The International Community and the Prevention of Genocide

"The world agrees that genocide is unacceptable and yet genocide and mass killings continue. We have a duty to find the answer before the vow of 'never again' is once again betrayed.'[1]

At the end of the Cold War, scholars, politicians and historians alike were cautiously optimistic of the emergence of a 'new world order'; where the stalemate of the Cold War was over, and the United Nations could reinvigorate and fully uphold its commitment of promoting international peace and security.[2] However, despite the calls for 'never again' after the Holocaust, the 1990s saw a litany of vicious civil wars[3] including two genocides in two different continents, whereby the United Nations was powerless to respond and stop the killing, despite troops already being on the ground.[4] Nevertheless, it does not have to be this way; "nothing about this pathetic process of international failure is inevitable".[5] This was witnessed through a number of pioneering movements which sought to put genocide prevention on the international agenda as a priority post-Rwanda and Srebrenica.[6]

This essay will examine the key advancements the international community[7] has made in the prevention of genocide and mass atrocities, and what challenges these efforts face. Furthermore, this essay will examine the evolving norm[8] of humanitarian intervention, arguing that the lack of political will in the international community hinders the efficacy of this norm. In particular, this essay will argue that there have been significant advancements made in the international community since the failures in Rwanda and Srebrenica;[9] however there is a tendency to focus on intervention and response, rather than prevention.[10] This essay will focus on three key advancements made; two within the international community more broadly, and one initiative undertaken by the United States: the Responsibility to Protect (hereafter R2P) principle; the 'protection of civilians' agenda; and the Mass Atrocity Response Operations (MARO) project, respectively. First, this essay will examine the dialogue within the international community post-1994, with particular reference to genocide-prevention, and then examine the three key developments in the international community in relation to the notion of an 'evolving norm' of humanitarian intervention.[11] The lack of political will in the international community to prevent and respond to genocide is the main challenge facing effective prevention efforts. It is this lack of will that further hinders the evolution of a norm of humanitarian intervention which will be the key focus of this essay.

In the aftermath of the Rwandan genocide, there was increased dialogue on the prevention of genocide in the international community, with a shifting focus between genocide *prevention* and *intervention*.[12] Despite the calls for 'never again' after the Holocaust, there has been a fluctuation in interest by the international community surrounding the prevention of genocide, and this has never been more evident than in post-1994 dialogue.[13] The need to prevent genocide and punish the perpetrators has been a key focus of international law since the creation of the Convention on the Prevention and Punishment of Genocide in 1948,[14] which defined genocide as a crime under international law.[15] However, despite the Convention outlawing genocide, there has been a lack of political will to both prevent and persecute the perpetrators of genocide.[16] Furthermore, the international penal tribunal that the Convention envisaged in Article VI was not established until 1 July 2002 by the Rome Statute of the International Criminal Court, which founded the International Criminal Court.[17] By the 1990s, there was significant international pressure to pursue individual accountability for mass atrocity crimes; this led to the creation of two *ad hoc* tribunals in 1993 and 1994 to try war criminals in the former Yugoslavia and Rwanda, the International Criminal Tribunal for

The International Community and the Prevention of Genocide

Written by Ashleigh Croucher

Yugoslavia, and Rwanda, (ICTY, ICTR) respectively.[18] While international criminal law does not implicate state responsibility for the crime,[19] it is another source of protection for victims and places a responsibility on states to hold perpetrators accountable. Despite criticisms, the Tribunals have been relatively successful; however the Tribunals show both the willingness of the international community to prosecute war criminals, yet also highlights the focus on punishment, rather than prevention of genocide.[20] This demonstrates the lack of political will in the international community in promoting the prevention of genocide, however, despite this, there have been significant advancements made, both at an international level and by initiatives taken by individual states that have had multi-faceted approaches to both the prevention of, and response to intermittent genocides. Perhaps the most landmark of the achievements on the part of the international community is the Responsibility to Protect principle.

