The Responsibility to Protect and 'Root Cause' Prevention
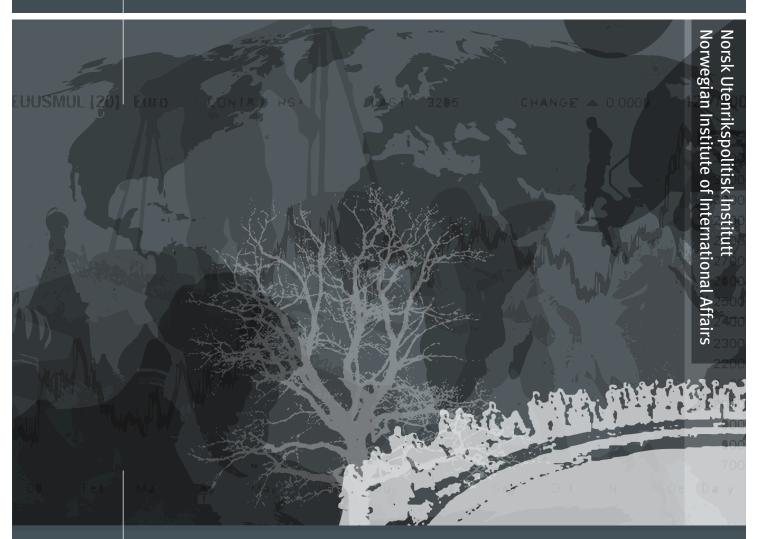
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Responsibility to Protect 9
[NUPI Report]

The Responsibility to Protect and 'Root Cause' Prevention

Eli Stamnes

Executive Summary

- The preventive aspect of R2P is seen as preferable to the reactive and rebuilding aspects of the principle.

- 'Root cause' prevention refers to efforts that focus on creating structural conditions –socio-economic, political, cultural, environmental, legal or institutional – that encourage peaceful interaction and conflict resolution.

- 'Root cause' prevention is seen as preferable to 'direct' prevention (which is to be utilised in the face of a crisis), in that 'root cause' prevention addresses the underlying causes of conflicts and crises, and not only the immediate manifestations.

- Much work on prevention assumes that mass atrocity prevention is synonymous with conflict prevention: however, recent work on the preventive aspects of R2P has drawn attention to the distinction between the two concepts.

- Due to its different objectives and requirements, mass atrocity prevention must be more carefully targeted and tailored than conflict prevention.

- Since the structural preconditions of armed conflicts and mass atrocities appear to be the same, 'root cause' prevention also has a place in preventing mass atrocities.

- There is no need to develop new measures or capacities for mass atrocity prevention. Rather, an atrocity prevention lens should be incorporated into existing measures and capacities.

- 'Root cause' prevention measures like the advancement of good governance, judicial reform, human rights promotion, democratic institution building, security sector reform and economic development programmes are intrusive measures that may necessitate radical reconstruction of the society in question.

- Endorsement of the World Summit Outcome Document does not necessarily imply acceptance of external involvement in radical restructuring of societies at risk of mass atrocities.

- The intrusive and controversial character of such 'root cause' measures must be acknowledged in future work on R2P prevention.

- In addition to being defined as central actors in the *prevention* of mass atrocities, states are also central to the *commission* of mass atrocities.

- Further research is needed into how R2P 'root cause' prevention measures may be constructed and implemented in order to secure the acceptance and partnership of the country in question, while at the same time being effective.

- The political nature of the construction of watch lists that are to serve as the basis for the implementation of 'root cause' prevention must be acknowledged and made integral to further academic and policy work.

Introduction

The *preventive* aspect of the Responsibility to Protect (R2P) is frequently hailed as the most important one. The International Commission on Intervention and State Sovereignty (ICISS) introduced the concept of R2P in 2001, derived from the idea of 'sovereignty as responsibility'. The 'responsibility to prevent' was here seen as one of R2P's three constitutive elements, together with the 'responsibility to react' and the 'responsibility to rebuild', and was presented as 'the single most important dimension of the responsibility to protect'.[1] The authoritative version of R2P, formulated in paragraphs 138 and 139 of the 2005 World Summit Outcome Document (WSOD), does not explicitly state that it prioritises prevention, but emphasises that the responsibility to protect 'entails the prevention of such crimes, including their incitement', 'helping States build capacity to protect their populations' and 'assisting those which are under stress before crises and conflicts break out'. Moreover, by treating intervention as a last resort, it implicitly gives priority to prevention.[2] UN Secretary-General Ban Ki-moon presented in 2009 a report that outlines a three-pillared strategy for the implementation of R2P. Here, 'the value of prevention' is stressed as 'a key ingredient for a successful strategy for the responsibility to protect'.[3] The importance of the preventive side of R2P was also emphasised by UN member states during the July 2009 General Assembly debate on the topic.[4]

