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3. Alex Bellamy, UN Chronicle — Human Rights and the UN: Progress and Challenges

VI. RtoP-Related Events and Calls for Papers

18 January,

Stanley Foundation, Carnegie Corporation of New York, MacArthur Foundation – Conference: R2P: The Next Decade

1 February,

American University College of Law — Conference: Addressing Sexual and Gender Based Violence in Conflict and Post-Conflict Settings: National and International Strategies

11 February

, Madariaga-College of Europe Foundation, Global Action to Prevent War, the Global Governance Institute, the Bonn International Centre for Conversion, the Center for the Study of Genocide at Rutgers University and the ICRtoP — Workshop and Call for Papers: Operationalising the Responsibility to Protect: The Civilian and Military Challenges of the “Third Pillar” Approach

I. ICC decision on 6 accused in Kenya may spur tensions and violent backlash *The International Criminal Court (ICC) Pre-Trial Chamber II*
[released](#)

its decisions on 23 January on the confirmation of charges (i.e. whether to issue arrest warrants and commence trials) of the 6 individuals alleged to be most responsible for the Kenyan post 2007-presidential election violence and crimes.

Charges

of crimes against humanity were confirmed for William Samoei Ruto, Joshua Arap Sang, Uhuru Muigai Kenyatta and Francis Muthaura. As a result of insufficient evidence, charges against Henry Kiprono Kosgey and Mohammed Hussein Ali were declined; however the court can re-request the confirmation of charges against either case if additional evidence is brought forward. Civil society has expressed concern that those who disagree with the Court's decisions will portray the ICC as being politically or ethnically partisan, and that there is potential for tensions and violence surrounding the confirmation of charges. As George Kegoro, the executive director of ICJ Kenya, an ICRtoP member, stated in a media advisory

released

by the Coalition for the ICC, “we underline the judicial, not political, nature of the ICC process which seeks to respond on behalf of the 1200 killed, 900 sexually assaulted and the thousands

still in camps as a result of the post-election violence, and urge all Kenyans to be confident in it and let justice run its course.”

*The ICC’s decision will impact Kenya’s 2013 presidential campaign as two of the ‘Ocampo six’, Uhuru Kenyatta and William Ruto, are top candidates in the elections. Consequently, **there is potential for tensions and violence to erupt surrounding the 2013 elections.** Civil society, sub-regional and regional organizations, and the international community must be engaged to prevent a reignition of ethnic violence.*

What can Civil Society do to promote the protection of populations?

Civil society can play a role following the ICC decision in diffusing any potential political or ethnic tensions. This can include raising awareness about the process and issues concerning the case of Kenya in an effort to diffuse tensions surrounding the confirmation of charges and the subsequent 2013 presidential election campaign. Members and colleagues can inform other NGOs, the media and the public through measures such as press releases, regional or domestic radio broadcasts, reports, community events or conferences.□

If your organization issues publications, holds events, or engages in activities relating to the Kenyan elections please let us know so we can feature your work on our website and social media outlets as well as provide additional support.□

1. Four Kenya Post-Election Violence Suspects to Face Trial at ICC

Coalition for the International Criminal Court

23 January 2012

WHAT:

Today, 23 January 2012, Pre-Trial Chamber II (PTC II) of the International Criminal Court (ICC) delivered its decisions on whether to move to trial two cases against six individuals allegedly responsible for the commission of crimes against humanity during post-election violence in 2007-2008 in Kenya. The ICC is the world’s first permanent international court to prosecute war crimes, crimes against humanity and genocide.

HOW:

In the case against William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang, judges confirmed charges of crimes against humanity against Ruto and Sang, but declined to confirm those against Kosgey. In the case against Francis Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali, judges also confirmed charges of crimes against humanity against

Muthaura and Kenyatta, but declined to confirm those against Ali. The decisions were taken by majority of the Chamber, with Judge Hans-Peter Kaul dissenting.

The cases will therefore move to trial against William Samoei Ruto, Joshua Arap Sang, Francis Muthaura and Uhuru Muigai Kenyatta at this stage. Both the prosecution and the defence have the right to request the Chamber to appeal today's decisions. Today's decision does not preclude the Prosecutor from re-requesting the confirmation of charges against Kosgey and Ali if supported by additional evidence. (...)

(...)

COMMENTS:

"ICJ Kenya supports the decisions confirming the charges against Ruto, Sang, Muthaura and Kenyatta as an important step forward in ensuring justice for the victims of the terrible crimes of the post-election violence of 2007/8," said

George Kegoro, executive director of the Kenya chapter of the International Commission of Jurists

. "We underline the judicial, not political, nature of the ICC process which seeks to respond on behalf of the 1200 killed, 900 sexually assaulted and the thousands still in camps as a result of the post-election violence, and urge all Kenyans to be confident in it and let justice run its course."

"Now that the charges are confirmed ICJ Kenya calls upon the President and Prime Minister to fulfill their obligations to uphold the rule of law and suspend from office Deputy Prime Minister Kenyatta and Head of Civil Service Muthaura in line with chapter 6 of the Kenyan constitution and also call upon the suspects to vacate office of their own volition in line with their statements of 15 December 2010 to cooperate with the ICC,"

Kegoro continued. "The suspects now need to present themselves voluntarily to the ICC and the Kenyan government must continue to cooperate with the ICC as per public statements made in this respect, article 86 of the Rome Statute, and Kenya's International Crimes Act."

