

### §5.4.c Executive and Parliament

#### **Reform proposals with regard to Role development and Will: Executives and Parliaments as POC and R2P actors.**

There is a need to identify a lead agency at the national level on R2P and POC. There is also call for greater Ministerial coordination in engaging with R2P and POC. While national military and police forces, in conjunction with DPKO, regional bodies and foreign affairs departments, are emerging as the preferred agencies for the promulgation and infusion of POC doctrine at the national level, the broad operational context of the R2P principle lends itself to a lead agency to co-ordinate the cross-section of actors at the national level as well as act as an authoritative voice in regional and international dialogue on R2P-related matters as they arise domestically and in other jurisdictions (as well as regional and international developments).

“Preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States. Our security is affected when masses of civilians are slaughtered, refugees flow across borders, and murderers wreak havoc on regional stability and livelihoods. America’s reputation suffers, and our ability to bring about change is constrained, when we are perceived as idle in the face of mass atrocities and genocide. Unfortunately, history has taught us that our pursuit of a world where states do not systematically slaughter civilians will not come to fruition without concerted and coordinated effort.”

*US Presidential Study Directive 10, August 4, 2011.*

One example of the development of doctrine on the capacities of executives and parliaments in supporting a State’s Pillar Two responsibilities began in the United States with the 2008 report of the US Genocide Prevention Task Force: *Preventing Genocide: A Blueprint for US*

*Polymakers*.<sup>184</sup> The Report included such recommendations as:

**1-3.** The president should create a standing interagency mechanism for analysis of threats of genocide and mass atrocities and consideration of appropriate preventive action.

**2-5.** The national security advisor should make warning of genocide or mass atrocities an “automatic trigger” of policy review.

**3-3.** Early prevention strategies should aim to strengthen civil society in high-risk States by supporting economic and legal empowerment, citizen groups, and a free and responsible media.

From this point of departure, in August 2011 US President Obama issued a Presidential Study Directive (PSD-10) mandating the creation of a standing inter-agency Atrocities Prevention Board (APB) and directing the National Security Advisor to assess the United States government’s capabilities to address atrocity threats. In April 2012,<sup>185</sup> following the recommendations of the assessment, President Obama directed that:

- » Following a whole-of-government approach, the APB will include representatives from a wide array of government departments, including those dealing with security, intelligence, human rights and development areas, as well as the Office of the Vice President and the US Mission to the UN. The APB is as much a process as an institution; after its first six months it will develop draft doctrine regarding its structure, functions, priorities and direction in order to prevent and respond to threats of atrocity.

184 Madeleine K. Albright and William S. Cohen, *Preventing Genocide: A Blueprint for U.S. Policymakers* (Albright-Cohen Report).

185 Office of the US Press Secretary, “Atrocities Prevention Board Fact Sheet: A Comprehensive Strategy and New Tools to Prevent and Respond to Atrocities,” (Washington: 2012). Note also Christine Evans, David Scheffer, and Rachel Gerber, *Structuring the US Government to Prevent Atrocities: Considerations for an Atrocities Prevention Board, Policy Dialogue Brief* (Muscantine: The Stanley Foundation, 2011).

- » The APB will work with the intelligence community to increase and improve the collection, analysis, sharing and reporting of information on atrocity threats, including by monitoring the National Intelligence Council’s preparation of the National Intelligence Estimate on the global risk of mass atrocities.

“Effectively linking mass atrocities to national interest, however, fails to resolve the more complex problem of competing interests, which presents perhaps the greatest obstacle to effective policy development in every area of US global engagement.” *Structuring the US Government to Prevent Atrocities: Considerations for an Atrocities Prevention Board, Stanley Foundation Policy Brief, 2011.*

#### **Prior initiatives with respect to mutual support and will: R2P Focal Points**

**UN Secretary-General 2011 R2P Report:** “It would be helpful to our work at the United Nations, including that of the Joint Office of the two Special Advisers, if the focal points could undertake a mapping exercise of the capacities that various Member States have that could help to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity. Parallel networks of focal points in civil society and parliaments could be developed as well.”

*R2P Focal Points* are senior officials mandated to mobilize efforts on a national level to prevent and respond to atrocity crimes. On a domestic level their role is to progressively and incrementally implement and facilitate R2P capacities and doctrine throughout all relevant government policies, ministries and organs, keeping in mind the specific circumstances and

#### NIGERIAN STATEMENT IN SECURITY COUNCIL POC MEETING, MAY 2011: S/PV.6531.

“A thoughtful approach to understanding the specific vulnerabilities of all civilians in a conflict situation would lead us to the right combination of these strategies, one reflecting the socio-economic context of the conflict.”

needs of the state in question. The Focal Point works as a “hub” for analysis and policy input.<sup>186</sup>

On a larger view, each Focal Point is one part of a larger Global Network, allowing mutual support and sharing of lessons learned and best practices, as well as intergovernmental coordination and assistance where appropriate.

