

Libya: Implementation of UN resolution 1973 for the protection of civilians; Urgent action required in Cote d'Ivoire; deteriorating situation in Abyei

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I. ICRtoP overview-- Libya and RtoP: Implementation of UN resolution 1973 to protect civilians

Following previous coverage of the international community's response to crimes against humanity in Libya, this listserv will cover the extraordinary series of actions over the past two weeks by the UN, regional organizations and Member States to protect populations from atrocities, in realization of their commitment to the Responsibility to Protect.

Following the escalation of violence between government forces and the armed opposition, civil society groups, including

[ICG](#)

, [Human Rights Watch](#)

and the

[Global Centre for R2P](#)

issued urgent calls for action, noting the urgent responsibility of the international community to prevent and halt mass atrocities.

The six Arab States part of the

[Gulf Cooperation Council](#)

met on 7 March and expressed in a statement that "UN Security Council take all necessary

measures to protect civilians, including enforcing a no-fly zone over Libya”, also condemning the “crimes committed against civilians, the use of heavy arms and the recruitment of mercenaries” by the Libyan regime.

The

[African Union](#)

on 10 March expressed that the violence posed “a serious threat to peace and security in that country and in the region as a whole, as well as to the safety and dignity of Libyans and of the migrant workers, notably the African ones, living in Libya”. While the AU called for the creation of

[a High-Level Committee on Libya](#)

to engage with all parties and facilitate dialogue in Libya (consisting of presidents from Uganda, Mauritania, South Africa, Democratic republic of Congo (DRC) and Mali as well as the Chairperson of the AU Commission Jean Ping), they expressly refused any form of foreign military intervention.

The

[Arab League](#)

, after having barred Libya from taking part of its meetings, convened an extraordinary session on 12 March. There, it declared that the Arab position regarding current events in Libya

“ all forms of foreign intervention” but “called on the Security Council to bear its responsibilities...and to take the necessary measures to impose immediately a no-fly zone on Libyan military aviation, and to establish safe areas in places exposed to shelling as a precautionary measure that allows the protection of the Libyan people and foreign nationals residing in Libya, while respecting the sovereignty and territorial integrity of neighboring States”. It also indicated that it would cooperate with the Transitional National Council of Libya and coordinate with the UN, African Union, OIC as well as the EU, and called on all States, international organization and international civil society to provide urgent humanitarian assistance to the people of Libya.

These statements were crucial for the international community to move forward with stronger measures, especially after indications by Western countries and NATO that they would not move forward with coercive options without approval from regional organizations.

Security Council passes landmark Resolution to protect populations in Libya

On 17 March, after more than 100,000 people already started leaving Benghazi, Qaddafi indicated in

[a radio address](#)

to Benghazi residents that his forces would come to the opposition-stronghold that night, showing “no mercy” to fighters. He stated that he would search every house, indicating his intent

to attack the city imminently.

In follow-up to Resolution 1970, the Security Council met on 17 March to confront the increasing threat to populations and voted on

[Resolution 1973](#)

, calling for a no-fly zone as well as a ceasefire. The comprehensive resolution also included provisions for a more robust arms embargo and called for travel bans and asset freezes on additional Libyan individuals, companies, banks and other entities. Notable sections of the resolution included:

Reiterating

the responsibility of the Libyan authorities to protect the Libyan population and reaffirming that parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians,

Considering

that the widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population may amount to **crimes against humanity**.

Authorizes

Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, (...) to protect civilians and civilian populated areas under threat of attack (...) while excluding a foreign occupation force of any form on any part of Libyan territory, and requests the Member States concerned to inform the Secretary-General immediately of the measures they take(...)

Secretary General

[Ban Ki-moon](#)

issued a statement immediately after the meeting highlighting the historic decision achieved by the council and his expectation for immediate action. He said that Resolution 1973 “affirms, clearly and unequivocally, the international community's determination to fulfill its responsibility to protect civilians from violence perpetrated upon them by their own government”.

Three African countries on the

[Security Council](#)

, Nigeria, South Africa and Gabon, supported the resolution. The support of Arab States led China and Russia to abstain, as well as Germany, India and Brazil.

Humanitarian situation

Immediately following the resolution's adoption, it was reported that Libyan authorities declared a cease-fire, and Libyan Foreign Minister Musa Kusa was quoted as saying that the truce was intended to protect civilians. Despite this announcement, fighting continued, and on 24 March, [Ban Ki moon briefed the Security Council](#), reiterating that despite a claim from Libyan authorities to have instituted a cease-fire, there has been no evidence of it and that battles continued around the cities of Ajdabiya, Misratah and Zitan, among others.

Most of Libya remains [off limits to aid workers](#)

, with very limited information on the humanitarian needs of the population as air strikes began at the weekend. More than [320,000 people](#) have fled to neighboring countries to escape the violence in Libya since mid-February, with an unknown number of displaced people. UNHCR has declared that providing humanitarian assistance had been very challenging.

Mobile phones not working since last Thursday, [reportedly](#)

fueling fear and uncertainty. The [UNHCR](#)

also estimated that as much as 100,000 people had fled Benghazi over the weekend, mainly families. Despite the high displacement inside the country, no large exodus to Egypt took place as was feared, although UNHCR has been preparing contingency plans for aid inside Egypt.

The [ICRC](#)

has issued alarming reports, that amid air strikes by international forces, heavy fighting continues between government forces and armed opposition, with very restricted access for humanitarian aid agencies, especially in cities like Ajdabiya and Misrata.

Furthermore, on 24 March, the Human Rights Council announced that the

[Working Group on Enforced or Involuntary Disappearances](#)

expressed deep concern that, "according to the information received, hundreds of persons have been taken to undisclosed locations where they might have been submitted to torture or other cruel, inhuman or degrading treatments or executed", which would amount to crimes against humanity.

Debate on the next steps: a no fly-zone, then what?

Two days after the Resolution was adopted, on Saturday 19 March U.S., French and British forces launched airstrikes against Libyan air defenses, tanks, armored personnel carriers and other military hardware in a military operation called

[Operation Odyssey Dawn](#)

, comprised of a

[coalition](#)

which now also includes Denmark, Canada, Italy, Qatar, Belgium, Spain, Norway, Qatar and the

[United Arab Emirates](#)

Announcing his authorization for the US Armed Forces to begin the limited military action enforcing the no-fly zone which began on 19 March,

[President Obama](#)

said that despite the risks of military action, “ was also proud that acting as part of a coalition that includes close allies and partners who are prepared to meet their responsibility to protect the people of Libya and uphold the mandate of the international community”. On 24 March, the US announced that it was transferring

[command and control to NATO](#)

, whose mandate remains limited to the no-fly zone although it could also act in self-defense, in cooperation with other states in the wider coalition.

