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## **Responsibility to Protect**

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Operationalising the  
Preventive Aspects of the  
Responsibility to Protect

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R2P

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# Operationalising the Preventive Aspects of the Responsibility to Protect

Eli Stamnes



## Executive Summary

The report is underpinned by two working hypotheses. The first is that prevention is better than cure. Prevention is cheaper in all respects, almost always easier, and morally more defensible. This argument is particularly strong when it comes to the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity, which is the scope of the responsibility to protect (R2P). The second hypothesis is that in order for R2P to maintain its political clout, it is crucial that it is not invoked inappropriately. There is a tension between these two hypotheses, which is linked to the multifaceted character and time perspective of preventive action. The report suggests a solution that seeks to maintain the primacy of prevention while at the same time safeguarding the integrity and political utility of R2P.

There is a strong case for prioritising prevention in the context of R2P. The International Commission on Intervention and State Sovereignty (ICISS) defined the responsibility to prevent as one of R2P's three constitutive elements, arguing that it was 'the single most important dimension'. In this way it sought to alleviate fears that humanitarian action may be used with neo-imperialist or neo-colonialist motives. In today's international political climate, with the renewed support for absolute state sovereignty in the wake of the Afghanistan and Iraq invasions, the preventive component of R2P is even more important. It may also constitute a practical necessity due to the current overstretch of troops and resources and the assumed difficulty of achieving a Security Council mandate for more coercive action.

One problem with preventive action in the context of R2P is connected to the breadth of measures involved. These measures are typically divided into two categories – 'direct' and 'root cause' prevention – which both consist of a broad range of political, economic, legal and military measures, the distinction being drawn by 'the time available to make a difference'. The danger is that if one is to invoke R2P in connection to everything from 'preventive diplomacy' and 'preventive deployment', to the 'promot[ion] of membership in international organisations' and the 'support for education for tolerance', the R2P label could become meaningless and lose its political clout. Another problem relates to the timeframe involved in 'root cause' prevention. Such capacity building measures take so long to implement that it is simply too late to begin to initiate them when it can credibly be established that a society is at risk. It is therefore futile to invoke R2P in

order to muster commitment and resources for such measures, even if they are assumed to be crucial for the prevention of mass atrocities.

On this basis, the report suggests a two-fold solution. First, direct references to R2P should be limited to situations in which mass atrocity crises are looming. In other words, R2P should only be invoked in connection to the use of 'direct prevention' measures. Secondly, and relatedly, work on the implementation of 'root cause' prevention should take place without direct appeals to the concept of R2P.

'Direct' R2P prevention could involve instruments such as economic inducements, fact-finding missions, arbitration, etc., or a more comprehensive response in the form of the deployment of a multifaceted preventive operation. Relevant lessons for the latter could be learnt from the United Nations Preventive Deployment in Macedonia (1992–1999) and various EU and OSCE initiatives, but it is emphasised that the preventive deployment should be tailored to the particular case at hand and focus specifically on the prevention of mass atrocities.

'Root cause' prevention would entail the promotion of a 'culture of prevention' of mass atrocities, or the mainstreaming of prevention into the day-to-day workings of international politics. Crucial here would be 'a habit of preventive investment'.

The report also identifies areas in which further research is required. These are:

- the difference between conflict prevention and the prevention of mass atrocities, and the implications for 'direct prevention' as well as 'root cause prevention'.
- the role of identity construction, gender and gender-based violence in the occurrence and prevention of mass atrocities.
- how a multifaceted preventive deployment might be tailored to address a looming mass atrocity crisis.
- the role that regional organisations might play in connection to such deployments.
- how the UN might best deal with the tension between maintaining the consent of the host government to the deployment and the need to adequately address minority and other identity-related issues.

- how coherent ‘root cause prevention’ policies might be devised, and who should be responsible for their execution. How is coordination and coherence best achieved between different actors and initiatives.
- the conceptual and practical links between ‘root cause prevention’ and peacebuilding.
- the normative implications of ‘root cause prevention’.

## Introduction<sup>1</sup>

The consensus reached on the responsibility to protect (R2P) at the World Summit in 2005 is an important one. Even if the principle, as it is formulated in the Summit's Outcome Document, is far from perfect or complete<sup>2</sup>, it still represents a significant step away from the culture of indifference that has dominated the international state system for so long, and for which millions of people have paid the ultimate price. Commentators, policymakers and practitioners alike have argued that the consolidation and advancement of the 2005 consensus is crucial if mass atrocities of the kind witnessed in Rwanda and the former Yugoslavia, for example, are to be avoided in the future.

Taking this as its starting point, this report is underpinned by two working hypotheses. The first asserts that prevention is better than cure – that is, that it is far better to nip problems in the bud than attempting to cure them once they have become fully blown. Prevention is cheaper in all respects, almost always easier, and morally more defensible.<sup>3</sup> This is true whether one speaks of infectious diseases, starvation or violent conflicts. When it comes to the issue of mass atrocities such as genocide, war crimes, ethnic cleansing and crimes against humanity, the arguments in favour of preventive action are even stronger. This sentiment seems to be reflected in paragraph 138 and 139 of the World Summit Outcome Document, where emphasis is placed on states' responsibility to prevent these four crimes and on the international community's responsibility to assist states 'under stress

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<sup>1</sup> An article version of this report is published in *Global Responsibility to Protect 1* (2009). The research was made possible by funding by the Norwegian Ministry of Foreign Affairs. I am grateful for comments on an earlier draft made by Anika Bjorkdahl and other participants at the workshop 'Operationalising the Responsibility to Protect', held on 29-30 October 2008.

<sup>2</sup> A/RES/60/1. On its imperfections, see, for example, Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All* (Washington, DC: Brookings Institution Press, 2008), pp. 46-50; Alex J. Bellamy, 'The Responsibility to Protect and the Problem of Military Intervention', *International Affairs*, Vol. 84, No. 4, 2008, pp. 615-639; Alex J. Bellamy, 'Conflict Prevention and the Responsibility to Protect', *Global Governance*, vol. 14, no. 2, April-June 2008, pp. 135-156; Thomas G. Weiss, *Humanitarian Intervention: Ideas in Action* (Cambridge: Polity Press, 2007), pp. 116-117; Alex De Waal, 'Darfur and the responsibility to protect', *International Affairs*, Vol. 83, no. 6, 2007, pp. 1039-1054.

