

**RESPONSIBILITY TO PROTECT
FROM THEORY TO PRACTICE: DILEMMAS AND CHALLENGES**

Opening Remarks

Dr. Guillermo Kerber, World Council of Churches

Dear participants in this Consultation
Dear brothers and sisters,
Dear friends,

It is an honour and a pleasure to be with you this evening. Let me express, on behalf of the Commission of the Churches on International Affairs and the World Council of Churches, our gratitude for the positive response we had from the Protestant Church in Hesse and Nassau, the Theological Working Group on the Decade to Overcome Violence of the Arbeitsgemeinschaft Christlicher Kirchen in Germany and the Evangelische Akademie Arnoldshain in co-organizing and hosting this meeting. At the WCC we see this Consultation as an important step in the process towards the Ecumenical Declaration on Just Peace which will be presented to the International Ecumenical Peace Convocation in May 2011 as the culmination of the “Decade to Overcome Violence 2001 – 2010 – Churches seeking Reconciliation and Peace”. Let me express our gratitude to two colleagues, Dr. Geiko Müller-Fahrenholz and Ms. Semegnish Asfaw, who were key players, from the WCC-DOV side, in the planning of this Consultation.

In the seven years after the release of the report of the International Commission on Intervention and State Sovereignty with the title “Responsibility to Protect”, this emerging international norm has made a significant process.

The international community is increasingly using it to address some of the most critical situations. We witness how theory becomes practice, what are the dilemmas when an international norm is implemented.

To put it shortly, the underlying question to the Responsibility to Protect discussion, could be formulated in the following way:

What should be the response of the international community to gross human rights violations, genocide, ethnic cleansing, war crimes, and crimes against humanity? How to prevent, react and rebuild before, during and after these grave situations?

The questions are not theoretical but built on the failure to prevent and effectively react to the genocides in Cambodia or Rwanda, the civil wars in Somalia or former Yugoslavia, to name some of the most well known examples. The current situations in Darfur, Sudan, Northern Uganda or DRC show the critical relevance of the topic.

Responsibility to Protect in the UN agenda

In fact, Responsibility to Protect has more and more become a reference at the UN level. Let me give you some examples of the last two years.

On April 28, 2006, the Security Council unanimously adopted the Resolution 1674 on the Protection of Civilians in Armed Conflict. It reads (the Security Council) “Reaffirms the

provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the *responsibility to protect* populations from genocide, war crimes, ethnic cleansing and crimes against humanity”¹. This was the first official Security Council reference to the Responsibility to Protect.

The Report of the High-Level Mission on the situation of human rights in Darfur² presented earlier this year affirmed:

“(2.) Having determined that the effective protection of civilians in Darfur was the central issue at hand, and that the most appropriate framework for addressing this question was the framework of international human rights and humanitarian law, the Mission decided to employ an analysis drawn from the *responsibility to protect*.” And in the body of the report, Chapters 4 and 5, refer respectively to Sudan’s action regarding the Responsibility to Protect and the International Community’s Responsibility to protect, analyzing efforts by the UN and the African Union.

The third example is taken from the words of the UN Secretary General less than a month ago. In his short message on the United Nations Day, October 24, 2007, Ban – Ki moon, expressed: “If security and development are two pillars of the United Nations work, human rights is the third. I will work with Member States and civil society to translate the concept of the *responsibility to protect* from word to deed, so as to ensure timely action when populations face genocide, ethnic cleansing or crimes against humanity”³. This shows the priority the UN SG will give to Responsibility to Protect in his mandate.

The development of the reference to Responsibility to Protect has not only been expressed in UN circles. To give you just one example, the NGO Working Group on Northern Uganda at its recommendations for urgent action by the UN System in December 2005, called on “the Government of Uganda, in accordance with its own National IDP policy and its commitments reflected in the 2005 World Summit Outcome, to fulfill its *responsibility to protect* all of its civilians by, inter alia, adopting an appropriate security strategy which focuses on protection rather than confrontation, prioritizing protection of civilians and aid convoys by ensuring adequate deployment of troops within northern Uganda and ensuring that these troops maintain the highest standards and are held responsible for any crimes they commit”.

