RECENT DEVELOPMENTS IN THE UNITED NATIONS:

SHIFTING FROM IDEALS AND PRINCIPLES TO ACTION AND ENFORCEMENT

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I. INTRODUCTION

The United Nations (U.N.) has been criticized by the media and scholars, as well as by some of its own Member States, for focusing on ideals and principles while being unable to enforce them.[1] The Responsibility to Protect (RtoP), a norm that emphasizes the international community's responsibility to prevent and respond to mass atrocities,[2] has been subject to this criticism as well, because of its status as only a principle, rather than a law or policy that can translate into action.[3] Specifically, critics have dismissed RtoP for its inability to effectively prevent the escalation of conflicts,[4] despite the inspiring rhetoric and unanimous adoption by Member States at the 2005 U.N. World Summit.[5] The World Summit document emphasized the "responsibility" the international community has committed to in order to prevent genocide, war crimes, ethnic cleansing and crimes against

1. *See* Max Boot, *Paving the Road to Hell: The Failure of U.N. Peacekeeping*, 79 FOREIGN AFF. 143, 144–45 (2000), https://www.foreignaffairs.com/reviews/review-essay/2000-03-01/paving-road-hell-failure-un-peacekeeping (discussing U.N.'s record of failing in peacekeeping missions); *see also* Robert J. Delahunty, *Paper Charter: Self Defense and the Failure of the United Nations Collective Security System*, 56 CATH. U.L. REV. 871, 947 (2007) (arguing that the U.N. has been ineffective in addressing some threats to peace and security); *see also Reflecting on Rwanda, Ban Urges Courage to 'Counter the Cruelty Taking Place Before Our Eyes,'* UN NEWS CTR, (Apr. 7, 2015), http://www.un.org/apps/news/story.asp?NewsID=50509&Kw1=early+warning&Kw2=&Kw3=#.Vf3mv84-Dot (quoting Secretary-General Ban Ki-moon as stating, "I appeal to the international community to do more than just speak about atrocity crimes and then fail to take timely action to prevent them.").

2. *See An Introduction to the Responsibility to Protect*, INT'L COAL. FOR THE RESPONSIBILITY TO PROTECT, http://www.responsibilitytoprotect.org/index.php/about-rtop (last visited Nov. 8, 2016) (labeling these mass atrocities as genocide, war crimes, crimes against humanity, and ethnic cleansing).

3. *See Ten Years On, 'Responsibility to Protect' Must be More Than Words - UN Officials*, UN NEWS CTR. (Sept. 8, 2015), http://www.un.org/apps/news/story.asp?NewsID=51822#.Vf3lWs4-Dou (stressing that the principle of "responsibility to protect" must be translated into action).

4. *See* Roland Paris, *Is it Possible to Meet the 'Responsibility to Protect'?*, THE WASH. POST (Dec. 9, 2014), http://www.washingtonpost.com/blogs/monkey-cage/wp/2014/12/09/is-it-possible-to-meet-the-responsibility-to-protect/ (acknowledging the criticism of RtoP: that it is an ineffective, hollow doctrine that offered false hope to threatened populations.).

5. G.A. Res. 60/1, 2005 World Summit Outcome, ¶¶ 138–40 (Oct. 24, 2005).

humanity and its commitment to "act in accordance with [the responsibility]."[6] The document stated that the U.N. has the "responsibility to use appropriate diplomatic, humanitarian, and other peaceful means to protect populations…", as well as being "prepared to take collective action, in a timely and decisive manner…", and "to commit…to helping States build capacity to protect their populations…"[7] Although RtoP has arguably not fulfilled these goals, in recent years U.N. bodies, such as departments within the Secretariat and the Security Council that address widespread violence, peacekeeping operations, and conflict prevention, have increasingly focused on building the bridge between principles and applicability of the principles.[8] Secretary-General Ban Ki-moon has placed particular focus on implementing prevention mechanisms and has reiterated on numerous occasions that these efforts should be the United Nation's priority.[9]

Although RtoP has been successful in regards to developing a doctrine and agreement among Member States, implementing RtoP has been a struggle. Due to newly developed policy initiatives within the U.N., the implementation of RtoP principles can occur through other mediums better suited for implementation. The clear difference between the new initiatives and RtoP implementation efforts is that the former addresses how to solve the inherent complexities within the U.N., such as the need for cohesion among Member States and effective communication. These recent projects are the Human Rights up Front (HRuF) Initiative by the Secretary-General, the Framework of Analysis for Atrocity Crimes, and the Secretary-General's recent report on peacekeeping. Although the new policy initiatives do not explicitly mention RtoP, the goals of preventing and mitigating the escalation of widespread violence are clearly aligned.

The HRuF, launched in December 2013, is a detailed and extensive plan of action, which seeks to implement system-wide operational improvements and political cohesion when preventing or responding to large-scale violations of human rights, such as genocide, war crimes, crimes against humanity, and ethnic cleansing. The Framework of Analysis, released in July 2014, guides Member States on how to assess the risk and potential escalation of mass atrocities by identifying certain characteristics that have been known to signal mass atrocities in the past. Finally, the peacekeeping report issued in September 2015 is a stronger tool for practical implementation in comparison to the reports issued for RtoP because it follows the challenges in prevention efforts with concrete, detailed actions to be taken. Again, neither of these efforts specifically addresses RtoP, but as a whole, they have the potential to function as vehicles to accomplish the goal of preventing   and   timely   responding   to   mass   atrocities.

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6. *Id.* ¶ 138.

7. *Id.* ¶ 139.

8. U.N. Secretary-General, *The Future of United Nations Peace Operations: Implementation of the Recommendations of the High-Level Independent Panel on Peace Operations*, ¶¶ 61–63, U.N. Doc. A/70/357-S/2015/682 (Sept. 2, 2015) [hereinafter *The Future of U.N. Peace Operations*].

9. *Id.* ¶ 33.

This comment argues that the implementation of RtoP is actually occurring through new programs which address the challenges in implementing RtoP, albeit indirectly, and provide concrete improvements, rather than continued principles and general aims. This comment will next discuss RtoP's development and purpose in Part II. This section will further discuss RtoP's weakness as an actual implementation prevention tool due to its disproportionate focus on principles and gaps, without addressing how exactly to overcome challenges in effecting the principle and achieving its goals. This comment will conclude with Part III, which will explore the policy shifts identified above in greater detail. Part III will identify how these action plans differ from RtoP regarding implementation capability, and will show that the U.N. has utilized strategic improvements to nonetheless accomplish the RtoP objective of preventing mass atrocities through alternate mediums. This is not to say the U.N. is abandoning RtoP as a doctrine, rather, the organization is using new methods that can actually carry out the implementation of preventing mass atrocities.

II. BACKGROUND OF RtoP AND ITS DEVELOPMENT

RtoP's goals are summarized through its "three pillars": (1) the individual nations are primarily responsible for protecting their people from suffering, as well as inciting, genocide, war crimes, crimes against humanity, and ethnic cleansing; (2) the international community is responsible for encouraging and assisting States in fulfilling this responsibility; (3) and the international community has the responsibility and must be prepared to take collective action if a State fails to protect its population from such atrocities, in accordance with the U.N. Charter.[10] These three pillars were first stipulated in the 2005 World Summit Outcome Document mentioned above, in provisions 138-140.[11] In this section, the Member States unanimously agreed that the responsibility to protect its populations from the four atrocity crimes includes the prevention of such crimes, "through appropriate and necessary means."[12] The international community accepted the responsibility to act in accordance with this goal and to encourage and help States exercise this responsibility, as well as support the U.N. in establishing an "early warning capability."[13]

Furthermore, this initial stipulation in the document included that the responsibility entails using appropriate diplomatic, humanitarian, and other peaceful means to protect populations, in accordance with Chapters VI and VIII of the Charter.[14] If these measures are not sufficient, then the international community agreed to be prepared to take collective action, "in a timely and decisive manner," through the Security Council, in accordance with Chapter VII, to protect the

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10. *The Responsibility to Protect*, OFF. OF THE SPECIAL ADVISER ON THE PREVENTION OF GENOCIDE (Apr. 16, 2014), http://www.un.org/en/preventgenocide/adviser/responsibility.shtml.

11. 2005 World Summit Outcome, *supra* note 5, ¶¶ 138-40.

12. *Id*. ¶ 138.

13. *Id*.

14. *Id*. ¶ 139.

populations.[15] Finally, Member States agreed to commit themselves to helping States build capacity to protect their populations and to assist those under stress before crises and conflicts escalate and break out.[16]

A. The Emergence of RtoP

The RtoP doctrine emerged from the international community's failure to act in the face of mass atrocities. Naturally, these failures are directly linked to RtoP's goals. The 20th century was plagued by numerous occurrences of mass violence.[17] The international community made the pledge of "never again" following the Holocaust[18] and yet mass atrocities such as the Rwandan genocide occurred in 1994 as "almost the entire world stood by and watched the genocide happen."[19] The international community's failure to intervene gave rise to the need to establish international guidance and principles for how to handle imminent or ongoing mass atrocities.[20]

1. The independent inquiry on the U.N.'s lack of action in Rwanda[21]

The Rwandan genocide was a significant incident that demonstrated the international community's weakness in responding to escalating mass atrocities. An independent inquiry conducted by a commission established by the U.N. Secretary-General released a report reviewing U.N. actions during the Rwanda genocide for the purpose of preventing similar tragedies from occurring "ever again."[22] The report found "a failure by the United Nations system as a whole," which rested primarily on the lack of resources and a "persistent lack of political

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15. *Id*.

