

Archived Content

Information identified as archived on the Web is for reference, research or record-keeping purposes. It has not been altered or updated after the date of archiving. Web pages that are archived on the Web are not subject to the Government of Canada Web Standards.

As per the [Communications Policy of the Government of Canada](#), you can request alternate formats on the "[Contact Us](#)" page.

Information archivée dans le Web

Information archivée dans le Web à des fins de consultation, de recherche ou de tenue de documents. Cette dernière n'a aucunement été modifiée ni mise à jour depuis sa date de mise en archive. Les pages archivées dans le Web ne sont pas assujetties aux normes qui s'appliquent aux sites Web du gouvernement du Canada.

Conformément à la [Politique de communication du gouvernement du Canada](#), vous pouvez demander de recevoir cette information dans tout autre format de rechange à la page « [Contactez-nous](#) ».

CANADIAN FORCES COLLEGE / COLLÈGE DES FORCES CANADIENNES

JCSP 35 / PCEMI 35

MDS RESEARCH PROJECT/PROJET DE RECHERCHE MED

**THE RESPONSIBILITY TO PROTECT (R2P):
VIABLE CANADIAN POLICY OPTION OR ALTRUSTIC IDEA?**

By/par Major Craig Landry

This paper was written by a student attending the Canadian Forces College in fulfilment of one of the requirements of the Course of Studies. The paper is a scholastic document, and thus contains facts and opinions, which the author alone considered appropriate and correct for the subject. It does not necessarily reflect the policy or the opinion of any agency, including the Government of Canada and the Canadian Department of National Defence. This paper may not be released, quoted or copied, except with the express permission of the Canadian Department of National Defence.

La présente étude a été rédigée par un stagiaire du Collège des Forces canadiennes pour satisfaire à l'une des exigences du cours. L'étude est un document qui se rapporte au cours et contient donc des faits et des opinions que seul l'auteur considère appropriés et convenables au sujet. Elle ne reflète pas nécessairement la politique ou l'opinion d'un organisme quelconque, y compris le gouvernement du Canada et le ministère de la Défense nationale du Canada. Il est défendu de diffuser, de citer ou de reproduire cette étude sans la permission expresse du ministère de la Défense nationale.

ABSTRACT

Canada has expended tremendous diplomatic energy supporting the nascent concept of the responsibility to protect. R2P proposes a dramatic shift in how sovereignty is viewed. When a state fails to care for its citizens, the international community has a responsibility to intervene.

The purpose of this paper is to analyze whether R2P can be a viable Canadian policy. Canadian rhetoric has been consistent with the responsibility to protect but action has seemed contradictory at times. The global response to the catastrophe in Darfur illustrates the many challenges associated with implementing R2P. The tepid global reaction to Darfur proves that R2P has not been accepted as a norm.

This paper concludes that Canada can adopt some aspects of R2P as workable policy measures. There is also an opportunity for the Canadian government to focus its efforts into a particular niche. Nevertheless, this paper acknowledges that R2P must be coordinated by the United Nations for proper effect. Recommendations for the future of R2P follow four themes: some major sticking points of R2P must be clarified; reform must occur within the United Nations; responsibilities for organizations outside the UN must be elucidated; and a more persuasive education plan is essential to cement global acceptance.

CHAPTER ONE – INTRODUCTION

Methodically and with much bravado and laughter, the militia moved from bench to bench, hacking with machetes. Some people died immediately, while others with terrible wounds begged for their lives or the lives of their children. No one was spared....There was no mercy, no hesitation and no compassion....The massacre was not a spontaneous act. It was a well-executed operation involving the army, Gendarmerie, Interahamwe and civil service.¹

Canadian Major-General Romeo Dallaire's comments depict the worst that can happen when a government completely abrogates its responsibility to protect its citizens. Perhaps the most disturbing part of this sad history of Rwandan genocide was that the atrocities were deliberate and methodical, perpetrated by the Hutu-dominated government against the Tutsi minority.² What makes this horrible tale even more devastating is that the international community had advanced warning of the government's preparations, yet it did nothing to prevent it. Major-General Dallaire recognized the signs of a potential travesty and begged the United Nations for the troops necessary to prevent it.³ For many reasons, not the least of which was that no one could have foretold the level of destruction about to occur, his request for additional military power was rejected. The resulting bloodshed will forever stain the collective consciousness of the world. Once the

¹Lieutenant-General Romeo Dallaire with Major Brent Beardsley, *Shake Hands with the Devil: The Failure of Humanity in Rwanda* (New York: Carroll & Graf Publishers, 2003), 279.

²Stephanie McCrummen, "Rwandan Troops Enter Congo to Find Hutu Militia Leaders." *Washington Post Foreign Service*, 21 January 2009, A03. The repercussion of the Rwandan genocide has caused a decade of instability in Congo, resulting in the death of some 5 million Congolese.

³Peter J. Hoffman and Thomas G. Weiss, *Sword and Salve: Confronting New Wars and Humanitarian Crises* (Toronto: Rowman & Littlefield Publishers, Inc., 2006), 110 and Victoria K. Holt. "The Responsibility to Protect: Considering the Operational Capacity for Civilian Protection," (The Henry L. Stimson Center Discussion paper, 2005), 9. Dallaire argued that 5,000 soldiers could have protected more people from genocide.

scale of the slaughter became clear, the vast majority of the international community considered the collective failure of the members of the United Nations to respond while a government was complicit in the slaughter of its citizens. This was undoubtedly an unforgiveable breach of the UN's global, and ethical, obligations.

There are many contemporary examples of global and state-based interventions that were successfully conducted to protect vulnerable citizens.⁴ One such occurrence of this took place in 1978 when the Vietnamese army removed Pol Pot's Khmer Rouge regime in Cambodia, an incident made famous by the 1984 movie *The Killing Fields*.⁵ In 1979, the Tanzanian government forcibly removed the Idi Amin regime from Uganda. Both unilateral actions were undertaken in part to protect endangered citizens. Ideally, such action should occur under the auspices of the United Nations. If the United Nations is unable or unwilling to act, then other organizations must have the will do the right thing.

In 1998, the North Atlantic Treaty Organization (NATO) argued that it was morally bound to act with military might in Kosovo in order to protect a segment of the population.⁶ Serbian aggression against the Muslim population in Kosovo demanded action but the United Nations seemed unwilling. This sparked debate as to whether or not

⁴International Development Research Centre, *The Responsibility to Protect: Research, Bibliography, Background*. Supplemental Volume to the Report of the International Commission on the Intervention and State Sovereignty. (Ottawa: International Development Research Centre, 2001), 57-63. This volume contains many recent examples of intervention to illustrate that humanitarian intervention is not a new concept.

⁵Semegnish Asfaw, Guillermo Kerber, and Peter Weiderud, editors, *The Responsibility to Protect: Ethical and Theological Reflections* (Geneva: World Conference of Churches, 2005), 59.

⁶International Development Research Centre, *The Responsibility to Protect: Research...*, 109-114. A summary of the events leading to the intervention in Kosovo are detailed in this volume.

there was a norm for humanitarian intervention.⁷ NATO argued that it had an ethical justification to protect the targeted population in Kosovo.⁸ Yet the Kosovo intervention generated, and continues to generate, much debate on contentious diplomatic, economic, legal, and military issues.

The lack of agreement over the United Nation's obligations in Kosovo caused the Secretary General, Kofi Annan, to lament the international community's failure to establish clear criteria for global humanitarian intervention. Annan therefore called for a commission to discuss the salient issues surrounding intervention. Canada was heavily involved in the creation of the commission and it hosted the first meeting in 2000. The report of this United Nations commission proposed a new concept – the “responsibility to protect.” Elements of this notion remain controversial and continue to be rigorously debated around the world.

The intent of this paper is to analyze whether or not the responsibility to protect is a viable policy option for Canada in the twenty-first century. To do so, one must first define the responsibility to protect, or R2P. This paper will therefore examine R2P's constituent elements: the responsibility to prevent; the responsibility to react; and the responsibility to rebuild. It will then consider the global reaction to this controversial proposal. The sticking points that continue to prevent comprehensive global support will be discussed.

With the technical and international context set, an analysis of Canadian foreign policy will establish whether or not Canada's policies are consistent with the spirit of the

⁷Jutta Brunnee and Stephen J. Toope, “Norms, Institutions and UN Reforms: The Responsibility to Protect,” *Behind the Headlines*. Volume 63 No. 3 (2006): 3.

responsibility to protect. The discussion will include an evaluation of the Canadian 2005 *International Policy Statement* and other contemporary policy statements. The human security policy of former Prime Minister Chretien's government will provide a backdrop of how Canadian policy has evolved with the emergence of R2P. Recent Prime Minister Stephen Harper's policy speeches and budget estimates will be examined to determine the current government's harmony with R2P.

Once this paper has established the consistency of Canada's current foreign policy with the responsibility to protect, it will be necessary to demonstrate how this new concept can be put into practice. The contemporary case study selected as a vehicle for discussion is the situation presented in Darfur, Sudan. Darfur has been selected because it presents the best example of an action that screams out for intervention based on the notion of R2P. This province of Sudan was also specifically selected because the Canadian government emphasized the requirement for focused efforts in Darfur as part of the *International Policy Statement*.⁹ An analysis of the Darfur example will be made and both the global and Canadian responses will be measured. The unique challenges posed by Darfur will be illustrative of the problems associated with translating R2P from notion to reality.

This paper will conclude that the responsibility to protect is consistent with Canadian values and interests, and can therefore be adopted as Canadian foreign policy. Although there are some aspects that Canada can pursue unilaterally, most R2P policy options require appropriate action that is synchronised amongst the international

⁹International Development Research Centre, *The Responsibility to Protect: Research...*, 110-112.

community. Ideally, the United Nations, led by the Security Council, will drive the international response. Therefore, success of the responsibility to protect is predicated upon strong leadership from the United Nations and appropriate responses from its member states.

⁹Department of Foreign Affairs and International Trade, *Canada's International Policy Statement: A Role of Pride and Influence in the World DIPLOMACY* (Ottawa: Department of Foreign Affairs and International Trade, 2005), 28.

CHAPTER TWO – DEFINITION OF THE RESPONSIBILITY TO PROTECT

The responsibility to protect is one of the most contentious concepts that has been proposed for international relations. There has been much debate amongst nations, international organizations, non-governmental organizations, and individuals over its merits and pitfalls. Much of the discussion surrounds questions like when and how should one exercise responsibility to protect? What is the proper authority under which this idea should be exercised? What should be the criteria for success and who should establish them? All of the discomfort over this proposed concept is not without reason. Recent events in countries like Bosnia, Kosovo, Somalia and Rwanda involving intervention or non-intervention, have amplified the feelings of unease. For example, global opinion was divided on NATO's intervention in Kosovo to stop Serbian aggression and the alleged ethnic cleansing of Muslims.¹⁰ Some felt that the proper authority was lacking because the Security Council had not sanctioned the action.¹¹ Others felt that the 'ends' or outcome of the intervention did not create a 'better peace' and therefore was unethical.¹² These and other major issues will be discussed as the concept of R2P is defined in this chapter. Specifically, this section will describe the genesis of the responsibility to protect and it will outline the key components of the notion.

¹⁰International Development Research Centre, *The Responsibility to Protect*. Report of the International Commission on the Intervention and State Sovereignty (Ottawa: International Development Research Centre, 2001), VII and Llyod Axworthy. *Navigating a New World: Canada's Global Future* (Toronto: Alfred A. Knopf Canada, 2003), 178-182.

¹¹International Development Research Centre, *The Responsibility to Protect*. Report..., 1 and Axworthy, *Navigating...*, 189-190.

¹²Michael Byers, *Intent for a Nation* (Toronto: Douglas & McIntyre, 2007), 116 and Asfaw, Kerber, and Weiderud, *The Responsibility to Protect: Ethical...*, 10-16. In the latter reference, Konrad Raiser provides a sound discussion on the ethics of protection.

RESPONSIBILITY TO PROTECT

NATO's action in Kosovo sparked world-wide debate surrounding intervention for the purposes of human protection. This caused Kofi Annan, the Secretary General of the United Nations, to plead for action.¹³ Annan sought clarity on how to respond to egregious crimes perpetrated by nations against their own citizenry without violating the concept of state sovereignty. This led to the establishment of the International Commission on the Intervention of State Sovereignty (ICISS). The Commission explored the legal, moral, operational and political ramifications of intervention. It was co-chaired by Gareth Evans and Mohamed Sahrudin and it consisted of twelve commissioners, one of whom was Michael Ignatieff, now leader of Canada's Liberal party.¹⁴ Considerable support to the Commission was also offered by Llyod Axworthy, Canadian Minister of Foreign Affairs. Canadian government officials were intricately involved in the support to the Commission and in the development of R2P.¹⁵

Why was the notion of responsibility to protect required? The common theme throughout discussions of the Commission's purpose was to avoid another Rwanda.¹⁶ Although the United Nations had information on pre-planning efforts leading to the massacre of thousands of Tutsis, its members failed to do what was necessary to quell the conflict. A similar lack of will was evident during the massacre at Srebrenica, Bosnia

¹³International Development Research Centre, *The Responsibility to Protect*. Report..., 2.

¹⁴Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All* (Washington, D.C.: Brookings Institution Press, 2008), 39. Gareth Evans is the head of the International Crisis Group (ICG) and a former Australian Minister of External Affairs. Mohamed Sahrudin is an Algerian diplomat and veteran UN Africa advisor.

¹⁵International Development Research Centre, *The Responsibility to Protect*. Report..., IX.

¹⁶*Ibid.*, VII.

when UN-mandated Dutch soldiers failed to prevent the slaughter of Muslim men at the hands of Serbian soldiers. Both cases were predominantly internal conflicts that saw the victimization of a segment of the population by its own government. The objective of R2P is to progress international acceptance to the stage where reaction to the next case of mass killing is not to have countries asking whether action should occur but what action should occur and by whom.

The basic principles of responsibility to protect are twofold.¹⁷ Firstly, state sovereignty comes with a responsibility of the government to protect its citizens.¹⁸ Nations that abrogate their responsibility to care for their population, “surrender part of their sovereignty.”¹⁹ Second, when the populace is suffering serious harm and the state is unable or unwilling to correct the situation, there is an international responsibility to protect that overrides the traditional standard of non-intervention into a state’s internal affairs.²⁰ This second principle conflicts directly with the sacrosanct rule of sovereignty.²¹ Ramesh Thakur, one of the Commissioners of the R2P report, explains the importance of this principle clearly:

¹⁷*Ibid.*, XI to XIII. There is a three-page synopsis of R2P. Although the synopsis states the core principles of this concept, readers should consult additional information within the Commission’s report to understand what is meant by these basic definitions.

¹⁸Stanley Hoffman, Robert C. Johansen, James P. Sterba, and Raimo Vayrynen, *The Ethics and Politics of Humanitarian Intervention* (Notre Dame: University of Notre Dame Press, 1996), 12 describes how sovereignty is the cornerstone of the traditional legal order of international relations and has been since Westphalia. Sovereignty will be central to the follow-on discussion on the viability of R2P.

¹⁹Louise Arbour, “The responsibility to Protect and the Duty to Punish: Politics and Justice in a Safer World,” *Behind the Headlines*, Volume 59 No. 1 (Autumn 2001): 2.

²⁰Axworthy, *Navigating...*, 193-194.

²¹Asfaw, Kerber, and Weiderud, *The Responsibility to Protect: Ethical...*, 17-18. Writer Ernie Regehr offers a concise ethical discussion on the requirement for intervention and the responsibilities of civil societies and churches to act.

Only if the state is unable or unwilling to discharge its responsibility, or is itself the perpetrator, does it become the responsibility of others to act in its place. Thus R2P is more of a linking concept that bridges the divide between the international community and the sovereign state, whereas the language of humanitarian intervention is inherently more confrontational.²²

Three particular elements form the notion of responsibility to protect: the responsibility to prevent; the responsibility to react; and the responsibility to rebuild. Prevention is the most important priority. Much like the theory that all promising options should be exhausted before resorting to war, all prevention options should be exhausted before intervention occurs.²³ There is an acceptable spectrum of responses, escalating from less intrusive to more coercive measures, which should be considered when applying the principles of responsibility to prevent and responsibility to react.²⁴

RESPONSIBILITY TO PREVENT

Foremost, sovereign states are obliged to prevent deadly conflicts and other forms of man-made catastrophe.²⁵ Because such crises can have dire international security consequences, there is an obligation for the international community to support prevention efforts. This support takes many forms and includes the fair treatment of people, the protection of human rights, and social and economic development. It is also incumbent upon the United Nations and other bodies, such as non-governmental organizations (NGOs), to ensure that nations that diverge from their responsibilities are

²²Ramish Thakur, "Iraq and the Responsibility to Protect," *Behind the Headlines*, Volume 62 No. 1 (2004): 7.

²³International Development Research Centre, *The Responsibility to Protect*. Report..., 29 and Asfaw, Kerber, and Weiderud. *The Responsibility to Protect: Ethical...*, 43-46, 61.

²⁴Axworthy, *Navigating...*, 192.

²⁵International Development Research Centre, *The Responsibility to Protect*. Report..., 19.

held accountable. The role played by NGOs has increased over the years. They bring a variety of expertise, and sometimes more importantly, a level of impartiality that may not be shared by regional organizations or independent states.

Prevention should not be solely coercive and it should include positive reinforcement for states to act in certain ways. For example, the international community can offer economic incentives to reinforce desired behaviour. One recent example of this is membership in NATO for some former Soviet Pact countries. Acceptance into the NATO club comes with certain stipulations like improving human rights records, instituting the rule of law and enhancing the living conditions of the country's citizens. These types of incentives have often been successful.²⁶ The rationale for prevention efforts like this is clear: solve potential problems before they escalate into a crisis that requires intervention.

The Commission's report outlines three conditions to be met for effective conflict prevention.²⁷ First, early warning is essential. This entails the collection of information and the accompanying analysis to determine whether the situation is likely to transform into a conflict.²⁸ Thanks to advances in communications technology, information gathering is rarely an issue. What is often lacking is the proper analysis of the relevant information to determine the root causes of a problem. This analysis is crucial to form the necessary policy to resolve the crisis in a sustainable manner.

²⁶The allure of joining the European Union makes other countries in the region want to make democratic reforms to be part of the EU club accessed 22 Jan 09 at <http://www.csmonitor.com>.

²⁷International Development Research Centre, *The Responsibility to Protect*. Report..., 20.

²⁸Evans, *The Responsibility to Protect: Ending...*, 81-84.

The second condition involves the ability to draw from a preventive toolbox of measures to aid in prevention.²⁹ The toolbox contains positive and negative options under various levers of power. On the political front, the possibility of membership into an organization could influence a state to change its ways. This is known as diplomatic pressure.³⁰ On the economic side, aid or development can be withheld or withdrawn to force compliance. The establishment of legal tribunals, like the one for Rwanda, can work to curtail inhumane action from state leaders because of the threat of possible future punishment. The creation of the International Criminal Court with jurisdiction over a wide number of crimes is one other example of a legal tool for prevention.

The third condition is, of course, the political will to apply the policies in order to do what is necessary to solve the problem. When prevention efforts fail, the world has an obligation to respond.³¹

RESPONSIBILITY TO REACT

After exhausting all of the positive and coercive prevention measures available and still not reaching an acceptable solution to avoid human catastrophe, states have a duty to react.³² Reaction begins with less intrusive measures before escalating to more oppressive measures. As a general rule, the use of military force is a last resort.³³

²⁹International Development Research Centre, *The Responsibility to Protect*. Report..., 23-26 and Evans, *The Responsibility to Protect: Ending...*, 87.

³⁰International Development Research Centre. *The Responsibility to Protect*. Report..., 24.

³¹Fen Osler Hampson, "Intervention and Conflict Management in a Changing World," *Behind the Headlines*, Volume 42 No. 4. (2007): 10. The author expands on the requirement to deepen the base of capability for conflict management in order to respond.

³²Hoffman, Johansen, Sterba, and Vayrynen, *The Ethics and Politics...*, 9. These writers argue that a limited use of military force can be defended on purely humanitarian grounds if this force can help achieve a negotiated solution.

Sanctions can be used to change a state decision-maker's behaviour. Sanctions can be targeted or comprehensive.³⁴ The ICISS report emphasizes the dangers involved with blanket sanctions and questions their effectiveness.³⁵ It notes the indiscriminate effects of such sanctions on the population that the international community is interested in protecting. Targeted action is a better option.³⁶ For example, financial sanctions can freeze the bank accounts of rogue leaders. Arms embargoes are also particularly effective. The key for all sanctions lies with proper monitoring and it must be recognised that sanctions take time to have the desired effect.³⁷ On occasion, time may be short, which restricts this option altogether.

