

12 June 2009 News Update RtoP Listserv Web: www.responsibilitytoprotect.com E-mail: info@responsibilitytoprotect.org

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I. Meeting of African States parties to the Rome Statute on ICC and Al-Bashir warrant

African States parties to the Rome Statute met in Addis Ababa (Ethiopia) on 8-9 June 2009, to discuss the work of the ICC with regard to Africa and the ICC's recent warrant issued against Sudanese President Omar Al-Bashir. While there were concerns that the meeting would result in the withdrawal of African states from the ICC, African State parties to the ICC instead reaffirmed the commitment to the Rome Statute and to fight impunity. It was reported however that countries at the meeting reaffirmed the importance of the UNSC applying article 16 to postpone the case against Al-Bashir in order to avoid compromising peace efforts in Darfur.

In advance of the meeting, NGOs issued a

[communiqué](#)

from the fifth Citizen's Continental Conference on the 13th AU Summit calling on the AU to urge Member States to cooperate fully with the ICC and enforce ICC warrants of arrests. In addition, Members of the Coalition for the International Criminal Court (CICC) around the world and in Africa strongly advocated for African governments to uphold their commitment to the fight against impunity and have issued statements in support of the Court. The CICC-including NGOs in the CAR, Cote d'Ivoire, Uganda, Senegal, Benin and Cameroon- published timely editorials in newspapers, many of which can be found at the Coalition's blog at: http://iccnw.org/blog/?cat=7&langswitch_lang=en

Also, please see the CICC's backgrounder on Africa and the ICC:

http://www.iccnw.org/documents/Africa_and_the_ICC.pdf

1. African countries back away from ICC withdrawal demand Sudan Tribune 10 June 2009
"More than 30 African countries which are members of the International Criminal Court (ICC) have failed to agree on a mass withdrawal from the court during their meetings in the Ethiopian capital.

The proposed move was to be in a protest of an arrest warrant issued by the ICC for Sudanese president Omer Hassan Al-Bashir last March in connection with war crimes committed in Darfur.

Furthermore African politicians accuse the court of unfairly targeting its statesmen while not looking at human rights abuses elsewhere. (...)

The move drew a strong rebuke from the African Union (AU) despite comprising the majority of the court members. (...)

Sudan has lobbied African countries to withdraw their ratification of the treaty as a show of solidarity while some Sudanese officials have said that they hope such action would weaken The Hague based court.

But the meetings that convened in Addis Ababa this week to discuss withdrawal took a different turn when most African countries favored asking the UN Security Council (UNSC) to suspend the case against Bashir instead of unsigning the Rome Statute. (...)

Diplomats told Reuters only Libya, Senegal, Djibouti and the Comoros had lobbied their peers for a withdrawal from the court.

Libya is not a member of the ICC but is believed to have persistently pushed African signatories to withdraw. The Libyan leader Muammar Khadafy described the ICC as a 'terrorist organization' following Bashir's indictment.

Senegal was one of the earliest signatories of the Rome Statute depositing its instrument of ratification in 1999. Last year the Senegalese president Abdoulaye Wade told his Sudanese counterpart during a phone conversation that he would not be able to offer him refuge if there is an arrest warrant for him.

Wade speaking from Chicago told Senegal News Agency (APS) that he informed Al-Bashir that they are party to the ICC and they cannot 'make an exception'. Furthermore, Senegal assisted the ICC in its investigation of the attack by Darfur rebel commanders on AU peacekeepers in 2007.

Djibouti and Comoros Island, both ICC members, have publicly announced that they will not honor their obligations under the Rome Statute and would host Bashir without apprehending him.

It is likely that African ICC members are more concerned about the risk of losing access to millions of dollars in aid from the European Union (EU) as some bilateral agreement link it to ratification of the Rome Statute."