"FIDA Kenya welcomes today's decision to confirm charges against some of the suspects in these cases, in particular the confirmation of the rape charges against Kenyatta and Muthaura," said **Grace Maingi-Kimani, executive director of the Federation of Women Lawyers Kenya (FIDA Kenya)**

. "However we also underline the urgent need for the Office of the Prosecutor to bring forward charges for the rape cases in Kibera and Nyanza," she added. "We further call for a local prosecutorial process to deal with the middle- and lower-level perpetrators of crimes committed during the postelection violence in Kenya."

“Today’s decision to send these four suspects to trial represents a major step towards justice for victims of grave crimes which brought chaos to Kenya in 2007/2008,” said

William R. Pace, Convenor of the Coalition for the International Criminal Court

. “The decision declining to confirm charges against Kosgey and Ali does not refute that terrible crimes occurred during the post-election violence, but that the evidence assigning individual responsibility to the defendants did not convince the ICC’s independent judges at this time,” he said. “We now call for increased cooperation with the Court, including through the continued voluntary appearances of the suspects at the forthcoming trial proceedings.” (...)

See full

[media release](#)

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Kenya: Impact of the ICC Proceedings

International Crisis Group

January 2012

Although the mayhem following the disputed December 2007 elections seemed an exception, violence has been a common feature of Kenya’s politics since the introduction of a multiparty system in 1991. Yet, the number of people killed and displaced following that disputed vote was unprecedented. To provide justice to the victims, combat pervasive political impunity and deter future violence, the International Criminal Court (ICC) brought two cases against six suspects who allegedly bore the greatest responsibility for the post-election violence. These cases have enormous political consequences for both the 2012 elections and the country’s stability. During the course of the year, rulings and procedures will inevitably either lower or increase communal tensions. If the ICC process is to contribute to the deterrence of future political violence in Kenya, the court and its friends must explain its work and limitations better to the public. Furthermore, Kenya’s government must complement that ICC process with a national process aimed at countering impunity and punishing ethnic hate speech and violence.

In the past, elites have orchestrated violence to stop political rallies, prevent opponent’s supporters from voting, and – as in the 2007-2008 events – intimidate rivals. In the aftermath of the crisis, a Commission *of Inquiry into Post-Election Violence (CIPEV)*, chaired by Kenya Court of Appeal Judge Philip Waki, was established to investigate the facts and circumstances of the election violence. Among its major recommendations was creation of a Kenyan special tribunal to try the accused organisers. Mindful of the history of political impunity, it recommended that if the government failed to establish the tribunal, the Panel of Eminent African Personalities that under Kofi

Annan's chairmanship mediated the political crisis should hand over a sealed envelope containing the names of those who allegedly bore the greatest responsibility for the violence to the ICC for investigation and prosecution. (...)

A bill to establish a special tribunal was introduced twice in parliament but on both occasions failed to pass. (...) Annan consequently transmitted the sealed envelope and the evidence gathered by Waki to the ICC chief prosecutor, Luis Moreno-Ocampo, on 9 July 2009. Four months later, on 5 November 2009, the prosecutor announced he intended to request authorisation to proceed with an investigation to determine who bore greatest responsibility. (...)

When Moreno-Ocampo announced, on 15 December 2010, the names of the six suspects, many of the legislators who had opposed the tribunal bill accused the court of selective justice. It appears many had voted against a Kenyan tribunal on the assumption the process in The Hague would be longer and more drawn out, enabling the suspects with presidential ambitions to participate in the 2012 election. To many Kenyans, however, the ICC's involvement sends a signal that entrenched impunity for wealthy and powerful politicians will not be permitted to endure. If national courts are unable or unwilling to prosecute perpetrators of gross electoral violence, the international court can. For a political class used to impunity, this is a likely game changer for how politics are conducted in the country.

The 2012 presidential and legislative elections will play out against the backdrop of a significant ICC role that Kenyan politicians will be unable to influence. (...)

(...) The ICC is expected to announce in late January 2012 whether it has confirmed charges against each of the six suspects and will proceed to trials. The court's rulings will introduce an additional – possibly crucial – factor into an already pivotal election.

If the court, as is expected, confirms charges for both cases on the same day, this could be a crucial step to help defuse a rise in ethnic tensions. There are real fears that if charges are dropped for suspects of one ethnicity and confirmed for those of another, ethnic tensions could increase sharply, regardless of the legal merits. The ICC's decisions will continue to play a pivotal role in Kenya's political process, especially in the crucial 2012 election. The court appears cognisant that these will not be viewed by many Kenyans simply as legal decisions and that the timing and framing of proceedings and rulings will inevitably have an impact in heightening or tamping down tensions. Accordingly:

- The International Criminal Court should recognise that public statements warning suspects and other politicians not to politicise the judicial proceedings, such as Judge Ekaterina Trendafilova's on 5 October 2011 noting that continued hate speech would be considered in the pre-trial deliberations, can dampen and deter aggressive ethnic and political rhetoric.

