Dossiê

Approaches to International Security

Various Authors

CEBRI

CENTRO BRASILEIRO DE RELAÇÕES INTERNACIONAIS

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Special Edition | Volume 1 | Ano 12 | 2013

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About CEBRI

Founded in 1998, CEBRI is a think tank that aims at developing knowledge and promoting debates on topics concerning international relations. It also seeks to foster the dialogue amongst different players, both in the public and private sectors, aiming at a better understanding of the international agenda, as well as Brazil's role in the global scenario.

Located in Rio de Janeiro, the Center was conceived by a group of diplomats, entrepreneurs, academics and it has an independent, multidisciplinary and non-partisan structure. CEBRI is a Civil Society Organization of Public Interest – OSCIP. The Center´s by-law contains provisions that assure transparency and responsibility for all its actions.

According to the Global Go to Think Tanks Research, conducted by the University of Pennsylvania, CEBRI is among the most relevant think tanks in the world. The Center appeared in more rankings than any other Brazilian institute, standing out for its capacity to congregate prestigious experts on foreign policy related issues.

About the author

This CEBRI Dossiê Special Edition is a direct product of the International Conference convened by the Brazilian Center for International Relations (CEBRI) and the Clingendael Institute. The Conference took place in Brasilia, Brazil on the 29th May 2012.The Conference counted with both Brazilian and Dutch experts from different backgrounds such as military, academia UN officials, policymakers, civil society and other relevant players in the field of international security. In that fashion, most of the papers published here are a reflection to the talks carried out in the Conference.

The debate on New Approaches to International Security focus mainly in the Brazilian and Dutch experience and how both countries could develop a deeper partnership in dealing with future threats. Both Brazil and the Netherlands have played during the past years an active role in humanitarian relief operations and peace keeping and stabilization operations, under the auspices of the United Nations, in the case of the Netherlands also within NATO and the EU. Both countries' involvement corroborates their willingness to support efforts to maintain and restore peace and order in conflict areas, to contribute to stabilization and reconstruction and more in general to stimulate economic and political development. For both Brazil and the Netherlands the nexus between development and long-term security is in particular a guiding theme.

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Speech by:
Antonio de Aguiar Patriota

Minister of External Relations, Brazil

Thank you CEBRI and the Clingendael Institute for organizing this meeting with my colleague Uri Rosenthal, Minister of Foreign Affairs of the Netherlands, with whom I have met not long ago and developed a good friendship. Soon, we will have the opportunity to examine the agenda of bilateral cooperation and also develop some other issues on the multilateral agenda. I would like to thank the Ambassador of the Netherlands in Brasilia, Pieter Kees Rade, for taking part of this event and the Brazilian Ambassador in The Hague, José Artur Denot Medeiros, as well as the other diplomats accredited in Brazil.

Ladies and gentlemen, colleagues of the Ministry of External Relations of Brazil,

It is with great pleasure for me to take part in this debate on international security with the Chancellor of the Netherlands. This is an issue that concerns us very much. Brazil has a unique contribution to make by its example of engagement with the region and gradually with the world, on a global scale.

This is a topic that brings Brazil and the Netherlands closer together. As my colleague Uri Rosenthal has said, the two countries have a strong commitment to international law. The Hague is the inescapable capital of international law. It is the headquarters of the Permanent Court of Arbitration, the International Court of Justice, various ad hoc tribunals and, more recently, the International Criminal Court. But there are also differences in size, population, geography and history between our two countries.

The Netherlands was a former colonial power, and Brazil, a former colony, on the other side of the equation. The Netherlands is now a member of a defensive alliance, which sometimes adopt not only defensive positions, NATO. Brazil, on its turn, is against participating in military alliances and is part of a nuclear-free zone. The Netherlands, due to historical circumstances, is part of an alliance that foresees and positions itself in favor of the use of nuclear weapons in the countries which possess them. Nevertheless, we recognize the commitment of the Netherlands to conventional and weapons of mass destruction disarmament, as evidenced by the headquarters

of the Organization for the Prohibition of Chemical Weapons (OPCW) in The Hague and the fact that the Netherlands has signed the Additional Protocol to the Tlatelolco Treaty, which established a nuclear-free zone in the Americas.

Dutch is spoken in the Americas. I have often been in Suriname and have realized how Dutch is alive and present in a neighbor country. As you know, Dutch is also present in the insular Caribbean.

Minister Rosenthal gave a brief overview of the geopolitical developments in recent years. He summed up well the transition from a bipolar structure into a unipolar moment, with the end of the Soviet Union, towards a new scenario, which he described as emerging multilarity, multipolarity in the making, and that actually involves powers of very different nature. One of them, the United States, has incomparably superior military capability to all others. As well as military budget equivalent to almost all other military budgets in the world. Russia, a country that was once considered a superpower, is not exactly emerging, while China emerges with much force and should overtake the U.S. in terms of GDP in the coming years, a phenomenon that has not happened for over a 100 years. In addition, there are countries such as Brazil, India, South Africa, which, perhaps for the first time in their history, combine strong regional presence with a truly global reach of their diplomacy, interests and companies. Certainly, one of the major challenges for Brazil today is to manage its global presence and develop the ability to work with the necessary diligence regarding international peace and security.

Ambassadors in Brasilia are aware that the city is young, 52 years old in 2012, but it is already among the 15 capitals with the largest number of Embassies in the world. In addition, Brazil is among the countries with the largest number of Embassies abroad, which allows for a greater understanding of our partners and also for a greater responsibility, undoubtedly much larger than before, for promoting peace, security and sustainable development.

We are also strongly committed to the preservation of South America as a region of peace, prosperity and democracy, with its coordination mechanisms, such as the Defence Council, which advocates transparency in military expenditure among all members of UNASUR.

We are engaged with the stabilization of Haiti through a mission authorized by the Security Council of the United Nations, which seeks to relate peace, development

and security. Development is crucial in a country subject to chronic crises, like Haiti. The role of the international community in such cases is to combine peace-making, institutional strengthening, economic progress and social justice.

These facts may seem obvious. But there is not always, in the Security Council, the needed awareness that these elements should come together into a stabilization strategy to countries such as Haiti, which is notably the poorest in the Americas. This same spirit prevails in the treatment of other issues that are on the Security Council agenda, in particular with regard to Africa, where peacekeeping missions and sub-regional initiatives, undertaken by the African Union, the community-western African countries, the Portuguese-speaking countries and other groupings, have achieved some success. As we know, there are still numerous challenges, including the emergence of new crises, which represent a question mark on the ability of the various sub-regional bodies to articulate with the multilateral institutions.

The case of Mali and Guinea-Bissau should receive special attention. In Guinea-Bissau, the leadership was taken on by a sub-regional group that did not seem to concatenate harmoniously the provisions laid out by the African Union and by the Security Council. In Guinea-Bissau the problems are serious, but they are on a small scale. It is a country of one million and a half inhabitants, whose Armed Forces consist of 5000 people. There is no reason why we cannot find a formula for the pacification and stabilization of the country.

Chancellor Rosenthal mentioned Francis Fukuyama's idea of "the end of history". Such idea was widely quoted in a moment of euphoria and enthusiasm, when the world seemed, in the eyes of some, to move towards a single ideology based on market economy and liberal democracy. Fukuyama was not a good prophet, as he did not foresee the Lehman Brothers crisis in 2008, the Eurozone crisis or the Arab Spring, which spread across northern Africa and the Middle East. Thus, today we face a scenario which is entirely different from the one which had been predicted.

It represents a paradox that, by looking at the agenda of the Security Council today, the major threats to international peace and security are located in regions with less relative development. We know, however, that, historically, the most serious threats to peace came from the actions of economically and militarily powerful countries.

The Netherlands suffered the particularly painful consequences of European conflicts throughout the twentieth century. History shows that the agenda of disarmament and

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non-proliferation, although not specific to the Security Council, is generally overlooked when it comes to international security. As long as countries continue to have the same military budgets than the five permanent members of the Security Council and the number of nuclear warheads remains the one indicated by the Stockholm International Peace Research Institute (SIPRI), peace is under threat in the most dramatic sense.

It is also paradoxical the fact that the most potentially destabilizing conflict to international peace and security in the world today, the situation between Israel and Palestine, is hardly being discussed by the Security Council of the United Nations. The permanent members of the Council preferred, in recent years, to outsource the debate on Israel and Palestine to a mechanism known as the "Quartet", which comprises the Secretary-General - thus the United Nations, as a whole - the European Union, the United States and Russia. But, unfortunately, the Quartet has not produced satisfactory results. In fact, it has not contributed to advancing in a significant way peace talks between Israelis and Palestinians.

The impasse between Israel and Palestine presents itself explicitly in the agendas for emancipation and socioeconomic and political progress, which has mobilized young people in the Arab world. Progress in addressing the situation between Palestinians and the Israelis would help, no doubt, to create an environment more conducive to stability in the Middle East, from Morocco to Iran. By large extent, the situation in Iran also has a relation with the instability between Israel and Palestine.

This reasoning is in the origin of the constructive criticism directed to the Quartet by MERCOSUR countries and other Brazilian partners, like India and South Africa, the IBSA. There is no point in refraining from the possibility of Security Council members to deliberate on strategies for peace in the Middle East in the absence of progress in negotiations between Israel and Palestine. This involves a primary responsibility of the Council and the international community, which is not being pursued at this time. Perhaps the time to examine other arrangements and other formulas has come.

Another issue that deserves a remind is the military intervention in Iraq in 2003. This episode greatly influenced contemporary thought, even considering "responsibility to protect" and the importance of an effective Security Council. The military intervention in Iraq was justified at the time, due to the alleged existence of weapons of mass destruction. These allegations were not proven and they did not take into account the views of the United Nations specialized agencies, such as the IAEA, at the time under

the command of Swede Hans Blix. The decision on military intervention was the result of an analysis of some individual member countries of the Security Council. And the intervention was carried out without the authorization of the Security Council, on the side-lines of international law, which the Netherlands and Brazil both advocate for.

The military intervention against Iraq led to more death, destruction and regional instability than intended. The intervention also generated very questionable results, regardless of the view we have of the issue. Today we talk with significant freedom on this topic, since the President Barack Obama was elected to the White House on a platform that was critical to such intervention, scheduling a withdrawal of U.S. troops from Iraq in December last year.

