



Amsterdam Dia10gue



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CONFERENCE REPORT

*High-level conference
on peace & justice*

7 AND 8 MAY 2020



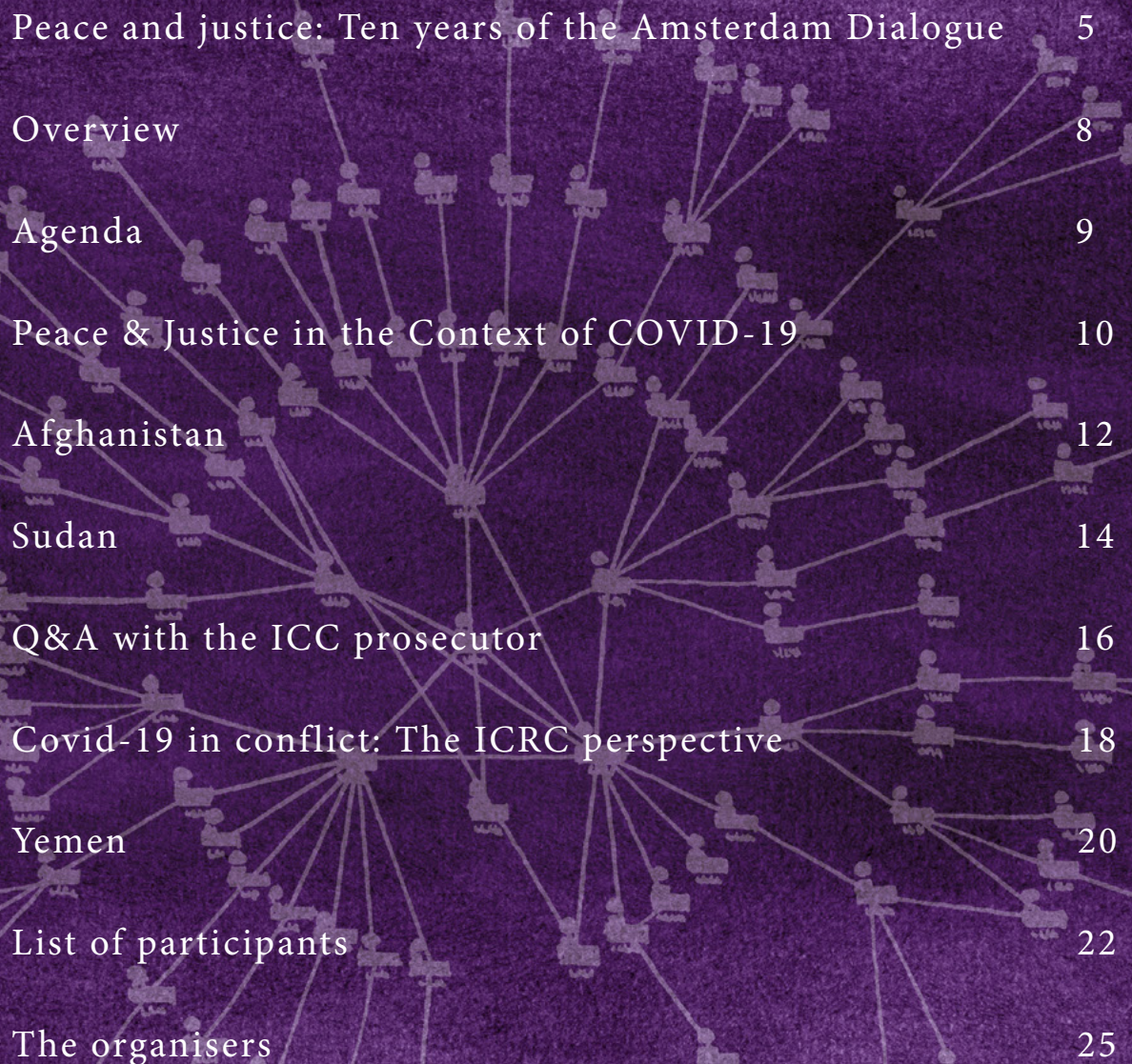


We are deeply saddened by the death of David Petrasek, a long term member of DAG's Advisory Board who was one of the inspirations behind the Amsterdam Dialogue. We would therefore like to dedicate this edition of the Amsterdam Dialogue to David.

David was a consummate bridge between the worlds of human rights and conflict resolution, he had a depth of knowledge and an extraordinary understanding of the mechanics of both promoting peace and protecting rights. David was one of very few people fully and genuinely steeped in the worlds of both peace and justice. He helped mediators get accustomed to talking about human rights protections in peace efforts. It was dealing with this challenge that inspired the creation of the Amsterdam Dialogue. David attended every one of our annual dialogues. He regularly moderated key panels, including with ICC Prosecutor Fatou Bensouda and UN Special Rapporteur Agnes Callamard, or was roped into chairing the concluding remarks. He kept the Amsterdam Dialogue both conceptually clear and practically useful. David had a distaste for networking without substance or for discussions without intellectual or practical impact. He understood both the power of ideas and the importance of combining power with ideas. Future editions of the Amsterdam Dialogue will forever be missing David's clear, forthright and nuanced input and advice.

David Petrasek was an Associate Professor at the Graduate Institute of Public and International Affairs at the University of Ottawa, a Senior Editor for OpenGlobalRights, as well as a Senior Adviser at HD Centre. Formerly a Special Adviser to the Secretary-General of Amnesty International, David worked extensively on human rights, humanitarian and conflict resolution issues, including for Amnesty International, the Office of the UN High Commissioner for Human Rights and the International Council on Human Rights Policy.

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PEACE AND JUSTICE: TEN YEARS OF THE AMSTERDAM DIALOGUE

by Ram Manikkalingam, Director of the Dialogue Advisory Group

In 2004, I met with a leading international human rights organisation in Colombo. At the time, I was working as a senior advisor on the peace process to then President Kumaratunga in Sri Lanka. Before the tea had even arrived, the person leading the delegation pitched into me, accusing “my government” of a long list of human rights violations. I was taken aback by the approach.

The government of President Kumaratunga was sympathetic to Tamil autonomy and pressing for a political settlement in the midst of a ceasefire that was fraying at the edges. My objective for the meeting had been to gather ideas about how to address human rights violations of the Tamil Tigers. I was looking for a useful discussion about how to strengthen human rights in the context of a fragile peace process. I realised to do so we would have to also discuss the violations committed by state forces. But rather than being considered a potential ally in seeking to improve the human rights situation, I was assumed to be an adversary.

This made me feel alienated and not inclined to continue the conversation. It also represented a particular and quite common approach to addressing human rights violations: naming and shaming parties into compliance. This approach certainly has its uses, especially when concerned parties care about how they are perceived or are in situations where political and security dynamics are static. But in situations where there are changes in government or where

peace efforts are at play, this approach often leads to missed opportunities for improving the situation for both human rights and peace. The incident lodged in my mind as an illustration of how human rights advocacy may backfire.

