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The Responsibility to Protect: A Policy Forum


Sarah Bania-Dobyns
University of Denver

Kathy Gockel
Independent Policy Analyst

Kyle Matthews
Concordia University

Jodi Vittori
U.S. Air Force

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The Responsibility to Protect: A Policy Forum

Abstract

Human Rights and Human Welfare is pleased to offer its first policy forum—a new type of review to add to our review essays, book notes and roundtable. In this policy forum we asked practitioners in the field to review a set of policy reports on the responsibility to protect. R2P, as practitioners and scholars alike have come to know this policy area, like many of the human rights concepts addressed by *HRHW*, is a multifaceted concept requiring perspectives from different fields and professions to address it comprehensively. Further, R2P is a quickly changing policy issue, and academics and practitioners need to be aware of each other's work on both sides of the fence.

The recent heightened attention on R2P combined with the intent to move it from theory to practice makes it a timely and interesting topic for *Human Rights and Human Welfare's* first online policy roundtable. It is our hope at *HRHW* that such policy forums will open up space for ongoing conversations among members of the interdisciplinary field of human rights, and in particular foster greater awareness of the policy side of the field.

Keywords

Human rights, Responsibility to protect, Policy

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"The Responsibility to Protect: A Policy Forum" - Editor's Preface

by Sarah Bania-Dobyns

Josef Korbel School of International Studies, University of Denver

Human Rights and Human Welfare is pleased to offer its first policy forum—a new type of review to add to our review essays, book notes and roundtable. In this policy forum we asked practitioners in the field to review a set of policy reports on the responsibility to protect. R2P, as practitioners and scholars alike have come to know this policy area, like many of the human rights concepts addressed by *HRHW*, is a multifaceted concept requiring perspectives from different fields and professions to address it comprehensively. Further, R2P is a quickly changing policy issue, and academics and practitioners need to be aware of each other's work on both sides of the fence.

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Chair's Introduction to "The Responsibility to Protect: A Policy Forum"

by Kathy Gockel

Independent Policy Analyst

The Responsibility to Protect (R2P) is a relatively new concept focusing on a state's responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity and the responsibility of the international community when a state fails to meet its sovereign responsibility. R2P gained prominence and legitimacy in 2005 when it was incorporated into the UN's [World Summit Outcome document](#), which was ratified by all 192 Member States.

Several key contributions to the formulation of the concept and its ultimate incorporation into the Outcome document should be noted. First was the development of [Sovereignty as Responsibility](#) by Francis Deng and his colleagues at the Brookings Institution; second was the establishment of the independent [International Commission on Intervention and State Sovereignty \(ICISS\)](#) by the Canadian Ministry of Foreign Affairs and the Commission's groundbreaking report, *The Responsibility to Protect*; third was the support given to the concept by former Secretary General Kofi Annan who encouraged Member States to embrace R2P during the 2005 World Summit.

Even given the ratification by all Member States, tremendous debate continues at the UN and in the international community over the R2P paragraphs [138 and 139](#) in the World Summit Outcome Document. One of the key debates centers on when a situation is a case of humanitarian intervention and when one should invoke R2P. The two are not the same, hence –

R2P should only be invoked when genocide, war crimes, ethnic cleansing and crimes against humanity occur. A case in point is the [debate](#) that arose last year in response to the situation in Burma.

In January 2009, UN Secretary General Ban Ki-Moon released a new report, [Implementing the Responsibility to Protect](#), in an effort to advance deliberations and move the paragraphs from concept to application. A [statement](#) by US Ambassador to the UN, Susan Rice, sent an early signal of potentially greater US support of the concept and its implementation.

This recent heightened attention on R2P combined with the intent to move it from theory to practice makes it a timely and interesting topic for Human Rights and Human Welfare's first online policy roundtable. However, the objective of the policy roundtable is not to offer original scholarship but to review and analyze existing policy publications to both inform the reader and offer further analysis.

Given the breadth of available publications on R2P, this forum in *HRHW* focuses on those from nongovernmental organizations (NGOs). The reasoning? Personnel at NGOs can often provide a more independent perspective than their colleagues in official government positions, since NGOs tend to have fewer political constraints on their analysis and recommendations.