I recall this, because, as we argued when we launched the idea of "responsibility while protect", the premise to be observed across the country, when engaging in the search for peace and the promotion of international stability, is that of not to worsen an existing situation. This is the least we can ask for. There is no possible justification for an intervention, which instead of decreasing only intensifies violence, instability and suffering.

A doctor who tries to cure a patient, but rather aggravates their health status can be sued and lose his license to practice medicine. In international relations, the same is not necessarily true. A country or group of countries can destabilize an entire region and get away with it. That is what history shows. This is why this debate on the collective responsibility of nations is very important, a debate that is sometimes mistaken for collective security. I prefer to think they are different things, because collective responsibility can be exercised without resort to military action. The military action, itself, is a potentially destabilizing element.

I insist on the idea that through actions that do not involve coercion, much can be done to save lives, with humanitarian relief, diplomacy and mediation. I welcome initiatives such as the "Friends of Mediation", which I participated recently in Istanbul, led by Chancellor Davutoglu from Turkey and Chancellor Tuomioja from Finland.

We must emphasize prevention, mediation, diplomacy and dialogue. Initiatives such as the Alliance of Civilizations deserve to be valued. This intercultural dialogue must be deepened for us to avoid the use of force, which often destabilizes and causes more harm than good. As said, however, by Chancellor Rosenthal, within its own framework of ideas about responsibility to protect, we can predict, in extreme situations, the possibility of resorting to force.

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In this case, it is important to note, first of all, that any military intervention will only be legitimate if authorized by the Security Council of the United Nations, which holds the primary authorization to use force when it is not in self-defence. But, at the same time, we must remember that if there is no monitoring of the intervention itself, there may be deviation from its original purpose and, thus, the transformation of such a decision into a political tool not authorized by those who passed it in the Security Council. In a way, this happened in Libya when a NATO-led military intervention seemed to move towards an agenda of "regime change." Obviously, this does not mean defending the methods, ideology and attitude of Gaddafi, but rather means a concern with the way the system is conduced.

I recall this, because, as we argued when we launched the idea of "responsibility while protect", the premise to be observed across the country, when engaging in the search for peace and the promotion of international stability, is that of not to worsen an existing situation. This is the least we can ask for. There is no possible justification for an intervention, which instead of decreasing only intensifies violence, instability and suffering.

Brazil conceives itself as a peaceful pillar of the global order that emerges. Brazil is a peaceful country that opposes the undue use of force and that pays attention to instabilities caused by military interventions of dubious justification and advocates for more international monitoring of interventions authorized by the Security Council. We are facing a historic opportunity to make multipolarity an instrument for strengthening international cooperation – not a moment of disconnection, lack of communication, tensions and conflicts between different powers. For a country like Brazil, having an effective international system, with credibility and which represents the contemporary distribution of power, is fundamental.

We insist, therefore, on the reform of the Security Council and on the good partnership between the universal multilateral system, the UN, and regional and sub-regional organizations, from the African Union to NATO. We do not have in our region any unstable situations on the agenda of the Security Council beyond the issue of Haiti. The conflict in Colombia is moving forward, we hope, to a peaceful outcome through negotiations. But we view with concern a certain predisposition towards the way crisis are dealt with in other regions. Without a functioning Security Council that is respected and legitimate, we face several risks. We face, especially, risks of actions on the outskirts of the Security Council. There is the risk that regional groups take the lead and are not held accountable for what they do, at the expenses of the multilateral system. We need a system that works, which observes multilaterally agreed regimes, endowed with predictability and a broader commitment than the existing nowadays with "collective responsibility" and collective security.

An inspiring work, entitled "Le dérèglement du monde", brings the idea that, instead of being the end of history, perhaps we are now on the threshold of the end of the pre-history of mankind. Perhaps, one or two hundred years ahead, everything that happened today will be regarded by our descendants as a certain pre-history, a time when we did not know how to take care of the environment, how to combine economic, social and environmental development and how to deal with threats to international peace and security, in a rational manner. Certainly, this is a fruitful idea for countries like Brazil and the Netherlands, who are trying to play a constructive role in building a new order.

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Speech by:
Uri Rosenthal

Minister of Foreign Affairs, The Netherlands

Minister Patriota, Your Excellencies, members of the Brazilian National Congress, representatives of the Brazilian government, ladies and gentlemen, I'd like to thank you, Minister Patriota, for your hospitality during my visit to Brazil. Thanks also to Ambassador Luiz Augusto de Castro Neves of CEBRI and to Professor Ko Colijn from the Netherlands Institute of International Relations. They jointly initiated this seminar on a topic that affects everyone, all over the world: the universal need to feel safe and secure. Or to enjoy 'freedom from fear', as Franklin D Roosevelt put it in 1941.

Ladies and gentlemen, The older generation can remember the era of the Cold War, the Iron Curtain and a bipolar world. After the fall of the Berlin Wall in 1989, the Soviet Union collapsed, leaving the US as the sole world power. Charles Krauthammer called this 'The Unipolar Moment'. According to Krauthammer, the position of the United States was unique in human history. Later on, in The Rise and Fall of Great Powers, Paul Kennedy went so far as to claim that between 1989 and 2001, America's global influence surpassed that of the Roman Empire. And it led Francis Fukuyama to say that the struggle for the leading ideological paradigm in history had ended. Both Krauthammer and Fukuyama saw Western liberal democracies remaining dominant in world affairs for a long time to come.

The events of the last decade, however, show a different pattern. Since 9/11 and the economic rise of nations like China, Russia, India, South Africa and, of course, Brazil, the world has been transformed from a unipolar into a multipolar order. This new world order brings with it many challenges. Take the growing global demand for energy sources and raw materials. And the alarming scarcity of food and water, causing conflict and strife that has set mass migration in motion. The world is literally on the move. The consequences are uncertain.

In this rapidly changing world, it is hard to tell what tomorrow might bring, but one thing is clear: the rising powers are striving for a more prominent place in world affairs. Demographically, economically and technologically, the West has lost its dominance on the world stage. The international community is gradually coming

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to terms with this development. The founding of the G20 illustrates that process. Besides presenting challenges, the changing world order also poses threats. The spread of weapons of mass destruction remains a serious danger to all of humanity. You need only look at North Korea, which left the Non-Proliferation Treaty after having developed a nuclear weapon. North Korea has used its nuclear status in a most irresponsible fashion. Recently, the Venezuelan writer Moisés Naim called nations like North Korea 'Mafia states'. He signaled a growing number of states that are blurring – and sometimes crossing – the line between legitimate government and organized crime: 'There is no telling where crime syndicates stop and states begin'. And in his bestseller Illicit, Naim uncovered the connections between drug cartels, human trafficking, the trade in illegal weapons and terrorists.

These examples show that states can still pose significant dangers to world peace. The most serious conflicts in the world today are between states or the result of clashes between and with different groups trying to form a state. Just consider the Middle East, Sudan or the Caucasus. But states are not the only threat to the international community. Today small groups of people and even individuals can do dreadful things. Let's face it. Networks of terrorists have no interest in international protocols and treaties. So we don't have a level playing field. As former US Secretary of State Henry Kissinger has described this battle: 'The conventional army loses if it does not win. The terrorist wins if he does not lose.' Some terrorist networks also have nuclear aspirations. The world held its breath after Al Qaida threatened to unleash a 'nuclear hell storm' if Osama Bin Laden were to be killed. New threats like terrorism and the nuclear aspirations of rogue networks threaten global stability.

Ladies and gentlemen, Today, the international community is trying to deal with the challenge of guaranteeing security, peace and stability in the world. What should we do if the risk of genocide arises? What if ethnic cleansing is going on somewhere? What if crimes against humanity or war crimes are being committed? The killing fields of Cambodia, the genocide in Rwanda, the atrocities committed in Darfur – these terrible events serve as a warning: that threats to peace and security can arise anywhere and at any time.

Brazil and the Netherlands have a common ambition: to do all we can to help promote international legal order and the peaceful resolution of conflicts. Our constitutions require us to live up to these values. Since 2005, for that matter, global leaders have generally accepted the principle of Responsibility to Protect. The concept is an important step forward in our thinking on international security. It helps prevent mass

atrocities. But it's also a principle that needs further reflection. So it's good to have an open debate on the subject.

The core of the principle is not up for debate. The international community must prevent genocide and the other most serious crimes. First, Responsibility to Protect starts with prevention: It is the prime responsibility of states to protect their own people and to ensure that their people are protected from the state. Second, the international community has a responsibility to help states do so. For example by fostering reliable policing and promoting the effective rule of law. Finally, the international community must take action if a state is unable or unwilling to prevent these crimes from taking place. Another aspect of the Responsibility to Protect is tackling impunity as much as possible.

The Netherlands is the host state of various international courts and tribunals. As the legal capital of the world, The Hague forms the last link in the chain of prevention, protection and prosecution. Of course, the Responsibility to Protect carries with it many dilemmas. It's good to see scholars and policymakers coming together to discuss their respective viewpoints. And I'm glad to see this happening in Brazil, a country that has been very active – in the Security Council, for example – in the debate on this subject. The concept of Responsibility While Protecting, introduced by Brazil, contains elements that may very well reinforce the principle of Responsibility to Protect. Our countries can learn a lot from each other. As co-chair of the Group of Friends of the Responsibility to Protect in New York, the Netherlands also takes an active part in this debate. At the last UN General Assembly in September, I spoke about the challenges surrounding Responsibility to Protect. I hope we can build today on the open and constructive dialogue we had at that meeting.

Some of the dilemmas concerning the Responsibility to Protect are based on misconceptions. Responsibility to Protect is not, for example, primarily about military intervention. Military force only comes into play when all other options to counter horrific crimes have been exhausted. The ultimate goal of Responsibility to Protect is to 'prevent the worst'. The Brazilian concept of Responsibility While Protecting arose out of concerns about the application of the Responsibility to Protect. I do appreciate Brazil's contribution to the debate. It is indeed essential to think through the consequences when taking a decision as drastic as military intervention. That's why military action is the last resort. We both agree on that. We also agree on the relevance of collective responsibility. Even if the threat of genocide is isolated within a sovereign state, the international community still has a responsibility. We learnt

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that lesson in Rwanda in 1994. Military intervention must always remain an option. Only then can the international community stand up for the helpless victims of brutal oppression and persecution.