A decision to intervene must be made when non-military means fail to produce the desired effect. This decision must be made in the most extreme cases only.³⁸ As a guide for potential decision-makers contemplating the violation of a state's sovereignty, the ICISS has proposed a list of six criteria. The first is ensuring the right authority. This notion is so important to the R2P report that a separate chapter is dedicated to its discussion. The commission's premise is that the United Nations is the primary institution of authority for the international community. Its charter is meant to govern

³³Eric Patterson, *Just War thinking: Morality and Pragmatism in the Struggle against Contemporary Threats* (New York: Lexington Books, 2007), 114 offers a discussion of responsibility and links it to contemporary just war thinking. He argues that just war analysis should be applied on a case by case basis. Regardless of whether military force is employed, the dilemma of public opinion-based policy is that it may often result in inaction that is detrimental to promoting security and preserving human life.

³⁴Evans, *The Responsibility to Protect: Ending...*, 111-116.

³⁵International Development Research Centre. *The Responsibility to Protect*. Report..., 29.

³⁶Evans, *The Responsibility to Protect: Ending...*, 114.

³⁷*Ibid.*, 114 and International Development Research Centre, *The Responsibility to Protect*. Report..., 30.

international peace and security. The United Nations should therefore sanction any proposed intervention to prevent large-scale human suffering. The R2P report discussed the role of regional organizations that have acted in the past to prevent human suffering without Security Council approval.³⁹ The ICISS recognizes that regional action results from Security Council inaction, but the report underlined the preference for the United Nations to be involved in sanctioning interventions.⁴⁰

A violation of another state's sovereignty should also have a just cause and it should protect the at-risk population. Specifically, it should prevent the possible large-scale loss of life that is likely to result from mass killing, expulsion, rape and terror. The complementary criterion to just cause is right intention. Intervention must be made with the explicit purpose of stopping the suffering.

Next, the principle of last resort must be satisfied. Time permitting, all non-military options must have been explored. The decision to sanction military action must be based upon the absolute need to protect human life, recognizing the failure of the responsible state to do so. Even with the other criteria satisfied, there is always a requirement to use proportional means when exercising a military intervention into another country. This means that the minimum necessary force must be used to accomplish the immediate task of protecting the people. One detractor from this minimalist approach is Eric Patterson, who believes that there is a requirement to redefine proportionality when deciding on military force for human intervention. His proposal is that military response should be commensurate to the threat posed by the possible loss of

³⁸Asfaw, Kerber, and Weiderud, *The Responsibility to Protect: Ethical...*, 86.

³⁹International Development Research Centre, *The Responsibility to Protect*. Report..., 53-54.

life due to genocide.⁴¹ This thought is worthy of future study to determine the limits of military force applied to protect human life.

Finally, there is the issue of reasonable prospects. No action is justifiable unless there is a high probability that it will be successful in protecting the population at risk, without making the situation worse than it is. Once all criteria have been satisfied, the international community can approve a military intervention. However, once military force has been successfully employed, there is concomitant obligation to aid in post-conflict resolution. That leads to the final component of the responsibility to protect.

RESPONSIBILITY TO REBUILD

Prevention efforts having failed and intervention having succeeded in averting a major human catastrophe, what are the responsibilities that accompany the intervention force? Are they simply obligated to depart as quickly as they entered and allow the state to clean up the mess? The final element of the responsibility to protect is the responsibility to rebuild. Post-intervention, the international community and the intervention force must build a durable peace.⁴² That peace must include governance improvements and sustainable development measures that will prevent a recurrence of the original crisis. As Co-chair Gareth Evans suggests, this post-conflict peacebuilding must begin the process of conflict prevention anew or it will likely lead to a return in violence.⁴³

⁴⁰*Ibid.*, 53-55.

⁴¹Patterson, *Just War Thinking...*, 107.

⁴²International Development Research Centre, *The Responsibility to Protect*. Report..., 39.

⁴³Evans, *The Responsibility to Protect: Ending...*, 148.

Obviously, the requisite commitment and political will are essential to see this phase through to a successful end. Otherwise, the conflict could recur, leaving the state less able to protect its people than it was prior to the intervention. Post-conflict rebuilding and reconstruction strategies- military, diplomatic, economic, and legal - must therefore be part of the intervention force's strategy. The key to rebuilding is the need to maintain basic security. Revenge killings and revenge ethnic cleansing must be avoided if the crisis is not to persist.

Security also allows all of the other efforts to continue. Effective security involves the disarmament, demobilization and reintegration of local security forces.⁴⁴ If these critical phases are not properly managed, the intervention force may create a worse situation than existed pre-intervention. Effective security complements other critical reconstruction efforts. There is a synergy that results from properly synchronising security efforts, law and order reform and economic development initiatives. Once again, the goal of this rebuild phase is a lasting peace.

RESPONSIBILITY TO PROTECT: MILITARY INTERVENTION PRINCIPLES

The Commission's report identifies challenges unique to military intervention, whether the force is engaged in peacekeeping or warfighting. The main conflict results from competing objectives of defeating the enemy and protecting the human population under the responsibility to protect. How does one manage this contradiction? Military interventions sanctioned under R2P may involve going beyond the normal scope of duties in peacekeeping. There may be a call to use force to do what is necessary to protect the innocent.

⁴⁴International Development Research Centre, *The Responsibility to Protect*. Report..., 41.

The R2P report identifies two types of prevention operations. The first is a preventive deployment with the consent of a government. The military purpose is deterrence: to demonstrate that the United Nations is serious about protecting people and will take the necessary action to resolve the conflict. The second preventive operation occurs when the government at fault does not give its consent. From a military perspective, this opposition to the military force complicates the mission and it elevates the risk associated with intervention.

Regardless of whether the military operation is sanctioned by the host government, there are unique planning considerations that differentiate military operations from civilian responses. Military operations require an absolutely clear mandate and clear objectives. The potential use of deadly force makes this requirement particularly critical in the military context. It is also important to define how success will be measured prior to initiating a military operation to avoid the temptation for mission creep. Since the use of force will usually be conducted by a coalition, cohesion is an essential precondition for military success. Much like the atmosphere of the United Nations, consensus is key to a workable coalition that aims to protect some section of the population that is at risk. For both diplomatic and military efforts, sufficient resources must be made available or success is unlikely to be achieved.

Once a military operation is launched, there are other essentials to be considered for a successful intervention. Unity of command is critical to the military. This will ensure that the efforts of everyone in the military team are properly aligned with the task at hand. Obviously, the cooperation between military and civilian organizations is vital. Appropriate rules of engagement (ROE) will help ensure that force is applied

proportionately and discriminately.⁴⁵ The general rule of humanitarian protection tasks is to use the minimum military force required – something that differentiates R2P intervention from warfighting.

There are also specific factors to consider in the responsibility to rebuild phase of a military intervention. Completion of the assigned protection task will generally not signal the end of the military function. The military force must also provide the secure environment to facilitate post-conflict activities. Here the civilian-military cooperation and coordination tasks will be crucial to enable success to be achieved. The Commission identified five key protection tasks for security forces in the post-conflict stage: the protection of minorities; security sector reform; disarmament, demobilization and reintegration; mine action; and the pursuit of war criminals.⁴⁶ All of the preceding discussion highlights that military operations conducted under the auspices of R2P will be significantly different from waging war and from traditional UN peacekeeping.

The key elements of the responsibility to protect have been described in some detail. One can see that this new view of protection is different because it qualifies the traditional understanding of sovereignty as a dual responsibility between state and citizenry. When states fail to protect their populace, the international community is obliged to intercede. Once prevention fails, there is a duty to react. Following this action, however, there is an associated task to rebuild, such that there is a lasting peace. How have the members of the international community reacted to this revolutionary concept?

⁴⁵Patterson, *Just War thinking...*, 28 and Holt, *The Responsibility to Protect: Considering...*, 5. Patterson observes that onerous ROE in the cases of military humanitarian intervention can restrain peacekeepers so much that they actually incite the belligerents to greater bloodshed. Holt adds that little direction is given to guide peacekeepers on how they should provide civilian protection. It is important to establish appropriate ROE to set the proper conditions for success.

Have nations embraced the notion or have they shown some reservation in the practicality of this new concept?

⁴⁶International Development Research Centre, *The Responsibility to Protect*. Report..., 65.

CHAPTER 3 – GLOBAL REACTION TO THE RESPONSIBILITY TO PROTECT

This section's goal is to provide a study of the international community's reaction to this new notion of humanitarian protection. It should come as no surprise that there are some strong opponents, some strong proponents and many countries that are lukewarm to the idea and will likely support any emerging global consensus. For some, the responsibility to protect's concepts shake the foundations of the traditional, Westphalia view of sovereignty. Others view R2P as complementary to the Westphalia model: an evolution of sovereignty in response to a changing world.

Before analyzing global reaction, it would be helpful to summarize the chronology of events leading to the proposition of the responsibility to protect. R2P began as an idea promoted by diplomats, academics and entrepreneurs who were affected by the plight of people fleeing catastrophes around the planet.⁴⁷ This idea, coupled with the UN Secretary General's request for an answer to counter genocide in places like Rwanda, was expanded upon by the Canadian-sponsored ICISS panel. The ICISS report, entitled *The Responsibility to Protect*, was the culmination of ICISS deliberations, which led to specific recommendations on a new way to view sovereignty, including the responsibility that a nation has to protect its citizens.⁴⁸

The Secretary General then appointed a *High Level Panel on Threats, Challenges, and Change* to take a closer look at R2P and make specific recommendations on how to

⁴⁷Brunnee and Toope, *Norms, Institutions...*, 3-5.

⁴⁸International Development Research Centre, *The Responsibility to Protect*. Report..., 13.

successfully adopt the concept.⁴⁹ Upon completion of the panel's work, the Secretary General challenged all UN members to act upon its proposed ideals.⁵⁰ Through much deliberation and negotiation, member states approved an official document, the *2005 Summit Outcome Document*, which formally endorsed R2P.⁵¹ Specifically, the Outcome Document endorsed the responsibility to protect citizens against genocide, war crimes, crimes against humanity, and ethnic cleansing.⁵²

It was a coup to achieve consensus within the General Assembly with the approval of the *Summit Outcome Document*. Attaining harmony among 192 nations would be difficult for any new concept. But this feat was especially complicated because it involved a paradigm shift on how sovereignty was conceived.

Another considerable hurdle to overcome was Security Council acceptance on the shift of a sovereign state's responsibility to protect its citizens. The permanent five members have their own interests to guard, and their veto powers ensure that any changes that affect global security must attain their support to be successfully implemented by the UN. Despite the drastic change to the notion of sovereignty resulting from R2P, the Security Council adopted Resolution 1674 on the *Protection of Civilians in Armed*

⁴⁹ Brunnee and Toope, *Norms, Institutions...*, 4.

⁵⁰ John Kirton, "Multilateralism, Plurilateralism, and the United Nations." *Canadian Foreign Policy in a Changing World*, (Toronto: Thomson Nelson, 2007), 407-408. Prime Minister Martin was instrumental in convincing other world leaders to accept R2P. He personally lobbied the leaders of many other countries and much of the credit for the support given the Summit document must be attributed to Martin.

⁵¹ Brunnee and Toope, *Norms, Institutions...*, 6.

⁵² Responsibility to Protect Engaging Civil Society, "UN Reports, Statements, and Resolutions: References to R2P in Security Council Open Debates on Protection of Civilians." http://www.responsibilitytoprotect.org/index.php/united_nations/794?theme=alt1; Internet; accessed 28 January 2009, 3.

Conflict on 28 April 2006.⁵³ This was the first time that the body responsible for worldwide security, the United Nations Security Council, made specific reference to R2P.⁵⁴

After the passage of Resolution 1674, the Security Council agreed to hold semi-annual debates on the responsibility to protect. The purpose of these debates was to discuss the concerns of Security Council members with respect to adoption and implementation of R2P. To date, there have been five debates, with the most recent occurring in May 2008. Although there has been much discussion on the concerns surrounding R2P implementation, there has been little progress leading to execution. A brief summary of the debates follows and a more detailed look at the polarizing issues between opponents and supporters will occur below.

The first open debate occurred on 28 June 2006. Opening comments were made by Jan Egeland, the UN Under-Secretary General for Humanitarian Affairs, who lamented the many contemporary examples of non-intervention that failed to protect at-risk people around the world.⁵⁵ Chief among Egeland's points was the recognition that security underpins all humanitarian efforts to help those under the concept of the responsibility to protect. This initial debate was successful in emphasizing the criticality of the Security Council as the key body to sanction efforts under R2P.

The second debate occurred on 4 December 2006 and nations reaffirmed their support for R2P. The focus of debate was on the requirement to move from notion to

⁵³*Ibid.*

⁵⁴*Ibid.*

practical implementation. Security Council member states were encouraged to depoliticize the implementation of R2P.⁵⁶ Despite this wish, the emergence of East versus West dominated the debate and no useful steps were taken towards implementation.

During the third debate on 22 June 2007, most nations continued to express their support to turn the idea of R2P into action. Reservations continued to be made to any notion that could potentially threaten independent state sovereignty. Attempting to progress towards implementation, Security Council representatives from Japan and Nigeria argued for concrete actions and agreement on when to intervene.⁵⁷ Despite some discussion, nothing concrete on intervention criteria was offered during the third debate.

To demonstrate the growing importance of gaining Security Council consensus on the implementation of R2P, the fourth debate on 20 November 2007 was opened by Ban Ki-Moon, the UN Secretary General. The usual Eastern concerns were aired and the countervailing Western emphasis on international responsibility to act was again presented.⁵⁸ The delegate from Qatar summarised the impasse between East and West delicately: “While the principle of the responsibility to protect reflects a noble human

⁵⁵Responsibility to Protect Engaging Civil Society, “UN Reports, Statements, and Resolutions,” <http://www.responsibilitytoprotect.org/index.php/unitednations/794?theme=alt1>; Internet; accessed 28 January 2009 and Evans, *The Responsibility to Protect: Ending...*, 25-26.

⁵⁶Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 6 December 2006, 1.

⁵⁷Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 22 June 2007, 4 and 5.

⁵⁸Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 20 November 2007, 1-4.

value, it is easily exploitable and abused; this prompts us to be cautious in dealing with this principle.”⁵⁹ No further progress on R2P implementation was realised.

The fifth and most recent debate occurred 27 May 2008. Deliberations continued but the East-West split eclipsed any movement towards a pragmatic approach to implementation.⁶⁰ There was some discussion on a requirement to give more power to the International Criminal Court and similar international bodies to monitor and report attacks.⁶¹ More time is required to determine if this move to bring abusers to justice will lead to desired results.⁶² More time is also needed to establish if the open debates will lead to R2P implementation. A closer look at the specific issues will underline the challenges that must be overcome.

OPPONENTS OF R2P

Russia and China stand out as the two largest countries that oppose the responsibility to protect. Both are concerned about R2P undermining sovereignty, with the latter cautioning the Security Council to allow more open debate in the General Assembly to solicit feedback from all member states.⁶³ China’s initial reluctance to support R2P may be construed as fear of the Security Council interfering in its internal affairs. However, China’s ability to use its veto power to block any R2P-like action should be enough to counter this fear. One may also concede that debate in the General

⁵⁹*Ibid.*, 4.

⁶⁰Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 27 May 2008, 3.

⁶¹*Ibid.*, 4.

⁶²*Ibid.*, 4-5. Further discussion will occur in Chapter 5 on the ICC’s recent indictment for the arrest of Sudan’s leader for the commitment of crimes against the people of Darfur.

Assembly would lead to endless discussions amongst the many member states. China could be counting on such dialogue to prevent the concept from ever being implemented.

Both the Chinese and Russians remain adamant that the responsibility to protect citizens lies primarily with each sovereign country.⁶⁴ Leaders from these countries would argue that intervention under R2P would be illegal because it falls outside of Article 51 of the United Nations Charter. Proponents would counter that R2P would be unnecessary if states effectively protected their citizens. But Security Council veto power provides China and Russia with an effective tool to prevent R2P implementation, at least under Security Council sanction.

China is also opposed to humanitarian intervention because of its view on the primacy of collective over individual rights.⁶⁵ The Chinese fear intervention that would sacrifice collective rights in order to protect individual rights. It is unclear if Russians share this view. The Chinese argue that Western influence on R2P intervention would not take this outlook on collective rights into consideration. This is a philosophical issue that goes much deeper than R2P.

Russian opposition to R2P seems more general in nature than Chinese resistance. This opposition is in some respects historical. The former has taken an antagonistic position towards interventions of any kind since the time of the 1917 Revolution. Russia was also at odds with Western intervention into the Soviet area of influence during the

⁶³Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 28 June 2006, 2.

⁶⁴Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 6 December 2006, 1,4.

⁶⁵Major D.O. Quinn, "The Responsibility to Protect." (Toronto: Canadian Forces College Masters of Defence Studies Paper, 2007), 42.

Cold War.⁶⁶ One only has to compare the number of Security Council Resolutions vetoed pre and post-Cold War to see the friction between the Soviet Union (Russia) and the United States.

The immediate challenge posed to global R2P acceptance is how to overcome Chinese and Russian fears and agree on intervention criteria. So far this hard discussion has eluded the R2P open debate forum at the Security Council.

SUPPORTERS OF R2P

There is a wide spectrum of support that exists within the Security Council for R2P implementation. Essentially, a degree of support has been offered by all countries, less China and Russia. The spectrum covers everything from cautious supporters, who have some concerns, to outright enthusiastic proponents, who actively work to convince others to solidify their endorsement.

Supporters acknowledge the challenges facing R2P. Chinese reservations on intervention were effectively countered by the observations of countries like Panama, whose representative indicated that the Security Council has lost credibility because of its failure to act in recent cases.⁶⁷ Of course, the loss of UN credibility is inconsequential when compared to the loss of innocent lives due to non-intervention around the globe.⁶⁸ France has emerged as a strong supporter and the French representative's short statement captured the essence of the first debate: "It is now time to examine how to implement this

⁶⁶International Development Research Centre, *The Responsibility to Protect: Research ...*, 394-395.

⁶⁷Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 22 June 2007, 2.

⁶⁸*Ibid.*, 1.

new roadmap for the protection of civilians.”⁶⁹ R2P proponents recognized that the time for talk was finished and action must follow the ICISS report’s recommendations.

Non-permanent Security Council member states were generally very supportive. Perhaps their non-permanent stature allowed them more flexibility to voice praise or concern on the merits of R2P without the appearance of a long-entrenched history on the Security Council. There was a desire to formalize the intervention criteria that were introduced in the ICISS report.⁷⁰ As proof of this desire, the representatives from Japan and Nigeria argued for concrete actions and agreement on when to intervene.⁷¹

The Argentinean Security Council representative also emphasised that the international community must support the UN in the formulation of an early warning capability for R2P to be effective.⁷² Successful R2P implementation is predicated upon an ability to monitor crises to determine appropriate international response. The Finnish representative reaffirmed the ICISS report priority on prevention as the key ingredient to successful implementation.⁷³

Another critical element was introduced by the Slovenian delegate, who implored the Security Council permanent representatives to abstain from using their veto powers to

⁶⁹Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 28 June 2006, 3.

⁷⁰International Development Research Centre, *The Responsibility to Protect*. Report..., 31-37.

⁷¹Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 22 June 2007, 4-5.

⁷²Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 28 June 2006, 2.

derail action under the responsibility to protect.⁷⁴ This is an important precondition for the successful implementation of R2P. The danger is that those with a veto will prevent UN-sanctioned intervention because of a perception that their individual state interests might be jeopardized.

In a similar fashion, the Guatemalan spokesperson urged the council to take all necessary measures to control the shipment of arms in order to prevent abuse of civilians. Possible action by the Security Council governing the arms trade would likely be confrontational, especially in light of the trade histories of the permanent members. In spite of this, the Italian participant implored the Security Council to operationalize R2P in a non-confrontational manner, but offered no guidance.⁷⁵ It will be difficult for implementation not to be confrontational, particularly given the views of China and Russia.

Ambassador Sanja Stiglic, speaking on behalf of Slovenia and the EU, recognized the divergent views and implored the Security Council to find a practical solution to the East-West impasse and a pragmatic approach to implementation.⁷⁶ Once again, no constructive solution was offered. To reinforce the mounting frustration by some countries, Liechtenstein's representative expressed disappointment that Resolution 1674 did not establish the specific roles that the Security Council would play to operationalize

⁷³Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 6 December 2006, 4 and Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 28 June 2006, 4.

⁷⁴This is an example of the flexibility mentioned above. Any discussion on veto powers by a permanent member would likely have been regarded more cautiously.

⁷⁵Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 27 May 2008, 3.

⁷⁶*Ibid.*, 3.

R2P.⁷⁷ It is likely that such details were omitted because of the desire to progress R2P acceptance, rather than stall in the face of disagreement over the finer details of how to proceed with implementation.

The Nigerian participant called for more power to be given to the International Criminal Court and similar international bodies to monitor and report attacks.⁷⁸ The Australian and Argentinean representatives supported this notion by stating that the international community had an obligation to bring abusers to justice.⁷⁹ However, in Ghana's view, it is the Security Council that has a moral duty to act to save people from dire situations.⁸⁰ It is instructive to note Ghana's (a developing nation) understanding of the Security Council's role. Unlike the permanent five members, developing nations have a greater likelihood of experiencing intervention to stop abuses from their governments.

