In this issue:
[Crisis in Burma, Crisis in Darfur]

Two weeks ago, R2P CS put out a statement following Bernard Kouchner's application of the Responsibility to Protect in Burma. Since then there has been considerable debate over the issue at the UN and within civil society. Founders and proponents of the concept (including Gareth Evans, Ramesh Thakur, Lloyd Axworth and Special Adviser Edward Luck) have issued differing messages on whether the situation is a case for R2P, reflecting the intensity of the debate.

The main argument we have heard since last week is that the regime's continued failure to provide adequate protection for its civilian populations (by obstructing aid, holding a referendum instead of providing aid, stealing/funneling aid to help only the regime) either 1) rise to the level of crimes against humanity or 2) could lead to mass loss of life which could rise to the level of crimes against humanity. As you know, under Paragraphs 138 and 139 of the World Summit Outcome Document from 2005, governments and world leaders agreed that they have a responsibility to protect civilians from genocide, war crimes, crimes against humanity, and ethnic cleansing. If it can be shown that the government of Burma's actions are or will lead to crimes against humanity, the international community therefore will bear the responsibility to prevent these crimes against humanity from occurring, first through peaceful means (diplomatic, economic, political) and through the use of force only as a last resort.

This line of argumentation has led to a variety of responses:

1. Some advocates are using the Responsibility to Protect to call for the UN Security Council to forcefully intervene to protect the people of Burma. Some calls are for "food drops" and others are for full forced military invasion. While the R2P CS program has not put out a new statement based on the "crimes against humanity" argument, we are strongly opposed to invoking R2P to elicit UN forced intervention in Burma. We do not think that intervention will lead to improving the humanitarian situation inside (see previous statement).

2. Other advocates argue that if the Responsibility to Protect does apply (given the crimes against humanity argument) that we should highlight the variety of appropriate non-military responses that the principle calls for and ensure that Kouchner's equation of
R2P as forceful intervention does not hold ground. In addition, advocates should highlight that R2P is not just about Security Council action, but about other actors (including regional and sub-regional organization) as well. This is a position that our project supports, and we welcome ideas especially from those actors on the ground or in the region on specific measures—and from different actors—that would fit within the R2P toolbox.

The debate surrounding intervention in Burma highlights several outstanding questions about the application and operationalization of R2P:

First, who makes the determination that what is currently happening (or what will happen) amount to crimes against humanity? Is it a legal determination or is this something that advocates can weigh in on?

Second, given the strong opposition to R2P at the UN and in particular in the Non-Aligned Movement, could it still be useful to promote the responsibility to protect by highlighting the non-military measures that the principle calls for? What are these measures?

Previous R2PCS statement on Burma disaster and R2P: [http://www.responsibilitytoprotect.org/index.php?module=uploads&func=download&fileId=535]

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1. WHY DARFUR INTERVENTION IS A MISTAKE

I. Crisis in Burma: Editorials and Op-Eds

1. More Shame on the Junta
The New York Times
21 May 2008

There is no end to the criminal behavior of Myanmar’s generals. Nearly three weeks after Cyclone Nargis killed more than 100,000 people, the junta’s refusal to open the country to international help is condemning many more thousands to malnutrition, disease and, unless something is done quickly, death.

The generals have now grudgingly agreed to allow their Asian neighbors to oversee distribution of foreign relief and granted the United Nations World Food Program permission to fly nine helicopters. Given the horrifying size and complexity of the disaster, that’s not nearly enough.

Most international disaster specialists are still banned from the storm-devastated area. So, largely, are the United States and France, which have ships loaded with heavy-lift helicopters, food, water, medicine, field hospitals and other supplies waiting in nearby waters.

The generals are similarly determined to subvert a donors conference set for this weekend in Yangon. State-run media claimed that the government has already met victims' immediate needs and would now be moving into the reconstruction phase. Diplomats who attend the conference must make clear that until the junta opens up the country to a full relief effort, there will be no reconstruction help and even after that, any rebuilding projects must be controlled by international organizations not the corrupt regime.

The international community has been walking a fine line, trying to cajole the generals, who only care about staying in power, into cooperating. That hasn't worked, and more lives are lost every day. If the junta does not quickly open up its ports and airports, the United States and France must begin airdropping aid to victims. No one wants a confrontation, but the world cannot sit by while tens of thousands more people die.