- While the ICC is still popular, the Kenyan public's approval of its role has been declining, due to deft media manipulation by the suspects and their lawyers. In order to counter misrepresentations of the court's decisions, the court and its supporters, including civil society and other friends, should intensify public information and outreach efforts to explain its mandate, workings and process.

- The Kenyan government must recognise that the fight against political violence and impunity is its responsibility. It needs to close the impunity gap by complementing the ICC process with a parallel national process. (...)

- The government should also support Willy Mutunga, the new chief justice, in his efforts to reform the judiciary and restore public faith in Kenya's system. **Please see [overview of report](#) and the [full report](#).**

II. Syria: Arab League calls on Assad to resign, increases support for observer mission

As the one-month mandate of the Arab League's observer mission in Syria ended, the League met on 22 January in Cairo to discuss the mission's future. Following the [meeting](#)

, Arab leaders, in addition to extending the mission's mandate and providing additional equipment for observers, called on Syrian President Bashar al Assad to cede power to his vice president and form a national unity government. The League called for a dialogue between the government and opposition to begin within two weeks and asked that the unity government begin organizing elections. The Syrian government called the new initiative "an attack on national sovereignty". Meanwhile, in spite of the increase in support for observers, on 23 January Saudi Arabia announced it would

[withdraw](#) from the mission, saying that Syria had reneged on its commitments to the peace initiative. As Saudi Arabia is a principle funder of the mission, this may further undermine the mission. The Arab League had

[increased](#) the number of monitors in Syria at an 8 January meeting following observers' request for more time and resources to assess the escalating violence. However, though assistance from the UN was available, given UN Secretary-General Ban Ki-moon's

[offer](#) of UN technical support for monitors if called upon, it was not agreed to during the meeting.

The recent international response to the continued violence has been diverse. On 15 January, a US news agency quoted Qatari leader Sheikh Hamad bin Khalifa Al Thani who

[suggested](#) Arab troops be sent to Syria to end the conflict. Syria immediately condemned Qatar's remark, warning it would jeopardize Syria-Arab relations and promising to "stand firm" against any

intervention. The Arab League

[affirmed](#)

on 23 January that leaders were not in favor of a military intervention. Later, on the same day, the European Union

[announced](#)

an expansion of economic sanctions to twenty-two more individuals. However, on 18 January, Russia

[promised](#)

to veto any attempt in the Security Council to secure sanctions against Syria.

Since the beginning of the Arab League's mission on 27 December, Syria has not

[complied](#)

with calls for a decrease in violence. In a meeting with the Security Council, UN political chief Lynn Pascoe told members that as of 9 January, 400 people had been

[killed](#)

since the monitors arrived. On 10 January, Syrian President Bashar al

[Assad](#)

made a public speech vowing an "iron fist" to fight "terrorists" and slamming the actions of the Arab League.

[Human Rights Watch](#)

, in its 11 January media release, called on the Arab League to protect civilians and "reconsider its mission" as the mission has done little to stop the committal of crimes.

1. Arab League: Report Publicly on Syria Mission

Human Rights Watch

20 January 2012

The Arab League should publicly release its Syria monitoring mission's final report in full and urge the United Nations Security Council to impose targeted sanctions to halt the ongoing killings, Human Rights Watch said today in a public letter to the Arab League and Arab foreign ministers. They will meet to discuss Syria on January 22, 2012. Human Rights Watch has documented ongoing daily violations by security forces against protesters and steps by the Syrian government to interfere with the work of the mission, including the detention of a wounded protester on January 1, 2012.

According to local activists, security forces have killed 506 civilians since the Arab League monitors began their mission in Syria on December 26, 2011. Attacks against security forces have also intensified in certain parts of the country. The mission's credibility has been clouded since its inception by its lack of transparency and independence, Human Rights Watch said. The criteria for selecting the monitors have not been made available nor has any information about their monitoring experience. The mission has relied on the Syrian government for security

and to transport monitors around the country, compromising the mission's ability to access victims and witnesses safely. The mission's interim report on January 8 has not been made public, and the Arab League has not shared information about the mission's methodology. (...)

In its letter, Human Rights Watch urged the Arab League to work with the Security Council to impose an arms embargo on Syria, impose sanctions against the individuals responsible for grave violations, demand unhindered access for humanitarian missions, foreign journalists, and independent human rights organizations, call on the Syrian government to cooperate with the Office of High Commissioner for Human Rights (OHCHR) in establishing a human rights monitoring presence in Syria, and refer Syria to the International Criminal Court (ICC).

In the agreement it signed with the Arab League on December 19 the Syrian government pledged to end violence against peaceful protests, release detained protesters, withdraw armed elements from cities and residential areas, and allow Arab and international media unhindered access to all parts of Syria. Syria also pledged in the agreement to grant Arab League monitors unhindered and independent access to anyone they wish to interview to verify whether Syria has carried out these steps – including victims, detainees, and nongovernmental organizations. Syria guaranteed the safety of witnesses from reprisals. (...)

In addition to violations of the agreement documented since the monitors arrived, Syrian authorities are arbitrarily detaining protesters and activists. The Violations Documentation Center (VDC), a Syrian monitoring group, reported the detention of 490 people between December 26 and January 18. (...)