16. 2005 World Summit Outcome, *supra* note 5, ¶ 139.

17. *See R2P—A Short History*, UNITED NATIONS REGIONAL INFO. CTR. FOR WESTERN EUR., http://www.unric.org/en/responsibility-to-protect/26981-r2p-a-short-history (last visited Nov. 8, 2016) (identifying some of these tragedies dating back to World War II including genocide in Rwanda and the violence that erupted in the former Yugoslavia).

18. *Genocide Occurs when 'Warning Signs' Ignored, Action Not Taken—UN Deputy Chief*, UN NEWS CTR. (Jan. 21, 2015), http://www.un.org/apps/news/story.asp?NewsID=49865#.Vf4U 2M4-A9c.

19. THE INT'L PANEL OF EMINENT PERSONALITIES TO INVESTIGATE THE 1994 GENOCIDE IN RWANDA AND THE SURROUNDING EVENTS, ORG. OF AFRICAN UNITY, RWANDA: THE PREVENTABLE GENOCIDE, ¶ 10 (2000), http://www.refworld.org/pdfid/4d1da8752.pdf.

20. *See* Max W. Matthews, *Tracking the Emergence of a New International Norm: The Responsibility to Protect and Crisis in Darfur*, 31 B.C. INT'L & COMP. L. REV. 137, 139 (2008), http://lawdigitalcommons.bc.edu/iclr/vol31/iss1/7 [hereinafter *Emergence of a New International Norm*] (describing the establishment of these international principles as a response to the ongoing incidents of ethnic cleansing and genocide in Rwanda, Bosnia, and Serbia).

21. This section provides only a brief summary of an in depth document.

22. U.N. Secretary-General, Letter dated Dec. 15, 1999 from the Secretary-General addressed to the President of the Security Council, 3, U.N. Doc. S/1999/1257 (Dec. 16, 1999), http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9 %7D/POC%20S19991257.pdf [*hereinafter* U.N. Secretary-General Letter on Rwanda].

will by Member States."[23] In turn, this affected the response by the Secretariat and Security Council.[24] For instance, in September of 1993 the Secretary-General was not capable of deploying international force from the U.N. within the time requested by a joint Government and Rwandese Patriotic Front (RPF) delegation, because of "enormous demands" for U.N. forces from other nations, and the U.N. "financial crisis" at the time.[25] Rather than immediate deployment, the Secretary-General proposed to the Security Council that the peacekeeping operation in Rwanda be divided into four phases, which later became the foundation for the U.N. Assistance Mission for Rwanda (UNAMIR), and was established on October 5, 1993 to encourage peace resolution among the rising tensions and to provide humanitarian assistance to refugees.

In addition to the lack of resources, the lack of political will was demonstrated by the Member States refusing to provide the necessary troops requested by the Security Council. Initially, the Security Council had voted unanimously to reduce UNAMIR personnel in April 1994, soon after violence escalated.[26] As a result, Security Council members began pulling out national troops under the notion that the peacekeeping mission had failed.[27] However, the Security Council changed its decision in May after the Secretary-General insisted that the U.N. should work towards ending the massacres, rather than backing out because peacekeeping was no longer an attainable option.[28] However when the Security Council approved an increase in resources for UNAMIR, and the Secretariat attempted to solicit troop contributions from Member States, Member States did not provide the necessary personnel or material resources.[29] The Independent Inquiry found that the Security Council's initial decision to reduce UNAMIR *because* of the mass killings known to all, rather than increasing efforts to stop the violence, "is a decision which the Inquiry finds difficult to justify."[30] The Inquiry determined the decision to pull out troops, and the willfulness of Member States to not act by providing troops, was crucial to the eventual failure in mitigating the escalation of genocide.[31]

The Inquiry also found that there was a general lack of adequacy in formulating UNAMIR's mandate, which contributed to the analytical weakness in responding to the escalating risk of genocide. Particularly, there was a lack of contingency planning in the event of failed peacekeeping, and thus not being

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23. *Id*.

24. *Id*.

25. *Id*. at 7.

26. *See id*. at 24 (reporting difficulties with getting some countries on board with deploying less troops and delaying further employment but eventually, devising a draft that was adopted).

27. *See* U.N. Secretary-General Letter on Rwanda, *supra* note 22, at 40–41 (describing the decision by the U.S. government to place strict conditions on U.S. support for peacekeeping efforts in Somalia after the genocide in Rwanda began).

28. *Id*. at 22–24.

29. *Id*.

30. *Id*. at 37.

31. *See id*. at 50–51 (asserting that when the international community makes a promise to protect innocent civilians, it must be willing to back its promise with whatever means necessary).

prepared with personnel that could implement the use of force if necessary.[32] As a result, when field actors requested the UNAMIR mission implement the use of force to respond to crimes against humanity, there was a lack of preparation in the face of a "worst-case scenario."[33] Further, the reports that were communicated from the field to the Security Council on escalating violence and human rights abuses were warning signs that should have been acted on, but instead failed to be considered.[34] The Inquiry determined that the U.N. did not have "sufficient focus or institutional resources for early warning and risk analysis."[35]Although this information was available, the fact that more was not done to act at an early stage was determined to be "a costly failure."[36]

The Independent Inquiry depicted a paralysis among U.N. actors in taking effective action when the genocide began on April 6, 1994.[37] For example, Member States did not act firmly at the beginning of the genocide, there was a lack of unity, and delayed decision-making when immediate response was necessary.[38] Additionally, it was determined that despite the Secretary-General's position that UNAMIR resources should have been increased, the Secretary-General should have done more to call for strengthening UNAMIR's presence.[39] The independent inquiry concluded that the Secretary-General, the Secretariat, the Security Council, UNAMIR, and the Member States were all responsible for failing to properly prepare a contingency plan in the event of needed force and for failing to stop the genocide with prompt response and unity.[40] The Inquiry concluded its report with a set of recommendations on how to address the issues identified, as well as a call to action to demonstrate the U.N.'s "commitment" to ensure atrocities such as the genocide in Rwanda do not continue to occur due to the U.N. failure.

2. The Independent International Commission on Kosovo

In addition to Rwanda, the U.N.'s inability to timely respond to escalating violence was seen in Kosovo during the U.N. intervention during the former Yugoslavia conflicts. The Independent International Commission on Kosovo, a commission established in August 1999 in the aftermath of the Kosovo War,[41]

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32. U.N. Secretary-General Letter on Rwanda, *supra* note 22, at 43.

33. *Id*.

34. *Id*. at 42.

35. *Id*.

36. *Id*.

37. U.N. Secretary-General Letter on Rwanda, *supra* note 22, at 38 (describing the delay by some States in identifying the occurrences in Rwanda as genocide caused a delay in efforts to act by the Security Council).

38. *See id*. at 37–39 (describing the lack of unity and delayed decision-making due to some larger States, like the United States, wanting to reduce the size of the mission while other non-permanent members of the Counsel pushed for stronger action).

39. *Id*. at 42.

40. *Id*. at 41.

41. The Independent International Commission on Kosovo (IICK) was established by the government of Sweden on the basis of the initiative of its Prime Minister Göran Persson. The

found that the North Atlantic Treaty Organization's (NATO) military intervention in the former Yugoslavia in 1999 was illegal since it did not obtain authorization by the U.N. Security Council, but that intervention was nonetheless "legitimate."[42] According to the Commission, the U.N. Security Council's weakness and inefficiency in deploying humanitarian intervention was displayed soon after the NATO airstrikes when the U.N. established the U.N. Interim Administration in Kosovo (UNMIK).[43] The plan called for the "speedy deployment" of 3,000 foreign policemen but the U.N. had not even installed half the amount in the three months that followed.[44] Additionally, once the policemen did arrive, they proved to be unprepared for the daunting task of establishing order in Kosovo.[45] The Commission determined that the international community failed in implementing the Secretary-General's request to increase UNMIK force and that there was a gap in intelligence communication on the ground.[46]

The Commission suggested that to better ensure that humanitarian prevention is legal, legitimate, and fruitful in the future, the U.N. General Assembly should adopt a "principled framework" to be used as a guide for "future responses to imminent humanitarian catastrophes and which could be used to assess claims for humanitarian intervention."[47] The Commission noted the potential conflict this type of international guidance may create with state sovereignty, particularly for nations concerned about Western interventionism.[48] Thus, the Commission determined that NATO, being composed of mostly Western nations, should not have the right to bypass the U.N. Security Council and instead the U.N. should strengthen its ability to intervene in times of humanitarian catastrophe more efficiently.[49]

3. The Development of RtoP Doctrine: Protection of Human Rights v. the Sovereignty of a Nation

Following these tragedies and the Security Council's failure to act in an

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Commission assessed that NATO bombing of Yugoslavia was "illegal but justified", in order to prevent further atrocities by Yugoslav forces, which intensified during the NATO bombing. THE KOSOVO REPORT: EXECUTIVE SUMMARY – MAIN FINDINGS, INDEP. INT'L COMMISSION ON KOSOVO 3 (2000), http://reliefweb.int/sites/reliefweb.int/files/resources/F62789D9FCC56FB3C1 256C1700303E3B-thekosovoreport.htm.

42. Lauren Grace Fitzsimons, *The Status of the Responsibility to Protect Norm in International Relations*, E-INT'L REL. STUDENTS 1, 24 (June 11, 2015), http://www.e-ir.info/2015/06/11/the-status-of-the-responsibility-to-protect-norm-in-international-relations/#_ftnref25 [hereinafter *The Status of the Responsibility to Protect*].

43. THE KOSOVO REPORT, *supra* note 41, at 3.

44. *Id.* at 36.

