

ICRtoP Listserv 19 March 2010

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I. Stanley Foundation Releases Comprehensive Report on its January conference 1.

A comprehensive summary by the Stanley Foundation summarizing the January 2010 conference in New York.

During January 15-17, 2010, the Stanley Foundation convened a conference in Tarrytown, New York, to discuss the way forward in implementing the Responsibility to Protect. The meeting provided a forum for reflection and discussion among representatives of United Nations member states, Secretariat officials, and experts on this important topic. The conference started with a keynote address by United Nations Secretary-General Ban Ki-moon. The executive summary highlights key conclusions and recommendations that surfaced in the course of three days of substantive dialogue.

Read

[executive summary](#)

II. United Nations denounces violence in Nigeria, Francis Deng visits West Africa and urges Nigerian government to protect its citizens

1. United Nations Expert on Genocide Prevention Travels to West Africa

16 March 2010

UN News Centre

Secretary-General Ban Ki-moon's Special Adviser on the prevention of genocide is travelling to West Africa to identify how national and sub-regional bodies can help prevent the scourge.

(...) He will stop in Guinea, Nigeria and Ghana, where he will discuss his mandate with government officials, UN officials on the ground and representatives from the Economic Community of West African States (ECOWAS). Mr. Deng, a Sudanese scholar and advocate, was named to the post by Mr. Ban in 2007 to collect information on serious violations of human rights that could lead to genocide and to bring potential genocidal situations to the attention of the Security Council. After holding a range of positions in both the UN and the Sudanese Government, he served as the Secretary-General's Special Representative on Internally Displaced Persons (IDPs) from 1992-2004. (...)

Read full UN news brief

[here](#)

2. The United Nations Committee on the Elimination of Racial Discrimination encourages Nigerian government to protect its citizens 12 March 2010 UN News Centre (...) The United Nations Committee on the Elimination of Racial Discrimination is calling on Nigerian authorities to tackle the underlying causes of repeated outbreaks of deadly ethnic and religious violence near the northern city of Jos.

“Ethnic hatred must not be allowed to foment in Nigeria,” said human rights expert Anwar Kemal, in his capacity as Chairperson of the Committee, which just concluded its 76th session in Geneva. He urged the Government of Nigeria “to take all the appropriate measures to immediately stop the ethnic violence, to protect the victims, and to avoid the repetition of such killings in the future.”

(...) The Committee also called on the authorities “to firmly address all underlying causes of tension leading to this repeated violence” and to promote dialogue between different ethnic communities to achieve tolerance and peace. The expert group drew attention to the fact that Nigeria has ratified the International Convention on the Elimination of Alls Forms of Racial Discrimination, and is obligated to prevent and protect persons against acts of hatred, incitement to racial and ethnic violence or any form of violence based on ethnicity. (...)

Read full news brief

[here](#)

III. Featured Papers/Speeches:

1. “Human Security and the Responsibility to Protect: A Holistic Approach to Dealing with Violent Conflict in Southeast Asia”

Otto F. Von Feigenblatt

Abstract:

Mediation is mostly treated apart from other approaches to dealing with violent conflicts, especially when dealing with conflict in which one or both parties deny the legitimacy of an overarching sovereign authority. This is the case in most violent conflicts in Southeast Asia, which are overwhelmingly ethnic in nature and usually pit a group fighting against the central government. This paper treats mediation as just one tool in a wider set of

approaches to dealing with so called “intractable-conflicts” and shows how mediation can and should be integrated so as to achieve the synergy and momentum necessary to deal with the many obstacles to a long term settlement of a dispute. The concept of Human

Security as well as of the Responsibility to Protect (R2P) are used as overarching theoretical frameworks necessary in order to achieve not only negative but also positive peace. An approach to mediation resembling Lederach’s “elicitive model” and Burton’s problem solving workshops are recommended as important tools in a concerted and holistic effort to move an intractable conflict towards settlement and sustainable peace. Examples are used throughout the paper from Southeast Asia’s many intractable conflicts such as the one in Indonesia between the government and the pan-Islamic movement Jemaah Islamiya (JI), the Muslim nationalist Moro Islamic Liberation Front (MILF) fighting for independence in the Philippines, and the Southern Muslim insurgency in Thailand fighting for an Independent Greater Patani.

