

THE SIMONS FORUM



THE RESPONSIBILITY TO PROTECT: RE-ENERGIZING THE KEY PLAYERS

VANCOUVER, BRITISH COLUMBIA, CANADA

22-24 MARCH 2017

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Report of the Conference and Forum convened by The Simons Foundation on behalf of Simon Fraser University Centre for Dialogue under the auspices of the SFU Simons Visiting Chair in International Law and Human Security.

THE RESPONSIBILITY TO PROTECT: RE-ENERGIZING THE KEY PLAYERS

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Published by:
The Simons Foundation Canada
SFU Centre for Dialogue

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ISBN: 978-1-77287-039-8



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PREFACE



Jennifer Allen Simons
President, The Simons Foundation
and Senior Fellow, Simon Fraser
University Centre for Dialogue

The Simons Foundation has been engaged with the issue of humanitarian intervention and the Responsibility to Protect from its beginning when we provided the Canadian private funding to the International Commission on Intervention and State Sovereignty in 2000-2001. We supported Lieutenant-General The Honourable Roméo Dallaire's contribution as a member of Kofi Annan's Advisory Committee on Genocide Prevention and his research at the Montreal Institute for Genocide and Human Rights Studies at Concordia University and continue to support their project on Mobilizing the Will to Intervene. I have long held the hope that the Government of Canada would return to its leadership role in the international realm on this key human security issue.

We are faced with an immense challenge. The world as we knew it, based on post World War II principles and practices for a common humanity; for a global community;

for co-operative human security; and the emergence of a sense of moral and political responsibility for the world's people - has suffered a dramatic reversal. We should all fear the emergence of terrorist groups who are not influenced by moral norms, or political and legal agreements at the national and international levels, along with leaders who threaten a new era of anti-globalization, of hard edged xenophobic sovereignty, of inward turning nationalism, of security defined by militarism. This emerging paradigm undermines – even negates – the Responsibility to Protect doctrine. The core values of the Responsibility to Protect are a distillation – the essence – of the humanitarian values of the globalized community. And possibly, it can serve as a catalyst for reversing these threats.

It was a privilege to have Professor, the Honourable Gareth Evans, Chancellor of Australia National University, as the 2016-17 Simons Visiting Chair in International

Law and Human Security. In his own inimitable style, not only did Professor Evans suggest that we focus on reinvigorating The Responsibility to Protect, supported by his colleagues Ramesh Thakur and Simon Adams, he threw himself into developing the Framework Statement and the invitation list for the Forum, delivered a broad and compelling keynote address, chaired the Forum, briefed the Canadian government and officials, and edited this publication.

This is not a consensus document, vetted by each of the participants. It builds on the Rapporteur, Nola Kate Seymoar's report, and within the body of the report it indicates where there was general agreement or dissent. The meeting operated under Chatham House Rule so participants have not been quoted.

Jennifer Allen Simons
August, 2017

EXECUTIVE SUMMARY

The Simons Forum on The Responsibility to Protect: Re-Energizing the Key Players was convened by The Simons Foundation on behalf of Simon Fraser University Centre for Dialogue under the auspices of Simon Fraser University Simons Visiting Chair in International Law and Human Security. The 2016-17 Visiting Chair, Gareth Evans, delivered the keynote address at the public conference on March 22 and chaired the invitational forum on March 23 and 24, 2017.

The Simons Forum brought together 30 international experts in Vancouver in March 2017 to discuss how best to reinvigorate the global response to the threat and reality of genocide and other mass atrocity crimes.

The Forum reflected on the history of the Responsibility to Protect (R2P) since its birth in 2001 and adoption by the United Nations General Assembly in 2005, and took stock of its impact as a new normative force, as a catalyst for institutional change, and as a framework for both effective prevention and effective reaction.

The Forum then sought to identify actions and strategies that would increase R2P's ability to prevent, influence, respond to, and rebuild after, mass atrocity crimes, focusing

on the actors with the greatest capacity to influence change. The discussion was not a critique of individual cases, although many were referenced, but rather about the opportunities to learn from both successes and failures in attempts to implement R2P over the last twelve years.

LOOKING BACK Simons Forum participants agreed that while there had been some setbacks, disappointments and failures, R2P's overall impact since 2005 had been large and overwhelmingly positive, as measured against four benchmarks:

- A normative force: as indicated by the number of references to R2P in Security Council and Human Rights Council resolutions, and its effect on changing the dialogue from one that assumes the supremacy of state sovereignty and non-intervention to one that sees the state as primarily responsible for the protection of its populations from mass atrocities, with other states also having protection responsibilities.
- An institutional catalyst: as evidenced by the appointment of senior government officials as R2P Focal Points in the UN, EU and nearly sixty countries in all parts of the world; and changes in military

and peacekeeping thinking about force configurations, doctrine, rules of engagement and training to better deal with mass atrocity prevention and response situations.

- A framework for effective prevention: as evidenced in the successful prevention of mass atrocities in several situations, including Kenya (after 2008), Guinea and Kyrgyzstan (after 2010) and Cote d'Ivoire (after 2011). Although Burundi remains highly explosive, until now R2P-influenced international engagement has kept the situation from further deterioration. Recently the R2P approach prevented conflict from escalating over elections in The Gambia. Although it is hard to measure prevention, the direction and weight of opinion and evidence appears significantly more positive than negative.
- A framework for effective reaction: as evidenced by success in Kenya in 2008 and Cote d'Ivoire in 2011; partial success in Democratic Republic of the Congo (DRC), South Sudan and the Central African Republic (CAR); and initial, but not sustained, success in Libya in 2011. But the record has been at best mixed, with serious failures in Sri Lanka, Sudan and – most catastrophically – Syria.



Gareth Evans, SFU Simons Visiting Chair in International Law and Human Security 2016-2017 (UN Photo/Evan Schneider)

LOOKING FORWARD The Simons Forum participants agreed that R2P remained highly useful and relevant, with the need for its effective implementation being greater than ever. Just as the 1948 Universal Declaration on Human Rights remains relevant despite a failure to prevent continued abuses, so too does the new R2P norm continue to be of fundamental importance. What is critically necessary is for it to continue to evolve, with ever more effective application in real-world situations.

The huge challenges posed by the Syrian civil war – ranging beyond the atrocity crimes that might have been halted in 2011 with united Security Council action – are not likely now to be met by R2P-focused measures alone. But in other cases - including Iraq, Yemen, DRC, Sudan, South Sudan, CAR, Myanmar and Burundi – such R2P-driven preventive or reactive strategies are having, or could have, significant impact. There is room to apply many of the tools of R2P in these situations, and certainly a need for a focused and coordinated international approach in each of them.

The Simons Forum identified a number of ways of re-energizing the key R2P actors: the UN Secretary-General and Secretariat; the Permanent Five members of the Security Council; Brazil, India, South Africa and the Global South; Canada and other middle powers; and civil society organizations and academics. Its recommendations include the following:

KEY RECOMMENDATIONS RELATING TO THE UN SECRETARY-GENERAL AND SECRETARIAT

- A new, small, informal Friends group should be formed with a time limited mandate to advise the Secretary-General on ways to more effectively implement R2P, and to champion his agenda.

- Resources should be provided to support and better integrate the roles of the Special Advisers on Preventing Genocide and on the Responsibility to Protect.
- The practice should be continued of producing in depth annual Secretary-General's reports analyzing key issues for General Assembly debate, and a move should be made towards formalizing those debates.
- R2P should be tied-in as closely as possible with the broader agenda of accountability for the protection of civilians and conflict prevention.

KEY RECOMMENDATIONS RELATING TO THE PERMANENT FIVE MEMBERS OF THE SECURITY COUNCIL

- There should be open debate in the Security Council about issues in R2P implementation and how to move forward, particularly in recreating consensus about how to respond to extreme cases.
- P3 members (US, UK, France) should be prepared to accept the key elements of the Brazilian Responsibility While Protecting (RWP) proposal in relation to military mandates.

- In the absence of consensus on authorizing coercive military intervention in R2P cases the Security Council should make more use of coercive measures short of military intervention, including targeted sanctions, arms embargoes and threats of International Criminal Court prosecution.
- In the absence of effective response by the Security Council, regional and sub-regional actors should be encouraged to pursue all necessary R2P action.
- France should continue to press for the voluntary non-exercise of veto rights in R2P-related matters.
- P5 members should provide resources specifically to advance the Secretary-General's prevention agenda.
- Supporters of R2P should constantly reiterate that R2P is about much more than the use of military force, that preventing and responding to mass atrocity crimes is a universal responsibility, and that its application needs to evolve and modify as lessons are learned from experience.
- Asylum and safe passage are critical in reducing the impact of actual or impending mass atrocities. Countries in the global North should recognize that it is hypocritical to argue for collective responsibility to protect civilians in situations of conflict or persecution and then turn one's back on those very civilians fleeing such threats when they knock on one's door.

KEY RECOMMENDATIONS RELATING TO BRAZIL, INDIA, SOUTH AFRICA AND THE GLOBAL SOUTH

- Both the General Assembly and Security Council should fully debate the Brazilian RWP proposal with a view to generating greater consensus on the criteria for coercive military intervention and appropriate measures for ensuring that such mandates once granted are not over-reached.

KEY RECOMMENDATIONS RELATING TO CANADA AND OTHER MIDDLE POWERS

- Canada and other middle powers should provide leadership and resources at a time of international and multilateral uncertainty about the future of R2P.
- It and they should play a leading role in New York and Geneva Groups of Friends of R2P.
- Canada should play a leading role in the Global Network of R2P Focal Points, including hosting a meeting of the group.

- Canada should ensure the more effective implementation of existing and future civilian protection and atrocity prevention mandates, especially through areas of strong capability – training, development of doctrine, logistic and technical support, and capacity building.
- Canada should build a Prevention Corps – a group of civil servants with special skills ready to be deployed to help other governments ensure the protection of their civilians.
- It and they should adjust development assistance program spending to place greater priority on support for fragile states.
- It and they should provide further financial support to key NGOs working in this area, especially the Global Centre for the Responsibility to Protect.
- It and they should support case-study research focusing on lessons learned from past cases; and on the application of new technology – including social media – to R2P policymaking and delivery.

KEY RECOMMENDATIONS RELATING TO CIVIL SOCIETY ORGANIZATIONS AND ACADEMICS

- Increased resources should be provided to existing NGOs and mechanisms that are demonstrably working well - including the Global Centre for R2P and the Global Network of R2P Focal Points and Groups of Friends of R2P it serves, the Asia Pacific Centre for R2P, and the International Coalition for R2P.
- Further efforts should be made to decentralize R2P advocacy and training to regions, national governments and civil society.
- New technologies should be used more effectively to communicate, warn, monitor and build local response capacity.
- Research should be supported to identify what works, and does not, in a variety of mass atrocity cases.
- Both traditional and new social media should be encouraged to report on feared or occurring mass atrocity crimes in a way that appeals to hearts as well as minds and leads to positive actions.



Following Haiti's general elections, held on 20 November 2016, election materials are collected from Anjou, a small town in the mountains above Haiti's capital, Port au Prince, by Chilean peacekeepers serving with the United Nations Mission in Haiti. (UN Photo/Logan Abassi)

INTRODUCTION TO THE SIMONS FOUNDATION 2017 CONFERENCE AND FORUM

The Conference and Forum on The Responsibility to Protect: Re-Energizing the Key Players was convened by The Simons Foundation under the auspices of The Simons Visiting Chair on International Law and Human Security, Simon Fraser University (SFU), and took place between March 22 and 24, 2017 at SFU's Morris J. Wosk Centre for Dialogue in Vancouver. It began with a public lecture on the evening of March 22 by The Simons Visiting Chair, Professor the Hon. Gareth Evans (see Appendix IV), co-sponsored with SFU's Centre for Dialogue and attended by over 200 people.

This was followed by a two-day high-level invitational forum of 30 experts who had played significant roles in the creation, evolution or implementation of R2P (listed in Appendix I). In the course of the conference program (see Appendix III) successive panel-led discussions explored the impact of the Responsibility to Protect (R2P) to date, and the roles of the UN Secretary-

General and Secretariat, the Permanent Five members of the Security Council (the United States, United Kingdom, France, Russia and China); Brazil, India and South Africa and countries of the global South; Canada and other middle powers; and of civil society organizations and academics.

