

R2PCS Listserv

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Responsibility to Protect-Engaging Civil Society

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Call for Papers: The World Conference of Humanitarian Studies is hosting a conference from 4-8 February 2009 in the Netherlands, and is welcoming papers for a panel on **R2P**.

Participants from the Global South are especially encouraged. The deadline for submitting paper abstracts of 250 words is October 30th, and papers must be between 4,000 and 10,000 words. For more information, please see

http://www.responsibilitytoprotect.org/index.php/civil_society_statements/1895?theme=alt1

I. African Union holds High-Level Meeting on R2P

1. Keynote Address by Mr. Jean Ping, Chairperson of the AU Commission

African Union Commission

23 October 2008

Addis Ababa

*The following excerpt is from the keynote address delivered by his Excellency Mr. Jean Ping, Chairperson of the AU Commission at the Roundtable High Level meeting of experts on the **Responsibility to Protect***

in Africa, held on 23 October in Addis Ababa, Ethiopia.

() As you are no doubt aware, even before the adoption of the outcome Document on the **responsibility to protect**

, African states had already committed themselves to protect human rights and promote good governance in the continent even at the expense of using force as entrenched in article 4(h) of the Constitutive Act of the African Union. To remind you, that article states that the African Union shall have: the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity. ()

Turning back to the process leading to the final adoption of the Concept of Responsibility to protect, I recall that most countries of the South at the level of the Non-aligned Movement were strongly opposed to the proposal of the Secretary General. It would be true to say that they were frightened by the proposal, and with the Iraqi syndrome what happened in Iraq at the back of their minds, they saw it as an instrument that could be used by the powerful countries against the weaker ones. Some talked of their fear of abuse and double standards. () The main areas of concern were the role of the UN Security Council, the notion of human security, the Human Rights Council. ().

() In short, the concern of States was and still is about the possibility of abuse of the principle of **responsibility to protect**

. The sense of ownership that AU Member states have in their own institutions is not replicated in respect of UN Member States vis-a-vis the UN Security Council because of the right of veto and the role of the P5.

Kofi Annan has been quoted as having seen the post-election violence in Kenya in January-February 2008 through the lens of the principle of **responsibility to protect**. Certainly the African Union intervened in the Kenyan situation through President John Kufuor and subsequently through Kofi Annan out of fear that things could get hopelessly wrong. But a number of questions could be posed for your consideration at this Round Table as to what constitutes a

responsibility to protect

situation and whether the Kenyan experience was such a case.

What constitutes a **Responsibility to protect** situation?

If there is a demonstration by students, for example, at the University of Ibadan and the police reaction results in some deaths, would this be considered as a situation that will trigger the principle of **responsibility to protect**?

Did the Kenyan situation fall within the classic case of a government that is unable to protect its populations, or do not want to do so or is PARTICIPATING in the situation?

Did the Kenyan situation fall within any of the four crimes stated in the Outcome Document?

Why did the Kenyan government deploy only the police and not the military in trying to deal with the evolving situation?

What needs to be done to overcome the fears of States that this principle could be the object of abuse or double standards?

Why has the world community not reacted concerning Somalia, a country that has been without state authority for almost 18 years now, in spite of the killings, the terrorism, the piracy etc?

These questions are to point out some of the grey areas that remain to be clarified, in particular where we should draw the line and when the principle should be applied. ()

Full Speech: http://www.responsibilitytoprotect.org/index.php/civil_society_statements/1910

II. US presidential candidates on R2P

1. Rivals Split on U.S. Power, but Ideas Defy Labels

The New York Times

David Sanger

22 October 2008

The following excerpt is an analysis of Barack Obama and John McCain's thoughts regarding humanitarian aid and intervention.

() When it comes to sending troops to protect the oppressed, it is Mr. Obama who has sounded a lot more like an interventionist than Mr. McCain. Mr. McCain has long been a skeptic of sending American troops on humanitarian quests whether for peacekeeping, peacemaking or missions that morphed from one to the other. He has reminded voters that he opposed military interventions in Lebanon in the early 1980s, and in Somalia, Haiti and Bosnia in the 1990s. ()

Mr. Obama has praised what the United Nations calls a **responsibility to protect**, a doctrine that elevates aiding oppressed populations over respecting national borders. Mr. McCain has agreed, but both men have emphasized the need for case-by-case judgment.

