

10 September 2009 News Update

RtoP Listserv Web: www.responsibilitytoprotect.org E-mail: info@responsibilitytoprotect.org

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SEPTEMBER: US PUBLIC LAUNCH OF REPORT, WASHINGTON

22 SEPTEMBER: CANADIAN PRESS CONFERENCE, OTTAWA

1 OCTOBER: CANADIAN PARLIAMENTARY LAUNCH, OTTAWA

I. Implementing the Responsibility to Protect The 2009 General Assembly Debate: An Assessment

Global Centre for the Responsibility to Protect 1 September 2009 Executive Summary: In July 2009, for the first time since the adoption of the 2005 World Summit Outcome Document, the UN General Assembly continued its consideration of the responsibility to protect (R2P) and its implications. On 21 July 2009, the UN Secretary-General Ban Ki-moon presented his report “Implementing the responsibility to protect” to the General Assembly. The President of the General Assembly then scheduled an “informal interactive dialogue” on 23 July, followed by a formal plenary debate on 23, 24 and 28 July.

In one of the largest plenary debates of the General Assembly’s 63rd session, 94 speakers took to the floor, in total representing 180 member states from every region and two observer missions. What emerged was a clear commitment from the vast majority of member states to the prevention and halting of atrocity crimes. Indeed, only four countries sought to roll back what heads of states had embraced. UN members from north and south were overwhelmingly positive about the doctrine, which many asserted spoke to the purposes of the organization and was a fundamental and important challenge for the 21st century.

Based on an analysis of the 94 statements, this report identifies the debate’s key themes, including areas of consensus and concern, and provides a region-by-region overview of member views.

View full report:

http://globalr2p.org/media/pdf/GCR2P_General_Assembly_Debate_Assessment.pdf

II. Foreign Ministers and presidents speak on RtoP after GA debate

1. Netherlands - MFA - Speech by Verhagen at Round Table on the Responsibility to Protect

Ministry of Foreign Affairs

25 August 2009

The following speech was delivered by Foreign Minister Verhagen at a Roundtable in the Hague on the Responsibility to Protect, which included distinguished guests such as the Special Advisor with a focus on RtoP, Edward Luck.

Professor Luck, I trust that you have been received with open arms here in The Hague, as the Netherlands is a staunch supporter of the concept of **RtoP**. Right from the start, we have defended the principle that both states and the international community have a **responsibility to protect** people against the most heinous crimes, against the type of conscience shocking situations that we have witnessed in different regions as recently as the nineties. Both in cases where governments fail to protect their own populations (and need support to effectively do so) as well as in those situations where governments themselves have become perpetrators – the international community has a moral obligation to act. This has been confirmed and endorsed by all UN Member States in 2005 and ever since we have been trying to translate this commitment into practice. The Netherlands is a member of the Group of Friends of **RtoP** and we support the Global Centre on the **Responsibility to Protect** in New York, which fulfils an important role in mobilising support in different regions around the world. **RtoP** matters a great deal to me personally. I look at this important concept both from a human rights perspective – it fits seamlessly in the human rights agenda according to which I aim to shape our foreign policy – and from an international law viewpoint: the very adoption of **RtoP** already marked a change in international relations; now its implementation in certain situations must also have real impact. We must ensure that our response today is better than it has been in the past. This touches the core of our moral responsibility.

A year ago, during the opening week of the General Assembly, I co-hosted a ministerial meeting on **RtoP**, with the aim of discussing ways to further operationalize this principle. On that occasion, I said that **RtoP** is narrow in scope but that there is a broad range of policy instruments that can be employed by way of implementation. I would repeat that message here this afternoon: it is clear what **RtoP** seeks to do. It seeks to prevent and stop four well-defined crimes: genocide, war crimes, ethnic cleansing and crimes against humanity. Nothing more, and nothing less. There are many ways of achieving this. It is clear that prevention of atrocities is key. That's why it is somewhat disappointing that the discussion oftentimes focuses on the use of force. That is approaching the issue from the wrong end: we should not exclude the military option, but it would only be a measure of last resort.

Critics often argue that **RtoP** goes against national sovereignty. My response is that the **respo**

Responsibility to protect

and national sovereignty are two sides of the same coin: in the twenty-first century, states can no longer simply hide behind the notion of sovereignty. What we are looking for is responsible sovereignty. And the international community should assist states to exercise such responsible sovereignty, by strengthening their capacity, for example. It is as simple as that.

