



MINISTRY OF THE INTERIOR

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institute for cultural diplomacy



# The Reykjavik Congress on Human Rights 2013

*“Human Rights Protection & International Law: The Multifaceted Dilemma of Restraining and Promoting International Interventions”*  
(Reykjavik, Iceland, April 10th – 13th, 2013)











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## Expression of Gratitude:

The Institute for Cultural Diplomacy (ICD) would like to extend its sincere gratitude to all those who dealt with the outreach, planning, organization, and support of the “ICD Annual Conference on Cultural Diplomacy 2012,” who include: Alberto Traval, Alex Hannah, Alix Lang, André Fialho, Andreea Peptine, Anna Oštafiychuk, Arturs Holavins, Cassia Casagrande, Cassie Yusofi, Christine Ambrosius, Dante Kotsinas, Denisa Pikusova, Gabriela Šaturová, Georgia Gilson, Giovanni Tonutti, Jens Gronheid, Julia du Pont de Romemont, Kamila Zatorska, Kristine Buiko, Lindsay Murphy, Magdalena Kozula, Magdalena Bak, Mary Michele Connellan, Nuria Álvarez, Orsolya Kiss, Pilar Rukavina, Piotr Wójcik, Simon Tiemersma, Stephanie Stühler, Umamah Basit and Veronika del Motto.

We would also like to issue a special warmth of gratitude to the Program Directors and Managers of the “ICD Annual Conference on Cultural Diplomacy 2012,” including: Katie Dickmeyer, Elvira Gonzalez-Valles, William Hernad.

The ICD and the organizers of the “ICD Annual Conference on Cultural Diplomacy 2012,” would further like to thank the participants and speakers of the conference, whose enthusiasm and participation were a vital contribution to the phenomenal success of our event.



Group Photo with speakers and participants before the Harpa concert Hall in Reykjavik

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## Introduction



Mark Donfried with the Hon. Janez Jansa, President of the ICD Initiative on the UN Genocide Convention; and The Hon. Mani Shankar Aiyar, former Indian Minister for Petroleum

From the 10-13th of April 2013, the ICD and the Icelandic Ministry of the Interior held the 2013 Congress on Human Rights in Reykjavik, Iceland. This event was held to acknowledge the increasing and persistent cases of mass atrocities and crimes against humanity occurring on a vast scale around the globe. In Reykjavik, leaders in the field of Human Rights were able to argue and debate the notion of responsibility to protect from a human rights perspective whilst taking into account the divergent dimensions in restraining and promoting international involvement in human rights' crisis.

The Congress on Human Rights 2013 was based primarily at the Ministry of Interior in Reykjavik, whilst also including a number of political, historic, and cultural locations around the city.

The Congress aimed to produce a discussion document that will be presented to the international community on how to overcome the dilemma of restraining and promoting all forms of International Interventions based on coordinated global coalition efforts between governments, NGOs and International Institutions.





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## Agenda



Conference Session at the Harpa Concert Hall in Reykjavik

The Congress focused on the following major issues: Humanitarian Crisis and The UN Genocide Convention and R2P  
Humanitarian Crisis

### Humanitarian Crisis

This section of the conference served as an introduction to the current and most pressing cases of crimes against humanity, considering the role of race and ethnicity throughout. The subjects covered included a focus on escalated mass atrocities during wartime such as in contemporary Mali, the ongoing and systematic violence in Darfur, an analysis of gender based violence as a form of genocide, and finally the international focal point for crimes against humanity such as in Syria.

### The UN Genocide Convention and R2P

Following the in-depth discourse on current cases of human rights crisis areas, this section of the conference focused on the ethical dilemma of foreign interventions. The conference aimed to produce an outline of innovative solutions in order to overcome the dilemma of foreign intervention based on coordinated global coalition efforts between governments, NGOs and International Institutions.



