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I. ICRtoP publishes report from first Global Conference for Civil Society on the Responsibility to Protect On 20 June 2013, the International Coalition for the Responsibility to Protect (ICRtoP) convened its first global conference for civil society practitioners on the Responsibility to Protect norm (RtoP, R2P) in Istanbul, Turkey. Over 60 organizations from over 25 countries participated in the conference to exchange strategies for advancing RtoP and mass atrocities prevention around the world. Participants exchanged best practices to develop and strengthen local, national and regional programs to advance RtoP, and gained a holistic understanding of the work being done around the world on the norm as well as the remaining gaps in activity among sectors and regions.

The conference began with a panel discussion on the norm's evolution and implementation since its endorsement by all governments at the 2005 World Summit. Participants then divided into two groups to reflect on civil society initiatives on (1) working with national actors to implement RtoP and (2) increasing civil society activity and support for the norm. The final part of the day was devoted to small focused discussions on engaging with regional organizations on RtoP and atrocities prevention. In this report, the ICRtoP provides an overview of the key points that came out of each discussion during the conference.

See report

[here](#)

, and conference agenda

[here](#)

II. United States-based Working Group on RtoP releases report

In 2011, the United States Holocaust Memorial Museum, the United States Institute of Peace, and the Brookings Institute formed a

[Working Group on the Responsibility to Protect](#)

. Chaired by former U.S. Secretary of State Madeleine Albright and composed of former U.S. government officials, academics, foreign policy experts, political consultants, and media professionals, the Working Group

[aspired](#)

to improve understanding of the difficulties in ensuring mass atrocity prevention. It further assesses past examples of when RtoP was implemented successfully for preventive action and identified measures that could augment the political will of U.S. decision-makers to respond quickly to threats of mass atrocities.

After two years of analysis, the [Working Group's report](#) was [released](#) on 23 July 2013, calling for the U.S. to help strengthen implementation of the RtoP doctrine. The report provided concrete recommendations for the U.S. government to take in order to enhance the international community's collective capacity and political will to prevent mass atrocities. Some of the standout suggestions included calling for the U.S. government to incorporate references to RtoP in major statements at the United Nations and Capitol Hill; conducting a high-level policy review during a credible early-warning threat of mass atrocities; improving training programs for Foreign Service officers on atrocity prevention; and launching a diplomatic initiative with the UN Secretariat and like-minded countries to prevent RtoP atrocities.

1. Our shared responsibility to protect Madeleine K. Albright and Richard S. Williamson

Politico

22 July 2013

In less than a decade, the Responsibility to Protect (R2P) has emerged as a widely shared doctrine of international relations, an amazingly rapid development for a concept that did not exist at the time of the Rwandan genocide or Balkan wars of the 1990s. Every nation in the world, including the United States, has recognized a responsibility to protect civilians anywhere from genocide, war crimes, crimes against humanity, or ethnic cleansing, and — at least in theory — has pledged to act accordingly.

Sadly, the promise of R2P has been more noteworthy in the breach than in the honoring of our commitments. The current crisis in Syria, where Basharal-Assad's regime has declared all-out war on its own people, is the most visible case of our collective failure to protect vulnerable populations from the most serious crimes. Less noticed is the ongoing struggle to protect the many million citizens of Sudan, the Democratic Republic of the Congo, and other places where political leaders and their allies regularly employ violence against the defenseless.

Yet the gap between our words and deeds should not serve as an excuse to scrap the whole R2P enterprise, (...)

Syria

notwithstanding, R2P has clearly animated recent efforts to stop the worst from happening. Coalitions of like-minded nations, backed with U.N. authority, prevented atrocities in Libya and the Ivory Coast with careful application of military force. During recent elections in Kenya, and before then in the referendum on independence for South Sudan, the United States, other world powers, and regional neighbors worked together diplomatically and with local civil society to proactively defuse situations that many experts were predicting would escalate to massive violence.

That some atrocities took place in these countries should not obscure the reality that matters could have been much worse—and lives were saved—because of early attention and preventive action, not necessarily military. These cases are a reminder that R2P can serve as a useful framework for sustained focus on those oft-forgotten countries at risk of genocide and other forms of mass atrocity. The world's task should be to improve R2P's implementation, not get rid of it.

(...) R2P represents the idea that with state sovereignty comes the obligation to protect one's own citizens from genocide, war crimes, ethnic cleansing, and crimes against humanity. (...)

Critics in the West have argued that the concept is little more than a thinly veiled neoconservative or liberal interventionist plot—depending on your politics—to engage in regime

change; critics from within emerging powers such as Brazil or South Africa paint R2P as a cover for neocolonial ambitions. Lost in these debates, however, is the notion that R2P is at its core an instrument of prevention. (..)

See the full article [here](#) . See the United States Holocaust Memorial Museum's press release on the 23 July Symposium [here](#) . Watch a [video launch](#) of the report.

2. Donald Steinberg, President of World Learning: Keynote Address on “Responsibility to Protect in the Real World: A Tale of Two Countries”

U.S. Institute of Peace

22 July 2013

(...) Too frequently, faced with the unfinished agenda in consolidating the R2P norm and with our collective inability to prevent or stop the violence in Syria, the two Sudans, the DRC and elsewhere, we forget how much has been achieved in the dozen short years since R2P emerged on the scene (...).

The progress can be measured not just by the insertion of a couple of paragraphs into the World Summit Outcome document in 2005, or the creation of the US government's Atrocity Prevention Board, or the welcome if unfulfilled promises of “never again” and “not on my watch.” It can also be measured by our willingness and capacity to respond to situation like Kenya, Libya and Cote d'Ivoire.

Kenya

: R2P in Action:

(...) Kofi Annan, John Kufor, Graca Machel, Ben Mkapa and other African leaders engaged, backed by the willingness of the United States and the Security Council to sanction those resisting a peaceful solution. For those who suggest that R2P is a concept being thrust on the developing world by the global North, note that those seizing the initiative and designing the outcome were Ghanaians, South Africans, and Tanzanians.

A quick-fix solution of a power sharing arrangement was designed and implemented. But instead of turning our collective gaze aside and facing the same problem in new elections in 2013, the international community stay committed to the long-term challenges present in the R2P rebuilding mandate. (...)

(...) The result in 2013 was a mostly peaceful election, and a sense that we didn't just dodge a bullet, we helped build a more democratic and inclusive process – even if it paradoxically elected leaders under investigation for ethnic crimes. (...)

