CIVIL SOCIETY PERSPECTIVES ON THE RESPONSIBILITY TO PROTECT

Final Report

April 30, 2003

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I.   EXECUTIVE SUMMARY

The release of a Report entitled the *Responsibility to Protect* by the International Commission on Intervention and State Sovereignty (ICISS) in 2001, and the inter-governmental process being developed to promote its key findings, has provided a catelyst for consideration of a critically important question: how should the international community respond to serious humanitarian crises involving the potential for large scale loss of life, such as genocide?

While civil society organizations were consulted in the development of the ICISS Report, the consultation process summarized below was among the first to bring the Report back to NGOs, academics and others to hear their views on its contents. This was also one of the first opportunities for widespread discussion of the potential involvement of civil society in promoting and operationalizing the Report. Through a variety of outreach mechanisms, the World Federalist Movement-Institute for Global Policy (WFM-IGP) has attempted to draw out the views of organizations and individuals from all regions with expertise in these areas.

As a point of departure, there was a strong emphasis among all those consulted on the critical need for the international community to become better prepared to respond to emerging conflicts involving the potential for large scale loss of life. Unfortunately, there is consensus around the inevitability of future crises of the magnitude of Rwanda, Cambodia, East Timor, Kosovo, and so many others, giving rise to a general appreciation of the ICISS Report and its role in getting these issues back on the table. The current international political climate is considered to be a strong hindrance to this agenda, yet this is not viewed as a reason to refuse to examine these critical questions.

The inter-governmental process to promote and operationalize the key concepts in the ICISS Report among sovereign nations was explained during this consultation process. It involves two key aspects. The first is operational, focusing in particular on having the Security Council refer in its work to the key aspects of the Report as well as other documents that set out the commitments of UN Member States to prevent conflict and protect civilians. The second aspect of the work emphasizes normative development, in particular the concept that sovereign nations have responsibilities as well as rights, including the 'Responsibility to Protect.' The ultimate goal is deeper engagement by the Security Council and by sovereign states in response to emerging crises that meet the threshold in the ICISS Report.

Civil society representatives consulted overwhelmingly held the view that while the development of norms is very important, this process must be allowed sufficient time to evolve. The clear response was that the codification of norms should be a long-term goal. Nevertheless, it was emphasized that the time does not appear ripe to move towards the development of principles for military intervention. There was also agreement that many commitments have already been made by governments to respond earlier and more

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appropriately to emerging crises and thus the short-term goal must be to ensure adherence to these commitments.

Throughout the consultation process, all individuals with whom WFM-IGP discussed the ICISS Report expressed general support for its contribution to this critical debate. Strong support emerged in particular for the general principles and framework of the ICISS Report. Nevertheless, important critiques and reservations were also expressed about specific points or omissions. Others focused their comments not on genuine critiques of the content of the Report, but on concerns that it is relatively easy to achieve agreement on paper about basic principles and extremely difficult to reach consensus on their application. Interestingly, participants in several meetings raised the possibility that the Responsibility to Protect could be applied to other areas as well.

The current international political climate was inevitably the focal point of much of the discussion about challenges and opportunities, particularly in light of the on-going 'war on terrorism' and the start of the war in Iraq during this consultation process. Concerns focused on the potential of the agenda of the ICISS Report to be highjacked, the complication of the question of the legitimate use of force by "coalitions of the willing", the effect of anti-terrorism measures on the ability of NGOs to fulfill their mandates, etc. Other key concerns related to civil society skepticism about the potential of all governments to put aside national self-interest to embrace this agenda, and realistic questions about the true capacity of governments and inter-governmental bodies to respond to emerging crises even where political will exists. Challenges in getting civil society's attention to these issues were also highlighted, with the most important relating to mandates preventing a call for military intervention. Nevertheless, opportunities within both the inter-governmental and civil society communities were also highlighted, with the bottom line being the imperative to find a way to address key challenges.

Several tracks of potential NGO involvement in these issues emerged from the consultation process. The first relates to the promotion of norms. This would be focused at all levels, including the United Nations and other international organizations, regional and sub-regional inter-governmental bodies, individual governments and civil society organizations. The norms would include the moral imperative for the international community to respond to an emerging situation of the type envisaged in the ICISS Report; the change in terminology from "a right of humanitarian intervention" to a "responsibility to protect"; the continuum of appropriate responses from prevention to reaction to rebuilding; the priority of preventive measures; and perhaps the need for principles for military intervention. It should be noted that the latter remains controversial among both governments and NGOs and will need to evolve slowly through appropriate consultation and consideration in both communities.

The second track would focus on creating the political will for early and appropriate responses by governments as situations emerge, and for other options, up to and including military intervention, to be considered where these measures fail. In this regard, it is important to note that there is a substantial amount of important work already being undertaken by organizations and networks that are following and impacting the work of

the United Nations and individual governments on the prevention of conflict and protection of civilians agendas. These include, among others: the NGO Security Council Working Group; the NGO Working Group on Women, Peace and Security; the Watch List on Children and Armed Conflict; Global Action to Prevent War; the Steering Committee on Humanitarian Response; Amnesty International; CARE International; Global Policy Forum; Human Rights Watch; Oxfam International, and several others. Any additional efforts on these issues would need to build on and add value to this important work.

The third and final track would involve advocating for the strengthened capacity of individual governments and inter-governmental bodies at all levels to implement the commitments they have made on this agenda.

At the same time, the consultation process resulted in the identification of some of the challenges for NGOs working to promote meaningful action in response to emerging conflict. While many organizations are highly involved in the operational side of the prevention of conflict and protection of civilians, fewer are able to engage in advocacy roles. This is limited to a great extent by lack of human and financial resources, lack of access to decision-makers, lack of knowledge of the most effective ways of influencing the agenda of governments on these issues, gaps in coordination between those working at the United Nations and those with regional and national expertise, and gaps in information, particularly for NGOs with limited UN access.

At several meetings, the possibility of creating an NGO network on these issues was raised, and this is something which requires further consideration and discussion. One possibility raised is to create an NGO Human Security Network to work in parallel with the inter-governmental network. At one of the roundtable discussions participants took the time to discuss the potential mandate, composition and role of any network that emerged. Many emphasized that civil society organizations already play many important operational roles with respect to parts of this agenda and said there is no pressing need to ensure closer cooperation on the NGO operational side. Thus the key would be to facilitate and support efforts to hold governments accountable, again bearing in mind the need to support and enhance the consideration efforts already being undertaken.