

RtoP Listserv

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8-12 June 2010—European Science Foundation and the Linköping University: Call for applications for Sweden conference “The Responsibility to Protect: from Principle to Practice”

I. President Obama receives Nobel Peace Prize US President Obama received the Nobel Peace Prize on 11 December in Oslo, Norway. He based his speech on the ‘just war theory’, which in the classical tradition stems from a moral duty to do no harm to others; where a set of criteria determines whether the use of force can be morally justified—namely just cause, right intention, right authority, last resort and reasonable chance of success (*jus ad bellum*) as well as in the conduct of war, proportionality of the use of force, and discrimination between combatants and civilians (*jus in bello*). While the Responsibility to Protect (RtoP) is mainly focused on the prevention of mass atrocities to avoid a situation where the use of force is necessary, Obama’s speech nonetheless resonates with the following three aspects of the RtoP:

First, Obama acknowledged that the use of force can be justified for certain purposes other than self-defense, namely on humanitarian grounds, to prevent the slaughter of civilians and to halt mass violence. The Responsibility to Protect calls for measures which range from peaceful to coercive, also recognizing that intervention to protect populations from mass atrocities may at times be necessary.

Second, Obama also noted the importance of finding alternatives to violence that lead to changed behavior and a lasting peace, and that “the closer we stand together, the less likely we will be faced with the choice between armed intervention and complicity in oppression”. RtoP recognizes the importance preventing and halting mass atrocities through combination of measures, including diplomacy, economic incentives, sanctions, etc. Obama cited the examples of

Congo, Burma and Darfur and calls for violations of international law to not take place without consequences.

Finally, Obama emphasized that all nations should adhere to international standards for how and when to use force, especially when military means are used for purposes other than self-defense. Many advocates of RtoP have been pushing for the development of specific criteria to guide the Security Council to decide when force is appropriate to protect populations from mass atrocities. The 2001 report of the International Commission on Intervention and State Sovereignty highlighted principles for the use of force that similar to the just war theory, suggested conditions to be met at the onset of an intervention, namely just cause threshold, right intention, force as a last resort, use of proportional means, reasonable prospects of success and right authority by the UN Security Council.

The following are excerpts on his reflections, which we have divided in three sections: 1) just war, 2) the use of force and 3) building a lasting peace.

1. Obama's Nobel Remarks

11 December 2009

New York Times

Your Majesties, Your Royal Highnesses, distinguished members of the Norwegian Nobel Committee, citizens of America, and citizens of the world: I receive this honor with deep gratitude and great humility. It is an award that speaks to our highest aspirations -- that for all the cruelty and hardship of our world, we are not mere prisoners of fate. Our actions matter, and can bend history in the direction of justice. (...)

Just war

The concept of a "just war" emerged, suggesting that war is justified only when certain conditions were met: if it is waged as a last resort or in self-defense; if the force used is proportional; and if, whenever possible, civilians are spared from

violence. Of course, we know that for most of history, this concept of "just war" was rarely observed. (...)

Moreover, wars between nations have increasingly given way to wars within nations. The resurgence of ethnic or sectarian conflicts; the growth of secessionist movements, insurgencies, and failed states -- all these things have increasingly trapped civilians in unending chaos. In today's wars, many more civilians are killed than soldiers; the seeds of future conflict are sown, economies are wrecked, civil societies torn asunder, refugees amassed, children scarred.

I do not bring with me today a definitive solution to the problems of war. (...)

We must begin by acknowledging the hard truth: We will not eradicate violent conflict in our lifetimes. There will be times when nations -- acting individually or in concert -- will find the use of force not only necessary but morally justified. (...)

So yes, the instruments of war do have a role to play in preserving the peace. (...) So part of our challenge is reconciling these two seemingly irreconcilable truths -- that war is sometimes necessary, and war at some level is an expression of human folly. (...)

Use of force

To begin with, I believe that all nations -- strong and weak alike -- must adhere to standards that govern the use of force. I -- like any head of state -- reserve the right to act unilaterally if necessary to defend my nation. Nevertheless, I am convinced that adhering to standards, international standards, strengthens those who do, and isolates and weakens those who don't. (...)

And this becomes particularly important when the purpose of military action extends beyond self-defense or the defense of one nation against an aggressor. More and more, we all confront difficult questions about how to prevent the slaughter of civilians by their own government, or to stop a civil war whose violence and suffering can engulf an entire region.

