

## THE RESPONSIBILITY TO PROTECT

Report of the  
International Commission on Intervention and State Sovereignty  
(Book review by Ronald J. Glossop -- Jan. 04)

Does the international community ever have the right to intervene within the borders of a sovereign nation-state? If so, under what conditions? What theoretical base could possibly justify such outside intervention?

These sovereignty-intervention issues are addressed by THE RESPONSIBILITY TO PROTECT, one of the most important resources presently available to persons interested in global governance. This 2001 report of the International Commission on Intervention and State Sovereignty was stimulated by the 1999 NATO intervention in Kosovo without U.N. approval. The eminent 12-member international Commission was co-chaired by Gareth Evans of Australia and Mohamed Sahnoun of Algeria.

As noted in the report's "Foreword" (p. vii), U.N. Secretary-General Kofi Annan stated this key problem now confronting the United Nations this way: " ... if humanitarian intervention is ... an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica--to gross and systematic violations of human rights that affect every precept of our common humanity?"

The Commission's answer calls attention to the need of governments to preserve the "personal security" of their citizens as well as their "national security" in relations with other countries. It is argued that the notion of "state sovereignty implies a dual responsibility." (p. 8) Each state not only has the responsibility "to respect the sovereignty of other states" but also has a responsibility "to respect the dignity and basic rights of people within the state." (p. 8) The Commission says, "We prefer to talk not of a 'right to intervene' but of a 'responsibility to protect.'" (p. 11) The key is to shift focus from "sovereignty as control" to "sovereignty as responsibility." (p. 13)

The Commission notes that the term "intervention" can be used to refer not only to military intervention but also to other coercive measures such as sanctions and criminal prosecutions of individuals. (p. 8) At the same time the Commission deliberately refrains from using the term "humanitarian intervention" in deference to humanitarian groups who object to using that expression in any situation where military action is being employed. (p. 9)

Sovereignty as responsibility means that leaders of national governments: (1) must protect their citizens and promote their welfare, (2) are responsible to their citizens and to the international community through the U.N., and (3) can be held accountable for their acts of commission and omission. (p. 13) Thus not only do international criminal tribunals have a right to exert jurisdiction, but with regard to crimes like genocide where treaties provide for universal jurisdiction even other national governments can act. At the same time the Commission cautions that "It is only when national systems of justice either cannot or will not act to judge crimes against humanity that universal jurisdiction and other international options should come into play." (p. 14) Furthermore, the responsibility to protect includes (both for national governments and for the international community) not only the responsibility to react to human catastrophes but also to prevent them and to rebuild the community afterwards.(p. 17)

One possible objection to the report's discussion of sovereignty is the complaint that the Commission sidesteps the issue of whether sovereignty belongs to the PEOPLE of a state rather than the GOVERNMENT of the state. The Commission notes that the Secretary-General has discussed "two notions of sovereignty, one vesting in the state, the second in the people and in individuals." (p. 13) Their response to this distinction focuses attention on the most significant aspect of their report. "The second notion of sovereignty to which he [the Secretary-General] refers should not be seen as any kind of challenge to the traditional notion of state sovereignty. Rather it is a way of saying that the more traditional notion of state sovereignty should be able comfortably to embrace the goal of greater self-empowerment and freedom for people, both individually and collectively." (p. 13) Thus we see that the Commission assumes from beginning to end that "sovereignty" has to be something that belongs to national governments and that that term can be stretched to include the responsibility of providing personal security to a state's own citizens.

This assumption undercuts one of the key arguments used by world federalists, that the people (who are sovereign) can decide to transfer to a world government some of the sovereignty they have presently delegated to national governments. If sovereignty necessarily belongs to national governments (as the Commission assumes) rather than to the people, then advocates of world federation would be compelled to say that national governments must "yield" some of their sovereignty if a world government is ever to be created. Those adopting the Commission's view could claim that the notion that sovereignty carries with it "the responsibility to protect" obviates any need for a world government. If national governments have the responsibility not only to respect the sovereignty of other states but also to protect the personal security of all their own citizens (aided if necessary by the confederal international community), why would a world federation be needed? National governments, cooperating through international organizations such as the U.N., should be able to protect everyone's rights.

A brief review such as this one has necessarily focused on the general points of the intervention-sovereignty debate, but a great deal of this 85-page report deals with very specific and detailed commentary about specific situations organized in accord with specific topics such as the responsibility to protect individual citizens (pp. 11-18), the responsibility to prevent catastrophes (pp. 19-27) (including how to deal with root causes in order to avoid interventions), the responsibility to react to catastrophes (pp. 29-37), the responsibility to rebuild the community after interventions (pp. 39-46), the various roles of the U.N. in interventions (pp. 47-55), the issue of how military interventions are to be carried out (pp. 57-67), and what needs to be done in the future (pp. 69-75), all with many references to specific past incidents, e.g. Kosovo, Somalia, Rwanda, Haiti, Iraq, Sierra Leone, Liberia, Cambodia, and East Timor. Consequently, the report should be of great value to diplomats and others actually working in the field of international relations. The two appendices provide information about the members of the Commission and information about how the Commission proceeded to do its work, including the central role played by the Canadian government.

The Commission's report aims "to strengthen, not weaken, the sovereignty of states" while also improving "the capacity of the international community to react decisively when states are either unable or unwilling to protect their own people." (p. 75) It does this by proposing a re-interpretation of the notion of "national sovereignty" so that it

includes the responsibility of a state to protect the security of its own citizens. If this effort succeeds, traditional views of national sovereignty and international relations will be fundamentally transformed.

THE RESPONSIBILITY TO PROTECT, the report of the International Commission on Intervention and State Sovereignty (ISBN 0-88936-960-7, 91 pp.) was published in December, 2001 by the International Development Research Center, PO Box 8500, Ottawa, Canada K1G 3H9, <<http://www.idrc.ca>>.