The three remaining permanent members were also supportive. As mentioned previously, France was a strong supporter and its Security Council representative consistently expressed a desire to translate idea into action. Tony Blair, the former Prime Minister of the United Kingdom, praised the efforts of the ICISS and the report.⁸¹ The UK representative also underlined the requirement for the Security Council to prevent conflict and thus be involved in all decisions regarding intervention.⁸² The U.S.

⁷⁷Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 28 June 2006, 3.

⁷⁸Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 27 May 2008, 4.

⁷⁹*Ibid.*, 4-5.

⁸⁰Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 6 December 2006, 2.

⁸¹Quinn, *The Responsibility to...*, 56.

representative agreed that UN efforts should complement efforts by nations to protect their citizens.⁸³

The United States began to play an increasing role as a mediator between those countries that strongly supported R2P implementation and those countries who had issues. Americans remained sensitive to intervention concerns from China and Russia. The U.S. Security Council representative played to this sensitivity by stressing that the primary responsibility for protection lay foremost with the sovereign state. However, the United States qualified this by linking the responsibility of the international community to act if states failed to protect their own citizens.⁸⁴

The five Security Council debates have underscored the challenges concerning the operationalization of R2P. An obvious split has surfaced between the permanent members of the Security Council. China and Russia take issue with the possibility of UN intervention into what they consider a nation's internal affairs. The United Kingdom, France and the United States have offered their support of the concept in principle. However, the United States has adopted a mediatory role, one that recognizes the concerns of China and Russia and attempts to bring them onboard with recognition that protection of citizens is primarily the duty of sovereign states.

SUPPORT OUTSIDE THE SECURITY COUNCIL

Outside of the Security Council, support for R2P has ranged from tepid to enthusiastic. Ethicist Thierry Tardy outlined three issues that nations have identified with

⁸²Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 28 June 2006, 4-5.

⁸³*Ibid.*

the notion of R2P. The first issue is the purpose of an intervention under R2P. There is broad consensus that this intervention occurs for humanitarian purposes in response to conscious-shocking situations.⁸⁵ What remain to be determined are the criteria guiding this decision. The second issue is the legitimacy or legality of the intervention. Once again, it is more or less clear that a Security Council resolution should be sought to authorize action. It is the third issue, the composition of the intervention force, which is not widely agreed upon. What is meant in the R2P report when it states that the international community has the obligation to act? When one looks at the capabilities of all nations within the UN, not many possess the requisite forces, equipment and projection power to intervene. Tardy goes on to ask the million-dollar question – do these nations have the political will to act when required? Even the Secretary General questioned whether or not states have the right or obligation to use force to protect citizens from genocide or crimes against humanity.⁸⁶

That there was widespread acceptance of the responsibility to protect by the General Assembly was in large part due to efforts by the Canadian government.⁸⁷ Canadian officials used their diplomatic skills to convince other nations of R2P's merits. Because the UN is a large organization of member states, each with their own interests and concerns, agreement to a new concept like R2P came at a price. For example, the responsibility to protect had to be reworded to be primarily described as a responsibility for individual states to protect their own populations. This change adopted a more

⁸⁴Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 22 June 2007, 2. This was also emphasized by the UK and Belgian representatives.

⁸⁵Asfaw, Kerber, and Weiderud, *The Responsibility to Protect: Ethical...*, 26.

⁸⁶Brunnee and Toope, *Norms, Institutions...*, 5.

positive tone than the confrontational tone offered by the term humanitarian intervention. This further translated into a restatement of the Security Council's role to use Chapter VII of the UN Charter to use force on a case-by-case basis.

Because of their discomfort with the changes recommended by this new view of sovereignty, some states sought to limit the potential impact of R2P.⁸⁸ The price paid for global consensus was the elimination of the ICISS report's recommendation for the Security Council to develop intervention criteria. There has been some discussion of why early warning and prevention have also not been fully accepted or put into practice within the General Assembly. These essential elements of R2P were removed to counter the consternation of many developing countries concerned with the possible meddling by the Security Council into their affairs. The quest for consensus led, as it inevitably does, to a watered-down wording in the *Outcome Document* when compared to the language of the ICISS Report.

Organizations other than the United Nations are affected by the responsibility to protect. Regional organizations like NATO have a role to play if R2P is to be successfully implemented. These groups will be most affected by catastrophic events that occur within their regions. They also possess ready access to resources that are not currently available for the UN. The most obvious example of this is access to troops and equipment that can be rapidly deployed to halt genocide within a region. This is principally important when the UN is unable or unwilling to act.

One recent occurrence involving a delayed international response was the ethnic cleansing of Muslims in Kosovo. NATO saw the Kosovo situation as a destabilizing

⁸⁷*Ibid.*, 6.

influence to all the efforts that had been invested into the development of Bosnia.⁸⁹ NATO felt that it had to act, even though it did not possess Security Council approval.⁹⁰ Canada's Lloyd Axworthy described the angst surrounding the considerable internal debate within NATO on how far the member countries felt they could go without Security Council sanction.⁹¹ The subsequent bombing campaign is evidence that NATO was able to reach some semblance of consensus. Although debate on the righteousness of the Kosovo interference continues, one may conclude that action resulted from a desire to halt a disaster and to stabilize Europe. Not all interventions are as altruistic.

UK Prime Minister Tony Blair and U.S. President George W. Bush likened their country's military involvement in Iraq to an action supportable under the notion of R2P.⁹² There is little evidence, however, to suggest that the invasion of Iraq was intended to stop a situation as described in the ICISS report. On the contrary, action against Iraq has likely delayed implementation of R2P as it has provided nations a recent negative example of the perils of ignoring state sovereignty. The American-led intervention has given the Sudanese government and its supporters, like China, reason to oppose intervention by pointing to the disastrous results in Iraq.⁹³

⁸⁸*Ibid.*, 8.

⁸⁹Axworthy. *Navigating...*, 178-179.

⁹⁰Adam Roberts, "Intervention: One Step Forward in the Search for the Impossible," *International Journal of Human Rights* Vol. 7 Issue 3 (Autumn 2003): 145; <http://web.ebscohost.com>; Internet; accessed 10 October 2008. Roberts agrees that the ICISS advances the debate on the subject of authorization. But Roberts remarks it cannot be a *sine qua non* when the Council fails to take action.

⁹¹Axworthy, *Navigating...*, 179.

⁹²LCol D.T. Edwards, "The Road to Darfur? A comparative Analysis of the US, UK and Canadian Foreign Policy Development Processes to Support a UN Humanitarian and Stabilization Mission," (Toronto: Canadian Forces College National Securities Program Paper, 2008), 19.

On the international stage, even the strongest supporters of state sovereignty acknowledge that this does not mean that state power is unlimited.⁹⁴ States have obligations to respect the sovereignty of others and the rights of their own citizens. On these two points, one might conclude that the notion of R2P has accomplished a great deal to formalize this change in perception that sovereignty comes with commensurate responsibilities.

Other international organizations also have a stake in R2P's implementation. With their input and support, this new concept could be more easily put into practice. Humanitarian agencies have some nervousness with the action of intervention to protect a victimized population. Many of these agencies have witnessed, up close, the tragedies of warfare and they want particular attention paid to the ethical and legal justifications of military intervention. For this reason, a detailed explanation of the five criteria test guiding the decision on the use of force is an essential element of R2P.⁹⁵

As evidenced by the preceding discussion, the international response to the notion of the responsibility to protect has been mixed. The semi-annual Security Council debates have been slow to progress R2P towards implementation. Furthermore, the debates have witnessed the emergence of East versus West in terms of R2P endorsement. The United States has assumed the role of mediator to help bring China and Russia onside.

⁹³Edwards, *The Road to Darfur...*, 19. LCol Edwards explains how the U.S./UK ulterior motives have been called into question with the Iraqi intervention. Sudan has also questioned the motives of states that suggest intervention into its country.

⁹⁴Bill Graham, "Affirming Canadian Sovereignty in an Interdependent World," *Behind the Headlines. Canadian Institute of International Affairs*, Volume 59 No. 1 (Autumn 2001): 14.

⁹⁵Asfaw, Kerber, and Weiderud, *The Responsibility to Protect: Ethical...*, 127.

Members of the United Nations General Assembly have offered their support for the responsibility to protect. However, consensus-building has meant the softening in the language of the ICISS report. Initial lobbying efforts by Canada were instrumental in R2P achieving global support. A closer examination of current Canadian policy will allow one to evaluate whether this country has truly assumed a leadership role with the introduction of R2P.

CHAPTER FOUR – CANADIAN POLICY AND THE RESPONSIBILITY TO PROTECT

Canada's strong sense of values, enshrined in the Charter of Rights and Freedoms, encourage Canadians to protect the rights of others around the world.⁹⁶ Does this goodwill translate into action? This chapter will analyze Canada's support of R2P, both on paper and in practice, in order to determine if Canada is proactive or merely following the global trend. The three elements of R2P, prevent, react and rebuild, will be used to assess Ottawa's performance. Canada's past and present foreign policy will be scrutinized for consistency with this notion. Finally, recent speeches by Prime Minister Harper and other key government officials will be parsed to determine whether Canada has the political will and the capabilities required to operationalize R2P.

Like other citizens around the world, Canadians recognize that states do not always provide the requisite security for their citizens.⁹⁷ When nations fail in their responsibility to assure a stable environment, this can have wide-ranging effects, reverberating across the globe and affecting the security of Canadians at home. Fundamentally, the Canadian government comprehends this linkage. The government has also historically used international fora like the United Nations to alleviate this instability. The alternative, as explained by Bill Graham, a former Deputy Prime Minister of Canada, risks chaos.⁹⁸ As a medium-power country with limited resources and limited

⁹⁶Arbour, *The responsibility to Protect and the Duty...*, 2.

⁹⁷Department of Foreign Affairs and International Trade, *Freedom from Fear: Canada's Foreign Policy for Human Security*. (Ottawa: Department of Foreign Affairs and International Trade, 2000), 3.

⁹⁸Graham, *Affirming Canadian Sovereignty...*, 15.

political clout, Canada can achieve better results working within bodies like the UN or NATO than it can acting unilaterally.

Canada's national interests are closely tied to those of the United States. Historically, Canada has cooperated with like-minded nations to encourage the U.S. to develop policy that meets its needs. Such cooperation is more likely to be successful when Washington itself works multilaterally. This Canadian method of influencing the United States was the primary motivation behind Canada's insistence in the American use of the UN to guide action during the Korean crisis in 1950.⁹⁹

But Canadians have generally sought to strengthen international institutions through its foreign policy.¹⁰⁰ For example, Canada sought to resolve the 1956 Suez Crisis through the United Nations.¹⁰¹ Then Secretary of Foreign Affairs Lester B. Pearson reinforced this institution by proposing the use of an UN-sanctioned armed force to separate opposing militaries surrounding the Suez Canal. Canada led the operation and the crisis was temporarily resolved peacefully. This action cemented Canada's reputation as a country capable of responding quickly, with military force, to support a multilateral solution to a destabilizing situation. It also earned Pearson the Nobel peace prize.

Canada was an enthusiastic early supporter of R2P. But has Canada has remained steadfast in its support of this nascent concept? Analyzing Canadian speeches during the UN semi-annual open debates from 2006 to the present indicates that this country has

⁹⁹Dennis Stairs, "The Diplomacy of Constraint," *Partners Nevertheless: Canadian American Relations in the Twentieth Century*, edited by Norman Hillmer, (Toronto: Copp Clark Pitman, 1989), 217.

¹⁰⁰Graham, *Affirming Canadian Sovereignty...*, 14 and Department of Foreign Affairs and International Trade, *Canada's International Policy Statement: A Role of Pride and Influence in the World DEFENCE* (Ottawa: Department of Foreign Affairs and International Trade, 2005), 2-3.

remained a firm supporter, at least as far as words are concerned. For example, at the first debate in June, 2006 Canada's Ambassador to the UN, Allan Rock remarked that "concrete steps and the willingness to make flexible and pragmatic use of all levers available to us will enable us to meet our responsibility to the vulnerable."¹⁰² At the second debate in December, 2006, Canada emphasized the requirement for the Security Council to show leadership and the necessary political will to provide the protection required to put an end to impunity.¹⁰³ John McNee, representing Canada at the second debate, underscored the requirement for clear, measurable Security Council guidelines for the protection of civilians for all UN-sanctioned missions.¹⁰⁴

The Canadian government also pushed for adoption of a prevention model that would permit the offices of the UN emergency relief coordinator and UN special envoys to brief the Security Council on a monthly basis.¹⁰⁵ Monthly briefings would provide the Security Council with early warning of developing crises across the globe. At the UN, then, Canada has remained consistently supportive of the responsibility to protect.

The Canadian government's support of R2P has been clearly articulated in policy statements and documents under the regimes of former Prime Ministers Chretien and

¹⁰¹John English, "Suez." *The Worldly Years: The Life of Lester Pearson 1949-1972*, (Toronto: Vintage Books, 1992), 128-131.

¹⁰²Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 28 June 2006, 2.

¹⁰³Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 6 December 2006, 5.

¹⁰⁴Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 22 June 2007, 6.

¹⁰⁵Alex J. Bellamy, "Conflict Prevention and the Responsibility to Protect," *Global Governance* 14 (2008): 141; <http://content.ebscohost.com>; Internet; accessed 15 October 2008.

Martin.¹⁰⁶ Canada also committed to maintaining a Canadian Forces capable of rapidly deploying across the globe.¹⁰⁷ In the Liberal-era *International Policy Statement*, Canada expressed its intent to use the military in failed and failing states for three purposes: to protect people unable to protect themselves; to deliver assistance to those in need; and to rebuild societies that require reconstruction.¹⁰⁸

Whether Canada genuinely has the will and capability to support R2P depends on whether the country has matched its policy pronouncements with action. The 2005 *International Policy Statement*, issued under Prime Minister Martin's tenure, is the most recent formal Canadian foreign policy paper available for consideration. The language in the IPS is remarkably consistent with the language in the ICISS report. As an example, Canada is said to share a responsibility with the international community for citizens who are victimized by state failure.¹⁰⁹ The IPS recognised the emergence of failing states and their ability to threaten international security. Canada must act to stabilize these states to protect its own sovereignty and security.¹¹⁰ The 2005 IPS specifically mentioned

¹⁰⁶Department of Foreign Affairs and International Trade, *Canada's IPS DEFENCE...*, 24.

¹⁰⁷*Ibid.*, 2.

¹⁰⁸*Ibid.*

¹⁰⁹Department of Foreign Affairs and International Trade, *Canada's International Policy Statement: A Role of Pride and Influence in the World OVERVIEW* (Ottawa: Department of Foreign Affairs and International Trade, 2005), 13. Although the IPS is the most current Canadian policy document, there are aspects of Canada's policy that began with the Chretien's Human Security policy of 2000. Comparison of the 2005 IPS and the 2000 Human Security policy will show an evolution from emphasizing human security to an emphasis on the protection of citizens at risk that matches the genesis of R2P as a concept.

¹¹⁰Stewart Patrick and Kaysie Brown, "Canada." *Greater than the Sum of Its Parts? Assessing 'Whole of Government' Approaches to Fragile States*, (New York: International Peace Academy, 2007), 59 and Department of Foreign Affairs and International Trade, *Canada's IPS OVERVIEW...*, 1.

Canada's sponsorship of the ICISS and takes its share of credit for the resulting R2P concept.¹¹¹

Like other countries, Canada stressed R2P as a necessary tool to suit the challenges of the 21st century because of its linkage of rights with responsibilities.¹¹² This emphasis on responsibility is an evolution from the approach offered by the Canadian human security strategy of 2000. This human security policy focused on the act of intervention as opposed to the requirement to protect an at-risk population.¹¹³ The IPS stated that this country refuses to allow the sovereign borders of a state to act as an excuse for "tolerating actions that contravene human security or contribute to global instability."¹¹⁴ Canadians committed to continue tackling the root causes of conflict to prevent insecurity from spilling across borders.¹¹⁵ The Department of Foreign Affairs also pledged to promote R2P with the aim of gaining global acceptance, and more importantly, global action when situations demand action.¹¹⁶

Canada, like other nations supporting R2P, emphasized prevention as the key ingredient in avoiding state failure. This is also consistent with the importance assigned to prevention measures in the R2P report. This proactive theme is highlighted throughout the IPS document, which calls for Canada to be more "responsive to the dilemmas facing

¹¹¹Department of Foreign Affairs and International Trade, *Canada's IPS OVERVIEW...*, 4.

¹¹²*Ibid.*, 11.

¹¹³Department of Foreign Affairs and International Trade. *Freedom from Fear...*, 1-5.

¹¹⁴Department of Foreign Affairs and International Trade, *Canada's IPS OVERVIEW...*, 11.

¹¹⁵Department of Foreign Affairs and International Trade. *Freedom from Fear...*, 8.

¹¹⁶Department of Foreign Affairs and International Trade, *Canada's IPS DIPLOMACY...*, 12.

the global community, so that problems are tackled before they become crises.”¹¹⁷ As a result, Canada has committed to extending human rights across the globe, encouraging states to “enshrine the principles of accountability, transparency and representation in effective democratic institutions.”¹¹⁸ In fact, Canada’s security and prosperity are directly tied to effective governance. Effective governance is dependent upon nations accepting their responsibilities towards other countries and towards their citizens.¹¹⁹ This lesson has been reinforced in all Western countries by the tragic events of 9/11.¹²⁰

The Martin government articulated a pragmatic foreign policy, one that recognized the country’s limitations. Simply put, Canada possesses finite resources that limit participation to targeted areas of R2P-like situations. For example, the IPS voiced a strategy of precisely applying Canada’s expertise to aid weak states. Specifically, Canada promised to take action through a three-pronged approach: stabilizing weak states through rapid deployment of police and military; providing government assistance through contributions such as the Office for Democratic Governance, formerly known as Canada Corps;¹²¹ and facilitating economic and social recovery through development assistance and private sector development initiatives.¹²² The IPS offered a realistic

¹¹⁷Department of Foreign Affairs and International Trade, *Canada’s IPS OVERVIEW...*, 1.

¹¹⁸*Ibid.*, 20.

¹¹⁹*Ibid.*, 5.

¹²⁰Stephen Harper, “PM unveils Canada First Defence Strategy,” (12 May 2008) [speech on-line]; available from <http://pm.gc.ca/eng/media.asp?category=2&id=2098>; Internet; accessed 28 Jan 09.

¹²¹IPS Development, 14-15, 28-29. Canada Corps is a program that allows Canadians to promote human rights, democracy and good governance through five main pillars: democratization, human rights, rule of law, public sector institution and capacity building, and conflict prevention, peacebuilding and security-sector reform. It was established in 2004.

¹²²Department of Foreign Affairs and International Trade, *Canada’s IPS OVERVIEW...*, 11.

strategy that targeted Canada's assistance for the biggest effect, not unlike other middle-sized nations.

The Canadian Liberal governments under Prime Ministers Chretien and Martin demonstrated that they were willing to commit resources to prevent circumstances that might lead to instability. Canada established a Stabilization and Reconstruction Task Force (START) in September 2005 at the Department of Foreign Affairs to work with other government departments and foreign governments to study conflicts and coordinate the Canadian response.¹²³ START's broad mandate was to manage conflict prevention, disaster response, and reconstruction.¹²⁴ Since its inception, START has experienced some success in managing the Canadian inter-governmental participation in Afghanistan. Beginning in 2005, the Canadian government committed \$100 million annually to a fund committed to crisis response and human security operations.¹²⁵ This fund, known as the Global Peace and Security Fund is managed by START under the authority of Foreign Affairs. The recent Canadian Liberal governments applied the necessary resources that were required to support R2P.

Under the leadership of both Jean Chretien and Paul Martin, Canada contributed to conflict prevention by reducing the proliferation of weapons through arms control and disarmament, with emphasis on the reduction of weapons of mass destruction.¹²⁶ Canadians believe that arms control is an area where they can provide leadership and target efforts to protect vulnerable citizens. One example is Canada's participation in the

¹²³Department of Foreign Affairs and International Trade, *Canada's IPS DIPLOMACY...*, 11.

¹²⁴Patrick and Brown, "Canada." *Greater than...*, 56.

¹²⁵Department of Foreign Affairs and International Trade, *Canada's IPS DIPLOMACY...*, 11.

Nuclear Non-Proliferation Treaty (NPT), which provides a strategy to reduce nuclear weapons worldwide.¹²⁷ The Canadian military also participates in the government-led effort to prevent weapons proliferation through various agreements like the Proliferation Security Initiative.¹²⁸ These efforts demonstrate Canada's resolve in tackling the priority effort identified by the R2P report, that is, prevention. However, these efforts might also be construed as evidence that Canada loves to be part of as many international clubs as possible, instead of taking real action in focused areas.

The Defence portion of the *International Policy Statement* made bold claims on the future use of the military in failed and failing states. The Canadian Forces were to be used to provide humanitarian assistance, stabilization operations, and combat; all potentially occurring at the same time. This would be a difficult task with the limited size of the CF, which was reduced considerably under Liberal governments. But of critical note to R2P is for UN member states to exhibit the will to act to protect populations at risk. Canada's participation in the Kosovo campaign in 1999 displayed the political will to use force to protect the Muslim people who were in danger of ethnic cleansing by the Serbs.