We hope that the United Nations secretary general, Ban Ki-moon, delivers that tough message when he visits Myanmar this week. That is assuming the junta’s leader, Senior Gen. Than Shwe, agrees to meet with him. So far, he has refused to accept Mr. Ban’s telephone calls.

Source:
http://www.nytimes.com/2008/05/21/opinion/21wed3.html?

2. Burma's Next Wave of Dying
The Boston Globe
Chris Beyrer and Jared Genser
May 21, 2008

The United Nations estimates that more than 100,000 people may have been killed in the devastating cyclone in Burma and that some 220,000 are reported missing. But approaching three weeks after the storm, some 75 percent of the 3 million or more severely affected have yet to receive any food, water, shelter, medication for the sick, or means of escape from flooded regions. The Burmese junta has denied access for the delivery of humanitarian aid to all but a handful of outsiders.

The next wave of dying is already underway, from thirst, starvation, untreated injuries, and infectious diseases. Major health threats for survivors include water-borne diseases such as typhoid, dysentery, cholera, and e. coli; food-borne diseases from eating poor or rotten food, compounded by the lack of cooking fuel and equipment; and the mosquito-borne diseases malaria and dengue fever, now compounded by the huge numbers of people sleeping outside and surrounded by water.

The international community is at a crucial moment of choice: Should the sovereignty of a regime bent on self-preservation trump the lives of those hundreds of thousands of civilians who are in serious peril because of its life-threatening actions?

Under the new doctrine of the "responsibility to protect," unanimously adopted by the General Assembly and Security Council, inherent in each state's sovereignty is a corresponding duty to protect one's own citizens from the most serious of human-rights abuses, including crimes against humanity. If a state is either unwilling or unable to protect its own citizens, the international community has an obligation to step in.

By its policy choices, the Burmese junta is magnifying the extent of the tragedy in a manner that is designed to sacrifice its own people on the altar of its very survival. Such conduct presents a prima facie case of crimes against humanity, under the category of so-called "other inhumane acts" intentionally causing great suffering or death. So far, Burma's allies on the Security Council, including China, Russia, and South Africa, have protected the junta from a robust international response.

UN Secretary General Ban Ki-moon travels to Burma tomorrow to press the regime for greater access. Nevertheless, he has yet to receive any response from General Than Shwe to his calls and letters. ASEAN foreign ministers met Monday and issued a statement claiming that Burma agreed to allow swift access. But the international community should not be fooled by symbolic gestures from the junta such as approving nine helicopters from the World Food Program to fly in relief or granting visas to dozens of aid workers from surrounding countries. Progress is being made at a snail's pace in comparison to the massive need. What is required now is both a massive inflow of supplies and the expert aid workers needed to deliver relief on the scale this storm demands.

While these political discussions drag on and millions suffer, the junta is using the tragedy to its every advantage. ASEAN is now hosting what the Burmese have described as a "reconstruction" conference in Rangoon on Sunday. Yet how can one talk about reconstruction...
before the most basic needs of the people have yet to be met? And holding this conference on the same day that the house arrest of pro-democracy leader Aung San Suu Kyi must be extended will no doubt be spun in junta propaganda as expressions of international approval for their policies.

If Ban and ASEAN cannot persuade the junta to yield in swift and meaningful ways then the United States, United Kingdom, and France need to press for a multilateral intervention supporting countries such as Indonesia, Malaysia, and Singapore in delivering massive quantities of aid, which Burma has purportedly agreed to allow. Such an Asian intervention should be less threatening than a Western one. But an intervention with or without the support of the junta is desperately needed.

While the Burmese junta has no qualms about sacrificing its own people, to stand idly by as thousands suffer and die would leave all of us with blood on our hands.

Chris Beyrer, a medical epidemiologist, directs the Center for Public Health and Human Rights at Johns Hopkins University. Jared Genser is president of Freedom Now and attorney for Burmese pro-democracy leader Aung San Suu Kyi, who remains under house arrest in Burma.