Three reports are reviewed in this forum. [The Responsibility to Prevent: A Report to Congress from the Friends Committee on National Legislation \(Quakers\)](#) was chosen due to ongoing concerns that R2P focuses too much on the use of force and not enough on steps to mitigate/resolve the situation before it escalates into violence. [The Impossible Mandate? Military Preparedness, the Responsibility to Protect and Modern Peace Operations](#) from the Stimson Center was included as military missions are often tasked to respond but the international community's understanding of the military challenges is often limited. [Preventing Genocide: A Blueprint for U.S. Policymakers](#), a joint project of the United States Holocaust Memorial Museum, The American Academy of Diplomacy and the United States Institute of Peace, was selected because the international community vowed "never again" after its failure in Rwanda and yet the world still seems to lack the political will to make that promise a reality.

Prevention without Hard Power: Mission Impossible?

by Kyle Matthews
Montreal Institute for Genocide and Human Rights Studies
Concordia University

A review of [The Responsibility to Prevent: A Report to Congress from the Friends Committee on National Legislation](#) by Bridget Moix and Trevor Keck. Washington, DC: Friends Committee on National Legislation, 2008. 39pp.

The Friends' Committee on National Legislation prepared this report with one target audience in mind, the US Congress. The crucial thrust of this policy report is that if concerned citizens want to further integrate regard for human rights into US foreign policy, the most effective way to achieve this goal is through funding. Given that Congress is responsible for enacting legislation

and overseeing the approval of finances for government business, both domestically and overseas, it is of strategic importance to convey to these decision-makers their critical role in shifting from a culture of response to a culture of prevention. It is also very important to engage Congress so that it carries out its important democratic role of seeking accountability from the executive branch of the government.

The report argues quite assertively that US foreign policy has become too militarized, and as a result, there is presently a dangerous capacity shortfall within the US “civilian agencies.” The principle recommendation issued in the report is to “rightsize” the State Department (4). In conveying the need for policy reform through institutional strengthening, the report cites previous policy studies to highlight the wasteful cost to the US government of assuming a reactive rather than preventive approach to conflict management. Members of Congress are urged to seize upon this to improve how the US presently does business. Given the state of the American economy in early 2009, the authors make a poignant and timely argument that proposals designed to improve the effectiveness of US foreign policy in both financial and moral terms should be implemented immediately.

The real danger, according to the Friends Committee, is that current leaders and decision-makers within the US government, when confronted with having to respond to a crisis in a far away country, find themselves with very few soft power options at their disposal. We are reminded that an overreliance on military solutions to what are essentially political problems does not have a strong track record of success abroad and should only be considered when all other strategies have been exhausted. The salience of this final point is not to be dismissed as it is one of the principle elements of the [Responsibility to Protect \(R2P\) doctrine](#), which was endorsed by the US in 2005. [R2P](#) offers decision-makers an exceptional guidance tool that they should consult before soft power options (for example, diplomacy, economic sanctions and travel bans) are abandoned and a decision to use hard power (coercive military force) is taken.

The real policy question is how to turn concern for grave human rights violations into swift action. To achieve this as quickly as possible requires a two-pronged approach. The first is the structural transformation of America’s diplomatic and civilian agencies, while the second is securing resources from within the existing federal budget. The recommendations of the report under review are focused on realizing the latter exclusively, thereby implying that if government capacity is created, leadership will follow. If one turns her/his attention to the case of the [Rwandan genocide in 1994](#), she/he will observe that the US did have the capacity and knowledge to act but chose not to. History demonstrates that if Congress does not apply pressure on the executive branch of government to become engaged in humanitarian crises, far too often the bureaucracy will simply become risk averse.

The authors should be commended for making use of a wide range of US government policy statements that identify failing states, genocide and forced migration as serious threats to US national interests and international security. The emergence of piracy off the coast of Somalia is a recent testament to the strategic need to prevent intra-state conflict abroad and not permit any country to be ignored by the international community while it implodes. The policy lessons drawn from post-1994 Somalia and post-1989 Afghanistan are painstakingly clear: if you ignore failed or failing states, you do so at your own risk.

