

## CHAPTER 2

# THE RESPONSIBILITY TO PROTECT

---

In 1999, United Nations Secretary General Kofi Annan challenged the international community to develop a consensus around how it should respond to gross and systematic violations of human rights. The Canadian government took up this challenge and supported the creation of the International Commission on Intervention and State Sovereignty (ICISS). Co-chaired by Gareth Evans and Mohamed Sahnoun, the ICISS comprised 12 commissioners from both the North and South and was charged with the task of confronting key questions surrounding intervention for human protection purposes. In 2001, after considerable consultation around the world, the commission released a report called *The Responsibility to Protect*.

*The Responsibility to Protect* reframes the debate surrounding intervention from a “right” to intervene to suggest that the international community has a “responsibility” to intervene in humanitarian catastrophes to protect vulnerable populations. It is a pro-sovereignty doctrine insofar as it recognises that strong and accountable states are best able to protect their citizens. However, it makes clear that sovereignty entails responsibility on the part of the state to provide for the security of its citizens. When a state is unwilling or unable to protect its population or, indeed, is targeting its own citizens, the responsibility to protect is transferred to the international community. According to the report, the international community has an obligation to act through the use of military force, if necessary, even without the consent of the target state. The report notes that military intervention should be used only as a last resort<sup>2</sup> and describes a range of non-military mechanisms to address an emerging crisis, including sanctions and robust diplomacy, that should be exhausted before resorting to force. The criteria for military intervention are derived from established international human rights principles. They are described as:

- *large-scale loss of life*, actual or apprehended, with genocidal intent or not, which is the product of either deliberate state action, or state neglect or inability to act, or a failed state situation; or
- *large-scale “ethnic cleansing”*, actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape.<sup>3</sup>

*The Responsibility to Protect* suggests that authorisation for any kind of intervention should be provided by the international community, and more specifically, by the UN Security Council. In the words of the commission, “[t]here is no better or more appropriate body than the United Nations Security Council to authorize military intervention for human protection purposes”. While acknowledging that the UN should not be “surprised” if regional organisations or a “coalition of the willing” ultimately intervene, especially if the Security Council fails to act appropriately, the options provided by the commission indicate that intervention should be on the UN’s terms. The report notes that in situations where the Security Council fails to act:

- the question of intervention can be deliberated by the General Assembly in Emergency Special Session under the “Uniting for Peace” procedure; and
- regional or sub-regional organisations within the area of jurisdiction can act under Chapter VIII of the Charter, although they must seek subsequent Security Council authorisation.

In addition, the mechanisms for intervention are those established by or authorised by the UN.

*The Responsibility to Protect* has generated a great deal of international interest since its release in 2001. Most of the attention surrounding the report has been on the reaction agenda – that is, how the international community should react to egregious human rights violations – in part because military intervention in the internal affairs of a sovereign state is one of the most contested practices in international relations. However, it is critical to note that *The Responsibility to Protect* envisions a continuum of protection that links prevention, reaction and rebuilding activities. It stresses the importance of preventing the development of conditions that create a need for intervention in the first place. It identifies structural issues such as the weakness of state structures and the inequitable distribution of wealth as causes of conflict. Furthermore, *The Responsibility to Protect* calls for a rebuilding agenda that promotes good governance, and social and economic development to ensure that the conditions that prompted military intervention are transformed. In short, *The Responsibility to Protect* reinforces the link between security and development, and provides a comprehensive protection mandate that calls for an integrated approach to prevention, reaction and rebuilding.