Prior to the meetings, participants had received a Conference Framework Statement (see Appendix II) It noted that since adoption of the Responsibility to Protect (R2P) in 2005 by the UN General Assembly, near-universal agreement has been forged around the principle that all governments have a responsibility to protect populations from mass atrocity crimes. These normative gains have been accompanied by significant advances in institutional preparedness, many instances of effective preventive action, and a number of instances of effective reactive action in response to atrocities actually occurring. Yet there has been a clear inability

to match those gains with the kind of consistent political will and comprehensive resources necessary to end genocide and other mass atrocity crimes once and for all.

In his opening remarks, the Conference Chair challenged participants to take systematic stock both of what had been achieved and what remained to be achieved by the Responsibility to Protect – as a normative force, an institutional catalyst, and as a framework for effective action, both preventive and reactive. The conference was intended to identify ways and means to reinvigorate R2P, in particular by focusing on the roles of the key players. As Gareth Evans put it, the stakes were high:

This high-level conference aims to show the way for R2P now to be renewed and made fully real, so that when we say ‘Never Again’ to genocide and other mass atrocity crimes, the international community really means it. Our common humanity demands no less.

This report, while based on the proceedings, is intended to stand alone – giving enough information in the text and appendices about the history of R2P and its applications since 2005 to allow those who are unfamiliar with the concept to follow the debate. Those more familiar with R2P’s nuances and complexities might usefully turn directly to the section on ‘Moving Forward’.

INTRODUCTION TO THE RESPONSIBILITY TO PROTECT

“If humanitarian intervention is indeed an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systemic violations of human rights that offend every precept of our common humanity?”

–UN Secretary-General Kofi Annan. 2000

THE INTERNATIONAL COMMISSION ON INTERVENTION AND STATE SOVEREIGNTY (2000-2001)

The Responsibility to Protect – the phrase almost immediately abbreviated, for better or worse, to ‘R2P’ – was the title of the 2001 report by the International Commission on Intervention and State Sovereignty (ICISS), a Canadian-led initiative responding to Kofi Annan’s plea quoted above. In the absence of any international consensus around the concept of ‘humanitarian intervention’ – broadly supported by the global North but generally detested by the global South – the Secretary-General sought a different model to prevent or respond collectively to mass

atrocities such as those that had occurred in the 1990s in Rwanda, Srebrenica and Kosovo, where people were being murdered by their own governments, or by others that their governments were unable or unwilling to stop.

Canada’s Foreign Affairs Minister, Lloyd Axworthy, convened the Commission and Canada provided the Secretariat. It was Co-Chaired by Gareth Evans, President of the International Crisis Group and former Foreign Minister of Australia, and Mohamed Sahnoun, Algerian diplomat and UN Africa Adviser. The report was informed by roundtable discussions held in Beijing, Cairo, Geneva, London, Maputo, New Delhi, New York, Ottawa, Paris, St Petersburg, Santiago and Washington.

The ICISS report changed the course of the international debate in four main ways.

FIRSTLY, it re-characterised ‘the right to intervene’ as ‘the responsibility to protect’, and in the process restated the issue as not being about the right of any states, particularly large and powerful ones, to throw their weight around militarily, but rather the responsibility of all states to act to protect their own and other peoples at risk of suffering from mass atrocity crimes.

SECONDLY, it broadened the range of actors in the frame: whereas ‘humanitarian intervention’ focused just on those major international players able and willing to apply military force, the new R2P formulation spread the responsibility much more widely.

THIRDLY, it dramatically broadened the range of appropriate responses: from one-dimensional military action to a full continuum of responses – preventive action, both long and short term; reaction when prevention fails (itself a nuanced continuum ranging from persuasion through various levels of coercion); and post-crisis rebuilding aimed at ensuring non-recurrence of the harm in question. Finally, the commission sought to clarify the principles which should govern that last, hard choice, identifying when it was right to actually fight. The initial criterion was legality under the UN Charter, with this supplemented by five criteria of legitimacy: the seriousness of the harm being threatened; the motivation or primary purpose of the proposed military action; whether there were reasonably available peaceful alternatives; the proportionality of the response; and the balance of consequences - whether more good than harm would be done by the intervention.

From ICISS Report 2001 Synopsis:

THE RESPONSIBILITY TO PROTECT: CORE PRINCIPLES

(1) Basic Principles

- A. State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.
- B. Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.

(2) Foundations

The foundations of the responsibility to protect, as a guiding principle for the international community of states, lie in:

- A. obligations inherent in the concept of sovereignty;
- B. the responsibility of the Security Council, under Article 24 of the UN Charter, for the maintenance of international peace and security;
- C. specific legal obligations under human rights and human protection declarations, covenants and treaties, international humanitarian law and national law;
- D. the developing practice of states, regional organizations and the Security Council itself.

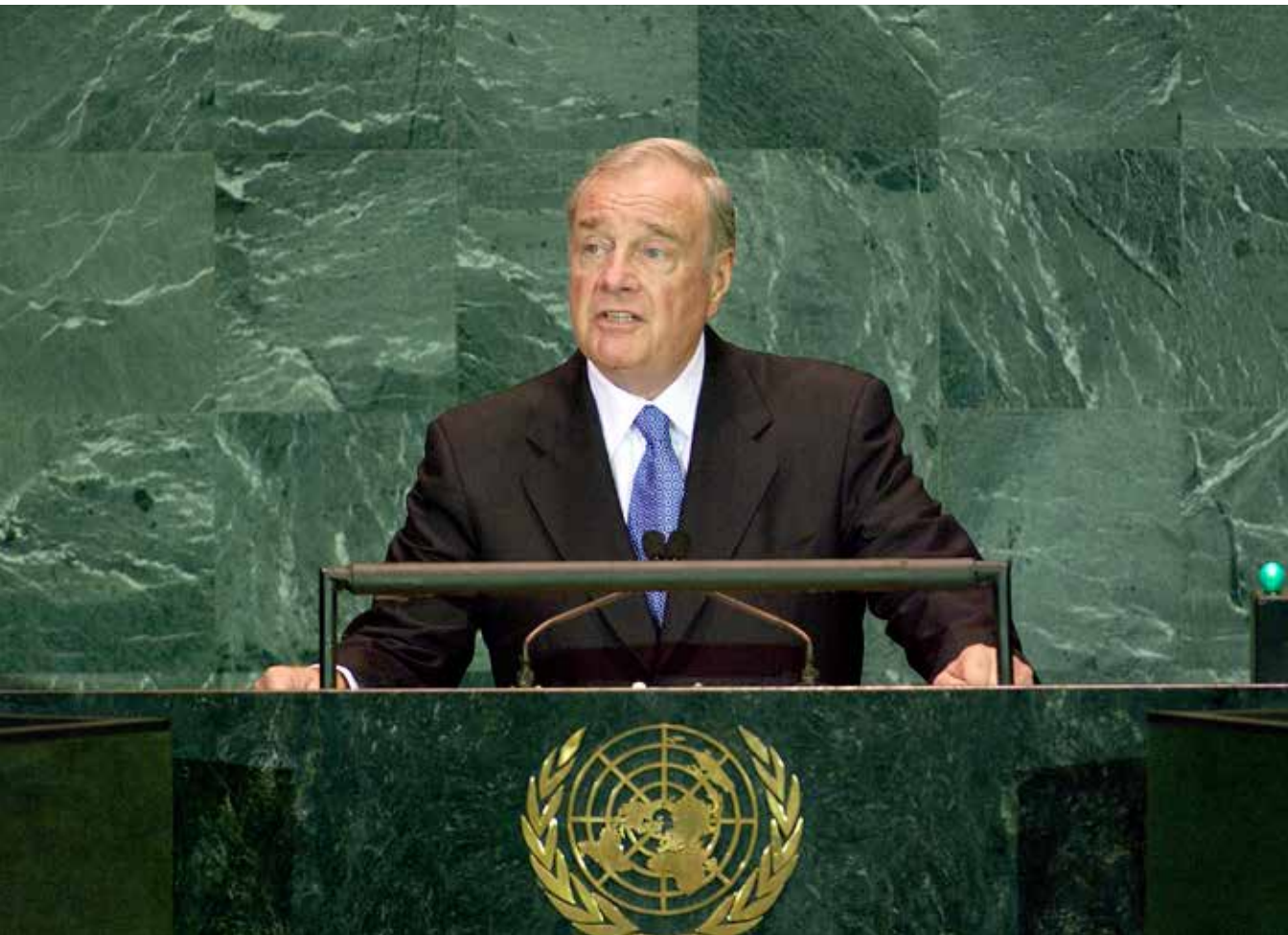
(3) Elements

The responsibility to protect embraces three specific responsibilities:

- A. The responsibility to prevent: to address both the root causes and direct causes of internal conflict and other man-made crises putting populations at risk.
- B. The responsibility to react: to respond to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention.
- C. The responsibility to rebuild: to provide, particularly after a military intervention, full assistance with recovery, reconstruction and reconciliation, addressing the causes of the harm the intervention was designed to halt or avert.

(4) Priorities

- A. Prevention is the single most important dimension of the responsibility to protect: prevention options should always be exhausted before intervention is contemplated, and more commitment and resources must be devoted to it.
- B. The exercise of the responsibility to both prevent and react should always involve less intrusive and coercive measures being considered before more coercive and intrusive ones are applied.



Prime Minister of Canada, Paul Martin, addresses 2005 United Nations World Summit about the Responsibility to Protect. (UN Photo/Stephen Koh)

UN WORLD SUMMIT AND GENERAL ASSEMBLY RESOLUTION (2005)

After a protracted diplomatic effort in the four years following the Commission report, the core Responsibility to Protect principle was unanimously adopted by the 2005 World Summit, attended by over 150 heads of state and government celebrating the UN's 60th anniversary, with the Summit Outcome Document then being endorsed without dissent by the UN General Assembly.

REFINEMENT OF THE R2P PRINCIPLES (2004-2009)

In 2004 a position was created by Kofi Annan for a Special Adviser to the UN Secretary-General on the Prevention of Genocide, successively occupied by Juan Mendez (2004-2007), Frances Deng (2007-2012) and Adama Dieng (since 2012). In 2008 Secretary-General Ban Ki-moon supplemented this by appointing a part-time Special Adviser on R2P, which

Paragraphs 138-139 of the World Summit Outcome Document 2005

Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity

138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.

position has been occupied by Edward Luck (2008-2012), Jennifer Welsh (2013-2016) and Ivan Simonovic (since 2016).

The 2005 UN resolution had clarified the scope of R2P by making it clearer than had the original ICISS report that the responsibility in question extended only to the ‘four crimes’ – genocide, ethnic cleansing, other crimes against humanity and major war crimes. The nature of the new norm was further clarified and refined in the first annual Secretary-General’s report on R2P in 2009, written by Special Adviser Ed Luck, which introduced the idea – implicit but rather buried in the tangled language of the two Outcome Document paragraphs – of R2P having three distinctive ‘pillars’. These were: the responsibility of a state to its own people not to either commit such mass atrocity crimes or allow them to occur (‘Pillar One’); the responsibility of other states to assist those lacking the capacity to so protect (‘Pillar Two’); and the responsibility of the international community to respond with ‘timely and decisive action’ – including ultimately with coercive military force if that is authorised by the Security Council – if a state is ‘manifestly failing’ to meet its protection responsibilities (‘Pillar Three’).

Since 2009 the Secretary-General has issued Annual Reports on R2P with each one focusing on a different element of the doctrine. These have been followed by informal and interactive dialogue at the General Assembly. During The

Simons Forum the view emerged – though not without some hesitation and opposition – that the time had now come for these dialogues to be formalized, with accompanying action-oriented resolutions being specifically debated.

