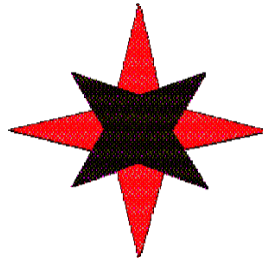


Canadian Friends Service Committee
Discussion Paper



The Responsibility to Protect Report:
Reinterpreting the Role
of the International Community
in Cases of Gross and Systematic
Violations of Human Rights

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Introduction

At the United Nations Millennium Assembly in September 2000, then-Prime Minister Jean Chrétien announced that an independent International Commission on Intervention and State Sovereignty (ICISS) would be established as a response to UN Secretary-General Kofi Annan's efforts to get the international community to build a consensus on how to respond in the face of massive violations of human rights and humanitarian law. As Kofi Annan expressed in a report to the General Assembly:

If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica - to gross and systematic violations of human rights that affect every precept of our common humanity?

The Commission's mandate was to "promote a comprehensive debate on the issues, and to foster global political consensus on how to move from polemics, and often paralysis, toward action within the international system, particularly through the UN." (Responsibility to Protect Report, p. 81). "The Commission was asked to wrestle with the whole range of questions - legal, moral, operational and political - rolled up in this debate, to consult with the widest possible range of opinion around the world, and to bring back a report that would help the Secretary-General and everyone else find some new common ground." (Report, p. vii)

*The Responsibility to Protect Report*¹, published in December 2001, states that "This report is about the so-called 'right of humanitarian intervention': the question of when, if ever, it is appropriate for states to take coercive—and in particular military—action, against another state for the purpose of protecting people at risk in that other state." (Report, p. vii)

The Report is a central, and complementary, policy framework to the "Human Security Agenda" of the Department of Foreign Affairs and International Trade (DFAIT).

Canadian Friends Service Committee (CFSC) is bringing this document to the attention of Canadian Friends because their Peace Testimony and social witness lead them to be concerned with how conflict is resolved by peoples and nations.

The purpose of this Discussion Paper is to provide Canadian Friends with background for discussion on this area of Canada's foreign policy. This Paper will consider the following questions:

What does *Responsibility to Protect*, the Report of the International Commission on Intervention and State Sovereignty (ICISS) recommend?

What is the Government of Canada's position?

What issues are raised by Canadian Friends about the Report?

Do Friends have non-violent alternatives to offer?

This Paper was prepared after several CFSC staff and committee members attended seminars and studied the ICISS Report, held discussions and consulted with other Friends. It is not intended as a statement of a position, but as an educational resource to use as Canadian Friends discern how

¹ The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty. Ottawa, ON: International Development Research Centre, 2001. The Report can be downloaded or ordered from <<http://www.dfait-maeci.gc.ca/iciiss-ciise/report-en.asp>>

they would like to engage in this international debate. CFSC invites Friends to discuss this briefing paper and to send comments to CFSC through Gianne Broughton.

What does the Report of the International Commission on Intervention and State Sovereignty (ICISS) recommend?

After a year of consultations all over the world, the Commission presented its Report in December 2001. The Canadian Department of Foreign Affairs and International Trade (DFAIT) continues to maintain an office dedicated to promoting its recommendations among the member nations of the UN and within Canada with some success. There has been a movement at the UN to support Kofi Annan's conflict prevention focus for many years, and the ICISS recommendations are in tune with that movement.

Core principles of the “responsibility to protect”:

The Report gives careful attention to the issues of international law and experience in the 1990s of the political will of the international community to act. It recommends that the concept of state sovereignty be understood to include a responsibility to protect citizens' human rights, and that when this responsibility is violated, the international community has a responsibility to intervene.