While putting together a very strong and convincing analysis of the gradual reductions to non-military spending in the US government's foreign policy budget, the report under review identifies an interesting paradox: American military leaders, both past and present, and security experts alike, are calling for the strengthening of the US government's civilian capacity to prevent and respond to international crises. This [policy discussion](#) is taking place while government resources for humanitarian and development activities are continuing to be allocated to the Pentagon at a faster rate than the State Department.

A critique is that the report does not consider what role the military should play in the prevention of mass atrocity crimes, if any. Perhaps the best example of this at present is Zimbabwe, where the application of soft power strategies by the international community has failed to force Robert Mugabe out of power. Unlike Kenya where the rapid reaction by the international community in early 2008 helped generate a political compromise that prevented the conflict from escalating, Zimbabwe has proven to be unresponsive to outside pressure. The continuation of Mugabe's destructive economic policies coupled with escalating human [rights](#) abuses have led to calls from people of moral authority, most notably [Desmond Tutu](#), for forceful military action to be taken. Indeed, there are limits to soft power. Policy-makers must appreciate that without credible coercive force waiting in the wings, predatory regimes might not comply with their responsibility to protect their own citizens.

The only other comment that this reader has to contribute is that the report could be strengthened by making one more proposal. That is, members of Congress should travel abroad more frequently to meet with US officials, NGO workers and community leaders in countries that are currently listed as politically fragile. By taking part in more official visits, members of Congress would no doubt be personally touched by what they see and who they meet, and will begin the process of embedding political will within the House and the Senate.

Concerned American citizens who read the "Responsibility to Prevent" report should carry on the message by writing to their members of Congress, expressing concern over human rights issues ranging from specific cases such as [Zimbabwe to Darfur, to child soldiers](#) and climate change induced conflict. Giving the State Department more resources, both human and financial, will equip the US government with a new cadre of diplomats and aid practitioners. Perhaps then we will witness the evolution of new and creative solutions to prevent crises in fragile states and volatile regions of the world. As an outsider participating in this US foreign policy debate, I can assure both the American public and members of the Congress that a multitude of countries would be very welcoming to a renewal of US leadership on this issue.

Kyle Matthews is the Lead Researcher for the Will to Intervene Project (W2i) at the Montreal Institute for Genocide and Human Rights Studies. In partnership with Lieut. General (ret.) Romeo Dallaire, W2i will release its groundbreaking report on building domestic political will in the U.S. and Canada for the prevention of mass atrocities in September 2009, in Washington and Ottawa. He previously worked as a diplomat with the United Nations High Commissioner for Refugees. During that time, he was posted to Tbilisi (Georgia), Kinshasa (the Democratic Republic of the Congo) and Switzerland. He began his career with CARE in Albania and later

joined it Canadian office in Ottawa, where he managed various humanitarian response initiatives and peace-building projects, under which he spent considerable time in the Middle East and Sub-Saharan Africa. Originally from Ottawa, Kyle completed his Master's in Development and International Relations at Aalborg University in Denmark (2001), earned a certificate in Refugee Issues from York University (2002) and received his undergraduate degree in History from Carleton University (1996). He is currently completing a Professional Master's at the School of Policy Studies at Queen's University.

Military Action: The Beginning, Not the End

by Major Jodi Vittori, PhD*
U.S. Air Force

A review of [The Impossible Mandate? Military Preparedness, the Responsibility to Protect and Modern Peace Operations](#) by Victoria K. Holt and Tobias S. Berkman. New York: The Stimson Center, 2006. 227pp.

“Send in the Troops!” is a common plea one hears when unspeakable acts of violence such as genocide and ethnic cleansing take place. Even now, as the Sudanese government has expelled crucial humanitarian organizations helping the myriad of refugees and internally displaced persons (IDPs) from the Darfur conflict, many voices rise again to call for protection of those civilians targeted by their own government—to be obtained by means of physical force, if necessary. Indeed, once much of the public hears that some troops will be sent, the mere act of ordering military force seems to appease the collective conscience, as if it meant the solution of the problem.