Rwanda

: R2P Inaction:

For me, the actions in Kenya were particularly welcome as a contrast to the U.S. response to Rwanda a decade and a half earlier, when I was President Clinton's special assistant for Africa.

(...)

We could have jammed the hate language on the radio station, Mille Collines. We could have reinforced General Romeo Dallaire's forces. We could have pressed immediately for new UN or African peacekeepers to save as many lives as possible.

But each time we pushed for these steps, others would ask: "Where's the legal basis for these actions? Where's the public outcry, the hallelujah chorus of support? How do we know our actions will end the killings?" (...) Time and again, the forces of inaction triumphed until the genocide burned itself out.

The New World of R2P:

Fortunately, we've moved beyond apologies and mea culpas for the failed response to Rwanda, as well as Somalia and Bosnia. Indeed, it was in these failures of will that the roots of R2P were formed. Consider the changes.

First, the international community has increasingly engaged in preventive actions to keep societies from falling apart (...) Second, country after country has stepped forward militarily in potential R2P situations, (...). Of course, we should not add to the misconception that R2P is mostly or exclusively about non-consensual military action: such action is choice of last resort, to be used in the context of efforts at diplomacy, sanctions, humanitarian assistance, naming and shaming, and the like. (...)

The Atrocity Prevention Board:

Let's talk briefly about what the APB is and what it isn't. The APB is not a quick fix method of creating political will for actions that would otherwise not be taken, nor is it a backdoor to avoid answering tough questions about military engagement, including the seriousness of the threat,

the primary purpose for engagement, the need for proportionality, an assessment of the balance of consequences, and the need for UN authorization for action.

Instead, the APB's focuses on three types of situations. First, for issues firmly on the USG foreign affairs radar screen, the APB provides expert guidance about the potential for atrocities in these situations and best practices to prevent and address them. (...)

Second, the APB helps sound alarm bells in situations where the US government and the broader international community may not be paying adequate attention to emerging or potential atrocity

situations – what we might call “high risk/low attention.” (...)

Third, there is a broader set of countries and regions deserving of prevention efforts to mitigate the tensions that could give rise to atrocities, such as inter-ethnic disputes. (...)

The APB is now outlining capabilities we can bring to bear in all these situations. This includes an expansion of surveillance, including interchange with NGOs, UN officials and other actors on the ground. The APB is also ensuring that U.S. government agencies provide their on-the-ground personnel with adequate resources for assessment, planning, training, conflict prevention exercises or other needs.

(...)

Read the [full address](#) . **3. Who Will Stand Up for the Responsibility to Protect?** Mike Abramowitz

New York Times

1 August 2013

Last month, during her confirmation hearing to be our next Ambassador to the United Nations, [Samantha Power was asked about a concept most Americans have never heard of](#) , let alone understand—the Responsibility to Protect. Her cautious response spoke volumes about the ambivalence in the United States government towards a new idea that has gained traction as a tool for addressing conscience-shocking atrocities.

The Responsibility to Protect, she said “is less important than U.S. practice and U.S. policy, which is that when civilians are being murdered by their governments or by non-state actors, it

is incumbent on us to look to see” if there are ways to limit the atrocities. But, she added, “there is no one size fits all solution, no algorithm, nor should there be. If confirmed to this position, I will act in the interests of the American people and in accordance with our values.”

Power’s reluctance to associate the U.S. government with a UN concept was understandable. Anything related to the United Nations can prove politically radioactive these days, especially if it appears the U.S. is ceding political authority to the UN Security Council. (...)

But the Responsibility to Protect, or R2P, is one means of addressing the most frustrating and durable failures of international relations (...).

Despite criticism in some quarters, R2P is not just another abbreviation for military intervention, nor does it require the United States to do anything the president or Congress do not see as in our national interests. If it is working right, it should prompt early, preventive action before things get out of hand and genocide starts. Sending in the Marines is not always the right answer; R2P contemplates a whole range of other actions—diplomacy, financial sanctions, prosecutions at international tribunals, intelligence collection and other actions aimed at deterring would-be perpetrators.

There is no question that Syria today represents perhaps the most glaring failure to protect civilians from the worst, an R2P failure of the first order. (...)

But in other cases, the recognition of R2P obligations has motivated a range of countries, not only the US, to step in to prevent mass killing and egregious human rights violations in places like Burma, Libya, the Ivory Coast, and Mali. That some atrocities took place does not indict the whole R2P enterprise. (...)

Every country in the world, including Russia and China and the United States and even perpetrator countries like Sudan, have said they recognize the Responsibility to Protect. Our job now and in the future is to hold them up to this promise.

Read the [full editorial](#) . **III. Democratic Republic of Congo: As intervention brigade becomes operational, civil society expresses concerns for the protection of populations**

The rapid and brutal

[gains](#)

made by the M23 rebel group in the Eastern Democratic Republic of Congo (DRC), which culminated in their brief

[takeover](#)

of the major city of Goma in late 2012, has galvanized the international community into rethinking its approach in resolving the intractable conflict in the DRC.

The International Conference on the Great Lakes Region (ICGLR), the South African Development Community (

[SADC](#)

) and the DRC government itself

[appealed](#)

to the United Nations Security Council (UNSC) to establish an intervention brigade within the current peacekeeping operation already in country, MONUSCO, which was ultimately unanimously

[approved](#)

in the adoption of UNSC Resolution

[2098](#)

. The force, operationalized at the end of July 2013, is the United Nations' first-ever combat force, and possesses the mandate to carry out offensive targeted operations to "neutralize and disarm" rebel movements in the DRC.

In its nascent days, the intervention brigade has already taken bold new initiatives, including by issuing a 48-hour

[ultimatum](#)

to rebels to disarm in order to create a security zone around Goma. However, civil society groups have expressed their apprehension that the intervention brigade may inflict more harm than good for civilians. Reflecting on past UN-supported action in the DRC to disarm rebels, which ultimately resulted in massive displacement as well as civilian casualties, Refugees International (RI) notes that the brigade's operations could

[disrupt](#)

the precarious country dynamics in unforeseen ways. As such, RI, among others, has called on MONUSCO to adopt further safeguards to ensure that the protection of civilians is the utmost priority for the peacekeeping operation. Echoing this, The Stimson Centre

[points out](#)

, the brigade's offensive mandate runs counter to its instructions to protect civilians and could have a negative effect on humanitarian actors' perceived impartiality and independence if they are working with the mission, thus hindering access for the provision of services and aid to civilians. In addition to these concerns, the brigade will conduct many of its operations alongside the DRC's armed forces (FARDC), who have been among some of the most serious

[perpetrators](#)

of human rights violations. International Crisis Group states that the perpetual cycle of violence in the country

[requires](#)

an approach that goes beyond short-sighted military tactics to encompass local, bottom-up conflict resolution.

