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**Iraq and the
Responsibility to
Protect**

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Iraq and the Responsibility to Protect

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THE TRIPLE DILEMMA OF COMPLICITY, PARALYSIS, OR ILLEGALITY

“Nation shall not lift up sword against nation” but shall rather “beat their swords into ploughshares” is the founding premise of international security within the traditional paradigm, which views security in relation to the absence of wars between countries who routinely flout the biblical injunction. *National security* puts the individual at the service of the state and includes the ultimate acts of killing others and being killed as and when called for duty by one’s government. *Human security* puts the individual at the centre of debate, analysis, and policy. The individual is paramount; the state is but a collective instrument to protect human life and enhance human welfare. The fundamental components of human security—the security of people against threats to personal safety or to life itself—can be put at risk by external aggression, but also by factors within a country, including “security” forces where the state is too strong and, at the other end of the spectrum, structural anarchy under conditions of state failure.

The reformulation of national security into human security is simple, yet it has profound consequences for how we see the world, how we organize our political affairs, how we make choices in public and foreign policy, and how we relate to fellow human beings from many different countries and civilizations. It also raises fundamental questions about the responsibility that we have for the security and

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welfare of fellow human beings across political borders. In today's seamless world, political frontiers have become less salient both for international organizations, whose rights and duties can extend beyond borders, and for states, whose responsibilities within borders can be held to international scrutiny.

The worst act of domestic criminal behaviour by a government is large-scale killing of its own people; the worst act of international criminal behaviour, attack and invasion of another country. The international history of the 20th century was in part the story of a twin-track approach to taming, through a series of normative, legislative, and institutional fetters, the impulses to both internal and external armed criminality by states. Together these measures attempted to translate an increasingly internationalized human conscience and a growing sense of international community into a new normative architecture of world order. Saddam Hussein's record of brutality was a taunting reminder of the distance yet to be traversed before we reach the first goal of eradicating domestic state criminality; his ouster and capture by unilateral force of arms was a daunting setback to the effort to outlaw and criminalize wars of choice as an instrument of state policy in international affairs.

But what if the second failure is a response to the first, if one country is attacked and invaded in order to halt or prevent atrocities inside its sovereign territory by the "legitimate" government (which already indicates a troubling appropriation and corruption of the word "legitimate")? For answers to this painful dilemma, read *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (R2P).¹ R2P is not an interveners' charter, any more than the United Nations charter is a tyrants' charter behind which tyrants can shield their acts of atrocity with impunity. Within the larger framework of human security, R2P concluded that where a population is suffering serious harm, as a result of internal war, insurgency, repression, or state failure, and the government in question is unwilling or unable to halt or avert it, the norm of non-intervention yields to the international responsibility to protect. But in order to ground international intervention in a more widely shared international morality, R2P reformulates "humanitarian intervention" as "the responsibility to protect" and identifies the conditions under which the principle of state sovereignty yields to the international responsibility to protect.

The 1990s were a challenging decade for the international community with regard to conscience-shocking atrocities in many parts of the world. We generally failed to rise to the challenge, and the price of

our failure was paid by large numbers of innocent men, women, and children. The debate on intervention, reinvigorated by the Iraq war in 2003, was ignited in the closing years of the last century by the critical gap between the needs and distress felt in the real world in Somalia, Rwanda, Srebrenica, and East Timor, the growing acceptance of human security as an alternative framework for security policy in today's circumstances, and the codified instruments and modalities for managing world order.

The triple policy dilemma—complicity, paralysis, or illegality—can be summarized thus:

To respect sovereignty all the time is to risk being complicit in humanitarian tragedies sometimes.

To argue that the UN Security Council must give its consent to international intervention for humanitarian purposes is to risk policy paralysis by handing over the agenda either to the passivity and apathy of the council as a whole, or to the most obstructionist member of the council, including any one of the five permanent members determined to use the veto clause.

To use force without UN authorization is to violate international law and undermine world order based on the centrality of the UN as the custodian of world conscience and the Security Council as the guardian of world peace.

