

R2PCS Listserv

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Responsibility to Protect Engaging Civil Society

Web: <http://www.responsibilitytoprotect.org>

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In this issue: [R2P in the News; Special Advisor for the Prevention of Genocide and Mass Atrocities; R2P and Darfur]

I. R2P in the News

1. SOMALIA SLIPPING AWAY
2. GENOCIDE OR MASS MURDER?
3. STUDY URGES JOINT PLANNING, FINANCING FOR UN-AU PEACE OPERATIONS

II. Special Advisor for the Prevention of Genocide and Mass Atrocities

1. SECRETARY-GENERAL APPOINTS FRANCIS DENG OF SUDAN AS SPECIAL ADVISOR FOR PREVENTION OF GENOCIDE, MASS ATROCITIES

III. R2P and Darfur

1. THREE CHEERS FOR THE FRENCH SAFETY CORRIDOR
2. HIGH COMMISSIONER FOR HUMAN RIGHTS CALLS FOR PROBE OF INVOLVEMENT OF SUDAN FORCES IN RECENT ATTACKS IN SOUTH DARFUR

I. R2P in the News

1. SOMALIA SLIPPING AWAY

Prepared by Eben Kaplan

Council on Foreign Relations

29 May 2007

Over sixteen anarchic years, the people of Somalia have endured more than their fair share of strife. But conditions have taken a pronounced turn for the worse in the last six months, with the capital city Mogadishu witnessing some of the heaviest fighting in a decade as local militias resist the presence of Ethiopian forces. Hundreds of thousands of Somalis have fled the violence, seeking refuge in the countryside and neighboring states only to find themselves without such basic necessities as food or shelter. Visiting UN High Commissioner for Refugees John Holmes said, Somalia is a worse displacement crisis (al-Jazeera) than Darfur or Chad or anywhere else this year. The country sits at the heart of a region so volatile that Western observers worry the strife could have global security implications.

Streams of refugees and lack of security are contributing factors to broader insecurity. As a new interactive map shows, discord in the Horn of Africa extends across national borders. Ethiopia, which dispatched its troops at the behest of the weak Somali government, now wants to withdraw its forces. After protests from the United States which supported Ethiopia's intervention and the African Union, Addis Ababa said it will wait for the arrival of more AU troops (Reuters) before pulling out. David Bosco, a human rights law expert, suggests the **responsibility to protect** doctrine

applies to Ethiopian forces in Somalia.

()Curing the regions ills remains a Sisyphean task. Somalias weak government has repeatedly postponed a reconciliation process intended to restore some semblance of order. Idd Beddel Mohammed, the countrys deputy UN representative, says in this podcast that a lack of international support caused the delays. But the EU says it wants an inclusive, transparent dialogue (IRIN) to begin as soon as possible.

The United States realizes its stake in Africas Horn; Washingtons newly appointed special envoy to Somalia said recent attacks on UN peacekeepers bore striking similarity to al-Qaedas tactics (Reuters). But determining the proper level of U.S. involvement, the subject of a new Online Debate, remains a thorny issue. Presently the Combined Joint Task Force-Horn of Africa represents U.S. interests, carrying out counterterrorism and security operations in the region. A new African Command will soon take over this responsibility. A recent CSIS report suggests a comprehensive diplomatic and military approach to Somalia could make a significant impact at a critical juncture. A Congressional Research Service report paints a less optimistic picture of the challenges facing the region.

Full text available at:

http://www.cfr.org/publication/13387/somalia_slipping_away.html?breadcrumb=%2F

2. GENOCIDE OR MASS MURDER?

Guardian Unlimited (UK)

By Ian Williams

23 May 2007

On Tuesday, there was a seminar in New York on the international court of justice verdict in the case that Bosnia brought against Serbia for genocide. The ICJ's longest ever case, this was the first time that the often-cited but never implemented 1948 genocide convention was brought against a state.

Participants tried to make sense of the verdict which, confusingly, found Serbia under Milosevic guilty of aiding and abetting an act of genocide, but not guilty of the act itself, even though the court found that the military and police of the Republika Srpska, the Serb entity that Dayton created in Bosnia, had indeed committed genocide.

"Genocide" is a big issue, perhaps too big.

() Apart from the emotional significance of the concept, Bosnia had good technical reasons for using the genocide convention: it creates legal obligations on its signatories since it says that states have a duty to intervene and prevent it and gave Sarajevo a legal lever to take the case to the ICJ. It was to avoid those duties that the Clinton administration deliberately avoided using the G-word over Rwanda.