The Responsibility to Protect principle[21] is a set of moral guidelines for all states that posits sovereignty as a responsibility, rather than a privilege.[22] Perhaps a key lesson from Srebrenica and Rwanda is that we need a compulsory legal framework for action – "a framework that would trigger not just a political or moral responsibility to act, but a legal one that carries legal consequences."[23] In light of the failures to protect civilians against mass atrocity crimes, including genocide, in Rwanda, the Canadian government established the International Commission on Intervention and State Sovereignty (ICISS) in September 2000, who released their landmark report, *The Responsibility to Protect,* in December 2001.[24] The Report, which created the foundations for sovereignty as responsibility, asserted that the international community has a responsibility to *prevent* mass atrocities, through a variety of measures. This included the use of political, social and economic tools to respond to crises, with military intervention as a last resort, and placed an emphasis upon the need for post-conflict reconstruction, particularly through security and justice to the victim population/s. The Report advocates a structural prevention framework in order to understand the root causes of mass atrocity crimes, and encourages member states to adopt a similar framework. The Report was the introduction of R2P into international dialogue; however the Outcome Document of the 2005 World Summit was the most comprehensive inclusion of R2P in the international community thus far. Paragraphs 138 and 139 provided the scope of R2P, which outlined the crimes included under R2P (genocide, war crimes, crimes against humanity and ethnic cleansing) and where the responsibilities lie for the prevention of, and response to these crimes. The Outcome Document outlines the three 'pillars' of R2P:

1. A State has a responsibility to protect its population from genocide, war crimes, crimes against humanity and ethnic cleansing (under the umbrella of 'mass atrocities').

2. If the State is unable to protect its population on its own, the international community has a responsibility to assist the state by building its capacity. This can mean building early-warning capabilities, mediating conflicts between political parties, strengthening the security sector, mobilizing standby forces, and many other actions.

3. If a State is manifestly failing to protect its citizens from mass atrocities and peaceful measures are not working, the international community has the responsibility to intervene at first diplomatically, then more coercively, and as a last resort, with military force. [25]

Secretary-General Ban has made a commitment to 'operationalise'[26] the R2P and translate the principle from 'words to deeds'.[27] He indicated that his support for what he describes as the 'concept' of the R2P is 'deep and enduring' but recognised that it is not yet a policy or reality. Despite this, the Special Adviser to the UN Secretary-General on the Responsibility to Protect, Edward Luck, argues that the R2P "represents the application of human security perspectives to a specific area of public policy that has long vexed publics and policymakers alike."[28] In his 2009 report Secretary General Ban underscored that the provisions of paragraphs 138 and 139 of the Summit Outcome are "firmly anchored in well-established principles of international law. Under conventional and customary international law, States have obligations to prevent and punish genocide, war crimes and crimes against humanity."[29] Furthermore, R2P has become more than just a concept; the fact that it was unanimously included in the Outcome Document of 2005 legitimises the claim of R2P as a norm, and its ambitions to become enshrined in international law.[30] Despite the condition of the use of force as a last resort, the critics of R2P have argued that it promotes humanitarian intervention, and, since the intervention in Libya in 2011, regime change.[31] Furthermore,

The International Community and the Prevention of Genocide

Written by Ashleigh Croucher

there is a tendency to focus on 'pillar three' of R2P; this raises the argument surrounding whether there is an 'evolving norm' of humanitarian intervention, and begs the question of *how* to intervene, rather than just *when.*

Particularly in the post-Cold War era, civilians are increasingly becoming the key target in armed conflicts, as evidenced through the various instances of mass atrocities in the 1990s and 2000s, from Liberia to Kosovo to Iraq. This targeting of civilians has led to a renewed interest in the protection of civilians in armed conflict, and increasingly in instances of mass atrocities such as genocide. This has caused scholars and policymakers alike to support the creation of the Protection of Civilians agenda (PoC). The agenda is based within the universal principles of international humanitarian, human rights and refugee law. The agenda is aimed at all actors, from international organisations, states and individuals, with the aim of advancing the legal and physical protection of civilians in the context of armed conflict. Whilst this is not specifically a form of genocide *prevention*, it highlights the need for an increased focus on the protection of civilians, whom are generally the targeted population in instances of mass atrocity crimes.

