

R2PCS Listserv

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Responsibility to Protect Engaging Civil Society

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I. R2P IN THE NEWS

- 1) UN REFORMS PEACEKEEPING AND GENOCIDE PREVENTION GUIDELINES

By Andre de Nesnera

Voice of America

06 November 2006

Outgoing U.N. Secretary-General Kofi Annan has been pushing for reform of the institution throughout his decade-long tenure. In this report from Washington, Senior Correspondent Andre de Nesnera looks at two reforms passed by the General Assembly, one having to do with peacekeeping and the other with trying to prevent acts of genocide and gross violations of human rights.

() Experts say U.N. members also agreed on an important principle: to intervene in cases of genocide or ethnic cleansing. That principle is known as the **responsibility to protect**. And Nancy Soderberg, former alternate U.S. representative to the United Nations (1997-2001) says

that is a revolutionary idea.

"The U.N. is founded on the basis of sovereignty, meaning that each country is responsible for its own affairs, and no country has a right to intervene in the internal affairs of another member. And that's enshrined in the [U.N.] charter, and it is very much how the U.N. drives. After the debacle of Bosnia, and, particularly, the genocide in Rwanda, the secretary-general said, 'we need to think again about what responsibility the international community has when things like this happen.' And, he pulled together the brightest minds in the world, and they came up with this new theory, which is the '**responsibility to protect**' - which says, when a state is either unwilling or unable to protect its population, the issue of sovereignty yields to the responsibility of the international community to protect them," she said.

Michael Doyle was an adviser to outgoing U.N. Secretary-General Kofi Annan. He said, "So, at the level of principle or doctrine, this is a good step forward. At the level of practice, the jury is still out. We have a case in front of us now called Darfur, where, whether it's technically, legally genocide or not is disputed. But whether horrendous ethnic cleansing - rapes, murders, all sorts of other abuses are taking place - is not disputed. And, so, we will see whether the Security Council steps up and fulfills these new responsibilities that have been identified for it by the entire membership. We don't know yet."

For the past three years, Sudanese forces and pro-government Arab militias have been fighting rebel groups in Darfur. Khartoum is accused of war crimes against the region's black African population. As of now, Sudan has prevented a U.N. force from entering Darfur.

Experts say it is essential for the international community to act now to put teeth into the new principle of the **responsibility to protect**.

Full Text: <http://www.voanews.com/english/2006-11-06-voa59.cfm>

De Nesnera report - Download:

http://128.11.143.113/mediaassets/english/2006_11/Audio/rm/deNesnera_un_reforms_06nov06.rm

Listen to De Nesnera report:

<http://www.voanews.com/english/figleaf/ramfilegenerate.cfm?filepath=http%3A%2F%2F128%2E11%2E143%2E113%2Fmediaassets%2Fenglish%2F2006%5F11%2FAudio%2Frm%2FdeNesnera%5Fun%5Frefrms%5F06nov06%2Erm>

2) BAN KI-MOON VS. THE BAD GUYS

New York Times

By James Traub

November 5, 2006

James Traub, a contributing writer, is the author of a new book, he Best Intentions: Kofi Annan and the U.N. in the Era of American World Power.

As he prepares to take office as Secretary General of the United Nations on New Years Day, Ban Ki-moon, South Korea's foreign minister, has vowed to improve the institutions beleaguered reputation. ()

Annans two finest moments may have been a 1997 speech rebuking African heads of state for

behaving as if human rights were a Western preoccupation that did not apply to their own citizens and his address to the General Assembly two years later in which he argued passionately that the United Nations must protect people from atrocities committed by their own governments, even if that entails humanitarian intervention. Many of the third-world countries that denounced the idea as a violation of state sovereignty embraced it six years later when the General Assembly formally adopted **the responsibility to protect**. Words, of course, are cheap, and few of those states are prepared to help save the beleaguered people of Darfur. But Annan had at least forced the U.N. to focus on the rights of people rather than of states.