Canada, under Prime Minister Chretien, also demonstrated that its military forces possessed the relevant equipment and capability, although as part of a greater NATO coalition, to protect the Muslim Kosovar population. The army deployed tanks and Light Armoured Vehicles as part of the NATO land-based operation. The air force possessed the requisite interoperability and aircraft to operate as an effective part of a NATO

¹²⁶Department of Foreign Affairs and International Trade, *Canada's IPS OVERVIEW...*, 9.

¹²⁷Department of Foreign Affairs and International Trade, *Canada's IPS OVERVIEW...*, 15.

coalition to deliver precision strikes on Serbian targets. As part of a coalition, Canada was willing to risk the lives of its airmen and soldiers in order to protect people in Kosovo. Although this action preceded the introduction of R2P, it met the standard of reaction that was proposed under the R2P report.

Admittedly, there is still much debate surrounding the ethical and legal basis for NATO's intervention into Kosovo. The United Nations did not sanction NATO's involvement. The Security Council passed Resolution 1160 on 31 March 1998, condemning excessive Serbian force against Kosovo Liberation Army.¹²⁹ It also passed Resolution 1199 on 23 September 1998, which acknowledged that the Kosovo situation posed a threat to international peace and security. Furthermore, the resolution demanded a ceasefire and action to improve the humanitarian situation.¹³⁰ Possibly out of frustration with the Security Council's refusal to take stronger action, NATO issued orders on 13 October 1998 to begin an air campaign to halt Serbian aggression in Kosovo. NATO leaders felt that Resolution 1199 gave them legitimate grounds to use military force.¹³¹ Former Liberal Foreign Affairs Minister Lloyd Axworthy underscored the considerable internal debate surrounding how far NATO could go without a formal mandate from the Security Council.¹³²

Following the commitment of military or other resources under R2P, Canada must also be dedicated to rebuilding a country that has been devastated by a cataclysmic event.

¹²⁸Department of Foreign Affairs and International Trade, *Canada's IPS DEFENCE...*, 29.

¹²⁹International Development Research Centre, *The Responsibility to Protect: Research...*, 110.

¹³⁰*Ibid.*

¹³¹*Ibid.*

¹³²Axworthy, *Navigating...*, 179.

As explained in the IPS, Canada's development assistance policy was targeted towards alleviating the stressors that are the root causes of instability.¹³³ The Canadian International Development Agency (CIDA) believes that proper and timely development can prevent crises and contribute positively to collective security.¹³⁴ Alleviating poverty will strengthen a state's ability to better provide for its citizens. CIDA is Canada's lead department in rebuilding operations. CIDA is realistic in its assessment of the enormity of the development task in failed and failing states and it targets funding in partnership with a holistic international response.¹³⁵ Under the IPS, Canada like other Western nations, also promoted good governance by tying aid to measurable governance progress.¹³⁶

However, not all states are pleased with Canada's pursuit of what some view as altruistic, self-righteous goals. This point was made by writer Michael Keren, "Yet, idealism cannot be ignored, and certainly not when Canadian foreign policy is considered, not least of all because that policy is expressed in the language of moral rectitude and seems to aspire to nobility."¹³⁷ Writer Sharene Razack remarked that some countries describe Canada's engagement around the world as evidence of a "compassionate but uninvolved observer."¹³⁸ Political scientist Duane Bratt attributes

¹³³Department of Foreign Affairs and International Trade, *Canada's IPS OVERVIEW...*, 21.

¹³⁴Canadian International Development Agency. *Canada's International Policy Statement (2005)*, <http://acdi-cida.gc.ca/CIDAWEB/acdicida.nsf>; Internet; accessed 11 February 2009, 2. The reader should note that this policy document was never officially adopted as policy for CIDA. However, the general theme of the document is consistent with the Canadian development strategy for failed and failing states today.

¹³⁵*Ibid.*, 4-6.

¹³⁶*Ibid.*, 8.

¹³⁷Michael Keren and Donald A. Sylvan, *International Intervention: Sovereignty versus Responsibility*, (London: Frank Cass, 2002), 127.

Canada's evolution from a nation of action into an idea generator to the country's inability to project military power.¹³⁹ Canada must ensure that action follows words if it hopes to change some of the negative global perceptions. This challenge falls upon the current leader of the Canadian government.

In order to establish Canada's current commitment to implementing R2P, one must consider its relevant diplomatic, development and military efforts under Stephen Harper's Conservative government. Prime Minister Harper's words and actions will be analyzed to determine consistency with the IPS and with the concept of R2P. A foreign affairs policy document has yet to replace the 2005 IPS, so there will be a greater reliance in this section on recent speeches and budget estimates.

The present Harper government continues to emphasise prevention, primarily through multilateral bodies like the United Nations. In November 2008's Speech from the Throne, the Conservative government declared:

Canada will also continue working for freedom, democracy, human rights and the rule of law around the world. To that end, our Government will establish an independent agency to promote international democratic governance. And we will proceed with our planned increases to foreign aid, including our commitment to double aid to Africa this year.¹⁴⁰

¹³⁸Sherene H. Razack, *Dark Threats and White Knights: The Somalia Affair, Peacekeeping, and the New Imperialism*, (Toronto: University of Toronto Press, 2004), 26.

¹³⁹Duane Bratt, "Warriors or Boy Scouts? Canada and Peace Support Operations," *Readings in Canadian Foreign Policy: Classic Debates and New Ideas*, ed. Duane Bratt and Christopher J. Kukucha, (Don Mills: Oxford University Press, 2007), 243. This inability to project military power occurred during the lean funding of the CF during the Chretien years of power.

¹⁴⁰Stephen Harper, "Strong leadership to protect Canada's future: Address by the Prime Minister in Reply to the Speech from the Throne," (20 November 2008) [speech on-line]; available from <http://pm.gc.ca/eng/media.asp?category=2&id=2318>; Internet; accessed 28 Jan 09.

Under the current government, Canada has a proven history of working to promote democracy and human rights in other nations. For example, Canadians condemned a recent election in Zimbabwe because of improprieties in the conduct of the Mugabe regime. Officials then worked with the international community to pressure the Mugabe regime to become more democratic.¹⁴¹ Prime Minister Harper also recently pressured his Commonwealth colleagues to suspend Pakistan's membership in order to compel Pakistanis to pursue more democratic policies.¹⁴² This move is entirely consistent with R2P and with the former Liberal government.

Having said this, a properly funded, robust diplomatic corps and Department of Foreign Affairs is crucial for Canada to properly deliver on its promises to back prevention measures under any R2P-type strategy. The Harper government recently reduced spending to Foreign Affairs by 18 per cent.¹⁴³ Budget projections indicate that Foreign Affairs will be reduced by a further 14 per cent by 2010-2011.¹⁴⁴ These recent funding cuts have undermined the department that plays the biggest role in ensuring Canadian diplomatic efforts are effective in preventing the abuse of citizens abroad. Funding cuts could be construed as a lack of tangible support to R2P. The reduction in DFAIT funding is a break from former Liberal governments.

¹⁴¹Stephen Harper, "PM receives international human rights award," (27 June 2008) [speech on-line]; available from <http://pm.gc.ca/eng/media.asp?category=2&id=2200>; Internet; accessed 28 Jan 09.

¹⁴²Stephen Harper, "Prime Minister's Remarks at the Closing Ceremonies of the Commonwealth Heads of Governments Meeting," (25 November 2007) [speech on-line]; available from <http://pm.gc.ca/eng/media.asp?category=2&id=1916>; Internet; accessed 28 Jan 09.

¹⁴³Jennifer Campbell, "Erosion of diplomatic corps will cost Canada, Clark says: Former prime minister laments drop in funding for Foreign Affairs," *Ottawacitizen*, 14 February 2009, <http://www.ottawacitizen.com/news>; Internet; accessed 14 February 2009.

¹⁴⁴*Ibid.*

Despite these funding cuts to DFAIT, Prime Minister Harper's rhetoric has remained consistent about his desire to strengthen Canada's place in the world. Harper acknowledges that crises elsewhere can negatively impact the security situation in Canada. The Prime Minister has also aspired to influence other nations to reject authoritarianism and accept a governmental model similar to Canada's.¹⁴⁵ Success in convincing nations to adopt more democratic principles would add to the stability of the global community and necessarily aid in prevention measures under R2P. However, a reduced capability in an underfunded Foreign Affairs and diplomatic corps undermines Prime Minister Harper's verbal aspirations.

Prevention efforts having failed under the responsibility to protect, Canada has to continue to possess the requisite will and capability to stop a conscious-shocking situation. Although the Prime Minister has promised that Canada will be a "robust and reliable contributor to global security and humanitarian interventions," do the facts support the rhetoric?¹⁴⁶

Measuring by his words, Prime Minister Harper is committed to ensuring that Canada possesses a military that is capable of projecting force abroad and thereby realizing Canada's foreign policy objectives. Canada's present-day government accepts that possessing a credible military with the means to deploy abroad is a precondition to global leadership.¹⁴⁷ In his introduction to the Canada First Defence Strategy, Harper explained:

¹⁴⁵Stephen Harper, "PM unveils revised motion on the future of Canada's mission in Afghanistan," (21 February 2008) [speech on-line]; available from <http://pm.gc.ca/eng/media.asp?category=2&id=1995>; Internet; accessed 28 Jan 09.

¹⁴⁶Harper, PM unveils Canada speech..., (12 May 2008).

Ladies and gentlemen, if a country wants to be taken seriously in the world, it must have the capacity to act. It's that simple. Otherwise, you forfeit your right to be a player. You're the one chattering on the sidelines that everybody smiles at but nobody listens to. Our government is committed to ensuring that Canada not only has an opinion, but that Canada is heard, that Canada is protected, and that Canada is a force for good, for positive change in the world.¹⁴⁸

Harper's speech outlined priorities for the Canadian Forces. The third priority, after securing the country and North America, was a commitment to ensuring global security. The Prime Minister referred to the concept of responsibility to protect in all but name, emphasizing Canada's desire to respond to global threats and international calamities. The Prime Minister added that Canada would continue "to be a robust and reliable contributor to global security and humanitarian interventions."¹⁴⁹

The current commitment to expand the Canadian Forces by eight thousand people is proof that the current government aims to increase the CF's "capacity to participate in challenging international operations anywhere in the world, especially in failed and failing states."¹⁵⁰ The growth of the Canadian special operations branch provides increased ability for Canada to intervene abroad. These expansions, combined with the purchase of helicopters and other equipment to increase mobility, provide the Canadian government with powerful foreign policy tools that could be used to bolster the responsibility to protect when called upon to act. Despite the commitment to grow the

¹⁴⁷Harper, PM unveils revised motion..., (21 February 2008). In this speech, Prime Minister Harper identifies that Canada must have a credible military to be a credible leader.

¹⁴⁸Harper, PM unveils Canada speech..., (12 May 2008).

¹⁴⁹Harper, PM unveils Canada speech..., (12 May 2008).

¹⁵⁰Department of Foreign Affairs and International Trade, *Canada's IPS DEFENCE...*, 3. Although begun under the Paul Martin government, Stephen Harper has committed to rebuilding the military.

Canadian Forces, Canada's modest-sized military would preclude unilateral intervention on any but the smallest operations.

Prime Minister Harper's government has further committed to providing concrete and predictable increases to the Defence budget. This dedicated funding will allow the military to complete the necessary planning to implement the announced growth in personnel and capabilities assuming that the CF is able to recruit enough people. Beginning in 2011-2012, DND's automatic funding increase will rise from 1.5 per cent to 2 per cent.¹⁵¹ Military intervention under the responsibility to react is predicated upon a well-funded military with the ability to project force to protect an at-risk population. Prime Minister Harper's commitment to increase funding for the Canadian military will allow for modest increase in capability and capacity to react than the CF has had under past governments.¹⁵² Supporters of the military maintain that proposed increases are not sizeable enough to bring the Canadian military to an adequate funding level. Critics of the military are opposed to increased spending and they argue for the money to be spent on other priorities. Compared to our Western allies, Canada still does not fund its military in a proportionate manner.

When other countries were unwilling to commit, Canada demonstrated the will to react quickly to a 2008 UN request to protect World Food Program food shipments against pirates operating off the coast of Somalia.¹⁵³ The *Ville de Quebec*, a Canadian

¹⁵¹Harper, PM unveils revised motion..., (21 February 2008).

¹⁵²The caveat is that the CF would likely be willing and able to act as part of a larger coalition, primarily due to its modest size.

frigate operating under a NATO operation, was reassigned to safeguard food shipments in a matter of hours. This decision reinforced Canada's reputation of reacting quickly to requests for assistance and it garnered goodwill amongst the international community. Understandably, this was only one ship, whose short-term effect was minimal compared to the threat of piracy throughout the region. Although the piracy example may not therefore completely meet the standard under R2P, it provides a contemporary example of Canada's willingness, above other nations, to use its navy to protect victimised populations.

CIDA's continued involvement in reconstruction around the globe offers proof that Stephen Harper plans to continue efforts begun under former Liberal governments. Approximately \$100 million per year is currently allocated to Afghanistan for reconstruction.¹⁵⁴ Canada's current policies and actions have been consistent and with the efforts demanded by the responsibility to rebuild. Based upon this recent example, coupled with the current government's commitment to assist reconstruction in failed and failing states, it is reasonable to conclude that Canada would follow through on future rebuild aspects of R2P (if they were consistent with Canada's national interests).

This analysis has concluded that Canada possesses the will and capability to act in accordance with R2P. Canadians initially adopted a leadership role in developing R2P and they worked diligently to sell this notion within the United Nations.¹⁵⁵ Like other

¹⁵³Deputy Minister Edwards, "Address to the United Nations General Assembly," (September 29, 2008) [speech on-line]; available from http://w01.international.gc.ca/Minpub/Publication.aspx?isRedirect=True&publication_id=386530&Language=E&docnumber=2008/19; Internet; accessed 28 Jan 09.

¹⁵⁴Canadian International Development Agency, "Canada's Development Commitment for Afghanistan," <http://www.acdi-cida.gc.ca/CIDAWEB/acdicida.nsf/En/JOS-426165819-SLH>; Internet; accessed 22 March 2009.

countries, prevention measures are recognized as essential elements of Canadian foreign policy and they contribute positively to this new concept of responsibility. However, various states have come to view Canada as a nation with good ideas but not necessarily the will to back it up with action. In general terms, Canada possesses most of the building blocks required to follow through on R2P. It is now time to move from the conceptual to the operational arena and evaluate a real-life case study under this new vision of responsibility. An examination of Darfur, Sudan would be helpful in describing the international and domestic responses to a recent conscious-shocking situation.

¹⁵⁵Canada's participation in the NATO operation in Kosovo may seem to contradict the point that Canada prefers to work within the UN. This multi-lateral preference is not exclusive. Canada will occasionally act unilaterally or plurilaterally, in accordance with its interests and values. Kosovo was such an example.

CHAPTER 5 – DARFUR CASE STUDY

Darfur has been selected as a case study for R2P because its situation screams out for action.¹⁵⁶ The people of Sudan, and Darfur Province in particular, have experienced devastating hardship in recent history. This Western Sudanese province is also specifically mentioned as an area demanding action in Canada's 2005 *International Policy Statement*. Although the situation in Sudan is complex, a basic understanding of how the crisis developed is required before describing the global and Canadian responses.

The civil war's genesis can be traced back to tensions that erupted between the Arabs and Christians in 1956, when Sudan gained independence from Britain.¹⁵⁷ The fighting occurred between the predominately poor population in the south and the government-backed people of the north. An initial peace agreement was reached in 1972 but unrest was reignited in 1983 and continued until a 2005 peace agreement. In total, 2.5 million Southerners died and a further 4.5 million became refugees until the 2005 *Comprehensive Peace Agreement* ended the civil war.¹⁵⁸ This agreement was supported largely by the United States, under the leadership of George W. Bush.¹⁵⁹ The UN Security Council committed a force of 10,000 soldiers to supervise the implementation of the settlement and to ensure a durable peace.¹⁶⁰

¹⁵⁶Evans, *Ending Mass Atrocity...*, 60-62. Gareth Evans explains that Darfur is the best contemporary example of the confusion surrounding R2P. Evans contends that the international community has failed to protect the people of Darfur because of much more than the failure of coercive measures. Military intervention would be likely to lead to more harm than good in the case of Darfur.

¹⁵⁷Andrew S. Natsios, "Beyond Darfur: Sudan's Slide Towards Civil War," *Foreign Affairs*, Vol 87, No 3 (May/June 2008): 78; <http://proquest.umi.com>; Internet; accessed 14 February 2009 Natsios, 2.

¹⁵⁸Scott Straus, "Darfur and the Genocide Debate," *Foreign Affairs*, Vol 84, No 1 (January/February 2005): 125 and Natsios, *Beyond Darfur...*, 78.

¹⁵⁹Natsios, *Beyond Darfur...*, 77.

The situation in the western province of Darfur is different from the remainder of the country that was affected by the civil war. For one, there is no religious tension because the inhabitants are all Muslim. In 2003, three tribes, the Fur, the Masalit, and the Zhaghawa, began a rebellion against the central government in Darfur, primarily as a result of competition for arable land.¹⁶¹ These tribes began to attack government infrastructure throughout Darfur Province.¹⁶² Targets included military outposts, airports and police stations in Darfur Province.¹⁶³ In response, the Sudanese government acted quickly and harshly. A campaign of ethnic cleansing, including systematic rape as a weapon, targeted the people of Darfur. Execution of this operation was conducted by the Janjaweed militias, a violent proxy group that is supported by Sudanese government forces.¹⁶⁴

The displacement of people from Darfur, mostly to Chad, became one of the world's greatest humanitarian crises by March, 2004.¹⁶⁵ In total, some 2,700 villages were destroyed and 250,000 people perished.¹⁶⁶ The *Darfur Peace Agreement*, signed in

¹⁶⁰Robert O. Mathews, "Sudan's humanitarian disaster: Will Canada live up to its responsibilities to protect?" *International Journal*, Vol 60, No 4 (Autumn 2005): 1063.

¹⁶¹Kwesi Aning and Samuel Atuobi, "Responsibility to Protect in Africa: An analysis of the Africa Union's Peace and Security architecture," *Global Responsibility to Protect*, Volume 1, Number 1 (2009): 110; <http://www.ingentaconnect.com>; Internet; accessed 24 March 2009.

¹⁶²Mathews, Sudan's humanitarian disaster..., 1058.

¹⁶³Natsios, Beyond Darfur..., 78.

¹⁶⁴Aning and Atuobi, Responsibility to Protect in Africa..., 110 and Natsios, Beyond Darfur..., 78.

¹⁶⁵Straus, Darfur and the Genocide Debate..., 123 and Mathews, Sudan's humanitarian disaster..., 1058.

¹⁶⁶Natsios, Beyond Darfur..., 77.

May 2006, brought the bulk of the conflict in Darfur Province to a close.¹⁶⁷ The Agreement addressed marginalization by allowing Darfur to have a bigger role in the Sudanese government. The Agreement also established buffer zones around internally displaced persons camps and it created a plan for Janjaweed disarmament.

The Sudanese government feels threatened by outside powers that offer their assistance with the humanitarian crisis that was sparked by the unrest in Darfur. They are suspicious of the UN-sponsored African Union mission deployed to Sudan and fear that this mission exists to collect evidence against them to proceed with war crimes tribunals.¹⁶⁸ Sudan is led by Omar Hassan Ahmad al-Bashir, who has been President since a coup in 1989. The current Sudanese governing party under al-Bashir, the National Congress Party (NCP), is corrupt and has a firm grip on power, to the exclusion of those outside the party.¹⁶⁹ The NCP have achieved this primarily by controlling who gets employed in government jobs. If ever there was a modern-day case for intervention under the guise of R2P, Darfur surely qualifies.

To prove that Darfur makes a good case for military intervention, a review of the ICISS report's six criteria is necessary.¹⁷⁰ As general guidance the report indicates that a non-interventionist policy should be adopted.¹⁷¹ For its part, the international community has not intervened in Darfur and the results have been dramatic. Under the just cause

¹⁶⁷David Black, "The Responsibility to Engage: Canada and the Ongoing Crisis in Darfur," *Behind the Headlines. Canadian Institute of International Affairs*, Volume 42 No. 4. (2007): 19.

¹⁶⁸Natsios, *Beyond Darfur...*, 79.

¹⁶⁹*Ibid.*

¹⁷⁰International Development Research Centre, *The Responsibility to Protect*. Report..., 31-37.

¹⁷¹International Development Research Centre, *The Responsibility to Protect*. Report..., 31.

criteria, there has to be large-scale loss of life or ethnic cleansing to justify military intervention into Darfur. Both of these conditions have been met. Right authority connotes that intervention must be sanctioned by the United Nations Security Council to be deemed legitimate.¹⁷² This would require support by the permanent members and China and Russia would likely require convincing. As writer Semegnish Asfaw notes, the veto powers in the Security Council must not be allowed to halt international action into Darfur.¹⁷³ Right intention indicates that intervention must be motivated by the desire to alleviate suffering in Darfur. Therefore, overthrowing the al-Bashir regime would not be substantiated under this criterion. The last resort principle has been satisfied since all promising avenues for resolution in Sudan have been explored. Military intervention in Darfur would have to be proportional and only use the minimum force necessary to alleviate suffering. The final criterion is that there has to be reasonable prospects of success to justify intervention. Military force would not be justified if protection could not be achieved or if the crisis was made worse by the intervention. In order to satisfy this, the requisite political will and force would have to be employed to ensure protection.

