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I. Syria: Further militarization and “full-scale civil war” lead to suspension of UNSMIS

Further militarization, mass violence leads to “full-scale civil war” and suspension of UNSMIS

*Despite the full [deployment](#) of the UN Supervision Mission in Syria (UNSMIS), both government and opposition forces have further militarized. Opposition groups, following a meeting in Istanbul on 4 June, [announced](#) the creation of a “military coalition” to provide support to the struggle against the Syrian government while Syrian President Assad [anno](#)
[unced](#)
on 5 June the enlistment of civilian militias to fight on the side of the army. Violence continued to surge since late May, with reports of massacres, including in [Houla](#)
on 25 and 26 May, killing 108, and [Mazraat al-Qubeir](#)
on 6 June, killing 78. United Nations (UN) observers access to sites of mass killing, including in [Mazraat al-Qubeir](#)*

and

[al-Haffeh](#)

, has been obstructed by both government forces and civilians. In both cases, upon entering the villages, observers found

[evidence](#)

of serious

[violence](#)

. These attacks prompted UN Under-Secretary-General for Peacekeeping Operations, Hervé Ladsous to

[declare](#)

on 13 June that the situation amounted to “full-scale civil war”, saying that, “what we've seen in the last five days is a huge upscaling of the military confrontation...[by] both sides, at a huge cost to the civilian population.” Government forces

[reportedly](#)

continued to attack rebel strongholds in Homs and Damascus on 19 June and clashed with rebel forces in the

[Latakia](#)

region on 20 June. As of 15 June the death toll was estimated by the

[UN](#)

to be over 10,000, with the

[Syrian Observatory for Human Rights](#)

reporting up to 14,400 as of 14 June. Turkey

[reported](#)

massive refugee flows, with the number of refugees in camps in southeastern Turkey reaching 29,500 as of 13 June.

Head of UNSMIS Major-General Robert Mood, in a 15 June press

[statement](#)

, said “the escalating violence is now limiting our ability to observe, verify and report as well as assist in local dialogue and stability projects”. He described the disputing parties as being unwilling to reach a peaceful solution and choosing instead to further militarize. The following day, he announced that UNSMIS was

[suspending](#)

its activities due to the intensification of violence, and would not run patrols or engage with disputing parties until the situation allowed.

International actors struggle to strengthen measures to halt mass atrocities

International and regional actors responded to ongoing and increased brutal violence by urging for action from the UN Security Council (UNSC) and searching for more robust measures to address the conflict beyond what was put forth in Annan’s

[six-point peace plan](#)

. The

[UN Human Rights Council](#)

(HRC) on 1 June,

[UN Secretary-General Ban Ki-moon](#)

on 3 June, and UN-Arab League Joint Special Envoy to Syria

[Kofi Annan](#)

on 6 June all urged for stronger tools to be employed to end the crisis.

On 7 June,

UN High Commissioner for Human Rights Navi Pillay again

[called](#)

on the UNSC to refer the situation to the International Criminal Court (ICC), a sentiment which was supported by the Special Advisers of the UNSG on the Prevention of Genocide and the Responsibility to Protect, Drs. Francis Deng and Edward Luck in their 14 June

[statement](#)

. The Special Advisers called on the international community “to take immediate, decisive action to meet its

responsibility to protect

populations at risk of further atrocity crimes in Syria, taking into consideration the full range of tools available under the United Nations Charter”. The following day, UN Special Rapporteurs on summary executions, Christof Heyns, and on torture, Juan Méndez, released a

[statement](#)

saying that the measures taken by the Syrian government to end the crisis have been “insufficient”. On 18 June Pillay opened the twentieth session of the HRC with a

[statement](#)

that called on t

he government of Syria to “immediately cease the use of heavy armaments and shelling of populated areas, as such actions amount to crimes against humanity and possible war crimes.” She urged “the international community to overcome divisions and work to end the violence and human rights violations to which the people of Syria have been subjected. “

Meanwhile, individual governments have examined robust measures to end the crisis. French Foreign Minister Laurent Fabius

[announced](#)

on 13 June that France would propose making Annan's peace plan obligatory under threat of sanctions by invoking Chapter VII of the UN Charter. He also said that a no-fly zone was another option under discussion and that he would push his European Union allies to toughen sanctions against Syria.

In contrast, the North Atlantic Treaty Organization (NATO)

[said](#)

on 13 June that military intervention was “not the right path.” On 15 June, U.S. military officials

[stated](#)

that the Pentagon completed assessments for military operations against Syria and/or assistance to neighboring countries in the event that action was ordered. Russia has continued to send arms to Syria, and announced its intention to send

[defensive](#)

missile systems on 15 June, as well as two assault

[ships](#)

to its naval base in the Syrian port of Tartus to protect its nationals. At the regional level,

Secretary-General of the Arab League Nabil El-Araby

[called](#)

on the international community on 18 June to send a peacekeeping force instead of an unarmed observer mission.

Al-jazeera reported on 19 June that the United Kingdom, France and the United States are

[working](#)

on a new resolution in the UNSC which would impose sanctions on the Syrian government,

though Russia and China previously

[vetoed](#)

two resolutions in the Council that had threatened such action. The UNSC was

[briefed](#)

on 19 June by Major-General Mood and Ladsous to provide insight into the extent of the recent surge in violence and consider next steps, during which the officials

[elaborated](#)

on the worsening situation for civilians on all sides of the conflict.

Civil society responds

After having

[reported](#)

ongoing violence against children, including targeted killings, torture in detention and the use of children as human shields on 15 June, Human Rights Watch issued a

[press release](#)

stating that government forces used sexual violence to torture men, women and children held in detention during the crisis, and that sexual abuse had been used during home raids and military sweeps of residential neighborhoods.