Source: <http://www.sudantribune.com/spip.php?article31443>

2. Press conference with Christian Wenaweser, President of the Assembly of States Parties to the Rome Statute of the International Criminal Court UN News 10 June 2009

"Answering a journalist, Mr. Wenaweser declared that until now, none of the African States Parties to the Rome Statute had withdrawn from it (...) Emphasizing that their support was important for the Court, he considered that the threat of a 'collective withdrawal' of African countries was an 'unfounded rumor' and an 'exaggeration' from the start. (...)

The Representative of Liechtenstein reminded that he had sent on behalf of the Assembly of States Parties an 'open letter' to the current President of the General assembly, Miguel d'Escoto Brockmann, to protest against the comments - a number of which were moreover 'wrong' - made by the latest against the issuance of an ICC arrest warrant against Mr. Al-Bashir."

Translation is Informal and Provided by CICC Secretariat.

Source: <http://www.un.org/News/fr-press/docs/2009/Conf090610-CPI.doc.htm> (in French)

II. Sri Lanka – calls for access, accountability and responsibility to rebuild 1. The world was wrong to oppose a military action in Sri Lanka

Ottawa Citizen

Ramesh Thakur

11 June 2009

Ramesh Thakur was a commissioner of the International Commission on Intervention and State Sovereignty (ICISS), which released “The Responsibility to Protect” report in 2001. He is now the director of the Balsillie School of International Affairs.

With its bloody end recently, Sri Lanka's quarter century long deadly civil war leaves some troubling questions in its wake. What limitations exist on governments' right to use force to crush terrorist organizations? How can the responsibility to protect norm be extended to non-state actors? Do westerners have divine dispensation to be the moral arbiters of the conduct of others as well as their own?(...)

Sri Lanka

was waging a military offensive against a guerrilla army that had fought a brutal war against the legitimate state for 26 years, killed up to 80,000 people, and brought the assassination of an Indian prime minister as well as a Sri Lankan president. The Tigers were among the most ruthless terrorist organizations and designated as such by more than 30 countries.(...)

Along the road it is the Tigers who fought for a solely military solution to the three-decade conflict, spurning the few opportunities that were presented for a political settlement through dialogue and negotiations (...).

To what extent did the global community's unanimously endorsed responsibility to protect (R2P) norm apply to the Tigers, the government and the international community for evacuating -- by land, sea and air -- the civilians caught in the crossfire?

R2P places the responsibility first and foremost on the state itself. Given the Tigers' nature and record, it was not unreasonable for the government to build the capacity and demonstrate the determination to defeat the Tigers as part of its responsibility to protect. R2P proponents cannot advocate the international use of force against government troops engaged in atrocities against civilians, but not permit governments to use military force to protect their people from

atrocities perpetrated by terrorists.(...)

Had the Tigers been amenable to letting civilians caught in the crossfire escape, outsiders could legitimately have asked for another pause or ceasefire in order to help evacuate them. Another means for avoiding a bloodbath was for the Tigers to surrender. Absent this, it was hypocritical and wrong -- morally, politically and militarily -- of westerners to fault Sri Lanka.(...)

Where R2P does apply to the government is in its preventive and rebuilding components. The fact remains that the Tigers were the after-product of systematic and institutionalized discrimination by the Sinhalese majority against the Tamil minority that quickly degenerated into oppression and then killings. Calls for equal treatment when ignored escalated into demands for autonomy and finally, a homeland.

A military victory, while necessary, will not guarantee a peaceful future for a united Sri Lanka. The responsibility to reconstruct and rebuild, with international assistance, shows the way forward. The best time for the state to adopt measures of accommodation and power sharing within a federal framework is in the flush of military victory, when no one can accuse it of weakness. The Sri Lankan Tamils as well as the international community will mark the government's noble magnanimity.

Conversely, should there be vulgar triumphalism, gloating and an atavistic return to oppression and killings, Sri Lanka will suffer a reprise of the brutal civil war.

