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What Happened to the Responsibility to Protect?

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What Happened to the Responsibility to Protect?

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What Happened to the Responsibility to Protect?

Many Canadians consider the 1994 Rwandan genocide as not only a failure of the United Nations (UN) but also a failed Canadian peacekeeping operation. The most outspoken critic of the UN's lack of action and his own failure is Romeo Dallaire; the Canadian General who led the UN mission during the genocide. Years later, as a reaction these failures and an effort to prevent future genocide, the Canadian government led the International Commission on Security and State Sovereignty (ICISS); the group that created the Responsibility to Protect (R2P).

R2P intended to bridge the gap between humanitarian assistance and peacekeeping and to be a mechanism for the international community to assist governments in preventing genocide, war crimes, ethnic cleansing, and crimes against humanity.¹ If assistance and prevention failed, or if the head of state was unwilling to protect its people, R2P also permitted military intervention by outside nations through the UN. Unlike a peacekeeping mission, R2P intervention does not require permission from the state before conducting military operations. This makes R2P controversial but still important to Canadians because their government played such a major role in its creation. Notable Canadian contributors included Romeo Dallaire, Michael Ignatief and Lloyd Axworthy. These people ensured that the policy reflected Canadian values regarding the use of military force to protect people.

Although well intentioned when drafted by ICISS, and later adopted by the UN, R2P was used as justification for war in Libya; a conflict that caused regime change and the death of Libyan Head of State, Muammar Gaddafi. This essay will argue that R2P was degraded by NATO

¹ The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty' (Ottawa Canada: International Development Research Ctr., December 2001), file:///C:/Users/User/Downloads/2001-ICISS-Report.pdf.

in that conflict but destroyed by Russia's current military engagement in Ukraine. The illegal invasion of Ukraine by Russia is evidence of R2P's moral demise. It exposes why R2P should not be part of Canadian foreign policy anymore. The war in Ukraine is not an exception to Russian foreign policy, the illegal invasion reflects a pattern similarity to the disinformation, propaganda and gas-lighting used during the illegal annexation of Crimea, the war in Syria and multiple conflicts in the Black sea region. Acknowledging those similarities, the focus of this essay will pertain to the conflict in Ukraine that began in February 2022.

This essay will begin with a description of R2P and trace its trajectory through the Libya conflict. It will then contrast how R2P was conceived by ICISS compared to how it was implemented as justification for violation of Libyan sovereignty and NATO military intervention. That comparison will characterize R2P's flaws and how those flaws make its equal implementation amongst nations impossible. Finally, this essay will discuss the political mobilization of the word, genocide. Since R2P's purpose is prevention of genocide, political mobilization of the word, genocide, calls into question if the international community still considers R2P relevant. This question is further emphasized by the fact that the UN is not socializing an R2P response to the illegal war in Ukraine. R2P is not even part of the dialog.

What is R2P?

During his tenure as United Nations Secretary General from 1997 - 2006, Kofi Annan was outspoken about the missing piece of the United Nations charter that would permit military action to prevent crimes perpetrated by a nation against its own people. In 2001, Annan issued his millennium report in which he described the humanitarian intervention dilemma. Of humanitarian intervention he questioned, if it is "an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human

rights that affect every precept of our common humanity?”² It is difficult to separate the idea of foreign intervention from invasion. Article 2.7 of the UN charter protects national sovereignty and specifically prohibits the UN from intervening in a conflict that falls within the domestic jurisdiction of a state.³ Annan was the Under Secretary General in the Department of Peacekeeping Operations during the genocides in Rwanda and Bosnia. He understood where the UN policy was broken and why recruiting international support was required to bridge the gap between peacekeeping, which requires host nation consent, and intervention which does not. Referring to military action as humanitarian intervention also carried colonial connotations since intervention meant violating a nation’s sovereignty. The word, humanitarian, needed to be removed from the lexicon and intervention evolved to protection. The Canadian government took the initiative and led ICISS which was the commission that crafted R2P. The name of the commission itself describes its purpose as well as the controversy over legitimizing protection as a potential military operation. The group was composed of representatives from around the world including permanent members of the UN Security Council. ICISS produced the R2P document which was also a proposal to the UN Secretary General.

ICISS identified that state sovereignty implied a responsibility to protect its own citizens but when a nation is not protecting its population, the responsibility of the international community to protect them trumps state sovereignty.⁴ Although this idea echoes the authorities that may have prevented genocide in Rwanda, it does not fit a nation that is capable of deterring or defending against an invasion. ICISS embraced three principles of R2P as the responsibility to

² ‘United Nations Office on Genocide Prevention and the Responsibility to Protect’, accessed 16 March 2022, <https://www.un.org/en/genocideprevention/about-responsibility-to-protect.shtml>.

³ Chapter I’, United Nations, 17 June 2015, <https://www.unsecretariat.net/sections/un-charter/chapter-i/index.html>.