45. *See id* (stating that several detachments had to be sent home because of inadequate training, and that a considerable number of officers did not return from furlough or returned home prematurely).

46. THE KOSOVO REPORT, *supra* note 41, at 36

47. *Id.* at 4.

48. *Id.*

49. *See id.* (reasoning that the dual history of colonialism and the Cold War created the widespread concern about Western interventionism).

efficient manner from 1990–2005, the debate between prioritizing the protection of human rights or the sovereignty of a nation intensified.[50] Some scholars and diplomats believed the international community was not intervening enough and that there was a right to military intervention for humanitarian purposes without the consent of the nation.[51] On the other hand, some held the belief that the international community intervened too often and that the international community was not entitled to intrude on a nation's sovereignty for humanitarian intervention because it was not their concern.[52] Then Secretary-General Kofi Annan challenged the international community in his 2000 Millennium Report with the question, "[i]f humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violation of human rights that offend every precept of our common humanity?"[53]

The International Commission on Intervention and State Sovereignty (ICISS) established by the Canadian Government responded to this challenge with the production of the report, "The Responsibility to Protect" in 2001.[54] It was through this report that the concept of RtoP was initially presented.[55] In an effort to reconcile what seemed like an irreconcilable debate, the ICISS posed the concept of military intervention as a responsibility of all states to protect its people.[56] Essentially, a nation's sovereignty to control its internal affairs includes the primary responsibility to protect its people, and in the event that this responsibility cannot be fulfilled, the responsibility shifts to the international community.[57] The report emphasized the priority of preventing crimes against humanity and the pertinent need for an early warning system.[58] If prevention fails, the international

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50. *The Status of the Responsibility to Protect*, *supra* note 42, at 23.

51. *Id.*; *see also Emergence of a New International Norm*, *supra* note 20, at 150 (advocating for intervention in Darfur and criticizing the Security Council for leaving deployment dependent on the consent of the government in Sudan).

52. *See Emergence of a New International Norm*, *supra* note 20, at 146 (calling the R2P Report dangerous and disrespectful of current international law); *see generally The Status of the Responsibility to Protect*, *supra* note 42, at 23.

53. *Background Information on the Responsibility to Protect*, OUTREACH PROGRAMME ON THE RWANDA GENOCIDE AND THE UNITED NATIONS, http://www.un.org/en/preventgenocide/rwanda/about/bgresponsibility.shtml (last visited Nov. 8, 2016).

54. *See generally* The Responsibility to Protect, Report of the International Commission on Intervention and State Sovereignty, INT'L DEV. RES. CTR. (Dec. 2001), http://responsibilitytoprotect.org/ICISS%20Report.pdf [hereinafter ICISS Report].

55. *See The Status of the Responsibility to Protect*, *supra* note 42 (describing the introduction of R2P as resulting from the determination of the Independent International Commission on Kosovo which found that NATO's military intervention was illegal without Security Council's authorization, but legitimate).

56. *R2P—A Short History*, *supra* note 17.

57. *See Emergence of a New International Norm*, *supra* note 20, at 140 (affirming that this primary responsibility of a state is protection of its people rather than focusing on the right one or more states to interfere in another state's affairs; *see also Background Information on the Responsibility to Protect*, *supra* note 53 (noting that a state's failure to protect its people can result from a lack of ability or a lack of willingness).

58. *Background Information on the Responsibility to Protect*, *supra* note 53.

community must then react to mitigate the escalation of these crimes.[59] The report stressed that the international community is responsible for helping to rebuild and establish good governance and sustainable development in the nations that experience mass atrocities.[60]

This emerging norm was endorsed in 2004 by the High-level Panel on Threats, Challenges and Change established by Secretary-General Annan.[61] The panel stated that there is a collective international responsibility "exercisable by the Security Council authorizing military intervention as a last resort, in the event of genocide or other large-scale killing, ethnic cleansing and serious violations of humanitarian law which sovereign governments have proved powerless or unwilling to prevent."[62] The panel also proposed general criteria that could legitimize such action by the Security Council, such as the seriousness of the threat and the proportionality of the response.[63]

RtoP was unanimously accepted in the World Summit Outcome Document in 2005.[64] However, there were notable departures from the concept developed by ICISS, which were necessary to secure consensus.[65] For instance, the scope of RtoP was narrowed to the four mass atrocity crimes of genocide, war crimes, crimes against humanity and ethnic cleansing, as opposed to encompassing all forms of violent conflict.[66] Also, numerous recommendations by ICISS were omitted, including its proposed code of conduct on how to utilize the veto action when it entails preventing a humanitarian crisis, and to grant the General Assembly and regional organizations the power to authorize RtoP interventions if the Security Council is unable or unwilling to act.[67] The Security Council formalized its support in April 2006 through Resolution 1674 on the Protection of Civilians in Armed Conflict by reaffirming the provisions from the World Summit document regarding RtoP.[68] The Security Council also referred to the resolution in August 2006 when passing the resolution to authorize deployment of U.N. peacekeeping troops to Darfur.[69]

4. The U.N. Charter Legal Framework

RtoP was constructed in accordance with the legal framework found in Chapters VI, VII, and VIII of the U.N. Charter.[70] These chapters are particularly

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59. *Id*.
60. ICISS Report, *supra* note 54, at 39.
61. *Background Information on the Responsibility to Protect*, *supra* note 53.
62. *Id*.
63. *Id*.
64. 2005 World Summit Outcome, *supra* note 5, ¶¶ 138–40.
65. *See id*. (indicating that intervention would fall within international law).
66. *Id*.
67. *Id*.
68. *Background Information on the Responsibility to Protect*, *supra* note 53.
69. *Id*.
70. 2005 World Summit Outcome, *supra* note 5, ¶¶ 138-40.

significant to the mission of RtoP and the new policy developments because each chapter involves the guidelines for how to respond in conflict prevention and resolution situations. Chapter VI: Pacific Settlement of Disputes, allows the Security Council to call upon parties to any dispute which is likely to "endanger the maintenance of international peace and security," to first seek a solution through peaceful means, and to recommend the appropriate procedures.[71]

Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression, discusses the Security Council's broad power in determining when force should be used to restore international peace and security.[72] This chapter also addresses the Member States' responsibility to contribute to the Security Council's efforts by making available armed forces, assistance, and facilities, in accordance with special agreements.[73] Additionally, Chapter VII calls for the establishing of the Military Staff Committee (Committee) in applying the use of armed forces made by the Security Council, and outlines the Committee's duty in advising and assisting the Security Council.[74] Furthermore, this Chapter makes clear that a Member State should be granted the opportunity to participate in the decisions concerning the State, as well as any State's right to consult with the Security Council regarding any indirect economic damage caused by preventive or enforcement measures.[75]

Chapter VIII: Regional Arrangements, provides a brief overview for the conditions of regional arrangements or agencies that are established for the purpose of maintaining peace and security in the region.[76] This Chapter states that the members in such arrangements have the primary responsibility to make "every effort to achieve pacific settlement of local disputes" through the regional arrangements or agencies.[77] If the efforts fail, then the issue may be referred to the Security Council.[78] The Security Council also holds the authority to utilize these arrangements or agencies for enforcement action and any enforcement action taken under the arrangement or agency must be with Security Council authorization, except when taken against any enemy state.[79] Additionally, the Security Council must be kept "fully informed" of the activities carried out under the regional arrangements or agencies.[80] Although these three chapters discussed form the legal

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71. *Chapter VI: Pacific Settlement of Disputes*, CHARTER OF THE UNITED NATIONS, http://www.un.org/en/documents/charter/chapter6.shtml.

72. *Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression*, CHARTER OF THE UNITED NATIONS, http://www.un.org/en/documents/charter /chapter7.shtml.

73. *Id*.

74. *Id*.

75. *Id*.

76. *Chapter VIII: Regional Arrangements*, CHARTER OF THE UNITED NATIONS, http://www.un.org/en/documents/charter/chapter8.shtml.

77. *Id*.

78. *Id*.

79. *Id*.

80. *Id*.

framework for RtoP, the doctrine is "firmly anchored in the well-established principles of international law."[81]

B. Implementing RtoP

The goals of RtoP are similar to the implicit goals of HRuF,[82] the Framework of Analysis for Atrocity Crimes,[83] and the Secretary-General's 2015 report on peacekeeping.[84] The new initiatives seem to focus on how to accomplish the principles of preventing mass violence or responding to it in a timely manner, but doing so through a standardized and specific strategy.[85] These new policy initiatives are each intended to contribute to more effectively preventing and responding to mass atrocities, which is why RtoP was developed. Unlike the new initiatives, RtoP's development has focused on principles, background for having these principles, and loose suggestions. Since the first step in implementing RtoP in the 2009 report, the reports and developments have continually focused on general concepts and vague steps on how to accomplish the goal, without much development.[86] Annual reports and U.N. officials' statements continued to identify the same challenges in actually implementing the principle and yet, the same challenges persisted without significant change in how to administer implementation.[87] Despite the many efforts to develop RtoP, it has remained a principle. While having the principle certainly plays a significant function, abstract goals paired with simply identifying the inherent challenges does not provide practical solutions.

1. The Three Pillars in the RtoP Implementation Report

Following the unanimous adoption in 2005, the Secretary-General released a report regarding the implementation of RtoP in January 2009 in order to develop the U.N.' strategy, standards, processes, tools and practices in carrying out the doctrine.[88] The report began by identifying the context of RtoP and why it was

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81. U.N. Secretary-General, *Implementing the responsibility to protect*, ¶ 3, U.N. Doc. A/63/677 (Jan. 12, 2009) [hereinafter *Implementing the Responsibility*].