The priority accorded to prevention may be explained by several factors. First, it may reflect a concern for costs, as prevention is considered to be cheaper than reaction and rebuilding. Secondly, it may be based on the argument that prevention is morally superior to the two other constitutive elements of R2P, in that it saves more lives. And thirdly, as Alex J. Bellamy points out, it may motivated by a wish to move R2P away from an 'intervener's charter'.[5]

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[1] International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001). p. xi. The idea of 'sovereignty as responsibility' was first developed in Francis M. Deng, Sadikiel Kimaro, Terrence Lyons, Donald Rothchild and I. Willliam Zartman, *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, DC: Brookings Institution, 1996).

[2] A/RES/60/1, 16 September 2005, paras. 138-139.

[3] Ban Ki-moon, *Implementing the Responsibility to Protect*, A/63/677, 12 January 2009, pp. 2, 9.

[4] See Global Centre for the Responsibility to Protect, *The 2009 General Assembly Debate: An Assessment* (New York: GCR2P, 2009).

[5] Alex J. Bellamy, *Responsibility to Protect: The Global Effort to End Mass Atrocities* (Cambridge: Polity Press, 2009), p. 98.

This report focuses on one dimension of prevention that has been highlighted in the context of R2P – 'root cause' or 'structural' prevention. The first part of the report outlines what this kind of prevention entails. First, 'root cause' prevention is contrasted to 'direct'/'operational' prevention, which is seen as its prevention counterpart in the literature on conflict prevention and R2P as well as in policy documents. This is followed by a discussion of the relationship between mass atrocity prevention and conflict prevention, and the place of 'root cause' prevention in a more targeted and tailored strategy for the prevention of mass atrocities.

The second part of the report turns to some less-examined aspects of R2P 'root cause' prevention: the intrusive nature of such prevention, the central role of states in the prevention as well as the commission of mass atrocities, and the political aspects of watch lists. In this way the assumption that prevention is the most acceptable and 'unproblematic' side of R2P is challenged, and a call is made for further research into these issues.

Defining 'root cause' prevention

'Root cause' prevention and 'direct' prevention

When introducing the concept of R2P in 2001, the ICISS stressed the primacy of prevention, arguing that 'prevention options should always be exhausted before intervention is contemplated'. In the Commission's report, 'the responsibility to prevent' was seen to include measures to 'address both the root causes and direct causes of internal conflict and other man-made crises putting populations at risk'.[6] A distinction was thus drawn between 'root cause prevention efforts' and 'direct prevention efforts', and this distinction was based on 'the time available in which to make a difference'.[7] 'Direct' measures were to deal with the immediate triggers of a conflict in order to avoid resort to more coercive measures; 'root cause' measures were to be aimed at addressing the underlying causes of deadly conflict.[8] Poverty, political repression and uneven distribution of resources were listed as examples of such 'root causes', and it was argued that ignoring these underlying factors would mean that only the symptoms of deadly conflict would be addressed. 'Root cause' prevention would, according to the ICISS, consist of 'support for local initiatives to advance good governance, human rights, or the rule of law', 'democratic institution and capacity building' as well as 'development assistance'.[9]

In this, the ICISS drew upon the ideas of UN Secretary-General Kofi Annan's report on the *Prevention of Armed Conflict*, published only a few months earlier.[10] There, Annan called on the international community to move 'from a culture of reaction to a culture of prevention' – a call that was echoed by the ICISS.[11] Annan argued that that both short-term and long-term political, diplomatic, humanitarian, human rights, developmental and institutional measures should be employed in a comprehensive preventive strategy.[12] His report elaborated on how the UN system could offer assistance to states in this respect, and it was stressed that:

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[6] ICISS, *The Responsibility to Protect*, p. xi.
[7] International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* , p. 23.
[8] International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* , p. 19-27.
[9] ICISS, The Responsibility to Protect, p. 19-23.
[10] Kofi Annan, *Prevention of Armed Conflict*, A/55/985–S/2001/574, 7 June 2001.
[11] ICISS, The Responsibility to Protect, p. 27.
[12] Annan, *Prevention of Armed Conflict*, pp. 2-3, p. 7.

