IMPLEMENTING THE RESPONSIBILITY TO PROTECT

A FUTURE AGENDA

EDITED BY

Cecilia Jacob and Martin Mennecke

'The grim reality of today's crises could not be more alerting of the need to expedite implementation of the responsibility to protect. This book invites reflection and provides practical suggestions on moving beyond rhetorical and reiterated commitments to developing practical agendas for action; not only by international actors in inter-governmental fora, but also by regional and national actors at the domestic level, where the most significant potential for strengthening atrocity prevention resides. Ultimately, effective prevention requires informed, coordinated, and timely action by all those in a position to turn this noble aspiration into a solid and sustained reality.'

Adama Dieng, *Under-Secretary-General, Special Adviser of the Secretary-General on the Prevention of Genocide*

'This book is an important and useful resource for all actors that are committed to applying atrocity prevention in practice. As we witness unimaginable atrocities in various parts of the world, policy makers have to take practical steps to implement their responsibility to protect populations from mass atrocities. Jacob and Mennecke provide much needed input to this process through a set of highly instructive essays.'

Christian Leffler, *R2P Focal Point of the European Union, Deputy-Secretary General of the EU's European External Action Service*

'This multi-disciplinary collection speaks to both critics and supporters of R2P. For the former, it provides evidence that R2P has in fact translated "words into deeds". For the latter, it demonstrates that R2P can – and must – extend beyond the United Nations to regions and national contexts, but also beyond governments to key domestic stakeholders. The book usefully points to new avenues through which R2P's objectives can be realised, given the more challenging geopolitical context in which the norm will be debated and the increasing fragmentation of conflicts and societies that heighten the risk of atrocity crimes.'

Jennifer Welsh, *Canada 150 Research Chair in Global Governance and Security at McGill University, and former Special Adviser to the UN Secretary General on the Responsibility to Protect*

'An impressive and timely contribution to the ongoing reflection on how to translate norms and political commitments into effective actions to prevent atrocities in our changing world.'

Judge Silvia Fernandez de Gurmendi, *former President of the International Criminal Court and incoming Chair of the Global Action against Mass Atrocity Crimes (GAAMAC)*

'The timeliness of Jacob and Mennecke's book is all to stark. For those who today face bombardment in Syria, or persecution in Myanmar, the Responsibility to Protect is not an academic enterprise. Rather, it is a life-saving emerging norm, the implementation of which needs to be accelerated. Thus, the political debates and at times political theater outlined in the book will provide them with little solace. But for practitioners, this book is a necessary resource in the process of translating norms and theory into live-saving practice. Only by undertaking a frank assessment of efforts thus far, the arguments for and against R2P, and the outlining of real-world examples of how to implement R2P will be able to collectively turn rhetoric into reality and narrow the gap between expectation and the lived realities of those who face a daily risk of atrocities.'

Naomi Kikoler, *Acting Director, Simon-Skjodt Center for the Prevention of Genocide, United States Holocaust Memorial Museum*

'The Responsibility to Protect (R2P) is the organising principle for the international community to respond to mass atrocities inside sovereign borders. For over a decade, the United Nations has emphasized the importance of moving from the words endorsed unanimously in 2005 to deeds. This timely, important and international collection of essays addresses the protection and prevention record to date, and how the remaining implementation gaps might be filled by relevant actors and institutions.'

Professor Emeritus Ramesh Thakur, *The Australian National University*

'This book by Jacob and Mennecke focuses on the uneven and imperfect reality of the implementation of the norm of the Responsibility to Protect (R2P) over the past decade. At a time when 68.5 million people are displaced by persecution, conflict, and atrocities, this book examines the gap between the rapid advance of R2P as a mobilizing principle of international diplomacy, and the harsh reality of the failure to halt atrocities in Syria, Yemen, Myanmar, and elsewhere. This book offers unique and practical perspectives on how we can work together to ensure that the failures of the past are not endlessly repeated. It is a book that is committed to enhancing the policy and practice of atrocity prevention.'

Dr Simon Adams, *Executive Director, Global Centre for the Responsibility to Protect*

'This book is a very useful tool for policymakers and practitioners; it demystifies R2P, and unpacks and situates it within our everyday life.'

Ms Felistas Mushi, *Chairperson of Tanzania's National Committee on the Prevention and Punishment of Genocide, Crimes against Humanity, War Crimes and all Forms of Discrimination*

IMPLEMENTING THE RESPONSIBILITY TO PROTECT

This book examines core thematic approaches to the Responsibility to Protect (R2P) and analyzes case studies regarding the implementation of this important global norm.