⁴ The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty’. Ottawa, Canada. 2001

prevent, the responsibility to react and the responsibility to rebuild. The three principles illustrate the holistic approach of the participants. If prevention failed and intervention became necessary, the obligation to rebuild followed military action. Military intervention for human protection was justified by large scale loss of life or ethnic cleansing. This description proved too broad and was later restricted by the UN to the 4 crimes that bore legal weight; genocide, war crimes, ethnic cleansing and crimes against humanity.⁵ ICISS identified the UN as the appropriate body to authorize military intervention.

At the UN World Summit in 2005, heads of state affirmed that the responsibility to protect their own citizens from the four major crimes was theirs alone. At first glance, this acknowledgement was the goal; however, there is no commitment to anything outside the already agreed upon principles of the UN charter regarding military response. The missing piece that includes protecting people in cases similar to Ukraine, where a government invades another country, is not there. The document, “The Responsibility to Protect,” submitted by ICISS, was 75 pages long and provided a detailed framework for R2P. The UN world Summit outcome document only contained two paragraphs on it. The two paragraphs do not contain any commitment to change the way that the United Nations responds or intervenes in the domestic affairs of a nation. The ICISS recommendation that sovereignty implies responsibility to protect was not included. The UN report reinforced peace, prevention and operating in accordance with the UN charter.⁶ In order for the general assembly to consider any involvement in the affairs of sovereign nations, its action needed to fall within “the principles of the charter and international law.”⁷ The UN document supported the goal of preventing genocide but it did not include any of

⁵ United Nations Office on Genocide Prevention and the Responsibility to Protect’, accessed 25 March 2022, <https://www.un.org/en/genocideprevention/about-responsibility-to-protect.shtml>.

⁶ Ibid.

⁷ Ibid.

the ICISS recommendations that legalized military intervention in excess of existing UN mandates.

The 2009 report of UN Secretary General Ban Ki-moon described an evolved three pillars of R2P. The unchanging core principal, protection, is the responsibility of the state. It is the first pillar. The second is international assistance. The third pillar receives the most criticism. It characterizes timely and decisive response which includes a potentially coercive response under chapter VII of the UN Charter as authorized by the Security Council.⁸ This third pillar brought the criminal acts of Muamar Gaddafi into focus and permitted the NATO campaign against Libya.

The Libya Conflict

OPERATION UNIFIED PROTECTOR (OUP) is an example of the successful implementation of R2P by NATO to prevent crimes against humanity perpetrated by the government of Muamar Gaddafi. Complimentary to R2P, the conflict bears a Canadian nexus since Canadian ships and fighter aircraft participated from the beginning. The NATO Commander was even Canadian: Lieutenant General Charles Bouchard's Order of Canada citation describes him as exemplifying Canada's respect for human rights due to his leadership as NATO Commander during the Libya conflict.⁹ UN Security Council Resolution 1973 that authorized the mission reiterated "the responsibility of the Libyan authorities to protect the Libyan population."¹⁰ In practice, it seems understated or inaccurate to accuse the Libyan

⁸ United Nations General Assembly, 'Implementing the Responsibility to Protect', Last accessed 6 April, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N09/206/10/PDF/N0920610.pdf?OpenElement>.

⁹ Office of the Secretary to the Governor General, 'Lieutenant General J.J. Charles Bouchard', Text, The Governor General of Canada (Government of Canada), accessed 20 April 2022, <https://www.gg.ca/en/honours/recipient/146-11645>.

¹⁰ 'Security Council Resolution 1973 - UNSCR', accessed 3 April 2022, <http://unscr.com/en/resolutions/1973>.

government of not protecting its people when killing them is the antithesis of protection but it did not prevent its use by the UN or the alliance against Libya.

OUP was legally authorized by the UN Security Council but Russia and China abstained from voting. Their abstention did not hinder the efforts of NATO to carry out the mission but it did echo a conflicting view on sovereignty and the third pillar of R2P amongst the Security Council. The United States, Great Britain and France, aligned under the NATO banner, were empowered to intervene under Chapter VII of the UN Charter based on the responsibility to protect.¹¹ Russia and China, although supportive of the first two pillars of R2P, disagreed with the violation of Libyan sovereignty but neither nation used its veto to prevent the mission. Russia became increasingly critical of the mission as the coalition began to contribute arms to the rebels and bomb Libyan air defense systems. British Foreign Secretary, William Hague said, “The targeting that we do in these kind of strikes will always be in accordance with the UN resolution, with an emphasis on protecting civilians.”¹² Many nations argue that just like humanitarian bombing, protection through bombing is a contradiction in terms. Russia criticized the mission because the air campaign killed civilians and exceeded the Security Council’s intention for NATO to enforce a no-fly zone to protect them.¹³

These objections are notable when compared to the indiscriminate bombing of Ukraine by Russia and Russian President Vladimir Putin’s successful deterrence of a NATO enforced no-fly zone in the region. Putin created a narrative that rhymed with NATO’s during OUP. Even though NATO never placed conventional troops on Libyan soil, the naval embargo and no fly

¹¹ Ibid.