I believe that force can be justified on humanitarian grounds, as it was in the Balkans, or in other places that have been scarred by war. Inaction tears at our conscience and can lead to more costly intervention later. That's why all responsible nations must embrace the role that militaries with a clear mandate can play to keep the peace. (...)

Let me make one final point about the use of force. (...) Where force is necessary, we have a moral and strategic interest in binding ourselves to certain rules of conduct. And even as we confront a vicious adversary that abides by no rules, I believe the United States of America must remain a standard bearer in the conduct of war. (...)

Building a just and lasting peace

First, in dealing with those nations that break rules and laws, I believe that we must develop alternatives to violence that are tough enough to actually change behavior (...) Those regimes that break the rules must be held accountable. Sanctions must exact a real price. Intransigence must be met with increased pressure -- and such pressure exists only when the world stands together as one. (...)

The same principle applies to those who violate international laws by brutalizing their own people. When there is genocide in Darfur, systematic rape in Congo, repression in Burma -- there must be consequences. Yes, there will be engagement; yes, there will be diplomacy -- but there must be consequences when those things fail. And the closer we stand together, the less likely we will be faced with the choice between armed intervention and complicity in oppression.

This brings me to a second point -- the nature of the peace that we seek. (...) Only a just peace based on the inherent rights and dignity of every individual can truly be lasting. (...) I believe that peace is unstable where citizens are denied the right to speak freely or worship as they please; choose their own leaders or assemble without fear. Pent-up grievances fester, and the suppression of tribal and religious identity can lead to violence. (...)

(...) There's no simple formula here. But we must try as best we can to balance isolation and engagement, pressure and incentives, so that human rights and dignity are advanced over time.

Third, a just peace includes not only civil and political rights -- it must encompass economic security and opportunity. For true peace is not just freedom from fear, but freedom from want. (...)

See full text

[here](#)

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II. Events on the 61st Anniversary of the Genocide Convention (Dec 9th) and of the Universal Declaration of Human Rights (Dec 10th)

1. Ambassador Susan Rice at the United States Holocaust Memorial Museum

Politico

Laura Rozen

10 December 2009

To commemorate the adoption of the 1948 Genocide Convention, the US Holocaust Memorial Museum welcomed Ambassador to the UN Mrs. Susan Rice. The Museum's Committee on Conscience has aimed to sensitize the general public at large to the problem of genocide. The Committee has also conducted outreach to policymakers on the Genocide Prevention Task Force, a blueprint to enhance the capacity of the US government to recognize and respond to threats of genocide and mass atrocity convened by the U.S. Holocaust Memorial Museum, the U.S. Institute of Peace and the American Academy of Diplomacy. Below are excerpts from the question and answer session between Michael Abramowitz, Director of the Committee on Conscience and Mrs. Rice following her speech.

Abramowitz: (...)President Obama has repeatedly talked about Rwanda and talked about his determination to prevent and end atrocities like those that took place in Rwanda those taking place in Darfur. What concrete steps do you think the Obama administration is actually taking now to realize that commitment?

Rice: OK. Well, first of all, prevention is not only about warning and anticipating the potential for genocide or mass atrocities. (...) But it's also about aggressive, early and real diplomacy. And this administration has stepped up its efforts diplomatically to address ongoing and potential conflicts. So the president, as you know, has appointed a senior and special envoy for Sudan, General Scott Gration, whose role is not only to deal with Darfur, but to work to implement the Comprehensive Peace Agreement in Sudan and prevent that situation with respect to the North and the South from spinning out of control, which I think potentially we have to be mindful about, of that risk. He's appointed former Congressman and former Special Envoy Howard Wolpe as a special envoy for the Great Lakes region, including Congo and Burundi and that whole region, which has been a hotbed, as you know, of atrocities and genocide over the last two decades, to be actively involved in diplomacy in that region to prevent and resolve conflict.(...)

We've also been very active, as was the previous administration, indeed, going back to the Clinton administration, in trying to build the capacity of states and regional institutions to engage and deploy for peacekeeping purposes. The Global Peace Operations Initiative, the African Contingency training effort, which is a successor to an initiative that I was very much involved in, in the Clinton administration, have together trained over 70,000 peacekeepers around the world, many of whom are deployed now in places like Darfur and Liberia and Chad and elsewhere.