In a 13 June report,

[Deadly Reprisals](#)

, Amnesty International documented new evidence of widespread and systematic human rights violations being conducted as “part of state policy to exact revenge against communities suspected of supporting the opposition and to intimidate people into submission.” On 19 June, Amnesty advocated for an

[arms embargo](#)

to be imposed by the international community, citing the Syrian government’s recent utilization of helicopters to attack civilian areas alongside Russia’s 19 June

[attempt](#)

to ship strike helicopters to the country. □ The United States Holocaust Memorial Museum released a

[statement](#)

on 18 June warning of, “the potential for genocidal acts if nations do not take prompt actions to

*uphold their
responsibility to protect
groups and individuals targeted by the Syrian regime.”*

**1.
Statement of the Special Advisers of the Secretary-General on the Prevention of
Genocide and on the Responsibility to Protect on the situation in Syria**

Office of the Special Advisers on the Prevention of Genocide and the Responsibility to Protect

14 June 2012

The Special Advisers of the Secretary-General on the Prevention of Genocide and on the Responsibility to Protect, Mr. Francis Deng and Mr. Edward Luck, are gravely alarmed by the widespread reports of mass killings in attacks that involved a series of Government artillery and tank shellings on residential neighbourhoods, as well as alleged attacks against civilians and civilian infrastructure by a pro-government militia and other armed groups, which may constitute crimes against humanity. These massacres underscore the Syrian Government’s manifest failure to protect its population. (...)

The Special Advisers join the many voices that have condemned these attacks and reiterate their calls for all parties to immediately end all acts of violence and human rights violations against the Syrian population, irrespective of their ethnicity, religion or political affiliation and commit to implementation of the Joint Special Envoy’s six-point plan.

(...) They call on the international community to take immediate, decisive action to meet its **responsibility to protect** populations at risk of further atrocity crimes in Syria, taking into consideration the full range of tools available under the United Nations Charter.

Given the extreme gravity of the crimes committed, the Special Advisers urge the Security Council to consider the request of the High Commissioner for Human Rights to refer the situation in Syria to the International Criminal Court. There can be no lasting peace without full accountability.

With the increasing violence and deepening sectarian tensions, the risk of further mass atrocity crimes is high. The time for action is now.

Read the

[full statement](#)

Read the
[Arabic version](#)

2. Statement on Violence in Syria

United States Holocaust Memorial Museum

14 June 2012

The United States Holocaust Memorial Museum today expressed its grave concern for the safety and security of civilians in Syria, and warned of the potential for genocidal acts if nations do not take prompt actions to uphold their **responsibility to protect** groups and individuals targeted by the Syrian regime.

There is abundant evidence that crimes against humanity are being committed by the Syrian government and allied militias. The United Nations has estimated that more than 10,000 people have been killed, though unofficial estimates put the number at more than 14,000. Tens of thousands of additional civilians have been arbitrarily and illegally detained, and many of them are feared dead. Some 100,000 people have fled the country, and as many as 300,000 may be displaced within Syria. A new report this week accuses the government of using young children as human shields.

The reported massacres of civilians in the past two weeks have made clear the increasing sectarian nature of the violence. Neighborhoods and villages are being targeted solely on the basis of religious affiliation. Some, including a senior UN official, have characterized the situation as civil war, and the deteriorating situation raises the risk of genocidal acts. (...) **Read full statement**

3. Letter to UN Security Council Permanent Representatives on the situation in Syria

NGO Working Group on Women, Peace and Security

14 June 2012

The NGO Working Group on Women, Peace and Security coordinated this letter, which was sent to UN Security Council Permanent Members and signed by ten civil society organizations, including Amnesty International; the Consortium on Gender, Security and Human Rights; Global Action to Prevent War; the Global Justice Center; Human Rights Watch; International Action Network on Small Arms; Refugees International; Women's Refugee Commission; Women's Action for New Directions; and the Women's International League for Peace and Freedom.

(...) We are writing to demand urgent and effective Security Council action to stop the onslaught of violence against civilians in Syria. As the recent massacres in El Houleh, Homs, Idlib and Latakia demonstrate, civilians – including women and children – are being targeted in this conflict, in flagrant violation of international human rights law, international humanitarian law and international criminal law.

Women are paying a high price in this conflict. They are amongst the civilians being killed by the shelling and bombing of residential areas. They are amongst the protesters who have been arbitrarily detained and injured. They are, as we know from other conflicts, at greater risk of being targeted for sexual violence, and reports indicate that this is the case in Syria. They are amongst the refugees who have fled the shocking violence. Yet, the women of Syria must not be seen simply as victims. Their voices will be crucial in any attempts to find a political, peaceful, and sustainable solution to what is rapidly becoming a civil war. (...)

We direct the Council's attention to its Resolutions 2042 and 2043, which are not being fully implemented. In particular, we wish to highlight SCR 2043's call for Syrian authorities to allow full humanitarian access to all those in need of assistance, in accordance with international law and guiding principles of humanitarian assistance. We again ask the Security Council to impose an arms embargo on Syria; to impose targeted sanctions against Syrian leaders implicated in human rights violations, following a fair and transparent process; and to refer the situation in Syria to the International Criminal Court.

We urge Council Members and other Member States to support neighboring states, including Turkey, Lebanon, and Jordan, in keeping their borders open to Syrians fleeing this violence, particularly in ensuring women are afforded necessary protection and services. We call on donor countries to provide humanitarian assistance to these refugees. We call on all relevant international actors to ensure women and women's rights are central to any political solutions negotiated to end this violence.

In the immediate term, the Security Council should include a strong human-rights monitoring component in the United Nations Supervision Mission in Syria (UNSMIS), which must include gender expertise. This component should be well-resourced and equipped to ensure victims of human rights abuses, including women, are protected from retaliation. (...)