() In a debate in early October, Mr. Obama said that in Darfur the United States could be providing logistical support, setting up a no-fly zone, at relatively little cost to us if it had help from other nations. But when pressed, Mr. Obama's aides said that he would be hesitant to commit American ground troops, who are in short supply because of the demands of Iraq and Afghanistan.()

Source: <http://www.nytimes.com/2008/10/23/us/politics/23policy.html?ref=politics>

III. Civil Society Initiatives

1. Human Rights and civil society Communiqué in advance of COMESA, EAC and SADC tripartite Summit

International Refugee Rights Initiative

21 October 2008

Press Release:

Human rights and civil society activists meeting on the margins of the historic first tripartite

summit of the Common Market for East and Southern Africa (COMESA), East African Community (EAC), and Southern African Development Community (SADC) in Kampala, have asked the three regional bodies to harmonize their work, promote economic justice and ensure early warning and prevention of humanitarian and human rights abuses in their respective geographical areas.

These questions were contained in a Communiqué issued to the three regional economic communities on Tuesday ahead of the summit. Hosted by the East African Law Society and the International Refugee Rights Initiative, the meeting [on October 21] was attended by over fifty civil society activists from Sudan, Kenya, Tanzania, Uganda, Democratic Republic of Congo, Rwanda, Burundi, South Africa, Zimbabwe, Botswana and Zambia. ()

The Communiqué specifically asked the Heads of State to make priority of the situations in Zimbabwe, Sudan, Democratic Republic of Congo and Uganda, some of the never ending hot spots of conflict, using the principles in the frameworks of the sub-regional groupings which guarantee rights protection.

The activists also asked the three regional economic communities to operate with greater transparency with respect to their decision making processes and to respect and enforce decisions of the sub-regional courts, including guaranteeing their independence.

The Communiqué made the following reference to the **Responsibility to Protect**, asking member States of COMESA, EAC and SADC to Ensure that all three RECs operationalise the norms and procedures set out in their respective instruments to ensure implementation of the principle of the responsibility to protect, including early warning, prevention and response mechanisms. This is particularly urgent with respect to the current serious humanitarian and human rights crises in Democratic Republic of Congo, Sudan, Uganda and Zimbabwe.

Press release and communiqué: <http://www.refugee-rights.org/Publications/2008/PR.Tripartite%20Summit%20Comm.102108.pdf>

IRRI**R2P** Paper presented to Heads of State attending COMESA, EAC and SADC Summit: <http://www.responsibilitytoprotect.org/index.php?module=uploads&func=download&fileId=614>

IV. Featured Speech on R2P

1. Lanka not an R2P case
Sunday Times
Alexander Downer
16 October 2008

*Alexander Downer was Foreign Minister of Australia from 1996-2007. The following speech, in which he addresses **R2P** and the context of Sri Lanka, was delivered at the third annual Lakshman Kadirgamar Lecture (Colombo) entitled hanging World and Reform of the United Nations.*

() The UN is built on the foundations of national sovereignty. For many member states, national

sovereignty is an absolute. Yet if the UN is to become truly effective, its members will have to recognise that in certain circumstances humanity is more important than sovereignty.

This has, in part, been already accepted by the adoption by the General Assembly of the United Nations in 2005 of the doctrine of "**responsibility to protect**". At the heart of this doctrine is a simple proposition. All nations have national, sovereign rights but those rights bring with them responsibilities; responsibilities to look after their citizens' welfare not murder them. Under the doctrine of the **responsibility to protect**, in certain egregious situations the international community can justify the transgression of a nation's sovereignty. This is an important step forward but the ultimate test will come when the Security Council is required to take a real life decision, not just endorse a general principle. ()

My overall point is this. We live in an age of mass communications where the public, wherever they are, watch unfolding dramas and catastrophes on their television sets night after night. When they see horrific violence such as we saw in the Balkans right in front of their noses, they demand action. ()The new doctrine of **responsibility to protect** is as much born out of the information and communications revolution as it is a response to natural compassion for human suffering.

Some in Sri Lanka may view the doctrine of **responsibility to protect** with suspicion. Is this just an excuse for uninvited international intervention in the conflict between the Sri Lankan Government and the LTTE? My answer to that is twofold. First, although the violence is disturbing it cannot by any stretch of the imagination be put in the same category as the mass killings and ethnic cleansing of the Balkans during the 1990s. The level of violence doesn't meet the benchmark needed to justify dramatic international action. ()

Secondly, uncalled for intervention is not necessarily going to make matters better. This is the important second condition for intervention. Mediators may be able to help but it would be a very special person who could come in from the outside world and fix your problems.