Despite the clarity in the UN Security Council resolution to limit force enforcing the no-fly zone and to protect civilians, there has been increasing worry about how far the mission will go, what the objectives are, and what the exit strategy is. There is concern, expressed loudest by China, Russia and

[Turkey](#)

, that the air campaign over Libya may be going beyond the scope of the UN’s Resolution, some calling for an end the military campaign as soon as possible. Many states have also insisted that enforcement of Resolution 1973 should have a broad consensus, including Middle Eastern states.

The Libya effect: RtoP as ‘an actionable norm’

The endorsement of Resolution 1973 is a landmark moment in the development of the Responsibility to Protect. The debate among Member States around the situation in Libya was not about

whether

to act to protect civilians for mass atrocities but

how

best protect the Libyan population. This indication of Member States prioritizing the protection of

civilians for mass crimes reflects a historic embrace of the RtoP principles agreed to in 2005.

States have a responsibility to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing. When they fail to, the international community must react with a range of measures, including diplomatic, economic, humanitarian, and if necessary with more coercive measures authorized by the Security Council. In the case of Libya, a range of these measures were in fact adopted through the Human Rights Council, General Assembly, Security Council, Arab League, African Union, and Gulf Cooperation Council, and with unprecedented speed and decisiveness. These graduated steps showed that the Responsibility to Protect framework was (and continues to be) appropriately exercised in Libya and that the rhetoric of 'do something' has been matched by the political will of doing so. And while the ultimate adoption of a no-fly zone is the first time the Security Council has authorized a military reaction to protect populations in a non-consenting state, it is unlikely that this would have unlikely happened unless regional organizations had supported such stronger measures.

Contrary to those who will argue that the resort to the use of force demonstrates that RtoP is only about military intervention, the situation in Libya, with the clear gradual implementation of diplomatic, economic, humanitarian and coercive means over the last month, shows that (in the words of Ramesh Thakur), "R2P is coming closer to being solidified as an actionable norm". Nonetheless, this is no time for celebration. However historic and unanimous the reaction of the international community was in the face of imminent mass atrocities, the continuing threat to the population is real. As reflected in the articles and op-eds below, the international community, regional organizations, civil society, the media continue to wrestle with this question of how best to ensure the protection of civilians during a military endeavor.

See our compilation of RtoP excerpts from previous government statements at UN meetings on Libya:

- **Human Rights Council** meetings: [15th Session](#) on 25 February and [16th Session](#) on 28 February 2011
- [General Assembly statements](#) suspending the rights of membership of Libya in the Human Rights Council. (1 March 2011)
- France Statement in the [Security Council](#) meeting adopting Resolution 1973

II. Op-eds and reactions to resolution 1973 and Operation Odyssey Dawn □ 1. When intervening in a conflict, stick to UN script

Gareth Evans

Sidney Morning Herald

24 March 2011

Gareth Evans was foreign minister from 1988 to 1996 and is president emeritus of the International Crisis Group. He co-chaired the International Commission on Intervention and State Sovereignty, which introduced the responsibility to protect principle. The international military intervention in Libya is not about bombing for democracy or Muammar Gaddafi's head - let alone keeping oil prices down or profits up. Legally, morally, politically and militarily it has only one justification: protecting to the extent possible the country's people from the kind of murderous harm that Gaddafi inflicted on unarmed protesters four weeks ago, has continued to apply to those who oppose him in the areas he controls, and has promised to inflict on anyone against him should his forces recapture Benghazi and other rebel-held ground. And when that job is done, the military's job will be done. Any regime change is for the Libyan people themselves to achieve.

(...) To clarify the issues, the best place to start is with the two UN Security Council resolutions. The first, Resolution 1970, of February 26, invoked "the Libyan authorities' responsibility to protect its population" and sought to concentrate Gaddafi's mind by applying targeted sanctions, an arms embargo and the threat of International Criminal Court prosecution for crimes against humanity.

The follow-up Resolution 1973, of March 17, called for an immediate ceasefire and a complete end to violent attacks against and abuses of civilians and then, in an historic first, explicitly authorised military intervention by member states to achieve these objectives. Coercive military action was allowed to take two forms: "all necessary measures" to enforce a no-fly zone, and "all necessary measures ... to protect civilians and civilian populated areas under threat of attack". But boots on the ground - "a foreign occupation force" - were expressly excluded.

The language of these resolutions could hardly be clearer. In the case of enforcing the no-fly zone, what is clearly allowed is the destruction, by aircraft or missile, of any Gaddafi jet or helicopter that takes off, or of any Libyan anti-aircraft batteries or missile launch sites, or the disabling of any airstrip. And for the wider civilian protection mandate, what is clearly allowed is airborne action to knock out tanks or troop columns advancing on Benghazi or other rebel-held towns, and - should they exist - concentrations of forces within those areas that pose a direct and immediate threat to Gaddafi's opponents.

Some questions do arise at the margins. Is it within the scope of the no-fly zone to take out command and control centres that might direct aircraft? Can it possibly be legitimate to kill regime forces actually fleeing from a protected area, or in some other way posing no obvious or imminent threat to civilians?

But beyond these kinds of questions, room for debate runs out. Military action expressly designed to kill Gaddafi or force him into exile, to ensure rebel victory in a civil war, or to achieve a more open and responsive system of government in Libya, is simply not permissible under the explicit legal terms of UN Resolution 1973. Nor is it under the moral first principles of the "responsibility to protect" doctrine unanimously endorsed by the world community in 2005 to try to end once and for all Cambodia, Rwanda and Bosnia-type mass atrocity crimes. It is true that one or more of these results might, conceivably, be the effect of permissible military action, but they cannot be its objective.

It also follows from these legal and moral first principles that once there are reasonable grounds for confidence that the threat to civilian populations has been removed or neutralised (as seems now to be largely the case, at least in the east) the military action should cease. Of course a close watching brief should be maintained.

As the situation in Libya and the wider Middle East unfolds there are bound to be further acute dilemmas for policymakers, not least in responding to continuing repression in Tripoli, or the similar situations in Bahrain and Yemen. Mustering the cross-cultural political will to give the responsibility to protect real, and consistent, teeth is always going to be difficult. But, at least in the case of Libya, a hugely important precedent has been set. The Security Council has written exactly the right script, and it's just a matter now of following it.

See full [article](#). **2. Libya: Ambiguities Over the Interpretation of UN Resolutions 1973 Causing Global Consternation**

Institute for Security Studies

23 March 2011 Controversy and contestation abound concerning the manner in which powers such as the United States, United Kingdom and France have chosen to implement and enforce the United Nations Security Council (UNSC) mandated no-fly zone in Libya.