In the postwar period, the presence of the Soviet Union in the United Nations clearly inhibited any definition in the convention that would, for example, cover mass murder of Kulaks for

political or social engineering purposes rather than ethnic reasons and the evil ingenuity of modern murderous politicians has outpaced the legal inventiveness of lawyers and diplomats. Death comes in 10,000 ways and the word "genocide" has become like "terrorism", a way to evade the awful reality of savagery, torture, murder and rape.

When the UN experts returned from Darfur and said that what was happening there was mass murder and crimes against humanity, but no genocide, across the US in particular it was treated as another excuse to bash the UN. The only consolation for the thousands of Arabic-speaking Muslim Africans being killed by Arabic-speaking Muslim Africans is that if their deaths were genocide it created legal responsibility on the rest of the world to do something about. Seeing how the global community acquitted itself in Rwanda and Bosnia, that is small consolation indeed.

Like squabbles over the definitions of terrorism or freedom fighter, arguments about what constitutes genocide increasingly obscure the real issue, which is murder. The peculiar forms of Balkan revisionism and argument over what is or isn't genocide obscure the reality of the victims who rotted in the festering mass graves that continue to be uncovered.

Since the UN general assembly in 2005 redefined the UN charter with the **"Responsibility to Protect"**, there is less need or excuse for invoking the genocide convention. Crimes against humanity inside a state now constitute a threat to peace and security that the security council can act against.

One might argue that, as in US law, a crime motivated by racial hatred deserves extra punishment, but the problem in international law has not been the degree of punishment for crimes against humanity: it has been the absence of any reckoning whatsoever. Mass murder is wrong, and it is time to stop the semantic quibbles and put a brake on what Mary Robinson called the "Cycle of Impunity".

Full text available at:

http://commentisfree.guardian.co.uk/ian_williams/2007/05/genocide_or_mass_murder_who_c_a.html

3. STUDY URGES JOINT PLANNING, FINANCING FOR UN-AU PEACE OPERATIONS

Angola Press

9 May 2007

The African Union (AU) and the United Nations (UN) must move past ad hoc cooperation and seek joint planning, financing and support capacities for peacekeeping if they want to become a viable option for conflict management in Africa, a new study unveiled here Friday suggests.

Noting that the key to tackling conflict and crises in Africa lies in building the capacity of the AU and its institutions, the `Annual Review of Global Peace Operations 2007` says both the UN and the AU have to build on lessons learned to date.

() Observing that capacity building for the AU peacekeeping operations concentrated on training, the study by scholars from the Center on International Cooperation at New York University, US, adds that a more holistic approach would be necessary.

According to the review, the AU's experience in the troubled Darfur region of western Sudan demonstrates that the job is far from done, and highlights the human cost of failure.

Darfur also illuminated the challenge of coordinating a broad range of external actors, as the operation brought together all four of the major organizations in peace operations in 2006- the AU, the European Union, NATO and the UN.

"External support to the AU was not always well coordinated, cooperation was frequently ad hoc, and the lack of a unified diplomatic mechanism to complement financial and technical assistance to the AU exposed fault lines in the international system, frequently exploited by the government of Sudan.

"The decision in principle to mount a three-phase hybrid operation for Darfur marks an important milestone in AU-UN cooperation," says the review.

However, the study points out that the impasse over the deployment of UN troops to Darfur demonstrated the crucial need for a unified effort by the permanent members of the Security Council- otherwise international norms such as the **Responsibility to Protect** would ring hollow.

() Meanwhile, Germany's Ambassador to Ethiopia, Dr. Claas Dieter Knoop, said at the same function that the European Union stood ready to continue to provide its expertise and resources to peace and stability in Africa as a partner of both the UN and the AU.

Referring to the forthcoming summit of the G8 (the world's highly industrialized countries) from 6-8 June in Heiligendamm, Germany, Knoop said the G8 intends to support capacity building with respect to the civilian component of the African Standby Force (ASF), in line with the priorities and timeframes defined by the AU.

"It should be understood that this will not be an exclusive undertaking.

