Interview: The "RtoP" Balance Sheet After Libya
 e-IR's Alex Stark interviews Professor Gareth Evans
 2 September 2011

 Why did it take so long after World War II for the international community to agree that they had the responsibility to protect civilians form genocide and mass atrocities? It seems like the world said "never again" a number of times before anyone took proactive steps to make this a reality.

 As we look back over the course of human history one of the most depressing, and distressing, realities we have to acknowledged has been our inability to prevent or halt the apparently endlessly recurring horror of mass atrocity crimes- the murder, torture, rape, starvation, expulsion, destruction of property and life opportunities of other for no other reason that their race, ethnicity, religion, nationality, class or ideology. The capacity of human beings to perpetrate- or to look the other way when others are perpetrating- the most appalling destruction of the lives, liberty and capacity for any kind of happiness of their fellow human beings seems to know no bounds.

 No crime in history has been more grotesque than the Nazi Holocaust, with its comprehensively and meticulously organized extermination of six million Jews. Even is some other mass atrocity crimes, those of Stalin and Mao for a start, have involved even more unbelievably large numbers, none has more fundamentally demeaned our sense of common humanity.

 What is in some ways hardest of all to believe is how little changed in the decades after World War II. One might have thought that Hitler's atrocities, within Germany and in the states under Nazi occupation, would have laid to rest once and for all the notion- predominant in international law and practice since the emergence of modern nation states in the 17th century- that what happens within state borders is nobody else's business: to put it starkly, that sovereignty is essentially a license to kill.

 But even with the Nuremberg Tribunal Charter and its recognition of "crimes against humanity" which could e committed by a government against its own people; even with the recognition of individual and group rights in the UN Charter, and more grandly in the Universal Declaration of Human Rights and the subsequent International Covenants; even with the new Geneva Conventions on the protection of civilians; and even after all Raphael Lemkin's efforts, culminating in the Convention signed in 1948, to get recognition of the new crime of genocide- aimed at preventing and punishing the worst of all crimes against humanity, attempting to destroy whole groups simply on the basis of their race, ethnicity, religion or nationality- the killing still went on.

 Why didn't things fundamentally chance? Essentially because the overwhelming preoccupation of those who founded the UN was not in fact human rights but the problem of states waging aggressive war against each other. What actually captured the mood of the time, and that which prevailed right through the Cold War years, was, more than any of the human rights provisions, Article 2(7) of the UN Charter: "Nothing should authorise intervention in

matters essentially within the domestic jurisdiction of any State".

The state of mind that even massive atrocity crimes like those of the Cambodian killing fields were just not the rest of the world's business was dominant throughout the UN's first half-century of existence: Vietnam's invasion of Cambodia in 1978, which stopped the Khmer Rouge in its tracks, was universally attacked as a violation of state sovereignty, not applauded. And Tanzania had to justify its overthrow of Uganda's Idi Amin in 1979 by invoking 'self-defence', not any larger human rights justification. The same had been true of India's intervention in East Pakistan in 1971.

With the arrival of the 1990s, and the end of the Cold War, the prevailing complacent assumptions about non-intervention did at last come under challenge as never before. The quintessential peace and security problem- before 9/11 came along to change the focus to terrorism- became not interstate war, but civil war and internal violence perpetrated on a massive scale. With the break-up of various Cold War state structures, and the removal of some superpower constraints, conscience-shocking situations repeatedly arose, above all in the former Yugoslavia and in Africa.

But old habits of non-intervention died very hard. Even when situations cried out for some kind of response, and the international community did react through the UN, it was too often erratically, incompletely or counter-productively, as in the debacle of Somalia in 1993, the catastrophe of Rwandan genocide in 1994, and the almost unbelievable default in Srebrenica in Bosnia just a year later, in 1995.

Then the killing and ethnic cleansing started all over again in Kosovo in 1999. Not everyone, but certainly most people, and governments, accepted quite rapidly that external military intervention was the only way to stop it. But again the Security Council failed to act, this time in the face of a threatened veto by Russia. The action that needed to be taken was eventually taken, by a coalition of the willing, but without the authority of the Security Council, thus challenging the integrity of the whole international security system (just as did the invasion of Iraq four years later in far less defensible circumstances).

What are the historical and theoretical roots of RtoP (Responsibility to Protect?)

Throughout the decade of the 1990s a fierce doctrinal, and essentially ideological, argument raged over these issues. On the one hand, there were advocates, mostly in the global North, of "humanitarian intervention"- the doctrine that there was a "right to intervene" (droit d'ingerence" in Bernard Kouchner's influential formulation) militarily, against the will of the government of the country in question, in these cases. On the other hand there were defenders of the traditional prerogatives of state sovereignty, who made the familiar case that internal events were none of the rest of the world's business. It was very much a North-South debate, with the many new states born out of decolonization being very proud of their new won sovereignty, very conscious of their fragility, and all too conscious of the way in which they had been on the receiving end in the past of not very benign interventions from the imperial and colonial powers, and not very keen to acknowledge their right to do so again, whatever the circumstances. And it was a very bitter debate, with the trenches dug deep on both sides, and the verbal missiles flowing think

and fast, often in very ugly terms.

This was the environment which led Kofi Annan to issue his now famous challenge to the General Assembly in 1999, and again in 2000:

If humanitarian intervention is indeed an unacceptable assault on sovereignty, how should e respond to a Rwanda, to a Srebrenica- to gross and systematic violations of human rights that offend every precept of our common humanity?

And it was this challenge to which the Canadian-government responded by appointing the International Commission on Intervention and State Sovereignty (ICISS), which I was asked to co-chair with the Algerian diplomat and UN Africa adviser Mohamed Sahnoun. This Commission came up in 2001 with the idea of "the responsibility to protect", in its report of that name, which took the whole debate in a new, and what is now acknowledged to be much more productive, direction (...)

Read the full article