Mark Donfried and Franco Frattini, Former Foreign Minister of Italy and ICD Advisory Board Member





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## Conference Timetable

Thursday, 11th April, 2013

**9:00 - 9:30:** Conference  
Opening Venue: Norðurljós,  
Harpa Concert Hall and  
Conference Center  
**Confronting Mass  
Atrocities: International  
Responsibility and Human  
Rights Protection**

Opening speech:

**Ögmundur Jónasson,**  
Icelandic Minister of the  
Interior  
Cultural Diplomacy,  
Transnational Justice, and  
Conflict Resolution

**Mark C. Donfried,**  
Director of the Institute  
for Cultural Diplomacy in  
Berlin

**9:30 - 9:45:** Coffee and Tea  
**9:45 - 11:30** Venue:  
Norðurljós, Harpa Concert  
Hall and Conference Center  
**Panel 1: Humanitarian  
Crises and the  
“Responsibility to Protect”  
Doctrine**

Chair:

**Valur Ingimundarson**  
Professor of History at the  
University of Iceland  
**The Complex Relationship  
between the Responsibility  
to Protect and the  
International Criminal  
Court. Can it Succeed?**

**Urmas Paet,**  
Foreign Minister of  
Estonia  
**The Responsibility to  
Protect and the Role of the  
UN Security Council: The  
Need for Legitimacy and  
Consistency**

**Dr. Erato Kozakou  
- Marcoullis**

Cyprian Politician and  
former Minister of  
Foreign Affairs  
Humanitarian Crisis:  
Perspectives and  
Problems  
**Vesna Medenica,**  
President of the Supreme  
Court of Montenegro

**A Politician’s Perspective  
on the Enforcement  
of Human Rights  
both Nationally and  
Internationally**  
**John Leslie Prescott,**  
Politician and former  
Deputy Prime Minister of  
the United Kingdom

**12:00 - 14:00:** Venue:  
Bessaðaðir, the Presidential  
Residence  
**Dialogue with the  
President of Iceland, Ólafur  
Ragnar Grímsson, on  
International Responses to  
Human Rights Abuses**

**14:30 - 16:00** Venue:  
Norðurljós, Harpa Concert  
Hall and Conference Center

**Panel 2: The Politics of  
Human Rights Protection:  
Gender, Militarism, and  
Development**

Chair:

**Pórdís Ingadóttir,**  
Associate Professor of  
Law, Reykjavik University

**When Do the Politics of  
Masculinized Militarism  
Undermine Humanitarian  
Interventions?**

**Cynthia Enloe**

Research Professor  
from the Department  
of International  
Development, Community  
and Environment and  
Women’s Studies, Clark  
University

**Women’s Human  
Rights, Armed Conflict,  
and International  
Responsibility: Rhetoric  
and Practice**

**Sarah Taylor**  
**Executive Director of  
the NGO Working Group  
on Women, Peace and  
Security (NGOWG)**

**Human Rights and the  
Development Dilemma:  
The Tribal Conundrum in  
India**

**Mani Shankar Aiyar,**  
Indian Politician and  
former Indian Minister for  
Petroleum

**16:00 - 16:15:** Coffee and Tea  
**16:15 - 18:00** Venue:  
Norðurljós, Harpa Concert  
Hall and Conference Center  
**Panel 3: Mass Atrocities,  
International Policies, and  
Post - Conflict Dilemmas**

Chair:

**Cynthia Enloe,**  
Research Professor  
from the Department  
of International  
Development, Community  
and Environment and  
Women’s Studies, Clark  
University

**The Origins of Genocide  
and Responsibility to  
Protect in the 21st Century**  
**Janez Janša,**

Slovenian Politician and  
former Prime Minister  
**International Intervention,  
UN Protectorate, and  
“Regime Change” : The  
Kosovo Case**

**Valur Ingimundarson**  
Professor of  
Contemporary History,  
University of Iceland

**The Joint Role and  
Responsibility of  
International and National  
Courts in Prosecuting  
Serious Crimes**

**Pórdís Ingadóttir**  
Associate Professor of  
Law, Reykjavik University

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## Conference Timetable

Friday, 12th April, 2013

**9:30 - 11:00** Venue:  
Norðurljós, Harpa Concert  
Hall and Conference Center  
**Panel 4: Conveying and  
Enforcing Human Rights  
Protection Cultural and  
Political Perspectives**

Chair:

**Ögmundur Jónasson**  
Minister of the Interior  
**Cultural Diplomacy, a  
Tool for Promoting and  
Protecting Human Rights**  
**Emil Constantinescu,**  
Professor at the  
University of Bucharest  
and former President of  
Romania

**Responsibility to Protect  
or Duty to Protect?  
New Perspectives  
on UN Humanitarian  
Interventions**

**Franco Frattini**

Italian Politician and  
former Foreign Minister  
of Italy

**From the Wars on the  
Balkans to the Nobel Peace  
Prize: The Soft power of  
the EU**

**Kinga Göncz**

Hungarian member of the  
European Parliament (EP)

