

R2P: A New and Unfinished Agenda

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Abstract

Recent tragedies in Burma, Zimbabwe, Congo and Darfur demonstrate in all too dismaying terms that the international community has a long way to go towards ensuring that when a government manifestly fails to protect its population from a humanitarian catastrophe the precepts of national sovereignty don't trump human rights. The promise of the principle of the "responsibility to protect" (R2P), embodying the imperative of international action to protect civilians when their own governments fail to do so or are themselves the predators, passed by the World Summit of leaders in 2005, has yet to be fulfilled as a firm international norm.

Keywords

International Commission on Intervention and State Sovereignty; UN World Summit 2005; climate change; gender; early warning; military intervention; UN Emergency Peace Service; UN Security Council; International Criminal Court; Darfur; Zimbabwe; Burma

Introduction

The impunity with which President Al Bashir in Sudan, President Mugabe in Zimbabwe and the military junta in Burma have carried out acts of repression, combined with the ineffectiveness of the international response, particularly at the United Nations Security Council (UNSC) and the African Union (AU), have set back efforts to establish standards that hold violence-prone regimes to account. The feeble international response has also triggered a resurgence of national sovereignty assertions, especially from China, India and Russia. Clearly, ever since coalition forces invaded Iraq in 2003 the act of international intervention has become anathema to many – especially in the global south. Support for international engagement to protect civilians has therefore

* We would like to thank Tobia Neufeld, Research Assistant at The University of Winnipeg, for her help in preparing this article.

suffered, largely from a misreading of the purposes of international intervention. The result is that tyrants have been left alone to rape, plunder, and kill. Russia's cynical invocation of R2P in its attempt to justify its military actions in Georgia has only served to aggravate this problem.¹

But recent events have not been all negative. In Kenya, former UN Secretary-General Kofi Annan proved the value of outside engagement when he succeeded in preventing an escalation in post-election violence, an outcome which he saw as an example of R2P in action. The International Criminal Court (ICC), by actively pursuing its legal warrants in Sudan, the Democratic Republic of Congo (DRC), and Uganda, acts as one of the few international institutions attempting to hold war criminals accountable. The ICC has persisted despite a backlash from several countries, including some surprising players such as Canada, who have been lobbying the Security Council to defer ICC actions. Fortunately, the apprehension of Radovan Karadžić in Serbia reminds us of just how important it is to sustain the pursuit of justice in post conflict settlements.

Indeed, the fact that Bosnia-Herzegovina even with all its trials and tribulations is nibbling at the edges of acceptance into the European Union demonstrates that international intervention to stop conflict, as flawed as it often is, followed by extensive efforts at rebuilding and mentoring by agents of the international community, can over time succeed in restoring a sense of normalcy. Too often we do not look carefully enough at what international efforts can achieve, blinded as we are by the failures.

The steps taken by present UN Secretary-General Ban Ki-moon to formalize the R2P principle in the UN system by appointing Francis Deng as Special Advisor on the Prevention of Genocide and Edward Luck as Special Advisor on the Responsibility to Protect, and the emergence of a well funded NGO to be a clearing house and promoter of the concept (the Global Centre for the Responsibility to Protect), are encouraging signs. So too is President-elect Barack Obama's enthusiasm for R2P. Certainly leadership from the United States on this front is long overdue and there is new hope that the team being assembled by the incoming president will reflect a strong commitment to the implementation of R2P principles.² This could be one of the ways in which the new administration can show its intent to re-engage in the advancement of international justice.

¹ Jeff Davis, 'Russian Envoy Invokes Responsibility to Protect Over Georgia', *Embassy*, 27 August 2008.

² David E. Sanger, 'Rivals split on US Power, but Ideas Defy Labels', *The New York Times*, October 22, 2008.

Recent events have also inspired controversy about the scope of R2P as it was adopted in 2005. French Foreign Minister Bernard Kouchner's call for an R2P-type response to the refusal of the Burmese junta to allow international relief for the millions affected by Cyclone Nargis clearly demonstrated that threats to people come not just at the point of a gun; they can also be caused by severe negligence in the aftermath of natural disasters or the outbreak of rampant disease. In every case in which civilian lives are threatened or taken in large number, the crucial question is whether a national government has earned the right to exercise sovereign control of its territory by its actions to prevent mass suffering of its citizens.

