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2. Pacific Review –Special Issue: Responsibility to Protect in Asia

3. Peter Beaumont, The Observer –One year on: chaotic Libya reveals the perils of humanitarian intervention

4. Asia Pacific Centre for R2P –R2P Ideas in Brief: Regime-Induced Displacement as an R2P challenge


IV. RtoP-Related Events

28 February,
Century Foundation, Panel Discussion: Syria at the Epicenter: New Relationships Across the Middle East,
8:15 – 9:45 am, 41 East 70th Street, New York

28 February, Deadline for submission,
International Conference at the University of South California, Call for Papers: Resisting the Path to Genocides

8 March,
Amsterdam University Press, Panel Discussion and Book Launch: Why Libya but not Syria? The dilemma of the Responsibility to Protect,
5:00 – 7:00 pm, SPUI 25, 1012 WX Amsterdam
I. Syria: Humanitarian situation deteriorates as actors at all levels strive to protect civilians

Dire humanitarian crisis spurs response from UN officials

At least 30 people were reported killed in the Baba Amr district of Homs on 21 February, despite ongoing negotiations between the International Committee of the Red Cross, the Syrian Government and the opposition for a daily two-hour ceasefire to bring humanitarian aid to the district. Baba Amr has seen relentless shelling since early February with Amnesty International reporting on 15 February that over 300 people had been killed in the first six days of bombardment in Homs. Civilians inside Baba Amr have been cut off from the rest of Homs by Syrian forces and are without access to medical supplies, food and water. Violence has reignited in other areas of Syria as attacks were reported in Deraa where Syrian forces carried out arrests and fired randomly throughout the city on 16 February. Alongside the worsening crisis, Syrian President Bashar al-Assad ordered a referendum to be held 26 February on a new constitution to allow political parties other than the ruling Baath party to participate in government. Though the opposition initially demanded constitutional amendments, the 11-month deadly assault has led many members of the opposition to demand that Assad step down.

UN experts denounced reports of arbitrary detention and the likely use of torture of detainees, including of human rights defenders, in a 21 February press release. In response to the escalation of the crisis, Secretary-General Ban Ki-moon
called on 22 February for Under-Secretary General on Humanitarian Affairs, Valerie Amos, to “visit Syria to assess the humanitarian situation and renew the call for urgent humanitarian access”, though Syria has not yet agreed to allow the USG into the country. On 23 February, the independent international commission of inquiry on Syria submitted their Report, stating that Syria had manifestly failed to protect its people from mass atrocity crimes. The Commissioners also released a list of Syrian commanders and officials suspected of crimes against humanity as well as a database of evidence to UN High Commissioner for Human Rights, Navi Pillay. Meanwhile, the “Friends of Syria”, a group of likeminded nations supportive of the Syrian opposition’s cause, will meet for the first time in Tunisia on 24 February. Russia and Lebanon have said they will not join the meeting.

In a press statement on 10 February, Edward Luck, the Special Adviser on the Responsibility to Protect and Francis Deng, the Special Adviser on the Prevention of Genocide expressed alarm at reports of indiscriminate attacks by Syrian forces and increased tensions among sectarian communities. The Special Advisers noted that in their commitment to protect populations, states agreed to use the full range of measures to prevent and halt the four crimes under the RtoP framework, including actions that would not require Security Council authorization. Ms. Pillay made such remarks in her 8 February statement in which she recalled the primary responsibility of States to protect their population and the role of the international community to take timely and decisive action if a State is failing in its protection responsibilities.

Regional organizations take unprecedented measures
On 27 January, the Arab League’s Secretary-General Nabil El-Araby and Qatari Prime Minister Sheik Hamad bin Jassim bin Jabr Al-Thani briefed the UN Security Council and advocated for a Council Resolution based partly on the League’s call for a political transition in Syria. Russia and China vetoed the Resolution on 4 February despite extensive negotiations, and key UN officials decried the double veto, condemning the ongoing violence by the Syrian Government.

As the situation continued to deteriorate, the Gulf Cooperation Council released a statement on 7 February condemning the “mass slaughter against the unarmed Syrian people”, and expelling Syrian ambassadors and recalling envoys. The Arab League took further steps with the adoption of a resolution on 13 February calling for a joint UN-Arab peacekeeping operation to oversee a ceasefire; however, Syria immediately rejected this as intended to undermine security and stability.

**UNGA adopts resolution condemning violence as states consider steps after double veto**

With 137 votes in favor, the UN General Assembly (GA) adopted a Resolution on 16 February, drafted by Saudi Arabia and Qatar and introduced by Egypt. Based on the previously vetoed Security Council Resolution, the text included an additional clause calling for Secretary-General Ban Ki-moon to support regional efforts and appoint a Special Envoy. Ahead of the vote, in a 15 February joint letter to the GA, Human Rights Watch and Amnesty International urged Member States to promote accountability, stating that crimes in Syria “constitute crimes against humanity”. The spokesperson for the Secretary-General has since
announced on 21 February that SG Ban Ki-moon had been liaising with relevant interlocutors and the Arab League regarding a suitable Special Envoy.

1. Appeal to the “Friends of Syria” Conference
23 February 2012

One hundred forty-four international and Middle Eastern NGOs signed the following letter to the “Friends of Syria” group ahead of their meeting in Tunis on 24 February.

