

Prevention: Core to the Responsibility to Protect

Written by Rachel Gerber

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RACHEL GERBER, OCT 10 2011

All questions are leading questions. Yet, once asked, we tend to lose sight of the way a particular question shapes its answer. We find ourselves all the more bemused when that answer begs fresh questions of its own – many knottier than the one with which we started.

The International Commission on Intervention and State Sovereignty (ICISS), a collection of eminent political thinkers that outlined the concept known as the Responsibility to Protect (R2P), convened in 2001 with a very specific question in mind: “When, if ever, it is appropriate for states to take coercive action – and in particular military – action, against another state for the purpose of protecting people at risk in that other state.”[i]

At the close of a decade that seemed to approach mass violence in fits and starts, ICISS set itself to determine when and how the international community should respond to the gravest forms of human brutality. Their final report duly outlined these parameters, setting criteria for “humanitarian intervention” that fit squarely within the confines of pre-existing international law.

Yet, in answering their self-set query, something curious happened.

The crux of the humanitarian intervention debate had always been the tension between the moral impulse to stop widespread, systematic violence against civilians and the principles of “non interference” and “sovereign equality” that bind the contemporary world order. In a fundamental reframing of this debate, ICISS internalized the logic of “sovereignty as responsibility,” pioneered by noted Sudanese scholar and diplomat, Francis Deng, and inverted the premise of the intervention argument, advocating not for a “right to intervene,” but rather a “responsibility to protect.”

Notions of social contract and accountability to the governed have long defined sovereign rights at the domestic level. “Sovereignty as responsibility” and this freshly conceived, “responsibility to protect” now invoked this relationship as the basis for a core set of rights and obligations between states. According to the logic of sovereign responsibility, neglecting the most basic forms of physical protection compels not only international attention, but also an obligation to act.

Moving Upstream

In the final articulation of this Responsibility to Protect (R2P), another shift was made – one that opened the door to an entirely new set of questions, as well as a whole new set of tools for the global approach to mass atrocity crimes.

Motivated both by analytical rigor and political expediency, ICISS sandwiched its discussion of international response to atrocities between what it described as a “responsibility to prevent” and a “responsibility to rebuild.” Prevention and reconstruction were deemed more politically digestible than response, and many hoped the merger of responsibilities would make the prospect of intervention easier to swallow.

Once introduced, however, the logic of prevention as core to the global atrocity agenda was difficult to deny. Why wait to halt a massacre if early engagement might avert it entirely?

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Political adoption of the Responsibility to Protect in paragraphs 138 and 139 of the 2005 World Summit Outcome Document thus emphasized peaceful, preventive means and made the novel commitment to “assist states under stress” and help them “build capacity to protect their populations.”[ii]

The R2P consensus secured at the World Summit has been since summarized as incorporating three pillars of responsibility: 1) the primary responsibility of the state to protect its populations from four circumscribed mass atrocity crimes (genocide, crimes against humanity, ethnic cleansing and war crimes), 2) the concurrent responsibility of the international community to assist states in their efforts to do so, and 3) the responsibility of the international community to take collective action should national authorities fail to protect their populations from imminent or unfolding atrocities.

With these three pillars, the balance of expected global efforts shifted even more heavily to prevention.

While some world leaders may have hoped in 2005 that phrases like “state responsibility” and “international assistance” would deflect the more invasive tendencies of the concept and shore up traditional notions of sovereignty, highlighting prevention has proven perversely revolutionary.

Setting the sights of global policy to prevent rather than simply respond to mass atrocity threats has raised deeper questions about the internal dynamics that drive atrocity violence. It points openly to the internal governance approaches of individual states and asks how domestic choices might actively incite or enable the potential for genocide and other mass atrocities.

Claiming state ownership over the primary responsibility to protect opened space to consider a set of questions fundamentally more transformative for global policy – and more invasive – than ICISS’s initial query. First, “how must states structure their institutions and approach their own internal governance to ensure the greatest level of protection from the threat of civilian-targeted violence?” and “when and how should the international community exercise its *responsibility* to engage, assist, or (when necessary) confront sovereign states over the way they choose to guarantee the physical security of their own populations?”