Needless to say, not everyone agrees. Last year's appeal to reach out to countries that are fearful or sceptical of **RtoP** has produced mixed results. Last month, the General Assembly debated the concept of **RtoP**, based on the Secretary-General's report on the implementation of **RtoP**. A report that you, professor Luck, master minded. Many countries participated in the debate. That was a positive sign. Many countries also issued constructive statements. Another positive sign. But the debate did not result in a resolution, as the Netherlands would have liked to see; a resolution that is forward looking, constructive and laying the basis for further implementation. Unfortunately, it is unclear in which way this important debate will now be followed up. There is no set of conclusions or any agreed way forward. The greatest gain seems to be that we did not lose anything and that the 2005 consensus still stands. Theoretically, that is, because we know that in real life, a determined group of countries does not wish to see

RtoP

turn into something tangible, something that may affect them as it seeks to protect their populations.

This being said, we should recognise that the fact that **RtoP** was endorsed in 2005 in the first place is, in hindsight, an incredible step forward. I say this not in order to lower our ambitions for the future, I say this so that we remain realistic and aware of some very heartfelt sensitivities to this new concept.

So the question is: how do we move forward? I do not intend to give up on **RtoP**. After all, we are talking about people. Men, women and children who are entitled to protection against the types of crimes that I mentioned, and who must be able to count on the support of the international community when such crimes occur. We should keep our eye on these people. They are the ultimate beneficiaries of

RtoP

. In fact, we all are – as these crimes can occur on any continent, also here in Europe.

Next month, we will again discuss **RtoP** in the margins of the opening of the General Assembly. Again the Global Centre for the **Responsibility to Protect** will organise a meeting on

RtoP

RtoP

. I would like to ask you, representatives of NGOs that are present here today, to come up with creative yet realistic suggestions on how to move our

RtoP

agenda forward. Professor Luck, I am certain that you could also use such advice and you may already consider this afternoon's discussions useful. The margins of success are relatively limited – last month's debate has made that much clear. Within those narrow margins, we need

smart options – ideas that will not only keep the concept of

RtoP

on the table but that will also help to devise an

RtoP

implementation strategy, so that we know what will work best in what circumstances. I am calling for a concerted effort among like-minded states and civil society to act jointly in the face of challenges to

RtoP

. This is what next month's meeting should be focusing on. By way of conclusion, I invite you all to share useful and practical ideas so that

RtoP

is not only properly understood, but implemented as well.

Source: http://www.minbuza.nl/en/News/Speeches_and_Articles/2009/August/Speech_by_Verhagen_at_Round_Table_on_the_Responsibility_to_Protect

2. Finland

high-level forum on RtoP explores how to take the norm forward Opening

The Hanaforum was organized by the

Swedish-Finnish Cultural Centre - Hanasaari; the Embassy of Canada in Helsinki; the United Nations Associations of Finland and Sweden, and the Finnish Red Cross, in cooperation with the Finnish Ministry for Foreign Affairs. The forum aimed at enhancing the understanding and political will regarding RtoP, and to create possibilities of taking the initiative further during the

64

th

session of the UN General Assembly. Panelists included

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Roméo Dallaire, Senator and former Force Commander of the United Nations peacekeeping force for Rwanda;

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Jan Egeland, Director of the Norwegian Institute of International Affairs;

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Hans Corell, former Under-Secretary-General for Legal Affairs and the Legal Counsel of the UN.

Speech by President of the Republic Tarja Halonen

Office of the President of the Republic of Finland

28 August 2009

(...) The

responsibility to protect

is a programmatic, rather than a clearly a legal concept. From the legal point of view, it is a question of already existing mandates and responsibilities. The implementation of the

responsibility to protect

is measured by how well it guides the international community and particularly the UN Security Council to timely action in order to prevent catastrophes. (...)

For us northern people, it is a good challenge to note that the possibility of military intervention in the case of a serious attack against civilian population was first incorporated into the Constitutive Act of the African Union in 2000. In this light, the question of intervention does not seem to fall on the north-south axis, even though many developing countries have criticized the idea of military intervention.

Conflict situations are often hardest for women and girls – their human rights are at a particular risk and many of them become subject to the worst violence.