To echo a question asked in an earlier article, 'Is there a moral difference between an innocent person being killed by machete or AK-47, and starving to death or dying in a cholera epidemic that could have been avoided by a proper humanitarian response?'³ If R2P does not apply to situations where a government is actively working to deprive large numbers of people of life-saving assistance, then we must ask how far the international community has come in saying that it will never again sit idly by in the face of mass human catastrophe. Indeed, the 2001 report of the International Commission on Intervention and State Sovereignty (ICISS) anticipated a situation such as the one in cyclone-ravaged Burma when it included in its threshold criteria '[o]verwhelming natural or environmental catastrophes, where the state concerned is either unwilling or unable to cope, or call for assistance, and significant loss of life is occurring or threatened'.⁴

Kouchner's assertions stirred a rebuttal from those who believe that R2P should be confined within the limits of the World Summit articulation which refers only to genocide, war crimes, ethnic cleansing and crimes against humanity as justifications for international action. Yet many, including ourselves, supported Kouchner's assertion that the elements of R2P could and should apply in Burma. We believe that in any event, the case could have been made that the actions of the military junta were indeed a crime against humanity.

While it is important that these issues be debated, there is some evidence that R2P is not sufficiently known, let alone discussed, among commentators and scholars, especially in the United States. This despite the fact that R2P is a formulation that can bridge the disconnect between global challenges that require a collective solution and a world governed by a system of individual nation states. Reading recently in the prestigious journal *Daedalus*, a publication

³ Axworthy, 'It's Time to Intervene', *Ottawa Citizen*, 13 May 2008.

⁴ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), p. 33.

of the American Academy of Arts and Science, we came across a learned article from a Yale professor. Seyla Benhabib ends her piece, titled ‘The Legitimacy of Human Rights’,⁵ with a call for a new law on humanitarian intervention that is clearer about the conditions under which UN intervention in the affairs of a country is justified. The article does not reference R2P and serves to illustrate that well-intentioned scholarly work is still bypassing the new doctrine.

It suggests to us, as the ones who respectively launched the ICISS on behalf of the Canadian government and participated in the effort at the UN that resulted in its adoption, that a renewed sense of urgency should be brought to the task of defending and promoting R2P. Its unfinished business should be addressed promptly. Advocacy should be undertaken in a strategic and focused way. Political support should be mobilized around a broader range of tools for implementing R2P. It is important to release R2P from the shadow cast by the unwarranted Iraq invasion which gave other, more salutary, international interventions a bad name. And it is time to reinvigorate the concept by focusing on a new agenda of action for those who believe in R2P and want to see it move from infancy to adolescence and beyond.

Unfinished Business

As R2P’s supporters look to build on the success of the 2005 World Summit, we suggest that a variety of critical subjects demand the attention of Secretary-General Ban Ki-moon, Edward Luck and Francis Deng, as well as the Global Centre for the Responsibility to Protect. We suggest that R2P’s ‘unfinished business’ encompasses a wide range of important tasks, including these:

- creating a system for early warning;
- developing alternatives to military intervention;
- adopting rules on the use of force;
- perfecting sanctions;
- assembling a standing UN emergency peace service;
- creating a plan for Security Council reform;
- incorporating the overlooked element of gender within the R2P framework; and
- intensifying advocacy.

⁵ Seyla Benhabib, ‘The legitimacy of human rights’, *Daedalus*, Vol. 137, No. 3, Summer 2008, pp. 94–104.

In this first section, we examine this unfinished business and offer a practical and timely ‘to do’ list for those now in charge.

Early Warning

An early warning system was specifically prescribed in the World Summit document.⁶ Such a system should be part of a toolbox of instruments for prevention. Properly designed, an early warning mechanism could be deployed with flexibility and speed to monitor, assess and react to potential crises before they develop. Poor information flow and insufficient collaboration between the UN, regional organizations, member states and non-governmental organizations (NGOs) is hampering prevention efforts at present. Data sharing between these actors in potential crises must become more efficient if timely preventative measures are to be implemented. These efforts would be bolstered by the development of an early warning system that would engage in systematic monitoring focused on a well-maintained watch list of potential crisis situations. Information would be collected from a variety of sources including the Human Rights Council and the office of the UN High Commissioner for Human Rights, the Office for the Co-ordination of Humanitarian Affairs and the Peacebuilding Commission.