Human Rights Watch has also gathered information on instances in which the Syrian military has not withdrawn from cities as required by the agreement, including in Jisr al-Shughur, Idlib, and the al-Midan neighborhood of Damascus. Witnesses also told Human Rights Watch that military forces remain in al-Sabile, Daraa; Baba Amr, Homs; al-Sultaniya, Homs; and Zabadani, a town near Damascus.

Further, while Syrian authorities have issued more visas to foreign journalists, the authorities continue to restrict the movement of journalists within Syria and encumber their work. (...) **Re**

ad
[full article.](#)

2. No military option in Syria

Foreign Policy

Marc Lynch

17 January 2012

It is time to think seriously about intervening militarily in Syria, argues Steven Cook today. He joins a small but growing chorus pushing for such a move. Some parts of the Syrian opposition have moved toward requesting an intervention, albeit with serious reservations and furious internal disagreements, as has the Emir of Qatar and some other Arab officials. And then of course, there are those who have been pushing for hawkish policies toward Syria for years who have seized the moment to push for action, and others who generally support military solutions.

This is the kind of temporary coalition which can drive real policy shifts.

It is easy to understand the urgency behind such a call. The brutality of the Syrian regime has produced unspeakable atrocities which challenge the conscience of the world. The daily death toll, and the horrific videos and images which circulate freely, can easily make the passions overwhelm the interests and push us to set prudence aside. I supported the intervention in Libya, and believe strongly in the importance of advancing regional and global norms against regime violence.

But the U.S. should

not

be contemplating military intervention in Syria. Risky, costly foreign policy decisions can not simply be taken to express moral outrage. They need to have a serious chance of success. None of the military options currently under discussion have a reasonable chance of improving the situation at an acceptable cost, and their failure would likely pave the way to something far worse.

(...) Military intervention in Syria has little prospect of success, a high risk of disastrous failure, and a near-certainty of escalation which should make the experience of Iraq weigh extremely heavily on anyone contemplating such an intervention. (...)

If Syria really did resemble Libya, then the argument for a similar intervention under the mantle of the

Responsibility to Protect

would be stronger. But it doesn't. The Syrian opposition is far weaker, more divided, and does not control any territory. There are no front lines dividing the forces which can be separated by air power, no tanks and personnel carriers conveniently driving along empty desert roads to be targeted from the sky. The killing in Syria is being done in densely populated urban environments. There is no UN Security Council resolution authorizing the use of force. The geography and sectarian landscape are different, as is the regional environment and the risk of spillover into nervous neighbors such as Israel, Lebanon, Turkey, Jordan and Iraq. (...)

Military intervention in Syria to stop the killing appeals to the soul but does not make sense. That doesn't mean ignoring the slaughter. The United States and its allies must indeed do more to support the Syrian opposition forces. It should work to achieve a UN Security Council mandate for comprehensive international sanctions against Damascus, and continue to work with its regional allies to build bilateral and regional pressure. Now that Michael McFaul has finally been confirmed as ambassador to Russia, and the Arab League mission has largely failed, the U.S. can hopefully make more progress in shaping a strong Security Council resolution. The U.S. and its allies should push International Criminal Court indictments and hold the regime accountable for its crimes. (...)

I have my doubts about whether the Syrian regime is truly crumbling, as so many claim, but I do believe that the Syrian regime is destroying itself through its repression, losing political support and control over much of the country. The U.S. needs to hasten those processes, not insert itself in the middle with military action which can not hope to succeed.

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

III. Member States show continued support for RtoP as GA Fifth Committee votes on budget

The 5th

Committee of the General Assembly (GA), responsible for administration and budgetary matters, concluded weeks of negotiations with a vote held on 24 December to approve the adoption of a \$5.15 billion budget for 2012-2013. Based on the reports of the Fifth Committee, the GA considers and approves the budget of the UN in accordance with Chapter IV, Article 17 of the UN Charter. For more background on the Fifth Committee process, click [here](#)

The funding for the Office of the Special Adviser on the Prevention of Genocide (OSAPG) falls under Section IX of the budget

[A/C.5/66/L.19](#)

, and deals with “estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council.”

While speaking on the proposed budget designated for special political missions including the OSAPG, the Responsibility to Protect was discussed amongst Member States. The representative of Cuba, speaking on behalf of the delegations of Venezuela, Nicaragua and Iran,

[proposed](#)

an oral amendment to part IX of the budget document calling for the deletion of all references to RtoP related to the work of the OSAPG. These Member States argued that the norm had not been adopted by the GA and considered RtoP an agenda still under consideration. Therefore, they argued RtoP should not be included within budgetary documents and the mandate of the OSAPG. The delegation of Cuba stated that RtoP was being manipulated by interventionists to justify the use of force, while Venezuela

[objected](#)

to the inclusion of the four crimes within the OSAPG’s logical framework of analysis.

Member States strongly defended RtoP as legitimately part of the mandate to prevent genocide and expressed their disagreement with the proposed amendment. Delegations, including Poland (speaking on behalf of the European Union) and the Netherlands,

[noted](#)

that the function of the 5

th

Committee is to address budgetary matters and as such political discussions must be held within the appropriate UN forums. The representative of Poland on behalf of the EU further

[stated](#)

that the Committee had a responsibility to insure the sufficient funding of the OSAPG so that the Office could properly implement its mandate. When taken to a recorded vote, 71 Member States voted against the proposed amendment, with 11 votes in favor and 42 abstentions. The delegation of Liberia acknowledged afterward that they meant to vote against the amendment. A higher number of votes were cast in favor of RtoP this year with a decrease in abstentions and votes against the norm as compared to the 2010 meeting of the 5

th

Committee in which the representative of Venezuela proposed an amendment to limit the logical framework to include only genocide as opposed to all four crimes. Section IX of the budget document, which focuses on the funding of special political missions including the OSAPG, was adopted with a vote of 119 in favor to 7 against and 8 abstentions.

