

Paul Heinbecker, inaugural director of the Centre for Global Relations, Governance and Policy at Wilfrid Laurier University

General Dallaire: Very gutsy recommendations indeed. Now, Master Paul Heinbecker, who is from a new Centre of International Governance and Innovations. Sir.

Paul Heinbecker: Thank you very much. I should probably tell people that I have served on the Security Council, not on the Security Council during the time of Rwanda, but I have been there. So I will have some comments to make on that. What I really wanted to talk about, what I'm asked to talk about, is the way forward. At the UN, as we speak, there's an effort being made to reform what the Security Council does. It's been lost, so to speak, in translation, because a lot of the discussion is about who is going to be on the Security Council. One of the arguments made by South Africa, for example, is that if South Africa had been on the Security Council during the Rwanda genocide, there would have been a permanent voice of a powerful African country, and the attitude of the Security Council might have been different. I leave you to judge whether that is the case or not, but nonetheless, as we speak, the UN is trying to address itself to three questions, all having to do with sovereignty and intervention. The most fundamental question is the issue of military intervention in cases of humanitarian need. The document which is on the table, and there are many of them on the table, is this document here, which is available to people outside the room. Many of you will already know about it. It's called "The Responsibility to Protect." It's a commission that was commissioned during the time of Foreign Minister Axworthy, and it comprised senior people from around the world. They went around the world. They met everywhere. They met in the wake of the scandals, and the shame and the failures of Rwanda, and Bosnia, and initially at least in East Timor, and the Congo. It was in response to Kofi Annan's challenge, and the challenge is stated at the beginning, and it reads as follows, "if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, or to a Zerbunitzu (?), to gross and systematic violations of human rights, that effect every precept of our common humanity?"

The challenge we gave the commission was to change the vocabulary, and to change the way people think. Here we had a contradiction in the UN Charter itself. The UN Charter, written 55 or 60 years ago for other circumstances, has as its most basic principle to protect succeeding generations from the scourge of war, and Article 2 of the Charter embodies the principle of non-intervention in the internal affairs of states members, sovereignty. Over time those two basic precepts of the UN Charter come into conflict with each other, because increasingly as we've seen, the conflicts are within states that's the fundamental issue, which is now on the table at the UN.

There are two other issues that are equally pressing, or almost equally pressing, and they're also things which the UN is going to have to come to grips with. One is intervention on the issues of weapons of mass destruction and terrorism, on the nexus of weapons of mass destruction and terrorism. At what point is the international community justified in interfering in the internal affairs of the state? And a further question has to do with the overthrow of legitimately and duly elected governments. At what point is the

international community justified in stepping in and restoring democratically elected governments? We've just had a fairly confusing case on Haiti. But I would urge people to remember that hard cases make bad law.

This document has been described by some significant people, I think, among them Anne-Marie Slaughter, who is the Dean of the Woodrow Wilson School at Princeton, as some of the best foreign policy thinking in the last 50 years, and I commend it to you. I'll take you through it very briefly in a moment. I think I'll use the Iraq case as a case in point, and take you through some of the basic principles.

The Canadian objective when we established this commission, was to make the responsibility to protect the norm. We'd heard a lot about the right to intervene. It was the wrong way around on this issue. It made people nervous, but the responsibility to protect put the emphasis on the right side of the equation on protection and on people.

You would think then, given everything that's gone on, that this would be a relatively easy sell. I can tell you that we have got almost nowhere with this issue at the United Nations, not that we've given up, but that it's been very difficult. A lot of the difficulty have come from African countries themselves. The Latin Americans, when they think about intervention are thinking about the Monroe Doctrine, and about relations they've had in the past with the United States. When the Asians think of intervention, they're thinking about their near complete lack of cohesion. There is no kind of regional organization that really speaks for the Asians on these questions, and they are very attached, and I've put it to them in these terms, very attached to 18th century, 17th century excuse me, European ideas of sovereignty. For people who care a lot about Asian values, it's surprising how attached they are to the Treaty of Westphalia.

The Europeans for their part are basically in a post-intervention mode. I think they have learned from their terrible history, and we have something to learn from them, but the continent which has surprised me in it's reticence, and maybe I shouldn't have been surprised, has been Africa. When we promoted the responsibility to protect, some people said that they were sceptical, because they thought there was no interest. There was going to be too little intervention, and others were sceptical because they thought there would be too much intervention.

I say perhaps I should have understood that the Africans would be reticent about an idea coming from another side of the planet, on how to make things better in Africa. Given the colonial background, the slave trade, perhaps we should not have been too surprised when people showed up from the other side of the earth, and said we had an idea that was good for them. I can understand that, but it isn't clear to me how we're going to move forward if that remains the basis of our dialogue with each other. If this is about the past, and it's about colonialism, then it's going to be very difficult to move forward. Some of those African governments no doubt, were self-interested, as others are, in not setting up a situation in which they might be the subjects of intervention. But even for ordinary people, I suppose it's quite understandable when you think about it, when they're invited to accept a brand new idea that they're told by people that they don't know very well, is

going to be very good for them.

