



Policy Memo

DATE: September 7, 2017

SUBJECT: Reflections and Recommendations: UN-Civil Society Cooperation to Strengthen Accountability and Prevention Under the Responsibility to Protect

On September 7, 2017, the Stanley Foundation, the International Coalition for the Responsibility to Protect, and Friedrich-Ebert-Stiftung partnered to hold a breakfast meeting between 15 leading civil society organizations from all continents and Dr. Ivan Šimonović, UN special adviser to the secretary-general on the Responsibility to Protect (RtoP). Within an informal, not-for-attribution setting, participants discussed opportunities and offered recommendations for strengthening accountability and prevention under RtoP. This session was preceded and informed by the UN Informal Interactive Dialogue on the Responsibility to Protect, which took place September 6, 2017. This document highlights key aspects of the discussion and synthesizes recommendations set forth in the meeting.

Reflections on the Annual Informal Interactive Dialogue

Enhanced engagement with civil society is vital for RtoP and atrocity prevention.

During the Informal Interactive Dialogue, civil society representatives were invited to provide statements in the middle of the program, rather than at the end as had been the case in years past. This procedural change demonstrated new appreciation for civil society perspectives on the RtoP debate. Also, in preparation for this year's report by the secretary-general on RtoP, Šimonović's office arranged public, thematic panels in New York and Geneva to discuss accountability and international assistance for atrocity prevention. This process arose as a new initiative this year for enhanced engagement and discussion between member states, UN representatives, and civil society on RtoP issues. These are important updates in the dialogue process, as well as in improving multistakeholder engagement. Members of civil society in all continents look forward to continuing to participate as key stakeholders in the development of concrete recommendations for atrocity prevention and RtoP in future reports by the secretary-general and in ongoing efforts to strengthen prevention across the UN system.

Shifting state positions on RtoP—reflections of a change over time?

Participants observed that some member state interventions indicated a changing trend toward increased support for RtoP and atrocity prevention, while other statements reflected unmoving positions. Some states continue to use Article 2 of the UN Charter and national sovereignty as a shield for their internal affairs; however, participants noted this stance reflects a dangerous misinterpretation of international law and the sovereign responsibilities of the state. Šimonović noted his concern that there appears to be a trend of polarization, where states' positions have

become more heavily opposed to or in favor of RtoP, consequently narrowing the opportunities to advocate support for the norm among states that fall somewhere in the middle or abstain from taking an official stance on RtoP. Encouragingly, participants observed that implementation of RtoP was discussed in new and innovative ways during this year's dialogue, particularly the focus on accountability as a key component of prevention.

Recommendations for RtoP and Atrocity Prevention at the United Nations

The joint office of the special advisers on Genocide Prevention and RtoP should be used to establish more coherence in early warning and early response.

The UN Office on Genocide Prevention and the Responsibility to Protect can be leveraged in regard to media and messaging, as well as collaboration and strategy, to develop early warning and early response actions across the UN system.

Efforts to reinforce and implement RtoP should incorporate a gender lens.

Gender perspectives must be included in all efforts to strengthen policy and action for atrocity prevention. There is significant opportunity for the United Nations to include gender dynamics in all atrocity prevention and accountability measures, including in the UN Framework of Analysis and in all of the secretary-general's future reports on RtoP.

The Universal Periodic Review (UPR) can be a useful tool for structural prevention.

As this year's report on RtoP by the secretary-general stated, including RtoP in the UPR process will help identify structural risk factors for atrocities. This creates an opportunity to mobilize political support and resources to fill capacity gaps for prevention at the national and regional levels. Civil society should contribute to future reporting and information sharing prior to the UPR, particularly by assisting and encouraging governments to have more honest and frank assessments in the review.

Civil society is a crucial partner for the implementation of RtoP.

UN Secretary-General Antonio Guterres's first report on RtoP identifies specific recommendations for strengthening legal, political, and moral accountability for the prevention of atrocity crimes. Civil society perspectives and expertise on mobilization and context-specific implementation should be included in processes developed to carry forward his recommendations.

Our responsibility is to prevent, not just protect.

Accountability is a critical preventive tool. Holding member states and the international community accountable to their legal, political, and moral responsibilities can make a direct contribution to reduced risk and increased resilience. Continuing to emphasize RtoP's core objective, to prevent atrocities, can help mobilize greater support for the norm, especially among G-77 member states.

RtoP has a place on the UN General Assembly's formal agenda.

As of September 15, 2017, the UN General Assembly voted to adopt RtoP on the formal agenda of its 72nd session. A formal discussion on RtoP will require UN member states to develop on-the-record statements, necessitating greater input from capitals. This should increase discussion of atrocity prevention outside of the United Nations and raise the potential for greater political impact

and domestication of RtoP. The General Assembly should continue to include RtoP as a formal agenda item in all future sessions.

Recommendations for Mobilizing Implementation

International law must be emphasized and more strongly supported.

States need to ratify and implement key international humanitarian and human rights treaties that underpin RtoP. Diplomacy is not always enough, and a precedent of legal action against those who do not uphold or who violate their obligations under international law can influence actors and bring legitimate and influential pressure. Such initiatives are already encouraging governments to review constitutions and ensure that their legislation and actions uphold international criminal statutes to protect populations from atrocity crimes.

The international community should support and reinforce regional bodies to prevent atrocities and uphold RtoP.

Regional entities must be supported with the backing of the international community. Civil society and regional bodies can pressure and demand directly that states comply with their commitments to international statutes and norms and can help inform and carry out successful atrocity prevention measures. Regional intervention has proven it can work, but it requires strong political will and careful strategy. Attempts at intervention that fail can further complicate crisis situations and endanger populations, and can damage the overall perception of RtoP, potentially deterring actors from taking action to protect populations in the future.

The analysis and recommendations in this policy memo do not necessarily reflect the views of the organizers or any of the conference participants, but rather draw on the major strands of discussion at the event. Participants neither reviewed nor approved this document. Therefore, it should not be assumed that every participant subscribes to all of its recommendations, observations, and conclusions.

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About the Friedrich-Ebert-Stiftung

The Friedrich-Ebert-Stiftung (FES), established in 1925, is the oldest political foundation in Germany. Its formation, mission, and social democratic tradition is informed by the political legacy of its namesake, Friedrich Ebert, the first democratically elected German president. FES focuses on the core ideas and values of social democracy—freedom, justice, and solidarity. This connects us to social democracy and free trade unions. As a nonprofit institution, we organize our work autonomously and independently. The FES office in New York serves as a liaison between the FES field offices and partners in developing countries and the United Nations system, including the International Monetary Fund and the World Bank. Our mission is to strengthen the voices of trade unionists, progressives, and the Global South within these international institutions. The FES contributes to debates on sustainable economic and social development, on peace and security issues, and on reforming the global governance architecture with a well-functioning and well-funded United Nations at its center. Online at http://www.fes-globalization.org/new_york/.

About the International Coalition for the Responsibility to Protect

The International Coalition for the Responsibility to Protect convenes and collaborates with civil society, member states, and regional and subregional organizations to strengthen normative consensus for RtoP further the understanding of the norm; push for strengthened capacities to prevent and halt genocide, war crimes, crimes against humanity, and ethnic cleansing; and mobilize nongovernmental organizations to push for action to save lives in RtoP country-specific situations. Online at www.responsibilitytoprotect.org.