

National R2P Focal Points Recommendations

Introduction

In 2005 at the United Nations World Summit, states unanimously committed to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity by adopting the Responsibility to Protect (R2P). R2P affirms an individual state's primary responsibility to protect its population from these four crimes along with the collective international responsibility to take appropriate measures to help protect populations at risk.

To make the promise of R2P a reality, institutional capacities need to be developed at national, regional and international levels to prevent and halt mass atrocities. An important step that governments can take to improve intra-governmental and inter-governmental efforts to prevent and halt mass atrocities is the appointment of a R2P Focal Point. This senior level official is responsible for the promotion of R2P at the national level and to support international cooperation on the issue through participating in a global network. Appointment of a Focal Point is a step that can be implemented by governments with differing levels of capacity in mass atrocity prevention to demonstrate their commitment to R2P.

This policy brief provide a set recommendations that governments can choose to take into consideration while appointing a national R2P Focal Point. These recommendations are in no way prescriptive and should not be read as a check-list. Rather, they are intended to inspire states to consider some of the possibilities that could be achieved by appointing a national R2P Focal Point.

About the Responsibility to Protect

The commitment of R2P is classified in terms of three pillars:

Pillar I: The state carries the primary responsibility for the protection of populations from genocide, war crimes, crimes against humanity and ethnic cleansing.

Pillar II: The international community has a responsibility to assist states in fulfilling this responsibility.

Pillar III: The international community should use appropriate diplomatic, humanitarian and other peaceful means to protect populations from these crimes. If a state is manifestly failing to protect its populations, the international community must be prepared to take appropriate collective action, in a timely and decisive manner and in accordance with the UN Charter.

R2P in Practice:

At the core of R2P lies a commitment to take effective *preventive* action and recognition that the international community must maintain its preparedness and willingness to react when and where prevention fails. This involves measures that cross the spectrum from persuasive to intrusive, and from non-coercive (economic incentives, mediation, arbitration) to more coercive (sanctions,

diplomatic isolation, referral to the International Criminal Court) and only as a last resort, the use of force.

A wide range of activities have contributed to shifting the political debate on R2P in the last few years including three debates in the United Nations General Assembly and multiple UN Security Council Resolutions on situations in Libya, Côte D'Ivoire, Sudan and Yemen invoking the language of R2P in 2011 alone. The diplomatic response that saved lives in Kenya in 2008 and the robust regional and international efforts during the presidential election run-off in Guinea at the end of 2010 are encouraging signs that the international community takes its R2P commitment seriously. In addition several governments, representing all regions of the world, have demonstrated their commitment to R2P by appointing a national R2P Focal Point. However, ongoing atrocities in Syria and other cases in the recent years continue to demonstrate that steps need to be taken so that the international community can uphold R2P consistently and effectively.

Launch of the Focal Points Initiative

The Focal Points initiative was launched in September 2010 by the governments of Denmark and Ghana in association with the Global Centre for the Responsibility to Protect at the annual Ministerial Meeting on R2P held during the opening of the United Nations General Assembly. Since then the governments of Costa Rica and Australia have joined the core organizing group.

Thirty-one countries participated in the first meeting of the global network of Focal Points held in May 2011. The meeting served as a springboard for developing the global network. The second meeting of R2P Focal Points will be held in New York during **September 2012**.

Recommendations for the Appointment of Focal Points

Mass atrocity risk is dynamic and universal; developing national capacities to prevent and halt atrocities involves a process of continuous self-reflection relevant to all states. National implementation of R2P is an incremental process determined by an individual country's priorities and existing capacities.

The role of the Focal Point should be tailored to the unique context of each individual country, recognizing the varying forms of government, diverging bureaucratic cultures and diverse policy priorities and capacities. The recommendations outlined here offer options for establishing institutional capacities necessary to protect populations nationally and, through the network, globally. These are suggestions only; they are not intended to be prescriptive.

Role and Responsibilities of the Focal Point

1. Core roles

Enabler:

The role of the Focal Point is to integrate atrocity prevention within national policy where appropriate. The R2P Focal Point can be described as a 'hub' for analysis, policy input, and intra-governmental and intergovernmental coordination that enables other departments and ministries in implementing policies to avert and halt atrocities. Understanding the role as a

'hub' has been particularly successful when led by a respected senior official with deep insight into and a skill for operating within their national system.

Convener:

Atrocity prevention cuts across a diverse spectrum of governance institutions and requires the focus of a wide array of policy actors at both the national and international level. For a Focal Point to be effective they should be positioned to convene officials across relevant departments and ministries.

2. Possible responsibilities of the R2P Focal Point

Intra-governmental and inter-governmental coordination:

The central role of the Focal Point is to coordinate intra-governmental and inter-governmental responses to mass atrocity threats. The intra-governmental role would involve educating and assisting in coordinating government agencies to responding to mass atrocity situations. Inter-governmental coordination would involve multilateral diplomacy, information sharing and international coalition-building to prevent and halt atrocities.

Reviewing existing policies to Implement R2P at the national level:

A Focal Point could play such a role by initiating a government-wide discussion to evaluate existing policy programs for mass atrocity prevention. This exercise would identify gaps in capacities needed across government institutions to prevent mass atrocities and encourage systematic planning needed for early prevention. For example, for countries with a history – or serious risk – of mass atrocities, this review could involve security sector reform, effective judicial review and mechanisms that mitigate ethnic and communal tensions. The role could also involve conducting awareness trainings and workshops on R2P for senior government officials.