During the international campaign to ban landmines, NGOs were highly effective in raising awareness of the global scourge of those deadly weapons. An important part of the implementation of the landmines treaty is the existing monitoring network – totally manned by civil society groups, and paid for by a small cadre of middle power governments – that annually presents a report of adherence and transgressions. There is nothing to prevent an informal team of likeminded governments and NGOs from building such an R2P monitoring network now. The power of new information and communication technology to link a broad coalition of committed parties and to provide real-time reports could provide ways to fill in the gaps on early warning. Establishing such an informal network could be a very progressive step forward, not requiring elaborate negotiation. Resources from governments would be needed to pay basic costs but the capacity already exists in global civil society to make it work. Their presence ‘on the ground’ would make them highly effective in monitoring, tracking and drawing attention to early signs of ethnic violence or incipient genocide.

⁶ UN General Assembly, ‘2005 World Summit Outcome’, A/60/L.1, 20 September 2005, para. 139.

Alternatives to Military Intervention and the R2P Toolbox of Peaceful Interventions

Another priority for early action must be the development of diplomatic capacity like that which led to the success achieved by Kofi Annan in the response to post election violence in Kenya. This should be a direct undertaking by the UN and other multilateral and regional organizations. We can speak from our direct experience as former envoys in saying that such work demands appropriate staffing as well as freedom from the bureaucratic rules that impede travel and embroil envoys in time-consuming and costly organizational complexities. A corollary of a preventive diplomatic role under UN auspices is to have a very effective ‘diplomatic friends’ group, made up of representatives from committed countries that can run interference for the envoy mission, secure agreements from home governments and ensure that the diplomatic effort is not undermined by individual efforts from UN member governments working at cross-purposes. Again, this is not an initiative that calls for major new undertakings. It fits well into the existing toolkit of the UN and just needs to be given a meaningful mandate and the necessary political backing.

Adopting Rules on the Use of Force

All too often the broad range of economic and political options available to pressure and persuade governments is lost in premature discussions about military intervention. The development of this toolbox of peaceful intervention options should be at the forefront of any agenda for the application of R2P. As we have seen with Russia’s misappropriation of the concept, preoccupation with the military intervention component of R2P highlights one of the biggest challenges facing those who seek to advance global understanding and acceptance of the R2P principle. The strict and rigorous threshold criteria for military intervention presented in the ICISS report, but left out of the World Summit document, provide important protection against the misapplication of the principle and the misuse of military force in the name of R2P.⁷ A clearer enunciation of other available measures, to be used before any threat of direct military intervention, would pull the fangs out of many of the more hard line opponents.

⁷ See ICISS, *The Responsibility to Protect*, p. 32.

Sanctions

Any examination of the tools needed to make R2P work should include a capacity for quick targeted sanctions and emergency relief that can be initiated as soon as an early warning alert has been registered. This authority needs to be given to the Secretary-General to implement. The example of the Commonwealth should be studied for guidance and precedent. Under the Harare declaration which opposes military takeovers of government, any transgression would trigger the establishment of a ministerial action group. In the cases of Nigeria, the Gambia and Pakistan, recommendations were forwarded and in some cases immediate action was taken to suspend membership or to impose targeted sanctions. These were good examples of timely action to reduce escalation of conflict and suffering. A catalogue of means must be developed by which sanctions could be directed at leaders, including travel bans, financial withholdings, and legal remedies that could be managed by a committee of the Security Council.

UN Emergency Peace Service

When it comes to mobilizing protection forces, the present system of reliance on the good will of the willing is proving to be unwieldy and inefficient. In Darfur the failure to provide helicopters and logistical and intelligence support has been a major handicap to action. The proposal put forward by a number of committed civil society organizations for a UN Emergency Peace Service now deserves attention.⁸

Imagine a comprehensive emergency response service based at the UN and comprised of 15,000 or so civilian, military, police and judicial personnel with a broad range of skills, experience and equipment ready to be deployed to a crisis area within 48 hours after UN authorization. Such a quick and wide-ranging intervention would serve to significantly block the escalation of a preventable humanitarian crisis in the time before a full peacekeeping force or other appropriate response could be mobilized. One need only recall the quick action by a British parachute battalion in Sierra Leone to see what an advantage a well prepared intervention represents.