¹² Simon Tisdall, ‘Is Gaddafi Himself a Target?’, *The Guardian*, 21 March 2011, sec. World news, <https://www.theguardian.com/world/2011/mar/21/gaddafi-target-analysis>.

¹³ ‘Russia Steps up Criticism of NATO Libya Campaign’, *Reuters*, 20 May 2011, sec. World News, <https://www.reuters.com/article/us-russia-libya-idUSTRE74J5K820110520>.

zone led to the death of Gaddafi at the hands of Libyan rebels in the streets, without trial. Putin could rally international support by accusing NATO of attempting regime change if the coalition enforced a no-fly zone. Russia followed a path similar to NATO, including the submission of a letter to the UN that was famously satirized by the Canadian mission on twitter.¹⁴ Russian government officials maintain an air of righteousness and the ready response to criticism of their policies: “Our Western colleagues unfortunately chose to promote the anti-Russian line.”¹⁵

The Russian abstention from voting on Resolution 1973 combined with its readiness to wage war when military action fits its national interest shows that R2P is not a political agreement that applies to powerful nations, especially those powerful nations with nuclear weapons. As the world watches, Russia is carrying out an illegal war in Ukraine while effectively deterring NATO from intervening. By not using their nuclear weapons but stating that they will if confronted by NATO, they use banned weapons like cluster munitions to target civilians.¹⁶ NATO’s red line seems to be the use of nuclear weapons so keeping the conflict below the nuclear threshold keeps NATO out of the conflict.

R2P may be a method for preventing the big four crimes but it was not conceived with the intention of preventing one country from committing them against another. The 2005 world summit outcome document emphasizes “helping states build capacity to protect their populations from genocide.”¹⁷ R2P was designed with poor countries in mind or those that show opposition

¹⁴ Canada Mission UN #StandWithUkraine UA [@CanadaUN], ‘Thank You @RussiaUN for Your Letter Dated March 16. Please See Our Suggested Edits below. #StandWithUkraine #RespectTheCharter <https://t.co/0M663R0tUW>’, Tweet, *Twitter*, 17 March 2022, <https://twitter.com/CanadaUN/status/1504464863510335488>.

¹⁵ *Ibid.*

¹⁶ Joe Hernandez, ‘Russia Is Using Controversial “cluster Munitions” in Ukraine, Humanitarian Groups Say’, *NPR*, 28 February 2022, sec. World, <https://www.npr.org/2022/02/28/1083616770/russia-is-using-controversial-cluster-munitions-in-ukraine-humanitarian-groups-s>.

¹⁷ ‘United Nations Office on Genocide Prevention and the Responsibility to Protect’.

to an authoritarian government. R2P does not actually speak to preventing the big four crimes in all forms but leverages supporting or toppling governments so that crimes within that country's borders can be prevented. It is a method of carrying out power politics while staying within the legal confines of the United Nations charter. Since Russia invaded Ukraine, waged an illegal war, and is targeting civilians, the conflict should be grounds for intervention based on protecting the Ukrainian people. Ironically, R2P is not only absent from the dialog at the UN but also in Canada's dialog about the conflict in Ukraine. This is despite Canada's proud development and use of the principle.

R2P's Major Flaws

Russia's invasion of Ukraine in February 2022 identifies the fundamental problem with R2P as a mechanism for UN intervention. As a permanent member of the Security Council, Russia holds veto power which makes it capable of preventing any UN initiative, including R2P. Russia also carries the dangerous attitude that former Soviet States, like Ukraine, are actually part of Russia; therefore, protected by Russia whether they seek Russian protection or not. The current conflict is starting to show that even the four major crimes for which R2P was invented to prevent may be acceptable means to accomplish Russian objectives.

Under the guise of protection, Russia spins legal rhetoric that is opposite to its illegal military actions. It uses that rhetoric as justification for engaging in military conflict outside its borders. On February 15th, 9 days before the invasion began, Putin said in Russian, "What is happening in Donbas now is genocide."¹⁸ This statement and his commitment to action speaks to the international agreement that genocide is a crime. It also speaks to the UN Convention on the

¹⁸ Global News, *Russia-Ukraine Standoff: Putin Calls Situation in Donbass 'Genocide,' Says He Does Not Want War*, 2022, <https://www.youtube.com/watch?v=nxVJm2uWXCc>.

prevention and punishment of that crime which helped him convince the Russian people that he is compelled to act. This continued a pattern of politically mobilizing the word, genocide, which likely built support for the invasion in Russia even though it did not resonate in the West. This narrative against Ukraine did not add legal justification for invasion because it was simply not true. Avoiding legal ramifications from the international court of justice for using genocide as justification for invasion, Russia dropped its accusation of genocide and invoked article 51 which is its inherent right of self-defense. The narrative switched from stopping genocide in Donbas to protecting the Donbas people. Sometimes the message is protecting Russia from Ukrainian Nazi's¹⁹ and biological weapons.²⁰ There is no single reason given by Russia for the invasion.

