

R2PCS Listserv

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Responsibility to Protect Engaging Civil Society

Web: www.responsibilitytoprotect.org

Email: info@responsibilitytoprotect.org

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[R2P reference in Security Council resolution on Darfur, R2P in the News, Darfur]

****SECURITY COUNCIL MAKES REFERENCE TO R2P IN NEW RESOLUTION ON DARFUR****

On 31 August 2006, the Security Council passed Resolution 1706 calling for the rapid deployment of UN peacekeepers in Sudan. The resolution makes explicit reference to the **Responsibility to Protect**

by reaffirming the provisions of Resolution 1674 on the protection of civilians in armed conflict and the provisions of paragraph 138 and 139 of the 2005 United Nations World Summit outcome document, which affirm that states have the primary

Responsibility to Protect

their own populations and that the international community has a responsibility to act when these governments fail to protect the most vulnerable from genocide, war crimes, ethnic cleansing, and crimes against humanity.

The resolution calls for an increase of up to 17300 troops for UNMIS, along with 3300 civilian police officers, to replace or absorb the 7,000 member African Union force in Darfur. Deployment would not occur unless the government of Khartoum consents to the deployment. The sponsors of the bill, the United States and Britain, are hopeful that the resolution will encourage Khartoum to accept UN peacekeepers.

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I. R2P in the News

1. WHITHER THE **RESPONSIBILITY TO PROTECT**? HUMANITARIAN INTERVENTION AND THE 2005 WORLD SUMMIT

Ethics & International Affairs

By Alex J. Bellamy

28 July 2006

After the publication of The **Responsibility to Protect**, (4) the ICISS's commissioners and supporters lobbied hard to persuade states to endorse the concept and to adopt it at the 2005 World Summit. (5)

The clause received a mixed reception among commentators. Some, such as Todd Lindberg, viewed it as a "revolution in consciousness in international affairs," a departure in the relationship between sovereignty and human rights. (6) According to Lindberg, the declaration replaced the state with human individuals as the primary focus of security and deterritorialized protection by giving all states a responsibility to uphold and protect basic human rights regardless of where they were violated. Others were more equivocal. Michael Byers, for instance, argued that the World Summit watered down the concept of the **Responsibility to Protect** to such an extent that it would not, in practice, afford protection to threatened populations and might even limit the Security Council's ability to respond decisively to man-made humanitarian disasters. (7)

This article evaluates these two positions by asking whether the incorporation of the **Responsibility to Protect**

clause into the outcome document of the 2005 World Summit indicates a meaningful change in the norm of humanitarian intervention in both a prescriptive and permissive sense. (8) The former (prescriptive) refers to the need to prevent future Rwandas by persuading states--particularly those with the capacity to act--to assume responsibility for the protection of imperiled peoples. (9) (10) The latter (permissive) refers to the political costs associated with intervention. (11)

The article proceeds in three parts. The first identifies the two strategies developed by the ICISS to achieve the goal of preventing future Rwandas and Kosovos and notes problems inherent in those strategies. The second part identifies four processes that played a pivotal role in getting the **Responsibility to Protect** clause into the outcome document. The third part of the article returns to the outcome document to detail some of the critical changes to the

Responsibility to Protect

. In concluding, I argue that the

Responsibility to Protect

statement in the outcome document has done little to increase the likelihood of preventing future Rwandas and Kosovos. Perhaps more worrying is that in order to secure consensus, the concept's advocates have abandoned many of its central tenets, significantly reducing the likelihood of progress in the near future. (12)

Full Text: Ethics & International Affairs, Pg. 143(27) Vol. 20 No. 2 ISSN: 0892-6794

2. THE WORLD ACCORDING TO CHINA

New York Times

By James Traub

September 3, 2006

In Late July, as the United Nations Security Council argued long into the night over the wording of a so-called presidential statement castigating Israel for the bombing attack that killed four U.N. observers in southern Lebanon, Wang Guangya, the Chinese ambassador, blew his stack.
()

But the game the Chinese play virtually ensures the U.N.'s regular failure in the face of humanitarian crisis. Indeed, the combination of Wang's deft diplomacy and China's willingness to defend nations it does business with from allegations of even the grossest abuse has made a mockery of all the pious exclamations of ever again that came in the wake of the Security Council's passive response to Rwanda's genocide in 1994. The most notorious example of China's new activism in this regard is Darfur. While none of the major powers, with the intermittent exception of the United States, have shown any appetite for robust action to protect the people of this Sudanese province from the atrocities visited upon them by the government and its proxy force, known as Janjaweed, the Chinese, who buy much of the oil Sudan exports, have appointed themselves Khartoum's chief protector.

China first worked to keep the issue of Darfur off the council agenda when both Kofi Annan and Jan Egeland, the U.N.'s humanitarian coordinator, tried to mount a publicity campaign in early 2004. When this failed and Egeland publicly described the horrors there, Wang along with the ambassador of Pakistan, a regular ally diluted the ensuing press statement so that the council simply called on the parties concerned to fully cooperate in order to address the grave situation prevailing in the region. In the summer, after Congress had declared the ruthless assault on unarmed villagers an genocide, China vowed to veto an American resolution threatening (not even imposing) sanctions against Khartoum.

