The responsibility to protect?

Geoffery Johnston February 7 2013 The Whig *A series of columns looking at how the "Responsibility to Protect" doctrine is – and is not – being applied in practice. Below are excerpts from the four columns* Despite a legal obligation to protect civilian populations, the United Nations has not intervened effectively in the ongoing civil war in Syria that has killed tens of thousands of civilians and displaced up to a million people. But this isn't the first time that the community of nations has shirked its responsibility to protect.

When a United Nations panel of experts concluded in 2011 that the world body had fallen short of its humanitarian and civilian protection mandates during the final months of the civil war in Sri Lanka, UN Secretary-General Ban Ki-Moon established an internal review panel to more closely examine that failure.(…)

R2P was adopted at the UN world leaders' summit in New York in September of 2005. According to Jennifer Welsh, a Canadian-born international relations expert at Oxford University, Martin "intervened personally during the laborious negotiations over the text of the 2005 summit outcome document, which endorsed R2P."

Martin reached out to a number of world leaders, convincing them "to support Articles 138 and 139 of the summit outcome document, which acknowledged the responsibilities of individual states and the international community to protect populations from mass atrocity crimes," Welsh said in an email.(…)

R2P is "designed to provide protection for people, not protection for nation-states or governments," Axworthy explained in another interview. "It's not national security; it's people security." (…)

To fully appreciate the significance of the human security agenda, an understanding of the concept of sovereignty is necessary.

The modern history of Europe and the wider international system was shaped by the Treaty of Westphalia of 1648, which ended the Thirty Years' War. The treaty established the concept of national sovereignty, guaranteeing the independence and territorial rights of the nation-state. And that meant, Martin said, "a government could do whatever it wanted within its own territory."(…)

According to Axworthy, R2P established "an alternative way" of viewing the world. "Sovereignty is not a divine right so that you can have the right, as we see in Syria today, to murder your own

people."

Under R2P, "sovereignty is based upon the degree to which you protect your people," Axworthy explained. "And if you don't protect them, your sovereignty is clearly amended, or is really reduced." However, R2P won't create a "world government" or do away with national governments, he said.

R2P sets the bar high for UN intervention in the internal affairs of sovereign states. According to Welsh, "the trigger for international action must be extreme emergencies, involving crimes against humanity."

Military intervention "should always be the last resort," Allan Rock said in a telephone interview. Rock served as Canada's ambassador to the United Nations during the Martin years and helped win approval for R2P at the UN.

All other options—sanctions, arms embargoes, no-fly zones and safe zones for refugees and internally displaced persons—should be exhausted before the UN authorizes the use of military force against a nation-state, he said.(…)

According to the report of the UN internal review panel, some senior UN staff "did not perceive the prevention of killing of civilians as their responsibility – and agency and department heads at UNHQ [UN headquarters] were not instructing them otherwise."

Unless R2P is invoked wherever civilian populations face mass death, it will ultimately be remembered as an elegant but ephemeral concept.

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 R2P: Canada finds hope in the darkness February 8 2013   The United Nations estimates that in excess of 60,000 civilians have been killed in the ongoing civil war in Syria. And many of those deaths probably could have been prevented had the UN Security Council authorized international intervention during the early days of the conflict under the mandate of the Responsibility to Protect Doctrine.

The failure of the UN in Syria demonstrates the need for further reform of the international body.

And history shows that international crises can sometimes bring about positive change.

For example, the Kosovo crisis proved to be a turning point in the promotion of the human security agenda. Back in 1999, Serb forces were ethnically cleansing Kosovo of ethnic Albanians. Yet, the UN Security Council failed to authorize the use of force to stop the Serbian campaign.

Kosovo was "a test case" for the human security agenda, says Lloyd Axworthy, who was Canada's foreign affairs minister at the time of the crisis. The crisis gave him and the other proponents of humanitarian intervention the chance "to prove that, in fact, we could get an international coalition together."

