

07 October 2009 News Update

R2P Listserv

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I. UN general debate of the 64th session

The general debates for the opening of the 64th session of the UN General Assembly were held from 23-29 September 2009. While the Responsibility to Protect (RtoP) has been a recurrent theme over the years, this year 22 Member States made statements in support of RtoP, a notable increase from previous years.

In his opening statement, Ban Ki-moon recalled that the General Assembly had reaffirmed the Responsibility to Protect and that in this day and age “no nation, large or small, can violate the human rights of its citizens with impunity”. Showing support for the norm and the concept of ‘responsible sovereignty’, Member States acknowledged the need to work towards implementation of RtoP and more effective action to end mass atrocities. Some governments mentioned that the [GA debate on RtoP](#) had been very constructive and welcomed the Secretary-General for his report

, [Implementing the Responsibility to Protect](#)

. A couple of states expressed hope that the recently adopted GA resolution would lead to implementation of the concept. Lesotho and Armenia devoted a significant length of time to RtoP in their statement.

While many nations, including Andorra, Ireland, Guatemala, Finland, Latvia, Monaco, Montenegro, Papua New Guinea, Slovakia, Slovenia, and New Zealand, pledged their support for RtoP principles, Niger and Comoros took a more cautious stance, calling for further consideration and definition of the norm.

Click here to view the full list of Member States and their statements about RtoP: <http://responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/2556-government-statements-on-rtop-during-ga-64th-session-general-debate>

Read the full statements and watch the videos from the GA Debate: <http://www.un.org/ga/64/generaldebate/2309.shtml>

II. Ban supports RtoP at Geneva Convention anniversary

1. Honouring Geneva Conventions, Secretary-General Says Debate 'No Longer between Peace and Justice but between Peace and What Kind of Justice'

UNISPAL

26 September 2009

The following are Secretary-General Ban Ki-moon's remarks at the ministerial working session hosted by the Government of Switzerland in New York on 26 September 2009 to mark the sixtieth anniversary of the Geneva Conventions. □ □ □ □ □

(...) "We continue to face grave challenges in ensuring respect for this body of law," Mr. Ban told a ministerial event, hosted by the Swiss Government, to mark the 60th anniversary of the Conventions.

The Secretary-General noted that throughout the world, ordinary men, women and children are being killed, maimed, raped, starved, imprisoned and forced from their homes. At times over the years, such acts have been committed on a massive scale, with "chilling efficiency and intent."
(...)

"Victims suffer, not because of gaps in the law, but because international humanitarian law is not respected or enforced," he said. Mr. Ban pointed out that primary responsibility for implementing international humanitarian law lies with the parties to conflict, but added that all States have an important role to play. (...)

Mr. Ban highlighted in particular the Assembly's recent adoption, by consensus, of its first resolution on the **responsibility to protect** - a major advance as the international community seeks to strengthen its efforts to protect the world's peoples from genocide, war crimes, ethnic cleansing, and crimes against humanity. (...)

"Our challenge, as ever," he added, "is to translate those principles into real-time protection."

Read Ban Ki-moon's full remarks at <http://unispal.un.org/UNISPAL.NSF/0/857F5A937A9F5F808525763F005C2A9C>

III. UN Goldstone Report on Gaza

1. Report of the United Nations Fact Finding Mission on the Gaza Conflict
OHCHR
September 2009

Tuesday, 15 September 2009, the report by the fact-finding mission on the Gaza conflict commissioned at the beginning of this year was released by the UN Human Rights Council. The mission, mandated by the President of the Human Rights Council in April 2009 and headed by Justice Richard Goldstone, found evidence that both by the Israeli Defense Forces and armed groups from Gaza had committed serious war crimes and breaches of humanitarian law, which could amount to crimes against humanity. Justice Goldstone presented the report to the UN's Human Rights Council in Geneva on 29 September 2009.

The report recommended the Security Council pass a resolution requiring Israel and Hamas to launch domestic investigations into these crimes and report on both the findings of these investigations and the prosecutions of the perpetrators. The report also recommended that if good-faith investigations in line with international standards are not underway in either Israel or Hamas six months after the passage of the recommended resolution, the UN Security Council should refer as appropriate one of both of the parties to the International Criminal Court.

Findings during the mission included imposed blockades on Palestinians by Israeli Defense Forces that created emergency situations and deprived Gaza residents basic necessities including food and healthcare, questionable Israeli military operations, deliberate attacks on civil populations by both Israel and Hamas, the use of human shields, and the irresponsible use of certain weapons.

A draft resolution resulting co-sponsored by the Organization of the Islamic Conference (OIC), the Arab group, the African group and the Non-Aligned Movement (NAM) was submitted to the Human Rights Council after Justice Goldstone presented his Report. On 2 October 2009, the Council, although expecting to vote on the resolution, decided to defer it until the next session of the HRC opens in March 2010.

