

Institution: University of Oxford
Unit of Assessment: UOA21
Title of case study: Developing effective strategies to prevent mass atrocities through the <i>Responsibility to Protect</i> (21-04)
<p>1. Summary of the impact</p> <p>Professor Welsh's research focuses on the responsibility of states and international organisations to protect populations from mass atrocities, and argues that effective protection requires preventive action in addition to reactive responses to unfolding crimes. The research has directly informed the UN Secretary-General's 2012 report on the Responsibility to Protect, which shapes how UN member-states interpret their responsibilities, and is contributing to expertise and capacity building in the wider policy community. In recognition of the importance and impact of her research, Professor Welsh was appointed Special Adviser to the United Nations Secretary-General on the Responsibility to Protect (R2P) in July 2013.</p>
<p>2. Underpinning research</p> <p>The research has been carried out at Oxford since 2002, when Welsh took up a University Lectureship (promoted to a Professorship in 2006). The work led to her decision to co-found the <i>Oxford Institute for Ethics, Law and Armed Conflict</i> (ELAC) with D. Akande and D. Rodin in 2008. At ELAC Welsh and her team (Research Assistants S. Sharma and R. Reike, both 2010-13) have worked to clarify the responsibilities implied by R2P and the acts it should address, and have researched effective strategies for mass atrocity prevention.</p> <p>The principle of the Responsibility to Protect was conceived in 2001 and endorsed by UN member states at the 2005 United Nations World Summit. It encapsulates a commitment by states and international organisations to protect populations from mass atrocities. The principle has three 'pillars': the responsibility of states to protect its citizens from atrocities; the duty of the international community to assist states to do so; and the responsibility of the international community to intervene where a state fails to protect its citizens.</p> <p>Three insights from Welsh's research have been particularly influential in shaping policy:</p> <p>1. Clarifying the nature of the responsibility</p> <p>The research clarifies the nature of the R2P principle and identifies the specific responsibilities it entails [Section 3: R1, R3]. Welsh argues R2P is primarily a <i>political</i> principle (rather than a new legal norm). It is designed to alert states to their existing legal obligations to protect populations from mass atrocity crimes [R1, R2, R6]. Her work shows that R2P is contested by its very nature - particularly the third pillar of responsibility to intervene where a state fails to protect its citizens - because it challenges other powerful international norms such as sovereign equality and non-intervention [R6]. This insight has practical implications for the formulation and legitimisation of policies aiming to prevent mass atrocities.</p> <p>2. Clarifying the nature of the acts that preventive measures should address</p> <p>Welsh's work clarifies the nature of the acts that preventive measures should address. She establishes the importance of distinguishing atrocity crime prevention and conflict prevention, and argues that responsibilities to prevent mass atrocities should focus on four specific crimes under international law: genocide, war crimes, ethnic cleansing and crimes against humanity [R3, R4, R7].</p> <p>3. Working toward strategies for mass atrocity prevention</p> <p>Welsh's research develops a framework of systemic and targeted strategies for atrocity crime prevention, and analyses how R2P legitimises action to prevent such crimes [R4, R7]. It distinguishes between preventive tools to address the three elements of a crime situation - the</p>

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behaviour of perpetrators, the vulnerability of victims, and the permissiveness of the environment. It examines tools that can be used to target particular crises (e.g. sanctions, mediation, fact-finding missions, no-fly-zones) and those that are systemic across all cases (e.g. strategies to increase long-term resilience and reduce risk factors); and it explores the limits of a crime prevention approach, particularly the difficulty in reconciling individual criminal liability with traditional means of resolving conflicts among state and non-state parties. A central insight of Welsh's work is that the R2P principle must be interpreted not merely as reactive, but as including a responsibility to prevent. As a consequence, responsibilities to prevent and respond should be seen as integrated, and as flowing from the R2P principle.

3. References to the research

- [R1] Jennifer Welsh, 'The Responsibility to Protect: Securing the Individual in International Society?', in *Security and Human Rights*, edited by B. Goold and L. Lazarus (Hart Publishers, 2007)
- [R2] Jennifer Welsh (and Maria Banda), 'International Law and The Responsibility to Protect: Clarifying or Expanding States' Responsibilities?', *Global Responsibility to Protect*, Vol. 2 (2010)
- [R3] Jennifer Welsh, 'Implementing the Responsibility to Protect: Where Expectations Meet Reality', *Ethics and International Affairs*, Vol. 24 (2010)
- [R4] Jennifer Welsh, 'Civilian Protection in Libya: Putting Coercion and Controversy back into RtoP', *Ethics and International Affairs*, Vol. 25 (2011)
- [R5] Jennifer Welsh, 'A Normative Case for Pluralism: Reassessing Vincent's Views on Humanitarian Intervention', *International Affairs* Vol. 87, No. 5 (2011)
- [R6] Jennifer Welsh, 'Norm Contestation and the Responsibility to Protect', *Global Responsibility to Protect*, Vol. 5, No. 4 (forthcoming 2013)
<http://booksandjournals.brillonline.com/content/1875984x>
- [R7] ELAC working paper. *The Responsibility to Prevent: A Strategic Framework*, co-authored by Welsh and ELAC researchers Sharma and Reike.