African actors, including the African Union (AU) and several heads of state have called into question the interpretation of the mandate, arguing that what is happening in Libya involves considerably more than just imposing a no-fly zone and that the powers involved are exceeding the stated intentions and objectives of UNSC resolution 1973.

The resolution stated that civilians would be protected by "any means necessary" a phrase that is seen as sufficiently ambiguous as to allow ulterior motives and interests to creep into the carrying out of the mission in Libya. (...)

(...)Into this mix of unclear objectives and interests is thrown the issue of regime change, a dormant US policy that, while pursued by the previous US administrations, has so far been overtly marginalised in US foreign policy. The large quantity of Tomahawk cruise missile attacks

on Libyan targets, and the subsequent attack on a building within Qaddafi's compound in Tripoli have led credence to the above speculations and subsequently a number of African, Arabic and Western actors have voiced concerns about their continued support for the UN mission in Libya.

Without doubt, the attacks have clearly hurt Qaddafi and limited his means to make war. A worrying problem, however, is that similar to the Iraq invasion of 2003, there appears to be no clear exit strategy. (...)

(...)The United States, the primary actor so far in Libya, has to contend with the legacy of its Iraq policy in addition to its continued presence in Afghanistan. President Obama has attempted to send a clear and decisive message to Qaddafi to leave office but given the time it took to take on board the idea of the no-fly zone and his concurrent desire to bandwagon Middle East states, this could be interpreted by some as indecisiveness. The controversy around the mission itself may be interpreted as an improperly thought out policy to which the US is now committed. There is no doubt that each of the powers involved desire that the situation is resolved quickly and without contestation.

The African Union has, unfortunately, been marginalised in Libya as the result of its own (in)actions as well as those of countries enforcing the no-fly zone. Some people see in US and European actions a confirmation that Libya and North Africa should be regarded as both different and separate from Sub Saharan Africa and therefore within their sphere of influence. To this line of thought, the US and Europe see it as obligatory for them to play a decisive role in determining the type and structure of politics and international relations in this region. This, however, raises uncomfortable questions about whether the AU is in fact capable of maintaining peace or effectively preventing atrocities and conflict within its sphere of influence.

Broadly speaking, the impressive speed with which resolution 1973 was proposed and passed is commendable in lieu of the almost indisputable fact that Qaddafi and his forces were poised to commit mass atrocities against his own people. If, however, it were to be shown that the no-fly zone attacks are causing civilian deaths and damage then the credibility of those powers will be seriously undermined.

The responsibility of the UN is to ensure the protection of all civilians is without doubt welcome, especially given that Qaddafi had plainly promised to have 'no mercy' for rebels. The challenge, however, is to avoid mission creep as the current intervention is beginning to resemble the prelude to a ground invasion.

See full
[article](#)

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3. UN breathes life into ‘responsibility to protect’

Ramesh Thakur

Thestar.com

21 March 2011

On March 17, Security Council Resolution 1973 authorized the use of “all necessary measures” short of an invasion and occupation of Libya “to protect civilians and civilian-populated areas” — the first UN-sanctioned combat operations since the 1991 Gulf War.

Resolution 1973 was passed by a 10-0 vote within 24 hours of being introduced, contrary to prevailing expectations that the moment for action had passed and the world once again had watched haplessly from the sidelines. An international military coalition has destroyed Libya’s air defence system, targeted tanks, established a naval blockade and is patrolling Libya’s skies to enforce the no-fly and no-drive zones.

The game-changer was the juxtaposition of **R2P** as a powerful new galvanizing norm; the mass defection of Libyan diplomats who joined the chorus of calls for prompt and effective action to protect Libyan civilians, oust Moammar Gadhafi and promote democratic reforms; and the request for a no-fly zone by the Arab League on March 12.

The key decision in Washington was made by President Barack Obama at a contentious meeting of top officials in the White House on March 15. The balance shifted in favour of military action when Hillary Clinton phoned in, influenced by what she was seeing and hearing in the region.

There are many risks and dangers. The military operations could prove inconclusive, inflaming the region still further. Obama’s pivot from non-intervention suggests that U.S. policy is reactive, not strategic. There are inconsistencies in the muted response to protests and uprisings in Bahrain and Saudi Arabia, where vital U.S. geopolitical and oil interests are directly engaged.
(...)

(...)Secretary-General Ban Ki-moon has been impressively firm and consistent on **R2P**, leading from the front. He noted that “Resolution 1973 affirms, clearly and unequivocally, the international community’s determination to fulfill its **responsibility to protect** civilians from violence perpetrated upon them by their own government.”

R2P is coming closer to being solidified as an actionable norm.

See [full article](#)

4. We can't dodge the hard part stabilising Libya

Alex Bellamy

The Australian

21 March 2011 *Alex Bellamy is professor of International Security, Griffith University. He is co-chair of the Council for Security Co-operation in the Asia-Pacific Study Group on the responsibility to protect.*

(...) Resolution 1973 marks an important step forward in the battle to rid the world of mass atrocities. The question is no longer whether the world should act to stop mass atrocities but how best to do so. The council has sent a clear signal of its commitment to the responsibility to protect principle (or R2P) that states governments have a duty to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. When they fail to do this, R2P demands the international community, acting through the Security Council, protect threatened populations.

(...) Besides the remarkable fact that the council was responding to Arab demands for military intervention (...) this is the first time it has authorised force against a functioning government to protect civilians. (...)

With the council often deadlocked, groups of states were sometimes forced to act without UN authorisation, as in Kosovo, and bear all the associated political and material costs. Not this time. Building an international consensus on military intervention involves complex and painstaking diplomacy. The Arab League's call for a no-fly zone was a game-changer.

Some Arab governments were no doubt motivated by dislike of Gaddafi and a desire to divert attention from their own troubles. But only the most jaundiced would dismiss entirely the role of humanitarian concern. African support was important but not surprising.

The African Union led the way on R2P: its charter, agreed in 2000, gives the organisation a right of humanitarian intervention in Africa. UN Secretary-General Ban Ki-moon played a pivotal role. Advised by the UN's new Genocide Prevention and R2P office, which warned of an imminent threat of crimes against humanity in the first days of the crisis, Ban urged the council to act.

This put the issue firmly on the agenda, paving the way for Resolution 1970 imposing sanctions and referring Libya to the International Criminal Court. Strident advocacy by Britain, France and Australia, and the Obama administration's cool-headed diplomacy, forged a wide consensus on limited military intervention. Indonesia was one of those persuaded.