<sup>3</sup> On the advantages of prevention, see, for example, Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict: Final Report* (Washington DC: Carnegie Commission on Preventing Deadly Conflict, 1997); Michael Lund, *Preventing Violent Conflicts: A Strategy for Preventive Diplomacy* (Washington DC: United States Institute for Peace, 1996).

before crises and conflicts break out'.<sup>4</sup> The second working hypothesis states that in order for R2P to maintain its political clout, it is crucial that it is not invoked inappropriately. There is reason to believe that the fledging norm will remain but a pie in the sky if it comes to be used too imprecisely or too easily.

There is, however, a tension between these two hypotheses – a tension linked to the multifaceted character and time perspective of preventive action. This report will investigate this tension and suggest a two-fold solution that seeks to maintain the primacy of prevention in the context of mass atrocities, while at the same time safeguarding the integrity and political utility of the R2P principle. It will first present the case for prioritising prevention in the context of R2P. Then, it will discuss possible problems of attaching the label R2P to the plethora of measures that constitute preventive action, before it outlines a solution, which is inspired by the speech act approach to security of the Copenhagen School.<sup>5</sup> In so doing, it aims to contribute to the debate about how to operationalise the preventive aspect of the R2P principle.

### **The case for prioritising prevention**

As is now widely known, the idea of seeing the responsibility to prevent as one of three constitutive elements of R2P (the two others being the responsibility to react and the responsibility to rebuild) was introduced by the International Commission on Intervention and State Sovereignty (ICISS) in their 2001 report *The Responsibility to Protect*.<sup>6</sup> The emphasis on prevention was then an important part of the move away from the 'humanitarian intervention' debate of the 1990s. This move involved a shift of focus towards states' responsibilities and away from their rights – both away from their right to non-interference in domestic affairs, and away from what many saw as the West's self-proclaimed right to intervene. Taking inspiration from Francis M. Deng et.al., the ICISS sought to redefine sovereignty, so that it would no longer constitute a guarantee against interference but

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<sup>4</sup> A/RES/60/1, para 139

<sup>5</sup> See, for example, Barry Buzan, Ole Wæver and Jaap de Wilde, *Security A New Framework for Analysis* (Boulder, Colorado Lynne Rienner Publications, 1998), Ole Wæver, 'Securitization and desecuritization', in Ronnie D. Lipschutz (ed) *On Security* (New York Columbia University Press, 1995).

<sup>6</sup> International Commission on Intervention and State Sovereignty, *The Responsibility to Protect Report of the International Commission on Intervention and State Sovereignty* (Ottawa International Development Research Centre, 2001)



would instead be synonymous with responsibility.<sup>7</sup> In this way it sought to establish a victim-centred conception of how to deal with the issue of mass atrocities. Moreover, by asserting that ‘prevention is the single most important dimension of the responsibility to protect’ and arguing that the less intrusive and less coercive measures should always be considered first, it sought to alleviate the fears, prevalent in the non-Western world, that there were neo-colonialist or neo-imperialist motives underlying such humanitarian action.<sup>8</sup> Although far from all of the ICISS’ recommendations were picked up in the World Summit Outcome Document, the primacy of prevention is implied there too. It is undoubtedly the case that the ICISS report has provided the terms and vocabulary for discussions about the R2P principle and will continue to provide ideas for the ongoing debate of how to operationalise the concept.

The preventive component of R2P may be even more important in today’s international political climate, with the renewed support for absolute state sovereignty that can be observed in the wake of the invasions of Afghanistan and Iraq. As Madeleine K. Albright has put it,

some governments will oppose any exception to the principle of sovereignty because they fear criticism of their own policies. Others will defend the sanctity of sovereignty unless and until they again have confidence in the judgement of those proposing exceptions.<sup>9</sup>

Thus, the standing of R2P has been affected and ‘some countries that previously endorsed it in 2005 now develop symptoms of buyer’s remorse’.<sup>10</sup> Some states even go so far as to claim that the principle was actually rejected at the World Summit.<sup>11</sup> The emphasis of the non-coercive sides to R2P is therefore considered to be the best strategy when seeking to revive the consensus from 2005. Moreover, it is argued that in the long run ‘the use of the prevention and reconstruction

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<sup>7</sup> Francis M. Deng, Sadikiel Kimaro, Terrence Lyons, Donald Rothchild and I. Willham Zartman, *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, DC: Brookings Institution, 1996).

<sup>8</sup> International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*, p. xi. See also, Ramesh Thakur, ‘Operationalising the “responsibility to protect”’, *The Hindu*, 15 February 2008.

<sup>9</sup> Madeleine K. Albright, *The End of Intervention*, *New York Times*, 11 June 2008.

<sup>10</sup> Ramesh Thakur, ‘Should the UN invoke the ‘responsibility to protect’?’, *The Globe and Mail*, 8 May 2008.

<sup>11</sup> Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All*, p. 52.

language of R2P [...] will promote the political legitimacy of military intervention when and where it becomes necessary'.<sup>12</sup>

The privileging of the preventive side to R2P may also constitute a practical necessity, considering the current overstretch of troops and resources worldwide. The likelihood of achieving an adequate Security Council mandate quickly enough – if at all – in Rwanda-like situations is currently also fairly slim. Hence, the best bet seems to be to try to make sure that such situations do not arise in the first place.