We the undersigned, representing 144 international and Arab NGOs from over 20 countries, call on the “Friends of Syria” conference, to be held on February 24th in Tunis, to seek an international strategy to end the human rights violations in Syria. As fears of civil war grow, the “Friends of Syria” should exercise pressure on all groups responsible for the unlawful use of force against civilians to cease such acts of violence immediately. All groups should respect human rights and guard against sectarian violence.

We call on the “Friends of Syria” conference to formulate an international consensus on the Syrian crisis in support of ending human rights abuses and international crimes based on Arab League Resolution 7446 and UN General Assembly Resolution 11207. In particular, we urge the conference to:

1. Reiterate a unanimous call on the Syrian authorities to commit to the December 19 protocol agreement signed with the League of Arab States to immediately release all detainees held from the beginning of the uprising to the present day, including human rights defenders, end the use of torture and forced disappearances, stop all forms of violence regardless of their source in all cities and residential areas, guarantee peaceful protests are not attacked by Syrian security forces.

2. Fully enforce and monitor the implementation of targeted sanctions on the Syrian authorities wherever they have been adopted and ensure other countries also adopt and enforce similar sanctions against the authorities and those implicated in human rights abuses and international crimes including through an arms embargo.
3. Urge the Syrian government and armed groups to facilitate the delivery of independent and impartial emergency aid proportionate to needs, ensure the evacuation of injured people in places under fire, and call for effective access for humanitarian organizations, as well as journalists, and human rights advocates to monitor the situation on the ground. **Particular attention should be directed to safe access to civil hospitals and adequate delivery of medical care in accordance with international law.**

4. Press for **accountability for crimes against humanity** including through UN Security Council referral to the International Criminal Court.

While we highly appreciate the intense efforts already under way to address the Syrian crisis, we believe that the conference in Tunisia must pave the way for a more robust international consensus that can pave the way for effective UN Security Council action. (…) **Read the full letter and list of signatories.**

2. Interview with Kenneth Roth: **“These are clearly crimes against humanity”**

Deutsche Welle 15 February 2012

*Deutsche Welle interviewed Kenneth Roth, Executive Director of ICRtoP Steering Committee Member Human Rights Watch.*

(…)

The situation does seem indeed to be degenerating toward civil war, nonetheless the largest death toll has been by people who are simply exercising their right to speak out and to protest on behalf of human rights and democracy.

(…) And so our call for the involvement of the International Criminal Court has become more urgent than ever. These are clearly crimes against humanity being committed by Syrian security forces, by the commanders who are ordering this kind of slaughter. (…)

And we hope that frankly one lesson to be learned from Russia's and China's veto is that there is a need for a new norm at the UN Security Council that the permanent members will not use their veto in situations were mass atrocities are being committed. (…) And the lack of a more responsible norm at the Security Council is today being felt painfully by the Syrian people. (…)

I think it's wrong to say that there isn't any action. It's important to remember that the Responsibility to Protect - which clearly is activated by the level of atrocities in Syria - is not simply about military action. It's about a range of steps by the international community to step in and put pressure on a government that is failing in its own responsibility to protect its people. In this case Syria is not even trying to protect its people, it's been killing the people. So there is a duty to act.

But we have seen I think unprecedented positive action by the Arab League for example which has imposed sanctions which has fought to deploy observers and did for a while and which most recently has proposed peacekeepers although Syria today rejected that action. So there has been a lot of action locally. The European Union, the US government and others have imposed sanctions and these are all positive steps that are a sort of ratcheting up of pressure on Damascus under the Responsibility to Protect. Clearly it's insufficient so far and there is a need to find additional ways to increase the pressure until if not Assad than at least those around recognize that there is no future through this path of violent repression and that there is going to be a need to come to some accommodation with those who envision a more democratic future for Syria. (…)

Read the full interview.

3. A responsibility to Syria: set up a humanitarian corridor

Anthony Elghossain and Firas Maksad

The National

15 February 2012
Anthony Elhgossain is an attorney with an international law firm and Fira Maksad is a political consultant on the Middle East; both are based in Washington, D.C.

As a state-led killing campaign claims thousands of lives in Syria, the international community continues to debate whether and how to intervene. The double veto by Russia and China has paralysed international efforts to secure a UN Security Council resolution condemning the Syrian regime and authorising collective action.

But even as efforts to end the killing appear to have hit a dead-end at the UN, international law may allow another path forward.

The **Responsibility to Protect (R2P)** - an emerging global norm requiring states to protect their populations from mass atrocities - provides a basis for much needed action. Under **R2P**, when a state fails to uphold its responsibilities, other states may intervene to protect against atrocities (some would argue that states must intervene). Even so, sceptics counter that "emerging norms" are not binding law and that **R2P** undermines state sovereignty.

But concepts of sovereignty and human rights obligations have competed, and reinforced each other, since the 19th century. The old idea that polities have responsibilities towards, and not just authority over, their citizens is fundamental to the notion of sovereignty. (…)

Yet, if the core principles of **R2P** are beyond debate, the doctrine's practical application has raised several important questions. Does the international community have the option or the obligation to intervene? And, if R2P is meant to free humanitarian intervention from the shackles of political paralysis, does every action - including military - require Security Council authorisation? (…)
On the current Syrian crisis, the Security Council will likely remain deadlocked as Russia and China assert their geopolitical interests. As such, the Obama administration must lead efforts with regional partners - specifically the Arab League, Nato, and the European Union - to force the Syrian regime to end an escalating campaign of violence against its people.