The Report emphasizes the importance of preventive action, and describes a “conflict prevention toolbox”. The preponderance of the Report discusses the right way to respond militarily in cases where prevention fails. In the Report, there are no examples of un-armed, ground-level intervention when prevention has failed. Its conclusions are summarized in a three-page synopsis (Report, p. xi), quoted here for easy reference:

The Responsibility to Protect: Core Principles

(1) Basic Principles

- A. State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.
- B. Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.

(2) Foundations

The foundations of the responsibility to protect, as a guiding principle for the international community of states, lie in:

- A. obligations inherent in the concept of sovereignty;
- B. the responsibility of the Security Council, under Article 24 of the UN Charter, for the maintenance of international peace and security;
- C. specific legal obligations under human rights and human protection declarations, covenants and treaties, international humanitarian law and national law;
- D. the developing practice of states, regional organizations and the Security Council itself.

(3) Elements

The responsibility to protect embraces three specific responsibilities:

- A. **The responsibility to prevent:** to address both the root causes and direct causes of internal conflict and other man-made crises putting populations at risk.
- B. **The responsibility to react:** to respond 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.
- C. **The responsibility to rebuild:** to provide, particularly after a military intervention, full assistance with recovery, reconstruction and reconciliation, addressing the causes of the harm the intervention was designed to halt or avert.

(4) Priorities

- A. **Prevention is the single most important dimension of the responsibility to protect:** prevention options should always be exhausted before intervention is contemplated, and more commitment and resources must be devoted to it.
- B. The exercise of the responsibility to both prevent and react should always involve less intrusive and coercive measures being considered before more coercive and intrusive ones are applied.

The Responsibility to Protect: Principles for Military Intervention

(1) The Just Cause Threshold

Military intervention for human protection purposes is an exceptional and extraordinary measure. To be warranted, there must be serious and irreparable harm occurring to human beings, or imminently likely to occur, of the following kind:

- A. **large scale loss of life**, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or
- B. **large scale 'ethnic cleansing'**, actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape.

(2) The Precautionary Principles

- A. **Right intention:** The primary purpose of the intervention, whatever other motives intervening states may have, must be to halt or avert human suffering. Right intention is better assured with multilateral operations, clearly supported by regional opinion and the victims concerned.
- B. **Last resort:** Military intervention can only be justified when every non-military option for the prevention or peaceful resolution of the crisis has been explored, with reasonable grounds for believing lesser measures would not have succeeded.
- C. **Proportional means:** The scale, duration and intensity of the planned military intervention should be the minimum necessary to secure the defined human protection objective.
- D. **Reasonable prospects:** There must be a reasonable chance of success in halting or averting the suffering which has justified the intervention, with the consequences of action not likely to be worse than the consequences of inaction.

(3) Right Authority

- A. There is no better or more appropriate body than the United Nations Security Council to authorize military intervention for human protection purposes. The task is not to find

- alternatives to the Security Council as a source of authority, but to make the Security Council work better than it has.
- B. Security Council authorization should in all cases be sought prior to any military intervention action being carried out. Those calling for an intervention should formally request such authorization, or have the Council raise the matter on its own initiative, or have the Secretary-General raise it under Article 99 of the UN Charter.
 - C. The Security Council should deal promptly with any request for authority to intervene where there are allegations of large scale loss of human life or ethnic cleansing. It should in this context seek adequate verification of facts or conditions on grounds that might support a military intervention.
 - D. The Permanent Five members of the Security Council should agree not to apply their veto power, in matters where their vital state interests are not involved, to obstruct the passage of resolutions authorizing military intervention for human protection purposes for which there is otherwise majority support.
 - E. If the Security Council rejects a proposal or fails to deal with it in a reasonable time, alternative options are:
 - I. consideration of the matter by the General Assembly in Emergency Special Session under the "Uniting for Peace" procedure; and
 - II. action within area of jurisdiction by regional or sub-regional organizations under Chapter VIII of the Charter, subject to their seeking subsequent authorization from the Security Council.
 - F. The Security Council should take into account in all its deliberations that, if it fails to discharge its responsibility to protect in conscience-shocking situations crying out for action, concerned states may not rule out other means to meet the gravity and urgency of that situation—and that the stature and credibility of the United Nations may suffer thereby.