### **The problem with preventive action in the R2P context**

Let us now turn to the question of how one goes about preventing mass atrocities from occurring. Perhaps the most influential contributor to the literature on preventive action, the Carnegie Commission on Preventing Deadly Conflict, states in its final report that:

Effective preventive strategies rests on three principles: early reaction to signs of trouble; a comprehensive, balanced approach to alleviate the pressures, or risk factors, that trigger violent conflict; and an extended effort to resolve the underlying root causes of violence.<sup>13</sup>

Distinguishing between 'operational prevention' (measures utilised when a crisis is imminent)<sup>14</sup> and 'structural prevention' (measures that address the 'root causes' of deadly conflict)<sup>15</sup>, it presents a host of political, economic, humanitarian and military measures that are to be applied in concert. Among the operational measures discussed are preventive diplomacy, economic sanctions and inducements, and various uses of military force. Structural measures range from devising or improving international and national legal systems as well as systems for arms control, via dispute resolution mechanisms, to efforts aimed at meeting basic economic, social, cultural and humanitarian means.

Admittedly, the scope of the Carnegie Commission's work – to prevent all types of deadly conflict – is broader than that of R2P, which is

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<sup>12</sup> Thakur, 'Should the UN invoke the 'responsibility to protect'?' This link was also made in the ICISS report, see, International Commission on Intervention and State Sovereignty, *The Responsibility to Protect Report of the International Commission on Intervention and State Sovereignty*, para 3.4

<sup>13</sup> Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict Final Report*, p xviii

<sup>14</sup> Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict Final Report*, pp 39-67

<sup>15</sup> Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict Final Report*, pp. 69-102

‘merely’ concerned with the protection against four specified mass atrocity crimes. Nevertheless, proponents of R2P offer almost identical recipes for preventive action. Under the section dealing with the Responsibility to Prevent, the ICISS report distinguishes between early warning and analysis, ‘root cause prevention’ and ‘direct prevention’.<sup>16</sup> The latter two categories both encompass measures of a political, economic, legal and military character, the distinction between them being drawn by ‘the time available to make a difference’.<sup>17</sup> In his recent book, one of the chairmen of the Commission, Gareth Evans, presents a toolbox for the prevention of mass atrocities, which is divided into ‘structural’ and ‘direct’ prevention trays, both containing compartments for political/diplomatic, economic/social, constitutional/legal and security sector instruments.<sup>18</sup> In a recent speech, Secretary-General Ban Ki-moon expressed a similar conception of prevention, and argued that capacity building (as in paragraph 139 of the Outcome Document) could include development, good governance, human rights, gender equality, the rule of law and security sector reform.<sup>19</sup>

The breadth of measures that are suggested to be utilised in preventive action is thus immense. And therein lies the problem vis-à-vis the political clout of R2P. The recent appeals to R2P in connection to the Georgia conflict and Cyclon Nargis have highlighted the problem of interpreting R2P too widely. By invoking the principle in contexts that are well beyond those outlined in the World Summit Outcome Document, false expectations as well as false fears may be created, and the popular and political support of the principle may well in turn be challenged. Although clearly falling within the purview of the R2P principle as formulated in the Outcome Document, the association with such a wide variety of preventive measures may affect the principle’s political utility in a similar way. For, in addition to the political force stemming from its affirmation by the world’s state leaders in 2005, the assumed exclusivity of the R2P principle is its greatest asset. The fact that it is supposed to be flagged in connection to the extreme, extraor-

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<sup>16</sup> International Commission on Intervention and State Sovereignty, *The Responsibility to Protect Report of the International Commission on Intervention and State Sovereignty*, pp 19-27.

<sup>17</sup> International Commission on Intervention and State Sovereignty, *The Responsibility to Protect Report of the International Commission on Intervention and State Sovereignty*, p 23

<sup>18</sup> Evans, *The Responsibility to Protect Ending Mass Atrocity Crimes Once and for All*, pp. 87, 88-104

<sup>19</sup> SG/SM/11701, Secretary-General defends, clarifies ‘Responsibility to Protect’ at Berlin event, On ‘Responsible Sovereignty International Cooperation for a Changed World’, United Nations Department of Public Information, 15 July 2008.

dinary, not-to-be-ignored cases is what gives it added value compared to already existing international legal obligations and instruments. So, if it were to be flagged in connection to the whole plethora of activities associated with preventive R2P action, it could lose its exclusive character.

The danger is therefore that if one is to invoke R2P in connection to everything from 'preventive diplomacy' and 'preventive deployment', to the 'promot[ion] of membership in international organisations' and the 'support [for] education for tolerance' – all elements in Evans' preventive toolbox – or even the construction of 'better civil defence preparations', as suggested by Ramesh Thakur in connection to Cyclon Nargis, the R2P label could become meaningless.<sup>20</sup> The practice of 'the single most important dimension' of R2P, prevention, may thus contribute to weakening the principle itself.

Then there is also the question of the time perspective. Take, for example, the commitment to help building capacity in states at risk. By their very nature some of the capacity building measures sorted under the rubric of 'structural' or 'root cause' prevention take so long to implement that it is simply too late to begin to initiate them when it can credibly be established that a society is at risk. For such measures to make a difference, they must commence long before there is reason to suspect that atrocities may take place. It is therefore futile to invoke R2P in order to muster commitment and resources for such measures, even if they are assumed to be crucial for the prevention of mass atrocities. To make the case for preventive action is by its very nature difficult as it involves counterfactual argumentation. It is impossible to prove that x would have happened if y was not done. And if x refers to genocide, for example, and y constitute, say, 'to address inequities in the distribution of resources or opportunities' or 'promoting honesty and accountability in law enforcement'<sup>21</sup>, the timeframe involved makes it even harder to make a convincing case. So, even if such 'root cause prevention' would be the most important contribution to the protection against mass atrocities in the long run, it must be done in a more systematic and sustainable manner than as responses to at-risk-warnings. It is therefore suggested here that a mainstreaming of the 'root cause prevention' mindset is required. This should not, of course, be a substitute for more urgent appeals to R2P when a crisis is looming, but go hand in hand. In order to make the arguments put

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<sup>20</sup> Evans, *The Responsibility to Protect Ending Mass Atrocity Crimes Once and for All*, p 87, Ramesh Thakur, 'To invoke or not to invoke R2P in Burma', *The Hindu*, 20 May 2008

<sup>21</sup> Which are two suggestions to 'root cause prevention efforts' put forward by the ICISS, see, *The Responsibility to Protect Report of the International Commission on Intervention and State Sovereignty*, p 23

forward here a little clearer, let us now turn to an approach developed in connection to the study of security, which can be helpful for thinking around these matters.

