



# THE UNITED STATES AND R2P

## *From Words to Action*

Madeleine K. Albright and Richard S. Williamson



UNITED STATES  
INSTITUTE OF PEACE

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## ABOUT THE REPORT

Former secretary of state Madeleine K. Albright and former presidential special envoy to Sudan Richard S. Williamson cochaired the Working Group on the Responsibility to Protect, which includes former government officials, academics, foreign policy experts, political consultants, and media professionals. Jointly organized by the United States Institute of Peace (USIP), the United States Holocaust Memorial Museum, and the Brookings Institution, the Working Group seeks to increase understanding of the responsibility to protect (R2P), assess how the concept has worked in relevant cases, and identify concrete steps to bolster the will and capacity of U.S. decision makers to respond in a timely manner to threats of genocide, crimes against humanity, and other mass atrocities.

The Working Group has met formally six times but has also consulted informally with a wide variety of government officials, scholars, and other policy experts. The authors are grateful for the assistance of the members of the Working Group and the three sponsoring institutions in preparing the report. They would also like to thank the staff of the Museum and USIP for their assistance in preparing the report, especially Cameron Hudson, Sara Weisman, Eric Eggleston, and Jonas Claes, as well as Bill Woodward from the Albright Stonebridge Group and the four individuals who prepared background papers for the group's consideration: Cliff Bernath, Naomi Kikoler, Bruce Jentleson, and Jonas Claes.

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The views expressed in this report are those of the authors alone. They do not necessarily reflect the views of the United States Institute of Peace, United States Holocaust Memorial Museum, or the Brookings Institution.

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## Letter from the Convening Organizations

Our three institutions—the United States Holocaust Memorial Museum, United States Institute of Peace, and Brookings Institution—jointly convened the Working Group on the Responsibility to Protect out of shared concern over the threat that genocide and other forms of mass atrocity pose to civilians around the world. This threat remains real today, despite a range of steps the international community has taken to address the problem and the frequent promise to do better after every genocide or mass atrocity.

The timing seemed right to assemble a group of experts and practitioners to take a fresh look at the concept and practice of “responsibility to protect” (R2P), which had been adopted unanimously by heads of state and governments at the World Summit in 2005, and to examine how R2P can be made more effective. Over the past eight years, R2P has become part of the international vocabulary in discussing genocide, war crimes, ethnic cleansing, and crimes against humanity. But in the United States, the concept is little known and frequently misunderstood. Therefore, we thought it useful to ask the working group to help to explain this concept to the American public, assess its application in specific cases, acknowledge obstacles and limitations to its implementation, and suggest how the United States might play a constructive—indeed, leadership—role in advancing the goals of R2P.

This report follows the important Genocide Prevention Task Force report, cosponsored by the United States Holocaust Memorial Museum, the American Academy of Diplomacy, and the United States Institute of Peace. In the nearly five years since its release, the U.S. government embraced and began to implement many of the task force’s recommendations.

Recognizing these developments, the convening organizations felt that now was an appropriate time for a considered analysis of the strengths and challenges associated with what its proponents believe is, or at least should be, an emerging norm for the international system.

To lead this effort, we turned to two prominent Americans in this arena, each associated with one of our major political parties and both with valuable insights, distinguished reputations, and relevant experience. Former U.S. secretary of state Madeleine Albright and former presidential special envoy to Sudan Richard Williamson cochaired the working group, and we are grateful for the time, energy, and leadership they invested in this project. Participants in the working group included other former U.S. government officials, academics, attorneys, foreign policy experts, and media professionals. Their varied perspectives and backgrounds encouraged robust debates that undoubtedly strengthened the final product. We thank the working group members for their efforts. Informed by the group’s discussions, Secretary Albright and Ambassador Williamson coauthored the final report that lays out their views and recommendations.

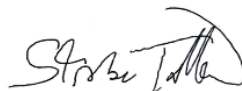
There is indeed urgency to the serious issues with which the report grapples. As the working group deliberated over the legal, political, and moral issues involved in the responsibility to protect, civilians across the globe continued to fall victim to leaders and forces who have been willing to use the most extreme tactics to achieve their political aims, from Sudan and the Democratic Republic of the Congo to Burma and Syria. The issues raised in this report are neither abstract nor academic: They are as immediate as the headlines. We hope that the ideas put forth by a distinguished pair of Americans will help foster an honest, thorough, open, and civil dialogue with the U.S. public about R2P and how our fundamental values require all of us to work responsibly to protect potential victims from the worst that humankind has to offer.



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## Highlights

This report examines R2P, the emerging political norm that aims to protect civilians from genocide, war crimes, ethnic cleansing, and crimes against humanity by preventing them from taking place or taking remedial action when necessary. R2P is based on three mutually reinforcing pillars: the duty of every state to protect its people from these crimes, a commitment of the international community to help states fulfill their responsibilities, and the preparedness of countries to take collective action under the UN Charter when a state manifestly fails to protect its populations.

- Since world leaders unanimously embraced R2P in 2005, the international community has a mixed track record of applying the principle when mass violence is threatened or occurs. This report studies the legacy of the international response in Sudan, the Democratic Republic of the Congo (DRC), Kenya, Syria, Libya, and Sri Lanka.
- Implementing R2P faces political, institutional, and operational challenges. Expanding the set of tools for policymakers, supporting justice and accountability mechanisms, and narrowing the gap between warning and responses remain operational challenges to be met. Evolving U.S. and global institutions present new but uncertain opportunities for addressing mass atrocities.
- This report recommends a number of steps be taken to strengthen R2P: articulating a clear vision of U.S. support for all pillars of R2P, diplomatically engaging key like-minded states, pursuing a policy of positive engagement with the International Criminal Court (ICC), continuing to institutionalize steps to prevent atrocities, and developing additional uses for modern technologies to advance R2P objectives.
- The intent of these recommendations is to enhance U.S. ability to provide global leadership for the prevention of mass atrocities and to advance the collective capacity and will of the international community to fulfill its obligations under the responsibility to protect.





## Introduction

In just eight years since it was adopted at the United Nations World Summit, R2P has emerged as a widely shared norm in international relations. Every country in the world has recognized its responsibility to protect citizens from genocide, war crimes, crimes against humanity, and ethnic cleansing, and, at least in theory, a responsibility to act accordingly. Most recently, the United Nations Security Council invoked the words *responsibility to protect* when it authorized a military intervention aimed at forestalling potential mass atrocities and crimes against humanity in Libya.

But all too often, the promise of R2P has been more noteworthy in its breach than in the honoring of our commitments. Despite the lofty ambitions of its framers, the crimes R2P was intended to prevent have continued at a shocking pace in the last few years, not only in Syria but also in such diverse places as Sri Lanka, Kyrgyzstan, the DRC, and Sudan. Our working group was asked to take a hardheaded look at how well R2P has worked in practice, how it might be better implemented, and whether concrete recommendations might strengthen this emerging international norm. It has also sought to better explain R2P to a war-weary U.S. public that has frequently misunderstood the concept as a limitless license for military intervention.

Over more than a year, our working group convened regularly in plenary sessions to examine some of the key issues associated with R2P, particularly from a U.S. perspective. Although the responsibility to protect is an international responsibility, it is particularly relevant to U.S. global leadership, which will suffer if the United States is not seen to be taking an active role in trying to prevent atrocities; the eyes of the victims, and indeed the world, often look to the United States for leadership in helping to prevent and redress these crimes. Our working group explored such topics as the Obama administration's atrocity prevention efforts; the North Atlantic Treaty Organization (NATO) intervention in Libya; the views within Congress; the roles of international institutions as well as justice and accountability mechanisms, namely the ICC; and the capacities and roles of emerging democratic powers in shaping a global response to atrocities.

We are very grateful for the active participation of the more than two dozen members of the working group, not only in plenary sessions but also in more informal sessions, as well as for their comments and feedback on this report. On many issues, we found much consensus from members of our group, particularly in the idea that genocide and other forms of mass atrocity represent a long-term threat to U.S. interests around the globe. While there is rarely consensus around the use of military force, most members of our working group understand a need to use a wide variety of preventive tactics to address this long-term threat. But we emphasize that the final report and its recommendations represent our views alone; we accept sole responsibility for the findings contained in the following pages.