And yet, according to Munir Akram, the ambassador of Pakistan: China was not nearly as active on Darfur as people think. The proposals came from us or from Algeria. The Islamic countries then serving on the council, as well as several African nations, considered any interference in Sudan's affairs a violation of its national sovereignty, even though the citizens being abused were Islamic and African. Wang was more circumspect. At moments of friction, according to a Western diplomat, he would quietly insist, you cannot alienate the Sudan government; without them, the U.N. mission will fail. Akram is the kind of bombastic figure who suits Chinese purposes to a tee. Their national style is different from the style of other people, including India and Pakistan, as Akram puts it. We are an oral people; the Chinese are not. They make their position clear, and they stand by it.

() My conversations with Wang kept looping back to this fraught topic. Each country has to provide the well-being of their own people, Wang said to me. In some countries there is a problem, where the protection of their own people is here the diplomatic diplomat searched for the right

word neglected. The U.N. can come in a quiet way, providing help, providing advice. But the role to play is not to impose it when the government is functioning. Of course there are cases where you can say that the country is a failed country. But wherever there is a government, I think the best way to do it is by giving good advice wherever you can, tough way or soft way, to let the government pick up its main responsibility.

() In another conversation, held a week later in the U.N.s Delegates Lounge, where Wang blithely violated the no-smoking rules, the ambassador insisted that the right to exercise sovereignty free from outside interference was enshrined in international law. But, I asked, when the worlds heads of state, gathered at the U.N.s 60th-anniversary summit last September, approved the principle of the **Responsibility to Protect**, didnt this, too, become a matter of international law?

This was true, Wang conceded even though China has strong reservations about the doctrine ut you have to decide how to apply this. And since this new obligation applied only to genocide or assive systematic violations of human rights, it had no bearing on Darfur. Wang had just returned from a Security Council visit to the region, where he had concluded that the situation was very complicated and that the government had been unfairly criticized. China still stood by Khartoum. After abstaining on the peacekeeping resolution, Wang had asked for the floor in order to reiterate Chinas position that U.N. peacekeepers could deploy only with the governments consent.

Unfortunately, I observed, President Omar Hassan el-Bashir of Sudan had just flatly rejected the proposed peacekeeping force.

The African Union s doing a good job on the ground, Wang insisted. he U.N. force would be a good way to help them, but if in their judgment the Sudan government thinks the A.U. forces are enough, that is their decision. And second, the Sudanese had agreed to disarm the janjaweed.

nd if they cant?r

Wang ground a cigarette into his ashtray. f you are not sure that it will not be successful, then why impose a solution on them before you prove that they will not be able to do it?r

Full Text:

<http://www.nytimes.com/2006/09/03/magazine/03ambassador.html?ex=1158120000&en=121433b3650d9a0e&ei=5070&emc=eta1> (by subscription only)

II. DARFUR

1. THE UNS DARFUR MOMENT

TomPaine.com

By Mark L. Schneider

6 September 2006

Mark L. Schneider is the senior vice president of the International Crisis Group and former director of the Peace Corps.

A year ago this month, the assembled heads of state at a United Nations summit adopted a

series of global commitments, among them the novel concept of a collective **Responsibility to Protect** the worlds citizensven against their own government. ()

Responsibility to Protect provides that diplomatic and other peaceful tools are tried first to bring the violations to an end, but where ational authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity, the U.N. Security Council could put a Chapter VII military force on the table. ()

Sadly, when it comes to Darfur, we can only cringe when we ask whether the killings and the atrocities and mass rapes have come to an end. They have not. The international community, while slowly passing individual resolutions¹³ of them at last countnd seemingly agreeing on the need for a robust U.N. peacekeeping force mandated to protect civilians, has failed in its responsibility. ()

()The Bush administration has argued that it has provided the lions share of humanitarian aid in Darfur, and it has, and that it has urged stronger resolutions, and it has. But until a full set of sanctions are pressed against the leaders of Sudan, until the United States cooperates fully with the ICC to bring indictments against all of them, and until the U.S., France, the United Kingdom and other European countries make clear that no other interest trumps ending the atrocitieserhaps by expressing a willingness to commit significant numbers of their own military to form part of that U.N. peacekeeping forcehe killing in Darfur will go on. China and Russia will go along but only when the die is cast. And the government of Sudan will agree only when there is no other option.

What is clear, however, is that the international community cannot ignore what is occurring there based on the sovereign authority of the government of Sudan, particularly its dangerous decision to send its army troops and planes into Darfur in violation of the Darfur Peace Agreement and Security Council resolutions. The **Responsibility to Protect** is today part of an agreed international body of norms. In fact, the adopted on Aug. 31 by the Security Council specifically refers to that justification for U.N. action. It would be a fitting and overdue anniversary celebration of the adoption of the

Responsibility to Protect

if members of the Security Council are able to put it into practice with peacekeeping oots on the ground in time to save the lives of those still at risk in the displaced persons camps of Darfurnd to prevent that conflict, which already has crossed the border in Chad, from widening further.

