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A Letter from the Executive Director, William R. Pace

Surrounding war and promoting international democracy is quite a business. On February 26, 2011 the UN Security Council passed a unanimous resolution which employed the Responsibility to Protect doctrine in responding to the crimes against humanity that were occurring in Libya. The same resolution referred these crimes occurring in Libya to the International Criminal Court. WFM has been a key NGO leader on RtoP and the ICC and this edition of the WFM News brings you important up-to-date information. Therefore the fact that the ICC has been invoked by the Security Council in the context of RtoP represents a landmark in the sense the Court becomes a major actor in global conflict prevention and conflict management.

Our Council Chair Jim Christie and long time Council member Joe Schwartzberg and Executive Committee member Lucio Levi all provide interesting articles for WFNews this month. We

pay honor to the passing of Charlotte Waterlow and Hannah Newcombe, while we welcome Jelena Piacomella's promotion to head up the CICC program.

The advance of justice, human rights, democracy and the rule of law in international affairs must appear to many, like a vision that keeps retreating as we walk towards it. But this is not the case. The peaceful revolutions being led by Arab youth in Tunisia, Egypt, Yemen, and Syria are an inspiration. They could succeed in forcing the foreign policy elites in the West to reconsider their sixty year old bankrupt strategies of supporting dictatorships. The only people fooled by their hypocrisy of claiming to support democracy while conspiring to repress it were the people of the West who believed their leaders.

The world has advanced from practically zero "Freedom House certified" democracies 100 years ago, to more than 100 today, with 40



Credit: WFM-IGP.

more on the way. And 5-10 more are raising not their fists, but their phones, in countries across North Africa and the Middle East. Regional and global democracy is coming 'on-line' faster than most realize.

Bill Pace

Reforming the Security Council: New Momentum?

By Jelena Pia-Comella, International Secretariat

Security Council Reform is one of the oldest and the most controversial reform items on the agenda of the General Assembly, encompassing a uniquely challenging scope of issues. Summer of 2006 marked a cornerstone for the Security Council reform debate as the divide among Member States drastically deepened around a basic “existential” question: should the Security Council Reform focus mainly on political issues such as the expansion of the permanent members or should it address the core challenges by revisiting the Council’s working methods? In order to avoid a chaotic round of procedural votes at the General Assembly, one way forward out of this impasse was to have the Security Council Working Group on Documentation and Other Procedural Issues spearhead

this paramount reform item. Since then, both the Security Council and the General Assembly have attempted to bring progress to the debate but not much seemed to be accomplished until July 2010 when the Security Council adopted the Presidential Note 2010/507 which, to a certain extent, addressed key issues such as transparency, accountability and the role of non-Council members. The recent series of threats and challenges to peace and security call for moving the debate on Security Council Reform from parody to reality!

Indeed, the revolutions in North Africa and the Middle East, the crisis and unrest in Côte d’Ivoire, and the uncertain fate of the people of the Southern Sudan remind us of how timely and necessary it is for the International Community to rethink the working

methods of the Security Council. This is especially true in terms of the Council’s role and relationship with its subsidiary organs, particularly the Peacebuilding Commission and its use of veto through the Permanent Five in situations of genocide, ethnic cleansing and crimes against humanity.

One could also argue that because the implementation of certain aspects of Security Council resolutions 1970 and 1973 has caused confusion and controversy, Member States, in particular Security Council members have been pushed to take a serious look at the Council’s legitimacy and effectiveness. It is in this regard that the leadership of Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland in reviving their recommendations on how to improve the working methods of the Security Council is needed now more

than ever. It is time for the pertinent recommendations put forward by the S5 to be reconsidered and implemented.

WFM-IGP will monitor this issue with most interest and is pleased to hear that the S5 are spearheading the elaboration of measures on the Council’s working methods aimed to:

- Enhance the relationship of the Council with the General Assembly, its subsidiary bodies and increase transparency;

- Establish a working group on lessons-learned so as to analyze reasons for non-implementation;

- Enhance transparency in the appointment of the next Secretary-General;

- Have the Council refrain its use of veto when dealing with situations of genocide, ethnic cleansing, and crimes against humanity.

Coalition Campaign on ICC Elections: Civil Society Committed to Ensuring Fair and Transparent Elections

By Michelle Reyes Milk and Sunil Pal, International Secretariat, Coalition for the International Criminal Court



Election of ICC Judges at the eighth ASP - First round of balloting. Credit: coalitionfortheicc.org.

2011 and 2012 will be marked by a significant change in the leadership of the International Criminal Court (ICC). On 12-21 December 2011, the Assembly of States Parties (ASP)—the Court’s governing body—will elect six new judges and a new prosecutor. Elections will also be held for a new ASP President, two vice-Presidents, 21 members of the Bureau (the ASP’s executive committee) and six members of the Committee on Budget and Finance.

The Court will in turn hold elections for the positions of ICC President and Vice Presidents in early 2012.

These are the most important elections in the Court’s history since the inaugural elections in 2003, and they will have an important impact on the work, credibility and legacy of the Court and the Rome Statute (RS) system for the next decade. “The direction and success of the Court is determined not only by the cooperation it receives or the financial re-

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sources allocated to it, but by the prosecutor that carries out its investigations and the judges that adjudicate its cases,” said William R. Pace, Convenor of the Coalition.

The 2011 elections will coincide with the conclusion of the first ICC cases, as well as the near-conclusion of the mandates of the ad hoc and special tribunals—all of which will certainly impact the ICC. In this context, the importance of holding independent, transparent, fair and merit-based elections cannot be over-emphasized. States parties to the RS therefore have the responsibility of nominating the most highly qualified candidates through a transparent and vigorous process, which should include broad consultations with civil society, legal experts and other actors.

Promoting Fair and Transparent ICC Judicial Elections

According to the RS—the Court’s founding treaty—ICC judges are chosen “among persons of high moral character, impartiality and integrity who possess the qualifications required in their respective states for appointment to the highest judicial offices” (article 36(3) of the RS). All candidates must be nationals of a state party, and only states parties can vote in the elections. The Coalition therefore urges all non-party states to ratify the RS immediately so that they may participate in these crucial elections.

In December 2011, the Assembly will elect six new judges to fill the positions left by outgoing judges Fatoumata Dembele Diarra (Mali); Elizabeth Odio Benito (Costa Rica); Sir Adrian Fulford (United Kingdom); Sylvia Steiner (Brazil); David Ntanda Nsereko (Uganda); and Bruno Cotte (France), in order to

complete the 18-judge bench. The current bench is composed of 11 women and 7 men representing the different regions of the world as well as the different legal systems and is divided among 12 experts on criminal law and procedure, (who fall within the category established by the RS as “List A”) and 6 experts on international law, including international humanitarian law and international human rights law (“List B”).

In order to guarantee that the composition of the bench meets these conditions (gender and regional representation, background in criminal or international law, and representation of the world’s different legal systems), the ICC judicial elections are subject to minimum voting requirements. This means that when casting their ballots in December 2011, states will have to vote a minimum number of times, as determined by an established formula, for candidates from areas that are under-represented on the bench. According to these requirements, states voting during the 2011 election will have to vote for at least 3 candidates who fit into “List A”, at least 2 candidates for GRULAC and 1 for Eastern European states, and at least 2 male candidates.

The Coalition has consistently upheld the importance of fair, independent and transparent elections, emphasizing the importance of nominating and electing the most qualified persons. “In this respect the Coalition strongly condemns the trading of votes, which poses a greater risk this time with the sheer number and variety of elections taking place all at once”, stated William Pace. “It is therefore imperative that the ASP ensures that the nomination and elections process is merit based,” he added.

The RS provides for the establishment of an ASP advisory committee on nominations, if considered appropriate (Article 36(4)(c)). Such a Committee has never been established for any previous judicial elections. The Coalition firmly believes that an advisory committee would help ensure that the nomination and election processes are undertaken on merit-based considerations. In this respect, the Coalition is pleased to note that, due in no small part to Coalition campaigning, the ASP will at its December 2011 session establish an advisory committee to receive and review all nominations for future judicial elections. It will not, however, evaluate nominations for the current elections.

Since no committee will be functional for the 2011 elections, and as a means to enhance the nomination and election process, the Coalition has established an Independent Panel on ICC Judicial Elections composed of high-level experts who will provide an independent assessment of candidates. This panel is part of a wider campaign on elections launched by the Coalition, described in further detail below.