In one viable and timely course of action, a multilateral coalition would establish a protected humanitarian corridor along the Syrian-Turkish border. (…)

(…) Syrian refugees fleeing violence and destruction could find shelter and medical care in such a corridor. Moreover, the lack of a Benghazi-style enclave has thus far hindered more advanced steps to assist Syrian civilians and military defectors. A corridor protected by Nato, Arab states and Turkey would create the needed space to consider the way forward, while protecting civilians.

Politically, such an approach would create dilemmas for Syrian President Bashar Al Assad and his regime. Already stretched thin, they would have to choose between a direct military confrontation with a much more powerful international force, or ceding territory that could become an incubator for the coming regime change.

Either way, Mr Al Assad cannot win. But it's the world's responsibility to hasten his fall from power in a manner that saves civilian lives and preserves regional order. This can be achieved within the framework of international legitimacy despite the obstruction of narrow interest at the Security Council.

Read full opinion.
Irwin Cotler is a Member of Parliament for Mount Royal and a former Minister of Justice and Attorney-General of Canada.

In a cruel mockery of the rights and lives of the Syrian people, who are under escalating assault by President Bashar Assad's murderous regime, Russia and China vetoed United Nations Security Council efforts to stop the bloodshed in Syria. In a particularly mocking defiance, the vote was held on the same day that Syrian forces killed 200 people in Homs – referred to as “the capital of the Syrian revolution.” It was the highest death toll reported for a single day since the uprising began almost a year ago. Indeed, some five days after the “license to kill” veto, some 300 more have been killed through intense and incessant tank, mortar and artillery fire targeting civilian neighborhoods in Homs. (…)

Arab League proposals to halt the killing, sanctions to deter it, and a monitoring mission to prevent it were only met with more murder and more violence. And so, the Arab League – in concert with the US and the European Union – underpinned by anguished appeals from the Syrians themselves, turned to the UN Security Council in the hope that it would finally mobilize to save Syrian lives. (…)

Indeed, since the mass protests – and the mass murder – began, Syrians seeking freedom and democracy – and simple human security – have looked for international support and solidarity in their struggle against the Assad regime. In particular, it was hoped that the UN Security Council would finally, however belatedly, invoke the Responsibility to Protect (R2P) doctrine with respect to Syria, as it had with Libya – and with no less compelling justification. (…)

Simply put, it is as shocking as it is shameful that the Security Council has yet to adopt a resolution of condemnation, let alone invoke R2P. Indeed, even the vetoed UN resolution was itself a watered-down compromise to appease the Russians and Chinese. It did not call for a condemnation of Syria’s murderous action, let alone protective action to prevent it – or sanctions to deter it – though these are threshold requirements.

It did not authorize the provision of necessary humanitarian assistance or an
arms embargo – though these are essential to protect the Syrian people.

Indeed, it did not call for the invocation of the R2P principle – as a foundational principle of international conscience and commitment – thereby averting its gaze from the human suffering and carnage. (...)

China and Russia, then, must be called to account for their complicity in allowing the bloodshed to continue. This is particularly scandalous behavior by Russia, not only for its obstruction of an already-compromised UN resolution, but for its supply of arms to Assad that are used to massacre civilians, its political support for a regime engaged in crimes against humanity, and its exculpatory cover for that regime. (...)

What remains, beyond the need for UN action under R2P – or even if a UN Security Council resolution cannot be secured – is for an international “coalition of the willing” to act, as was done in the case of Kosovo, to stop the then-murderous Milosevic regime.

With 13 of the 15 members of the UN Security Council supporting the resolution – and with a rare international coalition comprising the US, Canada, Europe, Turkey and the Arab League – the Responsibility to Protect should now find expression in collective action to ensure: the deployment of an international protection force led by the Arab League; the provision of badly needed humanitarian assistance and relief; the withdrawal of Syrian tanks and troops to barracks; the implementation of no-fly and no drive zones; and support for the Syrian National Council, the nascent Syrian representative body.

Other possible measures would include implementing worldwide travel bans and asset seizures; expanded economic and financial sanctions, including the sanctioning of the Syrian Central Bank; an arms embargo and import of precious metals; and the initiation of international criminal investigations for war crimes and crimes against humanity, while putting Syrian leaders on notice that they will be held responsible for their crimes.

As Ban Ki-moon once put it, “loss of time means more loss of lives.” It is our collective responsibility to ensure R2P is not empty rhetoric, but an effective
instrument for preventing mass atrocity, for protecting people, and for securing human rights. (…)

(…) If the Responsibility to Protect is to mean anything, it means acting here – and acting now.

5. A Diplomatic Surge for Syria?

Simon Adams

Huffington Post

10 February 2012

Professor Simon Adams is the Executive Director of the Global Centre for the Responsibility to Protect.

If nothing else, last weekend’s double veto should have put a nail in the coffin of the idea that Russian opposition to UN Security Council action in Syria was about post-Libya fallout and the "Responsibility to Protect." The veto was about arms, allies and power. Nothing more, nothing less.

