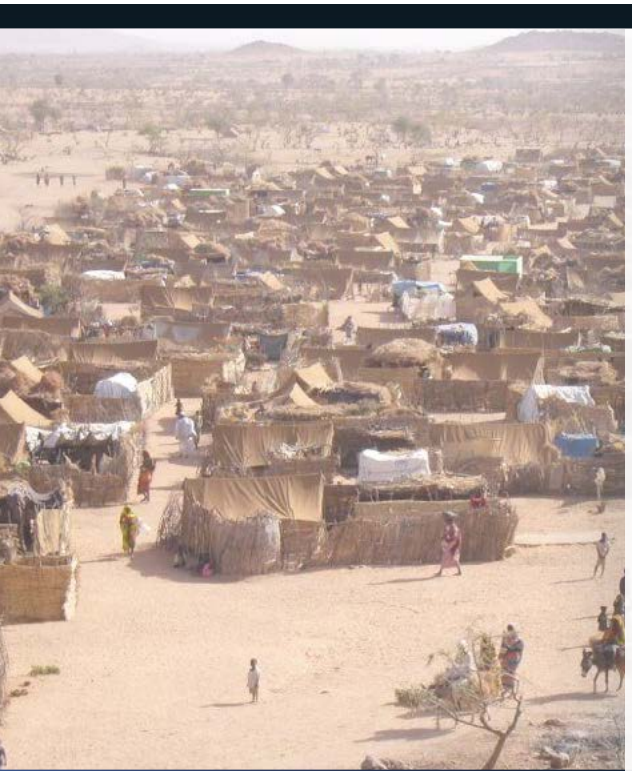
The Role of Business in the Responsibility to Protect

a One Earth Future **Policy Brief**



based on the chapter from ***The Responsibility to Protect and the Third Pillar: Legitimacy and Operationalization***

Policy Implications:

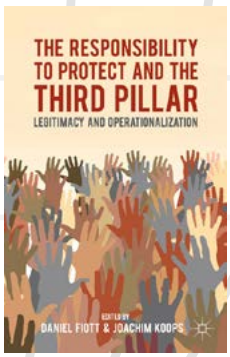
- **Private-sector actors should be seen as potential partners in attempts to stop ongoing violations of the Responsibility to Protect.**
- **Outreach should emphasize specific and concrete steps that can be taken by private-sector actors to address the violation.**
- **Telecommunications firms should be specifically targeted for engagement in interventions to stop RtoP violations.**
- **Private-sector entities in regions experiencing mass atrocity crimes should consider taking independent action to protect civilians.**

There is a concrete role for private sector actors in the response to violations of the Responsibility to Protect doctrine.

The Role of Business in the Responsibility to Protect

Research Background

As a result of a workshop held at the Madariaga – College of Europe Foundation, One Earth Future wrote "The Role of Business in the Responsibility to Protect," a chapter which appeared in *The Responsibility to Protect and the Third Pillar: Legitimacy and Operationalization*, a book edited by Daniel Fiott and Joachim Koops and published in 2014. This chapter, by Conor Seyle and Eamon Aloyo, reviewed existing research on the Responsibility to Protect and the role of business in security and conflict to argue that there is a concrete role for private-sector actors to contribute to the "timely and decisive response" to violations of the Responsibility to Protect that characterized "Third-Pillar" responses.



The Responsibility to Protect and the Third Pillar: Legitimacy and Operationalization
Daniel Fiott and Joachim Koops, eds.
November 2014
Chapter 10

Link to Report

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Cover: *Darfur refugee camp in Chad by Mark Knobil on Wikipedia, Group sillhouettes from Pixabay, Avenida-Callao by Dan DeLuca on Flickr*

Research Summary

The "Responsibility to Protect" (RtoP) is a global norm that has been endorsed by member-states of the United Nations, articulating that states have the responsibility to protect civilian populations from mass atrocities and crimes against humanity. As it is commonly discussed, it is built around three pillars: the responsibility states have to prevent mass atrocities within their borders, the responsibility the international community has to assist states with prevention, and the responsibility the international community has to take "timely and decisive"[1] action to stop the commission of mass atrocities. In general, these three pillars have tended to focus on the responsibilities of state actors and overlooked the potential role of non-state actors such as the private sector. This chapter argues that the state-centric approach is limited and leaves important partners out of the discussion. Research on the role of the private sector in armed conflict has argued strongly that there are active roles for private-sector actors to play in the prevention and cessation of armed conflict, and that these roles may apply in cases of third-pillar responses to mass atrocity crimes as well.