Another fundamental flaw of R2P is it was not designed to confront a nuclear power. The biases of R2P's architects shine through that design flaw. Confrontation of a nuclear power was not included in the ICISS report since nations with nuclear weapons, including Russia, helped draft it. A major reason for maintaining a nuclear program is preventing the kind of invasion recommended by ICISS. Russia's successful deterrence of NATO shows R2P's uselessness when applied to a nuclear power. ICISS released R2P shortly after September 11, 2001. At that time, following the first activation of NATO article 5, war was imminent but not against any major power. R2P was designed with weak nations in mind. It also depended upon the perceived moral superiority of the world's most powerful nations. Russia is arguably the most lethal nuclear power when considering its large stockpile of weapons and their hypersonic delivery.

¹⁹ 'The Historical Unity of Russians and Ukrainians', *Modern Diplomacy* (blog), 14 August 2021, <https://moderndiplomacy.eu/2021/08/15/the-historical-unity-of-russians-and-ukrainians/>.

²⁰ 'Ukraine War: Fact-Checking Russia's Biological Weapons Claims', *BBC News*, 15 March 2022, sec. Reality Check, <https://www.bbc.com/news/60711705>.

Those nuclear weapons are a direct threat to all of Russia's enemies, including the United States and Canada.

Political Mobilization of the Word Genocide

In the shadow cast by the Holocaust following the Second World War, Polish-Jewish lawyer, Rafal Lemkin invented the word, genocide. He described it as “a coordinated plan of different actions aiming at the destruction of essential foundations of life of national groups, with the aim of annihilating the groups themselves.”²¹ The 1948 “UN Convention on the Prevention and Punishment of the Crime of Genocide” contains a detailed and technical definition that is based on the writing of Lemkin. Article II of that UN convention is historically problematic because it makes the crime of genocide very difficult to convict. It says “genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group.”²² Intent is the key word. Proving intent is often why so few people have been convicted of the crime. Despite the fact that it is difficult to prove, the word bears weight. It makes people listen which is why it is politically mobilized by both Russia and Ukraine without the proof that would make it a crime bringing an international response.

The Russians government is perverting the definition of genocide in their propaganda and disinformation narrative as justification for the invasion. Russia has not referenced R2P but they are invading Ukraine on the premise of self-defense and protecting the Ukrainian people from the big four crimes. This is further emphasized by the fact that Russian President Putin does not consider Ukraine a country but merely a part of Russia.²³ Through that narrative, Russia has a

²¹ Adam Jones, *Genocide: A Comprehensive Introduction*, 3rd ed. (New York: Routledge, 2017) 21.

²² United Nations General Assembly, ‘Convention on the Prevention and Punishment of the Crime of Genocide’, 9 December 1948.

²³ ‘The Historical Unity of Russians and Ukrainians’.

responsibility to protect the Ukrainian people under pillar one of R2P which identifies a state's obligation to protect all people within its borders.²⁴

Ukraine is using genocide to describe the crimes being inflicted upon them by the Russians. The best way that Ukrainian president, Volodymyr Zelensky, can protect his people is by rallying support from the international community. That support is not limited to NATO, especially since R2P is a political commitment ratified by the UN. Proving intent of an ongoing genocide in Ukraine would increase the pressure on Russia in the face of the international community and potentially bring into question its position as a permanent member of the Security Council. This is a detail that was not lost on President Zelensky. He addressed the UN Security Council in April 2022 and questioned the whole purpose of the UN if it could not vote to ensure peace, especially in the face of proven war crimes.²⁵ The recent vote to eject Russia from the UN Human rights council reinforces the Ukrainian message and increases political pressure on Russia. It also identifies the nations that are aligned with Russia and those that value their economic ties to Russia over justice. American journalist, Lance Morrow said, "genocide is an absolute word – a howl of a word..."²⁶ It describes the worst crime that humans could possibly commit against one another. It is a loud announcement that shines a spotlight on atrocity. Ukraine is politically mobilizing the word genocide to call other governments to action.

Proving genocide is difficult but referencing accepted historical facts about Soviet troops under Stalin perpetrating genocide cannot be ignored. The current invasion and indiscriminate killing of Ukrainian civilians is reminiscent of atrocities inflicted upon them by the Soviet

²⁴ United Nations General Assembly, 'Implementing the Responsibility to Protect'.