The strong display of commitment of Member States to the concept as shown by the Fifth Committee discussion and the rejection of the amendment proposed by the delegations of Cuba, Venezuela, Nicaragua and Iran is positive ahead of the 2012 GA Dialogue, which will focus on the third pillar of RtoP – timely and decisive response.

See

[press release](#)

from the 25

th

Meeting (AM) of the

Sixty-sixth General Assembly Fifth Committee from the Department of Public Information.

IV. Latest from RtoP Members

1. Regionalization in New Scenarios: Democratic Deficit and Civil Society Participation in South American Regionalism

Coordinadora Regional de Investigaciones Económicas y Sociales (CRIES)

9 January 2011

(...) This document aims at analyzing both the present dynamics of the regionalism processes in Latin America and the Caribbean and the rise of new inter-governmental initiatives to promote regional approaches different from those developed under the “Washington Consensus” in the 1990s, taking into account its most outstanding traits and trends, and the evolution of civil society organizations and networks’ capacity to influence, in this new context, the regional agendas. (...)

(...) In this regard, we argue that there are pending questions associated with distinctive features of coordination between these actors in the process of formulating and implementing a regional agenda and that, in the context of new regional integration initiatives, the interaction between citizens and social movements, on one side, and of governments and political parties on the other, currently show serious shortcomings. (...)

(...) Within this context, it is essential to highlight the transition that also affects the spaces for citizen participation in regional agendas and in the development of this new stage of regionalism. The gradual reduction of Social Summits held in parallel or in coordination with inter-governmental Summits is a symptom of the displacement of CSOs from a relevant role in the regionalism process. (...)

(...) we aim at examining the introduction of social agendas in the regional integration processes and the initiatives to approve, in different political and organizational contexts, Social Charters that will formalize their implementation. Within this context, we analyze the distinctive features of the evolution of civil society in the new regional political scenario, its weaknesses, drawbacks and strengths; the emerging social actors in the process of building citizenship in the region, and the obstacles they face. Finally, we analyze the scope of citizen participation in the regional agenda through the existing participation mechanisms and their limitations in order to address the key question to be addressed by this chapter: at the present stage of the regionalism process, is there an effective citizen participation in the formulation of the different issues of the regional agenda which can contribute to overcome the existing democratic deficit? (...)

Please see

[full paper in English](#)

and

[en español](#)

2. “A Poisoned Chalice? Local Civil Society and the ICC’s Engagement in Uganda”

International Refugee Rights Initiative

9 January 2012

(...) This paper is the first of a series of papers developed by the International Refugee Rights Initiative in collaboration with local partners in Africa reflecting local perspectives on experiences with international justice. The series is designed to more fully explore perceptions of international justice and the social, political and legal impact of its mechanisms at the local level. It is aimed at opening up a dialogue about the successes and failures of the international justice experiment in Africa and the development of recommendations for a more productive and effective engagement going forward. (...)

(...) This paper, therefore, seeks to begin a dialogue that can build on an honest appraisal of the ICC's Uganda engagement and the implications of the acrimonious encounter between the Court and its international justice constituency, and local civil society. It focuses on the initial months and years of the ICC's activities, recognising that a deeper exploration of the dynamics that created division and tension is necessary for the success of future international justice interventions. Therefore this paper begins to explore a number of questions. Has the Court drawn appropriate lessons from the experience? What lessons have been learned by civil society organisations – both local and international? What more needs to be done to ensure less divisive engagements in the future? (...)

See full
[discussion paper](#)

Read more about the series in the
[background paper.](#)

V. RtoP-Related Publications

1. **R2P Monitor –Issue 1**

Global Centre for the Responsibility to Protect

10 January 2012

This is the first issue of a new, bi-monthly publication by the Global Centre for the Responsibility

to Protect, the “R2P Monitor”. The R2P Monitor examines cases, characterizing situations by degree of urgency, namely as a current crisis, imminent risk or a serious concern. The first edition includes background and analysis on the following country-specific situations: Syria, Sudan/South Sudan, Democratic Republic of Congo, Libya, Côte d’Ivoire, and Kenya. Somalia, Myanmar, and Yemen are listed as additional countries of “serious concern”, though not expanded on in this issue.

(...) R2P Monitor:

- Provides background on the populations at risk, with particular emphasis on key events and actors and their connection to the threat, or commission, of mass atrocity crimes.
- Offers analysis of the country’s past history in relation to mass atrocity crimes; the factors that have enabled their possible commission, or that prevent their resolution; and the receptivity of the situation to positive influences that would assist in preventing further crimes.
- Tracks the international response to the situation with a particular emphasis upon the actions of the United Nations (UN), key regional actors and the International Criminal Court (ICC)
- Suggests necessary action to prevent or halt the commission of mass atrocity crimes (...)

