

*The Responsibility to Protect- International Ecumenical Consultation
Evangelische Akademie Arnoldshain
November 16 – 18, 2007*

PROTECTING THE IMPERILED AND THE LIMITS TO FORCE: THE CASE OF AFGHANISTAN

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Introduction

The World Council of Churches 9th Assembly Statement on the Responsibility to Protect, “Vulnerable populations at risk,” struck a careful balance between the need, under extraordinary circumstances, to resort to force to protect people in extreme peril and the very real limits to the utility of force. On the one hand the churches conclude that:

“In calling on the international community to come to the aid of vulnerable people in extraordinary suffering and peril, the fellowship of churches is not prepared to say that it is never appropriate or never necessary to resort to the use of force for the protection of the vulnerable.”

The statement acknowledges further that:

“Just as individuals and communities in stable and affluent societies are able in emergencies to call on armed police to come to their aid when they experience unusual or extraordinary threats of violence, churches recognise that people in much more perilous circumstances should have the right to call for and have access to protection.”

On the other hand, the statement insists that “this refusal in principle to preclude the use of force is not based on a naïve belief that force can be relied on to solve intractable problems.” It then goes on to elaborate at some length on the limits to force:

“The churches do not, however, believe in the exercise of lethal force to bring in a new order of peace and safety. By limiting the resort to force quite specifically to immediate protection objectives, the churches insist that the kinds of long-term solutions that are required – that is, the restoration of societies to conditions in which people are for the most part physically safe, in which basic economic, social, and health needs are met, where fundamental rights and freedoms are respected, where the instruments of violence are controlled, and in which the dignity and worth of all people are affirmed – cannot be delivered by force. Indeed, the limiting of legitimate force to protection operations is the recognition that the distresses of deeply troubled societies cannot be quickly alleviated by either military means or

diplomacy; and that in the long and painstakingly slow process of rebuilding the conditions for sustainable peace, those that are most vulnerable are entitled to protection from at least the most egregious of threats.

“The use of force for humanitarian purposes can never be an attempt to find military solutions to social and political problems, to militarily engineer new social and political realities. Rather, it is intended to mitigate imminent threats and to alleviate immediate suffering while long-term solutions are sought by other means.”

In effect, the Churches in the WCC have collectively said that in some circumstances the introduction of foreign military forces is part of the process of advancing well-being, but in others it is destined to make things worse. That being the case, a central point I want to make in this session is to encourage the ecumenical community to become part of the process of political discernment that indicates when multilateral force is likely to be appropriate and when it is not. The 9th Assembly statement said clearly that when force is used the context is critical:

“The use of force for humanitarian purposes must therefore be carried out in the context of a broad spectrum of economic, social, political, and diplomatic efforts to address the direct and long-term conditions that underlie the crisis.”

The process of political discernment on the question of when the resort to force is unavoidable must also include attention to the kinds of social and diplomatic efforts that must accompany the resort to force to generate a context in which it is more likely to contribute to the safety of those it is mobilized to protect. Again, the churches have a role to play in that context setting process.

But I want to begin by setting the WCC action in the context of the broader international community’s developing approach to failed states and to the human suffering that is an inevitable part of state failure.

Responding to human suffering in Failed States

The current locations of advanced state failure and human suffering are certainly known to us: Afghanistan, Darfur, the DRC, Iraq, Pakistan, Somalia, Zimbabwe. The list could be even longer; and of course the causes of state failure are many and varied. We have to be especially clear that state failure is not simply about the internal behaviour or will of troubled states. It is also heavily driven by external factors. International economic pressures, practices, and rules; the legacy of historic and more recent imperial adventures; complex regional dynamics; external support for tyrannical regimes – all of these are at play.

It is also true that all states fail to some degree (all lack the capacity or the will to adequately serve the well-being of **all** their citizens), but one of the key characteristics of advanced state failure is a state’s loss of its monopoly over the

exercise of lethal force. That failure is reflected not only in faltering law enforcement and escalating criminal violence, but also in the inability to prevent political violence linked to particular communities or political movements and to specific political objectives.

So how does the international community respond to advanced state failure?

Official indifference is certainly a big part of the international community's response to people deeply affected by advanced state failures, but another element is the kind of self-interest that reasserts itself in the "war on terror" dynamic. States have obviously always acted internationally in their own defence and to advance their own perceived interests, but the current prominence of self-interest in forming responses to failed states is particularly disquieting:

In his introduction to the 2002 US National Security Strategy, President **Bush** declares that "America is now threatened less by conquering states than...by failing ones." In other words, we powerful have to now defend ourselves against the impacts of failed states. Similarly, in the 2007 Failed States Index produced by **Foreign Policy journal** and the Fund for Peace the focus is not on the plight of the vulnerable within those failing states – rather, the journal adopts a tone of alarm to explain that, and I'm quoting now, "the threats of weak states...ripple far beyond their borders and endanger the development and security of nations that are their political and economic opposites."

