



**DURIAN**

By Amina Rasul

**The 'Responsibility  
to Protect' or R2P**

Last week, media reported on the findings of the Norwegian Refugee Council (2009 report) on the Mindanao refugees: "the Philippines was the most neglected displacement situation in 2008." Civil society organizations, the religious and other sectors of Mindanao have been lobbying, pleading, screaming about the humanitarian crisis that developed after war resumed with the non-signing of the memorandum of agreement on Ancestral Domain (MOA-AD) in August.

On August 3, the Supreme Court stopped the August 5 signing of the agreement by the government and the Moro Islamic Liberation Front (MILF) in Kuala Lumpur, hosted by the Malaysian government, which had facilitated the process. Within 24 hours, fierce fighting erupted in Central Mindanao, with thousands becoming refugees overnight. Within a month, 600,000 innocent civilians—overwhelmingly Muslim—were displaced and hundreds killed or wounded.

As the MOA-AD became a "hot potato," attacked by national politicians as "dismemberment of the state," the government dropped the potato it had helped to cook. The peace process has been shelved, and Mindanao has reverted to an arena for war. Since August, the refugees have grown as armed conflicts have erupted in other areas.

The term "humanitarian crisis" emerged to describe the situation in Central Mindanao, with the hundreds of thousands of internally displaced persons (IDPs) unable to return to their homes. Civil society organizations have petitioned the United Nations and other international organizations to intervene to help resolve the situation.

"Humanitarian intervention" has been the demand of communities ruined by conflict between state and its citizens: Rwanda, Kosovo, Bosnia, Somalia are four of the countries most severely affected, clear examples of the tragic consequences of inaction by the international community. Ethnic cleansing and genocide, mass slaughter, rape of women as a strategy to break the state's "enemies," and overwhelming numbers of refugees were the price paid by the communities. The failure by the United Nations and others to halt these

these heinous crimes heightened the debate about intervention for human protection purposes.

Is international intervention the necessary strategy, as it violates the principle of national sovereignty? This has been extremely controversial. For the victims, the international community should, but is not intervening enough. For the states in focus, the international community is intervening much too often and violating a member state's sovereign rights. Should the need to protect human rights trump state sovereignty? Or will this be an excuse for world powers to steam roll over small states, for their own interests, in the guise of humanitarianism?

Thus was the international norm "The Responsibility to Protect" or R2P born.

The "Report of the International Commission on Intervention and State Sovereignty" (2001) reinterprets the concept of state sovereignty to include its primary responsibility for the protection of its people. "The idea that sovereign states have a responsibility to protect their own citizens from avoidable catastrophe—from mass murder and rape, from starvation—but that when they are unwilling or unable to do so, that responsibility must be borne by the broader community of states."

The State's responsibility to protect embraces three specific responsibilities: the responsibility to prevent those monstrous crimes; the responsibility to react to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention; and the responsibility to rebuild post-conflict both physical and human infrastructure.

Will the principles of R2P appeal to communities in the Philippines? If they do, how can we organize a constituency for the promotion of R2P in the Philippines? These were the issues discussed by representatives of government, civil society and the academe during the workshop organized by The Asia Pacific Center for Responsibility to Protect (APC-R2P) on June 25 to 26 at the EDSA Plaza Hotel.

We from the Philippine Council for Islam and Democracy (PCID) are particularly interested in R2P's reworking of the definition of state sovereignty away from its traditional notion of protecting the interest of the state. PCID welcomes the attempt to reinterpret sovereignty as implying responsibility of the state to its own people, that the primary responsibility for the protection of its people lies with the state itself. Should the state violate the responsibility, the international community is obligated to intervene.

This is particularly applicable to the Bangsamoro and the indigenous peoples of Mindanao. The peace talks between government and the MNLF and later the MILF have been plagued by the concept of sovereignty. The talks bogged down with the state insisting on its right to protect its sovereignty, i.e., to protect its territorial integrity while the Muslim liberation fronts maintain that the

Bangsamoro nation's sovereignty was "stolen" from them when the United States included their ancestral domain as part of the new Philippine Republic. Thus, the Bangsamoro remain sovereign.

The sovereignty of the state must be employed to protect its citizens, particularly minority populations who suffer from persistent and continuing marginalization, neglect, and oppression. Understood this way, sovereignty should not be viewed as an obstacle to peace agreements; it should be the very basis of government in granting the Bangsamoro their right to self-determination.

The central theme of R2P or the "The Responsibility to Protect"—including the notion that when sovereign states are unwilling or unable to do so then that responsibility must be borne by the broader community of states—is something that PCID has advocated in the past. During the height of the conflict resulting from the MOA-AD controversy, PCID issued various statements asking regional and international organizations like the UN, EU, and ASEAN to exert their responsibility to avoid a humanitarian crisis brought about by the more than 600,000 people displaced by the conflict. We even led in the signing of a letter to the Pope Benedict, which I personally delivered to the Pope.

A problem I foresee is this: how can we expect the Arroyo administration to push for R2P when it has been accused of engaging in acts against its own citizens, which have resulted in a humanitarian crisis? ♦

*aminarasul@yahoo.com*