1. New U.N. Force May Increase Risks for Civilians

Aditi Gorur & Michelle Ker

The Stimson Center

July 11, 2013

In response to fighting between government forces and rebels in the Democratic Republic of Congo (DRC) that threatens regional stability, the United Nations Security Council has authorized an "intervention brigade" - a new kind of international stabilization force - that is expected to become fully operational by the end of July.

The intervention brigade has the unprecedented mandate to "neutralize" rebel groups through targeted offensive operations. However, in its pursuit of armed groups, the brigade risks undermining the U.N.'s broader efforts to protect Congolese civilians in three major ways. First, its mandate to "neutralize" inherently conflicts with the protection of civilians; second, the brigade's activities may shift the conflict dynamics in eastern DRC in dangerous ways; and third, its operations may interfere with the work of humanitarian organizations.(...)

The intervention brigade - consisting of some 3,000 troops from Tanzania, South Africa, and Malawi - is authorized as an element of the existing U.N. peacekeeping operation in DRC, known as the

[U.N. Stabilization Mission in the Democratic Republic of the Congo](#)

(MONUSCO). Still in its early days, the brigade's activities have thus far been limited to patrols, but there are outstanding questions about how the brigade will implement its mandate with respect to the protection of civilians once operations begin in earnest in the next few weeks.

If the language of the intervention brigade's mandate is read one way, all of MONUSCO, including the brigade, will be tasked with the proactive protection of civilians. This would require MONUSCO to prevent deliberate violence by armed actors against civilians through political negotiation and mediation or through the use of force. (...)

However, another interpretation is that the proactive protection of civilians will fall to the rest of MONUSCO while the intervention brigade's role is limited to mitigating the risks that the brigade's military operations could pose to civilians before, during and after any operations in accordance with international humanitarian law.

Under either interpretation, however, MONUSCO's long-standing mandate to proactively protect

civilians under imminent threat of violence will be compromised. (...)

If the intervention brigade is tasked with the proactive protection of civilians, it will face a difficult balancing act managing tensions between impartially implementing its proactive protection mandate and its mandate to neutralize armed groups. (...)

On the other hand, MONUSCO's proactive protection of civilians mandate is often misinterpreted as limiting MONUSCO's use of force to a purely deterrent role and raises expectations that MONUSCO's military components will create no civilian casualties.

Unfortunately, the likelihood that the intervention brigade's activities will create significant civilian casualties will be greater if the intervention brigade conducts its operations jointly with the Congolese army. The army not only lacks command and control, but includes large numbers of former rebels integrated into its ranks and is one of the most serious perpetrators of abuses against civilians in the country.

The intervention brigade's mandate to neutralize armed groups also creates particular risks to civilians given the conflict dynamics in eastern DRC. Although recent media attention has been focused on M23, a multitude of armed groups compete for power in the region. A force of 3,000 may be able to dislodge an armed group from one area, but is too small to hold the ground. This can create a power vacuum that others fill, including other armed groups and Congolese armed forces known to abuse civilians. New groups that take over control of territory may exact reprisals against communities for their perceived support of the former occupying force.

Moreover, the decision as to which armed groups to neutralize first may have serious implications for civilians. (...)

In addition, the intervention brigade's robust mandate may interfere with the work of humanitarian groups that are also helping to protect civilians (...)

Humanitarian actors depend on being perceived as impartial, neutral and independent in order to have access to and acceptance by communities. This enables the delivery of humanitarian assistance to civilians in need across conflict lines.

The nature of the intervention brigade's mandate may mean that any humanitarian organization perceived to be part of or affiliated with the mission is at greater risk of being targeted or having its access blocked by armed groups. In this context, humanitarian groups may also be particularly reluctant to cooperate or share information with the mission, fearing that the

brigade's offensive operations could lead to civilian casualties or have a direct negative impact on local perceptions.

(...)

Read

[full article](#)

2. DR Congo: M23 Rebels Kill, Rape Civilians

Human Rights Watch

22 July 2013

(...) After a nearly two-month-long ceasefire, fighting resumed on July 14 between the Congolese armed forces and M23 rebels near the eastern city of Goma.

Residents and rebel deserters described recent support from within Rwanda to the abusive M23 forces. This includes regular movements from Rwanda into Congo of men in Rwandan army uniforms, and the provision of ammunition, food, and other supplies from Rwanda to the M23. The M23 has been recruiting inside Rwanda. Rwandan military officers have trained new M23 recruits, and have communicated and met with M23 leaders on several occasions. (...)

In addition to M23 abuses, Human Rights Watch documented several cases of killings and rapes by Congolese Hutu militia groups operating in and around M23-controlled territory. Some Congolese army officers have allegedly supported factions of these groups, as well as factions of the allied Democratic Forces for the Liberation of Rwanda (FDLR) – a largely Rwandan Hutu armed group, some of whose members participated in the 1994 genocide in Rwanda.

Since its inception in April 2012, the M23 has committed widespread violations of the laws of war. Despite numerous war crimes by M23 fighters, the armed group has received significant [support](#) from

[Rwandan military](#);

officials. After briefly occupying Goma in November, then withdrawing on December 1, the M23 controls much of Congo's Rutshuru and Nyiragongo territories, bordering Rwanda. (...)

Since June, M23 leaders have forced local chiefs in areas under their control to undergo military and ideological training and obtain recruits for the M23. The M23 considers these chiefs to be part of their "reserve force" that can be called upon to provide support during military operations.

M23 fighters have arrested or abducted dozens of civilians in recent weeks in Rutshuru, most of them Hutu. The M23 accused many of them of collaborating with the FDLR or allied Congolese Hutu militias. M23 fighters beat them severely, tied them up, and detained them. The M23 then forced many of them to undergo military training and become M23 fighters. (...)