(4) Operational Principles

- A. Clear objectives; clear and unambiguous mandate at all times; and resources to match.
- B. Common military approach among involved partners; unity of command; clear and unequivocal communications and chain of command.
- C. Acceptance of limitations, incrementalism and gradualism in the application of force, the objective being protection of a population, not defeat of a state.
- D. Rules of engagement which fit the operational concept; are precise; reflect the principle of proportionality; and involve total adherence to international humanitarian law.
- E. Acceptance that force protection cannot become the principal objective.
- F. Maximum possible coordination with humanitarian organizations.

Recommendations of the ICISS Report:

The recommendations of the Report (Report, p. 74) to the United Nations are based on the principles outlined above:

8.28 The Commission recommends to the General Assembly:

*That the General Assembly adopt a draft declaratory resolution embodying the basic principles of the responsibility to protect, and containing four basic elements:
an affirmation of the idea of sovereignty as responsibility;*

an assertion of the threefold responsibility of the international community of states - to prevent, to react and to rebuild - when faced with human protection claims in states that are either unable or unwilling to discharge their responsibility to protect; a definition of the threshold (large scale loss of life or ethnic cleansing, actual or apprehended) which human protection claims must meet if they are to justify military intervention; and an articulation of the precautionary principles (right intention, last resort, proportional means and reasonable prospects) that must be observed when military force is used for human protection purposes.

8.29 The Commission recommends to the Security Council:

(1) That the members of the Security Council should consider and seek to reach agreement on a set of guidelines, embracing the "Principles for Military Intervention" summarized in the Synopsis, to govern their responses to claims for military intervention for human protection purposes.

(2) That the permanent five members of the Security Council should consider and seek to reach agreement not to apply their veto power, in matters where their vital state interests are not involved, to obstruct the passage of resolutions authorizing military intervention for human protection purposes for which there is otherwise majority support.

8.30 The Commission recommends to the Secretary-General:

That the Secretary-General give consideration, and consult as appropriate with the President of the Security Council and the President of the General Assembly, as to how the substance and action recommendations of this report can best be advanced in those two bodies, and by his own further action.

The Report's chapter that presents the recommendations also gives attention to how the political will to act can be developed, both domestically and at the international level.

"... [P]leas for international action of the kind we are dealing with in this report need to be supported by arguments having four different kinds of appeal: moral, financial, national interest and partisan." (p. 71) These four types of arguments are analysed further, indicating how they interact and the challenges to those presenting the arguments. At the international level, the Report recognizes roles for the UN Secretary-General's office, for other organs at the UN, for international Non-governmental Organizations, and for the international press.

Response of the United Nations to the Report

The United Nations has not taken a policy position on *The Responsibility to Protect* Report. Upon its release, Secretary-General Kofi Annan remarked, "This report represents the most comprehensive and carefully thought-out response [to Annan's speech to the UN about intervention in 1999] we have seen to date. I believe it marks an important step in the difficult process of building a new global consensus on intervention for human protection."³ The Report is being discussed and referenced within the UN system, including the Security Council. Movement at the UN on the questions and ideas raised by the Report will be based on the readiness of governments to engage in the question of intervention at the multilateral level. That readiness is predicated on their own consideration of and position on the Report. Canada, and

³ From Statement by UN Secretary General Kofi Annan at Launch of report Responsibility to Protect, February 15, 2002 <<http://www.wfm.org/protect/resources/speeches/k.annan.1.15.pdf>>

other states, have held multilateral events wherein to discuss and advance the Report as a part of this process.

What is the Government of Canada's position?