Source:  
http://www.boston.com/bostonglobe/editorial_opinion/oped/articles/2008/05/21/burmas_next_wave_of_dying/

3. To Protect Sovereignty, or to Protect Lives?
The Economist
15 May 2008

(...) The UN Charter of 1945 (...) upholds the Westphalia principles, by stating in article 2(7), that "nothing should authorise intervention in matters essentially within the domestic jurisdiction of any state." But Chapter VII does entitle the Security Council to take action in cases of a "threat to the peace, breach of the peace or act of aggression".

Tension between those two principles—sovereignty versus intervention—has been palpable for decades. Some countries stress the enforcement powers laid down by Chapter VII. Others (mostly in the poor world) insist that state sovereignty always trumps, even in humanitarian emergencies.

(...) Canada (...) set up an International Commission on Intervention and State Sovereignty, under the chairmanship of Gareth Evans, a former Australian foreign minister, and Mohamed Sahnoun, a former Algerian diplomat. In their report, published in 2001, it was they who first suggested changing the discretionary "right to intervene" into a more muscular "responsibility to protect", or R2P, as it is known in diplomatic jargon. Under it, the "international community" (in effect the UN) would be placed under an actual obligation to take, if necessary, coercive action to protect people at risk of grave harm, in accordance with clear criteria.
Taken up by a High-Level Panel on UN reform in 2004 and adopted by Kofi Annan, then UN secretary-general, the principle survived the haggling in the run-up to the 2005 World Summit to squeeze its way into the final "Outcome Document", though short of criteria. But it was never intended to cope with the aftermath of natural disasters or even "ordinary" human-rights violations. It was to be invoked only for genocide, war crimes, ethnic cleansing or crimes against humanity.

From the start, the idea was viewed by the developing world as a trick by the West to impose its values. Cuba, Egypt, Russia, Algeria and Myanmar have been vocal opponents. They have been leading a determined effort to obstruct the formal appointment of Edward Luck, a professor at Columbia University, as a special UN adviser on the issue. He still has no salary, no real title and no UN office.

Others, this time in the West, are asking whether responsibility to protect will ever be more than an empty slogan. When it came to it, who would be willing to intervene? How could such action ever get past all five of the Security Council's veto-wielding powers? Besides, as a senior UN official laments, the Iraq fiasco has "poisoned this well". It showed that an armed intervention, even if its declared aims are benign, can set off a whole chain of terrible consequences.

(...) It is not only about military intervention, they add, but also prevention: spotting situations that could result in mass atrocities. Political, diplomatic, legal and economic measures should be tried before any resort to arms. Not every conflict, potential conflict, or gross abuse of rights should prompt application of the rule in the worst cases. And even when all non-military means have failed, armed intervention may still not be the right answer. The consequences must be weighed to ensure that it will not do more harm than good to the people it seeks to protect.

Responsibility to protect is not yet dead, but it is fragile. Supporters point to the power-sharing deal that stopped Kenya's civil war in February as the concept's first success. The fact that the UN, in principle, retains the right to impose its will by force may have made it easier for the world body to broker a settlement.

Perhaps. But the idea will need some clearer successes than that if it is going to survive. And Myanmar, apparently, is not going to be one of them.

Full article is available at:
http://www.economist.com/world/international/displaystory.cfm?story_id=11376531

4. International Community Has a Responsibility to Protect Myanmar
Edmonton Journal
Lloyd Axworthy
13 May 2008

Once again, the world is faced with the serious question of how far the international community should go in challenging the right of national sovereignty when a government denies its most
basic responsibility to protect citizens faced with mass suffering and loss of life during a humanitarian catastrophe.

There has been a long litany of tragic cases where violence and killing have been directed against innocent people whose governments have stood by or were themselves the perpetrators. Think of the killing fields of Rwanda, the Balkans, Uganda, the Democratic Republic of the Congo and Darfur. And now, another example of a national government committing a major travesty of justice, but with a different twist.

The cyclone that has recently ravaged Burma (Myanmar), resulting in the deaths of tens of thousands of people, has rightfully prompted widespread global calls to relieve the plight of the survivors and for immediate international action to forestall the threat of further agony and death due to the spread of disease and starvation.

Yet the governing dictatorship in Burma is bizarrely thwarting the kind of comprehensive humanitarian assistance needed to give relief and hope to its own people.