The Challenge Ahead

As R2P enters its second decade, we find ourselves facing questions even more complex than the one with which we started. The logic of prevention points us further upstream, where evidence tends to be fuzzy and qualitative. We grapple to identify the essence of atrocity violence – its root incentives and enablers – and seek to better understand when and why elites consider systematic civilian-targeting the best means to meet their objectives.

When it comes to pinpointing concrete policies for atrocity prevention, satisfying answers are few. Policy discussions on the topic often devolve into listings of measures that span the full spectrum of the conflict prevention, statebuilding, and development agendas. Vague nods are always given to the importance of “good governance,” “security sector reform,” and the “rule of law.”

To put it mildly, atrocity prevention remains an imprecise science. Moving forward, policy actors and experts must delve deeper and more deliberately into the dynamics of atrocity violence. We must develop a framework for prevention that at once targets these unique dynamics across the various phases of potential crisis *and* prioritizes atrocity-focused objectives within broader efforts to prevent conflict, promote security, and encourage economic development.

Developing such a framework requires first that we better understand the task at hand. Preventing mass atrocities, for example, shares much with (and benefits greatly from) efforts to prevent armed conflict. Yet the two objectives are not entirely synonymous, and can occasionally run at cross-purposes.

The decision to systematically target civilians is a strategic one made by elites, and can occur within or outside the context of armed struggle. The incentives that drive that choice can become so enmeshed in political and economic

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interest that its logic becomes almost inscrutable. Ongoing ethno-political violence in Karachi is case and point. While it rarely makes conventional lists of atrocity flashpoints, the city faces a slow-drip crisis in which political parties, allied with organized crime, routinely target largely non-political civilians to reinforce broader party allegiance and profit-driven networks.

There are many forms of conflict and struggle. Civilian targeting is driven by a unique logic – one we need to better isolate, understand, and devise policies to counter.

A Framework for Prevention

Maximizing the policy potential to prevent atrocities requires active effort on behalf of individual states and the international community to target atrocity risks across all phases of potential crisis.

Before crises emerge, states must reflect on their own institutions and governance approaches. With international assistance as appropriate, they must proactively self-structure their security, justice, political, and economic sectors to provide a solid buffer between the people and the interests of potential perpetrators.

As crises appear on the horizon, global attention must shift to influencing the decision-making of elites and reducing any incentives to target civilians. In the course of ongoing atrocities, the international community must mobilize all means at its disposal to prevent escalation – countering potential perpetrators, determining how best to provide immediate protection, and planning for the needs of long term conflict resolution and reconstruction.

Following atrocities, ties must be reforged and institutions rebuilt in ways that not only better protect, but reassure those scarred by violence.

Folding this complex array into a single policy doctrine is far from simple, and many R2P advocates have balked at the attempt. The concept was first developed, remember, to rally political will to act in the most egregious cases. Some fear such an extensive broadening of actors, roles, and activities labeled “R2P” will dilute the concept and undermine its potential to mobilize. Others note the imprecision that currently frustrates implementation of this preventive framework, and are reassured by the relative clarity that comes from limiting R2P to crisis response.

One of the great lessons to be learned from the word *genocide*, however, is that a term’s potency is not the best measure of its power to shape behavior. The more consistently R2P seeps into our collective consciousness and informs our policy approaches across the crisis spectrum, the more it becomes a part of the DNA of global policy. As atrocity prevention becomes instinct, global leaders will be more – not less – likely act in the most severe cases.

We still lack concrete policy prescriptions for atrocity prevention and the few answers we have are muddled. But the questions we now face have brought us closer to the core of the true challenge: how to create a world in which mass violence is no longer seen as a viable means to achieve political ends.

If our answers are imprecise, they demand that we ask better questions – and then be willing to follow where those questions lead.

Rachel Gerber is the program officer for human protection at the Iowa-based Stanley Foundation, a nonpartisan nonprofit that focuses on international affairs. For more information on the foundation’s genocide and atrocity prevention work, visit our website at www.stanleyfoundation.org.

[i] “The Responsibility to Protect,” Report of the International Commission on Intervention and State Sovereignty, vii.

[ii] 2005 World Summit Outcome Document, paragraphs 138-139.