The volume analyzes this process at international, regional and local levels, and identifies an urgent need to progress from conceptual debates toward implementation in practice, in order to understand how to operationalize the preventive dimension of the R2P. It argues that R2P implementation necessarily entails the efforts of actors across governance levels, and that it is more effective when integrated into existing sites of practice aimed at strengthening human rights and accountability for populations in atrocity risk situations. The book addresses R2P implementation in the context of agendas such as resilience, gender, development cooperation, human rights, transitional justice, peacekeeping, and civil–military relations. It details progress and challenges for implementation in the United Nations, regionally in Africa, Europe and Southeast Asia, and through national atrocity prevention architectures. The volume provides readers with a breadth of understanding in terms of both the development and current status of the R2P norm, and practical tools for advancing its implementation.

This book will be of much interest to students of the Responsibility to Protect, Human Rights, Peace Studies, and International Relations in general.

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IMPLEMENTING THE RESPONSIBILITY TO PROTECT

A Future Agenda

Edited by Cecilia Jacob and Martin Mennecke

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PREFACE

The motivation for this book was a desire to advance the scholarly literature on the Responsibility to Protect (R2P) toward a more practical agenda, and to inform implementation on the ground. Currently, R2P is often described as a "UN norm," but it is high time that it starts to count most for the many people around the world caught up in situations of conflict and fragility. Therefore, the next generation of R2P scholarship needs to focus on practical solutions to strengthen the capacity of states and other actors to prevent mass atrocities. We hope that this volume will contribute to steering the literature into new and productive directions grounded in practice while providing R2P practitioners with useful input for their important work.

Many of the chapters in this volume were first presented as invited papers from leading experts at a two-day conference "Implementing the Responsibility to Protect: Domestic Processes and Foreign Assistance," hosted at The Australian National University in Canberra on October 26–27, 2016 (see Jacob 2017). Professor the Hon. Gareth Evans and the former UN Special Advisor to the Secretary-General on the Responsibility to Protect (2016–2018), Dr Ivan Šimonović, delivered keynote addresses, and contributed both to this volume. The conference sought to cut across academic and policy divides to foster coherent thinking around effective implementation in a number of related sectors and levels of governance, and to draw out lessons from case studies in the field. The conference prompted lively discussion and new conversations that we have sought to capture in this volume. We invited additional authors to contribute to the volume to expand the geographic and thematic dimensions of the book.

This project would not have been possible without the support of the Coral Bell School of Asia Pacific Affairs and the Department of International Relations in the College of Asia and the Pacific at The Australian National University, the Asia Pacific Centre for the Responsibility to Protect based at the University of

Queensland, and the Australian Department of Foreign Affairs and Trade (DFAT). Special thanks go to Professor Michael Wesley for embracing and supporting the concept of the project from its very first iteration, and also to Professor Alex Bellamy and Dr Mathew Davies for much valued support. We would also like to thank Patrick Lawless, Lara Nassau, and Sue Moore from DFAT in particular for their contributions. We also would like to appreciate the support provided by the Law Department of the University of Southern Denmark.

We also want to thank the participants of the conference who represented a wide cross-section of government agencies, diplomatic missions, think-tanks, civil society organizations, and academic experts who enriched the discussion and challenged the authors to move their arguments forward in their chapters. The contributions also confirmed the importance of turning academic attention to implementation, and the need for cross-fertilization of academic–practitioner ideas.

This edited volume taps into the rich and diverse expertise of scholars and practitioners from various fields and disciplines. Not all the contributors would identify themselves as R2P experts per se; rather they bring their expertise from fields such as law, criminology, political science, and international relations to weigh in on key dimensions of the R2P implementation agenda to delve deeper into these issues. We would like to thank the contributors for supporting the concept and vision of the project, and for being so patient in seeing the publication through with us.

We would like to thank the editorial team at Routledge, particularly Andrew Humphreys, for such professional and courteous management of the publication process, and to the three anonymous reviewers for providing very helpful comments on the manuscript. Our deep appreciation goes to Mary-Louise Hickey at The Australian National University for her meticulous editing of the full manuscript and her astounding patience and good humor. Finally, our strongest and ongoing support has come from our families; thank you to Chris Jacob and Alana Samson for your love and patience. This book is dedicated to our children for whom we continually strive for a better future – Yohann, Immanuel, Jude, and Lily.

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ABBREVIATIONS

ACWC	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
AHRD	ASEAN Human Rights Declaration
AICHR	ASEAN Inter-Governmental Commission on Human Rights
AIPR	ASEAN Institute for Peace and Reconciliation
APB	Atrocities Prevention Board
APCR2P	Asia Pacific Centre for the Responsibility to Protect
ARSA	Arakan Rohingya Salvation Army
ASEAN	Association of Southeast Asian Nations
ASEAN–ERAT	ASEAN–Emergency Rapid Assessment Team
AU	African Union
BRICS	Brazil, Russia, India, China, and South Africa
CAR	Central African Republic
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CONUN	United Nations Working Party
DDR	disarmament, demobilization, and reintegration
DPKO/DFS	Department of Peacekeeping Operations and Department of Field Support
DPPA	Department of Political and Peacebuilding Affairs
DRC	Democratic Republic of the Congo
ECCAS	Economic Community of Central African States
ECOMOG	Economic Community of West African States Monitoring Group
ECOWAS	Economic Community of West African States
EU	European Union
FARDC	Forces Armées de la République Démocratique du Congo