Of particular interest is the Security Council's focus on civilian protection, which was triggered in 1998 when then Secretary-General Kofi Annan identified the protection of civilians as a 'humanitarian imperative'.[32] The PoC agenda plays an important role in the broader genocide prevention effort, as it illustrates the willingness of the international community to adhere to international humanitarian law and norms surrounding civilian protection.[33] Furthermore, the PoC agenda illustrates the focus of the international community on intervention, rather than prevention, and a willingness of the interveners to ensure their conduct is in line with international humanitarian law.[34]

Conceptually, the principles of R2P and the PoC agenda are intrinsically linked, but operationally distinct. Essentially, R2P is:

"a political framework for preventing mass atrocities and protecting civilians in the most egregious cases of abuse…the whole [protection of civilians] agenda is wider than R2P because it applies to armed conflict in general".[35]

In terms of the protection of civilians agenda being employed as a *preventive* tool, the key challenge is to "identify which [civilian protection] strategies of policies contribute to prevention escalation to genocide and mass atrocities, or constitute an effective response to their commission."[36] In terms of the operational aspects of these two agendas, R2P has recently manifested in an initiative undertaken by the United States; the MARO Project.

At the start of 2007, the Carr Center for Human Rights Policy at Harvard and the US Army's Peacekeeping and Stability Operations Institution formed a partnership aimed at making a substantial contribution to a world without genocide. The Mass Atrocity Response Operations Handbook, or MARO, was the result of this partnership. The goals of the project were salient and simple: to bypass the discussion surrounding 'whether' to intervene, to the 'how' to intervene, in instances of mass atrocities.

An annotated planning framework (APF) was established, with the flexibility to be used as a template that can be altered to fit the needs of a specific region. The APF has a focus on prevention, intervention and post-conflict reconstruction, and seeks to aid the United Nations with the goal of developing a capacity to prevent mass atrocities, rather than just reacting when they occur. Furthermore, the way the APF is conceptualised, it can be adopted by the African Union to create mass atrocity prevention capabilities designed by Africans, for Africans. The APF, combined with the two scenarios the Project completed to test the structures of the framework and illustrate the course of action development, and the Project helps answer the questions: 'what do we want to do?' and 'how are we going to do it?'

The planning framework of MARO is directed not just at the United States Armed Forces, but also policy-makers, ambassadors, UN officials, representatives from non-governmental organisations and other members of civil society. It is intended to provide a guideline of 'watch-decide-act', which can help decision-makers from any organisation or state evaluate information and share assessments of potential mass atrocities, and use a common lexicon and analytical framework to make coordinated decisions regarding the actions necessary to prevent or respond to mass

The International Community and the Prevention of Genocide
Written by Ashleigh Croucher

atrocities. This inter-agency communication and cooperation is historically difficult; however, a complex mission such as intervention cannot succeed without it. MARO seeks to 'bridge this gap' between governments, the UN and members of civil society, through facilitating the dialogue, sharing information and coordinating a response. As Michael Pryce (formerly the Project Director for MARO) argues, "reaction, rather than coordination is typically the result when an intervention is improvised following a hasty decision to intervene in a mass atrocity in progress".[37]

The MARO Project employs Gregory Stanton's 'Eight Stages of Genocide' as a guideline for a state's descent towards mass atrocities.[38] Whilst these stages do not always occur in a set order, they are a good starting point for placing "known events within a reasonably predictable framework".[39] The Project focuses on both prevention and intervention, however it is noted that political will is essential and must be driven by moral imperative to be successful, whether it be preventive diplomacy or a military intervention. Furthermore, it draws upon the necessity of political will to achieve the objectives laid out in the Handbook; without the necessary will, the development of a military force specifically trained, equipped and organised to conduct such a mission cannot be seen as a credible threat in terms of military intervention. If the necessary political will is established, a military response that is armed and ready to deploy could become the 'teeth' for effective preventive diplomacy.

The intention of the Project is to emphasise the inherently related nature of moral imperatives, political will and capabilities in terms of its balance within the context of preventive diplomacy. As has been evidenced in previous failures by the international community to respond timely to mass atrocities, assertive prevention becomes the common link between a range of actors, becoming the overarching policy that focuses on the broadest possible front to exert diplomatic pressure. If this preventive diplomacy fails, MARO advocates for military intervention as the last resort, if the political will and capabilities are met.

