

Civil Society Workshop on The Responsibility to Protect & the Prevention of Mass Atrocities in the Middle East and North Africa

17-18 December 2012, Broumana, Lebanon

The International Coalition for the Responsibility to Protect (ICRtoP) and the Permanent Peace Movement (PPM), convened an introductory workshop on the Responsibility to Protect (RtoP or R2P) for civil society organizations from the Middle East and North Africa (MENA) region held in Broumana, Lebanon from 17-18 December 2012. The workshop, which was the first RtoP event in the region, was attended by civil society organizations from fourteen MENA states and territories, representing a range of sectors, including women's rights, international justice, inter-communal peacebuilding, human rights and disarmament. The League of Arab States (LAS), the Lebanese Parliament, the United Nations Office on Genocide Prevention and RtoP (OGPRtoP), and the World Federation of United Nations Associations (WFUNA) also participated. Additionally the Global Partnership for the Prevention of Armed Conflict (GPPAC) provided support for the event and was represented.

Recent and ongoing situations in the Middle East and North Africa, such as the 2011 crisis in Libya and the ever deteriorating civil war in Syria, have illustrated the failure of governments to protect their populations from atrocity crimes. Heads of States and government made a historic and unanimous endorsement of the Responsibility to Protect at the 2005 World Summit during which governments committed to protect their populations from genocide, war crimes, crimes against humanity and ethnic cleansing. As the ongoing Arab uprisings show, much of the region remains fragile and populations are at risk of serious human rights abuses and RtoP crimes. Moreover, the unprecedented action by regional organizations, including the League of Arab States and Gulf Cooperation Council calling for a no-fly zone to protect the people of Benghazi in 2011 and the LAS dispatching a fact-finding mission to Syria in 2012, have shown the crucial role these actors play in protecting populations. As such, this civil society workshop on the Responsibility to Protect provided a timely forum to discuss regional affairs within the context of RtoP, with the goal of raising awareness of the Responsibility to Protect as a framework for the prevention of and protection from the most egregious crimes known to humankind. The ongoing civil war in Syria was also raised, as participants expressed concern about the escalating crisis and asked how to implement the norm to protect civilians in that situation. Some interventions questioned what the novelty of the Responsibility to Protect was, inquiring about the norm's difference from the principle of humanitarian intervention, while a small number of participants advocated for the expansion of the norm's scope.



Fawziya Alhani speaks on the relationship between women's rights and RtoP. Photo credit: Permanent Peace Movement

Questions raised throughout the introductory sessions on RtoP illustrated the concerns and initial skepticism held by participants, however, as participants became more familiar with RtoP and its application over the two days, many concerns were alleviated and as a result, the majority of participants expressed support for the Responsibility to Protect and interest in continuing discussions on how to best implement the norm.

RtoP and Related Themes

As the prevention of and protection from mass atrocities relates to a range of sectors and agendas, two presentations focused on RtoP's relationship with women's rights and disarmament, respectively. Ms. Fawziya Al Hani of the Forum of Gulf Dialogue (Saudi Arabia) spoke on the topic of gender and RtoP, and reflected on the work of her organization to challenge the social culture in Saudi Arabia to establish the environment and mechanisms necessary to empower women and advocate for equal rights. Ms. Al Hani discussed the importance of changing the vision of women in society and further engaging in discussions to promote the inclusion of women within decision-making processes to ensure not just equality, but formidable change. Participants reflected on how human rights violations against



Participants attend the first day of the workshop.
Photo credit: Permanent Peace Movement

women can serve as indicators of mass atrocities as well as the continued need to increase and support the role of women as actors in the prevention of and protection from RtoP crimes.

Following Ms. Al Hani's presentation, Dr. Raouf Sayah, a retired General from the Lebanese Armed Forces, provided a historical overview of global experiences of crimes against civilians and international measures taken, including the adoption of international humanitarian and human rights law, to ensure their protection. In reflecting on the measures that can be adopted to protect from crimes committed, in part due to the distribution of small arms and light weapons, Dr. Sayah noted that governments need to ratify relevant treaties as well as establish strategies that are efficient and proportional when authorizing and using military force. He also identified media representatives and

journalists as important actors in disseminating information, fighting corruption, and engaging with civil society on disarmament and protection.