Those recruited in Rwanda into the M23 include demobilized Rwandan army soldiers and former FDLR fighters, most of whom had become part of the Rwandan army's Reserve Force, as well as Rwandan civilians. A 15-year-old Rwandan boy told Human Rights Watch that he and three other young men and boys were promised jobs as cow herders in Congo, but when they got to Congo were forced to join the M23. They were given military training by Rwandan officers in Congo and told they would be killed if they tried to escape. Other M23 deserters also said Rwandan officers were training new M23 recruits. (...)

Summary Executions and Other Attacks by the M23

Human Rights Watch has documented 44 summary executions committed by the M23 since March. M23 fighters have also killed and wounded an unknown number of civilians, including some caught in the crossfire during fighting. (...)

Others summarily executed by the M23 since March were new recruits and prisoners who unsuccessfully tried to escape. (...)

Rape by the M23

Human Rights Watch has documented 61 cases of rape of women and girls by M23 fighters between March and early July. Because of the stigma surrounding rape and fear of reprisals, the actual number of victims may be much higher. (...) Most of the rapes occurred close to M23 positions, and some victims recognized the attackers as M23 fighters they had seen before. The rapists frequently told their victims that they would be killed if they spoke about the rape or sought medical treatment. (...)

Forced Recruitment, Including of Children, and Abductions by the M23

Human Rights Watch has documented dozens of cases of forced recruitment by M23 forces since March, including of children. Recruitment appears to have increased in recent months as the M23 has struggled to keep its forces' numbers up. (...)

Abuses by Hutu Militia with Support from Congolese Military Personnel

The M23's control of territory weakened following the infighting between two M23 factions in March. Since then, Congolese Hutu armed groups, including the Popular Movement for Self-Defense (Mouvement populaire d'autodéfense or MPA), have carried out attacks in and around M23-controlled territory, and killed and raped several civilians. UN officials and former Hutu militia fighters told Human Rights Watch that some factions of these groups have received support from Congolese military personnel. (...)

See full article, including recommendations,

[here](#)

3. Understanding Conflict in Eastern Congo (I): The Ruzizi Plain

International Crisis Group

23 July 2013

The February 2013 framework agreement signed by the UN, African organisations and eleven regional countries, as well as the deployment of an intervention brigade, represent yet another of many attempts to end the crisis in the Kivus. Conflicts in this region, however, stem mainly from competition between communities for land and economic opportunities and require tailored, grassroots solutions that should go beyond a military response and promote local conflict resolution. Those seeking to secure peace in the Kivus should gain sound knowledge of local dynamics and design strategies to tackle the root causes of violence and improve relations between communities.(...)

The Bafuliro and Barundi have fought over land and traditional leadership in the Ruzizi plain since colonial times. Tensions remain high because of socio-economic underdevelopment, the mismanagement of land affairs and poor local governance due to weaknesses in provincial and central administration. Instead of acting as secondary figures, traditional chiefs play a leading role in Congo's politics and administration. Perceived as influential during elections, they are part of political patronage networks and have support in national and provincial institutions.

Despite a decade of efforts to rebuild the Congolese state, the government remains ineffective in rural areas, leaving customary chiefs, whose role is recognised by the constitution but not fully defined, virtually in charge. They use their key position between the state and communities to benefit from any state and international investments and to protect their own interests. This fuels conflict, with intercommunal rivalries playing out in state institutions and among local and national politicians.(...)

The failure of mediation shows that local conflicts need local resolution strategies. (...) This report, the first in a series that focuses on the local politics of conflicts in eastern Congo, recommends a complementary bottom-up approach aimed at improving intercommunal relations and restoring peace at the local level.

See the full press release, including recommendations,
[here](#)

4. UN Must Not Make Congo Crisis Worse

Refugees International

24 July 2013

(...)

Despite some progress in recent months on the political front, ongoing fighting between the Congolese armed forces and the rebel M23 militia has displaced thousands of people, and the total number of IDPs now stands at 2.6 million. Even before the most recent outbreak of fighting, due in part to access constraints and insecurity, humanitarians were unable to respond to the needs the displaced and host communities. Some Council members and regional governments believe MONUSCO's intervention brigade can reduce violence and displacement by neutralizing non-state armed groups, but there is cause for doubt.

“History tells us that any military offensive in the DRC, regardless of who leads it, will have significant humanitarian consequences,” said RI Advocate Caelin Briggs. “In 2009, for example, a UN-supported campaign by the Congolese army disarmed a reported 1,071 rebels but displaced 900,000 people and resulted in 1,400 civilian deaths and an estimated 7,500 rapes. The Council must ensure that the actions of MONUSCO's intervention brigade do not create a similar humanitarian disaster.”

At both the command and battalion levels, MONUSCO has been unable or unwilling to protect civilians in many cases. Just last year, when the city of Goma was overtaken by M23 rebels, MONUSCO troops allowed displaced persons camps to be attacked and, in some cases, refused to shelter fleeing civilians. MONUSCO has also been tarnished by its collaboration with the undisciplined and abusive Congolese military, which was accused of raping hundreds of women during its retreat from Goma. (...)

See full press release, including recommendations to MONUSCO, [here](#)

IV. Civil society advocacy on other RtoP related crises and situations

1. Chad: Questions & Answers on Hissene Habre's case

FIDH

23 July 2013

1. Who is Hissene Habre?

Hissene Habre, born in 1942, was President of the Republic of Chad from 7 June 1982 until 1 December 1990. His single-party regime was characterised by numerous human rights

violations, particularly against certain ethnic groups. He is thought to have been responsible for thousands of political assassinations and systematic torture. Most of these crimes are said to have been committed by his secret police, the Documentation and Security Directorate (DDS). Because of the confidential nature of its activities, the DDS reported directly to him, as President of the Republic of Chad. *2. What charges are being brought against him?* On 2 July 2013, Hissene Habre was brought before the Extraordinary African Chambers within the Senegalese Court system (hereinafter the “Extraordinary African Chambers”) to face charges of crimes against humanity, war crimes and torture alleged to have been committed during his presidency of Chad.

3. Why is he being tried in Senegal instead of Chad?

In October 2000, together with the Association of Victims of Crimes and Political Repression in Chad (AVCRP), 17 victims lodged a complaint against Hissene Habre in Chad. The investigating judge rejected the complaint alleging the existence of an order stating that the case did not fall within *jus commune*. The civil parties challenged the constitutional status of this order. Despite a Constitutional Court ruling in 2001 that the order was unconstitutional, the case went no further because the investigating judge considered that he had insufficient information to continue his investigations.

