

Summary of the Seventh Annual Meeting of the Global Network of R2P Focal Points, April 2017, Doha, Qatar

The Government of the State of Qatar, in association with the Global Centre for the Responsibility to Protect (R2P), co-hosted the seventh annual meeting of the Global Network of R2P Focal Points in Doha, Qatar, from 24 to 25 April. This was the first meeting of the Global Network to take place in the Middle East region. The meeting brought together senior government officials from more than 40 countries as well as representatives from the European Union and United Nations. To enable a frank discussion on the activities of R2P Focal Points, the meeting was only open to existing members of the Global Network.

The seventh annual meeting was opened by the Secretary-General of the Ministry of Foreign Affairs of the State of Qatar, H.E. Dr. Ahmed Hassan Al-Hammadi, who spoke about mass atrocity crimes in the Middle East region and Qatar's commitment – as the first country in the region to appoint an R2P Focal Point – to encourage its neighbors to join the Global Network. During the opening ceremony, Secretary-General Al-Hammadi was joined by the UN Secretary-General's Special Adviser on the Responsibility to Protect, Mr. Ivan Šimonović, and the Executive Director of the Global Centre for the Responsibility to Protect, Dr. Simon Adams. Mr. Fabrizio Hochschild, UN Assistant Secretary-General for Strategic Coordination, also delivered remarks via video message.

During the meeting participants discussed challenges and opportunities for accountability for mass atrocity crimes, the global rise in hate speech and xenophobia, as well as the ongoing refugee crisis and its impact upon efforts to prevent and halt genocide, ethnic cleansing, war crimes and crimes against humanity. The interactive discussion gave R2P Focal Points an opportunity to exchange ideas regarding how they can personally contribute to their government's approach to mass atrocity prevention.

The following summary provides an overview of the key messages delivered by expert panelists as well as the outcome of discussions amongst R2P Focal Points during the two-day meeting.

SYRIA AND MASS ATROCITY PREVENTION

Over 465,000 people have been killed in Syria since 2011, and the conflict has resulted in war crimes and crimes against humanity. Systematic and widespread violations of international humanitarian and human rights law continue to be committed, with the government responsible for the overwhelming majority of civilian deaths.

After six years and eight UN Security Council vetoes, this session explored how the Syrian conflict continues to affect global politics and the implications for the prevention of mass atrocity crimes across the region and the world. In light of the Security Council's failure regarding Syria, participants discussed the challenges and opportunities for governments and various organs of the UN. The session opened with expert presentations by Ms. Sherine Tadros, Head of the UN office of Amnesty International, Mr. Wa'el Alzayat, the CEO of Emerge USA and former Senior Policy Adviser on Syria and Iraq to United States Ambassador Samantha Power, and Mr. Jörn Eiermann, R2P Focal Point of Liechtenstein and Legal Adviser at the Permanent Mission to the UN.

Participants discussed alternative avenues for responding to the conflict in Syria, including the December 2016 UN General Assembly resolution that established an international, impartial, independent mechanism (IIIM) to investigate atrocities committed in

Syria. The discussion included a briefing by Mr. Eiermann on the process of creating the IIIM, during which he addressed the ways in which states can provide additional political, technical and financial support to the mechanism.

Speaking broadly about other mass atrocity situations where Security Council response is insufficient, several R2P Focal Points suggested various alternatives for international response, including utilizing mechanisms of the Human Rights Council, such as Special Procedures and Commissions of Inquiry. Such institutions assist in raising awareness of the risk of mass atrocities and in compiling evidence of atrocities to ensure accountability in the future.

Participants also discussed the need to directly address UN Security Council inaction, including placing diplomatic pressure on the Council by signing and upholding the ACT Code of Conduct for Security Council action in mass atrocity situations, calling upon the permanent members to refrain from using the veto, and holding all Council members accountable when they fail to act.

Regardless of their geographical proximity to Syria or degree of political engagement with the Middle East region, R2P Focal Points noted that all governments could play a role in addressing this crisis. R2P Focal Points can contribute to this by:

- Raising awareness in their governments regarding the IIIM, lobbying for financial support for the mechanism and reviewing how their government can provide expertise.
- Communicating with their respective counterparts in Geneva and New York on supporting UN General Assembly and Human Rights Council initiatives to hold perpetrators in Syria accountable and hamper their ability to perpetrate further atrocities, including through coercive measures such as arms embargoes and sanctions.
- Encouraging their government to support ongoing humanitarian assistance, including providing financial support to states accepting large numbers of Syrian refugees.
- When serving on the Security Council, encouraging their government to examine options for creating tools that target specific violations, such as the Joint Investigation Mechanism – authorized to review chemical weapons use in Syria – and for passing resolutions such as 2286, which condemned attacks on healthcare in conflict.