## Executive Summary

This report examines R2P, the recently developed political norm aimed at spurring governments to act in preventing genocide and other major violations of international humanitarian law. Although R2P has deep historical roots, it embodies a contemporary challenge to states and to the world at large: to shield men, women, and children from the kinds of mass atrocities that have claimed millions of lives in the past. Such tragedies are typically followed by vows—subsequently forgotten—never to allow similar events to happen in the future. R2P has been put forward in the hope of improving on that dismal record. This report discusses the varied elements of the new doctrine, their implementation to date, and future opportunities and obstacles. We offer it mindful of the many competing demands on our national and global leaders but also insistent that the duties inherent in R2P, which all countries have acknowledged, must be taken seriously and acted on with determination and vigor.

The responsibility to protect was affirmed in 2005, when it was included in the consensus Outcome Document of the UN World Summit. The doctrine is based on three pillars: first, the duty of every state to protect its people from genocide, war crimes, ethnic cleansing, and crimes against humanity; second, a commitment on the part of the international community to assist states in fulfilling their responsibilities; and third, the preparedness of countries to take remedial action under the UN Charter when a state is manifestly failing to protect its citizens. In an ideal world, R2P would be self-executing. States would either live up to their commitment or seek and obtain outside help. In reality, many states lack the capacity to protect their citizens from major violence, whether generated by internal competition over resources, ethnic differences, or other grounds for hostility. The globe's diverse international aid programs only partially address this inability to protect, so despite assiduous efforts, perilous gaps remain between what governments should do and what they can do. More alarming still, in a few countries, the government is the leading source of violence directed against its civilians, usually for purposes of deterring or punishing political dissent. To assess how R2P has been implemented thus far, our report will examine crises that have arisen since the doctrine was adopted almost eight years ago. These include the tragedies of Syria, Sudan, and the DRC and the more encouraging cases of Libya, Côte d'Ivoire, and Kenya. Overall, we can see that R2P remains very much an evolving concept, neither the panacea that some had hoped for nor the hollow promise that others resigned themselves to expect.

Looking to the future, it is useful to remember that R2P was intended less as a guide for reacting to crises than as a road map to prevent humanitarian catastrophes from evolving. The atrocities R2P is intended to prevent are neither accidental nor spontaneous. Most often, they are planned by governments or leaders of factions who are intent on imposing their will on others through terror and violence. Such plans frequently develop over a period of time and are preceded by hostile words, policies, and actions. Effective deterrence depends on the ability and willingness of the international community to respond whenever and wherever the evidence of an impending crisis appears.

Accordingly, our working group focused on the challenge of translating the promise of R2P into action that will actually prevent and halt genocide and other forms of mass atrocity. We believe the prospects for success depend on the attitudes and actions of many countries over time, but that the U.S. willingness to lead will be pivotal. Circumstances will continue to develop in which the lives of large numbers of civilians are placed at risk, while those who perpetrate mass atrocities and those responsible for stopping them deny that such crimes are happening. If, in critical moments, R2P is ignored, it will fail in its purpose. Decision makers

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***R2P remains very much an evolving concept, neither the panacea that some had hoped for nor the hollow promise that others resigned themselves to expect.***

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must recognize the doctrine as both universal and continuous, applying to every country at all times. We urge the world community to proceed on this basis. R2P stems from a desire to strengthen the sway of peace and reduce human suffering—worthy goals for any government to promote, and nothing less should be expected from the executive and legislative branches of the United States. As President Barack Obama declared in a speech at the Holocaust Museum on April 23, 2012, “Preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States.”

Unfortunately, R2P is better known in many other parts of the world than it is in the United States, and to the extent the phrase is familiar to the U.S. public, it is often misunderstood. One purpose of this report is to help explain the concept to a U.S. audience and to show how it is connected to our country’s best interests and traditions. Although R2P has a relatively narrow purpose, the actions that satisfy it can be broad. Americans can take pride in some of the signature efforts past administrations have undertaken, including support for human rights (under President Jimmy Carter); the promotion of democracy (President Ronald Reagan); opposing international aggression (President George H. W. Bush); halting ethnic cleansing (President Bill Clinton); acknowledging a genocide while it was occurring in Darfur (President George W. Bush); and making an institutional commitment, at the highest level, to preventing atrocities (President Barack Obama). All except the last of these initiatives began before the inauguration of R2P, but each is directly or indirectly consistent with its objectives: to safeguard people everywhere from genocide, war crimes, ethnic cleansing, and crimes against humanity.

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***R2P places primary emphasis on the duty of states to protect their own people.***

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To avoid misunderstandings, several aspects of R2P are worth underlining. The concept is designed to reinforce, not undermine, national sovereignty. It places primary emphasis on the duty of states to protect their own people and its complementary focus on helping governments improve their capacities to fulfill their commitments. Only when a government fails or refuses to live up to the responsibility of sovereignty does it run the risk of outside intervention. Even then, R2P’s implementation is to be done in accordance with the UN Charter, which means that the central decision-making authority is the UN Security Council, with all its attendant strengths and weaknesses. Although R2P is based on a long tradition of international law, it does not impose any new legal obligations on governments. There is no duty to engage in military intervention. R2P’s overriding goal is to encourage and, when necessary, help states protect their own people. When that does not happen, the first recourse will ordinarily be to diplomatic, economic, and other measures. Collective military action to enforce R2P will be rare.

With the reality of R2P in mind, we believe it is vital that U.S. leaders join with others to develop and deploy a full range of tools designed to protect civilian populations from atrocities. These tools can be both traditional and innovative, some aimed at long-term capacity building and others at expanding options for decision makers when catastrophic dangers are imminent. These steps need not require vast, new expenditures, but they will not be possible if governments react to ongoing budget pressures by slashing current levels of investment. Experience tells us that funds devoted to crisis prevention are likely in the long run to save both treasure and lives. To this end, broad participation is needed, but our recommendations are directed—appropriately—at our own government.

Each recommendation is intended to help translate the promise of R2P into the reality of a safer, more secure world. Obviously this will not happen without robust political leadership. U.S. officials should be clear that our government—and every oth-

er government—retains the responsibility, within or beyond the framework of R2P, to assist populations that are threatened by mass atrocities, especially when well-established regional or subregional organizations support such assistance. The successful implementation of R2P will come not only with the establishment of new mechanisms to prevent atrocities but also with the willingness to act and take risks when necessary to save lives.

**Below is a summary of our recommendations:**

- In major speeches before national and international audiences, the president and other senior U.S. officials should articulate a clear vision of U.S. support for all three pillars of R2P—and should not shy away from using the phrase.
- The U.S. government should consider any credible early warning of mass atrocities anywhere in the world to require an immediate high-level policy review to identify alternatives and take steps to reduce the likelihood of catastrophe.
- The U.S. government should launch a diplomatic initiative with the UN Secretariat and like-minded nations to strengthen the global capacity to prevent the atrocities covered by R2P.
- Executive branch departments of the U.S. government should engage relevant congressional committees and their leading members on more effective R2P implementation. Congress in turn should hold regular hearings on the administration's atrocity prevention efforts and ensure that the administration has plans in place for countries considered to have the greatest risk of mass atrocities in the future.
- The U.S. government should strive to improve the effectiveness of the ICC as a means of deterring and prosecuting war crimes and, where appropriate, expand its policy of positive engagement with the court.
- Congress should approve full funding for international crisis prevention and stabilization measures, including development assistance, prodemocracy programs, UN peacekeeping, other relevant UN activities, and support for training and equipping the emergency response forces of regional organizations.
- The U.S. government should launch a comprehensive study of the extent to which modern technologies can be used to support the purposes of R2P. The goal should be to develop public-private partnerships to better use emerging technologies to predict, prevent, and respond to threats of mass atrocities.
- The U.S. government should take steps to make permanent the Atrocities Prevention Board and other reforms designed to increase its capacity to prevent genocide and other war atrocities.