Most of the actions we embark upon in the context of constructing the standby force require joint efforts. Whatever we or other G8 donors intend to do should be seen as part of a common effort in which many partners can join," he added. ()

Full text available at:

<http://www.angolapress-angop.ao/noticia-e.asp?ID=532855>

Annual Review of Global Peace Operations 2007 (Center on International Cooperation) available at:

http://www.responsibilitytoprotect.org/index.php/civil_society_statements/1013?theme=alt1

II. Special Advisor for the Prevention of Genocide and Mass Atrocities

1. SECRETARY-GENERAL APPOINTS FRANCIS DENG OF SUDAN AS SPECIAL ADVISOR FOR PREVENTION OF GENOCIDE, MASS ATROCITIES

United Nations Department of Public Information
29 May 2007

United Nations Secretary-General Ban Ki-moon today announced the appointment of Francis Deng of the Sudan as the new Special Adviser for the Prevention of Genocide and Mass Atrocities, succeeding Juan Mndez.

Mr. Deng is currently Director of the Sudan Peace Support Project based at the United States Institute of Peace. He is also a Wilhelm Fellow at the Center for International Studies of the Massachusetts Institute of Technology and a research professor of international politics, law and society at Johns Hopkins University Paul H. Nitze School of Advanced International Studies.

Before joining the Massachusetts Institute of Technology, Mr. Deng was a Distinguished Visiting Scholar at the John Kluge Center of the Library of Congress. Mr. Deng served as Representative of the United Nations Secretary-General on Internally Displaced Persons from 1992 to 2004, and from 2002 to 2003 was also a senior fellow at the United States Institute of Peace.

Mr. Deng served as Human Rights Officer in the United Nations Secretariat from 1967 to 1972 and as the Ambassador of the Sudan to Canada, Denmark, Finland, Norway, Sweden and the United States. He also served as the Sudans Minister of State for Foreign Affairs. After leaving his countrys service, he was appointed the first Rockefeller Brothers Fund Distinguished Fellow.

He was at the Woodrow Wilson International Center first as a guest scholar and then as a senior research associate, after which he joined the Brookings Institution as a senior fellow, where he founded and directed the Africa Project for 12 years. He was then appointed distinguished professor at the Graduate Center of the City University of New York before joining Johns Hopkins University.

()Mr. Deng holds a Bachelor of Laws from Khartoum University and a Master of Laws and a Doctor of the Science of Law from Yale University, and has authored and edited over 30 books in the fields of law, conflict resolution, internal displacement, human rights, anthropology, folklore, history and politics and has also written two novels on the theme of the crisis of national identity in the Sudan. He was born in 1938.

In a continuing effort to strengthen the United Nations role in this area, the Secretary-General has asked Mr. Deng to devote full time to this position. The Secretary-General will continue to

look at additional ways to enhance the capacity of the Office of the Special Adviser for the Prevention of Genocide and Mass Atrocities.

On a related note, the Secretary-General is also exploring ways to strengthen United Nations efforts on the **responsibility to protect**, which may include the appointment of a separate adviser.

Full text available at:

<http://www.un.org/News/Press/docs/2007/sga1070.doc.htm>

III. R2P and Darfur

1. THREE CHEERS FOR THE FRENCH SAFETY CORRIDOR

By Amitai Etzioni
The Huffington Post
29 May 2007

The suggestion to employ military force to open and safeguard a corridor from Chad into Sudan, to allow the delivery of humanitarian aid, has much more importance than at first meets the eye. The suggestion has just been made by France's new foreign minister, Bernard Kouchner, who has much experience in these matters (he is a co-founder and former president of Doctors Without Borders).

The suggestion's global importance of this idea arises out of the fact that it further underscores a profound change in international norms that have been highly regarded and very often honored since the 1648 Treaty of Westphalia; namely, that sovereign states are not to interfere in one another's internal affairs.

The origins of the shift in norms were laid in what was at first a little known book, *Sovereignty as Responsibility* by the Sudanese diplomat Francis M. Deng and his associates. They argue that when nations do not conduct their internal affairs in ways that meet certain internationally recognized standards--the Sudanese government's support for marauding militias in Darfur provides a key example--other nations not only have a passive right to intervene, but an active duty to do so. In other words, governments that fail to abide by internationally recognized standards of decency forfeit their sovereign rights. Sovereignty is thus transformed from an absolute claim into a conditional one, revocable in case of bad behavior.

()The genocides and other atrocities of the 1990s have led several statesmen and public intellectuals to favor a reassessment of the inviolability of state sovereignty. Their concerns were reinforced and gained more of a public hearing in the wake of the widespread condemnations that followed the U.N. failure to stop the 1994 Rwandan genocide, which left upward of eight hundred thousand dead. The advocates of change found still more support following the outrage over the 1995 massacre at Srebrenica, in which Serbian troops in eastern

Bosnia killed approximately seven thousand Bosnian Muslim men--a killing several observers believe was facilitated rather than prevented by U.N. peacekeeping troops.