() Ban Ki Moon has spoken chiefly of managerial issues and from all appearances is a very recent convert to the cause of human rights. Yet if no amount of reform can change the underlying dynamics of the Human Rights Council, then it is the secretary general himself who must meet those expectations. Ban Ki-moon will have to find his voice.

Full Text:

http://www.nytimes.com/2006/11/05/magazine/05wwln_lede.html?8br

3) VATICAN STATEMENT TO THE U.N. ON CULTURE OF PEACE

Catholic Online

6 November 2006

The following is the text of the Nov. 3 statement from Archbishop Migliore to the U.N. General Assembly: ()

The maintenance, defence and promotion of peace in the world are at the summit of the functions and priorities of the United Nations. Through conviction and many years experience, this Organization believes that peace is first and foremost a culture prior to its being a network of peaceful relations among nations, anchored in the system of rules and mechanisms of international law. ()

With the 2005 Summit Outcome document, this organization adopted the principle of the **responsibility to protect**

as a practical translation of the exercise of sovereignty and of governance. The **responsibility to protect**

presupposes the capacity and the will to remove threats, to establish relations and mechanisms apt to continue to dissuade humanity from resolving their disputes through the use of force and, to the extent possible, to substitute force with law.

The **responsibility to protect** is intimately linked and directly proportional to the respect for the truth of peace, whether it is a question of deciding to use force in extreme cases, the conduct during and after conflict, military expenditure, the arms trade, disarmament and nuclear proliferation, demographics or the approach to development.

To realize peace at the social and political level, the correct relation between truth and peace at the cultural level needs to be re-established.

Full Text: http://www.catholic.org/international/international_story.php?id=21890

4) THE UNITED NATIONS AND GENOCIDE

Open Democracy

By Carne Ross

1 November 2006

Adam LeBor's new book "Complicity with Evil" argues that individual diplomats and officials as well as states and institutions carry "command responsibility" for genocide. Carne Ross, former senior British diplomat at the United Nations, assesses his work.

The question is how this [failure to prevent genocide] can happen when the "international community", as embodied in the UN, has promised to stop it. The genocide convention of 1951 commits signatories to intervention. More recently, almost all states have signed up to the "**responsibility to protect**"

civilians, even to the extent of intervening in other countries.

Adam LeBor's new book **Complicity with Evil - The UN in the Age of Modern Genocide** cuts through the usual waffle and shirking of responsibility officials offer to excuse their gross inadequacy. In a driving and angry tale, he tells the story of each of these three mass murders: who did what to whom, and who failed in their duty to stop them. Some of his material is familiar from other sources, but his retelling is still shocking. Much is fresher, with first-person accounts of these very contemporary horrors. And with mass murder happening right now - today - citizens, and our governments, still need to be reminded of our obligations. ()

In Darfur, () LeBor claims that the UN has failed promptly to inform the Security Council, and thus the world, of the genocide. But his own account tells how some brave UN officials did just that. Without offering enough evidence, he argues that the UN avoided raising alarms over Darfur in order to preserve the fragile north-south Sudan peace deal, which had ended twenty years of war that may itself have cost two million lives. ()

The book's introduction suggests that it will prove the UN's complicity with genocide under the legal concept of "command responsibility". This charge is more commonly applied to Balkan warlords who fail to prevent war crimes by their troops. It is a very provocative accusation. ()

His book, moreover, itself shows that there is good as well as incompetence in the UN, just as there are states which seek to do the right thing while others look away, or even condone.

Hence my reservation about its overstated title, a title which I fear will increase its appeal to those, especially in the United States, who love to bash the United Nations - and with it the notion of international rules.

Full Text:

http://www.opendemocracy.net/globalization-institutions_government/un_genocide_4049.jsp

5) ZIMBABWE HAS THE LOWEST LIFE EXPECTANCY IN THE WORLD

Davidcoltart.com

By David Coltart

31 October 2006

David Coltart, MDC member of Parliament and shadow justice minister, has been a human rights lawyer in Zimbabwe since his return to the country in 1983.