Electing the next ICC Chief Prosecutor

ICC Prosecutor Luis Moreno-Ocampo’s mandate will end in June 2012. He was unanimously elected by the ASP on 21 April 2003 and took office on 16 June 2003 for a nine-year term. ICC prosecutors, like judges, cannot be re-elected. The next chief prosecutor is expected to be elected during the tenth ASP in December 2011 and will be chosen by an absolute majority of states parties (Article 42(4)).

The RS requires the ICC prosecutor to be a person of high moral charac-

“Elections will also be held for a new ASP President, two vice-Presidents, 21 members of the Bureau (the ASP’s executive committee) and six members of the Committee on Budget and Finance.”



ICC Prosecutor Luis Moreno Ocampo following his election by consensus on 22 April 2004. Credit: Ralph Alswang.

“It is imperative that the next prosecutor be courageous and capable of avoiding political interference, remaining steadfast in the independence of the office,”
-William Pace

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“The campaign highlights the need to uphold the RS principles of a fair, effective and independent ICC...”

ter who is highly competent and has extensive practical experience in the prosecution or trial of criminal cases and who is fluent in at least one of the working languages of the Court (article 42(3)). The prosecutor does not necessarily have to be a national of a state party, although only states parties will be able to cast votes in the elections.

The election of the next prosecutor comes at a time of increasing challenges for the ICC and the RS system, and, unlike in 2003, the new prosecutor will face a fully operational Court, with six situations currently under investigation, and ten situations under preliminary examination. Two of the ICC’s first trials might be completed prior to the election, but their appeals and reparations phases could be ongoing after the election.

“As the Court increases its work load and is increasingly recognized as a means in which to achieve peace and stability, as evidenced by referrals from governments and the UN Security Council as well as numerous Article 15 communications to the prosecutor, the Court runs the risk of external influences seeking to dictate where investigations should or shouldn’t take place,” said William Pace. “It is imperative that the next prosecutor be courageous and capable of avoiding political interference, remaining steadfast in the independence of the office,” he added.

In December 2010, the ASP set up a Search Committee for the next ICC prosecutor. The committee has a mandate to identify suitable candidates to fill the position, which it will achieve through consultations with states parties and non-state actors. The Coalition welcomes the estab-

lishment of a mechanism to enhance the effectiveness of the elections process, and will urge the Committee to engage and brief civil society on the progress made with respect to its search, as well as to act as transparently as possible.

“In the same vein, states parties should make their country’s nomination of candidates for the next ICC Prosecutor process open and transparent,” said Oby Nwankwo, Executive Director of the Civil Resource Development and Documentation Centre (CIRDDOC) Nigeria. “This way, capable candidates will have the opportunity to compete openly and the best will emerge,” she added.

Coalition Campaign on ICC Elections

The complex political environments in which the ICC conducts investigations; the upcoming initiation of reparations phases for the cases currently at trial—an issue that will be instrumental in defining the impact and role of victims within the RS system; the issue of cooperation with the Court; and the continuous need for compliance with the principle of complementarity remain some of the challenges which the Court will continue to face. These issues will be at the center of the work of the newly appointed ICC officials and clearly demonstrate the significance that lies behind the upcoming elections.

In recognition of this pivotal undertaking, the Coalition launched a global campaign on ICC elections at the beginning of 2011, with the Independent Panel of experts at its center. The panel is composed of high-level experts who will provide a competent, fair and independent assessment of candidates put forward by states parties. While the

Panel will consider whether nominees meet the qualifications prescribed by the RS, it will neither endorse nor oppose any individual candidates.

In addition to the Panel’s work, and in line with the Coalition’s close monitoring of ICC judicial elections since 2003, the Coalition will engage with the candidates by carrying out interviews and bilateral meetings and hosting public panel discussions, among other actions, with the aim of providing additional information regarding the candidates’ expertise.

The campaign aims to promote the nomination and election of the most highly qualified individuals. Moreover, the campaign highlights the need to uphold the RS principles of a fair, effective and independent ICC, representing all of the world’s regions and major legal systems while maintaining equitable gender representation. Lastly, though the Coalition is promoting the nomination of the most highly qualified candidates, it does not endorse or oppose any individual candidate, although Coalition members are free to do so.

In addition to urging states to nominate the most highly qualified candidates for both judicial and prosecutorial positions, the Coalition has liaised with its members and other actors worldwide, encouraging them to identify candidates who are up to the task of filling these important positions.

Through these and other actions, the Coalition will seek to advance independent, transparent, fair and merit-based elections.

Together for a Better Peace

By Justine Brouillaud, International Secretariat, International Democratic Governance and Together for a Better Peace

Together for a Better Peace, a WFM-IGP Project on the UN Peacebuilding Commission.

Formed in 2005, the UN Peacebuilding Commission (PBC) is an intergovernmental advisory body mandated to assist post-conflict countries in their transition to lasting peace and sustainable development. Along with the support of the Peacebuilding Fund (PBF) and the Peacebuilding Support Office (PBSO), the PBC represents a central element of the UN's peacebuilding architecture.

Reflecting on past work

In 2010, five years into its work, this young body reached a critical point at which Member States undertook a review of the Commission's work, evaluating the PBC's accomplishments and its remaining challenges in assisting countries emerging from conflict to achieve stability and sustainable peace. With the release of the final report of the 2010 Review, Member States were presented with a set of concrete recommendations to improve the work and impact of the PBC in months and years to come.

Throughout the review process, WFM-IGP's project on the UN Peacebuilding Commission "Together for a Better Peace", along with its partner, the Global Partnership for the Prevention of Armed Conflict (GPPAC) monitored the work of the PBC and advocated for the strengthening of the UN's peacebuilding archi-

ture to better achieve its aims, especially at the country level. As the PBC moves on to the next phase of its existence, WFM-IGP's project remains mindful of the importance of implementing the actionable recommendations of the review and actively seeks to encourage the application of the valuable lessons learned from the review to the Commission's ongoing and future work. The flexible engagement of civil society actors in the of the UN peacebuilding architecture, as unique partners on the ground and at the global level, remains a key priority in the advocacy efforts of the Together for a Better Peace project, in this regard.

Moving forward

Mindful of its past accomplishments and challenges, the PBC has already started moving forward:

New PBC Chair

The PBC embarked upon its fifth session under the new leadership of Ambassador Eugene-Richard Gasana of Rwanda, elected to the post on January 26th, to chair the Commission in 2011 (for a period of one year).

At the outset of his Chairmanship, Amb. Gasana outlined his seven-point agenda, including his goals and priorities for the PBC in the coming year:

1. effective national ownership
2. innovation in resource mobilization
3. encourage broader engagement by

more post-conflict countries

4. coordinate regional and international partnership on the ground
5. increase the visibility of the PBC
6. more regular consultations between the PBC and other UN Organs
7. greater focus on best practice

Liberia

At a meeting of the PBC's Organizational Committee on September 16th 2010, the Republic of Liberia was officially adopted onto the agenda of the PBC. Member States lauded the addition and proceeded to form a PBC country-specific configuration for Liberia, chaired by the Permanent Representative of Jordan, Ambassador Prince Zeid Ra'ad Zeud Al-Husseini.

The Liberia configuration adopted a Statement of Mutual Commitments for peacebuilding in Liberia on November 15th; thereby launching the effective framework for peacebuilding and PBC engagement in the country. The statement focuses on three critical elements for peacebuilding in Liberia, including strengthening the rule of law, supporting security sector reform (SSR) and promoting national reconciliation. The PBC's engagement with the fifth country on its agenda also reflects the spirit of the five year review. Accordingly, Liberia is the first example of formal peacebuilding engagement in a country with an active peacekeeping mission (the UN Mission in Liberia (UNMIL)).



"Liberia is the first example of formal peacebuilding engagement in a country with an active peacekeeping mission..."



Ambassador Sylvie Lucas of Luxembourg will lead the PBC's engagement with its newest member, Guinea. Credit: un.org.

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Efforts to implement the objectives of the statement of mutual commitments are already underway.

Guinea

The Republic of Guinea became the latest country to be added to the PBC's agenda, at a meeting of the Organizational Committee on February 23rd, 2011. As Chair of the Guinea country-specific configuration, Ambassador Sylvie Lucas of Luxembourg will lead the PBC's engagement with its newest member.