> Preventive action should be initiated at the earliest possible stage of a conflict cycle in order to be most effective. One of the principal aims of preventive action should be to address the deep-rooted socio-economic, cultural, environmental, institutional and other structural causes that often underlie the immediate political symptoms of conflicts.[13]

This argument was based on past UN experiences, which had demonstrated that the likelihood that conflict parties would engage in dialogue and address their grievances without resorting to violence depended on identifying and addressing the 'multi-dimensional root causes' of a conflict early on. Such 'root causes' could, according to Annan, include socio-economic inequities and inequalities, systematic ethnic discrimination, denial of human rights, disputes over political participation or long-standing grievances over land and other resource allocation.[14] Addressing these causes would, Annan noted, require a deep understanding of local circumstances and reliable early warning.[15]

The thinking of both Annan and the ICISS concerning 'root cause' prevention was heavily influenced by the ideas of the Carnegie Commission on Preventing Deadly Conflict.[16] In its final report published in 1997, a distinction was made between 'operational' prevention and 'structural' prevention'.[17] Whereas 'operational' prevention referred to measures applicable in the face of immediate crisis, 'structural' prevention referred to strategies to address the root causes of deadly conflict.[18] As to the latter, it was argued that

> whatever model of self-government societies ultimately choose, and whatever path they follow to that end, they must meet the three core needs of security, well-being, and justice and thereby give people a stake in nonviolent efforts to improve their lives. Meeting these needs not only enables people to live better lives, it also reduces the potential for deadly conflict.[19]

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13   Ibid., p. 2.
14   Ibid., p. 2, 7.
15   Ibid., p. 7. Many initiatives and resolutions have followed in the wake of Annan's report. In 2008, Annan's successor, Ban Ki-moon, stated: 'a culture of prevention is taking hold at the United Nations' and 'progress is being made in strengthening the Organization's ability to respond to disputes or situations that might lead to violence and to address the root causes of conflict'. See Ban Ki-moon, *Report of the Secretary-General on the implementation of Security Council resolution 1625 (2005) on conflict prevention, particularly in Africa*, S/2008/18, 14 January 2008, p. 1.
16   Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict: Final Report* (Washington DC: Carnegie Commission on Preventing Deadly Conflict, 1997).
17   Ibid., pp. 39-67; pp. 69-102.
18   Ibid., p. xxviii.
19   Ibid, p. xxviii.

Thus, 'structural' prevention would involve the establishment of international legal systems, dispute resolution mechanisms, and cooperative arrangements, as well as securing people's basic economic, social, cultural, and humanitarian needs and rebuilding post-war societies.

The report of the Carnegie Commission provided central concepts, and in many cases the vocabulary, for later work on prevention – in the context of R2P and more generally as well. This is also the case for R2P work conducted after the 2005 World Summit. The clearest example in this regard is Gareth Evans' 2008 book *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All*. Evans presents a toolbox for prevention, divided into 'structural' and 'direct' prevention trays, both containing compartments for political/diplomatic, economic/social, constitutional/legal and security sector instruments.[20]

Mass atrocity prevention and conflict prevention

The prevention of mass atrocities has largely been viewed as synonymous with the prevention of violent conflict. Kofi Annan cited examples of mass atrocities in his *Prevention of Armed Conflict* to emphasise his arguments, calling the Rwanda genocide in 1994 a 'preventable genocide', and asserting that the international community has 'an obligation to the victims of violence in Rwanda and elsewhere to take seriously this challenge of prevention'.[21] Nor did the ICISS distinguish between conflict prevention and mass atrocity prevention in discussing 'the responsibility to prevent'. Its arguments seemed to be based on the underlying assumption that if conflicts are prevented, so also are mass atrocities: 'in the context of the responsibility to protect, improving conflict prevention at every level – conceptually, strategically and operationally – is urgent and essential'.[22] In places, the ICISS report indicated even broader conceptions of what should be prevented, such as 'man-made crises' and 'human security-threatening situations'.[23] According to Bellamy, the ICISS' wide account of prevention constitutes a major problem, and means that much conceptual work remains to be done on prevention in the context of R2P.[24]