²⁵ Jennifer Deaton and Lauren Said-Moorhouse CNN, 'Ukraine's Zelensky Questions UN Security Council's Mandate in Speech on Alleged Russian Atrocities', CNN, accessed 11 April 2022, <https://www.cnn.com/2022/04/05/world/zelensky-ukraine-united-nations-speech-intl/index.html>.

²⁶ Jones, *Genocide: A Comprehensive Introduction*. 11.

government following the First World War. Raphael Lemkin described four Soviet initiatives to destroy the Ukrainian people of which widespread famine was the most cruel.²⁷ Between 1930-1933, an estimated 5.7 million people died from famine across all regions of the USSR. The vast majority were in Ukraine.²⁸ Referred to by Ukrainians as the Holodomor, it is recognized by many countries, including Canada, as genocide. This genocide was not limited to Ukrainian peasantry. Artists, politicians, musicians, religious figures, and anybody who embodied any sort of Ukrainian identity was targeted since that identity was considered a threat to the Soviet identity. Lemkin said, “The Soviet regime sought the Russification of the region in order to facilitate the rule of their state.”²⁹ In 2021, President Putin said that describing this famine as genocide perpetrated by the Soviet government as a rewriting of history by anti-Russian actors.³⁰ The final phase of genocide is denial.³¹ Absorption of Ukraine into Russia is Putin’s goal.

Soviet ideas pervade the words and actions of Russian President Vladimir Putin. In the Summer of 2021, he published a 5000 word essay titled “On the Historical Unity of Russians and Ukrainians.” In it, he described one people that share culture, language and above all a Russian identity.³² Some thought that it was his declaration of war on Ukraine since it includes stark declarations like, “I am becoming more and more convinced of this: Keiv simply does not need Donbas.”³³ Nine months after publication and weeks into the Russian invasion, the words bear a

²⁷ Douglas Irvin-Erickson, ‘Raphaël Lemkin, Genocide, Colonialism, Famine, and Ukraine’, *East/West: Journal of Ukrainian Studies* 8, no. 1 (January 2021): 193–215, <https://doi.org/10.21226/ewjus645>.

²⁸ Adam Jones, *Genocide: A Comprehensive Introduction*, 3rd ed. (New York: Routledge, 2017) 266.

²⁹ Irvin-Erickson, ‘Raphaël Lemkin, Genocide, Colonialism, Famine, and Ukraine.’ *East/West Journal of Ukrainian Studies* 8, No. 2 (2021) <https://doi.org/10.21226/ewjus645>.

³⁰ ‘The Historical Unity of Russians and Ukrainians’.

³¹ Jones, *Genocide: A Comprehensive Introduction*. 683.

³² ‘The Historical Unity of Russians and Ukrainians’.

³³ *Ibid*.

new purpose. The essay was not a declaration of war but a statement of Russian imperialism and control.

In his essay, Putin spends a number of paragraphs describing the danger that the people of Ukraine face from their own population mixed with accusations that the Ukrainian government is not protecting them. He does not use the terms, genocide, war crimes or crimes against humanity to describe his responsibility to protect Ukraine; however, the second half of the essay frames a political climate that is hostile toward Russia as well as a narrative that speaks to crimes that Ukraine is committing. The term, Nazi, is used six times to describe Ukrainian groups that hold influence or power, a term that brings genocide with it, especially when associated with government. He describes a hostile environment toward Russia rife with religious persecution, ethnic cleansing, and anti-Russian oppression. He alludes to the annexation of Crimea by Russia in 2014 as being the only thing that prevented massacres by Ukrainian Neo-Nazis.³⁴ His intention to “de-Nazify” Ukraine through a special mission in that country speaks to the Russian disinformation campaign that was not created for the West but for the Russian people.

Russian political mobilization of the word, genocide, to justify its invasion may sound like propaganda in the West but considering that there is support for the war in Russia, it must resonate there. Russian foreign policy is characterized by disinformation that bears a small amount of truth. The president of Ukraine, Volodymyr Zelensky is Jewish; therefore, highly unlikely to be a Nazi. Despite that fact, Russian propaganda and disinformation is able to characterize Ukrainian government and society as being pervaded by Nazi's. It does this by

³⁴ Ibid.

referencing historical inaccuracies about Nazi's in Ukraine during the Second World War. The tragedy of Babi Yar, which is a ravine in Keiv, was the largest massacre of the Holocaust and accounts for the death of many Russian Jews.³⁵ Putin bombed Babi Yar which symbolically shows his intention to justify the war as a de-nazification of Ukraine.³⁶ The Azov regiment, a far right, white supremacist group that is part of the Ukrainian National Guard in the region of Mariupol is also a frequent target of Russian disinformation. The political leanings of the regiment are undeniable which Russia twists in its favor, blaming the Azov regiment for its own human rights violations and war crimes.³⁷ By creating this narrative of oppression and genocide, Putin is able to reinforce us vs them thinking and "other"³⁸ the Ukrainians. That othering is why he says, "the formation of an ethnically pure Ukrainian state, aggressive towards Russia, is comparable in its consequences to the use of weapons of mass destruction against us."³⁹ To Western readers, these words seems bellicose and overly dramatic but they are from a Russian dictator reminiscent of the Soviet Union. Putin's actions show that he intends to take back post-soviet space at any cost. Ordering his soldiers to march on Keiv, Putin thought that he created a successful narrative of liberation, ensuring the rapid decapitation of the Ukrainian government. He thought that Russian propaganda was so good that the Ukrainian people would welcome them with open arms. Putin was wrong. Russian propaganda even worked on him.

