

Statement for Evelyn Serrano

Regional Capacity for Responsibility to Protect – Prevention and Response: UN-Asia Pacific Strategy and Coordination (Plenary Session I: R2P – A Decade On)

Conference hosted by the Asia-Pacific Centre for the Responsibility to Protect

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Statement to be delivered on behalf of William Pace, Executive-Director of the World Federalist Movement-Institute for Global Policy, and the International Coalition for the Responsibility to Protect.

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I would like to begin by conveying Bill Pace's deepest regrets in not being able to be present today. He was looking forward to this conference for several months, especially as it covers a topic of great importance to the International Coalition for the Responsibility to Protect—namely that of regional actors in preventing and halting mass atrocities. I would like to thank the Asia-Pacific Centre and Dr. Noel Morada for the opportunity to attend and participate on behalf of the RtoP Coalition. I'd also like to thank Special Adviser Dr. Edward Luck for his remarks, and respond with additional points on the development of the Responsibility to Protect, highlighting the crucial efforts of civil society in progressing the norm and key challenges RtoP will face down the road.

Parallels between RtoP and the International Criminal Court

I work as the Asia-Pacific Regional Coordinator for the Coalition for the International Criminal Court (or CICC), whose secretariat is hosted by the WFM-Institute for Global Policy (WFM-IGP). WFM-IGP also serves as the host secretariat for the International Coalition for the Responsibility to Protect. As many of you know, the CICC is a global coalition of over 2500 civil society organizations working to strengthen international cooperation with the International Criminal Court, and build the capacity of the Court itself to ensure that it is fair, effective and independent. The two respective initiatives of the ICRtoP and CICC, which are civil society led-efforts to build support for the Responsibility to Protect and the Rome Statute of the ICC, are separate, and should remain separate; however, we cannot ignore the parallels between the RtoP norm and the Rome Statute. In addition to the conceptual overlap –RtoP deals with state responsibility for crimes enumerated in the Rome Statute whereas the ICC deals with individual responsibility--both are in their own way, anomalies of global policy. Few thought that Member States would support RtoP or the ICC, and the momentum around both initiatives has since built quickly. Here we are today with a functioning ICC, which recently issued its first verdict, finding Thomas Lubanga Dyilo guilty of conscripting and using child soldiers, as well as widespread consensus that national governments are responsible for protecting their populations from mass atrocities and that the international community must help ensure that protection obligations are fulfilled. In the Asia-Pacific region, we can thank the rich and active culture of civil society, which has garnered support for these initiatives and is working to build national and regional capacity to prevent mass atrocity crimes.

RtoP: a tool for prevention

The **responsibility to protect** assigns the highest priority to the prevention of genocide, crimes against humanity, war crimes and ethnic cleansing. While the new norm clearly acknowledges the ‘responsibility to react’, **governments and international community have clearly failed on many levels if a situation has reached the point in which collective military intervention is needed**. As the primary focus of RtoP is the *prevention* of mass atrocities, increased attention must be **focused on building the capacities to prevent and mobilizing the political will of states, regional organizations, and the UN to respond early to threats of crimes**. Embedded in the commitment to prevent atrocities is the obligation to prevent future violence by assisting communities post-conflict and ensuring that perpetrators of mass atrocities are held accountable for violating international law.

Reflecting on past cases to implement the norm

Moving forward, we need to continue efforts in every region, especially the Asia-Pacific, to improve understanding of the norm while focusing on building national and regional capacity to prevent and respond to threats of mass atrocities. Regional and sub-regional arrangements, governments and civil society organizations as well as the UN must **engage in dialogue to assess best practices and analyze and reflect on country cases**. We have seen too many recent situations where national, regional and international actors have failed to prevent the commission of mass crimes against populations. Constructive discussion strengthens necessary preventive tools and institutions for all actors to uphold their responsibility to protect, and will also be crucial ahead of this year’s General Assembly dialogue.