RESPONSIBILITY WHILE PROTECTING (RWP) (2011)

Following the breakdown of Security Council consensus in 2011, after the NATO-led military intervention in Libya was accused by BRICS countries (Brazil, Russia, India, China and South Africa) of exceeding its ‘civilian protection’ mandate by aggressively pursuing regime change, Brazil introduced the idea of Responsibility While Protecting (RWP). The key elements of this – designed to supplement, not replace, R2P – were that there should be closer attention to the criteria of legitimacy (as articulated, for example, in the ICISS report) before any coercive military mandate is agreed by the Security Council, and that Council members should accept close monitoring and review of any such mandate during its lifetime. RWP has continued to be widely discussed in multilateral forums and perhaps remains – if the Permanent Three (US, UK and France) could be persuaded to accept it – the most constructive way of re-establishing Security Council consensus on how to handle the hardest of cases.



| Security Council Debates Kosovo (UN Photo/Devra Berkowitz)

OTHER DEVELOPMENTS OUTSIDE THE UN

There have been a number of significant developments since 2005 at national levels and in the civil society and academic communities:

- A Group of Friends of R2P was formed in New York and later in Geneva. Originally co-chaired by Canada and Rwanda, it is currently co-chaired by the Kingdom of the Netherlands and Rwanda and has more than 50 country members.
- National Focal Points for R2P were appointed and a Global Network of R2P Focal Points was formed. It currently has a membership of 59 countries and the EU.
- The Global Centre for the Responsibility to Protect was established in 2008 to provide policy advice to UN member states, the UN Secretariat and conduct advocacy with the UN Security Council and Human Rights Council. The Global Centre has offices in New York and Geneva. It acts as secretariat for the Global Network of R2P Focal Points and the UN Group of Friends of R2P, publishes a regular R2P Monitor and Atrocity Alerts, and engages in training programs as well as policy advocacy.
- The International Coalition for R2P, formed in 2009, has 92 member NGOs, maintains an informative website and has published an NGO toolkit.
- The Asia Pacific Centre for R2P was established in 2008 at the University of Queensland, Brisbane in partnership with Australia's Department of Foreign Affairs and Trade, for promoting the R2P principle in the Asia Pacific through research and policy dialogue.

In addition there have been a great many books and articles written on the subject of R2P, and an academic journal – Global Responsibility to Protect – is devoted to it. An entire academic sub-industry has developed dedicated to analyzing, researching and critiquing R2P.



Global Centre for R2P's R2P Monitor is a bimonthly bulletin applying the Responsibility to Protect lens to populations at risk of mass atrocities around the world.

TAKING STOCK OF R2P'S SUCCESSSES AND FAILURES

R2P AS A NORMATIVE FORCE

Writing in the *Toronto Globe and Mail* in 2007, the British historian Martin Gilbert called the embrace of R2P “the most significant adjustment to state sovereignty in 360 years” (alluding to the Westphalia Treaty of 1648). While this remains a large call, there was agreement among The Simons Forum participants that the concept of R2P has successfully changed global discourse away from a focus on non-intervention in a sovereign state’s ‘internal affairs’ to a recognition that every such state has a responsibility to protect all peoples under its sovereign jurisdiction from mass atrocity crimes, and that if it manifestly fails to do so the wider international community has a responsibility to take appropriate action.

While many R2P-related obligations, particularly those relating to a state’s behavior toward its own peoples, are already embodied in international human rights and humanitarian law, it is generally accepted that the responsibilities identified as Pillars Two

and Three are essentially moral rather than legal. R2P can be described as a new (and still evolving) international norm: the best evidence of its acceptance as such are the references to it in nearly 60 Security Council resolutions as of mid-2017 (more than 50 of which are post-Libya SC Resolution 1973 in 2011) and 21 Human Rights Council Resolutions. But it is a norm in the socio-political sense – a moral and guiding political principle – not a legal norm. The obligations to assist, and to act in a timely and decisive manner if another state is failing to protect its own people, are not international legal norms, let alone rules of customary international law, though they may conceivably become so over time.

While the worldwide normative acceptance of the R2P norm is broad, it is not as deep as one might hope. Expressions of support for the responsibilities embodied in Pillars One and Two, are now almost universally – and evidently genuinely – given. But states are much more cautious, in UN debates and elsewhere, about accepting, and acting out, the responsibilities involved in taking seriously Pillar Three.

In an ever-changing geopolitical, technological and communications world, the norm of state and international responsibility to protect people at risk of mass atrocity crimes must continue to evolve. There is a continuing need to encourage and channel public revulsion at such crimes so as to reinforce political demand for the application of R2P and to challenge the impunity of those committing such atrocities. Questions remain about the efficacy of international norms in the face of terrorist groups or rogue states where the groups do not care about their reputation, other states or moral norms. In such cases the value of such norms lies in their impact on engaging political will to act on multiple levels (sub-national, national, regional and international), and at the least to deny impunity to perpetrators of atrocities.

R2P AS A CATALYST FOR INSTITUTIONAL CHANGE

At the United Nations, two special advisers to the UN Secretary-General have been appointed— one for the prevention of genocide since 2004 and one specifically on R2P since 2008 – highlighting the centrality of these issues to the Secretary-Generals and to the UN’s mandate. But the lack of sufficient dedicated resources for their work to date, unresolved issues about the limited mandate of the genocide adviser and the part-time status of the R2P adviser, and uncertainty about their place in the UN’s senior executive hierarchy, have limited their effectiveness.

In nearly 60 countries, national R2P Focal Points have been appointed – government officials whose job it is to analyze atrocity risk and mobilize appropriate responses. The Global Network of R2P Focal Points is a peer network to share and bridge gaps in knowledge and practice. But in order to be effective the focal points must be high level people in positions of influence in their own governments, and this has not always been the case.

Within some national governments there have also been notable developments. For example, the British government has designated 50 per cent of its foreign aid budget to be spent on failing and fragile states, and Canada's Peace and Stabilization Operations Program has a mandate to coordinate a whole-of-government response to conflicts and crises around the world and support targeted stabilizations projects in fragile and conflict affected countries.

Within military and peacekeeping forces and operations there has been a significant change in thinking about force configurations, doctrine, rules of engagement and training to better deal with mass atrocity prevention and response situations. The formulation of the Kigali Principles on the Protection of Civilians (POC) in peacekeeping operations have been heavily influenced by the development of R2P. Ten out of sixteen current UN peacekeeping missions have POC and/or R2P elements written into their mandates.

Within civil society a number of active new international non-governmental organizations (NGOs) have emerged. In addition to the Global Centre for the Responsibility to Protect – which has played a role in policy advocacy, training, and as the secretariat for the UN Group of Friends of the Responsibility

to Protect and the Global Network of R2P Focal Points – these include the International Coalition for R2P, made up of 92 NGOs from around the world, and the Asia Pacific Centre for R2P, which works to promote the R2P principle in the Asia Pacific region through research and policy dialogue.

R2P AS A PREVENTIVE FRAMEWORK

R2P is acknowledged as being successful in preventing mass atrocities in several situations, including Kenya (after 2008), Guinea and Kyrgyzstan (after 2010) and Cote d'Ivoire (after 2011). Although Burundi remains combustible, until now, the application of R2P approaches have kept the situation from deteriorating further. Recently the R2P approach prevented conflict from escalating over elections in The Gambia.

While there is almost universal support, constantly repeated in the UN and elsewhere, for the idea of more effective prevention, the reality continues to be that there is no budget line for prevention as such, few international resources are systematically applied to this, and they are rarely mobilized – even with strong early warnings – until actual violence occurs, and even then are still often inadequate

to curb situations at a stage when they are still manageable. The main political problem continues to be the absence of obvious reward for effective prevention: when it works, by definition nothing much happens – casualties that don't happen can't be counted – and as a result very few notice.

More systematic attention has been given to analyzing and reporting early warning signals, but these have not necessarily been correlated with effective interventions. Some of the quickest and most effective actions have been where there has been little advance warning of conflict erupting.

R2P AS A REACTIVE FRAMEWORK

The assessment of Conference Chair Gareth Evans in his opening keynote lecture seemed to reflect participants' views as well:

The not-so-good news is that on the critical challenge of stopping mass atrocity crimes that are under way, whether through diplomatic persuasion, stronger measures like sanctions or criminal prosecutions, or through military intervention, and acting under either Pillar two or Pillar three, R2P's record has been mixed, at best. There have been some success stories: Kenya in 2008, Côte d'Ivoire, and – at least

initially – Libya in 2011. And some partial success can be claimed for the new or revitalized UN peacekeeping operations in Congo, South Sudan, and the CAR, where mobilization of the international community, although late, was better late than never.

But there have also been some serious failures, certainly including Sri Lanka in 2009. In Sudan, where the original crisis in Darfur predates R2P but the situation continues to deteriorate, President Omar al-Bashir remains effectively untouched either by his International Criminal Court indictment or multiple Security Council resolutions. We are not doing as well as we should be in stopping non-state actors like Boko Haram committing atrocity crimes in territory over which they have control. And, above all, there has been catastrophic international paralysis over Syria.

Throughout The Simons Forum there were references to the ongoing problems for R2P caused by the perceived misuse by the NATO-led intervening powers in Libya in 2011 of the civilian protection mandate they were given by UN Security Council Resolution 1973. Initially uncontroversial, agreed without dissent, and with the first intervention seen as successful in preventing a potential massacre in Benghazi, consensus fell away when the interveners made clear they would settle for nothing less than regime change. That led to complete inaction by the Council in response to the emerging

Syrian crisis, and an unwillingness since then to even debate coercive military mandates, which if continued will significantly diminish the effectiveness of R2P in dealing with the most extreme atrocity crime cases.

Although in Libya, Sri Lanka, Sudan, Syria and with non-state actors such as Boko Haram and ISIS (Da'esh), the blows to R2P have been deep and strong, they have not proven fatal to the concept itself, which the Security Council has regularly referenced in its resolutions – including on some 50 occasions since the 2011 Libya controversy. And there does remain some prospect of eventually recreating consensus on military mandates in extremes cases applying the core ideas in Brazil's 'Responsibility While Protecting'(RWP) proposal – in particular

that Security Council members accept some mechanism to monitor and regularly review the implementation of such mandates.

The Simons Forum participants agreed that there was a need to view Libya and other 'failure' cases as examples to learn from, and to move beyond lamenting the failures to incorporating the lessons learned and moving forward. As much as we might aspire otherwise, the dream of 'never again' remains elusive: there would likely be a continuing demand for the application of R2P doctrine in all its dimensions, and a need accordingly to refine its tools – reactive as well as preventive – and to ensure the commitment, and resources, necessary for its effective implementation.



The UN Refugee Agency (UNHCR) and partners opened a new settlement area in Arua district, northern Uganda, in February 2017, to host thousands of refugees arriving from South Sudan. (UN Photo/Mark Garten)



Refugees from South Sudan at the Imvepi refugee camp in Arua district, northern Uganda.
(UN Photo/Amanda Voisard)

MOVING FORWARD: ROLES AND RESPONSIBILITIES OF THE KEY PLAYERS

UN SECRETARY-GENERAL AND THE SECRETARIAT

The new UN Secretary-General, Antonio Guterres, has identified peace and conflict prevention as a major focus. With a deep background in human rights and conflict resolution, he has the experience, knowledge and capacity to move R2P forward. Facing decreasing resources for the UN he will also need to focus on administrative reform.

His willingness to put R2P forward as a central feature of his administration – not so far as explicitly evident as it was with his predecessors Kofi Annan and Ban Ki-moon – will require both administrative and, in particular, political support from member countries. He will need champions from countries like Canada and from other countries around this Forum table. The SG's political identification with R2P could be enhanced by political support at the national level from the Group of Friends of R2P and by leadership from civil society.

Consideration should be given to forming a new, small, informal Friends group with a time limited mandate to advise the Secretary-General on ways to more effectively implement R2P, and to champion this agenda.

In order to elevate the commitment and resources for R2P at the level of the Secretary-General and Secretariat it is necessary to *tie-in R2P as closely as possible with the broader agenda of accountability for the protection of civilians and conflict prevention* (while remembering that approximately one third of all mass atrocities occur outside the context of armed conflicts, and that by no means all armed conflicts are accompanied by mass atrocity crimes).

The combined offices of the current Special Advisers for the Prevention of Genocide and for the Responsibility to Protect need to be empowered with additional financial and personnel resources. It was noted that the Adviser on Genocide has a budget and associated full time personnel, whereas

the R2P Adviser is part-time and is not a budgeted position. Canada or other countries might provide funds and/or staff on assignment to support the Special Adviser to R2P.

The Secretary-General, assisted by the Special Adviser for R2P, should continue to produce in depth annual reports analyzing key issues for UN General Assembly debate. The current informal and interactive dialogues at the General Assembly following the tabling of the Annual Report on R2P suffer from the lack of formal written records of proceedings, and any accompanying action-oriented resolutions. On the other hand, advantages of informal discussions are that they allow the direct participation of staff and civil society organizations, and avoid sharply exposing differences of opinion, in particular on aspects of Pillar Three. Among The Simons Forum participants there was significant support – but not complete consensus - for now moving to formalize annual R2P debates.