Read full
[article](#)

2. “Responsibility to Protect by Military Means: Emerging Norms on Humanitarian Intervention?”

Diana Amnéus

Department of Law, Stockholm University

This article is an interdisciplinary study on the external ‘Responsibility to Protect’ (R2P) and international law. It focuses on the legal customary process on jus ad bellum by which states try to address the gap between the legitimacy and legality of humanitarian intervention to protect human security within a state against genocide, war crimes and crimes against humanity. The development of specific legal rights for the Security Council, regional organizations and ‘coalitions of the willing’ to protect by military means is examined through case studies of humanitarian interventions after the Cold War.

Constructivist perspectives on security and norms are contrasted with legal positivist analyses of customary law, the applicable law on the use of force, and evolutionary interpretation and informal modification of treaties. Feminist theories and gender perspectives on human security, the R2P and humanitarian intervention are also integrated into the thesis.

The decisions to authorize humanitarian interventions in Bosnia, Somalia, Rwanda, East Timor and Darfur confirm an external R2P for the Security Council in the form of a lex lata right to protect by military means where states have manifestly failed to do so and where peaceful means are considered inadequate. Furthermore, a similar customary right for regional organizations may also be emerging, when the state concerned manifestly fails to protect, the

Security Council is unable or unwilling to act and peaceful means found inadequate. Finally, support is found for a *lex ferenda* right of regional organizations, coalitions of the willing and individual states to intervene by military means in 'exceptional circumstances' in accordance with the theories on *ex post facto* or implied authority, or the principle of necessity, to protect people in humanitarian crises where the criteria of the R2P doctrine are met.

Read full
[paper](#)

3. "Implementing the Responsibility to Protect in Kenya and Beyond"

5 March 2010

Mark Schneider

International Crisis Group

In an address to the World Affairs Council of Oregon, Mark Schnedier (Senior Vice President of International Crisis Group) discusses the normative background of the Responsibility to Protect as well as the future impediments and challenges of the current Kenya crisis.

Excerpt:

(...) There is today one instance, Kenya, where we can see the potential of the Responsibility to Protect- in the background, unstated until after the fact, but very definitely a factor in international decision making to limit the waves of ethnically-linked killings in Kenya in 2008.

(...) According to Ed Luck, the Special Representative to the UN Secretary General for Responsibility to Protect, Kenya is seen as a success story for the UN and R2P:

"So the only time the UN has actually applied this, was in the case of Kenya, early in 2008 after the disputed elections. When there's seven or eight hundred people ... killed, it was not clear there was full-scale ethnic cleansing, but it could well become that or even something greater, and the UN decided to apply R2P criteria and to really make it the focus of the efforts there. And Kofi Anan, the former [UN] Secretary General who was doing mediation on the ground at that time, has said since that R2P was the lens through which he saw his whole efforts there."

Are we home free? Do we have a universally accepted norm that can ensure the absence of future mass atrocities, ethnic cleansing, war crimes and genocide? Unfortunately not; but we

have made a start.

In paraphrasing Elie Wiesel in his Nobel Prize acceptance speech, I would say, “None of us in a position to eliminate” mass atrocities; “but it is our obligation to denounce” them “and expose” them “in all” their “hideousness” and to do everything humanly possible to prevent them from every happening again.

Read full
[transcript](#)

IV. □ Upcoming Events

1. Global Centre on RtoP and the ICRtoP present a Responsibility to Protect Panel Discussion: UN Early Warning and Responses to Mass Atrocities

23 March 2010

United Nations Church Center

A lunchtime panel of former UN officials will reflect on how the UN has reacted to past warnings of mass atrocities. The discussion will explore how effectively the UN Secretariat has responded to the threat of mass atrocities, the good practices and lingering gaps in decision-making, and the role of the UN Secretariat in galvanizing UN member states to act.