Source and report: <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/FactFindingMission.htm>

Justice Goldstone's Op-Ed in the New York Times on 17 September, "Justice in Gaza": http://www.nytimes.com/2009/09/17/opinion/17goldstone.html?_r=1&bl&ex=1253332800&en=5342e791e08ef464&ei=5087%0A

2. Why The Goldstone Report Matters
Richard A. Falk
Global Policy Forum
22 September 2009

Richard A. Falk, UN Envoy and Special Rapporteur for Human Rights in Palestinian Territories, analyzes Israel's response to Justice Goldstone's report and discusses the future of the Report's findings.

(...)However much Israel may attack the commission report as one-sided and unfair, the only plausible explanation of its refusal to cooperate with fact-finding and taking the opportunity to tell its side of the story was that it had nothing to tell that could hope to overcome the overwhelming evidence of the Israeli failure to carry out its attacks on Gaza last winter in accordance with the international law of war. (...)

does come with the backing of an eminent international personality who cannot credibly be accused of anti-Israel bias, making it harder to deflect attention from the findings no matter how loud the screaming of 'foul play.' (...)

More globally, a very robust boycott and divestment movement was gaining momentum ever since the Gaza War, and the Goldstone Report can only lend added support to such initiatives. There is a growing sense around the world that the only chance for the Palestinians to achieve some kind of just peace depends on the outcome over the symbols of legitimacy, what I have called the Legitimacy War. Increasingly, the Palestinians have been winning this second non-military war. (...)

reason for Israeli worry stemming from the report, is the green light given to national courts throughout the world to enforce international criminal law against Israelis suspects should they travel abroad and be detained for prosecution or extradition in some third country. Such individuals could be charged with war crimes arising from their involvement in the Gaza War. (...)

has already launched a media and diplomatic blitz designed to portray the report as so one-sided as to be unworthy of serious attention. The United States Government has already disappointingly appeared to endorse this view, and repudiate the central recommendation in the Goldstone Report that the Security Council be assigned the task of implementing its findings. (...)

There are also some reasons to insist that the report falls short of Palestinian hopes. For one thing, the report takes for granted, the dubious proposition that Israel was entitled to act against Gaza in self-defense, thereby excluding inquiry into whether crimes against the peace in the form of aggression had taken place by the launching of the attack....Also, disappointing was the failure of the report to comment upon the Israeli denial of a refugee option to the civilian population trapped in the tiny, crowded combat zone that constitutes the Gaza Strip. (...)

In the end, the Goldstone Report is unlikely to break the inter-governmental refusal to challenge the Israeli blockade of Gaza or to induce the United Nations to challenge Israeli impunity in any meaningful way. (...)

Despite these limitations, the report is an historic contribution to the Palestinian struggle for justice, an impeccable documentation of a crucial chapter in their victimization under occupation. Its impact will be felt most impressively on the growing civil society movement throughout the world to impose cultural, sporting, and academic boycotts, as well as to

discourage investment, trade, and tourism with Israel. (...)

Read the full article at <http://www.globalpolicy.org/security-council/index-of-countries-on-the-security-council-agenda/israel-palestine-and-the-occupied-territories/48169.html>

IV. Will to Intervene (W2I) launches new Canadian report to prevent genocide

1. W2I releases report, Mobilizing the Will to Intervene
21-22 September 2009

The Will to Intervene Project (W2I) is an initiative, developed by the Professor Frank Chalk, Director of the Montreal Institute for Genocide and Human Right Studies, and Leut. General Roméo Dallaire, retired UN general who led the failed Rwanda mission, to assist the Canadian government and Civil Society in operationalizing responsibility to protect. Recently, W2I published a report , [Mobilizing the Will to Intervene: Leadership and Action to Prevent Mass Atrocities](#), which aims to assist in the implementation of RtoP by giving specific recommendations to the government as well as media, NGOs, and other groups and citizens interested in preventing genocide.

On 21 September 2009, the report was released in the United States at an event hosted by the United States Institute of Peace. Professor Chalk introduced the Report's findings. This was followed by a panel discussion with, among others, Leut. Gen. Roméo Dallaire, John Prendergast, founder of the Enough Project, and former senior U.S. government officials of the proposals mentioned in the Report as well as present challenges the norm's implementation faces.

On 22 September 2009, the report was released in Canada at the National Press Gallery in Ottawa. Speakers included Prof. Chalk and Leut. Gen. Dallaire, as well as retired UN ambassador, Robert Fowler, former New Democratic Party leader and founder of the International Centre for Human Rights and Democratic Development, Ed Broadbent, and Senator Hugh Segal. The report was also released to the Canadian Parliament on 1 October 2009.