But as Victoria Holt and Tobias Berkman have expertly pointed out in the 2006 Stimson Center manuscript *The Impossible Mandate*, sending in the troops represents only the beginning of a commitment and not the solution of the problem in and of itself. What is needed is a discussion of how to operationalize the deployment of military forces under intergovernmental organization (IGO) auspices or “coalitions of the willing” in missions where the primary goal is to protect civilian populations. First comes the question of what “protecting civilians” actually means? Within the military establishment, this has generally indicated the respect of international law in regards to the treatment of civilians in time of war and perhaps the natural outcome of the war following the defeat of an enemy. However, the broader international community has a myriad of other definitions including providing “humanitarian space” for non-governmental organizations (NGOs) to work, deterring attacks on populations within a larger mission, or explicitly preventing genocide and extensive human rights violations.

The entire concept of using military force as part of humanitarian operations is rather new. The first modern peacekeeping-like operation under the mandate of the United Nations was set up to facilitate the epilogue of the 1948 Arab-Israeli War. As the report notes, since that time, similar deployments have grown in scope and number, especially with the end of the Cold War. So-

called traditional peacekeeping missions have consisted of lightly armed forces sent to monitor peace agreements where both parties have concurred to accept such a presence. However, beginning in the 1990s, what has been termed “peace enforcement” began to predominate, in which states sent forces, usually under the auspices of an IGO, in order to coerce the warring parties to cease operations or at least provide some level of respite and sanctuary to the civilians stuck in the crossfire.

In 2005, the scope of humanitarian operations again increased when the United Nations endorsed the concept of a “responsibility to protect” (R2P). This is fundamentally different from traditional peace operations as it straddles the spectrum of conflict between ordinary peacekeeping and full-blown warfare. Originally, all peacekeeping operations were only at the discretion of the host state, with few exceptions, and that state was considered the responsible party for civilians. With the advent of R2P, there has been widespread acceptance that governments have a formal responsibility to protect their civilian populations, and if they cannot or will not do so—as in the case of the most egregious human rights violations—then the international community holds the responsibility to trump sovereignty and protect those populations.

As the authors note, IGOs and states are not necessarily required to support military action—in fact, all facets of IGO and state power are to be used, including the diplomatic and economic assets. However, given the extremely dire situations in which R2P comes to bear, it is only natural that coercive action be called on to disarm warring parties, protect civilians, and set the conditions for conflict resolution. Hence, military contingents must actively take sides and fight the offending actors. This is to be accomplished using the minimum force necessary and maintaining the protection of civilians as the primary goal.

In addition to determining what the overall mission goals of such operations, the actual implementation must take place. States must be willing to donate troops, especially challenging in situations where no obvious national interest is involved. As Holt and Berkman note, these troops must be given appropriate authorities and Rules of Engagement that outline their specific tasks and the circumstances under which force may be used. Specifying the overall mandate and mission goal is particularly important, as tasks can include anything from establishing safe passage of convoys to mine clearing, and from conducting law enforcement activities—like protecting and patrolling refugee camps, enforcing curfews, or preventing looting—to nation building activities, such as training local security forces. Ideally, highly qualified, skilled, and well-resourced troops would be provided for such operations. However, as this important report notes, no IGO or state has created explicit doctrine on conducting operations for R2P. And while there are a few countries with the doctrine and capacity for some form of humanitarian operations, such as the US, Great Britain, and other EU countries, they are also the most overstretched in deploying their troops overseas. In short, once *sending in the troops* has been authorized, which troops will be sent, with what resources, and under what authorities and capacities to act is hard to define. Whom will these forces be protecting? And against whom? When may they use force to do so? Holt and Berkman do an excellent job of specifying that these are the very questions that must be asked before any such operation, and so far, most countries and their military forces have been left to “make it up on the fly.” Such lack of clear

direction, at a minimum, means that actual forces and mandates will not meet expectations, and in the worst case, is a prescription for disaster.

And yet, now is an excellent time for the very complexities highlighted by the authors to become part of the discourse within the US national security establishment, and the Department of Defense in particular. This is because the military is undergoing a significant shift in overall defense doctrine. Previously, under Secretary of Defense Donald Rumsfeld, there was an emphasis on creating a lighter military that would rely less on overwhelming numbers and more on stealth, rapid response, precision weaponry, and accurate intelligence and information technology. The result was that military doctrine and planning tended to focus on state-on-state warfare, rather than on aspects of asymmetric warfare, humanitarian operations, or nation building.