**Read full
[publication](#)**

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2. Prevention Newsletter

United States Institute of Peace

January 2012

During the 2005 UN World Summit, heads of state and government unanimously embraced their

Responsibility to Protect

civilians from mass atrocities. In the following UN dialogues on

R2P

conceptual discussions were gradually replaced by operational debates. The question was no longer what this new acronym entailed, but how it could be implemented. (...)

In order to shape the debate on the use of “humanitarian force” post-Libya, Brazil repackaged the “do no harm” principle, urging for strict limitations on the use of military force and mechanisms to avoid the misuse of

R2P

. So far, the response by

R2P

advocates has been lukewarm. Both President Rousseff's speech and the concept note from the Permanent Representative of Brazil to the United Nations, Ambassador Maria Luiza Ribeiro Viotti, formulate a distinction between collective responsibilities and collective security, and propose a chronological sequencing of

R2P's

three pillars—the protection responsibilities of each State, international assistance and capacity-building, and timely and decisive response. These proposals raise numerous concerns, as they could undermine existing agreements and strategic proposals. (...)

All things considered, this Brazilian initiative represents a constructive proposal that deserves consideration in upcoming GA discussions. The proposed concept is largely complementary to existing agreements, and could help bridge the deep divide between advocates and opponents that obstructs a normative convergence on

R2P

. In 2011, the buy-in of emerging powers has proven to be critical to the ability of the international community to address the risk of mass atrocities. Whether the Brazilian proposal represents a threat to or opportunity for

R2P

will depend on the ability of

R2P

advocates to engage the creators of this concept. (...)

See full

[newsletter](#)

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3. Human Rights and the UN: Progress and Challenges

Alex Bellamy

UN Chronicle

Enduring structural improvements in human rights are very difficult to achieve. Global indices suggest that the world is little different today from a decade ago. (...) Intractability seems to confirm mounting evidence that foreign assistance for governance and human rights are unlikely to deliver sustainable national improvements without genuine local political leadership. (...)

Bearing this in mind, there is much that has gone well during Secretary-General Ban Ki-moon's first term. Despite the enduring challenges, on average fewer people are arbitrarily killed and tortured by their own Government, armed conflicts are less likely to reignite, and when violence

against civilians does erupt, these episodes tend to be shorter and less bloody. There has also been institutional progress. Most notably, the Secretary-General's commitment to advancing the **responsibility to protect (R2P)** has delivered real progress. The new Joint Office of the Special Adviser on the Prevention of Genocide and on the **Responsibility to Protect**

, approved by the Fifth Committee of the General Assembly in late 2010, has already made a positive contribution by providing early warning and by urging Governments to uphold their responsibilities. The Joint Office has also begun to assist in the strengthening of regional and national capacities to detect and mitigate risks associated with genocide and mass atrocities. The UN Secretariat has strengthened the place of human rights protection more broadly in its work, including mandating the protection of civilians in peace operations, the growing use of political offices to support the promotion of human rights in-country, and desk-to-desk links between the Secretariat and regional arrangements.

Under the able stewardship of Navanethem Pillay, the Office of the High Commissioner for Human Rights has been strengthened. Not only has the High Commissioner herself played a key role in alerting the world to imminent dangers and reminding individual Member States—including Libya, Syria and my native Australia—of their legal responsibilities, the Office has also extended its human rights reporting operations and produced significant reportage, including the mapping exercise on atrocities and other human rights violations in the Democratic Republic of the Congo. (...)

The Human Rights Council has shown signs of shedding some of the problems that plagued its predecessor. Over the past five years, the Council has proven itself prepared to eject members who abuse the rights of their citizens, and the Universal Periodic Review process has become a core part of the Council's business, building shared expectations among states. This work has also helped disseminate human rights norms across the world. (...)

The creating of the entity UN Women in 2010 marked a potentially significant step forward for the promotion and protection of women's human rights. (...)

Nonetheless, significant problems and challenges remain: • As recent experience with Syria shows, it continues to prove difficult in some cases to build consensus on specific issues relating to the protection of human rights.

- The Human Rights Council remains prone to politicization (...)
- The human rights of already marginalized groups have come under concerted attack from various quarters in recent years. Particularly notable are the violation of women's human rights, the proliferation of homophobic legislation and other violations against homosexuals, a trend towards the arbitrary detention of those that seek asylum, and abuses against itinerant peoples.
- Problems of coherence remain. Some United Nations officials in the field remain uncertain about the place of human rights in their work and are unsure as to whether they are expected to raise protection issues with host Governments. (...)
- Parts of the world have effectively become "human rights free zones" where core rights are abused with impunity. (...)

In his 2011 Cyril Foster lecture, the Secretary-General outlined an ambitious agenda for human protection. This was a call for the internalization of human rights throughout the United Nations system. It is, of course, notoriously difficult to think strategically about how best to use

the limited resources of the United Nations to promote and protect human rights in the face of strong countervailing forces and so many competing priorities. (...) The challenge now is to make these institutions work.

This means ensuring that the practices of the United Nations contribute to the promotion and protection of human rights everywhere. Progress has already been made, but more could be achieved by bringing the ethos of “delivering as one” into the human rights field, so that the United Nations system speaks as one and brings all of its resources to bear in the service of human rights. For example, to prevent the grave crimes associated with **R2P** and ensure that no part of the world becomes a de facto “human rights free zone”, the United Nations system could mainstream an “atrocities prevention lens” to guide policymaking and programming. (...)