As tempting as it might be to now burn down what remains of the rickety diplomatic bridge between Russia and the rest of the UN Security Council on the issue of Syria, the more vexing question is what next? Both policymakers and the commentariat seem to be divided. Some, including US Secretary of State Clinton, are hinting at increased arms transfers to the "Free Syrian Army," which is attempting to defend people from Assad’s troops. Others argue for direct intervention, outside the constraints of the UN Charter, to protect civilians in Homs and elsewhere.

It is therefore worth pointing out that the first course of action would be as dubious as it is dangerous. No one wants a full-scale civil war in Syria with potentially catastrophic dimensions. (…) And the second course of action is illegal under international law. Morally justifiable, but illegal. (…)
Despite the opprobrium being poured upon Russia at the moment, we need to return to basics. Crimes against humanity are occurring in Syria. These are exactly the sorts of crimes that the largest meeting ever held of heads of state and government at the 2005 UN World Summit decided to halt once and for all under the aegis of a global "

**Responsibility to Protect**

" (or **R2P**).

Since Libya, Russia and China seem to believe that less **R2P** at the Security Council will equal less intervention. Not withstanding the fact that Russia's arming and abetting a bloody crackdown in Syria is also a form of foreign intervention, the reverse is true. Less **R2P** will mean that in the absence of an engaged Security Council, regional powers with "a dog in the fight," or acting upon enlightened self interest, will simply take matters into their own hands. Interventions will increase. It's just that they will be more overtly partisan and politically divisive. (…)

**R2P** is essentially a preventive doctrine. It was designed to support states in their efforts to protect populations from mass atrocities. Only when all else fails and circumstances demand an international response is **R2P** intended, as Ramesh Thakur put it, as an alternative to both unilateral interference and institutionalized indifference.

What we need now is a diplomatic surge, with Russian engagement, to overwhelm those elements in the Syrian regime who think that they can simply shoot their way out of the current crisis. Russia and the United States both need to be a central part of this surge. As does UN Secretary General Ban Ki-Moon -- the only major international player not tarnished by overt sympathy for either the regime or its opponents.

**R2P** should be the constuctibe context to frame this heightened diplomatic effort and as distasteful as it might seem, this should involve direct talks with Assad himself. The Arab League plan still offers the best way out of the bloody mess that Syria has become. But agreeing upon the bare minimal requirements for negotiations about Syria's future should be the focus of diplomacy.
The Syrian government must immediately return all troops to barracks and release detainees. The opposition should call a moratorium on protests and halt attacks by the Free Syrian Army. Assad's government needs to accept a mutually agreed timetable for talks about a genuine power-sharing government as a prelude to real and substantial reform. And the United States, Russia and others must, with the United Nations and Arab League, be the guarantors of any agreement. (…) Read full opinion. 6. Special Advisers of the United Nations Secretary-General on the Prevention of Genocide, Francis Deng, and on the Responsibility to Protect, Edward Luck, urge immediate action to end violence in Syria


The Special Advisers on the Prevention of Genocide and on the Responsibility to Protect are alarmed by reports of the use of indiscriminate fire by Syrian security forces and associated militias against densely populated areas in Homs and other cities, resulting in high numbers of deaths and injuries. As they first warned on 21 July 2011, such widespread and systematic attacks against civilians could constitute crimes against humanity under international criminal law. (…) They underscore that both State and non-state actors have a Responsibility to Protect populations and can be held accountable for inciting or committing atrocity crimes.

The Special Advisers are gravely concerned, as well, by reports of growing tensions among sectarian communities in Syria. They urge proactive and vigorous efforts, including by civil society groups, to restore confidence across ethnic and sectarian lines before tensions escalate further. (…) At the 2005 World Summit, Heads of State and Government made a solemn commitment to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, including their incitement. They agreed, as well, to utilize the full range of regional and global tools under the United Nations Charter to help protect populations from these crimes. Many of these measures would not require authorization by the Security Council. These would include efforts to build trust among communities within Syria, to facilitate the delivery of humanitarian assistance to those in need, and to encourage regional cooperation in advancing
human rights and preventing further rounds of violence against civilian populations.

In the view of the Special Advisers, divisions within the Security Council are no excuse for further violence. Instead, it is now incumbent on the larger international community--global and regional arrangements, governments and civil society alike--to act with a renewed sense of determination and urgency to prevent further atrocities against the people of Syria.

Read full statement in English and Arabic.

II. Brazil hosts informal dialogue on the “responsibility while protecting” at the United Nations

On 21 February 2012, an informal discussion organized by the Permanent Mission of Brazil on the concept of ‘responsibility while protecting’ (RwP) was held at the United Nations, co-chaired by Brazil’s Minister of External Relations Ambassador Antonio de Aguiar Patriota and UN Special Adviser for the Responsibility to Protect Dr. Edward Luck. The dialogue was based on the concept note, ‘Responsibility while protecting: elements for the development and promotion of a concept’, presented to the Security Council on 9 November 2011 by Brazil’s Permanent Representative to the UN, Maria Luiza Ribeiro Viotti, during the Council’s open debate on the protection of civilians. As first articulated by Brazilian President Dilma Roussef in her opening address to the General Assembly in September 2011, the RwP seeks to address concerns regarding the implementation of military measures in the RtoP framework, emphasizing that prevention is the “best policy” and that the use of force in particular must be monitored and assessed.