Why didn't China cast its veto? China has endorsed R2P more than once but that doesn't mean it agrees with the West on how to act in the face of crises. Chinese views about how to respond to major crises are influenced by the opinions of relevant regional organisations.

Diplomats knew that if the Arab League and the African Union were prepared to back the

military option in Libya, China would not block it.

This is precisely what China told the council after the passage of Resolution 1973. For its part, having accepted the need for a second resolution and tabling its own draft calling for a ceasefire, Russia was boxed in politically and unwilling to stand alone against the resolution.

Whether 1973 marks a decisive shift for the better or a new cautionary tale about the limits of humanitarian war depends on what happens next. If the measures adopted succeed, not only will Libya be transformed but tyranny everywhere will be put on notice.

Difficult operational questions abound. These require hard-nosed thinking. Delivering on 1973 requires good strategy and adequate resources. The resolution's supporters must show the will to deliver. Having championed the cause so admirably, Australia cannot now leave the hard work to others.

See
[full article](#)

5. The sticky question of Libya's oil

ABC News

Daniel Franks and Volker Boege

18 March 2011

Dr. Daniel Franks and Dr Volker Boege are currently researching the relationship between extractive resources, conflict and governance, and the implications for advancing the Responsibility to protect in the Asia Pacific region. The research is funded by the Australian Responsibility to Protect Fund, Commonwealth Department of Foreign Affairs and Trade, and administered by the Asia-Pacific Centre for the Responsibility to protect. □

Responding to mass atrocity crimes in resource endowed regions raises difficult questions about natural resource sovereignty.

As the Libyan regime has been dishing out a particularly despicable form of repression to quell a civilian uprising the United Nations Security Council has now acted on the basis that the government of Libya has not met its '**responsibility to protect**' its civilian population from mass atrocity crimes.

This is the first occasion that the United Nations Security Council has invoked the doctrine of

the '**responsibility to protect**' in its response to an international crisis. The '**responsibility to protect**' (**R2P**) is a norm that has emerged following the failure of the international community to effectively respond to the deplorable mass atrocities that occurred in conflicts such as Cambodia and Rwanda. The concept is juxtaposed against the doctrine of humanitarian intervention - the so-called 'right' to intervene - which is argued by many states to present an unjustifiable challenge to national sovereignty.

The **responsibility to protect** places the onus on states to protect their citizens from the most extreme of crimes (genocide, war crimes, crimes against humanity and ethnic cleansing) and obliges the international community to assist states to build their capacity to do so. Should both of these manifestly fail the international community has the responsibility to progressively intervene through a wide range of approaches from diplomacy and sanctions, to the march of peacekeeping boots.

But there are challenging issues that arise in resource endowed regions when the prospect of international intervention is raised. While the **responsibility to protect** citizens from mass atrocity crimes is one that sits with the Libyan state, the broader application of **R2P**

imposes an additional as yet unrecognised responsibility on the UN Security Council and the international community more generally to ensure that whatever response is adopted, the natural resource endowment of Libya remains in the control of her citizens.

The example of Iraq provides a stark case of the legitimacy lost when the spoils of war are divided amongst those who have intervened. While the **R2P** norm is not encumbered with the indignity of being invoked in the Iraq case there is a justifiable reticence that many states have to the suspension of sovereignty even for the noble goal of ending mass atrocity crimes. (...)

(...) There are many cases (such as Sudan, Liberia, Bougainville and Sierra Leone) where extractive resources have generated and fuelled conflicts where mass atrocity crimes have featured. In each of these cases the natural resources dimension has had a role to play in the resolution of the conflict.

There is also the potential for extractive resources to create pressures on the strategic decision-making of those in a position to respond to mass atrocity crimes. Speaking following a meeting of the G8 on Tuesday Col Gaddafi is reported to have said: "We don't trust their ambassadors any more, they have conspired against us...We don't trust their firms. We are going to invest in Russia, India and China now. That's where our money is going to be invested. Oil contracts will now go to Russian, Chinese and Indian firms.(...)

(...) The case of Libya will be different. But the oil question is just too important to be omitted. If left unresolved it has the potential to erode the legitimacy of international strategies to curb the most extreme forms of mass violence. The 'suspension' of sovereignty in order to protect citizens from atrocities in Libya must not be accompanied by the violation of the resource sovereignty endowed in the people of that state. Should this be the case support for the **responsibility to protect**

norm will be undermined, as local opinion--and indeed resistance-- may coalesce around the action as a form of resource appropriation rather than an effort to curtail atrocity crimes.

See [full article](#) **6. No-fly zone: Putting a leash on Kadafi** Los Angeles Times By David Scheffer
18 March, 2011

David Scheffer, ambassador at large for war-crimes issues from 1997 to 2001, is a law professor at Northwestern University and author of the forthcoming book, "All the Missing Souls: A Personal History of the War Crimes Tribunals."

On Thursday evening the United Nations Security Council hit the right target when it authorized a no-fly zone over Libya, as well as "all necessary measures" against loyalist forces of Moammar Kadafi. With the tide recently turning against the rebellion, the no-fly zone and airstrikes against advancing armor and troops are needed more than ever to protect millions of Libyan civilians and help deter the atrocities certain to follow any victory or further brutal attacks by Kadafi's soldiers and mercenaries.

The debate over whether to deny Kadafi the use of his warplanes and helicopters, which delayed action for weeks, centered on how to ensure that such an initiative ultimately would help defeat Kadafi. Cynics have argued that a ground intervention would be required to finish the task. That would mean full-scale warfare, which raises alarm bells in the wake of Iraq and Afghanistan. In any event, it was not authorized by the Security Council. Optimists believe a no-fly zone may help turn the tide against Kadafi and empower the opposition to prevail, or at least hold onto some territory.(...)

(...)Crimes against humanity, such as extermination, torture, mass rape, enforced disappearances, persecution and other inhumane treatment, probably await the rebels and their families who fall under Kadafi's power. We may even witness a genocidal assault against a "differentiated" national group, namely the thousands of Libyan nationals who joined the opposition, as well as their families. War crimes, such as the shelling of non-military targets, including civilians, may also be revealed in the weeks ahead.(...)

(...)So the objective of the no-fly zone must not be framed in military terms alone. It must be seen as a potent weapon, joined with the Security Council's other measures, to avert mass atrocities. A no-fly zone also can be used as leverage on Kadafi. Even if he does not care about world opinion, at least he would have to ponder whether he wants the permanent grounding of all of his air assets.

There are additional options, some of greater risk, which may need to be considered to protect lives.

