

59th Annual DPI/NGO Conference –Human Security: R2P and PBC

Relevant Highlights Recorded by R2PCS

Special Event: 59th Annual DPI/NGO Conference - Human Security: Responsibility to Protect and Peacebuilding Commission. (Conference Room 8)

7 September 2006

Conference Room 8

Roundtable # 3

One of the most significant achievements for human security in the 2005 World Summit was the affirmation of an international **responsibility to protect** populations from genocide, war crimes, ethnic cleansing and crimes against humanity. By committing themselves to the **responsibility to protect**, governments accept that they must act earlier and more effectively in response to outbreaks of crises in their own countries or wherever they occur. The **responsibility to protect** is understood as a responsibility to prevent and rebuild, as well as to react. This roundtable will provide examples of how these goals can be achieved and what role civil society organizations play in ensuring that governments and civil society understand and implement this responsibility. The recently established Peacebuilding Commission (PBC) will also be discussed.

The following summaries are relevant highlights as recorded by R2PCS.

Archived Video: <http://www.un.org/webcast/SE2006.html>

I. Moderator:

Sarah Sewall, Director, Carr Center for Human Rights Policy, John F. Kennedy School of Government, Harvard University

The focus is on the partnership between the NGOs and the member states, cooperating in the Human Security and Millennium Development Goals.

R2P is in this respect an extraordinary achievement, from its codification in the 2005 World Summit to the creation of the PBC. Most important notions put forward is the emphasis on the three goals, to **react, respond and rebuild**.

While the importance of R2P cannot be overstated, the limits and shortcomings of R2P are yet to be realized fully. For instance, in Darfur, we see strong activity from the African Union, the United Nations and the ICC, that we could never have predicted a year ago. However the conflict continues and we are at a new juncture.

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Three key inner-linked Problems to work on:

- Strengthen automaticity of **expected action** --remove the contingencies from action (sovereignty, need for consent)
- **Capacity** must be ready (mediation/ military)
- **Maturing Concept:** international community must accept risks of prevention and of response. It must accept diplomatic policies with actors it disapproves of, must accept compromises in military interventions.

Conclusion: The partnership between civil society and governments / military actors will be vital in confronting these problems.

II. Augustine Philip Mahiga, Ambassador and Permanent Representative of the United Republic of Tanzania (invited)

1. He starts with an analysis of the concept of **human security**. Its best expression lies in the Millennium Development Goals (MDGs), as a 'people-centred' approach, locating development in *people*, and in the realization of the need for accountability.

The need for human security as part of Development goals (livelihoods and prosperity) entail the need for citizens, societies, individuals, to have access to protection. Thus human security in terms of protection entails a review of situations when states fail to achieve it, when they are clearly responsible for this denial of rights. As NGOs, there is a responsibility to organize voices to bring out the shortcomings of states without fear.

2. There was a strong debate in the UN between the fundamental norm of sovereignty and the right to intervene. R2P was at first distorted, accused of infringing upon the principle of sovereignty. However, what came out of the R2P debates are clear notions of responsibilities: R2P is about collective action, in the face of genocides, war crimes, crimes against humanities, ethnic cleansing, to provide and protect Human Rights when a state is unable/ unwilling.

Conclusion:

- He invites NGO to be partners with states, monitoring and at the same time criticizing them.
- The PBC needs to be a component in the centre of the concept of R2P and enhancing human security.

III. Carolyn McAskie, Assistant-Secretary-General for Peacebuilding Support, Peacebuilding Commission, United Nations

She starts by underlying the importance of Tanzania in its experience with conflicts and goes on to explain the evolution of the **R2P norm**. It stems out of a debate that originated in discussions about **humanitarian assistance**, to then evolve to the **protection of civilians**, and finally about the **responsibility to protect**.

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R2P, as shown in the report of the ICISS, reflects these debates by stressing that it is not a doctrine about interventions, but about **responsibilities**. It gives a higher authority to intervening states, and moves away from the idea of invasion. It is the idea that rights also entail obligations.

The overall concept describes R2P as the role of the international community in Prevention, Reaction and Rebuilding.

Role of the PBC:

The role of the PBC is as follows:

- It can add most value in the ladder concept (prevent/react/rebuild) in its collaboration with governments and civil society.
- It reaffirms the state as the main authority in peacebuilding
- It helps national authority address peacebuilding challenges and responsibilities.
- When we know that there is 50% chance of falling back into conflict, the PBC is a way to bring resources to the problems as well as a strategic approach.

PBC as R2P:

The PBC is part of R2P. It must develop critical tools to bring to states coming out of conflicts. It must also understand the root causes of the case-specific abuses. It must thus put in place a practical approach to enforce international standards expressed in the R2P norm. She refers to her experience in Burundi.

Role of Civil Society in the PBC:

The relationship between governments and Civil Society is still controversial in eyes of the states ('feeding the hand that bites you'). The PBC resolution encourages **building partnerships** with civil society, but does not specify how to do so. Thus there is a need for innovation in how these partnerships are going to work, as well as a necessity to convince governments to build greater links on the ground with civil society as part of Rebuilding.

Civil Societies can and must:

- be seen as positive, more integrated in the consultative process
- ensure local ownership
- mobilize wider communication
- assist with reconciliation
- help governments develop as new democracies, accountable not only during elections.
- build confidence levels of government in dealing with them.

