

## THE TEST OF HUMANITY

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Canada World View  
Summer 2005

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World leaders are failing the most fundamental test of their own humanity. Since they were told by UN Under-Secretary-General Jan Egeland in December 2003 that the situation in the Darfur region in Sudan "has quickly become one of the worst humanitarian crises in the world," tens of thousands of innocent people have died. Those leaders can redeem themselves this autumn when the most important enclave of heads of state and government since the UN was created gathers in New York to reform the organization.

Without a doubt, the most urgent issue facing them there will be not who gets a permanent seat on the Security Council, nor even how to build consensus on the potentially catastrophic nexus of weapons of mass destruction and terrorism. It will be whether innocents will be saved from slaughter in Darfur, the Congo, northern Uganda and all of the other little-known or half-forgotten humanitarian crises around the world, and who will do the saving. The lives of millions of people are at stake, as is the reputation of the UN. And the outcome is anything but assured.

The UN Charter, which was written in other times and under other circumstances, has become part of the problem. The framers of the Charter, with the appalling losses of World War II fresh in their minds, decided that the best way "to save succeeding generations from the scourge of war" was to outlaw aggression and create a system of collective security that proscribed interference in the internal affairs of others. With some help from the North Atlantic Treaty Organisation and nuclear deterrence, the UN succeeded. But in recent years, while the number of conflicts between states has diminished, internal conflicts, such as those in Rwanda and now Darfur, have become the crucial issue. Nevertheless, international consensus on the need for protective action across borders has been slow to materialize.

In 1999, after the UN sat out the Kosovo war under the threat of a Russian veto, Secretary-General Kofi Annan posed the question of how, if humanitarian intervention was indeed an unacceptable assault on sovereignty, the world should respond to such brutal inhumanity. The commission appointed by then-Foreign Affairs Minister Lloyd Axworthy to answer the question replied by shifting the discourse from the right of states to intervene to the need of innocents for protection, which had greater appeal—not least to those needing protection. The commission's "responsibility to protect" (R2P) thesis holds that when governments cannot or will not protect their citizens from conscience-shocking brutality, including widespread loss of life, the responsibility to do so falls temporarily to the international community.

We expected a positive reaction to these seminal ideas at the UN, particularly from African governments, but were mistaken. Some reluctant African governments are no doubt concerned about their own hold on power, but even the more responsible, including the African Union, find the idea of intervention by non-Africans difficult to accept. European exploitation and the slave trade have left too much of a legacy. The Europeans, albeit constrained by their often bloody colonialist history, are at least open to the idea of protecting others. The Latin

Americans look askance at the idea through the prism of 200 years of often conflictual relations with the United States. The proponents of Asian values, for their part, are paradoxically almost totally dedicated to the 17th-century European belief in sovereignty as an absolute good. The Americans are wary of an idea that might entail constraints on their capacity to act, while at the same time increase their moral obligation to do something in conflicts they would rather ignore. The Arabs and some other predominantly Muslim countries hear echoes of the Crusades and see parallels with the Palestinian issue.

Selling R2P at the UN was and remains difficult. Ambassadors of less powerful UN member countries fear that R2P could become a licence for too much intervention, while others, mostly world-weary UN hands, fear there would be too little. One European ambassador has acknowledged privately that were a Rwandan-like genocide to occur elsewhere, his government would again not act. The U.S., which declared the situation in Darfur to be genocide, took weeks to get over its ideological opposition to sending the case to the International Criminal Court. In the General Assembly, spoilers such as Cuba, Pakistan, Sudan and Libya have marshalled opposition even to consideration of the idea, let alone action to implement it.

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Photo: CP (Richard Drew)

The case for R2P was made incalculably more complex by the Iraq war, even though that war did not meet the tests of R2P. As Human Rights Watch has observed, there was no evidence—and no serious argument has even been made—that the Iraqi government was engaged in or preparing a widespread slaughter. (This test would have been met in 1988 when Saddam Hussein gassed the Kurds and in 1991 when he suppressed the Shiites, but waiting a decade to respond belied the urgency to act.) Nor would the invasion have met the test of the "right intention". The stated intention involved Iraq's alleged development of weapons of mass destruction and cooperation with al-Qaeda, for which there was and is no evidence. Neither was the "last resort" principle in effect; the UN was still engaged, weapons inspections were under way and sanctions remained effective. The war also failed the test of "right authority". The mainstream legal view is that the UN Security Council collectively, not individual members, "owns" the decision to go to war in all cases beyond actual or pre-emptive self-defence. Not even a simple majority of the Council supported the war, unlike the case of Kosovo, where intervention was blocked by one threatened veto. I think the conduct of the war would have met the test of proportionality, although the death toll in Iraq has mounted inexorably since the invasion. Once their original rationales had been shown to be fraudulent, the U.S. and United Kingdom framed the war as a military intervention for humanitarian purposes, confirming the worst fears of many in the Third World and, in a very real sense, making the people of Darfur collateral damage.

The good news is that nothing is so powerful as an idea whose time has come. The high-level panel on UN reform appointed by Kofi Annan endorsed R2P as an emerging norm of international behaviour. The Secretary-General himself has embraced the idea. What remains is for world leaders to rise above the quarrelsome instincts of their ambassadors. The UN Charter speaks of "We, the Peoples", not "We, the Permanent Representatives", nor even the presidents and prime ministers. Leaders hold a sacred trust on behalf of their peoples. To protect the innocent, it is more than time that they acquit that trust.