

R2PCS Listserv

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responsibility to protect Engaging Civil Society

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I. The UN and R2P

1. UN Official Warns Against Using Mercenaries to Pacify Trouble Spots

Gerard Aziakou

AFP

29 July 2008

The departing head of UN peacekeeping [Jean-Marie Guehenno] on Tuesday warned against the temptation to rely on mercenaries to pacify world trouble spots such as Sudan's Darfur region. ()

Guehenno, who is stepping down after an eight-year tenure, also commented on the controversial **Responsibility to protect** concept -- the obligation accepted by all states at a 2005 world summit here to protect peoples threatened with genocide, ethnic cleansing or crimes against humanity.

"You have enormous political questions with the Responsibility to protect ... I think one should not be too naive about it, that there is a risk of a backlash," he cautioned.

Guehenno warned against the "backlash of dictators who want to hide behind sovereignty to protect their own backyards and their own domination," as well as "a backlash of people who otherwise embrace the values of human rights and the rule of law."

Such people, he noted, "may sometimes be worried that this agenda could be used by the rich and powerful against the poor and the weak."

He said the issue should be handled carefully or run the risk of feeding "a very negative backlash that could then move us backwards from where we are." (...)

Source: http://news.yahoo.com/s/afp/20080729/wl_africa_afp/unpeacekeepingdarfursudan

II. Zimbabwe and R2P

1. UNs responsibility to protect Rule might be Premature for Zimbabwe

Andy Knight

Edmonton Journal

25 July 2008

Late last month, the UN Security Council met to discuss the worsening political and humanitarian situation in Zimbabwe since the flawed March 29 general election in that country. The sentiment expressed by most members of the Council was that President Robert Mugabe, his ZANU-PF political party, and sections of the armed forces should be held responsible for outbreak of violence and the use of intimidation tactics against supporters of the opposition party -- Movement for Democratic Change (MDC). (...)

Certainly, Mugabe's brutal tactics worked to keep many MDC supporters from going to the polls the second time around, and he was declared the winner of the run-off election.

The leaders of the African Union (AU), who could have delegitimized this sham election, not only failed to do so but actually greeted Mugabe with ovations at the 11th Summit of the AU in Sharm el-Sheikh, Egypt.

Members of the UN Security Council who considered applying the **Responsibility to protect (R2P)** norm to the deteriorating humanitarian situation in Zimbabwe were overruled by one of the veto-wielding states, according to U.S. Ambassador Zalmay Khalilzad, who was serving as council president in June, and his counterpart from France, Jean-Maurice Ripert.

Although Khalilzad and Ripert refused to say which country nixed the idea of invoking **R2P** in this case, the suspicion is that it may have been China.

So Mugabe remains in power, and the debate about whether or not **R2P** should be invoked in Zimbabwe's case rages on.

It is true that, according to the **R2P** doctrine, the international community has a residual **responsibility to protect**

citizens who are not being protected by their government or who are being abused by said government.

However, this "fall-back" responsibility is to be used only as a last resort, i.e. after all other diplomatic means have been tried to get that government to take its sovereign **responsibility to protect** its

citizens seriously.

Based on the consensus that emerged out of paragraphs 138-140 of the Outcome Document of the 2005 UN Summit, **R2P** is to be limited to the specific atrocities of "genocide, war crimes, ethnic cleansing and crimes against humanity."

Some scholars, like Alex Bellamy, have argued that what emerged from the 2005 World Summit was really "**R2P** lite" -- a norm "shorn of all its substance."

And, for many supporters of the **R2P** norm this outcome is nothing short of disappointing.

But others, like Gareth Evans and Ramesh Thakur argue convincingly that invoking **R2P** in cases that fall short of the ones mentioned above could dramatically undercut the international consensus reached on the use of

R2P

and eventually kill this fledgling global standard.

Clearly, the world needs a robust **R2P** norm to deal with major atrocities similar to the Rwandan genocide, the war crimes in Bosnia, the ethnic cleansing in Kosovo, and the crimes against humanity committed by dictators like Pol Pot and Augusto Pinochet. So clinging to the consensus reached in 2005 is perfectly understandable.

However, it is important to remember that **R2P** is only one implement in the tool-box of the international community. Diplomatic pressure, structural and direct prevention, fact-finding, negotiation, mediation, conciliation, arbitration, judicial settlement, economic sanctions, blockades, peacekeeping, peacebuilding, resort to regional agencies, and international criminal prosecution are among the many tactics at the disposal of the international community.

For those who are anxiously calling on the UN to invoke **R2P** against the despicable Mugabe regime, perhaps it might be wise to ponder on whether or not these other tools could be more effective at this stage. (...)