Read the
[full letter](#)

4. RIP for R2P? Syria and the Dilemmas of Humanitarian Intervention

Stewart M. Patrick

Council on Foreign Relations

12 June 2012

The ratcheting up of violence in Syria, including the massacres of civilians in Houla and Qubair, is placing extraordinary pressure on the Obama administration to match its tough anti-atrocities rhetoric with practical action. The pending failure of the Annan peace plan, and the former secretary-general's declaration that the country is headed for "all-out civil war," is quickly driving the White House toward an unenviable election-year choice: either sit back and watch the carnage, or forge an ad hoc coalition to prevent Syrian depredations. Senior administration officials have made it clear that if the UN Security Council (UNSC) fails to "assume its responsibilities," in the words of U.S. envoy Susan E. Rice, "members of this council and members of the international community are left with the option only of having to consider whether they're prepared to take actions outside of the Annan Plan and the authority of this council." (...)

Nearly seven years ago world leaders unanimously endorsed a new international principle, the "**responsibility to protect**" (...)

That, at least, is the theory. The deteriorating situation in Syria, where the Assad regime's atrocities continue unabated, shows just how challenging it is to translate this principle into practice. Indeed, Security Council deadlock and buyer's remorse among UN member states have led some to suggest that

R2P
is dead.

These obituaries are premature. But the bleak situation in Syria underscores just how difficult it can be to vindicate the principle when the world's great powers are deadlocked over the merits of armed intervention.

The Syrian situation poses an excruciating—and potentially embarrassing—quandary for the Obama administration, which only last August declared that “preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States.” (...)

The
R2P

principle is a political and ethical rather than legal obligation. Any leader, including President Obama, must weigh humanitarian imperatives against other considerations of statecraft. Given the inherent risks and uncertainties, any military intervention should meet certain prudential criteria. First, the depredations must meet the threshold of atrocity crimes. Second, the intervention must be undertaken with “right intent”, with its primary motivation protecting innocent lives. Third, it should generally be a last resort, after more peaceable alternatives have been exhausted (or when delay would have fatal humanitarian consequences). Fourth, the response should be proportional to the crimes being committed. Fifth, the consequences of the intervention should do more good than harm. Finally, the intervention should be taken under “right authority”, ideally with the imprimatur of the UN Security Council. (...)

For the Obama administration—which has warned that the Assad regime may be planning a *third* massacre—crunch time has arrived. It either needs to come up with a credible plan to work with international partners to end the killings in Syria—whether by arming the opposition or by mobilizing a coalition of the willing—or it needs to drop its high-minded rhetoric and let **R2P** and the Syrian victims rest in peace.

Read the
[full article](#)

5. Syrian intervention is justifiable, and just

Anne-Marie Slaughter

The Washington Post

8 June 2012

Anne-Marie Slaughter is a professor of politics and international affairs at Princeton University and former dean of Princeton’s Woodrow Wilson School of Public and International Affairs. She was also the State Department’s Director of Policy Planning from January 2009 to January

2011.

Henry Kissinger recently argued against intervention in Syria [“The perils of intervention in Syria,” Sunday Opinion, June 3] on the grounds that it would imperil the foundation of world order. His analysis was based on a straw man, one put forward by the Russian and Chinese governments, that outside intervention would seek to “bring about regime change.”

The point of an intervention in Syria would be to
stop the killing

— to force Bashar al-Assad and his government to meet the demands of the Syrian people with reforms rather than guns. If the killing stopped, it is not clear what shape the political process would adopt, how many millions would take to the streets or whom different factions would support. (...)

Kissinger is right that in the end NATO’s operations in Libya looked like an effort to remove Moammar Gaddafi from office, not because NATO planes took out command-and-control facilities in Tripoli from which Gaddafi and his generals were ordering civilian massacres but because NATO planes never sought to protect civilians supporting the regime against opposition troops. The response to this concern, however, is not to oppose intervention in Syria but to support a U.N. Security Council resolution with clear parameters about a limited use of force.

Such a resolution, which would have to follow a request by the Arab League, should resolve to protect the establishment of no-kill zones by local Syrian authorities by whatever means necessary, short of foreign troops on the ground. (...)

Proposing this type of action would force the Russian and Chinese governments to come clean about the real motives for their positions. (...)

Kissinger claimed that the Russian and Chinese governments are upholding the foundations of a world order that the United States should not lightly cast aside, an order in which sovereignty gives a government the right to rule its people and territory without intervention from other states and a corresponding obligation not to intervene in the affairs of others. It is true that this principle is enshrined in the United Nations Charter, but four years after the charter was passed U.N. members also adopted the Universal Declaration of Human Rights. By the end of the 20th century, U.N. Secretary General Kofi Annan — now the United Nations’ special envoy for Syria — was arguing that states existed to serve their people, rather than the other way around. And by 2005 all the world’s states, on the 60th anniversary of the U.N. Charter’s passage, adopted the doctrine of the
responsibility to protect

, which effectively adopted a definition of sovereignty as responsibility. Sovereigns bear responsibility to not only their fellow sovereigns but also their own people, to protect them from genocide, crimes against humanity, ethnic cleansing, and grave and systematic war crimes. (...)

Read the [full article](#)

.

Read [Henry Kissinger's article, "The Perils of Intervention in Syria,"](#) to which Slaughter is responding.

6. Syria: R2P on trial

Alex Bellamy and Tim Dunne

The Interpreter- Lowy Institute for International Policy

5 June 2012

Alex Bellamy is Professor of International Security at Griffith University and Tim Dunne is Director of Research at the Asia-Pacific Centre for the Responsibility to Protect.

The social revolutions associated with the Arab Spring have generated significant policy challenges for governments and for the UN. In March 2011, NATO led an enforcement of the UN mandated no fly zone over Libya to protect civilians from Qadhafi's military forces.

This campaign was a success, particularly in comparison to previous humanitarian crises where there had been no concerted action by the UN Security Council or the use of force had been by coalitions of the willing acting outside a strict interpretation of the UN charter.

Libya was an example of how the UN Security Council can take 'timely and decisive action' to implement the

responsibility to protect

(

R2P

). Yet even when there is UN authorisation, and where the military operation achieves its aims with relatively low numbers of civilian casualties and no loss of life in the intervening forces, the principle of

R2P

seems to provoke criticism.