FIB	Force Intervention Brigade
GAAMAC	Global Action Against Mass Atrocity Crimes
GDP	gross domestic product
GEN	Gender Equality Network
HRC	Human Rights Council
HRuF	Human Rights up Front
ICC	International Criminal Court
ICGLR	International Conference on the Great Lakes Region
ICISS	International Commission on Intervention and State Sovereignty
IGAD	Intergovernmental Authority on Development
IPC	interagency policy committee
ISAF	International Security Assistance Force
ISI	Inter-Services Intelligence
ISIS	Islamic State of Iraq and Syria
LGBT	lesbian, gay, bisexual, and transgender
M23	*Mouvement du 23 Mars*
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
NAP	National Action Plan
NATO	North Atlantic Treaty Organization
NGO	non-governmental organization
NIE	National Intelligence Estimate
NLD	National League for Democracy
NSC	National Security Council
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIC	Organisation of Islamic Cooperation
ONUC	Opération des Nations Unies au Congo
P5	Permanent Five
POC	protection of civilians
PRIO	Peace Research Institute Oslo
PRT	Provincial Reconstruction Team
PSD10	Presidential Study Directive 10
PTS	Political Terror Scale
R2P	Responsibility to Protect
REC	Regional Economic Community
RFJ	Rewards for Justice
SADC	Southern African Development Community
SDG	Sustainable Development Goal
START	Study of Terrorism and Responses to Terrorism

T/PCCs	troop and police contributing countries
TANU	Tanganyika African National Union
TRC	truth (and reconciliation) commission
UN	United Nations
UNAMID	African Union–United Nations Mission in Darfur
UNAMSIL	United Nations Mission in Sierra Leone
UNGA	United Nations General Assembly
UNMIS	United Nations Mission in Sudan
UNMISS	United Nations Mission in South Sudan
UNOCI	United Nations Operation in Côte d'Ivoire
UNSC	United Nations Security Council
UNSG	United Nations Secretary-General
UPR	Universal Periodic Review
USAID	United States Agency for International Development
USUN	US Mission to the United Nations
VSI	Violent Societies Index
WPS	Women, Peace and Security

FOREWORD

In a world as full of cynicism, double standards, crude assertions of national interest, and realpolitik as ours continues to be, it is very easy to believe that ideas do not matter very much. Achieving fundamental change in the way states and their leaders think and behave is as hard as international relations gets. But that is exactly the task that those of us involved in the creation of the Responsibility to Protect (R2P) concept set out to achieve two decades ago.

With the horror of Cambodia in the 1970s repeated in a new explosion of genocidal violence in the Balkans and Central Africa in the 1990s, it had become apparent that, even after the horrors of the Holocaust and all the many developments in international human rights law and international humanitarian law that followed the Second World War, the international community was still a completely consensus-free zone when it came to the "right to intervene" to halt or avert mass atrocity crimes. As United Nations (UN) Secretary-General Kofi Annan lamented to the General Assembly in 2000: "If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how *should* we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of our common humanity?" (Annan 2000, 34, emphasis in original).

That challenge was answered, and the beginnings of a new consensus forged, in the report in 2001 of the Canadian-sponsored International Commission on Intervention and State Sovereignty, which I had the pleasure and privilege of co-chairing. This initiated the breakthrough concept of the "responsibility to protect," which – by emphasizing "responsibility" rather than "right," "protection" rather than "intervention," and prevention as well as reaction – made it politically possible for the first time for the Global North and South to find common ground. Eventually, after a long and fraught diplomatic process, the UN General Assembly, sitting at head of state and government level at the 2005 World Summit, unanimously endorsed the principle of R2P, with its three distinctive pillars (although these pillars were not articulated quite so clearly as such until the Secretary-General's report

to the Assembly four years later): the responsibility of a state to its own people not to either commit such mass atrocity crimes or allow them to occur (Pillar One); the responsibility of other states to assist those lacking the capacity to so protect (Pillar Two); and the responsibility of the international community to respond with "timely and decisive action" – including ultimately with coercive military force if that is authorized by the Security Council – if a state is "manifestly failing" to meet its protection responsibilities (Pillar Three).

The initiators of the R2P concept were trying neither to create new international legal rules nor undermine old ones. Our intended contribution was not to international relations theory, but political practice. We knew that in the real world, it was going to be hard to get perfect results, but we wanted to change the way that the world's policymakers, and those who influence them, thought and above all acted in response to emerging, imminent, and actually occurring mass atrocity crimes behind sovereign state walls. The bottom line was to change the habits of centuries by generating a reflex international response, not only in words but also in deeds, that genocide, other crimes against humanity, and major war crimes were everybody's business, not nobody's.