The UN Security Council Resolution 1325 on women, peace and security was adopted in 2000. The implementation of the Resolution requires national action plans. The Norwegian action plan from 2006 was an encouragement for us. Finland's plan was completed a year ago. Now we are working on an action plan together with Kenya. In 2008, the UN Security Council adopted UN Resolution 1820, which condemns rape and sexual violence. We must do our utmost to put these resolutions into action. I have proposed that systematic rape in armed conflict should be classified as a forbidden weapon of war.

Last March, we organised together with Liberia an international colloquium in Monrovia on women's empowerment. The Colloquium sent out a strong message about the need to fully implement Resolution 1325. Women's key role in climate issues was also discussed. We will organize a new meeting on these topics next month in New York in conjunction with the UN General Assembly.

We also have to work so that we do not need to apply the responsibility to protect. It is best to prevent conflicts. At the same time, we must prepare for future conflicts. Natural catastrophes are not included in the **responsibility to protect**. In the future, competition for natural resources may be more and more often the cause of conflicts. The consequences of climate change may also increase the risks of conflicts. Conflict prevention in accordance with the principles of the **responsibility to protect** is central also in these situations.

We must support the possibilities of people for decent life and work in the changing environmental circumstances. Work for fairer globalization is also effective long-term work to prevent conflicts.

The devastating effects of the current economic crisis are particularly felt in the developing countries. We must remain strong with our efforts for eradication of the poverty in accordance with the United Nations' Millennium Development Goals. Finland and the other EU countries have committed themselves to the UN development aid goal of 0.7 per cent of the gross national product by the year 2015. We must retain this goal also in the current economic situation. Source: <http://www.presidentti.fi/netcomm/news/showarticle.asp?intNWSAID=72904&intSubArtID=28605>

3. Keynote address by Foreign Minister Alexander Stubb of Finland Ministry of Foreign Affairs of Finland 2
8 August 2009

(...) I would like to make three points related to the **R2P** concept:

1. We must honor the 2005 World Summit commitments;

2. We need to ensure that **R2P** is promoted internationally;

3. We should now operationalize the **R2P** concept (...) 8. The United Nations Secretary-Generals's recent report "Implementing the **responsibility to protect**" provides a very clear framework on how to translate **R2P** into practice.

9. We warmly welcome the report of Mr. Ban and his Special Adviser, Professor Luck and fully support their approach which emphasizes the responsibility of States themselves; the importance of early prevention and helping States built their own capacity. 10.

Implementing the

Responsibility to Protect

is not an uncomplicated matter as the recent United Nations General Assembly debate indicated. Whilst the majority of the Member States voiced their support to the concept, the operationalization of the

Responsibility to Protect

is a lengthy process, and the debate has only started.

11. The European Union has, and must continue to have, an active role in the promotion of the responsibility to protect. Common European values; such as democracy, peace, security, the rule of law, and respect for human rights are all closely interlinked with the

responsibility to protect

. The EU fully supports the UN Secretary General's efforts to implement the

responsibility to protect

and remains determined to make the concept operational.

12. Nevertheless, we need more dialogue, trust, positive thinking and informed analysis of **R2P** to overcome certain apprehensions related to the concept. The focus must be on saving lives through timely and decisive actions taken at national, regional and international level. (...)

15. It is important that in the implementation of the **R2P** particular attention is given to preventing situations from escalating, through early warning and capacity building.

16. I strongly advocate that the international community should assist States in building capacities to exercise this responsibility and live up to their obligations also in times of instability and conflict.

17. The strengthening of the rule of law is of particular importance in preventing the perpetration of most serious human rights crimes and to stabilizing post-conflict societies.

18. Also the protection of human rights defenders is an elementary part of the early warning systems. Promotion of national human rights systems and rule of law tradition are crucial in this regard. We must nurture national protection systems and their independence, including through international assistance.

19. The UN human rights system is well placed to sound the alarm. The challenge is to bring all available information together in a focused way, so as to better understand complex situations, and thus be in a position to suggest appropriate action.

20. Finland also recognizes the important role of local and international civil society organizations which can advocate for protection of human rights as well as deliver services for those in need.

21. We support the Secretary-General's suggestion for a joint office of the Special Advisor for the Prevention of Genocide and the Special Advisor for **Responsibility to Protect**, which would further strengthen the early warning capacity of the UN.

22. The prevention of the extermination of peoples is precisely what **Responsibility to Protect** aims to do. This year, the consideration of **Responsibility to Protect** is particularly timely, as we commemorate the Rwandan genocide 15 years ago.