There was strong support for the UN producing or sponsoring *more in-depth case-study research and analysis of the application of R2P* with an eye to sharing lessons learned and incorporating learning in future applications. Unlike the World Bank, which regularly conducts such case-study research, the UN does not have a similar high level

in-house capacity. It would be helpful if member states and/or foundations such as the Stanley Foundation filled that gap.

PERMANENT FIVE (P5) AND UN SECURITY COUNCIL

The P3 members (United States, United Kingdom, and France) have been the main champions of R2P on the Security Council in the past, and their support will continue to be critical in the future. But their role in what was widely perceived to be exceeding or over-reaching the mandate given by Resolution 1973 in Libya in 2011 has been an obstacle in recent years to the Council achieving a united front in responding to the hardest of R2P cases. The leadership role of this group has been further complicated by the UK's present preoccupation with Brexit, France's with right-wing populist forces, and in particular the likely lack of sympathy with R2P issues of the new Trump administration in the United States.

While there is little prospect of movement on this in the short to medium term, particularly from the United States, the P3 members *should be prepared to accept the key elements of the Brazilian RWP proposal*, in particular some monitoring and review mechanism to help

ensure that consensus is maintained during the implementation of mandates for the use of military force. Without such a concession it is difficult to imagine any such mandate being approved in future.

Although it has achieved little traction so far with its admirable efforts to get other P5 members to sign up to this, *France should continue to press for the voluntary non-exercise of veto rights in R2P-related matters*. To do so highlights the argument that in the case of genocide and other mass atrocity crimes, our common humanity trumps traditional state sovereignty and national interest claims.

The P2 members (Russia and China) have in the past been much more cautious about R2P than the Western powers, but their hostility should not be exaggerated. Both endorsed the 2005 World Summit Outcome Document/ General Assembly resolution, initially supported the Libya response in 2011, have supported many references to R2P in Security Council resolutions since then, and have expressed support for the RWP proposal as an appropriate framework for considering coercive mandates in the future.

In the case of China, it is now a significant contributor to UN peacekeeping and is increasing its international involvement on many fronts. It wants a greater focus on

preventive diplomacy, and while it has strong concerns about interventions in sovereignty that involve regime change, has not expressed outright opposition to any use of coercive military intervention.

In the case of Russia, it has not only not been opposed outright, in 2005 or subsequently, to the concept of R2P-based coercive military intervention, but itself invoked R2P (albeit to widespread international derision) in its intervention in Georgia, and used a ‘protection of civilians’ rationale for its (albeit equally problematic) support of anti-Kiev militants in Donbas in the Ukraine. (That said, it failed to act in Kyrgyzstan (despite an official request from the Kyrgyz government, agreement of neighbouring states and consensus at the Security Council, which damaged its influence in the Collective Security Treaty Organization (CSTO)). Russia’s main criticism of R2P has been what it describes as its expanded interpretation and instrumentalization to pursue the strategic interests of leading Western countries.

None of this means that it is impossible to recreate consensus around the military dimensions of R2P in the Security Council but this is not likely in the short to medium term. Meanwhile other strategies should be pursued, among them the following:

- *It would be valuable to have an open debate about R2P implementation in the Security Council so that all members could raise concerns about the Council's approach and possible ways forward.* Good case-analysis by independent researchers could be helpful in such a debate, here as in the General Assembly, in building greater consensus.
- *The Security Council could make more use of coercive measures short of military interventions, where consensus is less difficult to achieve.* Such measures include targeted sanctions, arms embargoes and threats of International Criminal Court Prosecution to inhibit atrocity perpetrators: such measures could have made a big difference in Syria if applied at the outset. Even in a situation as divisive as Syria has become, the Security Council has come together on issues such as chemical weapons and humanitarian access.
- The most likely area of R2P-related agreement may be on fighting terrorists (ISIS/ ISIL/ Da'esh).



Simon Adams, Executive Director of the Global Centre for the Responsibility to Protect, moderates a panel discussion, "Genocide: A Preventable Crime - A Global Conversation on Understanding Early Warning of Mass Atrocities", in commemoration of the twentieth anniversary of the genocide in Rwanda. The event was co-organized by the UN Department of Public Information (DPI), the Permanent Mission of Rwanda and the non-governmental organization, Global Centre for the Responsibility to Protect. (UN Photo/Evan Schneider)

- *In the absence of effective response by the Security Council, regional and sub-regional actors should be encouraged to pursue all necessary R2P action which is possible under Chapter VIII* (this does require ‘enforcement’ action to be authorized by the Security Council but this has often been well after the event): as was said at the Forum, ‘If the P5 can’t act then they need to get out of the way so others can’. In Africa, ECOWAS has regularly shown its capacity to act in West Africa, and the African Union’s position is very strong if it chooses to act.
- One of the constructive roles the P5 could play would be to *provide resources for the Secretary-General’s prevention agenda*.

BRAZIL, INDIA, SOUTH AFRICA AND THE GLOBAL SOUTH

South Africa played a central role in winning the support of the global South for the 2005 World Summit consensus on R2P, but since the Libya case in 2011 has been much more cautious – as India always has been – about endorsing its military elements. The critiques by these and their fellow BRICS countries, which are influential throughout the developing world, cluster around the timing of interventions, the use of force, the arming of rebels and militias that are aimed at regime change, and the lack of planning and resources

for rebuilding after conflict situations. Particular challenges are seen as arising in the context of a civil war when outside arming of civilians or rebels threatens the ability of a national government to respond.

Brazil’s initiative in bringing forward the concept of Responsibility While Protecting (RWP) in 2011 – as an attempt to strike a balance between opposition to military intervention and solidarity with countries in crisis – was discussed at length by The Simons Forum participants and viewed as a positive attempt, not aimed at redefining or undermining R2P, but complementing and strengthening it. Its core elements included importing from the peacekeeping regime, the practice of reporting on progress, briefings and sunset clauses, and importing from the sanctions regime, monitoring mechanisms using panels of experts.

To help overcome the concerns of the key players in the global South about the possible misuse of R2P, The Simons Forum participants agreed that:

- Both the *General Assembly and Security Council should fully debate RWP* with a view to generating greater consensus on the criteria for coercive military intervention and appropriate measures for ensuring that such mandates once granted are not over-reached.

- Supporters of R2P should constantly *reiterate that R2P is about much more than the use of military force*, that preventing and responding to mass atrocity crimes is a universal responsibility, and that its application needs to evolve and modify as lessons are learned from experience.
- *Asylum and safe passage are critical in reducing the impact of actual or impending mass atrocities.* Countries in the global North should recognize that it is hypocritical to argue for collective responsibility to protect civilians in situations of conflict or persecution and then turn one's back on those very civilians fleeing such threats when they knock on one's door.
- Other kinds of selectivity in focus, such as some states *ignoring illegally occupied territories, has a dampening effect on the credibility of R2P.*

CANADA AND THE MIDDLE POWERS

Hosting The Simons Forum in Vancouver highlighted Canada's historic relationship to the creation of the ICISS Commission and Canada's deep commitment to supporting R2P at the World Summit in 2005. As the Chair put it, many of the mothers and fathers of the report were in attendance. And under

its new government, 'Canada was back' at the UN and in other multilateral forums, so the idea to re-energize Canada's engagement on R2P was timely. Very specific suggestions were made and formed the basis of two briefings by the Chair to key staff and parliamentarians in Ottawa on 27 March 2017.

While the focus of the discussion at The Simons Forum was on Canada, it was agreed that the ideas expressed for Canada's role are applicable to many countries that are viewed as middle powers – that is, those states in the international community which lack the military or economic capacity to impose their preferences that is possessed by the great or major powers, but nonetheless have the will, and sufficient capacity, credibility and creativity, to advance global and regional public goods, mainly by building coalitions with like-minded others.

Internationally, there is now a major leadership vacuum in advocating liberal values. Canada is viewed as a country that has maintained a hopeful and inclusive outlook at a time of divisiveness. When the large powers are unwilling to act or are constrained by the political baggage of vested interests in a particular situation, there is an opportunity for middle powers to lead and influence through practical initiatives of their own.

In Canada's case, such initiatives might include the following:

POLICY SUPPORT:

- Include R2P language into policies, positions and statements at home and in all multilateral forums, including the General Assembly and UN, the Francophonie, the Commonwealth, G8, G20, NATO, the OAS and the Arctic Council.
- Resume a leadership role in UN New York and Geneva Groups of Friends of R2P.
- Play a leading role in the 'Focal Points' network, ensuring that Canada is active and driving an agenda in the Network of Focal Points by asking for reports, briefings and follow up by the Special Advisors. Host a meeting of the Global Network of R2P Focal Points in Canada to share their lessons and build strategic momentum.
- Give a significant R2P dimension to forthcoming Migration and Refugees global compact meetings.
- Recognizing Canada's credibility on issues relating to women and children in conflict situations, focus particularly in international forums on this dimension of the R2P agenda.

- Recognizing Canada's major role in founding the International Criminal Court, and its significance for R2P, play a leading role in international efforts to maintain its effectiveness and prevent withdrawals from its jurisdiction.
- Domestically, convert the present All-Party Parliamentary Group for the Prevention of Genocide and Other Crimes Against Humanity into a standing joint committee with a budget enabling it to better generate policy proposals.
- Recognize that R2P crosses many departments and interests (Global Affairs, Defence, Public Safety, International Development) and might be used to bring a broader integrating framework to the policy formulation table.

OPERATIONAL SUPPORT:

- Ensure the more effective implementation of existing and future civilian protection and atrocity prevention peacekeeping mandates – especially through areas of strong Canadian capability: training, development of doctrine, logistic and technical support, capacity building.
- Provide practical logistical and technical support – six helicopters would double

the capacity in South Sudan and there is a widespread need for modern technologies such as drones.

- Treat the hosting of the Peacekeeping Summit in 2017 as an ideal opportunity to articulate Canada's commitment to effectively operationalizing R2P/POC, and especially its preventive, and women and children (including in the context of child soldiers) protective dimensions.
- Build internal capacity within relevant ministries to better address the 'how' dimensions of atrocity prevention and response, to enable both effective domestic decision-making and useful contributions to international policymaking.
- Build a Prevention Corps: a group of civil servants with special skills ready to be deployed to help other governments to ensure the protection of their citizens.
- Train diplomats in spotting atrocity risks,

FINANCIAL SUPPORT:

- Adjust development assistance program spending to place greater priority on support for fragile states (as the UK government has recently announced it will).
- Refocus part of Canada's international aid program to engage with countries that are

vulnerable to groups such as ISIS, Boko Haram and Al Shabab to build internal capacity to prevent radicalization through addressing the situations that cause them.

- Provide effective support (including at least one full time staff position – as made available previously to Jennifer Welsh) for the position of UN Special Adviser on R2P.
- Provide further financial support for the Global Centre for the Responsibility to Protect, given its central role as the secretariat for the UN Friends Group and Global Network of Focal points, and its big policy advocacy and training roles globally.

RESEARCH, EDUCATION AND ADVOCACY SUPPORT:

- Support academic research focusing on lessons learned from past cases: what went right as well as wrong.
- Support research on the application of new technology to R2P policymaking and delivery, including the role of social media in developing awareness of emerging atrocity crime situations and mobilizing effective responses.
- Give more attention to partnership building with relevant civil society organizations and academic institutions, and the media.



Afghan women from across the country gathered in Kabul to discuss their experiences, vision and contribution to peace in the country at the Fourth Kabul Symposium “Afghan Women: Messengers of Peace” hosted by Afghanistan’s First Lady, Rula Ghani. (UN Photo/Fardin Waezi)

CIVIL SOCIETY ORGANIZATIONS AND ACADEMICS

Just as civil society engagement was important in the birth and UN adoption of R2P in 2001 and in 2005, so too will it be central in re-energizing R2P. While much action will be required directly from governments,

and from those staffing the UN and other intergovernmental organizations, civil society actors will be important as a source of external pressure for such action, and for what they can contribute in their own right, both individually and collectively through building wide-ranging coalitions.

Civilian presence in monitoring and reporting reduces overall incidences and increases accountability and decentralization and needs to be further encouraged.