### The solution: speaking R2P with caution

The speech act approach to the study of security, which is associated with Barry Buzan, Ole Wæver and Jaap de Wilde – a group collectively referred to as the Copenhagen School – can help to shed light on the issues raised above. Understanding security as ‘a particular type of intersubjective politics’, they argue that security studies should not be concerned with the objective content and seriousness of various threats, but rather with the process by which an issue comes to be seen as a security issue – securitization.<sup>22</sup>

Taking as their starting point the way in which ‘security’ traditionally has been invoked in international relations, they argue that a securitizing move takes place when an ‘issue is presented as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure’.<sup>23</sup> In other words by uttering the phrase ‘security’ in connection to an issue, the issue is accorded special urgency and priority, and is elevated above the workings of everyday politics. Securitization is thus more extreme than the process of politicizing an issue, which refers to making an issue subject to public policy, government decision-making and resource allocation.<sup>24</sup>

The process of securitization resonates well with the R2P problematique: By uttering R2P, a similar process is set in motion, or at least, that is the intention. It should be emphasised that the point here is not to equate R2P with security – needless to say, security encompasses much more than the four mass atrocities covered by R2P.<sup>25</sup> It is rather to point out that the act of speaking R2P has strong similarities to the act of speaking security. By speaking R2P a claim is made that an *existential threat* exists, that *emergency measures* are required and justified, and consequently, the issue is *elevated above normal politics*. The Copenhagen School’s approach can therefore help illuminate the

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<sup>22</sup> Buzan, Wæver and de Wilde, *Security A New Framework for Analysis*, pp. 19, 23-26.

<sup>23</sup> Buzan, Wæver and de Wilde, *Security A New Framework for Analysis*, p. 24

<sup>24</sup> Buzan, Wæver and de Wilde, *Security A New Framework for Analysis*, p. 23  
Note the difference between a securitizing move and securitization. The latter occurs only when a securitizing move has been accepted by the relevant audience.

<sup>25</sup> At least if one subscribes to the view of the ‘wideners’. The ‘traditionalists’ conceive of security in state-centric and military terms. See, Buzan, Wæver and de Wilde, *Security A New Framework for Analysis*, p. 1.

issues at stake when discussing possible solutions to the dilemma outlined above. Let us take a closer look at these three elements of the 'speaking' process in connection to the different aspects of preventive action. Here, the ICISS' categories of 'direct' and 'root cause' prevention will be used, bearing in mind that others use slightly different names to distinguish between measures utilised when a crisis is imminent and measures that aim to address underlying causes.

Implicit in the R2P concept is the treatment of the individual as the so-called referent object.<sup>26</sup> The threat of mass atrocities can thus be seen to represent an existential threat in that it threatens individuals' survival, or at least their ability to live their lives in dignity (depending on which of the four crimes one talks about).<sup>27</sup> In the context of direct prevention there is a close link between such threats and the prescribed emergency measures. Due to the urgency of the situation, it is also reasonable to elevate the issue/situation above normal decision-making procedures and give it special attention and treatment. In the case of root cause prevention, on the other hand, due to the breadth of measures as well as the timeframe(s) involved, the link to an existential threat is difficult to establish. Moreover, it is not desirable to treat such measures as exceptions, 'outside the normal bounds of political procedure'. On the contrary, their funding, implementation and application must be made part of normal politics, the goal being to mainstream the prevention mindset in connection mass atrocities.

On this basis I suggest a two-fold solution: the act of speaking R2P should be limited to situations in which mass atrocity crises are looming. In other words, R2P should only be invoked in connection to the use of direct prevention measures. The work on the implementation of root cause prevention should meanwhile take place without direct appeals to the concept. In this way, the political utility of R2P is safeguarded at the same time as the primacy of prevention in dealing with mass atrocities is maintained. It should be emphasised that this is not an argument for limiting the scope of the principle. It is merely a recognition of the fact that some of the work involved in preventing mass atrocities must, for political and efficiency reasons, take place without attaching the label R2P to it. These two parallel approaches will be discussed in more detail in the following sections.

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<sup>26</sup> See the discussion of the referent object for security in Buzan, Wæver and de Wilde, *Security A New Framework for Analysis*, pp 35-42

<sup>27</sup> Note that somewhat in contrast to this, the Copenhagen School authors explicitly argue that 'humanitarian intervention' is not a response to an existential threat, see, Buzan, Wæver and de Wilde, *Security A New Framework for Analysis*, p. 22 Their argument is, however, based on the assumption that the state providing the troops for such intervention is the referent object. By applying a different notion of referent object that argument would not necessarily hold

### Speaking R2P and preventive deployment

The force of speaking R2P lies in its assumed effect: that the situation referred to will 'be dealt with decisively by top leaders prior to other issues'.<sup>28</sup> Hence, I have argued that the act of speaking R2P should be done with caution. It should be limited to situations in which a threat of mass atrocities is imminent and there is 'no other way out' than to utilise emergency measures. In such cases, the ICISS' principle of starting with the less intrusive and coercive measures is a good one.<sup>29</sup> Direct prevention measures such as economic inducements, fact-finding missions, arbitration, etc. are thus options that should be explored. I will not elaborate on the use of such measures for the purpose of preventing mass atrocities here. I will simply point out that this is a topic in need of further exploration in order to operationalise the R2P principle. The same goes for the early warning-adequate analysis-political will conundrum.<sup>30</sup> This should be explored through an R2P lens, in order to fine-tune instruments and policies for the purposes of detecting and mustering will to respond to threats of genocide, war crimes, ethnic cleansing and crimes against humanity.