There will always be limits on what we can accomplish in world affairs, but that does not justify placing unnecessary constraints on our aspirations. The best chapters in history have been written by those who took on and achieved tasks that others considered improbable. Asserting that nothing realistic can be done to stop mass atrocities makes such violations more likely. Engaging in constant preparations to prevent and end war crimes may save thousands, even millions, of lives. That is an effort well worth making, and it is why we call on our leaders to treat the implementation of R2P as a core element in our nation's foreign policy planning, organization, policies, and actions.

## Origins and Evolution of the Responsibility to Protect

The roots of R2P can be traced back many centuries to early writings on the laws of war and the duties of governments. Its modern form began to emerge in the wake of World War II, when the international community, sobered by the Holocaust and the devastation caused by global conflict, created the International Court of Justice and approved the United Nations Charter, the UN Declaration of Human Rights, the Geneva Conventions of 1949, and the Convention on the Prevention and Punishment of the Crime of Genocide. The effectiveness of these measures was called into question in the early 1990s amid the political upheaval and civil conflicts that accompanied the end of the Cold War. In this period, world leaders struggled to formulate an adequate response to atrocities and humanitarian crises in Iraq, former Yugoslavia, the Caucasus, Cambodia, East Timor, Haiti, the Horn of Africa, Angola, Burundi, the DRC, Liberia, Mozambique, Rwanda, Sierra Leone, Somalia, and Sudan. The decade was marked by a dramatic expansion in the role of UN peacekeeping forces, the use of coalitions of the willing to intervene in particular situations, and a rise in the number of conflicts taking place within countries instead of across international borders. Special tribunals were established to prosecute the perpetrators of genocide and other crimes against humanity; in the process, rape was recognized as both a widespread tactic of war and a war crime.

At the time, there was much unresolved debate about the limits of national sovereignty when wide-scale human rights violations were taking place. To simplify, this debate split observers into two camps: those who believed that every government has a right to do what it wants inside its area of jurisdiction, and those who argued that the world community has an obligation to step in when needed to prevent atrocities. Those in the first camp suggested that the principle of sovereignty must retain its primacy because, if that precept were weakened, chaos might ensue. Those in the second camp insisted that responsible countries could not allow sovereignty to be a shield behind which rogue governments could slaughter their citizens with impunity. About this time, Francis M. Deng, then the secretary-general's special representative for internally displaced persons, proposed that for national governments, sovereignty entails not only rights but also responsibilities. This idea furnished the starting point for a new round of thinking about how best to protect civilians threatened by atrocities, whether perpetrated by their own governments or some other faction.

By 2000, African nations were leading international efforts by enshrining the principles of R2P into the founding charter of the African Union (AU). In Article 4 of the AU's Constitutive Act, African leaders codified the right "of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity." This important clause conveys one end of the full R2P spectrum—military intervention—but more significantly the charter shows African countries' commitment to protecting populations from atrocities, even if it requires infringing on the sovereignty of fellow AU member states.

At roughly the same time, the government of Canada created the International Commission on Intervention and State Sovereignty (ICISS). Cochaired by Gareth Evans and Mohamed Sahnoun, the panel's December 2001 report pointed out that external humanitarian intervention has been controversial when it has happened and when it has not. After considering a wide range of legal, moral, operational, and political issues, the commission concluded that "sovereign states have a responsibility to protect their own citizens from avoidable catastrophe ... but that when they are unwilling or unable to do so, that responsibility must be borne by the broader community." The report emphasized preventive and noncoercive measures, described

military intervention as a last resort, and set out a series of criteria for identifying when armed action might be justified. Although the report emphasizes the importance of obtaining prior UN Security Council authorization, it also envisions circumstances when a regional or sub-regional organization might acceptably proceed without it. The report, entitled “The Responsibility to Protect,” did much to advance international debate on the issue.

At the 2005 UN World Summit, governments unanimously embraced R2P in its present form. In so doing, they endorsed the principle that every state has a responsibility to protect civilians against mass atrocities and pledged their preparedness, when necessary, to take collective action through the Security Council in accordance with the UN Charter. R2P does not envision a case in which states could legitimately intervene in another country without Security Council authorization. Thus, while reinforcing the premise that states—individually and collectively—have a duty to protect people from mass atrocities, the R2P declaration did not establish a new basis for international decision-making. This restraint was reassuring to those who worried that R2P might be used as an unwarranted license to intervene and frustrating to those concerned that a stalemate within the Security Council could block effective action.

Controversy over the issue of intervention should not obscure that the R2P concept rests on three broad pillars, which Secretary-General Ban Ki-moon delineated in his 2009 report, *Implementing the Responsibility to Protect*. They consist of the state’s responsibility to protect its population, international assistance and capacity building, and timely and decisive collective action when a state is manifestly failing to protect its citizens from genocide, war crimes, ethnic cleansing, or crimes against humanity. The pillars are neither separable nor sequential: Each demands continuous action and will minimize the number of times the world community is forced to choose between costly military intervention and standing aside while atrocities occur.

The relevant language from the World Summit Outcome Document appeared as follows:

**Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity**

138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.

In his 2009 report, the secretary-general pointed out that R2P is “firmly anchored in well-established principles of international law” and that “it does not alter, indeed it reinforces, the legal obligations of Member States to refrain from the use of force except in conformity with

the [United Nations] Charter.” He noted that R2P, as written, applied only to the four specified violations of genocide, war crimes, ethnic cleansing, and crimes against humanity but suggested that “while the scope [of R2P] should be kept narrow, the response ought to be deep.”

In keeping with its mandate, the working group has examined how R2P has been carried out thus far and how the concept’s goals might be better achieved in the future. The principles that reside at its heart—that states and the international community have a shared responsibility to protect civilians from genocide and other forms of mass atrocities—are widely agreed upon. However, the task of developing appropriate nonmilitary and military steps to prevent and respond to atrocities remains unfinished.

The task is particularly relevant to the United States, with its global responsibilities and interests. Experience has shown that distant problems, if unaddressed, often prove costly to our country. Humanitarian disasters can spill across national borders, create new refugee populations, destabilize regional security balances, and generate grievances that terrorists and demagogues can exploit. That is why successive U.S. administrations have endorsed R2P and why the United States has done more than most countries to strengthen its capacity to prevent genocide and mass atrocities. On the other hand, senior U.S. officials rarely refer to the concept in their public statements, and as a recent survey by the U.S. Holocaust Memorial Museum confirms, the principle remains little known to the public. Much work remains to be done if R2P is to be recognized, in practice as well as in theory, as a definitive standard for how governments should treat their own people and how the world community should respond when national commitments are not kept.

## **R2P in Practice**

Less than eight years have elapsed since R2P was included in the Outcome Document of the World Summit—a relatively brief time in which to evaluate the doctrine’s effect on international deliberations and actions. The preventive responsibilities inherent in the first two pillars of R2P are best reflected not in the emergencies that attract publicity but in the quiet progress that does not. Because of this, it is a fallacy to suggest that R2P applies only in certain high-profile cases; the doctrine is relevant in every country all the time.

R2P has only rarely been formally invoked by the UN Security Council or other bodies and usually only in the most extreme crises—most notably during the war in Libya to prevent mass atrocities in Benghazi. But R2P principles have animated the international response to threatened or actual atrocities in a range of recent situations, and tools are being developed to improve the preventive capacities of regional and global players. In a number of cases, one can see how the emergence of the R2P norm has strengthened international capacity and the will to act decisively. Coalitions of like-minded partners, backed with UN authority, worked effectively to prevent atrocities not only in Libya but also in Côte d’Ivoire, Kenya, and South Sudan in the run-up to the referendum for independence. That some atrocities took place should not obscure the reality that matters could have been much worse and that lives were saved. Focused international monitoring, preventive diplomacy, and military action prevented catastrophic results.

However, violent crises that bring about mass killings have not abated. As of this writing, at least seventy thousand civilians have died in Syria, many in sectarian atrocities, and there is a real risk of genocidal acts against minorities if the trajectory of the war remains on its present course. Tens of thousands of Tamil civilians died at the end of the Sri Lankan civil war with little international outcry or effective UN response. Of equal concern are long-dysfunctional states, such as the DRC and Sudan, where leaders and nonstate actors have frequently committed atrocities as a political tactic. R2P applies in each of these countries, yet leaders in both have been unable or



unwilling to fulfill their responsibilities. In these cases, states are so weak and the security challenges so great that civilian populations dwell in seemingly permanent danger.