**11:00 - 11:15** Coffee and Tea  
**11:15 - 12:30** Venue:

Norðurljós, Harpa Concert  
Hall and Conference Center  
**Roundtable Discussion:  
How to Resolve the Tension  
between Individual Human  
Rights and Sovereign State  
Rights: The Role of Global,  
State, and Individual Actors**

Chair:

**Mark C. Donfried**  
Director of the Institute  
for Cultural Diplomacy in  
Berlin

**Franco Frattini**  
Italian Politician and  
former Foreign Minister  
of Italy

**Sarah Taylor**

Executive Director of  
the NGO Working Group  
on Women, Peace and  
Security (NGOWG)

**Dr. Erato Kozakou  
- Marcoullis,**

Cypriot Politician and  
former Minister of  
Foreign Affairs

**Mani Shankar Aiyar,**  
Indian Politician and  
former Indian Minister for  
Petroleum





Reception at the Icelandic Governmental Guest House  
Reykjavik, Iceland; April 10th - 13th, 2013





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## Conference Summary: The Reykjavic Congress on Human Rights 2013



Welcome Reception at the Ministry of the Interior of Iceland

The Reykjavik Congress on Human Rights 2013 took place from the 10th to the 13th April 2013, and was hosted by the Icelandic Minister of Interior, lead by Minister Ögmundur Jónasson.

The main focus of the Congress was “Human Rights Protection and International Law: the Multifaceted Dilemma of Restraining and Promoting International Interventions”. The Congress was held at the Harpa Concert Hall and the Ministry of Interior. The event included a wide range of speakers from the field of Politics, Civil Society, and other areas of Academia.

The Conference started with a Reception at the Ministry of Interior of Iceland, where Minister Ögmundur Jónasson welcomed the Speakers to Iceland and to the Conference and announced the program that would follow up in the next days. Minister Jónasson expressed his wishes to have a successful and inspirational conference which, at the same time, introduced speakers and participants to Icelandic culture.



Mark Donfried with Minister Ögmundur Jónasson, President of the ICD Human Rights Program; and the Hon. Janez Jansa, President of the ICD Initiative on the UN Genocide Convention

Following the Speech by Minister Jónasson, the President of the ICD Initiative on the UN Genocide Convention, the Hon. Janez Jansa (former Prime Minister of Slovenia), addressed speakers and participants on behalf of the UN Special Adviser to the Prevention of Genocide :

“For today I just want to transfer the greetings from Mr. Adama Dieng, who is UN Special Adviser on the Prevention of Genocide, who came to Ljubljana yesterday, for the first meeting of high representatives from across Europe which are working now on this new concept that was started in the United Nations in 2005 and is called “Responsibility to Protect (R2P). So far Europe has been lagging behind but some European countries were involved in a meeting; now things are changing, as I said yesterday was the first meeting for this focal points of this project. In this occasion, when I told Mr Dieng that I will travel to Reykjavik for this Conference, he asked me to transfer his best wishes and regards to all the participants. He said that he is totally aware that, without the support from the civil society and universities, this initiative and all his work and all the efforts that United Nations are investing to stop genocide and other mass atrocities has not a chance to succeed. So he is aware that this conference is a very important contribution and continuation of the work in this issue. Mr Dieng promised me that he will consider ,if we send him all the papers and speeches from this conference, preparing a special report in this year for the Secretary General. It will focus specifically on civil society, a topic which was more or less neglected over the last years.”





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### Speakers at the Reykjavik Congress on Human Rights 2013



Ólafur Ragnar Grímsson  
President of Iceland



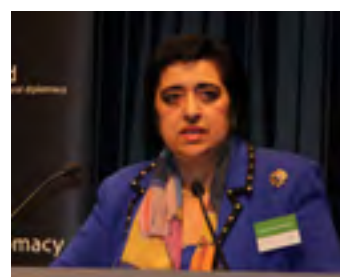
Ögmundur Jónasson  
Icelandic Minister of the Interior



The Hon. Janez Janša,  
former Prime Minister of Slovenia



President Emil Constantinescu, President  
of the Academy for Cultural Diplomacy



Dr. Erato Kozakou - Marcoullis, former  
Minister of Foreign Affairs



The Hon. Franco Frattini,  
former Foreign Minister of Italy



The Hon. Vesna Medenica, President of  
the Supreme Court of Montenegro



The Hon. John Leslie Prescott, former  
Deputy Prime Minister of the UK



Cynthia Enloe,  
Research Professor at Clark University



The Hon. Mani Shankar Aiyar, former  
Indian Minister for Petroleum



The Hon. Kinga Göncz, Hungarian  
member of the European Parliament (EP)