Source:

<http://www.canada.com/edmontonjournal/news/opinion/story.html?id=2ab57a2e-f406-47c3-ab54-e8f7f836417b>

III. Darfur and R2P

1. Resolution 1828 extending UNAMID mandate in Darfur

The United Nations Security Council met on 31 July to address the situation in Sudan and to discuss the renewal of the UNAMID mandate reaffirming all previous resolutions and presidential statements regarding the situation in Sudan. All Members of the Security Council, aside from the US who abstained, voted for the renewal of the mandate for the upcoming year. As US Ambassador Alejandro Wolff explains, he United States abstained in the vote because language added to the resolution would send the wrong signal to Sudanese President Bashir and undermine efforts to bring him and others to justice. The additional language, referred to by Wolff, describes the UN Security Council possibly interfering with the International Criminal

Courts potential indictment of Bashir if its in the Councils best interests.

The Security Council resolution did not become finalized until late into the evening due to the controversy over the language used. According to the Sudan Tribune, the Libyan delegation originally proposed to include a paragraph in the resolution that directly mentions the possibility of invoking Article 16 of the Rome Statute, which gives the UNSC the authority to suspend an ICC indictment for up to a year. Libyas proposal, with support coming from China and South Africa, encountered much opposition. The final resolution mentions the following paragraph, but there is no direct language regarding Article 16.

The Security Council extended the UNAMID mandate for a year, aking note of the African Union (AU) communique of the 142nd Peace and Security Council (PSC) Meeting dated 21 July (S/2008/481, annex), having in mind concerns raised by members of the Council regarding potential developments subsequent to the application by the Prosecutor of the International Criminal Court of 14 July 2008, and taking note of their intention to consider these matters further".

UNSC Resolution:

<http://www.responsibilitytoprotect.org/index.php?module=uploads&func=download&fileId=585>

Sudan Tribune- Push for ICC Suspension in UNAMID Resolution:

<http://www.sudantribune.com/spip.php?article28025>

US Mission to the UN- Explanation of US Abstention by Ambassador Alejandro Wolff:

http://www.usunnewyork.usmission.gov/press_releases/20080731_209.html

New York Times- US Holding its Vote in New Sudan Resolution:

http://www.nytimes.com/2008/08/01/world/africa/01nations.html?_r=1&ref=world&oref=slogin

2. Sudan: UNs Darfur Force Left Stranded, Critics Say

Omid Memarian

AllAfrica.com

31 July 2008

As the U.N. Security Council debated the wording of a resolution extending the peacekeeping force in Darfur, Sudan for another year, a coalition of human rights groups and NGOs [the Save Darfur Coalition] criticised the world body and the international community for failing to back up the mission with basic equipment.

Wrangling over the resolution continued Thursday as diplomats considered delaying a potential indictment of Sudanese President Omar Hassan Ahmad Al-Bashir by The Hague-based International Criminal Court (ICC), whose chief prosecutor earlier this month presented evidence of his role in war crimes and genocide in Darfur. (...)

A year ago Thursday, the Security Council voted unanimously to deploy U.N. peacekeepers under the auspices of the joint U.N.-African Union Hybrid Mission in Darfur (UNAMID) to protect

civilians there. This vote, which came after negotiations with the Sudanese government, raised hopes that after four years of mass killings and displacements, the international community would finally live up to its **responsibility to protect** millions of Darfur residents driven from their homes by conflict.

However, as of June this year, the UNAMID troop level was still at only 11,359 personnel, far below the target operational force of 26,000. And of the 18 transport helicopters required by the force, not a single one has yet been offered by U.N. member states. This compares to an estimated 350 such helicopters in use in Iraq, activists say.

The report [published by the Save Darfur Coalition], titled "Grounded; The International Community's Betrayal of UNAMID focuses on the failure of troop-contributing countries to provide helicopters for UNAMID to enhance its mobility and preparedness. It sets out for the first time which states have the necessary helicopters and estimates how many are available for deployment to Darfur.

"The member states of the Security Council, and especially the P5 [Britain, France, Russia, China and the U.S.] have authorised the ICC to investigate the killing in Sudan, they've authorised the hybrid protection force, they've authorised Ambassador Salim to launch a peace process that would conclude with an agreement for Sudan," said Atallah.

"In each case, however, when required to provide back-up efforts, it failed, and the failure to provide helicopters has direct consequences for the people on the ground and for the peacekeepers," he said. (...)

Writing in the International Herald Tribune Wednesday. Salim Salim, a former prime minister of Tanzania and, until recently, the African Union's chief mediator for Darfur, said, "If the international community is serious about fulfilling its **responsibility to protect** civilians in Darfur, it can start by providing the basics that UNAMID urgently needs. (...)