The reason Zimbabwe has the lowest life expectancy in the world is because there is no other country in the world where there is the following unique combination of factors:

- one of the highest HIV/Aids infection rates in the world;
- pathetic amounts spent on ARV medication by a Government that is more concerned about importing military aircraft from China than it is in protecting the lives of its people;
- the fastest declining economy in the world;
- the highest inflation rate in the world - over 10 times the next highest rate - Myanmar has a rate

of 70%, Iraq a nation at war 40%;

the forcible displacement of some 700,000 of the urban poor last year (UN figures) and the bulk of these people still homeless over a year on;

several million people facing starvation;

Government which deliberately underplays the extent of the malnutrition crisis for political/propaganda reasons and on occasions frustrates the operations of the WFP and other humanitarian organizations.

() [T]he Government has deliberately withheld food aid from people in need and has made it incredibly difficult for humanitarian NGOs to operate. Human rights organisations have documented how food has been used as a political weapon. ()

In May 2005 the Government of Zimbabwe launched Operation Murambatsvina, a programme of mass forced evictions and demolitions of homes and informal businesses. The UN report released on the 22nd July 2005 estimated that 700,000 people had lost their homes, livelihoods or both. The report also stated that the Operation was carried out with indifference to human suffering, and, repeated cases, with disregard to several provisions of national and international legal frameworks. A recent report of another NGO, The Solidarity Peace Trust, has found that in some instances half those evicted last year have already died - a direct result of this calculated act by the Government of Zimbabwe. ()

Article 1 (B) of the Core Principles of the **International Responsibility to Protect** Doctrine states:

*here a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the **international responsibility to protect** .*

The international community is failing in its duty to protect Zimbabwean women and men who can now only expect to live until the ages of 34 and 37 respectively. The silence and inactivity of the international community regarding this catastrophe is profoundly shocking.

Full text: <http://www.davidcoltart.com/>

III. R2P and North Korea

1) ANALYSIS: N. KOREA IMPERILS ITS OWN PEOPLE

By Claude Salhani

UPI International Editor

30 October 2006

()A highly detailed report was prepared by the law firm DLA Piper US LLP in cooperation with the U.S. Committee for Human Rights in North Korea. The report was commissioned by Vclav Havel, former president of the Czech Republic, Kjell Magne Bondevik, former prime minister of Norway, and Elie Wiesel, Nobel Peace Prize laureate. It was based on a careful review of available information.

The group cites a new U.N. doctrine which states that each country has **"a responsibility to protect"** its own

citizens from the most severe human rights abuses. The report points to "egregious violations of rights by North Korea" and calls for immediate action by the U.N. Security Council.

"Failure to Protect: A Call for the U.N. Security Council to Act in North Korea" affirms that "the Security Council has independent justification for intervening in North Korea either because of the government's failure in its **responsibility to protect** or because North Korea is a

nontraditional threat to the peace." Failure to Protect focuses primarily on the active involvement of the government in crimes against humanity through:

-- Food Policy and Famine: North Korea allowed as many as 1 million of its citizens to die of starvation. "Hunger and starvation remain a persistent problem, with over 37 percent of children chronically malnourished," says the report. North Korea still denies the World Food Program access to 42 of 203 counties in the country.

-- Treatment of Political Prisoners: Some 200,000 people are imprisoned in North Korean prison camps without due process of law and in near-starvation conditions. More than 400,000 are estimated to have died in the prison system over 30 years. That amounts to more than 36 people executed every day over the last three decades.

-- The report also describes North Korea's gross misallocations of resources, diverting funds away from essential services to step up production of nuclear, chemical and biological weapon systems, presenting this information as a context for the way North Korea misallocates its resources. ()

Furthermore, the North Korean government is believed to partake in criminal enterprises, such as drug production and trafficking and money counterfeiting and laundering, according to the report. ()

The report recommends the U.N. Security Council adopt a non-punitive resolution urging the North Korean government to allow open access for international humanitarian organizations to feed its people, calling for the release of political prisoners, as well as insisting that the government allow the U.N. Special Rapporteur on Human Rights in North Korea to visit the country. ()

Full Text:

<http://www.upi.com/InternationalIntelligence/view.php?StoryID=20061029-090717-9087r>