Looking at the catastrophic series of events in Syria, where R2P has gained no traction at all, largely because of negative reaction by the BRICS states (Brazil, Russia, India, China, and South Africa) to the initially successful – but then divisive and ultimately failed – military intervention in Libya in 2011, it would be easy to say that nothing has changed for the better. The continuing ugly situation in the Congo, the disastrous war in Yemen, and the terrible ethnic cleansing of Rohingya people in Myanmar have all further reinforced the cynics who say that this whole norm-building enterprise has been a waste of time – or worse. But measuring R2P against the four benchmarks we had in mind from the beginning – its role as a normative force, a catalyst for institutional change, and a framework for both prevention and effective reaction – my own assessment is more positive, albeit not remotely complacent.

Normatively, R2P has achieved a global take-up unimaginable for the earlier concept of "humanitarian intervention" which R2P has now rightly, and almost completely, displaced (a certain lingering US academic nostalgia for that language notwithstanding). True, many states are still clearly more comfortable with the first two pillars of R2P (the responsibility of all states to protect their own peoples and that of others to assist them) than they are with the third (the world's responsibility to react effectively, by measures extending from persuasion to coercion, when that protection fails). But there is no longer any serious dissent evident in relation to any of the elements of the 2005 Resolution. The best evidence lies in the General Assembly's annual interactive debates since 2009, which have shown ever stronger and more clearly articulated support for what is now widely accepted as a new political (if not legal) norm, and in the literally scores of resolutions specifically referencing R2P, in whole or part, that have continued to be passed by the Security Council.

Institutionally, more than fifty states and intergovernmental organizations have now established R2P "Focal Points" – designated high-level officials whose job is to analyze atrocity risk and mobilize appropriate responses. Civilian response

capability is receiving much more organized attention, as is the need for militaries to rethink their force configuration, doctrine, rules of engagement, and training to deal better with mass atrocity response operations.

Preventively, R2P-driven strategies have had a number of notable successes, particularly in stopping the recurrence of strife in Kenya after 2008; in the West African cases of Sierra Leone, Liberia, Guinea, and Côte d'Ivoire over the last decade; and Kyrgyzstan after 2010. Volatile situations such as Burundi get the kind of continuing Security Council attention unknown to Rwanda in the 1990s. Strong civilian protection mandates are now the norm in peacekeeping operations. And the whole preventive toolkit, long and short term, structural and operational, is much better understood, albeit with action still often lagging behind rhetoric.

Reactively, however, where it matters most that R2P make a difference, it must be acknowledged that the record has been at best mixed. On the positive side are the success stories in Kenya in 2008, Côte d'Ivoire in 2011, and at least initially in Libya in 2011, and the partial success that can be claimed for UN operations in Congo, South Sudan, and the Central African Republic. But against this must be weighed serious failures in Sri Lanka, Sudan, above all in Syria, and most recently now Myanmar. Re-establishing Security Council consensus in these hardest of cases is not impossible, but it will take time. Brazil's "Responsibility While Protecting" proposal remains the most constructive of all the suggested ways forward, requiring as it would all Council members to debate more comprehensively the criteria that need to be met before any use of force is authorized and to accept close monitoring and review of any coercive military mandate throughout its lifetime.

By any historical standard, the speed and extent of the evolution of R2P, in the few short years since the idea was conceived, has been remarkable. My own strong instinct is that no policymakers anywhere in the world really want to see a return to the bad old days of Cambodia, Rwanda, and the Balkans. We sometimes forget just how bad those days were: for example, then US Secretary of State Henry Kissinger reportedly felt able to say to Thai Foreign Minister Chatichai Choonhavan in November 1975, seven months after the Khmer Rouge had commenced their genocidal reign of terror: "Tell the Cambodians that we will be friends with them. They are murderous thugs, but we won't let that stand in our way." As cynical as so many of our political leaders continue so often to be, I suspect the time really has gone when any of them could now feel able to talk like that.

All that said, achieving the complete *implementation* of R2P in all its necessary dimensions – the effective prevention of the occurrence, continuation, and recurrence of mass atrocity crimes – is still manifestly a work in progress. The task of the next generation of policymakers, and those who seek to influence them, is above all to turn largely accepted principles into consistently applied practice. This book will make a major contribution to achieving just that.

Gareth Evans

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INTRODUCTION

The challenges of implementing the R2P norm

Cecilia Jacob and Martin Mennecke

Introduction

The international community has made significant progress in defining and consolidating the international Responsibility to Protect (R2P) norm since it was first introduced to the global political lexicon in 2001 (ICISS 2001). Importantly, strong international support for the responsibility of states to protect populations within borders from mass atrocities has been achieved. For example, the United Nations (UN) Security Council and other UN bodies have passed dozens of resolutions and presidential statements referencing R2P,[1] evidence that R2P has been acknowledged at the highest levels of international decision-making. In addition, in 2017 and 2018, the UN General Assembly voted with resounding majorities to make R2P a formal item of its agenda.