In response to this appalling performance of Burma's military junta in impeding the timely arrival and distribution of life-saving aid, French Foreign Minister Bernard Kouchner rightly called on the UN Security Council to use the principle of \textit{"responsibility to protect"} (R2P) as the basis for a resolution to expedite relief efforts. Under this principle, when a national government refuses to protect its own people, the international community, under the auspices of the Security Council, must assume this role.

It is a principle that has been written into the basic framework of international standards. At the 2005 UN World Summit, world leaders declared that governments can no longer hide behind the narrow precepts of national sovereignty in the face of catastrophic human tragedy. This endorsement of R2P in a global declaration was groundbreaking because it recognized for the first time that there are limits to the UN Charter's prohibition of international interference in the "domestic jurisdiction" of a member state.

The R2P concept was given life in 2000 when Canada established the International Commission on Intervention and State Sovereignty. The commission's mandate evolved from the concept of human security, a touchstone of Canadian foreign policy in the 1990s that put the protection of people at the top of the global agenda. Human security became the focus for Canadian diplomacy during our tenure in the Security Council in 2000-01, and we took a leading role in having R2P enacted as a basic United Nations reform.

While much of our efforts centred on the threat to innocent people because of war, there was no doubt in our minds that human security applies to natural disasters and pandemics just as much as it does to civil conflict and state-sanctioned violence.

R2P became a way of building a bridge between the sovereign state and the international community in meeting shared global human security threats. These threats, which transcend national boundaries, are proving difficult and intractable to address at present.
Some critics have expressed strong reservations about applying this important international standard in the present situation in Burma. They fear that it would result in military intervention or that it could raise the spectre of some form of new colonialism. They fail to understand that under R2P, military intervention is considered to be an absolute last resort. The R2P tool box contains a wide range of diplomatic, political and economic measures to pressure governments and to build their own capacity to fully exercise their responsibility to protect the people within their borders.

Surely, the fundamental message of R2P is that there is no moral difference between an innocent person being killed by machete or AK-47 and starving to death or dying in a cholera epidemic that could have been avoided by proper international response.

Burma is in need of more than just statements of indignation and lament from the international community over the scope and injustice of this tragedy. Governments such as Canada’s, which previously championed the R2P agenda, must add their voices to the diplomatic effort to advance the concept and to provide urgently needed humanitarian relief for the cyclone victims.

There is a strong likelihood that using R2P as a call to action will put the onus on many countries -- including key members of the Security Council such as China and Russia -- to mobilize and focus the necessary political and economic pressures on the Burmese government to change its stance. It also can give the signal to humanitarian aid groups and governments alike to find creative ways of working together to alleviate the suffering by means such as military drops and the establishment of security zones for those displaced by the tragedy.

The failure of the international community to take effective action in places like Darfur and the Congo reminds us that the R2P concept is in need of those who will support and advance it. The application of R2P to the situation in Burma would be a strong demonstration, especially to Asian countries, of the importance and viability of this international norm.

As the British historian Sir Martin Gilbert has said:

"Since the Peace of Westphalia in 1648, non-interference in the internal policies even of the most repressive governments was the golden rule of international diplomacy. The Canadian-sponsored concept of 'responsibility to protect' proposed the most significant adjustment to national sovereignty in 360 years. It declared that for a country's sovereignty to be respected, it must demonstrate responsibility toward its own citizens."

Lloyd Axworthy is president of the University of Winnipeg. He was Canada's foreign affairs minister from 1996 to 2000.

Source:
The military junta in Burma is failing the most basic responsibility of any government - to take care of its citizens. (…)

(…) If not the national government, who can protect the people? The question has long been raised in the context of genocide and large-scale crimes against humanity, and three years ago all the members of the UN provided a solemn answer: the international community. The members agreed that governments have a responsibility to protect their people, and the international community had to assume that responsibility if a government cannot or will not do so.

(…) The United States and Britain should join with the French government and introduce a resolution in the UN Security Council demanding that the Burmese government accept the offers of international relief supplies and personnel, let them to enter the country immediately and without interference, and allow the UN to take charge of the humanitarian mission. To make the case, Washington should show detailed imagery of the suffering and the extent of devastation in Burma (as it did so effectively in the cases of Bosnia and Darfur to shock a disbelieving United Nations).

The resolution should hold open the possibility of additional measures - including air drops of relief supplies - if the government did not comply at once. And the Security Council could commit to return to the matter in 24 hours, assess Burma's response, and consider additional actions.