Mr. Bondevik was interviewed on BBC Radio 4's Today Programme:

http://www.bbc.co.uk/radio4/today/listenagain/ram/today1_bondevik_20030922.ram

2) STOP PYONGYANGS AUTOGENOCIDE

Far Eastern Economic Review

by Jared Genser

November 2006

()In that one action [testing nuclear weapons], Mr. Kim demonstrated that the international community's compromises on human rights did not affect his behavior on security issues ()

This moment could not have come at a more opportune time. The U.N. Security Council recently adopted the doctrine previously endorsed by the General Assembly at the World Summit in New York in 2005 that each state has a **responsibility to protect** its own citizens from the most egregious human-rights abuses. While under the U.N. Charter states retain sovereignty to control their own territory, if they fail to protect their own citizens from severe human-rights abuses, the international community now has an obligation to intervene through regional bodies and the U.N., up to and including the Security Council. The formal adoption of this doctrine was a historic and unprecedented action by the community of nations to acknowledge what had already been understood for many years that the world should not use

state sovereignty as an excuse to turn a blind eye to the most serious suffering and oppression.
()

The crux of the Havel-Bondevik-Wiesel report is that the North Korean government is actively committing crimes against humanity against its own people, that U.N. engagement to date on these issues has been unable to yield either symbolic or concrete results, and therefore it is time to launch a parallel track effort in the U.N. Security Council to ease the suffering of the North Korean people.

Attempts by the international community to engage with North Korea on human rights and humanitarian concerns have come up short. Resolutions adopted by the U.N. General Assembly and former Commission on Human Rights have been rejected by North Korean representatives and ignored. North Korea also refuses to recognize the mandate of the U.N. Special Rapporteur on Human Rights in North Korea, Vitit Muntarbhorn, and has denied his numerous requests for access to the country. ()

As a first step, the report recommends that the U.N. Security Council adopt a non-punitive resolution urging open access to North Korea for humanitarian relief, release of political prisoners, access for the U.N. Special Rapporteur and ongoing engagement by the U.N.

While North Korea would likely balk at such a request from the Security Council, China, Russia, and other members of the Council would be in a position to urge North Korea to comply. Nothing could be more in Chinas self-interest than to ensure that the people in North Korea are fed, especially those who happen to live close to Chinese border. ()

() It is only if the contemplated engagement process fails that the Havel-Bondevik- Wiesel report recommends moving to the adoption of a binding resolution under Chapter VII of the U.N. Such a resolution is binding under international law and would also carry the implicit threat of sanctions. Nevertheless, the report intentionally does not call for, encourage or take a position on sanctions because its focus is on merely trying to spark an engagement process with North Korea.

Full Text: <http://www.feer.com/>

To access the report:
<http://www.dlapiper.com/NKReport>

IV. Darfur

1) WE SAVED EUROPEANS. WHY NOT AFRICANS?

Washington Post

By Susan Rice, Anthony Lake and Donald Payne

2 October 2006

Susan E. Rice, a senior fellow at the Brookings Institution, was assistant secretary of state for

African affairs from 1997 to 2001. Anthony Lake, a professor at Georgetown University, was national security adviser from 1993 to 1997. Donald M. Payne is a Democratic representative from New Jersey.

()After swift diplomatic consultations, the United States should press for a U.N. resolution that issues Sudan an ultimatum: accept unconditional deployment of the U.N. force within one week or face military consequences. The resolution would authorize enforcement by U.N. member states, collectively or individually. International military pressure would continue until Sudan relented.

The United States, preferably with NATO involvement and African political support, would strike Sudanese airfields, aircraft and other military assets. It could blockade Port Sudan, through which

Sudan's oil exports flow. Then U.N. troops would deploy -- by force, if necessary, with U.S. and NATO backing.

If the United States fails to gain U.N. support, we should act without it. ()Yet, to allow another nation to deter the United States by threatening terrorism would set a terrible precedent. It would also be cowardly and, in the face of genocide, immoral.