When Idriss Deby came to power in 1990, Hissene Habre fled Chad and settled in Senegal, where he has lived ever since; as a result, legal action was launched against him in his new country of residence.

In August 2008, Habre was sentenced to death in absentia by a Chadian court following a summary trial for his alleged role in supporting rebels who had attempted to take N’Djamena and seize power in February 2008. (...)

7. Why is Hissene Habre not being tried by the International Criminal Court? Although Chad is a State Party to the Rome Statute, the International Criminal Court (ICC) is not competent to judge crimes committed before its Statute came into force, ie before 1 July 2002. As Chad ratified the Rome Statute on 1 November 2006, the ICC is competent to judge war crimes, crimes against humanity and genocide committed in its territory or by one of its citizens only after that date. The crimes committed under the Habre regime, between 1982 and 1990, do not therefore fall within its jurisdiction.

Furthermore, the ICC is complementary to the national courts, which have the priority for investigating and prosecuting perpetrators of war crimes, crimes against humanity and genocide committed on their territory (article 1 of the ICC Statute). The ICC has jurisdiction when a State Party has neither the capacity nor the willingness to investigate and prosecute such perpetrators. *16. When will the trial of Hissene Habre start ?* It is expected that the investigation phase, the preliminary phase before the trial, will last around 15 months. The trial should start in 2014 and is expected to last around 7 months. The appeal phase could take another 5 months. Furthermore, the Extraordinary African Chambers have stated that measures may be taken to avoid the trial lasting for several years, including by taking cognisance of the results of the Belgian and Chadian investigations into crimes committed during the Habre regime.

See the full Q&A [her](#)

[e](#)

2. Egypt: Statement on the Crisis in Egypt

Global Centre for the Responsibility to Protect

30 July 2013

(...) Since Morsi's ousting on 3 July, protest clashes have claimed more than 150 lives and left more than 1,500 people injured.

The Global Centre for the Responsibility to Protect condemns the reckless use of live ammunition by the security forces to suppress protests, as well as the use of hate speech and violence by some demonstrators. Such acts have contributed to a political crisis that now threatens the security of all Egyptians and increases the risk of conflict leading to the commission of mass atrocity crimes.

At the 2005 United Nations (UN) World Summit, Egypt agreed that all states have a Responsibility to Protect their populations from genocide, ethnic cleansing, war crimes and crimes against humanity. Egypt has since reiterated its support for this principle at the UN. (...)

The authorities in Egypt must uphold their Responsibility to Protect all Egyptians, regardless of religious identity or political affiliation. The Global Centre for the Responsibility to Protect calls upon the Egyptian security forces to show restraint in confronting legitimate protests. Protesters who incite or participate in violence should be dealt with in accordance with acceptable international legal standards.

In support of the recommendations made on 28 July by the UN High Commissioner for Human Rights, we urge the authorities to conduct a credible, independent investigation into recent large-scale killings. If it is determined that some sections of the security forces used unnecessary deadly force, then they must be held accountable.(...)

See full statement

[here](#)

Please also see the recent

[publication](#)

of the R2P Monitor.

3. Cote d'Ivoire: Two Years After Civil War's End, Cote d'Ivoire Is Still Unstable

Nora Sturm

The Atlantic

30 July 2013

As the international community focuses its attention

[on the elections in Mali](#)

, neighboring Cote d'Ivoire is increasingly perceived as being on track in its transition toward democracy and development. However, although significant progress has been made since the end of the post-electoral crisis in April 2011, which caused more than 3,000 deaths, Cote d'Ivoire remains deeply fragmented and fragile.

How genuine is the commitment to reconciliation?

A true commitment to reconciliation among the different communal, political, and ethnic groups is still missing, especially in the west, where ousted President Laurent Gbagbo continues to enjoy immense popularity. Informal discussions with village chiefs and local citizens, primarily from the Guere ethnic group, reveal deep distrust of the current administration, which is headed by Alassane Ouattara. These feelings of resentment and alienation are fueled in particular by a perception of victor's justice: (...)

What is the security situation like on the ground?

Compounding this frustration is the fact that insecurity is still rampant, particularly in the west and north, and incidents are rarely investigated by the authorities. Thousands of internally displaced people are unable to return to their homes out of fear of being attacked by bandits, traditional dozo hunters, Liberian mercenaries, or Burkinab

□

ilitias operating along the border. Moreover, the government has not succeeded in effectively disarming and reintegrating ex-combatants from both sides, which has resulted in a persistent flow of small weapons and light arms throughout the country. In addition, the security forces themselves often act with impunity, (...)

What's in store for Cote d'Ivoire?

With presidential elections slated for 2015, there is the risk that these simmering tensions and feelings of abandonment, if not thoroughly and quickly addressed, could once again spiral out of control and threaten the country's recovery. While the advances made under President

Ouattara should not be dismissed, the path to lasting reconciliation in Cote d'Ivoire is still long.

See full article

[here](#)

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See the 30 July Op-ed,

[**Political Leaders Stall Needed Reconciliation in Cote d'Ivoire**](#)

, by Matt Wells of Human Rights Watch.

4. South Sudan: South Sudan's Political Turmoil

Susan Stigant

United States Institute of Peace

August 1, 2013

On July 23, 2013, Salva Kiir Mayardit, president of the government of South Sudan, relieved the vice president, ministers and deputy ministers of their positions. The undersecretaries, who are the highest-ranking civil servants in each ministry, were tasked with continuing the work of the government until the formation of a new cabinet. President Kiir also signaled his plans to reduce the size of government from 27 to 19 ministries.

On the same day, President Kiir, in his capacity as the chairperson of the Sudan People's Liberation Movement (SPLM), suspended the party's secretary-general, Pagan Amum. President Kiir established a committee to investigate the secretary general for allegations of mismanagement, insubordination, incitement of tribal sentiments and deliberate attempts to cause divisions within the party.(...)

Why are these developments significant?

(...) Under the best of circumstances, the government of South Sudan has an overwhelming task to establish and govern a new country: build its own institutional capacity; fulfill basic development needs such as clean water, education, basic health and roads; provide protection and security to its citizens; address widespread corruption; foster inclusive, democratic and multiparty political processes; and, manage its relationship with Sudan.(...)