Finally, the Project focuses on what to do once the killing has stopped. Without a comprehensive plan compiled prior to the end of the conflict, the risk of post-intervention, post-atrocity problems undermining the entire efforts expands exponentially. The MARO Project seeks to address these problems in a timely manner, rather than in a post-atrocity, post intervention environment that "leaves little time for reflective thinking and detailed planning".[40]

The MARO Project represents a significant milestone in atrocity-prevention efforts, and for the Responsibility to Protect principle. It adopts a three-pillared approach with similar goals of R2P, with a focus not only on response, but also prevention and post-conflict reconstruction/rebuilding. The Handbook produced is the first of its kind; military doctrine for atrocity-prevention, particularly under the guises of R2P did not formerly exist. This effort should be applauded by the international community and other nation states should seek to adopt their own form of guidelines for atrocity prevention, response and reconstruction. The outcome of the MARO Project has led to renewed debates surrounding this 'evolving norm' of humanitarian intervention, perceived or otherwise.

When examining to what extent there is an evolving norm of humanitarian intervention, it is necessary to view it within the broader normative context in the international system. In this sense, it becomes clear that shifts in the normative aspect of humanitarian intervention are only one "manifestation of the changes in a larger set of humanitarian norms that have become more visible and more powerful in the past fifty or one hundred years".[41] States conform to international norms in order to legitimise themselves to the international community. This leads to a tension between accepting norms that are 'against their perceived national interest' and maintaining legitimacy at the international level.[42] States that seek to maintain legitimacy within the international sphere may be pushed to act in ways which self-interest would determine otherwise; this demonstrates the influence of power on the state. Whilst this power may not be materially coercive, it influences the ways in which the international system is constructed, understood, and through the deployment of it, may change the state itself. These factors combined lead state actors who would otherwise reject certain norms to a conundrum between doing what they want based on self-interest and what they must to maintain legitimacy.[43] This is particularly important when examining humanitarian intervention; the role of political will is crucial in the mandating of an intervention, especially one that involves the use of military force. Kofi Annan, former UN Secretary-General has explicitly recognised a 'developing international norm in favour of intervention to protect civilians from wholesale slaughter', for which he argued that there was nothing in the UN Charter that 'precludes a recognition that there are rights beyond borders'. Furthermore, he called for the Security Council to collectively assert itself 'where the cause is just and the means available'.[44] This further demonstrates

The International Community and the Prevention of Genocide
Written by Ashleigh Croucher

the willingness of certain actors in the international system to forcibly intervene in instances of genocide, using intervention as a focus for genocide-prevention efforts. Annan's plea to the Security Council further echoes the issue of dwindling political will, despite a willingness to prevent mass atrocities.

In terms of upholding a duty to protect, including a duty to intervene, the absence of appropriate measures to penalise those who fail in their duty, "political agendas and dysfunctional self-interest will prevail".[45] This demonstrates the lack of political will within the international community to uphold a duty, or responsibility, to protect vulnerable peoples from genocide. As has been noted, genocide-prevention efforts since 1994 have tended to fluctuate between narratives of prevention and intervention, with a specific focus on the latter. In light of the failures to stop genocide in Rwanda and Srebrenica, the international community has made significant advancements in the prevention of genocide. These advancements, however, do not carry enough political weight to deter perpetrators from committing genocide. This lack of political will leads to a failure to protect vulnerable populations from genocide. The past decade has shown that there is an evolving norm of humanitarian intervention, however carries the same implication as the overall genocide-prevention efforts.

Bibliography

Akhavan, P., 'Enforcement of the Genocide Convention: A Challenge to Civilization', *Harvard Human Rights Journal* (1995)

Albright, Madelaine K. & William S. Cohen, "Preventing Genocide: A Blueprint for U.S. Policymakers", United States Holocaust Memorial Museum, 2008

Annan, Kofi. Address to the United Nations General Assembly, New York, 20 Sept. 1999, reproduced in United Nations, 'Secretary-General presents his annual report to General Assembly', Press release SG/SM/7136, GA/95920, 20 Sept. 1999

Arbour, Louise, 'Preventing Mass Atrocities', transcript from lecture at the Council on Foreign Relations, 12 June 2007, Available at http://cfr.org/publication/13580/preventing_mass_atrocities_rush_transcript_federal_news_service.html?breadcrumb=%2Fmedia%2Ftranscripts, accessed 1 October, 2011

Asia-Pacific Centre for the Responsibility to Protect, *Protection of Civilians and the Responsibility to Protect: Perspectives and Precedents in the Asia-Pacific*, Program on the Protection of Civilians, Working Paper No. 2, 2010

Badescu, Cristina G. and Thomas G. Weiss, 'Misrepresenting R2P and Advancing Norms: An Alternative Spiral?', *International Studies Perspectives* 11(4), 2010