Yet, despite an ever-growing body of international rules, norms, and institutions dedicated to preventing, regulating, and ending violent conflict, untold human suffering continues around the world. In Syria, Yemen, the Congo, and Myanmar, to name a few, populations are subjected to systematic and targeted violence, forced to bear witness to horrendous suffering,[2] and propelled into deprivation through forced displacement and destroyed livelihoods. As the number of UN resolutions with references to R2P has increased, so too have trends in violent conflict and atrocities against civilians demonstrated an upward trajectory, with the year 2015 marking the return to the highest levels of violent conflict and fatalities since the end of the Cold War (Melander, Pettersson, and Themnér 2016).

This is the paradox of R2P implementation. The international community is struggling to translate normative commitments on human protection into tangible delivery on its core responsibilities to uphold human rights and protect civilians from mass atrocities. Mobilizing preventive or protection responses *during* contexts of heightened conflict has historically proven severely inadequate, and even

counterproductive. Today, this coincides with a lack of understanding of what a "successful" R2P intervention might look like, and a marked return of major power competition, which in recent years, through shifting geopolitical dynamics, has moved the momentum and commitment on R2P objectives to the background.

Scholars have argued that a significant transformation of the post–Second World War international liberal order – characterized by open global markets, international institutionalism, and the promotion of democratic governance – is occurring (Slaughter 2004). Challenges to this international liberal order include first, a redistribution of global power away from the United States to a multipolar world that includes rising powers, such as China. These power reconfigurations may fundamentally alter the workings of multilateral organizations whose legitimacy and capacity to govern are contingent on the global political context (Thakur 2017). The second is the fragmentation of global conflicts at the regional and local level, a reality for which the United Nations was not designed (Weiss et al. 2014). Third is the growing populism and re-embracing of traditional sovereignty in populations and by leaders of countries that used to be key actors in the international liberal order.

In the context of waning global support for multilateralism, there is a need for a fundamental revaluation of, first, the context in which R2P is to be operationalized, and second, the avenues envisaged to achieve the broader objectives of the norm. On the first point, the 2001 International Commission on Intervention and State Sovereignty report on R2P was published in a specific historical moment; it was informed by the tragic failure of the international community to protect populations from genocide and ethnic cleansing in Rwanda and Bosnia, and uncertainty about the legitimacy of using military force for human protection purposes, as witnessed in Kosovo in 1999. The historical context in which R2P was birthed has steered the process of conceptual refinement of R2P toward a specific understanding of what mass atrocities look like without ever solving the dilemma of humanitarian intervention – i.e., the legal, ethical, political, and security implications of external military intervention into complex dynamics of violence within states, and in particular for situations when the UN Security Council cannot agree on authorizing a forceful response.

Today, many atrocities occur on a lower intensity than those of the genocides of the 1990s, or indeed those of the Cold War era, enduring over much more prolonged periods of conflict. Some of these conflicts have been sustained by interference by major powers and political solutions to these extended conflicts are yet to be forthcoming. Unique, therefore, is the conflation between two distinct trends of ongoing fragmentation and the prevalence of state-based armed conflict, with resurgent geopolitical and populist dynamics without the restraints of bipolarity and deterrence of the Cold War period. The confluence of these trends has ushered in a new paralysis in global decision-making and undermined the trust in international cooperative solutions to threats of mass atrocities and violent conflict.

From R2P as normative concept to R2P as preventive policy

The arrival of R2P at the United Nations in 2005 also made an impression on the scholarly literature. For example, the shift in emphasis from the special crime of genocide to the wider set of atrocity crimes encompassed by R2P unencumbered scholars from the narrow legal definition of "genocide" that had locked many researchers into contestation over defining incidents of mass atrocities as actual genocides. This shift allowed for the building up of a systematic analysis of the causes, dynamics, and effective tools for preventing a wider spectrum of massive human rights violations. Much of the early R2P literature centered on the concept's relation to the older idea of "humanitarian intervention" and the status of state sovereignty under the new R2P norm. This type of conceptual discussion was further facilitated by the 2009 report of the UN Secretary-General on R2P which introduced a three-pillar approach to the R2P concept, giving rise to writings on the content of the different pillars and their relationship to each other (Ban 2009). In 2011, another cluster of academic interest emerged as many articles were written on the NATO (North Atlantic Treaty Organization) intervention in Libya, its meaning for R2P, and whether it violated international law.

In response to shifting global political dynamics, international policymakers, scholars, and advocates of R2P have in recent years consciously redirected the focus of the debate on R2P toward the preventive and practical dimensions of the concept. There were a number of reasons for this strategic shift in the discussions on R2P.