The Darfur issue threatens to destabilize the entire region.¹⁷⁴ As an example, Sudan government-backed Chadian rebels attempted to seize control of Chad and overthrow the President in early February 2009.¹⁷⁵ This attack preceded a European

¹⁷²International Development Research Centre, *The Responsibility to Protect*. Report..., 47-55. The report should be consulted for more discussion on the role of regional organizations like NATO, should the Security Council fail to act.

¹⁷³Asfaw, Kerber, and Weiderud, *The Responsibility to Protect: Ethical...*, 131.

¹⁷⁴Mathews, Sudan's humanitarian disaster..., 1060 and Natsios, *Beyond Darfur...*, 77.

Union mission to Chad, charged with the responsibility to support Darfur refugees in this bordering country.¹⁷⁶ Because of Darfur's potential threat to regional security, this issue demands assistance from the international community. In this light, this chapter will analyze the responses of both the international community and Canada. A study of the action taken by the international community will reveal the seriousness that other countries have attached to protecting people who have been abandoned by their own government. Analyzing Canada's reaction will demonstrate its resolve in supporting R2P. This discussion will further determine whether Canada has adopted a leadership role.

INTERNATIONAL INVOLVEMENT

Africa contains some of the poorest countries in the world, and it continues to be plagued by drought, internal strife and humanitarian crises. The reality is that most of the world has largely ignored Africa over the last three decades unless some national self-interest has been at stake. LCol Mann's theory is that the permanent members of the Security Council have always been motivated by self-interest when it comes to their respective policies on Africa, and on Sudan in particular.¹⁷⁷ That national interest guides the amount of involvement in Africa comes as no surprise. However, for R2P to be successfully implemented, the support of permanent members will be critical.

During the 1990s, the United States government pursued a policy of regime change for Khartoum.¹⁷⁸ This policy was unrealistic because the NCP permeated every

¹⁷⁵Peter Goodspeed, "Darfur conflict threatens Chad; Rebel invasion may presage humanitarian disaster," *National Post*, 8 February 2008, <http://proquest.umi.com>; Internet; accessed 15 February 2009, A15.

¹⁷⁶*Ibid.* This EU mission is sanctioned by the UN.

¹⁷⁷LCol D.S. Mann, "The P5 and Sub-Saharan Africa," (Toronto: Canadian Forces College Masters of Defence Studies Paper, 2005), 4.

level of government such that its elimination would prove an impossible task.

Furthermore, the pursuit of regime change likely caused the Sudanese government to become suspicious of international involvement.¹⁷⁹ In 1997, the Clinton Administration imposed sanctions on Sudan's banking and financial system. These sanctions were expanded by President Bush.¹⁸⁰ The initiative has had some effect but has not forced the al-Bashir government to drastically change its policies.

Despite the ineffectiveness of the financial sanctions, the Clinton government was successful in convincing the leadership in Sudan to move away from state-sponsorship of terrorism in the mid-1990s. This culminated in Sudan's expulsion of Osama bin Laden in 1996. The relationship between the two nations soured in 1998 when Americans destroyed a suspected Sudanese biological weapons factory.¹⁸¹ In concert with its recent campaign to counter terrorism, the Bush administration nurtured relations with Sudan in order to reduce terrorist acts. Writers like Colin Prendergast and Colin Thomas-Jensen believe that this close cooperation with the Khartoum regime resulted in short-term gains in combating terrorism. More negatively, it has driven the Sudanese government back to its extremist roots.¹⁸² These writers call for the American government to re-examine their policy for the Horn of Africa, and for Sudan in particular.

America's effect was not entirely negative. The same United States government displayed global leadership when it announced humanitarian assistance for the crisis in

¹⁷⁸Natsios, *Beyond Darfur...*, 81.

¹⁷⁹Natsios, *Beyond Darfur...*, 81.

¹⁸⁰*Ibid.*, 79.

¹⁸¹John Prendergast and Colin Thomas-Jensen, "Blowing the Horn," *Foreign Affairs*, Vol 86, No 2 (March/April 2007): 67.

Darfur.¹⁸³ Hoping to spark international action, the American government officially labelled Darfur a case of genocide in July 2004.¹⁸⁴ Nonetheless, the United Nations has not adhered to Genocide Convention. Much debate has occurred in the Security Council surrounding the definition of the term genocide instead of pursuing action to halt the devastation in Darfur. Tepid Security Council resolutions that vaguely threaten sanctions have been passed, but the UN has yet to dispatch a legitimate intervention force to protect the inhabitants of Darfur.

China has invested significantly in Sudan's energy sector and has gained some resulting influence on al-Bashir's government. The China-Sudan relationship is symbiotic. The Chinese assist development and in turn the Sudanese supply access to much-needed oil resources as well as provide an ally on sovereignty and human rights issues.¹⁸⁵ As a testament of this close relationship, China blocked Security Council action in Sudan for eighteen months in 2004-2005 because of economic sanctions that were being proposed.¹⁸⁶ Since 2006, however, China has exerted diplomatic pressure on the government of Sudan to bring about resolution on the Darfur crisis.¹⁸⁷ Writers like Gareth Evans suggest that China's hardened stance towards Sudan is motivated by a greater concern about its international image.¹⁸⁸

¹⁸²*Ibid.*, 60.

¹⁸³Natsios, *Beyond Darfur...*, 77.

¹⁸⁴Straus, *Darfur and the Genocide Debate...*, 123.

¹⁸⁵Mann, *The P5 and Sub-Saharan Africa...*, 54.

¹⁸⁶*Ibid.*, 81-82.

¹⁸⁷U.S. Department of State, "Policy Statement: China in Africa: Implications for U.S. Policy," <http://www.africom.mil/getArticle.asp?art=1786>; Internet; accessed 24 February 2009.

¹⁸⁸Evans, *The Responsibility to Protect: Ending...*, 63.

By the early part of 2004, it was clear that a grave humanitarian crisis was occurring in Darfur. Both the World Bank and the United Nations assessed the situation and presented their conclusions at an Oslo donor conference in April 2005.¹⁸⁹ The sum of pledges at the conference amounted to \$4.5 billion. The United States pledged \$850 million immediately, with another \$900 million contingent upon Congressional approval. Britain pledged \$765 million, Norway \$545 million, and the Netherlands \$220 million.¹⁹⁰ Although some international organizations provided relief, it became clear that the international community was unwilling to intervene directly. The spirit of the responsibility to protect the victimized people of Darfur was not to be realized in a timely fashion.

There has been much discussion at the Security Council on Darfur and the need to take action. The U.S. Security Council representative underlined this requirement when he announced that traditional means of protection had broken down but the international community still had a role to play in protecting the citizens in Darfur.¹⁹¹ Japan agreed and underlined that the Security Council's credibility was being tested because of inaction.¹⁹² Britain's Foreign Secretary has also been unequivocal in calling for intervention in the case of genocide in Darfur.¹⁹³

¹⁸⁹Prendergast and Thomas-Jensen, *Blowing the Horn...*, 72 and Mathews, *Sudan's humanitarian disaster...*, 1061.

¹⁹⁰Mathews, *Sudan's humanitarian disaster...*, 1061.

¹⁹¹Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 6 December 2006, 2.

¹⁹²Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., open debate 6 December 2006, 2.

¹⁹³Foreign Secretary David Miliband, *The democratic imperative*. Aung San Suu Kyi Lecture, Oxford University, 12 February, 2008.

The United Nations Security Council finally authorized a force of up to 26,000 police and soldiers with the mandate of protecting the Darfur civilians in July 2007.¹⁹⁴ This force, approved under Resolution 1769, is only authorized to use force in self-defence, to protect humanitarian workers and to protect civilians in Darfur.¹⁹⁵

More recently, the International Criminal Court issued an arrest warrant for Sudan's leader, President al-Bashir, on 5 March 2009.¹⁹⁶ Most members of the Security Council are supportive.¹⁹⁷ They see an ICC trial as a necessary legal step to hold al-Bashir accountable for his crimes. Not surprising, China and Russia have been unsupportive and have questioned the poor timing of the arrest warrant. The Chinese representative observed that beginning legal proceedings before the end of the crisis in Darfur would interfere with the resolution of the conflict.¹⁹⁸ Others, like Dr. Kwesi Aning, Head of Conflict Prevention at the Kofi Annan International Peacekeeping Training Centre, and Samuel Atuobi, a researcher at the same institution, have argued that the ICC is motivated by its pursuit of justice whereas the African Union is more concerned with peace.¹⁹⁹ The fear is that the warrant will forestall a durable peace because of the danger of further Sudanese government entrenchment.

¹⁹⁴CTV.ca News Staff, "UN approves peacekeeping force for Darfur," *CTV.ca*, 31 July 2007, <http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20070731>; Internet; accessed 13 February 2009.

¹⁹⁵United Nations Responsibility to Protect: Engaging..., 1.

¹⁹⁶Merill A. McPeak and Kurt Bassuener, "Grounding Sudan's Killer's," *The Washington Post*, 5 March, 2009, <http://www.washingtonpost.com/>; Internet; accessed 5 March 2009. This is the first time that the ICC has issued an arrest warrant for a sitting leader.

¹⁹⁷Neil MacFarquhar, "Council Backs Idea to Indict Sudan leader," *The New York Times*, 3 December, 2008, <http://www.nytimes.com/>; Internet; accessed 5 March 2009.

¹⁹⁸*Ibid.*, 1.

¹⁹⁹Aning and Atuobi, *Responsibility to Protect in Africa...*, 111.

Many organizations and individuals also work diligently to focus the Darfur debate on the people who require help. Humanitarian organizations like The International Committee of the Red Cross, Doctors Without Borders and a multitude of others operate in harsh and unsafe conditions to bring much-needed aid in Darfur Province. Advocates like Mia Farrow do their best to remind the rest of the world that there are human beings dying in Darfur. These people require immediate help from the international community. As Farrow describes, the victims in Darfur have been waiting in terror for more than five years for protection that has been slow to materialize.²⁰⁰ It is important to acknowledge the human dimension because this is the very reason that sparked the formulation of the responsibility to protect.

CANADIAN INVOLVEMENT

Because of Canada's advocacy for global acceptance of R2P, there is a moral obligation for Canadians to assume a prominent role in assisting victimized people around the globe. Darfur would be a logical place to start.²⁰¹ A review of Canada's actions *vis a vis* Darfur will determine if this has been the case.

Sudan was not part of Canada's core group of recipients of bilateral aid until the 1980s. Aid to Sudan grew to \$20 million annually beginning in 1982 and continued at that level for a decade.²⁰² As a response to Sudan's dismal human rights record, Canada suspended bilateral aid in 1992 but CIDA continued to provide humanitarian assistance of about \$10 million annually. The bulk of Canada's involvement in Sudan has largely

²⁰⁰Mia Farrow, "Does human suffering transcend national borders?" *The Globe and Mail*, 3 November 2008, <http://proquest.umi.com>; Internet; accessed 15 February 2009.

²⁰¹Edwards, *The Road to Darfur...*, 22.

been linked to humanitarian assistance, which has been channelled through the United Nations and non-governmental organizations.

The most notable involvement of the Canadian private sector in Sudan occurred in 1998 with a Canadian oil company, Talisman. Talisman purchased Arakis Energy's stake in Sudan's Greater Nile Petroleum Operating Company (GNPOC).²⁰³ Talisman's new acquisition contributed to the displacement of thousands of people in Sudan. Canadian governmental officials chose not to interfere in Talisman's business affairs, even though the company's actions undermined Canadian efforts to seek a peaceful solution in Sudan.²⁰⁴ Not only did this negatively affect Canada's credibility in the region, it also called into question Canada's commitment to its human security agenda.²⁰⁵ Lloyd Axworthy subsequently appointed a commission into Talisman's activities, which concluded that the company's affairs contributed to the suffering of the people.²⁰⁶ Even armed with the commission's recommendations, the Canadian government elected to stay out of Talisman's business.²⁰⁷

Canada pursued a policy of positive or non-coercive engagement with Sudan to encourage the Sudanese government to rethink its internal displacement of citizens.²⁰⁸

²⁰²Mathews, Sudan's humanitarian disaster..., 1050.

²⁰³Mathews, Sudan's humanitarian disaster..., 1050.

²⁰⁴*Ibid.*

²⁰⁵Department of Foreign Affairs and International Trade. *Freedom from Fear...*, 15. Although this human security policy was published in 2000, the human security agenda existed at the time of the Talisman affair. The policy mentions that the private sector is a valuable partner for Canada in dialogue on human security issues.

²⁰⁶Mathews, Sudan's humanitarian disaster..., 1051.

²⁰⁷*Ibid.*, 1051-1055. Talisman sold its shares of GNPOC to an Indian company 2002.

Apparently, Canada's lack of significant trade and diplomatic ties with Sudan denied Ottawa the requisite leverage to influence Khartoum to mend its ways. Regardless, the Canadian approach did not achieve the intended results, as the Khartoum government did not alter its policies to alleviate human suffering.

In the *International Policy Statement*, Canada specifically identified Africa as a continent in need of development assistance. The IPS also articulated a desire to more precisely target assistance efforts in places like Darfur. It expressed a commitment to assume a leadership role in galvanizing the world to take action:

The Government will mobilize the international community, including Africans, to stop the ethnic cleansing and massive abuse of human rights in the Darfur region of Sudan. In addition to humanitarian aid for Sudanese, Canada is also providing financial support for the International Criminal Court to prosecute war crimes committed in Darfur, and it provides training and other assistance to the African Union's peace operations.²⁰⁹

Canada identified Africa as a development challenge for the immediate future and recognized the link between reducing poverty and the global system of collective security.²¹⁰ The IPS further described Canada's desire to act as an international leader in its foreign policy, to chart an independent course, and to pull its own weight.²¹¹ One might argue that Canada's international reputation is partly tied to its will and ability to act in Darfur. As a matter of principle, it is Canada's responsibility to act immediately to help the people in Darfur.²¹²

²⁰⁸Mathews, Sudan's humanitarian disaster..., 1052.

²⁰⁹Department of Foreign Affairs and International Trade, *Canada's IPS OVERVIEW...*, 13.

²¹⁰*Ibid.*, 3 and Canadian International Development Agency. *Canada's IPS...*, 25.

²¹¹Department of Foreign Affairs and International Trade, *Canada's IPS OVERVIEW...*, 3.

When he was prime minister, Paul Martin consistently supported the idea of intervention for humanitarian purposes, as evidenced by various speeches preceding the Darfur crisis.²¹³ Nevertheless, some have accused the Martin government of mishandling Canada's assistance to Darfur. Political scientist Kim Nossal went as far as to accuse Martin of adopting an ear candy foreign policy approach:²¹⁴ His rhetoric was sweet to the electorate's ears, yet his words did not translate into meaningful global results.²¹⁵ According to Nossal, Prime Minister Chretien pursued a similar ear candy policy throughout the 1990s.²¹⁶ In both cases, the policy appears to have been politically effective at home, but it undermined Canada's credibility abroad. Although all countries have similarly failed to respond to the Darfur crisis, Canada sought a specific leadership role in the formulation of R2P. Without the accompanying action to the rhetoric, it appears as though Canadian politicians were guilty of producing good but unachievable ideas.

David Black argues that Canada has failed to provide leadership for the resolution of the Darfur crisis.²¹⁷ Americans have assumed the greater leadership role for Sudan, not Canadians. When it comes to powerful rhetoric, Canadian leaders have not shied away from committing to action to help the victims of Darfur. Prime Minister Paul Martin began his tenure by taking some steps to follow rhetoric with action. He appointed a

²¹²*Ibid.*, 5.

²¹³Kim R. Nossal, "Ear Candy: Canadian policy toward humanitarian intervention and atrocity crimes in Darfur," *International Journal*: 3; <http://proquest.umi.com>; Internet; accessed 15 February, 2009.

²¹⁴*Ibid.*

²¹⁵*Ibid.*, 2.

²¹⁶*Ibid.*, 2-3.

high-level Special Advisory Team comprised of Senators Romeo Dallaire and Mobina Jaffer and Ambassador Robert Fowler.²¹⁸ This team travelled to Darfur to make its assessment in November 2005 but no drastic action resulted.

Has Canada followed through on its policy commitment? From 2000 to 2005, Canada contributed \$70 million in humanitarian aid and \$20 million in support to the African Union mission in Sudan.²¹⁹ At the Oslo donor conference in April 2005, Canada pledged an additional \$90 million. By comparison, its contribution was less than those of the Dutch or the Norwegians.²²⁰ Development experts might argue that aid effectiveness is more important than the amount of money committed. That point is certainly valid, but CIDA's method of dispersing funds through trusted third party organizations makes the effects measurement an almost impossible task. Canada's contribution was an increase over past pledges, but it was not commensurate of a self-proclaimed leader in resolving the Darfur crisis. The relative small amount of funds could be construed as proof of Canada's continuing inability to follow strong political words with action.²²¹

Although its humanitarian package was rather average, Canada's \$238 million pledge to the African Union Mission in Sudan (AMIS) makes it one of the mission's four largest supporters.²²² Canadian contribution consists of helicopter support, a loan of 105

²¹⁷Black, *The Responsibility to Engage...*, 19.

²¹⁸*Ibid.*

²¹⁹Department of Foreign Affairs and International Trade, *Canada's IPS DIPLOMACY...*, 10.

²²⁰Black, *The Responsibility to Engage...*, 19 and Mathews, *Sudan's humanitarian disaster...*, 1061.

²²¹CTV.ca News Staff, "UN approves peacekeeping force for Darfur," *CTV.ca*, 31 July 2007, <http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20070731>; Internet; accessed 13 February 2009. Canada made a further commitment in 2007 to increase aid to western Sudan to \$59 million annually. This places Sudan as the third largest recipient of Canadian aid.

military personnel carriers, and military and civilian planning assistance.²²³ The Canadian Forces is authorized to provide up to sixty soldiers to plan, provide intelligence, logistical support and communications support.²²⁴

On the surface, Canada's support to AMIS seems commendable. But, as political scientist David Black asks, what overall effect has AMIS had towards resolution or containment of the conflict in Darfur? Although the mission is far from complete, the results have been underwhelming. The operation is plagued by personnel shortages and equipment issues. Most importantly, the humanitarian crisis has worsened under its mandate.²²⁵ The most glaring weakness is that the UN force is not permitted to deploy its soldiers to Darfur.²²⁶ One possible solution to improve the mission is participation or possibly leadership by a Western military in an expanded UN mission to Darfur. Senator Dallaire argues that Canada has the capacity within the military to handle another mission.²²⁷ Even New Democrat Party leader Jack Layton expressed support for Canadian Forces participation on a mission to halt the bloodshed in Darfur.²²⁸ In reality,

²²²Black, *The Responsibility to Engage...*, 19.

²²³Department of Foreign Affairs and International Trade, *Canada's IPS DIPLOMACY...*, 10 and Mathews, *Sudan's humanitarian disaster...*, 1059.

²²⁴Canada. Department of National Defence. "CF Support to the African Union's Stabilization Efforts in Sudan." <http://www.forces.gc.ca/site/news-nouvelles/view-news-afficher-nouvelles-eng.asp?id=1657>; Internet; accessed 13 February, 2009.

²²⁵Black, *The Responsibility to Engage...*, 20.

²²⁶Mathews, *Sudan's humanitarian disaster...*, 1059 and Aning and Atuobi, *Responsibility to Protect in Africa...*, 111. The latter reference articulates that the arrest warrant for al-Bashir may help push Sudan into accepting the African Union mission into Darfur. This reference should be consulted to read more about the possible dangers of the warrant and its effects on the Darfur mission.

²²⁷CTV.ca News Staff, "Canada's Dallaire to review UN Darfur plan," *CTV.ca*, 8 April 2006, <http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060408>; Internet; accessed 13 February 2009 and CTV.ca News Staff, "Canada should spare troops for Darfur," *CTV.ca*, 14 May 2006, <http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060514>; Internet; accessed 13 February 2009.

Canada's small military necessitates that it participate as part of a broader international response to Darfur. Prime Minister Harper echoed this sentiment in response to demands for an expanded military presence in Darfur and stated that he was working closely with the African Union, the United Nations and the United States.²²⁹

Shortly after Prime Minister Harper took office, he disbanded the Special Advisory Team to Sudan. Harper's government has also resisted pressure to increase the number of Canadian Forces troops to support the mission in Darfur or Sudan.²³⁰ In fairness, Canada has a significant military presence in Afghanistan that has grown over the years, placing much strain on the army.²³¹ Even if Canada chose to augment its force in Sudan, the CF would struggle to do so without a corresponding reduction in the Afghanistan mission.