23. An illustrative example of how **Responsibility to Protect** has worked in practice was the political unrest and violence Kenya experienced in early 2008. In Kenya's case, the **Responsibility to Protect** worked the way we would like to see it work. It provided pressure on political leaders and reminded them about the international community's readiness to use appropriate means to protect civilians from mass atrocities.

24. The fight against impunity is another important element in preventing mass atrocities. The establishment of international criminal jurisdictions has been instrumental to ensuring that there is no impunity for the most serious international crimes. The International Criminal Court will have a long-term impact on outlawing policies that deliberately promote and generate mass violence.

25. (...) This forum should also illustrate the Nordic commitment to take this initiative further during the 64th session of the United Nations General Assembly. (...)

Source :

<http://formin.finland.fi/public/default.aspx?contentid=169644&nodeid=15149&contentlan=2&culture=en-US>

4. Italian Foreign Minister Op-Ed on Sovereignty, Human Rights and RtoP

Priority for human rights

Il Tempo

Franco Frattini

15 August 2009

(...) But above all the absolute and exclusive nature of state sovereignty has been placed in question by another great principle that has come to the fore at the international level: the “**responsibility to protect**

”. This is a very simple yet very incisive principle. Put simply, it means that the reason for state sovereignty to exist lies in government authorities’ duty to protect their citizens. When, instead of protecting its citizens, a government threatens or oppresses the people it should in theory be defending from internal and external dangers, then the sole and absolute nature of state sovereignty no longer exists. It is the international community that must carry out the additional function of protecting, defending and safeguarding that people. Sovereignty is functional in nature. If it no longer performs the tasks for which it was established then it loses all political credibility, especially at the international level.

But we know very well how difficult it is to bring that “

responsibility to protect

” to bear in a complex organisation like the United Nations, and particularly in the Security Council. We often need to find room for manoeuvre between the threat of a veto by the permanent members of the Security Council and the temptation for the major powers to “go it alone”. It is in this narrow margin that a fundamental corollary of the “

responsibility to protect

” finds its place: the “duty to prevent”. In the case of genocide, for example, it is clear that preventive diplomacy is far more important and effective than an international intervention (if and when any decision to that effect is reached!). It is with this conviction that Italy firmly expressed its views during the recent debate in the United Nations on the

responsibility to protect

. But we need to go further than merely stating the complexity of an issue which, more than juridical or procedural, is eminently political. We need, in other words, to ask ourselves whether nowadays the assumption that there is an “automatic” mutual relationship between democracy and rights might need to be revised and up-dated. (...)

Source:

http://www.esteri.it/MAE/EN/Sala_Stampa/ArchivioNotizie/Interviste/2009/08/20090817_Frattini-dirittiumani.htm?LANG=EN

5. Australian Foreign Minister highlights cooperation on RtoP

Ministry of Foreign Affairs

27 August 2009

The following extract is part of a speech entitled Australia: looking anew at Latin America and the Caribbean, given by Australian Minister for Foreign Affairs Stephen Smith at the United Nations Economic Commission for Latin America and the Caribbean in Santiago, Chile.

(...) We value our co-operation with the countries of Latin America in the United Nations and other multilateral fora and have increased our cooperation on specific UN initiatives such as the Responsibility to Protect, where Australia and Chile work together in the R2P Group of Friends, as well as on the broader human rights agenda. (...)

Source:

<http://www.foreignminister.gov.au/>

III. World Council of Churches' statement on the Darfur crisis □

1. Sudan: World Council of Churches' Call for Peace

World Council of Churches

1 September 2009

(...) 4. Churches should once again assume their pioneering role and raise their prophetic voice with regard to the Darfur crisis. The crimes committed in Darfur against innocent civilians

amount to the crime of genocide as prescribed in the United Nations (UN) Convention on the Prevention and Punishment of the Crime of Genocide and in the Rome Statute of the International Criminal Court (ICC).

5. States have a primary
responsibility to protect

their populations from genocide, ethnic cleansing, war crimes and crimes against humanity. However, when states manifestly fail to protect their populations, the international community shares a collective responsibility to respond. The international community no longer has the right to remain a bystander and allow the perpetration of large scale atrocities, like the ones occurring in Darfur, to continue unpunished.