82. "*Human Rights Up Front*" *Initiative*, Secretary-General Ban Ki-moon, UNITED NATIONS, http://www.un.org/sg/rightsupfront/doc/RuFAP-summary-General-Assembly.shtml [hereinafter *"Human Rights Up Front" Initiative*].

83. Secretary-General's Special Advisers on the Prevention of Genocide and on the Responsibility to Protect, *Framework of Analysis for Atrocity Crimes: A Tool for Prevention*, iii (July 2014), http://www.un.org/en/preventgenocide/adviser/pdf/framework%20of%20analysis%20for%20atrocity%20crimes_en.pdf [hereinafter *Framework of Analysis for Atrocity Crimes: A Tool for Prevention*].

84. *The Future of United Nations Peace Operations: Implementation of the Recommendations of the High-Level Independent Panel on Peace Operations*, *supra* note 8.

85. *The Responsibility to Protect*, *supra* note 10.

86. *See infra* Section II.B.1–3.

87. *See infra* Section II.B.3.

88. *Implementing the Responsibility to Protect*, *supra* note 81.

adopted.[89] Three factors that were present in the worst mass atrocities were highlighted in order to display the necessity for RtoP.[90] First, each situation presented warning signs through political, social, and economic context. The atrocity did not instantaneously happen; rather there was planning and preparation evident prior to the immense manifestation of violence.[91] Second, these warning signs were ignored or rationalized as being minimal by national and international decision makers who had conflicting political interests.[92] Third, the U.N. intergovernmental organs and its Secretariat did not "do [their] part."[93] The failure to act was demonstrated by the "lack of resources and political commitment," as seen through the report following Rwandan genocide, as well as the report regarding the Srebrenica genocide, in which the U.N. was described as having a "pervasive ambivalence . . . in the pursuit of peace" and "an institutional ideology of impartiality."[94] Regardless of the "sobering reports" that were released following the mass atrocities, the institutional recommendations, which included early warning, analysis and training, were not fully implemented, despite efforts to enhance prevention tools.[95] Although the RtoP Implementation report, released four years after RtoP's adoption, provides strong background as to why the U.N. must improve its approach in addressing mass atrocities, it does not develop guidance for Member States on how to accomplish necessary improvements. Rather, it mentions that the report is only the first step in implementing the doctrine and provides vague recommendations on how to carry out the three individual pillars.

a. Pillar One

Pillar one, the protection responsibilities of the State, is embodied by paragraph 138 of the Summit Outcome:

> Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it.[96]

This section of the report discussed the significance of States applying their ability to act first and the international community to play a supplemental role.[97]

Respect for human rights is emphasized as an essential element of a

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89. *Id.* ¶ 1.
90. *Id.* ¶ 6.
91. *Id.*
92. *Id.*
93. *Implementing the Responsibility to Protect, supra* note 81, ¶ 6.
94. *Id.*
95. *Id.*
96. *Id.* ¶ 13.
97. *See generally id.* ¶¶ 13–27.

responsible sovereignty under pillar one.[98] The report recommends that Member States review what more can be done to implement their obligations in upholding human rights law and to ensure cooperation with the U.N. human rights mechanisms.[99] The report provides vague suggestions on how this can be fulfilled, and leaves it generally open for how States should advance RtoP.[100] For instance, States can help implement their obligations under human rights law by "advanc[ing] the prevention and protection goals relating to the responsibility to protect."[101] Additionally, the report suggests that States assist the Human Rights Council[102] in formulating ways to encourage States to abide by their obligations under RtoP and that the Human Rights Council periodic mechanism review "could be an important instrument" in advancing the goals of RtoP.[103] Training officials in human rights rule of law, particularly local law enforcement and those leading the judicial processes is also suggested.[104] The significance of training and education programs is for States to be sustainable and help themselves.[105] The report states that when training is aimed at police, soldiers, judiciary members and legislators, it can serve as an effective tool for preventative purposes.[106] The report does provide examples of past efforts, which suggests they may be remodeled for future use, though without clarity.[107] Examples of previous programs and training workshops are provided, such as the Fund for Peace in Uganda on its Conflict Assessment System Tool, which was designed to help create an early warning system.[108]

The pillar one section of the report also calls for Member States to engage in a sort of self-reflection regarding the principles of RtoP.[109] "If principles . . . are to take full effect and be sustainable, they must be integrated into each culture and society without hesitation or condition, as a reflection of not only global but also local values and standards."[110] However, many of the suggestions are not clear requirements or tools for the members to utilize.[111] The report suggests "periodic risk assessment[s]," assistance from the U.N., crafting legislation or establishing

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98. *Implementing the Responsibility to Protect, supra* note 81, ¶ 16.

99. *Id*.

100. *Id*.

101. *Id*.

102. The Human Rights Council is an inter-governmental body within the U.N. system made up of forty-seven States "responsible for the promotion and protection of all human rights around the globe." *United Nations Human Rights Council*, UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER, http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx.

103. *Id*.

104. *Implementing the Responsibility to Protect, supra* note 81, ¶ 17.

105. *Id*. ¶ 24.

106. *Id*. ¶ 25.

107. *See generally Implementing the Responsibility to Protect, supra* note 81.

108. *Implementing the Responsibility to Protect, supra* note 81, ¶ 25.

109. *Id*. ¶ 21.

110. *Id*. ¶ 20.

111. *See generally id*.

credible monitoring groups or calling for independent national institutions to help oversee implementation of humanitarian standards.[112] States are encouraged to invest in these added efforts to avoid being vulnerable to mass atrocities through phrases such as: "We are all at risk if we believe it could not happen to us."[113]

b. Pillar Two

The pillar two section of the report, regarding international assistance and capacity-building, begins with interpreting the key points in the World Summit Outcome that parallel this pillar.[114] The relevant parts of the 2005 Summit Outcome suggest that assistance provided to States by the international community can take one of four forms: (a) encouraging the States to meet the responsibilities outlined under pillar one,[115] (b) helping the States exercise this responsibility,[116] (c) helping the States build the capacity to protect themselves from the outbreak of mass violence,[117] and (d) assisting States "under stress before crises and conflicts break out."[118] Additionally, the 2009 report discusses situations in which this pillar is particularly crucial, such as nations with weak political leadership, as well as situations where there is an armed opposition threatening or committing mass atrocities.[119] However, having the principle does not provide direction for how the principle will function on the ground.

The report states that pillar two could encompass the use of military assistance when a state is faced with armed non-state actors.[120] In such situations, "collective international military assistance may be the surest way" to help the State meet its responsibility to protect its people and sovereignty.[121] Military assets could be beneficial if they are implemented early on and are restrained for the purposes of bringing stability and reconciliation.[122] However, the report does not go into detail on how these previously used efforts would operate under RtoP.[123] Furthermore, pillar two emphasizes the use of regional and sub-regional mechanisms to effectuate the doctrine.[124] The main purpose of these mechanisms is

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112. *Implementing the Responsibility to Protect*, *supra* note 81, ¶¶ 18, 22.

113. *Id*.

114. *Id*. ¶ 28.

115. *See* 2005 World Summit Outcome, *supra* note 5, ¶ 138 (outlining each state's obligation to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity in their country).

116. *Id*.

117. *Id*. ¶ 139.

118. *Id*.; *Implementing the Responsibility to Protect*, *supra* note 81, ¶ 28.

119. *Implementing the Responsibility to Protect*, *supra* note 81, ¶ 29.

120. *Id*.

121. *Id*. ¶ 40.

122. *Id*.

123. *See id*. ¶¶ 41–42 (providing instances where early U.N. military intervention encouraged stability without discussing how previous efforts would change under the R2P framework).

124. *Id*. ¶ 30.

to observe human rights obligations, monitor, advocate, and educate on RtoP. This could be achieved by utilizing representatives from the Office of the High Commissioner for Human Rights (OHCHR) to educate, train, and/or assist with diplomacy efforts.[125]

Finally, development assistance is emphasized as a significant effort in implementing pillar two.[126] The report states that the purpose of this is because "chronic underdevelopment" can prevent the success of the State and regional organizations from fully resolving domestic tensions peacefully, such as ethnic tensions and deep inequalities among groups.[127] The report indicates that the worst cases of mass violence occur in very poor countries that do not have the capability to resist the spread of violations.[128] One general approach in expanding development assistance is to target the poor and minority groups in the State to provide a stronger voice in their societies and not be as susceptible to oppression.[129] Assistance programs that aim to "build specific capacities within societies" to limit the spread of crimes relating to RtoP is "what is most needed."[130] While the reasons for why development assistance is important to the implementation of RtoP is clear, the report did not provide guidance regarding what assistance programs to emulate or how assisting underprivileged groups in poor nations would practically occur.[131]

c. Pillar Three

Pillar three focuses on ensuring that when Member States do decide to act, whether it is through peaceful means or forceful action, the response is "timely and decisive," and also they abide by the U.N. Charter.[132] The particular importance of pillar three hinges on the fact that the gaps in "capacity, imagination, and will across the whole spectrum of prevention and protection measures" is most pronounced in forceful and timely response.[133] This pillar emphasizes that efforts will be futile unless the responsibility is ongoing, consistent, and collective.[134] The wider range of collective action may be utilized "if two conditions are met: (a) 'should peaceful means be inadequate,' and (b) 'national authorities are manifestly failing to protect their populations'" from mass atrocities.[135]