But I want to tell you just how difficult it was. We could not get in the UN General Assembly, agreement among members, I'm talking here primarily about the General Assembly now, because some people think the General Assembly is some kind of improvement on the UN Security Council. We could not get agreement even to discuss this report. We could not get agreement even to discuss this report, just by the countries who were interested in it at their own expense. We were blocked by countries like Cuba, and Pakistan and Libya. I don't want to leave out any of the bad guys. I wouldn't want to offend them. We could not get the General Assembly even to take up a discussion of this. The hope for this report now primarily, is in the Secretary General's reform efforts, because the chairman of this commission is a member of that reform commission, the new one the Secretary General has set up, and they are going to be reporting in the fall, and this is quite close to the centre of what's being discussed.

I want to talk a second about the Security Council. I've sat on the Security Council, as I've said. I've been behind those closed doors. Everything that happens behind the closed doors is not edifying. Everything that happens in front of those closed doors is not edifying either. When you have a debate, and you invite everybody to speak, and you get 56 countries talking about something, very often that's the end of the story. I think the Security Council has made progress. It's made progress under pressure from countries like us, and others, to be more transparent, to be more open. We, for example, virtually forced the Security Council to talk about the International Criminal Court in public. They wouldn't only talk about it in public, but they wanted to have, and this is two years ago, you can look it up, as they say. They wanted to have their discussion behind closed doors. They wanted to come out, and vote on it, and then if anybody had anything to say, we could say it afterwards. It took two letters from the Canadian delegation to the president of the Security Council, circulated to every UN member, reminding them of their ambitions for transparency and accountability, and saying we couldn't think of an issue, which was more important to discuss publicly than that.

General Dallaire: One minute.

Paul Heinbecker: I think I just want to make two points; one is on Iraq, one is more generally. I invite you to look at the synopsis of this book when you get a chance. You don't even have to read the rest of it. I think you'll want to read the rest of it once you've seen the synopsis. It establishes basic principles for intervention. It makes a point that sovereignty is responsibility. The most basic responsibility of the state is to protect its people, and if it can't or won't, that responsibility then devolves on the international community. It sets out a number of principles, particularly the threshold, and the threshold is, I quote, "large-scale loss of life, actual or apprehended with genocidal intent or not," and it sets out a number of precautionary principles. Let's just take the Iraq War, because I fear the Iraq War has had a very negative effect on this debate.

If you look at the 2003 State of the Union speech, you didn't see human security as an objective of the Iraq War. What you saw in there, excuse me for this microphone, what

you saw in there, was weapons of mass destruction and terrorism and urgency. The Iraq War would not have met the tests of this particular set of principles. The first principle is right intention. It was, perhaps the right intention 10 years earlier would have been an intervention. The intention at this particular time was weapons of mass destruction.

The second precautionary principle is last resort. It's pretty evident from what we know now, and indeed what we knew then, that this war was not a last resort. I think the war would have met the tests of proportionality, and maybe even of reasonable prospects of success, but finally the question, and this goes to Alison Des Forges' point, and that is who decides? Who has the authority to decide? I invite people to read an opinion written by Mr. Blix, the UN arms inspector, who is also prior to that Swedish Foreign Minister and Swedish legal advisor. In his view, the Security Council owns the decision to intervene in Iraq, as it does on every other issue.

But we've been through Kosovo, and by the way, I would make the point that because you can't intervene everywhere doesn't mean you shouldn't intervene where you can. We've been through Kosovo and the Security Council wouldn't decide. Do we make a doctrine of going around the Security Council, or do we just accept it?

The last point, because I know we're running out of time. You know, when you get old, General, you know you like to hear your own voice.

General Dallaire: I've heard the same thing about generals too.

Paul Heinbecker: Somebody said, and I defer to the academics here, but people who tell you that there is no CNN effect, or that it doesn't work, I think are making a big mistake. I don't know what the empirical research is, but I have three examples to tell you. I watched on Bosnia, a town hall meeting in which President Clinton was on a stage, taking questions from around the world, and onto the screen came, from CNN Christiane Amanpour, and she said, "Mr. President, people ..." she was on from Sarajevo, "people are being slaughtered here tonight. You're the most powerful man in the world. Why aren't you doing something about it?" And Clinton literally recoiled, like that. It was a powerful question, and it wasn't very much longer before the United States was more involved.

The second point, in Canada, when we saw, and this is the eastern Zaire crisis of '96, which was a kind of continuation of the Rwanda war, when we saw the people in the camps by a million, and we saw on Canadian television, and we were told that these people were going to perish if nothing was done, that was a powerful galvanizer for action. If people think that public servants and politicians don't react to that kind of thing, I think whatever the research is, I can tell you we react here. And the last case was Kosovo. When those Europeans saw the trains with people on the trains being carried across Europe again, that evoked such powerful memories of what happened in the Second World War, that it had a strong effect on the positions of the governments concerned. So the long and the short of it is the journalists really do have a role to play in these things.