The role of national and regional actors

In discussing the role of national actors, Mr. Ghassan Mokhayber of the Lebanese Parliament highlighted the 2011 crisis in Libya and, while stating that action was needed to protect populations, called for further reflection on criteria to guide force so as to ensure that Member States do not justify action for their own self-interests or, as in the case of Syria, inaction as certain UN Security Council members have exercised their veto power. In speaking on Syria and the Occupied Palestinian Territories, Mr. Mokhayber raised the challenge of garnering the political will to act, expressing concern on the use of veto power within the UN Security Council. With regards to accountability in situations where RtoP crimes are being committed, Mr. Mokhayber highlighted the role of the International Criminal Court (ICC) as a preventive and reactive tool, and pushed for the strengthening of this judicial mechanism.

Mr. Fadi Abi Allam of the Permanent Peace Movement presented on the role of regional organizations in the Middle East and North Africa, reflecting on their unprecedented efforts to prevent and respond to recent and ongoing threats of mass atrocities. Additionally, Mr. Abi Allam highlighted the central role of early warning in the prevention of RtoP crimes, and recalled the importance of peacebuilding to ensure the necessary rebuilding of institutions and healing of communities post-conflict.

Overview of the work of the UN Office on Genocide Prevention and RtoP

Ms. Eli Smette of the UN Office on Genocide and RtoP provided an overview of the mandate of the Special Adviser on the Prevention of Genocide, and the work of the Office to monitor and alert actors within the UN system to the risk of genocide and RtoP crimes. She spoke on the role of the Special Adviser on RtoP to engage with UN and other actors to further develop the norm as well as mainstream RtoP within the UN system.

Legal Analysis of crimes under the RtoP framework

In illustrating that RtoP is grounded in international humanitarian law (IHL), Ms. Smette also provided an overview of the basic principles guiding IHL, and in which contexts it applies. Her presentation noted that, while perpetrators are

typically prosecuted by national courts, there are some crimes so egregious they also require responsibility under international law, such as genocide, crimes against humanity, and war crimes. In discussing the 2009 report of the UN Fact Finding Mission on the Gaza Conflict, or the “Goldstone Report”, as well as the reports of the UN Commissions of Inquiry in Libya and Syria, Ms. Smette provided regional case law examples in which it was determined that crimes under the RtoP framework were committed. Discussion also focused on findings and convictions of the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, and the International Court of Justice. Ms. Smette asked participants to reflect on recent and ongoing regional crises to discuss whether the legal threshold for genocide, war crimes, or crimes against humanity may have been met. With regard to accountability for the commission of mass atrocities, Ms. Smette stated that responsibility also extends to sitting heads of state who can be indicted for their role.

II. Regional relevance of RtoP: Country Cases

Through an examination provided by civil society experts on the cases of Yemen, Egypt, Bahrain, the Occupied Palestinian territories, and Libya, participants assessed if and how RtoP applied. A roundtable discussion was also held to analyze the ongoing crisis in Syria, including the risks of sectarian violence within the country and the threat of regional spillover of the war. The countries showcased the range of situations in and relevance of RtoP for the MENA region, with some countries in a state of instability, others taking action to rebuild institutions and communities post-crisis, and still others continuing to experience gross human rights violations and RtoP crimes. The discussion reflected on the unique elements of each case, illustrating the diverse political and humanitarian considerations that influence responses by actors, as well as the challenges that arise in preventing and responding to RtoP crimes.

• *Egypt, Bahrain, Yemen*

Egypt, Bahrain, and Yemen are cases where populations suffered from or remain at risk of ongoing human rights violations, which, though not systematic and widespread, can lead to RtoP crimes if measures are not undertaken to prevent the deterioration of these situations. The discussion on Egypt showed the difficulty of garnering the political will of neighboring and outside states to pressure the government to protect human rights, the power of peaceful protest to bring about change, and the challenges that can arise following a transition in government. The conversation on Bahrain centered on the ongoing human rights violations committed in response to political protests, and the action taken by the government, in dispatching a fact-finding mission tasked with reporting on crimes committed and providing recommendations for action. The challenge remains of implementing the report’s conclusions and ensuring accountability for gross human rights abuses. Measures undertaken to prevent the popular uprising from escalating to war in Yemen showed how the UN Security Council and regional arrangements can coordinate response efforts; however the resulting immunity clause for the former Yemeni leader, contained in the peace deal, illustrated the difficulty in ensuring accountability as human rights violations, such as forced disappearance, continue.