In situations where a mass atrocity crisis is looming, the application of single instruments may not be sufficient, and a more comprehensive response may be needed. For such cases I would suggest a form of preventive deployment. By this, I do not refer to a purely military deployment, but rather to a multi-faceted operation with similarities to the United Nations Preventive Deployment in Macedonia (UNPREDEP).<sup>31</sup> Let us take a look at UNPREDEP's main character-

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<sup>28</sup> Buzan, Wæver and de Wilde, *Security A New Framework for Analysis*, p 29

<sup>29</sup> International Commission on Intervention and State Sovereignty, *The Responsibility to Protect Report of the International Commission on Intervention and State Sovereignty*, p xi.

<sup>30</sup> On this, see for example, Evans, *The Responsibility to Protect Ending Mass Atrocity Crimes Once and for All*, pp 74-75, 81-84; Bellamy, 'Conflict Prevention and the Responsibility to Protect', p 149

<sup>31</sup> The operation started its life as the United Nations Protection Force Macedonian Command, but the name it got in 1995, UNPREDEP, will be used here for simplicity. For analyses of this operation, see, Alice Ackermann, *Making Peace Prevail Preventing Violent Conflict in Macedonia* (Syracuse Syracuse University Press, 2000), Annika Bjorkdahl, 'Promoting Norms through Peacekeeping UNPREDEP and Conflict Prevention', *International Peacekeeping* vol 13, no.2, 2006, Annika Bjorkdahl, *From Idea to Norm: Promoting Conflict Prevention* (Lund Lund University Press, 2002), pp 158-176; Michael Lund, 'Preventive Diplomacy for Macedonia, 1992-1998 From Containment to Nation Building' in Bruce W Jentleson (ed) *Opportunities Missed, Opportunities Seized Preventive Diplomacy in the Post-Cold War World* (Oxford Rowman & Littlefield Publishers, 1999), pp. 173-208, Henryk J Sokalski, *An Once of Prevention Macedonia and the UN Experience in Preventive Diplomacy* (Washington DC United States Institute of Peace Press, 2003), Abiodun Williams, *Preventing War The United Nations and Macedonia* (Oxford: Rowman and Littlefield Pub-

istics, before discussing how a preventive deployment explicitly aimed at preventing mass atrocities, might differ from this operation.

The operation in Macedonia was established upon the request of the Republic's President Gligorov, who in the autumn of 1992 worried that the ongoing conflicts in the neighbouring republics might spill over into Macedonian territory. Initially it was mandated to monitor the border areas with Albania and the Federal Republic of Yugoslavia (FRY); to strengthen, by its presence, the country's security and stability; and report on any developments that could threaten the country.<sup>32</sup> After a year, however, its mandate was expanded to include means to deal with internal tensions as well. The Special Representative of the Secretary-General was encouraged 'to use his good offices as appropriate to contribute to the maintenance of peace and stability in that Republic'.<sup>33</sup> In 1998, yet another element was added to the mandate due to the increased ethnic clashes in neighbouring Kosovo, that of 'monitoring the border areas and report to the Secretary-General on illicit arms flows and other activities prohibited under resolution 1160'.<sup>34</sup> The operation consisted of military staff of all ranks, military observers, police monitors, civil affairs staff and administrative staff. It ended in 1999, when a Chinese veto blocked the further extension of its mandate.

Henryk J. Sokalski, who was UNPREDEP's Special Representative of the Secretary-General from 1995 to 1998, describes the operation as consisting of three distinct pillars of action – troop deployment, good offices and political action, and the human dimension.<sup>35</sup> The troops deployed monitored the northern and western border areas, and served the function of a minimal deterrent as well as a calming presence more generally. The 'good offices' and political element included election monitoring and traditional diplomacy, as well as the promotion of democracy and interethnic co-operation through press appeals and through organising monthly meetings between the leaders of the major political parties, and between various youth organisations. In addition, civilian police monitored the conduct of the local border police, watching out for ethnically motivated abuse. They also sought to defuse tensions in local communities, observed the judicial process and contributed to the training of local police. The human dimension en-

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lishers, 2000). The following sections will draw on findings from my doctoral work, see, Eli Starnes, *United Nations Preventive Deployment in Macedonia A CSS Analysis*, PhD thesis, University of Wales, Aberystwyth, 2002

<sup>32</sup> S/RES/795, 1992

<sup>33</sup> S/RES/908, 1994

<sup>34</sup> S/RES/1186, 1998

<sup>35</sup> Sokalski, *An Once of Prevention Macedonia and the UN Experience in Preventive Diplomacy*, p 108



comprised the ‘developmental and peacebuilding aspects of the operation’.<sup>36</sup> This involved amongst other things initiating an investigative mission into socio-economic needs<sup>37</sup>, which in turn resulted in several projects dealing with social welfare, conflict resolution and integration issues. Another important part of this pillar was to contribute to the development of a civil society in Macedonia, by providing assistance and organisational know-how to fledging non-governmental organisations.

In cases where there is an immediate threat of mass atrocities, similar multi-faceted preventive deployments could prove to be useful. Although each deployment should be tailored to the particular case at hand, one could imagine at least three constitutive pillars. A military pillar could be charged with the monitoring of fighting and certain forms of abuse, thus acting as a deterrent against more systematic occurrences. This could also have a reassuring effect vis-à-vis the general population and especially vulnerable groups. Such troop deployment could also constitute a ‘trip wire’, alerting the international community of the need to intervene more forcefully if there were to be an escalation of unwanted activity. A political pillar could apply various diplomatic and mediation tools in order to address underlying grievances and inequalities and to foster dialogue and peaceful conflict resolution. Legal issues such as the monitoring of human rights abuses could also be included here. A socio-economic pillar could be devoted to identifying and addressing distributive issues. It could also look into the need for changes to various state structures that may be at heart of the problem, and initiate reforms if need be.

As already emphasised, the appropriate mix of these components (and addition of others not mentioned here) should be decided on a case-to-case basis. In this, one should not only draw on lessons from UNPREDEP, but also more recent experiences from the UN’s integrated peace missions<sup>38</sup> and other UN initiatives in political affairs, development and humanitarian assistance. The preventive activities of regional organisations, especially perhaps the OSCE and the EU, could also provide valuable input when designing such preventive de-

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<sup>36</sup> Sokalski, *An Once of Prevention: Macedonia and the UN Experience in Preventive Diplomacy*, 108-109.

