



# Responsibility to Protect – R2P

Perspectives of the South and the North

International Workshop

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Workshop Report

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## 1. Preface

On 17 October 2006, the Working Group for Development and Peace (FriEnt) and the Friedrich-Ebert-Stiftung (FES) jointly organised an international workshop on the "Responsibility to Protect: Perspectives of the South and the North". The workshop aimed to discuss the comprehensive nature of the concept and find answers to questions regarding its implementation.

In December 2001 the International Commission on Intervention and State Sovereignty (ICISS) issued its report "Responsibility to Protect" (R2P). In this report, the concept of sovereignty is redefined: if a state fails to fulfil its duty to protect its citizens, this duty devolves upon the international community. The international community then, under certain conditions, not only has the right to intervene but is obliged to do so. While this became the starting point for many debates regarding the issue of military intervention and related questions, the concept of the "Responsibility to Protect" is far more comprehensive. Besides the *responsibility to react* which includes, in extreme cases, military intervention and is thus the most controversial issue, the report also includes the *responsibility to rebuild* and the *responsibility to prevent*, which is given the most emphasis. With the introduction of the concept of the "Responsibility to Protect", the highly controversial term "humanitarian intervention" became outdated.

With its unfortunate date of publication on 10 September 2001, the report received little recognition at first. The debate on its proposals only began to emerge about a year later. A normative milestone was its endorsement at the UN World Summit in September 2005, when the principle of R2P was embraced in the Outcome Document. It did not, however, include the aspect of the "responsibility to rebuild" proposed by the ICISS report in 2001. "Responsibility to Protect" then received further endorsement by the Security Council, which reaffirmed the World Summit outcome regarding R2P in its Resolution 1674 on "Protection of civilians in armed conflict" which was passed in April 2006.

The intentions of the workshop were to promote the comprehensive idea of R2P from a peacebuilding perspective and to focus on the often neglected aspect of prevention. Furthermore, the aim was to foster a dialogue among the different actors from the north and south due to legitimate questions and concerns expressed by actors from southern regions about possible political abuse of R2P. Finally, options and challenges regarding the implementation of R2P were to be discussed. Because of its multidimensional nature, R2P seems to be difficult to operationalise and address in all its aspects. Therefore, clarifying the roles and rights, as well as the responsibilities, of different actors is important. While the ultimate "Responsibility to Protect" lies with state institutions, it is the international community's responsibility that is generally the focus of attention. Yet often, the United Nations is no longer the most important actor on the ground, but regional organisations such as ECOWAS, taking over security and peacebuilding tasks. Furthermore, the role of civil society actors is increasingly being recognised. Therefore, the approach of the workshop was to look at the roles of different actors; it did so in separate panels.

## 2. Introduction

### 2.1. Introduction by Roman Waschuk, Embassy of Canada, Berlin

#### Genesis and conceptual elements of R2P

The workshop was opened by Mr Roman Waschuk, Embassy of Canada, Berlin. The historical emergence and the development of the concept were the core elements of his presentation. He reported that the initiative for the “Responsibility to Protect” (R2P) concept was launched by the Canadian government in 2000 by establishing the International Commission on Intervention and State Sovereignty (ICISS). This was a reaction to the genocide in Rwanda 1994 and the atrocities against the civilians in Kosovo in 1999. In the case of Rwanda, the Canadian general Roméo Dallaire symbolised the failure of the international community to prevent and stop the genocide. Therefore, the Canadian initiative was formulated to offer a more assertive approach for the protection of civilians. The “Responsibility to Protect” was intended to provide a frame of reference for dealing with cases of genocide, war crimes, ethnic cleansing, and crimes against humanity, when a national government is not able or not willing to protect its own citizens. The ICISS offered the UN and, in particular, the Security Council principles and criteria for a broad range of international forms of reaction to the above mentioned four types of gross human rights violations, thereby defining a “just cause threshold” for the use of military force.

The outcome of the ICISS was a report on “The Responsibility to Protect” with its core elements of *prevention*, *reaction* and *rebuilding* – putting the focus on the aspect of prevention. The aim of the proposal was to create a conceptual basis for better protection of civilians. However, the terrorist attacks of 11 September 2001 and thus the powerful “war on terror” doctrine overshadowed the report's publication.

The concept started to become better known after the UN World Summit in 2005, when the principle of R2P was embraced in the Outcome Document. Hence, the concept shifted the focus from the “right of humanitarian intervention” to the “responsibility to protect”. Even though the potential difficulties of states' sovereignty were often and broadly discussed, within the context of the concept it is understood as the state's own responsibility to protect.