Writing in The New York Times on 7 November 2011, David Reiff argued that the Libyan intervention had done 'grave, possibly irreparable, damage' to

R2P

. Its supporters, he added, ought to be mourning rather than celebrating. We are all agreed about the second point; interventions are only consistent with an

R2P

framework when an atrocity crime has either been committed or is likely to occur. On this basis, even a relatively successful intervention can never be cause for celebration. After all, intervention is only needed when prevention has failed. (...)

The backlash against

R2P

in some quarters of the Western media continues. (...) Rodger Shanahan, writing in The Australian on 1 June 2012, argues that

R2P

is 'a theoretical construct' with 'little practical utility'. Pointing to the situation in Syria, his explanation for why

R2P

remains a 'lofty ideal' is that it is not 'implementable under all circumstances'.

Leaving to one side the fact that there is a great deal more to the idea of the exercise of responsible sovereignty than military action, Shanahan's analysis of the coercive application of

R2P

is flawed. To expect any framework for dealing with genocide and mass atrocities to generate a consistent response is lofty at best, reckless at worst. What if applying the same policy response resulted in making a humanitarian crisis even worse? (...)

Thankfully, the political leaders who adopted

R2P

in 2005 were much more pragmatic. Specifically, they were mindful of two simple facts, borne of experience. First, international action should be tailored to the specifics of each case. What might have been right for Libya may only inflame the situation further in Syria. Second, for the UN to coerce effectively, action must have the support of the Security Council. When the Council is divided it delivers weak resolutions that defy implementation. (...)

Both of these hard-nosed political principles are embedded in the DNA of

R2P

: the Security Council must sanction coercion, and the Council must decide which course to take on a case-by-case basis. This is what

R2P

usually looks like: combinations of different tools, applied by different actors, usually well outside the gaze of all but close followers of UN affairs or those connected to the relevant regions. (...)

Advancing unconvincing arguments in relation to

R2P

is much easier than setting out carefully reasoned arguments about what UN member states ought to be doing in relation to Syria, where no good options are on the table. International action has to be carefully calibrated to ensure that it applies pressure without adding fuel to the fire. (...)

It remains to be seen what steps are taken next. The painstaking diplomacy on the part of the current UN Secretary General and his predecessor Kofi Annan that brought about the agreement on the plan and the monitors was nothing short of remarkable given the political hand they were dealt (both diplomats, incidentally, justified their positions in

R2P

terms). One would be hard pressed to think that things would be better in Syria without the UN and without

R2P

.

Shanahan's critique also misses

R2P

's contribution to all of this. The debate about Syria today is not about whether to protect civilians from genocide and mass atrocities but

how

to do so. Nobody, not even the Russian Government, disputes the fact that the Syrian Government has a

responsibility to protect

its populations and should not be targeting them in the way that it is.

(...) In the coming weeks and months, Russia will find it more difficult to stand in the way of concerted international pressure on Syria. (...)

It was not always so. The transformation is much more recent than we might like to admit: in 2003-2004 (just before the

R2P

framework gained widespread acceptance) some 100,000 people were massacred in Darfur and two million forced from their homes.

R2P

does not have all the answers about how to prevent mass atrocities and protect the victims. Nor does it guarantee that states will always agree. What it does have at its core is a principle that says that states should protect their populations and that the international community should take action to achieve that goal when the state manifestly fails to do so. The practice of

R2P

is the art of the possible: working out what is needed to protect civilians in particular situations and persuading the powers-that-be of the case.

In the long battle against genocide and mass atrocities, a battle that is being slowly won thanks in part to

R2P

, we must not let the perfect be the enemy of the good.

Read the
[full article](#)

.

Read

[“R2P, R.I.P.”](#)

by David Rieff, published in the New York Times on 7 November 2011.

Read

[“Syrian horror exposes West’s inability to protect the innocent”](#)

by Rodger Shanahan, published in The Australian on 1 June 2012.

II. DRC: violence in east results in massive human rights violations and displacement

Massive displacement and human rights violations from renewed violence

*Former leader of the Congrès national pour la défense du peuple
(CNDP)*

rebel group Bosco Ntaganda,

[wanted](#)

by the International Criminal Court (ICC) since 2006 for recruiting child soldiers, reportedly

[instigated](#)

a mutiny in March 2012 in the North Kivu province of the Democratic Republic of Congo (DRC).

According to regional

[media reports](#)

, Ntaganda began seizing areas in the province as of 29 April, gaining additional support from defections from the CNDP, which was integrated into the national

Forces Armées de la République Démocratique du Congo (FARDC) in 2009. The resulting group of rebels, called the M23 movement and led by Ntaganda, has been

[fighting](#)

against the FARDC

primarily in the town of Bunagana, near the Ugandan border.

The increased violence

[resulted](#)

in massive displacement of civilians and has

[hindered humanitarian access](#)

[Reports](#)

in late May from aid workers in the region suggested that executions and mutilations were also perpetrated by rebel militias involved in the fighting.

On 14 May then ICC Prosecutor Luis Moreno-Ocampo, announced he would

[seek new charges](#)

of war crimes and crimes against humanity to be brought against Ntaganda. On 22 May, United Nations (UN) Envoy to the DRC and Head of the UN Organization Stabilization Mission in DR Congo (MONUSCO), Robert Meece,

[stated](#)

that “[Ntaganda’s] actions at the time [of the mutiny]...were probably provoked by fear that the net was closing in on him for an arrest or other action against him.” The same day, the UN Office of the High Commissioner for Refugees (UNHCR) reported that the violence resulted in “significant”

[displacement](#)

of civilians, forcing some to cross into Uganda and Rwanda, and that the Office had learned from Ugandan authorities that 13,000 to 15,000 refugees entered the country in the days following the mutiny.

On 31 May,

UN Humanitarian Coordinator for the DRC, Fidele Sarassoro, issued a

[press release](#)

stating that

MONUSCO needed unhindered access to citizens and calling on “all parties to the conflict to respect human rights and international law and to spare civilians from the violence.”