A few years later, after having founded the Dialogue Advisory Group in Amsterdam, I found myself in the midst of discussions with the then Prosecutor of the ICC, Luis Moreno Ocampo. The Prosecutor was lamenting the fickleness of peacemakers. He described how, whenever he was about to open an investigation or issue an arrest warrant, he would get badgered by politicians, mediators and would-be-mediators about the imminence of peace in a particular context. For example, when the ICC indicted Joseph Kony, the leader of the Lord’s Resistance Army, the Prosecutor was criticised for disrupting prospects for peace. His challenge to me was: why should I listen to peace mediators, when you are rarely, if ever, successful? If you cannot make peace, let us at least prosecute the war criminals.

This was the very opposite of the view I held. But I had to admit that there was also truth in what he said. I therefore proposed that the Office of the Prosecutor participate in a conversation with the Dialogue Advisory Group to discuss the relationship between promoting peace and protecting rights in conflict situations. We soon approached Human Rights Watch to take part in the discussions, and in 2012 we were joined by the International Crisis Group.

This is how the Amsterdam Dialogue came to be. The first edition of the conference was held in Amsterdam on 13 September 2010 and the then Mayor of Amsterdam, Eberhard van der Laan, kindly invited us to a reception and dinner at his residence. Whether it was the complexity of the issues discussed, the intensity of the intellectual debate, the generosity of the Mayor's hospitality or the company of the participants, we found plenty of reasons for continuing our conversation on an annual basis. And that is exactly what we did.


Once a year, we bring together diplomats, political leaders, activists, scholars and lawyers to discuss challenges and opportunities for peace and justice in ongoing conflicts. We have developed an approach that builds links between us while focusing on substance. We have shunned large gatherings, in favour of the intimacy of discussions in small groups, including those directly influencing, affected by and thinking about particular conflicts and their consequences. We have found that the closer we are to the reality of a conflict and the more open we are, the more likely we are to find common ground between pursuing peace and protecting rights.

Over the past ten years of the Amsterdam Dialogue, we have discussed questions and dilemmas central to the work of mediators, human rights advocates and the ICC. These have included questions around amnesty for those responsible for grave human rights abuses and power-sharing arrangements that grant political roles to former warlords, as well as debates on how to protect the rights of minorities in peace agreements,

how to meaningfully include women in peace talks, and whether to enter into dialogue with armed groups whose aims are more criminal than political. Also on the agenda have been the increasing intra-state conflicts, the increasing internationalisation of conflict, and the politicisation of justice and its impact on the ICC.

What began as a gathering of two groups – peace mediators and justice advocates – has now evolved. The human rights and justice community has become more forward looking. The peace mediators increasingly recognise that including human rights and justice in their efforts is necessary and, dare I say, useful. Over time, we have become a gathering of a single (although amorphous) group of practitioners, exploring different approaches to conflict that benefit all.

We would like to thank all of you who have helped make this conference what it is: from the participants who carve out space in their busy schedules, to the panellists who generate thought provoking discussions, to our donors who continue to support the Dialogue Advisory Group and the Amsterdam Dialogue. Finally, we are grateful to our partners Human Rights Watch and the International Crisis Group, as well as to the International Criminal Court, who through their openness and willingness to join hands have made it possible not only to advance the conversations on peace and justice, but also to come closer together while doing so. The online Amsterdam Dialogue 2020 – where we were able to speak and debate despite the constraints imposed by Covid-19 restrictions – reflects how far we have come.



“Through the frank exchange of views among justice activists and peace negotiators, the Amsterdam Dialogue has become one of those “not to be missed” annual meetings. The combination of expertise and diversity of opinion among the participants gives the discussion in Amsterdam a unique and extraordinarily valuable quality.”

- *Kenneth Roth, Executive Director at
Human Rights Watch*

“Over the past decade, the Amsterdam Dialogue has become an influential gathering, bringing negotiation professionals together in an informal setting. In a period of contested and complex international relations, diplomacy and spaces for dialogue are particularly valued.”

- *Peter Maurer, President of the International Committee of the Red Cross*

“We continue struggling with our efforts to reconcile the peace and the justice paradigm – one of the most important questions in policy making. Amsterdam Dialogue offers by far the best platform to help us move forward in this conversation.”

- *Christian Wenaweser, Permanent
Representative of Liechtenstein to the
United Nations*

“Amsterdam Dialogue discussions dive deep into political conflict-solving, with insightful presentations and analysis contributed by foremost experts. Always a stimulating and enriching experience.”

- *Angela Kane, Senior Fellow at Vienna Center for
Disarmament and Non-Proliferation and Chairperson
of the Board at Dialogue Advisory Group*

“Overcoming Covid-19, the Amsterdam Dialogue consolidated its unique role in that tricky, ill-marked place where peacemaking and the pursuit of justice intersect.”

- *Alvaro de Soto, Former UN Envoy to El Salvador,
Cyprus, Israel/Palestine*

“All of us engaged in trying to prevent or resolve conflict repeat, “No peace without justice.” But how? With justice often the most vexing issue in any peace process, the Amsterdam Dialogue leads the way in providing practical approaches based on real world examples, engaging human rights activists, judicial experts, and mediators in a unique, private forum.”

- *Jeffrey Feltman, Former UN Under-Secretary-General
for Political Affairs*

OVERVIEW

The tenth iteration of the Amsterdam Dialogue took place on 7 and 8 May 2020. In contrast to previous years, the conference took place online due to the travel and health restrictions resulting from the COVID-19 pandemic. Participants joined us from their homes and offices around the world, spanning time zones from Los Angeles to Colombo, for two days of fruitful discussions on peace and justice in the age of COVID-19. Despite the physical limitations, participants were able to explore case studies from Africa, Asia and the Middle East, as well as thematic discussions on the impact of COVID-19 for mediators, human rights advocates and the International Criminal Court's Office of the Prosecutor.

The first day of the conference opened with a panel discussion on the **consequences of COVID-19 for peace and justice** with the directors of the three co-organising organisations, including Kenneth Roth (Executive Director, Human Rights Watch), Robert Malley (President & CEO, International Crisis Group) and Ram Manikkalingam (Director, Dialogue Advisory Group). The panel discussed situations where the UN Secretary-General's appeal for a global ceasefire has yielded positive results, and where it has been ignored and misused to gain a competitive advantage. In the next session, participants explored prospects for justice in **Afghanistan** in light of significant developments including the reversal of the International Criminal Court's decision authorising the Office of the Prosecutor to investigate, as well as the signing of a preliminary peace agreement by the US and the Taliban, committing the Taliban to begin peace talks with the Afghan government. The first day closed with a cautiously optimistic session on **Sudan**, where participants, while recognising the complex challenges facing the country, stressed the positive impact that proactive international engagement could have on Sudan's transition.