<sup>37</sup> The so-called Intersectoral Mission on Developmental Social Issues, see *Action for Social Change A New Facet of Preventive Peace-Keeping The Case of UNPREDEP*, Report of the Intersectoral Mission on Developmental Social Issues, Helsinki. National Research and Development Center for Welfare and Health, 1996

<sup>38</sup> See, Kathleen M Jennings and Anja T Kaspersen (eds) ‘Integrated Missions Revisited: Policy and Practitioner Perspectives’, Special Issue, *International Peacekeeping*, Vol. 15, No. 4, August 2008

ployment, and the participation of regional organisations should be further explored.<sup>39</sup> There is reason to believe that a deployment designed to prevent mass atrocities would differ in certain respects from deployments aimed at preventing violent conflict in general. In this context, the experience of UNPREDEP, serves to shed light on an issue that I believe needs to be resolved in order for preventive deployments to be effective in dealing with these particular threats.

One of the reasons why preventive action is seen as attractive compared to coercive intervention, is the fact that it takes place with the consent of the state in question. However, consent, or rather the concern for maintaining the consent, may represent an obstacle to dealing with the most pressing issues. For UNPREDEP, this concern meant that the mission was focused on being perceived as impartial at all times, something that made it rather toothless when dealing with the inter-ethnic problems in the Republic. Out of fear for upsetting the good relationship with the host government, the UN mission refrained from taking a stance in connection to, perhaps, the most important issue in the relationship between the government and the ethnic Albanians, the University of Tetovo issue.<sup>40</sup> This issue revolved around the ethnic Albanians' right to university education in their first language. The UN's passive approach is illustrated by the incredibly vague description of the problems in the Secretary-General's report submitted shortly after ethnic clashes that had left one person dead. There the situation was described as being 'marked by a complex network of external and internal factors that contributed to economic and political uncertainty and rising social tension'.<sup>41</sup> Although recognising the pressure caused by the Macedonian government's dislike of interference in inter-ethnic issues, Sokalski hails the impartiality as the mission's strength.<sup>42</sup> However, it can be argued that such inaction in the face of inter-ethnic disputes can be dangerous when mass atrocities are a real possibility. For exactly such identity issues are often central to cases where there is a threat of ethnic cleansing or genocide.<sup>43</sup> The

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<sup>39</sup> See, Emma J Stewart, 'Restoring EU-OSCE Cooperation for Pan-European Conflict Prevention', *Contemporary Security Policy*, Vol 29, No 2, August 2008, pp 266-284, for a good contribution to this discussion

<sup>40</sup> See for example Williams, *Preventing War The United Nations and Macedonia*, pp. 118-130, Keith S Brown 'In the Realm of the Double-Headed Eagle Parapoltics in Macedonia 1994-9', in Jane K Cowan (ed.) *Macedonia The Politics of Identity and Difference* (London Pluto Press, 2000) pp. 130-133

<sup>41</sup> S/1995/222, 22 March 1995, cited in Sokalski, *An Ounce of Prevention*, p. 113

<sup>42</sup> Sokalski, *An Ounce of Prevention*, pp. 151, 109-112

<sup>43</sup> The Carnegie Commission stresses the importance of cultural, linguistic and religious practices, see, Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict Final Report*, pp. 98-102

ICISS warns of the danger of legitimizing rebel forces<sup>44</sup>, but the cost of excluding certain parties could also be fatal. Identity-based grievances are often perceived to be existential issues. Hence, the use of extreme measures may be seen as justified. The case of Burundi serves as a stark reminder of the dangers of excluding parties with unacceptable attitudes from power-sharing arrangements. There are no easy answers to this dilemma, and more research is needed. The same goes for the question of how the UN should deal with the problem of maintaining government consent – a prerequisite of preventive deployment – when seeking to address inter-ethnic conflicts. Will the UN, an organisation consisting of states, and consequently rather statist, be able to devise measures that deal effectively with such issues, even if it is at the expense of governments' interest? I believe this is central to the problem of preventing mass atrocities.

### Quiet root cause prevention

Let us now turn to the other suggested working mode for achieving the goal of preventing mass atrocities – quiet root cause prevention. To recapitulate, due to their timeframe, root cause preventive measures must be implemented long before a state is visibly 'under stress'. It is therefore difficult to establish a credible link to mass atrocities. Also, the breadth of measures involved means that almost anything could count as an R2P measure. Speaking R2P in this context may therefore contribute to weakening the concept. Moreover, appeals to R2P for the purpose of treating such measures 'outside the normal bounds of political procedure' would also be counter-productive, for in order for root cause prevention to be effective, it must be conducted in a sustainable and comprehensive manner, and be part of regular decision-making and resource allocation. To suggest a quiet approach to root cause prevention is thus not to imply that these activities are in any way unimportant. Rather the opposite. In the parlance of the Copenhagen School, quiet root cause prevention takes on the equivalent of a desecuritized, or politicized, character: the issues and measures are removed from emergency mode and 'into the normal bargaining processes of the political sphere'.<sup>45</sup> For Buzan et. al., this is regarded as preferable.<sup>46</sup>

This resonates with arguments put forward by the Carnegie Commission on Preventing Deadly Conflict. In its final report, the notion of a

<sup>44</sup> International Commission on Intervention and State Sovereignty, *The Responsibility to Protect Report of the International Commission on Intervention and State Sovereignty*, p 25

<sup>45</sup> Buzan, Wæver and de Wilde, *Security A New Framework for Analysis*, p 4

<sup>46</sup> Buzan, Wæver and de Wilde, *Security A New Framework for Analysis*, p 4. See also, Wæver, 'Securitization and desecuritization'