Gareth Evans, one of the ICISS co-chairs, does not, however, see the need for this kind of conceptual work. His proposed preventive R2P

20 Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All*, (Washington, DC: Brookings Institution Press, 2008) pp. 87, 88-104, 252-253.
21 Kofi Annan, *Prevention of Armed Conflict*, A/55/985–S/2001/574, 7 June 2001, p. 6.
22 ICISS, *The Responsibility to Protect,* p. 20.
23 ICISS, *The Responsibility to Protect*, pp. xi, 18.
24 Bellamy, *Responsibility to Protect*, p. 102.

tools are basically identical to those associated with conflict prevention, and he sees the prevention of mass atrocity crimes as an extension of effective conflict prevention. In his opinion, effective prevention starts with identifying situations that have the potential to generate mass atrocity crimes; since so many of these crimes occur during war, it is important to focus on the potential for conflict in general, and to prevent the outbreak, continuation or recurrence of conflict.[25]

Secretary-General Ban Ki-moon, on the other hand, notes that ' the worst human tragedies of the past […] sometimes […] were linked to ongoing conflicts but quite often — including in some of the worst cases — they were not'.[26] Here, 'the worst human tragedies' refers to the four types of mass atrocity crimes – genocide, war crimes, ethnic cleansing and crimes against humanity – that are the focus of R2P as it was endorsed by the world's heads of state and government in 2005. This is arguably a much narrower scope than 'deadly conflicts', 'man-made crises' or 'human security-threatening situations'. We should therefore not take for granted that the prevention of these mass atrocities is synonymous with conflict prevention – the linkage and potential overlap of measures must be explored in greater depth before such a conclusion can be drawn.

A paper published by the International Peace Institute (IPI) looks into the relationship between conflict prevention and the prevention of mass atrocities.[27] Here, it is argued that these are two related but distinct concepts that may not merit the same approach in all instances, even if they face similar problems with regard to obstacles to their implementation – that is, mistrust and lack of resources and political will. On this basis, it is argued that member states should fulfil their commitment to establishing a mass atrocity early-warning capability in the UN, and make resources available for responding to the early-warning information generated, to reinforce member-state oversight and input through the General Assembly and the Security Council, and to enhance UN partnerships with regional organisations. The IPI paper does not, however, elaborate much on what the distinction between these concepts would mean for prevention practices, beyond stating that R2P prevention needs to be more carefully targeted, and posing a series of questions. It concludes that further research into causes, triggers and indicators of R2P crimes needs to be conducted.

Bellamy agrees with the IPI paper that mass atrocity prevention is distinct from the prevention of armed conflict. He also argues that the relationship is highly complex and not yet well-understood. However,

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25 Evans, *Responsibility to protect*, p. 81.
26 Ki-moon, *Implementing the Responsibility to Protect*, p. 5.
27 International Peace Institute, 'Conflict Prevention and the Responsibility to Protect', *IPI Blue Papers* 7, 2009.

he is adamant that there can be no meaningful or effective agenda for the former that does not include the latter. He supports this argument by examining 103 episodes of mass killing that have occurred since 1945, and finding a strong correlation between armed conflict and mass atrocities, one that has become stronger since the end of the Cold War. Only a very few of the recent mass killings have occurred outside armed conflict. That does not, in Bellamy's opinion, mean that mass atrocity prevention is synonymous with conflict prevention. While common conflict prevention measures should be employed, an 'atrocity prevention lens' must inform this usage, to enable the measures to be tailored to the particular objectives and requirements of preventing mass atrocities – for example, by leaving aside the culture of neutrality and equal treatment of all parties that informs conflict prevention. Importantly, the measures must be tailored to the specific country/region in question. Moreover, the tailored engagement should also include measures focused on peacetime atrocities, even though they are rare.[28]

If we accept that there is a distinction between conflict prevention and mass atrocity prevention, what are the implications for 'root cause' prevention? Ban Ki-moon, who emphasises this distinction, believes there is a place for this form of prevention in the context of R2P. In discussing his second pillar – international assistance and capacity-building – he argues:

> What is most needed, from the perspective of the responsibility to protect, are assistance programmes that are carefully targeted to build specific capacities within societies that would make them less likely to travel the path to crimes relating to the responsibility to protect.[29]

Such capacities would, in his view, include conflict-sensitive development analysis, indigenous mediation capacity, consensus and dialogue, local dispute-resolution capacity, and the capacity to replicate capacity.[30] Ban Ki-moon also highlights the positive role that appropriately conducted development assistance may play in mass atrocity prevention, as well as the rule of law, a competent and independent judiciary, human rights, security sector reform, and a robust civil society.[31]

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28 Alex J. Bellamy, 'Mass Atrocities and Armed Conflict: Links, Distinctions and Implications for the Responsibility to Protect', *The Stanley Foundations Policy Analysis Brief*, February 2011.