The second day opened with the annual **question and answer session with the Prosecutor of the International Criminal Court**, Fatou Bensouda, moderated by Christian Wenaweser, Permanent Representative of Liechtenstein to the UN. As the Prosecutor's term comes to an end, the session offered a timely opportunity to reflect on the Office's achievements, lessons learnt and challenges, including innovative approaches to justice, as well as the increasing politicisation of international justice. This session was followed by a panel on **Covid-19 in conflict: the ICRC perspective**, with Peter Maurer, President of the ICRC, and Pekka Haavisto, Finnish Minister for Foreign Affairs. The panel explored the worldwide impact that COVID-19 is having on health, the economy, social structures and institutional frameworks, highlighting the challenges and opportunities that responses to the pandemic may offer humanitarians, front-line negotiators and peace mediators in conflict areas. The final session of the Amsterdam Dialogue conference assessed opportunities for peace in **Yemen** with UN Special Envoy, Martin Griffiths, looking, in particular, at how the fracturing of the Arab coalition and the COVID-19 pandemic could bring back momentum around talks on a bilateral ceasefire agreement.

Amsterdam Dialogue

Agenda

THURSDAY 7 MAY 2020

- 14:00 – 14:10 **Welcome**
Fleur Ravensbergen (Deputy Director, Dialogue Advisory Group)
- 14:10 – 15:15 **COVID-19, Peace & Justice**
Robert Malley (President & CEO, International Crisis Group)
Ram Manikkalingam (Director, Dialogue Advisory Group)
Kenneth Roth (Executive Director, Human Rights Watch)
- 15:15 – 15:30 **Break**
- 15:30 – 16:30 **Afghanistan**
Shaharзад Akbar (Chairperson, Afghanistan Independent Human Rights Commission)
Nader Nadery (Chairman, Independent Administrative Reform and Civil Service Commission)
Moderator: Marieke Wierda (Rule of Law Policy Coordinator, Ministry of Foreign Affairs of the Netherlands)
- 16:30 – 16:45 **Break**
- 16:45 – 17:45 **Sudan**
Suliman Baldo (Senior Policy Advisor, Enough Project)
Comfort Ero (Africa Program Director, International Crisis Group)
Moderator: Richard Dicker (Director, International Justice Program, Human Rights Watch)

FRIDAY 8 MAY 2020

- 14:00 – 14:05 **Welcome**
Juan Garrigues (Deputy Director, Dialogue Advisory Group)
- 14:05 – 15:10 **Q&A with ICC Prosecutor**
Fatou Bensouda (Prosecutor, International Criminal Court)
Moderator: Christian Wenaweser (Permanent Representative of Liechtenstein to the United Nations)
- 15:10 – 15:30 **Break**
- 15:30 – 16:30 **COVID-19 in Conflict: the ICRC Perspective**
Pekka Haavisto (Minister for Foreign Affairs, Finland)
Peter Maurer (President, International Committee of the Red Cross)
- 16:30 – 16:45 **Break**
- 16:45 – 17:45 **Yemen**
Martin Griffiths (United Nations Special Envoy for Yemen)
Moderator: Leoni Cuelenaere (Former Ambassador, Ministry of Foreign Affairs of the Netherlands)
- 17:45 – 18:00 **Closing**

PEACE & JUSTICE IN THE CONTEXT OF COVID-19

Panellists:

Robert Malley, *President & CEO, International Crisis Group*
Ram Manikkalingam, *Director, Dialogue Advisory Group*
Kenneth Roth, *Executive Director, Human Rights Watch*

Recently, UN Secretary-General Antonio Guterres called for a global ceasefire in an effort to alleviate the suffering compounded by the COVID-19 pandemic in conflict-affected countries. In some places, this appeal has yielded positive results, whilst in others it has been ignored and the pandemic is instead being misused by various actors aiming to gain a competitive advantage. In this context, the opening session of the Amsterdam Dialogue reflected on the challenges and opportunities that the COVID-19 pandemic brings for peace and justice in conflict.

Rather than altering conflict trends and dynamics, COVID-19 appears to be accelerating them. In cases such as Libya, where parties to the conflict are heavily engaged in fighting, and their international sponsors are focused on making military advances, COVID-19 has had no impact. Instead, parties to the conflict remain committed to the idea that any political process must follow victory, or at least some clarity, on the battlefield. Therefore fighting has continued, if not accelerated. Conversely, in a situation like Yemen, where international sponsors were already reluctant to continue providing military and financial support for conflict parties, the pandemic may now push them to seek a way out of the conflict.

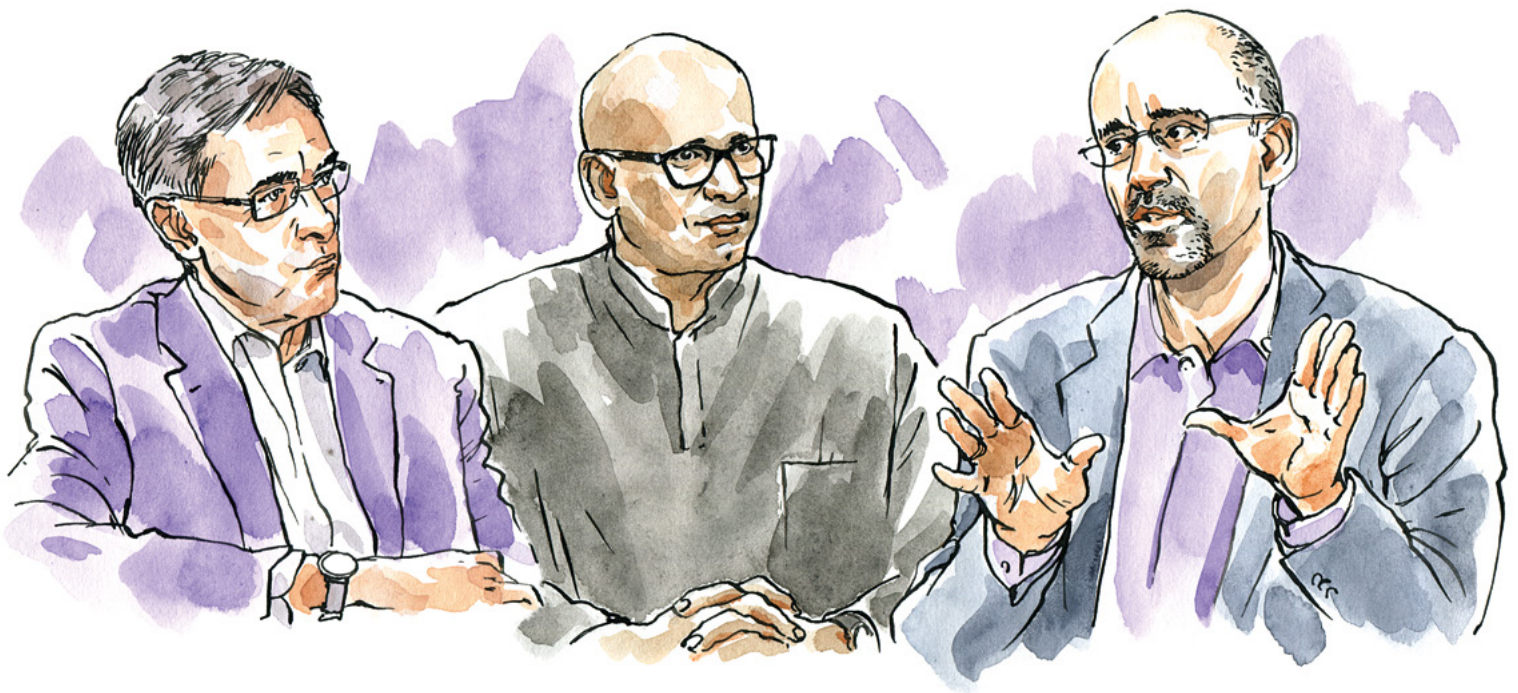
Participants observed how many authoritarian governments are leveraging the situation to reinforce control over societies, imposing coercive measures, delaying electoral processes, and pushing nationalist agendas. In countries where violence is pervasive, the coronavirus crisis is exacerbating existing human suffering brought on by conflict. The spread of COVID-19 and measures to contain it have already resulted in revolts in prisons, food riots and the targeting of minorities, amongst others. This brings with it a risk of social breakdown; particularly as economic difficulties take centre-stage.