Nonetheless, while briefing the UN Security Council (UNSC) on 12 June, Meece

[stated](#)

that humanitarian access remained greatly hindered in areas immersed in conflict and MONUSCO had credible information regarding large scale killings and the exacerbation of serious crimes being committed, including forms of sexual violence. In a 15 June

[press statement](#)

the UNSC strongly condemned the mutiny and the human rights violations committed against civilians, and called on

“all the countries in the region to actively cooperate with the Congolese authorities in

demobilizing the M23 and all other armed groups and preventing them from receiving outside support.”

Having

[called](#)

for prompt investigations into allegations of human rights violations on 31 May, UN High Commissioner for Human Rights Navi Pillay reiterated her concern for populations in the North Kivu region on 19 June,

[describing](#)

M23’s leaders as being “

among the worst perpetrators of human rights violations in the DRC.” Pillay stated that, “Every effort must be made to hold these men, and the soldiers under their command, accountable for human rights violations committed against civilians -- both for crimes committed within the context of the current mutiny, and also for offences committed previously.”

Alleged Rwandan government support for M23

On 28 May, BBC released

[information](#)

from a leaked internal UN report that the Rwandan government was supplying soldiers to rebel forces in DRC. These individuals were allegedly trained in Rwanda under the pretext of joining the national army, and then sent to the DRC to fight against the FARDC. The Rwandan government responded saying that the report is “categorical lies”. Soon after, on 4 June 2012, Human Rights Watch issued a

[press release](#)

reporting that the Rwandan government had allowed Ntaganda cross the border into Rwanda and supplied him with recruits, weapons and ammunition. HRW called on Rwanda to stop “aiding [a] war crimes suspect”.

Civil society calls on international community to take steps to protect population

On 11 June, International Crisis Group (ICG)

[issued](#)

an open letter to the UN Security Council (UNSC) bringing attention to MONUSCO’s failure to fulfill its mandate and the need for reform of the mission’s strategies. ICG further provided recommendations to the UNSC to increase stability in the region and support MONUSCO operations. Other NGOs, such as

[Human Rights Watch](#)

on 3 June and

[Amnesty International](#)

on 12 June, urged the importance of ceasing arms flows to Rwanda and the DRC. Throughout the course of the unfolding violence, many aid agencies have also

[voiced concern](#)

regarding the deteriorating situation.

1. DR Congo: Arms supplies fuelling unlawful killings and rape

Amnesty International

12 June 2012

Political leaders must act immediately and halt arms supplies to the Democratic Republic of Congo (DRC) where they continue to fuel unlawful killings, rape, looting and abductions, Amnesty International said in a new report published today.

The report, *'If you resist, we'll shoot you'*, highlights how Congolese security forces and armed groups alike are able to commit serious human rights violations because of the ease of which weapons and ammunition are available. (...)

Amnesty International's report shows how fundamental flaws in the Congolese security apparatus allow the persistent misuse and diversion of weapons and ammunition which in turn pave the way to ongoing serious human rights and humanitarian law violations and abuses by the armed forces and armed groups. (...)

In addition to strengthening the existing arms embargo to the DRC, political leaders must agree to a strong Arms Trade Treaty.

Amnesty International is calling for an Arms Trade Treaty that requires supplying states to undertake a rigorous case-by-case risk assessment of each proposed arms transfer.

States must determine if there is a substantial risk that the arms are likely to be used by the intended recipient to commit or facilitate serious violations of international human rights and humanitarian law. (...)

Arms transfers to Government forces also sustain more human rights violations, including mass rape and other acts of sexual violence. Between 31 December 2010 and 1 January 2011, FARDC soldiers attacked the village of Bushani in North Kivu province. The soldiers raped nearly 50 women – aged 16 to 65 – firing gunshots in the air and threatening them with death if they resisted. (...) **Read the [full article](#) . Read the report, '[If you resist, we'll shoot you](#)' .**

2. Open Letter to the United Nations Security Council on the Situation in the Democratic Republic of Congo

International Crisis Group

11 June 2012

History is again repeating itself in the east of the Democratic Republic of Congo (DRC). There is a risk of serious escalation of violence and the United Nations Stabilization Mission in the

Congo (MONUSCO) is failing in its core mandate of stabilisation and protection of civilians. This month's renewal of MONUSCO presents a vital opportunity for the Security Council to review its strategy in the DRC.

Eastern Congo is again rapidly destabilising with the defection of Bosco Ntaganda from the Congolese army and the formation of the M23 Movement, another Tutsi-led rebellion allegedly supported by Rwanda. The government, weakened by presidential and legislative elections last November that were widely recognised as deeply flawed, is seizing the opportunity to please the international community by at last pursuing the capture of Ntaganda. President Joseph Kabila seems to be gambling that this is an opportunity to break the parallel structures maintained by the Congrès national pour la défense du peuple's (CNDP) within the army, and to remobilise domestic support around anti-Rwanda sentiment by pursuing a military defeat of the M23. In addition to the fragmentation of the army and new fighting between the Forces armées de la République démocratique du Congo (FARDC) and ex-CNDP elements, various Mai-Mai groups have expanded their reach and the Forces Démocratiques de Liberation du Rwanda (FDLR) remains a persistent, if diminished threat, as the FARDC fails to control territory.

The stabilisation strategy underpinned by MONUSCO was centred too heavily on an expectation that the 2008-2009 rapprochement between DRC and Rwanda was enough to contain the conflict in the Kivus. (...) The 2008 and 2012 crises appear remarkably similar, including their ethnic dimension, reported support from Rwanda and the negative impact on civilians, including displacement and potential for increasing ethnic tensions at the community level. These crises are symptoms of unresolved regional and local conflicts over access to land and resources, as well as a failure to achieve structural reform within the security sector, poor governance and non-existent rule of law, and the inability to address the sources of financing for armed groups, end impunity and extend state authority, including through decentralisation.