As first responders to situations of mass atrocity or large-scale environmental catastrophe, a UN Emergency Peace Service would augment – not replace – other responses to humanitarian crises. Its expertly trained personnel

⁸ Robert C. Johansen (Ed.), 'A United Nations Emergency Peace Service to prevent Genocide and Crimes Against Humanity', (New York: World Federalist Movement, 2006).

would work to stabilize crises, preparing the way for the UN, regional organizations and domestic governments as they undertake the time-consuming and often frustrating process of marshalling ad hoc support and resources for peace and relief operations should they be necessary. While it is clear that such a sophisticated emergency response capacity would demand significant financial support to start up and to sustain on an annual basis, the costs of humanitarian crises that are allowed to escalate and spread in the absence of such a quick and effective response are unquestionably higher.

Security Council Reform

Security Council use of the veto to constrain UN action in places requiring intervention, even in cases of the most urgent preventive kind, is an abuse of the veto privilege and needs to be challenged openly and judicially. It could become a matter of serious opposition to the power of the Permanent Five and a key element of a reform package. A beginning point would be restrictions on the use of the veto when it comes to matters of civilian protection measures. Just such restrictions were part of the original R2P proposal during the lead-up to the Global Summit in September, 2005. This element was abandoned, however, when the P5 made it clear that they would withhold support for R2P as long as the draft document contained any reference to or limitations on their veto.

We also propose a rethinking of the roles and scope of responsibilities of regional organizations. A debate should be initiated on establishing concurrent powers whereby the Security Council could pass enabling resolutions with regional groups taking on direct action, as we have seen in the Kenya example. This would go a long way to overcoming suspicions that R2P is just another form of Western colonialism. It also begins to more accurately reflect the realities of new power alignments. There is the risk that such regional bodies would avoid taking R2P action. But in any such event, they would face the responsibility for doing so, and suffer the accompanying opprobrium.

Gender

Particular attention must be given to the role of gender in strengthening the R2P framework.⁹ The original ICISS report did not take into account the

⁹ See Jennifer Bond and Laurel Sherret, 'A Sight for Sore Eyes: Bringing Gender Vision to the Responsibility to Protect Framework', *INSTRAW*, March 2006.

unique experience of women and girls in conflict situations. Indeed, the word 'gender' does not appear at all within its pages. Yet, in the tragedies cited in the opening paragraphs, we know that it is women and their children who are often the main victims. This central reality should become a major dimension of the R2P rationale. Such an approach might encourage broader support for its implementation. At the prevention level, gender perspectives must be built into early warning analysis and must be reflected in data collection processes. At the level of reaction, gender awareness training for all peacekeeping personnel is essential. The participation of women must be promoted at all levels of an intervention, from the appointment of women as special representatives and envoys, to the representation of women in civilian roles, and in the military and police. At the rebuilding level, the role of women has proven vital in local conflict resolution and peace building initiatives. There is increasing recognition that the empowerment of women can lead to salutary impacts on reducing the potential of violence, the mobilization of democratic and economic forces, and the creation of a political culture of stability. The original R2P analysis did not include these crucial points; they now must be built into the equation.

Advocacy

The most important element presently missing in the R2P effort is the lack of concerted support for the implementation of R2P. There are, of course, NGO groups dedicated to the promotion of the idea in New York and there is a 'friends group' of diplomats who meet regularly in the UN system to push for implementation. The new Global Centre for R2P in New York is a particularly important innovation. But these efforts must be stepped up and properly supported. The recent establishment of a network of centres around the world will help in developing and disseminating information, and in bringing recommendations to decision makers. But what is still missing is the serious political clout that can only be obtained when powerful forces combine to push an issue to the top of the agenda. The landmines ban and the establishment of the International Criminal Court were products of a unique form of political partnership between a key group of committed countries, a broad based coalition of NGOs, and a group of powerful international organizations such as the Red Cross and the UN Secretary-General's office. The international effort to prevent and treat HIV/AIDS has had very influential private sponsors like the Gates Foundation. And in the early nineties there were the major UN conferences on social and human rights that brought world-wide attention to specific goals and mobilized people and resources behind them.