Under the impact of contrasting experiences in Rwanda and Kosovo, Secretary-General Kofi Annan urged member states to come up with a new consensus on the competing visions of national and popular sovereignty—reflecting national and human security—and the resulting “challenge of humanitarian intervention.” Responding to the challenge, Canadian foreign minister Lloyd Axworthy set up the International Commission on Intervention and State Sovereignty in September 2000 as an independent international commission to wrestle with the whole gamut of difficult and complex issues involved in the debate. R2P, the ICISS report published in 2001, seeks to do three principal things: change the conceptual language from “humanitarian intervention” to “responsibility to protect”; pin the responsibility on state authorities at the national level and on the UN Security Council at the international level; and ensure that interventions, when they do take place, are done properly.

Because R2P is not an interveners' charter, it does not provide a checklist against which decisions can be measured with precision. Political contingencies cannot be fully anticipated in all their glorious complexity and, in the real world, policy choices will always be made on a case-by-case basis. With that in mind, R2P seeks to identify

those conscience-shocking situations where the case for international intervention is compelling and to enhance the prospects of such interventions. In turn this means that the circumstances have to be narrow, the bar for intervention high, and the procedural and operational safeguards tight, because the probability of international consensus is higher under conditions of due process, due authority, and due diligence.

FROM “HUMANITARIAN INTERVENTION” TO
“RESPONSIBILITY TO PROTECT”

“Humanitarian intervention” is what humanitarian agencies like the International Committee of the Red Cross and the UN High Commissioner for Refugees do; they object to the phrase being appropriated and debased by states engaged in military intervention. “Humanitarian bombing” as a conceptual oxymoron is immediately obvious to everyone. Yet the discourse over NATO’s intervention in Kosovo in 1999 was framed largely in the language of humanitarian intervention—when in fact that intervention consisted of three months of bombing. So if that was humanitarian intervention, then surely it must also necessarily have been humanitarian bombing.

It is easy to dub a war a “humanitarian intervention” and so to label its critics as “anti-humanitarian.” “Humanitarian intervention” conveys to most western minds the idea that the principle underlying the intervention is not self-interested power politics but the disinterested objective of protecting human life. It conjures up in many non-western minds historical memories of the strong imposing their will on the weak in the name of the prevailing universal principles of the day, from the civilizing mission of spreading Christianity to the cultivation and promotion of human rights. The phrase “humanitarian intervention” is used to trump sovereignty with intervention at the outset of the debate: it loads the dice in favour of intervention before the argument has even begun, by labelling and delegitimizing dissent as anti-humanitarian. This is why the *ex post facto* shift in justification for the war in Iraq, from weapons of mass destruction and links to al-Qaeda before the war to humanitarian liberation afterwards, had the net effect of delegitimizing “humanitarian intervention” instead of legitimizing the Iraq intervention.

Military intervention for human protection purposes is a polite euphemism for war: the use of deadly force on a massive scale. Politics is at the core of the contested aspects of such interventions, including threshold of abuse, legal authority for the intervention, and replacement of the repressive regime with a more progressive one. For example, if law and order is to be restored, whose law and whose order will

it be? The answer to this central question provides the best clue to the genuineness and degree of the transfer of sovereignty from the American occupying power to an Iraqi government in June 2004.

In any event, answers to all the above questions are profoundly political in content, and they are made by political actors on the basis of political judgments and calculations. Moreover, the privileging of some crises that are placed on the international security agenda over those that are not reflects the interests and perspectives of the powerful and the rich at the expense of the weak and the poor. How else do we explain the attention surfeit syndrome with respect to Iraq alongside the attention deficit syndrome with regard to the Democratic Republic of Congo or the crisis in the Darfur region of Sudan? It also explains why the risk to the soldiers of the intervening, warring-by-choice countries is minimized by transferring the burden of danger to the civilians and soldiers of the other side. And it explains the refusal of the United States, which wields enormously destructive power well beyond its borders, to permit such a global exercise of power to be accountable to international institutions like the new International Criminal Court, let alone to those who suffer its consequences. Thus it is OK for 600 Iraqis, mainly civilians, to die in an attack on Falluja that was in vengeance for four Americans killed and mutilated there. If done by Saddam Hussein, this would have been called mass murder, even if the provocation had been identical.

