Civil Society Perspectives:

Role of Regional Organizations in Implementing the Responsibility to Protect and Reflections on the Application of RtoP to Country Cases

Event Summary

11 July 2011
Church Center, 2nd floor
New York, NY

On 12 July 2011, the UN General Assembly convened its 3rd annual informal interactive dialogue on the Responsibility to Protect (RtoP or R2P), which focused on the role of regional and sub-regional organizations in implementing the Responsibility to Protect. In preparation for the dialogue, the International Coalition for the Responsibility to Protect (ICRtoP), the Stanley Foundation, the Friedrich-Ebert-Stiftung (FES) and the Global Centre for the Responsibility to Protect (GCR2P) hosted a half day panel featuring civil society perspectives on how RtoP has been strengthened and implemented by regional organizations as well as reflections on the application of RtoP in country situations such as Libya, Côte D’Ivoire, Guinea, Sudan, Sri Lanka and Kenya. Edward Luck, Special Advisor on RtoP opened the event and Kenneth Roth, Executive Director of Human Rights Watch, provided the keynote address.

Welcome & Opening remarks
The event began with welcoming remarks by ICRtoP co-founder and Steering Committee member, William Pace, who noted the essential and active role of regional organizations in implementing tools and garnering political will for quick and decisive action as evidenced in Libya and Côte d’Ivoire. Mr. Pace highlighted the centrality of prevention within the RtoP framework, and the important position regional organizations hold in assisting with the enhancement of preventive mechanisms.

Special Adviser to the Secretary-General on the Responsibility to Protect, Dr. Edward Luck provided an opening statement in which he declared that the Responsibility to Protect has become an operational reality following recent events over the last year in which the UN implemented the norm in eight or nine cases. On the role of regional and sub-regional organizations, Dr. Luck noted that all regions should advance RtoP, but recognized that the pace and method of incorporating the norm will vary by region. Dr. Luck emphasized the importance of cross-regional cooperation and dialogue, which will enable sharing best practices and lessons learned. Increased interaction is needed between the UN headquarters, local bodies and regional and sub-regional organizations as prevention of and protection from mass atrocities...
Panelists discussed regional commitment for the Responsibility to Protect and the challenges of implementation, noting the support of the AU, ECOWAS, and the EU for RtoP, and the difficulties in operationalizing the norm in ASEAN as well as in Latin America and the Caribbean. The panel began with remarks by the Deputy Director of the International Coalition for the Responsibility to Protect, Sapna Chhatpar Considine, who recalled the historic commitment made at the 2005 World Summit with the adoption of the Responsibility to Protect and provided an overview of the norm’s three pillar framework: 1) the State carries the primary responsibility to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing; 2) the international community has a responsibility to assist States in fulfilling this responsibility; 3) and the international community has a responsibility to take timely and decisive action to protect populations from these crimes if a state fails to protect its population or is the perpetrator of crimes. Ms. Considine also brought attention to the unique perspective and irreplaceable role of regional organizations, highlighting multiple ways in which these bodies work in the mass atrocity prevention.

Emmanuel Bombande, the first panelist and Executive Director of the West Africa Peacebuilding Network, provided an overview of the experience of West Africa and the region’s commitment to RtoP, specifically citing the Economic Community of West African States (ECOWAS) as an example. Mr. Bombande noted that ECOWAS strongly supports the Responsibility to Protect as the norm resonates with the region’s history, and underscored the importance of and need for prevention. In discussing preventive measures, such as early warning mechanisms, Mr. Bombande emphasized the importance of the ECOWAS early warning system, ECOWARN, which draws its inspiration from RtoP. Mr. Bombande highlighted the role of regional organizations in responding to crisis situations, as evidenced by several preventive diplomacy efforts at various levels including heads of state, the deployment of an ECOWAS monitoring group in Liberia and Sierra Leone and by measures taken recently by ECOWAS following the 2010 political crisis in Cote d’Ivoire. Although acknowledging the importance of the response pillar, Mr. Bombande expressed concern for the potential problems that can arise as a result of reactive measures. Prevention from mass atrocities, he emphasized, is therefore crucial for the populations residing within a state, and for the norm of the Responsibility to Protect.