Some participants held that the pandemic also has the potential to foster institutional responses that pay special attention to promoting human rights. According to participants, neglecting human rights would be detrimental to public health. As an example of this, participants mentioned the benefits that a transparent information system can have in preventing the spread of the virus and designing early response plans. On the other hand, a contagion tracking system can have negative effects if it does not respect data protection rights. This can even lead to people refusing to participate in such a system, rendering it useless. Thus far, the pandemic has highlighted

the fracturing of the multilateral system. The UN Security Council has been unable to agree on a concerted response to the pandemic and some countries are choosing to withdraw their economic support from organisations like the World Health Organisation.

More positively, the COVID-19 crisis has opened windows of opportunity to promote political dialogue and ceasefires in conflict contexts where they previously seemed unlikely. Participants mentioned situations like Yemen, where the COVID-19 crisis could provide a possible face-saving way out for war-weary international sponsors; Idlib in Syria, where concerns around the pandemic led armed actors to respond to the call for a truce; and Venezuela, where humanitarian efforts to address the crisis might open up a space to re-engage the opposition and the Maduro government in a political dialogue.

Finally, participants discussed the consequences of the pandemic for the peacebuilding and the human rights community and their work. The economic recession resulting from the pandemic will have an impact on peace and justice work, and is likely to exacerbate nationalist, populist, protectionist and xenophobic tendencies. From past experience, this tends to generate social and political turmoil which is conducive to neither peace nor justice. Reflecting on the challenges to come, panellists recalled the need for organisations working on peace and justice to focus on supporting each other, as well as decision-makers and multilateral organisations in their response to conflict. Although recent EU and AU initiatives are an example of solidarity, more multilateral resources and collaboration will be needed. In a global context marked by future economic recession, peace and justice organisations will have a key role in making sure that countries and societies that are affected by current and new conflicts are not forgotten.



AFGHANISTAN

Panellists:

Shaharзад Akbar, *Chairperson, Afghanistan Independent Human Rights Commission*

Nader Nadery, *Chairman, Independent Administrative Reform and Civil Service Commission*

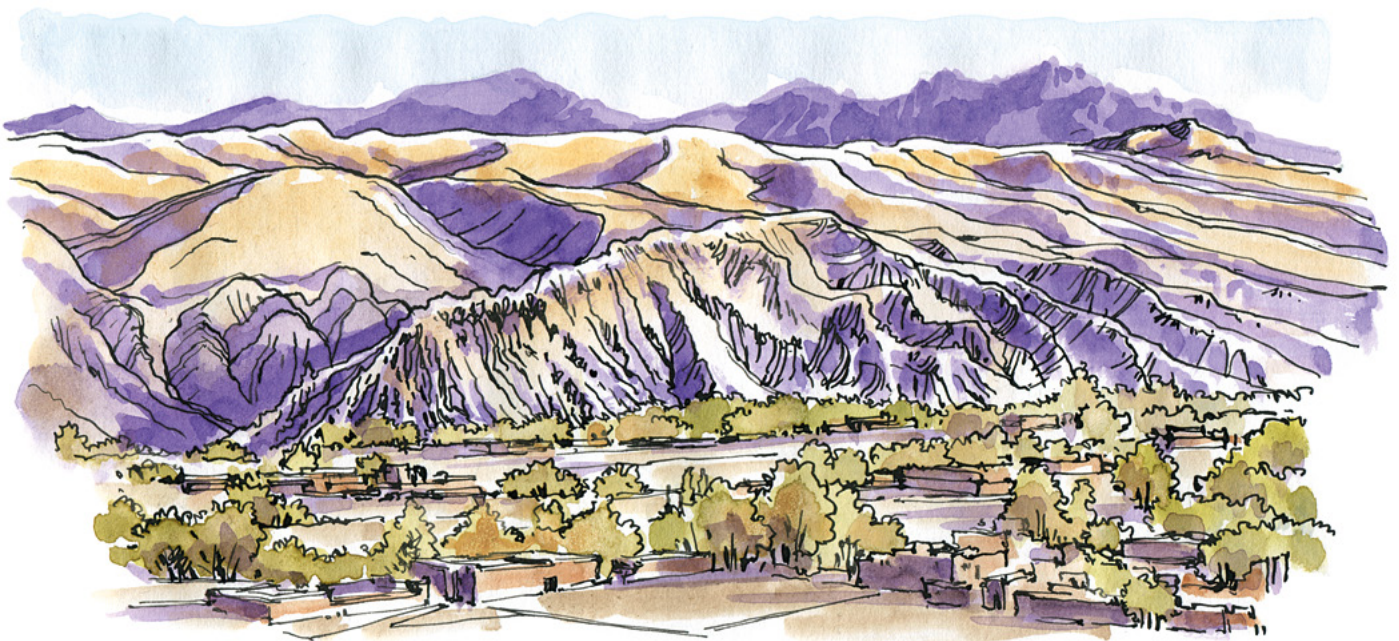
Moderator:

Marieke Wierda, *Rule of Law Policy Coordinator, Ministry of Foreign Affairs of the Netherlands*

The first months of 2020 saw significant developments in Afghanistan. In March, the International Criminal Court's (ICC) Appeals Chamber authorised the Office of the Prosecutor to investigate the situation, overturning the 2019 decision of the Pre-Trial Chamber. And barely a week earlier, against the backdrop of political divisions in Kabul, the Taliban and the US signed a preliminary peace agreement, committing the Taliban to begin peace talks with the Afghan government.

Participants highlighted that this preliminary peace agreement makes no mention of accountability. There is resistance to including accountability, as all parties to the conflict – the Afghan government, the Taliban, as well as the US – have been accused of committing serious crimes.