From this to abuse of Iraqi prisoners is not such a long step. Abuses result from the attitude that “we” are superior beings above the law and “they” are an inferior species not deserving of the protection of the law. Thus Rob Corddry of the satirical *Daily Show*: “Remember, it’s not important that we did torture these people. What’s important is that we are not the kind of people who would torture these people.”² That is, repressive regimes can be held accountable for their domestic use of force by countries that insist on exempting their own international use of force from any independent international accountability. In the case of Saddam Hussein, in order to oust a regime based solely on might with few redeeming features to make it right, established institutions and conventions for ensuring that force is legitimately exercised were set aside by a power supremely confident of its might.

‘Twas ever so, and perhaps ever will be. William Dalrymple, in his fascinating book on mores governing social intercourse between Europeans and Indians in the 18th century, quotes a French writer about why Napoleon Bonaparte planned to invade India and how he would be received by the natives:

General Bonaparte, following the footsteps of Alexander would have entered India not as a devastating conqueror ... but as a liberator. He would have expelled the English forever from India so that not one of them would have remained and ... would have restored independence, peace, and happiness to Asia, Europe, and to the whole world ... All the Princes in India were longing for French intervention.³

The above was penned by Louis Bourquien in 1923: *Plus ça change, plus c'est la même chose*.

The cynical deployment of moral arguments to justify imperialist actions in Iraq in 2003 has a direct structural counterpart in the British annexation of the kingdom of Awadh (Oudh in its anglicized version) in the first half of the 19th century. The structure of justification makes use of a specific set of techniques for the mobilization of democratic consent and international support—through political representatives, the press, and the interested and attentive public—of decisions taken in pursuit of national interest by an elite group of policy-makers. Tracing its origins to John Locke and John Stuart Mill, Partha Chatterjee locates it in the paternalistic belief that people—and hence nations—who are morally handicapped or in a state of moral infancy deserve a benevolent despot who will protect and look after them.⁴

What is remarkable is how many of the same arguments, including the evangelical fervour, the axiomatic assumption of the mantle of civilisation, the fig-leaf of legalism, the intelligence reports, the forgeries and subterfuges and the hard-headed calculations of national interest, remain exactly the same at the beginning of the 21st century.⁵

“They”—the great European imperial powers—came to liberate “us”—the people of the colonized countries—from our local tyrants and stayed to rule over us as benevolent despots to save our souls. In the name of moral enlightenment, they defiled our lands, plundered our resources, and expanded their empires. Should they be surprised that their fine talk of humanitarian intervention translates in our historical consciousness into efforts to resurrect and perpetuate rule by foreigners so they can inculcate their superior moral values in us heathen savages? That we are suspicious of military action guided by an enduring belief in being a virtuous power, the one common refrain uniting the great European colonizers? That we should look for the

ugly reality of geostrategic and commercial calculations camouflaged under the lofty rhetoric of spreading Christian humanitarianism? Should we be mute accomplices when they substitute their mythology of humanitarian intervention for our histories of colonial oppression? Do they think we do not remember, or do they simply not care?

Where “humanitarian intervention” raises fears of domination based on the international power hierarchy, R2P encapsulates the element of international solidarity. It implies an evaluation of the issues from the point of view of those seeking or needing support, rather than of the rights and duty of those who may be considering intervention. It refocuses the international searchlight back on the duty to protect the villager from murder, the woman from rape and the child from starvation and being orphaned.

SOVEREIGNTY AS RESPONSIBILITY

Intervention for human protection purposes occurs so that those condemned to die in fear may live in hope instead. It is based in the double belief that the sovereignty of a state has an accompanying responsibility on the part of that state; and that if the state defaults on the responsibility to protect its citizens, then the fallback responsibility to do so must be assumed and honoured by the international community. Based on changes in the real world and evolving best-practice international behaviour, ICISS concluded that it is necessary and useful to reconceptualize sovereignty, viewing it not as an absolute term of authority but as a kind of responsibility. Crucially, R2P acknowledges that responsibility rests primarily with the state concerned. Only if the state is unable or unwilling to discharge its responsibility, or is itself the perpetrator, does it become the responsibility of others to act in its place. Thus R2P is more of a linking concept that bridges the divide between the international community and the sovereign state, whereas the language of humanitarian intervention is inherently more confrontational.