ACCOUNTABILITY FOR MASS ATROCITY CRIMES

During the crisis in Syria, as well as other mass atrocity situations, international norms and legal mechanisms that have been in place since the end of the Second World War have been routinely violated. As government actors and non-state armed groups continue to commit atrocities in various parts of the world, it is essential that the international community hold perpetrators accountable, regardless of their position or affiliation. Recent examples of accountability for genocide, war crimes, crimes against humanity and ethnic cleansing demonstrate the impact of national, regional and international institutions for advancing international justice. However, in the post-conflict phase, a need to balance accountability and reconciliation remains an enduring challenge.

This session opened with expert presentations from Ambassador Stephen Rapp, Distinguished Fellow at the Hague Institute for Global Justice and former United States Ambassador-at-Large for War Crimes Issues, Ms. Marieke Wierda, Rule of Law Coordinator at the Ministry for Foreign Affairs of the Netherlands, and Mr. Ivan Šimonović.

During this session participants discussed objectives and opportunities for ending impunity and ensuring justice for victims of atrocities, including trial-based mechanisms and other forms of transitional justice. In this context, participants addressed a key challenge raised by Ms. Wierda's presentation: while existing experience with transitional justice has occurred after a conflict has ended or amid a governmental transition, how can accountability be sought in the midst of conflict? This discussion touched upon one of the most fundamental questions in the relationship between accountability and R2P: whether seeking justice can prevent further atrocities.

In this context, participants identified essential needs regarding transitional justice, including restoring trust between citizens and state institutions, ensuring the local context and needs of victims are taken into account when establishing justice mechanisms, and extensively documenting evidence of crimes during the crisis. In existing practice, victims' needs often are not met until criminal prosecutions are resolved many years after a conflict has ended. Participants discussed various means for avoiding this, including assisting victims in the immediate aftermath of atrocities.

R2P Focal Points shared experiences of how their own governments have taken steps to ensure accountability for mass atrocity crimes. Parliamentarians, who play a vital role in ratifying various international legal instruments, have in many countries adopted national legislation that reflects current international law regarding war crimes, crimes against humanity, and genocide. Many states have also undertaken reforms to their domestic judicial systems to ensure their courts have the capacity to hold atrocity perpetrators accountable.

Some states have also developed international partnerships in support of justice and accountability. For example, experts from Argentina have partnered with human rights investigators in South Africa, Rwanda, Central African Republic and elsewhere to share forensic and information-gathering expertise specific to mass atrocity situations. The governments of the Netherlands, Slovenia, Belgium and Argentina have also partnered together to create a “multilateral treaty on mutual legal assistance and extradition for the most serious international crimes.”

R2P Focal Points can participate in accountability mechanisms in a number of ways across all three pillars of R2P, including by:

- Developing policy tools for staff in their department or ministry on transitional justice and mechanisms for accountability for atrocity crimes.
- Encouraging their government to provide financial or logistical support to justice mechanisms for other countries – or to seek such support from other governments. This includes supporting special tribunals – such as the case of the Extraordinary African Chambers in Senegal – as well as hybrid domestic-international mechanisms.
- Facilitating the creation of special mechanisms for ensuring international accountability via the UN General Assembly, Security Council and Human Rights Council. A prominent recent example of this is the UN General Assembly’s authorization of the IHIM.
- Urging their governments to vote in support of the creation of investigative mechanisms – including commissions of inquiry, fact-finding missions and Special Procedures – while serving on the Human Rights Council and encouraging such mechanisms to document and preserve evidence, laying the groundwork for future criminal accountability.

ADDRESSING THE CHALLENGES OF THE GLOBAL REFUGEE CRISIS, POLITICAL EXTREMISM AND XENOPHOBIA

With more than 65 million people displaced by conflict, atrocities and persecution, as well as four countries at risk of famine, the world is currently facing the worst humanitarian crisis since the end of the Second World War. The global refugee crisis has created multi-faceted challenges for national governments and the international system as a whole. During this session, R2P Focal Points discussed their role in ensuring that mass atrocity prevention remains a priority despite these challenges, as well as measures their governments have undertaken to combat rising hate speech, xenophobia and radicalization.

This session opened with an expert presentation by Mr. Christian Leffler, Deputy Secretary-General for Economic and Global Issues within the European External Action Service. Mr. Leffler’s presentation was followed by a video message from Professor Susan Benesch of the Dangerous Speech Project, as well as additional commentary from Mr. Wa’el Alzayat.

