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## Politics as Usual at the UN: Implementing Pillar Three of RtoP

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## Politics as Usual at the UN: Implementing Pillar Three of RtoP

### Abstract

UN Secretary-General Ban Ki-Moon's most recent report on RtoP seeks to evaluate the various ways that Pillar Three of RtoP can be implemented. As anyone familiar with RtoP is aware, the commitment is understood to have three separate but interrelated pillars. The first pillar says that states have the primary responsibility to protect their own citizens from genocide, war crimes, crimes against humanity, and ethnic cleansing. Pillar Two says that the international community should assist states in fulfilling this responsibility, while Pillar Three says that if the state fails in its primary responsibility to protect its citizens from these crimes, or is itself the perpetrator of them, then the international community has the responsibility to protect these people and may use coercion if necessary and as a last resort.

### Keywords

Human rights, United Nations, Responsibility to protect, Intervention, Politics, Scaling

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## Politics as Usual at the UN: Implementing Pillar Three of RtoP

by Eric A. Heinze

UN Secretary-General Ban Ki-Moon's most recent report on RtoP seeks to evaluate the various ways that Pillar Three of RtoP can be implemented. As anyone familiar with RtoP is aware, the commitment is understood to have three separate but interrelated pillars. The first pillar says that states have the primary responsibility to protect their own citizens from genocide, war crimes, crimes against humanity, and ethnic cleansing. Pillar Two says that the international community should assist states in fulfilling this responsibility, while Pillar Three says that if the state fails in its primary responsibility to protect its citizens from these crimes, or is itself the perpetrator of them, then the international community has the responsibility to protect these people and may use coercion if necessary and as a last resort.

This report's focus is on the last pillar, though for a report on the necessity of "timely and decisive" responses, there is a lot of discussion about what should be done before anything decisive is considered. In other words, if the idea of "implementing" Pillar Three is to facilitate a rapid cessation of mass atrocities, the challenge, it seems to me, is to work on how to get the Security Council to overcome the impasse in which it often finds itself in order to make "decisive" action more "timely." In this sense, the report contains a somewhat mixed message. On one hand, it is important to attempt non-coercive means before resorting to coercion. Yet on the other hand, as the Syrian crisis illustrates, time is of the essence, and the more time spent attempting to negotiate a peaceful settlement, the longer atrocities continue unabated. This hardly strikes me as a strategy aimed at achieving a "timely and decisive" response.

The sad reality is that frequently, diplomatic and non-coercive measures are pursued precisely because a more decisive response is not possible. This is usually because of politics on the Security Council, but also occurs when parties to the conflict in question wish to buy themselves time to continue their brutal policies in the hopes of achieving their goals before the international community can get its act together to do anything decisive. Slobodan Milosevic excelled at this, and Bashar al-Assad's approach is apparently right out of this playbook. The question, then, is how to reconcile the admirably cautious and pragmatic "scalar" approach of starting with less coercive measures and moving to more coercive ones, with the urgent nature of the atrocities we have witnessed in Syria for well over 18 months now.

In examining the various tools the Secretary-General outlines that are available for implementing Pillar Three, a couple things come to mind. First, it is difficult to see much new in these approaches in terms of the way that the international community has addressed global crises in the past. Again, the scalar approach has been used for some time, and has likewise been exploited by the likes of Milosevic, and now Assad, who have become quite adept at it. This is not to say that we should abandon non-coercive methods, but rather reconsider their utility in light of what we already know is unlikely to work.

Second, many of the available tools the Secretary-General discusses in this report are not really ways to end atrocities at all, but rather ways to confirm their existence. That is, the report discusses the importance and utility of certain non-coercive responses such as mediation,

preventive diplomacy, and public advocacy, but also discusses fact-finding missions, commissions of inquiry, and monitoring and observer missions. While it is important to have accurate information before taking any coercive action, it seems to me that this report is confusing knowledge of atrocities with trying to stop them. Furthermore, in most situations, one hardly needs a formal commission of inquiry to conclude that people are being massacred. Perhaps these are useful to ascertain whether, for instance, the atrocities meet the legal definition of genocide, as the Commission of Inquiry on Darfur sought to establish in 2005, but this hardly matters in the grand scheme of things when what is most important are not the legal niceties, but the alleviation of human suffering.

At least in the context of the Syrian crisis, we have arguably passed the point at which non-coercive measures can be effective: the existence of (and responsibility for) mass atrocities has been established, and diplomacy has failed, as evidenced by the resignation of the UN's special envoy to this crisis, Kofi Annan. Thus, what is preventing a truly "timely and decisive" response is, as usual, politics on the Security Council, and "RtoP-talk" is unlikely to change this. We therefore either need to admit that "timely and decisive" action will continue to be subject to the whims of the Security Council and that little can be done to overcome this, or begin the search for other loci of authority to take such action in its stead.

Yet the United States, for its part, has not shown much willingness to pressure Russia or China to support an enforcement action against Syria. This suggests, not surprisingly, that the US does not want to get militarily involved in Syria, and the fact that the Council is at an impasse on this issue actually provides political cover for the US to avoid becoming entangled there. So once again, it is politics as usual on the Council, where decisions about implementing RtoP are undertaken at the discretion of the permanent members and according to their narrow interests, as opposed to fealty to any new norm or "responsibility" that these states are thought to have to take decisive action to stop mass atrocities.

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