The debate on how to apply the concept in politics is still ongoing. The reference to R2P in the World Summit Outcome Document in 2005 and in UN Security Council resolution 1674 (April 2006) indicate that it is becoming an emerging rule in international relations. However, the question whether R2P is a new norm in international law or a political concept comprising already existing international obligations was left open.

Roman Waschuk emphasised the role of (sub-)regional organisations in finding appropriate means in crisis situations. The R2P principles resonate with the African Union's (AU) self-defined principle of non-indifference, referring to the right of collective intervention in relation to genocide, war crimes and crimes against humanity. At this point, however, there is a need to define the division of responsibilities and labour between continental and global actors.

Effective application of R2P will rely equally on developments in conflict prevention and peacebuilding, in international criminal law, and in strengthening the UN's ability to undertake multidimensional peacekeeping and ongoing protection of civilians in armed conflict. Recently established institutions such as the Human Rights Council or the Peacebuilding Commission offer opportunities to support the implementation of aspects of R2P. These institutions were not, however, established specifically to serve as mechanisms to implement R2P.

## **2.2. Perspective from the South - Comment of Thelma Ekiyor, Centre for Conflict Resolution, Cape Town**

### **Conceptual remarks from an African perspective**

In her comment, Thelma Ekiyor, senior manager at the Conflict Resolution Centre in Cape Town, discussed the application of the principle of R2P in Africa. According to Ekiyor, within the African context the focus of the R2P is mainly on the security aspect, especially the weak security situation in Central and Western Africa. Therefore, practical applications are most needed when debating the concept. Even though the African Union (AU) – as a regional organisation – has the “right to intervene” (the principle of R2P is not referred to in the wording) in order to secure collective security in Africa, the main question is the viability of reaction when it comes to atrocities against civilians: the AU often lacks human and financial resources, as the case of Sudan (African Union Mission in Sudan - AMIS) shows. However, “African leaders have the political will to intervene,” Ekiyor emphasised. The African Union is an implementing actor that needs to have the resources for taking action. AU would be best suited and capable of intervening in Darfur due to its regional authority and responsibility. However, resource difficulties and a lack of coordination between the UN system and the AU hinder efficient action; better resources and coordination are required.

For such intervention to be inevitable, all preventive measures have to be exhausted first and the “responsibility to rebuild” must follow immediately after the intervention. Sustainable peace is only possible if the three elements of R2P – *prevention, reaction, rebuilding* – are continuously undertaken. Intervention must be needed in order to ensure the safety of civilians and should not be misused for political purposes.

Thus, Darfur and the intervention of the AU could be a litmus test for the R2P approach; the R2P principle could be implemented here first. However, the overwhelming “war on terror” doctrine makes it difficult to implement R2P on the ground.

Even if Darfur were a case where R2P can unfold its power, the focus should still be on prevention measures rather than military intervention. Elements of prevention could include the state's accountability and good governance. Ekiyor once more emphasised prevention as the most important element of the three: i.e. prevention, reaction, rebuilding. As the African Union is in the process of developing a Continental Early Warning System it also relies on systems operating at the sub-regional level which will need more time to be realised. Other conflict prevention mechanisms are - as part of the AU's Peace and Security Council - the “Panel of the Wise” and the “Council of Elders” of ECOWAS.

The R2P principle needs to be integrated into existing structures of prevention for civilians, not vice versa. Furthermore, it should have a regional and a continental framework and profile. And in particular, the responsibility to act lies first of all

with governments, according to the principle of subsidiarity, and only then with regional bodies and finally with the UN.

Due to the fact that the civilians are the ones whose rights have to be protected, civil society actors should be integrated into the debate on the design of R2P. Civil institutions can have both monitoring and active functions within the process of developing the R2P approach. Civil society has the proximity to the local conflict structures and therefore is in the best position to carry out monitoring.

A further question occurs when debating the definition of when to intervene; otherwise the concept could be misused to launch a military intervention based on political interests. In line with the R2P concept, all potential means for prevention have to be exhausted first before a military intervention is launched. Thus all tools of diplomacy and mediation must be deployed before joint intervention can be used as a last resort. ECOWAS joint training sessions for stand-by forces in preparation for intervention are an example. Even though Africa's security architecture lacks consistency and readiness for joint action, R2P has to fit into the existing structures and should not be seen as a rigid format which must be adopted.

