atrocity Prevention Lens enables protection actors 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.

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



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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 awareness 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 ac-

tors 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 Pre-





vention. 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.

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.

CONCLUSION

Different protection agendas when applied to a situation together can provide holistic protections to populations at risk. When frameworks like R2P and POC are both applied to assess risk and to respond to escalation they each address distinct gaps and protection needs.

The clear complementarity between R2P and POC naturally lends itself to these types of efforts - with their similarities allowing for more seamless blending of the two agendas and their differences allowing each to build on the other's strengths. It remains important that we break the artificial silos that

exist in implementation as well as how the international community collectively thinks about protection.

PICTURES:

-<https://www.globalr2p.org/publications/>



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