Bellamy, Alex J., *Responsibility to Protect: The Global Effort to End Mass Atrocities,* Cambridge: Polity, 2009

Bush, George H. W., Address to the Nation on the Invasion of Iraq (January 16, 1991)

Campbell, Kenneth J., *Genocide and the Global Village,* New York: Palgrave, 2001

Charny, Israel W., 'Genocide Intervention and Prevention'. *Social Education* 55(2), 1991

Clinton, Bill, "A New Covenant for American Security" (speech at Georgetown University, Washington, D.C., December 12 1991)

Chesterman, Simon, *Just War or Just Peace: Humanitarian Intervention and International Law,* Oxford: Oxford University Press, 2001

Darcy, James, ''Human Rights and Humanitarian Action: A Review of the Issues,'' background paper prepared for Human Rights and Humanitarian Action—Humanitarian Policy Group Background Paper (UNICEF Workshop,

The International Community and the Prevention of Genocide
Written by Ashleigh Croucher

Geneva, 1–17 April 2004)

Dunne, Tim, *The Diplomacy of Responsibility,* (forthcoming 2012)

Evans, Gareth and Mohamed Sahnoun, *The Responsibility To Protect: Report of the International Commission on Intervention and State Sovereignty*, Ottawa: International Development Research Centre, 2001

Evans, G., *The Responsibility to Protect: End Mass Atrocity Crimes Once and for All*, Washington D.C.: Brookings Institute, 2008

Gaeta, Paola, *The UN Genocide Convention: A Commentary,* Oxford: Oxford University Press, 2009

Gurr, Ted Robert, *Peoples Versus States: Minorities at Risk in the New Century,* Washington: United States Institute of Peace, 2000

Finnemore, Martha, 'Constructing Norms of Humanitarian Intervention' in (eds) Peter J. Katzenstein *The Culture of National Security: Norms and Identity in World Politics,* New York: Columbia University Press, 1996

Holzgrefe, J.L., 'The Context for Humanitarian Intervention', in *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*, ed. J.L. Holzgrefe and Robert O. Keohane, Cambridge: Cambridge University Press, 2003

Judgment, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)),* 26 February 2007, ICJ Reports

Katzenstein, P. 'Introduction: Alternative Perspectives on National Security', in *The Culture of National Security: Norms and Identity in World Politics.* P.Katzenstein, ed. New York: Columbia University Press, 1996

Ki-Moon, Ban, Address to the Parliament of Rwanda, speech in Kigali, Rwanda, 29 January 2008

Ki-Moon, Ban, *Implementing the Responsibility to Protect,* A/63/677, 12 January 2009

Lepard, Brian D., *Rethinking Humanitarian Intervention*, University Park, PA: Pennsylvania State University Press, 2002

Luck, Edward C., 'The United Nations and the Responsibility to Protect', Stanley Foundation Policy Analysis Brief, August 2008

Melvern, Linda, *A People Betrayed: The Role of the West in Rwanda's Genocide,* London: Zed Books, 2000

More, Elizabeth, "International Humanitarian Law and Interventions — Rwanda, 1994" *Genocide Studies and Prevention* 2:2, August 2007

Nackers, Kimberly, 'Normative Contestation of the Responsibility to Protect', paper presented at Asia-Pacific Centre for the Responsibility to Protect Seminar Series, 3rd June 2010

Pryce, Michael C. 'Mass Atrocity Response Operations: an annotated planning framework', *African Security Review*, 2009, 18:4

Rome Statute of the International Criminal Court, 17 July, 1998, 2187 U.N.T.S. 90 [entered into force on 1 July 2002]

Scheffer, David, ''Lessons from the Rwandan Genocide,'' *Georgetown Journal of International Affairs* (2004)

Scherrer, Christian P., *Preventing Genocide.* Berlin: Venlo, 2001

The International Community and the Prevention of Genocide
Written by Ashleigh Croucher

Slim, Hugo, *Killing Civilians: Method, Madness and Morality in War,* New York: Columbia University Press, 2008

Smith, Tony, *America's Mission: The United States and the Worldwide Struggle for Democracy in the Twentieth Century,* Princeton, NJ: Princeton University Press, 2009

Stanton, Gregory, Genocide Watch, International Campaign to End Genocide, *The Eight Stages of Genocide*, http://www.genocidewatch.org/aboutgenocide/8stagesofgenocide.html