Source:

<http://www.ottawacitizen.com/opinion/world+wrong+oppose+military+solution+Lanka/1683798/story.html>

2. Sri Lanka: Avoid a postwar witch hunt

Human Rights Watch

3 June 2009

The Sri Lankan government should ensure that military defeat of the Liberation Tigers of Tamil Eelam does not result in new "disappearances," unlawful killings or the jailing of government critics, Human Rights Watch said today.

The Sri Lankan government appears from its statements to be preparing to take action against

individuals and organizations that criticized it during the war, Human Rights Watch said. On June 3, 2009, the media minister, Lakshman Yapa Abeywardana, said the Defense Ministry was preparing to bring charges against journalists, politicians, armed forces personnel and businessmen who have assisted the LTTE. (...)

In recent months, the government has also detained more than 9,000 alleged LTTE fighters and persons with suspected LTTE connections. (...)

In addition to the media minister's statement, in late May, the Army commander, Gen. Sarath Fonseka, said in a televised interview that the government would take action against journalists whose reporting benefited the LTTE, saying that they would be prevented from leaving the country and prosecuted for treason. Inspector General of Police Jayantha Wickremaratne accused unnamed Sinhalese media-freedom activists of being paid by the LTTE to generate false reporting intended to implicate the army in war crimes.

“

[Disappearances](#)

” of ethnic Tamils in the north and east and in the capital, Colombo, allegedly by members of the security forces or Tamil armed groups remain a serious problem.(...)

The Sri Lankan government has rejected calls from opposition politicians to end Sri Lanka's state of emergency and to repeal the draconian Prevention of Terrorism Act, which has been used to arrest and indefinitely detain suspected LTTE supporters and government critics.

Human Rights Watch urged the Sri Lankan government to take steps to ensure the safety of both civilians and LTTE fighters taken into custody. (...) Human Rights Watch called upon the Sri Lankan government to treat internally displaced persons in accordance with the United Nations Guiding Principles on Internal Displacement and respect their basic human rights. (...)

Source:

<http://www.hrw.org/en/news/2009/06/03/sri-lanka-avoid-postwar-witch-hunt>

See HRW End Illegal Detention of Displaced Population, 11 June 2009,

<http://www.hrw.org/en/news/2009/06/11/sri-lanka-end-illegal-detention-displaced-population>

3. Amnesty International urges UN Security Council: Demand immediate access and accountability in Sri Lanka

Amnesty International Press Release

4 June 2009

Ahead of Friday's UN Security Council briefing by Secretary-General Ban Ki-moon on his visit to Sri Lanka, Amnesty International urged the Security Council to demand that Sri Lanka provide full access to humanitarian organizations and establish an international inquiry into possible war crimes committed by all sides to the conflict.

"It is unacceptable for the Sri Lankan government to deny full and unimpeded access to the UN and other humanitarian and human rights organizations," said Yvonne Terlingen, Head of Amnesty International's Office at the UN.

"The UN Secretary-General accepted assurances from the government on access for humanitarian agencies while he was in Sri Lanka and with each day that passes the credibility of the UN is eroded." (...)

"The Security Council must demand that the government of Sri Lanka gives immediate and full access to the UN, and other humanitarian and human rights organizations," said Yvonne Terlingen. "In addition, the government must facilitate the deployment of UN human rights monitors to provide safeguards against violations."

Amnesty International is also calling on the Security Council to demand an international, independent inquiry into the evidence of serious abuses of international human rights and humanitarian law, including war crimes, perpetrated by the Tamil Tigers and the government. Alternatively, the UN Secretary-General should establish such an investigation under his own mandate. (...)

For a full text of Amnesty International's letter to the Security Council see:

<http://www.amnesty.org/en/library/info/IO40/005/2009/en>

. Source:

<http://www.amnesty.org/en/for-media/press-releases/un-security-council-demand-immediate-access-and-accountability-sri-lanka>

III. Sudan humanitarian situation crisis—possible improvements

1. Aid groups' expulsion still reverberating within Darfur —top UN official

UN News

12 June 2009

An immediate crisis has been averted in Darfur following the March expulsion of over one dozen non-governmental organizations (NGOs), but the humanitarian gaps left in the wake of their ouster must be filled to help the people in the war-torn Sudanese region, the top United Nations relief official said today. (...)