Abramowitz: you've reflected upon this issue of preventing genocide, what can we do to strengthen the institutions of the United Nations (...) [?]

Rice: Well, first of all, I think there's growing recognition at the United Nations that what we're dealing with a continuum of conflict that begins at prevention and ends at peace-building and peace-consolidation. And there's a need to build and

strengthen the institutional capacity across the entirety of that spectrum.

On the prevention side, the U.N. has set up mediation teams. It has better warning than it used to have. But, frankly, this is an area which the U.N. is still weak, and it's reliant on member states that are reluctant to provide full and real-time information.

It has gotten very active in diplomacy and prevention. The Department of Political Affairs is doing much of the difficult legwork in places that don't get a lot of visibility, places like Madagascar and Guinea and Nepal, where the risks of conflict and violence are real.

Then it is, obviously, the world's 800-pound gorilla when it comes to peacekeeping and the deployment of forces, over 100,000 U.N. peacekeepers now deployed in some 15 operations around the world, more than ever before. And the U.N. has substantially improved the quality and its capacity to deploy peacekeeping, but it is now so overstretched (...). So there are steps that have been taken, but there's much more that needs to be done. And I have made, as ambassador, strengthening the U.N.'s peacekeeping capacity one of my core priorities.

And then, finally, on the peace-building side, which is an area where the U.N. has evolved some new mechanisms and structures, like the Peacebuilding Commission, which will come up for its five-year review in 2010, there are new mechanisms to try to consolidate peace through diplomacy, through security-sector reform, promoting and enhancing the rule of law, having accountability for atrocities. And these things are nascent, but they're very important and they are manifest from Burundi to places like Guinea-Bissau.

You talked about the Human Rights Council, where the function of the special rapporteurs is particularly important, to provide information and, indeed, even warning. But the capacity needs to be built along this entire spectrum of conflict. And I think while we can certainly point to -- to real progress, there are enormous gaps that obviously remain. (...)

See Susan Rice's full speech and comments. 2. The Danger of a Nuclear, Genocidal and Rights-Violating Iran: The Responsibility to Prevent Petition

Irwin Cotler

09 December 2009

On the 61st anniversary of the Genocide Convention (December 9th) Professor Irwin Cotler, MP and former Minister of Justice and Attorney General of Canada released an international petition on “The Danger of a Nuclear, Genocidal and Rights-Violating Iran: The Responsibility to Prevent Petition”. The Petition has been endorsed by over 60 leading international law scholars, experts on genocide, and survivors, including: Nobel Peace Laureate Elie Wiesel; Former UN High Commissioner for Human Rights Louise Arbour, Former Swedish Deputy Prime Minister and expert on genocide Per Ahlmark; Darfur survivor and Sudanese Member of Parliament Salih Mahmoud Osman; and a host of leading Iranian human rights scholars.

Executive Summary

This Responsibility to Prevent Petition, based on the responsibility to prevent and the responsibility to protect in international law, calls upon States in the international community to heed their obligation to stop genocide before it occurs.

In the case of President Mahmoud Ahmadinejad’s Iran, this threat of genocide is real. Today, in Ahmadinejad's Iran, one finds the toxic convergence of the advocacy of the most horrific of crimes, namely genocide, embedded in the most virulent of hatreds. It is dramatized by the parading in the streets of Tehran of a missile draped in the words “Wipe Israel off the map” while the assembled thousands are exhorted to chants of “Death to Israel”.

The incitement to genocide committed in Ahmadinejad’s Iran is not only the prelude to a preventable tragedy; it is a crime in itself under international law.

The Responsibility to Prevent Petition begins with an examination of the evidence demonstrating the threat posed by a genocidal and nuclear Iran. By exploring the precursors and precipitators of genocide gleaned from the atrocities in Rwanda,

the Balkans and Darfur, the Petition is framed by two lessons in history: first, the danger of state-sanctioned incitement; and second, the danger of indifference and inaction. While the first danger has already manifested itself, this Petition seeks to address the second danger by compelling the international community to action.

The Responsibility to Prevent Petition ends with a call for international actors to pursue the recourses available to them under international law. The Secretary-General of the United Nations, the Security Council, the International Court of Justice, State Parties to the Genocide Convention – and others – are all provided with tangible and practical steps that can be taken, to prevent genocide before it is too late.