() [A] bombing campaign or a naval blockade would tax the Air Force and Navy, which have relatively more capacity, and could utilize the 1,500 U.S. military personnel in nearby Djibouti. Others will insist that, without the consent of the United Nations or a relevant regional body, we would be breaking international law. Perhaps, but the Security Council recently codified a new international norm prescribing "**the responsibility to protect.**" It commits U.N. members to decisive action, including enforcement, when peaceful measures fail to halt genocide or crimes against humanity. ()

Full text: <http://www.brookings.edu/views/op-ed/srice/20061002.htm>

2) *In light of the recent militia attacks in the strife-torn West Darfur region in the Jebel Moon area on 29 and 30 October, an OHCHR report was released a day after Secretary-General Kofi Annan condemned the attacks and called for the government to protect civilians.*

To read the articles and reports examining the recent deterioration in the human right situation on the ground and the major new military offensive against civilians, please refer to the following three links:

1) UN High Commissioner for Human Rights report on the situation on Human Rights in the Sudan, more specifically on the 29 October 2006 attacks in the Jebel Moon area, by the High Commissioner Louise Arbour, and prepared in cooperation with the UN Mission in Sudan (UNMIS). Report:

<http://www.ohchr.org/english/countries/sd/docs/6thOHCHR5nov06.pdf>

2) Amnesty International, ear for Safety/Fear of Unlawful Killings SUDAN : Civilians in West and North Darfur, particularly in the Jebel Moon area, 3 November 2006

<http://web.amnesty.org/library/Index/ENGAFR540732006?open&of=ENG-SDN>

3) HE FINAL ONSLAUGHT IN DARFUR: ASSAULTS ON DISPLACED CIVILIANS CAMPS, Op/Ed by Eric Reeves, 4 November 2006.

<http://www.sudantribune.com/spip.php?article18505>

3) SUDAN DENIES INVOLVEMENT IN LATEST KILLING IN DARFUR

Sudan Tribune

5 November 2006

The Sudanese government denied any involvement in a new wave of violence in the countrys western Darfur region that killed over 50 people, saying Sunday that reports on the incident contained "huge amounts of lies" and that outlaws should be blamed for the attacks.()

()Khartoum dismissed the report as disingenuous. "We should be cautious about these reports, circulated by the western media, because they contain huge amounts of lies, manipulation and lack of credibility" Foreign Ministry spokesman Ali Sadeq told the official Sudan News Agency.

Full Text: <http://www.sudantribune.com/spip.php?article18516>

4) BUSH ENVOY CONFIRMS BACKDOWN ON DARFUR PEACE FORCE

AFP

4 November 2006

Andrew Natsios, President George W. Bush's personal envoy to Sudan, said Washington and other Western governments were looking for an "alternate way" to deal with the violence in Darfur which has left at least 200,000 people dead and 2.5 million homeless in the past three-and-a-half years. ()

It was the first public admission that the United States was reconsidering its backing for an August 31 UN Security Council resolution, which Washington sponsored, demanding the immediate deployment of some 20,000 UN troops to replace an ineffective African Union peacekeeping force in Darfur.

Sudanese President Omar al-Beshir rejected the UN demand and refused to meet with Natsios during a visit to Khartoum last week, the US envoy said in an interview with the US National Holocaust Memorial Museum which was posted on the memorial's website on Friday.

Natsios said Beshir was furious over Bush's renewal this week of US financial sanctions imposed on Sudan for its handling of regional conflicts, including Darfur, and alleged support for international terrorists. ()

At a summit of African leaders in Beijing Friday, the Sudanese leader said accepting UN troops in Darfur would lead to a debacle similar to the American involvement in Iraq.

Natsios now says the UN role is no longer essential. () Washington could accept either a strengthened African Union force or one led by Arab or Muslim nations, possibly backed by UN financial or logistical support, he said.

Another element of the new US approach is to use African mediation -- Natsios mentioned Eritrea as a potential go between -- to renegotiate the May peace agreement in a bid to draw in other rebel groups. ()

Full Text:

http://news.yahoo.com/s/afp/20061104/wl_afp/sudandarfurunrestunus