In this context, it would be a mistake if the Security Council seeks to make only minor adjustments to the current course in renewing MONUSCO's mandate. Without a new approach and re-engagement by the Security Council, MONUSCO risks becoming a \$1.5 billion empty shell.

MONUSCO has lost credibility on several fronts and urgently needs to reorient its efforts.

First, the mission has had strikingly little success at fulfilling its primary objective to protect civilians, though some of its innovative operational improvements should be acknowledged and encouraged. (...)

Secondly, MONUSCO technical and logistical support to deeply flawed elections in 2011 and the inability to successfully promote dialogue between the parties has altered perceptions about the Mission's impartiality. Neither the Security Council nor MONUSCO articulated clear red lines for the credibility of the process, and the good offices role of the Mission appeared underutilised. (...)

The Security Council should undertake a review of MONUSCO's strategy and improve performance.

MONUSCO's focus on the use of force to stabilise the Kivus is not enough. (...) What is required is a comprehensive strategy and sustained local and regional engagement by the international community. (...) Security sector reform (SSR) is vital to stability in the DRC, but little progress can be expected without serious re-engagement and support from all sides, including the government, MONUSCO, the UN Security Council and key partners. Without a clear commitment from President Kabila and the government to a broader peacebuilding agenda, SSR will continue to flounder. (...)

The Security Council should send a signal to the Congolese government and its partners that it is time for a new strategic dialogue. A business-as-usual rollover of MONUSCO's mandate will send the wrong message to all parties.

When renewing MONUSCO's mandate, the Security Council should: Call on the Congolese government to arrest Bosco Ntaganda and transfer him to the International Criminal Court for trial; Demand the end to illegal cross-border support to armed groups operating in the DRC, notably by Rwanda, and consider consequences for those parties who do not cease support;

Request the Secretary-General to undertake a strategic review of MONUSCO's stabilisation strategy and report back to the UN Security Council, including on the development and implementation of a comprehensive strategy, with a strong political component, to address pervasive insecurity and the threat of illegal armed groups in eastern Congo.

Enhance attention to key governance reforms -- such as the holding of credible provincial and local elections, decentralisation and progress in the fight against corruption -- by updating operative paragraph four of Security Council resolution 1991 (2011) to include their achievement as one of the core objectives that is the basis for decisions on reconfiguration of the mission;

Insist on the holding of free, fair and credible provincial and local elections, as well as the timely re-organization of legislative elections in Masisi territory that were canceled by the CENI;

Articulate clear standards for the holding of elections and condition MONUSCO support on serious reform of the CENI and improved transparency in the logistics and supply procedures and accountability for past election-related human rights violations.

Read the [full letter](#)

3. DR Congo: Rwanda Should Stop Aiding War Crimes Suspect

Human Rights Watch

4 June 2012

Rwandan military officials have been arming and supporting the mutiny in eastern Democratic Republic of Congo (DRC) of Gen. Bosco Ntaganda, who is wanted for war crimes by the International Criminal Court (ICC), Human Rights Watch said today.

Rwandan military officials have allowed Ntaganda to enter Rwanda and supplied him with new recruits, weapons, and ammunition. Ntaganda is sought on an ICC arrest warrant for recruiting and using child soldiers. (...)

Field research conducted by Human Rights Watch in the region in May 2012 revealed that Rwandan army officials have provided weapons, ammunition, and an estimated 200 to 300 recruits to support Ntaganda's mutiny in Rutshuru territory, eastern Congo. The recruits include civilians forcibly recruited in Musanze and Rubavu districts in Rwanda, some of whom were children under 18. Witnesses said that some recruits were summarily executed on the orders of Ntaganda's forces when they tried to escape. (...)

Providing weapons and ammunition to Ntaganda's mutiny contravenes the United Nations Security Council arms embargo on Congo, which stipulates that all states shall "take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals [...] of arms and any related materiel, and the provision of any assistance, advice or training related to military activities [...] to all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo." (...)

In addition to being sought on an ICC arrest warrant, Ntaganda is on a United Nations Security Council sanctions list, barring him from any travel outside Congo. Under the UN sanctions, Rwanda – like other countries – is obligated to "take the necessary measures to prevent the entry into or transit through their territories of all persons" on the sanctions list. (...) **[Read the full article](#)**

III. Global Centre for the Responsibility to Protect and ECOWAS hold a high-level policy forum on RtoP

1. ECOWAS and the Global Centre for the Responsibility to Protect co-host a Regional Policy Forum on R2P in West Africa

Global Centre for the Responsibility to Protect

19 June 2012

On 11 and 12 June 2012 the Global Centre for the Responsibility to Protect and the Economic Community of West African States (ECOWAS) jointly-convened a successful Regional Policy

Forum on the Responsibility to Protect (R2P) in Abuja, Nigeria. At the meeting ECOWAS affirmed its commitment to

R2P

and called upon its members to appoint national Focal Points for atrocity prevention.

Opened by the Nigerian Foreign Minister, H.E. Olugbenga Ashiru, the Forum brought together ECOWAS Ambassadors and senior government officials, the ECOWAS Commission, Regional Economic Communities (RECs), the United Nations as well as West African civil society representatives and leading African experts on conflict prevention. Responding to Foreign Minister Ashiru's call for action, participants discussed strategies to strengthen early warning, encourage political will among member states, and develop mechanisms to better protect populations from mass atrocity crimes.

Participants reaffirmed that ECOWAS has been a global leader in embracing and operationalizing

R2P

as evidenced by its efforts to save lives in Guinea, Cote d'Ivoire, Sierra Leone, and Liberia. To ensure that ECOWAS continues to effectively uphold

R2P

, participants recommended enhanced collaboration between ECOWAS' Early Warning and Response Mechanisms and the African Union, United Nations and relevant civil society organizations. (...)