Most fundamentally, how can a country rebuild and achieve reconciliation if all actors are not involved?

Conclusion:

The issue is not just *how* to deal with Civil Society groups, but how we are going to ensure that all aspect of information and resources, and all actors are involved for inclusive and sustainable results.

IV. Juan Mendez, Special Adviser to the Secretary-General on the Prevention of Genocide

The concept of Genocide was first brought out in the 1948 Geneva Convention, and since 1951 it has been codified as an imperative and binding norm. Thus this term has been institutionalized for more than 50 years. The R2P norm is a significant source of legitimacy, beyond the definition debated of the term 'genocide'.

The importance of R2P:

- Mainly, it puts responsibility on the states, stating that the international community is responsible to assist a state unable to protect its population, and intervene when a state is clearly unwilling.
- It is an incredible source of legitimacy to protect, whichever means are chosen to react.
- It is signed by all member-states.
- It is a soft international law but an important regulation on the **normative** level.
- However, it is far from being institutionalized in a concrete form.

Juan Mendez described his initiative and his appeal to the Security Council to thinking ahead of a crisis at which political options exist to operationalize in practice the R2P doctrine.

He was thus appointed on the basis of resolution 1366, on a specific mandate, calling upon the Security Council for ways of dealing with situations of crisis that could lead to genocides.

His mandate is:

1. To collect information on the violations on a certain ethnic, racial, or religious group.
2. To create mechanism for early-warning
3. To recommend on what early action can be taken
4. Be a liaison between the UN capacity and information available.

1. His role as **Special Advisor to the Secretary-General on the Prevention of Genocides** entails:

- Verifying facts. Collaborate to ensure reports that have a solid political analysis, and an understanding of the context and history to the conflict.
- A Preventive role. There is no need to wait for all elements of genocide to be in place to analyze and report a crisis.
- Using a practical approach. Warning the Security Council means coming up with concrete and reasonable solutions on what can be done.

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2. Early Warning

Timing the report of a crisis is important: early warning is important for success, but one will get no attention by reporting too early. Seeing how his work will be limited to specific situations short of long-term follow up, Mr. Mendez mentions his wish to establish a division of labour with other NGOs on the issue of early warning, i.e. the Committee on Elimination of Racial Discrimination, which would cover a longer time-period for monitoring and assisting.

Criteria for Early Warning:

Look for a population at risk, with identifiable traits such as race, ethnicity, nationality or religion), with serious human rights violations, either imminent or having taken place.

Look for **precipitating or mitigating factors** that are context relevant, such as:

- Elections
- Past history of conflict
- Unaccountable government without a relevant fora in the judiciary
- Hate speech proliferation
- Presence of militias

Mr. Mendez sees a potential for his role as a focal point for information, but this needs to first become automatic within the institutions.

3.Criteria for Early Action:

1. **Physical Protection** for victims and potential victims.
 - Prepare potential deployment if there is consent from the state in question
 - Be ready to act in the absence of consent if necessary, avoid empty threats.
2. **Provide Humanitarian Relief**
 - Provide source of protection from presence as witness.
3. **Accountability**
 - To avoid a renewal of conflict and ensure real reconciliation.
4. **Peacemaking**
 - Work to make sure underlying sources of conflict are dealt with.

Conclusion:

Mr. Mendez is still unsure about the exact relationship between his role and the PBC, but looks forward to such collaboration. It will not be instant collaboration, but a partnership that will be built.

V. Eugenie Mukeshimana, Rwanda Genocide Survivor

Mrs. Mukeshimana is a survivor of the Rwanda genocide, and adds to the previous theoretical perspective her touching experience and a pragmatic vision to this issue. She underlies the fact that genocides don't randomly take place, but consist of long planning and information gathering.

She reaffirms the crucial warning signs in the precipitating factors mentioned above, and the importance of a gradual approach, from prevention, to reaction and rebuilding. R2P is vital to ensure legitimization of intervention measures. In addition, R2P work must ensure proper post-conflict analysis, for reconciliation is so important in preventing renewed conflicts. Empowering the victims is vital.

Concerning the current debates on Darfur, she expresses sadness at seeing how we still must beg for money and attention. Lessons from Rwanda must be remembered and integrated to progress in these areas. Most importantly, we must understand the underlying causes behind conflicts, and what exactly we have the possibility to do.

VI. Edward Jombla, National Network Coordinator, Network on Collaborative Peacebuilding, Sierra Leone

Edward Jombla spoke about his experience with networks in Sierra Leone, and gave an analysis of the human security situation there. He stressed a need to ensure that the international community follows through with its international engagement to prevent conflicts. Also, the international community must assure the development of populations and ameliorate civil responsibilities and reduction of poverty. According to him, R2P is an issue for governments, civil societies and the international community, each with different overlapping roles. He added that civil societies embrace the ideas of the PBC, and assure that they will be reliable partners its processes.

For more on the cooperation between the United Nations and regional organizations in maintaining international peace and security, and references to the role of the PBC, please follow the link below for the Presidential Statement of the Security Council on the issue:

<http://www.un.org/Depts/dhl/resguide/scact2006.htm> (20 September 2006)