These events and the growing international reaction to them led U.N. Secretary General Kofi Annan to pose the question, "If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica--to gross and systematic violations of human rights that affect every precept of our common humanity?" To respond to this challenge, the Canadian government established a commission with the kind of title such bodies typically acquire: the International Commission on Intervention and State Sovereignty (ICISS). It was chaired by the former Australian foreign minister Gareth Evans and Mohamed Sahnoun, special adviser to Kofi Annan. The commission put the recharacterization of sovereignty as responsibility at the center of its proposals.

()The same recharacterization of sovereignty as responsibility has also been strongly endorsed by another commission, with an even more ponderous title: the High-Level Panel on Threats, Challenges, and Change. The international panel of experts, formed at the behest of Kofi Annan in 2003, released a report the following year entitled "A More Secure World: Our Shared Responsibility." This report, too, reached the same conclusion that the time has come for the global community to mind the basic security of people within nations, not just relations among nations.

()Annan warmly received the commission's report--not always the fate of such documents. Indeed he subsequently urged that "the international community should embrace the '**responsibility to protect**' as a basis for collective action against genocide, ethnic cleansing and crimes against humanity."

So far though these changes in norms have remained largely in the realm of ideas and transnational deliberations. France seems set to provide them an international reality, for which it deserves at least three cheers.

Full text available at:

http://www.huffingtonpost.com/amitai-etzioni/three-cheers-for-the-fren_b_49863.html

2. HIGH COMMISSIONER FOR HUMAN RIGHTS CALLS FOR PROBE OF INVOLVEMENT OF SUDAN FORCES IN RECENT ATTACKS IN SOUTH DARFUR

United Nations Press Release

18 May 2007

The Office of the High Commissioner for Human Rights called today for an immediate and independent investigation into the involvement of Sudanese security forces in attacks on villages near Nyala, South Darfur, that have left over 100 people dead and thousands displaced since January of this year. The Office is seriously concerned that to date no effective action has been taken by the Government to prevent the attacks or bring the perpetrators to justice.

In a report released today, the Office of the High Commissioner for Human Rights documents violence in an area known as "Bulbul" resulting from a dispute over land between the Rizeigat Abbala and Tarjum groups. The report, issued in cooperation with the United Nations Mission in Sudan, details the involvement of Border Intelligence Guards in attacks by the Rizeigat Abbala on the Tarjum starting on 6 January. The latest large-scale attack was reported on 31 March. Members of both groups describe themselves as Arab.

()The report concludes that Sudan is failing to protect the human rights of the population in the Bulbul area, and in particular the right to life. The **responsibility to protect** includes carrying out investigations, prosecuting perpetrators and providing reparations to victims, UN High Commissioner Louise Arbour recommended in the report. Since January 2007, despite clear evidence that members of its security forces were involved in the attacks, the Government did not meet its obligations under international law to take effective action to prevent the attacks, control members of its security forces and use of its equipment, pursue the attackers or intervene to protect civilians.

Excerpt from the Seventh periodic report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan- Involvement of Sudanese security personnel in attacks on the Bulbul area of South Darfur from January to March 2007

This report is issued by the Office of the High Commissioner for Human Rights (OHCHR) in cooperation with the United Nations Mission in Sudan (UNMIS). It documents violations of international human rights law during attacks on villages in South Darfur during an ongoing dispute between members of the Tarjum and Rizeigat Abbala.

()This is not the first dispute between members of these groups, however what is particularly striking is the intensity of the fighting, the high number of casualties and, in particular, the involvement of Sudanese security personnel, weapons and vehicles' in the attacks on villages.

()Despite clear and consistent evidence gathered between January and March 2007 that members of government security forces were involved in the attacks, the Government did not take effective action to prevent the attacks, control members of its security forces and use of its equipment, pursue the attackers or intervene to protect civilians. There were some attempts to promote reconciliation, however these fell far short of what was required under the circumstances to prevent further loss of life.

Moreover, after the attacks, insufficient action was taken to identify and prosecute those responsible or provide reparation to the victims and the Government has still not taken measures to prevent the reoccurrence of the attacks. The ongoing impunity for these crimes is of great concern and is a violation of Sudan's obligations under international law ()

Full report available at:

http://www.responsibilitytoprotect.org/index.php/united_nations/c37

Full UN press release available at:

<http://www.unhcr.ch/hurricane/hurricane.nsf/view01/69B910048B7A7A03C12572DF00372CA2?opendocument>