One option to consider in this regard could be the development of National Action Plans (NAPs) or other national level strategies tailored to suit national circumstances.. A National Action Plan (NAP) for R2P could provide an opportunity to initiate strategic actions, identify priorities and resources, and determine responsibilities and timeframes at the national level. The process of developing a plan also creates awareness of the problem, socializes officials and builds capacity.

Monitoring and early warning:

The primary role of the Focal Point is to make sure that the risk assessments and policies to mitigate identified risks are communicated in a timely fashion to the relevant governmental leadership. However, depending upon the national circumstances and the level of resources allocated to the Focal Point, the role could also involve monitoring and producing risk assessments. The Focal Point could establish an early warning system within their office for receiving and disseminating information about emerging risk situations.

Advising political leadership:

A Focal Point can be an official that operates outside the day-to-day decision-making structure of a government's executive leadership, but this official would ideally have the power and ability to reach senior decision makers when necessary. This person should be poised to raise the alarm on atrocity threats and, where appropriate, call upon the system to take action.

3. Additional parameters influencing the role and effectiveness of the Focal Point

Mass atrocity prevention should be a priority for the role to be effective:

For the R2P Focal Point to be effective in the role, it is desirable that mass atrocity prevention be a priority objective for the government concerned. In some cases, this will be made explicit in strategic national policy documents that outline executive commitment and elaborate on the connections between atrocity prevention and the mandates of specific institutional actors. The seniority and stature of a Focal Point can reflect both the seriousness and depth of a government's commitment to this agenda. It can also impact upon the ability of the government to maintain priority over the long-term. Additionally, buy-in from other domestic stakeholders is more readily assured when there are clear indications from the high-level political leadership that atrocity prevention is a priority. Effective leadership can also provide the impetus for the government to undertake the necessary assessment of existing mechanisms and gaps.

Possible Location of the Focal Point within government:

Office of the Chief Executive: Easy access to the head of state and government. High visibility of the national focus on R2P.

Foreign Ministry: The Foreign Ministry is well-placed to coordinate a government's response to, and prevention of, mass atrocities in the region and further abroad.

Internal/ Home Ministry: The Focal Point can also be placed within the internal or home ministry. Ties to the security sector could assist the Focal Point in coordinating government action to prevent and halt potential mass atrocities at the domestic level.

Profile of the national Focal Point:

Ideally, a Focal Point should have sufficient influence and access within their own national system to be able to promote R2P broadly and to mobilize mechanisms for preventing and halting mass atrocities. The national Focal Point should be institutionalized so as to guarantee: a) its sustainability over time and the emergence of standard operating procedures; b) its political relevance and authority; and c) its capacity to reach out across ministries and departments.

The nature of this institutionalization, however, will vary in response to government-specific demands and priorities. In appointing and situating a Focal Point, governments could consider the following:

Political appointment vs. career civil servant/bureaucrat:

Although a political appointee may have better strategic access to the chief executive/head of government and may be able to influence policy at the highest level, he/she could be vulnerable to changing electoral and political cycles. On the other hand, although a civil servant might face access difficulties, his/her appointment could allow for a greater level of institutionalization within the government.

Breadth of Portfolio:

Some Focal Points may by necessity be required to balance a large portfolio with wide-reaching demands. Given limited capacities within many governments, the Focal Point could

have a varied portfolio that encompasses a broader set of responsibilities, but these responsibilities should correspond with and reinforce the function of halting and preventing mass atrocities.

An office or an individual:

The Focal Point can be a single individual, but in countries with greater capacity, and/or a strong demand for delegated attention to different elements of R2P implementation, it may be an office.

Global Network of National Focal Points

One of the purposes of the global network of Focal Points is to improve inter-governmental coordination to prevent and halt mass atrocities. As members of this global network, Focal Points will seek to engage in multilateral diplomacy and coalition-building focused on mobilizing action for mass atrocity prevention or response.

The core objective of Focal Points network is to create a “community of commitment” that increases states’ capacity to implement R2P’s three-pillar framework. The community is conceived as a network, not a coalition. Members remain free to determine their own approach to specific situations and policy applications.

1. Specific functions of the global network

Resource for the Focal Points:

In the early stages, the global network could focus on education, awareness raising and strategy sharing for national capacity building. In later stages it could become a repository of best practices for both internal and external policy development and application.

Foster strong regional and international connections:

Focal Points can strengthen national mechanisms for R2P and establish regional connections, while collectively they can reinforce links at the regional and global levels. The network could help foster bilateral cooperation among members and create flexible opportunities to match needs and build relationships for mutual support as well as identify partnerships for project and crisis specific policy developments.

Effectively mobilize action:

Regions and sub-regions have the potential to function as core loci for early warning and post-atrocity support, as states within the same region are well-placed to identify the early symptoms of neighbors under stress. The global network could serve as the connective tissue between countries in the region, even in the absence of strong regional organizations. This can serve as an effective first point of contact to share information and discuss options related to situations of concern. The network can develop ties between the national Focal Points and the UN system, including with the Joint Office for the Prevention of Genocide and the Responsibility to Protect. As an interconnected network, Focal Points can then harness these linkages in order to mobilize global responses.

2. Meetings of the global network

The global network plans to meet at least once a year. Countries committed to the initiative could host this meeting. Other means of regular communication, such as an e-mail listserv, should be developed.

3. Secretariat

Within existing resources, a small working Secretariat for the global network could be established at the Global Centre for the Responsibility to Protect. This Secretariat would provide administrative and web-based support, assist network members in informational exchange, and help match needs for deeper cooperation as desired by members. The Secretariat could in coordination with government hosts, organize the yearly meeting of the global network.

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