If an intervention has to be launched, R2P's aspect of rebuilding is a further element in order to avoid future conflicts and atrocities against civilians. However, long-term commitments pose a challenge here. Local civil society actors must be integrated into the process of rebuilding; otherwise, the success of the rebuilding process would be at risk. Hence the instruments of rebuilding must also be adapted to the regional and continental profiles. The R2P rebuilding stage can be linked to the Peace Building Commission but is not congruent with it.

Generally, R2P is a good strategy to protect civilians in cases of genocide and crimes against humanity because it includes prevention, reaction and rebuilding strategies. However, it is not a panacea for all conflict situations.

### **2.3. Discussion Highlights**

Chaired by Annette Lohmann – FriEnt / Friedrich-Ebert-Stiftung

The discussion covered two important aspects – firstly, the conceptual framework and secondly, the implementation procedure at international level and the application on the ground. The discussion also focused on the question of how new ideas are proposed and what that means for the implementation of the concept.

#### **A broad concept**

The discussion highlighted the openness of the R2P concept. This led to the question of whether or not R2P is part of the wider concept of "Human Security" or a new and individual concept to protect civilians. Opinions differed on the question of how R2P and the concept of Human Security are related. While some argued in favour of "Responsibility to Protect" being part of a broader human security approach, others pointed out that the aspect of conflict prevention is not included e.g. in the Human Security Network, a group composed of fifteen states which maintain a dialogue on questions pertaining to human security. Both the concept of "Human Security" and R2P thus have more than one definition. R2P and "Human Security" are not yet congruent.

### **New base to mobilise political will**

The debate included the issue of the newness of the R2P. "Is R2P a new emerging norm of international law or an ethical imperative?" was a question frequently discussed in all panels during the day. Another frequently discussed question concerned the combination of already existing legal norms for protection of civilians and R2P. In the discussion, different opinions were voiced with more emphasis on R2P being an ethical imperative and thus having more political relevance.

It became apparent that the "newness" of R2P lies in its functions of being able to endorse already existing structures and mechanisms and thereby giving them additional weight. By doing so, the concept could stand as a tool to encourage governments to protect their citizens or could also be a tool to intervene in the event that the state is unwilling to protect its citizens. In both cases, it mobilises political power and will for protection.

### **Implementation should focus on prevention**

Regarding the implementation and application of the concept, there was wide consensus on prevention as the most important aspect of R2P. How prevention should be implemented and how it should be formulated was a matter of discussion; suggestions included good governance or the definition of indicators. Consequently, there was also consensus on military intervention as the last resort, when the protection of civilians is at risk.

Since the concept is still open for specific definitions, the role of actors was discussed. All participants agreed on the fact that perspectives from the south should be strengthened, as should the integration of civil society actors. Interestingly, new actors on the ground that influence international action were mentioned. China and India as emerging powers play another role as established economic powers under some circumstances. So, a north-south perspective would be complemented by a west-east perspective. There might be different continental interpretations of how R2P can be used.

Another important aspect of the discussion concerned the different interpretations of the concept in other regional contexts. The question whether the approach would be applied differently in a Latin American, Asian or Middle Eastern context was debated. This issue is especially interesting when considering the regional organisations existing in these regions.

## **3. The Role of Regional Organisations**

### **3.1. Organisational Perspective – Faye Douaye, ECOWAS, Abuja**

#### **Lessons learned from a regional organisation**

Faye Douaye from ECOWAS' Humanitarian Affairs Department reported from the perspective of a regional organisation which with its "Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security" and the Supplementary Protocol on "Democracy and Good Governance" has mechanisms

to specifically address issues of conflict prevention, management, reconciliation, Disarmament, Demobilisation and Reintegration (DDR) and human rights. He defined “protection” from the ECOWAS point of view as a holistic approach which also includes poverty reduction. Furthermore, R2P has to comply with the existing security architecture in West Africa. Like Ekiyor, Douaye emphasised the responsibility of the state in protecting its citizens. It can, however, be assisted by other stakeholders. Thus, ECOWAS is working in conjunction with its member states, civil society and the UN to prevent and respond to conflicts. Controversially, there is still a contrast between the international obligation established by ECOWAS's mandate as a regional organisation and the strict sovereignty of the states.