The Netherlands also believes that exhaustive analysis and military reporting must never stand in the way of timely and decisive action by the international community. A balance is required. Careful advance analysis is essential, but must not lead to 'analysis paralysis'. The risk of the international community taking no action may go beyond the risk of military action coming too soon or going too far. Of course, fact-finding missions to determine the situation on the ground in the early stage of a conflict are crucial. Mediation and preventive diplomacy are another element. Targeted non-military sanctions can and should also be used. But ultimately, military intervention must always remain an option. Only then can we prevent the worst

Brazil and the Netherlands have a common ambition: to do all we can to help promote international legal order and the peaceful resolution of conflicts. Our constitutions require us to live up to these values. Since 2005, for that matter, global leaders have generally accepted the principle of Responsibility to Protect. The concept is an important step forward in our thinking on international security. It helps prevent mass atrocities. But it's also a principle that needs further reflection. So it's good to have an open debate on the subject.

atrocities in states that cannot or will not protect their people. This brings us, inevitably, to a very topical example: Syria. When war crimes are committed in a complex, unstable region, a real dilemma arises. Obviously, the situation in Syria is a major concern for the international community. Every day we hear terrible reports. Men, women and children, civilians, opposition leaders and soldiers are dying. The

situation in Syria illustrates the complexity of applying Responsibility to Protect in practice. To be sure, we have always to ask ourselves what action is the best for the people, given the highly inflammable regional constellation.

The UN is working on a political solution to protect the Syrian people. The Netherlands supports the Six-Point Plan of Kofi Annan. The fact that Annan is representing the entire international community is pivotal. This mission, too, is part of the toolkit of Responsibility to Protect. Brazil is working under difficult circumstances to help monitor compliance with the cease-fire. I applaud the Brazilian government for this important contribution. It reaffirms the global responsibility Brazil is assuring in helping guarantee international security and stability. And it builds on the country's efforts in Haiti and Lebanon.

Returning to the global picture, the Netherlands is also doing its part. We are currently active in more than ten countries, from south-eastern Europe to Africa and Asia, helping to strengthen peace and security. We are working under the flags of the UN, NATO and the EU. We should strengthen our cooperation with partners that share our values of democracy, the rule of law, respect for human rights and the principles of free markets and free trade. Brazil immediately comes to mind, of course, but there are others, too: South Korea, Japan, South Africa and hopefully a number of countries in North Africa and the Middle East. Whether we call them 'global partners' in the framework of NATO or speak of a 'UN Democracy Caucus' or a 'Community of Democracies', the basic philosophy is the same.

I believe that holding an open and honest debate on the Responsibility to Protect is extremely valuable. Fortunately, Brazil and the Netherlands have similar ambitions when it comes to promoting the international legal order. We largely share the same views. The Netherlands and the Group of Friends of Responsibility to Protect remain open to dialogue with Brazil and other global players. And I'm very pleased that the principle's development is on the agenda today. Let us enjoy a productive and harmonious debate.

Thank you.

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Alle Dorhout

Head political affairs section, UN

Excellency's, ladies and gentlemen,

First of all I want to thank both CEBRI and Clingendael for organizing this seminar about "Approaches to international security: the Brazilian and Dutch experience", and I also want to thank both for inviting me to speak at this occasion.

This morning, most of you will have listened to the minister of foreign affairs of the Netherlands, Mr. Uri Rosenthal. He made very clear what the Dutch position on the responsibility to protect is.

In this session, I would like to tell you something about my personal connection with the responsibility to protect, about the dynamics in New York, about the importance of prevention (rather than intervention), and what we can do in fragile states.

In the night of 11 July 1995, there was tension in the air all over the world. In Sarajevo, in Zagreb, in New York, in Washington, in The Hague, but above all in Srebrenica, one of the three UN-protected enclaves in Bosnia. After months of growing pressure on these so called 'safe havens', Srebrenica was about to fall in the hands of Bosnian Serb troops under the command of the Bosnian Serb general Ratko Mladic.

That night, I was sitting next to my minister, watching CNN with a group of Dutch diplomats, as news of the fall of the enclave came in. People in the room looked at each other in disbelief, when it was finally confirmed that Bosnian Serb troops had entered the UN-compound. Next morning they started to evacuate its population. Woman and small children were separated from the men and the older boys. More than 7.000 men and boys were slaughtered by the Bosnian Serb troops and dumped in mass graves.

One year later, after the warring parties had agreed to end their conflict in Dayton (USA), I was travelling in this remote part of Bosnia, on my way to the village of Srebrenica. The first courageous people had returned to the village under the provisions of the peace agreement.

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I went to speak to the mayor of Srebrenica. He told me he couldn't sleep at night, because he heard screaming men and boys as soon as he closed his eyes. He was a paralyzed and traumatized man, who wanted only one thing: to wake up from his nightmare and to start life again as if nothing had happened. But he was wide-awake and life would never be the same again.

After that, I went to visit the UN-compound, where not much had happened after the Dutch troops were forced to leave. What remained were the many silent witnesses of the onetime presence of part of the population of Srebrenica, when they had fled inside to seek shelter and protection. Lonely toys, a UN manual, an empty suitcase, a pair of shoes and texts on the wall of the toilets, written by tired and frustrated soldiers. It was a monument in itself.

On my way back to Sarajevo, I tried to give everything I had seen and heard a place in my mind. It was April, and spring was in the air. Trees were turning green again, birds sang everywhere and the first flowers appeared in the field.

But there was something else happening in the field. A group of people in white overalls, were digging in the ground. When I came closer I smelled an unbearable stench that I had never smelled before. This was a NGO assisting with opening one of the many mass graves in and around Srebrenica. I forced myself to look into the grave, but I will not trouble you with the details of what I saw.

I do want to share with you that it was a defining moment for me. I decided that I really wanted to help prevent another Srebrenica. That night, I heard the screams of the man and boys of Srebrenica too, and I felt the pain and sorrow of the mothers, sisters, daughters and aunts. This was a crime so big, that is was beyond my imagination how it could happen. But it did. It was real.

Last week, I read a small article in the New York Times about the process against Ratko Mladic. It ended with a sentence stating that Mladic was charged with war crimes, crimes against humanity and genocide. I don't know what happened to ethnic cleansing. It probably fell out of line, because there is no formal legal definition, but add that one and you have the four crimes connected to the Responsibility to Protect. This is what it is all about. These are the crimes we don't want to see again, ever again. No more mass atrocities.

In the last century, these four crimes have occurred all over the world. In the Soviet Union, in Germany, in China, in Cambodia, in Rwanda, in Sri Lanka, in Somalia, in

Kosovo and more recently in Darfur and in the Congo. And of course in South-America, where – some time ago - in several countries people feared the knock on the door, disappeared overnight and were executed without process or thrown out of a plane above the ocean. That was the past. But it may happen again and again. Just look at what's happening in Syria…

The very wish to prevent these four crimes in the future brings us together today as well. The will to prevent another genocide, another war crime, another crime against humanity, another ethnic cleansing. And we have to be alert. There are so many unpredictable dynamics in the world right now, especially in Africa and the Arab region.

While - among the members of the United Nations - there seems to be broad agreement about the final destination of the Responsibility to Protect, there still is discussion about the road to take. This makes sense, because it is a young concept that needs to be further developed. By learning, by doing. And it is my hope that by further discussing it, we can one day also embrace its implementation and its operationalization. The same way the concept of the responsibility to protect was embraced by the General Assembly in 2005.

Let's now take a quick look at what happened in Libya and what kind of lessons we can learn from it to feed back into the current debate on how to make RtoP work in practice.

Security Council resolution 1973 gave - for the first time in history – a mandate to intervene in Libya with a reference to the responsibility to protect civilians. This was a milestone indeed for the operationalizing the concept. We all know what happened, NATO took up the challenge and intervened, the result being the fall of Gadhafi's regime.

The interesting thing about Libya is that we went straight to the far end of the third pillar after Gadhafi threatened to bomb his own people. There was no chance to do anything in the first or second pillar. No chance for prevention. It blew up in our face. It was the last resort, to make sure that a mass atrocity will be prevented. It was a last resort that maybe used when all other means fail.

And that was one of the reasons why the Security Council gave the mandate. But we also have to realize that it was a bad example. Nowadays the discussion about RtoP is

fully high jacked by the discussion about military intervention and regime change. But we have to realize that the responsibility to protect is fifty times more about prevention than about intervention. Unfortunately, prevention never got a chance in Libya.

We can draw two lessons from that.

Lesson 1: prevention will never have a chance if you don't have the right early warning systems in place. (By the way, isn't it a shame that we were collectively surprised by all the events in North Africa and the Middle East?)

Lesson 2: If we agree that the responsibility to protect is much more about prevention, not about intervention, we have to put our money where our mouth is and spend much more on conflict prevention. And that's much cheaper than intervention too…

Furthermore, there are different views among the membership of the United Nations on where national sovereignty begins and where it ends, and until what extend regime change should be the outcome of interventions on the basis of the responsibility to protect. This difference of opinion is a major obstacle to operationalizing RtoP.

Let me just share with you – from my New York perspective - some personal thoughts on this, because sometimes, I wonder what is more important, the sovereignty of an autocratic regime, of the sovereignty of a people? Which of the two is more important when a country has a problem? Are we talking about the responsibility to protect people, or the responsibility to protect regimes? The United Nations charter is about "we the people", and that was a deliberate choice.

Sovereignty is not a blank check to rule your people as you please. Sovereignty means the responsibility to protect. And if the political leadership of a state does not take up this responsibility, the international community should do so. That is what we agreed in 2005 (text outcome document paragraph 138 and 139) and we should stick to that when talking about sovereignty. Too many times, the argument of sovereignty has been used by Security Council members to block further action. Now take Syria, I'm just curious what the opinion in this room is. When to do what? What will be the next step? How long can we keep watching?

Lesson 3: The sovereignty of the state is a crucial principle in international law, but is has to be seen in combination with the responsibility to protect. Sovereignty or

the principle of non-intervention may never be an excuse to sit and watch how mass atrocities happen, as we have done in recent history.

The discussion about the responsibility to protect is also about the purpose of military intervention. When does military action begin and when does it stop. About the question whether regime change can be the purpose of an intervention under the responsibility to protect. In my view, we should be clear that this should never be the case. But it may be the outcome of a political process that was triggered after an intervention under the responsibility to protect. In that case it is the wish of the people of the country concerned, not of the party that intervened.

Lesson 4: regime change may never be the purpose, because the ownership of the political process must always remain with the people concerned. But it may be the outcome of that political process.