First and most importantly, following the controversies surrounding the R2P-inspired intervention in Libya in 2011, there was an overriding political imperative among R2P proponents to rebuild the consensus on R2P in order to ensure its longevity and long-term acceptance. Sharp resistance among some states to the alleged misuse of R2P in Libya – namely, violations of the principles of sovereign integrity and non-interference – caused advocates of R2P to re-establish common ground on the less politically divisive framing of R2P as preventive norm. Indeed, R2P-critical states frequently assert that there is no disagreement on the fundamental imperative to prevent mass atrocity crimes, but rather point to a fear of abuse or misuse of the principle through an interventionist practice. This meant that beyond the specific context of the discussions on the Libya intervention, it seemed more promising to generate momentum for R2P by focusing on its role in atrocity *prevention*.

The second reason behind the fundamental reconsideration of the avenues envisaged to accomplish the objectives of R2P has been an overall strategic move within the UN system to prioritize prevention and political solutions to crises (Guterres 2017; see also United Nations Political Affairs 2015). The impetus for this broader organizational reform had its founding in the "Human Rights up Front" initiative to mainstream human rights and change the culture from one of reaction

to prevention across the UN organization (Gilmour 2014; Kurtz 2015). This was a response by the UN to findings of "systemic failure" to prevent atrocity crimes in Sri Lanka in the final phases of the civil conflict in 2008–2009 (United Nations 2012). In 2015, three major reviews of UN peace operations, the implementation of the Women Peace and Security agenda, and the UN's peacebuilding architecture called for improved preventive capacity of the UN system, and prioritization of political solutions to violent conflict (United Nations 2015a, 2015b; UN Women 2015). Similarly, the new UN Secretary-General António Guterres made prevention one of his priorities.

Third, as the political salience of R2P has spread, there has been a greater interest and recognition among a widening cohort of intergovernmental organizations, member states, and non-state actors of their respective contributions to atrocity prevention. As the chapters in this volume attest, awareness increased both within various UN organs, such as the Human Rights Council, but also among other actors such as foreign affairs ministries of member states and civil society groups, of the importance of their work to strengthening the resilience of societies and redressing risk factors for atrocity. This means that practitioners have begun to consider new opportunities for implementing R2P objectives within their work in a wide variety of areas – foreign policy, development cooperation, civil–military assistance, human rights promotion, and transitional justice.[3]

Fourth and finally, the widening gap between R2P and other human rights norms, on the one hand, and the increasing number of situations in which populations are subjected to atrocity crimes, on the other hand, forced R2P proponents to turn R2P discussions from conceptual issues toward preventive policy and actual implementation. This need for "operationalization" has been stressed in numerous calls by the UN Secretary-General, the UN Special Advisor for R2P, and civil society, and has become a new mantra among R2P actors.

The motif behind this book

Notably, these newer trends have only partially been analyzed in the scholarly literature on R2P. For example, new mechanisms such as the establishment and work of national Focal Points to advance the national implementation of R2P or their Global Network have only received cursory attention in academic writing. The same applies to the cross-regional "Groups of Friends" that over fifty states have founded in both Geneva and New York to advance the role of R2P at the United Nations. Very little has been written on how states can unfold the preventive potential of R2P across government. By and large, the emerging R2P practice of states and other actors has been overlooked.

The aim of this book is therefore twofold. First, to advance the current R2P literature by adding multiple scholarly perspectives on what is meant by implementing and "operationalizing" R2P and to reflect critically on how such efforts differ from and go beyond regular human rights work and traditional conflict prevention.

Importantly, what does implementation mean for different actors situated in diverse national, institutional or political contexts, given their own vantage points and sets of unique challenges? Second, to provide policymakers and practitioners with analytical insights into the current state of affairs of R2P in practice. The book aims to push the R2P debate into new fields and an increasingly operational direction by looking at relevant examples and providing analysis that can help R2P Focal Points and others to carry out their mandates.

This book does not attempt to create a "one-size-fits-all" formula for R2P implementation. Rather, it lays out a conceptual and practical framework for understanding the nature of mass atrocities and atrocity prevention, and examines the implications of R2P for actors across the spectrum of political, legal, and security sectors for domestic and foreign policy agendas by looking at examples from different national and regional contexts.

The underlying assumption in this book is that R2P is much more effective in preventing atrocities if it shapes policy *prior* to the escalation of an atrocity risk, and where it serves to strengthen the resilience of societies to manage an atrocity risk *before* it occurs. A second assumption inherent in the book is that R2P is a universal responsibility shared by domestic stakeholders within and *beyond* the foreign ministries and national R2P Focal Points. While much of the theoretical work on R2P has established the responsibility of and discussed implications for the international community through the United Nations and forceful intervention, much less attention has been paid to how R2P may guide domestic institutions, foreign policy outside the United Nations, development, and security cooperation to where the potential for mitigating atrocity risk and strengthening resilience is optimal.