This type of mobilization is essential in order to move the R2P initiative out of the cloisters of New York and small groups of conference-going cognoscenti, and into the broad public realm. The person who must do this is the present Secretary-General who, if he made this a priority and not just one of many initiatives, could help R2P achieve takeoff.

As previously mentioned in the discussion of early warning measures, the power of the Internet provides a largely untapped potential for political mobilization on a world-wide scale. We have seen this power in the recent campaign of President-elect Barack Obama as it tapped into young people's aspirations for change. This is being replicated in organizations like *TakingIt Global* which is engaging young people from around the world on international issues.¹⁰ There are now exciting experiments such as the *Global Kids* initiative which is looking at how young people are using virtual reality to connect with their peers around the world and how they can become involved in decision-making.¹¹ Such a force for education and advocacy must be harnessed to advance the cause of R2P.

Tackling R2P's unfinished business must also involve contributions from people and organizations working in the field, not just those in New York and Geneva. It will require cooperation among likeminded governments, practitioners in peacebuilding and peacemaking, experts on target issues such as gender, sanctions and regional issues, and key NGOs to determine how the R2P principle as adopted at the 2005 Global Summit can be strengthened and given a refreshed political strategy. The role of regional and sub-regional organizations in bringing the principles of R2P to life should not be underestimated. In particular cases, organizations like the AU and ECOWAS may, in fact, be better positioned to respond to developing crises than the UN, at least in the short term. Even in Asia, where R2P has had difficulty in gaining acceptance, the new leadership at ASEAN should be invited to engage in a dialogue on R2P.

Successful recruitment to this reinvigorated coalition of R2P advocates will require a high level of political adroitness to gain the inclusion of partners from newly emerging states who are members in good standing of the new coalitions and regional organizations. They will be in a strategic position to give acceptance to the R2P idea and must be brought on board. In setting up the Human Security Network in the 1990s, very intense one-on-one diplomacy by Canadians and Norwegians was the key. The question is who will take on a similar role today. The Secretary-General must use the power and

¹⁰ See <http://www.takingitglobal.org>, date accessed 13 October 2008.

¹¹ See <http://www.globalkids.org>, date accessed 13 October 2008.

prestige of his office to recruit allies. And he must provide a venue in which participation can be channeled around R2P and those of its offices which address threats that are felt very acutely in Asia, Africa, Latin America, and the circumpolar region.

New Business - New Agenda - New Commission

Today's world is full of challenges that do not belong to a single state. These 'problems without passports' (as Kofi Annan has called them) can only be addressed by collective action. No individual government, no matter how powerful, can solve them. And they are as urgent as they are numerous. Problems like global warming, terrorism, migration, transnational crime and water management form a world-wide-web of shared challenges that encircle and connect us – North and South, developed and developing, rich and poor – and they will only yield to a shared response.

The political structures available at present to furnish collective solutions to these global challenges are wholly insufficient for the task. The most prominent political instrument remains the separate, sovereign state. Its traditional attributes lengthen and complicate, and sometimes render impossible, the job of forging common positions. Form frustrates function, and global problems worsen, as 193 governments work at their own pace to develop distinct policies through separate processes. Antiquated machinery, designed for a distant and very different world, now slows the production of effective responses and almost guarantees a lack of consistency in practice amongst them.

There is a pressing need for solutions developed through a framework that is as universal as the problems that confront us. A new approach to global action, and a bridge to get us there, derives from some of the principles that underlie R2P. Although R2P itself is uniquely and solely intended to deal with situations of mass atrocity, when R2P is 'unbundled' and its component principles examined, it becomes clear that those foundational principles can be applied to other problems that engage humanity as a whole.¹²

Three of the principles in particular are important here: the continued recognition of the primacy of the sovereign state as 'first responder'; the duty of

¹² It is important to recognize that R2P is uniquely intended for cases of threatened or actual mass atrocity: genocide, large scale ethnic cleansing, war crimes and crimes against humanity. R2P itself cannot be applied beyond that limited context. To do so would be plainly wrong and damaging to R2P itself.

the international community to support the state in meeting that responsibility; and the refusal of the international community in areas of global priority to accept the single state's failure or refusal to act as the last word.