Under current Secretary of Defense Robert Gates, while the importance of traditional warfare and a technological edge has certainly not gone away, there is a growing recognition that the US must balance forces across the spectrum of conflict. Iraq and Afghanistan are important examples in which advanced technology and overwhelming intelligence have been indeed important, but have coexisted with high numbers of troops capable to secure and hold territory and often acting more like law enforcement than standard military forces. With this comes the need for an evolving doctrine, which has gained its greatest popular recognition in the new [Counterinsurgency Field Manual](#) published in 2006. Based on classical counterinsurgency lessons learned, this publication highlights the importance of securing the population and building government legitimacy in order to ultimately defeat an insurgency. According to this doctrine, as Secretary Gates has highlighted, additional troops and new weaponry—less technological, cheaper, and more in line with counter-insurgency requirements—will receive priority.

Granted, establishing and following a counter-insurgency doctrine, along with the acknowledgment that resource scarcity, global climate change, and the declining world economy are likely to require more “low intensity conflict” military operations, is hardly the same as specifically creating doctrine, forces, and training for implementing R2P. However, forces resourced and prepared for such “non-traditional” actions are inherently prepared for R2P operations. Additionally, the US security establishment’s recognition that non-traditional operations may be just as important to national security as traditional ones means that R2P will more likely receive a sympathetic hearing. As such, Holt and Berkman are posing the right questions when they ask what “send in the troops” means exactly, and their questions will grow in importance for the 21st Century US military.

** The views expressed in this article are those of the author and do not necessarily reflect the official policy or position of the US Air Force, the Department of Defense, the US Government or any other of its agencies.*

Jodi Vittori is a US Air Force officer. She has served throughout the world, including in Iraq, Bosnia-Herzegovina, and the Republic of Korea, and is currently the Officer in Charge of the

Political-Military branch of the Air Force Intelligence Analysis Agency. She graduated from the Josef Korbel School at the University of Denver in 2008 with a PhD in International Relations and specializes in Security Studies, especially violent non-state actors.

Why Political Will is Not Enough

by **Kathy Gockel**
Independent Policy Analyst

A review of [Preventing Genocide: A Blueprint for U.S. Policymakers](#). Chaired by Madeleine Albright and William S. Cohen. Washington, DC: The United States Holocaust Memorial Museum, United States Institute of Peace and the American Academy of Diplomacy, 2008. 174pp.

Preventing Genocide: a Blueprint for U.S. Policymakers, states that because genocide “requires planning and is carried out systematically” then its signs and symptoms can be recognized and addressed. This linkage between planning and systematic action gets to the very heart of the report, “Preventing genocide is a goal that can be achieved with the right organizational structures, strategies and partnerships – in short with the right blueprint.” The problem for the U.S. Government? It currently lacks the blueprint.

Therein lays the strength of the report. It offers constructive analysis of the current challenges impacting the U.S. government’s ability to effectively address genocide and then provides pragmatic recommendations as to what must be done to make future efforts more effective.

The report rightly starts with the challenge of political will. It asserts that if genocide prevention is to become a priority then it has to be set as one at the top. That starts with the President. As stated in the report, “Attention from the President and his or her close group of senior advisors is the most prized commodity in Washington policy circles. When high-level officials are actively engaged, progress is usually possible.” There is also specific attention paid to how members of Congress need to use funding (a recommended \$250 million annually to the international affairs budget) and mechanisms, such as the [Tom Lantos Human Rights Commission](#), to place genocide prevention higher on the agenda.

Political will is then linked to the second major challenge: the lack of a coordinated, whole-of-government approach to policy formulation and implementation. The report offers concrete examples of how current “gaps” impact U.S. policy. For example, there is no one person or group in the Administration with responsibility for coordinating genocide prevention efforts. As the report states, “Preventing genocide appears to be a responsibility held simultaneously by no one and everyone in the U.S. foreign policy apparatus.” It goes on to offer specific recommendations as to how this gap can be addressed such as creating a standing interagency mechanism, an Atrocities Prevention Committee, directed from the White House and co-chaired by senior officials from the NSC and State Department.