Security, for example, remains one of the most urgent challenges and requires effective and focused leadership. Despite successful amnesty negotiations with some of the armed groups,

violent conflict continues and has reached particularly alarming levels in Jonglei state. Since the beginning of the year, more than 100,000 people have been displaced and remain inaccessible to humanitarian assistance and protection. Of even greater concern, reports from human rights organizations indicate that the army has not only failed to protect civilians but also targeted women and children from a particular ethnic group.

South Sudan's political transition process is another example of the significant tasks requiring effective and collaborative leadership. South Sudan's next elections are anticipated no later than July 2015. The elections will determine the composition of the new parliament, which will have among its responsibilities the review and adoption of a new constitution. These elections will be the South Sudan's first since independence and will be regulated by a new election law and a new political party law. In short, the elections will be a test of the guarantees for multiparty competition, campaigns and debates on policy issues.

(...) Tribalism and ethnicity remain strong sources of identity; they also remain a source of division. In the case of the tensions within the SPLM, there are immediate concerns about a repeat of the historical split between the Dinka (President Kiir's ethnic group) and the Nuer (Dr. Machar's ethnic group).

What should be watched in the weeks ahead? What are the major points of concern?

Many analysts and observers have already started to speculate about what the recent political developments mean for the future of the SPLM and for South Sudan. However, it is too early to analyze to draw any conclusions. It is possible to identify some principles and questions that will help to analyze and understand developments in the short to medium term:(...)

- Commitment to address protection and security concerns. South Sudanese and international observers will be watching to see whether protection of civilians, access for humanitarian assistance and discipline within the security forces will be a policy priority of the new government. Up to the point where the new cabinet is confirmed and sworn in, observers will look to the president, the SPLA leadership, the relevant undersecretaries and the national legislative assembly to take action, provide direction, and implement and oversee decisions;
- Ability to manage the relationship with Sudan. (...)
- Ability to manage internal SPLM tensions, investigations and leadership discussions in line with the SPLM constitution and the national constitution. (...)
- Preparations to ensure peaceful elections. (...)

- Remaining focused on citizen priorities and local realities. The focus on the political developments in Juba risks distracting the government, governing party and international partners from necessary focus on the development and security needs of South Sudanese. Citizen priorities for clean water, basic health, education and roads, along with protection and security, should remain the focus of discussion and debate, particularly in the lead-up to elections. There is also a risk that the tensions within the SPLM or the government could aggravate some of the divisions and cleavages at the local level. (...)

See full article

[here](#)

Please also see the recent

[statement](#)

by the Global Centre for R2P on the situation in South Sudan.

5. Syria: Human Rights Watch – Ballistic Missiles Killing Civilians, Many Children

Human Rights Watch

5 August 2013

Ballistic missiles fired by the Syrian military are hitting populated areas, causing large numbers of civilian deaths, including many children. The most recent attack Human Rights Watch investigated, in Aleppo governorate on July 26, 2013, killed at least 33 civilians, including 17 children.

Human Rights Watch has investigated nine apparent ballistic missile attacks on populated areas that killed at least 215 people that local residents identified as civilians, including 100 children, between February and July. It visited seven of the sites. There were no apparent military targets in the vicinity of seven of the nine attacks investigated by Human Rights Watch. In two cases there were nearby military objectives that may have been the government force's intended targets, but were not struck in either attack.(...)

When used in populated areas, ballistic missiles with large payloads of high-explosives have a wide-area destructive effect, and it will not be possible when using them so to distinguish adequately between civilians and fighters, which almost inevitably leads to civilian casualties. Military commanders, as a matter of policy, should not order the use of ballistic missiles in areas populated by civilians, Human Rights Watch said.(...)

The repeated use of these high explosive weapons with wide-area effects in areas populated

by civilians strongly suggests that the military willfully used methods of warfare incapable of distinguishing between civilians and combatants, a serious violation of international humanitarian law.

While using ballistic missiles in an armed conflict is not prohibited, their use is subject to the laws of war. A warring party is obliged to use means and methods capable of distinguishing between civilians and combatants, an attack should not cause disproportionate damage to civilian lives and property, and the party using the weapons should take all feasible precautions to minimize civilian harm.

According to the Syrian Network for Human Rights (SNHR), a Syrian human rights group, the government [used](#) at least 131 long range surface-to-surface missiles between December 2012 and early July. Twenty of the attacks, some using multiple missiles, killed approximately 260 civilians, the group said. Human Rights Watch has not independently verified these attacks.

See full press release

[here](#)

Also see 'Call out to the EU and the int'l community to protect the minorities in Syria'

[here](#)

, released by the Kurdish Centre for Studies & Legal Consultancy; 'Lebanon: Palestinians Fleeing Syria Denied Entry'

[here](#)

, released by HRW; and 'Aleppo satellite images show devastation, mass displacement one year on'

[here](#)

by Amnesty International.

V. RtoP-related Publications and Events

1. Report: Protection and Responsibility: An Analysis of US Foreign Policy to Prevent Mass Atrocities

Sarah Brockmeier, Gerrit Kurtz, Philipp Rotmann

Global Public Policy Institute

July 2013

In August 2011, President Obama declared that the prevention of genocide and mass atrocities was "a core national security interest and a core moral responsibility of the United States." His administration claims to be devoting far greater attention to this issue than its predecessors, notably by establishing an Atrocities Prevention Board at the White House, which began meeting in April 2012. In contrast to other priorities of the Obama administration, this

agenda has only received scant attention in Germany so far – even though the debate about implementing the responsibility to protect has grown louder as well as more specific, as several German political parties and the federal government have begun to develop formal positions on the responsibility to protect. At least one party, the Greens, went as far as to demand the establishment of a new German inter-agency mechanism comparable to the Atrocities Prevention Board. This study, commissioned by the Heinrich Böll Foundation and published in German, aims to inform German policymakers on the efforts on mass atrocity prevention undertaken by the first Obama Administration.

In its first part, the study provides an analysis of White House efforts in 2009-2012 to improve the administration's ability to prevent mass atrocities. (...)

A second part of the study examines to what extent the rhetoric and institutional innovations in Washington were relevant for specific situations of looming or ongoing mass atrocities. Examples from Sri Lanka, Sudan, Kenya, Kyrgyzstan, DR Congo, Libya, Syria and the efforts against the Lord's Resistance Army result in a mixed picture. (...)

(...) Beyond alliance politics, German policymakers who demand the implementation of the responsibility to protect can learn from the US experience.