Mark Donfried  
Director & founder of the ICD



Þórdís Ingadóttir, Associate Professor of  
Law, Reykjavik University



Minister Urmas Paet  
Foreign Minister of Estonia



Sarah Taylor, Exec. Dir. of the NGO Working  
Group on Women, Peace & Security



Valur Ingimundarson, Professor of History at  
the University of Iceland



HUMAN RIGHTS PROTECTION & INTERNATIONAL LAW: THE DILEMMA OF RESTRAINING AND PROMOTING INTERNATIONAL INTERVENTIONS REYKJAVIK

The Hon. John Leslie Prescott, former Deputy Prime Minister of the UK  
Reykjavik, Iceland; April 10th - 13th, 2013





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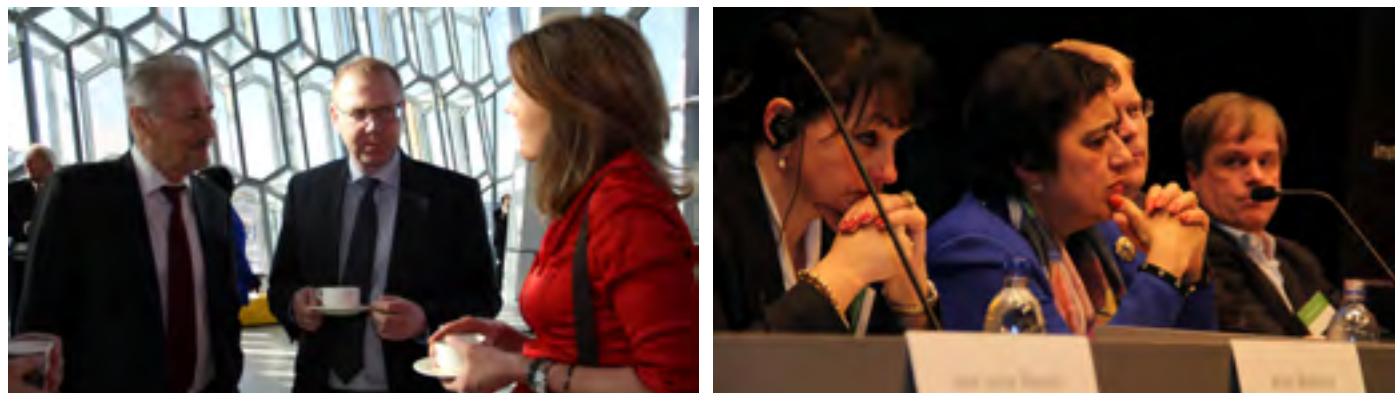


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## Lectures at the Harpa Concert Hall

Thursday, April 11th, 2013



The Conference was opened by Ögumundur Jónasson, Icelandic Minister of Interior, who gave a lecture on ‘Confronting Mass Atrocities: International Responsibilities and Human Rights Protection’. This was followed by a speech from Mark C. Donfried, who spoke about ‘Cultural Diplomacy, Transnational Justice, and Conflict Resolution’ at the Norðurljós, Harpa Concert Hall and Conference Center. The Conference addressed the issues of the Humanitarian Crisis and Responsibility to Protect (R2P), with speakers from the first panel discussion, chaired by Prof. Valur Ingimundarson. Prominent speakers included Urmas Paet, Foreign Minister of Estonia, Vesna Medenica, President of the Supreme Court of Montenegro and John Leslie Prescott, Politician and former Deputy Prime Minister of The United Kingdom.

### Humanitarian Crises and the “Responsibility to Protect” Doctrine



### Mass Atrocities, International Policies, and Post - Conflict Dilemmas



In the afternoon, a second panel took place which was aimed at discussing the Politics of Human Rights Protection, including the topics of Gender, Militarism and Development. This was chaired by Þórdís Ingadóttir. The rest of the afternoon, included talks given by Research Prof. Cynthia Enloe, from the Department of International Development, Community and Women’s Studies of Clark University, Sarah Taylor, Executive Director of the NGO Working Group on Women, Peace, and Security. Mani Shankar, Indian Politician and Indian Minister for Petroleum, honoured the ICD with her reflections on Human Rights in the field of development, focusing particularly on the case of India and Tribal activities.