The events of the last year illustrated the **swift and unprecedented response by actors at the national, regional and international levels to protect populations from the imminent threat of crimes under the RtoP framework**. This was **evidenced in the crisis in Libya in 2011 in which debate among Member States was not about whether to act to protect civilians** from mass atrocities but *how* to best protect the Libyan population. That Member States prioritized the protection of civilians from mass crimes reflected a historic embrace of the RtoP principles agreed to at the 2005 World Summit. **Regional organizations, especially those in Africa and Europe, have played a crucial role in implementing measures to protect populations** in various situations, including the post-election crises in Kenya and Côte d’Ivoire, the threat to populations in Libya, and the political transition in Yemen. At the national level, **governments have also played a vital role in protecting populations** and resolving conflicts through implementing measures to support regional and international peace plans, institute diplomatic pressure, and bring international attention to crises. Throughout all of these processes, **civil society has and continues to remain a crucial actor**, educating on the norm and raising alarm as situations deteriorate, as well as monitoring the actions of actors at all levels and assessing past cases and best practices.

Role of Women and RtoP

The international community must also work to engender RtoP, and **address the gap in the women’s participation in prevention, protection, and rebuilding in a conflict setting**, including by increasing the number of women in leadership positions at all levels of decision-making as called for by UN Security Council Resolution 1325. Operational measures to enhance the

involvement of women in conflict mediation and peace processes, including in the negotiations and drafting of peace accords and constitutions, are integral to preventing the recurrence of violence. Peace operations can also include women in military and civilian protection capacities, including in security sector reform efforts and training initiatives in conflict settings. In seeking justice during or in the aftermath of conflict, women must be included in accountability processes such as criminal proceedings and/or truth and reconciliation commissions, and be guaranteed legal support.

Building political will to prevent and respond to protect populations

Though we can do more to improve our operational capacity to prevent and respond to threats of mass crimes, we must work to build political will to implement these measures. Recently, the governments of Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland, known as the “S 5 governments”, in an effort to move forward in negotiations on the working methods of the UN Security Council, cosponsored a resolution, entitled “Enhancing accountability, transparency and effectiveness of the Security Council”. This resolution included a recommendation **calling for the permanent members of the Security Council to consider “refraining from using a veto to block Council action aimed at preventing or ending genocide, war crimes and crimes against humanity.”** The implementation of this recommendation would help prevent and end impunity for mass atrocities and allow actors to consider country-cases in earlier stages, when non-military measures are viable.

Monitoring and the “responsibility while protecting”

Finally, it’s important to consider how actors can protect responsibly, following the authorization of measures. NGOs can assist national, regional and international actors in **analyzing the effectiveness of preventive or reactive actions taken** to protect populations. These bodies must **remain informed of the developments on the ground and aware of the progress of measures undertaken to protect populations.** The recent concept introduced by the government of Brazil in November 2011, “**responsibility while protecting**”, emphasizes the need to address these issues of monitoring and assessment to ensure the success of future action to prevent and halt mass atrocities.

Role of civil society

The International Coalition for the Responsibility to Protect, or ICRtoP, is a global network of over forty non-governmental organizations dedicated to advancing RtoP at the international, regional, sub-regional and national levels. 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. ICRtoP aims to **build partnerships among NGOs and coordinate collaboration across regions and sectors**, as well as act as a link between civil society around the world and the UN.

ICRtoP members and civil society more broadly have a crucial role in the advancement of the Responsibility to Protect and the prevention of crimes under the norm’s framework through programmatic initiatives **focused on awareness raising, education, and capacity building.** This includes **examining the broad spectrum of tools available** to protect populations, and **reflect on**

best practices from past crisis situations. Civil society works to **galvanize the political will to prevent and halt the commission of mass atrocity crimes, alerts actors to at-risk situations, and plays a critical role in monitoring the implementation** of RtoP by actors at all levels. RtoP therefore acts as a vital new tool for civil society to hold governments and the international community accountable when they are manifestly failing to respond to grave threats against humanity.

Nonetheless, civil society organizations face challenges, particularly in coordinating action across regions and sectors. Cooperation between NGOs at the international, regional, sub-regional and national levels is crucial. Civil society also often has limited access both to policymakers and threatened populations, despite their capacity to assist protection efforts on the ground.

These challenges aside, implementing RtoP in the Asia-Pacific region is not possible without support from civil society. I would be happy to answer any questions or speak with you during this conference on areas for collaboration between your work on RtoP and the ICRtoP or CICC.