The doctrine of sovereign equality and the correlative norm of non-intervention are European in origin and construct but they received the most emphatic affirmation from the newly independent developing countries (although the US is second to none in the jealous defence of national sovereignty against international encroachments). At one level, the developing countries’ attachment to sovereignty is deeply emotional. In the age of colonialism, most Afro-Asians and Latin Americans were the victims of western superiority in the organization and weaponry of warfare. Most developing countries are former colonies that achieved independence after extensive and protracted

nationalist struggles against the major European powers. The anti-colonial impulse in their world view survives as a powerful sentiment in the collective consciousness of their nations. The continuing scars in the collective memory of the former colonized countries are difficult for many westerners to comprehend and come to terms with.

At another level, the commitment to sovereignty is functional. The state is the cornerstone of the international system. State sovereignty provides order, stability, and predictability in international relations. It mediates relations between the strong and the weak, the rich and the poor, and former colonizers and the colonized. With independence, and following the globalization of the norm of self-determination, the principle of state sovereignty was the constitutional device used by newly decolonized countries to try to reconstitute disrupted societies and polities, and to restart arrested economic development.

Yet even during the Cold War, state practice registered the unwillingness of many countries—not just the major powers, but also former colonies like India and Tanzania—to give up intervention as an instrument of policy. The many examples of intervention in actual state practice throughout the 20th century did not lead to an abandonment of the norm of non-intervention. Often the breaches provoked such fierce controversy and aroused so much nationalistic passion that their net effect was to reinforce, not negate, the norm of non-intervention.

R2P's core principle is that while the state has the primary responsibility to protect its citizens, the responsibility of the broader community of states is activated when a particular state is either unwilling or unable to fulfil its responsibility to protect or is itself the perpetrator of crimes or atrocities. The foundations of the international responsibility to protect lie in obligations inherent in the concept of sovereignty; the responsibility of the Security Council, under Article 24 of the UN charter, for the maintenance of international peace and security; specific legal obligations under human rights and human protection declarations, covenants and treaties, international humanitarian law, and national law; and the developing practice of states, regional organizations, and the Security Council itself. As a result of agreements they have signed voluntarily, states now accept many external obligations and international scrutiny.

The UN charter is itself an example of an international obligation voluntarily accepted by member states. On the one hand, in granting membership in the UN, the international community welcomes the signatory state as a responsible member of the community of nations.

On the other hand, the state itself, in signing the charter, accepts the responsibilities of membership flowing from that signature. There is no transfer or dilution of state sovereignty. Rather, the United Nations is the chief agent of the system of states for exercising international authority in their name.

DOING IT RIGHT, DOING IT WELL

The substance of the responsibility to protect is the provision of life-supporting protection and assistance to populations at risk. The goal of intervention for human protection purposes is not to wage war on a state in order to destroy it and eliminate its statehood, but to protect victims of atrocities inside the state, to embed the protection in reconstituted institutions after the intervention, and then to withdraw all foreign troops. Thus military intervention for human protection purposes takes away the rights flowing from the status of sovereignty but does not in itself challenge the status as such. It is always limited to a temporary period, until the capacity of the state itself to resume its protective functions can be restored and institutionalized. It may also be confined to a particular portion of the target state's territory rather than all of it—for example, Kosovo and not all of Yugoslavia, where the abuses are actually occurring. And it may be limited also to a particular group that is the target of abuse, rather than to all citizens.

The traditional terms of the “humanitarian intervention” debate do not adequately take into account the prevention and follow-up assistance components of external action. Action in support of the responsibility to protect necessarily involves and calls for a broad range and wide variety of measures and responses in fulfillment of the accompanying duty to assist. These may include development assistance to help prevent conflict from occurring, intensifying, spreading, or persisting; support for rebuilding in order to help prevent conflict from recurring; and, in extraordinary cases, military intervention to protect at-risk civilians from harm.

The responsibility to prevent requires addressing both the root causes and the direct causes of internal conflict and other man-made crises putting populations at risk. The responsibility to react requires us to respond to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution and, in extreme cases, military intervention. The responsibility to rebuild requires us to provide, particularly after a military intervention, full assistance with recovery, reconstruction, and reconciliation, addressing the causes of the harm that the intervention was designed to halt or avert.