Capacity building of the media – both traditional and the new social - is needed to enable better understanding and more effective reporting of R2P issues: touching hearts and emotions as well as minds. The Stanley Foundation's initiatives to train Reuters journalists is a good model and could be applied at different scales – locally to globally.

Many examples of groups making a difference were referenced during The Simons Forum, in addition to the Global Centre for the Responsibility to Protect in New York, which has been playing a critical coordinating role.

They include:

- The Enough Campaign (focused, inter alia, on 'following the money'); using open source material; and new technologies such as cell phones to detect and track actions on the ground; and to recognize a greater role for women as peacemakers.
- The Asia Pacific Centre for R2P, which is partnering with local groups throughout the region, initiating dialogues, capacity building and training, translating core documents into local languages, and engaging in policy advocacy.

- The International Coalition for R2P, which brings together 92 NGOs working to advance R2P. It provides a resource to members, other groups and officials.

Academics and think tanks also have an important role to play in the re-energizing of R2P, above all in helping meet the desperate need for more practical examination and analysis of a wide variety of particular cases: finding out what works and what doesn't work, in what kind of situations, with results communicated in accessible language. More dialogues between academics, practitioners and policy makers would add real value to policymaking.

CONCLUSIONS

This forum was not intended to come to a set of conclusions and recommendations agreed to by all participants. Rather it was intended to focus on the key players and to share ideas and make suggestions about ways in which these key players might be re-energized to act on R2P.

Throughout The Simons Forum there was general support for the assertion that the Responsibility to Protect has had an overall positive impact, most significantly as a normative force and as an institutional catalyst, a somewhat lesser impact as a

framework for preventive action and a mixed outcome as a response mechanism.

Overall, The Simons Forum participants saw the R2P as positive, useful and highly relevant today. It is important that R2P continue to evolve, incorporating ideas from the Responsibility While Protecting and other suggestions for better monitoring and reporting. Specific recommendations are outlined in the Executive Summary of

this report and elaborated under each of the sections on particular actors.

There was recognition that these matters are complex and require on-going dialogue such as occurred during The Simons Forum. There is need for a regular opportunity to reflect, share experiences and perspectives to refresh and maintain enthusiastic commitment to the implementation of the Responsibility to Protect.



A recent upsurge in violence beginning 10 April 2017 has displaced thousands of people in South Sudan's Wau town. (UN Photo/Nektarios Markogiannis)



| Simon Fraser University Morris J. Wosk Centre for Dialogue, Asia Pacific Hall. (SFU Image Library/Greg Ehlers)

ACKNOWLEDGMENTS

Conference participants universally expressed heartfelt appreciation for the commitment and support of Jennifer Allen Simons and The Simons Foundation, who have been crucial to the success of the R2P enterprise from the outset, supporting as they did the creation in 2000 of the International Commission on Intervention and State Sovereignty (ICISS) and now sponsoring this major international conference to chart its progress to date and way forward. Jennifer Simons has had a lifelong commitment to recognizing, protecting and advancing our common humanity and her contribution to the cause of eliminating mass atrocity crimes, as with nuclear weapons, continues to win global admiration.

Dr. Simons and the Conference Chair have been admirably supported throughout the long and complex process of bringing this Forum together, and recording its proceedings, by three superb professionals. Elaine Hynes, Assistant to the President and Programme Manager at The Simons Foundation, performed and sustained heroic and indispensable feats of administrative support without which the Forum simply could not have got off the ground; Shauna Sylvester, Director of the Simon Fraser University Centre for Dialogue, superbly facilitated the interactive public dialogue which began the conference, and contributed substantially and creatively to the overall conference design, promotion and follow-up in Ottawa; and Dr. Nola-Kate Seymoar contributed her great and multi-faceted executive and writing skills both to the

planning of the conference, and drafting this report of its proceedings for wider distribution.

Behind these key players was a strong supporting cast at SFU and the Wosk Centre, including Grace Lee who did the design and layout of this report; Andisheh Fard, Sebastian Merz, and Aretha Munro who kept copious notes. Beyond the Vancouver team, there were two other long-time collaborators with the Conference Chair whose advice throughout, and in particular hands-on involvement in bringing together the all-star cast of high-level participants from around the world, was absolutely crucial in making the Forum the substantial and significant event it proved to be: Professor Ramesh Thakur from the Australian National University, and Dr. Simon Adams from the Global Centre for the Responsibility to Protect in New York.

Not the least of the contributions to the success of the conference came, of course, from its invited participants, experts drawn from all corners of the globe, and including many of the founding fathers and mothers of R2P. The depth of experience, energy, enthusiasm, and creativity that each put into their panel presentations and round-table debate contributions made for a substantive, stimulating, and very memorable event.

Gareth Evans
Conference Chair

APPENDIX I: CONFERENCE PARTICIPANTS

PROFESSOR THE HON. GARETH EVANS

Chancellor, Australian National University
Conference Chair

Gareth Evans was Australia's Foreign Minister from 1988-96, President of the International Crisis Group from 2000-09, Co-Chair of the International Commission on Intervention and State Sovereignty 2001, and author of *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All* (Brookings, 2008). He now chairs the International Advisory Board of the Global Centre for the Responsibility to Protect, and has been since 2010 Chancellor of The Australian National University.



SIMON ADAMS

Global Centre for the Responsibility to Protect

Dr. Simon Adams has worked extensively with governments and civil society organizations in South Africa, East Timor, Rwanda, and elsewhere. Between 1994 and 2002 Dr. Adams worked with Sinn Féin and former IRA prisoners in support of the Northern Ireland peace process. He is also a former member of the international anti-apartheid movement and of the African National Congress. Dr. Adams is the author of four books and has also written for the *New York Times*, *The Australian*, and many other publications. Dr. Adams regularly appears as an expert commentator on Al-Jazeera, BBC, Chinese Central Television and numerous other media.



LLOYD AXWORTHY

Former Minister of Foreign Affairs of Canada

Dr. Lloyd Axworthy, former Foreign Minister of Canada, is past President of the University of Winnipeg, Companion of the Order of Canada, present Chair of CUSO International, Richard Weisenhacker Fellow, Bosch Foundation, and Advisor to the President, Manitoba Metis Federation.



ALEX BELLAMY

Asia Pacific Centre for R2P

Alex Bellamy is Professor of Peace and Conflict Studies and Director of the Asia Pacific Centre for the Responsibility to Protect at The University of Queensland, Australia. He is also Non-Resident Senior Adviser at the International Peace Institute, New York and Fellow of the Academy of Social Sciences in Australia. In 2008-9 he served as co-chair of the Council for Security Cooperation in the Asia Pacific study group on R2P and in 2013-15 as Secretary to the High Level Advisory Panel on R2P in Southeast Asia, chaired by former ASEAN Secretary-General Surin Pitsuwan. In 2016 he served as a consultant to the United Nations Office on Genocide Prevention and the Responsibility to Protect. Recent books include: “East Asia’s Other Miracle: Explaining the Decline of Mass Atrocities” (Oxford, 2017 (in press)), “The Oxford Handbook of the Responsibility to Protect” (edited with Tim Dunne, Oxford 2016), and “The Responsibility to Protect: A Defense” (Oxford, 2014). He was a Visiting Fellow at The University of Oxford (2014-2015).



APPENDICES

EMMANUEL HABUKA BOMBANDE

Former Deputy Minister: Foreign Affairs and Regional Integration, Ghana

Emmanuel Bombande is the immediate past Deputy Minister for Foreign Affairs and Regional Integration of the Republic of Ghana. Before his appointment, he worked with the United Nations Office for West Africa and the Sahel (UNOWAS) as Special Advisor/Assistant to the Secretary General's Special Representative and Head of the United Nations Office for West Africa and the Sahel. He is a co-founder of the West Africa Network for Peacebuilding (WANEP) and the immediate past Executive Director. He has been a Visiting Fellow at the Kroc Institute for International Peace Studies in the University of Notre Dame-Indiana. He is a Peacebuilding Practitioner, Mediator and Trainer in Conflict Mitigation and Prevention across Africa. His Conflict Prevention practice includes working with Governments and the Economic Community of West African States (ECOWAS) in Early Warning Mechanisms for Mass Atrocities Prevention. In Ghana, he served on a UN Advisory Team in the development of a National Peace Architecture. Amongst others, he facilitates a Dialogue and Mediation Course in the Folke Bernadotte Academy in Sweden and the Responsibility to Protect Course in the Kofi Annan International Peacekeeping Training Centre-Accra-Ghana. He is a strong advocate of the Responsibility to Protect particularly in African States.



FRANK CHALK

Director, Montreal Institute for Genocide & Human Rights Studies and Professor of History, Concordia University

Professor Frank Chalk is Founding Co-Director of Canada's Montreal Institute for Genocide and Human Rights Studies (MIGS) at Concordia University, where he teaches courses on the history and sociology of genocide, the Holocaust, and the history of United States' foreign relations. His current research is focused on mobilizing the Will to Intervene (W2I) to prevent mass atrocities in cooperation with Senator Roméo A. Dallaire; radio broadcasting in the incitement and prevention of violations of human rights; and spearheading a project on the life stories of Montrealers who escaped from persecution and mass atrocity crimes. Professor Chalk is the co-author, of *The History and Sociology of Genocide: Analyses and Case Studies* (Yale University Press, 1990). He has lectured and presented papers on genocide at conferences and universities around the world including the Prosecution Staff of the International Criminal Tribunal on the Former Yugoslavia and Rwanda at The Hague.



RETIRED LIEUTENANT-GENERAL THE HON. ROMÉO DALLAIRE

Founder, The Roméo Dallaire Child Soldiers Initiative

Roméo Dallaire is a retired Lieutenant-General, retired Canadian Senator, and celebrated humanitarian. In 1993, LGen Dallaire was appointed Force Commander for UNAMIR, where he bore witness to the Rwandan genocide. Since his retirement, he has become an outspoken advocate for human rights, mental health and war-affected children. He founded the Roméo Dallaire Child Soldiers Initiative, an organization committed to progressively ending the use of child soldiers worldwide through a security sector approach.



APPENDICES

LORD DAVID HANNAY

Member International Relations Committee, House of Lords

David Hannay was UK Ambassador to the EU (1985/90) and then to the UN (1990/95). He was the UK government's Special Representative for Cyprus from 1996/2003; and was a member of the UN Secretary- General's High Level Panel on Threats, Challenges and Change (2003/5). He is currently serving as a member of the House of Lords' International Relations Committee and is chair of the UN All Party Parliamentary Group.



VICTORIA K. HOLT

Former U.S. Deputy Assistant Secretary of State

Victoria K. Holt stepped down from the Obama Administration in January 2017, where she served as U.S. Deputy Assistant Secretary of State (International Organizations) since 2009, with primary responsibility for issues before the UN Security Council. Previously, she led the Future of Peace Operations program at the Stimson Center in Washington. Ms. Holt has also served as senior staff to Members of Congress; led a bipartisan coalition to end arrears to the UN; and ran programs on peace and security for Washington institutes.



HEIDI HULAN

Director General, International Security Policy, Global Affairs Canada

Heidi Hulan is Director General, International Security Policy, Global Affairs Canada, with responsibility for defence relations, NATO, the OSCE, nuclear non-proliferation, arms control and disarmament (NACD), and weapons of mass destruction (WMD) policy. In 2000 she served as Coordinator of the Commission on Intervention and State Sovereignty. Other recent assignments have included; Director General, Non-proliferation and Security Threat Reduction Bureau (2015-2016); Deputy Permanent Representative of Canada to NATO in Brussels (2010-2013); and, Minister-Counsellor and Head of the Political Section at Canada's Permanent Mission to the United Nations in New York (2005-2009).



EDWARD C. LUCK

Former Special Advisor for the Responsibility to Protect

Dr. Edward C. Luck is the Arnold A. Saltzman Professor of Professional Practice and Director of the Specialization in International Conflict Resolution, School of International and Public Affairs, Columbia University. He served as the United Nations' first Special Adviser for the Responsibility to Protect from 2008 to 2012 at the level of Assistant Secretary-General.



APPENDICES

PATRICK LUNA

Second Secretary and Legal Adviser, Permanent Mission of Brazil to the UN

Patrick Luna is a diplomat (Second-Secretary), posted to the Mission of Brazil to the United Nations, where he covers issues related to International Law and Protection of Civilians, including R2P and RWP. He coordinates the Group of Friends of the International Criminal Court in New York. He holds a bachelor's degree in Law (University of São Paulo, 2008) and graduated from the Brazilian Diplomatic Academy (2010). He is fluent in Portuguese, English, French, German and Spanish.