Only action pursuant to the preventative purposes of the Genocide Convention and pursuant to the more recently-recognized responsibility to protect principle can stop a genocide before it occurs. Only action that comes before the killing will save the would-be victims of a genocide and let them know they have not been forgotten. Only this sort of action will give meaning to the Genocide Convention and the Charter of the United Nations, will end a culture of impunity wherein calls to genocide are offered as rhetorical anthems, and will draw a line in the sand stating: The international community – including all State Parties to these Conventions and the United Nations – will not indulge, acquiesce or, however inadvertently, become complicit by inaction or indifference, in genocide.

Read the full [Petition](#)

3. Statement by the UN High Commissioner for Human Rights Navi Pillay on Human Rights Day OHCHR 10 December 2009 The concept of non-discrimination lies at the heart of human rights.

For this reason, it has been designated the official theme of this Human Rights Day, which occurs every year on the anniversary of the adoption of the Universal Declaration of Human Rights in 1948. (...)

Today, we have a whole range of rights-based international treaties imbued throughout with the concept of non-discrimination. (...) Yet discrimination is still rampant. (...)

Minorities in all regions of the world continue to face serious threats, discrimination and racism, and are frequently excluded from fully taking part in the economic, political, social and cultural life available to the majorities in the countries or societies where they live.

Similar problems face the estimated 370 million indigenous people who make up five percent of the world's population, but 15 percent of its poorest people. They are often marginalized, deprived of many fundamental rights – including land and property – and lack access to basic services. (...)

Racial and ethnic discrimination are also to be found all across the planet, and remain one of the most dangerous forms of discrimination. Left unchecked, or actively fanned, they can all too easily lead to hatred, violence, and – in the worst cases – push on up the scale to full-blown conflict, crimes against humanity and genocide.

Discrimination based on religion or belief can be equally destructive. In certain countries, members of certain groups are restricted in how they can exercise their religion or belief and deprived of their fundamental rights. In extreme cases such conditions may lead to sectarian violence, killing and conflict. Stereotyping can lead to stigmatization and isolationism.

Refugees and migrants are widely discriminated against, including in rich countries where men, women and children who have committed no crime are often held in detention for prolonged periods. They are frequently discriminated against by landlords, employers and state-run authorities, and stereotyped and vilified by some political parties, media organizations and members of the public. (...)

Discrimination feeds mistrust, resentment, violence, crime and insecurity and makes no economic sense, since it reduces productivity. It has no beneficial aspects for society whatsoever. Yet we continue to practice it – virtually all of us – often as a casual reflex, without even realizing what we are doing.

I would therefore like to encourage people everywhere – politicians, officials, businesses leaders, civil society, national human rights institutions, the media, religious leaders, teachers, students, and each and every individual – to honour Human Rights Day 2009 by embracing diversity and resolving to take concrete and lasting actions to help put an end to discrimination.

Link to full

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III. RtoP in the news

1. Where Impunity Reigns

Benedict Rogers

New York Times

17 December 2009

Benedict Rogers is the East Asia Team Leader with the human rights organization Christian Solidarity Worldwide, and author of several books on Burma, including “Than Shwe: Unmasking Burma’s Tyrant.” In this New York Times op-ed, Rogers calls on the United Nations to take a stand against the atrocities committed by the military regime in Burma against the Burmese people.

The world needs to be reminded, again and again, that the military regime in Burma (Myanmar) continues to perpetrate every conceivable human rights violation. (...)

In eastern Burma, the regime has been conducting a brutal military campaign against people of the Karen, Karenni and Shan groups. (...) The catalogue of

terror includes the widespread, systematic use of rape as a weapon, forced labor, the use of human minesweepers and the forcible conscription of child soldiers.

In northern and western Burma, the predominantly Christian Chin and Kachin peoples also face systematic religious persecution. The Muslim Rohingyas, targeted for their faith and ethnicity, are denied citizenship, despite living in Burma for generations. Thousands have escaped to miserable conditions in Bangladesh. (...)

The United Nations has documented these atrocities. For years, General Assembly resolutions have condemned the abuses. Previous special rapporteurs have described the violations as “the result of policy at the highest level, entailing political and legal responsibility.” A recent General Assembly resolution urged the regime to “put an end to violations of international human rights and humanitarian law.”