The major challenges ECOWAS is facing in carrying out R2P in West Africa include: small arms control, protection of civilians, rebuilding and reintegration. ECOWAS is responding to these challenges in several ways. Regarding prevention, ECOWAS established mechanisms for early warning in cooperation with civil society actors. The Monitoring and Observation Centre (MOC) is an example of an essential tool to estimate the actual situation in conflict zones. The information gathered is the basis for further action and an indicator of the situation of the civilians. Furthermore, ECOWAS is also able to mediate between conflict actors from a neutral position. These diplomatic means can also be seen as tools for prevention under the umbrella of R2P. Programmes on the destruction of weapons and small arms are further elements to prevent atrocities against civilians.

ECOWAS also has the right to intervene e.g. by sending peacekeepers into the zones of conflict as the ultimate tool to prevent massive atrocities against civilians. Currently, stand-by forces are trained for protection of civilians, as a part of a better preparation for intervention, because often forces are not prepared to fulfil a mandate protecting civilians consistently. Preparatory training is needed to implement R2P successfully.

However, regional organisations such as ECOWAS lack the financial and human resources to cover the prevention instruments in full. Even though they are an important link between civil society, sovereign states and international decision-makers, there is a lack of resources and coordination. A better and stronger mandate would strengthen their position. Generally, regional organisations are very important actors that should also be included in the debate on R2P. It is their experience and lessons learned that should inform and improve the concept of R2P.

Therefore, the following recommendations for the further design of R2P from the regional organisation's view were as follows:

1. Better training facilities are required for stand-by forces in the case of intervention
2. Stronger advocacy of the R2P concept should be launched
3. Better coordination between state and non-state actors is needed
4. Most important, the protection of the civilians should be the key focus.

### 3.2. Comment - John Packer, Initiative on Conflict Prevention through Quiet Diplomacy, Ottawa

#### The Legal Situation and Instruments of Prevention

John Packer, Coordinator of the Initiative on Conflict Prevention through Quiet Diplomacy in Ottawa, analysed the legal status regarding R2P and human rights. Until 2004 he was director and senior legal adviser of the OSCE's High Commissioner for National Minorities for nine years. His comments were therefore based on his considerable experience working in a regional organisation.

At the beginning of his presentation, Packer explained the legal situation and the position of R2P in international law. To some extent, R2P's elements are not new, but can be found in the UN Charter as well as in international law. It is a basic principle of international law that every state has the legal duty to protect its citizens. The protection of human rights is consistent with states' international obligations. According to UN Charter Article 2, Paragraph 7, however, "nothing should authorise intervention in matters essentially within the domestic jurisdiction of any State". At the same time the UN Charter obliges every state to cooperate on mutual duties. What is new about R2P is that it is a new political or moral consensus around an already existing legal obligation.

However, if a case of genocide, war crimes, ethnic cleansing or crimes against humanity makes military enforcement action inevitable, all peaceful means have to be exhausted first. Tools for peaceful prevention include quiet diplomacy and economic and social measures. Prevention takes priority among the three elements of R2P and should be strengthened.

R2P is, consequently, not a legal norm that has executive power but is a concept that can help to channel the existing elements towards better and more effective implementation. If states are unable to protect their citizens, they should be supported by the international community according to R2P, but if states are unwilling to protect their citizens, there is then pressure to intervene in the form of peacekeeping missions. A quick and decisive reaction, equipped with a strong mandate, is then demanded to avoid further violence. The advantage of the concept lies in the flexibility of national, regional or international, bilateral or multilateral actors to act in different ways. However, R2P should be applied at first in "normal" – not in the most extreme – cases where the situation is not yet deteriorated, in order to unfold its power.

Like the previous speakers, Packer also stressed the principle of subsidiarity in the context of implementing R2P. Regional organisations should be given priority. Organisations such as the OSCE or ECOWAS have instruments for prevention on the ground. However, better coordination and integration into international responses are needed in order to improve timely and comprehensive results.

So far, the OSCE is the only intergovernmental organisation with a dedicated conflict prevention institution, i.e. the High Commission on National Minorities. Packer stressed the need to create more such institutions for prevention and questioned a thinking based on the "continuum" of prevention-reaction-rebuilding. It would not need large structures and huge financial support to foster prevention instruments. Advanced training and skills in "quiet diplomacy" as well as seriously committed institutions are the cornerstones of successful prevention and are cheap measures in comparison to costly military interventions.