Thirty-seven Members States, Observers and NGOs asked to speak at the meeting though time did not allow all statements to be given, including ICRtoP’s prepared remarks. Nonetheless, the three and a half hour discussion saw remarks from twenty-two Member States, the European Union, Special Adviser on the Prevention of Genocide Dr. Francis Deng, and three civil society organizations - the Global Centre for the Responsibility to Protect (GCR2P), Campaign for Innocent Victims in Conflict (CIVIC), and Human Rights Watch (HRW).

H.E. Ambassador Patriota opened the discussion urging the international
community to be “rigorous in its efforts to exhaust all peaceful means available in
the protection of civilians under threat of violence” and indicating that “the use of
force must produce as little violence and instability as possible”. The Minister set
the stage for constructive dialogue both on the RwP and on the effective
implementation of protection measures.

Special Adviser Luck, in his opening remarks, reminded participants of the need
to, “sharpen all of the instruments for implementing the Responsibility to Protect,”
stating that, “all of the tools (…) of the Charter—whether diplomatic, political,
economic, or military—need to be wielded responsibly.” Dr. Luck welcomed the
concept as an effort to improve the implementation of RtoP but cautioned that
“when thousands of lives are at stake, what is needed is “timely and decisive”
action (…) not philosophical debate.” He further emphasized that, “Responsibility
entails early engagement, proactive prevention, agile employment of non-coercive
instruments, careful planning, and sober judgment by the appropriate
Charter-authorized organs. Delaying a response does not make it more
responsible.”

Speakers reaffirmed their endorsement of the RtoP framework as outlined at the
2005 World Summit, with many delegations noting that the norm’s conceptual
foundation is not to be renegotiated. Thus the discussion on RwP was welcomed
as a forum to enhance the norm’s implementation. As the Costa Rican delegation
noted in remarks given in Spanish, the discussion was not calling into question
the idea of protecting civilians, but rather raising legitimate concerns on the
application of the use of force; concerns “of an operative, rather than conceptual,
nature”. Participants agreed on the essential role of prevention and called for
such mechanisms to be emphasized in implementing measures to protect
civilians. The GCR2P, also speaking on behalf of Gareth Evans,

noted that, “Running right through all three pillars is an absolute commitment to
prevention: prevention of initial outbreak of a crisis, prevention of its continuation
and escalation, and prevention of recurrence.” With regards to the use of force, it
was generally acknowledged by speakers as a necessary part of the RtoP
framework, though one to be employed with scrutiny. The development of Security
Council monitoring and assessment mechanisms for the use of force - a core idea
outlined in the RwP concept note - was referred to in many interventions as an
appropriate and timely suggestion. Multiple speakers urged Brazil and other
actors to provide clarification on how such mechanisms could be developed as
well as their practical implications, noting that these discussions would be
appropriate in future debates on Security Council working methods and reform.
Several remarks, including those made by the Mission of the Netherlands and by
Humanitarian situation deteriorates in Syria; Brazil hosts UN informal dialogue on “responsibility while protecting”

Special Adviser Luck, noted that cooperating with military experts would be a constructive step forward.

Many interventions raised concerns regarding the distinction made in the concept note on ‘collective responsibility’, which can be fully exercised through non-coercive measures, and ‘collective security’, involving a case-by-case assessment by the Security Council whether to characterize a situation as a threat to international peace and security. The Mission of the Netherlands reminded that, “this distinction is not made in the Outcome Document, which in paragraph 139 expressly refers to Chapter VII when timely and decisive action in the exercise of R2P needs to be taken.” In prepared remarks, the International Coalition for the Responsibility to Protect declared that “genocide, war crimes, crimes against humanity and ethnic cleansing are by definition and under international law threats to international peace and security, thus requiring Member States and the UN to take preventive and reactive measures when faced with the threat of these crimes.”

Discussion of monitoring and limiting the use of force was met with some caution not to establish barriers to action in responding to the threat of mass atrocities. As the Australian delegation stated, “It is right that the international community should vigorously debate the most the effective actions to prevent and respond to mass atrocity,” warning that, “The application of any such criteria or guidelines must remain flexible so as to not tie the hands of the Council in cases where action is needed.” The Mission of Denmark agreed saying, “The parameters and conditions for acting under the R2P-doctrine should never be used to block action aimed at protecting civilians, where there is a real need for action. As we are continually reminded of, the risk of inaction in the face of mass atrocities is great, possible greater than the risk of doing too much.” These concerns were also voiced by several speakers with regard to the RwP concept note’s proposal to chronologically sequence the norm’s three pillar framework. Though the Missions of India and Malaysia were in favor of this initiative, the majority of participants insisted that the pillars were of equal weight and importance. The ICRtoP warned in its remarks that “the chronological sequencing…would risk impeding timely and decisive action by limiting the array and flexibility of measures available and establishing required actions to be taken regardless of the needs of those under threat of mass atrocities.”