Read the full
[report.](#)

2. ECOWAS wants member countries more responsive in protection of citizens

Nigeria Federal Ministry of Information

13 June 2012

In 2005, member states of the ECOWAS Community unanimously affirmed the adoption of the principle of

Responsibility to Protect

(

R2P

) at the United Nations General Assembly Session (World Summit). By so doing, the states pledged to never again abandon peoples threatened by crimes of genocide, war crimes, ethnic cleansing and crimes against humanity.

At the World Summit, ECOWAS Heads of State and Government urged the International Community to encourage and help states to exercise this responsibility and support the U.N in establishing an early warning capability.

The ECOWAS Commission is therefore holding a Regional Policy Forum on the **Responsibility to Protect**

(
R2P
) which has the active participation of the U.N, regional organizations, the diplomatic corps, civil society organizations as well as research institutions in a bid to develop a blue print of ideas in understanding the concept of **R2P** for its effective implementation.

Nigeria's Minister of Foreign Affairs, Amb. Olugbenga Ashiru who declared open the Forum in Abuja on Monday, quoted the Secretary General of the UN, Mr. Ban Ki-moon, as focusing the implementation of

R2P
on a three-pillar strategy based on Articles 138 and 139 of the 2009 Report. These refer to primary responsibility of the state to protect its populations; the responsibility of the international community to assist states fulfill this responsibility; while the final pillar is the responsibility of the International Community to take collective actions through the U.N Security Council to protect populations under threat. (...)

The Minister lauded the ECOWAS region's enormous contribution to setting the norm for the **R2P**

. According to him, ECOWAS had engaged in collective political decisions and principles backed by concrete actions to protect vulnerable citizens in its member states from violence.

Ashiru, however, stated that "both the ECOWAS experience and recent global events provide a useful lesson, that for the operationalization of the

Responsibility to Protect
to be successful, it has to be context-specific and dependent on national and regional ownership and capacities. (...)

"The political debate around

R2P
since the 2005 U.N World Summit has shifted from questioning the principle to discussions on its effective implementation", the ECOWAS President observed.

While stating that crimes against humanity could occur in the absence of conflict, Mr.

Ouedraogo recognized the need to strengthen existing structures and capacities within ECOWAS and other regional organizations to enable them paly crucial roles in engaging in **R2P** crimes.

The Special Adviser to the U.N Secretary General on the Prevention of Genocide, Dr. Francis Deng who was represented by Mrs. Grace Njile said there was now consensus that regional organizations and the international community at large cannot afford to stand by while atrocity crimes are being committed against civilian populations, sometimes by their own governments.

He reiterated that the substantive content of sovereignty as responsibility, now recast as **responsibility to protect**, aims at inclusivity, equality and dignity for all citizens, without discrimination.

Read the [full article](#)

Watch [ECOWAS and Responsibility to Protect](#), a video released by ECOWAS ahead of the forum.

IV. RtoP-Related Publications & Events

1. Lecture: The Responsibility to Protect - A Political Salon with Jared Genser

World Policy Institute

26 June, 6:30-8:00pm

World Policy Institute, 220 Fifth Avenue, 9th floor New York, NY 10001

The NATO-led operation to prevent Colonel Gaddafi's forces from inflicting mass atrocities on Libyan civilians in 2011 was the first UN-authorized military intervention to invoke explicitly the "**responsibility to protect**" doctrine as grounds for intervention. Under "**R2P**", as it is known, a sovereign state has a **responsibility to protect** its citizens from mass atrocities. And other states have a responsibility to step in through

graduated measures up to actions by the UN Security Council if a government cannot or will not fulfill this responsibility. In face of similar circumstances in Syria, however, NATO continues to dismiss the possibility of carrying out similar operations there. Was the Libya intervention a one-time event or an important precedent? What does it mean for

R2P

that the Security Council hasn't acted on Syria? When does the doctrine apply, and what does this mean for future international crises and efforts to prevent mass atrocities?

In this Political Salon,

Jared Genser,

co-editor of

The Responsibility to Protect: The Promise of Stopping Mass Atrocities in Our Times

(Oxford University Press 2011), will discuss the concept of

R2P

and its potential merits and caveats, offering potential avenues for approaching this central question involving international human rights and global security. (...)

Jared Genser

is Managing Director of Perseus Strategies, a law firm whose practice focuses on international human rights. Independently, he is founder of Freedom Now, a non-profit organization that works to free prisoners of conscience worldwide. Previously, he was a partner in the government affairs practice of DLA Piper LLP and a management consultant with McKinsey & Company. He has taught semester-long seminars about the UN Security Council at Georgetown University Law Center and the University of Michigan and University of Pennsylvania law schools. He co-edited (with Irwin Cotler)

The

Responsibility to Protect: The Promise of Stopping Mass Atrocities in Our Time

, a contributor volume on

R2P

that brings together diverse perspectives from authors such as Gareth Evans, Desmond Tutu, and the late Vaclav Havel.

This event is by invitation only.

Find

[more information](#)

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For information on

The Responsibility to Protect: The Promise Stopping Mass Atrocities in Our Time

see

[here](#)

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2. Event Summary: UN Capacities for Timely and Decisive Response

World Federalist Movement Canada

June 2012

The All-Party Parliamentary Group for the Prevention of Genocide and Other Crimes Against Humanity (GPG), and the Civil Society Project on the Responsibility to Protect led by World Federalist Movement - Canada and Global Action to Prevent War, New York jointly organized this event for parliamentarians and staff from the GPG, civil society representatives, and officials from Department of Foreign Affairs and International Trade. The meeting was held on 30 May 2012 in Ottawa Canada. Guest speakers included H.E. Piragibe dos Santos Tarrago, Ambassador of Brazil to Canada and Dr. Simon Adams, Executive Director of the Global Centre for the Responsibility to Protect.

From an international perspective, current Canadian discussions of

R2P

are puzzling. In Canada

R2P

is treated as a partisan issue. But Elsewhere,

R2P

is not an idea aligned with one political philosophy, or party. It is non-partisan. Atrocity prevention is everybody's business. (...)