In the Throne Speech given in February 2004, the Government said, "What kind of world do we want to see a decade from now?" One of the listed answers to their rhetorical question was, "We want agreement on new rules governing international actions when a government fails to protect its own people from tyranny and oppression." This is a veiled reference to *The Responsibility to Protect* report. In order to achieve this goal, an office has been established in the Department of Foreign Affairs that supports diplomatic actions which encourage international debate on the question. An example of such diplomacy occurred in September 2003, when the Canadian Embassy in Australia hosted a public panel discussion on the topic. In his introductory speech, the Canadian Ambassador said,

"The Commission defined the responsibility to protect as having three dimensions: prevention, reaction and rebuilding...

"I will emphasize that the 'reaction' dimension includes military action in extreme cases such as genocide or ethnic cleansing, but such action should be considered only when preventive options have been fully exhausted. Furthermore the report also states that the primary authority and responsibility for such action lies with the UN Security Council.

"Canada is committed to promoting debate of the report and its principles.

"Together with a core group of like-minded states, we are promoting formal consideration of *The Responsibility to Protect* by the UN General Assembly. [We need to embed the responsibility to protect within the wider normative framework.] We have circulated the report as a UN document, scheduled it on the formal agenda of the General Assembly and introduced a draft technical resolution taking note of the report and locking in further consideration of it.

"While there has been significant opposition from a handful of states traditionally protective of non-interference in "internal affairs", there also has been substantial support for *Responsibility to Protect*."⁴

What Issues are raised by Canadian Friends about the Report?

Friends engaged in discussion of the Report recognize its constructiveness. The Report's emphasis on prevention and its willingness to criticize the international community (including those countries with the most resources for response) for their inattention to prevention are refreshing. Friends noted that some budget decisions of the Department of Foreign Affairs have not been consistent with this emphasis on prevention.

The sections below discuss some troubling aspects to the logic presented in the Report's synopsis. As Friends discuss the way forward, we will need to strike a balance between work that

⁴ http://www.dfait-maeci.gc.ca/australia/iciss_speech-en.asp

encourages the prevention aspects and work that expresses our insistence that war is never a solution.

Early Warning

In its elaboration of the responsibility to prevent, the Report places early warning in the “trigger” position: if there is inadequate early warning, there is inadequate prevention.

“3.10 It is possible to exaggerate the extent to which lack of early warning is a serious problem in government and intergovernmental organization these days. More often than not what is lacking is not the basic data, but its analysis and translation into policy prescription, and the will to do something about it. Far too often—and the recent reports on the UN response to Rwanda in 1994 confirm this—lack of early warning is an excuse rather than an explanation, and the problem is not lack of warning but of timely response.

“3.11 All that said, there is a need for more official resources to be devoted to early warning and analysis. Preventive action is founded upon and proceeds from accurate prediction, but too often preventive analysis, to the extent that it happens at all, fails to take key factors into account, misses key warning signs (and hence misses opportunities for early action), or misreads the problem (thereby resulting in application of the wrong tools). A number of distinct problems weaken analytic capacities to predict violent conflict: the multiplicity of variables associated with root causes of conflict and the complexities of their interactions; the associated absence of reliable models for predicting conflict; and simply the perennial problem of securing accurate information on which to base analyses and action.” (Report, p. 21)

A Suggestion for a Working Group at the United Nations

Friends in Hamilton Monthly Meeting have proposed a mechanism within the UN that could facilitate the implementation of early, proportional response. Richard Preston, who presented a brief to the Working Group on Indigenous Populations (WGIP) as an Associate Member of CFSC’s Quaker Aboriginal Affairs Committee (QAAC), cites the Working Group as a model for a proposed new organ of the UN. He writes:

“The present UN organization includes The Working Group on Indigenous Populations, a working group of the Sub Commission on the Promotion and Protection of Human Rights, a body of the Human Rights Commission, which falls under ECOSOC. One of its informal mandates is to provide an ‘emergency room’ for the reporting of human rights violations, to a large number of other Indigenous delegates, human rights delegates, and a panel of experts who set standards for new human rights conventions.