29 Ki-moon, *Implementing the Responsibility to Protect*, p. 20.

30 Ibid., pp. 19-21.

31 Ibid., p. 15.

Although not explicitly addressing the place of 'root cause' measures in mass atrocity prevention, the IPI paper expresses a somewhat sceptical view to this approach to prevention in general, due to its expansion 'to include almost every form of diplomatic, development, and humanitarian intervention'[32]. Since 'root cause' prevention has become so comprehensive, this approach is seen as unable to offer clear guidance as to the appropriate mix of tools for specific situations.

Bellamy, for his part, argues for the inclusion of structural measures in mass atrocity prevention. He sees structural factors as 'necessary but insufficient' preconditions of genocide and mass atrocities. These factors must therefore be addressed if such phenomena are to be prevented.[33] The repertoire of measures does not need to be replaced, he claims, but it must be appropriately tailored, targeted and co-ordinated in order to be utilised for this particular purpose.[34] Moreover, if properly conceived, 'root cause' prevention would also reduce the risk of peacetime atrocities.[35]

On this basis Bellamy argues that structural measures such as economic development programmes, capacity building, human rights assistance, humanitarian relief, democracy support, rule of law support, and/or security sector reform must be tailored to the individual case at hand. This will necessitate a 'detailed examination […] to determine the nature and source of risks and the extent of resilience and protective capacities (state-based and otherwise) as a basis for determining the appropriate combination of programs, measures and strategies.'[36] Many such 'root cause' prevention activities are already being undertaken by the UN system, regional organisations and NGOs. By incorporating an atrocity prevention lens into these, full use can be made of existing preventive capacities, and expensive replication be avoided.

From the above outline the following conclusions may be drawn:

- The preventive aspect of R2P is seen as preferable to the reactive and rebuilding aspects of the principle.

- 'Root cause' prevention refers to efforts focusing on creating structural conditions –be they socio-economic, political, cultural, environmental, legal or institutional – that encourage peaceful interaction and conflict resolution.

- 'Root cause' prevention is seen as preferable to 'direct' preven-

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32 International Peace Institute, p. 6.
33 Bellamy, 'Mass Atrocities and Armed Conflict', p. 9.
34 Ibid., p. 14.
35 Ibid., p. 6.
36 Ibid., p. 9.

tion (which is to be utilised in the face of a crisis), in that 'root cause' prevention addresses the underlying causes of conflicts and crises, and not only the immediate symptoms.

- Much work on prevention has assumed that mass atrocity prevention is synonymous with conflict prevention: however, recent work on the preventive side to R2P has drawn attention to the distinction between the two concepts.

- Due to its different objectives and requirements, mass atrocity prevention must be more carefully targeted and tailored than conflict prevention.

- Since the structural preconditions of armed conflicts and mass atrocities appear to be the same, 'root cause' prevention also has a place in mass atrocity prevention.

- There is no need to develop new measures or capacities for mass atrocity prevention. Rather, an atrocity prevention lens should be incorporated into existing measures and capacities.

Unexamined aspects of R2P 'root cause' prevention

As seen above, prevention is assumed to be the preferable dimension of R2P. It is also thought to be much less controversial than the coercive measures identified with the principle. Moreover, 'root cause' prevention is often favoured over 'direct' prevention, since it aims to deal with the underlying causes of the problem and not only the symptoms. However, there is reason to question these assumptions on several grounds, three of which will be discussed below.

The intrusive nature of 'root cause' prevention

Even though Ban Ki-moon emphasises that the 'responsibility to protect, first and foremost, is a matter of State responsibility' and 'that the international community can at best play a supplemental role'[37], the commitment to 'helping States build capacity to protect their populations'– established in paragraph 139 of the WSOD – allows for outside engagement in the implementation of 'root cause' measures. Indeed, capacity building, the Secretary-General has underlined, should be conducted through a mutual commitment and an active partnership between the international community and the state in question.[38]

The advancement of good governance, judicial reform, human rights promotion, democratic institution building, security sector reform and economic development programmes are amongst the 'root cause' measures most frequently mentioned by R2P commentators and policymakers. These measures are fairly intrusive and may entail a radical restructuring of the societies in which they are implemented.