United Nations General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, U.N.T.S. 78

United Nations General Assembly, '2005 Summit Outcome', A/60/L.1, 20 September 2005

United Nations Security Council, Report of the Secretary-General on the situation in Africa, S/1998/318, 13 April 1998

Uvin, Peter, 'Difficult choices in the new post-conflict agenda: the international community in Rwanda after the genocide', *Third World Quarterly,* 2001, 22:2

[1] Madelaine K. Albright & William S. Cohen, "Preventing Genocide: A Blueprint for U.S. Policymakers", United States Holocaust Memorial Museum, 2008

[2] George H. W. Bush, Address to the Nation on the Invasion of Iraq (January 16, 1991); Bill Clinton, "A New Covenant for American Security" (speech at Georgetown University, Washington, D.C., December 12 1991); Tony Smith, *America's Mission: The United States and the Worldwide Struggle for Democracy in the Twentieth Century,* (Princeton, NJ: Princeton University Press, 2009)

[3] Ted Robert Gurr, *Peoples Versus States: Minorities at Risk in the New Century,* (Washington: United States Institute of Peace, 2000)

[4] Linda Melvern, *A People Betrayed: The Role of the West in Rwanda's Genocide,* (London: Zed Books, 2000)

[5] Kenneth J. Campbell, *Genocide and the Global Village,* (New York: Palgrave, 2001) p. 109

[6] Peter Uvin, 'Difficult choices in the new post-conflict agenda: the international community in Rwanda after the genocide', *Third World Quarterly,* 2001, 22:2, pp.178aa

[7] When the term 'international community' is used, it will be referring explicitly to the United Nations

[8] A norm in international relations can be described as "collective expectations for the proper behaviour of actors with a given identity" Katzenstein 1996. 'Introduction: Alternative Perspectives on National Security', in *The Culture of National Security: Norms and Identity in World Politics.* P.Katzenstein, ed. New York: Columbia University Press. pp. 5

[9] Christian P. Scherrer, *Preventing Genocide.* (Berlin: Venlo, 2001)

[10] Israel W. Charny 1991. 'Genocide Intervention and Prevention'. *Social Education* 55(2): 124.

[11] Brian D. Lepard, *Rethinking Humanitarian Intervention* (University Park, PA: Pennsylvania State University Press, 2002), p 375.

[12] J.L. Holzgrefe, ''The Context for Humanitarian Intervention,'' in *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*, ed. J.L. Holzgrefe and Robert O. Keohane, (Cambridge: Cambridge University Press, 2003).

The International Community and the Prevention of Genocide
Written by Ashleigh Croucher

p.15

[13] David Scheffer, ''Lessons from the Rwandan Genocide,'' *Georgetown Journal of International Affairs* (2004)

[14] UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide* , 9 December 1948, U.N.T.S. 78

[15] Article 2 of the Convention defines genocide as any of the following acts committed with intent to destroy, in whole or part, a national, ethnical, racial or religious group; Article 3 posits that genocide, conspiracy to genocide, direct and public incitement to commit genocide, attempt to commit genocide and complicity in genocide are all crimes punishable under the Convention. UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, U.N.T.S. 78

[16] P. Akhavan, 'Enforcement of the Genocide Convention: A Challenge to Civilization', 8*Harvard Human Rights Journal* (1995), p.252

[17] Rome Statute of the International Criminal Court, 17 July, 1998, 2187 U.N.T.S. 90 [entered into force on 1 July 2002]

[18] Paola Gaeta, *The UN Genocide Convention: A Commentary, (*Oxford: Oxford University Press, 2009) p.12

[19] International criminal law seeks to hold individuals accountable for the crimes committed, rather than the state.

[20] Judgment, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)),* 26 February 2007, ICJ Reports (2007) §165; 166-79

[21] It is necessary to note that whilst most refer to R2P as a doctrine or concept, this essay will use 'principle' as it better reflects the unanimous endorsement of R2P by world leaders at the World Summit.