ANDREW MACK

School for International Studies, Simon Fraser University

Andrew Mack produces the Human Security Report series which tracks trends in organized violence around the world, their causes and consequences. He was formerly Director of the Strategic Planning Office in Kofi Annan's Executive Office, and, prior to that was Head of the Department of International Relations at the Australian National University.



DAVID M. MALONE

Rector of the United Nations University
Under-Secretary-General of the United Nations

David M. Malone has pursued a hybrid career shared between government service (for Canada), academic life and the think-tank world. Currently he is Rector of the UN University, headquartered in Tokyo, Japan, with the rank of Under-Secretary-General of the UN. He has written thirteen books on the UN Security Council, wider peace and security challenges, public international law, international development and India's international relations. He has three more on the way and also enjoys writing in a lighter vein.



ADVOCATE DOC MASHABANE

Department of International Relations
and Cooperation, Republic of South Africa

Advocate Doctor Mashabane is the Chief Director of the United Nations, Political, Peace and Security division at the Department of International Relations and Cooperation (DIRCO) in South Africa. Prior to holding this position, he served as South Africa's Deputy Permanent Representative to the United Nations in New York, a position he held from 2010 - 2014. In this period Advocate Mashabane also oversaw South Africa's non-permanent membership of the UN Security Council (2011-2012). Advocate Mashabane holds an LLM in International Human Rights Law and in 2002, he was admitted as an Advocate of the High Court of South Africa.



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KYLE MATTHEWS

Executive Director, Montreal Institute for Genocide and Human Rights Studies, Concordia University

Kyle Matthews is the Executive Director of the Montreal Institute for Genocide and Human Rights Studies (MIGS) at Concordia University. At Concordia he founded the Raoul Wallenberg Legacy of Leadership project as well as the Digital Mass Atrocity Prevention Lab, which works to counter online extremism and study how social media platforms are being used as a weapon of war. His work focuses on human rights, international security, the Responsibility to Protect, global threats, and social media and technology, and global cities. He works closely with the Canadian All-Party Parliamentary Group for the Prevention of Genocide and has advised Members of Parliament on issues related to international peace and security. He previously worked for the United Nations High Commissioner for Refugees, where he was posted to the Southern Caucasus (Tbilisi), the Democratic Republic of the Congo (Kinshasa) and Switzerland (Geneva). Prior to that he worked for CARE Canada in Albania and later at its headquarters in Ottawa. In 2011 he joined the New Leaders program at the Carnegie Council for Ethics in International Affairs. He is a member of the Global Diplomacy Lab, a member of the BMW Foundation's Global Responsible Leaders, and recently joined the United States Holocaust Memorial Museum's advisory board on transatlantic cooperation for atrocity prevention.



EDWARD MORTIMER

Distinguished Fellow, All Souls College, Oxford

Until 1998 Edward Mortimer was a journalist covering international affairs, first for The Times, then the Financial Times. Later he was Director of Communications for UN Secretary-General Kofi Annan, and later still Chief Program Officer of the Salzburg Global Seminar. Since 2013 he has been a Distinguished Fellow at All Souls College, Oxford.



KEITH PORTER

President and CEO, The Stanley Foundation

Keith Porter became President and Chief Executive Officer of the Stanley Foundation in February 2013. He has been active in the foundation's mass atrocity prevention initiatives for much of his nearly three decades there. In 2016, Porter served as a member of the Experts Committee on Preventing Mass Violence. Previously, he was the Director of Policy and Outreach for the foundation. In that post, he played a leadership role in the foundation's transition toward a dynamic, advocacy organization focused on specific multilateral policy-change goals. This included developing and implementing a new strategic plan, creating work plans and theory-of-change models, evaluating progress, and maximizing the foundation's impact through increased networking and collaboration with a wide range of institutions and individuals. Porter earlier worked on the Stanley Foundation's nationally syndicated public radio programs. During his tenure at the foundation, several organizations have recognized him for excellence in broadcast journalism, including the National Press Club, the Society of Professional Journalists, the National Headliner Awards, the New York Festivals, and the United Nations Correspondents Association.



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DAVID PRESSMAN

Former US Ambassador and Representative to UN Security Council

Ambassador David Pressman is a partner at Boies, Schiller & Flexner where he represents clients navigating complex crises, international disputes, litigation and investigations. Appointed by the President and confirmed by the Senate, Ambassador Pressman represented the United States on the United Nations Security Council and has served as the senior U.S. negotiator on international disputes around the world. Ambassador Pressman previously served as Assistant Secretary of Homeland Security and as the Director for War Crimes and Atrocities on the National Security Council at the White House where he was responsible for coordinating the U.S. Government's efforts to prevent and respond to mass atrocities and war crimes. Ambassador Pressman has led global advocacy campaigns and is currently leading the recently established Clooney Foundation for Justice. During the Clinton Administration, Pressman served as an aide to Secretary of State Madeleine K. Albright.



HARDEEP SINGH PURI

Chairman, Research and Information Systems for Developing Countries (RIS)

Ambassador Hardeep Singh Puri has had a distinguished four-decade career in diplomacy spanning the multilateral arena, including as India's Permanent Representative to the United Nations in both Geneva (2002-2005) and New York (2009-2013). He is one of the few Indians to preside over the United Nations Security Council and the only one to have chaired its Counter-terrorism Committee. He most recently served as Vice President at the International Peace Institute and as Secretary-General of the Independent Commission on Multilateralism in New York. Ambassador Puri is the author of the book 'Perilous Interventions: The Security Council & The Politics of Chaos', a Harper Collins publication (September 2016). On 15 March 2017, Ambassador Puri was appointed as the President of the Governing Body and Chairman of the Governing Council of the Research and Information Systems for Developing Countries (RIS), a New Delhi based autonomous think-tank that specializes in policy research on international economic issues and development cooperation.



ALLAN ROCK

Former Attorney General of Canada

Allan Rock is a lawyer, former Canadian politician, diplomat and was the President of University of Ottawa. He was Canada's ambassador to the United Nations (2004-2006) and had previously served in the Cabinet of Jean Chrétien, most notably as Justice Minister (1993-1997) and Health Minister (1997-2002). Rock was appointed President and Vice-Chancellor of the University of Ottawa by the Board of Governors of the University on June 3, 2008. His term as the President of University of Ottawa began on July 15, 2008 and ended on July 1, 2016.



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NOLA-KATE SEYMOAR

Rapporteur

Dr. Nola-Kate Seymoar currently chairs the Vancouver City Planning Commission. She was President and CEO of the award winning International Centre for Sustainable Cities (1999-2010). She served on the organizing committee for the World Peace Forum in Vancouver in 2006, sat on the Board of Peacefund Canada and on the founding boards of the Canadian Landmines Foundation, The Centre for Days of Peace (promoting ceasefires for children) and the advisory board to the Peace and Conflict Studies program at Royal Roads University. She received the United Nations Association in Canada's Global Citizen Award in 1995, the Queen's Golden Jubilee Medal in 2002 and the Queen's Diamond Jubilee Medal in 2012.



IVAN ŠIMONVIĆ

Assistant-Secretary-General, Special Adviser to the Secretary-General on the Responsibility to Protect

Mr. Šimonović is the Special Adviser of the United Nations Secretary-General on the Responsibility to Protect. From 2010 to 2016 he served as the United Nations Assistant-Secretary-General for Human Rights. Before joining the United Nations in 2010, Mr. Šimonović held the position of Minister of Justice of Croatia. He was previously Deputy Minister for Foreign Affairs and Permanent Representative to the United Nations in New York, where he served as President of the Economic and Social Council. Mr. Šimonović was a professor in the Faculty of Law at the University of Zagreb, where he was Head of the Legal Theory Department, Vice-Dean and Vice-Rector for international cooperation. Serving in an expert capacity, he has been a member of the Council of Europe's Commission for Democracy through Law (Venice Commission) and the European Commission against Racism and Intolerance, as well as the Agent of the Republic of Croatia before the United Nations International Court of Justice.



JENNIFER ALLEN SIMONS

President, The Simons Foundation

Jennifer Allen Simons, C.M., Ph.D., LL.D. is Founder and President of The Simons Foundation, a private charitable foundation located in Vancouver, Canada, with a mission to advance positive change through education in peace, disarmament, international law and human security. Dr. Simons is Adjunct Professor at SFU's School for International Studies and Senior Visiting Fellow and Dialogue Associate at SFU's Centre for Dialogue, a Council Member of Pugwash Conferences on Science and World Affairs, Founding Partner of Global Zero, and serves as a board member or advisor on a number of national and international organizations. She was appointed to the Order of Canada in 2010.



JILL E. SINCLAIR

Senior Advisor, Department of National Defence,
Government of Canada

Jill Sinclair is currently a Senior Advisor at the Department of National Defence and is the Canadian Representative to the Ukrainian Defence Reform Advisory Board. She served as Assistant Deputy Minister (Policy) at DND and Assistant Secretary Foreign and Defence at the Privy Council Office. During her career at Foreign Affairs, she led the Ottawa Process to ban anti-personnel mines; was the Executive Director of the Commission on Intervention and State Sovereignty which led to the creation of R2P; was Special Coordinator for the Middle East Peace Process; worked extensively on arms control, disarmament and human and regional security and had postings to Prague, Havana and the Middle East. She is a Senior Fellow at the University of Ottawa Graduate School of Public Service and International Affairs and volunteers with the Friends of the National Arts Centre Orchestra as the Director of Communications and Outreach.



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EKATERINA STEPANOVA

Peace and Conflict Studies Unit National Research
Institute of World Economy & International Relations
(IMEMO), Moscow

Dr. Ekaterina Stepanova heads the Peace and Conflict Studies Unit and is a lead researcher at National Research Institute of the World Economy & International Relations (IMEMO), Moscow. Her research focus is on human security, conflict management, peace-building, insurgencies, terrorism, and political economy of conflicts. She authored several books and 180 other publications on these issues, published in ten languages; her latest one on R2P is a chapter on Russia in *The Oxford Handbook on the Responsibility to Protect* (2016). In 2007-2009, she directed the armed conflicts and conflict management programme at Stockholm International Peace Research Institute (SIPRI). She is a member of the Global Peace Index expert panel and the International Panel on Social Progress (IPSP).



SHAUNA SYLVESTER

Professor of Professional Practice, Faculty of Arts and Social Sciences and Director, SFU Centre for Dialogue, Simon Fraser University

Professor Sylvester has been the founding Executive Director of five initiatives including the SFU Public Square, Carbon Talks and Renewable Cities, two initiatives focused on accelerating the transition to a low carbon economy, Canada's World – a national citizen engagement initiative on foreign policy, and IMPACS – the Institute for Media, Policy and Civil Society, a media and democracy organization that operated in Canada and in conflict and post-conflict zones around the world. During her tenure with IMPACS Shauna was a member of the Canadian Human Security Consortium, led media and peacebuilding programs around the world and oversaw the journalists training program for the International Criminal Court Ratification Process.



RAMESH THAKUR

Australian National University (ICISS Commissioner)

Professor Thakur, now at The Australian National University's Crawford School of Public Policy, was formerly Assistant Secretary-General with the United Nations University and Foundation Director of the Balsillie School of International Affairs. His most recent book is *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect*, 2nd ed (Cambridge University Press, 2017).



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THOMAS G. WEISS

The Graduate Center, The City University of New York

Thomas G. Weiss is Presidential Professor of Political Science at the City University of New York Graduate Center and 2016 Andrew Carnegie Fellow. He was the International Commission on Intervention and State Sovereignty Research Director and has written extensively about international peace and security, humanitarian action, and sustainable development.