Finally, I would like to say a few things about the responsibility to protect in fragile states, about what the international community can do.

Fragile states are often characterized by the absence of a functioning political and judicial system, and by weak government, bad government or no government at all.

In most fragile states, governments will find it difficult to protect their own people, even when it is their wish to do so. In looking at this, we have to differentiate between bad government, in other words governments that may pose a threat to their own population on the one hand, and weak government or no government at all at the other hand.

In the case of bad government, one should still try to find peaceful ways of engaging this government in a dialogue on the responsibility to protect. The international community should try to seek ways to convince and support the government concerned. This is all second pillar work. If that doesn't lead to satisfactory results, one could move on to the third pillar, which has a lot of instruments available, apart from military intervention. Think of the various possibilities for sanctions.

In case of weak government or no government at all, you have to find ways to work with other groups like religious groups, civil society groups, traditional leaders and women's groups. Since women and children are the most vulnerable groups in conflict, women often have a strong interest in preventing armed conflict and far more

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use should be made of their influence, their abilities and their strong political will to protect their families and prevent violence.

In all cases there is always a role for regional and sub-regional organizations. They do always better understand the local context, they often have a network in the country concerned and they should be the first external layer to signal and act upon threats towards the civilian population in a country in their region.

As I have said before, the Responsibility to Protect is about prevention, not about intervention. Gareth Evans – the founding father of the responsibility to protect – has identified a couple of tools that we can use to prevent a situation wherein mass atrocities may occur:

• promote and support good governance

• encourage the membership of sub-regional, regional and international organizations

• support economic development and education

• support community peace building and help build structures to overcome differences in societies under pressure

• promote human rights and the rule of law

• fight corruption

• look at possibilities for security sector reform

• support confidence building measures before tensions are too high

• fight the trade in small arms and light weapons.

• More delegation of decision making and funds to the regional and local level in states with internal tensions, less centralism, more federalism.

As so often, there are many things we can do to prevent conflict, instead of ultimately mobilizing military force to end conflict. And we should do this even more then we are doing today.

Johanna Mendelson Forman

Senior Associate, CSIS

New Threats, New Actors, and New Mechanisms for Cooperation: Regional approaches competitive multilateralism.

Introduction

In the second decade of the 21st century Latin America faces threats that reflect the complexity of globalization.   These threats are neither solved by one state alone nor are they confined to wars that arise between states. Indeed, borderless threats require new forms of multilateral engagement. Beyond the treaty-based institutions that were created in the second half of the 20th century to address issues of peace and security, a growing number of organizations have emerged in this hemisphere to address questions that go beyond the traditional questions of peace and security to also consider trade and socio-economic development. Other multilateral arrangements have been formed with nations outside the hemisphere, with emerging economies that represent the future actors who will dominate the political economy of the twenty-first century.

As we look at this landscape of old organizations and new, one comes away with a sense of competition among these groupings. They create agendas that often overlap when it comes to discussing problems affecting the region. Moreover, the newer groupings, coupled with the Summit processes, are very much a product of the evolution of relationships between Latin American states and the United States that reflect a more complex set of thematic issues to address and also demand more attention of national leaders. In some cases these unending series of meetings at the presidential or ministerial level take up large amounts of time and resources, often without specific accomplishments beyond lofty declarations of intent. In addition, some of these new regional organizations like the Union of South America (UNASUR)

and the Community of Latin American Countries (CELAC) noticeably exclude the United States and Canada from membership. This is another sign of the changing dynamics of regionalism.

This note briefly addresses the phenomenon of competitive multilateralism in the region. It the looks at the rise of new multilateral groupings that started to emerge after the end of the Cold War, and continue to grow with what many characterize as an effort of many countries to distance themselves from the dominance of the United States and Canada. Some of these new organizations also represent differing ideological views about regional political dynamics. Others combine more pragmatic arrangements related to free trade and economic development. Whether these new organizations are a passing trend in regionalism or represent a new political dynamic is not yet clear. They are, however, making their mark on the way Latin America and the Caribbean are managing transnational issues in the 21st century.

Competitive Multilateralism:

Forum shopping is not a new phenomenon when it comes to finding organizations that will provide favorable responses to specific questions. Just the way lawyers seek jurisdictions that have a history of favorable results that support a client's position, so nation-states are also using a wide array of new multilateral bodies to find ways to support common agendas without the presence of countries that might challenge their views. In the Americas the declining influence of the Organization of American States as a forum for dispute resolution reflects a growing desire by other countries in the region to scale back the dominant power of the United States and Canada. This has been especially the case since 2003, when two Latin American members of the United Nations Security Council, Mexico and Chile, voted against the U.S. invasion of Iraq. That action marked a turning point in the region's shift to other multilateral alternatives for action outside both the UN and the OAS.

The growing influence of other hemispheric bodies like UNASUR, MERCOSUR, and ALBA, the Bolivarian Alliance, provide alternative forums for rising leadership by Brazil and Venezuela to create multilateral spaces that give these countries and regional members more space to deal with regional issues. The appearance of CELAC, the Community of Latin American Countries, established in 2010, which included Cuba, a country expelled from the OAS in 1962, also reinforced a

growing sense of independence from United States policies that many nations in the hemisphere feel are anachronistic at best, and counterproductive to regional economic development.

The practical effect of so many new organizations that purport to have regional and sub-regional reach is that they also compete with each other in terms of overlapping agendas when it comes to economic integration, dispute resolution, and harmonization of public policies. Not only do these organizations have repetitious subject matter themes, but they also take up vast amounts of time and resources. It is especially hard for smaller states in the region to manage the ongoing demands and agendas of so many organizations.

In a recent study prepared by Professor Carlos Portales, the proliferation of meetings by old and new organization requiring presidential attendance has spiraled out of control. For example, he notes that from 1960 to 1989 there were a total of 30 presidential summits in thirty years. But over the next fourteen years, from 1990 to

2003 the number rose to 157 meetings. And from 2004 until 2012 there were 144 meetings. Whether these meetings of so many regional multilateral organizations produced the desired results beyond photo opportunities, especially after 2004, is a question that remains unclear. What is known, however, is that these types of competitive forums drain both human and financial resources from government coffers with little to show for their investments.

Some Latin American states are also expanding their relationships with countries outside the region. For example, Brazil is aligning with other emerging powers. The BRICS, consisting of Brazil, Russia, India, China and South Africa, are an example of this type of multilateralism that is more about economic power than regional political development. But one cannot ignore the global political reach that such new arrangements imply even when their collective actions are not as visible on the ground. There is a similar type of situation taking place with IBSA, the grouping that includes India, Brazil and South America. These nations are working together to form a strategic alliance that links three large democracies together with tremendous economic potential in the future.

Other extra-regional arrangements, however, are more focused on economic ties. Thus, the growing coordination of Pacific coast countries such as Chile, Peru, Colombia and Mexico with Asia, and their desire to enter the Trans Pacific Partnership (TPP) are examples of working relationships with specific goals of increased trade relationships and markets. Yet the inclusion of Mexico, Brazil, and Argentina in the G-20 grouping of large economies is less a reflection of regionalism than recognition of their rise as emerging economic powers.

What threats require collective action?

Transnational threats not only affect regional peace and security, but they also place a growing demand on the abilities of one nation alone to manage appropriate measures to combat these challenges. In the Americas, the 2003 OAS Declaration on Multi-dimensional Security highlighted the changing nature of the global security environment. It underscored the borderless threats that could require collective action; it also demonstrated the intimate link between security and development that could no longer be addressed through the use of force alone. In 2005 the Report of the UN Secretary General's High Level Panel on Threats, Challenges and Change identified

six clusters of threats that would dominate global attention in the 21st century. (See Chart below) In reading these lists what is apparent is that they arose through a consensus among multilateral institutions that globalization had created a new set of challenges that many countries were not yet prepared to manage by themselves.

Latin America has been spared most inter-state warfare, but it has known its share of civil wars, with one still unresolved in Colombia. It has also been fortunate to have remained a nuclear free zone since the 1967 Treaty of Tlateloco. This treaty remains a pillar of non-proliferation policy and a standard for other parts of the world. Similarly, urban violence that respects no borders has been all too common in Mexico, Central America and parts of the Andes, driven by criminal organizations involved in the drug trade. Transnational organized crime has plagued the Caribbean

But economic integration still eludes the hemisphere, although there has been progress in recent years, especially as countries along the Pacific littoral, Mexico, Colombia, Peru and Chile, all seek to expand trade with Asia. The failure to achieve a regional free trade agreement in the early 21st century is an example of the challenges that remain among countries who seek to balance their protectionist policies with more open borders for commerce, and greater regulatory integration that would improve economic growth. Nevertheless, the success of the North American Free Trade Agreement (NAFTA) and the increasing efforts to work on sub-regional economic integration through MERCOSUR and CARICOM demonstrates a growing recognition of the need to open markets in the hemisphere.

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Case Study: Haiti as a Microcosm of the New Multilateralism

Brazil's role in the UN Peace Operation, MINUSTAH, had an important effect on the creation of a new multilateral agenda in the region. Starting in May 2005 with a meeting in Buenos Aires, the Vice Ministers of Foreign Affairs and Defense of Argentina, Brazil, Chile, and Uruguay met to discuss ways to strengthen the regional contribution to MINUSTAH. This meeting, known as the 2 X 4 process, expanded in August 2005 to a 2 X 7 group, when Ecuador, Guatemala, and Peru joined the group. This cohort reaffirmed its commitment to a democratic Haiti and to continued support of MINUSTAH. In a meeting in Lima in February 2007 the group expanded to 9 countries (2 X 9) adding Bolivia and Paraguay to the mix. All countries also contributed troops The absence of the United States from these consultations is significant, suggesting a new age of regional security. New leaders are defining what can only be called the new civil-military relations of this century.

What distinguished the new multilateralism from the old one was the exclusion of the United States and Canada from arrangements made to support the work in Haiti. While the U.S. was engaged in military operations in Iraq and Afghanistan the Brazilians led the way by creating a process of consultation and participation in MINUSTAH that also built up cooperation of foreign and defense ministers of the troop contributing states. What started as the 2X4 process, where Argentina and Brazil participated in discussions related to Haiti, continued to expand to six countries, then nine and finally led to a South American Defense Council, a part of Brazil's effort to create its own sub-regional grouping UNASUR in 2008.