The Security Council could authorize creation of havens in western and eastern Libya, guarded by peacekeeping forces and a no-fly zone, to shelter significant numbers of the

opposition. The technological and telecommunications eyes of the world should be focused around the clock on every move Kadafi's forces take, with data flowing to the International Criminal Court for evidence at future trials. The Security Council could request well-crafted covert arrest operations by key governments to capture any Libyan indicted for atrocities.

A global pledge was forged in 2005 at the United Nations that there is a **responsibility to protect** civilian populations at risk of atrocities. A no-fly zone will help thwart the worst possible outcome in Libya. See [&](#)

[#160;full article](#)

7. The Difference With Libya

Brian Whitaker

The Guardian

23 March 2011

Why not bomb Bahrain? Why not declare a no-fly zone over Yemen? Such questions are aired increasingly on the internet – implying that in the light of all the popular uprisings in the Middle East and the authorities' attempts to suppress them, military intervention in Libya is a case of double standards.

It's true, of course, that Bahrain and Yemen are regarded as western allies while Muammar Gaddafi has been an international pariah for most of his 43 years in power and few will be sorry to see him go. But that is not the only reason for treating Libya differently.

In principle, the question of who governs each country is a matter for its own citizens to sort out, and as far as possible they should be left to do so. This is especially important in the Arab countries that have a long history of political manipulation from outside: Arabs alternate between complaining about western intervention and demanding that the west steps in to solve their problems for them.

The result has been a long-standing dependency culture which – thankfully – Tunisians and Egyptians began to shake off when they overthrew their presidents. They accomplished their revolutions without significant foreign help and, in the long run, they will be all the better for that.

The problem, though, is that dictators don't give up power readily and in the process of getting rid of them people are liable to be killed. It happened in Tunisia and Egypt, and it's happening in Bahrain, Yemen and – to a much greater degree – in Libya.

So, while it's important to let people determine their own future, there's a conflicting pressure to get involved when lives and human rights are at stake.

In an effort to clarify the position, the UN's 2005 world summit established an international norm known as "

responsibility to protect

" (set out here in paragraphs 138 and 139):

"Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means."

It goes on to say that the international community, through the UN, has a responsibility "to use appropriate diplomatic, humanitarian and other peaceful means ... to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity". It also permits military action through the UN "should peaceful means be inadequate and national authorities manifestly fail to protect their population". (...)

(...)There is a further argument that Libya was a test case: if R2P was ignored on this occasion the whole principle of protecting civilian populations would have been seriously weakened, if not rendered totally worthless.

This is not to suggest that intervening in Libya was necessarily a good idea militarily or politically. As Jonathan Freedland says, the trouble with it is not "the abstract principle but the concrete practice". There will always be debates about the implementation and questions about whether the number of deaths would have been higher or lower if Libyans had been left to their own devices. Either way, though, it deserves to be recognised as an intervention based on principle and not as the "petro-imperialist" plot that Gaddafi claims it to be.

If anyone is to be accused of double standards, it should be the Arab League, which initially supported the no-fly zone, wavered when the bombing started, and now seems to have swung back in support of it.

At the same time, though, the league is supporting another kind of "responsibility to protect" – the protection of repressive regimes in the Gulf. Yesterday, while rejecting "any foreign interference", it endorsed the sending of Saudi troops to prop up Bahrain's beleaguered king.

See

[full article](#)

8. The Libyan No Fly Zone: Responsibility to protect and International Law

David Hillstrom

Foreign Policy Journal

21 March 2011

(...)The broader question that we need to examine is the question of ‘the **responsibility to protect**

.’ Debates have taken place in the UN and books have been written on the issue, but we now have a tangible case through which we can consider both the process and the consequences of accepting ‘

R2P

’ as a guiding principle in international affairs. The balance of this article examines just this question. (...)

(...) But surely, if the UN intends to establish **R2P**

as a legally binding principle, there should be a broader exchange of views leading toward a consensus opinion and followed by a written legal document to govern future decisions. The framework for such a process is not in place and without such a framework all future decisions will similarly be ad hoc. This is not a prescription for international justice. (...)

(...) As a first step, membership in the Security Council should be revised to include all G20 nations and to cancel all veto rights. Decisions could then be taken through majority vote (or perhaps enhanced majority). And again these votes should be exercised following a legal argument presenting the case based upon an approved framework of international law. All those in favor of

R2P

please speak up and insist that the UN immediately initiate discussion toward establishing legal precedent along the lines I am suggesting here. All those who claim to support

R2P

, but who refuse to allow such amendments to UN process, will be unveiled. In actual fact what they favor is conditionality in the enforcement of

R2P

. The condition is that the target country should be a candidate for regime change and for the extension of the West’s influence. Otherwise, as in the case of Bahrain, the internal conflict is to be overlooked.

There are two subsidiary issues that demand examination within my proposed framework. First, what role should nations within the region play in the decision process? In the present case the Arab League recommended the no fly zone for Libya, but failed to mention either Yemen or Bahrain. The Arab League recommendation clearly influenced the UN decision. It seems unlikely to me that Russia and China would have remained silent without the endorsement of the Arab League. But the Arab League itself is a group of semi-democratic and dictatorial regimes which evidently have their own interests in mind. One might also ask why the Arab States did not intervene themselves or ask the UN to approve such an intervention. This question leads into the second subsidiary issue: Once the UN approves intervention in the internal affairs of a country, who should enforce the decision and how?

The
R2P

principle suggests a UN mandate to police the world. But the UN has insufficient means to enforce decisions itself. Hence the US, as always, exercises the role of the world's police force.

But it is inappropriate in principle for any one country to play such a role. In any case policing the world is an entirely different concept to what we see unfolding today. The coalition (largely dependent upon US military assets) is engaging in an air attack on Libya and the US has announced that it will not send ground forces. Gaddafi's forces have already gained the upper hand on the ground, so how is the air attack going to successfully protect civilians in Libya? Simple: it is not! There can be no protection without a police force on the ground.

This last observation brings us back to Secretary Gates' earlier objection and reveals a fundamental problem in establishing a role for the UN in policing the world. There are simply too many military assets available across the world to permit a policing role without first launching a high tech military assault. The vast proliferation of arms in the world is a legacy of the cold war and the influence of the military industrial establishment. There cannot, I would therefore argue, be a successful and just

R2P

policy without first successfully implementing a global disarmament program. Yes

R2P

has its merits, but first we need to reform the UN charter and dramatically reduce arms across the global community.