JENNIFER M. WELSH

Professor and Chair in International Relations
European University Institute, and Fellow of Somerville
College, University of Oxford

Jennifer M. Welsh is Professor and Chair in International Relations at the European University Institute and a Fellow of Somerville College, University of Oxford. From 2013-16, she was Special Adviser to the UN Secretary General on the Responsibility to Protect. Professor Welsh is the author, co-author, and editor of several books and articles on humanitarian intervention, the evolution of the notion of the ‘responsibility to protect’ in international society, the UN Security Council, and Canadian foreign policy. Her most recent publications include *The Return of History: Conflict, Migration and Geopolitics in the 21st century* (2016) and *The Responsibility to Prevent: Overcoming the Challenges of Atrocity Prevention* (2015). In 2014, she began directing the five-year ERC-funded project ‘The Individualisation of War: Reconfiguring the Ethics, Law and Politics of Armed Conflict’. She also sits on the editorial boards of the journals *Global Responsibility to Protect and Ethics and International Affairs*, and the Advisory Boards of the Peace Research Institute in Frankfurt, the Global Centre for the Responsibility to Protect and the Auschwitz Institute for Peace and Reconciliation.



ABI WILLIAMS

Centennial Fellow, Walsh School of
Foreign Service, Georgetown University

Dr. Abi Williams is Centennial Fellow at the Walsh School of Foreign Service, Georgetown University. He served as the first President of The Hague Institute for Global Justice from 2013 to 2016. From 2008 to 2012 he served at the United States Institute of Peace first as Vice President of the Center for Conflict Analysis and Prevention, and later as Senior Vice President of the Center for Conflict Management. From 2001 to 2007 Dr. Williams was Director of Strategic Planning in the Executive Office of the UN Secretary-General. He is former Chair of the Academic Council on the UN System (ACUNS).



RUAN ZONGZE

Executive Vice President, China Institute of
International Studies

Dr. Ruan Zongze is the Executive Vice President and senior fellow at CIIS, Editor-in-Chief of the CIIS journal – China International Studies, member of UNDP Human Development Report Advisory Panel and member of ASEAN Regional Forum (ARF) Experts & Eminent Persons. He was Minister Counselor at the Embassy of the PRC in the United States (2007-2011), and a diplomat at the PRC Embassy in the UK (1996-2000). He has a Ph.D. from the China Foreign Affairs University. His research areas include U.S. foreign policy, Chinese foreign policy, international security and development. He is the author of *A Diplomat's Inside Story of America* (Jiang Su People's Publishing LTD, Nanjing, 2012), and *The Rise of China and the Transition of East Asia Order: Shaping and Expanding the Shared Interests* (Peking University Press, Beijing, 2007). He appears frequently on China Central Television and other major media.



APPENDIX II: CONFERENCE FRAMEWORK STATEMENT

Considerable strides have been made in advancing and implementing the principle of the Responsibility to Protect (R2P) since its unanimous adoption by all United Nations (UN) member states at the 2005 World Summit. Informed by the foundational 2001 report of the Canadian-sponsored International Commission on Intervention and State Sovereignty, R2P is the global political commitment to prevent and halt genocide, ethnic cleansing, other crimes against humanity and major war crimes. In the decade since its adoption by the UN General Assembly, near-universal agreement has been forged around the principle that all governments have a responsibility to protect populations from mass atrocity crimes.

These normative gains have been accompanied by significant advances in institutional preparedness, many instances of effective preventive action, and a number of instances of effective reactive action in response to atrocities actually occurring. Yet there has been a clear inability to match these gains with the kind of consistent political will and comprehensive resources necessary to end genocide and other

mass atrocity crimes once and for all. The failures of the international community, and above all in Syria since 2011, have highlighted the need to close the gap between rhetorical commitment and determined, effective international action in every case where such action can make a life-saving difference. And that means re-energizing all the international players, both governmental and non-governmental, whose attitudes and actions will be crucial in making that happen.

The aim of this conference is to take systematic stock both of what has been achieved and what remains to be achieved by R2P – as a normative force, an institutional catalyst, and as a framework for effective action, both preventive and reactive. It will also seek to identify with clarity and precision the roles that need to be played, if R2P aspirations are to become fully real, by the most relevant actors in the international community.

On the basic question of the acceptance of R2P as a universal principle, or normative standard, there have unquestionably been major gains, of a kind unimaginable for the earlier, highly contested, concept of “humanitarian

intervention” which it has now almost completely displaced in international debate. The best evidence lies in the statements made in the UN General Assembly annual interactive debates since 2009, and in the nearly 50 resolutions specifically employing “responsibility to protect” language passed by the Security Council since 2006. In Geneva, the Human Rights Council has passed 16 resolutions referencing R2P, and the norm has been utilized in the context of the Council’s special procedures and mechanisms.

R2P has also been an institutional change agent. More than 50 countries and intergovernmental organizations have now designated “focal points” to analyze atrocity risks and help mobilize appropriate responses. Groups of state “Friends of R2P” exist in New York and Geneva to coordinate UN activity. The common agendas of human rights, mass atrocity prevention and civilian protection have been strengthened by the Secretary-General’s Human Rights up Front Action Plan and the Kigali Principles on the Protection of Civilians, launched in May 2015. In a number of states civilian response capability is receiving much

more organized attention, and militaries are rethinking their force configuration, doctrine, rules of engagement and training to better deal with mass atrocity response operations.

R2P-driven preventive strategies have had a number of notable successes over the last decade, in East and West Africa and parts of Asia. The clear protection of civilians mandates now given to nearly all UN peacekeeping operations – built on R2P’s sister concept of Protection of Civilians in Armed Conflict (POC) – have worked to prevent a number of simmering post-conflict situations from again exploding. And there is a much better understanding than there used to be of the large toolbox of preventive measures available at different stages of the conflict cycle. But it is still the case that there is more rhetoric than substance when it comes to really systematic preventive activity.

When it comes to effective reaction – stopping atrocity crimes already occurring – R2P has had some notable successes, including Kenya, Cote d’Ivoire, and the initial response to Libya in 2011. But these have been outweighed by obvious failures, including Sri Lanka in 2009,

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Libya subsequently, Iraq since 2013, Yemen since 2014 and, most catastrophically, Syria since 2011, where the Security Council has been almost paralyzed for five years, since it divided badly over the implementation of its military mandate in Libya.

There is a critical need in this context for the most influential global powers, inside and outside the Security Council – the ‘P3’ (US, UK and France), the ‘P2’ (Russia and China), and the leading countries of the global South (including India, Brazil, South Africa and Nigeria) – to again find common ground when it comes to responding to major mass atrocity crises. To encourage them to do so, there is a major global advocacy role also to be played, as demonstrated often enough in the past in this and other contexts, by key middle power players like Canada and Australia. And there are many civil society organization and

academic voices that can also be seriously influential, both regionally and globally.

What is necessary, above all, is that every one of these key players become re-energized in their commitment to ending what Kofi Annan rightly described as “gross and systematic violations of human rights that offend every precept of our common humanity”. Getting such commitments made and implemented has always been a challenge. Canada started the process by establishing in 2000 the International Commission which gave birth to R2P. This high-level conference aims to show the way for them now to be renewed and made fully real, so that when we say “Never Again” to genocide and other mass atrocity crimes, the international community really means it. Our common humanity demands no less.

APPENDIX III:

CONFERENCE PROGRAM

Morris J. Wosk Centre for Dialogue, Simon Fraser University
580 West Hastings Street, Vancouver
22-24 March 2017

WEDNESDAY, 22 MARCH

Asia Pacific Hall

18:00 - 19:30 **Public Lecture and Dialogue**
Taking Stock of the Responsibility to Protect: Achievements & Challenges

Professor the Hon. Gareth Evans, AC, QC

THURSDAY, 23 MARCH

Strategy Room 420

09:00 - 09:15 **Welcome Remarks**

Jennifer Allen Simons, The Simons Foundation
Gareth Evans, Conference Chair

<Panel Sessions>

09:15 - 10:30 **Panel 1: Review of Impact of R2P to Date**

More than a decade after its adoption at the 2005 UN World Summit, how well has R2P succeeded as a normative framework, a catalyst for institutional change, a preventive framework and a reactive framework? What are the main challenges for its consistent and effective implementation? Does the

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original concept still stand up or does it need modification? How should R2P continue to intersect with ongoing debates regarding human rights, peacekeeping and humanitarian crises?

Simon Adams
Lloyd Axworthy
Ramesh Thakur
Abi Williams

11:00 - 12:30

Panel 2: UN Secretary General and Secretariat Role

What difference can the new UN Secretary-General make to the future of R2P as both a mobilizing principle and a meaningful guide to action? How can the UN Secretariat play a stronger role in implementing R2P and the “Human Rights Up-front” agenda? Are any changes needed to the structure and processes of the Special Advisers’ Office? How important, if at all, is R2P to the reform and revitalisation of the UN?

Edward Luck
Ivan Šimonović
Jennifer Welsh

12:30 - 13:30

Lunch

Hamber Foundation Boardroom 470

13:30 - 14:30

Panel 3: Permanent Five Role – the P₃

How important have the P₃ been to the development of R2P? Is there a danger in R2P being perceived as “P₃” project? What responsibility, if any, do the P₃ bear – given the widespread perception of overreach in the implementation of the Libyan mandate in 2011 – for the paralysis of the Security Council in the face of atrocity crimes in Syria? What can the P₃ contribute to the restoration of consensus in the Security Council in cases that may require military intervention? What can we expect from the US with the Trump administration? Does the veto restraint proposal have a future?

David Hannay
David Pressman

14:30 - 15:30

Panel 4: Permanent Five Role – the P2

How fair is the perception in the West of the P2 as R2P opponents and spoilers, given that China and Russia have both voted for some 50 R2P resolutions in the Security Council? What does the strategic clash between the P3 and the P2 over Libya and Syria mean for R2P’s future? Are the two countries on the same or different pages in their approach to R2P? What can the P2 contribute to the restoration of consensus in the Security Council in cases that may require military intervention?

Ruan Zongze
Ekaterina Stepanova

16:00 - 17:00

Panel 5: Canada’s Role

Given that Canada played a crucial role in the genesis of R2P and its adoption at the 2005 UN World Summit, and now that “Canada is back” at the UN, what more can it contribute once again to ensuring the effective implementation of the norm? Other key “middle power” governments were also instrumental in building support for R2P after 2005 and in constructing a “community of commitment” to help its transformation from principle to practice: how can that commitment be re-energized?

Roméo Dallaire
Heidi Hulan
David Malone
Allan Rock

19:00 - 22:00

Dinner

Presentation of The Simons Foundation Award for Distinguished Global Leadership in the Service of Peace and Disarmament

Spanish Ballroom, Rosewood Hotel Georgia

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FRIDAY, 24 MARCH

Strategy Room 420

09:00 - 10:30 **Panel 6: BRICS and Global South Role**

Given that, since the start of the new century, India, Brazil and South Africa (IBSA) have played an increasingly prominent part in global politics, including as members, with China and Russia, of the BRICS group, what role can and should they play in the future of R2P? To what extent have they reconnected R2P to its political roots in the Global South? What can they contribute to the restoration of consensus in the Security Council in cases that may require military intervention? What is the future in this respect of Brazil's "Responsibility While Protecting" (RWP) proposal?

Patrick Luna

Doc Mashabane

Hardeep Singh Puri

11:00 - 12:30 **Panel 7: Civil Society Organizations and Academics Role**

Have academic critiques on balance helped, hindered or been irrelevant to the evolution of R2P? How significant has been the advocacy and support role of civil society organizations? What role can and should they respectively play in re-energizing global commitment to R2P? How important is it to counter the perception that R2P is a state-centric or UN-only idea, and what can civil society organizations contribute in that respect?

Alex Bellamy

Keith Porter

Tom Weiss

12:30 - 13:30 Lunch
Hamber Foundation Boardroom 470

13:30 - 15:00 **Panel 8: Conclusion - Discussion of priorities for next steps**

APPENDIX IV:

KEYNOTE PUBLIC LECTURE BY SIMONS VISITING CHAIR, GARETH EVANS, 22 MARCH 2017

Taking Stock of the Responsibility to Protect: Achievements and Challenges

Those of us present at the creation of the Responsibility to Protect (R2P) – and many of the founding fathers and mothers are together here in Vancouver this week thanks to the wonderful commitment and generosity of Jennifer Simons and her Foundation – had a single abiding objective. It was to ensure that whatever else the international community managed to screw up in its conduct of international relations, we would not continue to screw up – as we had throughout the 1990s, and indeed for not only many decades, but many centuries, before – when it came to responding effectively to the threat or reality of mass atrocity crimes.

We wanted, above all, to ensure that when genocide, ethnic cleansing or other crimes against humanity or major war crimes were being threatened or committed behind

sovereign state borders, the rest of the world would regard this as everyone’s business, not nobody’s business.