‘culture of prevention’ was introduced: ‘the prevention of deadly conflict must become a commonplace of daily life and part of a global cultural heritage passed down from generation to generation’.<sup>47</sup> It recommended that governments, international organisations, opinion leaders, the private sector and the general public make this a new commitment, drawing on already existing potential for preventive practices. A special responsibility was accorded leaders. They should exemplify this culture, by demonstrating the vision, courage and skill to prevent as well as ‘generating a broad constituency for prevention’.<sup>48</sup> Such a culture would, crucially, also involve ‘a habit of preventive investment’<sup>49</sup>

This idea was later picked up by Kofi Annan, in his report on the Prevention of Armed Conflict.<sup>50</sup> There, he elaborated on how to move the United Nations from a ‘culture of reaction’ to a ‘culture of prevention’, by reviewing the progress already made by the Organisation in this respect and recommending further enhancement in various areas. Emphasising the importance of early root cause prevention and its linkages to sustainable and equitable development, he asserted that ‘effective preventive action will require sustained political will and a long-term commitment of resources by Member States and the United Nations system as a whole if a genuine culture of prevention is to take root in the international community’.<sup>51</sup> The ICISS wholly endorsed Kofi Annans report, and reiterated his argument that a culture of prevention means setting standards for accountability as well as for prevention practices at the local, national, regional and global levels

The idea of a culture of prevention is one with great appeal. At the same time it is also elusive. It is easy to agree with, but equally easy to avoid taking responsibility for, since it is, after all, difficult to define how to contribute to developing a culture. So, what would it mean to promote a culture of prevention of mass atrocities, and who should take the responsibility? Promotion would in this case involve advocacy and responsibility in terms of conduct as well as financial commitment. And since this would be an integral – albeit quiet – part of R2P, it is reasonable to expect that the strongest proponents of R2P, be it states or civil society actors, would take the lead. In addition to

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<sup>47</sup> Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict Final Report*, p xiv

<sup>48</sup> Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict Final Report*, pp. xlvi, 151-165

<sup>49</sup> Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict Final Report*, p xvii

<sup>50</sup> A/55/985-S/2001/574, 7 June 2001, affirmed by the Security Council in S/RES/1366, 30 August 2001

<sup>51</sup> A/55/985-S/2001/574, p 3

this, the members of the Security Council could be given a special responsibility, since they, as the ICISS emphasised, have a special responsibility for the maintenance of international peace and security. Alex Bellamy makes the case for ‘granting individual states specific responsibilities related to the pursuit of their own foreign policies’ – an argument that makes a lot of sense to those of us who are familiar with the Nordic countries’ foreign policy discourses and practices. As Annika Björkdahl has shown, Sweden has taken the lead in promoting conflict prevention on the international scene, partly in order to make a niche for itself.<sup>52</sup> Bellamy also suggests ‘locating a specific and carefully delimited range of prevention measures within an institutional setting’.<sup>53</sup>

In terms of R2P, a solidly established culture of prevention would in the end render the reactive and reconstructive elements of the principle obsolete. If the funding and implementation of policies to address the root causes of mass atrocities became common sense, it is unlikely that the world would again observe conscious-shocking crises of the kind witnessed in Rwanda and Srebrenica. This is of course based on the assumption that it is possible to establish for sure what such root causes actually consist of and how to adequately address them.<sup>54</sup> These are large questions that deserve to be dealt with in much more detail than what is possible in a report such as this. I will therefore in the remainder of the report concentrate on outlining a few areas in which further research is required.

As to the nature of root causes, more research should be committed to investigate the overlap, or lack thereof, between root causes to conflict and root causes to mass atrocities.<sup>55</sup> Most R2P commentators do not distinguish between the two and seem to subscribe to the Carnegie Commission’s hypothesis that ‘discrimination and deprivation combine in deadly fashion’.<sup>56</sup> However, for at least two of the four atrocities covered by the principle, genocide and ethnic cleansing, it could be useful to investigate the role of identity construction in their occurrence, something that goes far beyond discrimination. Here, the vast literature dealing with identity could contribute to greater understand-

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<sup>52</sup> See, for example, Annika Björkdahl, ‘Swedish Norm Entrepreneurship in the UN’, in Eli Stamnes (ed.) ‘Peace Support Operations – Nordic Perspectives’, Special Issue, *International Peacekeeping*, Vol.14, No 4, August 2007, pp. 538-552

<sup>53</sup> Bellamy, ‘Conflict Prevention and the Responsibility to Protect’, p 150.

<sup>54</sup> Which is *inter alia* a question of epistemology

<sup>55</sup> The work of Charles Tilly would be instructive here, see, *The Politics of Collective Violence* (Cambridge: Cambridge University Press, 2003).

<sup>56</sup> Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict Final Report*, p xix

ing, and consequently to sharpen the preventive R2P tools. A largely unexplored field in this context is gender-based violence viewed as mass atrocities. Security Council Resolution 1820 of 19 June 2008, states that 'rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide'. This breakthrough decision has huge implications for the work on root cause prevention of mass atrocities. Research is needed *inter alia* into the identity-constructive mechanisms involved in such violence and the linkages between gender, ethnicity and other identities in times of conflict as well as peace.

When it comes to the question of how to address the root causes of mass atrocities, an obvious question to explore further is how to devise coherent policies. As Bellamy points out, the comprehensive character of prevention makes this task difficult, but it is a crucial one if a culture of prevention is to be given substance.<sup>57</sup> As an extension to this comes the question of who should execute these policies and how coherence and coordination between various actors in the field and with headquarters are to be secured. As to the who-question, the ICISS sums up the sentiment of most commentators. Primarily, there is a commitment to support local initiatives and actors, since the prevention of mass atrocities is first and foremost the responsibility of the states themselves. However, 'prevention is not merely a national or local affair [...] strong support from the international community is often needed'.<sup>58</sup> The importance of regional organisations in this work is also a recurrent theme. There is a need to investigate the respective roles of the locals and 'internationals', as well as the procedures involved in devising strategies for root cause prevention. The question of the power and impact of donors should be included here. When it comes to the question of coherence and coordination, Cedric de Coning has done important work on this topic in the field of peacebuilding.<sup>59</sup> The insights from this work could prove useful when exploring the relationship between various actors engaged in prevention. Then there is also the narrower question of how to achieve increased system-wide coherence within the UN system. Special Advisor to the UN Secretary-General, Edward C. Luck, suggests the adoption of a cluster