The timing of the Haiti crisis was a politically propitious moment for Brazil. As a regional leader in the Americas, Brazil has had a long history of support for the UN. Events in Haiti coincided with the emergence of a more aggressive regional policy on security where Brazil, using its leadership in MINUSTAH, was able to convene defense ministers of other Latin American nations to begin a process of collaboration and coordination for the Haiti mission. The 2X4 process described above led to improved regional coordination among the region's nine troop contributing defense ministers. Out of this process came the roots of what is now being proposed by Brazil, a regional defense council for the Americas.

Latin American Multilateralism: A Growth Industry

The Americas is now the home to more than 26 multilateral organizations, some that pre-date the end of the Cold War. Those formed after the end of the Cold War reflect a trend to increase the number of players in matters that relate not only to the security of the hemisphere, but also to the social and economic well-being of states that have joined together to address specific types of thematic issues. The end result of this expansion of multilateral organizations is still not completely clear, as many of these new arrangements did not arise from treaties, but were more a response to a growing sense of regionalism that could be independent of the United States or Canada. What is certain, however, is that judging by the sheer number of meetings that are now taking place through this vast number of multilateral bodies, Latin America's leaders are spending more time on the road in meetings than they are in doing the hard work of trying to transform their own nation's institutions to support justice and combat transnational threats.

Whether all the investments in new multilateral fora detract from the more difficult job of strengthening democratic institutions at home remains a question that only history can judge. Certainly, the need to improve legal systems, or create a more harmonized set of international regulatory mechanisms on trade, energy security, and public health may benefit from the type of cross-fertilization that takes place at summits. Working collectively can help improve human security and also create solutions to urgent regional problems. Whether the diminishing role of the OAS reflects a decline of U.S. influence in regional cooperation is still unclear. In place, for now, are competing sub-regional groups that have emerged as alternative forums for addressing such challenges as security cooperation, economic development and trade.

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Kees Homan

Major General (ret.) RNMLC and Senior Research Associate, Clingendael Institute.[1]

Challenges in Implementing the Responsibility to Protect: undertaking coercive and non-coercive action

Introduction

'Libya can be considered as the most straightforward case for 'R2P' action that's come along in years, maybe decades. '(…) The Libyan case was, at least at the outset, a textbook case of the R2P norm working exactly as it was supposed to, with nothing else in issue but stopping continuing and imminent mass atrocity crimes' according to Gareth Evans, one of the chief architects of this Responsibility principle[2]. However, later on there has also been a great deal of criticism on the implementation of this 'military intervention' in Libya, which has led to the Brazilian proposal for the 'Responsibility while Protecting'.

This article will first of all go into the history of the R2P doctrine, followed by its application in the Libyan conflict. Then some critical observations, which have been made on the application of the R2P norm in the Libyan conflict will be mentioned. This will be followed by the Brazilian proposal for 'Responsibility while Protecting' and the discussion of this idea. At the end, some final remarks will be made.

The Responsibility to Protect (R2P)

In his address to the General Assembly in 1999 and 2000, the then UN Secretary-General Kofi Annan challenged Member States to resolve the conflict between the principles of non-interference regarding state sovereignty and the responsibility

facing the international community to respond to massive human rights violations and ethnic cleansing. As a follow-up, the 2001 International Commission on Intervention and State Sovereignty, sponsored by the Canadian Government, called on the international community to recognize its 'international responsibility to protect'. This important new concept reflected the idea that: 'Sovereign states have a responsibility to protect their own citizens from avoidable catastrophe — from mass murder and rape, from starvation — but that when they are unwilling or unable to do so that responsibility must be borne by the broader community of states'[3]. The principle of non-intervention accordingly yields to an 'international responsibility to protect'[4]. Sovereignty brings with it not just rights but also responsibilities.

UN Summit

These conclusions were echoed in the December 2004 report by the UN Secretary-General's High Level Panel and the Secretary-General's In Larger Freedom Report of 2005[5]. Most importantly, the responsibility of a state to protect its own people and, if it fails to do so, for the international community to act was subsequently endorsed by Heads of State and Government at the UN Summit, convened by Kofi Annan, on 14-16 September 2005[6].

The outcome document includes paragraphs 138 and 139 on R2P:

'138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII,

3 The Responsibility to Protect, International Commission on Intervention and State Sovereignty, Ottawa, International Development Research Centre, December 2001, p. VIII

4 Ibid, p. XI.

5 The Secretary-General's High-Level Panel Report on Threats, Challenges and Change, A more secure world: our shared responsibility, New York, United Nations, December 2004; and In larger freedom: towards development, security and human rights for all, Report of the Secretary-General, New York, United Nations, 21 March 2005.

6 UN General Assembly 2005, World Summit Outcome, 15 September 2005, paras. 138-139.

on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.'

Caveats

So now it looked as if the debate about humanitarian intervention had finally been won by the interventionists. Humanitarian intervention had at last been sanctioned by the international community. Or had it? The language of the Summit declaration, on closer inspection, is more limited by caveats than that of the preceding high level reports. The occasions for action are no longer 'large-scale killings, actual or apprehended' or 'large-scale ethnic cleansing' but the more circumscribed 'genocide, war crimes, ethnic cleansing and crimes against humanity'. Moreover, responsibility devolves to the international community to act not when states are 'unable or unwilling' to protect their populations from such atrocities, but when they 'manifestly fail' to do so. Also the 'precautionary principles', based on the just war criteria right authority, just cause, right intention, last resort, proportional means and reasonable prospects, that were included in both the preceding high level international reports designed to guide when and how interventions may take place, are not mentioned in the Summit declaration[7]. The inclusion of the criteria was opposed by, on the one hand, the US fearing that it would constrain its freedom of action and, on the other, by Russia and China which were fearful it might encourage action which bypasses the Security Council[8].

More importantly, whatever nice words remained in the Summit declaration, the international community subsequently showed little appetite for humanitarian intervention.

7 Note III, pp. 32-37 and note V, pp. 57-8.

8 The US and Russian/Chinese motives in opposing the inclusion of criteria in the Summit declaration are noted in Alex J. Bellamy, 'The Responsibility to Protect and the Problem of Military Intervention', International Affairs, vol.84, no.4, 2008, p.625.

Uprising in Libya[9]

But then, in the early months of 2011, came the Arab Spring. However, in Libya it seemed that the determination of one dictator to use force to hold onto power would succeed in suppressing the popular uprising. After some initial protests in mid-January, demonstrations quickly turned violent. Initially the rebels enjoyed rapid successes[10]. However, by mid-March 2011 Gaddafi's forces had regained control of most of the areas occupied by the rebels and were about to attack the main rebel stronghold of Benghazi. Gaddafi threatened to clear this city of a million people 'house by house.'

Resolution 1970

After earlier consultations, the Security Council had already unanimously passed Resolution 1970 on 26 February. Among other issues, it condemned 'the widespread and systematic attacks' against civilians, which it noted 'may amount to crimes against humanity'. It also underlined the Libyan government's responsibility to protect its people. Acting under Chapter VII of the UN Charter, the Council demanded an immediate end to the violence and urged Gaddafi's government to ensure safe passage for humanitarian and medical supplies. It also referred the situation in Libya since 15 February to the Prosecutor of the International Criminal Court, and it established an arms embargo on the country. Resolution 1970 proved relatively uncontroversial, although several Council members indicated in the informal consultations that they were not prepared to endorse more coercive measures. In response, on 2 March, Gaddafi's regime wrote to the UN Security Council, declaring that its condemnation of Libya was premature and requesting that Resolution 1970 be suspended until the allegations against Libya were confirmed.

Resolution 1973

Contrary to the expectation of many experts, the international community decided to act with coercive measures. On 17 March 2011, following an earlier plea for help from the Arab League, the UN Security Council passed resolution 1973, calling for a no-fly zone as well as a ceasefire. The comprehensive resolution also included provisions

9 See Alex J. Bellamy and Paul D. Williams, 'The new politics of protection? Côte d'Ivoir, Libya and the responsibility to protect', International Affairs, vol. 87, no. 4, 2011, pp. 838-847.

10 Defiant Gadaffi issues chilling call, ABC (Australia), 23 February 2011.

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for a more robust arms embargo and called for travel bans and asset freezes against additional Libyan individuals, companies and other entities.

Resolution 1973 authorized UN members "to take all the necessary measures to protect civilians and civilian-populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory"[11]. US, UK and French air forces shortly thereafter commenced operations to implement the UN Security Council resolution, with other countries subsequently joining the operation, including, importantly, the Arab state, Qatar. NATO subsequently took over military command.

Criticism

During the NATO-led implementation of the Council's Libya mandate 'to protect civilians and civilian-populated areas under threat of attack' there was a great deal of criticism by the 'BRICS' countries (Brazil, Russia, India, China, and South Africa). They did not complain about the initial military response — destroying the Libyan air force's infrastructure, and air attacks against ground forces advancing on Benghazi. Rather they objected to what came afterwards, when it rapidly became apparent that mission creep had become a part of the operation. The UK, UK, and French leaders — Obama, Cameron and Sarkozy — put in writing in The New York Times on 14 April that they could not envisage a future Libya in which Gaddafi (or members of his family) played a role, which was considered by critical observers to amount to a regime change[12]. However, this prospective slide towards a forced regime change was not contemplated by UNSCR 1973, and it was not supported by the BRICs, the African Union and countries other than the United States, the EU member states, and a handful of their partners, such as Qatar and the United Arab Emirates. Mission creep has become a well-known phenomenon in peace-enforcing operations nowadays. It is the shifting of the mission's objectives due to practical difficulties and ambiguities on the ground.

Concerns were also raised that the interveners had rejected ceasefire offers that may have been serious, had carried out airstrikes against fleeing personnel who posed no immediate risk to civilians, and had attacked locations that had no obvious military significance, like the compound in which Gaddafi's relatives were killed. More generally, the Western powers, along with Arab states like Qatar, comprehensively

11 www.un.org/News/Press/docs/2011/sc10200.doc.htm. For an assessment of the morality of the Libyan intervention against the just war criteria see David Fisher, 'A debate on the Iraq war and reflections on Libya', International Affairs, Vol. 87, no. 3, May 2011, pp. 701-4.