An indicator of the quality of Welsh's research is the number of large, competitively awarded grants that fund the work including: £616,000 core funding for ELAC (2008-2012) from the Oxford Martin School (internal peer reviewed fund); £100,000 for *Developing Targeted and Systemic Strategies* from the Australian Government (Jan 2010-April 2012); £60,000 for *The Preventive Toolbox: Systematizing Policy Tools for the Prevention of Mass Atrocities* from the Australian Civil and Military Centre; and £32,776 as part of a larger joint grant for *Human Rights for Future Generations: from Theory to Practice* (since January 2013) from the Oxford Martin School.

4. Details of the impact

Welsh's research on the responsibility of states and international organisations to protect populations from mass atrocity crimes has had a significant impact on the policy of the UN and its member states and on expertise and capacity building within the wider R2P policy community. Her research insights were a critical consideration in her appointment as Special Adviser to the UN Secretary-General on the Responsibility to Protect in 2013.

1. Promoting an understanding of prevention and response as integrated aspects of R2P policies

Welsh is one of the leading authorities on R2P. Her work on the clarification of the R2P responsibilities of states, the nature of the crimes that R2P should address, and her arguments that prevention and response should be integrated in R2P policies, have led to discussions with policy makers at the highest level, including:

- UN Secretary General Ban Ki-moon, culminating in Welsh's appointment as Special Adviser on the Responsibility to Protect in 2013;

- UN Special Adviser on the Prevention of Genocide, Francis Deng in 2012;
- UN Secretary General's Special Adviser on R2P (at the time) Edward Luck and Gareth Evans the former foreign minister of Australia (one of the original authors of the R2P principle) in 2008;
- High Commissioner for National Minorities of the Organisation for Security and Co-operation in Europe (OSCE) (at the time) Knut Vollebaek and his advisers in 2012 [C1];
- The Policy Committee of the European Parliament in a special session on R2P dedicated to formulating policy on the implementation of R2P after Libya (March 2012) [See R4];
- Policy makers within the UK, through consultations with officials in the Foreign and Commonwealth Office in 2008.

2. Shaping UN policy to integrate prevention and response, and UN definitions of the crimes to which R2P applies

One of Welsh's central research contributions is to clarify how mass atrocities can be prevented by the systemic and targeted use of preventive tools and by integrating preventive action and response [R4, R7]. This analysis is reflected in the UN Secretary General's 2012 report, *Responsibility to Protect: Timely and Decisive Response*. The report departs from previous reports on the issue and reflects Welsh's research in emphasising the key insight that prevention and response are closely connected and must be structured to support each other [C2]. Thus, it examines the range of tools available under the third (response) pillar and the close connection between prevention and response [C3]. The report explicitly notes that, '*[s]ome may consider that prevention and response are at opposite ends of the spectrum. In practice, however, the two often merge.... It may be argued that the first two pillars of the implementation strategy address prevention, and the third, response. The dividing lines are, however, not so clear in practice*' (paragraph 11). Furthermore, '*[e]ffective action under the first and second pillar may make action under the third pillar unnecessary. Pillar three action should also contribute to the future achievement of first pillar goals ... an informed and calibrated response can serve preventive goals as well*' (paragraph 15) [C3]. The prevention of atrocity crimes (as opposed to the reactive response to unfolding mass atrocities) is now a key consideration for the UN. Welsh's research made a substantial contribution in shaping that objective [R7].

Welsh's work on the nature of the crimes that R2P should address is currently informing revisions of the *Framework of Analysis* used by the Office of the UN Special Adviser on the Prevention of Genocide. Initially the framework, which is a policy tool to support the assessment of risk, was limited to genocide. Drawing on developments from R2P, it is being revised to include three further types of mass atrocities: ethnic cleansing, war crimes and crimes against humanity [C4].