In her first address to the Organizational Committee, in her capacity as Chair of the Guinea configuration, Amb. Lucas set out several priorities for the PBC's engagement with its newest agenda country. Pledging to work at an "efficient pace" with the government of the Republic of Guinea, the PBC will act swiftly to help formulate a Statement of Mutual Commitments

(SMC) to set the country on a clear path towards sustainable peace, stability and development. Mindful of the recommendations of the 2010 Review, Amb. Lucas also expressed a strong commitment to work with the Chairs of the other PBC country configurations as well as members of civil society, women's groups, international institutions, regional organizations and donors.

Building upon the country's existing national peacebuilding program which prioritizes youth employment, rule of law, good governance, and combating corruption, impunity and drug trafficking, this new partnership with the PBC will allow Guinea to take greater ownership over its peacebuilding process, as well as con-

tribute to the country's efforts to build democracy, foster national reconciliation and encourage economic development. The coming months will see increased activity in the PBC as the Commission adjusts to this new and complex challenge.

For its part, WFM-IGP's project on the PBC, "Together for a Better Peace" will continue to monitor these exciting developments in the coming months and advocate for an open and dynamic dialogue on the future of the UN Peacebuilding Commission and the broader issues of conflict prevention and peacebuilding.



ICC Ratification

By Tania Deigni, International Secretariat, Coalition for the International Criminal Court

The Coalition for the International Court (CICC) is a global network of more than 2,500 non-governmental and civil society organizations in 150 countries, campaigning for a fair, effective, and independent International Criminal Court (ICC) and increased access to justice for victims of crimes against humanity, genocide, and war crimes. In or-

der for the ICC to succeed, an increasing majority of the world's nations must support the Court. Accordingly, as part of its mandate, the CICC supports universal ratification of the Rome Statute, the treaty establishing the ICC, and holds it as a cornerstone objective to making the membership in the ICC truly global and universal in order to increase the

global momentum and commitment to the fight against impunity.

In recent years, the Coalition has redoubled its ratification efforts in regions of the world that are underrepresented at the ICC, particularly in Asia and the Middle East & North Africa (MENA), and continues to advocate strongly in non-party states

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worldwide the importance of joining this fundamental institution. The CICC works actively with its members in every region to encourage local actions to promote awareness of the ICC and urge governments to ratify the Rome Statute, as well as adopt effective implementing legislation bringing their national laws in conformity with international criminal law. In addition, as part of its efforts to secure global support for the Court, each month the Coalition calls upon one (or more) country to ratify the Rome Statute as part of its Universal Ratification Campaign (URC). This campaign utilizes advocacy measures and materials to publicize the work of the Court and the importance of ratification in the selected country.

The Coalition's efforts in Asia and the MENA regions have recently borne fruit. On 19 February 2011, the Interim Tunisian Government published in the official Gazette Decree Number 4 of 2011 approving the accession of Tunisia to the Rome Statute and to the Agreement on Privileges and Im-

munities of the Court. The only action remaining for Tunisia to officially become a State Party to the Rome Statute is for the government to deposit the instrument of ratification with the Secretary-General of the United Nations.

Similarly, in March 2011, the Malaysian government announced its decision to accede to the Rome Statute (although it has not become official), further reflecting the growing global impetus toward ending impunity for the gravest crimes through the Rome Statute system. This decision followed the *Asia-Pacific Consultation on the Universality of the Rome Statute of the ICC*, held from 9-10 March 2011 in the Parliament of Malaysia and organized by the Parliamentarians for Global Action (PGA), a member organization of the Coalition.

The Philippines also took concrete steps to ratify the Rome Statute, as Philippine President H.E. Benigno Aquino III announced on 7 March 2011 that he had transmitted the ratification dos-

sier to the Senate for its consideration and approval since two-thirds of the Senate's votes are required for the ratification of international treaties. The announcement occurred on the occasion of ICC President Judge Sang-Hyun Song's visit to the Philippines' Senate, which was part of an 8-day trip to the Asia-Pacific region to explain the work of and encourage governments to join the ICC.

Such important steps would not have been possible without the relentless efforts of civil society, particularly members of the Coalition. The Coalition continues to advocate for universal acceptance of this new system of international criminal justice, created by the Rome Statute and represented by the ICC. It is our hope that all countries will join and adhere to this system, and that impunity for grave crimes of international concern will no longer go unpunished.

"In order for the ICC to succeed, an increasing majority of the world's nations must support the Court."

Impact of Action in Libya on the Responsibility to Protect

By Sapna Chhatpar, International Secretariat of the International Coalition for the Responsibility to Protect

I. What is the Responsibility to Protect?

The Responsibility to Protect ("RtoP" or "R2P") is an international human rights norm adopted at the UN World Summit in 2005 to prevent and stop genocide, war crimes, ethnic cleansing and crimes against humanity (often called collectively "mass atrocities"). The Responsibility to Protect rests on three pillars:

1. The State carries the primary responsibility for the protection of populations

from mass atrocities.

2. The international community has a responsibility to assist States in fulfilling this responsibility.

3. The international community should use appropriate diplomatic, humanitarian and other peaceful means to protect populations from these crimes. If a State fails to protect its populations or is in fact the perpetrator of crimes, the international community must be prepared to

take stronger measures, including the collective use of force approved by the United Nations Security Council.

II. How does RtoP apply to Libya?

Every state has a responsibility to protect populations within their borders from genocide, war crimes, crimes against humanity or ethnic cleansing that is occurring or threatens to occur. These crimes can be perpetrated by the government itself or by non-state actors. In the case of

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Thousands Restless to Leave Libya Swarm Tunisian Border. Credit: UN photo/A. Duclos.

Libya the crimes committed by the government of Libya in response to peaceful civilian protests allegedly amount to crimes against humanity, one of the four RtoP crimes. Muammar Gaddafi called on his supporters to go out and attack protestors, which he labeled "cockroaches", and to "cleanse Libya house by house". Gaddafi expressed clear intent to commit further crimes against humanity by announcing to Benghazi residents that his forces would show "no mercy" to rebels. He stated on 17 March that he would search every house that night, indicating an imminent intention to massacre the city's population. It was at this point that it became clear that tough international action, in response to the Libyan government's manifest failure to uphold its responsibility to protect was needed to prevent a bloodbath.

III. How did the international community respond and why is their response consistent with RtoP?

Beginning in mid-February, a range of peaceful and coercive measures (diplomatic incentives, asset freezes, travel bans, arms embargo, expulsion from inter-governmental bodies, ICC referral) were adopted by an array of international and regional actors, including the Human Rights Council, General Assembly, Security Council, Arab League, African Union, Gulf Cooperation Council, NATO and European Union, and with unprecedented speed and decisiveness. And while the ultimate adoption of a no-fly zone on March 17 is the first time the Security Council has authorized a military response to protect populations in a non-consenting state, this was likely due to the influence that regional organizations had in supporting stronger measures. *See [this page on our website for a full overview of the responses taken in the case of Libya.](#)*

IV. Why is Libya not the "first RtoP case"?

The case of Libya has certainly garnered significant media attention following the revolutions in Tunisia and Egypt, with much debate on the need for the use of force for protection purposes. There are several other cases however, where the international community has worked to prevent atrocities from occurring and escalating through a range of peaceful measures, including the UN and AU's role in facilitating post-election mediation efforts in Kenya in 2007,

strong voices from the Economic Community of West African States (ECOWAS) and the UN Security Council following election violence in Guinea in 2010, and the worldwide efforts by a range of actors to prevent bloodshed during the Sudan referendum in 2011.

V. How does RtoP apply to the recent case in Côte d'Ivoire?

The 2010 presidential election between incumbent Laurent Gbagbo and opposition member Alassane Ouattara resulted in a political stalemate and violent conflict after Gbagbo refused to honor the results that declared Ouattara the winner. As of April 2011, Secretary-General Ban Ki-moon reported that over 1000 civilians had died as a result of clashes, and the UN High Commissioner for Refugees stated that more than 500,000 Ivoirians were forcibly displaced, and 94,000 Ivoirians fled to neighboring Liberia out of fear of violence. Forces loyal to both Gbagbo and Ouattara were failing to protect civilians and were accused of gross human rights violations that could amount to crimes against humanity. In an effort to protect the people of Côte d'Ivoire from further atrocities, a military operation began on 4 April following a statement by Secretary-General in which he instructed United Nations Operations in Côte D'Ivoire to "take the necessary measures to prevent the use of heavy weapons against the civilian population."

