

## The Responsibility to Protect

The International Commission on Intervention and State Sovereignty. Finally A Real Debate on R2P

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*Tuesday, July 23, 2009 may go down as an epic day in history. Since its contested adoption at the UN's World summit in 2005, the [R2P doctrine](#)'s well-funded [lobbyists](#) have by and large insulated themselves from scrutiny and have generally evaded debates with their detractors. At last, the tables were turned, as the UN General Assembly got to hear a real debate about the real danger's that the doctrine's implementation poses. The world's leading R2P advocate, Gareth Evans, was pitted against one of the world's leading anti-imperialist intellectuals, Noam Chomsky, along with one of Africa's greatest post-colonial authors, Ngugi wa Thiong'o, and Belgian theoretical physicist and philosopher, Jean Bricmont.*

Since at least 2000, the R2P lobby and its Western donors have spent millions of dollars building a global advocacy network that has attempted to sway public opinion while trying to lay the groundwork for the 'operationalization' of this hotly contested 'norm' of 'humanitarian intervention' that many, especially those most familiar with the history of colonialism and neo-colonialism, have good reason to be skeptical of.

Thanks in large part to the support of powerful 'middle power' state's such as Canada, and the support of private U.S.-based liberal philanthropic organizations and think tanks, R2P was able to move ["from policy journal to policymaking over the space of a few years."](#)

Venezuelan President Hugo Chavez was among the most vocal critics of R2P when it was [foisted](#) on the UN General Assembly and adopted (without a vote) in the [Summit Outcome Document](#) of September 15, 2005.

Some point out that the R2P's implementation would subvert the inviolability of state sovereignty clause in the UN Charter. But Chomsky, Bricmont, and Ngugi, did not defend sovereignty "in the abstract." Rather, as Bricmont said, expressing one of the fundamental reasons to be wary of R2P, "The UN Charter is very well-written yet its still violated by the powerful. And of course...whatever norms are introduced are going to be violated by the powerful because there's no political effort to limit the powerful."

During the 2006 World Summit, with war raging and bodies piling up in the Middle East and elsewhere, President Chavez [famously held up a copy](#) of Noam Chomsky's book, [Hegemony or Survival: America's Quest for Global Dominance](#); Chavez referred to Chomsky as "one of the most prestigious American and world intellectuals," as he appealed for a renunciation of U.S.-led Empire, "the greatest threat looming over our planet."

Fast-forward nearly three years to July 23rd, 2009. At the invitation of UN General Assembly President Miguel d'Escoto Brockmann, Chomsky appears with Bricmont (author of [Humanitarian Imperialism: Using Human Rights to Sell War](#)), and [Ngugi](#), in front of the UN General Assembly for an informal debate on R2P. Pitted against Evans, a former Australian Foreign Minister and longtime head of the 'pro-interventionist' [International Crisis Group](#), a [three-hour dialogue](#) with the General Assembly ensued, followed by a [one-hour press conference featuring the panelists](#).

In [his short preamble to the dialogue](#), d'Escoto Brockmann laid out some 'benchmark questions' regarding the matter of R2P's implementation:

1) "do the rules apply in principle and is it likely that they will be applied in practice equally to all nation-states, or in the nature of things is it more likely that the principle would be applied only by the strong against the weak."

Commenting, d'Escoto Brockmann said "no system of justice can be legitimate that by design allows principles of justice to be applied differentially."

2) "Will the doctrine...more likely enhance or undermine respect for international law? To the extent that the principle is applied selectively in cases where public opinion in [Permanent] 5 member states support intervention as in Darfur and not where it is opposed, as in Gaza, it will undermine law."

He added:

"Given the extent to which some great powers have recently avoided the strictures of the charter in resorting to the use of force and have gone out of their way to denigrate international law as being an impediment to both national policy and justice there is little reason to doubt that endorsement of R2P by the general assembly will generate new coalitions of the willing, crusades such as the intervention in Iraq led by self-appointed [saviors](#) who arrogated to themselves the right to intervene with impunity in the name of overcoming nation-state impunity."

3) "Is the doctrine of R2P necessary and, conversely, does it guarantee that states will intervene to prevent another Rwanda?"

"Here, the unfortunate reality is that the absence of the doctrine was not what prevented the international community from acting in Rwanda. We could have acted, and our actions would have been fully lawful and in compliance with the charter, but we chose not to act... Do we have the capacity to enforce accountability upon those who might abuse the right that R2P would give nation-states to resort to the use of force against other states. The capacity to review and hold accountable those who violate international law or abuse their legal rights is fundamental to any functioning system."