The second panelist, Dr. Pranee Thiparat, Assistant Professor at the Department of International Relations at Chulalongkorn University in Thailand, centered her remarks on the challenges facing RtoP in Southeast Asia. Dr. Thiparat discussed the lack of commitment to the Responsibility to Protect within the Association of Southeast Asian Nations (ASEAN) as ASEAN has not adopted the language of RtoP and the norm remains marginal if not controversial as a result of concerns regarding its implementation. ASEAN strictly adheres to the belief in non-interference which, as Dr. Thiparat pointed out, negatively affects the incorporation of RtoP in regional discussions and
agreeabilities. However, ASEAN has incorporated language for the protection of human rights into its charter and doctrine. Dr. Thiparat noted that the ASEAN Political Security Community and the ASEAN Intergovernmental Commission on Human Rights may be able to serve as entry points for operationalizing RtoP in the region. Although the regional body has not officially embraced the norm, Dr. Thiparat did highlight that civil society groups working independently and in collaboration with others on a region-wide basis, have been active in the promotion of RtoP principles, as reflected in a number of discussions in the ASEAN’s People Assembly (APA), a forum organized by ASEAN-ISIS. Moreover, states such as Cambodia, which had experienced one of the four crimes under the Khmer Rouge regime, have been active independently as well as with other nations in promoting and implementing the norm. For the future of RtoP in ASEAN as well as the region of Southeast Asia in general, Dr. Thiparat stated that civil society must continue to further develop and enhance acceptance of the norm.

The commitment of the EU to the advancement of the Responsibility to Protect was discussed by Daniel Fiott of Madariaga-College of Europe Foundation, based in Brussels. Although the EU works to prevent mass atrocities and the spread of conflict, as Mr. Fiott noted, the regional body does not have all the capacities in place to succeed in this area and continuously encounters problems mobilizing political will. Mr. Fiott highlighted a few cases, such as Darfur and Libya, in which the EU operationalized reactive measures under the third pillar of RtoP framework. Mr. Fiott also presented a number of additional economic, political and civil-military tools that can be utilized by the EU for the future prevention of mass atrocities. In his overview of the EU and RtoP, Mr. Fiott spoke of the regional body’s commitment to the norm as evidenced by the adoption of official documents such as The Report of the Implementation of the European Security Strategy (2008), which calls on the EU to advance the RtoP principle. Mr. Fiott identified the actions of individual governments, such as Denmark and Germany, to incorporate RtoP within national strategies and spoke of the support for the norm in statements by EU Council Presidencies and the European Parliament. Despite the EU’s support for the norm, Mr. Fiott concluded by highlighting areas where growth is needed to ensure the future development of RtoP, questioning the consistency of efforts by the EU and the lack of coordination to operationalize RtoP in the region. Furthermore, Mr. Fiott called for the creation of an EU-level ‘focal point’ on RtoP to oversee the incorporation of RtoP within the organization, and stimulate further cooperation with the UN Secretary-General’s Special Adviser and regional and sub-regional bodies.

Michele Reyes, Outreach Liaison for the Americas, Asia, and the Pacific with the Coalition for the International Criminal Court spoke on behalf of Dr. Andrés Serbin, the Executive Director of the Coordinadora Regional de Investigaciones Económicas y Sociales (CRIES). Dr. Serbin provided an overview of the commitment in Latin America and the Caribbean to conflict prevention and the establishment of judicial mechanisms for human rights, and highlighted the difficulties of implementing RtoP in the region. Embedded principles of national sovereignty and non-intervention, as well as a historical record of foreign intervention in the region has resulted in institutional challenges for applying the norm in regional bodies such as the Organization of American States (OAS) and the Union of South American Nations (UNASUR). Dr. Serbin recalled that RtoP has never been explicitly included in the agendas of regional organizations, and that at
present there are no institutional intervention mechanisms to address mass atrocity crimes, with the exclusion of the Inter-American Human Rights System. The Union of South American Nations, UNASUR, however, has proven effective in resolving two specific crises: in Bolivia in 2008 when a commission of inquiry was established to investigate the killing of peasants in Pando; and in 2010 when the regional body participated in the resolution of an internal confrontation between the government and police forces in Ecuador. The comparative level of peace experienced in Latin America and the Caribbean, and the absence of any imminent threat of the four crimes further complicates regional implementation of the norm. Despite the obstacles facing RtoP, Dr. Serbin noted that the region's commitment to prevention demonstrates that greater emphasis should be focused on conflict prevention and human rights as opposed to reaction and intervention to further operationalize RtoP globally. To conclude, Dr. Serbin identified the prevention and projection or prediction challenges of the Responsibility to Protect and stated that it remains hard to mobilize political will for the norm in the region.