Climate Change as an Exemplar

There is perhaps no phenomenon more pertinent to the lessons of R2P than the global challenge of climate change, arguably the most serious threat to international peace and security at present. The Nobel Prize winning Intergovernmental Panel on Climate Change tells us that human-induced global warming is an unequivocal reality.¹³ It is a cruel irony that the countries who bear the least responsibility for the climate change crisis will suffer its most damaging effects. According to an Oxfam International report, rising sea levels, droughts, floods, cyclones and other catastrophic weather events are already violating the rights to life, food, water, shelter, security, health, and culture for millions of people around the world.¹⁴ Darfur is an exemplar of how the affects of global warming can undermine human rights and threaten international stability. As UN Secretary-General Ban Ki-moon writes in the *Washington Post*, '[t]he Darfur conflict began as an ecological crisis, arising at least in part from climate change'.¹⁵ Where once Darfur's nomadic Arab herdsman and black African farmers cooperated with each other, sharing resources and engaging in economic exchange, the resource scarcity brought on by the global warming-induced drought has spurred competition and conflict between them, leaving the region ripe for the criminal actions of the Sudanese government which have plunged the region into instability and chaos.

In a variety of national intelligence estimates the issue of climate change and the potential it has for engendering human suffering, along with intense conflict and resource competition, has become a standard assessment. This is perhaps nowhere more applicable than in the Arctic region where climate change is already having a devastating effect on the fragile ecosystem and where the unique lifestyle of northern Inuit people is under duress. Indeed, the Inuit Circumpolar Conference representing indigenous people in all the Arctic states has taken a brief to the Inter-American Human Rights Commission

¹³ See Intergovernmental Panel on Climate Change, Summary for Policymakers in *Climate Change 2007: Synthesis Report* (Geneva, Switzerland: IPCC).

¹⁴ Oxfam Briefing Paper, 'Climate Wrongs and Human Rights: Putting People at the Heart of Climate Change Policy', September 2008.

¹⁵ Ban Ki-moon, 'A Climate Culprit in Darfur', *The Washington Post*, 16 June 2007.

claiming that the excessive use of carbon fuels by developed nations is causing a form of cultural genocide.¹⁶

In response to Arctic warming, governments of the circumpolar region are engaging in a competitive scurry to plant flags, bolster their military presence and engage in disputatious legal wrangles. As a result, the region is in danger of becoming a source of serious conflict between Canadians, Americans, Europeans and Russians with the consequence that the interests of northern indigenous people will be ignored, the impact of climate change on the delicate ecology of the region will be overlooked, and the prospect of cooperation in the creation of well governed sea routes that can open up new trade opportunities will be foregone. Recently, the Chinese have become actively engaged in looking at the potential resource riches in the continental shelf under the Arctic Ocean and American security reports are raising alarms over homeland security threats emanating from their northern exposure. The cold Arctic climes are becoming an international hot spot and there is no agreement on common governance goals. The threat of climate change is not an abstract debating point. Its consequences are apparent and real. Yet its implications for international security are little understood and poorly defined. The pathetically inadequate agreement on climate change last year at the G8 Summit that would see a halving of global emissions by 2050 demonstrates the challenge of forging solutions to common problems.¹⁷

How is an Unbundled R2P Applied to the Challenge of Climate Change?

Imagine a global consensus on climate change that recognizes causes and effects, and establishes targets and tactics. Imagine, too, the shared expectation that each state will do its part by acting as agreed to meet the challenge. Finally, imagine that the consensus is adopted against a background that includes the following principles:

- Each sovereign state will be looked to first to do its part towards achieving the consensus goals;
- The international community will furnish such support as may be needed to enable each state to get the job done;

¹⁶ Petition to the Inter-American Commission on Human Rights Seeking Relief from Violations From Global Warming Caused by Acts and Omissions of the United States, Submitted by Sheila Watt-Cloutier, with the Support of the Inuit Circumpolar Conference, on Behalf of All Inuit of the Arctic Regions of the United States and Canada (2005).

¹⁷ Sheryl Gay Stolberg, 'G8 sets goals to halve emissions by 2050', *International Herald Tribune*, 8 July 2008.