What other diplomatic efforts has Canada pursued to resolve the crisis? Since 2002, Canada has supported the peace process in Sudan, both to end the civil war and to end the catastrophe in Darfur. Ottawa contributed funds to the peace talks' secretariat and diplomatic support was offered to encourage the talks to proceed.²³² Senator Mobina Jaffer collected information to keep the Ministry of Foreign Affairs *au fait* with the progress of the peace talks in Sudan.²³³ Canada also played a supporting role in the

²²⁸CTV.ca News Staff, "NDP wants Canada to lead on Darfur mission," *CTV.ca*, 7 May 2006, <http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060507>; Internet; accessed 13 February 2009.

²²⁹CTV.ca News Staff, "Opposition demands clarity on role in Darfur," *CTV.ca*, 11 May 2006, <http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060511>; Internet; accessed 13 February 2009.

²³⁰Black, *The Responsibility to Engage...*, 21.

²³¹Although this point may seem contentious, it is based upon the author's experience serving in the military's operational headquarters.

²³²Mathews, *Sudan's humanitarian disaster...*, 1057.

²³³*Ibid.*

signing of the *Darfur Peace Agreement* and has been consistent in its efforts to support multilateral solutions to Darfur.²³⁴

Since 1992, the Canadian government has voiced its concern over Sudanese human rights violations.²³⁵ Canadian officials have also been vocal in their condemnation of the Security Council and the international community because of inaction in Darfur. For example, Canada's Ambassador to the United Nations, Allan Rock, criticized the Security Council in June 2004 and 28 January 2005.²³⁶ Sudan has also been visited by Canadian senators, members of parliament, and even Prime Minister Martin, all of whom voiced their humanitarian concerns. However, these visits did not seem to be substantiated by the action required to effect change. In fairness, diplomatic engagements can take time to work and the effects are difficult to measure in the short term.

There were many calls within Canada to support the ICC's warrant for the arrest of Sudan's leader, President Omar Hassan al-Bashir. Proponents of this approach argued that a warrant should receive Canadian sanction because the ICC is the legitimate UN authority that holds repressive regimes accountable for abuses. Lloyd Axworthy, the former Canadian Minister of Foreign Affairs, encouraged the government to endorse the warrant for al-Bashir.²³⁷ The current Canadian Foreign Affairs Minister, Lawrence Cannon, issued a statement on 4 March, encouraging Sudan to abide by the warrant and

²³⁴Black, *The Responsibility to Engage...*, 19.

²³⁵Mathews, *Sudan's humanitarian disaster...*, 1056.

²³⁶*Ibid.*, 1059.

²³⁷Lloyd Axworthy, "Wanted: al-Bashir. Canada must support the ICC's arrest warrant for Sudan's leader," *The Globe and Mail*, 4 March 2009, <http://www.theglobeandmail.com>; Internet; accessed 4 March 2009.

to end the humanitarian suffering.²³⁸ Although the arrest warrant was only recently issued, it remains to be seen what effect it will have on the situation in Darfur.²³⁹

Although Canada has made a modest commitment of resources to support initiatives in Sudan, it has been less forthcoming in offering the military muscle required to ensure real results in protecting the victimized Darfur populace. At present, Canada's peacekeeping commitment is authorized to deploy a maximum of one hundred soldiers to support the missions in Sudan.²⁴⁰ This commitment stands in stark contrast to the more than 3500 soldiers deployed to support the mission in Afghanistan.²⁴¹

This chapter has briefly analyzed the global and Canadian responses to the crisis in Darfur. To provide context, a concise history of the main two conflicts of Sudan was offered. The complexity posed by Darfur provides an appropriate contemporary case study to demonstrate the challenges facing a successful implementation of the responsibility to protect.

²³⁸Department of Foreign Affairs and International Trade, "Canada Urges Sudan to Cooperate with International Criminal Court," <http://w01.international.gc.ca/Minpub/Publication.aspx>; Internet; accessed 24 March 2009.

²³⁹McPeak and Bassuener, *Grounding Sudan's Killer's...*, 1.

²⁴⁰Department of National Defence, "CF Support to the African Union's Stabilization Efforts in Sudan," <http://www.forces.gc.ca/site/news-nouvelles>; Internet; accessed 14 February 2009.

²⁴¹3500 includes those soldiers that have not been declared to NATO, which includes soldiers on visits and short-duration tours. This information was gleaned as a result of the author's experience at the operational Headquarters.

CHAPTER 6 - IS R2P A VIABLE POLICY OPTION FOR CANADA?

Previous sections of this paper have analyzed the specific requirements of the responsibility to protect, support for this nascent concept and the response to solving the crisis in Darfur. The aim of this chapter is to determine whether R2P is a viable policy option for Canada. Once this determination is made, recommendations will be offered to guide Canada's protection efforts in the future, especially as potential engagement in Darfur is concerned.

In setting the context to assess the viability of R2P, this paper will adopt Canadian political scientist Dennis Stairs' view that foreign policy is primarily a practical and utilitarian activity.²⁴² In terms of R2P, Canada's foreign policy must be motivated by something more than altruism that offers little hope of action. Stairs explains that there are two parts to foreign policy. First, policy formulation involves the generation of ideas (the easy part). Secondly, and more challenging, it involves the practical implementation of those ideas.²⁴³ This paper must prove that Canada can theoretically implement R2P for it to be a policy option. The second part of this determination is to link the R2P action with Canada's national interests.

To prove that it is possible to implement the responsibility to protect, a re-examination of the three specific responsibilities of R2P must occur. Gareth Evans expanded upon the work of the ICISS by proposing a list of options to tackle the root problems underlying R2P.²⁴⁴ Evans recommended a series of toolboxes to tackle issues

²⁴²Dennis Stairs, "The Menace of General Ideas in the Making and Conduct of Canadian Foreign Policy," *O.D. Skelton Memorial Lecture*. (Ottawa: Department of Foreign Affairs and International Trade, 25 October, 2006), 3.

²⁴³*Ibid.*

under the prevention, reaction and rebuilding phases. Table 6.1 depicts Evans' proposal and will guide the discussion in this section. An examination of each toolbox will indicate the challenges of initiating R2P.

POLITICAL AND DIPLOMATIC TOOLBOX

The ultimate goal of long-lasting conflict prevention and the avoidance of mass atrocities is the achievement of good governance.²⁴⁵ This is an area where Canadians can work both within the larger international community and their own domestic policies to progress governance in failing states. Canadian policy already promotes governance improvement in its engagement strategies.²⁴⁶ As a practical example, governance capacity building efforts are a central part of Canadian policy for Afghanistan.²⁴⁷

Preventive diplomacy involves the use of diplomatic skills to curb behaviour in regimes before it leads to catastrophe for the population.²⁴⁸ Canada's panel visit to Darfur in 2005 was an example of preventive diplomacy. This is a potential niche for future Canadian emphasis, but it requires coordination with other nations to avoid working at cross purposes. Canada's commitment to multiculturalism should reinforce the global perception that this country is a tolerant society. Canadians have international credibility as sincere and relatively selfless mediators and diplomats. Prime Minister Stephen Harper

²⁴⁴Evans, *The Responsibility to Protect: Ending...*, 252-253. Gareth Evans expands upon the toolboxes for each of the three responsibilities that form part of R2P in chapters 4, 5 and 7.

²⁴⁵*Ibid.*, 88.

²⁴⁶Harper, Strong leadership to protect..., (20 November 2008).

²⁴⁷Canadian International Development Agency. *Canada's IPS...*

²⁴⁸Evans, *The Responsibility to Protect: Ending...*, 89.

highlighted his desire for Canada to continue engaging other countries “to demonstrate there are alternative models that can meet people’s aspirations.”²⁴⁹

Part of the structural preventive toolbox is encouraging states to become members of international organizations. The belief is that membership and interaction with responsible, well-governed nations will enhance opportunities for responsible government.²⁵⁰ Similarly, political sanctions can be used to suspend membership. The African Union used this technique when it denied chairmanship to al-Bashir in January 2007 to pressure the Sudanese leader to improve the situation in Darfur.²⁵¹ The threat of political sanctions is something that Canada has been willing to use in the past.²⁵² Canada belongs to many international organizations and it could use this membership as a springboard for corrective action in keeping with the spirit of the responsibility to protect. This is an effective foreign policy tool that Canada is expected to employ in the future, in concert with other organization members.

²⁴⁹Stephen Harper, “Prime Minister Stephen Harper addresses the House of Commons in a reply to the Speech from the Throne,” (17 October 2007), speech on-line; available from <http://pm.gc.ca/eng/media.asp?category=2&id=1863>; Internet; accessed 28 Jan 09.

²⁵⁰Evans, *The Responsibility to Protect: Ending...*, 88-89.

²⁵¹Evans, *The Responsibility to Protect: Ending...*, 90.

²⁵²Harper, Prime Minister’s Remarks at the Closing Ceremonies..., (25 November 2007). As previously discussed, Canada supported barring Pakistan from the Commonwealth in order to pressure the latter country to improve human rights.

Table 6.1: The Mass Atrocity Toolboxes: Prevention, Reaction, and Rebuilding

	PREVENTION	REACTION	REBUILDING
	Political and Diplomatic		
Direct	Promote good governance Promote membership in international organizations		Rebuilding governance institutions Maximizing local ownership
	Preventive diplomacy Threat of political sanctions	Diplomatic peacemaking Political sanctions and incentives	
	Economic and Social		
Direct	Aid conditionality Threat of economic sanctions Economic incentives	Application of economic sanctions Economic incentives	
	Support economic development Support education for tolerance Community peacebuilding		Support economic development Social programs for sustainable peace
	Constitutional and Legal		
Direct	Legal dispute resolution Threat of international criminal prosecution	Criminal prosecution	
	Promote fair constitutional structures Promote human rights Promote rule of law Fight corruption		Rebuilding criminal justice Managing transitional justice Supporting traditional justice Managing refugee returns
	Security Reform		
Direct	Preventive deployment Nonterritorial show of force Threat of arms embargo or end of military cooperation programs	Peacekeeping for civilian protection Safe havens and no-fly zones Arms embargo Jamming of radio frequencies Threat or use of military force	
	Security sector reform Military to civilian governance Confidence-building measures Small arms and light weapons control		Peacekeeping in support of nation building Disarmament, demobilization, and reintegration Security sector reform

Source: Evans, "The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All," 252-253

Diplomatic peacemakers use mediators and facilitators to diffuse political situations that can lead to significant numbers of civilian casualties.²⁵³ The most recent example of a successful diplomatic peacemaking occurred with the African Union-sponsored group that quickly intervened in Kenyan post-election violence in early 2008.²⁵⁴ This group was led by former UN Secretary General Kofi Annan and managed to bring the violence quickly under control. On a case-by-case basis, Canadians could also employ political peacemaking to diffuse violent political situations. This could be another potential Canadian niche but it requires the will to act and a capacity in the form of mediation expertise.

ECONOMIC AND SOCIAL TOOLBOX

Economic development and social development are supporting efforts in reinforcing governance. They therefore play an indirect role in ensuring that conditions are sufficiently improved to avoid humanitarian disasters.²⁵⁵ There are a plethora of well-known policy measures to assist in development.²⁵⁶ More direct economic assistance could occur in the form of aid conditionality, where receiving aid is contingent upon a certain response from the recipient²⁵⁷ There are all sorts of problems with aid conditionality – specifically, its susceptibility to abuse by the donor country. In the case of Canadian assistance to Sudan, aid has been withheld until the cessation of abuses

²⁵³Evans, *The Responsibility to Protect: Ending...*, 107-109.

²⁵⁴*Ibid.*, 106. Within days, the violence had claimed the lives of 1000 people and had displaced 300,000 more. Rapid diplomatic intervention avoided a spread of further devastation.

²⁵⁵*Ibid.*, 91-93.

²⁵⁶Canadian International Development Agency. *Canada's IPS...* and Evans, *The Responsibility to Protect: Ending...*, 91. The IPS document can be reviewed for the policy measures currently employed by Canada across the globe. Evans also lists many strategies to aid development.

against the people of Darfur. Only humanitarian assistance is still provided by Canada.²⁵⁸

Canadian writer Michael Byers calls upon Canada to employ aid conditionality more in the future in order to force nations to do a better job protecting their citizens. Some development theorists will insist that coercing implies that aid is not being provided. Instead, tying aid to action is akin to bribing the partner country and results will not be sustainable without continuous bribes. In other words, a dependency will be created rather than the conditions for self-sustained development and prosperity.²⁵⁹ Development purists would argue that withholding assistance until proper action occurs could unduly harm those in need the most: the citizens. They would suggest that aid should be part of a partnership between the donor and the recipient and should be recipient driven. The decision on a partnership with a developing country is where Canada may wish to apply the notion of conditionality. This policy can be applied independently or in relation to a broader global response. The Canadian government must weigh these arguments as it formulates future foreign policy.

Economic incentives are a positive means to influence foreign state behaviour and they include access to technology, new investment, and lifting sanctions. On the other hand, threats of economic sanctions are more coercive. Sanctions take the form of trade embargos and the withdrawal of investment. Gareth Evans speaks positively about the effect of financial sanctions against apartheid South Africa.²⁶⁰ Although they do not play

²⁵⁷Evans, *The Responsibility to Protect: Ending...*, 93.

²⁵⁸Mathews, Sudan's humanitarian disaster..., 1050.

²⁵⁹Byers, *Intent...*, 112.

²⁶⁰Evans, *The Responsibility to Protect: Ending...*, 113. Evans admits that there have not been any major successes with economic or financial sanctions since South Africa.

as well domestically, incentives produce better compliance.²⁶¹ For this reason Canada should concentrate on economic incentives to encourage change in Sudan. This will also have to part of a worldwide plan.

After responding to a crisis, the development focus shifts to stabilizing the economy and building sustainable economic growth.²⁶² Canada can best participate by supporting organizations like the International Monetary Fund and the World Bank. These institutions have access to deep resources to assist nations. Canadians can play a focused role in building sustained growth by supplying capacity building mentors.

Social programs also contribute to long-term growth. Gareth Evans speaks of his participation in International Crisis Group studies that reveal more success with reconstruction when women are involved in the process.²⁶³ The Canadian government encourages the participation of women and this has been evidenced through the microcredit loan program in Afghanistan.²⁶⁴ A similar approach could help with the future rebuilding process in Darfur.

CONSTITUTIONAL AND LEGAL TOOLBOX

Prevention crises can also be aided by constitutional and legal measures. Human rights protection, fair constitutional structures, promoting the rule of law and fighting corruption are examples of such measures. During the prevention stages of R2P, education plays a large role. The goal is to educate government officials, security forces

²⁶¹*Ibid.*, 94.

²⁶²Evans, *The Responsibility to Protect: Ending...*, 169-170.

²⁶³*Ibid.*, 171.

²⁶⁴Canadian International Development Agency, *Canada's Development Commitment for Afghanistan...*

and citizens of the need to respect human rights, and to document abuses and take action when required.²⁶⁵ Canadians already employ these measures as policy in Afghanistan. Royal Canadian Mounted Police mentors provide basic human rights and rule of law courses to the Afghan National Police in Kandahar.²⁶⁶ Education demands a holistic program. Therefore Canadians must coordinate future policy with a lead nation or lead organization. The UN could offer this overarching coordination.

Another more direct legal tool is the threat of international prosecution. The International Criminal Court's threat and issuance of an arrest warrant for Sudan's President al-Bashir serves as the most recent example. The results of this warrant must be closely watched and evaluated by Canada to determine if this is a viable policy for future cases. So far, it doesn't seem to be working very well because al-Bashir immediately expelled aid groups from Sudan.

An additional tool offered during the rebuilding phase is transitory justice, which holds abusers accountable for past actions.²⁶⁷ Also included is the incorporation of traditional justice mechanisms.²⁶⁸ These can be used to ensure that conflicts do not reignite. Canada currently works with other nations in establishing policies that include rebuilding justice systems. For example, Canadian mentors assist in training prosecutors and judges in Afghanistan. Members of Corrections Services Canada also provide

²⁶⁵Evans, *The Responsibility to Protect: Ending...*, 96-97.

²⁶⁶This information was gleaned through the author's personal experience at the Canadian Forces operational headquarters for Afghanistan.

²⁶⁷Evans, *The Responsibility to Protect: Ending...*, 163-167.

²⁶⁸In Canada this could involve a healing circle by first nations to assist in justice issues.

training and oversight to Sarapoza prison officials in Kandahar Province. Similar assistance would be critical in the rebuilding phase in Sudan.

SECURITY SECTOR TOOLBOX

A secure environment is a precondition for the implementation of many measures identified throughout Evans' atrocity table.²⁶⁹ Security sector reform is a complex issue and it demands a coordinated effort by reform partner nations. Reform includes democratising, training and mentoring security forces. It also involves supervising the transition from a military-led to a civilian-led government. Security sector reform is critical in Sudan because al-Bashir seized power through a military coup, and because Sudan's military is involved in attacks against the rebels and innocent people of Darfur. Canadians have demonstrated the will and capacity to perform security sector reform, in concert with other partners, in Afghanistan's Kandahar Province. Lessons learned from the positive and negative experience in Afghanistan could be translated into future sector reform policy in Sudan. The modest size of Canada's available resources to support security sector reform precludes a large future commitment.

Canadians have formulated policies on arms control, disarmament and non-proliferation in close cooperation with our allies. These measures can assist in conflict prevention by not allowing weapons or removing weapons from those who abuse their powers.²⁷⁰ These policies on the restriction of weapons are available tools in any continuing Canadian engagement in Darfur.

²⁶⁹Evans, *The Responsibility to Protect: Ending...*, 100-101.

²⁷⁰Evans, *The Responsibility to Protect: Ending...*, 102.

Preventive deployment offers another security measure for the toolbox. The aim of a preventive deployment is to provide deterrence by quickly deploying military forces close to a potential conflict.²⁷¹ A similar type of preventive deployment involves the non-territorial deployment of forces, or what was called gunboat diplomacy in the past.²⁷² An example occurred with the initial deployment of a carrier task force into the Gulf of Sidra in 1986 to deter the Libyan government from sponsoring terrorism.²⁷³ Libya was not deterred and the United States resorted to an air-delivered bomb attack to achieve compliance.²⁷⁴ Canadians do not possess adequate military power to allow the use of a preventive deployment. At best Canada could offer a token force as part of a coalition.

If prevention efforts fail, more direct military action may be required. The most familiar form of military force that has been used is peacekeeping or peacemaking to protect civilians.²⁷⁵ Canadians have participated on many UN missions in the past and there has been a growing call to return to this task.²⁷⁶ It is a proposal that is worthy of further study, keeping in mind Canada's moderate-sized military. Whatever redesign is contemplated, the guiding principle should remain in having a military that is general-purpose in nature. The purpose of Canada's military is, first and foremost, to protect

²⁷¹Evans, *The Responsibility to Protect: Ending...*, 102.

²⁷²*Ibid.*, 103.

²⁷³Tim Zimmerman, "The American Bombing of Libya." *Survival*. Volume XXIX Number 3 (May/June 1987): 195-197. There are many examples of Libya supporting terrorism.

²⁷⁴Lieutenant Colonel Robert C. Hood, "Campaign Planning: Considerations for attacking National Command and Control." (Fort Leavenworth, Kansas: United States Army Command and General Staff College Paper, 1994), 36-37.

²⁷⁵Evans, *The Responsibility to Protect: Ending...*, 120-121.

²⁷⁶Byers, *Intent...*, 50. Writer Michael Byers recommends that Canada design and employ its military for primarily peacekeeping missions that the United States is unwilling or unable to fill.

Canadians. The Canadian Forces must have the capability and flexibility to react to unforeseen events. Any peacekeeping-tailored force must not abrogate this greater responsibility.

Although Canada has drastically reduced its commitment to UN peacekeeping in recent years, Canada is still widely recognized for its expertise in peace support operations.²⁷⁷ This global perception places Canada in an ideal situation to be a worldwide leader for smaller R2P peace support missions.²⁷⁸ In comparison to the United States, Canada is not as preoccupied with combating the threat of global terrorism.²⁷⁹ Therefore, UN peace support and stability operations could form a potential niche where Canada could focus its R2P efforts and further distinguish itself from the actions and policies of the United States.²⁸⁰

Aside from peace support operations, safe havens and no-fly zones are additional examples of security measures that might be implemented by the broader international community. Safe havens draw a box around a specific area for the purpose of protecting civilians.²⁸¹ A tragic contemporary example of a safe haven occurred in 1995 in

²⁷⁷Edwards, *The Road to Darfur...*, 23. Peace support operations is a term that encompasses both peacekeeping and peacemaking operations.

²⁷⁸*Ibid.*

²⁷⁹Canada has approximately 3500 soldiers, sailors and airmen involved in Afghanistan whereas the U.S. has some 40,000 soldiers in Afghanistan and another 100,000 in Iraq. Proportionately, the U.S. has a larger force dedicated to fight terrorism. The Canadian commitment in Afghanistan has restricted this country's ability to participate in other large missions. However, a reduction in the Afghanistan commitment, coupled with additional recruiting, would allow more forces to be available for other missions.