Read Mobilizing the Will to Intervene: Leadership and Action to Prevent Mass Atrocities at http://migs.concordia.ca/W2I/W2I_Project.html

2. Interview with Lt. Gen. Roméo Dallaire
Power Play – Tom Clark
CTV
22 September 2009

The following are Lt. Gen. Roméo Dallaire's remarks during an interview with CTV Power Play's Tom Clark regarding the launch of the new report on genocide prevention, "Mobilizing the Will to Intervene."

(...) We are building upon the **responsibility to protect** doctrine, which goes through a process which the whole of the UN agreed to and Canada offered in 2001 and 2005...And what we're doing is we're operationalizing it. And in the **responsibility to protect**, the last, last inextremist element is the use of force. What we're saying is that there's a whole series of soft instruments to prevent, and then if you go into a scenario that's decaying, you still have other instruments of political use, diplomatic use, blockades and the like, and then, if necessary, force. But the force we speak of is not a force to go in and blast the place apart. (...)

As a member of the genocide prevention advisory group to the secretary general, we have, with Desmond Tutu, we have been trying to articulate [when force is necessary, and how to use it] and the instruments, the diplomatic instruments, the new generation instruments to be able to go in and influence before the catastrophic failure gets bad. And that is the essence of the study. We're launching this whole new generation of how to solve problems before they go catastrophic. (...)

Source: Clark, Tom. "Interview: Lt. Gen. Roméo Dallaire." *Power Play*. CTV News Channel Television, Inc. Ottawa, 22 Sept. 2009.

V. Op-eds on RtoP

1. Is the Failure to Respond Appropriately to a Natural Disaster a Crime Against Humanity? The Responsibility to Protect and Individual Criminal Responsibility in the Aftermath of Cyclone Nargis

Social Science Research Network
Stuart Ford
22 July 2009

Abstract:

On 2 and 3 May 2008, Cyclone Nargis struck Myanmar, devastating large portions of the Irawaddy Delta and creating the potential for a massive humanitarian crisis. Yet, the government of Myanmar rejected aid from some countries, limited the amount of aid entering the country to a fraction of what was needed and strictly controlled how that aid was distributed. The United Nations and many governments criticized Myanmar's response to the cyclone as inadequate and inhumane, and senior politicians from a number of countries discussed whether the situation justified invoking the "responsibility to protect."

This paper explores several questions, including: 1) can an inadequate response to a natural disaster constitute an ongoing crime against humanity and thus act as the trigger for the responsibility to protect?; 2) should the responsibility to protect have been invoked by the international community in response to Cyclone Nargis?; and 3) what would countries have been obligated to do if it was invoked?

In particular, assuming that the invocation of the responsibility to protect would have been based on a finding that crimes against humanity were being committed by the government of Myanmar, would the international community be obligated to investigate and potentially prosecute the underlying violations of international criminal law? If so, what venues exist for the investigation and prosecution of these potential crimes? Finally, the paper attempts to assess the successes and failures of the responsibility to protect since its acceptance by the member states of the UN at the 2005 World Summit.

Read the full [report](#) at the Social Science Research Network.

2. National governments can implement RtoP

Larry Kazdan
Globe and Mail – Vancouver
24 September 2009

The **Responsibility to Protect** doctrine tells the international community it cannot shy away from military intervention when large-scale atrocities are being committed (Do We Have The Means To Match Our Will? - Sept. 22). But such intervention is hedged by strict conditions and would take place only in exceptional circumstances. In the words of the report itself, "Prevention is the single most important dimension of the **responsibility to protect**." This means the international community must provide resources to work with government and civil society in target countries to end discrimination, increase economic prospects, and help build political, educational and judicial institutions.

So the question really isn't "Do we have the means to match our will?" but "Do we have the will to provide the means?"

Source: <http://www.theglobeandmail.com/news/opinions/letters-to-the-editor/right-doctrine-wrong-question/article1299490/>

3. Do the Right Thing: A genocide policy that works

Sarah Sewall
Boston Review
September/October 2009

Inside the U.S. government's head, a tragic monologue about mass killings echoes. It goes something like this: "Genocide is evil. It must be prevented before it starts, and, if it starts, it must be stopped. But it is not really *my* problem. I will do something significant only if the alternatives become even more costly than taking action." And since the risks of acting appear

immediate while the full costs of inaction accrue over time—even as tens or hundreds of thousands are killed in the interim—U.S. efforts to halt genocide have been embarrassingly rare. (...)

Advocates across the globe promote the **R2P** norm, particularly in reference to Sudan's genocide in Darfur. A 2006 Washington, D.C. rally brought together over 10,000 people, including then-Senator Barack Obama, to demand action. But for all its fury, sincerity, and visibility, the **R2P** effort has had little effect inside national governments, where the tough business of halting genocide must be undertaken. (...)