Addressing the Security Council today, Under-Secretary-General for Humanitarian Affairs John Holmes said that the UN continues to believe that the ejections “were wrong and unjustified” and also regrets “the increased dangers created for hundreds of thousands of people in need in Darfur and elsewhere.”

In the “difficult” weeks after the expulsions, there were many reports of violence targeting NGOs and a negative media campaign against the groups, putting both agencies and individuals at increased risk, he said.

Positive steps have been taken since then, noted Mr. Holmes, who visited the area last month, with the Government signaling that assistance from international NGOs is both welcome and valued.

Authorities have also “said publicly and privately that not only remaining NGOs, but also new NGOs, including NGOs with new names and new logos, are welcome,” he said. Four of the agencies booted from Darfur in March – CARE, Mercy Corps, Save the Children and PADCO – have completed their initial registration process in Khartoum, Mr. Holmes told reporters after the meeting. (...)

In spite of Khartoum’s call for the “Sudanization” of humanitarian work, it has “made clear that ‘Sudanization’ does not and will not entail the disappearance of international aid organizations,” he said.

Notwithstanding these strides in preventing an immediate crisis, Mr. Holmes underscored that “they have not replaced, and cannot easily or rapidly replace, the capacity and skills lost,” with current assistance levels well below what is necessary.

The gaps will be further exacerbated by the onset of the rainy season, and areas such as education, reproductive health and livelihood assistance have also taken a hit due to the NGOs’ expulsions, he said.

Source:

<http://www.un.org/apps/news/story.asp?NewsID=31108&Cr=darfur&Cr1>

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IV. Featured conference report: FRIDE—Implementation of the Responsibility to Protect

1. Responsibility to protect: translating ideas into capacity

Fundación para las Relaciones Internacionales y el Diálogo Exterior

Seminar, 9-10 March 2009

Despite the endorsement of the RtoP principles at the 2005 World Summit, the implementation of the emerging international norm has proven to be problematic as the RtoP norm continues to be viewed with suspicion by some countries, perceiving it as a tool for Western powers to justify intervention. On 9-10 March 2009, the Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE) and Intermón Oxfam, with the cooperation of the Canadian and British Embassies in Spain, brought together a number of experts to discuss RtoP and its implementation, what can be done to facilitate that process, what obstacles it faces, and what RtoP's prospects are as an international norm of the future.

Excerpts from the conclusion:

(...) R2P faces accusations from its detractors, who argue it is just the latest instrument devised to further the agenda of the West, and also from skeptics, who argue that intervention might encourage secessionism and incite an increase in violence from armed groups. These accusations need to be addressed, firstly, by using the norm fairly and without double standards, which may require a reform of the UN Security Council, and, secondly, by adapting the norm to local contexts and not using it in incorrect settings (i.e. Iraq, Georgia, Burma).

The protection of civilians has become an increasingly complex and difficult activity for the state and international community – international missions with unclear mandates, a focus on staff security, a blurring of the distinction between combatants and non-combatants, the militarization of humanitarian spaces. Protection objectives will never be fully achieved if the International Community only addresses immediate threats and fails to address the structural causes of conflicts (arms trade, resource driven conflicts, etc.)

The preventive aspect of R2P is its most important dimension: it curtails human suffering before it takes place and has won round some of those nations skeptical of R2P. But protection also contains the potential to dilute the importance and conceptual clarity of the norm, particularly if we raise the threshold for intervention too high, include too many structural aspects or fail to define the most effective elements for prevention.

In terms of response, external (military) intervention is the most controversial aspect of R2P and always a last resort. Policy makers and politicians making the decision to intervene should weigh up the impact on the media and public opinion. It is also important to use the same rule for intervention in all cases and have a clear plan with political objectives as well as an exit strategy.

