

§4.5 National Institutions

NATIONAL		
INSTITUTIONAL STRUCTURES	R2P	POC
National human rights institutions	✓	✓
Armed forces	✓	✓
Police	✓	✓
Parliaments	✓	✓
Executive	✓	✓
Judiciary	✓	✓

Secretary-General's 2011 R2P

Report: "Preventing mass atrocity crimes is the legal responsibility of the State. Meeting this responsibility, however, requires partnering with civil society, such as women's and civic groups, clerics, the private sector, academia, and the media, among others.

Parliamentarians can give voice to the moral imperative."

§4.6 Commentary: National Institutions

§4.6.a Parliaments and Executives

Parliaments and Executives: R2P

R2P's First Pillar places the primary responsibility for the protection of populations onto the apparatus of the State – including the executive and, where applicable, the parliament. Additionally however, the State is implicated in Pillar Two and Pillar Three. The "International Community" is very much the sum of its parts – and its parts are sovereign States. *When atrocity occurs, it is easy to think that the United Nations has failed – but it is often more accurate to say that the nations of the world failed the United Nations.* Without determined action and supporting institutions within States themselves, R2P Pillar Two and Pillar Three can never be more than paper tigers.

The tripartite structure of R2P can make its implementation by States a challenge, and such implementation is always context-dependent. In respect of Pillar One, National R2P tasks will focus on such realms as domestic legislation, State human rights commissions and internal rule-of-law institutions. In respect to Pillars Two and Three, National R2P policy will be operationalized through foreign policy institutions, atrocity-prevention commissions and through playing a judicious role in regional and global organizations. In this way it can be difficult for one institution or role to cover both the internal and external requirements of R2P. The local legal and political context is also significant in delineating which State department or institution should assume R2P tasks.

In general, when responsibilities are imposed on States, it is usually the executive and the parliament that inherit the obligation to see these responsibilities fulfilled. The following points are thus germane to both national executives and parliaments. However, there is often a division of labour between the two.