Far from meeting the test of having engaged in conflict prevention in Iraq prior to initiating hostilities, Britain and the US were the most insistent on keeping in place the comprehensive UN sanctions that inflicted considerable human misery on Iraqi civilians and negated any efforts at development. The basic reason for maintaining the sanctions was Saddam Hussein's refusal to comply fully with UN demands, but the price of his intransigence was exacted from his people. Any failure to "stay the course" in Iraq until the security situation has been stabilized and a self-sustaining and economically viable democratic and representative system of government has been instituted will cause still further retroactive erosion of the legitimacy of the war.

THRESHOLD CRITERIA AND PRECAUTIONARY PRINCIPLES

Military intervention for human protection purposes is an exceptional and extraordinary measure. For it to be warranted, there must be serious and irreparable harm to human beings, occurring or likely to occur imminently, of the following kind:

- large-scale loss of life due to deliberate state action, neglect, or inability to act, or due to failure of a state; or
- large-scale ethnic cleansing, actual or apprehended, whether carried out by killing, forced expulsion, acts of terror, or rape.

On these criteria, protective intervention would have been an acceptable option in Iraq in the late 1980s. The major difficulty, of course, was that Saddam was the west's "useful idiot" at that time, supported politically and assisted materially as a bulwark against the revolutionary regime in Iran. R2P does not envision retroactive validation more than a decade after the atrocities were committed.

Looking ahead rather than to the past, it would be futile to try to anticipate every contingency and provide a uniform checklist for intervention. Rather, the decision on intervention has to be a matter of careful judgment on a case-by-case basis. Even when the just-cause threshold of conscience-shocking loss of life or ethnic cleansing is crossed, intervention must be guided by the precautionary principles of right intention, last resort, proportional means, and reasonable prospects.

The primary purpose of the intervention, whatever other motives intervening states may have, must be to halt or avert human suffering, if necessary by defeating a non-compliant state or regime. Right intention is better assured with multilateral operations, clearly supported by regional opinion and by the victims concerned. There was and remains confusion about the mix of George W. Bush's motives for war: personal (revenge for Saddam's failed attempt to

assassinate George Bush Sr., the unfinished agenda from the first Gulf War for the many policy-makers from that era who were part of the US administration in 2003), oil, geopolitical (destroying an existing or imminent WMD capability, eliminating a major node in the international terrorist network with partial culpability for 9/11, securing an alternative to a suddenly less reliable Saudi Arabia for a large-scale US military presence in the region, securing Israel's eastern flank, securing Iran's western flank in order to place intensified pressure on it, consolidating the entire energy-rich region from Central Asia to the Middle East), and military-technological (using Iraq as the testing ground for the revolutionary new doctrine of strategic pre-emption). But there is consensus that the humanitarian motive was adduced after the fact, with the failure to find any WMD in Iraq or establish credible links between Saddam and Osama bin Laden or 9/11.

If the first principle is not satisfied because there is no clear answer to "Why Iraq?" the second remains problematic because of the failure to answer "Why now?" Military intervention can be justified only when every non-military option for the prevention or peaceful resolution of the crisis has been explored, with reasonable grounds for believing that lesser measures would not have succeeded. The verdict on Iraq is clear by now: all alternative options had not been exhausted, and the UN inspectors under Hans Blix could and should have been given more time to complete their task.

Third, the scale, duration, and intensity of the planned military intervention should be the minimum necessary to secure the defined human protection objective. This is difficult to assess in the case of Iraq, since human protection was not the primary objective. But it does seem that the main war was conducted with military efficiency, civilians were never the chief target, and indeed the coalition forces have tried to minimize civilian casualties as best they can in an insecure and highly volatile environment.

And fourth, there must be a reasonable chance of success in halting or averting the suffering which has justified the intervention, with the consequences of action not likely to be worse than the consequences of inaction. The Iraq war cannot be judged to have met this criterion. On the contrary, the continuing instability and the rise of Iraq as a hotbed of terrorist activity as a *result* of the war was predicted by many analysts.