### *a. Fast-Moving Crises*

Although every crisis is unique, competition for political power has often been associated with mass atrocities. In recent years, this has been true in cases involving disputed elections and unelected leaders' attempts to repress popular movements. The record of the international community in reacting to such crises has been mixed.

#### Kenya

After a closely contested presidential election in 2007, Kenya suffered an outbreak of ethnic violence and atrocities in which 1,200 people were killed and more than 600,000 internally displaced. A potentially larger calamity was averted, thanks to emergency mediation by former UN secretary-general Kofi Annan under AU auspices. With support from the UN Security Council and Kenyan civil society, Annan brokered a deal between the two main political parties, which then formed a coalition government that tamped down, at least temporarily, the ethnic tensions that had fueled the violence.

In 2010, the international community was alert to maintaining civic peace in the wake of a referendum on a proposed new constitution. To this end, the U.S. State Department worked closely with Kenyan government officials, African and European diplomats, and the United Nations. With backing from the country's main political parties and ethnic groups, the constitution won popular approval by a two-thirds vote, accompanied by only isolated incidents of violence.

In March 2013, Kenyan voters returned to the polls in a closely watched presidential election. There was a huge turnout, and voting was generally peaceful. Observers in and outside the country waited tensely during the long days before an official result was announced. The media and leading politicians from all parties deserve credit for cautioning against violence and a repetition of what happened in 2007. Although the election outcome was disputed, disagreements have been dealt with—at least as of this writing—through constitutional means.

Kenya remains deeply divided along largely ethnic lines. However, the experience of the past six years suggests that, in keeping with R2P's second pillar, well-timed diplomatic efforts can, in some situations, restore civility to a combustible political environment. Despite their differences, Kenya's leading politicians are apparently convinced that violence is no longer an acceptable response to electoral setbacks and associated legal disputes. It remains to be seen whether that awareness will continue and create a sustainable basis for national reconciliation and democratic growth.

#### Côte d'Ivoire

In Côte d'Ivoire, a dispute over the results of the December 2010 presidential election led to fighting between forces loyal to opposition presidential candidate Alassane Ouattara, the winner of the balloting, and those supporting incumbent president Laurent Gbagbo, who refused to yield power in accordance with constitutional procedures. Sporadic violence in the next four months killed hundreds and displaced 450,000 people, many from the capital city of Abidjan. Regional and world leaders explicitly invoked the R2P principle in response to reports of civilian killings primarily at the hands of fighters (and thugs) loyal to Gbagbo. The United Nations and France both refused Gbagbo's demands that they withdraw peacekeeping forces from the country.

The crisis was ultimately defused by a coalition of international and regional actors, including France, the Economic Community of West African States (ECOWAS), the AU, and the United Nations. International sanctions weakened the regime, and French and UN

airstrikes helped topple it when, in late March, opposition forces swept most of the country. By summer, peace had been restored, the rightful winner of the presidential election had assumed office, and Gbagbo was awaiting prosecution in The Hague; this was the first time the ICC had taken a person into custody for crimes committed while serving as head of state. The reasonably successful outcome was due to the constructive involvement of a major power (France), the collaboration of a regional group (ECOWAS), the local population's clear desire for change, and Côte d'Ivoire's relatively small size, especially compared to such vast lands as Sudan and the DRC.

#### Libya

The R2P doctrine was repeatedly invoked in connection with Libya when, in early 2011, opposition protests challenged the legitimacy of the country's longtime dictator, Muammar al-Qadhafi. Demonstrations in the eastern port of Benghazi quickly spread to other cities, prompting a crackdown by government security forces that included attacks from helicopter gunships. Qadhafi denounced the protestors as foreign mercenaries and vowed to fight to the "last drop of blood." At the urging of Arab and Western powers, the UN Security Council voted on March 17 to authorize a no-fly zone and "all necessary measures" to protect civilians. The United States and the North Atlantic Treaty Organization (NATO) then intervened with air strikes. In June, the ICC issued a warrant for the arrest of Qadhafi and his son. Heavy fighting continued until August 2011, when the rebel coalition triumphed.

Three facts help explain the robust international response to Qadhafi's threats of mass violence. First, the modest capacity of Libya's armed forces, the open desert landscape, and the country's proximity to Europe and allied military bases aided the military aspects of the operation. Second, the Arab League, including Libya's neighbors, endorsed the action—a testament to Qadhafi's political isolation. Third, the governments of Russia and China, often reluctant to support intervention, chose to abstain rather than veto crucial UN Security Council resolutions. The absence of any one of these conditions—a favorable military balance, regional support, and Security Council authorization—might have led to a different result.

In some respects, the international action in Libya was a textbook application of R2P principles. Qadhafi's ruthless response to political dissent caused legitimate fears of an imminent humanitarian disaster. Diplomatic missions and other nonmilitary measures were tried first. Security Council resolutions and the statements of President Obama and other international leaders cited the responsibility to protect. Enforcement of the no-fly zone saved many more lives than it cost. According to a subsequent report by the International Commission of Inquiry on Libya, NATO "conducted a highly precise campaign with a demonstrable determination to avoid civilian casualties." The new Libyan government, although dangerously weak, is at least verbally committed to meeting its R2P responsibilities.

Despite all the above, Russia and other states have criticized NATO for allegedly using the threatened humanitarian crisis as a pretext for regime change. In this view, some contend that NATO exceeded its mandate by pushing for Qadhafi's ouster instead of limiting its military operations to the immediate protection of civilians. NATO's defenders argue that, as the fighting wore on, Qadhafi's capacity to govern evaporated, and a return to stability was impossible without his removal from power.

The international action in Libya shows how R2P can be applied to save lives and hold accountable those responsible for violations of humanitarian law. It remains to be seen whether the unique circumstances that made the intervention possible—and the subsequent contro-

versy surrounding it—will cause the intervention to be viewed in the future less as a precedent than as a cautionary tale.

### Syria

The civil war in Syria, like the strife in Libya, grew out of the Arab Spring protests, which have rocked the Arab Middle East over the past two years. President Bashar al-Assad's refusal to accommodate demands for political reform, coupled with brutal repression on the part of his security forces, prompted calls for action in connection with R2P. The world community responded with verbal condemnations, repeated efforts at mediation, the temporary introduction of human rights monitors, rigorous economic sanctions, and aid for refugees. A number of countries in the Arab League have provided arms to the opposition, and the United States and Europe have contributed nonmilitary supplies. Late in 2012, Western officials pushed to reorganize Syria's opposition movement with the intent of marginalizing extremist elements and creating greater legitimacy. This initiative led to official recognition of the opposition by the United States and numerous other governments. Tragically, these measures have not averted a humanitarian disaster. Precise numbers are unavailable, but the United Nations estimates that over seventy thousand people have died in the conflict and that over four million have been displaced.

Throughout this period, a vigorous debate has been conducted in the United States and elsewhere about what additional steps might be taken to protect civilians, contain the fighting, deter the deployment of chemical weapons, and create the basis for a new political structure in Syria. Some have advocated the imposition of a no-fly zone, robust military support for the rebels, and even external armed intervention. To date, the United States has not supported these steps out of concern for where they might lead and because of ongoing concerns about certain elements within the opposition. Diplomatically, the situation has been made more complex by divisions among the five permanent members of the Security Council. The United States, the United Kingdom, and France have urged Assad's removal from office, while Russia and China have not agreed to such a declaration. Also, despite abundant evidence of crimes against humanity committed by the government and, to a lesser extent, the opposition, the Security Council has failed to call for an ICC investigation. The terrible carnage in Syria illustrates that the international community's embrace of R2P is not sufficient, in itself, to prevent a ruthless dictator from inflicting grievous harm on his own citizens, especially when the permanent members of the Security Council are divided and external military intervention is difficult. Our collective challenge is to minimize the likelihood of such situations through persistent diplomacy, support for democracy, and a greater insistence on respect for fundamental civil and human rights.