In Canada, the current government adopted the same tone in explaining the Canadian role in Afghanistan. In May 2006 former Defence Minister Gordon O'Connor told Parliament: "The bottom line is that the mission in Afghanistan supports one of the enduring goals of Canada's foreign and defence policy: to protect Canada's national interest....Our national interest is straightforward: to ensure the security and prosperity of the Canadian people. This government has summed it up in two words: Canada first."

Well, if that is the approach, there isn't much doubt about whose interests intervention is intended to serve. If the primary assumption about failing states is that they threaten the security of distant, powerful, and stable states, it is obvious that international action will be filtered through the perceived security needs of the powerful rather than the welfare of the most vulnerable.

But in the post-Cold War era we have become familiar with, and the ecumenical community has been instrumental in advancing, some new and welcome efforts to formalize more constructive responses to people imperiled by extreme state failure:

We can attribute these efforts at least in part to a still relevant and still emerging *human security* framework. In Africa, when the OAU became the AU, African diplomats talked about a transition from a policy of non-interference to one of non-indifference. The primacy of sovereignty was to give way to a commitment to solidarity with the most vulnerable. The Canadian-sponsored International

Commission on Intervention and State Sovereignty was at work at roughly the same time (around the turn of this century) articulating the doctrine of the “responsibility to protect” (R2P) – making the same point that protecting vulnerable people should ultimately trump sovereignty and the principle of non-interference.

In 2005 the UN Summit formally accepted a responsibility “to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity” (and included a reference to Chapter VII – that is, to the resort to force in extreme circumstances). And a few months later the February 2006 9th Assembly of the WCC endorsed the R2P principle. As is well known to this audience, the WCC decision was not easily taken, but its constructive balance is based on the careful commitment to take seriously two prominent traditions within the ecumenical community: the deeply rooted wariness of militarism and the bold global ethic of solidarity with the suffering and the imperiled within a common humanity.

The case of Afghanistan

Concern about those imperiled by extraordinary human rights situation in Afghanistan preceded September 11, but when the United States, in the operation it called Enduring Freedom (OEF), first led the attack, the suffering of Afghans was not the primary concern. The perceived security interests of the interveners were the point of the operation – the legal framework being Article 51 of the UN Charter and its right to self-defence (supported politically, but without significant military involvement at that point, by NATO’s invocation of Article 5).

The subsequent establishment of the International Security Assistance Force (ISAF), however, supported by the Security Council, was more in line with the human security paradigm – its objectives were ultimately elaborated in the later and ambitious Afghanistan Compact: “...to overcome the legacy of conflict in Afghanistan by setting conditions for sustainable economic growth and development; strengthening state institutions and civil society; removing remaining terrorist threats; meeting the challenge of counter-narcotics; rebuilding capacity and infrastructure; reducing poverty; and meeting basic human needs.”

Both of these paradigms (human security and the self defence of the foreign interveners) still operate in Afghanistan – and the success of neither is now guaranteed.

In practice, ISAF has seriously failed to embrace the human security model, and it is a failure that the ecumenical community should clearly assess and for which it should then propose corrections. The churches have collectively said they cannot as a matter of course or principle rule out the resort to force in all cases, so it behooves them to have informed ideas on when, or when not, and how such force should be used to protect those in Afghanistan who have no other protection.

To the credit of the Churches, the WCC statement, as already noted, begins that assessment process when it says there are clear limits on the utility of force and that for force to be effective it requires attention to the social and political context.

One of the unintentional consequences of the insistence that force be engaged only as a “last resort” is that it tends to mythologize force as a final guarantor – when all else has failed, is the implication, we still have in reserve the resort to force to finally make things right. It is portrayed as a kind of *deus ex machina* that comes in at the last moment to neatly resolve the conflict, sort things out, and tie up all of the loose ends of the plot.

But, when everything else is failing, force will fail as well. That presumably is what is meant when military and political leaders acknowledge, in the context of Afghanistan, that peace cannot be won by military means alone.

The churches for the most part adamantly, and rightly so, opposed the US post-911 attack on Afghanistan. Both the language and the realities of war, we said, would not serve a measured and effective response to the crimes of 911. But when Afghanistan was attacked and the Taliban Government of the day was deposed, one of the urgent requirements was for the new transition government to assert and establish the state’s monopoly on the use of force in the context of a new respect for human rights. That required a new police force and judiciary in particular in order to build public confidence that the state was serious about public safety.

But the foreign military presence was unsuccessful in asserting the state’s monopoly on the resort to force because it failed to recognize that military force is not that *deus ex machina*; it is not an autonomous power that can transcend or overcome its context and simply force a predetermined outcome, regardless of political and social conditions.

For the International Security Assistance Force to become an aid to the pursuit of human security, both the “how” and the context of its exercise of force will have to change. This of course is recognized at least in part through the declared 3D approach (defence, development, diplomacy) – but it is the first D that has received the bulk of attention and the final D seems to stand for dormancy more than diplomacy.

Lessons learned from international engagement in other conflict zones suggest there are at least six key factors for setting a context in which ISAF can function as a peace support operation to end criminal and political violence and to bring stability and greater safety to the lives of affected populations.