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"All states have a responsibility to protect their populations, this includes Syria, Bahrain and Yemen, countries where populations are currently at risk of gross human rights violations.."

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Gbagbo's hold on power ended on April 11, 2011 when he was arrested by Ouattara's forces after days of fighting with involvement of UNOCI and the French military.

VI. Why military operations in Libya and not in other places?

Libya presented itself as a unique situation where Gaddafi arguably committed crimes against humanity and shockingly announced through the media his intentions to commit further atrocities against his own people. Governments, regional and international bodies worldwide opted in 48 hours to take measures to respond more forcefully to Gaddafi's threats to destroy the city of Benghazi. This all led to the passage of Security Council Resolution 1973 and the agreement to install a no-fly zone, without a single veto from Security Council Members.

In places such as Syria, there are reports that one or more of the four "RtoP crimes" stipulated under the Responsibility to Protect may be occurring. The question remains as to what the best course of action is to stop the killing of innocent civilians. RtoP requires that a range of measures be used from diplomatic to more coercive. The formula of *which measures at what time is not precise*; each case will require a tailored response.

It is critically important to eliminate double-standards and political bias from Council decisions of this magnitude. But it is also critical that appropriate action be taken when warranted. All states have a responsibility to protect their populations, this includes Syria, Bahrain and Yemen, countries where populations are currently at risk of gross human rights violations. The challenge ahead for RtoP advocates is to encourage consistency in not only the invocation of the language of RtoP but also in action.

VII. What is the impact of Libya on RtoP?

The debate among Member States around the situation in Libya was not about *whether* to act to protect civilians for mass atrocities but *how* to best protect the Libyan population. That Member States prioritized the protection of civilians from mass crimes reflects a historic embrace of the RtoP principles agreed to at the 2005 World Summit. The current debate over tactics and strategy is necessary and important but any legitimate implementation concerns should not obscure the value of RtoP in preventing and halting mass atrocities. We must help governments understand that RtoP seeks to protect civilians from genocide, war crimes, crimes against humanity and ethnic cleansing with a range of measures,



Refugees from Libya Queue for Food at Tunisia Transit Camp. Credit: UN photo/David Ohana.

of which military intervention is a last resort. At the same time, we must remind Member States not to undermine RtoP by confusing civilian protection with other motives such as regime change or resource control.

VIII. What impact will the response to Libya have on future cases?

That human carnage was contained in Libya should be seen as a positive outcome of the international community's response. If the UN and NATO had failed to take stronger actions, we would now be questioning whether the commitment to RtoP holds any value. As Special Adviser on the Responsibility to Protect Edward Luck has said, we are now dealing with the dilemma of RtoP be-

ing *too relevant*, in that the UN and regional bodies will be compelled to act in more cases. Civil society can and will continue to push for appropriate action by the international community in all cases where crimes are occurring or threaten to occur. Whether this will translate into political will of the international community is up to us all.

Note: July 1, 2011 The UNSC authorized RtoP intervention in Libya remained unresolved at press time for WFM News. Controversies raised by Mahmoud Sharei in his article on page 17, questioning how France and others were implementing the SC decision, and ongoing peace efforts in light of ICC arrest warrants are prominent in world news.

See this [document](#) in Pdf version.

Updates from the Courtroom

By Matt Cannock, International Secretariat, Coalition for the International Criminal Court



Jean-Pierre Bemba Gombo is being prosecuted for war crimes and crimes against humanity. Credit: Micheal Kooren/AFP/GettyImages.

Central African Republic

On 22 November 2010, the trial of Jean-Pierre Bemba Gombo, for war crimes and crimes against humanity committed in the CAR, commenced before Trial Chamber III of the ICC. Since the beginning of the trial, the Prosecution has presented 14 Witnesses. The Prosecution is planning to present 24 witnesses in the case.

Democratic Republic of Congo

On 25 January 2011 Callixte Mbarushimana was transferred to the ICC in The Hague for alleged war crimes and crimes against humanity in the Democratic Republic of the Congo. He was arrested on 11 October 2010 by French authorities pursuant to an ICC arrest warrant issued under seal on 28 September 2010. Mbarushimana made his initial appearance on 28 January 2011, during which Judges verified his identity and he was informed of the charges brought against

him and of his rights under the Rome Statute. The Confirmation of Charges Hearing is scheduled for 4 July 2011, although this is subject to change.

The Prosecution has completed presenting its case in the trial against Germain Katanga and Mathieu Ngudjolo Chui. The Legal Representatives for Victims has presented four witnesses in the case and the Defence's case commenced on 21st March. The Defence team will call Allocated 150 hours to both Defence teams to present their cases within which; 85 hours is reserved for Katanga's Defence; 65 hours is reserved for Ngudjolo's Defence. The Trial may come to an end in 2012.

In the trial against Thomas Lubanga Dyilo, on 23 February 2011, Trial Chamber I rejected the Defence's application for a stay of proceedings due to various challenges in particular regarding the disclosure of the identity of witnesses and participating victims. The trial is scheduled to resume on 7 March 2011. The Defence is nearing the end of the presentation of its case, which will be followed by the parties' closing statements. Judgment in the case is expected by the end of 2011.

The arrest warrant issued by Pre-Trial Chamber I against Bosco Ntaganda for war crimes is outstanding and the suspect remains at large.

Darfur, Sudan

On 7 March 2011, Judges of Pre-Trial Chamber I confirmed charges of war crimes against Abdallah Banda Abakaer Nourain (Banda) and Saleh Mohammed Jerbo Jamus (Jerbo),

sending their case to trial. Rebel commanders Banda and Jerbo are alleged to have been involved in an attack on peacekeepers of the African Union Mission in Sudan (AMIS) at the Haskanita Military Group Site (MGS Haskanita) in North Darfur, Sudan, on 29 September 2007.

The arrest warrants issued by Pre-Trial Chamber I against Ahmad Muhammad Harun, Ali Muhammad Ali Abd-Al-Rahman and Omar Hassan Ahmad Al Bashir, for crimes against humanity, war crimes and genocide (Al Bashir only) are outstanding and the suspects remain at large.

Kenya

On 8 March 2011, Pre-Trial Chamber II, by Majority, issued summonses to appear, against William Samoei Ruto, Henry Kiprono Kosgey, Joshua Arap Sang, Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohamed Hussein Ali for crimes against humanity in relation to their alleged roles in the 2007-2008 Kenyan post-election violence. All six accused are members of the Orange Democratic Movement or the Party for National Unity, the two parties that form the ruling coalition in Nairobi. Initial appearances have been scheduled for Ruto, Kosgey and Sang on 7 April and Muthaura, Kenyatta and Ali on 8 April. On 31 March the Kenyan Government a challenge to admissibility in the cases.

Uganda

The International Criminal Court (ICC) has opened its investigation into Northern Uganda in 2005. Arrest Warrants have been issued for senior

(Continued from page 10)

leaders of the Lord's Resistance Army Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen, but the suspects remain at large.

Libya

On the 3rd March 2011, the OTP announced its decision to open an investigation into alleged crimes against humanity committed in Libya since 15 February 2011. This was following a unanimous de-

cision in the UN Security Council to refer the Libyan situation to the ICC. The Prosecutor has stated that the Office has so far identified the worst incidents as taking place in Benghazi, on 15 February 2011; in Misratah, AlBayda, Derna, Zenten, Ajdabiya, on 16 February 2011; in Misratah, on 18 February 2011; and in Tripoli and Az Zawiyah, on 20 February 2011. The Office of the Prosecutor also identified also

some individuals with formal or de facto authority, who may have commanded and had control over the forces that allegedly committed the crimes: Mummar Al Gaddafi; the Head of Regime Security and Military Intelligence; the Head of Gaddafi's Personal Security; and the Head of the Libyan External Security Organization.

Peace and Justice at the International Criminal Court, A Court of Last Resort

A new book by Errol Mendes

This authoritative book addresses the greatest challenge facing the International Criminal Court since its historic establishment in 1998: reconciling the demand for justice for the most serious crimes known to humanity with the promotion of sustainable peace in conflict areas around the world. In describing and analyzing this challenge, Errol Mendes demonstrates that the Court is a product of centuries of global efforts to integrate peace with justice. He singles out, among others, the critical work done by the Coalition for the International Criminal Court and its Executive Director William Pace for ensuring a viable and independent permanent international court was established to continue the global fight against impunity.