Citing his own country's history of fending off an R2P-like invasion during [the](#)

[1980's](#) and [early 1990's](#), d'Escoto Brockmann added:

"We Nicaraguans have our own deeply ambiguous experience in this regard. When we challenged the paramilitary actions organized and founded and directed by the United States against Nicaragua in the World Court in the mid-1980's the Court surprised many when it ruled in Nicaragua's favor. But the real test came with the enforceability. Nearly two and a half decades after the judgement was rendered the actions that were judged to be illegal were never stopped. And not a penny of compensation was ever paid as had been ordered by the court. It would be appropriate to insist that nations meet their obligations under international law before giving them the opportunity to ignore or violate new legal obligations. For all these reasons I wonder whether we are ready for R2P."

Significantly, d'Escoto Brockmann, like Chomsky and the other panelists would also concede, stressed that the spirit of R2P – ending genocide and mass atrocities- "is and should remain an important aspirational goal."

Nevertheless, with an implicit nod to the power and influence of the R2P Lobby, d'Escoto Brockmann argued that discourse surrounding R2P "is too important an issue to be left to narrow specialists, those who have made it a profession and an industry." This sentiment was later echoed in the press conference by Jean Bricmont, who said, "You see...the whole [R2P] discourse is completely biased by this pro-intervention philosophy."

In his closing statement, Bricmont called R2P "a new norm that, in practice, will give more power to Great Britain and the United States to intervene in the internal affairs of other states."

Chomsky concluded his portion of the dialogue by putting to rest an assertion made earlier [by a German delegate](#) that he had omitted reference to the actual R2P by conflating it with 'humanitarian intervention':

"The general principles of R2P that don't seem to me controversial...The question that is controversial is how the right of forceful intervention is interpreted, and, as I mentioned, that is controversial, there's difference of opinion, and also, in general, how it's going to be implemented. So will there be, in fact, an implementation of R2P right now that takes account of protected populations – a specific responsibility of the United Nations – who are being subjected to gross violations of fundamental human rights? Will it be applied to protect the children of the world in particular the children of southern Africa alone, who are dying daily at the rate of Rwanda, not for a hundred days but every day, and its getting worse because of [the] refusal of Western countries to do anything. So will the R2P apply to that? In fact, it's always the selectivity and the implementation that is at issue..."

The most prominent of the 'protected populations' Chomsky was inferring is Palestine. In the post-dialogue press conference, a reporter asked Chomsky if and how he thinks R2P can be applied to R2P in Gaza:

"It's very simple, it doesn't apply. It doesn't apply because of...the U.S. is backing the destruction of Gaza so therefore R2P doesn't apply; it's very simple...And it's not just Gaza, it's also the West Bank. In fact in the West

Bank...read the New York Times, they're very upbeat about the fact, as they put it, Israel finally has a legitimate partner for peace, maybe, in the Palestinian Authority. Why? Because of a big achievement. During the attack on Gaza, which was a U.S.-Israeli attack, not an Israeli attack; it was a U.S.-Israeli attack on Gaza, during that attack there was concern that there might be protests in the West Bank, but they were put down; they were put down by an army run by General Keith Dayton, U.S. General; trained and armed by Jordan and Israel, which is imposed in order to control the population of the West Bank."

During the attack on Gaza last January, I interviewed the UN's Special Rapporteur on the situation of human rights in the Palestinian Territories, Professor Richard Falk. Falk was also [a contributor](#) to the ICISS' original R2P project. A few weeks before Israel began its attack, Falk [denounced](#) the "collective punishment" being meted out against the Palestinians and said that "an urgent effort should be made at the United Nations to implement the agreed norm of a 'responsibility to protect' a civilian population being collectively punished by policies that amount to a Crime Against Humanity."

During the assault Falk reasserted this, "If not in relation to the population of Gaza I don't know where [R2P] *would* be applicable." Falk analysis concurred with Chomsky's. He added:

"R2P is subject to the political will of the powerful sovereign states, the powerful members of the United Nations, especially the U.S., and it just reinforces the understanding that geopolitics is primary and takes precedence over international law in those cases where the interests of the most significant members of the UN are engaged. And this is certainly an example of that and invites criticism of the UN as being subject to this geopolitical discipline, and [being] appropriately accused of double standards, of applying international law to the weak but excepting the strong consistent with the impunity that the leaders of powerful countries have while weaker leaders are prosecuted for their criminal conduct. So it's part of the reality of international politics at this stage I think."

Where Chomsky differs from Falk is on the matter of [so-called] "double standards." Said Chomsky during the post-dialogue press conference:

"They're not double standards; they're the single standard of maximizing power and wealth and privilege, and that applies in different ways in different times. So Palestine is particularly significant for the United Nations because these are protected people under the Geneva Conventions. So it's like the Iraq sanctions, which were in fact administered by the Security Council. So yeah, those are real responsibilities by the United Nations..and to answer your question about why nothing can be done, it's because the United States and its allies don't want anything to be done."

Chomsky and Bricmont provided a laundry list of historical 'R2P-like' interventions carried out by imperial powers (they could have mentioned Afghanistan's recent transformation to an R2P-like occupation under Stanley McChrystal's '[population-centric](#)' COIN approach). Many of the General Assembly's R2P-friendly delegates were uncomfortable with Chomsky, Bricmont, and Ngugi's constant drudging up of history.