Participants suggested that explicitly addressing the topic of justice during the national peace talks may well risk their failure. On top of this, external pressures are discouraging parties from including justice in any future agreement. For example, the US is putting pressure on negotiations to end before their upcoming elections in November. And similar to other parties, they are steering the conversation away from accountability measures because of allegations of war crimes committed by US troops. Still some participants and advocates of accountability were hopeful that justice would be addressed, reminding the group that the media and citizenry are more outspoken today than they were in 2001, and the presence of an active human rights community also bolsters prospects for justice.





Despite parties to the armed conflict seeking to avoid justice issues, there is a shared sense of victimhood. Both the Taliban, the government and Afghan society see themselves, respectively, as victims of the conflict, and many within these groups would like to see their victimhood addressed. For example, the Taliban recently issued a statement on how they are being affected by forced disappearances and torture. Some participants suggested that concerns about accountability measures could be partially assuaged by framing justice through this language of shared victimhood. Without mentioning accountability explicitly, this could create space to encourage all parties to agree on its principles.

Participants explored the failures and successes of establishing justice mechanisms in Sri Lanka and Colombia, where some strategic decisions on justice were made to work around the reluctance of the parties and sections of society in order to enact elements of accountability. Participants stressed the importance of understanding what victims want from different justice mechanisms and balancing that against what is politically realistic to implement. Participants suggested that in Sri Lanka, some justice efforts, such as reparations and the office for missing persons, enjoyed broad support, while others, such as prosecutions for war crimes, received less support. Efforts at prosecution could have produced better results if existing national institutions had been used

and strengthened, rather than seeking to establish new institutions with some form of international involvement. Reflections on justice efforts in other contexts led to a call for the inclusion of victims in the Afghan negotiations in various ways, and the bolstering of existing actors, like the Attorney General's office.

The opening of an ICC investigation into Afghanistan has elicited some strong reactions, including US outrage at the inclusion of its troops in the scope of investigations. The Afghan government more recently responded to the investigation by submitting an admissibility challenge under Article 18 of the Rome Statute, to defer the opening of an ICC investigation in favour of the primacy of domestic proceedings. The Afghan government refers to the positive steps it has already made on domestic structural and institution changes, like the creation of an International Crimes Office within the Afghan judiciary, as well as reforms to the Afghan penal code to include international crimes. Nevertheless, there are concerns that without a track record of pursuing accountability, leaving it solely in domestic hands is not without risk. While ICC proceedings and government efforts to address accountability are ongoing, human rights organisations will be closely monitoring developments in an effort to ensure that past violations are addressed and rights are protected in Afghanistan.

SUDAN

Panellists:

Suliman Baldo, *Senior Policy Advisor, Enough Project*
Comfort Ero, *Africa Program Director, International Crisis Group*

Moderator:

Richard Dicker, *Director, International Justice Program*
Human Rights Watch

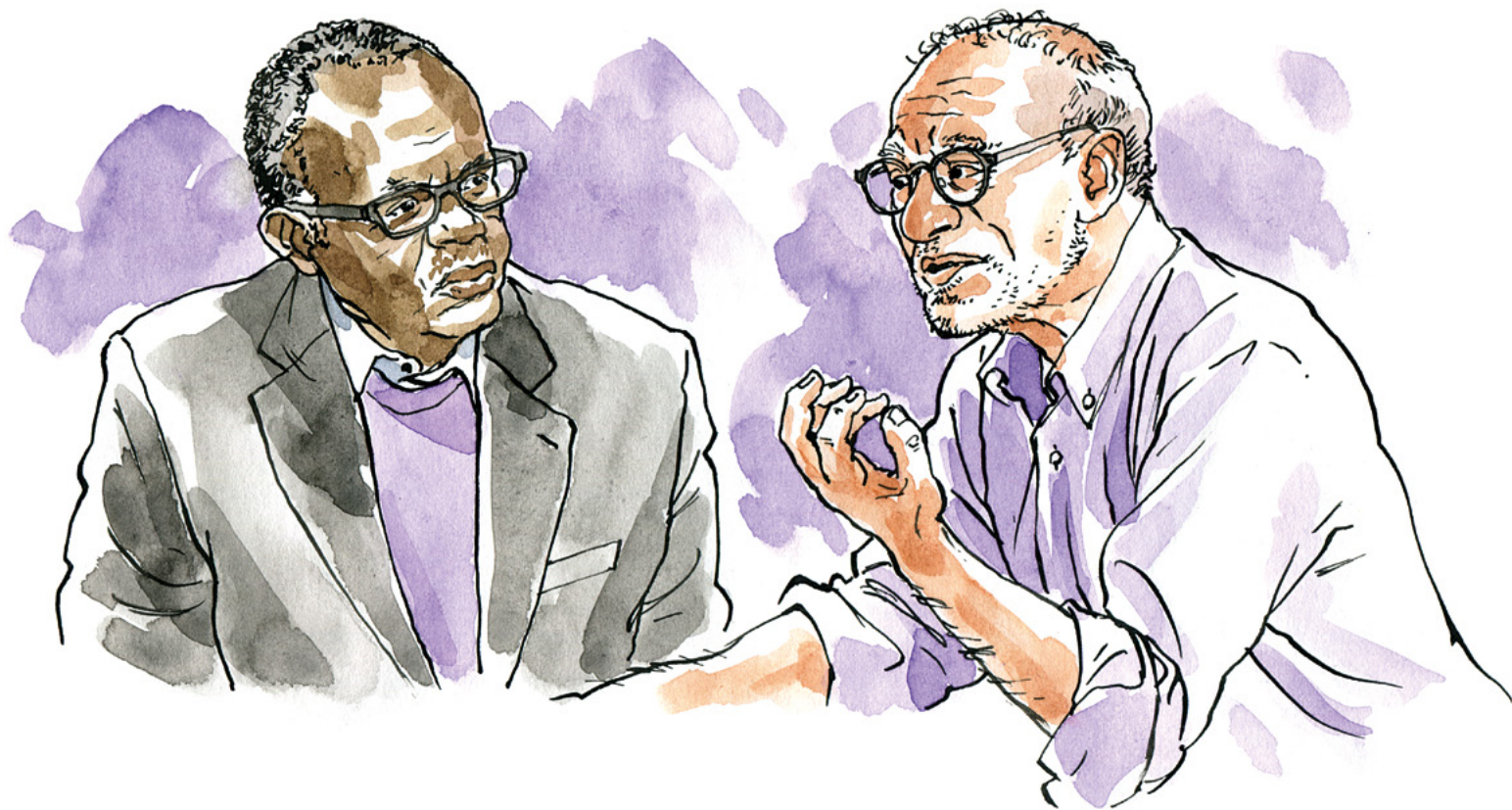
A year after the ouster of Omar al-Bashir, Sudan is still immersed in a complex and fragile transition. The civil-military alliance that is leading the transition aims to revitalise Sudan's drained economy, strike a comprehensive peace agreement with the armed groups, and prepare the country for civilian rule and democracy.