Focusing on two important prosecutions involving indictments of the President and other senior officials of Sudan

and a savage rebel group in Northern Uganda, the author argues that the choice between peace and justice is not a zero sum game as many critics of the court seem to argue. He also refutes the view that the Court is biased against Africa in its main investigations and prosecutions as virtually all of the cases before the Court were triggered by the referrals of African countries themselves.

Based on knowledge and experience obtained during his time as a visiting professional at the Court, the author combines insights from key individuals and experts at the Court and elsewhere around the world with his own analysis in his call for greater international cooperation with the Court in fulfilling its mandate and overcoming other obstacles that threaten its work into the future. Professor Mendes proposes an enhanced form of positive international comple-

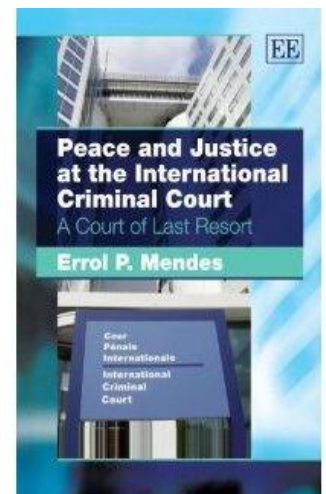
mentarity from all State Parties in order to partner with the Court and enhance the national judicial and prosecution systems that would effectively combat impunity for the most serious crimes. Finally, in an innovative analysis, he also urges the International Financial Institutions to assist the Court in offering legitimate assistance in the enforcement of arrest warrants issued by the Court.

Scholars and students of criminal justice, international studies, political science and human rights, as well as civil society groups, government officials and those working with international justice organizations, will find in this book a unique and sophisticated perspective on this complex dilemma.

A soft cover version of the book will be available in June of 2011 (\$35 USD).



Errol Mendes; LL.B. (Exeter), LL.M. (Illinois), of the Bar of Ontario, Professor, University of Ottawa. Credit: themarknews.com.



Supporting Clearly Expressed Needs for Peace and

By Lucy Law Webster



Lucy Law Webber is the First Vice Chair of the Council of WFM and President of the NY Tri-State Area Citizens for Global Solutions. Credit: WFM-IGP.

Recent developments in Libya and in Côte d'Ivoire show that the United Nations can serve to meet human needs for peace and justice that are clearly expressed if there is good and responsive leadership in North America and the EU.

Although a reformed UN with its own directly recruited peace force would make it possible for the Security Council to act more quickly and efficiently than it has in recent months, the present system that depends on sensitive, responsible action by UN Member States can also work.

President Obama was absolutely right to wait for a call for action from the Arab League and a vote in the UN Security Council before actively encouraging the formation of a coalition to protect the insurgency in Libya, and the US is very wise to not put boots on the ground, but to answer the clear call of the Libyan people with more nuanced sup-

port. Probably there have been CIA shoes on the ground for some time. That ensures informed action. Perhaps there will be, or there should be, a limited transfer of arms and training. But US troops or other NATO troops with boots on the ground would clearly be counterproductive in the long run.

It should be stressed that in Libya, as in Egypt earlier this year, there has been a clear people's movement for change, to end the domination of an elite clique that had cornered all the power and wealth and then held it through internal terrorism including the routine torture of dissenters. In Libya the insurgency explicitly asked for outside help and a no-fly zone. There was a human imperative to respond. This was not at all like the exaggerated claims that there was a demand for foreign intervention when the United States invaded Iraq. In Libya there has been a

real demand for help. But now there are complaints that NATO has not done enough.

In Cote d'Ivoire, the UN and its Member States have also played it cool, too cool I would say. In fact, for four months the lack of an adequate UN presence and UN action to ensure implementation of the results of the 2010 election has led to civil war and near economic collapse. Here there was no doubt that a UN force with significant numbers of skilled troops could have made a real difference and could have saved thousands of lives. Nonetheless, the energy of supporters of the duly elected new president, Alasane Ouattara, and a small UN force has finally succeeded in laying a basis for peace and order. It is important that Mr. Ouattara has said that all the war crimes committed by both factions during the struggle will be investigated by the ICC and will be punished.

"US troops or other NATO troops with boots on the ground would clearly be counterproductive in the long run."

Join the World Federalist Movement as an Individual Member!

In October 2010, the World Federalist Movement launched the Individual Membership (IMO) Program. The IMO program invites individual supporters of WFM, who reside in countries where no Member or Associated Organization exists, to join the WFM Secretariat directly as a member. We welcome your individual membership in its global efforts advance the global promise of peace and towards building a safer and more just world.

Advantages of membership include:

- A link to an active global network of organizations, scholars and activists
- Information on efforts toward global democracy, human rights, sustainable development, peace and conflict resolution around the world.
- Our semiannual newsletter, action updates, and other informational mailings.
- The opportunity to work with key leaders and organizations within WFM on joint projects.
- Invitations to WFM events including the quadrennial Congress and annual Council meetings.

To join WFM as an Individual Member, please contact the Membership and Communications Officer, Devon Allison Giordano: allison@wfm-igp.org, 212.599.1320



XXIII UEF European Congress:

European Federalists urges EU to change before 2014: "European Federal Union, Time to Decide!"

By Laura Bringina

The 23rd European Congress of the Union of European Federalists (UEF) took place on 25-27 March 2011 in the European Parliament in Brussels, Belgium. The Congress, held every two years, is the general assembly of UEF, which determines the UEF policy, elects the UEF President, modifies provisions of the statutes and elects the Federal Committee members. This year federalists gathered under the slogan "Federal Europe – Time to Decide" to react as a united federalist force to the latest twists and turns in the tale of economic government. Keeping in mind that EU is facing an urgent dilemma about its strategic direction, the UEF worked to steer decisions towards deeper integration, a stronger Union and a more efficient democracy.

Andrew Duff, President of the UEF welcomed more than 200 delegates from national UEF chapters, Young European Federalists (JEF), representatives of European and international federalists' movements and observers. The congress was officially opened by the European Parliament president Jerzy Buzek, who spoke of the need not only of instruments to ensure the success of the European project, but the political will and the money to finance it. He emphasized the need for inter-parliamentary, not just intergovernmental, cooperation. He also spoke of his regret that current interventionist operations in Libya were not being carried out under a European flag, despite the involvement of a number of member states. Mr. Buzek's speech was followed by a video address by Viviane Reding, Vice President of the European Commission, who used her address to the UEF Congress to focus on the need to create a link between the institutions and its citizens.

The first day of the three-day congress also included a public debate, moderated by Mr. Duff, in which high-level members of the European Parliament, Isabelle Durant, Andrey Kovatchev and Elmar Brok addressed the triple focus of the event: economic governance, security and defense

policy and the European citizens initiative. On the second day of the Congress, participants joined Political Commissions on Global Challenges and Economic Governance (with the participation of Alberto Majocchi, President of the Institute for Studies and Economic Analyses), Foreign Security and Defence Policy (with the participation of Pierre Vimont, Secretary General of European External Action Service) and Federalists Action and the European Citizens Initiative (with the participation of Sylvia-Yvonne Kaufmann, Vice-President of the European Parliament 2004-2007) to engage in a deep analysis of the current EU issues and work on the creation of federalists' response. The highlight of the day was the speech of the former European Commissioner and President of Bocconi University Mario Monti.

During the Congress, the theme resolution "European Federal Union, Time to Decide" was unanimously adopted, therefore urging numerous changes in the work of the European Union in the next 3 years, before the next European Parliament elections, which are expected to be held in 2014 (full version of the resolution can be read on www.federaleurope.org).

Congress was brought to a close with the re-election of British Liberal MEP Andrew Duff as the President of the Union of European Federalists. With an overwhelming majority of votes in favour of Duff staying on as the leader, the federalists demonstrated their confidence in their president, who thanked them for the opportunity to lead the organisation in bold pursuit of the campaigns and challenges agreed upon. "It's a great privilege to be able to continue to lead the Union of European Federalists for another two-year term. This is a fruitful time to reanimate and deepen political thought across Europe about what kind of European Union we wish it to be. The federal movement continues to believe that Europe will only prosper if integration deepens", said Duff. The federal committee of the UEF also

elects new members to the presidium - Paul Frix, Sylvia-Yvonne Kaufmann, Massimo Malcovati, four vice presidents - Philipp Agathonos, Andrey Kovatchev, Guido Montani, Heinz-Wilhelm Schaumann, and ten new bureau members - Till Burkhardt, Jean-Guy Giraud, Francesco Ferrero, Andrea Kdolsky, Bettina Kümmerle, Nikos Lampropoulos, Paolo Vacca, Catherine Vieilledent, Elina Viilup and Nikola Zivkovi .

