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(...) The UN Charter of 1945 (...) upholds the Westphalia principles, by stating in article 2(7), that "nothing should authorise intervention in matters essentially within the domestic jurisdiction of any state." But Chapter VII does entitle the Security Council to take action in cases of a "threat to the peace, breach of the peace or act of aggression".

Tension between those two principles—sovereignty versus intervention—has been palpable for decades. Some countries stress the enforcement powers laid down by Chapter VII. Others (mostly in the poor world) insist that state sovereignty always trumps, even in humanitarian emergencies.

(...) Canada (...) set up an International Commission on Intervention and State Sovereignty, under the chairmanship of Gareth Evans, a former Australian foreign minister, and Mohamed Sahnoun, a former Algerian diplomat. In their report, published in 2001, it was they who first suggested changing the discretionary "right to intervene" into a more muscular "**responsibility to protect**", or **R2P**

as it is known in diplomatic jargon. Under it, the "international community" (in effect the UN) would be placed under an actual obligation to take, if necessary, coercive action to protect people at risk of grave harm, in accordance with clear criteria.

Taken up by a High-Level Panel on UN reform in 2004 and adopted by Kofi Annan, then UN secretary-general, the principle survived the haggling in the run-up to the 2005 World Summit to squeeze its way into the final "Outcome Document", though short of criteria. But it was never intended to cope with the aftermath of natural disasters or even "ordinary" human-rights violations. It was to be invoked only for genocide, war crimes, ethnic cleansing or crimes against humanity.

From the start, the idea was viewed by the developing world as a trick by the West to impose its values. Cuba, Egypt, Russia, Algeria and Myanmar have been vocal opponents. They have been leading a determined effort to obstruct the formal appointment of Edward Luck, a professor at Columbia University, as a special UN adviser on the issue. He still has no salary, no real title and no UN office.

Others, this time in the West, are asking whether **responsibility to protect** will ever be more than an empty slogan. When it came to it, who would be willing to intervene? How could such action ever get past all five of the Security Council's veto-wielding powers? Besides, as a senior UN official laments, the Iraq fiasco has "poisoned this well". It showed that an armed intervention, even if its declared aims are benign, can set off a whole chain of terrible consequences.

(...) It is not only about military intervention, they add, but also prevention: spotting situations that could result in mass atrocities. Political, diplomatic, legal and economic measures should be tried before any resort to arms. Not every conflict, potential conflict, or gross abuse of rights

should prompt application of the rule in the worst cases. And even when all non-military means have failed, armed intervention may still not be the right answer. The consequences must be weighed to ensure that it will not do more harm than good to the people it seeks to protect.

**Responsibility to protect** is not yet dead, but it is fragile. Supporters point to the power-sharing deal that stopped Kenya's civil war in February as the concept's first success. The fact that the UN, in principle, retains the right to impose its will by force may have made it easier for the world body to broker a settlement.

Perhaps. But the idea will need some clearer successes than that if it is going to survive. And Myanmar, apparently, is not going to be one of them.

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