³⁵ Yad Vashem. "Holocaust in Kiev and the Tragedy of Babi Yar", accessed 11 April 2022, <https://www.yadvashem.org/education/educational-materials/learning-environment/babi-yar/historical-background3.html>.

³⁶ 'Why Putin Bombed Babi Yar – Reform Congregation Keneseth Israel', accessed 4 May 2022, <https://www.kenesethisrael.org/why-putin-bombed-babi-yar/>.

³⁷ Analysis by Tara John and Tim Lister CNN, 'A Far-Right Battalion Has a Key Role in Ukraine's Resistance. Its Neo-Nazi History Has Been Exploited by Putin', CNN, accessed 11 April 2022, <https://www.cnn.com/2022/03/29/europe/ukraine-azov-movement-far-right-intl-cmd/index.html>.

³⁸ Maureen S. Hiebert, 'Theorizing Destruction: Reflections on the State of Comparative Genocide Theory', *Genocide Studies and Prevention* 3, no. 3 (December 2008): 309–39, <https://doi.org/10.3138/gsp.3.3.309>.

³⁹ 'The Historical Unity of Russians and Ukrainians'.

In April, two months into the invasion, NATO leaders started describing Russian military action as genocide. Canadian Prime Minister Trudeau said, "There are official processes around determinations of genocide, but I think it's absolutely right that more people are talking and using the word genocide in terms of what Russia is doing, what Vladimir Putin has done."⁴⁰ Trudeau stopped short of accusing the Russians of genocide, citing legal constraints to the accusation. US president Biden said, "I called it genocide because it's become clearer and clearer that Putin is just trying to wipe out even the idea of being Ukrainian. The evidence is mounting."⁴¹ President Biden chose his words carefully. Not only did he use the word genocide, but he identified Putin's acts as indicating intent to destroy the Ukrainian people. He also referred to mounting evidence and the legal process of an international case. This is the first time in the conflict that the US president used genocide to describe Russian actions. That is significant because it means Putin may not go to war with the West if he stays below the nuclear threshold but he will be a prisoner in his own country since he will be a criminal everywhere else. The UN convention on the prevention and punishment of the crime of genocide says "The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish."⁴² If genocide is proven to be taking place in Ukraine, the political pressure to intervene will increase. Inaction would invalidate this important UN convention and may lead to increased proliferation of nuclear weapons to make up for any security the agreement may have provided.

⁴⁰ Richard Raycraft · CBC News · "‘Absolutely Right’ to Call Russia’s Actions in Ukraine Genocide, Trudeau Says | CBC News", CBC, 13 April 2022, <https://www.cbc.ca/news/politics/trudeau-ukraine-russia-genocide-1.6418408>.

⁴¹ Kevin Liptak CNN, 'Biden Calls Atrocities in Ukraine a "genocide" for the First Time', CNN, accessed 22 April 2022, <https://www.cnn.com/2022/04/12/politics/biden-iowa-genocide/index.html>.

⁴² United Nations General Assembly, 'Convention on the Prevention and Punishment of the Crime of Genocide'.

Conclusion

The Responsibility to Protect was devised by the Canadian government in partnership with the international community to prevent genocide, war crimes, ethnic cleansing and crimes against humanity. Those diplomats and politicians who created it did not foresee how it would be used as a tool for power politics or as justification for illegal wars. It was based on the idea that sovereignty was tied to the responsibility of a state to protect its people. As a UN agreement, R2P cannot be implemented fairly since the five permanent members of the Security Council can veto any UN initiative and never be subject to it. Russia being the aggressor in the illegal invasion of Ukraine goes a step further; it shows that Russia should not be given discretion over a UN decision to intervene militarily ever again. Considering the record of operations conducted under R2P or some derivative of it, there should not be a way for the UN to vote to violate a country's sovereignty. The idea that nations can sit across the table from their enemies and altruistically agree to protect people, through a feeling of responsibility, is a Canadian fantasy.