The report is also fair in pointing out why some of these gaps currently exist. For example, Chapter 5, “Employing Military Options” states, “The most important tools for military preparedness are national policy, doctrine, plans and training.” Taking that idea forward to look at the current state of affairs, the report states that the [2006 National Security Strategy](#) addressed the need for armed intervention when perpetrators of mass killing defy attempts at peaceful intervention. Yet the report also notes that no clear evidence was found of “corresponding high-level or internal military follow-on guidance to prepare for such a situation...” and then goes an important step *further* by pointing out that, in the context of the need for a military doctrine on genocide, “...senior U.S. leaders have not directed the Department of Defense to prepare for missions where the prevention of genocide is the primary goal.” Therefore, current military strategies and preparedness are not “specifically designed to prevent and react to the escalation of violence leading to genocide.”

Another strength of the report is its focus on the breadth of policy options available. It points out current perceptions in the international community that U.S. policy focuses too much on force and not enough on preventive measures that draw more on diplomacy and development. Therefore, a range of specific policy options, the majority of which do not require the use of force, are offered throughout the text to address specific signs and signals. It also notes how specific signals can be used as “triggers” to prompt policy reviews at crucial intervals before the situation becomes a crisis requiring military intervention.

The major critique of this report is that it focuses too much on Washington. An important component of an effective whole-of-government approach is empowering the field personnel who are closest to the situation. Agency silos and turf battles in Washington often block timely action and agreed-upon inter-agency recommendations from the field. Establishing inter-agency field structures and mechanisms and providing the field with the necessary authority and resources to act are critical to a more effective US response. This must include technology, personnel and funds to establish networks that tap into the knowledge of international officials, NGO personnel and local citizen groups.

A related critique centers on a rather weak argument as to how US policy integrates into and supports existing international efforts. Yes, the report is directed at US policy and policy makers. The need for international partnerships is also mentioned throughout the various chapters. Yet providing more *specific* examples in the chapter on International Action regarding *existing* efforts by other international actors – IGOs, NGOs, business and civil society – and how the U.S. can bolster those would better highlight a U.S. commitment to partnerships. And not just those partnerships established and led by the U.S.

For example, a specific recommendation of the report is for the U.S. Secretary of State to create a formal genocide prevention network. It would be helpful to note established networks and mechanisms that already exist such as the [Global Centre for the Responsibility to Protect \(R2P.\)](#) The Global Centre was established in New York by international NGOs and is supported by eminent world leaders and like-minded national governments. The UN Secretary General also has a Special Adviser for the Prevention of Genocide and a Special Advisor on the Responsibility to Protect. Has there been any effort by the U.S. Government to find out if and how these two actors have built networks to establish such a network? Related to that, if such a

network does not already exist, would it be more effective for these officials to develop one rather than the U.S. Secretary of State, particularly given some states' concerns that the U.S. will impinge on their sovereignty too quickly? The report also notes that the Special Adviser for the Prevention of Genocide has very limited resources. Should the U.S. provide more funding to his office? If not, why?

Yet, overall, in spite of its heavy Washington focus, the report does an excellent job of helping the reader understand the challenges that must be overcome if genocide prevention is to become not only a priority but a reality.

Kathy Gockel is an independent policy analyst. Her clients include the Institute for National Strategic Studies (INSS) at National Defense University and the Hollings Center. She was also a fellow on the U.S.-Muslim Engagement Project at Search for Common Ground. Gockel was previously a program officer in the policy analysis and dialogue department of a private foundation where she led policy programming initiatives on US - Middle East Security and the United Nations including R2P. In this capacity she met with two of the UN Secretary General's top advisers on the issue - Ed Luck, Special Adviser focusing on R2P, and Francis Deng, Special Adviser for the Prevention of Genocide. Gockel holds an MA of global studies from the Josef Korbel School of International Studies at the University of Denver. Her focus areas were human security and economic development. She also holds a Master's of business administration and spent fifteen years in the private sector prior to switching careers to international relations.