See ful

|

[article](#)

More [articles and analysis on RtoP](#)

:

24 March:

[The Guardian-- Ian Williams, "Libya, the UN and the R2P debate"](#)

(US shouldn't take lead on force but intervention still justified)

24 March:

[New York Times, Opinion – Nicolas Kristof, "Hugs from Libyans"](#)

(Intervention is necessary in Libya case to save civilians)

24 March:

[Al Jazeera – Gregg Carlstrom, "Responsibility to protect or right to meddle?"](#)

(Arguments for and against intervention in Libya)

18 March:

[Globe and Mail --](#)

[Explainer: What is Libya's 'responsibility to protect' its citizens?](#)

Lloyd Axworthy unpacks the UN Security Council resolution language

18 March:

[Foreign Policy – Kenneth Roth, "The Security Council Has At Last Lived Up To Its Duty"](#)

17 March:

[The Gazette –Kyle Matthews and Frank Chalk, "We must not allow Gadhafi to inflict further crimes against humanity"](#)

(On Canada's role in Libya)

III.

Urgent action required to prevent further atrocities in Cote d'Ivoire

On March 17,

30 unarmed civilians were killed and 60 others were injured when a market in Abidjan

was attacked. The UN Office of the High Commissioner for Human Rights immediately [condemned](#)

the violence noting that "it is quite difficult to avoid the conclusion that this may be an international crime, possibly a crime against humanity." On March 21,

The Security Council

expressed outrage over the violence and warned that that they were prepared to impose measures, including "targeted sanctions, against those who impede the peaceful resolution of the crisis, obstruct the work of UNOCI and other international actors in Côte d'Ivoire or commit violations of human rights and international humanitarian law". Meanwhile, Laurent Gbagbo denies involvement in the attacks and instead

[suggested](#)

that the UN was "conspiring" and seeking a "pretext for a military intervention".

On March 21, Ouattara's urged the UN to "immediately resort to legitimate force" to protect civilians caught in post-poll violence: "Given the magnitude and urgency of the situation... (the) government requests the Security Council to adopt a UN resolution to authorise the immediate use of legitimate force to protect civilians in imminent danger." Following this, at the 39th

ECOWAS Heads of State Ordinary Summit meeting this week, Nigerian President Goodluck Jonathan on March 23

[urged](#) the UN to take "decisive action", noting that the crisis in Cote d'Ivoire is a threat to West African peace and security.

International Crisis Group has

[called](#) on ECOWAS to step up its leadership in Cote d'Ivoire noting that "the cost of inaction is much higher now than that of taking strong political and military measures".

On March 22, UNOCI voiced

[concern](#) that the repairing and preparing of heavy weaponry such as an attack helicopter and rocket launchers could pose "a grave threat to the civilian population".

More worrying are

[reports](#) that thousands of young supporters are answering the call of Laurent Gbagbo to join the army to "liberate" the country and "

[neutralize](#) his opponents.

Reports

[indicate](#) that at least 440 people have been killed and 500,000 displaced since mid-December as a result of clashes between forces loyal to incumbent Laurent Gbagbo, and internationally recognized election winner, Alassane Ouattara.□

1. Open Letter to Heads of State and Government of the Economic Community of West African States (ECOWAS) on the Situation in Côte d'Ivoire

International Crisis Group

22 March 2011 Excellencies, We are deeply concerned about the worsening security situation in Côte d'Ivoire and urge enhanced efforts to stop the country's slide into full-scale civil war, which would likely involve ethnic cleansing and other mass atrocity crimes. On 10 March 2011, the Peace and Security Council of the African Union ended the debate on the outcome of

Côte d'Ivoire's 28 November 2010 presidential election by endorsing the report of the panel of the five heads of state who confirmed Alassane Ouattara as the sole legitimate president of the country. Unfortunately, this pronouncement has done little to relieve the crisis, because the incumbent regime responded with renewed armed attacks on Ouattara supporters and violent repression of the population.

Daily attacks on civilians, including reports of forced disappearances, rapes and torture, continue, and the death toll far exceeds the UN's confirmed count of 440 dead. Fighting between forces loyal to incumbent President Laurent Gbagbo and those allied to Alassane Ouattara has increased, including the use of heavy weapons, and widespread population displacement paralleled by hate speech and incitement to violence are worrying indicators of a deepening crisis and the potential for ethnic cleansing and other forms of mass killing. Côte d'Ivoire is no longer on the brink of civil war; it has already begun.

The Economic Community Of West African States (ECOWAS), with the support of the African Union, should offer Gbagbo a final chance for a peaceful departure, while actively preparing to oust his regime by all necessary means before it is too late. The massive investment the international community has made in peace and security in West Africa for nearly two decades is under threat.

In a 3 March report, the International Crisis Group identified three scenarios in the short term: "decay and lasting division of the country", "social crisis and popular insurrection", and "civil war". We stressed that the civil war scenario accompanied by civilian massacres was the most likely, and that the situation in Côte d'Ivoire constituted a serious and imminent threat to peace and security throughout West Africa. Unfortunately, the facts on the ground are proving us correct.(...)

(...)Excellencies, as you meet on 23 and 24 March in Abuja, we invite you to:

- ask the High Representative to be appointed by the president of the Commission of the African Union to provide a last chance for the outgoing president to leave in a dignified manner with guarantees of security, and to require an immediate response from him;
- decide on the establishment of a military mission whose objective would be to allow the regional community to protect, along with UNOCI forces, all people residing in Côte d'Ivoire in the very likely case of the eruption of massive violence, to support military action and decisions which could be taken by ECOWAS in accordance with developments in the months to come, and help President Ouattara and his government to ensure authority over all defence and security forces and to control the entire territory;
- ask the United Nations Security Council to consider emergency measures that could take the form of preventive military actions by UNOCI to more effectively protect civilian populations, such as disabling the mobility of armed elements undertaking indiscriminate attacks with heavy weaponry in Abidjan;

- ask the Peace and Security Council of the African Union and the UN Security Council to adopt individual sanctions against those who reject the decision of the Peace and Security Council of the African Union dated 10 March 2011, those who are responsible for deliberate attacks on civilians, and those who openly call for violence, or are responsible for broadcast and print media messages inciting hatred and violence. (...)