Reconstruction should not be contemplated as a return to the starting point of a post-conflict society. The International Community should take the opportunity to tackle the structural causes of conflict (socio-economic inequalities, impunity and injustice) using local capacities as well as long-term external assistance. In this regard, the UN Peace building Commission should be given an appropriate mandate and resources to lead this task.

Regional organizations, such as the EU and AU, can play a prominent role in the implementation of R2P. The EU is particularly well placed to push the R2P agenda forward, with a priority being to form its own rapid civilian deployment capacity.

To download full conference report:

[Click here](#)

V. Obama's "never again" remarks at Dresden, Germany

1. Obama says nations must stop genocide

Associate Press

5 June 2009

President Barack Obama says the international community has an obligation to stop genocide, even when it's inconvenient.

Obama on Friday was asked how the Holocaust mantra of "never again" might apply to current crises in the Darfur region of Sudan or in Sri Lanka, where the government is accused of shelling hospitals during a quarter-century civil war. Officials deny the allegations.

Obama replied that it is up to other nations to take action to stop genocide. He says his administration is working to end the genocide in Sudan, where Sudanese President Omar

al-Bashir expelled humanitarian workers from the country.(...)

Source:

<http://www.washingtonpost.com/wp-dyn/content/article/2009/06/05/AR2009060500681.html>

Full speech:

<http://enduringamerica.com/2009/06/05/video-and-transcript-obama-and-merkel-remarks-at-dr-esden-press-conference-5-june/>

Upcoming Events – The UN Security Council and the Responsibility to Protect

1. Vienna Seminar on Questions of Peacekeeping and Peacemaking -- "The UN Security Council and the Responsibility to Protect"

International Peace Institute

14-16 June 2009

For the 39th time, the International Peace Institute (IPI), in cooperation with the Federal Ministry for European and International Affairs and the Federal Ministry of Defence and Sport, is organizing the Vienna Seminar on Questions of Peacekeeping and Peacemaking to be held between 14 and 16 June 2009. The three-day seminar will take place at its traditional locations, the National Defence Academy and the Diplomatic Academy.

At the event the Federal Minister Michael Spindelegger will explain Austria's position in the UN Security Council. Some thirty lecturers and discussion leaders will discuss the Responsibility to Protect (RtoP) concept. Among them are the permanent representatives of the United States, Uganda and Austria to the United Nations, IPI Director and Special Envoy to the Middle East Terje Rød-Larsen and the UN Special Adviser for the Prevention of Genocide Francis M. Deng, as well as many high-ranking UN officials and former peace mission commanders. (...)

This year's seminar deals with the subject "The UN Security Council and the Responsibility to Protect". The event aims to generate an intense exchange of opinions among political decision-makers and experts as to the concept of Responsibility to Protect (RtoP) and the role of the Security Council. The seminar is particularly relevant in view of the UN Secretary-General Ban Ki-moon's latest RtoP report and Austria's membership of the Security Council. The General Assembly is also expected to discuss this subject in July.

The core component of RtoP is the conviction that every country has to ensure that its

population is protected against grave violations of human rights and international humanitarian law. In this endeavor the international community has to support individual states in exercising their responsibility to protect as well as, if necessary, to build protective capacities. In the event that a government is unable or unwilling to provide sufficient protection to its population against genocide, war crimes, ethnic cleansing and crimes against humanity, the responsibility to protect passes to the international community. Depending on the situation, it may take diplomatic, humanitarian or even military steps. Thus, the Security Council is accorded a key role in safeguarding the concept of Responsibility to Protect.

(...)By choosing this particular topic for the IPI Seminar, Austria seeks to provide an incentive to the further GA debate about the possibilities and framework conditions for the application of Responsibility to Protect.

Source:

<http://www.unis.unvienna.org/unis/pressrels/2009/unisinf327.html>

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