Skeptics will doubtless say, why bother? China - Burma's closest patron - and perhaps Russia will block any such efforts. But there are good reasons to believe that China will want to avoid the opprobrium that would inevitably follow obstructionism in New York. Having just overcome the widespread condemnation of its actions in Tibet and the embarrassing arms shipments to Zimbabwe, Beijing cannot afford another global public relations crisis that might, this time, convince countries to pull out of the Beijing Olympics. On the contrary, by taking the high road at the highest body of the UN and being seen to use its influence in Rangoon, China would help restore its tattered image.

More important, China would help the people of Burma.

The desperate situation calls out for urgent action. If in this case, when millions of people have been felled by Mother Nature and are let down by their own government, the responsibility to protect principle cannot be invoked, then there is no case where it can. We are at a pressing moment. If the international community fumbles this, it will not only confirm the hollowness of its commitment to the principle, but accelerate the increasing irrelevance of the United Nations.
II. Crisis in Burma: R2P in the News

1. Can a Helping Hand Be a Fist?
Congressional Quarterly Weekly
Karoun Demirjian, CQ Staff
17 May 2008

() That's why a growing segment of the international aid community is urging Western powers -- especially the United States -- to use more robust measures to send aid and the workers to administer it into Myanmar. They cite a rarely tested U.N. doctrine called "the responsibility to protect," which lays out the case for collective intervention, even by force, under the U.N. Charter when states fail to secure the basic rights of their own citizens. Myanmar is a textbook case to apply the responsibility to protect, these advocates argue -- and the time to do it is now.

How to Protect?

The responsibility-to-protect doctrine has existed for a relatively short time. At the 2005 U.N.-sponsored World Summit in New York, 150 heads of state endorsed the doctrine, which spelled out four human rights violations that would justify internationally backed trespasses against traditional sovereignty, up to and including the use of force: genocide, war crimes, ethnic cleansing and crimes against humanity. Advocates of intervention in Myanmar argue that the junta's conduct is a crime against humanity. "The deliberate refusal to provide aid to hundreds of thousands of people is a criminal act," said Anne-Marie Slaughter, dean of the Woodrow Wilson School of Public and International Affairs at Princeton University.

But others look askance at such proposed expansions of the doctrine's reach. "If read explicitly, the responsibility-to-protect doctrine would have individual nations transferring decision-making over whether or not to intervene over to the international community," said Steven Groves, a fellow at the Heritage Foundation. "Eventually, ideas that were once options would become binding obligations."

While American diplomats do support the concept of a free-standing global responsibility to protect, they insist the U.N. Security Council should determine when it applies, on a case-by-case basis. The United States occupies a politically sensitive position in the debate. Even though the responsibility to protect
wasn't yet in force during the 2002 invasion of Afghanistan or the 2003 invasion of Iraq, U.S. officials frequently have cited humanitarian rationales for those violations of state sovereignty.

Indeed, the humanitarian case for the overthrow of Saddam Hussein became the controlling argument once no weapons of mass destruction were found in U.S.-occupied Iraq. Critics of the doctrine say the precedent the United States set raises questions about whether aggressor nations could use the doctrine as a sort of high-minded fig leaf to shield unsavory geopolitical designs.

"A lot of countries believe this is regime change under another name," said Don Steinberg, deputy president for the International Crisis Group, a non-governmental organization. "Many countries in the developing world, despite having signed on to the concept, believe it will only be used against small countries that cannot resist international intervention."

Meanwhile, the U.N. Security Council -- the body charged with approving the doctrine's application -- has chafed at bringing it to bear on Myanmar. Last week, when French Foreign Minister Bernard Kouchner -- co-founder of the international health aid group Medecins Sans Frontieres -- called on the Security Council to support a draft plan to use the doctrine to speed aid to Myanmar, a familiar cohort of countries -- China, Indonesia, Libya, Vietnam and South Africa -- blocked it, according to a senior French diplomat.

Possible Inroads

Would-be donors of Western aid are meanwhile lobbying the Association of Southeast Asian Nations, or ASEAN, to make inroads with Myanmar, a member state. ASEAN states will gather at a U.N.-sponsored emergency meeting this week to discuss what else might be done to force the junta's hand. Even if outside states somehow secure unobstructed aid deliveries in Myanmar, they will still face major logistical challenges.