This book serves to broaden and deepen the scope of the R2P literature by emphasizing institutional sites and thematic agendas that have a strong bearing on the prevention of atrocities in practice. The approach diverges from the standard literature on R2P prevention that employs and stays limited to the "three-pillar" framework. The three pillars of R2P are the state's primary responsibility to prevent and protect populations, an international responsibility to assist with atrocity prevention and, in the case of state failure, to protect through international interventions, including the use of force as a last resort and if authorized by the UN Security Council. However, analyses generated by this framework tend to focus on the actions of the state as a monolithic whole, rather than unpacking the specific implications of R2P prevention for its constituent institutions, and stovepipes academic literature toward the international community's "third pillar" capacity for forceful intervention, constraining the scope of the debate and its practical applicability. By transcending these debates that structure the existing R2P literature, this volume introduces nuance and analysis into what the state and other actors can actually do at the domestic and regional levels to operationalize R2P to fulfill international responsibilities, and points to practical strategies that states can use to leverage their foreign engagements to enhance the atrocity-prevention agenda among partner states.

Key themes in the book

The approach of the edited volume is multidisciplinary, drawing on cutting-edge research in the fields of atrocity prevention, international relations, international law, criminology, governance and regulatory studies, and peace and conflict studies. Thematically, the book examines atrocity prevention, human rights, accountability, peacekeeping and civil–military operations, peacebuilding, transitional justice, and the rule of law in relation to R2P. Importantly, several chapters of this book build on the experience of key practitioners who have worked with the implementation of R2P in practice, both in national agencies and at the United Nations. The book thus provides firsthand insights into the challenges and prospects of turning R2P into an operational norm. Across the various chapters, the book investigates a number of cross-cutting themes that run through the volume, including the following.

The implementation of the international R2P norm through states, regional organizations, and non-state actors

The implementation of abstract international principles such as R2P into tangible policy agendas requires a deliberate translation and articulation of policy implications in varied institutional contexts. The contributors to the volume illustrate the salience of the R2P agenda to specific institutional domains such as the judiciary, policing, the military, and peacekeeping, and to specific thematic agendas such as atrocity prevention, human rights, peacebuilding, transitional justice, development cooperation, and the rule of law. In doing so, they not only expand the implementation agenda to practical domains that have close proximity to the social and political contexts where the risk of atrocity crimes are addressed, but they also provide substance to the broader international norms debates around explaining where, how, and to what degree international norms affect actors' behavior. These insights contribute to meta-level theoretical approaches that emphasize the role of international norms in shaping the preferences and behavior of actors (state and non-state) that is prominent in international relations, and that carve out appropriate mechanisms for compliance and refinement of the rules in areas regulated by international law. This cross-cutting theme also deals with the question of the appropriate lexicon and programmatic challenges when one moves from meta-level normative debates and the United Nations to technical and practical details in the national, regional, and local implementation agenda.

Social and political contexts of mass atrocities as key to R2P implementation strategies

This volume engages with the question of how mass atrocities are conceptualized to inform the implementation agenda. Drawing on empirical insights at the local, regional, and global levels, a connecting theme in this volume is how to bridge the global–local gap that exists between the dynamics of mass atrocities in their

specific historical, social, and political contexts, with the need for international, regional, and state-level resourcing and policy frameworks. In particular, the book emphasizes the importance of contextual knowledge and expertise on local conflict situations in formulating appropriate atrocity-prevention strategies and the importance of leadership by local- and regional-level stakeholders. Chapters by Sara E. Davies, Noel M. Morada, Frank O. Okyere, and Stephen McLoughlin, for example, demonstrate various challenges and corresponding strategies by local actors for implementing R2P that corresponds with the historical and political contingencies of each atrocity situation, with illustrations drawn from the regions of Africa and Southeast Asia.

Decision-making processes and institutional architectures of R2P implementation

Institutional responses that build capacity and strengthen resilience to atrocity crimes must be diversified. This includes vertically from international to regional, state and sub-state levels, and horizontally across sectors. Embedded in this volume, therefore, is the objective of identifying how existing processes and architectures may be fruitfully leveraged, or new institutional mechanisms designed, to respond to the challenges of implementation. What are the contingencies that need to be accounted for, and how can institutional designs meet the challenge of being both contextually relevant and consistent in principled commitment to the R2P objectives of atrocity prevention and population protection? While the case studies presented in the book are by no means exhaustive, they illustrate a variety of creative solutions and lessons learned that show how a number of agencies and actors have chosen to grapple with the implications of R2P for their own work. Ekkehard Strauss's chapter on human rights accountability, for example, shows how a group of actors within the Human Rights Council considered how the Council and the international human rights instruments might be mobilized to advance the preventive aspect of the R2P agenda. Martin Mennecke's chapter further demonstrates how Denmark as an advocate of R2P has contributed to expanding the conceptualization and implementation of R2P into new domains of governance and practice such as development, human rights, and civil society engagement. These examples should prompt a wider range of actors to consider R2P from a more creative lens and to leverage existing relationships and avenues of influence where atrocity prevention could be advanced.