### *b. Long-Term Protection Challenges*

Because R2P is the duty of every state, the failure to govern effectively and fairly is a primary threat to its realization. Often, this failure results in poverty, divided societies, and in a few cases, the kinds of mass atrocities that R2P is designed to prevent.

### Sudan and South Sudan

Since gaining independence from Great Britain in 1956, Sudan has endured multiple periods of sustained violence, including a prolonged civil war between the north and south. In this war, brutal and bigoted rulers based in Khartoum have instigated the commission of atrocities, including genocide in Darfur. The divide-and-rule approach to governance in Sudan, punctuated by a willingness to commit gross human rights abuses, has meant that traditional conflict

resolution strategies have had only limited effect. Hopes were high, therefore, when in 2011, South Sudan peacefully seceded from Sudan. This historic event was facilitated by an array of diplomatic initiatives on the part of African leaders with strong backing from the United States and Europe. The success of the separation could be considered a victory for R2P principles, but building on that achievement has proven a challenge.

In the past year, disputes regarding the allocation of oil revenues and the delineation of the boundary between the two countries have spurred political discord and periodic fighting, aggravated by domestic violence on both sides of the border. Sudan's president, Omar al-Bashir, has added to his long record of abusing human rights by ordering his security forces to crack down on political dissent, leading to aerial attacks against civilians in the Nuba Mountains, hundreds of thousands of displaced people, and untold suffering due to the obstruction of international efforts to provide humanitarian aid.

Meanwhile, intertribal violence within South Sudan has claimed thousands of lives and caused an estimated fifty thousand people to flee their homes. The UN Security Council has responded by increasing the size and strengthening the mandate of the peacekeeping force deployed there. As with earlier UN and AU peacekeeping efforts in the region, however, the current force is handicapped by the country's large size and limited infrastructure.

The area encompassing Sudan and now South Sudan has not lacked for international scrutiny. Over the years, it has been the subject of dozens of UN Security Council resolutions, witnessed the deployment of multilateral security forces, attracted numerous attempts at diplomatic engagement, and been the object of frequent studies by groups involved in crisis prevention and response. This attention, though insufficient compared to needs, has been beneficial, and there is reason to believe that, with better local leadership, both countries could prosper. However, until such leadership is demonstrated, continued international engagement will be required to curb the government's repressive policies in the north and help South Sudan to enlarge its capacity to implement R2P.

#### Democratic Republic of the Congo

Nowhere are the limitations of R2P more readily apparent than in the DRC, where up to 5.4 million people have died in the past two decades as a result of politically and economically motivated conflict. This has occurred despite the almost continuous presence of UN peacekeepers and periodic bursts of high-level attention from policymakers. The DRC suffers from anemic government institutions, deep tribal divisions, and intrusive neighbors. The combination of widespread poverty and few public services makes survival a challenge under any conditions; thus the economic disruptions caused by conflict kill many more people than the actual fighting does. Competition for control of the country's rich mineral resources has long added to the strife among rival militias and neighboring government forces. Virtually every major armed group has committed mass violations of human rights, including rape, torture, and the use of child soldiers.

The most recent center of fighting is in the east, where Mai-Mai and Hutu militias are engaged in a bitter and violent rivalry, and a Tutsi group (the March 23 movement) is seeking to create what would be tantamount to a separate state. The government, which commands little popular support, lacks the capacity to protect civilians in the region. The UN force, although the world's largest, has only a limited ability to do so. A strong argument can be made that, despite the ongoing violence, the most viable strategy for implementing R2P in the DRC begins not with the third pillar but the first. Until the country has a government worthy of the name, many of its citizens will continue to live in insecurity and fear.

## Sri Lanka

For over twenty-five years, the conflict in Sri Lanka pitted the army against the separatist insurgency of the Liberation Tigers of Tamil Eelam (LTTE). However, levels of violence escalated rapidly as the government pursued a strategy of military victory and advanced into LTTE-held territory between January and May 2009. During this period, the civilian population suffered significant casualties and were unable to escape the conflict zone due to LTTE threats and the Sri Lankan military's prohibitions on movement. The United Nations estimates that up to forty thousand civilians were killed and hundreds of thousands were displaced during the final phase of the conflict, which ended with the defeat of the LTTE and the deaths of its senior leaders.

Despite the high number of civilian casualties, the international community did little beyond issuing statements of concern. The UN Security Council, High Commission on Human Rights, and General Assembly held no formal sessions on Sri Lanka during this period. In Sri Lanka, both the government and the rebels can be faulted for failing to protect civilians. However, the international community also neglected its responsibility to take timely action when it was apparent that violations of humanitarian law were taking place.

The case of Sri Lanka exemplifies a challenge for implementing R2P when sovereign governments confront an internal threat from a group that is designated as a terrorist organization. Since the end of the conflict, the government has steadfastly denied that the mass killing of civilians and war crimes took place. While launching its own inquiry into the military's actions, the government has obstructed international efforts to investigate potential war crimes and crimes against humanity. Critics question the independence and balance of the government commission's report and argue that accountability requires a more credible investigation. If a recurrence of conflict in Sri Lanka is to be prevented, the international community should help the government respond to the needs of all communities in the country, while undertaking a national reconciliation process that addresses wounds inflicted during nearly three decades of conflict.

### *c. Lessons*

The risk of destabilizing violence is often associated with disputes over access to political power and with governments incapable of maintaining order within all or parts of their territory. Efforts at prevention, therefore, might focus on such measures as election planning and monitoring, the building of pluralist political structures, and the gradual reconstruction of failed or failing states. As seen in Kenya, Côte d'Ivoire, and Libya, diplomacy from regional and subregional organizations can be decisive. Another lesson is that accountability, if supported, can deter the commission of mass atrocities. Champions of the ICC can fairly argue that the likelihood of future atrocities is diminished every time a perpetrator is successfully prosecuted.

The cases collectively show the ongoing difficulties of implementing the third pillar of R2P: the requirement for "timely and decisive collective action" when a state is failing to protect its citizens from genocide, war crimes, ethnic cleansing, or crimes against humanity. Sometimes this reflects the absence of political will among leaders to take decisive steps to protect civilians; other times, it reflects that military or other forms of intervention could make a bad situation worse. The application of R2P principles cannot be captured by a simple formula that is equally apt in all cases. Each situation, like each country, has its own attributes. Difficult choices will always have to be made about whether noncoercive or coercive measures are preferable, and if so, when, where, how, and by whom these measures should be applied.

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***Many of the steps that can be taken to prevent conflicts from arising are less controversial than the short menu of bad options that full-blown emergencies often present.***

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Such choices cannot be divorced from the overall context of relations among states. Historical perspectives, regional rivalries, political and economic issues, practical military considerations, and domestic political concerns will all be relevant. Further, with respect to Syria, but also in other cases, the UN Security Council can create a deadlock if its permanent members fail to agree on a strategy.

For R2P advocates, the complications are sobering but need not be paralyzing. Many of the steps that can be taken to prevent conflicts from arising are less controversial than the short menu of bad options that full-blown emergencies often present. Concerted efforts at diplomacy often mitigate problems, even if they do not always do so completely or as rapidly as hoped. Sanctions and other forms of pressure have had positive effects in select cases. The argument ventured by some that the promise of R2P is useless if not always fulfilled would, if adapted to other situations, vitiate much of domestic and international law. Not all murders are prevented, but many more would surely take place if society had failed to adopt norms designed to outlaw and punish such acts. The same is true of massive violations of human rights.

Enforcing global standards is and always will be an imperfect process, dependent on the summoning of political will, the development of institutional capabilities, and the evolution of consensus about what is acceptable and what is not. That is why we recommend so strongly that the United States integrate R2P into its own decision-making process, and that it urge other countries to do so as well. At the same time, R2P is not necessarily an exclusive means for responding to the threat of mass atrocities. Given the potential for deadlock in the Security Council, the United States and other countries should retain the responsibility to assist endangered populations, especially when such an endeavor is supported by well-established regional or subregional organizations.