Reform of the Security Council and the evolution of the **responsibility to protect** are important changes needed to make the UN more effective..... ()

Source: http://www.sundaytimes.lk/081019/News/sundaytimesnews_21.html

V. Featured Reports

1. Report by the Asia-Pacific Centre on **R2P**: apan and Korea on the **Responsibility to Protect**
r Asia-Pacific Centre on the
Responsibility to Protect
10 October 2008

Introduction:

With the 63rd UN General Assembly poised to debate a report by the Secretary-General on the operationalisation of the **Responsibility to Protect** (or **R2P** for short), now is a good time to look at international attitudes towards the principle and examine ideas for translating it from

words to deeds. ()

Although they have different emphases (e.g. Japan advocates human security at every opportunity) and differ on some points (e.g. on composition questions relating to reform of the UN Security Council), Japan and Korea have much in common when it comes to the **R2P**. Most notably, they supported the principle at the 2005 World Summit and have reaffirmed their support since. Whilst acknowledging that the UN Security Council may occasionally need to authorise coercive measures to protect populations in cases where their own state is manifestly failing to do so, they both emphasise the

R2P

s prevention component and the international community's role in assisting States to build the capacity needed to deliver on their

responsibility to protect

their own populations. In so doing, Japan and Korea have, between them, put forward a comprehensive policy agenda covering the four programmatic dimensions identified by the UN Secretary-Generals Special Adviser: capacity-building and rebuilding, early warning and assessment, timely and decisive response, and collaboration with regional and subregional arrangements and adding a fifth: ending impunity. However, it is also important to note that both States have expressed reservations about the

R2P

. Both have articulated concern about its potential to be used as justification for coercion and the modalities for doing so, and Korea has also stressed the need for further deliberation in order to deepen consensus. ()

The policy preferences and priorities identified by Japan and Korea represent a substantive and substantial contribution to thinking about the operationalization of the **R2P**. Given their geographic location and the caution that they have expressed, it is not unreasonable to think that aspects of the agenda set out in this report could secure considerable support amongst the wider UN membership.

Full Report: http://www.responsibilitytoprotect.org/index.php/featured_reports/1880

VI. Related Reports

1. Internal Displacement and International Law in Eastern Burma
Thailand Burma Border Consortium
19 October 2008

Executive Summary

The crackdown on peaceful protesters in Rangoon, the devastation caused by Cyclone Nargis in the Irrawaddy Delta, and a flawed referendum on constitutional change have been the focus of international attention in Burma during the past year. However, a new report by the Thailand Burma Border Consortium (TBBC) suggests that violations of humanitarian and human rights law in the conflict-affected areas of eastern Burma are more widespread and systematic than ever. ()

TBBC is an alliance of eleven NGOs from nine countries working to provide food, shelter,

non-food items and capacity building support to Burmese refugees and displaced persons. Apart from updating information about internal displacement, the new report compiles abuses reported during 2008 in relation to the legal framework for crimes against humanity. ()

Evidence cited in the report appears to support Amnesty International's recent assessment that the violations in eastern Burma meet the legal threshold to constitute crimes against humanity. Special Rapporteurs for the United Nations have consistently noted over the past decade that such abuses are systematic, rather than simply isolated acts, and that the junta has failed to implement recommendations formulated by relevant United Nations bodies. ()

Given that the Burmese junta is targeting civilians in military operations, the **responsibility to protect** villagers in eastern Burma must shift to the international community. The causes of this humanitarian crisis are political, so diplomatic efforts to broker tri-partite dialogue and promote national reconciliation need to be renewed. Yet it remains essential to hold the junta to account for atrocities committed in eastern Burma, and to demand an immediate nation-wide ceasefire, commented Mr Dunford [TBBC's Executive Director].

Press Release: <http://tbcc.org/announcements/2008-10-22-media-release.htm>

Full Report: <http://tbcc.org/idps/report-2008-idp-english.pdf>

2. Peace Process near Collapse in Eastern Congo

ENOUGH

9 September 2008

Introduction

The peace process in eastern Democratic Republic of the Congo is on the verge of collapse due to resumed hostilities between Government forces and rebels loyal to Congolese general Laurent Nkunda. Absent immediate and robust diplomatic pressure on the Congolese government and a more impartial effort by United Nations peacekeepers to stop the fighting, the region could descend back into total war. ()

The fighting has newly displaced an estimated 100,000 civilians in North Kivu, and has curtailed access for humanitarian aid agencies across the province. On September 25, the Enough Project along with 82 other NGOs released a statement on the humanitarian costs of faltering peace efforts. This follow-up examines why those diplomatic efforts are failing and what steps the international community must immediately take to halt the violence and reinvigorate the peace process. ()

Civil Society Statement: <http://www.enoughproject.org/node/1235>

Full report: http://www.responsibilitytoprotect.org/index.php/civil_society_statements/1893?theme=alt1

3. Can Private Military Firms Play a Role in Darfur?

International Affairs Review

Jayce Newton

18 August 2008

Jayce Newton from the George Washington Universitys Elliot School of International Affairs argues that Private Military Firms (PMFs) may be the most efficient and effective way of mobilizing sustainable protection and peacekeeping measures to the displaced civilians in Sudan. His paper examines how a PFM may alleviate the humanitarian disaster taking place in Darfur and provide significant assistance.

Full Paper: <http://www.gwu.edu/~iar/>

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