To know more about the XXIII UEF European Congress, please visit our website www.federaleurope.org.



Congress was brought to a close with the re-election of British Liberal MEP Andrew Duff as the President of the Union of European Federalists. Credit: Laurence Boyce.

"...the UEF worked to steer decisions towards deeper integration, a stronger Union and a more efficient democracy."

Hanna Newcombe Remembered

By Benjamin Kalman, International Secretariat



A trail-blazer in the world of peace studies and research, Pearson Peace Medal recipient Hanna Newcombe passed away on April 10, 2011, at the age of 89. Credit: hannanewcombe.com.

“ Observe, this is the beginning of philosophy — a recognition of the conflicts among men, an inquiry into their causes, the discovery of a standard of judgment and a condemnation of mere opinion” - Discourses of Epictetus

Born in Prague on February 5, 1922, Hanna Newcombe saw the need for world peace at a young age. Growing up in the Jewish quarter of Prague, she witnessed firsthand the horrors of the Nazi occupation. Fortunately, Hanna, along with her parents, was able to leave Prague in 1939, and found safe haven in Grimsby, Ontario. After completing high school, Ms. Newcombe won a scholarship to attend McMaster University, where she would meet her future husband, Alan George Newcombe. The two both obtained doctorates in chemistry from the University of Toronto and re-located to Dundas. While her children were still young, Hanna, who spoke Czech, German, and English, made a living translating scientific articles and, for a brief time, as a high school chemistry teacher.

After being introduced to Norman and Pat Alcock, the founders of the Canadian Peace Research Institute (CPRI), Hanna realized that she had found her calling. She felt that the use of science and research could aid in understanding the path to global peace, and along with Alan, began working at the CPRI. While this meant that the Newcombes' combined annual income would drop to around \$3,000, the family lived simply and remained committed to peace research. In 1975, when the Alcocks moved and closed down their institute, Hanna and Alan opened the Peace Research Institute-Dundas (PRI-D) in their own basement, which would continue until 2004. The couple published a number of Peace Research Review monographs and the Peace Research Abstracts Journal. Despite the lack of widespread acceptance of peace research and peace studies by mainstream academia, the Newcombes were able to maintain a modest revenue flow by selling the peace research abstracts to libraries across America.

Hanna's work in peace research led her to the issue of world federalism, and she would become a prominent figure in the World Federalist Movement. After the passing of her husband in 1991, Ms. Newcombe remained very active, taking roles in the Canadian Voice of Women as well as the Canadian Religious Society of Friends (Quakers). In 1997, she was awarded the Pearson Peace Medal, and in 2007 was bestowed the honor of the Order of Canada. To pay tribute to her contributions to World Federalism and global peace, the WFM-Canada established the "Hanna Newcombe Lifetime Achievement Award," which recognizes outstanding contributions on the part of individuals within the movement.

A true pioneer in the field of World Federalism, Hanna Newcombe's work in peace research and contributions to global peace will not soon be forgotten.

Creation of a World Parliament suggested at World Social Forum

By Andreas Bummel

The establishment of a world parliament elected by the world's population was proposed at an event at the World Social Forum in Dakar, Senegal. "A democratic and representative world parliament would be an institution with unprecedented political legitimacy. It is needed to bring globalization under democratic control", explained Jo Leinen, one of the speakers at the event and a Member of the European Parliament from Germany who co-chairs the advisory board of the international Campaign for a UN Parliamentary Assembly. "It is neither possible nor desirable to reverse globalization. But those institutions that control the process to a large degree such as the World Trade Organization or the international financial institutions exclude the citizens of the world from their decision-making. This is no longer acceptable", Mr.

Leinen continued.

"The people of the world want to have a say in the affairs that affect them. As more and more important decisions are taken at the global level, this aspiration cannot stop at national borders. Global democratic representation is needed. The goal is to create a directly elected assembly", said Manuel Mannonelles, director of UBUNTU-World Forum of Civil Society Networks.

The Senegalese representative of the Campaign for a UN Parliamentary Assembly, Mamadou Ibrahimia Fall, elaborated on the campaign's proposal. "We suggest a gradual approach. Initially, the assembly could be composed of representatives from national and regional parliaments. Over time, a transition to direct elections could take place. Its powers in

the international system could be extended gradually as well. At the beginning, the function could be largely consultative."

Coura Ndiaye, an advisor at the Economic and Social Council of the Consultative Assembly of Senegal expressed how important the activities of civil society are to give initiatives but that a Parliament is necessary to take decisions.

Several participants from Uganda, Sierra Leone, Benin, Great Britain, Norway stressed the importance of building up democratic representation at a global level. It was felt that a more direct connection between the world's peoples and global institutions is needed. The proposal of a UNPA received much applause and support.



Andreas Bummel is the founding Chairman and CEO of the Committee for a Democratic UN (KDUN). Credit: policyinnovations.org.

The Dawn of Democracy in the Arab World

By Lucio Levi

Translator: Giulia Tartaglia

After the fall of the fascist regimes in Mediterranean Europe, in Latin America and in Asia and after the fall of the communist regimes in the big region that for fifty years has been under the control of the Soviet Union, now the time has come for the Arab people's awakening. The "third wave" of democratization, as Huntington called it, started in 1974 with the Portuguese revolution, has not exhausted yet.

The EU and US governments have been caught by surprise by the masses' spontaneous movement that invaded the cities' squares of North Africa and the Middle East. In the name of the international stability they backed until the end of the old, falling, oppressive and corrupted regimes in Tunisia and in Egypt and they accepted their fall with disappointment. The governments of the EU and unfortunately also the European Parliament did not find the words nor did they formulate any political proposal in order to intervene on the great ongoing movement of liberation. After the decline of the US influence and with the absence of Europe, the international system does not seem to have the economic and power resources, nor the political view to positively affect the current events and to help direct the transition to democracy.

It's disheartening to observe

how the European political leaders see the peoples liberation movement fighting against their government's oppression only in terms of security so that they only propose to send policemen to guard the seacoast. This is the Europe that we do not want: the Europe fortress which closes on itself, which exhibits xenophobia, which excludes Turkey because it is an Islamic country, which in the name of Christian religion represents its own God with the features of the Western man. The Union for the Mediterranean project (2008), which should have deepened the Euro-Mediterranean Partnership (1995), has failed. The meeting of the governments members of this association, expected for 2010, did not take place. The free trade area, planned for 2010, was not achieved, nor the European governments did honour the commitment to interrupt the economic cooperation with the countries on the southern shore of Mediterranean Sea which do not respect human rights.

It should be noticed that the pattern of the enlargement, adopted for Central and Eastern European countries, and of their inclusion in the EU cannot be repeated in North Africa and the Middle East. An international intergovernmental organisation, based in this region – the Arab League -, is the potential vehicle of a process of regional integration, which



WFM Council and Executive Committee Member Lucio Levi. Credit: Maxie Amena.

should include Israel, too. Unfortunately, integration is yet to come. If we consider Maghreb, only 1-2% of these countries' external trade develops within the region. And yet, the UN Commission for Africa reckons that the economic integration of Maghreb would pave the way to a 5% growth of the GDP of the region. The EU, which has continued to have bilateral relations with North Africa, could have encouraged regional integration, as the United States did with Europe when it launched the Marshall Plan and the aid supply was subject to the condition that the reconstruction plan would be devised in common.

The bogeyman of Islamic extremism, which is shaken by Western governments in order to justify the support of authoritarian regimes, belongs to the logic of the past that does not consider the economic development, the social modernisation and the secularisation in progress in the region. The spread of education especially between

"...the Arab League is the potential vehicle of a process of regional integration, which should include Israel, too."



(Continued from page 15)

the younger generations and the decrease of the birth rate, which is a consequence of the growth in women's education, have brought the population closer to the values of freedom and equality that are typical of the most developed societies. These are the objective conditions which promoted the development of civil society and pluralism. The Islamic fundamentalism is a reactionary movement which wants to oppose this trend. In fact, it seems to be the main loser in the on-going revolution. At the forefront of the movement there are the youngsters, who despite good education are penalised by the exclusion from the labour market. They used the new media for mobilisation, replacing the parties and other organisations of traditional politics. What strikes about this movement is the lack of leaders in the traditional sense of the word. The figure of a nowadays leader is the Egyptian Wael Ghonim, a Google official.