Accountability as an integral part of R2P implementation

One of the central themes of the project that connects the varied theoretical, thematic, and institutional foci of the chapters is the question of accountability. As the counterpart to responsibility, accountability that is credible, legitimate, and consistent from the highest to the lowest levels of governance is an imperative that brings coherence to the R2P implementation agenda. Accountability is discussed in this

volume in terms of dealing with past injustices that may increase the likelihood of future atrocity crimes, holding responsible actors to account for taking appropriate measures to prevent atrocities and protect populations, and outlining the need for accountability measures as an effective deterrent to the prevention of future mass atrocities. Themes that feature in a number of contributions to the project include how the principle of accountability could/should be conceptually consistent across the sites for implementation, and what kinds of mechanisms could protect accountability in the context of R2P. The chapters by Susanne Karstedt and Michael Koch, and Strauss, are dedicated to the relationship between a variety of accountability mechanisms and atrocity prevention. This theme is treated empirically in chapters such as those by Stephen Pomper and William Maley, where the recourse to accountability mechanisms – or failure, as in the latter case of Afghanistan – had significant implications for the outcomes of atrocity-prevention efforts.

The added value of atrocity prevention and responsibility to protect

The book focuses on the necessary turn from normative discussions to implementation. One of the key issues in this regard is what difference R2P makes in practice – compared to policies focusing on conflict prevention or human rights. As Ivan Šimonović writes in his concluding essay, R2P's "added value should not be presumed, but demonstrated." If R2P changes the equation, it will be accepted by practitioners as a meaningful addition to the toolkit. The question of R2P's added value is discussed in several chapters – including the question of whether it is necessary or helpful to use explicit R2P language or to avoid it, for example, for fear of R2P's political and politicized status. We see in the case of Europe that R2P holds a normative significance for policymakers and is effective in galvanizing political support for atrocity prevention, discussed in the chapters by Mennecke, and Edward Newman and Cristina Stefan. The United States, however, has steered clear of incorporating the language of R2P in domestic policy, but this has not prevented it from developing a unique institutional architecture that has effectively implemented R2P in numerous country situations, as described in Pomper's chapter.

Challenges of implementation

While the book agrees that implementation has to be at the heart of the academic and political discussion on R2P, it explores how this new focus, if taken seriously, can give rise to new challenges. Several chapters examine what these potential obstacles are, which (perhaps) can be overcome, and how. Lessons learned will be shared and ideas for future strategies outlined. Maley's chapter on civil–military cooperation in Afghanistan, for example, brings home the significance of getting implementation right. He shows how the external intervention into Afghanistan ultimately failed to prevent the continuation of "killings in 'slow motion'" (see Chapter 12) despite a commitment by the International Security Assistance Force

to rebuild, therefore missing a crucial opportunity to prevent numerous atrocities since 2001. Likewise, Pomper's chapter on the US Atrocities Prevention Board, and Charles T. Hunt and Lisa Sharland's chapter on peacekeeping, point to the difficult political decisions that need to be taken when dealing with armed groups and life-or-death scenarios where compromise on normative commitments might be necessary.

Overview of the book

In the following, we briefly introduce the chapters in this volume in addition to this introduction and the foreword by Gareth Evans. In Chapter 1, Cecilia Jacob introduces the field of atrocity prevention as a way to ground the R2P implementation agenda in the existing research and policy frameworks. It describes developments in the institutionalization of R2P across the UN system where global efforts have focused to date. It shows how the institutional positioning of R2P within the UN has structured the primary understandings of the relationship between R2P and atrocity prevention that have been formative of early initiatives to implement R2P at the domestic and regional levels. These demonstrate both the extent and limitations of existing implementation efforts and provide context for the chapters that follow to show where greater creativity and opportunities exist to strengthen current implementation efforts. The remainder of the book is divided into five parts.

Part I examines national implementation mechanisms by presenting in-depth case studies from Denmark and the United States. Denmark is one of the key international proponents of R2P and its operationalization, and Mennecke's Chapter 2 traces a series of initiatives taken by the government to implement R2P at both global and national levels. For example, Denmark is one of the co-founders of the Global Network of R2P Focal Points and a member of the steering group of the Global Action Against Mass Atrocity Crimes (GAAMAC). This chapter examines Denmark's relationship to R2P, how atrocity prevention can make a difference to Danish foreign policy, and how Denmark through its human rights work and in the field of development cooperation can turn R2P into practice. In this context, the chapter identifies potential challenges such as political opposition to the use of explicit references to R2P and outlines concrete suggestions for how these obstacles can be overcome to advance atrocity prevention as an operational part of Danish foreign policy.

Chapter 3 turns to the experiences of the United States in implementing atrocity-prevention policy in a number of international atrocity-risk situations. Pomper provides an insider's view on where the Barack Obama administration's efforts to prevent mass atrocities succeeded, where they did not, and where future policymakers might find useful lessons, both positive and negative. It focuses in particular on situations in which policy changes and innovations appear to have had a positive effect, however modest, and on efforts to develop new capabilities under the policy. It offers an "after action" assessment of the administration's atrocity-prevention policy, drawing from interviews with former senior officials and others to identify