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Progress, Problems, and Prospects: R2P 15 years after the World Summit

Charles T. Hunt

RMIT University, Melbourne, Australia

charles.hunt@rmit.edu.au

Cecilia Jacob

Australian National University, Canberra, Australia

cecilia.jacob@anu.edu.au

Adrian Gallagher,

University of Leeds, U.K.

a.gallagher@leeds.ac.uk

Abstract

This short article introduces the GR2P *Forum* reflecting on the Responsibility to Protect (R2P) doctrine 15 years after it was institutionalised at the international level through the World Summit Outcome Document. It contextualises the relevance of critical reflections on the R2P at its 15th anniversary and then lays out the aims and objectives of the *Forum*. It provides an overview of the different contributions, describing the perspectives of the authors and the key arguments they present.

Keywords

Responsibility to Protect – atrocity prevention – 15th anniversary of World Summit – human protection

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This year marks 15 years since the Responsibility to Protect (R2P) doctrine was institutionalised at the international level through the World Summit Outcome Document (WSOD). In this *Forum* we take the time to reflect on the development of the norm in a global reality much altered from when it was first conceived. As the contributions attest, the evolution of R2P has been impressive. It reframed what had become an entrenched debate around the legality and legitimacy of humanitarian intervention. It has been operationalised within the United Nations through strong leadership by consecutive Secretaries-General, first under Kofi Annan, then under Ban Ki-moon, and now under António Guterres. As of June 2020, the R2P had been referenced in 84 UN Security Council resolutions and statements.¹ For many, this is evidence that the norm has gained traction since its conception. At the same time, however, limited action in response to crises in countries such as Syria, Myanmar, and Yemen highlight ongoing concerns over inconsistency and hypocrisy.

At the time of writing (July 2020) there are extremely concerning reports of atrocity crimes in many countries. For instance, despite the International Court of Justice ruling in relation to Myanmar earlier this year, new evidence from Amnesty International shows air strikes being

¹ GCR2P, 'R2P References in UN Security Council Resolutions and Presidential Statements', 17 June 2020, <https://www.globalr2p.org/resources/un-security-council-resolutions-and-presidential-statements-referencing-r2p/>, accessed 6 August 2020.

carried out against civilians.² Meanwhile the United Kingdom has agreed to resume arms sales to Saudi Arabia despite ongoing concerns over their use for war crimes in Yemen.³ These are just two examples among many more and highlight key themes that this journal has published on in the last year with a special issue on R2P and the Arms Trade and R2P and Myanmar.⁴ In many ways R2P scholars continue to critically reassess the R2P and the role of key actors in governments and civil society around the world.

With this in mind, the 15th anniversary is an apt opportunity to reflect on R2P's progress, problems and prospects. This *Forum* brings together a range of practitioners and policymakers – including former government ministers and officials, senior UN advisers, research and advocacy organisations – who have been instrumental in the emergence, development, and implementation of the R2P. Each contributor evaluates the progress of R2P in relation to their unique experiences and insights and offers advice and recommendations for advancing the next phase of R2P institutionalisation, promotion and operationalisation.

In his contribution, Gareth Evans – Co-Chair, International Commission on Intervention & State Sovereignty and former Australian Foreign Minister – takes stock of the extent to which R2P has both met and fallen short of the dreams of its founders. He argues that R2P's record has been disappointing as an effective counter-force to atrocity crimes already under way. But as an institutional catalyst and preventive mechanism it has been generally successful, and as a normative force it has become 'a new norm of international behaviour which, overwhelmingly, states feel ashamed to violate, compelled to observe, or at least embarrassed to ignore'.

Savita Pawnday and Jaelyn Streitfeld-Hall – Deputy Executive Director and Publications Director from the Global Center for R2P – argue that the R2P has helped in 'raising our collective consciousness about atrocity situations' and that this has 'informed the decision to respond, even when those responding have not necessarily waved the flag of R2P'. They further suggest that examples such as the Gambia – which has averted risks of atrocities at home as well as shown leadership in seeking accountability for them extraterritorially – should 'give us cause for hope'.

Co-Director and Research Director at the European Centre for R2P, Cristina Stefan and Edward Newman, argue that the European Union (EU) has been an often overlooked but important actor in the story of R2P. They argue that sustaining this commitment into the future will require that R2P is embraced 'not only by EU officials, but also by political leaders in member states, and the ability of the EU to bring better policy coherence across the broad range of programmes and activities that could better serve the R2P agenda'.

² Amnesty International UK, 'Myanmar: Civilians and Children Killed in Military Airstrikes as Conflict Intensifies', 3 July 2020, <https://www.amnesty.org.uk/press-releases/myanmar-civilians-and-children-killed-military-airstrikes-conflict-intensifies>, accessed 6 August 2020.

³ Dan Sabbagh, 'Britain to Resume Sale of Arms to Saudi Arabia Despite Yemen Fears', *The Guardian*, 7 July 2020, <https://www.theguardian.com/world/2020/jul/07/britain-to-resume-sale-of-arms-to-saudi-arabia-despite-yemen-fears>, accessed 6 August 2020.

⁴ 'Special Issue: the Rohingya Crisis and Implications for Myanmar's Peace Process', *Global Responsibility to Protect*, 12(1) (2020). For the Arms Trade, see *Global Responsibility to Protect*, 12(2) (2020).

Chief Prosecutor of the International Criminal Court (ICC), Fatou Bensouda, recounts progress and convergence of the ICC and R2P norms against the backdrop of increasing pressures on multilateral institutions. She argues that the Court's efforts to end impunity for mass atrocity crimes are mutually reinforcing with R2P and that both help to 'cultivate an ethos of accountability, with a view to protecting citizenry and preventing future crimes'. She argues that ratification of the Rome Statute by more countries and further domestication of its provisions through national legislation is the essential 'first line of defence against atrocity crimes' and calls on parties to 'vehemently reject any effort to undermine the Court's independence and crucial work'. Bensouda concludes with a warning against becoming 'complacent' and emphasises the importance of a 'consistent, principled and carefully calibrated approach' by actors seeking to prevent and halt atrocities.

Victoria Holt – Vice President, Stimson Center and former US Deputy Assistant Secretary of State – reflects on her time as a policymaker in the Obama administration with particular reference to the interagency Atrocity Prevention Board that convened US departments and agencies to improve tools and country-specific strategies. She argues that the US government got plenty right that contributed to building preparedness for preventing and responding to mass killing. However, she also identifies several areas where they missed the target, including the pursuit of peace deals that have failed to stop the killing in places like South Sudan. Holt also discusses the perennial challenge of turning early warning into early action. She concludes with a clarion call that a wide range of stakeholders should 'elevate atrocity prevention again as a core moral responsibility' and use the failures as motivation to 'recognise anew the need to prevent extreme violence'.

Finally, the first ever Special Adviser to the UN Secretary-General on the R2P and current Columbia University Professor, Edward Luck, compares the R2P to a teenager, suggesting that 'like other adolescents, [it] is viewed with an uneasy mix of expectations and trepidations'. He describes how the R2P contributed to saving lives of Ivoirians, Kenyans, Guineans, and Kyrgyzstanis while failing to mobilise adequate responses to similar needs of Sri Lankans and Syrians. Based on his experience of decision-making at the coalface, Luck concludes by advocating for greater 'individual responsibility' on the part of those who can make the difference between life-saving responses or fatal inaction.