### 3.3. Discussion Highlights

Chaired by Stephan Klingebiel – German Development Institute

#### Role of regional organisations

Although the issues discussed in the panels are very closely related to each other, the comments had been diverse. It became obvious that regional organisations should be key players in implementing R2P. At this point, ECOWAS, with its established security architecture and experience of peacekeeping missions, serves as a role model for debating the implementation of R2P. However, it was pointed out that other regions such as Asia and the Middle East have to be included in this debate in the future.

#### Subsidiarity

Regarding the principle of subsidiary, actors on the ground have to be integrated into any international strategy for action. Local actors are best informed about the civilians' situation and should be consulted regarding their possibilities to react. Where they are failing to act, or are incapable of doing so, the regional level should be involved. According to the principle of subsidiarity, the regional actors must thus take a role at an earlier stage than the global level. They are also able to act as a link between the different levels. Regional organisations only become key players when they are able to forge a joint political will between the governments in the region. Therefore, they also have to increase their cooperation. The relationship between different actors can be described as a pyramid: at the broad base are local organisations reacting to local conflicts; at the middle level are regional organisations acting in conflicts that cannot be transformed locally, and at the top are global actors that have to be involved in even more complex situations.

#### Preventive Mechanisms

For the regional actors, prevention should have ultimate priority. Tools of prevention can also include existing mechanisms with strong culturally specific roots, such as a "Council of Wise" or others. Only if the prevention mechanisms fail should the option of intervention arise, not vice versa. The emphasis of the international debate should thus be on the creation of adequate instruments for prevention as well as the provision of financial and human resources. However, when prevention fails, the emphasis needs to be on strategies on how to react. Even though there was consensus on the previous arguments, the question of who is allowed to act in case of military enforcement could not be answered. It is a matter of clear mandating and a clear definition of R2P in general.

## 4. The Role of Civil Society

### 4.1. Comment from the South – Francis Wairagu, Security Research and Information Centre, Nairobi

#### Monitoring and advisory function of civil society

In the third panel, the role of civil society in implementing R2P was discussed. The first speaker was Francis Wairagu, from the Security Research and Information Centre in Nairobi, who discussed the role of civil society for R2P and the relevance of R2P for their actions. As the ICISS report addresses governments, the role of civil society is not explicitly outlined. Civil society organisations (CSOs) have to address the concept and take the debate out to their society. Many of them have a tradition of actively protecting people who live in conditions of insecurity. R2P may offer them ways of measuring their government's willingness to become engaged on behalf of the vulnerable parts of society.

Like other speakers, Wairagu pointed out that the terms "responsibility" and "protection" need to be debated. "Protection" does not refer only to political violence; economic issues and issues of food security have to be seen as threats as well.

What he considers problematical is the existence of many parallel approaches to one issue without having an impact on the situation of vulnerable people. Therefore, the non-action of international actors is often caused by a lack of coordination. At the same time the people – the different actors within civil society – need to be integrated into the ongoing international debate.

Civil society actors play an important role for R2P and should be integrated more fully into R2P for several reasons. First of all, they are often able to present the perspective of the population that needs to be protected and, second, they are well informed about the conflict situation on the ground. Furthermore, civil society actors often possess better access to people than governmental actors – an important comparative advantage.

The aspect of prevention is where civil society actors are playing an important role, e.g. in analysing or monitoring the situation. Although the findings are often neglected by government, in many places CSOs engage state leadership and seek international responses to deserving cases. CSOs should and want to be integrated in conflict transformation and peace building initiatives. This requires a partnership with governments, but at the same time must maintain political independence and the primary commitment to the people at risk. In order to guarantee a high degree of autonomy, international funding can be helpful and should be accessible. When civil society actors depend on their government's funding, it may be difficult to hold governments accountable where action is delayed or not taken at all.

The role of civil society in the reaction phase, however, is rather difficult. Civil society should continue to be active in protecting civilians during confrontation (by humanitarian assistance), but often does not have decisive means to influence the situation. In the case of an external intervention, its role could be to monitor the interveners, to ensure that they keep to the rules of engagement and

to make human rights abuses public. They could also promote local capacity to participate in the process of fostering good governance and people's participation in decision making, once the outside intervention is ending.

For the rebuilding stage, civil society again has an important role when it comes to questions of reforming state institutions as well as capacity building for local participation. Civil society actors are well suited to be engaged in post-conflict therapy work for traumatised citizens.