Pillar three discusses the U.N.'s slow response, despite its awareness of

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125. *Implementing the Responsibility to Protect*, *supra* note 81, ¶ 35.
126. *Id*. ¶ 43.
127. *Id*.
128. *Id*.
129. *Id*.¶ 43.
130. *Id*. ¶ 44.
131.   *See generally Implementing the Responsibility to Protect*, *supra* note 81.
132. *Id*. ¶ 49.
133. *Id*. ¶ 60.
134. *Id*. ¶ 43.
135. *Id*. ¶ 49.

violence.[136] The international community had been aware of the broadcasts and hateful propaganda utilized to incite ethnic violence in Cambodia, Rwanda, and the Balkans.[137] Yet, the international community did attempt to halt the spread of the broadcasts.[138] Similarly, the report highlights the multiple reports from UNAMIR in Rwanda that warned of the escalating human rights abuses and the lack of action that followed.[139] The report states that in the future the U.N. has the duty to counter the messages of incitement with its own messages and information services.[140] Additionally, the report suggests that in situations of unfolding violence, the message that the inciters of violence will be held accountable for their instigation can be more persuasively delivered in person than from afar.[141] Again, while the pillar three section presents the reasons for why this goal is necessary and recommendations on how it can be fulfilled, the report does not expand on how this might come into fruition.[142]

Pillar three seems to acknowledge the idealism behind this diplomatic approach by stating there should not be any hesitation to authorize forceful measures if continued diplomacy is only risking the loss of lives and necessary time to restore order.[143] "When a State refuses to accept international prevention and protection assistance, commits egregious crimes and violations relating to the responsibility to protect and fails to respond to less coercive measures, it is, in effect, challenging the international community."[144] In order to potentially break out of the cycle of hesitation, the Secretary-General requests that the members of the Security Council do not utilize their veto power in situations concerning a State's unwillingness or inability to protect against escalating violence.[145] The pillar three section concludes with acknowledging that the U.N. has a long way to go in developing a rapid-response military capacity.[146] In order to fulfill the necessary capacity-building for "timely and decisive" action, the U.N. must not act unilaterally or outside the principles and procedures for responding to emergencies relating to the responsibility to protect.[147]

The release of this report was significant in that it clarified RtoP's goals, the reasons for the goals, and challenges, but the development of RtoP was delayed by the lack of direction in how the goals of the pillars might be achieved. Although the report is not meant to provide an explicit strategy, the lack of additional details on how to approach implementation did not aid in establishing the doctrine as

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136. *Id*. ¶ 54.

137. *Implementing the Responsibility to Protect*, *supra* note 81, ¶ 54.

138. *Id*.

139. *Id*.¶ 54.

140. *Id*. ¶ 55.

141. *Id*. ¶ 54.

142. *See generally id*.

143. *Implementing the Responsibility to Protect*, *supra* note 81, ¶ 56.

144. *Id*.

145. *Id*. ¶ 61.

146. *Id*. ¶ 64.

147. *Id*. ¶ 66.

more than rhetoric. The lack of development on implementation could be excused as it was only a first step, but the issue of remaining rhetoric without clear guidance for Member States continued beyond this first report. The report discusses plenty of issues that each pillar is meant to address and offers suggestions on how to address the issues.[148] The report also provides examples of what existing mechanisms can be emulated, and areas in which more research can be performed.[149] This is all information that is beneficial in understanding RtoP. However, this implementation report that followed four years after RtoP was meant to take effect did not discuss how outside examples would be implemented into the RtoP context, nor did it provide firm approaches on how to address the issues.[150] Providing direction and a proposed plan that outlines the roles of each U.N. body and its duties regarding RtoP, rather than general suggestions that hinge on further assessment, would have strengthened the practical usability of the implementation report.

2. Elaborating RtoP Implementation

Since the release of the initial implementation report in 2009, the Secretary-General has released annual reports discussing each pillar in order to elaborate and further develop the doctrine.[151] The reports show that the U.N. continues to build on RtoP, but the pattern of focusing more on general concepts and less on concrete steps towards implementing the doctrine has been consistent.[152] The report released in July 2010 regarding early warnings and assessments was prepared in order to clarify certain aspects raised by Member States about the 2009 implementation report.[153] The requirement for early warning and individualized assessment of each circumstance was reinforced.[154] Additionally, the report identified specific tools utilized by other agencies outside of the U.N. in order to facilitate preventive action.[155]

While the Secretary-General was also more detailed in next steps to be taken, the lack of clarity remained.[156] For example, the report indicated that Special Advisors, along with other U.N. entities, are supposed to decide whether a situation could result in a mass atrocity and the advisors then relay this early warning to the Secretary-General, who then brings it to the attention of the

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148.   *Id*. ¶ 71.

149.   *Id*. ¶ 71.

150.   *See generally id*.

151.   U.N. Secretary-General, *Fulfilling our Collective Responsibility: International Assistance and the Responsibility to Protect*, ¶ 4, U.N. Doc. A/68/947-S/2014/449 (July 11, 2014) [hereinafter *Fulfilling our Collective Responsibility*].

152.   *See id*. ¶ 5 ("My annual reports on the responsibility to protect reflect a deep commitment to move the principle from the realm of rhetoric into concrete action.").

153.   U.N. Secretary-General, *Early Warning, Assessment and the Responsibility to Protect*, ¶ 1, U.N. Doc. A/64/864 (July 14, 2010) [hereinafter *Early Warning and Assessment*].

154.   *Id*. ¶ 3.

155.   *See generally id*.

156.   *See generally id*.

Security Council and other intergovernmental organs.[157] However, it remained unclear how the Special Advisors would determine whether a situation runs the risk of a mass atrocity or how the Secretary-General would implement new procedures to mitigate an escalating situation. Further, the report continued to mention the same issues which have continually existed, such as the need to improve field information analysis, though it did mention the General Assembly will be required to submit proposals by the end of the year.[158] The report was nonetheless mostly another review of existing issues and general approaches on how to address the issues, such as "the U.N. decision-making process should be broad-based, inclusive and flexible," and "preventive diplomacy would begin with local and regional initiatives." [159]

The 2014 annual report focused on pillar two, and specifically, "the urgent need to provide earlier and more effective forms of support to States to prevent the slide into systematic violence and atrocity crimes."[160] The Secretary-General stated that "earlier and more effective" support by the international community is increasingly necessary now with the rise of extremist groups in vulnerable nations.[161] While the policy basis for pillar two was certainly elaborated on, the focus remained on common principles.[162] Nonetheless, there was more specificity than in past reports on how to better achieve the goal of pillar two, such as the identification of inhibitors that should be used by States as early warning signs of mass atrocities and a brief explanation for each sign.[163]

The 2015 annual report functions as a summary of the development of RtoP since its inception in 2005 and assesses the impact of implementation efforts of the doctrine.[164] The report identifies successes, such as alleviating the escalation of violence in Kenya, which was attributed to "concerted international engagement."[165] However, the list of cases in which international efforts failed was considerably longer, including the situations in the Central African Republic, South Sudan, Syria, and the Gaza Strip.[166] The report states, "the international community's inability to respond effectively to the continuing crisis in the Syrian

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157. *Id.* ¶ 18.

158. *Id.* ¶ 10.

159. *Id.* ¶ 11.

160. *Fulfilling our Collective Responsibility, supra* note 151, ¶ 5.

161. *Id.*

162. *See generally id.*

163. Specific inhibitors include: professional and accountable security sector, impartial institutions for overseeing political transitions, independent judicial and human rights institutions, capacity to assess risk and mobilize early response, local capacity to resolve conflicts, media capacity to counteract prejudice and hate speech, and capacity for effective and legitimate transitional justice. *Id.* ¶¶ 43–57.

164. U.N. Secretary-General, *A Vital and Enduring Commitment: Implementing the Responsibility to Protect*, ¶ 4, U.N. Doc. A/69/981-S/2015/500 (July 13, 2015) [hereinafter *A Vital and Enduring Commitment*].

165. *Id.* ¶ 8.

166. *Id.*

Arab Republic has led some to question the principle's utility in generating action in the hardest cases."[167] Despite these perceived failures, the report maintains that RtoP has been successful in establishing a standard and responsibility to aid vulnerable populations.[168]

The report then discusses each pillar in turn and identifies improvements, as well as continued shortcomings.[169] For instance, pillar one, which focuses on the concept that initial responsibility lies with the States themselves, has seen success in that several States have become parties to legal instruments regarding genocide, war crimes, ethnic cleansing, and crimes against humanities.[170] Nonetheless, "gaps are still visible with respect to international criminal justice," such as the fact that seventy-two Member States are still not parties to the Rome Statute of the International Criminal Court.[171] Additionally, Member States continue not to prioritize policies that are designed to build national stability and resilience to mass atrocities.[172] Pillar II has seen improvement in that Member States hold greater awareness of the risk factors for atrocity crimes.[173] However, shortcomings have still been perceived in conflict prevention, such as through risk analyses and consistent monitoring in ongoing conflicts.[174]

The report concludes with discussing the priorities for RtoP's next decade.[175] The Secretary-General "encourage[s]" Member States to regard mass atrocity prevention as a priority and to be included in the General Assembly's formal agenda.[176] Additionally, the report suggests that there needs to be greater focus and investment on prevention efforts, requiring "institutional reform" and ensuring that the existing processes result in immediate, informed action.[177] Another problem that needs to be addressed is timely and decisive responses, for which the Secretary-General urges the Security Council members to refrain from using the veto action in regards to atrocity crimes.[178] Finally, the report suggests enhancing regional action through building relationships with more localized institutions and

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167. *Id.* ¶ 9.

168. *See id.* ¶ 12 (stating that the responsibility to protect is a welcome explanation of standards and responsibilities because they both focus on at risk populations and reinforce State authority).