“This might serve as a model for a Working Group on Prevention of Mass Violence:

“1. The place of Indigenous organizations that make reports might be taken by embassy personnel whose normal work includes monitoring the situation in the state where it is located. Embassies could specify, as part of their task, the responsibility to identify areas where prevention is needed and report this to their head organization (e.g. DFAIT) which could in turn specify a responsibility to provide information to a UN Secretariat for the Working Group on Prevention. And as with the WGIP, NGO’s or representatives of groups at risk can also make reports to the Secretariat.

“2. The Secretariat might then invite representations from people most directly concerned and from other embassies, draw up a report on the situation and, on the basis of a sound understanding of the situation, make recommendations for the amelioration of the situation.

“3. The report and recommendations would then go to the appropriate UN office for preventative and ameliorative action by member countries.”

UN Secretary-General Kofi Annan has proposed a special rapporteur for the prevention aspect of the *Responsibility to Protect* policy. Richard points out that there is now a special rapporteur on the protection of human rights and fundamental freedoms of Indigenous peoples. Appointed by the UN High Commission on Human Rights, he reports annually to this body. He makes country visits and thematic studies and investigates reports of human rights violations. Richard has some reservations about the effectiveness of this new mechanism:

“We heard last July of his (the special rapporteur’s) work, and it is invaluable. Unfortunately, it is also limited by the willingness of the country he is visiting. In the case of complaints made by the Subanan Indigenous People of the Philippines, the government declined to allow the special rapporteur to visit the Subanan area, stating that this was due to concerns about his security there. His work was limited at a crucial point for prevention of further assassinations of Subanan village leaders by either paramilitary or military 'anti-insurgency' units. The Subanan representations at the Geneva conference were quite at odds with the Philippine report, and were supported by NGO folks who were able to be in the area. (for details see the website of Mining Watch Canada <www.miningwatch.ca>).

“What this demonstrates, in my opinion, is that there is need for other sources of information than that of the special rapporteur.”

Global Nature of the Causes of Mass Human Rights Violations

When speaking of early warning, it is conventional to think of the causes being located where the violations are occurring. In contrast, it is important to recall that the policies of countries and other actors with superior resources often contribute to the development of a situation of mass human rights violation. David Greenfield, a member of Prairie Monthly Meeting and CFSC, writes:

“One can certainly talk about aspects of global reality which the analysis in *The Responsibility to Protect* Report leaves out. For example, the degree to which first world transnational corporations contribute to poverty and social break down in Africa and elsewhere; the degree to which arms companies producing arms and military equipment at all levels contribute toward pushing societies, both north and south, toward warfare; and the reality that ulterior motives, such as access to resources, are usually present when armed intervention occurs, though the avowed goals are almost always stated in humanitarian terms. On this last point, the report refers several times to the U.N./U.S. operation in Somalia in 1992-93 and to the military intervention against Serbia and Kosovo in 1999. The report conveys no knowledge, however, of the fact that both operations are widely perceived to have been motivated by western economic interests.”

Just War Theory

Friends familiar with the concept of Just War Theory will recognize similarities between it and the principles for military intervention outlined in the Report of the ICISS (for a synopsis of Just

War Theory and its history, see Appendix). Variants of a Just War Theory date back to the thinking of Thomas Aquinas and have been used to test and justify many wars.

The Religious Society of Friends has never supported a theory of just war. Perhaps, out of our consideration of the ICISS Report, CFSC will be equipped to express a “just peace theory” as a more constructive alternative to the Just War Theory. In the meantime, David Greenfield has written the following eloquent paragraph to address this point in response to his reading of the ICISS report:

“... [O]n the question of endorsing military intervention to prevent extreme cases of genocide is the fact that estimates for the number of people who die each year as a result of global capitalism range from ten million to sixty million. This includes death by starvation as a result of displacement, death by preventable disease, and death as a result of crop failures caused by global warming. Despite the megacidal nature of the machine in which we live, Quakers do not advocate the armed overthrow of the capitalist system, but seek the profound transformation of our society through non-violent means. We must, I believe, be consistent when responding to the danger of a specific act of genocide or megacide and advocate only non-violent measures of violence prevention. The kingdom of God is always like a mustard seed and never like an F-16.”