Ultimately, though, much rests on the Member States and the strength of their commitment to human rights. The capacity of the United Nations to promote and protect human rights is influenced by the resources available to it, and the tools it is permitted to use. For example, as the Universal Periodic Review process becomes habitual, it could be strengthened to impose a more rigorous test, be made a part of the selection process for election to bodies such as the Human Rights Council or Security Council, and be connected to other parts of the system responsible for the provision of material and technical assistance to states. The Office of the High Commissioner can support such endeavours, but they are ultimately a matter for Member States. The same is true of the search for consensus in the face of human rights crises. Member States recognize that the United Nations is most effective when its decision-making bodies are united, but they bear the primary responsibility for reaching a consensus.

(...) Progress was made in his first term, but further work is needed to challenge the structural impediments to sustainable change. With the institutional architecture now in place, moving in concrete ways toward “delivering as one” provides one avenue by which the United Nations might strengthen its role as an agent of positive change in human rights. **Read full [article](#)** .

VI. RtoP-Related Events and Calls for Papers

1. R2P: The Next Decade

Stanley Foundation, Carnegie Corporation of New York, MacArthur Foundation

18 January 2012

The conference “R2P: The Next Decade,” marking the 10th

anniversary of the Report of the International Commission on Intervention and State Sovereignty (ICISS), which first articulated the Responsibility to Protect, took place on 18 January 2012 in New York City. The Stanley Foundation, Carnegie Corporation of New York and MacArthur Foundation hosted the conference, the [agenda](#)

for which included a series of panel discussions on the norm “From ICISS to Today”, country cases, “Identifying Past and Potential Added Values”, “Domestic Implementation of RtoP”, and

“R2P in 2022”.

Throughout the day, speakers asserted that RtoP was “here to stay”, and that rather than negotiate the merits of the norm, it was time to consider its implementation through a broad range of prevention, response and rebuilding measures. A particular emphasis was placed on prevention, as UN Secretary-General Ban Ki-moon, who gave the [keynote speech](#)

, declared 2012 the “Year of Prevention”. Civil society’s role in prevention was noted by several speakers alongside recommendations for increased use of observers and fact-finding missions, early warning mechanisms coordinating at the national, regional and international level, to employing diplomacy to prevent the escalation of conflict.

Numerous speakers addressed the use of force and the relationship between regime change and RtoP, with specific reference to the crisis in Libya. Speakers agreed that the regional and international response to the threat of mass atrocities in Libya was necessary, and thus an appropriate application of the norm. However, speakers stressed that regime change was not part of RtoP, and that concerns remained over the implementation of the mandate to enforce a no-fly zone. Reversing the backlash apparent in some Member State’s rationale for opposing any type of reaction to the violence in Syria, which conference participants largely saw to be negative and inadvertent, is an effort which still needs urgent attention.

□

Brazil’s Permanent Representative to the UN, Ambassador Maria Luiza Ribeiro Viotti, related the international response to the crisis in Libya and the need to reassess the use of force to Brazil’s recent concept, ‘responsibility while protecting’. Ambassador Viotti expressed hope that the concept would open dialogue on responding to mass atrocities. Introduced at the GA opening debate in September, the new initiative, articulated in a [concept note](#)

, seems to emphasize the need for consistent monitoring throughout the duration of a military operation in response to mass atrocities. Among other points, the concept articulates that RtoP must not be misused for purposes other than civilian protection, including regime change, and that all three pillars must be implemented in a chronological sequence. Participants highlighted several areas of the concept to discuss further without expressing full agreement, and lauded the initiative as a forum for constructive dialogue on the norm.

The link between the ICC and RtoP was explored, with the Court as a preventive and response tool; however concern was noted over its employment during hostilities. Several speakers, including Special Adviser on RtoP Dr. Edward Luck, former Canadian Foreign Minister Lloyd Axworthy, and Prosecutor-elect of the ICC Fatou Bensouda hailed the ICC as an important tool in the RtoP framework. However, President of the International Crisis Group Louise Arbour expressed concern over the role of the Security Council in referring country cases to the ICC.

During the conference, remarks were made by over thirty high-level experts and diplomats, including Prosecutor-elect of the ICC Fatou Bensouda, Under-Secretary General (USG) for Political Affairs B. Lynn Pascoe, USG for Peacekeeping Operations Hervé Ladsous, USG and Executive Director of UN Women Michele Bachelet, Special Adviser on RtoP Dr. Edward Luck, Special Adviser on the Prevention of Genocide Dr. Francis Deng and Assistant Secretary-General for Human Rights Ivan Šimonovic. Civil society was also well-represented. Two ICRtoP members spoke on panels: the Asia-Pacific Centre for the Responsibility to Protect's Executive Director, Noel Morada, and International Crisis Group's President Louis Arbour. Further representing civil society, Simon Adams, Executive Director of the Global Centre for the Responsibility to Protect. Six of the Commissioners of the ICISS Report were also present, ICISS co-chairs Gareth Evans and Mohamed Sahnoun, Michael Ignatieff, Cornelio Sommaruga, Eduardo Stein and Ramesh Thakur.