• *Occupied Palestinian Territories, Libya, Syria*

Palestine, Libya and Syria illustrate crises in which the commission of RtoP crimes is ongoing or, in the case of Libya, recently occurred, and as such discussion focused on the responses as well as challenges in protecting populations from the threat of mass atrocities. While the nature and duration of time for the cases differ, central to the discussions on the Occupied Palestinian Territories and the ongoing civil war in Syria was how garner the political will necessary to resolve crises. Participants noted the importance of placing the population’s protection needs above political interests to ensure that measures necessary to halt the commission of RtoP crimes are undertaken. In speaking on Libya, discussion centered on the challenge of building state capacity post- conflict, with particular focus on the need to strengthen judicial institutions. Participants questioned the capacity of the government to prosecute



Abed El Menaam Al Hurr speaks on the case of Libya.
Photo credit: Permanent Peace Movement

Saif al-Islam Gaddafi and Abdullah al-Senussi, as well as others responsible for the commission of RtoP crimes. Points were also raised on the role of the International Criminal Court as a tool to ensure accountability in post-conflict Libya as the ICC has indicted Mr. Gaddafi and Mr. al-Senussi.

III. Recurring themes

While there was much discussion on various topics throughout the workshop, several recurring themes were raised.

- The importance of prevention: While presentations by the ICRtoP and WFUNA underscored that the Responsibility to Protect is grounded in the prevention of mass atrocities, additional points were raised by participants on the importance of preventive measures. Several participants noted that further discussion is needed to understand the measures available and the role of all actors in implementing these tools to prevent mass atrocities. Additionally, it was stated that situations will arise in which preventive, non-coercive tools will prove inadequate. As such, greater understanding is needed to determine when and how coercive tools must be used.
- The use of force under the RtoP framework: In discussing the tools to protect populations, focus was given to the use of military force, with participants raising the 2011 NATO-led military intervention in Libya. It was noted that, while there was agreement that force was necessary to protect the people of Benghazi, great concern arose as the political interests of states began to overshadow efforts to prevent and respond to mass atrocities. In addition to ensuring that military force is not implemented to further political interests of intervening states, several participants expressed support for further discussion on criteria for the use of force.
- RtoP and justice and accountability: Participants repeatedly raised the importance of national, regional, and international justice mechanisms, including the International Criminal Court (ICC), as preventive and reactive tools under the RtoP framework. The Court's complementary nature to RtoP was also noted as the ICC is mandated to prosecute for the crimes of genocide, crimes against humanity, and war crimes. Additionally, the Court recognizes the primary responsibility of states for holding perpetrators accountable and as such the ICC only exercises its jurisdiction when nations are unable or unwilling to prosecute.
- Arms regulation, disarmament and the prevention of RtoP crimes: Prior to the RtoP roundtable, several participants attended a workshop on mobilizing the MENA region for the Arms Trade Treaty process, which is to hold final negotiations at the UN Secretariat in March 2013. As such, many interventions noted the affect of global arms trade on the threat or commission of RtoP crimes and how the regulation of such trade could assist in their prevention. In addition to regulation, the subject of disarmament was brought up as participants noted the affect of arms transfers on crises in the region.

IV. Conclusions from the civil society strategy sessions

Participants engaged in a strategy session on the second day of the workshop to discuss how civil society can advance RtoP in the Middle East and North Africa. Breaking up into small groups, participants discussed main challenges of promoting and advocating for RtoP in the region and generated strategies to overcome these challenges; the role of MENA governments and civil society in supporting the application of RtoP regionally and globally; and how participants' organizations can incorporate RtoP principles. Drawing from the work of their organizations, the state of affairs in their countries, as well as the capacity of regional arrangements, participants identified the following challenges and actions that can be undertaken:

Challenges facing the normative advancement and operationalization of RtoP in the region

- Lack of awareness of the Responsibility to Protect amongst civil society organizations, governments, and intergovernmental bodies;
- Regional support for the principle of non-intervention in the affairs of states;
- Political climate, as some states are experiencing unrest or are following a period of transition and others are fully immersed in a state of crisis;
- Lack of financial support for civil society activities on mass atrocities prevention; and
- Lack of available funding within national governments and intergovernmental bodies to allocate towards the development or strengthening of mechanisms to operationalize RtoP.

What civil society can do to overcome challenges and promote the norm in the region

- In identifying the need for countries to establish or strengthen existing protection mechanisms, civil society can advocate for governments to take domestic action to enhance their commitment and capacity to prevent RtoP crimes;
- As governments should adopt laws and strengthen already existing legal tools to protect populations, organizations can call on their governments to ratify relevant human rights treaties and enhance domestic judicial mechanisms;
- Organize activities to raise awareness of RtoP amongst civil society in the region;
- Where possible, integrate RtoP within the mission and work of organizations through actions such as establishing committees on RtoP and integrating the norm's relevance within publications;
- Further explore how RtoP relates to other agendas and sectors; and
- Lead human rights trainings and, where possible, document human rights violations and abuses.