The third Panel took place from 16:15 under the topic ‘Mass Atrocities, International Policies, and Post – Conflict Dilemmas, chaired by Cynthia Enloe. The ICD was also privileged to have lectures from the former Slovenian Prime Minister Janez Janša, and Valur Ingimundarson who is Prof. of Contemporary History at the University of Iceland.

The final speech of the day was undertaken by Þórdís Ingadóttir, Associate Prof. of Law at Reykjavík University. This provided participants with reflections on the role of legal institutions, in prosecuting crimes such as Human Rights abuses.

### The Politics of Human Rights Protection: Gender, Militarism, and Development







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## Lectures at the Harpa Concert Hall

Thursday, April 12th, 2013

Friday April 12th saw the fourth panel discussion taking place first thing in the morning at the Norðurljós, Harpa Concert Hall and Conference Center, under the title ‘Conveying and Enforcing Human Rights Protection Cultural and Political Perspective’. This was followed by very informative speeches from Emil Constantinescu, Prof. At the University of Bucharest and former President of Romania, and Kinga Göncz, Hungarian member of the European Parliament (EP).

One of the most thought provoking speeches came from the Italian Politician and former Foreign Minister of Italy, Franco Frattinni, who challenged traditional thinking on the concept of Responsibility to Protect. He provided new perspectives on UN Humanitarian Interventions, and posed the controversial question of whether the international community has a duty, rather than a responsibility, to intervene. The participants and speakers were also given the opportunity to participate in a visit to the Icelandic Parliament followed by an excursion.

The last event of the Conference, held on Friday afternoon at the Norðurljós, Harpa Concert Hall and Conference Center, was the Roundtable Discussion: How to Resolve the Tension between Individual Human Rights and Sovereign State Rights: The Role of Global, State, and Individual Actors, chaired by Mark C. Donfried. This was attended by Francisco Frattini, Sarah Taylor and Dr. Erato Kozaku – Marcoullis, Cypriot Politician and former Minister of Foreign Affairs and Mani Shankar. The round table addressed some of the most prominent issues in the field and also provided the opportunity for participants to contribute their own reflections.

**Roundtable Discussion: How to Resolve the Tension between Individual Human Rights and Sovereign State Rights: The Role of Global, State, and Individual Actors**



HUMAN RIGHTS PROTECTION  
INTERNATIONAL LAW:  
THE DILEMMA OF RESTRAINING AND  
PROMOTING INTERNATIONAL INTERVENTION

REYKJAVIK  
ICELAND  
APRIL 11-12  
2013



Mark Donfried, Minister Ögmundur Jonásson, the Hon. Franco Frattini, President Emil Constantinescu and the Hon. Kinga Göncz





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## Dialogue with the President of Iceland, Ólafur Ragnar Grímsson “International Responses to Human Rights Abuses”

During the first day of the Congress, speakers and participants met with President of Iceland Ólafur Ragnar Grímsson to discuss International Responses to Human Rights Abuse. The meeting was an opportunity for speakers, participants, Members of the Icelandic Ministry of Interior and ICD Staff members to discuss many of the issues that were exposed during the conference, and to enjoy open dialogue with President Ragnar Grímsson during the lunch at the Icelandic Presidential House.



President of Iceland, Ólafur Ragnar Grímsson; Mark Donfried; the Hon. Janez Jansa, former Prime Minister of Slovenia; President Emil Constantinescu

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President of Iceland, Ólafur Ragnar Grímsson with President Emil Constantinescu, President of the Academy for Cultural Diplomacy



Participants of the Reykjavik Human Rights Congress at the Icelandic Presidential House



Minister Ögmundur Jonásson, President of the ICD Human Rights Program



President of Iceland, Ólafur Ragnar Grímsson with Minister Ögmundur Jonásson, President of the ICD Human Rights Program



Mark Donfried, President of Iceland, Ólafur Ragnar Grímsson, and President Emil Constantinescu, President of the Academy for Cultural Diplomacy





Dialogue with the President of Iceland, Ólafur Ragnar Grímsson "International Responses to Human Rights Abuses"  
Reykjavik, Iceland; April 10th - 13th, 2013





The Hon. Ögmundur Jonásson, President of the ICD Human Rights Program  
Reykjavik, Iceland; April 10th - 13th, 2013