Ban Ki-moon argues that 'Experience and common sense suggest that many of the[se] elements tend to serve objectives relating to the responsibility to protect.'[39] It is reasonable to assume that the 'experience and common sense' referred to stem partly from the UN's post-conflict peacebuilding, since this enterprise has involved many of the elements listed here.[40] The contemporary version of such peacebuilding is underpinned by the assumption that the creation of liberal de-

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[37] Ki-moon, *Implementing the Responsibility to Protect*, p. 10. .
[38] Ki-moon, *Implementing the Responsibility to Protect*, p. 15.
[39] Ibid, p. 20.
[40] This link was even clearer in a speech made by Ban Ki-moon in Berlin in 2008: see 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

mocracies and market economies is the best recipe for achieving sustainable peace. This assumption has been operationalised by means of a host of reform packages and programmes, such as security sector reform, rule-of-law programming, human rights promotion and monitoring, the organisation of multiparty elections, and the creation of market-based economies in target societies. This form of peacebuilding, often called 'liberal peacebuilding', has become the subject of a considerable body of literature, which takes issue with it on several grounds. It is criticised for being overly intrusive and for having an unacknowledged Western bias disguised by the assumption of the universal validity of the liberal peace thesis. Its lack of context awareness and its reliance on 'templates' in its implementation are also pointed out, together with its failure to ensure local ownership and utilising local knowledge. Moreover, despite the liberal ambitions, such peacebuilding has been shown to be far from liberal in its execution.[41]

If applying such 'root cause' measures in peacebuilding is contentious, it may prove to be even more so in connection with R2P prevention. Whereas peacebuilding takes place in the context of a recent violent conflict and thus has a concrete pretext, preventive R2P measures are to be utilised in order to fend off something that may – or may not – happen. The legitimacy of implementing intrusive measures is hence even more tenuous. It is particularly difficult to make a convincing link between such measures and the prevention of identity-based mass atrocities, since they may erupt very suddenly in settings where different identity groups have previously coexisted peacefully.

The point here is not necessarily to argue that the measures suggested in connection with 'root cause' prevention should be rejected. It is rather to challenge the dominant assumption that all forms of prevention are less contentious than forcible intervention in the context of R2P. It may indeed be the other way around. Although the world's heads of state and government in 2005 agreed that the responsibility to protect includes 'helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out', we should not take for granted that this means the acceptance of outside help and assistance in the radical restructuring of societies that some of these measures entail. The simul-

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[41]   For an overview over this body of literature, see, for example, Kristoffer Lidén, 'Building Peace between Global and Local Politics: The Cosmopolitical Ethics of Liberal Peacebuilding', *International Peacekeeping,* 16/ 5 (2009), pp. 616-634; Roland Paris, 'Saving Liberal Peacebuilding', *Review of International Studies*, 36/2 (2010), pp. 337-365; Eli Stamnes, 'Values, context and hybridity: how can the insights from the liberal peace critique literature be brought to bear on the practices of the UN Peacebuilding Architecture?', *NUPI Working Paper*, for the Future of the Peacebuilding Architecture Project, January 2010.

taneous resistance to including a preventive element in the UN Peace-building Commission in the WSOD supports this point.[42] That insight must be acknowledged and acted upon when developing strategies and instruments for the prevention of mass atrocities – and not least in their implementation.

The central role of states in prevention – and mass atrocities

The primary responsibility to protect populations against mass atrocities rests with states. Moreover, as we saw above, 'root cause' prevention, or capacity building, should be conducted through mutual commitment and active partnership between the international community and the state in question.[43] States are thus defined as key players in the work of preventing mass atrocities. However, states and their governments are also central to the problem of mass atrocities – either as perpetrators themselves, or as the issue over which perpetrators are fighting. As pointed out by the Asia-Pacific Centre for the Responsibility to Protect, genocide and mass atrocities are 'almost exclusively a crime of governments or other political elites'.[44] Such atrocities are typically committed in order to achieve one of three goals: regime consolidation, regime expansion or regime maintenance;[45] and can take the following forms:

> *State repression*: the use of genocide and mass atrocities to maintain state power, usually in the context of relatively weak states.
> *Counter-insurgency*: the use of genocide and mass atrocities to defeat an insurgent organization by denying it access to a civilian population to hide amongst.
> *Radical social transformation*: the use of genocide and mass atrocities to enact a process of radical social transformation, usually by eliminating a particular ethnic, religious, political or socio-economic group.
> *Rebellion:* the use of genocide and mass atrocities as a strategy of rebelling against the state.