The international community, too, is divided in its opinion of **R2P**, as both Kosovo and Darfur have illustrated. Political sensitivities may turn the concept into just another platform for development assistance, and the UN Secretary General's desire to strengthen political support for **R2P** may unwittingly erode its meaning, pushing tough action, including military force, out of the equation entirely. (...)

The conundrum is how to strengthen **R2P** with diplomatic, economic, *and* military options, yet sustain the support of countries that fear **R2P** merely masks modern imperialist ambition. (...)

Taking initiative—unilaterally at the start, if necessary—may be the only way to realize the **Responsibility to Protect**. There is an inevitable slippery-slope problem in justifying intervention in the name of humanity, but we need only think back to Rwanda in 1994 to see that unilateral military intervention—while complex and costly—may have its place. (...)

We know that acting early is likely to be more effective and efficient. Yet time and time again, states and leaders will avoid acting, delay choosing among uncertain and costly options, and wait until the costs of *not* acting become higher than those of acting. This phenomenon is not unique to genocide. But it helps explain why, even as the United States has begun to acknowledge past failures and a new generation has awakened to a fresh set of possibilities, doing the right thing remains difficult.

Source: <http://bostonreview.net/BR34.5/sewall.php>

VI. Upcoming Events

1. Pledge2Protect Conference 6 – 9 November 2009

The student-led division of the Genocide Intervention Network, STAND, is organizing a national Pledge2Protect conference from 6-9 November 2009 where student and community leaders as well as activists will be given the opportunity to listen to renown speakers on genocide prevention, confer and network together, and lobby on Capitol Hill.

Seeking to “create an experience for participants that will empower them to become stronger leaders on their campuses and in their communities”, GI-Net, STAND, the Save Darfur Coalition, and the Enough Project will host workshops and panel discussions on and the opportunity to lobby on Capitol Hill for genocide prevention, current crisis, and important legislation during the three day conference. There will also be networking events and training for grassroots management, fundraising, event organizing, and other important aspects of running an advocacy organization.

For more information visit www.pledge2protect.net

2. The Responsibility to Protect (R2P): Melbourne

Human Rights Law Resource Centre
Institute of Legal Studies at the Australian Catholic University
27-28 November 2009

The Human Rights Law Resource Centre and the Institute of Legal Studies at the Australian

Catholic University present The Responsibility to Protect: Protection and Intervention in response to Mass Atrocity Crimes , a conference about RtoP in the Asia Pacific region to be held on 27 and 28 November 2009 at the Australian Catholic University in Melbourne.

The Hon. Gareth Evans, the Rt. Hon Malcolm Fraser, the Hon Bob McMullan, Professor Ramesh Thakur, Professor Alex Bellamy, Professor Joseph Camilleri, Professor Spencer Zifcak, and Dr. Phoebe Wynne-Pope will all be speaking.

“The purpose of this conference is to explain the parameters of this new principle of international law and political practice, to address the practicalities and problems of [Responsibility to Protect’s] implementation, to consider its potential application in the Asia-Pacific region, and to tackle again the vexed question of military intervention for humanitarian purposes.”

View the [conference program](#) .

Source: http://www.acu.edu.au/acu_national/the_university/conferences/r2p/

3. “Catholic Just Peacemaking and the Responsibility to Protect”
King’s University College
20 October 2009, 3:00 PM

The revolutions of 1989, the Gulf War in 1991, the Rwandan genocide in 1994, the Balkan conflicts of the 1990s, and the post-9/11 “war on terror” challenged diplomats and scholars of international relations to reconsider the nature of conflict and peacebuilding in a world no longer defined by the bipolar tensions between the United States and the USSR. In a post-1989 world, major conflicts and potential hot-spots now include well-armed non-state actors, multiple regional powers, a proliferation of small arms, and impoverished countries seeking nuclear capabilities. These conditions have led some Catholics to re-evaluate traditional just-war thinking and to consider more contemporary concepts such as humanitarian intervention, human security, and the “Responsibility to Protect.” This talk focuses on two increasingly popular concepts that Catholic ethicists, political thinkers, and even the Vatican use to make sense of both international conflict and peacebuilding: the ethic of “just peacemaking” and the

international norm called the “Responsibility to Protect.”

Scott Kline is an associate professor of religious studies at St. Jerome’s University in the University of Waterloo. He is also the director of the SJU Centre for Responsible Citizenship, a member of the Board of Directors at Project Ploughshares, and a member of the global governance faculty at the University of Waterloo. (...)

For more information, go to <http://www.kings.uwo.ca/kalendar/eventdetails.cfm?EventID=127ACF8C-9B4A-98A9-5E3286E8892F4AE5&View=month&linkDate=October%207%2C%202009>