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### Lecture by Minister Ögmundur Jonásson, Minister of the Interior of Iceland, President of the ICD Human Rights Program

#### Human Rights Protection & International Law: The Dilemma of Restraining and Promoting International Interventions

Ladies and Gentlemen:

It is a pleasure to welcome you to the Reykjavik Human Rights Congress—sponsored jointly by the Icelandic Ministry of the Interior and the Institute of Cultural Diplomacy in Berlin in collaboration with Edda, Center of Excellence at the University of Iceland—on international responsibility to preserve human rights and to respond to mass atrocities. We have invited a diverse group of distinguished current and former politicians, judicial and NGO representatives, and academics to discuss the dilemma facing the „international community“ in cases of conflicts, involving grave human rights violations, and the applicability of legal instruments and political norms, such as the UN Genocide Convention and „the Responsibility to Protect“ doctrine, to stop war crimes, crimes against humanity, and genocides.

There will be references here to both historical and contemporary examples of such conflicts—in places such as Rwanda, Cambodia, Palestine, the former Yugoslavia, Congo, Libya, and Syria—and the consequences of ethnic cleansing, mass killings and rapes. The question is not about a lack of knowledge about such atrocities, but about how to ensure that they are not committed in the first place. The focus here will not only be on the geopolitical, legal, and ethical problems of interventions or the tensions between sovereign state rights and individual human rights. We will also explore the impact of conflicts on gender and social groups, post-conflict reconstruction, and transitional justice processes. Similarly, we will explore the role of interveners, whether soldiers or peacekeepers, whose conduct often has decisive influence on the development of conflicts and post-conflict politics. In short, we want to address the topic from a wide range of political, legal, gendered, social, and cultural perspectives. For an engagement with core questions involved here is needed to find ways to act more responsibly, as individual citizens and as members of a global or collective community, towards those who are in danger of being victimized as a result of extreme systematic violence. The 2005 UN initiative on the Responsibility to Protect, which was rooted in the failure of the “international community” to stop the Rwandan genocide, was based on the notion that sovereignty is not a right but a responsibility. It is based on three principles:

1. That a state has a responsibility to protect its population from mass atrocities;
2. That the “international community” has a responsibility to assist the state to fulfill its primary responsibility;
3. That if the state fails to protect its citizens from mass atrocities, the international community has the responsibility to intervene through coercive measures such as economic sanctions or military intervention as a last resort.

The “Responsibility to Protect” idea is what has been termed an emerging, if contested, norm, and it is not coded in international law. When it comes to implementation, the instruments are embedded in existing UN Security Council mechanisms, such as the UN Genocide Convention, mediation, economic sanctions, and war making power in the case





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of “the existence of any threat to peace, to breach of the peace, or act of aggression,” as it is put in Chapter 7 of the UN Charter. Thus, the authority to use force or engage in intervention rests solely with the UN Security Council and the General Assembly. And it is here that there is no consensus on how to interpret or enforce the norm provided for in Responsibility to Protect. The current deadlock in the Security Council on the Syrian crisis exposes the crux of the dilemma when acute humanitarian concerns clash with geopolitical interests.

Our discussion at this conference will take account of various approaches to political action geared toward the upholding of the principle of human rights. For one thing, we need a clearer definition of situations, where populations face mass atrocities. This will, admittedly, not be easy, because each conflict has different dynamics, depending on its nature, geography, proximity to—and interests of—other stakeholding countries. Moreover, the history of interventions for humanitarian purposes has been decidedly mixed. Such scenarios have, therefore, to be treated with extreme care, because they could undermine existing international legal codes protecting civilian populations. Nonetheless, such questions cannot be evaded for they are existential for those affected—the victims.

According to the UN Genocide Convention, genocide is defined as an intent to destroy certain specified types of groups, underscoring the notion of dual victimhood: both the person killed as well as the group. The idea was that those who commit genocide challenge the universality of human identity as a fundamental right. It was coupled with a desire to establish a permanent international court to punish the perpetrators of atrocities. The project, however, quickly became a casualty of the Cold War, with the main antagonists unable to agree on a mandate for such a court. Indeed, a permanent international judicial body, the International Criminal Court, did not become a reality until half a century later.