12 Barack Obama, David Cameron, Nicolas Sarkozy, 'Libya's Pathway to Peace', The New York Times, 14 April 2011.

supported the rebel side in what rapidly became a civil war. They also ignored an explicit arms embargo in the process. Britain, France, and Italy (with US support) put special forces advisers on the ground, provided equipment, established tactical communications and intelligence cooperation with the rebel forces, and coordinated NATO air attacks with rebel advances.

The United States, the United Kingdom and France took the position that protecting civilians in areas like Tripoli, that were under Gaddafi's direct control, required overturning his regime. As a consequence NATO did not participate in the search for a negotiated solution and supported, at least indirectly, the uncompromising position of the Transitional Council[13]. The Western permanent members of the Security Council argued that if one side was supported in a civil war, it was because a regime's one-sided killing sometimes leads civilians to take up arms to fight back and to recruit army defectors. Moreover, military operations cannot be micromanaged with a '1,000-mile screwdriver', as Gareth Evans states. He thinks that 'a more limited 'monitor and swoop' concept of operations would probably have led to a longer and messier conflict in Libya, which would have been politically impossible to sustain in the US and Europe, and would likely have produced many more civilian casualties'[14].

Although all these arguments may have some validity, the United States, the United Kingdom, and France resisted debating them in the Security Council. Other Council members were never given sufficient information to enable them to be evaluated. The Western permanent powers' dismissiveness during the Libyan campaign did provoke the other Council members. A healing process is needed before any consensus can be expected on tough responses to such situations in the future.

Nevertheless, under those bleak circumstances, it was Brazil which took the initiative to propose new mechanisms for the implementation of R2P.

The Responsibility while Protecting

During her first address to the UN General Assembly on 21 September 2011, Brazil's President Dilma Rousseff acknowledged the concept of the 'responsibility to protect', but she conditioned her support by suggesting a complementary norm which involves establishing basic criteria to assure that interventions by force always do the slightest damage possible[15]. She emphasized that prevention is the 'best policy' and that the use of force in particular must be monitored and assessed.

13 Matthias Dembinski and Theresa Reinold, Libya and the Future of the Responsibility to Protect – African and European Perspectives, Peace Institute Frankfurt (PRIF), Frankfurt am Main, 2011, p. 25 .

14 Note XI.

15 Oliver Stuenkel, Why the BRICS should embrace the 'Responsibility while Protecting', Like 22 Retweet 16, 1 March 2012.

Brazil's Permanent Representative to the United Nations, Maria Luiza Ribeiro Viottii, presented a paper on 9 November 2011 with a new set of principles and procedures on the theme of 'responsibility while protecting'[16]. Its two proposals are, firstly, a set of criteria (including last resort, proportionality, and a balance of consequences) to be taken into account before the Security Council mandates any use of military force. It is important that they should be adopted, at least informally, as guidelines for decision-making. Secondly, Brazil proposes a monitoring-and-review mechanism to ensure that such mandates' implementation is seriously debated. This oversight mechanism would allow the Security Council in its entirety to oversee the implementation of protective mandates.

The Brazilian paper initiated a broad discussion in academic circles and the Permanent Mission of Brazil organized an informal discussion in New York on 21 February this year. Twenty-two Member States, the European Union, the Special Adviser on the Prevention of Genocide and three civil society organizations made statements at this meeting[17].

The discussion does not call into question the idea of protecting civilians, but rather voices legitimate concerns on the application of the use of force; concerns 'of an operative, rather than conceptual nature'. The discussion on RwP was mainly welcomed as a forum to enhance the norm's implementation.

Discussion

Now, some of the issues will be highlighted which have been raised in the ongoing discussion on the Responsibility while Protecting.

The Brazilian concept note states that 'As a measure of last resort by the international community in the exercise of its responsibility to protect, the use of force must then be preceded by comprehensive and judicious analysis of the possible consequences of military action on a case-by-case basis'. One of the biggest challenges is how to strike a balance between analyzing and discussing various policy options and 'timely and decisive action'. While some have feared that the criteria of last resort, proportionality and balance of consequences might be used to institutionalize inaction that should not be the case if they are properly understood. In particular the criterion 'last resort' should not mean waiting interminably while lesser options are tried and

16 Letter dated 9 November 2011 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General, New York, 11 November 2011.

17 United Nations Informal Discussion on 'Responsibility While Protecting', 21 February 2012.

18 Implementing the
    responsibility to protect,
    Report of the Secretary-
    General, General Assembly,
    12 January 2009, pp. 22-23.

19 See, Hajo Holborn, 'Moltke
    and Schlieffen: The Prussian-
    German School', in: Edward
    Mead Earle (ed.), Makers of
    Modern Strategy — Military
    Thought from Machiavelli to
    Hitler, Princeton University
    Press, Princeton, New Jersey,
    1961, pp. 174-187.

20 Opening Statement of Edward
    C. Luck, on the Responsibility
    to Protect Informal Discussion
    on the 'Responsibility
    While Protecting' Initiative
    Organized by the Permanent
    Mission of Brazil, New York,
    21 February 2012.

21 Carl von Clausewitz, On War,
    Princeton University Press,
    Princeton, New Jersey, 1976,
    p. 119.

22 Ibid, p. 193.

fail. It means making a reasonable judgment based on all available evidence that no lesser measures could succeed in halting or averting the threat of mass atrocities. As the UN's Secretary-General mentions in his report on the implementation of R2P: 'In a rapidly unfolding emergency situation, the United Nations, regional, sub regional and national decision makers must remain focused on saving lives through 'timely and decisive' action (para. 139 of the Summit Outcome), not on following arbitrary, sequential or graduated policy ladders that prize procedure over substance and process over results'[18].

One should also keep in mind the German General Von Moltke, saying: 'no military plan survives first contact with the enemy'[19]. Even the most comprehensive analysis will not change this. But when thousands of lives are at stake, what is needed is 'timely and decisive action (...) not philosophical debate', Edward Luck says[20].

This should not prevent a discussion of the various consequences of forceful action, as it is crucial that any such reaction is be practically workable, recognizing legitimate military needs and realities, and the limits of micromanagement. It has been suggested to involve the Department of Peacekeeping Operations with support from military experts in an advisory role in the decision making by the Security Council on protection operations. Those military experts should in my opinion especially advise on operational principles as clear objectives, a common military approach, the acceptance of limitations, rules of engagement, and maximum coordination with humanitarian organizations. It would also be useful to articulate more clearly how R2P will impact military doctrine and strategic concepts.

But still, we have to realize as Von Clausewitz noted: 'Everything in war is very simple, but the simplest thing is difficult'[21]. 'In war more than anywhere else things do not turn out as we expect. Nearby they do not appear as they did from a distance'[22]. Moreover, '... every fault and exaggeration of a theory is instantly exposed in war.' Other raised.

Other raised concerns in the informal discussion in New York concern the distinction made in the concept note on 'collective responsibility', which can be fully exercised through non-coercive measures, and 'collective security', involving a case-by-case assessment by the Security Council as to whether to characterize a situation as a threat to international peace and security. The Mission of the Netherlands reiterated that 'this distinction is not made in the Outcome Document, which in paragraph 139 expressly refers to Chapter VII when timely and decisive action in the exercise

of R2P needs to be taken[23]. In prepared remarks, the International Coalition for the Responsibility to Protect declared that 'genocide, war crimes, crimes against humanity and ethnic cleansing are by definition and under international law threats to international peace and security, thus requiring Member States and the UN to take preventive and reactive measures when faced with the threat of these crimes'[24].

A US intervention in this discussion considered it a grave error to equate 'manifest failure' with a strict chronological sequence[25]. Appropriate decision making in this area requires not just 'temporal' considerations but a comprehensive assessment of risks and costs and the balance of consequences, as the paper calls for elsewhere. It also regretted any implication that in those circumstances where collective action is necessary, diplomacy should be considered 'exhausted'. 'We should not eliminate the possible role of diplomacy, even — perhaps especially — in situations where forceful action is required'.

Concluding remarks

While the discussion on the Responsibility while Protecting will continue, it should be emphasized that, for the first time, the international community recognized in 2005 both the rights of citizens and a specific relationship between the government and its citizens, namely a relationship of protection. R2P is here to stay. There is, in principle, universal support for the basic elements of R2P: the four crimes (genocide, war crimes, ethnic cleansing and crimes against humanity), and the three pillars (the protection responsibilities of the State; international assistance and capacity-building; and a timely and decisive response).

The nature of sovereignty itself is thus changed: legitimate governments are defined not only by their control of a territory and a population but also by how they exercise that control. If they fail in that obligation, the international community has the responsibility to protect those citizens.

The most urgent reason for the doctrine of non-intervention was that it protected weaker states from stronger states, on the assumption that the worst thing that could happen to a state and its population was invasion or some other use of force by another state. That made sense in the 19th century and much of the 20th century. But the words of Thucydides have not made sense for many centuries, when he wrote

23 Statement by Herman Schaper, Permanent Representative, Permanent Mission of the Kingdom of the Netherlands to the United Nations in New York, Informal debate on Brazilian concept note on 'Responsibility while Protecting', 21 February 2012.

24 Note XVI.

25 Remarks by the United States at an Informal Discussion on 'Responsibility while Protecting', http:// usun.state.gov/briefing/ statements/184487.htm.

that 'The strong do as they wish, while the weak suffer as they must'? However, in the 21st century populations are often at equal or greater risk from their own governments as they are from other states. In a world of governments and societies, the responsibility to protect is the foundation of a new way to think about them both and the relationship between them.

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Ko Coljin

Director, Clingendael Institute

Brazil and the Netherlands: common ground in the neo-geo world?

The world becoming multipolar, it is tempting to follow the emergent positioning of nations in the neo-geopolitical landscape and explore their potential for cooperation. In the context of the joint CEBRI-Clingendael conference on 'New Threats, new actors and new mechanisms, dealing with de 21st century international security agenda', the positions of Brazil and the Netherlands have been explored. Starting from quite different political environments, both countries enter the new era as self-proclaimed 'middle powers'. For Brazil, if that is correct, it is certainly a very big middle one, a middle power on the rise. The Netherlands are a small middle power, a well-organized and rich member of the EU-27, a triple A country of the now fragile but still going Eurozone, and its future role in the multipolar world is highly dependent on the capacity of the European Union to get its act together and play a single role or single partner role in the multipolar system to come.

Whereas Brazil can claim the status of a giant middle power, the Netherlands are only a pocket-sized middle power, as the saying goes in Holland.