The U.N. has placed Burma on a monitoring list for genocide, the Genocide Risk Indices lists Burma as one of the two top “red alert” countries for genocide, along with Sudan, while the Minority Rights Group ranks Burma as one of the top five countries where ethnic minorities are under threat. Freedom House describes Burma as “the worst of the worst.” (...)

Trying to talk to the generals is right, but it needs to be accompanied by strong and unambiguous pressure. In short, little action has been taken by the international community. Countries continue to sell the regime arms, impunity prevails.

The violations perpetrated by the regime amount to war crimes and crimes against humanity. The Harvard Law School’s report, “Crimes in Burma,” commissioned by five of the world’s leading jurists, concludes that there is “a prima facie case of international criminal law violations occurring that demands U.N. Security Council action to establish a Commission of Inquiry to investigate these grave breaches.”

Last week marked the 61st anniversary of the Universal Declaration of Human Rights. If that is to mean anything in Burma, the time has come for the U.N. to

impose a universal arms embargo on the regime, to invoke the much-flaunted “Responsibility to Protect” mechanism, and to investigate the regime’s crimes. The time to end the system of impunity in Burma is long overdue.

See full
[article](#)

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2. Crimes of aggression: a question of national integrity

New Zealand International Review

Kennedy Graham

1 November 2009

Kennedy Graham, MP for the Green Party in New Zealand, argues the case for criminalization of aggression in international and domestic law after the House last year tuned down legislation that would have made aggression a crime in New Zealand law.

(...) The explanatory note in the 2009 member's Bill identified the primary purpose of the proposed legislation as ensuring that New Zealand always use armed force in a manner consistent with international law and in particular the UN Charter. To that end, the Bill would make it a crime in New Zealand domestic law for any New Zealand leader in commit the New Zealand Defence Force to any act of aggression. The penalty, upon indictment and conviction, would be imprisonment (maximum ten years).

An act of aggression was defined in the Bill as any action which, by its character, gravity and scale, would constitute a manifest violation of the UN Charter. Seven specific actions were identified as meeting that threshold: invasion, bombardment, blockade, attacking another's armed forces, violating a military agreement governing the stationing of one's forces in another country, allowing one's territory to be used by an aggressor nation, and sending one's nationals to act as mercenaries. (...)

From the debate in the first reading, it was clear that the principal concern of the government was that the Bill would render New Zealand hostage to the Security Council. New Zealand would be unable to co-operate with Western nations when military action is an imperative but the council is prevented from authorising it. (...) This is indeed a serious matter as articulated by the government. For if it is a valid argument, it portends difficulty for the international community in reconciling the criminalization of aggression with the other tenets of contemporary international law. It essentially addresses the notion of the 'responsibility to protect'. Does this doctrine genuinely allow such circumvention of Security Council authorisation? (...)

It is thus abundantly clear that the doctrine of 'responsibility to protect', as it is set out in the principal UN documentation, can only be exercised under UN Security Council authorisation. As such, it remains compatible with the principle of non-aggression as it is set out in the UN Charter. It cannot therefore be credibly claimed that the criminalisation of aggression in the domestic law of New Zealand would be incompatible with the true doctrine of the 'responsibility to protect'. (...)

The Non-Aggression Bill introduced in the New Zealand Parliament in 2009 would have made aggression illegal in domestic law. It would be a criminal offence for any New Zealand leader to commit our armed forces to action in violation of the UN Charter. The Bill would require a legal opinion from the Attorney-General to be tabled in Parliament in advance of any executive decision to deploy. The Bill anticipates the possible criminalisation of aggression within the International Criminal Court at a conference of the parties next year. The government's opposition to the Bill rested mainly on the need for what it saw as the political freedom of action in the emerging 'responsibility to protect' doctrine. This article explores the validity of that argument.

Full article

[here](#)

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3. UN Emergency Peace Service Could Save Countless Lives

Vancouver Foreign Policy Examiner

Larry Kazdan

7 December 2009

(...) That UN human rights document - the Convention on the Prevention and Punishment of the Crime of Genocide - was approved by the General Assembly on December 9 1948 and came into effect in 1952 following its 20th ratification. Sadly, outbreaks of mass killings have continued to take place, as for example in Cambodia, the Balkans, Rwanda and Darfur.