"The question is: Can you put the person on the ground with the expertise to provide inoculation against diseases and build shelters?" said Edward Luck, special adviser to U.N. Secretary-General Ban Ki-moon. Luck says he welcomes robust debate on the doctrine and its proper application -- but that it won't supply what all outside parties most urgently want: safe passage for aid workers. "You can't do that from the air, and you can't do that at the point of a gun" without jeopardizing lives and the entire aid operation, he said.

"Put yourself in the Pentagon's shoes. . . The Burmese cyclone poses no threat to the United States whatsoever; it's a pure humanitarian operation," said Joel Charny, vice president for policy at Refugees International. "But by doing it without the permission of the Burmese government, you're potentially turning it into a security problem."

The finer points of aid delivery also pose obstacles that didn't exist in Kosovo or Somalia, the two nations where humanitarian intervention formed the basis for the doctrine's approval.

There's no sure way to secure the safety of aid workers from Myanmar's military once they've made it into the country, some critics note. Nor will the crisis subside with simple air drops of
food and medical supplies, as more laissez faire-minded advocates have suggested. Indeed, a central challenge in aid delivery is keeping supplies out of the hands of Burmese government officials to the greatest extent possible, since they've already been implicated in some thefts of supplies, according to the international advocacy group Human Rights Watch. ()

Even those urging a robust U.N. intervention in Myanmar caution that responsibility to protect should not entail military action. "You have to weigh the balance of consequences in terms of the people you are aiming to protect," Slaughter said. "I can't imagine at this point a military invasion that would actually make the situation better." In lieu of such measures, she and others argue that the doctrine should focus on coercive diplomacy, such as targeted sanctions, international court proceedings or the threat of eviction from ASEAN.

But others argue that the semantic debate is only complicating the problem. "The whole discussion is a dead end," said Charny. "The debate isn't changed by having 'responsibility to protect' in the world summit document. The question is still: What's the most responsible way that we can respond to the Burma emergency to get aid to the Burmese people?"

Source: http://www.cqpolitics.com/wmspage.cfm?docID=weeklyreport-000002877956

2. U.N. Struggles over How to Help Nations That Reject Aid
Los Angeles Times
Maggie Farley
14 May 2008

Myanmar's cyclone and China's earthquake highlight a question that the U.N. often struggles with: what to do when a country's people need outside help but the government rejects it.

() France's foreign minister, Bernard Kouchner, last week called Myanmar's tepid response to outside assistance a crime against humanity and demanded that food be airdropped, even without permission, to fulfill "the responsibility to protect." That proposal was rejected by the U.N. as both impolitic and impractical.

(...) "It is certainly not a classic case," said Edward Luck, the U.N.'s special advisor on the responsibility to protect. "While lawyers can argue whether neglecting hundreds of thousands of people is a crime against humanity, the member states by and large are very uncomfortable applying it to this situation."

The U.N. already faces examples of governments' neglect of their people and obstruction of outside help in places with food shortages or ongoing violence such as Darfur, Zimbabwe and North Korea. Humanitarian workers operate under strict limitations on how long they can stay, where they can travel and what they can publicly say.
"What you've got to do is keep pressuring the regime, and have neighboring countries do it too," Luck said. "In Myanmar, they've been opening up inch by inch, though we wish it would be mile by mile."

"If Myanmar's authorities and foreign agencies start cooperating," said a former U.N. official familiar with Myanmar who did not want to be named, "it could be a turning point for both sides: for the government in terms of accepting and learning to work with the international aid community, and for some Western governments in accepting that sometimes you have to work with this regime if you really want to help." (…)

For full article, please refer to:
http://www.latimes.com/news/nationworld/world/la-fg-aid14-2008may14,0,7666710.story

III. Civil Society Statements on the Crisis in Burma

1. Solidarity for Asian People's Advocacies (SAPA) Call for Immediate Action in Burma
16 May 2008


ASEAN ACTIONS MUST REFLECT URGENCY OF SITUATION IN BURMA
CALL FOR IMMEDIATE ACTION TO ENSURE CYCLONE NARGIS SURVIVORS GET AID

The members of SAPA demand that ASEAN immediately take a pro-active stand to ensure that the Burmese authorities stop blocking delivery of urgently needed international aid - both supplies and expertise - to the 2.5 million survivors of Cyclone Nargis who are hanging onto life by a thread. Otherwise, ASEAN risks being seen as callous, irrelevant and hypocritical.