Project Ploughshares and The Responsibility to Protect

Project Ploughshares is an ecumenical peace and disarmament organization of which Canadian Yearly Meeting is a member. It has been convening consultations for the discussion of the issue of the responsibility to protect the vulnerable over the past year among Canadian churches, with the World Council of Churches and in Africa. Project Ploughshares reports there are a wide range of viewpoints ecumenically and Ploughshares sees its role as facilitating and encouraging reflection on the issues that the concept raises—particularly when situations like the atrocities in Darfur, Sudan, reveal the tragic consequences that occur when the international community does not act to prevent and protect.

As Ernie Regehr of Ploughshares reports, “Ploughshares will not take a position on the issue separate from the position of the churches, and the churches collectively are unlikely to be of a single mind on the issue. So our task will be to try to promote policies that respect the multiple views of the churches but that still move governments towards exercising their responsibility toward the vulnerable while at the same time respecting the broad church consensus to resist militarization of conflict.”

Do Friends have Non-violent Alternatives to Offer?

Too often we hear the statement “well, we’ve got to do something” in response to calls for non-violent responses. This section tells how Friends around the world are developing non-violent alternatives that can be undertaken even in dire circumstances.

Lessons from Kosovo/a: Alternatives to War; The Peace Testimony in the Twenty-First Century, published by Quaker Peace and Social Witness of Britain Yearly Meeting, concisely describes the history of the conflict, including the development of the non-violent resistance movement which appeared first, seven years before the formation of the Kosova Liberation Army. The author, Diana Francis, identifies four historical stages of the conflict, and lists the non-violent responses that were under-resourced or not taken at each stage. The excerpt below gives a brief

background, and relates one of the historical stages, including the list of non-violent options for action.

“Kosovo/a had been, since 1974, an autonomous or self-governing region within Yugoslavia. It was, however, impoverished, and most of the best jobs went to minority Serbs and Montenegrins. In the 1980s there was increasing unrest and in 1989 Milosevic used this situation to consolidate his political standing as a nationalist and champion of Serbs, rescinding Kosovo/a’s autonomy. Step by step, Kosovo/a’s independent institutions were closed down, Albanians were removed from all positions of power, and in total more than 70% of Albanians were sacked.

“The response of the Albanian population of Kosovo/a, under the leadership of Ibrahim Rugova, was to launch a massive campaign of nonviolent resistance, setting up ‘parallel institutions’, opening their own schools and medical services. In addition, large public demonstrations were organised, though by the mid-1990s these public actions had diminished.” (p. 1)

“As human rights abuses intensified, the nonviolent campaign and its leadership came under increasing pressure to abandon nonviolence in favour of armed struggle. In 1996 the Kosova Liberation Army was formed, and fed into a spiral of violence in which murders of Serb police and militia by the KLA became the pretext for wholesale attacks on Albanians. After years of warnings and neglect, and as attacks on villages, with many notorious atrocities, as well as smaller-scale acts of vengeance and intimidation, international attention was intensified. Permission was given by the Serb government for the introduction of an OSCE (Organisation for Security and Co-operation in Europe) ‘verification mission’ of human rights monitors into Kosovo/a. 2000 was the proposed number. Less than 1300 were in fact sent, and most of those belatedly. Even this relatively small team of observers made a remarkable difference, and although there were still atrocities, they were far fewer in number. It seems reasonable, therefore, to believe that if the full number of monitors had been sent, and that if they had been well-prepared for their task (rather than almost entirely unprepared) they could have gone a long way to ending the killings.

“What could have been done at this stage?”