6. Unfortunately the government of Sudan has failed to protect its population. (...)

(...) The central committee of the WCC, meeting in Geneva, Switzerland, 26 August - 2 September 2009:

A. Condemns the mass atrocities committed against innocent civilians in Darfur.

B. Affirms its commitment and support to all national and international efforts aiming at pursuing justice and accountability with a view to building a long lasting peace through a truly reconciliatory process which will allow people to resettle and reintegrate in their communities from which they were forcefully displaced.

C. Urges the government of Sudan to assume full responsibility for the protection of its citizens irrespective of their ethnic, religious or political affiliation, and further calls on all parties in the Darfur conflict to restrain from all forms of violence and to uphold respect for the dignity and human rights of all people in Sudan.

D. Calls upon the government of Sudan to allow uninterrupted humanitarian assistance to reach all suffering people in Darfur and calls upon the international community to provide the necessary resources.

E. Appeals to the government of Sudan to actively show its commitment to justice and peace by honouring the statements and agreements it has signed, especially the Comprehensive Peace Agreement.

F. Urges African nations and the international community, both individually as well as through organizations such as the African Union, the Arab League and the United Nations, to continue to support the peace process through constructive dialogue with all parties involved in the conflict.

G. Appreciates the assistance provided by the peace keeping force UNAMID (African Union-United Nations Hybrid Operation in Darfur), and calls for further financial and logistical support by the international community in order to allow UNAMID to protect the civilian population most effectively.

H. Acknowledges the significant role of the churches in Sudan in promoting interreligious dialogue and advocating for peace, justice, reconciliation and respect for the dignity and well being of all the people of Sudan.

I. Encourages all Christians to pray for an end to the hostilities in Darfur and for a lasting peace in Sudan.

Source:

<http://www.oikoumene.org/en/resources/documents/central-committee/geneva-2009/reports-and-documents/report-on-public-issues/statement-on-the-darfur-crisis-in-the-context-of-sudan.html>

IV. Launch of report on RtoP: Mobilizing the Will to Intervene: Leadership and Action to Prevent Mass Atrocities

The Will to Intervene (W2I) Project is a research initiative created by Lieut. General (retired) Romeo Dallaire and Dr. Frank Chalk, the Senior Fellow and Director of MIGS, that aims to operationalize the principles of the "Responsibility to Protect." Led by researcher Kyle Matthews, more than 80 interviews were conducted with high-level policy-makers, members of Congress, parliamentarians, NGO representatives, and journalists in Canada and the United States, some for the first time on record. To download a copy of the report (available on 21 September),

please visit

<http://migs.concordia.ca>

1. U.S. Launch of the report: public event

Monday September 21

st

, 2009, 1:00pm-3:00pm

United States Institute of Peace, 1200 17th Street N.W. - Washington, D.C.

More information on event and speakers, including Lieut. General (retired) Romeo Dallaire, Co-Director of the W2I Project, Michael Gerson, a Senior Research Fellow at the Institute for Global Engagement, and Andrew Natsios, a Distinguished Professor at Georgetown University's Walsh School of Foreign Service, please go to

www.usip.org/events/mobilizing-the-will-intervene

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— 2. Canadian Launch: Press conference Tuesday September 22nd, 2009,
10:00am-10:45pm

nal Press Gallery, 150 Wellington Street, Press Theatre room, Ottawa

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To attend the press conference (open to journalists), which will include Lieut. General (retired) Romeo Dallaire, and Dr. Frank Chalk, Co-Directors of the
W2I

Project, Robert Fowler, former Canadian Ambassador to the United Nations, Senator Hugh Segal, and Ed Broadbent, former leader of the New Democratic Party, please contact Colin Lafrance,
lafraco@parl.gc.ca

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3. Canadian Parliamentary Launch Thursday October 1st, 2009, 8:30am-10:00am 140
Wellington street (Victoria Building), Room 505, Ottawa

A panel discussion on the report's policy recommendations for the Government of Canada will take place on Parliament Hill for Canadian Members of Parliament, Senators, government officials and civil society groups. The event will be moderated by Robert Fowler, former Canadian Ambassador to the UN, and panelist will include Lieut. General (retired) Romeo Dallaire and Allan Gotlieb, former Canadian Ambassador to the United States. Other panel members will be announced in due time. To RSVP, please go to

<http://www.preventiongenocide.org/lang/en/upcoming-events-les-evenements-a-venir/w2i>