That was the motivation that led Kofi Annan to throw down his millennial challenge in 2000: “If humanitarian intervention is indeed an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of our common humanity?”

That was the motivation which led Lloyd Axworthy (back in the days when Canada behaved like Canada, as it is now mercifully again) to respond to that challenge by initiating the International Commission on Intervention and State Sovereignty, which I had the pleasure and privilege of co-chairing, which came up in our 2001 report of that name with the breakthrough concept of ‘The Responsibility to Protect’, which in turn made it politically

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possible for the global North and South to find common ground in a way that had simply been impossible when the debate was solely in terms of ‘humanitarian intervention – send in the big guys with all guns blazing or do nothing.

And that was the motivation which enabled the UN General Assembly, in the context of the 2005 World Summit – against the odds, because practically nothing else of any importance was there agreed – to unanimously endorse the principle of R2P, with its three distinctive pillars: the responsibility of a state to its own people not to either commit such mass atrocity crimes or allow them to occur (‘Pillar One’); the responsibility of other states to assist those lacking the capacity to so protect (‘Pillar Two’); and the responsibility of the international community to respond with ‘timely and decisive action’ – including ultimately with coercive military force if that is authorised by the Security Council – if a state is ‘manifestly failing’ to meet its protection responsibilities (‘Pillar Three’).

But that was then, and now is now. Looking back after more than a decade has passed since 2005, what have we managed to achieve? Just some fine words, or something more than that? There are plenty of cynical voices to be heard saying that the whole enterprise has been a complete waste of time, or worse. Looking at the present catastrophe in Syria,

where R2P gained no traction at all, and the horrible aftermath of the initially-successful R2P-based military intervention in Libya, that might seem a hard argument to contest. But contest it I do, taking as my benchmarks the four big things that R2P was designed to be: a normative force; a catalyst for institutional change; a framework for preventive action; and a framework for effective reactive action when prevention has failed.

There is zero room for complacency – particularly in the post-truth, post-rationality, post-decency, Trumpian world we now inhabit. But there are positive things we can say on each of these fronts, and positive foundations on which we at this conference can build when we discuss over the next two days how to re-energize the commitment to R2P of the world’s key players.

R2P AS A NORMATIVE FORCE. I love quoting the British historian Martin Gilbert when he said, two years after the 2005 World Summit, that acceptance of the responsibility to protect is ‘the most significant adjustment to sovereignty in 360 years’. That may be a stretch, but it is certainly true to say that there has been continuing growth in acceptance of R2P as a principle, or normative standard, in a way that would have been unimaginable for the earlier concept of ‘humanitarian intervention’ which R2P has now almost completely, and rightly, displaced.

Although many states are still clearly more comfortable with the first two pillars of R2P than they are with the third, and there will always be argument about what precise form action should take in a particular case, there is no longer any serious dissent evident in relation to any of the elements of the 2005 Resolution. The best evidence lies in the General Assembly's annual interactive debates since 2009, which have shown ever stronger and more clearly articulated support for the new norm, and in the more than 50 resolutions referencing R2P that have now been passed by the Security Council (more than 40 of them after the divisions over Libya in 2011). I don't suggest for a moment that R2P has become so embedded in international practice that it now counts as a new rule of customary international law. But when considered as a guide to behaviour, I believe that R2P is more than just an 'emerging' norm: it is a new norm.

R2P AS AN INSTITUTIONAL CATALYST. All the normative consolidation in the world will not be of much use if R2P is not capable of delivering protection in practice. That means for a start the continued evolution of institutional preparedness, at the national, regional and global level, particularly at the crucial stages of early prevention, and early reaction to warning signs of impending catastrophe. R2P has been a change agent here, with civilian response capability receiving

much more organized attention. The Peace and Stabilization Operations Program announced last year by the new Canadian Government, although it has a wider remit than purely R2P situations, is an excellent example of the thinking now going into coordinating more effective responses by multiple agencies to complex political crises abroad. Militaries are also rethinking their force configuration, doctrine, rules of engagement, and training to deal better with mass atrocity response operations, which often need to fall somewhere between peacekeeping and full-scale war fighting.

Of great importance has been the move to establish 'focal points' – designated high-level officials, or groups of officials, whose job is to analyse atrocity risk and mobilise appropriate responses. There are now more than 50 members of the 'Global Network of R2P Focal Points' convened by the Global Centre which I chair and Simon Adams directs. One of the most visible and potentially effective of them has been the Atrocities Prevention Board, established by President Obama in the US National Security Council, the existence of which is now unhappily at real risk under the new Trump administration – an issue I'll come back to. But however much has been achieved so far, here as elsewhere more needs to be done – not least at UN Headquarters, where the roles of the Special Adviser on the

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Prevention of Genocide and, unhappily still only part-time, Special Adviser on R2P, need to be not only recognized, but rationalised, coordinated and strengthened.

Probably the most crucial institutional need for the future is to create a culture of effective support for the International Criminal Court (ICC) and the evolving machinery of international criminal justice, which machinery is designed to enable not only trial and punishment for some of the worst mass atrocity crimes of the past, but in doing so to provide an important new deterrent for the future. It is deeply regrettable that the ICC has come under so much recent fire from African states, including South Africa, although the threatened exodus of a number of them from accepting the Court's jurisdiction has not yet happened. Implementation of the ICC's mandate may not always have been perfect but it is trying hard to fill what has far too long been a major institutional vacuum, and its processes should be respected.

One development that would certainly turn on its head any perception of pro-North bias on the part of the ICC would be for it to seriously pursue a case against my own country, Australia, for possible crimes against humanity committed by successive governments in forcibly detaining asylum seekers on Nauru and Manus Island in Papua New Guinea. A

detailed brief has recently been lodged with the prosecutor of the ICC seeking just that, with evidence and supporting legal argument that are both seem prima facie credible', though no doubt will be fiercely contested. It is painful for me as a former Australian foreign minister to acknowledge that if such action were to prove successful, this would be deeply shaming for Australia's good international citizenship credentials. But I also have to acknowledge, from a broader global perspective, that this might just be the circuit-breaker needed to restore the court's credibility in the global South.

R2P AS A PREVENTIVE FRAMEWORK. The credibility of the whole R2P enterprise has depended from the outset on giving central importance to prevention. There is now a very good understanding of the large toolbox of preventive measures available at all stages of the crisis and conflict cycle, but while there is a very long tradition of regular lip-service being paid to the need for effective prevention, the record of practical delivery is not nearly as strong as it should be. Part of the problem of getting sufficient resources to engage in successful prevention is the age-old one that success here means that nothing visible actually happens: no-one gets the kind of credit that is always on offer for effective fire-fighting after the event.

All that acknowledged, it is fair to claim that R2P-driven strategies have had a number of notable successes, especially in the context of post-crisis prevention of recurrence. Notably in Kenya after 2008; the West African cases of Sierra Leone after 2002, Liberia after 2003, Guinea and Kyrgyzstan after 2010, and Cote d'Ivoire after 2011. While Burundi has been a catastrophe waiting to happen again for over a decade now, the immense amount of R2P-focused attention it has been receiving from the Security Council and African Union has arguably been an important factor in so far preventing the volcano erupting. Most peacekeeping operations now have protection of civilians mandates – built on R2P's sister concept of Protection of Civilians in Armed Conflict (POC) – and most of the time those operations are succeeding in keeping the lids on some often very simmering pots. But nobody doubts that we can and should be doing much more by way of prevention.

R2P AS A REACTIVE FRAMEWORK. This is where the rubber hits the road. What do we do if a state, through incapacity or ill-will, has failed to meet its Pillar One responsibilities? The not-so-good news is that on the critical challenge of stopping mass atrocity crimes that are under way, whether through diplomatic persuasion, stronger measures like sanctions or criminal prosecutions, or through military

intervention, and acting under either Pillar Two or Pillar Three, R2P's record has been mixed, at best.

There have been some success stories: Kenya in 2008, Côte d'Ivoire, and – at least initially – Libya in 2011. And some partial success can be claimed for the new or revitalized UN peacekeeping operations in Congo, South Sudan, and the CAR, where mobilization of the international community, although late, was better late than never. But there have also been some serious failures, certainly including Sri Lanka in 2009. In Sudan, where the original crisis in Darfur predates R2P but the situation continues to deteriorate, President Omar al-Bashir remains effectively untouched either by his International Criminal Court indictment or multiple Security Council resolutions. We are not doing as well as we should be in stopping non-state actors like Boko Haram committing atrocity crimes in territory over which they have control. And, above all, there has been catastrophic international paralysis over Syria.

The crucial lapse in Syria occurred in mid-2011, when the Assad regime's violence was one-sided and containable. Driven by the perception, not itself unreasonable, that the Western powers had overreached in Libya by stretching a limited mandate to protect civilians into a regime-change crusade, a number of Security

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Council members then over-reached in the other direction: seeing another slippery slope in Syria, there was no majority support for a resolution even just to condemn the regime's violence against unarmed civilians. And with the Syrian leadership sensing its impunity, the situation deteriorated quickly into the full-scale civil war raging today.

There is no more important or urgent task for R2P advocates than to rebuild consensus within the Security Council as to the right way to handle the hardest of cases, when it may well be that the threat or use of coercive military force is the only way of stopping catastrophic atrocity crimes in their tracks. The 'responsibility while protecting' (RWP) proposal put on the table by Brazil in 2011 remains the most constructive of all the suggested ways forward, requiring as it would all Council members to accept close monitoring and review of any coercive military mandate throughout such a mandate's lifetime. Re-establishing the necessary consensus is not impossible, but it will take time – and maybe, with the advent of the Trump Administration, much more time than I had thought likely before last November.

There are a number of other ways in which Security Council practice could be modified to enhance its responsibility when handling atrocity crime cases, which I also hope will

be taken seriously by Council members.

They include embracing the Accountability, Coherence and Transparency (ACT) Group's Code of Conduct and French/Mexico veto restraint initiatives, both of which are receiving increasing support from the wider UN membership, though not – as of now – of the Security Council members who matter most, above all the United States.

Recent political developments in the United States and Europe have given optimists everywhere a reality check. In particular, I have to acknowledge that there are now real concerns about whether the United States under the new Trump administration will have any serious commitment to R2P at all, let alone be prepared to moderate some of the less-helpful positions taken by its predecessor. The Obama administration, for all its reluctance – in the finest national tradition – to yield American power to anyone else, and for all its stubborn resistance to veto restraint and continued unwillingness to acknowledge error in its treatment of the Libyan mandate, was at least manifestly sympathetic to the underlying principles of the norm. There is obviously a real prospect that the Trump administration will be anything but that, given its already articulated hostility to the UN and all its works. It could be a long four years wait – with R2P as with so many other foreign policy issues – before there is a chance of returning to anything like normal international diplomacy.

It is obviously the case that the new president's instincts are clearly neither multilateral nor interventionist, and he is not likely to be moved by appeals to 'universal values' of any kind. But maybe, just maybe, he will come to be persuaded that 'American values' are relevant here, and that his stated aim to 'make America great again' will only be achieved, in the eyes even of his own inward-looking hard-core supporters, if the United States occasionally demonstrates not just great attentiveness to its own immediate self-interest, but greatness of heart and spirit, at least when it comes to the protection of those at risk of genocide and mass atrocity crimes. While the chances of sympathy for Muslim victims may not be very great, at least Christians may be in with a chance...

For all the scepticism and pessimism and general depression we are entitled to feel about the role likely to be played by the United States over the next few years, the bottom line for me is that I don't believe that pessimism on that scale is justified more generally. As I move around the world

discussing these issues, as I regularly continue to do, I really don't see evidence anywhere that anyone wants a return to the bad old days, when the whole UN was a consensus free zone on mass atrocity crime issues.

We should never forget how bad those days could be. In November 1975, seven months after the Khmer Rouge had commenced its genocidal slaughter, US Secretary of State Henry Kissinger famously said to Thai Foreign Minister Chatichai Choonhavan: "You should also tell the Cambodians [the Khmer Rouge] that we will be friends with them. They are murderous thugs, but we won't let that stand in our way."

As cynical as our political leaders sometimes remain – and as a long-time politician myself, I know a fair bit about that culture – it's hard to imagine any of them today, even in the Trump administration, feeling able to talk like that. That's a measure of how far we have come with R2P. And if that's true, it's a great tribute to a great Canadian initiative.

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