The Netherlands are a tiny stretch of land, owing its geographical and strategic relevance to its position in the North West delta of some aortic European rivers rather than to its vastness in square kilometers. Logically, the Dutch depend on trade and logistics, on free trade and smooth connections. Dutch policies breathe a deep interest in level playing fields economically and legally and in a manifest drive for promoting global order and global justice. One step further is its constitutional provision that the Dutch do not only defend the national territory but will be fit and ready to defend the international legal order as well with their armed forces. Implicit is the Dutch wariness of any turbulence a new multipolar may bring and its interest in looking for like-minded partners.

Thus, Dutch global interests are not in power competition, but in global justice and helping to eliminate other's conflicts.

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Brazil may be such a partner.

Far different in size, geography and history, both countries seem no natural allies at first sight, but they share enough 'atypicalness' in their own categories as to complement and meet together. As Peter Hakim rightly observes, Brazil is atypical in that it is a large and powerful actor, (but) facing no serious hostilities from any other side. It has no enemies, is located far away from any of the world's major armed conflicts, and is not involved in any of them. Brazil's army is a small, defensive force, but its military is definitely apt for UN peacekeeping and for occasionally neutralizing urban gang unrest. In offering a rare combination of power and 'distance', Brazil is a country that can permit shaping its international priorities and policies relatively independently of external forces. Brazil, it is said, is characterized by its consistent non-interventionist posture. It is even sometimes heard that Brazil is too much on the sidelines, given its potential to influence events. Its doctrine of sovereignty and non-interference is upheld consistently.

By and large, outside perception converges to Brazil as slightly transforming to a friendly giant, accordingly claiming greater influence within global governance institutions, but at the same time embracing a sort of activist human security approach and cautiously pushing for a greater role in resolving issues of geopolitical importance (e.g. Iran). These are all principles that connect extremely well to Dutch foreign policy, albeit sometimes on a different level, in different areas of the world, maybe even for different reasons but definitely with similar ambitions and subscribing to the elevated goals of multilateralism, peace building, global justice and the broad agenda of human security.

I recall the very recent appreciation of the Lula agenda in awarding the Four Freedoms (Roosevelt) Award to former president Lula da Silva in the Netherlands. The jury report especially honored Brazil's "commitment to social and economic justice, coupled with its resolve to help foster a climate of peace and reconciliation among all nations" under his rule, now an anchored policy of Brazil, and very similar to basic Dutch foreign policy motives.

No contentious issues then? Sure, no pair of countries in the world share completely similar interests and preferences, and therefore positions. But that is not necessarily an irritant nor obstacle. On the contrary, the role of the relative dissident, or bystander, can be a very productive one in that he might well be the useful mediator, or bridge builder between two opponents. The distance of Brazil, and the Netherlands on their part, may well serve global interests in their own right.

Do the Dutch have a similar 'distance' role, which afford them international 'mediation value'?

The Netherlands, despite its limited capacity, can maximize its diplomatic reach on a selective basis by contributing to peace operations, nowadays mainly (if not exclusively) in UN-mandated ones, and in seeking to 'syntegrate' its foreign development assistance and crisis intervention efforts. This combines well with the more pragmatic ratio of promoting Dutch outreach for national economic reasons. It also resounds academic debate on the issue whether Brazil's recent more active engaging in foreign peacekeeping operations should be seen as a form of realist instrumentalism rather than idealism. If Brazil claims great power status, the reasoning goes, and wants to shore up its claim for a permanent seat at the Security Council, it will have to show up in UN operations like the one in Haiti. Whatever the motives are, in my opinion the Dutch and Brazilians in the real world are not far apart. Whatever their respective interpretations of 'sovereignty' may be, both the Netherlands and Brazil have moved into a constructive dialogue on responsibility while protecting - the group of nations that believe in internationally protecting foreign populations where those populations lack the protection they are nationally are entitled to. We could explore areas of opportunity anyway. Why not cooperate in western Africa, for instance, and both profit from helping to stabilize fragile states over there, paralyzing drugs trade corridors running from Latin America to Europe, or have joint maritime patrol operations in the resource-rich waters or in anti-piracy missions?

Coming from the world of think tanks, I'd propose studying jointly the cases of Libya and Syria.

One might reach at the conclusion that these are instructive cases as to the limits of R2P-interventions, certainly so with respect to the means which are used (military, which weapons, against whom?), the relative outcomes (is the population better off with or without intervention?), and with respect to the 'geomoral' dilemma whether the R2P sometimes be, for strategic convenience, a Responsibility to Select? My conclusion is that there is certainly common ground here for our two nations: Brazil, a great power maybe too reluctant to be great, and the Netherlands, a small power maybe too great to be reluctant.

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Leonardo Paz Neves

Study and Debate Coordinator, CEBRI

New Approaches to Responsibility to Protect (RtoP)

Responsibility to Protect (RtoP) is one of the most remarkable developments of the Collective Security Model, the latter being considered a great achievement of the international community, which can be traced back 1920s after the 1st World War (although it was not very successful) and gained strength after the 2nd World War with the creation of the United Nations and the prominence of the UNSC. We may find several roots of the idea behind the "international responsibility towards human protection", some are quite old (Hugo Grotius), but only in 2005 was the concept put into practice within the UN Framework.

One should acknowledge that the introduction of the RtoP concept is somehow an answer for the near unsolvable debate on Humanitarian Interventions in the 1990´s. That difficulty can be attributed to the desire of many (new) countries to play by the traditional Westphalian Rules, By that we mean that every new state leader wants to be recognized as an international actor (with the same rights as everybody else), practice its sovereignty, and without any international (unilateral or multilateral) intervention.

The problem here is that, in 1648 after the 30 Year-War, there were around 30 big State Leaders in the world. Throughout the past 300 years, international relations have been orientated by Westphalian corollary, which later became one of the pillars of the UN Charter. By that time, the world had a little over 70 Nation States (14 others joined us after the II World War) and since then, this number increased drastically to almost 200 countries in the 2000´s. The point here is, for 300 years, only a handful of countries operated under the Westphalian Rules. Now, in the turn of the 20th Century, almost a hundred new countries emerged into the international scene, and they also wanted to play (finally) under the UN Charter. To many countries, the idea of being flexible with regards to sovereignty is somehow unfair, since they have not had the chance (only briefly) to actually be sovereign – since they were likely candidates of a Humanitarian Intervention.

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That dilemma plagued the debate in the 1990´s. The problem was that some Western Countries believed that many State leaders used sovereignty as a shield (and took advantage of the Cold War dynamics) in the second half of the 20th Century to commit many atrocities on their own citizens. The notion that the international community had to draw a red line on mass atrocities and grave violations to the Human Rights led to the idea of Humanitarian Interventions.

That is why RtoP was a very ingenious idea. Through its first two pillars, it reinforced the role of the State on being the primary human rights guarantor of its own population. Only in the case of the State being the perpetrator of the atrocities does the International Community have the obligation to act.

Since its establishment as a norm, the concept has counted on broad support from the international community, although it is possible to identify some clear criticism – which has been growing over time. It is important to note that based alone on its premise, the idea of "responsibility to protect" would easily reach a wide consensus. It would be very difficult to find one that would argue against the idea that 'states are responsible for its citizens' or that 'the world should engage in protecting people against mass atrocities'. It is hard to believe that someone would step into the UN General Assembly to defend war crimes or ethnic cleansing as an instrument of policy.

Having said that, it seems the main constraints to it are those concerning its implementation. Questions about the selectivity, legitimacy and extrapolation of the mandate have gained more voices in light of recent developments. Harsher critics say that these initiatives are implementing a codified system of intervention and coercion.

The question that gives the title to this piece is most timely, since dissident voices are using recent experiences to undermine the very concept of the international responsibility of protecting civilians. Therefore, to avoid loss of credibility, it is necessary to foster a multilateral debate in which it would be possible to develop criteria's and guidelines, taking in account expectations from the international community.

It is also worth noting the Brazilian initiative in January 2012 is an important step in this direction. The concept of "Responsibility While Protecting" (RWP) was presented in an informal discussion promoted by the Brazilian Permanent Mission, which was attended by the Brazilian External Relations Minister, Ambassador Antonio Patriota, and the UN Special Adviser for the Responsibility to Protect, Dr. Edward Luck.

The idea behind this initiative is that RtoP as such has evolved and needs to be complemented by a new set of principles and procedures. Within the RWP concept, it is possible to identify two key proposals: first, a new criteria for the use of force (i. exhaustion of all peaceful means; ii. proportionality; and iii. balance of consequences). Second, the establishment of mechanisms that would "enhance UNSC procedures to monitor and access the manner in which resolutions are interpreted and implemented" warranting that the "use of force would be limited in its legal, operational and temporal elements".

At the same pace, the Chinese in 2012, offered through its Chinese Institute of International Studies an interesting and approach to reinforce and revise the RtoP. Their concept of Responsible Protection (RP), basically follow the Brazilian premise, which understand the importance of the RtoP, but also recognize the controversies around the concept. In fact, a couple of issues underline the Chinese report. The first is the severe critics to the intervention practice, more specifically the 'humanitarian intervention' that places Human Rights over Sovereignty. The second issue is related to the serious misuse of the RtoP framework by Western Countries.

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Therefore, bearing in mind their (somehow harsh) critics, they decided to make a contribution to the international community with their Responsible Protection. This concept could be understood through six basic elements, being the first the idea of who should be under international protection. In the case, RP states that the "objects of protection must be the innocent people, not specific political parties or armed forces".

The second element relates to the legitimacy matter. As in the first pillar of the RtoP, falls to the Government to primary responsibility towards its own citizens. Apart from that, only the UN Security Council has legitimacy to take action (once the host State is unable, unwilling or it is the perpetrator of the crimes). The third element aims to define the scope of the protection, by that they mean, the protection has to be rigorously limited. This point shows some similarities with the 'use of force as last resource' concept. The fourth element states that the protection should be very well defined to 'do no harm' – again a well-known concept presents in the RtoP framework, although the main preoccupation of the document is the regime change situations (e.g. Libya), the fifth element call the attention to a very interesting subject that is the 'responsibility to rebuild', more clearly, those who engage in the protection phase, should also be responsible for the reconstruction. The Sixth and last basic element is quite similar to the accountability idea of the Brazilian RWP, in which defines that UN should develop means to oversee and evaluate all phases of the 'protection' action (and naturally, its results).