Some participants voiced concern with the norm following the international community’s responses to recent crises. The Indian delegation suggested that RtoP had been invoked selectively, and noted that this “must be avoided at all
costs”. Meanwhile, the Mission of Guatemala stated that in the eyes of skeptics, invoking the norm of protection of civilians can be perceived simply a way to facilitate regime change. The statement given by the Venezuelan delegation was the only one to suggest that RtoP had not yet been endorsed by the international community, with the majority of speakers providing constructive remarks and reaffirming support for both the norm and the prevention of mass atrocities. Generally, speakers noted their wish for future discussion on “responsibility while protecting” but urged that dialogue on the concept expand to include the full scope of RtoP as well as the vast spectrum of measures under the third pillar framework. The Mission of Australia noted that an Arria-Formula meeting of the Security Council would be an appropriate forum for additional discussion of the implementation of the norm. In discussing ongoing and future developments, the Australian, Costa Rican, Danish, and Ghanaian delegations noted the potential value added of the developing RtoP Focal Points initiative.

The ICRtoP was disappointed to note that the role of civil society in working with national, regional and international actors to respond to the threat of genocide, war crimes, crimes against humanity and ethnic cleansing was not included within the discussion. Civil society is crucial in monitoring the implementation of RtoP by actors at the national, regional, and international levels. NGOs also work to galvanize the political will to prevent and halt the four crimes through improving understanding of RtoP and alerting actors to at-risk situations. As the international community continues to strengthen its commitment to protecting populations from mass atrocity crimes, the ICRtoP urges all actors to cooperate with civil society.

The ICRtoP will feature all statements given during the meeting on our website as they are received.

III. Other RtoP Situations & Related Themes

1. Côte D’Ivoire: Inquiry’s Shortcuts Raise Red Flags

Human Rights Watch

23 February 2012

Côte d’Ivoire’s national commission of inquiry investigating the 2010-2011 post-election violence should extend its mandate by six months to August 2012, Human Rights Watch said today. The extension would better ensure an impartial
and comprehensive investigation into crimes committed by all sides, Human Rights Watch said.

Although created in July 2011, the commission only began its investigations in mid-January 2012 and is already finalizing its report. It appears unlikely to have adequately either documented the conflict’s serious crimes or identified those responsible on both sides after only a month of investigations, Human Rights Watch said.

In meetings with Human Rights Watch, Ivorian civil society representatives, United Nations officials, and diplomats highlighted serious problems with the commission. They cited its failure to include representation from pro-Gbagbo groups and to consult sufficiently with civil society, and said the commission appears to have rushed its work. (…)

(…) The commission was created after a UN-established international commission of inquiry and international human rights groups found that both sides had committed war crimes and likely crimes against humanity as former president Laurent Gbagbo tried to hold on to power after losing the election to Ouattara.

To date, all of the at least 120 people charged by military and civilian prosecutors with post-election crimes are from the Gbagbo camp.

When questioned about the one-sided justice that has so far marked Côte d'Ivoire, Ouattara has cited the national commission of inquiry as evidence of his commitment to impartiality and promised to ensure that the people the commission’s report finds criminally responsible are brought to justice. (…)

(…) The vast majority of victims who suffered abuses by the pro-Ouattara Republican Forces do not feel secure speaking to the commission. This raises serious concerns of a one-sided report and demands greater efforts by the commission to solicit the testimony from victims of abuses committed by pro-Ouattara forces and to protect victims and witnesses from reprisals, Human Rights Watch said. (…)

The leader of another Ivorian human rights organization said that while the group had “consultative” meetings with the commission prior to its field work, the body “hasn’t really associated with civil society… nothing concrete. We’ve had no role in reality.”
UN officials and Ivorian activists likewise criticized the cursory nature or even complete lack of investigations in certain areas particularly hard-hit by human rights abuses or where a large concentration of victims remain. (…)

Human Rights Watch called on the Ivorian government to ensure that the commission is able to complete a comprehensive, in-depth examination into the post-election crimes. This should include sufficient time throughout the country and in neighboring Liberia to build confidence with and interview victims on both sides.

Read full article. Read HRW’s Report on Yemen, “No Safe Places: Yemen’s Crackdown on Protests in Taizz” as well as recently published articles on Libya, Guinea and Sudan.

2. Special Issue: Responsibility to Protect in Asia

The Pacific Review

2012 (Volume 25, Issue 1)

A special issue of the Pacific Review, published by Routledge and entitled “Responsibility to Protect in Asia”, features articles by experts in the region on RtoP in the contexts of China, Japan, Indonesia, Thailand and ASEAN as well as related themes, including RtoP’s framing and implementation in the region. The articles may be purchased online individually.

Purchase the articles individually or the entire Review.

3. One year on: chaotic Libya reveals the perils of humanitarian intervention
Humanitarian situation deteriorates in Syria; Brazil hosts UN informal dialogue on “responsibility while protecting”

Peter Beaumont

The Observer

18 February 2012

*Peter Beaumont is a foreign affairs editor at the Observer.*

(...) On the first anniversary of the uprising against the regime and with Libya in increasing turmoil, the certainties of last summer look less compelling. As recent reports by human rights groups and journalists have made clear, the country has descended into rival fiefdoms of competing militias, not least in Misrata, which, as the Guardian argued on Friday, has set itself up as a "city state" with its own prisons and justice system. Human rights abuses are rife. Corruption is endemic. The new post-Gaddafi state, far from coalescing into meaningful institutions, is becoming ever more fractured.