Source: <http://allafrica.com/stories/200808010001.html>

Save Darfur Coalition Report rounded: The International Communitys Betrayal of UNAMID:
www.savedarfur.org/grounded

2. Poor Response to Darfur Crisis
Dr. Marwan Kabalan
Gulf News
1 August 2008

For the past five years, since the beginning of the crisis, the entire Muslim and Arab world remained silent as innocent civilians in Darfur got killed on a mass scale. The Arab League, for example, decided to move only when an Arab leader, Omar Al Bashir, was formally accused of ethnic cleansing and mass killing. The death of hundreds of thousands of innocent civilians was not shocking enough for the official Arab system to take any form of action, the arrest warrant of an Arab leader apparently was.

When the news broke out that the prosecutor at the International Criminal Court (ICC) has formally requested an arrest warrant for Sudan's president on charges of genocide, war crimes and crimes against humanity committed during the past five years of bloodshed in Darfur, an Arab ministerial meeting was hastily arranged in Cairo. Instead of discussing the root of the crisis and try to solve it, Arab foreign ministers issued a statement, supporting the position of the Sudanese government in rejecting the charges against Al Bashir. (...)

Indeed, one cannot ignore the Western double standard in dealing with humanitarian crises. The West has very often shown indifference towards gross violations of human rights when its interests deemed that necessary. Western nations have remained largely silent when human right of Palestinians, Iraqis and Afghans were violated. The record of the Arab world is not better, however. In fact, the Arab League has consistently supported the Sudanese government. For example, in 2004, the Arab League rejected sanctions and international military intervention regarding Darfur. The Arab League's indifference over the crisis in Darfur made it appear as if it was endorsing the crimes in that region.

In September 2005, more than 150 heads of state - including several Arab and Muslim leaders - gathered at the United Nations for a historic summit. They endorsed a principle known as the "**Responsibility to protect**"

. The principle stated that no nation can hide behind the veil of sovereignty while it conducts or permits crimes against humanity, genocide, war crimes, and ethnic cleansing. It also implied that other countries cannot turn a blind eye when these events occur beyond their borders just because it does not suit their narrowly-defined national interests.

This principle should be respected and implemented by the entire international community and particularly by the Arab nations. If Arab regimes do not abide by it, they have only themselves to blame. Respect for human rights, international law and for common morality should become key consideration in administering international relations. And for that we must express solidarity not condemnation.

Source: <http://www.gulfnews.com/opinion/columns/region/10233384.html>

More info on Arab Ministers statement on the ICC Move Against Sudan President:
<http://www.sudantribune.com/spip.php?article27913>

3. Peacekeeping on the Cheap
Salim Salim
International Herald Tribune
29 July 2008

Salim Salim, a former prime minister of Tanzania, was until recently the African Union's chief mediator for Darfur.

On Tuesday, July 8, a contingent of African peacekeepers was ambushed by a militia in Darfur. The fire fight lasted over three hours as the small group of soldiers was besieged by over 200 attackers armed with heavy machine guns, recoilless weapons and anti-aircraft guns.

Outmanned and outgunned the peacekeepers only hope was speedy reinforcement or air-cover. (...)

A properly equipped Unamid could protect civilians in key areas and help to bring some measure of stability to the region, thus making the atmosphere more conducive to dialogue. But it can only do so if the peacekeepers receive adequate resources.

There are of course many factors that have contributed to the lack of resources. Part of the problem is practical - Darfur is hundreds of miles from the nearest port and flying in all the equipment needed is not feasible. Another aspect of the problem is political - the government of Sudan has delayed supplies at customs and has been slow to respond to the allocation of land for barracks and other requests from Unamid. (...)

Unamid can still play a key role in addressing the crisis in Darfur, but not if it continues to suffer from the systematic lack of resources and support.

If the international community is serious about fulfilling its **responsibility to protect** civilians in Darfur, it can start by providing the basics that Unamid urgently needs. Such support could have saved some of those peacekeepers who died this month gallantly trying to protect civilians. The least we can do in their memory is to make sure that no more civilians or peacekeepers perish because of resource constraints.

Source: <http://www.iht.com/articles/2008/07/30/opinion/edsalim.php>

Save Darfur Coalition report: rounded: The International Communitys Betrayal of UNAMID: www.savedarfur.org/grounded

IV. Burma and R2P

2. Dont Let Junta Off the Hook

Thaung Htun

The Australian

29 July 2008

IF it were possible for human rights in Burma to be further assailed, then Cyclone Nargis managed to provide the opportunity. (...)

Indeed, Human Rights Watch recently observed: "The greatest obstacle faced by the international community in addressing the large-scale reconstruction needs of the Irrawaddy Delta is Burma's abusive military regime. (...)

Burma's ratification of the human rights charter of the Association of Southeast Asian Nations is infused with the sharpest irony.

For one, the charter, despite being years in the making, is neither enforceable nor does it carry any powers of prosecution. In fact, it extends ASEAN's non-interference culture to new lows. While the Burmese military junta remains truculently unwilling to provide basic access to foreign

aid organisations post-Nargis, ASEAN seems prepared to allow a signature on a document to stand for its commitment to justice and human rights.