See full
[letter](#)

2. The Security Council Must Uphold the Responsibility to Protect in Cote d'Ivoire

Global Centre for the Responsibility to Protect

21 March 2011 The United Nations (UN) Security Council must take immediate action to protect populations at grave risk of mass atrocities in Côte d'Ivoire. Three times this month the Council has stated its readiness to "impose measures, including targeted sanctions, against those who ... commit violations of human rights and international humanitarian law." Yet with these violations occurring on a regular basis, the Council has failed to follow-through on its threat. The delay in Council action has only further emboldened former President Laurent Gbagbo whose intransigence continues to contribute to populations in Côte d'Ivoire experiencing war crimes and crimes against humanity – crimes that the UN members committed themselves to protect populations from at the 2005 World Summit. With each passing day the death toll and number of displaced rises. In a 17 March attack that the UN peacekeeping mission in Côte d'Ivoire (UNOCI) suggested may constitute crimes against humanity, security forces loyal to Gbagbo fired mortar rounds on a busy market, killing 30 people. Since 28 November, post-electoral violence has, according to the UN, killed over 410 people, displaced over 300,000 in Abidjan, and sent over 90,000 fleeing into neighboring Liberia. The incitement of violence towards UN personnel and peacekeepers continues unabated as does xenophobic hate speech — including by the pro-Gbagbo state owned Radiodiffusion Télévision Ivoirienne — targeting real and perceived supporters of President Ouattara and West African Muslim immigrants.

Security forces and militias loyal to Gbagbo are attacking civilians perceived to be supporters of Ouattara and individuals on the basis of their ethnic or religious affiliation. Increasing reports of attacks on civilians by pro-Ouattara forces are also worrying. The predominantly pro-Ouattara neighbourhood of Abobo, in Abidjan, has become a battle zone between pro-Gbagbo forces clashing daily with pro-Ouattara militias and supporters, including the 'invisible commandos,' about whom little is known. These clashes are spreading into other neighbourhoods in Abidjan, and the fighting between the pro-Gbagbo security forces and the northern rebel group, Forces Nouvelles, supportive of Ouattara, is escalating in the west and elsewhere in the country.

While the responsibility to protect places a special emphasis on prevention, member states also accepted a responsibility to take action to protect and save lives should preventive efforts fail.

The council has shown in its response to Libya that it is capable of acting quickly to protect civilians from atrocities. Not only are the risks to populations clear in Côte d'Ivoire today but the evidence of the commission of crimes and their incitement abounds. The country's history should also serve as sufficient warning to spur action. The 2002-2003 civil war saw civilians bare the brunt of mass atrocities perpetrated by all sides — including those fighting in today's conflict.

It should be made abundantly clear to both Gbagbo and Ouattara that their supporters must lay down their arms and that those who have incited or perpetrated crimes will be held accountable. The parties cannot use a resort to violence to achieve a favored outcome to a political dispute. The Security Council must, in an effort to put pressure on Gbagbo and his inner circle, act on its threat of targeted asset freezes and travel bans. The Security Council must push for the speedy deployment of the additional 2,000 troops it has allocated to UNOCI. It must request that UNOCI, with the support of troop contributing countries, fulfill its protection of civilians mandate by deploying to areas where populations face the greatest risk and, where needed, respond robustly to threats. Council members should, in conjunction with the Economic Community of West African States and the African Union, take steps to halt the broadcasting of hate speech and create contingency plans for more coercive action, including military options.

It is clear that the time for threats has passed and now is the time for follow-through. The Security Council must take preventive and protective action in keeping with the responsibility to protect before more lives are needlessly lost and the cost of action becomes significantly higher.

See [letter here](#) **IV. Security Deteriorates in Abyei; Threatens Future Peace** *Fighting erupted*

on February 27 when militias attacked in the disputed area of Abyei, resulting in the displacement of thousands of civilians. [OCHA](#)

[estimated](#)

that 20,000 people fled violence in the region since the beginning of March and stated that those who sought refuge are in great need of aid and medical assistance. [In addition to the IDP crisis, civilians have been killed, with at least 70 people dying during clashes that occurred on March 1-2 between fighters of the Misseriya tribe, which supports the Khartoum government and Ngok Dinka people, who are loyal to the south.](#)

[Response](#)

On March 8, the African Union issued a

[Communiqué](#)

that condemned the renewed violence, which undermines the implantation of the 2005 Comprehensive Peace Agreement, and called on all parties to immediately end clashes and ensure that the UN Mission in Sudan has unhindered access to the territory.

On March 16, Francis Deng, Special Adviser of the Secretary-General on the Prevention of Genocide, and Edward Luck, Special Adviser of the Secretary-General on the Responsibility to Protect issued a joint

[statement](#)

expressing grave concerns about the renewed violence. The Security Council held a closed door meeting on Monday, March 21. No resolution or statement was issued.

On March 23, the [Satellite Sentinel Project](#) (SSP) at Harvard's Humanitarian Initiative

[released](#)

imagery confirming Government of Sudan-backed forces moving inside Abyei near Bongo, Goli and Diffra.

"Satellite imagery confirms reports of the deployment of large numbers of northern forces as well as newly fortified encampments. This should be sounding alarms about the human security of all civilians in Abyei," said Dr. Charlie Clements, Director of Human Rights Documentation of the Satellite Sentinel Project, and Executive Director of the Carr Center for Human Rights Policy at Harvard University's Kennedy School.

Threat to future peace

Parties of both governments

[met](#)

with UN officials on March 4 to discuss the renewed violence in Abyei and signed the Abyei Agreement which

[called](#)

for the effective deployment of Joint Integrated Units (composed of troops from both the north and south), and the immediate withdrawal of all other forces from the area; however, unified measures to address the violence as well as to discuss the July independence of the South abruptly disintegrated following

[accusations](#)

by South Sudan of a Khartoum-led plot to overthrow the government in Juba. On March 13, South Sudan

[suspended](#)

with the north and the Secretary-General of the Sudan People's Liberation Movement stated that Khartoum wanted "to overthrow the government...before July." The UN independent expert on human rights in Sudan

[warned](#)

on March 14 that the deteriorating situation in Abyei could derail the peace agreement between the north and south, despite the success of the January referendum, and has urged Comprehensive Peace Agreement parties to take immediate action to bring an end to tensions in the region.

For further information on the situation in Abyei see:

[Flashpoint: Abyei](#)

; *Enough Project*

[Sudan webpage](#)

;

Médecins Sans Frontières□

1. UN Secretary-General's Special Advisers on the Prevention of Genocide and the Responsibility to Protect on the Situation in Abyei Region of Sudan

United Nations Press Release

16 March 2011

Francis Deng, Special Adviser of the Secretary-General on the Prevention of Genocide, and Edward Luck, Special Adviser of the Secretary-General on the Responsibility to Protect, have expressed grave concern at the increase of tensions in Abyei, where recent violence between the Missireya Arabs and the Ngok-Dinka ethnic groups and their allies has left more than 100 people dead and caused the displacement of at least 20,000 residents, many of whom had only recently returned from the North.