It is time that our regional grouping proves that it is indeed ne ASEAN at the Heart of Dynamic Asia in addressing the biggest humanitarian disaster to hit the region since the Aceh tsunami. Failure to do so will undermine the credibility ASEAN worked so hard to build at its 40th anniversary.

ASEAN must play a facilitation role between the Burmese generals and international agencies to launch a sustained effort for immediate relief work as well as long-term rehabilitation and reconstruction.

ASEAN leaders must also immediately move to persuade China, India and Russia to exert their influence on the military junta to ensure that international aid and international aid workers and experts be allowed into Burma immediately. Aid must be provided unconditionally to all areas of Burma.
ASEAN members, Indonesia and Vietnam, should use their position at the UN Security Council to advocate for stronger support of UN initiatives to help the people of Burma.

The consequences of more aid delays will hurt the entire region. Failure to deliver immediate relief and long-term assistance to rebuild the economic capacity of the affected areas, long considered the rice-bowl of Burma, would intensify internal stability which in turn, would have serious regional repercussions. ASEAN is already bearing the cost of Burma's human security problems, problems that may increase exponentially if the survivors of Cyclone Nargis are abandoned to their living nightmare.

ASEAN countries together experienced the horror of the 2004 tsunami, and its aftermath. Together they rebuilt, repeating the mantra "never again". The tsunami response recognized that ASEAN's "non-interference" policy is irrelevant in the face of natural disasters. ASEAN must prove that it is capable of putting effective pressure on the generals to make way for a regional response.

So far ASEAN has established a humanitarian fund, and has appealed to the junta for quick admission of ASEAN relief and rescue teams. It needs to do much more. In the aftermath of the 2004 tsunami, large-scale, uninterrupted international and ASEAN-led assistance helped to alleviate the hardships of the victims and speed up the recovery.

ASEAN has a responsibility to protect all the peoples of ASEAN. Its responsibility now is to act to protect the most vulnerable, not the generals who have created the conditions for this disaster.

Source:
http://www.focusweb.org/philippines/content/view/135/

2. Asia-Pacific Centre on the Responsibility to Protect: Crisis in Myanmar/Burma Requires Urgent Response, but Responsibility to Protect not Appropriate

16 May 2008

In a major new Briefing Report, the Asia-Pacific Centre for the Responsibility to Protect, one of four regional associates of the Global Centre for the Responsibility to Protect in New York, argues that whilst moral outrage is an appropriate response to the tragically ineffective manner in which the authorities in Myanmar/Burma have addressed the humanitarian crisis in the wake of Cyclone Nargis, co-opting the Responsibility to Protect to justify a coercive aid disbursement, is not.

Frustrated that the Burmese generals delayed and blocked much needed humanitarian assistance to its suffering population, French Foreign Minister Bernard Kouchner proposed on 7 May that the UN Security Council invoke the Responsibility to Protect in order to deliver emergency aid without the consent of the Myanmar/Burma government.
But the Centre concludes that the Responsibility to Protect does not apply at this stage because the principle does not mean protecting people from all imaginable threats. At the 2005 World Summit, when United Nations member states agreed that there is a Responsibility to Protect, they limited its scope to case of genocide, war crimes, ethnic cleansing and crimes against humanity.

In international law, crimes against humanity are defined as widespread or systematic attacks directed against civilians. Although the government's response has been deplorable, there is no indication at present that it has committed such violations.

The Centre argues that invoking the Responsibility to Protect in relation to Cyclone Nargis is impractical and counter-productive. Without the cooperation of the government and regional neighbours, aid agencies and UN are unlikely to be able to deliver sufficient aid rapidly enough to stem the humanitarian.