- Where a state fails or refuses to do its part, there will be consequences calibrated to meet the seriousness of the lapse. Those consequences will be determined by the international community, designed to enable achievement of the consensus goals, and sanctioned by a lawful authority such as the UN Security Council.

By ‘unbundling’ R2P and borrowing its component principles while recognizing important distinctions, the state’s failure or refusal to comply with otherwise universally-accepted rules on climate change might be met by one or more of a variety of responses calibrated to achieve a shared purpose in the most effective and appropriate way possible.

The international response to reluctance or refusal on the part of individual states might start with capacity building, technical assistance and other support. Continued resistance could be met with political pressure, including sanctions. States refusing to do their part could be isolated and face escalating consequences, reinforced by measures taken by regional organizations. In extreme cases, international action might be justified in order to preserve or rescue an environmental asset in which there is clearly a shared and essential interest, or to prevent environmental degradation that would have significant implications for humanity.

This new architecture would allow the achievement of shared objectives without departing from the primacy of the sovereign state, while also escaping the Westphalian straightjacket that impedes progress at present. Any such approach should also reflect the crucial role in global governance to be played by civil society, NGOs, transnational institutions, and networks of groups and individuals, all of whom have enormous influence over events – sometimes even more than some nation states. The success of widespread partnerships between such actors and governments, along with multilateral organizations, can be seen in the post-tsunami relief program in Asia and in the convention to ban landmines.

Whoever takes up the reins, the time has come for us to marshal such common efforts on a range of pressing issues if we are to save the planet from threats that thrive on indecision and division. By calling upon individual states to implement a consensus decision or face consequences, we can move beyond the paralysis induced by handing every state a veto over collective action by allowing a traditional conception of sovereignty to triumph over all other considerations.

It is important to remember that the guiding light for the inception of the ICISS in 2000 was the concept of human security which put people, rather than state structures, at the centre of foreign policy – promising a new

emphasis on people rather than power. With the bloody chronology of the 1990's clearly in mind, the Commission found a way to reconcile state sovereignty and our duty, borne of our common humanity, to prevent or stop mass atrocities.

While the highest priority must continue to be the full implementation of R2P, it is time that we begin to think about how to marshal similar support around other pressing global issues. We advocate that discussions begin on establishing a new International Commission to carefully and comprehensively revisit the creative enterprise that inspired R2P by examining how the principles inherent in the R2P concept represent one of the few ways of bridging the gap between the nation state system of political management and the global nature of risks and threats requiring cooperation and collaboration. As discussed at recent international meetings in Berlin on the impact of climate change, it is important to begin seeing global warming as an issue of pervasive security, perhaps the most extreme security challenge of the twenty-first century. Does it not make sense to use the language of security as articulated by R2P as a way of drawing a much larger circle of involvement and interest to the prevailing storm that is upon us?

Conclusion

For success to be reached on an agenda for R2P's 'unfinished business' there will have to be a renewed sense of political leadership that seeks to reignite the commitment. Many of the earlier champions have fallen by the wayside (in particular, alas, Canada). New champions will have to emerge.

The same is true of any effort to build on the essential components of R2P, by 'unbundling' them and seeking to apply them to other collective challenges.

Could it be that the new U.S. administration will exercise leadership in building a new international architecture? Can the newly emerging powers of India and China become engaged knowing that their coastal cities – the strength of their economies – will be submerged if present trends continue? A new Commission looking at security risks of the twenty-first century, informed by the work that has gone into R2P and drawing on the framework it has established, might be one way of moving the present fractious global system towards agreement on how to build governance that is pertinent to our times and our future. As the historian Sir Martin Gilbert has said: 'Since the Peace of Westphalia in 1648, non-interference in the internal policies of even the most repressive governments was the golden rule of international

diplomacy. The Canadian-sponsored concept of ‘responsibility to protect’ proposed the most significant adjustment to national sovereignty in 360 years. It declared that for a country’s sovereignty to be respected, it must demonstrate responsibility to its own citizens’.¹⁸

In our view, the time has come to take the proposal forward and make it a force for global action.

¹⁸ Sir Martin Gilbert, ‘The Terrible 20th Century’, *The Globe and Mail*, 31 January 2007.