The unusual dimensions of the revolution show that the economic and social change, developed in the wake of globalisation, requires with it political and institutional changes. Therein lies the mystery that the "short-sightedness" of the Western political élites was not able to penetrate. It was not a mystery for Emmanuel Todd, who ten years ago (in his book *Après l'empire*) diagnosed the passage to modernity of the Islamic world and he foresaw the institutional change.

It should be noted that the weak

links of the Arab world, where the collapse of the old regimes has begun - Tunisia and Egypt -, are countries without oil. The oil producing countries, instead, have the resources to promote consensus through free service concessions to the population (water, electricity, education etc.). In fact, these countries show greater resistance to the contagion of the revolutionary movement.

The armed forces in Tunisia and in Egypt have the merit of having helped the fall of the dictatorships without a bloodbath, which unfortunately took place in Libya. The huge Tahrir square in Cairo, where the people that determined Mubarak's fall has gathered, has not been a new Tiananmen. It should be noted that the army played a progressive role on other occasions, first of all during the coup d'état of Nasser, which toppled king Faruk in 1952. After the Khomeinist revolution in Iran (1979), when the elections paved the way for the establishment of the Islamic republic principles in Turkey and then in Algeria, again the army prevented the success of Islamic fundamentalism. All over the Arab world the armed forces are the only structure able to direct the transition to democracy, with all the involved risks. For many years the risk for democracy to become an apparent institution and the risk of real power to stay in the hands of the generals will overhang Arab people, as the case of Pakistan shows. On the other hand, it should be

underlined that the Turkish army relinquished power even because of the EU pressure during the accession negotiations with Turkey.

The examples mentioned above prove that elections are a necessary but not a sufficient condition for democracy. The transition to democracy will be a long process, full of pitfalls. During many years authoritarian governments destroyed (or did not allow the creation of) the essential social structures which can through elections pave the way to a democratic government: political parties, independent unions, civil society associations. The transition will be successful if the constitutional norms were elaborated; these norms ensure the creation of public spaces where the political debate and the choice of leaders take place in a free and transparent way.

On these bases Pan-Arabism would rise again as a solidarity force between people who chose freedom and who want to protect it, by creating common institutions and initiating a federative process within the Arab League.



Millions of protesters gather at Cairo's Tahrir Square. Credit: Associated Press.

"...transition will be successful if the constitutional norms were elaborated; these norms ensure the creation of public spaces..."

The Second UN Security Council ICC Referral: International Criminal Court Legitimacy, or P-3

By Mahmoud Shahriar Sharei



WFM Council Member
Mahmoud Sharei. Credit:
sharei.org.

“...the Resolution also exposes the hypocrisy of USA, China, and Russia...as to their double standard of endorsing international criminal justice for others, while excluding themselves.”

The USA, Russia, and China, the SC Permanent Three, and the three largest military super powers of the planet, for the second time in the short history of the International Criminal Court, have referred national leaders of, first Sudan (Hassan Al Bashir case), and now the Libyan leaders (Gadhafi case) to the International Criminal Court. While utilizing their power of coercion, as veto privileged Permanent Members of the Security Council, they have insured that their own leaders and officials are however immune and outside of the jurisdiction of the ICC. The USA, China, and Russia primarily achieve this exclusion, by not signing or ratifying Statutes of the Court in the first place. In effect, not accepting, or directly be under ICC's jurisdiction.

In the case of Libya, the UN Security Council emergency meeting last February unanimously passed Resolution 1970, not only authorizing an arms embargo, but also freezing of Gadhafi's assets, and most importantly in the spirit of justice, referring him to the ICC for investigation of his almost certain acts of Crimes Against Humanity and War Crimes. Finally justice for the Colonel! Who has killed hundreds if not thousands of Libyans, has also allegedly authorized the Lockerbie Pan American passenger plane bombing of 1988 over Scotland, which killed 270 people,

mostly innocent British, Scottish and American civilians.

However, reading the Council Resolution more closely exposes a double standard. In Article (6), the Security Council “ Decides that nationals, current or former officials or personnel from a State outside the Libyan [state]... which is not a party to the International Criminal Court shall be subject to the exclusive jurisdiction of that State for all alleged acts or omissions arising ...”.

In other words, any citizen or official of a country which is not a Member State, cannot be prosecuted directly by the ICC, as the Gadhafi accomplices. For example any “nationals” or “officials” of China, Russia, or the United States who might have sold arms to Libya or provided for crowd control gadgets and gases, or helped Gadhafi in his oil and economic activities to raise money for his security forces, cannot be brought to trial at the Court in the Hague. It should be noted that the three countries mentioned above voted yes on the resolution and all three are also veto privileged Permanent Members of the Security Council, with neither one being a State Member of the ICC. Therefore, in this case they are immune from the Court's jurisdiction.

The Libyan referral by the Council is certainly further legitimization and victory for the ICC

which currently has been ratified by 114 nations. But the Resolution also exposes the hypocrisy of the USA, China, and Russia – the three major global arms manufacturers and suppliers, as to their double standard policy of endorsing international criminal justice for others, while excluding themselves.

Interestingly, in the case of the US, Bill Clinton, in the final hours of his presidency, overcame his hesitation and signed the ICC (Rome) Statutes on December 31st 2000. But his successor George Bush never sent the Treaty for the ratification of the Senate and shortly after the start of the war on Afghanistan, in May of 2002, “unsigned” and opted out of the ICC altogether.

Isn't it the time for The Permanent Three Super Powers to practice what they preach and whole heartedly ratify the Statutes and join the International Criminal Court? Particularly, leadership of the USA in this matter is important. President Obama, by referring Gadhafi to the Court, has acknowledged its legitimacy. Now, by signing the Statutes, he will in effect be cancelling Bush's “unsigned”, thus fulfilling the US promise of joining the ICC, which will be a paramount step in bringing global criminal justice closer to reality.

Harvesting the Whirlwind? Politics and Religion Revisited.

By (The Rev. Prof.) Dr. James Taylor Christie

*"They have sown the wind;
They shall harvest the whirlwind"*
Hosea 8: 7

Religion is the politics of the 21st century.

I am well aware that the largely humanistic founders of our movement would have found this sentiment anathema. During the last half of the twentieth century, there was a generalized hope and expectation among the intelligentsia in much of Western Europe, Canada and some parts of the United States that religion was not only on the wane, but destined to disappear – as functionless as the vermiform appendix.

Granted, religions – all religions – have too often demonstrated too often intolerance both within and beyond their confessions. Of course so have Marxist-Leninism, Fascism and, laissez-faire capitalism to note but a few secular 20th century ideologies.

The furor over 9/11 – not, I stress, the tragedy in itself – has demonstrated the tendentiousness of religion in human affairs. Yet at the beginning of the second decade of this troublous century, some 95% of the human community claims adherence to one or another religious traditions.

Religion is not going away. Its influence abounds in statecraft, economics and ecological discourse – and especially in the realm of peace building.

As Hans Kung so correctly diagnosed in his 1984 monograph, *Global Responsibility*, "There will be no peace without peace among religions."

This is not to suggest a longing for a time thankfully past when Imperial Christianity dominated world politics. I am glad to live in a post-Constantinian Christianity: a post-Christian world, in effect.

World religions, often under attack in an increasingly secular age, may well have sown the wind through acts of intolerance. Yet it is by no means a foregone conclusion that naught but the devastating whirlwind will be harvested. There may yet be a hitherto unimagined bounty to be garnered.

Karen Armstrong may be one of the greatest of living "religionists" – a scholar who articulates the world's religions one to another and to the non-religious.

In 2006, she published *The Great Transformation: The Beginning of our Religious Traditions*. She demonstrates that the great religions extant in today's world all arose during the period of 800 BCE to 200 BCE, not first as expressions of belief, but rather as ethical responses to an era of horrific violence.

Religions, separated by geography and more, developed in common the affirmation of life and justice. With a nod to Karl Jasper, she designates this the first Axial Age, and calls for cooperation among

world religions today to establish a second.

But for such a second axial age to emerge amidst the religious turmoil of the present century, structures must exist to ensure freedom of religion and integrity of belief.