169. *See generally id.* ¶¶ 17–44.

170. *A Vital and Enduring Commitment*, *supra* note 164, ¶ 19.

171. *Id.* ¶ 20.

172. *Id.* ¶ 22.

173. *See id.* ¶ 26 (stating that Member States now have a better understanding of the risk factors for atrocity crimes and how to assist each other to prevent them).

174. *See id.* ¶ 27 (discussing the required shifts in emphasis that must occur for the integration of atrocity crime prevention into conflict prevention, development cooperation, peacekeeping, and peacebuilding).

175. *A Vital and Enduring Commitment*, *supra* note 164, ¶ 54.

176. *Id.* ¶ 57.

177. *Id.* ¶ 59.

178. *See id.* ¶ 63 (describing the correct use of the veto in situations that include the commission of atrocity crimes).

advancing atrocity crime prevention and response.[179] These recommendations resembled the initial implementation report in that guidance was motivational, supportive, grounded in moral principle, but nonetheless, vague.[180] Despite the continued progress in developing RtoP through the principles and recommendations of the reports, many of the same issues that called for the adoption of the doctrine continue to persist.

3. New Reports, Same Challenges

The annual reports and U.N. officials have identified many of the same challenges plaguing RtoP's effective implementation that have persisted over the years, particularly regarding prevention, early warning, political cohesion among Member States, and timely and decisive responses to mass atrocities. A structured approach is required to address these challenges, which requires more than idealistic rhetoric. Statements by U.N. officials support the contention that RtoP remains largely rhetoric. Recently on RtoP's tenth anniversary, Secretary-General Ban Ki-Moon stated at the General Assembly's informal dialogue on the subject, "Ten years ago, world leaders transformed expectations about the responsibility to protect . . . Today, on its 10th anniversary, I urgently call on governments and [U.N.] entities – especially the Security Council – to move from understanding to action."[181] Other U.N. officials at this event shared the sentiment that RtoP "must be translated into action and more done to provide real protection for people in dire need."[182]

In 2014, Assembly Vice President Isabelle F. Picco stated, "Nearly 10 years on, we are still reckoning with [RtoP's] implications and where and how to act on and implement this decision."[183] Additionally, at the Security Council meeting in which a recommitment to fight against genocide was memorialized in Resolution 2150 (2014), Rwandan U.N. Representative Eugene-Richard Gasana highlighted the circumstances in Central African Republic, Syria, and South Sudan to support his point that the U.N. continues to struggle in transforming the principles into reality on the ground.[184] At this same meeting, New Zealand U.N. Representative Colin Keating explained that if prevention was to become a reality there must be "political, operational and financial mechanisms" available to achieve better

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179. *See id*. ¶ 68 (discussing the vital role that regional organizations play in implementing the three-pillar framework).

180. *See generally id*.

181. *Ten Years on, 'Responsibility to Protect' Must be More Than Words — UN officials*, *supra* note 3.

182. *Id*.

183. *Amid Multiple Crises, 'Responsibility to Protect' More Urgent Than Ever — UN officials*, UN NEWS CTR. (Sept. 8, 2014), http://www.un.org/apps/news/story.asp?NewsID=4865 7&Kw1=early+warning&Kw2=&Kw3=#.VqRFbM5H3sG.

184. Press Release, Security Council Unanimously Adopting Resolution 2150 (2014), Security Council Calls for Recommitment to Fight against Genocide, U.N. Press Release SC/11356 (Apr. 16, 2014), http://www.un.org/press/en/2014/sc11356.doc.htm.

outcomes.[185] Despite improvements and developments in effecting RtoP, there seems to be a consensus among U.N. officials that much more needs to be done to fulfill its purpose.

As mentioned above, the 2005 World Summit called for early warning and assessment capacities to prevent the escalation of mass atrocities. The need for an early warning system was reiterated in the 2009 implementation report, and again in the 2010 annual RtoP report, "[t]he United Nations needs world class early warning and assessment capacities . . . in order to ensure that it is not left with a choice between doing nothing or taking ill-informed action."[186] At the Andrew Carnegie Distinguished Lecture on conflict prevention in 2013, Secretary-General Ban Ki-Moon discussed concrete results in mitigating tensions, such as in Kenya and Kyrgyzstan.[187] However, he also noted that early warning continues to be a challenge, as there have been times the U.N. has continued to be unprepared, particularly in nations where there is only a "development presence."[188] In the 2014 annual report the Secretary-General then stated that while the cost-effectiveness of early action is accepted by the international community, there continues to be minimal investment in prevention and the continued habit of only reacting once the crisis has manifested.[189]

This concern of lack of prevention and early action was also expressed in the 2015 implementation report where the Secretary-General urged that Member States dedicate increased effort and resources towards prevention.[190] The Secretary-General's 2015 report that was in response to the findings of the High-level Independent Panel on Peace Operations (Panel) also discussed the shortcomings in early action and prevention. However, the shortcomings were not discussed in the context of RtoP, but rather in the context of conflicts generally.[191] The report indicates, as has been stated in the past, there is strong support for early warning and conflict prevention, but this does not result in early action.[192] The Panel determined that there is an "urgent need" for new approaches in preventing conflicts and that there should be "renewed focus" on prevention efforts.[193]

In addition to prevention and early warning, another challenge which has persisted is the lack of political will by Member States to act in a timely and decisive fashion. The independent inquiry on the U.N. failure in Rwanda explicitly indicated that fault can be attributed to the Member States' lack of political will

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185. *Id.*

186. *Early Warning and Assessment*, supra note 153, ¶ 19.

187. *UN Striving to 'Get Prevention Right,' Secretary-General Says in Andrew Carnegie Lecture*, UN NEWS CTR. (May 1, 2013), http://www.un.org/apps/news/story.asp?NewsID=44805&Kw1=early+warning&K.w2=&Kw3=#.VqROvM5H3sG.

188. *Id.*

189. *Early Warning and Assessment*, supra note 153, ¶ 18.

190. *A Vital and Enduring Commitment*, supra note 164, ¶ 16.

191. *See generally The Future of U.N. Peace Operations*, supra note 8.

192. *Id.* ¶ 34.

193. *Id.* ¶ 6.

and motivation to act.[194] This persisting problem is demonstrated in the 2014 annual report, which discusses the continued "reluctance of States" to include the situations in nations on the agenda of regional or international organizations before the situation reaches crisis level.[195] Similarly, in the 2015 implementation report, the Secretary-General mentions that Member States continue to fail to prioritize policies for the purpose of national resilience to atrocity crimes.[196] Additionally, the report indicates that the record indicates a "lack in both the political will and cohesion of the international community."[197] As a result, the pursuit of a consistent and timely response to protecting nations against mass atrocities has been compromised.[198] "Partial or inadequate efforts by Member States, international organizations, regional organizations and other actors continue to affect the R2P's standing and trajectory."[199] The Panel similarly found that there is a lack of cohesion, and even competition between States that stymie the competent responses that are needed by the international community.[200]

The ongoing challenges have limited the U.N.'s ability to transform the promise of "never again" into a reliable doctrine that functions on the ground. Specific guidance that facilitates the Member States acting as one entity is necessary to overcome these challenges. RtoP was meant to accomplish the promise of "never again," which refers to effective U.N. intervention prior to the escalation of mass atrocities. However, through the U.N. evolving beyond the principle-based rhetoric of RtoP, meaningful improvement in achieving such an ambitious goal is being pursued through more concrete, strategy-based efforts. The new U.N. initiatives that show promise for achieving the same goals RtoP was intended to do are Human Rights Up Front (HRuF), the Framework of Analysis for Atrocity Crimes, and the concrete guidance provided in the 2015 report regarding the High-Level Independent Panel findings.

III. U.N. POLICY SHIFT SHOWS PROMISE FOR RtoP RHETORIC TO TURN TO ACTION

The U.N. has continued to struggle with implementing RtoP over the last decade, despite notable improvements, such as the clarification of RtoP's goals. Preventative and unified efforts, as well as timely and decisive responses by the Member States in mitigating mass atrocities, have always been at the forefront of RtoP's mission.[201] Nonetheless, actual practice has not lived up to these goals because U.N. response has continued to occur once the crisis has already

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194. U.N. Secretary-General Letter on Rwanda, *supra* note 22.

195. *Early Warning and Assessment*, *supra* note 153, ¶ 73.

196. *A Vital and Enduring Commitment*, *supra* note 164, ¶ 22.

197. *Id*. ¶ 36.

198. *Id*.

199. *Id*. ¶ 71.

200. *See The Future of U.N. Peace Operations*, *supra* note 8, ¶ 4 (discussing the rapidly increasing amount of conflicts that are outpacing the Panel's efforts for peace).

201. *Fulfilling our Collective Responsibility*, *supra* note 151, ¶ 73.

escalated.[202] As noted by the Secretary-general, this continued practice does not live up to the vow of "never again."[203] There have been new initiatives in the past two years that, when perceived as a whole, signal a change in concrete focus towards prevention and action. HRuF, the Framework of Analysis for Atrocity and the Secretary-General's response to the High-Level Independent Panel are not efforts that were implemented with the explicit goal of advancing RtoP. However, these initiatives still have the potential to work in tandem with one another and provide avenues for effectuating the RtoP goals of preventing the escalation of mass atrocities and responding in a timely manner into practical application.