“Sending in, quickly, the full complement of monitors, whether UN or OSCE, with appropriate backgrounds and training; providing them with expert advice and full logistical support, and allowing them to do their job.

“Creating a space for serious talks and negotiations at all levels, and concerted international support for a peaceful interim settlement of the conflict: a *modus vivendi* which would protect human rights, and a process for ongoing consideration of the constitutional issue.

“Giving authority to the UN to act as intermediary and using the ‘good offices’ of Russia.

“Making it clear that the issue was one of human rights, not of blanket hostility to Serbs or disregard for Serb perspectives.

“The war and its aftermath. Instead, the OSCE verification mission was abruptly withdrawn, deadlines were set, and in the Rambouillet ‘talks’ in which the ‘international community’ suddenly shifted its own position, placing the possibility of a constitutional separation on the table for the first time. This was done in order to induce the Albanian Kosovars to participate. It meant that Slobodan Milosevic was asked to accept, at ‘gun point’, radically new proposals for which his electorate was in no way prepared. When he refused to sign the proposed

‘agreement’, it was announced, without any UN debate, that there was no choice but for NATO to launch an attack. As various military experts warned, the violence against Albanians in Kosovo/a was not stopped but massively increased, and the terrible exodus began. Civilians of all ethnicities were killed.” (p. 3)

This example illustrates that creative alternatives are possible, but require consideration by (and the political will of) decision-makers, including prompt implementation.

Quaker organizations in many countries are working to develop the non-violent responses, both at the early stages, and at the stage of open violence.

Quaker Service Norway’s Change Agents Peace Program has been working since 1999 in the Great Lakes region of Africa, empowering local Quakers and their neighbours to imagine and implement non-violent responses to conflict. They have witnessed more and more effective, courageous action to de-escalate violence and protect civilians. Bridget Butt, Coordinator of CAPP, relates:

“A video (available in the CAPP Regional Office in Nairobi) shows footage of young Mai Mai militia describing their contact with CAPP South Kivu peace committees and training programs, and how they were persuaded to put their guns down and come out of the forest. In the video, they ask, “Why should I fight when I can sit around a table and find a solution?” On the day of the fall of Bukavu to rebel leader Laurent Nkunda’s troops, I was a spectator at a football match between Mai Mai ex-rebels and the civilian youth of Fizi. It was a remarkable and community building event, which went a long way to welcoming these perceived ‘cannibalistic forest-dwellers’ back into the local community as participating members, and building cross-cutting relationships.

“Fizi is sometimes referred to as the birthplace of the current Congolese conflict. It is the home of the Banyamulenge, and has been among the areas most seriously affected by the wars and ongoing insecurity. Remarkably, however (and not reflected in the media coverage), the Banyamulenge of Fizi are, for the most part, not supportive of the leaders of the recent rebellions in Bukavu perpetrated in the name of the Banyamulenge. With a timid voice, they are condemning the violence and calling for a political solution to the crisis. (Sentiments also expressed over the past few days by several North Kivu RCD politicians.) Local peace activities in Fizi continue to empower and amplify these alternative voices, thereby avoiding the escalation of ethnic violence towards members of this community, and a general escalation of the prejudice and fear which threatens to lead to an international conflict between the DRC and Rwanda.

“A declaration, jointly drafted by Banyamulenge churches and the National Council of Churches in South Kivu, lauds the actions of the majority of citizens of Bukavu to shelter and protect Banyamulenge during the recent violence in Bukavu, with specific references to individuals and churches throughout the town.”

In Jerusalem, the Quaker International Affairs Representatives look for ways to support Palestinian and Israeli groups who are using non-violent methods to open space for dialogue. Many Quakers are participating in the Non-violent Peace Force, an initiative to provide a trained group of people from many nations who can provide a similar witness function as that intended for the OSCE in the Kosovo/a example. Their first project is taking place now in Sri Lanka.