That is where federalism comes into play.

Just as federalism is the only political system that guarantees the integrity of disparate political units functioning as a global community, so is federalism the only political system which can provide the necessary structures for integrity that would permit disparate religious traditions to work together for the sake of Tikkun Olam – the mending of the world.

Federalism and world religions must learn to work together for the sake of both - and of the planet.

An early example of this is the work of Professor Hazem Hanafi at The University of Cairo. Prof. Hanafi, a regular contributor to the Ventotene Seminars, is building The Arab Foundation for Federal Studies. Imagine, a federalist strategy for West Asia, accommodating Jews, Christians and Muslims.

Religion may yet prove to be the positive politics of the 21st century!



Rev. Christie is a professor of Dialogue Theology and World Religions, Director of the Carl Ridd Institute for Religion and Global Policy at the University of Winnipeg and Chair of the Council, WFM/IGP. Credit: WFM-IGP.

"...federalism [is] the only political system which can provide the necessary structures for integrity that would permit disparate religious traditions to work together..."

Coalition Welcomes Jelena Pia-Comella as Program Director



Newly appointed Program Director Jelena Pia-Comella participated in the Rome Conference that adopted the Rome Statute of the ICC and brings a deep knowledge of the UN system. Credit: WFM-IGP.

"This is an incredibly exciting and crucial time for the International Criminal Court and Rome Statute system, and the network of institutions and individuals working to advance the cause of international justice will be more important than ever,"
-Jelena Pia-Comella

The Coalition for the International Criminal Court (CICC) is pleased to announce the appointment of Ms. Jelena Pia-Comella as Program Director.

Ms. Pia-Comella has over 14 years of experience in international relations and a deep knowledge of the United Nations (UN) system. Previously, Ms. Pia-Comella served as Director of Programs at the World Federalist Movement-Institute for Global Policy (WFM-IGP) since July 2008.

During her tenure with WFM-IGP, Ms. Pia-Comella worked closely with the Coalition and other partner institutions on a range of issues. In addition to her indispensable diplomatic and UN experience, she brings significant management, finance, and development knowledge to her new position with the Coalition.

Ms. Pia-Comella succeeds Ms. Tanya Karanasios, who previously served as Program Director of the Coalition. "I am looking forward to continuing my work with the Coalition in this new position, and I am honored to follow

Tanya's excellent leadership as Program Director over the last seven years," Ms. Pia-Comella said. "This is an incredibly exciting and crucial time for the International Criminal Court and Rome Statute system, and the network of institutions and individuals working to advance the cause of international justice will be more important than ever," she added.

Ms. Pia-Comella began her career in 1996 as a diplomat representing the country of Andorra to the UN, the United States and Canada. She participated in the Rome Conference that adopted the Rome Statute of the International Criminal Court (ICC). In 2002, she was appointed Deputy Permanent Representative of Andorra to the UN to coordinate and oversee Andorra's overall participation at the UN as well as to maintain and foster Andorra's relationships with other countries, especially in the areas of human rights, UN reform, humanitarian and development cooperation, and international law. In addition, she served as Chargé d'affaires a.i./Chief of Mission to the

United States and Canada from 2001 to 2007.

Upon leaving the Andorran diplomatic service in 2007, Ms. Pia-Comella joined the Center for Women's Global Leadership and Women's Environment and Development Organization as a consultant to coordinate the Gender Equality Architecture Reform Campaign (GEAR), a coalition of over 300 non-governmental organizations for the purpose of strengthening gender equality at the United Nations. The new UN Women agency is an important result of this effort, and Ms. Pia-Comella continued to work on this initiative during her time at WFM-IGP.

Ms. Pia-Comella holds a Masters degree in International Political Economy and Development from Fordham University in New York and a Bachelors degree in Economics from Université de Fribourg – Universität Freiburg in Fribourg, Switzerland. She is fluent in Catalan, English, French, and Spanish.

In Loving Memory of Charlotte Waterlow

By Benjamin Kalman, International Secretariat

The WFM-IGP solemnly announces the death of Charlotte Waterlow, who passed away on March 4, 2011.

Ms. Waterlow, a long-standing activist in both the World Federalist Movement as well as the United Nations association, was a truly remarkable individual. The daughter of Sydney Waterlow, an Eton and Cambridge-educated British diplomat, Charlotte graduated from Cambridge in 1936 and went to Athens to assist her father at the British Embassy. After being recruited into the British Civil service during World War II, Charlotte worked in the Foreign Office from 1945-1953. She would go on to teach in English schools from 1954-1967, and worked on a number of projects, including the modern history school textbook "*Europe 1919-1970*." Charlotte's passion for overseas

travel never waned, making visits to the Soviet Union, Bulgaria, India, China, Australia, New Zealand, and Turkey over the years. Later on, she was recruited to teach in Canada, Switzerland, and the United States, where she would teach from 1970-1982. Among her students was Elizabeth Kissinger, daughter of US Secretary of State Henry Kissinger. Although she retired from formal education in 1982, Charlotte remained involved with a number of educational and international organizations.

Charlotte's memorial ceremony was held at the Cirencester Quaker House on April 16th. At the ceremony, loved ones and colleagues expressed their appreciation of Charlotte's presence in their lives; Sue le Fleming read out a letter from Phyllis Martin, who had taught at Guildford, and

remained friends with Charlotte around the world. Stella Bonnet-Evans came from Switzerland and spoke of her and her family's (her father, Archie Evans, worked with Sir Sydney Waterlow, and at ILO Geneva) friendship with Charlotte, Charlotte's love of the mountains, and how Stella helped Charlotte with her last publication - "Grow Up or Blow Up." Nin, a cousin from Stroud, spoke of the times when Charlotte came to her house for Sunday lunch, and how Charlotte enjoyed going to the top of the Cotswolds overlooking the Severn river.

Following everyone's kind words, Charlotte's ashes were spread by her nephew, Dick Waterlow, and Terry Cohen under the holm oak in the Friends Meeting House garden.



Friends and family gathered at the Cirencester Quaker House on April 16th in memoriam of Charlotte Waterlow, who passed away this March 4th. Credit: WFM-IGP.

World Federalist Movement Institute for Global Policy

708 Third Avenue, 24th Floor
New York, NY 10017 USA
Phone: 1-212-599-1320 Fax: 1-212-599-1332
Email: info@wfm-igp.org



Layout and Editors:

Devon Allison Giordano, Jelena Pia-Comella, Peony Trinh, Francoise Van Keuren, Benjamin Kalman, Trevor Swan

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Donor Spotlight: Dr. Joseph Schwartzberg

The World Federalist Movement-Institute for Global Policy (WFM-IGP) works in partnership with individuals and institutions from around the globe in its mission of advancing human security, international justice, the prevention of armed conflict, and the protection of civilians through the development of democratic international institutions. Planned giving is one of many ways that individuals can support these efforts. By planning a gift as part of an overall estate or other financial plans, an individual donor can better enable WFM-IGP to carry out its mission for years to come. It is possible to plan a gift to benefit WFM-IGP today or at a later time, and there are often tax benefits for the individual donor. Options include listing WFM-IGP in your will, charitable gift annuities, trusts, and bequests, among others. Dr. Joseph Schwartzberg is a longtime supporter who has kindly designated WFM-IGP as a beneficiary of his estate. Now a Distinguished International Emeritus Professor of Geography at the University of Minnesota and resident of Saint Paul, Minnesota, Dr. Schwartzberg and his wife Louise are very active in WFM-IGP, Citizens for Global Solutions, and other causes that advance global peace and justice issues. According to Dr. Schwartzberg, "When I first learned of World Federalism in 1949, I was immediately convinced of its logic. Since then, my three years of military service during the Korean War followed by travel around the world in Europe, Africa and Asia—as well as my research as a professional geographer specializing in South Asia and political geography—have reinforced my conviction about the desirability and possibility of a federal and democratic world government. I am impressed by what WFM-IGP has done to promote that cause and am happy to designate WFM-IGP as the principal beneficiary of my estate." WFM-IGP is deeply appreciative of the generous support provided by Dr. Schwartzberg and all of our many partners from around the world. If you would like more information about planned giving or other donor options, please contact Mr. Danny Rees by phone at +1.646.465.8527 or via email at rees@wfm-igp.org or visit the WFM-IGP website at <http://www.wfm-igp.org/site/donate>.