[22] An examination of the approaches of the International Criminal Court (in terms of the Rome Statute) and the Responsibility to Protect (as outlined in the World Summit Outcome Document) show a similarity in that both focus explicitly on the *primary responsibility of the state* to *punish* perpetrators or *protect* its people and giving the international community an active (rather than merely supportive) role in these matters *only* if the relevant state is '*unable or unwilling'* (in the case of the ICC, Article 17) or there is a '*manifest failure'* (regarding the Responsibility to Protect, paragraph 139 of the World Summit Outcome Document)

[23] Louise Arbour, 'Preventing Mass Atrocities', transcript from lecture at the Council on Foreign Relations, 12 June 2007, p.12. Available at http://cfr.org/publication/13580/preventing_mass_atrocities_rush_transcript_federal_news_ service.html?breadcrumb=%2Fmedia%2Ftranscripts, accessed 1 October, 2011

[24] Report of the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001)

[25] United Nations General Assembly, '2005 Summit Outcome', A/60/L.1, 20 September 2005, paras 138-9

[26] Report of the Secretary-General, 'Implementing the Responsibility to Protect', A/63/677, 12 January 2009

[27] Ban Ki Moon, Address to the Parliament of Rwanda, speech in Kigali, Rwanda, 29 January 2008

[28] Edward C. Luck, 'The United Nations and the Responsibility to Protect', Stanley Foundation Policy

Analysis Brief, August 2008, p.5

[29] Ban Ki-Moon, *Implementing the Responsibility to Protect,* A/63/677, 12 January 2009, para. 3.

[30] For more detail on how the World Summit consensus moved the debate forward and what it left

behind, see: Alex J. Bellamy, *Responsibility to Protect: The Global Effort to End Mass Atrocities,*

(Cambridge: Polity, 2009), 66-97; Gareth Evans, *The Responsibility to Protect: End Mass Atrocity*

Crimes Once and for All, (Washington D.C. : Brookings Institute, 2008)

[31] For a critique of the claims that R2P represents regime change, seeTim Dunne, *The Diplomacy of Responsibility,* (forthcoming 2012)

[32] S/1998/318, 13 April 1998

[33] Hugo Slim, *Killing Civilians: Method, Madness and Morality in War,* (New York: Columbia University Press, 2008) p.282

[34] Simon Chesterman, *Just War or Just Peace: Humanitarian Intervention and International Law* (Oxford: Oxford University Press, 2001); James Darcy, ''Human Rights and Humanitarian Action: A Review of the Issues,'' background paper prepared for Human Rights and Humanitarian Action—Humanitarian Policy Group Background Paper (UNICEF Workshop, Geneva, 1–17 April 2004

[35] Asia-Pacific Centre for the Responsibility to Protect,*Protection of Civilians and the Responsibility to Protect: Perspectives and Precedents in the Asia-Pacific*, Program on the Protection of Civilians, Working Paper No. 2, p.8

[36] Ibid., p.8

[37] Michael C. Pryce (2009): 'Mass Atrocity Response Operations: an annotated planning framework',*African Security Review*, 18:4, p. 83

[38] Gregory Stanton, Genocide Watch, International campaign to end genocide, *The Eight Stages of Genocide*,

http://www.genocidewatch.org/aboutgenocide/8stagesofgenocide.html

[39] Pryce, *Mass Atrocity Response Operations,* p.84

[40] Ibid., p.85

[41] Martha Finnemore, 'Constructing Norms of Humanitarian Intervention' in (eds) Peter J. Katzenstein*The Culture of National Security: Norms and Identity in World Politics,* (New York: Columbia University Press, 1996) p. 158

[42] Kim Nackers, 'Normative Contestation of the Responsibility to Protect', paper presented at Asia-Pacific Centre for the Responsibility to Protect Seminar Series, Semester Two 2010, 3rd June 2010

[43] Cristina G. Badescu and Thomas G. Weiss, 'Misrepresenting R2P and Advancing Norms: An Alternative Spiral?', *International Studies Perspectives* 11(4), 2010

[44] Kofi Annan, Address to the United Nations General Assembly, New York, 20 Sept. 1999, reproduced in United Nations, 'Secretary-General presents his annual report to General Assembly', Press release SG/SM/7136, GA/95920, 20 Sept. 1999

[45] Elizabeth More, ''International Humanitarian Law and Interventions — Rwanda, 1994.'' *Genocide Studies and*

The International Community and the Prevention of Genocide
Written by Ashleigh Croucher

—
Written by: Ashleigh Croucher
Written at: University of Queensland
Written for: Dr Patrick Jory
Date written: October 2011