#### **Current challenges with regard to Efficacy and Mutual support: Executives and Parliaments mainstreaming R2P Pillar Two throughout foreign and trade policy.**

Perhaps the single most difficult challenge to nations – and so to executives and parliaments – is to contribute to large-scale structural prevention of atrocities through mainstreaming R2P *throughout institutions not normally perceived as implicated in atrocities*. One instance here is arms-dealing, particularly of the small arms used by irregular forces – who typically pose the greatest danger to populations. It is all too possible for States to view such international dealings purely through a business perspective.

A more difficult case again is the question of economic development: Does structural atrocity prevention include – as the original ICISS Report suggested – concern for the economic development of poorer States, so as to mitigate the economic factors that play a role in precipitating atrocities? Even if the link between economic aid or the dissolution of trade barriers on the one hand, and R2P atrocity-prevention on the other, is too tenuous to inform direct policy initiatives, there are tighter links between certain types of economic activity and atrocity. To

#### **Romeo Dallaire (2003), Commander of the UN PKO in**

**Rwanda:** Major Brent Beardsley, “asked a Belgian officer what it felt like to be risking his life in Rwanda while his nation dealt arms that could be used to kill him. The officer replied that peacekeeping was peacekeeping, and business was business, and the business of Belgium was arms.”

take one example: *Blood diamonds* are just one well-known instance of the larger problem of the *resource curse*.

#### **Case Example: The Resource Curse and the Challenge of mainstreaming R2P’s Structural Prevention**

One of the largest risk factors for civil war and despotism is the presence of reserves of oil and mineral wealth – the so-called “Resource Curse”. Rather than such natural wealth being exploited for the common good, the wealth these resources offer furnishes a standing incentive for the brutal takeover of vulnerable States by armed actors. Once a successful takeover occurs, the massive and on-going income the oil and mineral resources provide allows despots to cement their rule by indefinitely repressing the population. The resource curse is thus directly implicated in the two major contexts where genocide and atrocity crimes occur: civil war and despotic State repression. Yet this income is not created by the resources themselves, but by the willingness of other States to trade in what are effectively stolen goods: stolen from the population for whose good such natural wealth by rights should be exploited. A variety of policy-initiatives, both unilateral and multilateral, have been developed to combat this problem – such as the Kimberley Process Certification Scheme for rough diamonds. However, the disconnect between atrocity-prevention, foreign policy and international business has so far meant that genocide prevention has focused on setting up discrete organs of genocide prevention rather than through mainstreaming R2P by altering national policy in other domains.

#### **§5.4.d Military and Police**

##### **Ongoing reform with regard to Efficacy: Military and Police training in the context of POC peacekeeping operations**

Many national military and police forces do not currently have operational guidelines or doctrine to enable them to contribute with assurance to the implementation of POC. UN concepts and frameworks are more advanced,

and UN training modules for POC are currently being developed. Greater effort is required by countries to ensure their military and police contingents are adequately trained for POC, and that POC doctrine and training is consistent with UN developments and the requirements of international humanitarian law.

Thought must also be given to ways in which relevant aspects of R2P can be introduced into POC training, for example, the preventive role of peacekeepers in the face of potential outbreaks of mass atrocities.

#### **§5.4.e**

##### **Human rights commissions: R2P**

##### **Reform Proposal with regard to Role development and Mutual support: Human Rights Commissions and R2P early warning and advocacy.**

National human rights commissions could play a greater role in monitoring State compliance with R2P – although in some jurisdictions the commissions themselves would need protecting. Of course, many human rights commissions are actively involved in UN meetings and seek greater engagement with international human rights law and international humanitarian law. Thus, they play a role in ensuring compliance with R2P through identifying gaps in protection and recommending and advocating for the necessary legal and political reforms. Such monitoring, assessment and recommendation should be informed by knowledge of the risk factors for genocide and atrocity crimes, as detailed by the OSAPG.<sup>187</sup> On the other hand, in jurisdictions where human rights are overly politicised, associating the human rights commission with R2P could be detrimental to the State’s willingness to engage with those principles, and for that reason might need to be avoided.

187 Office of the UN Special Adviser on the Prevention of Genocide OSAPG, “Analysis Framework,” United Nations, [http://www.un.org/en/preventgenocide/adviser/pdf/osapg\\_analysis\\_framework.pdf](http://www.un.org/en/preventgenocide/adviser/pdf/osapg_analysis_framework.pdf).

186 See Rachel Gerber and Pawnday Savita, “Policy Memo: Preparatory Workshop for the Second Meeting of the R2P Focal Points Network,” (New York: Stanley Foundation; GCR2P, 2012.)