A. Human Rights Up Front

The Human Rights Up Front initiative, established in December 2013, differs from past efforts to contain mass atrocities by outlining specific approaches, rather than vague suggestions. While the plan consists of six explicit elements, common themes of communication among U.N. entities, improving response strategies and priorities, and administrative and operational improvements, can be identified throughout the provisions.[204] This is all intended to improve the U.N. ability to prevent and respond to mass violations of human rights, as well as to ensure that upholding human rights is maintained as a top priority.[205]

The plan of action emphasizes increased communication among the various U.N. human rights entities in order to "streamline and systematize U.N. headquarters coordination mechanisms, and create new ones for early warning and early action."[206] Through an improvement in the sharing of information, the respective U.N. entities are to engage more politically and to better engage with regional actors in order to prevent or act on human rights violations.[207] Instead of simply encouraging better communication, the HRuF establishes particular additions to how the information sharing system functions.[208] For instance, in order to motivate political will, the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) is assigned with presenting regular reports in a forum to the Security Council Expert Group on the Protection of Civilians. These reports

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202. *Id*.

203. Press Release, General Assembly, World Not Fulfilling 'Never Again' Vow, Secretary-General Tells General Assembly Meeting on Responsibility to Protect, U.N. Press Release GA/11270 (Sept. 5, 2012), http://www.un.org/press/en/2012/ga11270.doc.htm.

204. *See generally* "*Rights Up Front*" *Detailed Action Plan*, UNITED NATIONS DEV. GROUP (Jan. 2014), http://webcache.googleusercontent.com/search?q=cache:UU5veSk1UosJ:ht tps://undg.org/wp-content/uploads/2015/02/Detailed-Plan-of-Action-Rights-up-Front.doc+&cd=2&hl=en&ct=clnk&gl=us&client=safari [hereinafter *"Rights Up Front" Detailed Action Plan*].

205. "*Human Rights Up Front*" *Initiative*, *supra* note 82.

206. "*Rights Up Front*" *Detailed Action Plan*, *supra* note 204, at 9.

207. *See* "*Human Rights Up Front*" *Initiative*, *supra* note 82 (discussing the U.N.'s initiative to strengthen prevention of concerns which threaten peace and security, development, and human rights).

208. "*Rights Up Front*" *Detailed Action Plan*, *supra* note 204, at 5

monitor the progress on situations of particular concern and advise the Security Council when it should take action.[209] Similarly, OHCHR is required to regularly provide the respective U.N. Country Team with a summarized analysis of human rights concerns and the risk of escalating violations.[210] This is starkly in contrast to the approach taken with RtoP reports that continually failed to assign specific undertakings to U.N. entities.

Additionally, the U.N. entities responsible for briefing Member States on crises are tasked with increasing the frequency of the briefings and including videos produced from field-based staff.[211] Furthermore, the initiative calls for regional quarterly review meetings centered on early warning and early action mechanisms and specifies the purpose of each meeting.[212] This includes exchanging early warning information and agreeing on preventive and responsive steps that will be taken to address the situations.[213] Specifically, the initiative indicates this may include a structured analysis of the situations, as well as determining whether meeting more regularly is required, providing additional support to staff on the ground, and exploring the need for an Inter-Agency Task Force. Through enhanced and more frequent communication, the initiative aims to address the persisting issue of political will and ensure the U.N. is functioning as a whole.[214]

The initiative also goes into detail on certain strategies that may be implemented, how to do so, and priorities to be maintained. Particularly, strategies are intended to center on prevention and early response to the risk of mass atrocities and to realize this is a common responsibility for the entire U.N. system.[215] The U.N. Department of Political Affairs (DPA) is tasked with developing and implementing situation-specific strategies on how to address situations at risk with Member States.[216] The initiative also provides an analytical approach for balancing security, human rights, developmental and political priorities in developing strategies.[217] The strategy is required to provide the U.N. objectives, actions that will be taken by U.N. entities on national, regional, and global levels to achieve the objectives, and to identify additional capacities required by the specific situation in carrying out these actions.[218] Significantly, the initiative addresses the gap that occurs when mass human rights violations break out in nations without a strong U.N. presence.[219] For instance, specific provisions

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209. *Id.*

210. *Id.* at 6.

211. *Id.* at 5.

212. *Id.* at 9.

213. '*Human Rights Up Front' Initiative*, *supra* note 82.

214. *Id.*

215. *World Must Heed Early Warning Signs to Prevent Genocide, UN is Told*, UN NEWS CTR. (Jan. 15, 2014), http://www.un.org/apps/news/story.asp?NewsID=46936&Kw1=early+war ning&Kw2=&Kw3=#.VqPg3s5H0U1.

216. "*Rights Up Front*" *Detailed Action Plan*, *supra* note 204, at 3.

217. *Id.* at 6.

218. *Id.*

219. *Id.*

are dedicated to actions to be taken when there is not a U.N. peacekeeping or special political mission/office.[220] The initiative calls for OHCHR and DPA to develop a "stand-by" team with short-term support staff and deploy this "light team," made up of flexible and temporary members, as needed.[221]

The initiative also focuses heavily on administrative improvements, particularly because the failure identified in the Sri Lankan report in 2012 found the U.N.'s inaction was a "systematic failure."[222] The Secretary-General calls for a reorganization of human rights staff to hone their skills to efficiently identify risks of serious violations of human rights, which inevitably lead to atrocities.[223] The initiative further expects that all U.N. entities will "introduce a new core value around respecting and protecting human rights and include suitable references to it in the job descriptions, job interviews, oaths of office, Compacts, work plans and performance appraisals of all staff, especially those in the most senior positions."[224] Similar to improved communication methods, the administrative changes function to ensure the U.N. system is working together.[225]

Specific expectations are outlined for employees to ensure the "best candidates" among the U.N. staff are utilized for crisis contexts.[226] The U.N. Development Group (UNDG) Working Group is responsible for a talent management strategy to ensure the employees that are sent to risk-prone areas have experience in crisis management in the event that human rights violations escalate.[227] Furthermore, the human rights staff is required to have in-depth knowledge and understanding of human rights in situations of armed conflict.[228] Finally, in order to ensure this initiative is implemented, the capacity of the Executive Office of the Secretary-General is to be strengthened to ensure this is an effort carried out across the organization.[229] Specifically, the Office and the Deputy Secretary-General are to implement the initiative by

> (i) kick starting implementation of priority actions; (ii) ensuring that the plan is disseminated throughout the U.N. system; (iii) monitoring implementation of the plan and servicing the mechanisms established to monitor implementation; (iv) establishing and maintaining a roster of potential Situation Response Coordinators; (v) supporting real-time

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220. *Id*. at 3–6.

221. "*Rights Up Front*" *Detailed Action Plan*, *supra* note 204, at 8.

222. *Id*. at 3.

223. *See* Lorraine Farquharson, '*Rights Up Front*': *A New UN Strategy for Prevention of Genocide*, INTER PRESS SERV. NEWS AGENCY (Dec. 20, 2013), http://www.ipsnews.net/2013/12/rights-front-new-un-strategy-prevention-genocide/ (explaining the goals and structure of U.N. anti-genocide initiative, 'Rights Up Front'); "*Rights Up Front*" *Detailed Action Plan*, *supra* note 204.

224. "*Rights Up Front*" *Detailed Action Plan*, *supra* note 204, at 2.

225. '*Human Rights Up Front*' *Initiative*, *supra* note 82.

226. "*Rights Up Front*" *Detailed Action Plan*, *supra* note 204, at 7.

227. *Id*.

228. *Id*.

229. *Id*. at 11.

reviews of U.N. action in crisis situations.[230]

These steps indicate a "cultural change within the U.N. system" in which human rights and the protection of civilians are a "core responsibility."[231] Although there is no mention of how these improvements will coincide with RtoP, the goal of prioritizing early action and prevention of massive levels of violence directly aligns with RtoP and could thus indirectly assist in furthering the achievement of those goals. The fact that RtoP is not explicitly mentioned, despite similarities, seems to indicate that the U.N. is utilizing a different approach to accomplish the same goals of RtoP. RtoP represents a principle and recommendation-based approach in implementing prevention efforts, while HRuF is highly rooted in concrete action and direction for Member States and U.N. departments. This recent initiative shows promise for the future of RtoP's mission due to the similarities in suggestions and principles identified in its annual reports and the further developed concrete steps outlined in HRuF.

B. *Framework of Analysis for Atrocity Crimes*

Released in July 2014, The Framework of Analysis for Atrocity Crimes (Framework) was developed by the Special Advisors on the Prevention of Genocide and RtoP. Unlike the HRuF, the Framework does have a connection to RtoP, as it was established with the help of the Special Advisor.[232] The Introduction also reflects much of the similar ideals and seems to encompass the premise of RtoP's three pillars.[233] "Preventing genocide, war crimes, ethnic cleansing, and crimes against humanity are primarily the responsibility of individual States. Prevention is an ongoing process that requires sustained efforts to build the resilience of societies to atrocity crimes."[234] However, "[f]ailure by the State to provide such protection and guarantees to its population can create an environment conducive to atrocity crimes. In such cases, prevention involves efforts to halt a likely course of events."[235] Nonetheless, these principles are not explicitly said to derive from RtoP's pillars, nor is the invocation of RtoP mentioned. The focus is placed on the greater goal, rather than a doctrine.

The Framework is built on the premise that atrocity crimes do not simply manifest in a day, but rather there is a process, thus providing time to identify warning signs or indicators.[236] The Framework is intended to provide an understanding to these precursors and to identify these specific risks commonly

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230. *Id*.

231. '*Human Rights Up Front' Initiative*, *supra* note 82.

232. *Framework of Analysis for Atrocity Crimes: A Tool for Prevention*, *supra* note 83, at iii (Foreword).

233. *See generally id*. at 1-7; *see generally* '*Human Rights Up Front' Initiative*, *supra* note 82.