## **Challenges to R2P**

### ***a. Political Challenges at Home and Abroad***

The U.S. role in implementing R2P is complicated by our country's historic ambivalence toward involvement in overseas conflicts. Surveys regularly show that the public strongly favors action to prevent atrocities in the abstract, but support can be difficult to rally in specific cases, especially if it requires a large investment of money or troops over an extended period of time. The U.S. desire to prevent injustice and alleviate suffering is powerful, but so is wariness about entanglement in complex foreign problems. This wariness is a constraint not only during a crisis but also with respect to long-term investments that might help prevent future atrocities. Such investments include the creation of effective early warning systems, development aid, support for democracy, and an increased diplomatic presence in countries at risk. Political leaders and the public both tend to prioritize measures that produce quick and dramatic results, which preventive investments rarely do. The reluctance to support such initiatives is deepened, according to surveys, by the misperception among a majority of the U.S. public that foreign aid is a major contributor to the federal deficit. Commonly assumed to account for 20 percent or more of the nation's budget, international assistance of all types is actually equal to less than 1 percent.

To date, the concept of R2P has neither attracted widespread notice within Congress nor entered the public consciousness in a meaningful way. To the extent the term is known, the response to it has been mixed. Americans traditionally have been slow to commit themselves in advance to policies that may or may not be perceived, at the time actions are required, to

serve the nation's best interests. Leaders from both parties attach a high value to preserving U.S. freedom to adopt policies and commit resources on a case by case basis. This tendency is particularly acute regarding the potential use of U.S. armed forces in areas not considered to be of vital strategic importance and has been magnified in recent years by weariness with the extended and costly deployment of troops to Iraq and Afghanistan. Added to this is a hesitancy to become involved in multilateral military operations, in which success may depend on others, key decisions are made by committee, and getting out is often far harder than getting in. Responding to humanitarian crises, moreover, generally garners less attention from U.S. security strategists than other challenges, such as terrorism, the spread of nuclear weapons, and the geopolitical ambitions of competing major powers. In sum, Americans have a strong desire to help people in danger overseas; however, that sentiment is tempered by a fear of yielding control over decisions to multilateral organizations and becoming enmeshed in places where our engagement distracts from other priorities, is unsuccessful or underappreciated, or where costs exceed benefits.

The concerns listed above are understandable, legitimate, and shared by many members of our working group but need not detract from a strong national commitment to R2P. Despite the open-ended nature of the phrase *responsibility to protect*, the doctrine does not require us to intervene in a place, manner, or time contrary to our own best interests. R2P's first two pillars and much of the third are fully consistent with bipartisan U.S. efforts undertaken since at least the Truman administration to help other countries prosper in a climate of stability and freedom. The doctrine imposes no new legal obligation on the United States or any other country. It does pledge our preparedness to support international action, when necessary, to protect people from genocide and other war crimes when the responsible government has manifestly failed to do so. In that circumstance, any response will be taken under the UN Charter and therefore subject to a decision by the Security Council, of which the United States is a permanent member. Even when the council does authorize collective measures, there is no requirement that the U.S. military participate.

Properly conceived, then, R2P is not a straitjacket but a platform on which U.S. leaders can join with partners in progressing toward a set of widely shared goals. It is in our interest for every government to recognize and be held accountable to the standards established by this norm. Especially in our era, the instability and desperation associated with atrocities in one country can easily spread across international borders. Unfortunately, U.S. concerns about the potential effects of R2P on the exercise of its national sovereignty are mirrored in many places overseas. The history of international intervention, for humanitarian or other purposes, has a mixed legacy. The leaders of some nations have voiced the fear that UN Security Council members will use R2P as a tool to pursue their own interests under the guise of collective action. At the same time, these leaders express support for protecting populations from genocide and other atrocities.

In November 2011, at the UN General Assembly, Dilma Rousseff, the president of Brazil, introduced the term *responsibility while protecting*. This concept, intended not to amend R2P but to complement it, set forth a list of principles and parameters to guide international action. These included an emphasis on prevention, the exhaustion of alternatives before coercive measures are contemplated, and strict adherence to international law in the use of force. According to Brazil, "The use of force must produce as little violence and instability as possible ... and be judicious, proportionate, and limited to the objectives established by the Security Council." We view this initiative as an encouraging effort to strengthen the global consensus

in support of R2P by addressing concerns that, although legitimate, can also be exaggerated. Certainly the United States has no desire to use R2P to justify actions that conflict with the doctrine's intended humanitarian goals.

The domestic and worldwide political obstacles to R2P's implementation are considerable but not insurmountable. Determined leadership from the White House can help to expand a dialogue with Congress and the public aimed at clarifying what R2P really entails and why it poses no threat to our own freedom of decision. Opinion shapers from all walks of life—including the military, business, the media, academia, and the religious community—can do more to make the case for employing every available foreign policy tool to prevent genocide and other war crimes. There is much useful work to be done in highlighting the value of capacity building, creative diplomacy, and a broader and more durable consensus about when and how to undertake emergency measures supporting R2P. This effort will be most effective if it is based on partnerships that go well beyond the leading states of the West to include emerging powers, smaller countries, and regional organizations. Included in this landscape is the global nongovernmental organization (NGO) community that is well positioned to monitor, evaluate, and report on the broad swath of R2P-related activities being implemented around the globe.

### *b. Institutional Challenges*

One of the most encouraging developments of the past two decades has been the strengthening of institutions in both the public and nongovernmental sectors aimed at preventing and responding to mass atrocities. These structures include international tribunals, a UN office on genocide prevention and R2P, early warning networks, new positions in the U.S. government, and NGOs dedicated to the R2P principle. The expanding number of actors involved in implementing and monitoring R2P presents an opportunity for information sharing and pooling of resources to support each pillar of the international norm. The task ahead is to build on these developments to ensure that institutions and governments work together to achieve the desired outcomes.

In 2008, a task force sponsored by the U.S. Holocaust Museum, the American Academy of Diplomacy, and the U.S. Institute of Peace issued a report entitled *Preventing Genocide*. Among its many useful recommendations was the creation of an interagency Atrocities Prevention Committee that would be charged with analyzing threats of genocide and mass atrocities and considering options for appropriate action. This initiative was intended to move beyond prior efforts—begun by the Clinton and George W. Bush administrations—to improve crisis response procedures and elevate genocide prevention as an official priority in the country's national security strategy. In April 2012, President Obama announced the creation of such an Atrocities Prevention Board (APB) and highlighted his own personal commitment to this goal.

The new board, based in the White House and led by a senior director on the National Security Council staff, is bringing officials together from across the government to help identify threats, guide responses, and enhance our institutional capacity to predict, prevent, and respond to mass atrocities. The Departments of Defense, Treasury, and Justice are among the agencies that will contribute their resources and expertise to these critical tasks. In addition, the president directed the intelligence community to prepare the first ever national intelligence estimate on the risk of mass atrocities and genocide. As veterans of government service, we realize that interagency coordinating mechanisms vary widely in their effectiveness. We hope and expect that the APB will continue to have the high-level representation, resources, and support required for it to have a substantial effect.



An improved U.S. structure for implementing R2P is vital, but so too are international measures. No country acting alone has the resources, information, or authority to fulfill more than a modest portion of what R2P requires. Accordingly, U.S. officials should consult regularly with other governments and international NGOs to share information and coordinate policies and actions. If the APB proves successful in our bureaucracy, it might well serve as an appropriate model for others.

The United States should also embrace UN efforts to enhance its support of R2P. Over the years, the United Nations has become involved in many activities that serve this end, including peace operations, human rights monitoring, and efforts to mediate disputes. More recently, the United Nations created an office that houses the special advisers to the secretary-general on the prevention of genocide and R2P. This office is charged with alerting relevant actors to the risk of mass atrocities, strengthening the UN capacity to prevent such crimes, and working with member states, organizations, and civil society to respond in a timely manner when crises occur. To this end, the office should conduct regular briefings for the Security Council, with emphasis on incoming members. Given the council's importance to R2P, governments serving on it must have the information they need to understand the nature, variety, and severity of individual country situations. The office should also have sufficient resources to expand staff and training programs on preventing genocide and related crimes.