As Ian Martin, the UN’s envoy to Libya, argued late last month: "The former regime may have been toppled, but the harsh reality is that the Libyan people continue to have to live with its deep-rooted legacy; weak, at times absent, state institutions, coupled with the long absence of political parties and civil society organisations, which render the country’s transition more difficult."

And the lessons of what has happened in Libya cannot be seen in isolation. Rather, they add impetus to the question of when and how humanitarian military intervention should be employed at the time when calls for a new intervention in Syria are mounting. For the reality is that far from being an unambiguous success, Libya has proved once again the limitations of military intervention for regime-change in its various guises. (...)

Part of the problem stems from an overarching naivety in the terms of the doctrine of intervention – in particular "Responsibility to Protect", pushed by the likes of [Samantha] Power – which has operated on the assumption that removing a bad regime must lead inevitably to a happier outcome. That view, in turn, has its roots in a confused understanding of how the concepts of legitimacy and the use of force interact in times of war and how the recent history of conflict can create the permissive climate for further violence.

For while few would deny that states using violence against their own populations delegitimise themselves, when that abuse is then deployed to argue for the use of force to remove regimes, it creates a complex dynamic that risks normalising conflict in the new political space, as has occurred in Iraq and Libya. Perhaps even more worrying has been the starkly visible trend towards ever-more hands-off engagement in the post-conflict reconstruction that has mirrored an apparent desire for intervention to be ever cheaper in terms of blood and treasure. (...)

Perversely, the greatest danger for those pushing most forcefully for intervention is that the dubious consequences of recent interventions may ultimately discourage states from
intervening in clear-cut and egregious cases of widespread atrocity and genocide of the kind that inspired the anger of the likes of Power in the first instance – in Bosnia and Rwanda. What to do then? The answer is that if the notion of humanitarian intervention is not to be utterly discredited, there has to be a rigorous, realistic and practical understanding of what is required – not simply to remove abusive regimes, but to guarantee genuine freedoms, democracy and transparency in the post-conflict period.

For that to occur requires that the doctrine be married with a far higher threshold for intervention and a more profound understanding of both the actors involved and the potential consequences. (...) If intervention is to be a tool, it must be a tool of last resort, backed by the promise of serious post-conflict engagement, costly and time-consuming as it is, with an explicit understanding that "Responsibility to Protect" should not simply mean the prevention of widespread atrocities in the first place, but responsibility for the prevention of civil war in the conflict's aftermath and for reconstruction. (...) Read the full opinion. For more on the humanitarian situation in Libya, see “Libya: Hardship and Danger Remain” from the International Committee of the Red Cross.

4. R2P Ideas in Brief:
Regime-Induced Displacement as an R2P challenge
Dr. Phil Orchard  Asia Pacific Centre for the Responsibility to Protect
February 2012 (Vol. 2 No. 4)
Dr. Phil Orchard is a Research Fellow in the Asia Pacific Centre for R2P and a Lecturer in Peace and Conflict Studies and International Relations at the University of Queensland.

How do we respond to states that deliberately displace their own populations? Such policies, which I term regime-induced displacement, have become a growing problem for the international community over the past twenty years in countries as diverse as Kosovo, East Timor, and Darfur. This is for three reasons: because RID can blur into ethnic cleansing and genocide, because it transcends a traditional divide between refugees and internally displaced persons, and because the humanitarian response is problematic when people remain targets of their own government. However, both the Protection of Civilians (PoC) agenda and the Responsibility to Protect doctrine (R2P) offer ways of providing clear protection to people targeted by their own governments. (…)
The critical issue is that forced displacement is being caused by a deliberate choice on the part of the government or regime in power to displace their own population on a massive scale. This form of displacement, which I call regime-induced displacement (RID), occurs when government or government-sponsored actors use coercive tactics to cause large numbers of their own citizens to flee their homes. (…)

**How Does the International Community Respond?**

RID poses a unique challenge to the international community and for Australia for three linked reasons. The first is that such acts frequently transition into mass atrocities including ethnic cleansing and genocide, such as in Darfur, East Timor, and Kosovo. As Roberta Cohen and Francis Deng have noted, “when governments become directly involved in uprooting minority populations they often see those they are uprooting not as their citizens but as ‘the other.’ This process of dehumanization enables authorities to more easily explain away the high number of those killed or uprooted.”

