

## The Responsibility to Protect and UN Reform: Canada's Engagement

Address by

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As we reflect on the role that all of us can play in shaping the world, it will come to you as no surprise that Canada, as a traditional peace-keeping nation and a true multilateralist, is convinced that the international community has a responsibility to protect civilians. It is indeed one of the highest foreign policy priorities of the Canadian government. We are very much at the forefront of this discussion on the international stage and that is why we are pleased to participate today.

In response to the release in March 2005 of the UN Secretary General's report: *In Larger Freedom: Towards Development, Security and Human Rights for All*, Prime Minister Paul Martin issued a statement indicating Canada's strong endorsement of *The Responsibility to Protect* and calling on all Leaders to embrace the emerging norm that state sovereignty entails not only rights but also responsibilities - particularly for the protection of civilians. In Canada's view, there is no element more important in the Secretary General's report than his endorsement of the Responsibility to Protect.

The ongoing crisis in Darfur is a chilling reminder of the vulnerability of ordinary people in the contemporary security environment and of the urgent need to bring political will to bear so that the lives of civilians are protected. Providing for their safety is not a marginal issue on the international peace and security agenda. It goes to the very heart of UN Reform.

### Background

Canadian efforts to promote civilian protection have been taking place against a backdrop of a changing security environment, particularly the rise of internal war as a proportion of all violent conflict.

This trend resulted in a series of devastating humanitarian crises throughout the 1990's, including: Somalia, Srebrenica, Rwanda, Zaire and Kosovo to which the international community's response to such crises was inconsistent, controversial or simply inadequate.

In a debate launched in the UN General Assembly in 1999, Secretary-General Kofi Annan challenged the UN membership to reach consensus on reconciling the principle of state sovereignty with the imperative of upholding human rights and humanitarian norms.

As a direct response to this challenge, Canada launched in September 2000 the International Commission on Intervention and State Sovereignty. The Commission was given a one-year mandate to examine questions related to "humanitarian" intervention.

The report of the International Commission on Intervention and State Sovereignty (published in December 2001), entitled *The Responsibility to Protect* addresses head-on the issue of sovereignty versus intervention and we believe it provides an excellent framework for determining the circumstances that warrant intervention on humanitarian grounds.

## Findings of the Commission: What the report says

The report makes three seminal contributions to the civilian protection debate which remain highly relevant today:

- First, the report proposes a new and constructive approach to the traditionally divisive issue of humanitarian intervention, presenting it not as an argument about the “right to intervene” but about the “responsibility to protect”. This is significant, because it shifts the focus onto the needs of the vulnerable, rather than the interests of the interveners.
- Second, the report proposed a NEW NORM of “sovereignty as responsibility”, the idea that sovereignty confers not only rights, but also responsibility for the maintenance of humanitarian standards.
- The Commission defined the responsibility to protect as having three dimensions: prevention, reaction and rebuilding. Each are of equal priority, with prevention being the first among equals. While a great deal has been written about conflict prevention, much less new thinking has been done on the question of when and how force should be employed for the protection of civilians. And it is here that the Commission makes the third major contribution: identifying a threshold for action and outlining principles to guide the use of force in these cases.

## The Multilateral Process - R2P and UN Reform

Ensuring that the international community has both the capacity and the will to respond effectively to large scale protection crises, war crimes and crimes against humanity, is an issue that, in Canada's view, goes to the very heart of UN Reform. In fact, Canada sees three main areas where bold steps are required to put our common humanity at the center of the UN's agenda. The first area is the responsibility to protect.

Canada was very pleased to see the High Level Panel on Threats, Challenges and Change endorse *The Responsibility to Protect* and its key principle that the obligation to protect civilians is inherent in state sovereignty. The Panel went on to recommend that the UN adopt guidelines for the use-of-force that closely mirror those recommended by the International Commission on Intervention and State Sovereignty. The adoption of these criteria would serve to fill the remaining gap in international law, by firmly establishing the UN's authority to act in cases of internal/civil conflict.

Our common humanity should be a powerful enough argument, and yet that is precisely what is missing. Put simply, there is still no explicit provision in international law for intervention on humanitarian grounds. The “Responsibility to Protect” is intended to fill this gap. It says that we should have the legal right to intervene in a country on the grounds of humanitarian emergency alone when the government of that country is unwilling or unable to protect their people from extreme harm as a result of internal war, repression or state failure.

The primary responsibility for the protection of a state's own population lies with the state itself, and we are not arguing for a unilateral right to intervene in one country whenever another country feels like it. It is always preferable to have multilateral authority for intervention in the affairs of a sovereign state. What we seek is the evolution of international law and practice so that multilateral action may be taken in situations of extreme humanitarian emergency.

A second area at the heart of the UN reform, is the responsibility to deny, which encompasses the need to ensure that weapons of mass destruction do not spread to states or terrorists prepared to use them under any circumstances, and especially against innocent civilians. Non-proliferation and disarmament remain fundamental pillars of the UN's commitment to international peace and security.

In both cases, multilateralism has been challenged by dramatic changes in the security climate, and there is a clear need to make our systems stronger and more responsive. Strict verification is the key. The UN should establish a permanent inspection and verification mechanism that can reinforce and supplement existing verification systems.

The third area is the responsibility to build. The objectives of the Millennium Summit on poverty, disease and global insecurity will come to naught if we do not follow up on the Monterrey consensus, to wit: genuine development requires a holistic approach to such issues as debt, market access and social investment.

That being said, as we have seen in Haiti, all the aid in the world will have only a fleeting effect if a country does not have functioning public institutions. We must build countries' governance capacities and take the time to do it right. The same is true for economic institutions. Those that work well marshal the creative energies of local entrepreneurs.

In the lead up to the next General Assembly of the UN, many countries are focussed on Security Council reform. We should support reforms that will make the Security Council more effective, and will permit those countries who actively support UN peacekeeping, development and other activities, to continue to have a meaningful opportunity to serve.

But recommendations that go well beyond the Security Council are also important. For example, the need to set out measures to facilitate an integrated response to the diverse range of security challenges we face from the proliferation of terrorism to improving UN coordination on development, health, and environment. As individual countries, as members of regional organizations, as participants in various international groups that form around specific interests, we all must act to bridge the differences that divide us and forge an international consensus for reform of the United Nations.

In any event, no matter how you come at it, the time has come for real reform of the United Nations. Every country must put aside narrow interests and work to common purpose to strengthen this universal institution, whose activities give force to our common humanity.

## Conclusion

The Responsibility to Protect is perhaps the most important contribution to date towards finding common ground for the defence of humanity for which the United Nations was founded.

The momentum on UN Reform will be helpful in advancing this agenda. The report of the High Level Panel makes a strong reference to the *Responsibility to Protect*, and provides the basis for introducing two resolutions that would represent a major shift in how the international community interprets its obligations in situations like Darfur. Canada believes that the General Assembly of the UN should adopt a resolution recognising the evolution of sovereignty to encompass the international responsibility to people and that the Security Council should also establish new thresholds for when the international community judges that civilian populations face extreme threats; for exploring non-military and, if necessary, proportionate military options to protect civilians. The responsibility to protect is not a license for intervention; it is an international guarantor of political accountability.

In September 2005, world leaders will come together at the United Nations Summit to address these and many other key issues related to UN Reform. It is, therefore, very encouraging to see the High Level Panel's recommendations taking hold among member states. Let me reaffirm that *The Responsibility to Protect* is among Canada's top priorities in the lead up to the UN Summit.

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