Perhaps the most telling exchange of the day took place in the final stages of the press

conference. Evans was trotting out one of the usual suspects that is used to justify R2P (Bosnia, Rwanda, Cambodia, Kosovo – as Bricmont said “ These events are put together because they can always be blamed on lack of interventions, but nobody’s asking what the disastrous effects are of interventions.”) – in this case Kosovo.

Speculating whether or not a certain massacre was “sufficient to trigger the [75-day bombardment] response that was triggered by the international community” Chomsky then interrupted Evans, saying, “See that’s an interesting question... in 1999 at the same time in East Timor twice that number of people were killed.” Except in this case, illustrating the point that he reiterated over and over again throughout the day, “the reaction of the United States, Britain, and [pointing at Evans] Australia was to *increase its support for the aggressors.*” [Emphasis added]

To this, all the flustered Evans could muster was, [almost shouting] “don’t let’s play the numbers game when we’re talking about atrocities.”

For this exchange alone, the 2009 R2P debate is almost certain to go down in the annals as one of Chomsky’s finest performances. Even when directly called out, Evans offered no substantive response to either Chomsky or Bricmont:

Chomsky: “I think the main difference between Mr. Evans and me on this point is that we just see a different world. I don’t see anything changing. We talk about Rwanda, that’s nice, it was somebody else’s crime. Is anybody doing anything about Eastern Congo? It’s much worse than Rwanda, but no, nobody’s doing anything about it and we know why...”

Playing off the theme of dismissing Chomsky’s historical analysis, Evans charged that he held “a rather dark and jaundiced view of human nature, political nature, and the possibility of progress... I don’t think we should be quite as jaundiced and unhappy about everything as some people seem to be.”

Chomsky disagreed, arguing that his optimism is merely “differently focused.” Bricmont then jumped in and succinctly juxtaposed the two intellectual camps:

“[T]he difference between the two worlds of Mr. Evans and myself is that I look at the real world and real relationships of forces in the world and Mr. Evans lives in a paper world where things are written on paper very precisely with all the guidelines and all the norms, etc. The UN Charter is very well-written yet its still violated by the powerful. And of course..whatever norms are introduced are going to be violated by the powerful because there’s no political effort to limit the powerful. That’s as simple as that.”

All told, the R2P Lobby was likely shaken by finding the shoe on the other foot. As mentioned above and illustrated by the historical record, they are used to being in the dominant, largely unopposed position, and much prefer to evade direct confrontation with their critics (or, as it were, history).

(In the bizarro world, [the Economist](#) – who, to their credit, were one of the only major news agencies to report on the debate – proved Chomsky’s repeated general point about the

press's ignorance of such matters, accusing d'Escoto Brockmann (or, [as Reuters put it](#), "the radicals") of a well-organized "campaign to sabotage R2P," while ignoring the relative pervasiveness of the R2P Lobby, which they've never seen fit to report on.)

In the final minutes of the informal dialogue, one of the members of the '[Global Center for the Responsibility to Protect](#)' (GCR2P), Thelma Ekiyor of the George Soros-funded [West Africa Civil Society Institute](#) (WACSI), argued that "R2P is certainly not a Western norm." This is something that R2P's advocates often claim albeit with flimsy substantiation. Likewise, writing in the [Huffington Post](#), two of R2P's Canadian godfathers, Lloyd Axworthy and Allan Rock, fallaciously argue that "D'Escoto Brockmann, a professed R2P sceptic, appears to be throwing neutrality to the wind by organizing the events in such a way that a vocal minority will dominate the debate."

After Evans' (and, by extension, the entire R2P Lobby's) intellectual drubbing at the hands of the "vocal minority," it will be interesting to see if they can muster a more serious response to what are otherwise reasonable criticisms of what Bricmont terms the real-world "relationship of forces."

Simply put, and as this website is (partly) devoted to monitoring and disclosing, R2P could not have existed without the diplomatic maneuvering, significant funding, and power of the West beginning in the mid-1990's, irrespective of its later adoption by *some* non-Western countries and NGOs.

As d'Escoto Brockmann put it:

"Recent and painful memories related to the legacy of colonialism give developing countries strong reasons to fear that laudable motives can end up being misused once more to justify arbitrary and selective interventions against the weakest states. We must take into account the prevailing lack of trust from most of the developing countries when it comes to the use of force for humanitarian reasons."

The fate of R2P is still undetermined and the debates – which will hopefully be more open now – will continue. As one who has been closely following the doctrine's evolution for many years, my sense is that July 23, 2009, for whatever concrete impact it may or may not have on global affairs, was a watershed moment in its history. Kudos to d'Escoto Brockmann for organizing the event and for providing space for just the type of debate to take place that has been lacking for so long in the UN.

Note: all of the UN's Webcasts can be viewed [here](#).

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