Nevertheless, this Convention has become universally accepted, and the international community is slowly gathering tools for enforcement. In September 1998, the International Criminal Tribunal for Rwanda issued the world's first conviction for genocide. In 2002 the permanent International Criminal Court was created with the power to prosecute individuals, including political or military leaders, responsible for genocide, as well as war crimes and crimes against humanity. In 2005 world leaders accepted a new doctrine, the Responsibility to Protect (RtoP). This emerging norm redefines national sovereignty, empowering the international community to intervene when states are unable or unwilling to protect their citizens from large-scale violence.

To turn this principle into effective action, peacekeeping intervention must be timely. Slow responses, often taking four to six months, allow conflicts to escalate, leaving a trail of destruction and necessitating larger more expensive efforts. The UN urgently needs its own standing United Nations Emergency Peace Service (UNEPS) that could deploy quickly to trouble spots. In addition to a robust military presence, a UNEPS would include an array of civilian teams providing human rights monitoring, policing, humanitarian and disaster assistance.

"Canada could demonstrate bold leadership by challenging other countries to help establish a United Nations Emergency Peace Service (UNEPS)," says defence analyst Peter Langille. "Millions of as yet unknown innocent victims could be saved if the international community vigorously enforced the law against genocide." Fergus Watt, Executive Director of the World Federalist Movement-Canada adds, "Canadians want to make a positive difference in the

world and Canadians were the pioneers of UN peacekeeping. There would be no better follow-up than for us to champion an international Emergency Service that would protect countless vulnerable people around the world from heinous acts of violence."

**See full
[article](#)**

4. Sufferings in North Korea Must Be Brought to Light

Korean Times

American Association for the International Commission Jurists

7 December 2009

Kjell Magne Bondevik is president of the Oslo Center for Peace and Human Rights, and former Norwegian prime minister.

This week the human rights situation in North Korea will be reviewed in the U.N. Human Rights Council. For too long the world has ignored the human rights situation in North-Korea, fearing it could obstruct constructive discussions on nuclear weapons.

It is vital that the grave human rights violations and humanitarian challenges are brought to the top of our agenda. (...)

The human rights and humanitarian situation in North Korea is among the most appalling in the world today. Threats of war and nuclear weapons allow Kim Jong-il to keep his brutal iron grip on his people.

Human rights and nuclear politics are linked, and human rights concerns should therefore be addressed in all political discussions with the regime. The Oslo Center for Peace and Human Rights has submitted a report on the human rights

situation in North Korea to the U.N. Human Rights Council's Universal Periodic Review, recommending action.

Through two reports, in 2006 and 2008, the Oslo Center has participated in documenting the serious humanitarian and human rights situation in North Korea. The reports concluded that the North Korean government has failed in its responsibility to protect its own population against some of the world's most serious violations of human rights and international law. Against this backdrop the Oslo Center has two central recommendations to the U.N.:

Firstly, the U.N. Security Council should adopt a non-punitive resolution. The intention is to exert pressure on the North Korean government with a view to opening the country for humanitarian relief, to release the political prisoners and give access to the country for the U.N. special rapporteur, as well as further engagement by the U.N. Secondly, the U.N. General Assembly should strengthen the annual resolution on North Korea by referring to the U.N. doctrine of "responsibility to protect."

The U.N. should also conduct an analysis of whether the human rights situation in North Korea is indeed a violation of this doctrine. (...)

Read full
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IV. Related Publications

1. Council on Foreign Relations. Intervention to Stop Genocide and Mass Atrocities

Council on Foreign Relations

Matthew C. Waxman

October 2009

Matthew C. Waxman is an adjunct senior fellow for Law and Foreign Policy at the Council on Foreign Relation.

Overview

On a stone wall at the memorial of the Dachau concentration camp, a promise is written in five languages: “Never Again.” Yet in the decades since the Holocaust, in places from Cambodia to Rwanda to Darfur, international actors have failed to mount an effective response to mass atrocities.

The reasons for this failure are numerous. Political will to act, as well as the availability and capability of military intervention forces, is often absent. Moreover, enduring notions of sovereignty make it difficult for outside countries or international organizations to step in, despite considerable acceptance in recent years of the concept of “responsibility to protect.”