Drawing on their analysis of the US efforts so far, the authors provide recommendations for the German government, the Bundestag and civil society on how to improve German, European and multilateral capacity to prevent genocide and other mass atrocities. The authors highlight the fact that the US efforts were built on a broad coalition of civil society organizations and congressional support across the political spectrum. Any reforms and institutional changes in Germany will have to be accompanied by an increased public debate on the country's role in preventing mass atrocities. Among other measures, the authors recommend the inclusion of the prevention of the worst human rights violations in the next coalition agreement of the German government, because the most critical ingredient for increased efforts on this agenda is political leadership on the highest level. Further suggested measures include the mainstreaming of mass atrocity prevention efforts across the government and an assessment of existing instruments and processes in Germany.

Read the
[full text](#)

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Read the
[full report](#)
(in German).

2. Peoples under Threat 2013

Minority Rights Group International

10 July 2013

Minority Rights Group International (MRG) released its 2013 Peoples Under Threat (PUT) global index on 10 July 2013, highlighting countries where communities are at greatest risk of mass atrocities. The annual ranking seeks to serve as an early warning tool for the protection of civilians, created by compiling data on known indicators to genocide and mass political killings. MRG engages in statistical analysis of the PUT data that is then presented in a briefing. In the context of the report's findings that half of the states that have risen in this index also have experienced foreign military intervention, MRG raises questions of the potential harmful effects of the use of force within the framework of RtoP. Foreign news reports of a whole community under violent attack in another part of the world quickly prompt the reflection: what should we do? In the Western media, the question is rarely posed without quickly leading to calls for armed intervention. (...) The 2013 release of the Peoples Under Threat index highlights the need to question this set of assumptions (...). Firstly, in those country situations of most concern in 2013, where the threat of genocide or mass killing is greatest or is rising most quickly, foreign military intervention is not the exception but the norm. (...) the great majority of countries where the threat of mass killing is acute or killing is ongoing have been subject to armed intervention, in some cases on several occasions going back a decade or more.

Secondly, there is a complex causal relationship between civilian security and armed intervention in practice. While it is possible that foreign military action may halt an episode of mass civilian killing or decrease its intensity, it may also prolong or intensify killing, or even initiate a conflict where there was none before. In some cases, it may end one conflict, but start another; or have the effect of shifting violence away from one people or population group onto another or others (...).

This year's release illustrates starkly, however, just how little we know about the efficacy of international action to prevent atrocity. It underlines the urgent need to track the consequences of any foreign military intervention, to ensure that intervention does not do more harm than good.

At least half the states that have risen most significantly in Peoples Under Threat in 2013, and eight out of 10 of those most at risk, have been subject to recent large-scale or systematic foreign military interventions. (...)

As the threat of mass killing continues to be faced by peoples around the world, there is an

urgent need for reliable data on the consequences as well as the causes of military intervention, to ensure that civilian protection is improved in practice.

Read

[full briefing](#)

▪

See the

[index table](#)

▪ Read the

[press release](#)

▪

Also see: [Risk of mass killing rises in African countries following foreign military intervention](#)

Canadian Perspective

and Victor MacDiarmid

for the Responsibility to Protect

3. Brazil's "Responsibility While Protecting" Proposal: A

Jennifer Welsh, Patrick Quinton-Brown

Canadian Centre

12 July 2013

The global consensus on the Responsibility to Protect (R2P) principle has weakened, not strengthened, since the 2011 NATO intervention in Libya. Brazil's proposal, "responsibility while protecting" (RwP), marks a new stage in the development of a global norm to prevent and respond to mass atrocities. It seeks to strengthen the commitment to seek peaceful means of addressing grave threats to populations, and to enhance the accountability of those who use force, as a last resort, in the name of the United Nations. More specifically, RwP proposes a set of criteria for military intervention, a monitoring-and-review mechanism to assess the implementation of Security Council mandates, and a renewed emphasis on capacity building to avert crises before they happen. While Brazil has not indicated how it will further advance its proposal within the UN system, we argue that it should seize the opportunity to flesh out what RwP could mean in practice, and how agreement around the three central ideas of accountability, assessment, and prevention could be achieved. Doing so may help mend the now fractured consensus on the legitimacy of foreign interventions intended to halt massive human rights violations. (...)

However, two major problems confront the future of RwP. First, any implementation of the proposal will require serious political commitments on the part of the international community, which are not necessarily free of controversy. (...) A commitment to RwP would also entail taking R2P's prevention pillar seriously, rather than simply using it as a rhetorical flourish. To operationalize this notion of prevention, states would need to enhance their own domestic capacities for early warning and contribute to building the non-military tools that could be used to forestall the commission of mass atrocities. (...)

Secondly, there is the problem of follow-through. Despite receiving notable international attention in a short amount of time, RwP no longer appears to be on the agenda of the Brazilian government. After a flurry of support and suggestions for improvement, Brazil now has a prime opportunity to expand and clarify the meaning of its proposal in the form of a new policy paper. (...)

First and foremost, Brazil should resume thought leadership on elaborating the core ideas associated with RwP. (...)

It must be underscored, as well, that RwP is intended as a constructive development in the larger evolution of the R2P norm. Brazil must clarify that RwP is complementing R2P as we know it today, rather than simply criticizing the West. In pursuit of timely responses to humanitarian crises, this new document should also downplay the notion of sequencing: while force should not be the first option, and we should invest heavily in other options, it also cannot literally be the last option.

Second, Brazil should investigate and develop practical suggestions on its call for accountability mechanisms and procedures in implementing R2P. (...)

Third, Brazil should invest in research and analysis on non-coercive prevention. While the most widely supported aspect of R2P and RwP, prevention also remains the most underdeveloped. (...)

Fourth, Brazil should make efforts to integrate R2P and RwP within existing international legal frameworks, especially in regard to the use of force. (...)

Finally, in order to facilitate more timely and decisive action, Brazil could join with the group of S5 states (Costa Rica, Singapore, Switzerland, Jordan and Liechtenstein) to revive efforts to reform Security Council working methods. The veto powers exercised by permanent members, in particular, have been more affected by geopolitical concerns than humanitarian ones, even during imminent or ongoing crises. Emerging powers like Brazil should call for a restraining of vetoes to block Council action in situations involving serious allegations of genocide, crimes against humanity, war crimes, or ethnic cleansing. In short, a call for a “responsibility not to veto” deserves more attention.(...)