Find [videos](#) of the panels, and interviews of former member of ICISS [Dr. Michael Ignatieff](#), and [Permanent Representative of India to the UN Ambassador Hardeep Singh Puri](#)

Keep an eye out for our upcoming [blog post](#) about this event.

2. Conference: Addressing Gender-Based Violence in Conflict and Post-Conflict Settings: National and International Strategies

American University College of Law

Washington, DC, 1 February 2012

Sexual violence during conflict and periods of repression is a problem of enormous magnitude in every region of the globe. While certainly not exclusive to Africa, sexual violence has reached epidemic proportions in many parts of the continent, including Rwanda, Uganda, the Democratic Republic of the Congo (DRC), Sierra Leone, and Sudan. This half-day conference will address the challenges women face in conflict and post-conflict settings, as well as the investigation and prosecution of sexual and gender-based violence (SGBV) in times of conflict, mass violence, or repression. (...)

The War Crimes Research Office and the Women and International Law Program will be hosting a conference with the Royal Netherlands Embassy on February 1, 2012. The conference, entitled "Addressing Sexual and Gender-Based Violence in Conflict and Post-Conflict Settings: National and International Strategies" will feature a keynote conversation between Ambassador-at-Large for Global Women's Issues Melanne Verwee and Ambassador

of the Kingdom of the Netherlands Renée Jones-Bos, a panel discussion on the prosecution of SGBV by international and hybrid

tribunals and a panel examining national and international efforts to address SGBV in the DRC.

Register

[here](#)

or find more information

[here](#)

or by contacting

[The Office of Special Events & Continuing Legal Education](#)

at (202) 274-4075.

3. Workshop and Call for Papers: Operationalising the Responsibility to Protect: The Civilian and Military Challenges of the “Third Pillar” Approach

Madariaga-College of Europe Foundation, Global Action to Prevent War, the Global Governance Institute, the Bonn International Centre for Conversion, the Center for the Study of Genocide at Rutgers University and the ICRtoP

Brussels, Belgium, Submission deadline: 11 February 2012; Conference date: 26 April 2012

As the principle of

Responsibility to Protect (RtoP)

moves further away from discussions on norms towards operationalization (...) further thinking and clarity needs to be developed on the civilian and military capacities needed for a timely and decisive response under “pillar three” of the RtoP principle. (...)

Indeed, NATO’s activities over Libya in pursuit of UN Resolution 1973 have again raised questions over the timeliness, legitimacy, proportionality and effectiveness of military action. Such issues have now been made more acute given the emphasis on the operationalisation of the RtoP principle, which has strong support from regional actors such as the European Union (EU). There is a need to analyse the consistency, legitimacy and effectiveness of civilian and military tools under RtoP

, especially in terms of how they impact on and complement preventive and re-building strategies. (...)

To weigh in on such issues the Madariaga-College of Europe Foundation, Global Action to Prevent War, the Global Governance Institute, the Bonn International Centre for Conversion, the International Coalition for the Responsibility to Protect and the Center for the Study of

Genocide at Rutgers University plan to organise a one-day workshop in Brussels.

The workshop will bring together policy-makers from the EU, UN and regional organisations and scholars to debate the civilian and military challenges posed by “pillar three” of the RtoP principle. The workshop will be followed by a publication that will report on the proceedings, highlight recommendations for the GA debate and beyond, and catalogue the paper contributions. (...)

The workshop will include two panels:

Panel I: Enhancing the Legitimacy and Consistency of the "Third Pillar" Approach

Papers presented in this workshop will focus on methods and policy options of improving the legitimacy and consistency of the "third pillar" approach. Papers will seek to answer what more can be done by regional players such as the EU, if required and sanctioned by the UN Security Council, to boost the legitimacy of last-resort intervention when used to uphold

RtoP

. Papers will also address what more can be done by the UN Security Council to ensure greater trust in the

RtoP

principle through the consistency of its approach. Analysis will also cover how the Security Council can ensure that it has in place the correct capacities to act when faced with crises or, better still, is seized of potential crises when prevention is still a viable option.

Panel II: Improving the Effectiveness of

RtoP

's Civilian and Military Tools

Papers in this workshop sessions will analyse the political feasibility of conflict prevention and peacekeeping and peacemaking forces to stop mass atrocities at the earliest stages of violent conflict, and address methodologies and best practices to keep societies that have emerged from violence from falling back into cycles of violence. Papers may critically assess the relevance and effectiveness of current UN early warning and conflict prevention capacities for

RtoP

. Furthermore, papers may also critically appraise the military and civilian tools available for the UN and regional bodies such as the EU to react to atrocity crimes. For example, special focus can be given here to assessing existing tools from human security and gender equality perspectives.

Accordingly, the organisers invite scholars and policy-makers at all levels to submit abstracts for consideration. Abstracts should include a prospective title, author details and a 150-200 word abstract. Successful papers will require that authors travel to Brussels to present their findings, ideas and arguments at the workshop in a 20-30 minute presentation

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(...)

Deadline for submission: 11 February 2012. Find details

[here](#)

· **Submit abstracts and all queries to Daniel Fiott at**
dfiott@madariaga.org

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Thank you to Amelia Mae Wolf for compiling this listserv.