The 2005 World Summit Agreement on the responsibility to protect (R2P) called for “support[ing] the United Nations in establishing an early warning capability” to inform timely and decisive action. A central element to the UN Secretary-General’s plans to strengthen early warning is the creation of a joint office of the Special Adviser on the Prevention of Genocide and the Special Adviser with a focus on R2P

This office will be linked to an inter-agency and interdepartmental mechanism that considers policy options to be presented to the Secretary-General.

Speakers include:

Jean-Marie Guéhenno,
Former Under-Secretary-General for Peacekeeping Operations

Juan Méndez,

Former Special Adviser on the Prevention of Genocide

Bertram G Ramcharan,

Former UN High Commissioner for Human Rights (ad interim)

Edward Mortimer,

Former Director of Communications in the Executive Office of the United Nations Secretary-General

Discussant: Edward C. Luck,

Special Adviser with a focus on R2P

Chair: Professor Thomas G. Weiss,

Presidential Professor and Director Ralph Bunche Institute, Graduate Center, CUNY

Please RSVP to

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2. Full Program Available for Amsterdam Law Conference on The Responsibility to Protect: From Principle to Practice in Linköping, Sweden

8-12 June 2010

Amsterdam Center for International law

Scandic Linköping Vast, Linköping, Sweden

The Conference is organized by the ACIL, in cooperation with the European Science Foundation (ESF), the Global Centre for the Responsibility to Protect and Linköping University.

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. 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 operationalized and implemented in concrete circumstances?

The aim of the Conference R2P: From Principle to Practice is to discuss selected aspects of R2P with a view to identify the added value of R2P as well as the challenges for the practical application of R2P.

The Conference will have a strong focus on international law. To the extent that R2P finds a basis in international law, this may foster consensus. Likewise, to the extent that states fear for abuse of R2P as legitimizing intervention, it is the development of international legal rules and procedures that may help placate such fears. However, the Conference recognizes that R2P moves beyond international law, and will integrate insights from political science, international relations and moral philosophy.

The Conference will bring together many internationally acclaimed experts on the Responsibility to Protect (R2P), academics as well as policy makers, from all regions of the world. It will identify new research lines that can help to understand and develop R2P, as well as provide concrete ideas that may be used by policy-makers. Speakers include Francis Deng, Edward Luck, Ambassador Heraldo Munoz, Nicolas Michel, Larry May, Daphna Shruga and Paola Gaeta. The full programme is available at the deadline for registration and the submission of papers is 22 March 2010.

**More information and how to participate in the
[Conference](#)
(deadline 22 March)**

**View Conference
[flyer](#)**

**See final conference
[agenda](#)**

3. Citizens for Global Solutions Annual National Lobby Day & Model UN 2010

The United Nations: Confronting Genocide

19-22 May 2010

Washington Plaza Hotel, Washington, DC

Join us

as activists, scholars and Citizens for Global Solutions members from across the country will be convening in Washington, D.C. at the Citizens for Global Solutions Annual Meeting to participate in a ground-breaking Model United Nations simulation while also lobbying members of Congress and hearing from experts in the field. Experience a Model United Nations by participating in a fully interactive real-time simulation that focuses on the role of the United

Nations and member countries in confronting the real life tragedy of genocide. Create the United Nations that leads to Global Solutions while also encountering the very real obstacles to finding global solutions, including national-interests and world events.

Spend Thursday hitting the halls of Congress

lobbying your members about the critical issues we are facing right now. Issues like encouraging continued United States engagement with the ICC, finding champions for the UN women's human rights treaty and supporting the ratification of the nuclear arms treaties. □ Network with global activists from across the country at our Citizens for Global Solutions Open House and Reception as well as hearing from phenomenal speakers leading the way in this field, in academics and in politics.

Schedule of Events (Stay tuned for a more detailed schedule with the list of speakers)

Wednesday Evening:

Citizens for Global Solutions Open House & Reception

Thursday

: Lobby Training & Lobby Day Breakfast included

Friday

: Opening Ceremonies, Citizens for Global Solutions Annual Meeting & Model United Nations begins Breakfast, Lunch & Banquet Dinner included

Saturday:

Model United Nations continues & Closing ceremonies. □ Breakfast & lunch included

Click here for more

[information and registration](#)