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42 On the scepticism towards prevention among developing countries and efforts to link it to development, see for example Bellamy, *Responsibility to protect*, pp. 100-101.; David Carment and Martin Fischer, 'R2P and the role of Regional Organisations in Ethnic Conflict Management, Prevention and Resolution: The Unfinished Agenda', *Global Responsibility to Protect*, 1/3 (2009), p. 270.

43 Ki-moon, *Implementing the Responsibility to Protect*, p. 15.

44 Asia-Pacific Centre for the Responsibility to Protect (APCR2P), *Preventing Genocide and Mass Atrocities* (Brisbane: Asia-Pacific Centre for the Responsibility to Protect), 8 June 2009, p. 17.

45 APCR2P, *Preventing Genocide and Mass Atrocities*, p. 18, referring to Catherine Barnes, 'The Functional Utility of Genocide: Towards a Framework for Understanding the Connection Between Genocide and Regime Consolidation, Expansion and Maintenance', *Journal of Genocide Research*, 7/3 (2005), pp. 320-325.

> *Major war:* the use of genocide as part of a strategy for winning a major war at the lowest cost.[46]

The role of the state has also been emphasised by people working on early warning. Barbara Harff, for example, includes 'state-led discrimination' as one of the factors that increase the risk of genocide.[47] This resonates with Charles Tilly's account of collective violence, whereof which genocide is one form. Tilly argues that inequality that is based on control of government is an important factor in collective violence – partly because it makes the control of government worth fighting for, and partly because it affects the access to violent means. Thus, collective violence 'frequently results from governmental use of violent means to defend beneficiaries of inequality from challenges by victims of inequality'.[48] Madeleine K. Albright and William S. Cohen agree:

> Grievances over inequitable distribution of power and resources appear to be a fundamental motivating factor in the commission of mass violence against ethnic, sectarian, or political groups. That same inequality may also provide the means for atrocities to be committed. For example, control of a highly centralized state apparatus and the access to economic and military power that comes with it makes competition for power an all-or-nothing position and creates incentives to eliminate competitors. This dynamic was evident in Rwanda and Burundi and is serious cause for concern in Burma today.[49]

The centrality of states and governments in the commission of mass atrocities constitutes a challenge for the prevention of mass atrocities in general and for the UN in particular. As an organisation made up of member states, the UN is bound to have a certain bias towards maintaining the current international system of states. Thus, there are inherent limitations with regard to solutions that would be acceptable for its members. Moreover, the UN works on the intergovernmental level, relating first and foremost to governments, their interests and their accounts of situations. This obviously becomes problematic if the government itself is the (potential) perpetrator.

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46 APCR2P, *Preventing Genocide and Mass Atrocities*, pp. 15-16.
47 Barbara Harff, 'How to Use Risk Assessment and Early Warning in the Prevention and De-escalation of Genocide and Other Mass Atrocities', *Global Responsibility to Protect*, 1/ 4 (2009), pp. 506-531.
48 Charles Tilly, *The Politics of Collective Violence* (Cambridge: Cambridge University Press, 2003) p. 11.
49 Madeleine K. Albright and William S. Cohen, *Preventing Genocide: A Blueprint for U.S. Policymakers*, Genocide Prevention Task Force, 2008, p. 36.

The difficulties are exacerbated by one of the elements that make prevention seem the best option in the context of R2P. Together with the evident advantages in terms of minimising costs and suffering, preventive measures are seen to have a lower threshold than 'a response under pillar three'– forcible intervention[50] – because they are based on the consent of the government in question. These limitations become especially pertinent when a mass atrocity crisis is looming and the government is the culprit. 'Direct' prevention measures consented to by the government are then not very likely to be efficient – nor are effective measures likely to be accepted by the government. However, there are similar concerns connected to 'root cause' prevention. The requirement of consent – or partnership – puts obvious limitations on which measures may be implemented and which issues may be addressed. Even if one has a clear idea of how 'root cause' prevention may be tailored to address the risks of mass atrocities, implementation will depend upon the willingness of the government in question to change the structures of the state. There is a need for further research into how this problem may be mitigated before effective forms of 'root cause' prevention of mass atrocities can be identified.