Questions about justice are central to this transition, not in the least because of the International Criminal Court

(ICC)'s warrant of arrest for Omar al-Bashir. Participants held that accountability in Sudan should be approached broadly, and with an understanding of its impact on the transition, where cooperation with the ICC is one aspect. The willingness by the Sovereign Council to cooperate with the ICC creates an opportunity for the Court and the Office of the Prosecutor to work with Sudan. Even though participants felt that Sudan was unlikely to surrender al-Bashir, they noted that the ICC has the potential to have a positive impact in Sudan by pushing for domestic prosecutions and accountability, supporting genuine proceedings, and encouraging the country's accession to the Rome Statute. Meanwhile, they observed that Bashir is already being held accountable for his crimes of corruption domestically, while they are yet to focus on ICC crimes. In response to this, some participants suggested that while there may be delays in addressing issues of justice in Sudan, it is important to keep it on the agenda as it can contribute to longer-term stability.

Throughout the discussion, participants voiced cautious optimism, while recognising the multiple challenges Sudan faces. They also stressed the positive impact that proactive





international engagement could have on Sudan's transition. The bottom-up nature of the transition and the clear economic opportunities for the country's elite were seen as reasons for optimism. After many years of isolation during Bashir's rule, Sudan is keen to secure the support of western nations and multilateral institutions. Diplomatic support to the civilian arm of government and a comprehensive economic relief programme in support of the transition will be key to the transition's success. A new UN mission with a political mandate that supersedes the current peacekeeping mission would be a step in this direction. It should, however, maintain the civilian protection mechanism as insecurity for civilians continues to be a serious issue in the country's peripheries.

In terms of challenges to the transition, participants highlighted Sudan's fragmented state security apparatus and its ability to control profitable natural resources. While international finance is urgently needed for a comprehensive

economic recovery programme, another significant part of the economic struggle Sudan faces is the monopoly of the Sudanese state security actors over access to the country's resources. This leaves the civilian government virtually empty handed, undermining civilian authority and limiting the capacity of Prime Minister Hamdok to implement much-needed reforms.

While COVID-19 could pose an opportunity in the short term to encourage civil-military cooperation, the current reality is that the military and the Rapid Support Forces (RSF) are politically exploiting efforts to respond to the health crisis. For instance, Mohamed Hamdan Dagalo, the head of the RSF, is trying to expand his influence by branding all COVID-19 response efforts as RSF initiatives. Whether or not the pandemic will continue to play out in this way, next year's change of chairmanship in the Sovereign Council from military to civilian will be decisive for the future of the country's transition.

Q&A WITH THE ICC PROSECUTOR

Panellist:

Fatou Bensouda, *Prosecutor, International Criminal Court*

Moderator:

Christian Wenaweser, *Permanent Representative of Liechtenstein to the United Nations*

The tenth edition of the Amsterdam Dialogue characteristically included the annual question and answer session with the Prosecutor of the International Criminal Court (ICC), Fatou Bensouda, moderated by Christian Wenaweser, Permanent Representative of Liechtenstein to the United Nations. As the Prosecutor enters her final year in office, the candid conversation offered a timely opportunity to look back at the Office's achievements, lessons learnt and challenges, as well as the Court's operations in the context of COVID-19.

Participants took stock of discussions around the interests of peace and justice, and the necessary but difficult balancing act between the two. Participants reiterated the complementary role of the ICC in support of domestic responsibility for accountability, and explored complementarity as a possible tool for the Office of the Prosecutor (OTP) to support peace negotiations, which adequately cover accountability. It was noted that this approach worked well in Colombia, where the involvement of the OTP prompted important policy choices regarding justice, and did not necessitate the opening of an ICC investigation. Participants raised similar points in relation to Afghanistan and Sudan. Although an ICC investigation is already underway in both of these situations, under complementarity the domestic judiciary can still proceed with its own prosecution, providing it covers the same criminal acts.

Reflecting on the Prosecutor's term, participants continued to express concern over an increasing politicisation of international justice and the work of the ICC. While participants highlighted that this could be a sign that the Prosecutor is successfully carrying out her mandate independently and



impartially, it has nevertheless resulted in reduced budgetary contributions, as well as threats to individuals within the OTP. Backlash towards the OTP's work, particularly in Afghanistan, Palestine, Burundi and the Philippines, has led to concerted efforts to undermine the Court's work. The resulting reduction of budgetary contributions by some states is of particular concern, especially given the number of preliminary examinations which are nearing conclusion and will require significant resources should investigations into any of the nine situations be opened.

It was also noted that briefings by states and envoys at the UN Security Council regularly left justice unmentioned, despite there being space to highlight the linkages and synergies of the justice and peace agendas. This has unfortunately let opportunities for building much-needed support for a project that 123 states have officially signed onto pass by. While international support for the ICC is waning, calls for justice for mass atrocity crimes from victims and activists show no signs of dissipating. In this context, participants praised the OTP's creativity in its pursuit of international justice, in particular with reference to its investigation in Bangladesh/ Myanmar. This investigation is also a good example of the ICC working alongside other innovative solutions including



the Human Rights Council's Independent Investigative Mechanism for Myanmar (IIMM). Participants were reminded that the ICC is not a panacea for international justice, but a crucial actor working often cohesively among others. Prosecutor Bensouda's tenure has been distinguished by integrity, professionalism and courage in the face of increasing politicisation and personal attacks. As her term comes to an end, the next Prosecutor will have to draw on this lasting legacy to deal with these ongoing challenges and continue the progress made by the Office to date.



Int'l Criminal Court

#ICC Prosecutor: Despite the challenges of our complex mandate & operating environment, my Office has been resolute in the service of the **#RomeStatute**, at all times independently, conscientiously & responsibly. I'm grateful to **@AmsDialogue** for the opportunity & rich discussions



Liechtenstein UN

Amb. Wenaweser and **@IntlCrimCourt** Prosecutor engage in an in-depth discussion on the work of **#ICC** and the Challenges the Prosecutor has faced and advice she would impart to her successor. Thanks **@AmsDialogue** for organizing. **#AD2020**



COVID-19 IN CONFLICT: THE ICRC PERSPECTIVE

Panellists:

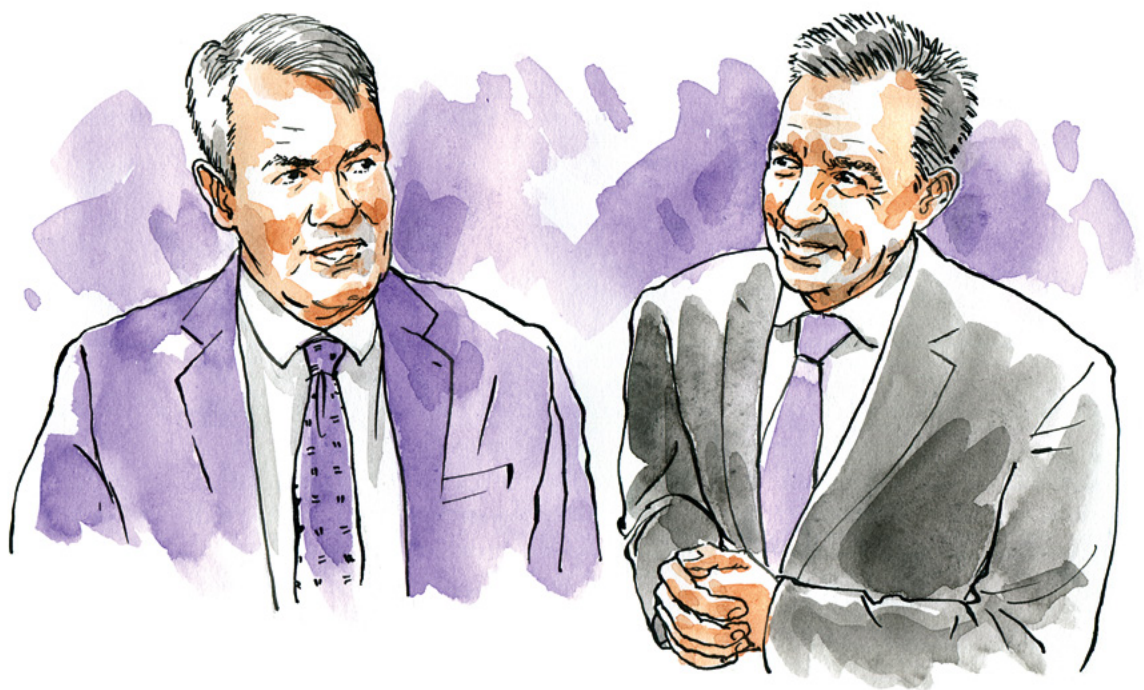
Pekka Haavisto, *Minister for Foreign Affairs, Finland*

Peter Maurer, *President, International Committee of the Red Cross*

The COVID-19 pandemic has a far-reaching and worldwide impact on health, the economy, social structures and global institutional frameworks. In countries affected by conflict, the pandemic adds to significant pre-existing challenges, including fragile health systems and the disruption of social structures. In other contexts, the exacerbation of socio-economic inequalities may lead to rising tensions and contribute to new instances of conflict. During this session with President of the International Committee of the Red Cross (ICRC) Peter Maurer and Finland's Minister for Foreign Affairs Pekka Haavisto, participants shared insights into the challenges and opportunities that responses to the pandemic may offer humanitarians, front-line negotiators and mediation efforts in conflict areas.

While reflecting on the ICRC's experience and insights, the need for an international response to be multi-dimensional and contextual was echoed throughout the discussion. Rather than looking at the pandemic solely as a health problem, participants recognised its long-term effects across multiple sectors. An important challenge for humanitarians has been the need to prepare and support an emergency response to the pandemic in a way that does not weaken already struggling health and social systems. This was a lesson from the Ebola outbreak, where the focus and overfinancing of the epidemic had negative consequences for other aspects of the health system, including a rise in other diseases. Working closely with state authorities to negotiate a humanitarian space at a time when this space





is increasingly restricted by measures taken to reduce the spread of the virus, such as restrictions on movement and assembly, is inherently challenging. Participants noted how international humanitarian organisations need to be simultaneously more virtual and more local. At present, this is leading to an increased reliance on local infrastructures and partners who only have limited capacity.

Participants highlighted that the complex effects of the pandemic in conflict situations require a serious recommitment to multinational, multi-stakeholder and long-term cooperation connecting international, national and local efforts. While some participants raised concerns that the pandemic may not be 'bad enough', in itself, to trigger meaningful behavioural change, others felt that it could encourage different actors to work together, change assessments of what constitute good policies, and open up new spaces for dialogue and conflict resolution. For instance, over the past six weeks, the ICRC has witnessed an unprecedented level of attention given to detention facilities, with justice ministers and prison directors adopting quick and

comprehensive measures in order to improve conditions and prevent the spread of the virus. In that sense, COVID-19 has been a game changer for opening up new forms of dialogue and rethinking existing policies.

Finally, the pandemic and the call by UN Secretary General Antonio Guterres for a global ceasefire were seen as offering a potential smokescreen behind which mediators could engage in quiet dialogue and diplomacy. Participants noted that the public support for such a ceasefire will not in itself lead to conflict actors laying down their arms. What it can do, is create opportunities for mediators by providing a space in which concrete mediation efforts can be translated into engagement without the political costs that parties may incur if they are seen to be suing for peace. It can also provide a platform for negotiators to push for concrete actions and decisions to facilitate the delivery of assistance and the strengthening of service systems. It is up to the international community and peace negotiators to invest the time, resources and energy needed to use these dynamics positively, and for conflict actors to live up to the expectations of their constituencies.



Pekka Haavisto

International and multilateral cooperation should not stop but continue to improve in a time of crisis such as [#covid19](#). We are all in this together. Timely exchange of ideas today at [@AmsDialogue](#) with [@PMaurerICRC](#) on the key role of International organisations [#AD2020](#)

YEMEN

Panellist:

Martin Griffiths, *United Nations Special Envoy for Yemen*

Moderator:

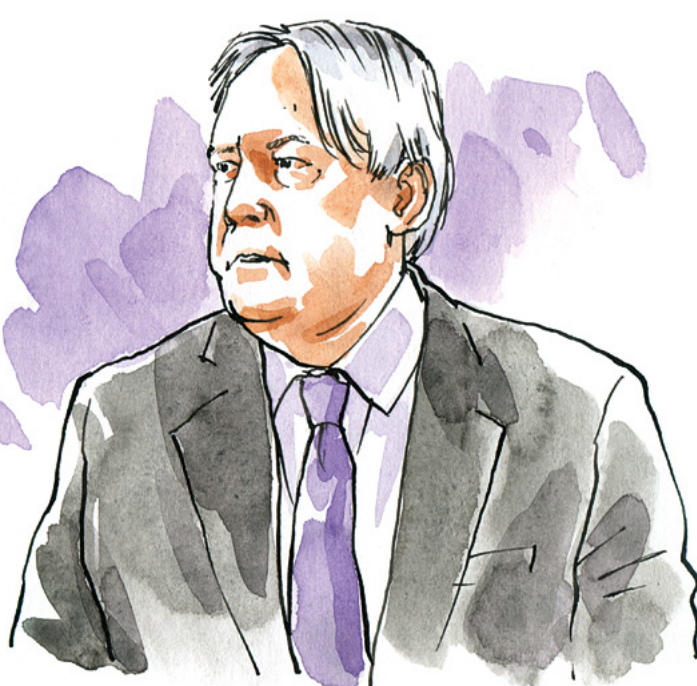
Leoni Cuelenaere, *Former Ambassador, Ministry of Foreign Affairs of the Netherlands*

Five years into the conflict, Yemen continues to be one of the worst humanitarian crises in the world. Three key parties remain on the ground: the government led by exiled president Abd Rabbu Mansour Hadi, which has grown steadily weaker after a series of military defeats; the Houthi rebels which dominate much of northern and central Yemen, including the capital Sanaa; and the Southern Transitional Council (STC), a secessionist group supported by the UAE and nominally allied to Hadi's forces that declared self-rule in the south in May this year.