a Study of Pillars by Verity Cridland on Flickr

The chapter argues that the research on business and conflict has demonstrated that private-sector actors can directly contribute to the resolution of violence, and this may apply to mass atrocities as well. Private-sector entities, including local businesses, transnational corporations, and business associations, can play several different roles. Private sector entities can contribute funding to entities opposing mass atrocities, and withhold funding from actors that contribute. This could conceivably take the form of private-sector entities deciding which of several competing groups claiming to be the legitimate government in a region is the one not engaging in atrocities—and therefore is the one likely to end up being the controlling entity—and paying the requested tax to that entity and not to others. In addition, private-sector actors can directly provide security through their private security forces; during post-election violence in Kenya, Unilever was able to secure their compounds and protect their employees from violence. In addition to the above approaches, companies may also use their political connections to advocate for the cessation of mass atrocities. The perception that private-sector actors are neutral third parties may be particularly important in supporting this role. Companies also have a central role to play in supporting recovery from conflict and atrocities.

Telecommunications companies may be in a particularly central, and potentially uncomfortable, role when considering direct support for anti-atrocity interventions: because of their central role in social organizing, internet companies have faced pressure from governments to provide information about social activists that may be used to support atrocities against these activists, or that may alternately be used to assist in resolving the conflict. In some cases, as when the Tunisian government attempted to access the Facebook pages of activists in 2010, social media companies have refused to allow the government that access. In other cases, companies have actively supported peace interventions: in 2008 the Kenyan telecommunications company Safaricom responded to the use of text messages as a tool for organizing violence by sending messages supporting peace. Safaricom also took a lead role among all regional telecommunication providers in filtering and blocking thousands of hate messages in the lead-up to the 2013 Kenyan national elections.[2]

In the chapter, a review of research on institutional decision-making concluded that private-sector actors may be motivated to engage in these activities for moral reasons, because they agree that ending mass atrocities

is a moral good; for legal reasons, because if they are engaged in operations in the region they may be seen as complicit in the atrocities and therefore subject to prosecution; or for economic reasons: conflict is extremely disruptive, and actions taken to end it may support the economic success of the companies.

Finally, a review of existing research on why companies choose to engage or not engage with the violent conflict suggests that the primary issues blocking participation are the perception that private-sector actors are not legitimate actors in dealing with conflict and the lack of a clear understanding of what roles can be taken. Steps to encourage private-sector support for third-pillar interventions should focus on these pathways.

Policy recommendations for national, corporate, and civil society organizations:

Private-sector actors should be seen as potential partners in attempts to stop ongoing violations of the Responsibility to Protect.

Active outreach to private-sector entities by IGOs, NGOs, and other entities involved in RtoP response can help mitigate the sense that private-sector actors do not have a legitimate role in conflict response.

Private-sector actors interested in addressing mass atrocity crimes should consider active outreach to institutions involved in response.

In order to overcome resistance based on a lack of knowledge about what can be done, outreach should emphasize specific and concrete steps that can be taken by private-sector actors to address the violation.

Telecommunications firms should be specifically targeted for engagement in interventions to stop RtoP violations.

Regardless of engagement with the international response to RtoP violations, ***private-sector entities in regions experiencing mass atrocity crimes should consider taking independent action to protect civilians.*** These kinds of actions may have legal and economic benefits at the resolution of the conflict.

Notes

1. Ban Ki-moon, *Implementing the Responsibility to Protect: Report of the Secretary-General* (United Nations, January 12, 2009).

2. For more information on this case, see Victor Owuor and Scott Wisor, *The Role of Kenya's Private Sector in Peace Building: The Case of the 2013 Election Cycle* (Broomfield, CO: One Earth Future Foundation, 2014). http://dx.doi.org/10.18289/OEF.2014.003

One Earth Future (OEF) is a private foundation founded to help catalyze systems that identify and eliminate the root causes of war. OEF is committed to improving governance structures by acting at the intersection of theory and practice, helping stakeholders solve specific problems in real time, contributing to research literature, and working to detect patterns and lessons about governance as they emerge. Instilled within OEF's work are values of excellence, empiricism, long-term thinking, and active stakeholder engagement.

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