Instead, the Centre proposes four courses of action. First, the most effective strategy to date for governments and aid agencies alike has been bilateral negotiations with the government of Myanmar/Burma. All interested governments should focus on assisting those efforts. Second, ASEAN is well-placed to coordinate multilateral efforts alongside the UN. Concerned governments should support ASEAN.s disaster relief teams and the proposed UN-ASEAN partnerships to coordinate humanitarian relief, raise funds and ease logistical supplies. Third, India and China have important roles to play as the major powers in the region. Governments and donors can work more effectively if they cooperate and coordinate with India and China. Finally, there are alternative pathways at the UN, and both China and ASEAN members have indicated a willingness to pursue these alternatives.

Time is running out for the survivors in the Irrawaddy Delta region. Rather than grandstanding by inappropriately invoking new international principles, concerned governments and commentators should focus on those measures most likely to provide pathways for the effective and timely delivery of life-saving aid.

The Asia-Pacific Centre for the Responsibility to Protect also released a briefing on the application of the Responsibility to Protect to Burma in light of the humanitarian crisis following Cyclone Nargis. As stated in the report, “The Asia-Pacific Centre for the Responsibility to Protect shares the view of the Special Adviser to the UN Secretary General [Edward Luck] that [R2P does not apply to Burma/Myanmar], because placing restrictions on the delivery of aid does not constitute a prima facie breach of one of the four crimes that the Responsibility to Protect applies to: genocide, war crimes, crimes against humanity and ethnic cleansing.”
IV. Crisis in Darfur

1. Why Darfur Intervention Is a Mistake?

BBC
Alex de Waal
21 May 2008

Darfur is a war - a horrible war, but first and foremost, it is a war. Ninety percent of the deaths occurred four to five years ago and the government and its militia proxies were the main culprits. Today many fewer are being killed and it is hard to make a moral distinction between the sides. The rebels started the recent offensives - notably the attack on the capital, Khartoum - some Arabs have switched sides, and Chadians have plunged in on both sides. The UN peacekeepers are too few and too poorly equipped to make a difference. "Send them helicopters!" we are told. But helicopters will not stop this war.

Each month 100 civilians are killed by one side or another and there will probably be more when the army tries to clear rebel strongholds after the attempted putsch. UN patrols around the displaced camps could stop many of these killings and monitors following army operations can deter others. I am all for this.

But let us not pretend that they would stop the war. Like emergency food rations, this sort of protection is a stop-gap measure that saves lives until a political solution can be found.

The one thing that has really worked in Darfur is emergency relief. It has kept millions alive. Humanitarian aid in wartime is an exercise in making a disaster just about tolerable. Relief is now so proficient that death rates among Darfur's children have been brought down to pre-war levels. We should keep that aid effort going.

But these measures are not enough for the advocates of the "responsibility to protect" - R2P in the jargon. They want military intervention, preferably by Nato, as in Kosovo. Let us have no illusions about what that would mean.

First, the Sudan government would close down the humanitarian operation. How many tens of thousands of lives might that cost before peace came? Some believe that threatening a Kosovo-style aerial attack would frighten Khartoum into surrender. That is a big gamble. In fact, it might make both sides fight harder and longer.

Khartoum believes Nato peacekeepers are the camel's nose poking into the tent and the rest of the beast intends to follow. President Bashir fears the west's aim is regime change or secession for Darfur. And we are not disabusing them.
American Congressmen are calling for Kosovo-like action. French troops are supporting Chad's president Idriss Deby, who is in a state of war with Sudan. Quite logically, Khartoum is doing its best to stop the UN operating freely in Darfur. It is also destabilizing Chad.

The UN protests that it is not the vanguard of an invasion, just a poor overstretched peacekeeping force. That it is, but the UN Security Council authorised it to use force to protect civilians. It is trying to chart a middle way between fighting and peacemaking. And it is finding that no such middle way exists.

And the rebels think that if Nato comes in, the Sudanese government will be driven out and the province will be handed over to them, as in Kosovo. So why make peace if you can have it all by hanging tough?

What if we actually used force against Khartoum?

Might it work, or might we find ourselves with an open-ended commitment to policing a violent and divided region of the world, part of the problem and not the solution?

David Milliband asks, "how do we make the responsibility to protect a reality, not a slogan?"

But it is just a slogan.

In big and complicated wars - like Darfur - successful armed intervention is so unlikely that it is foolish even to make the threat. What Darfur needs is old-fashioned peace and peacekeeping and state-of-the-art humanitarian technology. RIP R2P.

Source: http://news.bbc.co.uk/2/hi/africa/7411087.stm