RIGHT AUTHORITY AND DUE PROCESS

As demonstrated yet again in Iraq, war is a major humanitarian tragedy that can be justified only under the most compelling circumstances:

after provocation, with the likelihood of success—bearing in mind that goals are metamorphosed in the crucible of war once started—and with consequences that may reasonably be predicted. And the burden of proof rests on the proponents of force, not on dissenters. In particular, we cannot accept the alternative doctrine that any one state or coalition can decide when to intervene with force in the internal affairs of other countries, for down that path lies total chaos. The sense of moral outrage provoked by humanitarian atrocities must always be tempered by an appreciation of the limits of power, a concern for international institution building, and a sensitivity to the law of unintended and perverse consequences—of which Iraq offers but the latest example.

Given the enormous normative presumption against the use of deadly force to settle international quarrels, who has the right to authorize such force? On what basis, for what purpose, and subject to what safeguards and limitations? In other words, even if we agree that military intervention may sometimes be necessary and unavoidable in order to protect innocent people from life-threatening danger by interposing an outside force between actual and potential victims and the perpetrators, key questions remain about agency, lawfulness, and legitimacy.

R2P came down firmly on the side of the central role of the UN as the indispensable font of international authority and the irreplaceable forum for authorizing international military action. Attempts to enforce authority can be made only by the legitimate agents of that authority. What distinguishes forcible compliance by armed criminal thugs from rule enforcement by police officers is precisely the principle of legitimacy. The chief contemporary institution for building, consolidating, and using the authority of the international community is the United Nations. It was set up to provide the framework within which members of the international system can negotiate agreements on the rules of behaviour and the legal norms of proper conduct in order to preserve the society of states. The Iraq experience proves that it is easier to wage war without UN blessing than it is to win the peace—but victory in war is pointless without a resulting secure peace.

The task therefore is not to find alternatives to the UN as a source of authority but to make it work better than it has. Thus if the veto is the source of the Security Council's ineffectiveness, it should be eliminated or its use curtailed. The council's authorization must be sought before any military intervention. Those calling for an intervention should formally request such authorization, or have the council raise

the matter on its own initiative, or have the secretary-general raise it under Article 99 of the UN charter. Its work can be supplemented by regional organizations acting within their own jurisdictions—for example, the Arab League.

The burden of responsibility, which derives from having the power to make the most difference, often falls on the US and other leading powers. The conceptual connecting rod that links power to authority is legitimacy. In this sense the United Nations is the symbol of what even major powers must *not* do. In the field of state-citizen relations within territorial borders, charter clauses and instruments like the Universal Declaration of Human Rights in their totality restrict the authority of states to cause harm to their own people. In the sphere of military action across borders, UN membership imposes the obligation on all powers to abjure unilateral intervention in favour of collectively authorized international intervention.

If the Security Council rejects a proposal or fails to deal with it in a reasonable time, alternative options are consideration of the matter by the General Assembly in emergency special session under the “Uniting for Peace” procedure, and action by regional organizations within their areas of jurisdiction, subject to subsequent authorization from the Security Council. In the case of Iraq, Britain and the US tried but failed to obtain a second Security Council resolution explicitly authorizing military enforcement, failed to seek and clearly would not have obtained majority support in the General Assembly, and would have been met with derision had they tried to get Arab League endorsement for war. Even the so-called coalition of the willing was so narrowly based as to have been dubbed the coalition of the piddling.

The Security Council should take into account in all its deliberations that, if it fails to discharge its responsibility to protect in conscience-shocking situations crying out for action, concerned states may not rule out other means to meet the gravity and urgency of that situation. This carries a double risk. The actions of such states may not be guided by the just cause and precautionary principles identified in R2P, and so these interventions may not be done well, with due authority, diligence, and process. Alternatively, states may do it very well and the people of the world may conclude that their actions were necessary, just and proper, in which case the stature and credibility of the United Nations may suffer still further erosion. Apropos this comment from R2P, the opposite conclusion may now be proffered: that the UN’s refusal to authorize war on Iraq in 2003 has been fully vindicated and has restored the organization’s authority and

credibility. Had it been given, UN authorization would have conferred the veneer of legality on the war but made the organization complicit in an illegitimate war against a sovereign member state.