²⁸⁰Patrick and Brown, "Canada." *Greater than...*, 58 and Bratt, *Warriors or Boy Scouts...*, 239.

²⁸¹Evans, *The Responsibility to Protect: Ending...*, 125.

Srebrenica.²⁸² The safe haven failed because of lack of will and inadequate rules of engagement provided to the soldiers entrusted with the protection mission.²⁸³ No-fly zones were used successfully between 1991 and 2003 to protect Kurdish people in Northern Iraq.²⁸⁴ A no-fly zone ought to be useful in preventing helicopter gunship support of Janjaweed violence in Darfur. The merits of such a measure have no doubt been weighed and the resulting inaction may be proof that a no-fly zone is impractical in Darfur's case. A no-fly zone would never receive Security Council approval without Chinese support.

The preceding analysis has determined that there are many elements within the R2P toolboxes that can be theoretically incorporated into Canadian foreign policy. This examination is not complete without an investigation into what internal policy changes Canada must make to assure compliance with the responsibility to protect.

INTERNAL CHANGES

There are some immediate steps that Canada must take to improve policy consistency with the responsibility to protect. Firstly, the Canadian government must ensure domestic policy reflects the same principles espoused in R2P doctrine. A Hippocratic approach of first do no harm must apply to internal policies.²⁸⁵ Economic

²⁸²*Ibid.*, 125 and International Development Research Centre, *The Responsibility to Protect*. Report..., 211.

²⁸³International Development Research Centre, *The Responsibility to Protect*. Report..., 207, 211.

²⁸⁴Evans, *The Responsibility to Protect: Ending...*, 126.

²⁸⁵Bellamy, *Conflict Prevention and...*, 151. Alex Bellamy demands that governments ensure that their foreign, defence, environment, and trade policies do not contribute to the root causes of conflict. He emphasises that only states like Canada, members of the European Union, Australia, New Zealand, and Japan have signalled a strong commitment to R2P and an intention to incorporate that responsibility into their foreign policies.

policies cannot exacerbate problems within other countries and the exploits of private Canadian companies must not run counter to R2P. Returning to the example of Talisman's involvement in Sudan, Canada requires the legal mechanism to avoid a repeat in the future.²⁸⁶ The Canadian government must possess the will to ensure policy conformity and accept the economic implications for this decision. To do otherwise would be inconsistent with the spirit of the responsibility to protect.

It is also critical to establish clear objectives for Canada's R2P commitment. Clear objectives lead to clear policy formulation. Recently, Canada has relearned the importance of clearly articulating goals with its participation in the reconstruction of Afghanistan. Political Scientist Janice Stein and former defence minister chief of staff Eugene Lang were among writers to articulate the requirement for selecting clear goals with realistic benchmarks and focused diplomatic, development and military efforts for the accomplishment of these goals.²⁸⁷ Although this logic was recommended to Prime Minister Paul Martin, and it applied to Afghanistan, it has broader implications for future Canadian foreign policy decisions.²⁸⁸ Canadian government leaders must leverage the Afghanistan experience in order to formulate clear and achievable policy goals. Furthermore, leaders must ensure that the concepts that Canada proposes or supports are in fact achievable and resourced properly. Otherwise, Canada will continue to be viewed

²⁸⁶This is anathema to Canada's non-interventionist policy towards private companies and it could mean the departure of some private companies from Canada. Nevertheless, the reality is that negative actions in the private sphere will be associated with this country. More needs to be done to police Canadian companies that operate in other countries.

²⁸⁷Janice Gross Stein and Eugene Lang, *The Unexpected War: Canada in Kandahar*. (Toronto: Penguin Books, 2007), 114.

²⁸⁸*Ibid.*

as an idea generator by others who are more willing to apply the necessary will and resources.

Canada must dedicate more resources to support the debate and formulation of foreign policy. This would help avoid what Stairs refers to as Canada's well-intentioned international aspirations becoming unthinking.²⁸⁹ Most of the attention that is focused on international relations in the Canadian government occurs in the Committee on Foreign Affairs and International Trade.²⁹⁰ Although this committee's mandate is to formulate policy on global issues, it lacks sufficient time and depth of analysis that is required to be forward-thinking.²⁹¹ Gareth Evans argues convincingly that an effective response demands effective institutional capability.²⁹² He underlines the importance of having those formulating policy to have a clear understanding of the situation and of all the policy options that are appropriate to deal with a crisis.²⁹³

To help prevent catastrophes across the globe, Canada must have the capability and will to act. The Canada First Defence Strategy (CFDS) provides a plan to acquire the military resources that will be available for reaction to R2P crises. The CFDS articulated a 20-year plan with budget increases to allow the Canadian Forces the ability to deploy to lead or conduct a major international operation for an extended period.²⁹⁴ The current government has committed to annual increases to the Canadian military budget by 2%

²⁸⁹Stairs, *The Menace of General Ideas...*, 7.

²⁹⁰English, *Suez...*, 76.

²⁹¹English, *Suez...*, 77.

²⁹²Evans, *The Responsibility to Protect: Ending...*, 85.

²⁹³*Ibid.*, 85.

over the next twenty years.²⁹⁵ For R2P policy to be a reality in Canada, this minimum funding increase must be assured.

If the Canadian government chooses to lead a future R2P coalition operation, the Canadian Forces must also have the ability to lead a multi-national force. A former Canadian Staff College graduate, Colonel Grant, discussed the lessons learned during Canada's experience as the lead nation for an UN-sponsored humanitarian assistance mission to Zaire in 1996. The mission's military mandate was to intervene in order to allow for the reestablishment of humanitarian assistance in Eastern Zaire.²⁹⁶ Former Canadian Chief of the Defence Staff, General Baril, deployed as the military leader to Zaire in November 1996. General Baril immediately experienced challenges with obtaining accurate information on refugee flow and the state of the humanitarian crisis, and his multi-national force was prevented from operating out of Zaire or Rwanda.²⁹⁷ Similar issues are likely in any future R2P mission and Canadians will have to formulate solutions.

Any future R2P military mission will likely require a quick response in order to prevent massive loss of life. Colonel Grant recommends that enforcement and observer missions are better left to other UN countries.²⁹⁸ Enforcement missions require vast resources that are available only within the bigger militaries of the world. The United

²⁹⁴Department of National Defence. *Canada First Defence Strategy*, (Ottawa: Department of National Defence, 2008), 3.

²⁹⁵*Ibid.*, 4.

²⁹⁶United Nations Security Council Resolution 1080 (1996), <http://www.un.org/docs/scres/1996/scres96.htm>; Internet; accessed 24 February, 2.

²⁹⁷Colonel T.J. Grant, "Canada: To lead or not to lead..." (Toronto: Canadian Forces College National Security Studies Program Paper, 2003), 14-16.

Nations handles observer missions well and they do not require Canadian military participation to be successful.²⁹⁹ Instead, Canada should be involved in peace support missions like Cyprus and Congo.³⁰⁰

Canadian leaders, in concert with the public, must determine the national tipping point prior to committing to any future military operation. As writer Michael Byers explains:

But let us be honest: whatever our political inclination, we all have a tipping point at which we'd call for Canada's troops to be brought home....On that basis, it is essential that we engage in a hard-nosed assessment of where our national tipping-point should be.³⁰¹

Debate on the merits of a military mission, be it R2P or any other, must occur prior to deployment. Debate should occur on the floor in the House of Commons with the informed opinion of the public. Whatever decision is made must be supported by the government and public until its completion. Detractors would argue that this is inconsistent with Canadian values because it does not allow for dissent. Supporters would contend that this would force governments to be more precise in establishing its policy objectives before committing forces. The confusion and stress surrounding the ongoing debate on the Afghanistan mission is devastating for soldiers' morale and it creates an exploitable weakness for this country's enemies.

The goal of this chapter was to determine if the responsibility to protect was a viable policy option for Canada. The preceding analysis has determined that it is

²⁹⁸*Ibid.*, 26-27

²⁹⁹*Ibid.*, 26.

³⁰⁰*Ibid.*, 27.

³⁰¹Byers, *Intent...*, 44.

theoretically possible for Canada to adopt a viable R2P foreign policy, mostly as part of a broader international response. Some potential niches are available including preventive diplomacy and diplomatic peacemaking. Canada could also choose to concentrate more on peacekeeping in the future, although not at the expense of the ability to protect Canadian citizens. The Canadian government must strive to articulate clear policy objectives, matched by the necessary resources to ensure policy goals are achievable. Domestic policies must be consistent with R2P or they risk undermining national efforts. Finally, future Canadian governments must commit to the modest increases to the Defence Department; otherwise, the requisite military power to enforce some aspects of R2P will be unavailable.

CHAPTER SEVEN – FUTURE OF R2P AND CONCLUSION

This discussion began looking backwards – back to Canadian Romeo Dallaire’s traumatic experience as the helpless commander of a doomed United Nations mission to Rwanda. Was this tragic occurrence an isolated incident, or are similar catastrophes inevitable? If the Rwandan massacre were to occur today, in the dawn of global acceptance for R2P, would a similar call for additional troops from a UN commander go unanswered?

The short answer, sadly, is probably yes. A brief analysis of the Rwandan case can be made using the current state of R2P implementation. Early warning of the incident would be no better. No formalized early warning mechanism exists and the Security Council is still not regularly briefed on threats to regional and global threats. The UN remains unable to draw upon its own rapid reaction force to augment the operation. The Security Council would pressure regional organizations and individual states to devote military force to prevent genocide. The United States and Britain would be unable to help because troop commitments to Afghanistan and Iraq would preclude assistance. The French would decline because they are already assisting Darfur refugees in Chad. China and Russia would abstain because they are ideologically opposed to intervention. The worst case is that these two countries would use their veto powers to block any concrete UN-sanctioned action.

The African Union would likely step forward and send whatever military troops could be mustered. This organization has taken steps to improve its peace and security architecture and would probably be aware of the impending disaster in Rwanda.³⁰²

African Union soldiers would arrive without proper equipment and without essential logistical support. Soldiers would stop the genocide but they would be lambasted by the media and NGOs for their perceived disproportionate action.

This paints a bleak picture but it is illustrative of the many challenges that must be overcome to transform R2P into a practical, implementable strategy. One positive sign is the recent amount of discussion, analysis and writing that surrounds the responsibility to protect. One hopes that this discussion will lead to concrete action - sooner rather than later.

THE FUTURE OF THE RESPONSIBILITY TO PROTECT

What does the future hold for the nascent concept of the responsibility to protect? Upon completion of this analysis, there are four major themes that must be addressed if R2P is to survive into the future. Firstly, some of the major sticking points of R2P must be clarified. Secondly, the Security Council must be reformed and the role of the United Nations must be refined. Thirdly, elucidation is required on the responsibilities of organizations outside the United Nations. Finally, a more persuasive education plan is essential to cement global acceptance. Each of the four themes will be touched upon in turn.

One key limitation of R2P is that it is unclear what action is required for those human rights violations that fail to meet the R2P cut-off. UN members are only authorized to intervene upon the commission of a crime as opposed to beforehand, in order to prevent the crime from occurring.³⁰³ Preventive deployments are available under

³⁰² Aning and Atuobi, *Responsibility to Protect in Africa...*, 90-113. This on-line chapter can be consulted for a concise description of the African Union's efforts to improve its security architecture.

the current R2P construct, but this may not be enough to coerce a regime to change its ways. Pre-emptive use of economic or military coercive power would be more effective in preventing a massacre. Nonetheless, with current opposition from China and Russia, pre-emption would be an improbable Security Council tool for the immediate future. Once R2P has gained a better foothold, the use of pre-emptive force should be evaluated as a possible tool.

In deciding to use intervention there must be a greater understanding and clarification of last resort. The ICISS report leaves too much interpretation open to individual states to decide that other measures would not succeed.³⁰⁴ The last resort principle must clearly state that only all promising options must be exhausted. Otherwise, nations would insist that there are always other alternatives that have not been attempted. Although the temporal aspect to the last resort principle is acknowledged, it is not sufficiently emphasized. The more time that passes before appropriate action occurs to end a massacre, the more people are killed awaiting the international response.

A paradox exists with being successful in using the military to prevent genocide. The difficulty is that it will be impossible to project how awful the consequences might have been, had forcible efforts failed.³⁰⁵ Society's tendency is to judge military actions harshly or disproportionately because the full extent of the genocide may be difficult to imagine. If General Dallaire had been successful in acquiring five thousand soldiers, they

³⁰³Brunnee and Toope, *Norms, Institutions...*, 9.

³⁰⁴International Development Research Centre, *The Responsibility to Protect*. Report..., XI to XIII, 35-37.

³⁰⁵Nassim Nicholas Taleb. *The Black Swan: The Impact of the Highly Improbable*. (New York: Random House, 2007), 56-57. Empiricist Nassim Taleb describes this as negative empiricism or negative inference and it is described as one of the major problems in dealing with uncertain events.

may have reduced the genocide to tens of thousands vice hundreds of thousands of people. If soldiers had killed hundreds of genocide instigators to stop the massacre, the military would likely be severely judged. A utilitarian might consider it proportionate to sacrifice the lives of hundreds of guilty murderers to prevent the loss of so many innocents. There is no simple fix for this dilemma except to ensure that the UN sanctions the R2P response, providing the obligatory guidance and legitimacy.

The second theme to be addressed is the UN's role in implementing the R2P. Even when the decision has been made to engage with military force, policy decisions must remain in the hands of diplomats under the guise of the United Nations. Efforts must be made to discourage the perception that the military is leading foreign policy while conducting an intervention.³⁰⁶ This may seem an impossible task to someone like former American UN Ambassador John Bolton, based upon his failed efforts to bring reform to the United Nations Security Council. An optimistic person might conclude that as R2P gains greater operational acceptance and as UN leaders gain confidence, this leadership role will be reinforced.

Nevertheless, proper R2P acceptance is predicated upon reform within the Security Council. This council must become more active in the supervision of UN-authorized military operations. The Security Council has been remiss in providing proper direction to UN operations. Nor does the council provide sufficient fiduciary control over missions, which seem rife with wasteful spending.³⁰⁷

³⁰⁶Sarah Chayes, *The Punishment of Virtue: Inside Afghanistan after the Taliban*, (New York: Penguin Press, 2006), 283-284. Although specific to Afghanistan, Sarah Chayes illustrates the danger of the military assuming control of an operation and being perceived as the ultimate decision makers for foreign policy. The UN must stay engaged, and failing this, the foreign policy experts must be the people in charge of intervention.

The Security Council must have regular briefings on emerging threats and current missions around the world. The Canadian government argued for a special advisor role to brief the council on a monthly basis.³⁰⁸ This would provide the requisite information to allow leadership over budding R2P threats. Attempts by John Bolton to reform the Security Council met with tremendous pushback, resulting in a continuation of the status quo.³⁰⁹ Ambassador Bolton's proposal to make daily council meetings public also met with resistance. This move would allow for more public scrutiny and increased accountability within the Security Council.³¹⁰

The United Nations must address the veto power of the permanent five members to assure R2P success. This point was raised during the Security Council open debates and it stands as a potential hurdle to implementation. For R2P to function properly in the future, it is essential that the permanent five members abide by an agreement where they will not use their veto in any case that involves genocide, war crimes, ethnic cleansing and crimes against humanity.³¹¹

There is a pressing requirement for a United Nations rapid reaction force under the notion of R2P. Commander Robert Garnier, a graduate of the Canadian Forces

³⁰⁷John Bolton, *Surrender Is Not an Option: Defending America at the United Nations and Abroad*, (New York: Threshold Editions, 2008), 257. Mr Bolton illustrates this wasteful spending with an example of the UN Office of Internal Oversight Services (OIOS) reporting that \$280 Million out of over \$1 Billion of peacekeeping contracting monies had been wasted or lost over a six-year period.

³⁰⁸Bellamy, *Conflict Prevention and...*, 141. This recommendation was made in Canada's submission to the UN's High-Level Panel. The Canadian government argued for the offices of the UN emergency relief coordinator and UN special rapporteurs to brief the Security Council.

³⁰⁹Bolton, *Surrender Is Not an Option...*, 255-262. Mr Bolton describes his efforts to make the Security Council more responsive to UN operations and he relates the opposition by the Secretary General and other UN members.

³¹⁰*Ibid.*, 262.

College, demands a revolution in how the United Nations employs military force, to include a rapid reaction force that is answerable to the UN.³¹² A dedicated UN military force would allow the Security Council the flexibility to immediately intervene to avoid massive loss of life.³¹³

The United Nations should assume a bigger role in post-conflict resolution and nation building. Reconstruction requires international coordination and the many UN organizations participating in this endeavour have demonstrated expertise in harmonizing efforts. Independent donor approaches by nations such as the United States in Afghanistan should be discouraged.³¹⁴ Americans would argue that they have provided enormous funds and therefore have the right to ensure efficient delivery, especially in light of UN financial mismanagement. Bringing reluctant members under UN leadership for rebuilding will require serious reform to repair negative perceptions.

The third theme centres on the clarification of roles and responsibilities for organizations outside the United Nations.³¹⁵ For R2P to succeed, the UN must leverage, broaden and deepen the involvement of regional actors like NATO, the AU and the EU. These organizations have available resources to provide early warning of emerging

³¹¹Responsibility to Protect Engaging Civil Society, UN Reports, Statements..., 1, 4.

³¹²Commander Robert P. Garnier, "The United Nations Revolution in Evolution: A Case for Leveraging Private Military Companies In the Management of Future Peacekeeping Operations," (Toronto: Canadian Forces College Command and Staff Course Masters of Defence Studies Paper, 2006), 2.

³¹³Peter Charles Choharis, "Africa's New Peacekeepers," *Wall Street Journal (Eastern Edition)*, 3 March 2008, <http://proquest.umi.com>; Internet; accessed 15 February 2009.

³¹⁴One reason is that this has added another level of bureaucracy and it has led to reconstruction efforts delivered at cross purposes. There have been cases of duplication because the U.S., and other nations, did not properly coordinate effects.

³¹⁵Roberts, *Intervention: One Step Forward...*, 148. Intervention by NATO into Kosovo reinforced the notion that it is usually regional organizations that provide the intervention force when translating R2P into practice. Writer Adam Roberts felt that the ICISS report did not sufficiently acknowledge this fact.

threats. They must be encouraged to report threats and possible solutions to the Security Council. Furthermore, these regional players must receive legitimacy from the United Nations when the time comes for action. Those nations unwilling to commit the necessary resources should be pressured by the UN to increase spending commensurate to their wealth.³¹⁶

The relationship between R2P and the International Criminal Court must be better understood. Canadian international prosecutor Louise Arbour is correct in calling for a fourth element of R2P – the responsibility to punish.³¹⁷ There is a requirement to expand the reach of accountability for those who would commit crimes against humanity. On the other hand, the ICC can not violate R2P by doing more harm with the issuance of indictments for arrest.

Until the UN possesses a deployable intervention force, the use of private military companies (PMCs) to protect civilians should be added to the R2P toolbox.³¹⁸ Certainly, any discussion on using PMCs must occur in the Security Council. Consensus would have to be reached and Security Council sanction would be required.³¹⁹ This should not be too contentious since at present UN organizations already rely on PMCs to provide

³¹⁶Michael O’Hanlon, *Expanding Global Military Capacity for Humanitarian Intervention*, (Washington: Brookings Institution Press, 2003), 87-88.

³¹⁷Arbour, *The responsibility to Protect and the Duty...*, 5-8.

³¹⁸Choharis, *Africa’s New Peacekeepers...* Peter Choharis is a proponent of using private forces, operating under the mandate of the Security Council, with the task of protecting innocent civilians and workers until the arrival of a UN military force. Peter Choharis is a former relief worker for UNICEF in Sudan and has operated in an environment bereft of security.

³¹⁹Doug Brooks and Gaurav Loria. “Privatized Peacekeeping,” *National Interest*, Issue 80 (Summer 2005): 121–125; <http://web.ebscohost.com>; Internet; accessed 13 February 2009. They acknowledge the role played by the private sector doing jobs once provided by Western militaries. PMCs are increasingly providing the missing skills and the will to carry out international mandates during conflict

security for continued operation.³²⁰ As a minimum, PMCs employed to support UN operations must be accountable to the UN.³²¹

The final theme is the requirement for a persuasive education plan to galvanize the international community and truly achieve global R2P acceptance. This program cannot be developed until UN reform occurs and the roles are clarified for parties involved in R2P action. A more open, accountable system of Security Council R2P evaluation will allow others to follow the dialogue more closely. This will permit concurrent analysis and it will remove the veil of secrecy over Security Council deliberations. Overall, it will allow for others to gain greater ownership over R2P decisions.

Reluctant states must be persuaded that there is an authentic requirement for R2P in foreign relations.³²² There will always be great difficulty in convincing other nations to possess the necessary will to prevent a catastrophic event. It will be especially taxing when action requires a nation to place its soldiers at risk. Military and economic tools used for prevention and intervention purposes are blunt instruments and can be misdirected.³²³ This weakens individual state's confidence in Security Council decisions. This will be mitigated by a more open debate within the Security Council on instances involving R2P.

and post-conflict. Brooks and Loria also acknowledge that fears about PMCs revolve around issues of accountability and regulation.