The panelists discussed some of the features of the current refugee crisis and the subsequent rise in xenophobia and hate speech. Participants emphasized the critical distinction between migrants and refugees during the current crisis, acknowledging international legal obligations. With so many people displaced by conflict and persecution, it is critical to understand why they are fleeing and within that context determine the best way to assist them. For example, those who flee but maintain the hope of someday returning have different needs and a different impact upon their host society than those seeking to permanently settle in a new country. In this regard, participants discussed the need for host states to improve systems for processing refugees and asylum seekers, especially for particularly vulnerable populations who have fled mass atrocity crimes.

During the session participants discussed mechanisms for improving the international response to the refugee crisis. One key factor has been to focus on why people flee their homelands and to understand the inter-relationship between under-development, economic marginalization and conflict. Several participants also mentioned the New York Declaration for Refugees and Migrants signed during the opening of the UN General Assembly in September 2016.

In numerous countries extremists have sought to capitalize on the instability caused by the influx of asylum seekers and the global refugee crisis. In particular, hate speech against outsiders has resulted in rising xenophobia in many “developed” countries. According to data from the Dangerous Speech Project, while many developing countries in close proximity to conflicts are carrying the heaviest burden of the refugee crisis, the rise in xenophobia and racism has often been greatest in wealthy countries that have integrated comparatively few refugees.

Participants discussed how initiatives by individual R2P Focal Points and their governments have addressed the threat to political stability caused by incitement directed against refugees and migrants. One R2P Focal Point discussed a project she had undertaken on the development of human rights education tools aimed at encouraging greater respect for refugees as they crossed through communities along the “Balkan Route.” Another aspect of this is addressing incitement in the media – both traditional media and social media – as well as acknowledging the dangerous rhetoric used by some “populist” political leaders. In this context, experts discussed the need for governments to always publicly condemn the use of hate speech and prohibit its distribution via social media.

While solving the refugee crisis and deeply rooted xenophobia are enormous challenges, R2P Focal Points can take meaningful steps towards addressing these issues, including:

- Discussing with their development departments the ways in which they are providing financial and logistical support to countries hosting the greatest number of refugees.
- Raising awareness within their own governments on the practical means for addressing hate speech and xenophobia.
- Examining national legislation on hate speech.
- Launching education programs that encourage inclusivity, promote universal human rights, and strengthen support for the International Convention on Refugees.
- Hosting events, such as the Symposium on Hate Speech Against Migrants and Refugees in the Media hosted by the European Union and UN Alliance of Civilizations in January 2017.
- Encouraging their government or ministry to participate in international mechanisms, such as the New York Declaration for Refugees and Migrants, aimed at raising global awareness and ensuring states fulfill their responsibilities to refugees. Ensuring relevant ministers from their

government attend such events during the UN General Assembly, and continuing discussions on this topic within their departments afterwards to ensure follow-up on commitments made in such declarations are also important steps.

DEVELOPING A MANUAL FOR R2P FOCAL POINTS

Since the launch of the Global Network of R2P Focal Points in 2010, members have developed a wealth of knowledge on how governments approach the appointment of an R2P Focal Point and how individual members have fulfilled their roles within a variety of different ministries and positions. At the 6th annual meeting of the Global Network of R2P Focal Points in Seoul, participants expressed the need to consolidate this knowledge into a manual for R2P Focal Points. The manual will serve as an informal guide on how to fulfill the role of an R2P Focal Point.

During the meeting in Doha a working session was held to consult existing R2P Focal Points on how to design a manual that would most effectively assist them. Participants discussed how a manual could help in addressing two “core challenges” facing many R2P Focal Points – 1) how to incorporate R2P into their existing work and 2) how to convey the relevance of R2P and atrocity prevention within their national system or other departments/ministries that they work with. During this session participants discussed the wide range of activities that current R2P Focal Points already engage in, as well as the challenges they have faced in interacting with various actors and agencies within their government.

As Secretariat of the Global Network, the Global Centre will consult with each R2P Focal Point throughout the year as the manual is being collated and refined.

CONCLUSION

The discussions held during the seventh annual meeting of the Global Network of R2P Focal Points were of particular importance to the Middle East where the meeting was being held. Sessions addressing the situation in Syria, the need for greater accountability for mass atrocities, and the ongoing refugee crisis all confronted issues directly affecting the region. Nevertheless, the global consequences of these

challenges ensure that all governments must reflect upon how they respond to refugees, meaningfully contribute to preventing atrocities and provide justice for victims. These sessions provoked a wide range of discussions among R2P Focal Points regarding actions they can take both domestically and internationally.

The seventh meeting of the Global Network of R2P Focal Points concluded with the Focal Point from Finland announcing that her country will be hosting the eighth annual meeting in Helsinki during 2018.