In other words, the UN absolved itself from any responsibility in the realm of prevention and punishment. Decades passed without any international trials of war criminals and those guilty of taking part in genocides. It was not until the 1990s, when the UN Security Council established the International Criminal Tribunal for the Former Yugoslavia (ICTY) and its counterpart in Rwanda (ICTR) that the Genocide Convention was revived as an instrument of international justice. And the first time that the 1948 law was enforced was with the 1998 genocide convictions of Rwandan political leaders. Consistent with the ex-Yugoslavia and Rwanda precedents, special courts were subsequently established for Sierra Leone and Cambodia. This phase of rapid expansion was characterized by a focus on questions of institution building and by a willingness to reapply the Nuremberg principles in court. Accountability in the form of punishment was seen as being crucial to prevention, as former UN Secretary General, Kofi Annan, emphasized in his Action Plan to Prevent Genocide..

Yet, politically and legally, the justification for preventing or halting atrocities and punishing those responsible for them has not been sought in a broader definition of genocide or by amending the Genocide Convention. Rather, the goal has been pursued through an expanded understanding of the term “Crimes against Humanity,” which was first used in the postwar Nuremberg Trials. This term now includes crimes that were originally absent from it, such as rape, apartheid, enforced disappearance, torture, and imprisonment or any of a series of acts “committed as part of a widespread or systematic attack directed at any civilian population, with knowledge of the attack.” Unlike genocidal crimes, no special or discriminatory intent is required in cases of crimes against humanity, which has given the UN or other international or regional organizations more leeway to respond to mass crimes.

Those who have criticized trials as a failed instrument to prevent massive human rights abuses may, arguably, sometimes

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have gone too far in the other direction by proposing and praising amnesties—granted to perpetrators in the name of societal reconciliation—as an alternative. It can hardly be considered just to reward criminals and keep them in power for the sole purpose of achieving political stabilization. And even if international criminal prosecutions may have limited impact on ongoing conflicts, their long-term effects may be considerably greater. Trials offer ways to respond to past violence and to legitimize the rule of law.

One of the goals of the International Criminal Court, which came into being in 2002, is to overcome such hurdles. The court is intended to be a form of justice of last resort, investigating and prosecuting where domestic courts have failed. True, it can only prosecute crimes committed since its inception and its mandate is restricted. Many of the member states have provided their own national courts with universal jurisdiction over the same offenses and do not recognize any statute of limitation for grave crimes such as genocides. More important, some Great Powers do not recognize the jurisdiction of the court, such as the United States, China, and India, undermining its authority and claim of universality. Yet, the Court, with 121 states being party to it, has opened important investigations into war crimes in several African states, such as Congo, Uganda, Darfur, and Kenya. In some instances, the cases were referred to the Court by the concerned states themselves and in others by the UN Security Council. Irrespective of whether the Court has a deterrent value, it offers one way of meting out justice.

Responding to mass atrocity with legal prosecution reflects an effort to embrace the rule of law and to offer some justice to victims. The success of such trials should be measured not by the number of prosecutions or convictions, but whether they are fair or not. Political stability and reconciliation are not among the goals of trials. To be sure, as Martha Minow has pointed out, trials transfer individuals’ desires for vengeance to state or official bodies and “cool vengeance into retribution.” Yet, they do not offer forgiveness or apologies to victims since their focus is on the perpetrators. For these reasons, other ways are also needed to deal with the consequences of mass crimes, such as the question of restorative justice as opposed to retributive justice within the context of what has been termed “transitional justice”—that is, the political and legal processes characterizing the transition from authoritarian rule to democracy.

Thus, it is not enough to punish perpetrators; victims also have a moral right to know the truth about past misdeeds and to have their concerns addressed. Truth commissions, reparations, apologies, and truth reports have traditionally been seen as vehicles to deal with such issues. Their focus is less on individuals and more on communities and nation-states; they seek to uncover facts, identify perpetrators and assign responsibility as part of the process of confronting the past and of building new relationships between citizens and the state. They are severed from prosecutions, avoid vengeance, and even retribution, even if they can recommend legal action against perpetrators. Truth commissions fail to create potential closures afforded by trials that end in punishment. They do not order victims to forgive perpetrators, for individuals, not states, are the only ones capable of doing so. And they should, of course, not be used as mechanism to avoid trials, as some perpetrators want.

The South African Truth Reconciliation Commission (TRC), grappling with the legacy of Apartheid, had the authority to grant amnesty to individuals who voluntarily accepted responsibility for committing politically motivated crimes. Like the courts, the TRC pronounced guilt and innocence, but did not dispense forgiveness. And the dispensing of amnesty did not require a show of remorse from those indemnified. The downside of the restorative process in South Africa was, as many victims stressed, the deprivation of the right to seek justice through criminal or even civil prosecution.