Canada should not support the idea of R2P any longer but it should participate in coalition operations for the purpose of preventing the big four crimes. There is growing research on human security. The Vancouver principles are an example of an international agreement that will form Canadian policy toward protection. Children are a group that is vulnerable to exploitation and abuse in conflict zones. The Vancouver principles describe the protection of children based on their vulnerability and not based on the politics of the country where they live.⁴³ Further research should be conducted on whether or not militaries can be involved in

⁴³ Government of Canada, 'The Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers' (Canada, 1 May 2022), <https://www.vancouverprinciples.com/wp-content/uploads/2017/11/17-204-Vancouver-Principles-Doc-EN-v3.pdf>.

human security operations without permission from the host country or if those missions will invariably lead to combat operations and regime change.

Although R2P was devised with the desire to prevent atrocities like those that happened in Rwanda and Bosnia, R2P became a mechanism for powerful countries to *protect* people inside countries with governments they considered unfavorable. The Regime change in Libya makes this argument undeniable. Russia criticized the 2011 Libya mission because Russia disagreed with regime change.⁴⁴ Eleven years later, Russia invaded Ukraine with the intent of replacing the Ukrainian government. This essay argues that Russia used protection to justify that illegal act.

By invading and deliberately targeting civilians, Russia created the ideal situation for R2P intervention by other countries to stop them, but R2P is not mentioned in any UN discussions. The UN Human rights council voted to eject Russia but votes against it were not unanimous and included many abstentions. Some abstentions from Western allies like India. This makes the idea of protection seem like its meaning is already lost. Protection does not resonate as a word tied to preventing governments from being predatory on civilians. The conflict in Ukraine shows that to the Russian government, protection is justification for violence. The combat operations that occupy the space between humanitarian and peacekeeping missions is not the domain of the UN. Trying to fill that space only degrades the institution by bringing invasion into the charter.

R2P was not designed to convince world superpowers not to violate human rights but this essay argues that R2P's validity rests with nations being accountable to and respecting them. Russia understands this principle because it is not claiming responsibility for targeting civilians

⁴⁴ 'Russia Steps up Criticism of NATO Libya Campaign'.

or bombing cities. It is also evident that denying these crimes is enough to convince the Russian people of their government's motives and divide the international community. The Russian government accuses Ukraine of disinformation and war crimes. As a weaker country, Ukraine needs to draw attention to the war crimes perpetrated by Russia in order to garner support. The most attention grabbing word for that is genocide. That does not mean genocide is not being committed by Russia on Ukraine but it is a crime hinging upon the intent to destroy those people which may take years to prove. An accusation by President Zelensky will not compel a military response by the international community through an obligation to stop genocide without that proof. In Russia's own interest, by politically mobilizing the word, genocide, Russia justifies its invasion as protection of not only the Ukrainian people but also Russians sympathizers and Russian speaking people living in Ukraine. It deliberately blurs its message by also claiming self-protection from Ukrainian Nazi's and anti-Russian sentiment. Putin's belief that Ukraine is not a country⁴⁵ but part of Russia only lends credence to the argument that he feels not only justified but empowered to invade. Disavowing the sovereignty of Ukraine combined with the mass killing of Ukrainian civilians are acts that echo those of history's most nefarious and inhumane. Waiting for the proof required to legally accuse Putin and the Russian government of intent to destroy the Ukrainian people may provide the time required for the crimes to unfold. Contrary to the very purpose of R2P, the international community may be ineffective in preventing what UN Secretary General Annan called, "the gross and systematic violations of human rights that affect every precept of our common humanity."⁴⁶ In genocide, there are

⁴⁵ David Remnick, 'Putin's Pique', *The New Yorker*, 10 March 2014, <http://www.newyorker.com/magazine/2014/03/17/putins-pique>.

⁴⁶ 'United Nations Office on Genocide Prevention and the Responsibility to Protect'.

victims, perpetrators, bystanders, collaborators and rescuers. In this conflict, the only role for NATO is rescuer. All nations should consider their role in that context. History certainly will.

BIBLIOGRAPHY

Hehir, Aidan. *The Responsibility to Protect: Rhetoric, Reality and the Future of Humanitarian Intervention*. New York. Palgrave, 2012.

Canada Mission UN #StandWithUkraine UA [@CanadaUN]. ‘Thank You @RussiaUN for Your Letter Dated March 16. Please See Our Suggested Edits below. #StandWithUkraine #RespectTheCharter <https://t.co/0M663R0tUW>’. Tweet. *Twitter*, 17 March 2022. <https://twitter.com/CanadaUN/status/1504464863510335488>.

United Nations. ‘Chapter I’, 17 June 2015. <https://www.unsecretariat.net/sections/un-charter/chapter-i/index.html>.

CNN, Analysis by Tara John and Tim Lister. ‘A Far-Right Battalion Has a Key Role in Ukraine’s Resistance. Its Neo-Nazi History Has Been Exploited by Putin’. CNN. Accessed 11 April 2022. <https://www.cnn.com/2022/03/29/europe/ukraine-azov-movement-far-right-intl-cmd/index.html>.