Another important part of this debate concerns the international legal system governing the use of force in situations of actual or potential atrocities. In this Council Special Report, Matthew C. Waxman asks whether this legal regime is effective in preventing and stopping such crimes. The report notes that international legal practices constrain swift action and require extensive consultation, especially in the United Nations Security Council, before particular steps can be taken. Waxman, though, argues that the system has certain benefits: it can confer legitimacy and help actors coordinate both military and nonmilitary efforts to prevent or stop atrocities. He also contends that different arrangements of the kind some have proposed would be unlikely to prove more effective.

He therefore opposes wholesale reforms but recommends more modest steps the United States could take to improve the current legal regime. These measures include expressing strong but nuanced support for the responsibility to protect and working with other permanent members of the UN Security Council to discourage the use of vetoes in clear cases of mass atrocities. But the report also argues that the United States must be prepared to act alone or with others in urgent cases without Security Council approval.

With thorough analysis and thoughtful recommendations, Waxman points the way toward an international legal system capable of promoting timely and effective action in cases of mass atrocities. This is a topic central to ongoing debates about the limits of sovereignty and the responsibility of states for their own citizens and others. It is also a subject that must be addressed if “Never Again” is to become a reality rather than a slogan.

Read the full
[report](#)

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2. Transnational Institute –The Responsibility to Protect, views from a panel debate by Denis Halliday, Fiona Dove and Phyllis Bennis 2 November 2009 On 24 September 2008 the Dag Hammarskjöld Foundation, in cooperation with the Uppsala Association of Foreign Affairs (UF), a students’ organisation at Uppsala University, held a public seminar on the Responsibility to Protect (RtoP or R2P). Exploring the provocative guiding question, as to whether RtoP is ‘a double edged sword’, three committed speakers presented their views, as documented in the following pages, to around 100 attentively listening students. T

he exchange ended in a lively debate and the shared awareness that despite all concerns about the risks involved this new paradigm might provide a tool, which – if used carefully and responsibly – could at least reduce (if not prevent) more human disasters of the magnitude of the genocide in Rwanda or the appalling consequences of what is euphemistically termed ‘collateral damage’ caused among innocent civilians through one-sided wars imposed on regimes considered to be rogue states. But at the same time the speakers shared the concerns of many others with regard to the risks that such a far-reaching interventionist doctrine might imply. After all, the power of definition over the appliance of such a doctrine is a highly sensitive matter and not protected from abuse. (Excerpts from introduction by Henning Melber, Executive Director at

the Dag Hammarskjöld Foundation)

The report features the following speakers and articles:

- * Fiona Dove, Executive Director of TNI, Responsibility to Protect
- * Denis Halliday, part of TNI/Dag Hammarskjold's UN reform project, Responsibility to Protect—why not?
- * Phyllis Bennis, Director of the New Internationalism Project at the Institute for Policy Studies –The Responsibility to Protect –Who gets protection? How can it happen?

Read the full
[report](#)

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V. Events

1. European Science Foundation and the Linköping University: Call for applications for conference “The Responsibility to Protect: from Principle to Practice”

8-12 June 2010

Linköping, Sweden

Five years after its acceptance by the 2005 World Summit, it is time to consider the contribution that the Responsibility to Protect (R2P) has made and could make to the prevention of mass atrocities.

The consensus among the Member States of the United Nations, as reflected in the General Assembly debate in the summer of 2009 is broad but not necessarily deep. While there is considerable general support for R2P along the three pillars suggested by the UN Secretary-General (responsibility of states to protect their own populations, assistance and capacity building and timely responses), fundamental questions remain. For instance: what does R2P add to the already existing obligations of states and to the substantial arsenal of instruments at the possession of the international community to prevent and respond to mass

atrocities? Does R2P entail a risk of opening the door to external intervention? And how can R2P be operationalised and implemented in concrete circumstances?

Knowledge of the impact of the principle is limited. Recent practice shows both instances of where the international community succeeded (Kenya) and failed (Darfur) to prevent mass atrocities, but in neither of these cases it is obvious that success or failure could be attributed directly to the use, or lack of use, of the concept of R2P.

Some of the speakers will include:

- § Kwesi Aning, Kofi Annan International Peacekeeping Training Centre, Ghana
- § Francis Deng, UN Special Adviser on the Prevention of Genocide and Mass Atrocities,
- § Jean-Marie Guéhenno, Senior Fellow, Brookings Institution,
- § Edward Luck, UN Special Adviser with a focus on the Responsibility to Protect
- § Monica Serrano, Global Centre for the Responsibility to Protect
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