3. Shaping acceptance of the integration of prevention and response in R2P policies by UN member states

Through its impact on the UN Secretary General's report, Welsh's research has shaped UN member-states' acceptance of the need to develop the preventive dimension in policies to mitigate the risk of mass atrocity crimes and to integrate the use of preventive tools with response. This is evidenced by the General Assembly debate of the report on September 5, 2012 in which UN member-states expressed strong support for the insight that prevention and response are interconnected and that R2P's third pillar has an important preventive component (only some of these can be reported here). As Denmark stressed: '*Running through all three pillars is an absolute commitment to prevention: prevention of an initial outbreak of a crisis or conflict, prevention of its continuation and escalation, and prevention of recurrence ... Prevention is part of response. Prevention and response are thus mutually reinforcing, and elements of both must be integrated.*' The Republic of Korea noted that, '*one should not draw too sharp a distinction between prevention and response...the three pillars are not sequential and are of equal importance; without all three, the concept would be incomplete.*' Estonia concurred with the conclusions of the report on '*the proximity of the prevention and response sides of the R2P implementation.... The International Criminal Court (ICC) ... is an example of one of the R2P tools where the response and prevention sides of the implementation strategy may merge, illustrating thus that strict sequencing the R2P pillars would not be useful.*' Direct reference to the use of preventive tools is also made in the response of the Netherlands, which stresses that '*commissions of enquiry, mediation, sanctions,*

arms embargoes, referral to the ICC and civil missions are all important instruments in such a toolbox' [C2,C5].

4. Contributing to policy expertise and capacity building

Welsh's research has contributed in multiple ways to policy expertise and capacity building in the wider community of policy institutes and NGOs that focus on the prevention of mass atrocities. The Global Centre for the Responsibility to Protect uses Welsh's research in its own policy forums to focus the discussion with policy makers on preventive tools as a means to make R2P policies effective. The Centre considers Welsh's work to be one of the few resources available to support debate on prevention [C6]. Similarly, the Stanley Foundation stresses the benefits of Welsh's research in structuring its work with policy actors on preventing the perpetration of mass atrocity crimes. The Asia-Pacific Centre for the Responsibility to Protect has reproduced Welsh's research findings in its own policy briefs and regards the ELAC project as the most robust and policy-relevant of the 14 projects funded by the Australian R2P fund [C7,C8].

In sum, Welsh's research is shaping the approach to prevention and response of mass atrocities by the UN, its member states and the wider policy community. This has implications for the choices of states and international organisations that may invest lives and resources to prevent mass atrocities, for populations at risk, and the perpetrators of such crimes. The reach and significance of the impact of Professor Welsh's research is evidenced by her appointment in July 2013 by the UN Secretariat as Special Adviser to Ban Ki-moon, at the Assistant Secretary General Level [C9, C10].

5. Sources to corroborate the impact

- [C1] Former OSCE High Commissioner on National Minorities confirms discussion with Welsh of her research on R2P.
- [C2] Former Special Adviser (R2P) at the Assistant Secretary-General level confirms the contribution of the research to the UN's 2012 report 'Timely and Decisive Response' and to the debate at the General Assembly that followed.
- [C3] UN Secretary-General's report on 'Responsibility to Protect: Timely and Decisive Response'. Introduction to the report: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/66/874.
- [C4] Framework of analysis of atrocity crimes. Reviewed to reflect R2P research insights from http://www.un.org/en/preventgenocide/adviser/pdf/osapg_analysis_framework.pdf.
- [C5] The UN General Assembly's held an interactive dialogue of 5th September 2012. All the government statements made in response to the report can be found here: <http://www.globalr2p.org/resources/278>.
- [C6] Director of Policy and Advocacy describes the benefit to the Global Centre for the Responsibility to Protect particularly in regard to the analysis of preventive tools.
- [C7] Director of the Asia Pacific Centre on benefits to his organisation of the policy clarification and the value of ELAC's research amongst the 14 Australian funded R2P projects.
- [C8] Jennifer Welsh and Serena Sharma, *R2P Ideas in Brief: Operationalizing the Responsibility to Prevent* (Asia-Pacific Centre, R2P Policy Briefing, 2012) Vol. 2 No. 2 (2012) <http://www.r2pasiapacific.org/r2p-ideas-in-brief>.
- [C9] Under Secretary-General, UN Special Adviser on the Prevention of Genocide. Confirmation that R2P research contributed to Welsh being short-listed for the role.
- [C10] UN Press Release Secretary-General Appoints Jennifer Welsh of Canada Special Adviser <http://www.un.org/News/Press/docs/2013/sga1424.doc.htm>.