Consequently, the role of civil society within the three stages of R2P is diverse. Its influence is most needed and possible before and after conflicts, whereas the potential of civil society to act during the intervention stage is rather limited. Additionally, some difficulties occur when discussing the role of civil society. First of all, civil society is not an actor "in itself", but a diverse group of actors with different backgrounds and varying degrees of legitimacy. Each of them may have a different understanding of its role and area of work, but better coordination among them would be helpful in situations of crisis. Coordination between civil society actors and regional organisations should also be enhanced.

In addition to the role of civil society, Wairagu also mentioned opportunities and challenges for the concept. According to him, shifting the focus from military responses to the welfare of people (and thus on "human security") is an important new aspect, as is the seriousness that R2P is giving to prevention. Even though the concept has its weak points, it helps to clarify and reshape the debate on how to react in crisis. Exploring these dimensions more deeply is important for CSOs. Otherwise, the concept can easily be misused for politically motivated interventions by external powers. Like the other speakers, Wairagu also reaffirmed that the primary responsibility lies with the states concerned. Furthermore, issues such as Somalia could be successfully dealt with if they are treated as regional matters. Therefore, capacity building in regional organisations needs to be enhanced.

#### **4.2. Engaging Civil Society – Nicole Deller, World Federalist Movement, New York**

##### **Awareness raising within and outside the UN**

Nicole Deller from the World Federalist Movement in New York explored the situation for civil society from the point of view of an international organisation that is active in advocacy work. With its *Responsibility to Protect - Engaging Civil Society* (R2PCS) project, the World Federalist Movement works to advance Responsibility to Protect and promote practical policies to better enable governments, regional organisations and the UN to protect vulnerable populations. Awareness raising of the R2P concept is therefore one cornerstone of the work, while developing a design for a higher degree of institutionalised R2P is another. The focus always lies on the protection of civilians by various means. R2P should shield civilians in international law, and should also be a practical tool for prevention, reaction and rebuilding in cases of genocide or atrocities against civilians. Awareness raising among the civilian society includes the establishment of dialogues and discussion platforms for different civil society actors, regional and international organisations and institutions.

Referring to the earlier inputs and discussions, Deller pointed out that opinions do differ regarding the legal significance of R2P and how much it can be considered a newly emerging legal norm. It has been described as a historic break with the

status of state relations established by the Treaty of Westphalia. The debate about the issue of national sovereignty and how the concept of R2P relates to that is nonetheless ongoing.

Deller also raised fundamental questions concerning the function of R2P: "Would it generate a united political will for joint action in terms of protection for civilians?" She pointed out that R2P can be used to encourage governments to consider an overall broader protection strategy that includes prevention and rebuilding and is also a tool for advocacy in conflict specific situations. Furthermore, it can be used by civil society actors to held governments accountable.

Another fundamental question concerned the protection of civilians during an intervention. There is a gap between the UN's reaction to a crisis and the need for a rapid response when civilians are at high risk, as Deller stated. The implementation of R2P on an international level and within the different bodies of the UN is time consuming but needed for a strong mandate.

The implementation on national levels has been equally difficult with little activity by governments to find out how R2P might be compatible with already existing activities e.g. regarding issues of prevention and rebuilding. One challenge is governments' inclusion of "Responsibility to Protect" in national strategies in order to be able to respond effectively.

Deller also pointed out that in the debate on R2P, different point of references and definitions are being used, such as the report of the International Commission on Intervention and State Sovereignty and the World Summit Outcome Document of 2005. It is, however, important to make a distinction between these two documents as the latter does not include the issue of "rebuilding" but might be better used for advocacy. The question, however, is whether the more limited understanding of R2P in the World Summit document is sufficient for implementing R2P.

The challenge of R2P is to apply the concept to the national level, in order to make it more applicable to civil society and to raise the accountability of states; in other words, to make the concept more effective on the ground. R2P can be used as a framework for actions as well as a tool to improve the existing mechanisms to protect civilians.

### **4.3. Discussion Highlights**

Chaired by Wolfgang Kaiser – FriEnt / Protestant Development Service

#### **The role of civil society: Prevention and Rebuilding**

The role of civil society as well as the interdependencies between the different panels and the conceptual background of R2P were discussed. The focus was on civil society actors as they should take a pro-active role – beyond monitoring tasks – in implementing and formulating strategies. There was consensus among all participants that civil society has to have a better position within the international debate. However, there were various detailed proposals on how to integrate these actors into the design of the concept and what a more pro-active role in implementing R2P could specifically mean. Therefore, one suggestion included the creation of a manual on prevention and intervention as a practical proposal for better integration of civil society acting on the ground, as the actor best suited to perform monitoring tasks.