They succeeded in launching a NATO air campaign against Serb forces in Kosovo and greater Serbia. The threat of a joint British-American invasion finally ended the conflict, and a NATO peacekeeping force oversaw the complete withdrawal of Serb forces from Kosovo.

However, that intervention raised concerns in Russia, China and other countries about the erosion of national sovereignty. Some were worried about international oversight of their own abysmal human rights records, while others feared that the human security agenda merely masked a new kind of imperialism. (…)

If a government is either unwilling or unable to do so, he said in an interview, the international community has a responsibility to intervene.(…)

Undaunted, Rock forced R2P onto the diplomatic front burner, pushing for the initiative to be voted on at the UN world leaders' summit in September of 2005.

He set about assuaging the fears of many countries.(…)

Rock also knew that China had "very large strategic interests" on the war-torn continent. His objective was to "make the Africans our advocates with China and India," both of which were competing for influence in Africa at the time.

"At the very end, there were four or five countries that were holding out," Rock said. "And that's when I called upon Mr. Martin to intercede and to make phone calls."

Martin was on a first-name basis with the presidents and prime ministers of some of the countries opposing R2P, including the leaders of South Africa, Algeria, Pakistan, Jamaica, and Chile.(…)

According to Rock, Martin's intervention was crucial. "I could sense the difference in the room after those calls had been made. He made a decisive difference in the last part of negotiations—no question about it."

R2P was the only reform initiative to be adopted at the UN session in 2005.

"I think there is no doubt that this was due to Allan Rock's role at the United Nations as UN ambassador and to Lloyd Axworthy's initiatives," Martin said. "And I'm very proud that it happened under my time."

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Slaughter in Syria underscores R2P's tragic limitations February 10 2013   Around the globe, civilian populations have been targeted by brutal regimes and ruthless militias. Countless innocent men, women and children have been raped, maimed or killed by combatants. Sometimes the conflicts are driven by religion or ethnic nationalism. Others are merely struggles to control natural resources and mineral wealth.

Under the Responsibility to Protect doctrine, commonly referred to as R2P and adopted by the United Nations in 2005, the international community has a legal obligation to prevent mass atrocities.

That it only took a few years for R2P to go from an idea being discussed in Canada's department of Foreign Affairs to an established international human rights regime is "amazing," Lloyd Axworthy, one of the architects of R2P, said in a telephone interview.

Former prime minister Paul Martin agrees that the rapid adoption of R2P by the UN was remarkable. "R2P has come of age much more quickly than I would have thought," Martin said. For example, the doctrine has been incorporated into the African Union Charter, allowing the AU to intervene in conflicts on the continent to protect vulnerable populations.

However, the R2P regime is far from ideal, and it continues to evolve.(…)

"R2P has had a mixed record since 2005," Rock acknowledged. "In Darfur, I don't think it was sufficiently applied to provide for these people being slaughtered." And the possibility of applying R2P to the brutal conflicts in the Democratic Republic of Congo or Sri Lanka was not even debated, he said.(…)

According to Axworthy, the relevance of the doctrine was demonstrated when the UN Security Council authorized military action in Libya using the language of Responsibility to Protect.

However, he was quick to acknowledge that R2P, as adopted by the UN, has clear weaknesses. For example, the doctrine lacks "a clear set of definitions on the rules of engagement." And he said that there needs to be a debate about R2P and regime change.

Another shortcoming of R2P is that a single permanent member of the Security Council has the power to veto any resolution that would authorize the application of the doctrine.(…)

"It's now used, unfortunately, by the P5—the permanent members of the Security Council—not just to protect them against someone going to war against them, but to advance their own national interests," he said. "And Russia has probably been the most obvious perpetrator of that."

Both Russia and China have vetoed Security Council resolutions condemning the Syrian regime for deliberately targeting civilians. And neither power is likely to support international intervention in the conflict under the banner of R2P.

"The national interests of Russia and China prevailed and they blocked further action, which is disgraceful, for which they should be forever ashamed," Rock said.