The notion of "Responsibility While Protecting" was introduced to strengthen the conceptual framework for civilian protection. It is intended to help clarify and support the

Responsibility to Protect

. Any international use of force must be implemented in a manner consistent with the Charter's collective security principles and after all peaceful means have been exhausted. There is always a danger of unintended consequences, that the use of force will cause more harm than the initial dangers that it was intended to address. The use of force must be judicious, limited, proportionate. Enhanced UN Security Council procedures are needed to monitor and assess implementation of

R2P

mandates.

R2P

"Focal Points" are senior government officials mandated to enable national efforts to improve mass atrocity prevention and response. The precise mandate given these officials is context

specific, depending on the circumstances of the particular government. The Global Centre's initiative seeks to expand the number of

R2P

Focal Points appointed by national governments and to link these Focal Points within a global network designed to facilitate international cooperation and coordination in pursuit of protection-focused objectives.

To date, 13 governments have identified

R2P

focal points, with at least 20 more assessing guidelines for such an appointment. Canada is a member of the "Friends of R2P" group at the UN. It was suggested that Canada should also appoint an

R2P

focal point.

The

R2P

is at a stage where advocates have largely won the battle of ideas. (...) Now, the question is how to implement. (...)

Read the

[full summary](#)

3. Complementing the 'Third Pillar' of RtoP: Supporting Balanced and Robust Responses to the Threat of Mass Atrocities

Global Action to Prevent War

14 June 2012

(...) Recently, [Global Action to Prevent War] convened four days of events on the 'third pillar' of the

Responsibility to Protect

(RtoP), in part as preparation for the upcoming General Assembly Debate on that same topic. Two of the events were full-day seminars and examined both complementary (regional and secretariat) mandates for atrocity crime prevention as well as specific capacity requirements for 'early and decisive response' to the threat of such atrocities. A focus here was our proposal for a UN Emergency Peace Service (UNEPS).

The other two events of the week focused on peacebuilding strategies and the linkages between the gender and

RtoP

communities. Our New York partners included the World Federation of UN Associations, the Friedrich Ebert Stiftung and the International Coalition on the Responsibility to Protect. The World Federalist Movement of Canada also contributed greatly as did our overseas participants from Armenia, Belgium, Brazil, Cote d'Ivoire, Nigeria, the UK and Venezuela. (...)

We will soon produce a longer report which we will launch in this space as soon as possible. For now, we are sifting through the insights and outcomes, including possibilities for new 'third pillar' focused events in Europe and Latin America,

RtoP

trainings in Nigeria, and much more. In our next installment, we will share that final report along with a full accounting of what we anticipate will be many important 'next steps.'

Read

[full article](#)

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Read Global Action to Prevent War's June 2012

[newsletter](#)

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4. Is the Responsibility to Protect an Accepted Norm of International Law in the post-Libya Era?

Jeremy Sarkin

Groningen Journal of International Law

June 2012

This article explores the

Responsibility to Protect

(RtoP) in the post-Libya era to determine whether it is now an accepted norm of international law. It examines what

RtoP

means in today's world and whether the norm now means that steps will be taken against states that are committing serious human rights violations. The building blocks of

RtoP

are examined to see how to make the doctrine more relevant and more applicable. It is contended that the responsibility to react should be viewed through a much wider lens and that

it needs to be more widely interpreted to allow it to gain greater support. It is argued that there is a need to focus far more on the responsibility to rebuild and that it ought to focus on the transitional legal architecture as well as transitional justice. It is contended that these processes ought not to be one-dimensional, but ought to have a variety of constituent parts. It is further argued that the international and donor community ought to be far more engaged and far more directive in these projects. (...)

Read the [full paper](#)

5. Two issues of R2P Ideas in brief: Pillar II in Practice: Policy Capacity-Building in Oceania and A Common Standard for Applying R2P

Asia-Pacific Centre on the Responsibility to Protect (APCR2P)

June 2012

Pillar II in Practice: Policy Capacity-Building in Oceania

At the recent AusAID sponsored *UN Strategy and Coordination Conference on the Regional Capacity to Protect, Prevent and Respond*

, the UN Secretary General's Special Representative on Responsibility to Protect (R2P), Edward Luck, noted that while the three pillars of

R2P

are becoming better known, 90% of the academic work is on pillar III (intervention), even though it is comparatively rare. In contrast we know much less about Pillar II: The Responsibility to Assist.

This briefing paper explores police capacity-building ("police-building") in three developing states of Oceania and its relation to

R2P

. This activity forms part of a larger challenge of Security Sector Reform (SSR) occurring within an even wider paradigm of state-building. SSR is linked with the idea of development, as well as with aid delivery and the transmission of technical knowledge and expertise. With respect to policing, our key questions that interrogate how principles of

R2P

may operate are:

How does international donor assistance support police capacity-building in developing states of

Oceania with respect to the human rights protections of citizens and the norms of international state behavior?

Exactly what is being done to assist states with developing the capabilities and capacities of their police forces, and by whom?

How can the success of such activities be measured? (...)

Read the
[full brief](#)

A Common Standard for Applying R2P

*This brief discusses a research project on finding a common standard to apply the **Responsibility to Protect** led by Professor Sheri Rosenberg, Director of Program in Holocaust & Human Rights Studies at the Cardozo School of Law. □*

This briefing outlines how a common standard of assessment against which to analyze incoming information, developed specifically to engage the normative concerns of **R2P**

, will assist in the effort of preventing atrocities and protecting populations. It does so by promoting the full continuum of

R2P

actions, by enhancing the credibility of engagement taken within the

R2P

framework, by establishing the type and scope of evidence analyzed to reach a judgment, and finally by reducing the depth and duration of debate that is centered on whether

R2P

applies, to focus at an earlier stage on appropriate action to protect lives.

Sections of this brief include:

Why a Common Standard for the Application of R2P?

Standard and Guiding Principles

Basis for the Development of Standard and Guiding Principles

Other Sources of Law and Practice

Read the
[full brief](#)

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Thank you Amelia Wolf for compiling this listserv.