Reports that the Popular Defense Forces and the Sudan Armed Forces (SAF) and the Sudan Peoples Liberation Army (SPLA) have been deploying into the region have heightened concerns. "Given the perception that the SAF supports the Missireya Arabs and the SPLA supports the Ngok-Dinka, a stand-off between the two armies is very dangerous", they warned, "and could easily trigger further ethnic-based violence in Abyei. We urge both parties to refrain from any actions that could put the lives of civilians in danger and risk a return to full scale hostilities."

According to the Abyei Protocol of the Comprehensive Peace Agreement (CPA), the Ngok-Dinka are dual citizens of the North and the South during the interim period before the stipulated referendum in the area. Deng and Luck reminded the Government of Sudan (GoS) and the Government of Southern Sudan (GoSS) of their responsibility to protect all persons in Abyei, irrespective of their ethnicity or religion. "The parties have a shared responsibility towards these populations and must protect them. We call on both parties to initiate a thorough and impartial investigation into the recent incidents of violence in Abyei and to hold those responsible accountable in order to discourage further acts of violence, including forced displacement, which is a crime against humanity."

The two Special Advisers urged both parties to ensure the free, unhindered and expeditious movement of the peacekeepers and staff of the United Nations Mission in Sudan (UNMIS) so that the Mission can discharge its mandate, including for the protection of civilians, internally displaced persons, and other vulnerable groups.

See
[press release.](#)

V. 55 Member States Issue Timely Joint Statement on the Responsibility to Protect

Human Rights Council

16th Session

Item 10

23 March 2011

This statement was delivered by the government of Australia. □ Mr President, I have the honour to make the following statement on behalf of 55 countries. In 2005, the world's leaders declared with one voice that the international community should never again countenance indifference in the face of genocide, war crimes, ethnic cleansing and crimes against humanity. They committed, as set out in paragraphs 138 and 139 of the World Summit outcome document, to the "Responsibility to protect".

The Summit Outcome made clear that each individual state has the responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. It also clearly indicated that "the international community should, as appropriate, encourage and help states to exercise this responsibility, and support the United Nations in establishing an early warning capability." The leaders committed themselves, as necessary and appropriate, to helping states build capacity to "protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and to assisting those which are under stress before crises and conflicts break out."

The task of the Human Rights Council in this effort is targeted but crucial. It is to support the practical implementation of the World Summit commitment. We must work with the High Commissioner, to support long-term measures that help states exercise their responsibility to protect, such as institution building, strengthening the rule of law, and technical cooperation to promote respect for human rights and to prevent and address human rights violations. The Council also has a role in working with states to help build capacities and share best practices that reduce social tensions and contribute to conflict prevention.

We recall the High Commissioner's statement of 23 July 2009, and the Secretary General's report on implementing the Responsibility to Protect (63/677). We also reaffirm our support for the mandates of the Special Advisers to the Secretary-General on the prevention of Genocide and on the Responsibility to protect.

We urge all states to implement their responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and call on the international community to continue to provide international assistance and capacity building to help states in this regard.

We urge the Council to remain seized of this important issue, and to contribute, consistent with its mandate, to efforts within the General Assembly.

This statement was made on behalf of the following countries:

Albania, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, The Netherlands, New Zealand, Nigeria, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Somalia, Spain, Sweden, Switzerland, Tanzania, Thailand, United Kingdom of Great Britain and Northern Ireland, Ukraine, United States of America, Zambia

VI. Latest Research on RtoP

1. The European Union's Role in Promoting and Implementing the Responsibility to Protect in Africa: Turning Political Commitments into Effective Action

Andrej Kirn

Bruges Regional Integration and Global Governance Papers

15 March 2011

At the 2005 World Summit, an important normative shift occurred in the definition of sovereignty as the Responsibility to Protect (R2P) gained prominence. This paper investigates how the European Union (EU) has promoted the R2P principle at the EU and the international level and

to what extent the EU has channelled its support for R2P into concrete action in Africa.

The paper shows that while the EU has remained an active supporter of R2P at the international level, this enthusiasm has not been transmitted into its own policies or championed by any EU Member State. The EU has at its disposal a wide range of crisis management tools, yet is still far from applying them through coherent action, let alone under the R2P umbrella. Africa has great potential in developing its own peace and security framework, but this remains a long-term project. In this regard, EU support remains essential through political dialogue, sustainable financing and concrete projects to strengthen the African Peace and Security Architecture. **See [full paper](#) 2. The UN Security Council and the Responsibility to Protect: Policy, Process, and Practice**

International
Peace Institute

16 March 2011

The International Peace Institute (IPI) and the Diplomatic Academy Vienna have put together the first comprehensive analysis of the role of the UN Security Council in the ongoing process of implementing the responsibility to protect (RtoP). This most recent journal issue prepared by IPI and the Diplomatic Academy Vienna features contributions by senior policymakers and experts who participated in a conference co-hosted by the government of Austria, IPI, the Diplomatic Academy of Vienna, and the National Defence Academy in Vienna.

Contributions by Gareth Evans, Edward C. Luck, Susan Rice, Terje Rød-Larsen, Michael Spindelegger, and others in this publication provide an in-depth analysis of the policy, process, and practice of the UN Security Council in protecting populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. The launch of this collection of essays occurs shortly after the adoption of Security Council Resolution 1970(2011) on February 26, 2011 on the situation in Libya, which recalls the responsibility of the government to protect its population and thus echoes paragraphs 138 and 139 of the 2005 World Summit Outcome Document on RtoP.

This collection of essays demonstrates that the Security Council's role in implementing the responsibility to protect is not limited to taking collective action against mass atrocities (pillar three of RtoP). The publication shows that the Council can also make important contributions to encouraging and helping states exercise their responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity (pillar two of RtoP). By mandating UN peace operations to support security and justice sector reforms, the Security Council fosters national protection capabilities in states emerging from conflict, which typically face a high risk of relapse into mass violence. When the Security Council mandates peace operations to support the disarmament, demobilization, and reintegration of former combatants it also strengthens the fabric of a postconflict society. By pursuing early engagement and preventive diplomacy the Security Council can encourage governments to address concerns and to mitigate risks before mass atrocities materialize.

The Security Council's multifaceted contributions to the implementation of the responsibility to

protect complement the important roles of the General Assembly, the Human Rights Council, the Peacebuilding Commission, the Secretary-General, and other UN organs. The contributions of the Security Council to the implementation of the responsibility to protect have to occur within the scope of the authority granted to the Security Council by the UN Charter.

The publication was prepared by Christoph Mikulaschek, Senior Policy Analyst at IPI, and Hans Winkler, the director of the Diplomatic Academy of Vienna, which publishes the Favorita Paper journal. See full [report](#) . *Thanks to Eliana Horn for compiling this listserv.*