

The responsibility to protect - Miriam Coronel Ferrer

WAYS OF SPECIES | MIRIAM CORONEL FERRER | 06/26/2009 1:16 AM



When the threat of genocide, war crimes, ethnic cleansing or crimes against humanity looms, what are states to do?

An emerging norm in the global community would insist that they have a responsibility to protect the people. States in the affected community, foremost, must take steps to shield their own citizens from the potential harm. Secondly, if they are unable to do so, then the international community should ensure that these states fulfill their commitment. It can take action through a variety of multilateral options, without needing to wait for a UN Security Resolution all the time or for gory pictures of slaughter to flood the pages of newspapers or the world-wide web before doing so.

UN Secretary-General Ban Ki-moon explained this important second pillar of filling in the gap in evocative terms in a 2008 speech. He said, It would be neither sound morality, nor wise policy, to limit the worlds options to watching the slaughter of innocents or to send in the marines.

But what if the states are themselves the source of the threat? How can we expect them to practice responsible sovereignty?

When other states or institutions come in to prevent or respond to the onslaught, wont such humanitarian intervention from the outside world in fact violate these states sovereignty -- especially since the range of tools that may be used include both pacific and coercive ones?

Can it not happen that such preventive action actually becomes an excuse for a war of aggression motivated by selfish, non-humanitarian interests such as we saw in the US-led invasion of Iraq in 2003?

These were some of the tricky questions discussed at a workshop on the new global discourse Responsibility to Protect (R2P) organized by the Australia-based Asia-Pacific Center for the Responsibility to Protect at EDSA Shangrila Hotel this week.

The R2P principle, put another way, posits that sovereignty comes with responsibility and, when states are remiss, they cannot use sovereignty as a shield. And yet, the R2P proposition argues that it actually reinforces sovereignty. Ban Ki-moon in the same speech painstakingly explains this point, given how allergic many states are to unsolicited, outside interference (weak, failing, rogue, authoritarian and/or isolationist states particularly resist the prying eyes of foreign entities).

The argument goes like this: States are forced to act and build capacity to responsibly address domestic strife in order to lessen the need for international succor. Enhanced capacity makes stronger states.

In any case, when UN member-states and regional bodies are able to show that they can act decisively in critical situations, then those intending to commit such atrocities (including states) may think twice before doing so.

Also, as UN Ban Ki-moon assured governments, R2P does not make it easier for a state to use force. Rather, it obligates states to observe the process set out in the UN Charter, should invasive means be needed. The authorization of the UN Security Council will be required. As such, the new norm (and practice) can even help prevent acts of aggression disguised as humanitarian acts.

It is understandable that R2P advocates in the UN have to assure states that they are not subverting the system of sovereign nation-states that has become the global order since the 19th Century. After all, the UN itself is built on this structure. No need to unduly scare away governments, especially the insecure and scheming ones, at this stage when the new norm is in its infancy.

As for me, I think many governments act in duplicity when they claim their rights to state sovereignty. The fact is, states compromise sovereignty all the time, selectively. They open up their borders, their people, economy, natural resources and military camps, but only to those they prefer. Northern states choose what type of immigrants, contract workers and refugees they will accept. Southern states prefer benefactors who will not question their modes of governance or will provide profitable deals.

State sovereignty has long been a myth. It was never absolute. Worse, it has become a convenient dogma to flag down when it suits the interests of leaders and governments, which are not necessarily the peoples.

I will gladly exchange a kilo of state authority for a universal norm that puts both onus and limits to states so that individually and collectively, we the people and our governments can more effectively prevent and respond to the worst forms of man-made calamities like genocide and other war crimes.

There are at least two immediate reasons why Filipinos have a stake in advancing the norm. With several armed conflicts raging in our borders, the escalation of violence and its harmful consequences on the civilian populace pose a clear and present danger to our war-torn communities.

Secondly, the massive Filipino diaspora guarantees that we will find Filipinos in all parts of the world, conflict areas included. They are there as nurses, domestic helpers, entertainers, construction workers, seamen, professionals, and as humanitarian aid workers and members of UN Peacekeeping Forces.

The outbreak of violence accompanied by massive atrocities in any one place would have a direct impact on Filipino families. We saw this in Lebanon when many female overseas Filipino workers were abruptly repatriated, in Somalia where many Filipino seafarers have been held hostage, and in Afghanistan and Pakistan where Filipinos working for the UN or an international aid agency have been killed in roadside bombs.

Filipino lives and livelihood will directly benefit from a global regime imbued with the responsibility to protect.

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