1. In the Afghanistan context, the key failing is the absence of energetic efforts toward a comprehensive political consensus (*diplomacy*). This may well be the most neglected part of the collective international effort in Afghanistan. Without a negotiated settlement – that is, without a broad political consensus to support a new national order – inserting international military forces into any ongoing armed

conflict risks prolonging and intensifying that conflict and really puts the international community on one side of a civil war.

As the security situation continues to deteriorate in Afghanistan, especially in the south, there is growing recognition that contemporary Afghanistan has yet to go through the transformative experience of a national peace and reconciliation process.

The Bonn peace accord did much to set the stage for building a new order in Afghanistan, but it was incomplete. It did not address the fundamental discord between the country's northern and southern communities. That requires a dedicated peace and reconciliation effort, and lessons learned from other experiences tell us something about the essential components of such an effort.

It is not a matter simply of offering dissidents amnesty.

It is certainly not a matter of relying on elites and militia leaders to make deals to divvy up districts for them to control.

It is about engaging all sectors of society and communities of interest to build national institutions and practices that Afghans trust. That means:

- a peace and reconciliation process based on **inclusivity** (involving at some level all **local** stakeholders, as well as **regional** actors);
- it means a **locally owned** process that is broadly based (that includes women and civil society, as well as political and military groupings);
- it requires **international backing** that lends legitimacy and authority to the process, and
- it requires an **external facilitator** (the government of Afghanistan is obviously key, but it cannot itself facilitate the reconciliation process).

The political leadership in the intervening NATO countries has too often treated the very idea of negotiation as if it were a denigration of the military effort. But with the help of Afghan voices, there seems to be an emerging recognition that the military stabilization effort is likely to fail without the determined pursuit of a new kind of political consensus in Afghanistan.

The international Christian ecumenical community may not be especially well placed to engage prominently in Afghanistan. It is not for us, especially those of us who view Afghanistan from afar, to define the details of this much needed peace process. But we can confidently draw on past experience in other contexts to conclude that we should be tireless advocates for a comprehensive, inclusive peace process that is owned by Afghans and tries to build the political consensus that is now clearly absent.

2. There is also a primary requirement for any new order or government being assisted by foreign security forces to conduct itself in ways that continually earn the trust of the local population. This is a **governance** issue and speaks to the legitimacy of the Karzai government – which continues to be bedeviled by charges of

corruption and a lack of capacity to meet basic expectations. Unless there are determined and observable efforts to deal with those failings, the foreign military forces deployed in support of that government will also be regarded as illegitimate – helping to entrench leaders that are not trusted and to strengthen a regime regarded by many as antithetical to the interests of their community.

3. A visible effort at gun control is also essential (**disarmament**). There has been some **disarmament** in Afghanistan, especially the collection of some surplus larger weapons, but small arms obviously continue to be ubiquitous and the objective of disarming non-state groups, particularly in the North (the only part of the country where it might currently be possible), has made little progress.

4. The cooperation of neighbors (**diplomacy**) is obviously necessary and much has been written about **regional dynamics** and the importance of Pakistan. It is of course the testimony of experts that the instability in the region is inter-connected, and given current events in Pakistan, that is not a promising reality.

5. Active peacebuilding and reconstruction (**development**) are obviously central and also, in the case of Afghanistan, chronically under funded (although Canada is making a substantial investment). In the absence of measurable improvement in the daily lives of people, the presence of foreign military forces becomes yet another adversity, the scourge of increased violence on a social and economic landscape that is already overwhelmed by trial and hardship.

6. The constructive resort to force also depends on it being appropriate to the circumstance – demonstrating high respect for, and with the highest priority assigned to, the safety of the people (**defence**). The way in which force has been used in Afghanistan has of course come in for widespread criticism by Afghans and other observers. Foreign forces that abandon restraint, that do not respect the safety of civilians caught in the crossfire, not only undermine support for those foreign security forces but also jeopardize support for the leadership and institutions that those forces are there to bolster.

Conclusion

What transforms societies from “failed state” to functioning state status, in which people can live in relative safety, is not of course the absence of conflict. Rather it is the presence of national political and social institutions capable of mediating conflict without the resort to violence. It is also, as the WCC has acknowledged, the presence of accountable police or security forces that are mandated to deal with the spoilers in accordance with basic rights and the rule of law.

The role of force in stable communities is to deal with the exception. It is especially to give people the confidence that law breakers will be pursued and brought to justice. In most such situations force is not needed or directly engaged, but evidence of a commitment to the rule of law and of the capacity to enforce it, are essential to basic stability.

Similarly, the resort to collective international force can be part of the equation to provide for the safety of people in extreme peril, but its contribution depends heavily on the way force is employed and on the context which must be set by action related to diplomacy and conflict resolution, good governance, disarmament, and peacebuilding and reconstruction.

One final thing we can say with confidence is that it is time for the balance of the international effort in Afghanistan to shift sharply toward these essential context setting measures. The international ecumenical community should be at the forefront of encouraging that shift.