³²⁰*Ibid.*, 3-4.

³²¹Garnier, *The United Nations Revolution...*, 53-54. Commander Garnier offers a caution that the PMCs may not be ready to work under the leadership of the UN. One reason is because of the difficulty that many PMCs have had with political interference in Iraq and Afghanistan. If anything, political interference is likely to be much more pronounced under the UN.

³²²Brunnee and Toope, *Norms, Institutions...*, 14.

Finally, there is a requirement for legitimacy in order to develop R2P into a norm. Although it is the Security Council's mandate to handle security affairs, member states must be involved in the development of intervention criteria. This will serve a dual purpose. Participation by states will ensure that they gain ownership over the issue. Therefore, nations will be more supportive of future decisions involving R2P. Secondly, broadening participation to include those outside the Security Council will lend more legitimacy to the process. Although this wider participation could stall R2P implementation, it could also lead to better international acceptance.

In conclusion, there are many challenges to overcome if the responsibility to protect is to be a viable policy option for Canada and other UN member states. Some of the more salient issues impacting the normalization of R2P have been described and recommendations have been provided. The preceding analysis established that many R2P elements have already been integrated into Canadian foreign policy. While there are other rudiments that Canada can adopt immediately, most R2P-based policy options demand coordination with the larger global response. Success for R2P is predicated on meaningful action following rhetoric.

The tepid international handling of the situation in Darfur proves that the responsibility to protect has many more obstacles to overcome before proper implementation. The Security Council must drive international response. Without proper United Nations reform and greater global ownership over the protection of victimised populations, the responsibility to protect will remain an unachievable goal.

³²³Hampson, *Intervention and Conflict Management*..., 9.

BIBLIOGRAPHY

- Aning, Kwesi and Samuel Atuobi. "Responsibility to Protect in Africa: An analysis of the Africa Union's Peace and Security architecture." *Global Responsibility to Protect*. Volume 1, Number 1 (2009): 90-113; <http://www.ingentaconnect.com>; Internet; accessed 24 March 2009.
- Arbour, Louise. "The responsibility to Protect and the Duty to Punish: Politics and Justice in a Safer World." *Behind the Headlines. Canadian Institute of International Affairs*. Volume 59 No. 1. (Autumn 2001): 1-9.
- Asfaw, Semegnish, Guillermo Kerber, and Peter Weiderud, editors. *The Responsibility to Protect: Ethical and Theological Reflections*. Geneva: World Conference of Churches, 2005.
- Axworthy, Llyod. *Navigating a New World: Canada's Global Future*. Toronto: Alfred A. Knopf Canada, 2003.
- Axworthy, Llyod. "Wanted: al-Bashir. Canada must support the ICC's arrest warrant for Sudan's leader." *The Globe and Mail*, 4 March 2009, <http://www.theglobeandmail.com>; Internet; accessed 4 March 2009.
- Bauch, Hubert. "Time for Canada to step up in African affairs, Cotler says; Call for action. Obama's first visit a good time to press for summit on Darfur." *The Gazette*, 10 February 2009, A7; <http://proquest.umi.com>; Internet; accessed 15 February 2009.
- Beliveau, Capt(N) Bruce. "Darfur: Responsibility in the Crosshairs." Toronto: Canadian Forces College National Securities Program Paper, 2008.
- Bellamy, Alex J. "Conflict Prevention and the Responsibility to Protect." *Global Governance* 14 (2008): 135-156; <http://content.ebscohost.com>; Internet; accessed 15 October 2008.
- Black, David. "The Responsibility to Engage: Canada and the Ongoing Crisis in Darfur." *Behind the Headlines. Canadian Institute of International Affairs*. Volume 42 No. 4. (2007): 17-23.
- Bolton, John. *Surrender Is Not an Option: Defending America at the United Nations and Abroad*. New York: Threshold Editions, 2008.
- Brahimi, Lakhdar, et al. *Report of the Panel on United Nations Peace Operations*. New York: United Nations, 17 August 2000.
- Bratt, Duane. "Warriors or Boy Scouts? Canada and Peace Support Operations." In *Readings in Canadian Foreign Policy: Classic Debates and New Ideas*, ed.

- Duane Bratt and Christopher J. Kukucha, 238-248. Don Mills: Oxford University Press, 2007.
- Brooks, Doug and Gaurav Loria. "Privatized Peacekeeping." *National Interest*, Issue 80 (Summer 2005): 121–125; <http://web.ebscohost.com>; Internet; accessed 13 February 2009.
- Brunnee, Jutta and Stephen J. Toope. "Norms, Institutions and UN Reforms: The Responsibility to Protect. *Behind the Headlines. Canadian Institute of International Affairs*. Volume 63 No. 3 (2006): 1-20.
- Byers, Michael. *Intent for a Nation*. Toronto: Douglas & McIntyre, 2007.
- Campbell, Jennifer. "Erosion of diplomatic corps will cost Canada, Clark says: Former prime minister laments drop in funding for Foreign Affairs." *Ottawacitizen*, 14 February 2009, <http://www.ottawacitizen.com/news>; Internet; accessed 14 February 2009.
- Canada. Canadian International Development Agency. *Canada's International Policy Statement (2005)*. <http://acdi-cida.gc.ca/CIDAWEB/acdicida.nsf>; Internet; accessed 11 February 2009.
- Canada. Department of Foreign Affairs and International Trade. *Freedom from Fear: Canada's Foreign Policy for Human Security*. Department of Foreign Affairs and International Trade, 2000.
- Canada. Department of Foreign Affairs and International Trade. *Canada's International Policy Statement: A Role of Pride and Influence in the World DIPLOMACY*. Ottawa: Department of Foreign Affairs and International Trade, 2005.
- Canada. Department of Foreign Affairs and International Trade. *Canada's International Policy Statement: A Role of Pride and Influence in the World OVERVIEW*. Ottawa: Department of Foreign Affairs and International Trade, 2005.
- Canada. Department of National Defence. *Canada's International Policy Statement: A Role of Pride and Influence in the World DEFENCE*. Ottawa: Department of National Defence, 2005.
- Canada. Department of National Defence. *Canada First Defence Strategy*. Ottawa: Department of National Defence, 2008.
- Canada. Department of National Defence. "CF Support to the African Union's Stabilization Efforts in Sudan." <http://www.forces.gc.ca/site/news-nouvelles>; Internet; accessed 13 February, 2009.

- Canada. *The Responsibility to Protect*. Report of the International Commission on the Intervention and State Sovereignty. Ottawa: International Development Research Centre, 2001.
- Canada. *The Responsibility to Protect: Research, Bibliography, Background*. Supplemental Volume to the Report of the International Commission on the Intervention and State Sovereignty. Ottawa: International Development Research Centre, 2001.
- Canadian International Development Agency. "Canada's Development Commitment for Afghanistan." <http://www.acdi-cida.gc.ca/CIDAWEB/acdicida.nsf/En/JOS-426165819-SLH>; Internet; accessed 22 March 2009.
- Chayes, Sarah. *The Punishment of Virtue: Inside Afghanistan after the Taliban*. New York: Penguin Press, 2006.
- Choharis, Peter Charles. "Africa's New Peacekeepers." *Wall Street Journal (Eastern Edition)*, 3 March 2008, <http://proquest.umi.com>; Internet; accessed 15 February 2009.
- Christopher, Paul. *The Ethics of War & Peace: An Introduction to Legal and Moral Issues Third Edition*. Upper Saddle River, New Jersey: Pearson Prentice Hall, 2004.
- CTV.ca News Staff. "Canada's Dallaire to review UN Darfur plan: CTV." *CTV.ca*, 8 April 2006, <http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060408>; Internet; accessed 13 February 2009.
- CTV.ca News Staff. "NDP wants Canada to lead on Darfur mission." *CTV.ca*, 7 May 2006, <http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060507>; Internet; accessed 13 February 2009.
- CTV.ca News Staff. "Opposition demands clarity on role in Darfur." *CTV.ca*, 11 May 2006, <http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060511>; Internet; accessed 13 February 2009.
- CTV.ca News Staff. "Canada should spare troops for Darfur." *CTV.ca*, 14 May 2006, <http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060514>; Internet; accessed 13 February 2009.
- CTV.ca News Staff. "UN approves peacekeeping force for Darfur." *CTV.ca*, 31 July 2007, <http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20070731>; Internet; accessed 13 February 2009.

- Dallaire, Lieutenant-General Romeo with Major Brent Beardsley. *Shake Hands with the Devil: The Failure of Humanity in Rwanda*. New York: Carroll & Graf Publishers, 2003.
- Department of Foreign Affairs and International Trade. "Canada Urges Sudan to Cooperate with International Criminal Court." <http://w01.international.gc.ca/Minpub/Publication.aspx>; Internet; accessed 24 March 2009.
- Department of National Defence. "CF Support to the African Union's Stabilization Efforts in Sudan." <http://www.forces.gc.ca/site/news-nouvelles>; Internet; accessed 14 February 2009.
- Edwards, Deputy Minister. "Address to the United Nations General Assembly." (September 29, 2008). Speech on-line; available from http://w01.international.gc.ca/Minpub/Publication.aspx?isRedirect=True&publication_id=386530&Language=E&docnumber=2008/19; Internet; accessed 28 Jan 09.
- Edwards, LCol D.T. "The Road to Darfur? A comparative Analysis of the US, UK and Canadian Foreign Policy Development Processes to Support a UN Humanitarian and Stabilization Mission." Toronto: Canadian Forces College National Securities Program Paper, 2008.
- English, John. "Suez." *The Worldly Years: The Life of Lester Pearson 1949-1972*. Toronto: Vintage Books, 1992.
- English, John. "The Member of Parliament and Foreign Policy." *Canada Among Nations 1998: Leadership and Dialogue*. Don Mills: Oxford University Press, 1998
- Etzioni, Amitai. *Security First: For a Muscular, Moral Foreign Policy*. New Haven: Yale University Press, 2007.
- Evans, Gareth. "The Responsibility to Protect: An Idea Whose Time Has Come...and Gone?" *International Relations 2008*: 22; 283-298; <http://ire-sagepub.com>; Internet; accessed 5 January, 2009.
- Evans, Gareth. *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All*. Washington, D.C.: Brookings Institution Press, 2008.
- Farrow, Mia. "Does human suffering transcend national borders?" *The Globe and Mail*, 3 November 2008, <http://proquest.umi.com>; Internet; accessed 15 February 2009.
- Focarelli, Carlo. "The Responsibility to Protect Doctrine and Humanitarian Intervention: Too Many Ambiguities for a Working Doctrine." *Journal of Conflict & Security Law*, 2008.

- Garnier, Commander Robert P. "The United Nations Revolution in Evolution: A Case for Leveraging Private Military Companies In the Management of Future Peacekeeping Operations." Toronto: Canadian Forces College Command and Staff Course Masters of Defence Studies Paper, 2006.
- George, Robert P. "A Just War in Iraq." *The Wall Street Journal*, 6 December, 2002.
- Goodspeed, Peter. "Darfur conflict threatens Chad; Rebel invasion may presage humanitarian disaster." *National Post*, 8 February 2008, <http://proquest.umi.com>; Internet; accessed 15 February 2009.
- Graham, Bill. "Affirming Canadian Sovereignty in an Interdependent World." *Behind the Headlines. Canadian Institute of International Affairs*. Volume 59 No. 1. (Autumn 2001): 11-19.
- Grant, Col T.J. "Canada: To lead or not to lead..." Toronto: Canadian Forces College National Security Studies Program Paper, 2003.
- Haims, M., D.C. Gombert, G.F. Treverton, B.K. Stearns, *Breaking the Failed-State Cycle*. Santa Monica: RAND Corporation, 2008.
- Hampson, Fen Osler. "Intervention and Conflict Management in a Changing World." *Behind the Headlines. Canadian Institute of International Affairs*. Volume 42 No. 4. (2007): 1-16.
- Harper, Stephen. "Prime Minister Stephen Harper addresses the House of Commons in a reply to the Speech from the Throne." (17 October 2007). Speech on-line; available from <http://pm.gc.ca/eng/media.asp?category=2&id=1863>; Internet; accessed 28 Jan 09.
- Harper, Stephen. "Prime Minister's Remarks at the Closing Ceremonies of the Commonwealth Heads of Governments Meeting." (25 November 2007). Speech on-line; available from <http://pm.gc.ca/eng/media.asp?category=2&id=1916>; Internet; accessed 28 Jan 09.
- Harper, Stephen. "PM unveils revised motion on the future of Canada's mission in Afghanistan." (21 February 2008). Speech on-line; available from <http://pm.gc.ca/eng/media.asp?category=2&id=1995>; Internet; accessed 28 Jan 09.
- Harper, Stephen. "PM unveils Canada First Defence Strategy." (12 May 2008). Speech on-line; available from <http://pm.gc.ca/eng/media.asp?category=2&id=2098>; Internet; accessed 28 Jan 09.
- Harper, Stephen. "PM receives international human rights award." (27 June 2008). Speech on-line; available from <http://pm.gc.ca/eng/media.asp?category=2&id=2200>; Internet; accessed 28 Jan 09.

- Harper, Stephen. "Strong leadership to protect Canada's future: Address by the Prime Minister in Reply to the Speech from the Throne." (20 November 2008). Speech on-line; available from <http://pm.gc.ca/eng/media.asp?category=2&id=2318>; Internet; accessed 28 Jan 09.
- Hendrickson, Ryan. "The Miscalculation of NATO's Death." *Parameters*, Vol 37, No 1 (Spring 2007): 98-114.
- Hoffman, Peter J., and Thomas G. Weiss. *Sword and Salve: Confronting New Wars and Humanitarian Crises*. Toronto: Rowman & Littlefield Publishers, Inc., 2006.
- Hoffman, Stanley, Robert C. Johansen, James P. Sterba, and Raimo Vayrynen. *The Ethics and Politics of Humanitarian Intervention*. Notre Dame: University of Notre Dame Press, 1996.
- Holt, Victoria K. "The Responsibility to Protect: Considering the Operational Capacity for Civilian Protection," Discussion paper, The Henry L. Stimson Center, 2005.
- Hood, Lieutenant Colonel Robert C. "Campaign Planning: Considerations for attacking National Command and Control." Fort Leavenworth, Kansas: United States Army Command and General Staff College Paper, 1994.
- Keren, Michael, and Donald A. Sylvan. *International Intervention: Sovereignty versus Responsibility*. London: Frank Cass, 2002.
- Kristof, Nicholas D. "Obama administration may bring fresh approach to Darfur; Bush has resisted attempts to put pressure on Sudan to end the genocide." *Edmonton Journal*, 4 January 2009, <http://proquest.umi.com>; Internet; accessed 15 February 2009.
- Kirton, John. "Multilateralism, Plurilateralism, and the United Nations." *Canadian Foreign Policy in a Changing World*. Toronto: Thomson Nelson, 2007.
- MacEachern, Major Ron. "Into the Blue: A Case for Canada's Return to UN Peacekeeping." Toronto: Canadian Forces College Masters of Defence Studies Paper, 2008.
- MacFarquhar, Neil. "Council Backs Idea to Indict Sudan leader." *The New York Times*, 3 December, 2008, <http://www.nytimes.com/>; Internet; accessed 5 March 2009.
- Mann, LCol D.S. "The P5 and Sub-Saharan Africa." Toronto: Canadian Forces College Masters of Defence Studies Paper, 2005.
- Mathews, Robert O. "Sudan's humanitarian disaster: Will Canada live up to its responsibilities to protect?" *International Journal*, Vol 60, No 4 (Autumn 2005): 1049-1064.

- McCrummen, Stephanie. "Rwandan Troops Enter Congo to Find Hutu Militia Leaders." *Washington Post Foreign Service*, 21 January 2009, A03.
- McPeak, Merrill A., and Kurt Bassuener. "Grounding Sudan's Killer's." *The Washington Post*. 5 March, 2009, <http://www.washingtonpost.com>; Internet; accessed 5 March 2009.
- Miliband, Foreign Secretary David. *The democratic imperative*. Aung San Suu Kyi Lecture, Oxford University, 12 February, 2008.
- Natsios, Andrew S. "Beyond Darfur: Sudan's Slide Towards Civil War." *Foreign Affairs*, Vol 87, No 3 (May/June 2008): 77-94; <http://proquest.umi.com>; Internet; accessed 14 February 2009.
- Newman, Edward. "Humanitarian Intervention, Legality and Legitimacy." *International Journal of Human Rights* 6, no. 4 (2002): 102-120.
- Nolan, Stephanie, and Erin Baines. "The Making of a Monster." *The Globe and Mail*, Toronto, 25 October, 2008.
- Nossal, Kim R. "Ear Candy: Canadian policy toward humanitarian intervention and atrocity crimes in Darfur." *International Journal*. <http://proquest.umi.com>; Internet; accessed 15 February, 2009.
- O'Hanlon, Michael. *Expanding Global Military Capacity for Humanitarian Intervention*. Washington: Brookings Institution Press, 2003.
- Patrick, Stewart and Kaysie Brown. "Canada." *Greater than the Sum of Its Parts? Assessing 'Whole of Government' Approaches to Fragile States*. New York: International Peace Academy, 2007.
- Patterson, Eric. *Just War thinking: Morality and Pragmatism in the Struggle against Contemporary Threats*. New York: Lexington Books, 2007.
- Power, Samantha. *A Problem from Hell: America and the Age of Genocide*. New York: Harper Perennial, 2002.
- Prendergast, John and Colin Thomas-Jensen. "Blowing the Horn." *Foreign Affairs*, Vol 86, No 2 (March/April 2007): 59-74.
- Quinn, Major D.O. "The Responsibility to Protect." Toronto: Canadian Forces College Masters of Defence Studies Paper, 2007.
- Razack, Sherene H. *Dark Threats and White Knights: The Somalia Affair, Peacekeeping, and the New Imperialism*. Toronto: University of Toronto Press, 2004.

- Responsibility to Protect Engaging Civil Society. "UN Reports, Statements, and Resolutions." <http://www.responsibilitytoprotect.org/index.php/unitednations/794?theme=alt1>; Internet; accessed 28 January 2009.
- Roberts, Adam. "Intervention: One Step Forward in the Search for the Impossible." *International Journal of Human Rights* Vol. 7 Issue 3 (Autumn 2003): 142-153; <http://web.ebscohost.com>; Internet; accessed 10 October 2008.
- Sebolt, Taylor B. *Humanitarian Military Intervention: The Conditions for Success and Failure*. Oxford: Oxford University Press, 2007.
- Smith, The Honourable Stephen. Australian Minister of Foreign Affairs, Media release, *Supporting the Responsibility to Protect*. <http://www.foreignminister.gov.au/releases/2008/fa-s15108.html>; Internet; accessed 24 February 2009.
- Stairs, Denis. "The Diplomacy of Constraint." *Partners Nevertheless: Canadian American Relations in the Twentieth Century*, edited by Norman Hillmer, Toronto: Copp Clark Pitman, 1989.
- Stairs, Denis. "The Menace of General Ideas in the Making and Conduct of Canadian Foreign Policy." *O.D. Skelton Memorial Lecture*. Ottawa: Department of Foreign Affairs and International Trade, 25 October, 2006.
- Stein, Janice Gross and Eugene Lang. *The Unexpected War: Canada in Kandahar*. Toronto: Penguin Books, 2007.
- Straus, Scott. "Darfur and the Genocide Debate." *Foreign Affairs*, Vol 84, No 1 (January/February 2005): 123-133.
- Taleb, Nassim Nicholas. *The Black Swan: The Impact of the Highly Improbable*. New York: Random House, 2007.
- Thakur, Ramish. "Iraq and the Responsibility to Protect." *Behind the Headlines. Canadian Institute of International Affairs*. Volume 62 No. 1. (2004): 1-16.
- United Nations. "Responsibility to Protect: Engaging Civil Society. Crisis in Darfur" <http://www.responsibilitytoprotect.org/>; Internet; accessed 25 March, 2009.
- United Nations Security Council Resolution 1080 (1996). <http://www.un.org/docs/scres/1996/scres96.htm>; Internet; accessed 24 February, 2009.
- U.S. Department of State. "Policy Statement: China in Africa: Implications for U.S. Policy," <http://www.africom.mil/getArticle.asp?art=1786>; Internet; accessed 24 February 2009.

- Weiss, Thomas G. *Humanitarian Intervention: Ideas in Action*. Cambridge: Polity Press, 2007.
- Weiss, Thomas G. *Military-Civilian Interactions: Humanitarian Crises and the Responsibility to Protect Second Edition*. Toronto: Rowman & Littlefield Publishers, Inc, 2005.
- Welsh, Jennifer. "From Right to Responsibility: Humanitarian Intervention and International Society." *Global Governance* 8, no. 4 (2002): 503-522.
- White, Patrick F. "Normative Considerations Bearing on the Responsibility to Protect – Prospects and Implications in a Fracturing International System." *Canadian Military Journal*, Vol. 9, No. 2: 16-26.
- Zimmerman, Tim. "The American Bombing of Libya." *Survival*. Volume XXIX Number 3 (May/June 1987): 195-213.