Full Text: http://www.tompaine.com/articles/2006/09/06/the_uns_darfur_moment.php

2. SUDAN: GOVT SHOULD ACCEPT INTERNATIONAL HELP ON DARFUR, ANNAN SAYS
UN News Service (New York)
September 4, 2006

Secretary-General Kofi Annan today reiterated his appeal to the Government of Sudan to accept United Nations forces in the country's troubled Darfur region, as mandated by the Security Council. ()

The Secretary-General was asked about Khartoum's rejection of the resolution at a press conference today in Qatar. "If the Government of Sudan had been able to protect these people, we would not even be talking about deploying international troops," he noted.

Since Sudan's Government has not been able to address the situation, "it is incumbent on it to accept international help to pacify the region so that people can live their lives in peace and dignity," he added, voicing hope that the country's leaders will "realize that by their inability to protect them, they will be held liable at some stage for what is going on the ground."

The Secretary-General recalled that UN members recently accepted the concept of '**Responsibility to Protect**

,' "which means each government has the

Responsibility to Protect

its people from genocide, ethnic-cleansing, gross and systematic violations of human rights."

When a government fails, he said, the international community has the right to step in and assist. "We now have to redeem that solemn pledge that was made only last September," he said. "I would urge the Sudanese authorities to reconsider and work with the international community and accept the forces. We are going in to help. We have no other ambition than that." ()

Full Text: <http://www.un.org/apps/news/story.asp?NewsID=19707&Cr=Sudan&Cr1>

3. AMBASSADOR BOLTON SPEAKS ON SUDAN, IRAN, SITUATION IN MIDDLE EAST AT SECURITY COUNCIL STAKEOUT

US Fed News

28 August, 2006

Ambassador Bolton: So one thing I added to my prepared text, which I think you have, is how obvious it was that the government of Sudan wasn't even participating in this meeting of the Council; which was disappointing and noticeable to say the least. It's clear to us that we have tried to accommodate in many respects, what members of the Council have said on behalf of the government of Sudan. We continue to expend a considerable diplomatic effort to get the government of Sudan to agree again to what it has already agreed to in the Darfur Peace Agreement. To what the African Union Peace and Security Council has already agreed, namely the transition of the AMIS force in Darfur to a U.N. command and control. And it will be our objective, which is shared by the United Kingdom, co-sponsor of our current draft, to see if we can't get the transition resolution adopted this month during the Ghanaian presidency. We still have a number of obstacles to overcome there but that will be our intention. ()

()The sticking points are basically the question of how to handle the issue of consent by the government of Sudan. I think we've all made it clear that nobody expects the UN force to fight its way into Darfur. But at the same time, for us simply to withhold while the Darfur Peace Agreement, itself, becomes shakier and shakier - not least of which because of actions by the government of Sudan risks the situation simply getting out of control. So I think we still have a lot of obstacles to overcome but I think the determination that I am trying to express is that we have undertaken many efforts to accommodate the government of Sudan and those on the Council who are speaking for it and there comes a time ultimately that just have to stand up and vote. And that's why we're looking at something at the end of this month.

Reporter: We understand that the president of Sudan refused to receive the envoy of President Bush in Khartoum. ()

Ambassador Bolton: Well, it's not clear to me that President Bashir has refused completely to see Assistant Secretary Frazer. My understanding is that such a meeting might take place later today, although it's late in Khartoum, or tomorrow. So the understanding I had before the meeting started was that, while they had not gotten together, that was still possible. ()

Reporter: Mr. Ambassador, have you considered a new proposal by the Sudanese government, sending more than 10,000 troops to Darfur?

Ambassador Bolton: That does not appear, from what we see of it, to be consistent with the Darfur agreement, and it certainly doesn't substitute for the transition from AMIS to a U.N. force. ()

()One of the reasons we want to adopt this resolution within the next few days is to make it clear that the Security Council intends to continue, consistent with the Darfur Peace Agreement, to implement its terms, and that we expect the government of Sudan and all of the interested stakeholders to do the same. ()

()The Arab League gave a very brief statement that said its policies were closely coordinated with those of the African Union, which sounds, to me, like they should support implementation of the Darfur Peace Agreement and, therefore, also, support the decision of the African Union's Peace and Security Council, given on repeated occasions, to transition from the African Union force to a U.N. force

Reporter: One more on Sudan: Both U.N. and U.S. officials have said that they are concerned that Sudan's offer to stabilize Darfur is really preparations for an offensive. So if that turns out to be true, at what point do you consider invoking **Responsibility to Protect**?

Ambassador Bolton: I think the first thing is to make it clear, as I did in my statement, that the deployment of a purely Sudanese government force is not the kind of stabilization that we have in mind and that the Darfur Peace Agreement contemplates. What we need is the transition to a U.N. force. That's as clear as it can be. ()

Full Text: Unavailable

---Many thanks to Marion Arnaud for compiling this listserv