The Syrian conflict has clearly demonstrated the tragic limitations of R2P. The United Nations Human Rights Commissioner recently reported that in excess of 60,000 people have been killed in nearly two years of fighting.

Martin laments the fact that China and Russia will likely continue to resist the application of R2P.

However, he said that it would have been "utopian" to believe that the world would make a quick transition from a paradigm that recognized only sovereign rights to one that imposes sovereign duties on nation-states.(…)

The ongoing victimization of the civilian population in the Democratic Republic of Congo by various ruthless rebel militias demonstrates the urgent need for a more robust application of R2P. Despite the presence of 17,000 UN peacekeepers in the DRC, hundreds of thousands of

men, women and children have been displaced by violence.

The impotence of the UN in the Congo may cause some observers to question the future of R2P. But Lloyd Axworthy isn't one of them.

"Am I optimistic?" Axworthy asked rhetorically. "Yeah, I say, look: in 10 years [R2P] has gone from an idea that we kicked around to actually being a protocol of the United Nations, having it actually applied in Libya."

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 R2P: Looking for a way forward   Canada played a pivotal role in the establishment of the most innovative human security regime in the history of international relations. But in recent years, the Canadian government has distanced itself from that historic achievement.(…)

According to Allan Rock, Canada isn't the biggest, richest or most powerful country. Yet he maintains that Canada is an important international actor.

"We gain our influence through the currency of good ideas, and that's what we produced in R2P," said the former diplomat, politician and the current president of the University of Ottawa. Rock served as Canada's ambassador at the UN, where he played a crucial part in the adoption of R2P.

In the 1990s and early 2000s, Canada used its influence to champion such humanitarian initiatives as the international treaty on landmines and the creation of the International Criminal Court.(…)

Since forming government in early 2006, the federal Conservatives have said little about R2P. And that bothers Lloyd Axworthy, the Chretien-era foreign affairs minister.(…)

The Harper government seems to view R2P as a rigid theoretical construct that doesn't allow for flexible responses to real-world crises.

"What works in one country will not necessarily work in the next and a standard application is not realistic in our view," Roth wote.

Axworthy and Rock are certainly doing what they can to advance the R2P agenda. They're working together on an initiative to apply R2P to the environment, because climate change is causing droughts that put hundreds of thousands of people at risk of starvation and death.

Food insecurity, infectious diseases and natural disasters pose significant threats to international stability. And the world requires a more coordinated response to those challenges.

"I think the fundamental, inherent principles that are embedded in the R2P idea should be unbundled in a way and rebuilt around some of these other really catastrophic global issues that bring huge risk to very large numbers of people," Axworthy said.

Although Martin said that the campaign to expand R2P is "not be inappropriate," he warned that the doctrine is not easily applied. And he thinks that in the case of food insecurity, it would be better to simply make the moral case for humanitarian assistance without attempting to invoke R2P.(…)

The former prime minister remains "a bit more optimistic" than Axworthy about the future of international cooperation. He thinks that the G20, which brings together the world's industrialized and rapidly emerging economies, will help to prevent the world from reverting to the competitive power games of the past.

"It's always been my view that the role of the G20 is to strengthen the multilateral institutions," said Martin, who was the first chair of the G20 finance ministers. "It's really through the multilateral institutions that you're going to get better [international] governance."

Canada gave the world R2P, but the developing world is now leading attempts to improve it.

"The emerging countries are actually engaged in the debate far more than we are in Canada," said Axworthy. In the summer of 2012, he attended a conference on R2P in Washington, D.C., attended by representatives from such emerging powers as Brazil, India, and Chile.

"In other countries around the world," said Axworthy, "they're in a pretty active mode of discussion on how R2P works, how it could be changed, how it could be multiplied."

Similarly, Rock praised a new Brazilian initiative, Responsibility While Protecting. It proposes that whenever R2P is invoked, those who are making it operational must restrict their actions to a precise mandate authorized by the UN Security Council, and military force should only be used to protect civilians.

"If that's adopted," said Rock, "that might provide a basis for rebuilding confidence in R2P."

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