Read
[full paper](#)

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4. The Montreal Institute for Genocide and Human Rights Studies; Panel Discussion: “R2P and the Crisis of the New Global Order”

22 July 2013

Google+ Hangout

MIGS, an academic think tank based on Concordia University, recently hosted an online panel featuring Irvin Studin of the University of Toronto and Bessma Momani of the Brookings Institute. Zach Paikin, a Canadian political commentator, moderated.

Canadian political commentator Zach Paikin moderated a panel featuring the University of Toronto's Irvin Studin and the Brookings Institute's Bessma Momani for a discussion about foreign policy, changing global power dynamics, and where R2P fits into it all.

Dr. Bessma Momani is Associate Professor in the Department of Political Science at the University of Waterloo and the Balsillie School of International Affairs in Canada. She is Senior Fellow at two internationally respected think-tanks: the Centre For International Governance and Innovation in Waterloo and Brookings Institution in Washington, DC. (...)

Irvin Studin is Assistant Professor and Program Director in the School of Public Policy and Governance, University of Toronto. (...)

Click

[here](#)

to watch the panel.

5. Who will fix the United Nations Security Council?

Robert Muggah and Conor Foley

Huffington Post

31 July 2013

The paralysis over Syria is yet another sign of the dysfunction within the United Nation's Security Council. The

Council

is supposed to prevent large-scale violence and occasionally sanctions military action to do precisely that. The fact that the decision for making this call is limited to just five of its members -- Britain, China, France, Russia and the United States -- is an historical anachronism. It reflects a division of power agreed at the end of the Second World War that no longer accords with reality. And while diplomats from the other 188 members of the United Nations grumble away, no one seems to know how to break the deadlock.

There are countless reasons why the Security Council needs reforming. One of the more compelling is that its lack of meaningful representation undermines its legitimacy. (...)

Reform is a life and death issue for many civilians around the world. This is because the Security Council is the primary arbitrator of international peace and security, including sensitive questions related to the use, and limits, of force. In some cases the Security Council is side-stepped altogether by its permanent members. The bombing campaign in Kosovo during the late 1990s was conducted without United Nations approval. More controversially, in spite of much arm-twisting, the U.S.-led invasion of Iraq in 2003 was launched without authorization by the Council. Even former Secretary General Kofi Annan later [declared it illegal](#)

Yet many more forceful interventions in the world's hot spots were sanctioned with the imprimatur of the Security Council. The United Nations has approved at least 68 [peace-keeping operations](#) since the late 1940s. (...) Even so, certain decisions of the Council continue to be controversial, confirming anxieties about its lack of representation and potential for abuse.

For example, the

[Council mandated](#)

NATO-led operations in Libya starting in March 2011, ostensibly to protect civilians at risk of being killed by President Muammar Gaddafi's forces. Some UN member states, Brazil among them, felt that the Libyan mission went far beyond its mandate to "protect civilians" and amounted instead to regime change. During the negotiations in the weeks before the campaign, permanent and non-permanent members of the Council -- Brazil, China, Germany, India, and Russia -- abstained from the

[resolution authorizing force](#)

. Brazil went one step further in September 2011 calling for "responsibility while protecting." The effect of

[Brazil's proposal](#)

on many other United Nations member states was electric. In demanding more checks and balances over peace operations, Brazilian diplomats were trying to resolve the age-old question: "Quis custodiet ipsos custodes?"

At the center of Brazil's proposal is a call for greater accountability over Security Council decisions and the tightening-up of oversight over missions once they are agreed. While a welcome contribution to the discussion, it is not entirely without precedent. In fact, it builds on an earlier construct -- the so-called responsibility to protect (R2P) -- floated more than a decade ago by a Canadian-led international commission on intervention and state sovereignty. The R2P concept highlights the duty, the responsibility, for states to intervene -- including with the possible resort to force -- in extreme cases involving genocide, war crimes, crimes against humanity and ethnic cleansing.

So, what more can countries like Brazil do to press the case for Security Council reform? A new publication coming out on World Humanitarian Day on 19 August by [the Igarape Institute](#) and the [Brazilian Center for International Relations](#) outlines a few possibilities. (...)

See full article [here](#)

6. Simon Adams, Global Centre for the Responsibility to Protect: Can Brazil Save the United Nations?

Estadao (Brazil)

5 August 2013

The United Nations is a twentieth century body struggling with twenty-first century problems. (...)

(...) Those who seek an extreme makeover for the world body tend to focus upon the permanent membership of the Security Council, the post World War Two guarantor of international peace and security.

In the sixty-eight year history of the UN, Brazil has spent twenty years on the Security Council. Only Japan has been elected as many times. This experience, coupled with Brazil's undeniable economic ascendancy, supports its claim for a permanent seat. (...)

Brazil's campaign for permanent membership must project a vision of the UN in the twenty-first century that is about enhancing universal human rights and confronting global problems. These are not fringe concerns. The promotion of human rights is fundamental to Brazilian foreign policy and is enshrined in Articles 1 and 55 of the UN Charter. Function may follow form, but at the moment the debate on Security Council reform lacks acuity.

In this context Brazil's support for the Responsibility to Protect (R2P) could prove crucial. (...) However, in the aftermath of the controversial 2011 NATO-led intervention in Libya, Brazil led the UN debate about how to protect civilians without lurching towards "regime change." Brazil's argument that intervening powers also have a "responsibility while protecting" has not helped mobilize the divided Security Council with regard to Syria, but it has raised important questions about the methodology and motivations of civilian protection operations.

To ignite a debate is not enough. Brazil should actively support the Accountability, Coherency and Transparency (ACT) diplomatic initiative of Switzerland and others. Of particular importance is their recommendation that the permanent members of the Security Council should not use their veto in mass atrocity situations. It may come too late to save the people of Syria, but this will not be the last time the Security Council has to face a situation where one of its permanent members is the ally of a brutal regime intent on murdering its own people.

It would also be a mistake to underestimate the emerging power of civil society with regard to UN reform. Once marginal players in global politics, the top dozen NGOs now have a combined budget of approximately \$US 3 billion and employ thousands of humanitarian and human rights workers. The most professional organizations, like Human Rights Watch or Medicines Sans Frontiers, can be powerful allies. (...)

Read the full article [here](#) . To read the article in its original Portuguese, click [here](#) .