Although conflicting local and regional interests still hinder the prospects for peace in Yemen, a series of developments in the months prior to the pandemic signalled a shift in the

positions of key warring parties. This included the withdrawal of the UAE from the Arab coalition and the initiation of direct Saudi-Houthi talks in September 2019, following a drone attack against the Aramco oil installation in Saudi Arabia. However, despite the flurry of activity and contact between the two sides, peace talks did not gain traction and the war reignited in mid-January. Some participants saw this as an indication that regional powers were increasingly determined to end a conflict that has resulted in significant reputational – and material – damage.

COVID-19 could help bring back momentum around talks on a bilateral ceasefire agreement. Participants observed that the threat posed by the pandemic to the war-ravaged





country has triggered an outpouring of public pressure to end the fighting. The call by UN Secretary-General Antonio Guterres for a global ceasefire and the opening of humanitarian corridors have resonated well with the public, which is putting pressure on local and regional leaders to act. While participants were sceptical of the parties' genuine concern about the spread of the virus, they were hopeful that this narrative of responding to the COVID-19 crisis would offer an opportunity for parties tired of war to sit down at the negotiating table without losing face. Some participants were therefore optimistic about prospects for an agreement on a nationwide ceasefire and humanitarian access in the near future.

On the regional dimension of the conflict, participants agreed that a political solution in Yemen requires an understanding between Saudi Arabia and Iran. Although Iran's sway over the Houthis has been largely overstated, Tehran, thus far, seems intent on continuing its role in Yemen. On the other side, the Arab coalition, assembled by Saudi Arabia in 2015, has failed to push the Iran-backed Houthi movement out of the territories they control, and Riyadh may be looking for a way out. Participants acknowledged the challenges of finding an arrangement that is acceptable to both regional powers,

with the future relationship between Iran and the Houthis being one of the main points of contention. Developments in Syria, Lebanon and Iraq, where stakes are high for both Teheran and Riyadh, will impact negotiations in Yemen and vice-versa. Still, the increasing flexibility of regional actors on Yemen and the relatively low stakes for Iran, compared to other countries in the region, could create space for a negotiated settlement.

Participants also reflected on the next steps to achieve long-lasting peace and stability in Yemen beyond a ceasefire agreement. Concerns were raised that a poorly handled transition could result in a country divided and ruled by unelected groups, namely the Houthis in the north and the STC in the south. Key to avoiding this scenario will be the inclusion of democratic values in both the peace process and the final agreement. Some participants were not optimistic about the parties' willingness to incorporate values linked to human rights and accountability in the negotiations. To help incorporate such values into the discussions, participants agreed that the political process must go beyond the parties to the armed conflict to include a broad representation of communities, political parties and civil society.

Amsterdam Dialogue

Participants List

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<i>Marieke</i>	<i>Wierda</i>	Ministry of Foreign Affairs of the Netherlands	Rule of Law Policy Coordinator

THE ORGANISERS



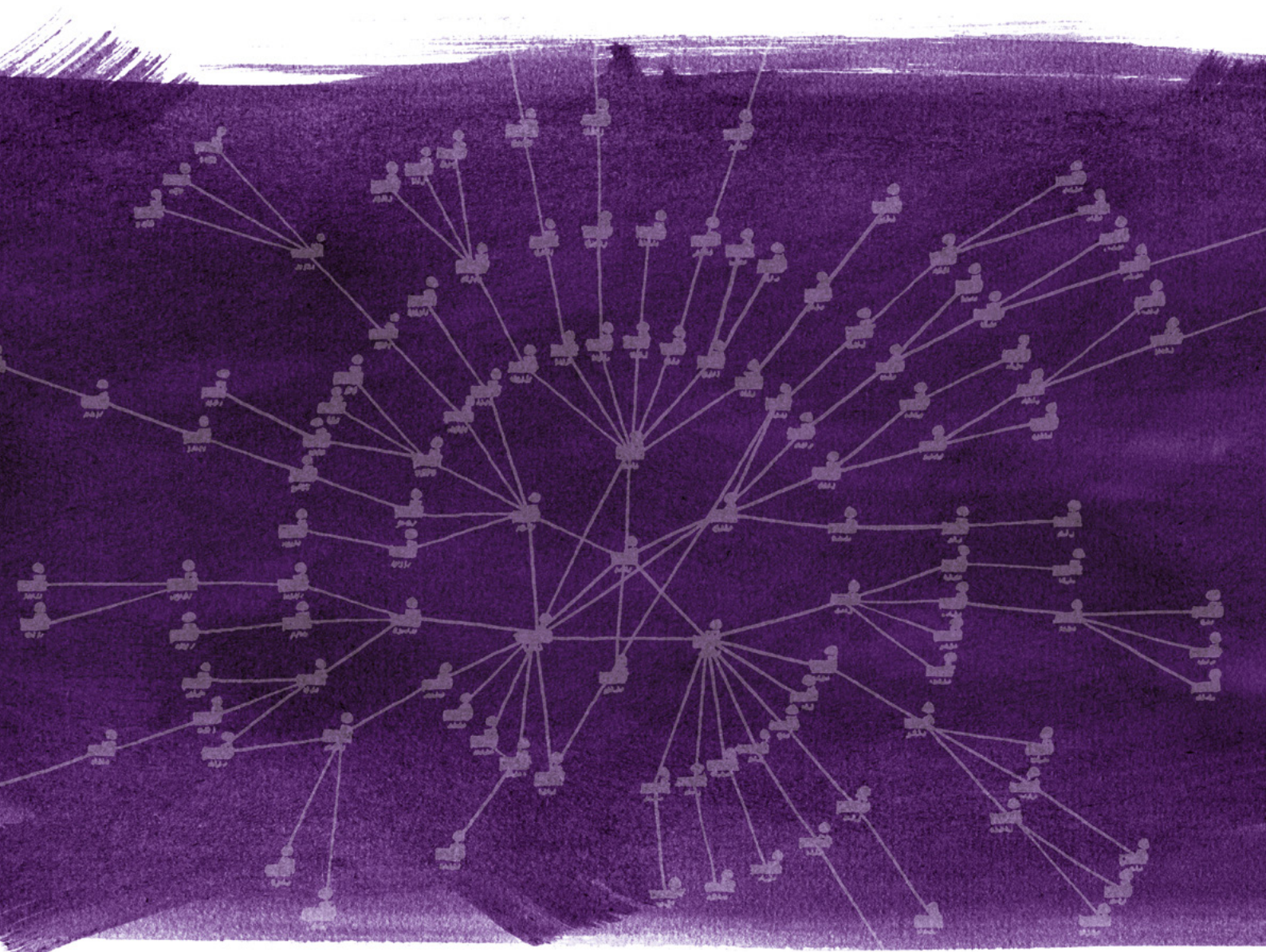
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