Patricia Hartnagel, a member of CFSC involved in questions of foreign policy, challenges Friends to become more proficient at describing the non-violent alternative:

“As with many of the issues related to war/peace—we are typically greeted with what I call the false dichotomy. There is this sense, amidst the general public, I think, that this is how this sorts out as well: either you go in with armed force and intervention—or you do nothing. For me, the main ‘public service’ we can provide is to identify and have available, at least a range of the kinds of non-violent alternatives that are out there. Because so many of the conflict prevention and peace-building activities are off the public and media agenda, many people don't realize that there are alternative, effective, nonviolent responses. Others (and I would include myself here) know that there are options, may even be able to cite a few, but are in general, unaware of the broad spectrum of approaches that are possible and/or currently utilized.”

As one step in building this proficiency, CFSC initiated the Turning the Tide project. Developed by Quaker Peace and Social Witness, the project provides training sessions in basic concepts of non-violent action, and in the planning of non-violent campaigns. In July, 2003, a number of people were trained as facilitators. Further workshops have run, or are being organized.

Conclusion

As *The Responsibility to Protect* Report is a cornerstone document to the Government of Canada's foreign policy (but not necessarily defence policy), and is being propagated by Canada at the UN and internationally, it seems important for Canadian Friends to formulate a response.

Given the acceptance of military intervention as option (even with clear criteria and conditions), it is unlikely that Canadian Yearly Meeting could support the full contents of *The Responsibility to Protect* Report. This said, what is there in the R2P document that is valuable and worth supporting by Friends, if anything?

In turn, should Quakers in Canada be working on preparing a policy document that responds to *The Responsibility to Protect* report that cites alternatives to the use of military intervention (including examples of their use) and, perhaps, offers a “just peace theory” of principles?

This Discussion Paper has been prepared to stimulate the thinking of Canadian Friends. We welcome thoughts and ideas about the ICISS Report and the commentary in this Paper from Quaker Meetings and individual Friends. This information will assist CFSC in further developing its thinking about Friends' response to deadly conflict—in theory and, most importantly, in practice. Whilst we do not know where this road will take CFSC, whatever we develop will be shared with Meetings and, potentially, taken to Yearly Meeting for further consideration.

Appendix – Just War Theory

Principles of the Just War (www.mtholyoke.edu/acad/intrel/pol116/justwar.htm)

A just war can only be waged as a last resort. All non-violent options must be exhausted before the use of force can be justified.

A war is just only if it is waged by a legitimate authority. Even just causes cannot be served by actions taken by individuals or groups who do not constitute an authority sanctioned by whatever the society and outsiders to the society deem legitimate.

A just war can only be fought to redress a wrong suffered. For example, self-defense against an armed attack is always considered to be a just cause (although the justice of the cause is not sufficient--see point #4). Further, a just war can only be fought with "right" intentions: the only permissible objective of a just war is to redress the injury.

A war can only be just if it is fought with a reasonable chance of success. Deaths and injury incurred in a hopeless cause are not morally justifiable.

The ultimate goal of a just war is to re-establish peace. More specifically, the peace established after the war must be preferable to the peace that would have prevailed if the war had not been fought.

The violence used in the war must be proportional to the injury suffered. States are prohibited from using force not necessary to attain the limited objective of addressing the injury suffered.

The weapons used in war must discriminate between combatants and non-combatants. Civilians are never permissible targets of war, and every effort must be taken to avoid killing civilians. The deaths of civilians are justified only if they are unavoidable victims of a deliberate attack on a military target.

Just War Theory is accepted by the Roman Catholic church and most major Christian churches. Churches with a pacifist tradition, such as the Quakers, do not accept this theory but often reject violence under any circumstances

Background on Just War Theory

For more in-depth information on the development of just war theory, and a critique of its principles, visit this entry in the Internet Encyclopedia of Philosophy (www.iep.utm.edu/j/justwar.htm) prepared by Alex Moseley, Ph.D.