The African Union (AU) supports RtoP and has developed mechanisms to reinforce the norm in the region. Don Deya, the Chief Executive Officer of the Pan African Lawyers Union (PALU), provided an overview of the regional commitment to the Responsibility to Protect. Mr. Deya recalled the AU's normative framework for peace and security, and the protection of human rights through documents such as the Constitutive Act of the African Union, the African Charter on Human and Peoples' Rights and the African Charter on Democracy, Elections and Governance. He also noted the role of Regional Economic Communities (RECs) in responding to and resolving crises situations, and pointed out that they form part of the African Peace and Security Architecture (APSA), sanctioned by the AU. As Mr. Deya pointed out, the link between the Responsibility to Protect and international criminal justice requires further exploration, as judicial measures can enhance the norm, and further its use on the continent. He provided the example of the case filed against Libya before the African Court on Human and Peoples Rights (AfCHPR) by the African Commission on Human and Peoples' Rights (ACHPR). This is the first ever referral made by the Commission to the Court. Although the Commission did not request for it, the Court, on 27 March 2011, on its own motion, issued Provisional Orders against the Libyan Government, directing it to cease hostilities against its people. The Libyan government submitted a written Response to the Court, and the case may soon be heard on the merits. Mr. Deya also offered recommendations to improve regional implementation of the norm, including bolstering linkages between the mandates of the AU and RECs and the Responsibility to Protect; strengthening the normative and operational frameworks at the continental and regional levels; and enhancing capacity for civil society action.

A brief question and answer session followed, which focused on discussing the issue of media coverage and crisis response, and the degree of regional civil society support for the Responsibility to Protect. Panelists noted that the role of civil society varies in each region, as does the commitment of organizations to the RtoP principle. In West Africa, as Mr. Bombande highlighted, civil society has actively worked to operationalize RtoP and coordinates with ECOWAS, whereas Dr. Thiparat stated that she could not speak to the position of civil society in Southeast Asia as in some countries there is no entry way for civil society let alone RtoP.
Panel 2: Reflections on the Application of RtoP to Country Cases

The second panel began with a keynote address by Mr. Kenneth Roth, the Executive Director of Human Rights Watch. Mr. Roth focused his remarks on the implementation of RtoP in Libya, specifically discussing the impact of the current NATO intervention on the norm and on the protection of populations from mass atrocities. Mr. Roth identified key difficulties that have arisen since the adoption of UN Security Council Resolution 1973, noting that even some states that supported the resolution have voiced concerns over whether Coalition forces have moved beyond their mandate of protection of civilians. A tragic consequence of NATO’s Libyan intervention, Mr. Roth noted, is the silent response of the UN Security Council on the matter of Syria and the targeting of civilians by the government of Bashar al-Assad. Mr. Roth emphasized that the Security Council’s lack of action on Syria illustrates the problem of the lack of consistency in the application of RtoP, which risks undermining the norm. To conclude, Mr. Roth noted that the Security Council, including not only Western but also Southern governments, as well as regional governments and the Arab League, all bear fault with regards to the issues arising from the intervention and the inaction in Syria, concluding that there is presently a need to reinvigorate the implementation of the Responsibility to Protect.

Providing comments following Mr. Roth’s address, moderator Dr. Mónica Serrano, the Executive Director of the Global Centre for the Responsibility to Protect, highlighted the consistency gap, stating that the tools within the RtoP framework need to be implemented in a consistent manner for all three pillars. This topic was central to discussions in the second panel, as speakers spoke of international and regional inconsistencies in operationalizing the Responsibility to Protect in country cases.