Civil society's role is most important at the prevention and rebuilding stage. Civil society actors can be most effective before and after the violent conflict; however, during an intervention, civil society actors are in a vulnerable position. In that case they are best suited for monitoring tasks and prevention activities as well as for capacity building and consulting on the reforms of state institutions. What is lacking, however, are mechanisms and networks on the ground to facilitate interaction between national, regional and international actors. Therefore, more possibilities for developing strategies for cooperation with government institutions need to be created.

Another important aspect is the coordination among different actors as well as between civil society actors, regional organisations and international institutions. If civil society actors are to have more rights within the concept of R2P, then independent action has to be guaranteed. Financially, most actors are dependent on public funding, which makes independent action difficult. Often, these dependencies lead to one-sided action or non-action. Therefore, actors and organisations of civil society should be directly financed from international/supranational institutions.

## 5. Conclusion and Final Remarks

### 5.1. Thelma Ekiyor - Centre for Conflict Resolution, Cape Town

#### Summary of the discussed topics

Thelma Ekiyor summarised the discussed topics and gave an overview of open questions and further aspects.

Most importantly, the discussion on R2P is still in progress. First steps towards implementation were made by the ICISS Report and the World Summit 2005, but the concept is still open for a more precise definition of what is meant by prevention, reaction and rebuilding and how the concept can be integrated into international law and the UN system. On the other hand, the openness of the concept is also an opportunity to ensure different regional approaches. This is necessary as different understandings of “protection” are being used, as in the case of ECOWAS.

At the conceptual level R2P combines existing human rights and human security mechanisms under a new umbrella. It is still uncertain, however, whether R2P can be developed as a new legal norm.

The workshop also made the role of regional organisations clear and highlighted the need for integration of civil society actors. They should be more involved in designing the concept and be more integrated into practical action. Prevention and rebuilding are two especially important fields where civil society can play a pro-active role. It must be borne in mind, however, that although the term “civil society” is broadly applied, civil society is actually a diverse group.

Prevention, as the most important element among the three, should be more practically applied. Indicators for swift and resolute peaceful action must be formulated in order to avoid further violence against civilians.

#### Summary of some further aspects of interest

Besides the aspects discussed, Ekiyor also mentioned relevant topics that have to be debated for the further development of the concept. Various aspects not mentioned during the workshop are nonetheless absolutely essential. There is a need for better coordination between the international multilateral institutions and the regional and local institutions, especially when it comes to practical action. Only conflict-sensitive action in prevention, reaction and rebuilding leads to sustainable protection of citizens. Therefore, the discussion should be more centred around applied solutions, rather than on conceptual complications. Also, the concept of R2P does not include a specific gender-related focus. It is therefore even more important to ensure that related questions are discussed in the debate.

If prevention is the most important aspect, then precise and practical measures and standards have to be defined. It remains an open question as to what kind of indicators signalise quick action. In general, a framework for early warning and early response would be part of a more efficient prevention strategy. Also, development and diplomacy need to be further linked and more emphasis should

be given to “preventive diplomacy”. Due to the open definitions of the concept, the implementation and application strategies are difficult to formulate.

The workshop covered many relevant topics; however, rebuilding strategies were left aside. Further discussion of effective strategies on the rebuilding aspect would lead R2P to a more applicable concept. Also, starting with Africa as an example of applying R2P and finding “points of entry” made a lot of sense. In the future, however, other local perspectives from different continents need to be included. As a final remark, Ekiyor stated that practical solutions for better protection are needed more urgently than a definitive formulation of the concept itself.

## **5.2. Dan Vexler – International Crisis Group, Brussels**

### **Final Remarks**

Dan Vexler, director of research at the International Crisis Group in Brussels, endorsed the workshop with his final remarks. He emphasised that discussing R2P is a process that may lead to new international definitions on ways of acting in situations of crisis. Up to the emergence of R2P, a supposed dichotomy between intervention and sovereignty dominated the political debate. R2P is already reshaping the UN debate on specific cases, even though the conceptual framework is not finally defined. There is an urgent need to formulate a framework for implementing strategies. Still, the gap between politically and conceptually led discussions and practical strategies remains obvious.

