

Responsibility to Protect: Never Say Never Again

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(Extract from a speech given at the 2006 Gandel Oration for B'nai B'rith Anti-Defamation Commission, University of New South Wales, Sydney on 30 April 2006)

Too often nations avoid, ignore, or palm off responsibility for human atrocities happening elsewhere in the world. In a speech delivered at UniSA last night, former Labor foreign minister GARETH EVANS, now head of the International Crisis Group, argues every nation has an obligation to act quickly in the face of large-scale tragedy.

"'Never again' we said after the Holocaust. And after the Cambodian genocide in the 1970s. And, then again, after the Rwanda genocide in 1994. And after the Srebrenica massacre in Bosnia. And now we're asking ourselves, in the face of more mass killing in Darfur, whether we really are capable, as an international community, of stopping nation states murdering their own people. How many more times will we look back wondering, with varying degrees of incomprehension, horror, anger and shame, how we could have let it all happen?"

These are the words with which I began a public address in Sydney nearly two years ago. To my shame, and what should be our collective global shame, they are just as applicable now as they were then.

It is not only in Darfur that crimes against humanity are being committed as we speak, and where the international response to those crimes has been manifestly inadequate. The crazed and horrifying reign of Joseph Kony's Lord's Revolutionary Army, which has seen the abduction of 25,000 children for fighters or sex slaves, continues in northern Uganda.

Even in Europe, justice for the perpetrators of crimes against humanity remains conspicuously incomplete. Slobodan Milosevic was brought to trial and no one can be blamed for his death in custody before it was complete but Radovan Karadzic and Ratko Mladic, the architect and implementer of ethnic cleansing in Bosnia remain at large, sheltered by the Serbian military and, with more than a little support, from the Belgrade government.

We have made some progress over the past decade or so but we certainly still cannot be confident the world will respond quickly, effectively and appropriately to new human rights catastrophes.

Overcoming global indifference means addressing four big recurring problems: perception (getting the story out and its gravity understood); responsibility (confronting taboos against international involvement in sovereign countries' internal affairs); capacity (having the

appropriate institutional machinery and resources); and, as always, political will (effectively mobilising that capacity, in the face of competing priorities and preoccupations).

While genocide, ethnic cleansing and crimes against humanity were at the centre of international policy debate throughout the 1990s, since 9/11 attention has rather comprehensively shifted to a range of other issues: terrorism, Islamist extremism, nuclear proliferation, stability in the Middle East post-Iraq and post-Hamas, and, related in turn to most of these, global energy security.

That said, it is simply not acceptable for governments to look away, claiming more pressing engagements, when crimes against humanity are being committed or are manifestly about to be committed. We know, most recently from the global response to the tsunami disaster, that ordinary people throughout the world are deeply touched by human suffering wherever it occurs, irrespective of race, colour and creed, at least when it is brought home to them graphically.

The problem tends to be not so much what policy-makers do not know, or cannot know: it is what they do not want to know, or do not want to act upon.

There has been an increasing tendency in recent years to label situations as "genocide". The biggest legal difficulty and the show-stopper in Darfur is that it is extremely hard to establish the requisite intent to destroy, in whole or part, the targeted group.

The unhappy irony about calling Darfur a genocide, as the U.S. Congress and Bush administration now repeatedly have done, is that this has not translated in any way into an enhanced effort to "prevent and punish" the crimes being committed.

It is hard to judge which is morally worse: not using the "g" word because you don't want to act (as with the Clinton administration on Rwanda in 1994), or (as now) using the word but not acting. Over and over again we find the lawyers' issue of "genocide or not genocide" becoming the issue, when the real issue is the need to act to protect people from atrocities and to hold the perpetrators to effective account.

We should all just use the generic expression "atrocities crimes" - or encourage general use of the familiar label "crimes against humanity" - and leave it to the prosecutors and judges in the international courts to work out which law has been breached.

The second step is to overcome the traditional view of states that, to put it bluntly, sovereignty is a license to kill. Undermining that view of the world has been a long, slow process but progress has been made in recent years.

The International Commission on Intervention and State Sovereignty presented a report, *The Responsibility to Protect*, at the end of 2001. It outlined criteria for intervention: The seriousness of the harm being threatened (which would need to involve large scale loss of life or ethnic cleansing to justify military action); the purpose of the proposed military action; whether there were peaceful alternatives; the proportionality of the response; and the balance of consequences - whether more good than harm would be done.

It is one thing to develop a concept like the responsibility to protect but quite another to get any policymaker to take any notice of it. The most interesting thing about the Responsibility to Protect report is the way its central theme has continued to gain traction internationally.

The recognition of the responsibility to protect as a principle is one thing, its practical implementation quite another.

The present situation in Darfur is a classic demonstration of the problem of military implementation of the international responsibility to protect. There are all sorts of problems standing in the way of a full-frontal coercive intervention not only the huge resources that would be required and the difficulty in finding them but also the way in which this will be misinterpreted, because it could only happen with major support from the U.S. and European Union, as another chapter in the West's war on Islam.

Political will is not hiding in a cupboard or under a stone somewhere waiting to be discovered. It has to be painstakingly built.

All politics is in a sense local and the key to mobilising international support is to mobilise domestic support or, at least, neutralise domestic opposition.

International political will does not just mean the Security Council Permanent Five and the other major players. It means the middle powers and, indeed, any government which is seen as consistently principled and having a mind of its own, that has ideas, creativity and the energy with which to pursue them. Australia has played such a role in international conflict, human rights and humanitarian issues and it remains my fervent wish we play such a role again, consistently, credibly and constructively.

We are a country that has a tremendous amount to give. And nowhere more so than in ensuring when the world next says "never again" it really means it.