CHANGING DEMANDS, EXPECTATIONS AND TOOLS

In sum, Iraq fails the test of an R2P-type intervention. Yet, paradoxically, it highlights the urgency of international endorsement for R2P. The United Nations is dedicated to peace but is not a pacifist organization. The entire Chapter 7 of its charter focuses on the coercive instruments of statecraft against wilful transgressors of world order. Sometimes war will be necessary to meet and defeat the challenge from international outlaws. R2P rests on the premise that one such context for the legitimate and necessary use of armed force is large-scale humanitarian atrocities inside sovereign territory, which require interposing international military contingents between victims and perpetrators. But the will to wage war will weaken if force is used recklessly, unwisely, and prematurely. Ill-considered rhetoric of pre-emptive strikes and of Iraq as an example of “humanitarian intervention” risks draining support from R2P rather than adding to the legitimacy of such enterprises.

The world is changing, and changing fast, all around us. Calls for “humanitarian intervention” could arise from any of several potential flashpoints; humanitarian carnage could be triggered by any combination of contingencies. The continuing tragedies of Liberia, Burundi, Sudan, and the Congo and the potential tragedy in Myanmar come readily to mind. Human nature is fallible, leaders can be weak and corruptible, and states can be frail and vulnerable to outbreaks of multiple and complex humanitarian crises. Our ability to act beyond our borders, even in some of the most distant spots in the world, has increased tremendously, producing a corresponding increase in demands and expectations to act.

An analogy with medicine is appropriate. Rapid advances in medical technology have greatly expanded the range, accuracy, and number of medical interventions. With enhanced capacity and increased tools have come more choices that have to be made, often with accompanying philosophical, ethical, political, and legal dilemmas. The idea of simply standing by and letting nature take its course has become less and less acceptable, to the point where in many countries today parents can be held criminally culpable for failure to exercise due diligence in refusing all available treatment for their children.

Similarly, calls for military intervention happen. Living in a fantasy world is a luxury we cannot afford. In the real world today, the

brutal truth is that our choice is not between intervention and non-intervention. Rather, our choice is between ad hoc or rules-based, unilateral or multilateral, and consensual or deeply divisive intervention. If we are going to get any sort of consensus in advance of crises requiring urgent responses, including military intervention, the R2P principles point the way forward. The president of the Security Council at the time of the Rwanda genocide in the fateful month of April 1994, Ambassador Colin Keating of New Zealand, has added his voice thus: “If the international community is ever to be able to act effectively for human protection purposes, then it must pay attention to the recommendations” of R2P.⁶

Establishing agreed principles to guide the use of force to protect civilians under threat will make it more difficult, not less, to appropriate the humanitarian label to self-serving interventions while simultaneously making the Security Council more responsive to the security needs of civilians. To interveners, R2P offers the prospect of more effective results. For any international enforcement action to be efficient, it must be legitimate; for it to be legitimate, it must be in conformity with international law; for it to conform to international law, it must not be inconsistent with the Charter of the United Nations. To potential targets of intervention, R2P offers the option and comfort of a rules-based system, instead of one based solely on might. The challenge is neither to deny the reality of intervention nor to denounce it, but to manage it for the better, so that human security is consolidated, the international system is strengthened, and all of us come out of it better, with our common humanity not diminished but enhanced.

ENDNOTES

1 *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre for ICISS, 2001). The report is available at www.iciss.gc.ca.

2 Quoted by Eric Alterman, “Hawks Eating Crow,” *Nation*, 7 June 2004, 10.

3 Quoted in William Dalrymple, *The White Mughals: Love and Betrayal in Eighteenth Century India* (New Delhi: Viking, 2002), 147–48. In the event Napoleon never got beyond Egypt.

4 Partha Chatterjee, "Empire after Globalisation," *Economic and Political Weekly* 39, no. 37 (11 September 2004): 4158.

5 *Ibid.*, 4163.

6 Colin Keating, "Rwanda: An Insider's Account," in David M. Malone, ed., *The UN Security Council: From the Cold War to the 21st Century* (Boulder: Lynne Rienner, 2004), 510.

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