234. *Framework of Analysis for Atrocity Crimes: A Tool for Prevention*, *supra* note 83, at 3.

235. *Id*.

236. *Id*. at 3–4.

seen in such situations.[237] Analysts are meant to use the risk factors and indicators as an opportunity to collect further information and conduct an assessment.[238] In being able to identify the risk factors, the state and international community have substantial information and support to act in preventing the crimes.[239] The Framework notes that not every risk factor or even most risk factors have to be present to begin assessing information and providing warning of the possibility of an atrocity crime.[240]

The Framework contains two primary analytical tools for determining the risk of mass atrocities: fourteen risk factors and a list of indicators for each risk factor.[241] Eight of the risk factors are referred to as "common risk factors" which help to recognize the probability of atrocity crimes generally, without considering the specific type of crime.[242] The remaining six factors are referred to as "specific risk factors."[243] Based on the unique elements and precursors of genocide, crimes against humanity, and war crimes, each of the three atrocity crimes are given two specific risk factors to consider.[244] Each risk factor then has a list of indicators, with the majority of factors containing between eight and twelve indicators.[245] Additionally, each factor includes a "comment," which expands on the concept of the risk factor and its indicators to provide a deeper understanding on the nature of the risk.[246] For instance, Risk Factor 3 is "Weakness of State structures," defined as "Circumstances that negatively affect the capacity of a State to prevent or halt atrocity crimes."[247] Risk Factor 3 includes a total of ten indicators.[248] For example, Indicator 3.2 is "National institutions, particularly judicial, law enforcement and human rights institutions that lack sufficient resources, adequate representation or training."[249] Not all indicators need to be present to determine if prevention efforts

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237. *Id*. at 4.

238. *Id*. at 6.

239. *Framework of Analysis for Atrocity Crimes: A Tool for Prevention*, *supra* note 83, at 6.

240. *Id*.

241. *Id*. The risk factors include: situations of armed conflict or other forms of instability; a history of serious violations of international human rights and humanitarian law; weakness of state structures, motives or incentives; capacity to commit atrocity crimes; absence of mitigating factors, enabling circumstances or preparatory action; triggering factors, intergroup tensions or patterns of discrimination against protected groups; signs of an intent to destroy in whole or in part a protected group; signs of a widespread or systematic attack against any civilian population, signs of a plan or policy to attack any civilian population; serious threats to those protected under international humanitarian law; and serious threats to humanitarian or peacekeeping operations. *Id*. at 9.

242. *Framework of Analysis for Atrocity Crimes: A Tool for Prevention*, *supra* note 83, at 6.

243. *Id*.

244. *Id*.

245. *Id*. at 10-24.

246. *Id*.

247. *Framework of Analysis for Atrocity Crimes: A Tool for Prevention*, *supra* note 83, at 12.

248. *Id*.

249. *Id*.

are likely needed.[250] Rather, the indicators should be analyzed in the totality and with consideration about the nation's specific culture and norms.[251]

In identifying specific conditions and providing guidelines on how to recognize these conditions where mass atrocities are most likely to occur, the U.N. is providing clear guidance and unity to the Member States and entities responsible for monitoring human rights violations. The Framework brings the U.N. a step closer to overcoming the challenge of acting in a timely and decisive manner by providing a standardized, and yet still flexible, manner to collect reliable information from the early stages of a mass atrocity and to then streamline the assessed information to the Member States.

C. Peacekeeping report in response to the High-level Independent Panel

The report by the Secretary-General entitled The Future of U.N. Peace Operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations, released in September 2015, was the response to a "comprehensive assessment" conducted by the High-level Independent Panel on Peace Operations.[252] The goal of the Panel is to determine how the U.N. could be more effective in addressing the increase in conflicts, which as the report states, is "outpacing [the U.N.'s] efforts."[253] Although the report focuses on peacekeeping and conflict prevention, rather than specifically on mass atrocities, the underlying goal of improving prevention efforts and timely response in the face of large-scale violence is still central to the report and applicable to RtoP.[254] Similarly to HRuF and the Framework, the U.N. seems intent on moving beyond the rhetoric-dominated RtoP, while still accomplishing its same goal of prevention and timely response through concrete-based approaches.

This report differs from past reports in that it provides a much more substantive introduction to an action plan in greater detail and direction for U.N. entities to follow.[255] The report also benefits from its source of production. The report was a result of an in-depth, objective assessment of the U.N.'s track record in responding to crisis, particularly as to why the U.N. failed to effectively respond to the crisis in Sri Lanka.[256] Furthermore, the section entirely dedicated to implementation and what the next steps are for action is more thorough than RtoP reports have presented.[257] The specificity provides firmer guidance and direction for the future of the U.N. For instance, the Secretary-General states that there should be an establishment of additional regional offices in areas where the U.N.

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250. *Id.* at 6.

251. *Id.*

252. *The Future of U.N. Peace Operations*, *supra* note 8, ¶ 1.

253. *See id.* ¶ 4 (noting that the number of violent conflicts, during which mass atrocities regularly occur, has tripled worldwide).

254. *See generally id.*

255. *See id.* ¶ 35 (describing the peacekeeping report's action plan).

256. *Id.*

257. *See generally id.* ¶¶ 36–129.

lacks a strong presence since it facilitates the opportunity for early response.[258] Similar to HRuF, the report calls for "light teams," and states that the flexibility and temporary nature of these teams allows them to deploy early and at low cost.[259]

Additionally, The Future of United Nations Peace Operations: Implementation of the Recommendations of the High-level Independent Panel on Peace Operations report details certain logistical changes that will improve the function of U.N.'s decision-making and information- sharing systems. In order to improve the conflict analysis system, the Secretary-General states that he is establishing a small, centralized analysis and planning capacity within his office utilizing existing resources.[260] The report then expands on what the responsibilities are and how it will play into the analytical system.[261] Also in regards to improving analysis and planning performance, the Secretariat is compiling a list of lead departments and senior planners to determine their capacities within and outside the system.[262] For instance, the Secretary-General states that responsibility for operational mission planning be transferred to the field mission, as they are better prepared to tailor the operational plans to the environment.[263] In order to improve performance, a framework for measuring performance and capability for uniformed personnel will be formulated.[264] Specific logistical changes on how the U.N. entities relate with one another is an improvement towards restructuring coordinated efforts in the common goal of mitigating the escalation of mass atrocities. Although the report itself is not centered on mass atrocities, its action-focused approach towards overcoming persisting challenges within U.N. functions is better suited for implementation of preventing mass violence than the RtoP reports. Adopting its concrete applications to apply specifically to mass atrocities could act as a vehicle towards effecting improvements in prevention and timely response when other nations are faced with mass atrocities.

IV. CONCLUSION

RtoP was unanimously adopted by Member States as a result of continued systematic failures by U.N. entities to respond to mass atrocities in a timely, decisive, and uniformed manner. The three pillars that were structured to fit within the legal framework of the U.N. Charter were intended to address the three primary problems in U.N. action: (1) holding nations responsible for protecting their people from mass atrocities, (2) holding the international community accountable for assisting States in fulfilling this responsibility, and (3) being prepared to take collective action in the event of mass atrocities.[265] Although the principles of RtoP

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258. *The Future of U.N. Peace Operations*, *supra* note 8, ¶¶ 39–40.

259. *Id.* ¶ 44.

260. *Id.* ¶ 54.

261. *Id.*

262. *Id.* ¶ 55.

263. *The Future of U.N. Peace Operations*, *supra* note 8, ¶ 55.

264. *Id.* ¶ 85.

265. 2005 World Summit Outcome, *supra* note 5, ¶¶ 138–40.

have been substantially developed through annual reports released by the Secretary-General, the U.N. has struggled through RtoP's first decade to bridge the gap between principle and action.

The same challenges that motivated the Member States to adopt RtoP continued to arise throughout the past decade. There has been difficulty with Member States acting as one entity to prevent the escalation of the conflict in a timely and decisive manner. The international community has not sufficiently invested in prevention efforts, but rather has continually relied on reaction. RtoP's slow development and improvement on the ground is due largely to the lack of specific strategies, guidance, and steps to be taken by individual U.N. entities in order to fulfill the mission of preventing mass atrocities.

Recently, there has been greater emphasis on prioritizing U.N. efforts in preventing conflict and mass atrocities through concrete initiatives.[266] Specifically, the HRuF, the Framework of Analysis for Atrocity Crimes, and the Secretary-General's report on peacekeeping operations, provide clear guidelines on how to respond and how to prevent escalating mass atrocities.[267] However, these new developments were not explicitly implemented to further RtoP's principle, although it embodies similar goals. Although the U.N. is not abandoning the doctrine, it does seem to be adopting a new approach in how to accomplish the same goal of preventing mass violence while respecting the sovereignty of a nation. The new initiatives can be seen as indirect improvements on RtoP's history by focusing on concrete steps and strategies rather than the expansion of principles and ideals, by resolving challenges that have hindered successful implementation of RtoP in the past, and by shifting focus from reactive measures to preventative measures. Thus, these new developments provide greater potential to effectively carry out implementation. The focus on concrete action and prevention shows promise for the U.N. to fulfill RtoP's shared mission of mitigating and preventing the escalation of mass atrocities through more capable means.

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266. *See* '*Human Rights Up Front*' *Initiative*, *supra* note 82 (describing the goals of the HRuF).

267. *Id*.; *Framework of Analysis for Atrocity Crimes: A Tool for Prevention*, *supra* note 83; *The Future of U.N. Peace Operations*, *supra* note 8, at ¶ 39–40.