The torpid nature of ASEAN's human rights culture is epitomised in article 14 of its charter. Pertaining directly to human rights in the region, the two-paragraph entry is vague and weak in tone. It's a perfect backdrop to ASEAN's listless approach. (...)

Burma's junta is already a signatory to treaties and agreements on the rights of women, children, labour and unionists, among others. These documents gather dust on the shelves of military dictators while the Burmese horror story goes on.

More specifically, the generals continue to ignore the suffering of those affected by Nargis. Nearly three months after Nargis, more than one million Burmese still have not received any assistance from international humanitarian and aid agencies. Wads of aid money are landing in the khaki pockets of the country's rulers, prompting the British Government to reconsider providing any aid at all, invoking the principle of its **responsibility to protect** Burma's civilians. This money funds continued atrocities of various degrees. (...)

On another level, people still are being detained, including locals who have volunteered to help the aid effort. Forced labour, land grabs, torture and rape are common military tactics, often targeting ordinary civilians going about their daily affairs. (...)

Without a democratic and accountable government, aid work will remain underdone and over-exploited. Without international monitors, money from international donors will continue to be wasted or, worse, scurrilously diverted. (...)

Source: <http://www.theaustralian.news.com.au/story/0,25197,24092405-7583,00.html>

Human Rights Watch- Letter to Donors on Reconstruction after Cyclone Nargis:
http://hrw.org/english/docs/2008/07/23/burma19443_txt.htm

British Government- House of Commons Foreign Affairs Committee- Human Rights Annual Report 2007:
<http://www.responsibilitytoprotect.org/index.php?module=uploads&func=download&fileId=578>

V. R2P in the news

1. Australia to examine Rwanda report

Foreign Minister Stephen Smith says Australia will carefully examine allegations French forces played an active role in the 1994 genocide in Rwanda.

A report unveiled on Wednesday by the Rwandan government names French political and military officials, including former president Francois Mitterrand as having a direct role in the tragedy. The 500-page report alleged that France was aware of preparations for the genocide,

contributed to planning the massacres and actively took part in the killing. (...)

"Rwanda of course was a terrible human tragedy and one that the international community generally can't be proud of in terms of its response," he told Sky News.

"It's one of the reasons I think why there is an emerging discussion now about the notion of **responsibility to protect**,

that the international community does have an obligation to act much more quickly when we see these human tragedies occurring."

The report names former French prime minister Edouard Balladur, former foreign minister Alain Juppe and then-president Mitterrand, who died in 1996, among 13 French politicians accused of playing a role in the massacres.

The report also names 20 military officials as being responsible.

Source:

<http://news.smh.com.au/national/australia-to-examine-rwanda-report-20080806-3qtx.html>

More information on the report of the Rwanda Independent Commission Report:

<http://news.bbc.co.uk/2/hi/africa/7542418.stm>

VI. Featured Reports

1. Security Governance in a Post-Sovereign World

Marc Saxer

International Politics in Society- Journal for International Relations and Global Trends

March 2008

Saxers journal article discusses the issue of failed and failing states along with the dynamics surrounding such states. Other issues discussed include sovereignty, transitional sovereignty, human security, international humanitarian intervention, and the principle of the Responsibility to Protect.(...)

Ideological polarization over humanitarian interventions led to the less intrusive concept of Responsibility to Protect (R2P), elaborated by the International Commission on Intervention and State Sovereignty (ICISS). In short, R2P redefines state sovereignty, shifting from the Westphalian notion of an absolute right to control to a responsibility to protect. Under R2P, it will ultimately be possible to trade off sovereignty for human rights, for example, in cases of genocide or large-scale ethnic cleansing. If a state fails to protect its citizens in such cases due to a lack of will or capacity to act the obligation to protect will lie with the international community. R2P redefines state sovereignty as not an end in itself, but a tool. However, R2P abandons the notion of a right to intervene and defines international obligations as subordinate to those of the state. Furthermore, it limits the area of application to a few internationally accepted cases of mass atrocities. Finally, prevention and civil measures are given priority over military means. R2P was endorsed by 150 UN member states in the final document of the 2005 UN Summit.

R2P aims to reform international law in order to give the international community the ability to act if a (failing) state is unwilling or unable to do so. Under this definition, state sovereignty can no longer be abused to stave off international intervention by internal groups or third states trying to protect their special interests. On a global level, it could serve as a starting point for the

discussion on criteria for legitimate intervention. The criteria proposed by the ICISS10 which were not endorsed by the 2005 UN summit could be a first step on the way to a much needed global consensus on the establishment of clearer rules, procedures, and criteria for determining whether, when, and how to intervene. (...)

Source: <http://www.responsibilitytoprotect.org/index.php?module=uploads&func=download&fileId=582>