WCC perspectives and this Consultation

For the WCC the “Responsibility to Protect” debate has reshaped discussions which have been at the core of the ecumenical movement since the creation of the WCC in 1948. Just war criteria, humanitarian intervention, protection of vulnerable populations at risk have been addressed through the decades and particularly in the nineties after the end of the Cold War era.

Two WCC governing bodies resolutions addressed Responsibility to Protect *per se*: a Minute from the Central Committee in 2003 which received the study made by the Commission of the Churches on International Affairs and more recently at the WCC Assembly in Porto Alegre, February 2006, the “Vulnerable populations at risk: Statement on the Responsibility to Protect”⁴.

¹ Resolution 1674 (2006) adopted by the Security Council at its 5430th meeting, on 28 April 2006. UN Ref. S/RES/1674 (2006)

² Report of the High-Level Mission on the situation of human rights in Darfur pursuant to Human Rights Council decision S-4/101. UN Ref. A/HRC/4/80, 7 March 2007.

³ UN Ref. SG/SM/11203 - OBV/656

⁴ A significant part of the preparatory process to the Assembly statement has been condensed in ASFAW, S., KERBER, G. and WEIDERUD, P. (Eds) *The Responsibility to protect. Ethical and theological reflections*, Geneva, WCC 2005, which includes the contributions to a Seminar on the topic held in April 2005 in Geneva.

This Consultation, among other topics, it will have to deal with some unsolved dilemmas and challenges related to R2P.

1. **National sovereignty.** The success of the ICISS report in shifting from national security focused sovereignty to human rights and human security focused sovereignty still need to be accepted by the states that are reluctant to acknowledge this shift.
2. **The use of military force.** Although the Report and subsequent studies affirmed several times that R2P means not only responsibility to react but also responsibility to prevent and responsibility to rebuild, the fundamental discussion remains on the use of force, the criteria or principles for military intervention which have redesigned the just war theory. I look forward to the session on Policing which will address somehow this topic⁵.
3. The **right authority** to decide upon military intervention given to the UN Security Council. In the extreme cases of states failing to protect its citizens, the Security Council should not have the combined role of both trustee of international law and enforcing authority. The reform of the working methods of the Council should come together with a profound revision of its membership which does not reflect the multilateralism and democratic principles that inspire the UN. It is quite significant that one of the most powerful bodies of the UN has not gone yet through the process of Reform as other bodies have.

The Consultation will recall how the churches have responded to this process and will make a step further in deepening the ethical and theological implications of this emerging norm.

This will not be an easy task. If we take for instance WCC member churches, we see there is not a common position yet. While some churches have welcomed and strongly supported the process, others still are very critical because of different reasons. Some highlighting the national sovereignty as a *conditio sine qua non*; others questioning the legitimacy of the Security Council to take the decision to intervene or given the present international landscape, expressing the concern that R2P could be used as an excuse by the powerful nations to intervene militarily to an “enemy” state.

On the other hand, R2P advocates would respond for instance that the principles for military intervention are comprehensive enough and should be considered altogether or that while the Security Council is not the ideal body, it is what we have to prevent more unilateral resorts to war. These are just some examples to see the complexity of the task before us.

Let me finalize with the words of a former colleague at the WCC, now working at the Brookings Institution in Washington DC. In her article on ““A faithful case for intervention: our common responsibility to protect humanity and prevent atrocities””, Dr. Elizabeth Ferris concludes: “While the international community has developed a means of responding collectively, albeit imperfectly, to victims of natural disasters and to inter-state conflicts, there is less consensus about the responsibility to intervene when people suffer at the hands of their own government. We need to build that consensus... and then act on those agreed-upon values. Humanity demands nothing less”⁶.

⁵ Prof. Dr. Tobias Winright, who will make one of the keynote speeches has recently published an interesting article on this subject, Community Policing as a Paradigm for International Relations in SCHLABACH, Gerald, *Just Policing, not War. An Alternative Response to World Violence*, Collegeville, Minnesota 2007.

⁶ FERRIS, Elizabeth G., A faithful case for intervention: our common responsibility to protect humanity and prevent atrocities in STEENLAND, S., RUDNLET, P., FUCHS, M. H. and BUCKLEY, D. (editors), *Pursuing the Global Common Good. Principle and Practice in U.S. Foreign Policy*, Washington, 2007, p. 88-89. Another chapter of the book also refers to R2P: HEHIR, J. Bryan, The Just war Ethic: Protecting the Global Common Good.