

State Sovereignty Was a Licence to Kill

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Interview with Gareth Evans, President of the International Crisis Group, Brussels

SEF News: Mr Evans, many of our readers won't be familiar with the R2P concept. Could you shortly describe the essence of the concept?

Evans: 'R2P' – shorthand for the 'responsibility to protect' – means simply the responsibility we all share to protect men, women and children from genocide and other large scale killing, ethnic cleansing, war crimes and crimes against humanity. The responsibility in question is in the first instance that of the individual sovereign state – to protect its own civilians from mass atrocity crimes occurring within its own borders, and to assist others to do so. But if a state's government is unable, or unwilling, to protect its own people, the responsibility shifts to the wider international community. The action required by the R2P principle is, overwhelmingly, preventive: measures aimed at building state capacity, ensuring the operation of the rule of law, and remedying grievances. And non-intrusive and non-coercive measures are always to be preferred, at both the prevention and reaction stages, to more intrusive and coercive ones. But if prevention fails, R2P requires whatever measures – political, diplomatic, economic, legal or, in the last resort, military – are necessary to stop mass atrocity crimes occurring.

SEF News: Why do we need this new paradigm?

Evans: Because we have too often said 'never again' without really meaning it. After the Holocaust. After Cambodia. Then again after Rwanda, and – just a year later – after Srebrenica. The international community has too often in the past stood paralysed between the competing imperatives of intervention to protect human rights catastrophically at risk, and that of non-intervention in the internal affairs of sovereign states. Throughout the 1990s there was fundamental disagreement between those – mainly in the global North – arguing for a 'right to humanitarian intervention', and those, mainly in the global South, who feared that any recognition of such a 'right' would mean a revival of old imperialist habits and put often newly-won and still-fragile independence at risk.

It was necessary to cut through that deadlock, and 'R2P' did that, by using language which clearly changed the emphasis from 'right' to 'responsibility', by approaching the issue from the perspective of the victims rather than any potential intervener, and emphasizing that the primary responsibility to protect remained with the individual sovereign state. This is the language which was unanimously adopted by the UN General Assembly in the 2005 World Summit. So we do now have, at least in principle, a new international norm, or paradigm, which has the potential to ensure that in future, the reflex response to a newly emerging situation of catastrophic internal human rights violations will not be whether the international community has a responsibility to act, but rather when, and through whom and how. A lot remains to be done to bed this down in

effective operational practice, but there are some good signs – including in particular the rapid and effective international diplomatic action in response to the emerging catastrophe in Kenya – that the relevant mind-shift is in fact occurring.

SEF News: Let me confront you with two points of criticism often brought forward against R2P. Some observers warn against the high expectations raised by the R2P promise, and the disappointment that will follow inevitably if the international community fails. How do the promoters of R2P handle this challenge?

Evans: Because you can't do everything should never be an excuse for not doing anything. Being constantly disappointed is a fact of life for those of us in the conflict prevention and resolution business. But if you do not pitch for the highest denominator response you are certain to end up with the lowest. How can we possibly do worse flying under the flag of R2P than we did for centuries accepting, in effect, that state sovereignty was a license to kill?

Does anyone seriously suggest that because of the continuing huge difficulties in persuading the Sudan government to act responsibly in Darfur – and the reality that any coercive military intervention is effectively out of the question, as likely to cause far more harm than good to those on the ground – we should just walk away and leave the Darfurians to their fate? Darfur, and a number of other intractable cases like it, remain clear 'R2P' situations. The responsibility accordingly remains with all of us to mitigate the harm, and to solve the underlying problems, by whatever means we do have, including diplomatic persuasion, economic sanctions and international legal prosecution. Sometimes it will be a long haul, but we must never stop trying.

SEF News: Other observers criticise that the instrument of military intervention often stands in the foreground of the debate instead of focusing on prevention and the search for political solutions. What can be done to change this rather ill-omened course of the debate?

Evans: The whole point of moving away from 'humanitarian intervention' and 'right to intervene' language was to make clear that coercive military intervention was not only not the only way to protect civilian populations from mass atrocity crimes, but was a measure of absolute last resort, only to be considered when all forms of prevention had failed, and that no other means of persuasive or coercive reaction – political, diplomatic, economic or legal – could possibly succeed. There will always be those who, for cynical reasons of their own, will want to caricature R2P as being only about military intervention, and as indistinguishable in that respect from 'humanitarian intervention'. The only way of handling this is to do a better job than we have done so far of explaining what R2P is, and is not about, so that policymakers, and those who influence them, including the world's press, have absolutely no excuse for getting it wrong. That's a key reason why a group of international NGOs, including my own, supported by a number of governments in both the North and South, have recently established a Global Centre on the Responsibility to Protect to engage in research and advocacy designed at getting the debate on this and related issues back on the rails.

SEF News: A critical role in the implementation of R2P by the international community is played by the Security Council. How can cases in which the Security Council is blocked up be handled in the future in the light of R2P?

Evans: The need for Security Council endorsement arises only in those very extreme cases where coercive military action is required (or a Security Council resolution is the only means of initiating action before the International Criminal Court): for everything else, including the full range of supportive and preventive measures embraced by the responsibility to prevent, react, and rebuild (including even economic sanctions, where these are bilaterally or regionally imposed), obstruction by one or more veto wielders in the Security Council will not be a problem.

In the last resort case of military intervention there can be no substitute for Security Council approval: a rules based international order cannot accommodate too many 'coalitions of the willing' ignoring or bypassing its authority. As the ICISS Commission which introduced the R2P concept put it, the task is not to find legal-authority granting alternatives to the Security Council, but to make it work better, including by agreeing in advance on principled and guidelines for the use of force. That said, the Commission did make the important political, if not legal, point (with the case of Kosovo in 1999 in mind, though not spelt out in so many words) that if the Security Council found itself unable to agree on authorizing force in a conscience-shocking case where there was broad international agreement on its legitimacy, and if one or more countries did choose to bypass its authority, successfully accomplished the mission, and were seen by the wider international community to have acted in a principled rather than self-interested fashion, then the Security Council ran the risk of putting its own institutional credibility and authority at risk if it again acted against the international current.