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<sup>57</sup> Bellamy, 'Conflict Prevention and the Responsibility to Protect', pp. 143-145

<sup>58</sup> International Commission on Intervention and State Sovereignty, *The Responsibility to Protect Report of the International Commission on Intervention and State Sovereignty*, p. 19

<sup>59</sup> Cedric de Coning, 'Coherence and Coordination in United Nations Peacebuilding and Integrated Missions: A Norwegian Perspective', *Security in Practice*, No. 5 (Oslo: Norwegian Institute of International Affairs, December 2007)

approach in prevention, like the one found in the field of humanitarian affairs.<sup>60</sup> This is a practical topic in need of further investigation.

Another area for research is the relationship between prevention and peacebuilding. Whereas the ICISS distinguished between the responsibility to prevent and the responsibility to rebuild, others see prevention and peacebuilding as two sides of the same coin. Indeed, the Carnegie Commission equates structural prevention with peacebuilding<sup>61</sup>, and Annan mentions the link between peacebuilding and a comprehensive prevention strategy several times in his report on the Prevention of Armed Conflict.<sup>62</sup> In the same spirit, Luck suggests that the Peacebuilding Commission could ‘advance R2P’s preventive [...] goals’, and Evans points to the Peacebuilding Commission’s work in Burundi as an example of successful prevention that could be seen as an R2P exercise.<sup>63</sup> This link should be studied further, both conceptually and with a view to its practical implications. Conceptually, it could be asked whether it is helpful to blur the distinction between the two, since one is concerned with avoiding violent conflict and the other deals with post-conflict situations. This question is especially relevant in an R2P context if the prevention of mass atrocities proves to be a distinct field from conflict prevention (as discussed above). Further studies should also look into possible institutional benefits from treating these two as overlapping enterprises as well as the effects this would have for the promotion of a culture of prevention.

Finally, I would like to stress the necessity of investigating the normative implications of root cause prevention. Regardless of the many advantages of this approach to prevention, it is important to look into all its implications. There should be an awareness amongst the actors involved – whether through assistance or deeper engagement – that some of these measures involve a comprehensive restructuring of a society. Countries in the global South, have expressed worry that preventive action could be a precursor – or Trojan horse – to intervention. They also worry that it could justify interference in domestic matters far beyond what is required to prevent mass atrocities. Some worry that it would limit their ‘policy space’ and thus hinder them in deciding the direction of their economic development. Others have even

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<sup>60</sup> Luck, ‘The United Nations and the Responsibility to Protect’, *Policy Analysis Brief*, August 2008, The Stanley Foundation, p.7.

<sup>61</sup> Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict Final Report*, pp. xxviii, 69

<sup>62</sup> A/55/985-S/2001/574

<sup>63</sup> Luck, ‘The United Nations and the Responsibility to Protect’, p 6, Evans, *The Responsibility to Protect Ending Mass Atrocity Crimes Once and for All*, pp 58-59

suggested that it constitutes neo-imperialism or neo-colonialism.<sup>64</sup> It is doubtful that this is the motivation of the promoters of R2P. It is more likely that they are driven by a sincere and deep-felt wish to help 'countries to help themselves'.<sup>65</sup> However, even if no 'bad' ulterior motives exist, it is important to address these concerns, and to be aware of the normative implications of root cause prevention efforts. For, even with the best intentions, there will always be an element of imposition. For example, decisions about how to reform the security sector of a state, or about what good governance and a fair legal system would entail, are based on certain ideas of what a well-functioning society looks like. Thus there is an element of power involved and the outcome is bound to benefit some more than others. In other words, there are never neutral positions when such issues are decided. There is, of course, a lot to be said for giving special responsibilities to states that are in line with their foreign policies and comparative expertise. However, one should not be blind to the normative effects of such a practice. Moreover, it is apt to ask whether the international community would refrain from providing 'guidance' if 'local ownership' were to mean letting a collection of former warlords decide what constitutes appropriate policies and desirable reforms. This is not an unlikely scenario in recently democratised states. Because mass atrocities rarely take place in uncomplicated situations, these are real and difficult questions that need to be asked and answered through serious research, in order to devise the optimal strategies for root cause prevention of mass atrocities.

### Conclusion

This report has highlighted the possible tension between the safeguarding of the integrity and political utility of the R2P principle and the emphasis on prevention and the utilisation of a wide variety of measures to this end. It has outlined a two-fold solution to this problem, whereby the use of the label R2P – 'speaking R2P' – is limited to those situations where there is an immediate danger of mass atrocities being committed. The deployment of a multifaceted preventive operation is suggested as a comprehensive response in such circumstances. The other component of the solution, quiet root cause prevention, constitutes the promotion of a 'culture of prevention' of mass atrocities, or the mainstreaming of prevention into the day-to-day workings of international politics. It should be emphasised that the recommendation of quietness in this context does not signify less importance –

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<sup>64</sup> For a provocative contribution to this debate, see, Mahmood Mamdani, 'The Politics of Naming Genocide, Civil War, Insurgency', *London Review of Books*, 29 March, 2007

<sup>65</sup> Evans, *The Responsibility to Protect Ending Mass Atrocity Crimes Once and for All*, p 56



rather the opposite – nor is it an attempt to narrow the principle as it was formulated at the World Summit in 2005. In other words, it is not meant as an excuse for states to avoid the commitments taken on there. It rather reflects a recognition that the practice of one of its constitutive elements, prevention, may endanger the political utility of the R2P concept. This concept, or label, it is argued, should be utilised to lift cases above normal decision making procedures. In this way, the force of speaking R2P is retained for cases in which an urgent and extraordinary response is required. The spoken and quiet approaches are thus two different working modes to be utilised in the protection of people from mass atrocities such as genocide, war crimes, ethnic cleansing and crimes against humanity.