Thus, the most extreme cases of RID fall within the bounds of the United Nation’s **Responsibility to Protect** doctrine (R2P), which establishes that military interventions for human protection purposes are justified to halt or avert either large scale loss of life or large scale ethnic cleansing, whether carried out “by killing, forced expulsion, acts of terror or rape,” a view endorsed by the United Nations 2005 World Summit Declaration which expanded the mass atrocities included to encompass war crimes and crimes against humanity. (…)

**What alternatives exist?**

Two alternatives exist: the Protection of Civilians (PoC) agenda provides peacekeeping forces with a mandate to protect civilians from such actions, while extreme cases of RID fall within the **R2P** doctrine. (…)

The **R2P** doctrine provides a clear alternative: intervention for human protection purposes. Even here, however, the record is mixed. (…)

In addition, this presumes the UN Security Council will take action. The Council has been active at using resolutions to protect the displaced, practice that has lead Gil Loescher to suggest that armed interventions against states where refugee flows are generated “is becoming a norm.” But, in most cases Loescher notes that the Council has taken action only “after the damage has been done.” Further, consent remains a major hurdle: only in the case of Libya in March 2011 have we seen explicit Council support for an intervention without the consent of the concerned state. (…)

**Read the full**
5. The Responsibility to Protect Beyond Borders

Luke Glanville

Human Rights Law Review

January 2012

This article seeks to clarify the current legal status of a particular aspect of the ‘responsibility to protect’ principle the idea that bystander states have a collective responsibility to protect populations beyond borders from mass atrocities when host states fail to do so. It outlines the development of this idea and argues that, while the legal force of key international statements on the ‘responsibility to protect’ principle may be weak at best, the International Court of Justice and the International Law Commission have offered bold declarations in recent years which do point towards the gradual development of legal duties for the extraterritorial protection of populations. (…)

See full paper.

IV. RtoP-Related Events

1. Panel Discussion: Syria at the Epicenter: New Relationships Across the Middle East

The Century Foundation

28 February 2012

8:15 – 9:45 am, 41 East 70th Street, New York
Over the past year, longstanding international alignments across the Middle East have been in flux, now spotlighted by the responses to the violent political crisis gripping Syria.

Neighbors have sought, with increasing frustration and alarm, to facilitate resolution of the grievances that sparked the tenacious challenge to the authority of the government led by Bashar al-Assad. The League of Arab States has attempted mediation, undertaken an unprecedented monitoring mission, and proposed hybrid novel measures for adoption by the United Nations Security Council. How the precedents and realignments taking shape over Syria finally play out will have a profound effect on the region and how the broader international community engages with it.

The Century Foundation has been analyzing these issues and closely following the developments affecting the wider Middle East through the work of its experts. Discussants include Mort Abramowitz and Michael Wahid Hanna, Senior Fellow and Fellow respectively with The Century Foundation. James Traub, contributing writer to the New York Times Magazine and Senior Fellow at the Global Centre for the Responsibility to Protect will moderate.

Find more information on the event or RSVP.

2. Call for papers: Resisting the Path to Genocides

The interdisciplinary research cluster “Resisting the Path to Genocide” at the University of Southern California, Los Angeles, addresses the fundamental question of what enables people to oppose or resist racist ideologies, state discrimination practices, or the active participation in mass atrocities in three steps, focusing consecutively on societies, groups, and individuals. (…)

The second of three international workshops will take place at the University of Southern California in Los Angeles on September 6-8th, 2012, we now seek applications from scholars of any discipline for papers about the general question of what enables groups of people to resist genocide or other forms of mass violence? We invite papers that address the following research questions: How do oppositional groups form? Which social, cultural and political conditions
support the development of group opposition and resistance? What kind of
groups, whether informal networks, private organizations or public institutions, are
most likely to resist discrimination and violence in genocidal societies? How do we
classify groups of resisters? What oppositional strategies have proven to be most
effective at the group level? Do group activities have an impact, and can they help
stop the violent radicalization of a genocidal society?
We appreciate case studies (ranging from colonial genocides of the 19th
century to more contemporary examples as Guatemala and Rwanda) as well as
comparative work on groups within one genocidal state, on one kind of resisting
group in various societies, and also on group resistance in countries that did not
turn genocidal, such as South Africa.

Since the aim of the cluster is to enhance our understanding how to
resist genocidal processes, we also seek contributions that will discuss
group opposition and resistance in a theoretical way, drawing on
resources from disciplines such as psychology, sociology, history,
philosophy, anthropology, etc. (…)

Find more details or e-mail a CV and a one-page abstract to al
iberma@usc.edu

3. Panel Discussion: Why Libya but not Syria? The dilemma of the
Responsibility to Protect
Book Launch: Responsibility to Protect – From Principle to Practice
Amsterdam University Press 8 March 2012
5:00 – 7:00 pm, SPUI 25, 1012 WX Amsterdam
The tragic events in the 1990s in Rwanda, Srebrenica and Kosovo, and the crisis in Libya in
2011 have triggered a fundamental rethinking of the role and
responsibility of the international community. It is now accepted that
while individual states continue to bear the primary responsibility to
protect their populations against genocide, ethnic cleansing, crimes
against humanity and war crimes within their boundaries, the
international community should step in when the state is unable or
unwilling to provide such protection. The principle of the Responsibility to Protect, or RtoP, reflects this recognition, and provides the normative basis for involvement of the international community in cases of mass atrocities.

This thoughtful work is a major contribution towards clarifying what RtoP can offer, moving from principle to practice. It spans the disciplines of international law, international relations and moral philosophy.

Saskia Gieling, publisher with the Amsterdam University Press, will welcome participants. The panel will include Ko Colijn, Director of the Clingendael Institute of International Relations, Juurd Eijsvoogel, International Relations correspondent at NRC Handelsblad, Frank Majoor, NATO Permanent Representative of the Netherlands and André Nollkaemper, Professor of International Law with the University of Amsterdam.  For the event brochure, see here or RSVP.