Political aspects of watch lists

In 'root cause' prevention, the idea is to implement strategies and instruments in places that are at risk of future mass atrocities. But how are these places to be identified? As Evans points out:

> It should not, prima facie, be all that difficult to identify situations where mass atrocity crimes are very imminently likely to occur […] The much more difficult task is to identify those cases where the risk of mass atrocity crimes is in the medium or longer term.[51]

Evans goes on to indicate five factors to be taken into account in identifying a particular country as of 'R2P concern'. These are: a past history of mass atrocities, the prevalence of tensions of a kind that have previously given rise to conflict, the strength of the country's own coping mechanisms for resolving grievances and tensions, the receptivity of the country to external influences, and the quality of leadership. This list is not intended to be exhaustive, and he emphasises the importance of a case-by-case analysis.[52] These criteria could nevertheless help to generate a list of countries that are vulnerable and that will be at significant risk of future mass atrocities unless preventive measures can be sustained or put in place.[53]

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50 Ki-moon, *Implementing the Responsibility to Protect*, p. 22.
51 Evans, *The Responsibility to Protect*, pp. 72-73.
52 Ibid., pp. 74-75.
53 Ibid., p. 76.

Whereas Evans' suggestion is based on his own experience as government minister and head of the International Crisis Group, Barbara Harff has proposed a list based on quantitative analyses of past genocides and politicides.[54] The risk factors established from these analyses are (not unlike those submitted by Evans): prior genocides and politicides, political upheaval in the last 15 years, the ethnic character of the ruling elite, the ideological character of the ruling elite, type of regime, and trade openness. An analysis of 'current information' based on this model would, according to Harff, provide 'the basis for a global "watch list" that identifies countries in which the conditions for a future episode are present'.[55] This list could in turn be used to convince policymakers of the need to engage. [56]

What these accounts – and other similar ones – fail to appreciate fully is that the construction of watch lists is a highly political venture, whether it is done on the basis of a 'case-by-case analysis' or 'systematic analysis [which] is data based, not reliant on personal observation'.[57] Who gets to determine the risk criteria, how to interpret them, which countries to put on the list, and which responses to implement? At the end of the day, these are all political questions. And different answers to these questions would have different bearings on the possibility for achieving acceptance of 'root cause' prevention – and thus also on the assumption that prevention is the more acceptable element of R2P.

Further work on this topic – be it research- or policy-related – must not skirt around the political and contentious character of this enterprise, but make that an integral concern. The establishment of an R2P early-warning capacity, for example, would thus be more than a technical and institutional challenge. In addition to finding generally acceptable ways to identify 'target countries', part of the solution may also involve developing 'root cause' measures that are not seen as being overly intrusive or stigmatising. And that will call for innovative thinking.

From the above discussion of three unexplored aspects of R2P 'root cause' prevention the following conclusions may be drawn:

- 'Root cause' prevention measures – such as the advancement of good governance, judicial reform, human rights promotion, de-

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54 See, for example, Barbara Harff, 'No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955', *American Political Science Review*, 97/1 (2003), pp. 57-73.
55 Ibid., p. 70.
56 bid., p. 72.
57 Evans, The Responsibility to Protect, p. 75; Harff, 'How to Use Risk Assessment and Early Warning', p. 508.

mocratic institution building, security sector reform and economic development programmes – are intrusive measures that may involve a radical reconstruction of the society in question.

- The endorsement of the WSOD does not necessarily imply acceptance of external involvement in the radical restructuring of societies at risk of mass atrocities.

- Future work on R2P prevention must acknowledge the intrusive and controversial character of such 'root cause' measures.

- In addition to being defined as central actors in the prevention of mass atrocities, states are also central to the commission of mass atrocities.

- There is a need for further research into how R2P 'root cause' prevention measures may be constructed and implemented in order to secure the acceptance and partnership of the country in question, while at the same time being effective.

- The political nature of the construction of watch lists that are to serve as the basis for the implementation of 'root cause' prevention must be acknowledged and made integral to further academic and policy work.