Although the International Crisis Group is in favour of discussing R2P more deeply, it prefers a narrow use of R2P when it comes to concrete analyses of countries. Easily, too many countries could be screened under the guidelines of R2P and its “continuum” approach. For ICG, it is more useful to apply R2P as a reference point when it comes to situations of genocide or massive atrocities against civilians. Therefore, the only case for ICG where the reference to R2P is used is the case of Darfur.

For further development of the concept, R2P needs intensified debate within the inter-governmental system and advocacy work by CSOs. At the same time, detailed research and analysis as well as lessons learned from specific cases can support the definition of mechanisms that help to protect people.

Vexler finished by remarking that the credibility of each political strategy increases with the consistency of the actions taken. The transformation of conflicts depends on the practice adopted by governments or the UN, and less on the consistency of the concept itself.

## 6. Appendix

### Appendix I: Programme

#### Tuesday, 17 October

- 10.45 – 11.00      Welcome: *Annette Lohmann, FriEnt / Friedrich-Ebert-Stiftung*
- 11.00 – 12.30      Introduction of the Concept “Responsibility to Protect”  
*Roman Waschuk, Embassy of Canada, Berlin*  
 Comment from a Southern Perspective: *Thelma Ekyior, The Centre for Conflict Resolution, University of Cape Town*  
 Chair: *Annette Lohmann, FriEnt / Friedrich-Ebert-Stiftung, Bonn*
- 12.30 – 14.00      Lunch
- Whose Responsibility?
- 14.00 – 15.00      The Role of Regional Organisations  
*Faye Douaye, ECOWAS, Abuja*  
*John Packer, Coordinator, Initiative on Conflict Prevention through Quiet Diplomacy, Ottawa*  
 Chair: *Stephan Klingebiel, German Development Institute, Bonn*
- 15.00 – 15.30      Coffee break
- 15.30 – 17.30      The Role of Civil Society  
*Francis Wairagu, Security Research and Information Centre (SRIC), Nairobi*  
*Nicole Deller, World Federalist Movement, Responsibility to Protect – Engaging Civil Society, New York*  
 Chair: *Wolfgang Kaiser, FriEnt / EED (Protestant Development Service)*
- 17.30 – 18:00      Conclusion and final remarks  
*Thelma Ekyior, The Centre for Conflict Resolution, University of Cape Town*  
*Dan Vexler, International Crisis Group, Brussels*
- 18.30                  Dinner

**Appendix II: List of Participants**

Organisation	Name
Initiative on Conflict Prevention through Quiet Diplomacy, Ottawa	John Packer
Centre for Conflict Resolution, University of Cape Town	Thelma Ekyior
Embassy of Canada, Berlin	Roman Waschuk
International Crisis Group, Brussels	Dan Vexler
Security Research and Information Centre (SRIC), Nairobi	Francis Wairagu
World Federalist Movement - Institute for Global Policy, New York	Nicole Deller
ECOWAS	Faye Douaye
Association of German development non-governmental organisations (VENRO)	Peter Runge
Bonn International Center for Conversion (BICC)	Diana Burghardt
Bonn International Center for Conversion (BICC)	Tobias Pietz
Bonn International Center for Conversion (BICC)	Elvan Isikozlu
Bonn International Center for Conversion (BICC)	Wolf-Christian Paes
Church Development Service (EED)	Wolfgang Heinrich
CUPAC, Cameroon	Célestin Tagous
Development and Peace Foundation (SEF)	Florian Pfeil
Federal College for Security Studies	Nina Scherg
Federal Ministry for Economic Cooperation and Development	Cedrik Kotitschke
Federal Ministry for Economic Cooperation and Development	Stephan Ohme
Friedrich-Ebert-Stiftung(FES)	Peter Häussler
Friedrich-Ebert-Stiftung(FES)	Marc Saxer
Gesellschaft für Technische Zusammenarbeit (GTZ)	Gabriele Kruk
InWEnt	Joachim Müller

InWEnt	Sonja Vorwerk-Halve
InWEnt	Igor Lesko
Misereor/Catholic Central Agency for Development Aid	Michael Hippler
German Development Institute (DIE)	Stefan Klingebiel
Working Group on Development and Peace (FriEnt)	Natascha Zupan
Working Group on Development and Peace (FriEnt)	Susanne Reiff
Working Group on Development and Peace (FriEnt)	Florian Feigs
Working Group on Development and Peace (FriEnt) / EED	Wolfgang Kaiser
Working Group on Development and Peace (FriEnt) / FES	Annette Lohmann