One of the most pronounced lessons from recent experience is the key role of regional organizations in providing political backing, substantive insights, and material aid for initiatives related to R2P. The Arab League was an early and influential supporter of multilateral action in Libya and Syria. In 2000, five years before R2P was adopted, the Constitutive Act of the AU approved a historic shift from a posture of nonintervention to an attitude of nonindifference toward mass violations of human rights. AU members specifically endorsed "the right of the Union to intervene in a Member State pursuant to a decision by the Assembly in respect to . . . war crimes, genocide, and crimes against humanity." The United States and other world leaders should strive to elevate the ability of the AU and other regional organizations to carry out early warning, prevention, and response measures. As the regional body with the most resources, NATO can be particularly helpful by working in partnership with other regional groups to provide technical and logistical assistance. This is in keeping with NATO's 2010 Strategic Concept, which cites the organization's experience in combating ethnic cleansing in the Western Balkans, its adoption of a comprehensive approach to crisis management, and its commitment to human rights and the rule of law.

### *c. Operational Challenges*

For R2P to be effective, nations and institutions must cooperate to achieve its purposes, without being distracted by polarizing discussions about past events. Our shared focus should be on the practical question of how best to prevent future atrocities, accounting for a number of issues, three of which rise to the fore: expanding the toolbox, justice and accountability, and the gap between warning and response.

#### Expanding the Toolbox

Conversations with policymakers suggest that even when, in well-publicized cases, outsiders consider a robust set of options for protecting civilians, there actually may be a disturbing shortage of realistic ideas. Thus, one of our top priorities should be to develop innovative methods for helping populations avoid harm when conflict threatens or is underway. Such methods might include using drone surveillance aircraft, mobile phones, social e-networks,

and other technology to alert potential victims; track the movement of weapons, troops, and civilians; and circumvent efforts by repressive governments to control the flow of information. Military and civilian officials can contribute much through advanced contingency planning designed to assist refugees and create and enforce safe havens for displaced populations. The earlier such planning is done, the better the prospect that action will be taken in time to save lives.

Our toolbox should also include a variety of means to influence the decisions of those committing or on the verge of perpetrating acts of mass violence against civilians. Satellite imagery proved crucial in exposing the 1995 massacre at Srebrenica; the more timely application of that or comparable technology could serve in the future to deter those planning an atrocity. Other measures that might prove useful include intercepting or jamming communications, blocking financial accounts, exposing the names of individuals or groups known to be enabling perpetrators, recording evidence of crimes, and strengthening commissions intended to review evidence of crimes covered by R2P.

Attention should be paid to the grassroots level as well, where arrangements can be made for civilians at risk to notify authorities or others in a position to raise an alarm when threatening events begin to unfold. Such an alarm can be conveyed through means as simple as a phone call, a posted video, or the dispatch of a bicycle messenger. All this is in addition to the more familiar instruments used to increase the protective capacity of nations as well as regional and global organizations. These tools range from development assistance to help in strengthening democratic institutions, support for the empowerment of women, and efforts to foster understanding across ethnic, racial, and religious lines.

Another area that merits investment is broader training for international peacekeepers, including the creation of standby security units that have more clout than regular police but less extensive (and expensive) capabilities than uniformed military. Such units can play a significant role in preventing the outbreak of violence in a tense situation and in preserving the peace immediately following the settlement of a crisis. Specialized training is also essential before sending human rights or election monitors into a foreign country; it is often better to have no international presence than an inspection team that is incompetent or easily deceived.

Logic dictates that the better and more versatile the tools that the United States and the international community have for preventing and responding to war crimes, the less likely it is that the most extreme measures will prove necessary. A corollary to this—often neglected when U.S. politicians talk in public about the United Nations—is that the more capable the United Nations is, the less often U.S. troops and taxpayer dollars will be summoned to cope with emergencies.

#### Justice and Accountability

The United States has been, and should remain, a firm advocate of bringing individual perpetrators to justice for crimes against humanity. U.S. leadership contributed mightily to this principle in the aftermath of World War II and in the 1990s through its backing for the international war crimes tribunals for Rwanda, Cambodia, Sierra Leone, and the former Yugoslavia. Individual accountability matters for reasons of justice, but it also reduces the likelihood that an aggrieved party will seek to hold its persecutors collectively responsible, thus inviting a new round of violence.

In any society, the existence of a credible system for enforcing the law is essential to both administering justice and deterring those tempted to disregard the rights of others. The existence of such a system at the national and international levels is central to achieving the goals of R2P. It follows that governments should do all they can to assist other governments in developing

judicial systems that are independent, capable, and fair. When practicable, violators should be prosecuted in the countries where their crimes were committed. The world has recognized, however, that cases will continue to arise where justice is best served by an international tribunal. This realization led, in 2002, to the creation of the ICC as a permanent body, based in The Hague, to prosecute individuals for genocide, crimes against humanity, and war crimes.

For reasons beyond the scope of this report, the United States is not among the more than 120 countries that have become parties to the ICC; others in that category include Russia, China, India, Israel, and Sudan. Despite U.S. reluctance to become a party, however, U.S. policy has been to support the institution in some circumstances. In 2005, the United States acquiesced to the Security Council's referral of the crisis in Darfur to the court, and in 2010, the United States actively participated in the ICC's first review conference. Warnings from world leaders that war criminals will be held accountable have often been fully consistent with U.S. interests and policies. This is also true of the ICC indictments lodged against Joseph Kony and his confederates in the Lord's Resistance Army, a loathsome force that the United States has vowed to help its partners in Africa defeat. That determination was underlined when, in January 2013, President Obama signed legislation to expand the State Department's Rewards for Justice Program, authorizing the payment of rewards for information leading to the arrest of Kony and other foreign nationals whom an international criminal tribunal has indicted for genocide or war crimes.

In light of these experiences and reflecting the evolution in thinking across the George W. Bush and Obama administrations, the United States should expand its policy of positive engagement with the ICC, including its intention to support the court as a means to address atrocities in appropriate circumstances. The United States should also propose that a dedicated stream of UN funding be made available for investigations and prosecutions arising from Security Council referrals, thus giving the ICC a better chance to accomplish its assigned tasks. This recommendation need not require that the United States become a party to the ICC, nor does it exclude using other national or international options for seeking justice. The motivating principle for U.S. policy should be to support R2P by strengthening all available mechanisms for preventing atrocities and establishing a social basis for victimized societies to heal and go forward in peace. Given that ICC referrals remain the province of the UN Security Council, the United States remains duty bound as a permanent member to reconcile its policies with the realities of the court and its continued functioning.

#### The Gap between Warning and Response

Two fundamental imperatives underpin the larger debate about whether and how the international community might better implement R2P. The first is to encourage governments to seek help if they are concerned about their ability to protect their own citizens. Because a country at risk is in the best position to identify immediate needs, its requests for assistance should almost automatically command the attention of neighbors, regional organizations, and the world. Potential remedies may include material aid, capacity building, technical advice, mediation between or among rival groups, and the introduction of outside monitors or peacekeepers. When a country in jeopardy fails to raise an alarm, it will often be the duty of concerned neighbors to do so. As a rule, countries in the affected region will best be able to analyze the source of problems and recommend steps toward achieving the objectives of R2P. Civil society has an important role in bearing witness and contributing to early warning systems relatively free of the political constraints that might cause governments to hesitate before seeking outside help.

A second imperative, related to the first, requires narrowing the gap between warning and effective response. This is easier said than done. At any moment, there is a long list of countries that are at latent or imminent risk of mass atrocities. Some of these, such as the DRC, have been on that list for many years; others descend into crisis rapidly and with little advance notice. The roots of virtually every catastrophe become obvious in hindsight. But leaders who shape the international agenda operate in a climate of constant stress, where demands for action far outnumber the resources available to deal with them. In most cases, the availability of information is less a problem than the dilemma of separating the merely worrisome from the truly urgent. Priorities must be established, and sometimes the wrong choices are made. We cannot deny this, but neither should we shrug our shoulders and accept it.