## The Reykjavik Congress on Human Rights 2013

*“Human Rights Protection & International Law: The Multifaceted Dilemma of Restraining and Promoting International Interventions”*  
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Much can be made for the case of combining retributive and restorative justice. Indeed, one of the innovations of the Statute of the International Criminal Court is the series of rights granted to victims. Victims have the possibility to present their views and observations before the Court, offering a balance between the trial’s focus on perpetrators, on the one hand, and the victims, who gain increased authority through their participation, on the other. The deterrent value of war crimes trials may be uncertain—and their selectivity is an example of flawed justice—but we should not forget that despite state-sponsored obstructionism and delays, major perpetrators in the Rwandan, Yugoslavian, and Cambodian cases eventually ended up in court. For the victims, it is a sign that their suffering has not been without consequence.

I would like to end this talk by thanking all those who have helped make this conference possible by contributing to its organization and by taking part in it. I want to express my special thanks to Mark C. Donfried, the Executive Director of the Institute for Cultural Diplomacy, whose initiatives on the “Convention on the Prevention and Punishment of the Crime of Genocide” and the “Responsibility to Protect doctrine,” played an important role in conceiving the agenda of this conference.

I would also like to thank Valur Ingimundarson, professor at the University of Iceland, who not only has helped organize this conference, but has also been a source of knowledge and inspiration for me personally, introducing me to the academic dimension of this important topic.

It should be said that many of the distinguished former politicians taking part in this conference have direct experience in dealing with crisis situations, involving mass atrocities. Their interventions should be especially valuable in understanding the nature of conflicts and in discussing ways to respond to them. I, thus, sincerely hope that our two-day gathering will contribute, in a meaningful way, to questions of how to respond to mass atrocities. For the problems we face—of preventing human rights violations, of documenting abuses, and of ensuring political and legal accountability—also entail a moral and historical responsibility: to remember and to act.

Thank you

Ögmundur Jonásson

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## Conference Voices:

### President Ólafur Ragnar Grímsson

*“Throughout their [indigenous North Americans] lives, they been campaigning for the Canadian government to recognize and respect their rights and lands by giving them the solely independent role of determining their own future. But there was no success. And now, in front of myself and the governor they told us that they finally have someone among them, a young man, educated to a standard to study law at Oktava; the first time anyone from this entire community of native Indians has managed to do so. They hoped that when he came back he would be able to act as a spokesman for the right to declare ownership over their own lives and culture.”*

### Minister Franco Frattini

*“...this is one of the most important reflections for the international community, not just from a legal point of view, but from a political and humanitarian point of view, and this is why I want to try to express some points of view about the two ideas of ‘Responsibility’ and ‘Duty’, when it comes to protecting human rights.”*

### Deputy Prime Minister Lord John Leslie Prescott

*„A Politician’s Perspective on the Enforcement of Human Rights both Nationally and Internationally“*

*“...I began to experience the fight for justice, because that’s what it’s really about, Human Rights, it is about justice. Internationally, nationally, individually- and you are talking about the framework within which you can achieve that.”*

### Mani Shankar Aiyar (MP)

*“...their problem is, that they [tribal people of India] live in dense forest areas, and dense forest areas are precisely the areas where you have lots of lovely minerals under the ground, and you cannot get to these minerals unless you displace the people who live above them and equally for the very lucrative forestry. It’s the wealth that grows above their land that is most desired.”*

### Minister Erato Kozakou-Marcoullis

*“...the concept of the Responsibility to Protect has been developed because of the need and the urgency felt by the international community to do more in the direction of preventing the commitment of such crimes, and if need be in responding in a such a way that affected populations are protected from such crimes...”*

### Former Prime Minister Janez Jansa

*“Genocide is a certain act undertaken with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group. If we look at this definition, we see from a big distance that it is not complete. This definition was a result of international relations after ww2 and it was adopted in the United Nations at the beginning of the Cold War.”*

### Minister Urmas Paet

*„The Complex Relationship between the Responsibility to Protect and the International Criminal Court. Can it Succeed?“*





Participants and Speakers at Þingvellir National Park (UNESCO World Heritage)  
Reykjavik, Iceland; April 10th - 13th, 2013





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