CNN, Jennifer Deaton and Lauren Said-Moorhouse. ‘Ukraine’s Zelensky Questions UN Security Council’s Mandate in Speech on Alleged Russian Atrocities’. CNN. Accessed 11 April 2022. <https://www.cnn.com/2022/04/05/world/zelensky-ukraine-united-nations-speech-intl/index.html>.

CNN, Kevin Liptak. ‘Biden Calls Atrocities in Ukraine a “genocide” for the First Time’. CNN. Accessed 22 April 2022. <https://www.cnn.com/2022/04/12/politics/biden-iowa-genocide/index.html>.

General, Office of the Secretary to the Governor. ‘Lieutenant General J.J. Charles Bouchard’. Text. The Governor General of Canada. Government of Canada. Accessed 20 April 2022. <https://www.gg.ca/en/honours/recipients/146-11645>.

Global News. *Russia-Ukraine Standoff: Putin Calls Situation in Donbass ‘Genocide,’ Says He Does Not Want War*, 2022. <https://www.youtube.com/watch?v=nxVJm2uWXCc>.

Government of Canada. ‘The Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers’. Canada, 1 May 2022. <https://www.vancouverprinciples.com/wp-content/uploads/2017/11/17-204-Vancouver-Principles-Doc-EN-v3.pdf>.

- Hernandez, Joe. ‘Russia Is Using Controversial “cluster Munitions” in Ukraine, Humanitarian Groups Say’. *NPR*, 28 February 2022, sec. World.
<https://www.npr.org/2022/02/28/1083616770/russia-is-using-controversial-cluster-munitions-in-ukraine-humanitarian-groups-s>.
- Hiebert, Maureen S. ‘Theorizing Destruction: Reflections on the State of Comparative Genocide Theory’. *Genocide Studies and Prevention* 3, no. 3 (December 2008): 309–39.
<https://doi.org/10.3138/gsp.3.3.309>.
- ‘Holocaust in Kiev and the Tragedy of Babi Yar’. Accessed 11 April 2022.
<https://www.yadvashem.org/education/educational-materials/learning-environment/babi-yar/historical-background3.html>.
- Irvin-Erickson, Douglas. ‘Raphaël Lemkin, Genocide, Colonialism, Famine, and Ukraine’. *East/West: Journal of Ukrainian Studies* 8, no. 1 (January 2021): 193–215.
<https://doi.org/10.21226/ewjus645>.
- Jones, Adam. *Genocide: A Comprehensive Introduction*. 3rd ed. New York: Routledge, 2017.
- News , Richard Raycraft · CBC. ““Absolutely Right” to Call Russia’s Actions in Ukraine Genocide, Trudeau Says | CBC News”. CBC, 13 April 2022.
<https://www.cbc.ca/news/politics/trudeau-ukraine-russia-genocide-1.6418408>.
- Remnick, David. ‘Putin’S Pique’. *The New Yorker*, 10 March 2014.
<http://www.newyorker.com/magazine/2014/03/17/putins-pique>.
- Reuters. ‘Russia Steps up Criticism of NATO Libya Campaign’, 20 May 2011, sec. World News. <https://www.reuters.com/article/us-russia-libya-idUSTRE74J5K820110520>.
- ‘Security Council Resolution 1973 - UNSCR’. Accessed 3 April 2022.
<http://unscr.com/en/resolutions/1973>.
- Modern Diplomacy. ‘The Historical Unity of Russians and Ukrainians’, 14 August 2021.
<https://moderndiplomacy.eu/2021/08/15/the-historical-unity-of-russians-and-ukrainians/>.
- ‘The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty’. Ottawa Canada: International Development Research Ctr., December 2001.
<file:///C:/Users/User/Downloads/2001-ICISS-Report.pdf>.

Tisdall, Simon. 'Is Gaddafi Himself a Target?' *The Guardian*, 21 March 2011, sec. World news. <https://www.theguardian.com/world/2011/mar/21/gaddafi-target-analysis>.

BBC News. 'Ukraine War: Fact-Checking Russia's Biological Weapons Claims', 15 March 2022, sec. Reality Check. <https://www.bbc.com/news/60711705>.

United Nations General Assembly. 'Convention on the Prevention and Punishment of the Crime of Genocide', 9 December 1948. 'Implementing the Responsibility to Protect', Last accessed 6 April. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N09/206/10/PDF/N0920610.pdf?OpenElement>.

'United Nations Office on Genocide Prevention and the Responsibility to Protect'. Accessed 16 March 2022. <https://www.un.org/en/genocideprevention/about-responsibility-to-protect.shtml>.

Why Putin Bombed Babi Yar – Reform Congregation Keneseth Israel'. Accessed 4 May 2022. <https://www.kenesethisrael.org/why-putin-bombed-babi-yar/>.