In recent years, the United Nations, regional organizations, the United States, and its allies have taken a number of valuable steps to improve early warning procedures and coordinate preventive action. Our goal should be to sharpen these measures by ensuring a rapid response to the first signs that a situation is starting to unravel. That is the moment when even modest levels of assistance can have a decisive effect. It is crucial that those charged with R2P-related duties, including the UN's special advisers and the U.S. APB chair, have regular access to decision makers at the highest level. It is vital that adequate diplomatic, economic, military, and intelligence resources are devoted to early warning and quick response. Effective prevention is expensive, but compared to the horrific costs of ethnic cleansing or genocide, there could be no greater bargain.

## Conclusion and Recommendations

We believe that R2P can make a significant difference in preventing the kinds of mass atrocities that have scarred our collective past, but progress depends on our ability and will to overcome an array of political, institutional, and operational obstacles. The United States is the country best able to provide leadership, but R2P is an international standard, and every country has a duty—inside and outside its borders—to contribute.

Correctly understood, R2P does not assume center stage only in times of emergency. It reflects a continuous obligation on all states to protect their own people from mass atrocities and assist others when necessary. That obligation can most readily be met through the appropriate use of a full range of policy tools. Measures that strengthen democracy, broaden prosperity, promote accountability, and heal social and political divisions will all play a part. This means that, for most countries most of the time, R2P will be achieved through the normal functioning of government. However, in some cases, governments will not be willing or able to safeguard their citizens. When that happens, or is threatened, the world must respond. This places a burden on national leaders, acting on their own and through multilateral organizations, to prepare. Our recommendations are focused on this imperative.

We are encouraged that, in just a few years, R2P has assumed a prominent role in international deliberations. We remain concerned, however, that it has been accepted more as a new framework for discussion than as a guide for action. We fully recognize the many demands placed on top U.S. officials in this turbulent era, but we are also convinced that effectively realizing R2P's purpose will serve the best interests of our country now and for generations to come. Accordingly, we urge a comprehensive policy that includes, first, a plan for strengthening the U.S. capacity to fulfill R2P; second, steps for engaging other nations and institutions in improving global preparedness; and third, ideas for increasing public awareness of, and support for, the prevention of mass atrocities.

Just as R2P reflects an enduring commitment, so its implementation will require diligent preparation, organization, and leadership over time. That process should emphasize early warning and prevention as the norm's key components, while highlighting the value of a dynamic U.S. role, the need for vigorous multilateral action in times of crisis, the importance of innovation, and the goal of nurturing and sustaining an international political consensus in support of R2P.

We recommend the following:

**To enlarge the U.S. capacity to help implement the responsibility to protect:**

- The president and other senior U.S. officials should regularly articulate a clear vision of U.S. atrocity prevention policy and cast a spotlight on the U.S. commitment to R2P in major speeches, including the annual State of the Union address, remarks before the United Nations, and testimony on Capitol Hill. The APB should also make publicly available an unclassified version of its annual report to the president outlining its achievements and priorities in atrocity prevention from the previous year and looking forward.
- U.S. policy should be to endorse and support all three pillars of R2P, recognizing that the doctrine provides an essential but not necessarily exclusive mechanism for preventing genocide, war crimes, ethnic cleansing, and crimes against humanity. U.S. leaders should be clear that our government retains the responsibility, within or beyond the framework of R2P, to assist populations that are threatened by mass atrocities, especially when one or more well-established regional or subregional organizations support such an endeavor.
- The U.S. government should consider any credible early warning of potential genocide or war crimes anywhere in the world to require an immediate high-level policy review to identify alternatives and take steps to reduce the likelihood of catastrophe.
- The National Security Council's director for war crimes and members of the APB should be fully represented in the national security decision-making process.
- The State Department's annual report on human rights practices should include an assessment as to whether governments are living up to their obligations under R2P, and if not, why not.
- The director of national intelligence's annual threat assessment should include an unclassified discussion of any countries or populations that are at imminent risk from genocide, war crimes, ethnic cleansing, or crimes against humanity.
- The executive branch should improve government-wide training programs so that foreign affairs officers in all relevant U.S. agencies understand their roles within the larger atrocity prevention framework. These efforts should focus particularly on building expertise among personnel assigned to embassies in countries where the host government's ability or willingness to adhere to R2P is deemed to be at risk.
- The president should instruct federal agencies not now fully involved in preventing international humanitarian crimes to do more by, first, designing foreign assistance programs that emphasize support for democratic institutions and otherwise aid in the long-term protection of human rights; second, encouraging the Department of the Treasury to identify and implement sanctions against those who enable or perpetrate mass atrocities; and third, strengthening Justice Department support for initiatives aimed at ensuring accountability to the rule of law.

**To enhance international action in support of R2P:**

- The U.S. government should launch a diplomatic initiative with the UN secretariat and like-minded nations to strengthen the global capacity to prevent the atrocities covered under the rubric of R2P.
- The United States and its allies should strengthen and evaluate options for the appropriate use of nonmilitary coercive tools (such as communications jamming) that could undermine the capacity of governments, organizations, and individuals to carry out abuses covered by R2P.
- The U.S. government should continue and—where possible and consistent with U.S. interests—expand its policy of positive engagement with the ICC
- Congress should approve full funding for international crisis prevention and stabilization measures, including development assistance, prodemocracy programs, UN peacekeeping, other relevant UN activities, and support for training and equipping the emergency response forces of regional organizations.
- In coordination with NATO, the U.S. government should devise a plan for enhancing the capacity of regional organizations to provide emergency crisis settlement, peacekeeping, and civilian protection services to populations that are at risk of mass atrocities. Congress and the legislatures of NATO countries are encouraged to provide financing for this initiative, recognizing that the costs of prevention will far outweigh the potential price of allied intervention.
- The United States should propose that, as an example to others, each member of the Organization for Security and Cooperation in Europe design a robust and well-publicized plan for contributing, in appropriate ways, to the prevention, halting, and prosecution of abuses covered by R2P.
- The White House and State Department should consult regularly with Brazil and other countries that have expressed an interest in ensuring the proper implementation of the R2P concept.

**To increase public awareness of and support for R2P:**

- The Senate foreign relations and House foreign affairs committees should conduct regular oversight hearings on U.S. and international efforts to fulfill the promise of R2P.
- The U.S. government should launch a comprehensive study of the extent to which modern communication technologies and surveillance drones may appropriately be used to support the purposes of R2P, including the prevention of, and more rapid response to, mass atrocities. The study should use expertise from our national intelligence community and the departments of State and Defense and should proceed in partnership with experts from the private sector. The goal should be to develop a technology-based genocide prevention initiative based on practical ideas for enhanced deterrence, early warning, civilian protection, accountability, and other aspects of R2P implementation.
- U.S. officials and the representatives of international NGOs should hold periodic meetings to assess dangers, share information, and explore options related to the ongoing and future implementation of R2P, especially in countries with the greatest potential hazard.
- The U.S. government should exchange information regularly with those segments of civil society that are in a position to provide early warning of situations that may fall within the scope of R2P.

- Interested actors in the global NGO community should share information and pool resources to produce a comprehensive annual report on implementation of R2P. The report should focus on international and national efforts to support each pillar of the doctrine and call attention to countries where populations are at risk of genocide, war crimes, ethnic cleansing, or crimes against humanity. Ideally, the NGO report will be a valuable supplementary resource for decision makers, a means for dramatizing the importance of R2P, and a provocative starting point for legislative and parliamentary hearings on the subject.





## Appendix

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**Richard S. Williamson** is a nonresident senior fellow in foreign policy at the Brookings Institution, a principal in the consulting firm Salisbury Strategies LLP, and a Buffet Scholar and adjunct professor at Northwestern University. His work focuses on human rights, multilateral diplomacy, nuclear nonproliferation, and postconflict reconstruction. Prior to those positions, Mr. Williamson served as presidential special envoy to Sudan under President George W. Bush. Earlier in the Bush administration, Mr. Williamson, who has broad foreign policy and negotiating experience, served as ambassador to the United Nations for special political affairs and as ambassador to the U.N. Commission on Human Rights. Previously Mr. Williamson served in several other senior foreign policy positions under presidents Ronald Reagan and George H.W. Bush, including as assistant secretary of state for international organizations at the Department of State and as an assistant to the president for intergovernmental affairs in the White House.

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