Providing a comparative analysis of international and regional responses to the crises in Guinea and Côte d’Ivoire, Gilles Olakounlé Yabi, West Africa Project Director for International Crisis Group, emphasized the importance of preventive measures in halting mass atrocities. Mr. Yabi provided an overview of AU and ECOWAS diplomatic efforts to resolve the political crisis in Guinea, before and after the president’s death in 2008. The speed with which the organizations responded and the decisive measures taken to put an end to violent military rule and thus prevent mass atrocities showed the importance of regional and continental bodies in preventing the escalation of crises. As Mr. Yabi explained, however, regional responses to conflicts are not always consistent and thus call into question the legitimacy of organizations. This is evidenced by the case of the 2002-2011 conflict in Côte d’Ivoire, where international and regional bodies did not follow through with their declared course of action, including the threat of the use of force to protect civilians by ECOWAS.
Violence in Sudan, specifically in Darfur and the recent crisis in South Kordofan, was the focus of remarks offered by Dismas Nkunda, Co-Director of the Uganda-based International Refugee Rights Initiative and convener of the Darfur Consortium. Reflecting on the inconsistent application of RtoP, Mr. Nkunda questioned why we have not seen a regional and international response to gross human rights violations in South Sudan similar to that which followed the political crisis in Côte d’Ivoire. To address the response gap Mr. Nkunda spoke of the operational issues that hinder preventive and reactive measures at the AU level. Mr. Nkunda expressed concern that, even when a crisis has reached the level where action is necessary, questions remain regarding who will intervene, how, and in what capacity. Mr. Nkunda emphasized that the voice of civil society can play a powerful role in the region and affects the decisions of persons such as Sudanese President Omar al-Bashir who, following a campaign by organizations in Uganda calling for the President’s arrest, did not visit the country.

The final panelist, Dr. James Piscatori, Professor of International Relations and Head of School of Government and International Affairs at Durham University, analyzed the cases of Libya and Syria saying “both are examples where the state has failed to protect its citizens...” and “of where international concern has risen to an unprecedented degree.” The critical distinguishing characteristic between the two crises, Dr. Piscatori noted, is the varied level of regional support for international action. Dr. Piscatori emphasized that the response in Libya exhibits the role of regional organizations to respond swiftly and decisively, and to influence international opinion and reaction. Considerable criticisms have arisen, however, since the implementation of UN Security Council Resolution 1973, most notably the issue of selective application of RtoP and the unclear and shifting goals of the NATO force. Speaking on the case of Syria, Dr. Piscatori highlighted several key factors that have influenced the regional and international reaction to the political unrest. Dr. Piscatori stated that regional bodies, individual governments and the United Nations have not responded to the Syrian crisis because there is an overall lack of information to identify the magnitude of state failure, a fear of a ‘spill over’ effect into the region as a whole, and practical difficulties that could emerge if coercive measures were enforced. Dr. Piscatori concluded with lessons from the comparative analysis, stating that action should only be taken when there is both just cause and political will, and that numerous tools are available to prevent and respond to mass atrocities, including mediation and financial sanctions, which may be more effective than military intervention as well as regionally acceptable.
Closing Remarks

Dr. Werner Puschra, Executive Director of Friedrich-Ebert-Stiftung, provided closing remarks, noting that the timing and substance of the event complemented the General Assembly Dialogue as “we have heard from regions and organizations whose experience cannot be properly addressed within tomorrow’s limited time frame.” The panels reflected the increased appreciation the norm has gained in recent months as well as the institutional and political factors that remain missing in the implementation of RtoP. “The Responsibility to Protect is not an end in itself,” Mr. Puschra declared, “but a means to an end, which is to prevent mass atrocities and large scale losses of human lives.” Mr. Puschra highlighted that the debates identified the variety and diverse capacities that exist among regional and sub-regional organizations and in the bodies’ response mechanisms, as evidenced by the different reactions to violence in Libya and Syria. To conclude, Mr. Puschra emphasized that the civil society event fostered transcontinental learning that will enhance the normative and practical framework for RtoP.

For more information about this event or the 12 July 2011 General Assembly dialogue on the role of regional organizations in implementing the Responsibility to Protect, please contact the International Coalition for the Responsibility to Protect at info@responsibilitytoprotect.org