V. Outcomes from the workshop

At the start of the workshop, participants raised points on the challenges remaining for RtoP, questioning the effectiveness of the norm with particular focus on protecting populations under threat in regional crises. As the workshop and discussion progressed, participants increasingly agreed that states and the international community bear a responsibility to prevent mass atrocities and endorsed the Responsibility to Protect. Additionally, it was noted that RtoP can serve as a tool for civil society to hold governments as well as the international community accountable for upholding their protection obligations. There was consensus on the importance of prevention as the central tenet of the Responsibility to Protect, and an understanding that the RtoP framework includes a spectrum of measures to prevent and respond to mass atrocities.



Participants break into small groups to strategize on how to advance RtoP in the MENA region. Photo credit: Permanent Peace Movement

As the workshop came to a close, it was clear that there was overall support for and interest in further discussions and engagement on the Responsibility to Protect and the norm's applicability in the region. Support was expressed for exploring the steps civil society can take to endorse RtoP and, where possible, conduct work on the norm, with agreement on the value added of a coalition of NGOs working to advance RtoP. To further build on the momentum of this event and continue to raise awareness on RtoP in the Middle East and North Africa, the ICRtoP and Permanent Peace Movement will continue engaging with NGOs in

the region with the goal of broadening the civil society network working to advance the norm and the prevention of mass atrocities.

About the Organizers

The **Permanent Peace Movement (PPM)** is an independent NGO based in Beirut, Lebanon and founded in 1986 at the height of the Lebanese civil war. PPM strives to empower individuals and institutions, and enables them to play their respective roles resolving conflict through peaceful and non-violent means through education and advocacy initiatives. www.ppm-lebanon.org

The **International Coalition for the Responsibility to Protect (ICRtoP)** is a global network of over forty NGOs dedicated to advancing RtoP at the international, regional, sub-regional and national levels. Formed in January 2009 by representatives of eight regional and international NGOs, ICRtoP members represent every region, save the Middle East, and work in a wide range of sectors including women's rights, conflict prevention, human rights, international and regional justice, and humanitarian service delivery. www.responsibilitytoprotect.org

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Annex : Workshop participants list

	Name	Country	Organization
1	Abdulkader Rajeh	Syria	Syrian Center for Freedoms
2	Abdullah Khalid Omar	Iraq	Al Mesalla
3	Abed Elmenam Elhurr	Libya	Arab Organization for Human Rights
4	Amal Nassar	Jordan	Coalition for the ICC
5	Benbraham Noureddine	Algeria	Adwaa Rights for democracy and human rights
6	Daad Ibrahim	Lebanon	PPM
7	Darynell Rodriguez Torres	Netherlands	Global Partnership for the Prevention of Armed Conflict
8	Eli Smette	USA	UN OGPRTOP
9	Eshrak Abdulrahman	Yemen	Prime Minister Cabinet
10	Evaline Schot	Netherlands	PPM
11	Ezzadin Al Asbahi	Yemen	HRITC
12	Fadi Abi Allam	Lebanon	PPM
13	Fadi Achaia	Egypt	League of Arab States
14	Fawziah Al Hani	KSA	Gulf Forum for Dialogue
15	Ghada Abi Allam	Lebanon	PPM
16	Ghassan Mokhayber	Lebanon	Member of Lebanese Parliament
17	Grace Ghaleb	Lebanon	PPM
18	Hakima Chaoui	Morocco	Education Center on the Human Rights of Women
19	Hazem Ksouri	Tunisia	Free Tunisia
20	Issa Al Ghayeb	Bahrain	Human Rights Society
21	Iyad Barghouti	Palestine	Ramallah Center for Human Rights Study
22	Laura Spano	USA	WFUNA
23	Manal Tawfeg Nagm	Sudan	Human Security Sudan
24	Megan Schmidt	USA	ICRtoP
25	Mohamad Zarea	Egypt	Arab Penal Reform Organization
26	Nathalie Adam	Lebanon	PPM
27	Nounou Booto Meeti	UK	IANSAs
28	Rabih Kays	Lebanon	Lebanese Foundation for Permanent Civil Peace
29	Raouf Sayah	Lebanon	Lebanese Armed Forces
30	Sameera Al Qinaei	Kuwait	Kuwait Society for Human Rights
31	Sapna Chhatpar	USA	ICRtoP
32	Shadi Azzam	Syria	Noun
33	Sonia Nakad	Lebanon	PPM
34	Zeina Roueiheb	Lebanon	Foundation For the Future
35	Riad Issa	Lebanon	Volunteers without Borders
36	Donia Ashkar	Lebanon	USJ - Student