Consequently, engaging in a serious debate is condition sine qua non for an effective R2P. Only through the legitimacy of it mechanisms and criteria, will it be possible for the international community to commit to the principles, mechanisms and criteria of R2P. The RWP and the RP should be understood as the firsts steps, where more discussion is needed to expand the concept and reach a common ground for the necessary measures concerning the use of force.

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Sergio Duarte[1]

The Latin American and Caribbean Leadership Network for Nuclear Disarmament and Non-proliferation

Humanitarian Approaches to Nuclear Disarmament[2]

An increasing awareness of the catastrophic consequences of the use of nuclear weapons seems to have taken root among concerned governments and civil society organizations. On a number of recent occasions, a growing majority of the international community has pronounced itself in a clear and direct way, based on humanitarian considerations, in favor of the elimination of such weapons. At the 2010 Review Conference of the Treaty on the Non-proliferation of Nuclear Weapons (NPT), all States Party to that instrument – including the five possessors of atomic weapons recognized by the Treaty – expressed formally, for the first time ever, their unanimous "concern with the catastrophic humanitarian consequences of any use of nuclear weapons".

In March 2013 an international conference on the humanitarian impact of nuclear weapons was held in Oslo with the participation of representatives from governments and civil society organizations, as well as scientists and environmentalists. One of its important conclusions was that "it is unlikely that any state or international body could address the immediate humanitarian emergency caused by a nuclear weapon detonation in an adequate manner and provide sufficient assistance to those affected". Another was that "the effects of a nuclear weapon detonation, irrespective of cause, will not be constrained by national borders, and will affect states and people in significant ways, regionally as well as globally".

In April of the same year, 78 States, including Brazil, supported a declaration read by the representative of South Africa at the second preparatory meeting for the forthcoming 2015 NPT Review Conference. It expressed "deep concern" about the catastrophic consequences of the use of nuclear weapons and stressed the need for their complete elimination as "the only guarantee against the use of such weapons".

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Last August, the 34 countries belonging to the Community of Latin American and Caribbean States adopted a joint statement expressing "great preoccupation with the widespread humanitarian impact and the global effects of any nuclear detonation, whether accidental or intentional".

During the 2013 session of the First Committee of the United Nations General Assembly the delegation of New Zealand read a declaration on behalf of 125 members of the Organization stating that "it is in the interest of the very survival of mankind that nuclear weapons are never used again" and stressing that "all efforts must be exerted to eliminate the threat of these weapons of mass destruction".

Although they did not join this declaration, a group of 17 non-nuclear countries members of defensive arrangements contemplating the use of nuclear weapons recognized the relevance of the humanitarian aspects of the question. On the initiative of Australia they stated jointly, at the same meeting, their "clear concern" with the "immediate and long-term devastating [humanitarian] impact of a nuclear detonation". That brought to a grand total of 142 – that is, roughly three fourths of the total membership of the United Nations – the number of States that officially voiced their concern regarding the humanitarian consequences of any use of such weapons. Those 17 countries, however, added a few qualifications, among which the need to take into account the security aspects in the debate on disarmament. One should note the absence, among those that joined this declaration, of the five nuclear powers recognized by the NPT (United States, Russia, China, the United Kingdom and France).

A new international conference is scheduled for March 2014 in Mexico as a follow-up to the Oslo meeting held one year before. This will be an opportunity for governments and civil society organizations to evaluate the progress achieved and exchange ideas on how to pursue the matter in international forums. There is wide expectation that the signs of support mentioned above will provide strong incentive for developing common approaches to this issue.

"Step by step" approach

The eloquent manifestations from so many States as well as those coming from civil society organizations underscore the growing concern of a large part of humanity with the permanence of nuclear weapons in the arsenals of a handful of countries and with

military doctrines that still contemplate their use. They also underline the frustration of the international community with the long-standing absence of progress in multilateral negotiations in the field of disarmament and the perceived lack of interest on the part of the nuclear-armed States to adopt decisive action toward that goal. Since the mid-1990's the negotiation of any agreements in the field of nuclear disarmament and arms control in multilateral organs has eluded the international community.

The possessors of atomic weapons and many of their allies argue that negotiations on nuclear disarmament should be conducted on a "step by step" basis. They keep reiterating the view that this approach has proven to be the most efficient way to achieve progress toward disarmament and point out as examples, among others, the successful negotiation of multilateral treaties such as those that banned nuclear tests in the atmosphere (1963), the NPT itself (1970), the several instruments that instituted nuclear weapon free zones in different regions (from 1967) and the comprehensive prohibition of nuclear tests (1996). A less superficial examination, however, shows that during the 68 years elapsed since the inception of the United Nations (1945) not a single nuclear weapon has been eliminated as a result of a multilateral disarmament treaty. Moreover, all examples above do not deal directly with disarmament but are in fact instruments aiming chiefly at preventing the proliferation of nuclear weapons and cannot be said to have facilitated or brought about the adoption of disarmament measures. Indeed, no treaty containing concrete nuclear disarmament measures or clear, legally binding commitments for the elimination of such weapons has ever been negotiated and/or adopted in multilateral organs. The attitudes and positions taken by nuclear weapon States reveal the primary preoccupation of justifying the legitimacy of their atomic arsenals and avoid restrictions to what they consider as their "right" to keep and improve them, while denying others the acquisition and possession of similar armament.

Over time the two main nuclear powers – the United States and Russia – have succeeded in negotiating bilaterally significant reductions in their numbers. Such reductions were possible chiefly because of the climate of relative distension between those powers after the end of the Cold War. Obsolescence and the enormous cost of the maintenance of the huge existing arsenals were also a factor. It is estimated that both countries possessed a total of 70.000 nuclear weapons at the height of the Cold War. Since then this total declined to reach the approximately 18.000 nuclear weapons that still exist in the world, roughly 95% of which belonging to the two superpowers. Nevertheless, both countries – as well as the other

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possessors – carefully avoid assuming any legally binding commitment toward the complete and irreversible elimination through multilaterally verifiable instruments, with clearly defined timelines. They consider their nuclear weapons as indispensable to maintain their own security and usually describe nuclear disarmament as an "ultimate objective" to be reached in a remote and undefined future after the fulfillment of certain "conditions" set by themselves and not always clearly stated.

Countering the growing demands from non-nuclear States for swift progress, nuclear powers usually reply that nuclear disarmament "will not be reached overnight" and add that dealing with complete and immediate disarmament proposals would be a "distraction" from more "realistic" efforts. As one observer of the proceedings of the I Committee at the 2013 Session of the United Nations General Assembly noted, delegations of those powers "took every opportunity to once again voice their disdain with the fact that the majority of countries, as well as civil society, are discussing the humanitarian consequences of the use of nuclear weapons". For instance, the delegation of a nuclear weapon State said it was "cynical" to discuss this topic. Another expressed its alarm with the idea that other governments might want to prohibit the possession of nuclear weapons. Most of the nuclear-armed States that are Parties to the NPT and many of the countries that prop up the continued possession of nuclear weapons through nuclear sharing or security relationships expressed concern that any action to pursue activities related to nuclear disarmament would undermine the NPT and the implementation of the Action Plan agreed at the 2010 NPT Review Conference.

A large number of delegations, on the contrary, stressed the full compatibility of the debate on the humanitarian impact of any use of nuclear weapons with the Action Plan. In their view, the prohibition and elimination of nuclear weapons is fully compatible with the NPT's goals and objectives and would reinforce, not undermine it. The delegation from a non-nuclear weapon State pointed out that "the humanitarian dimension in disarmament and arms control must be a key element in our discussions and efforts, because at the end of the day it is the consequences for people on the ground that our policies will be measured against".

Advocates of nuclear disarmament based on humanitarian considerations point out that the nearly universal prohibition of the two other kinds of weapons of mass destruction – biological and chemical – was the subject of specific treaties negotiated in a single, sustained effort by the international community precisely

because they are excessively cruel and indiscriminate, since their inhumane effects do not distinguish between combatants and the civilian population. It is of course impossible to imagine a weapon with more harmful and indiscriminate effects than a nuclear weapon. It suffices to look of the images of the devastation visited upon Hiroshima and Nagasaki, where almost 300.000 human beings died as a result of a single detonation in each city, to understand such horrific effects. Many still continue to suffer the consequences of the radiation to which survivors and their descendants were exposed. Even so, the possessors continue to regard their nuclear weapons as indispensable to ensure their own security and ignore the fact that they endanger everyone else's – not to mention the survival of humanity as a whole.

Nuclear weapon States often assert their willingness to retain their nuclear arsenals as long as such weapons exist – a stance that is adopted explicitly or implicitly by the other possessors and in the view of many constitutes in fact a sure prescription for perpetuation. Plans for the "modernization" of existing arsenals that have come to public knowledge and the allotment of budgetary resources for this end make abundantly clear that these countries envisage their maintenance for several decades into the future. On the other hand, there are no known plans, budgets or administrative structures, let alone internal legislation, geared to their elimination. As a former Prime Minister of a nuclear weapon State once asserted, it is "absolutely clear" that they have a "right" to possess nuclear weapons – an option they strongly deny to those that still do not. A few years ago, the President of the Security Council declared officially, under the inspiration of the five permanent members of that body, that the proliferation of nuclear weapons is "the greatest threat to international peace and security". Indeed, the larger the number of possessors, the greater will be the probability that such arms are used. The Council, however, never bothered to declare that the existence of nuclear weapons is also a great danger –arguably a greater one – to peace and security in the world. Small wonder, since five States possessing nuclear weapons are permanent members of the Council and have the power of veto.

The experience of multilateral organs shows that far from being effective the "step by step" approach has instead been used to postpone indefinitely any possibility of multilateral negotiation of real disarmament instruments. As noted above, the multilateral organ charged with the negotiation of international disarmament instruments – the Conference on Disarmament in Geneva – has been deadlocked for the past 18 years. The most touted current example of the "step by step" approach

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is the insistent call by the nuclear-armed countries and some of their allies for the negotiation by that Conference of a treaty to prohibit the production of fissile material for weapons purposes, known by the English acronym FMCT. It should be noted in this regard that four of the five nuclear weapon States party to the NPT have officially declared their decision to cease such production for weapons and some have even disabled their facilities. However, they do not accept the inclusion of their own accumulated stocks of such material in a negotiation with a view to their elimination. It so happens, however, that all non-nuclear weapon States Parties to the NPT are already prohibited to produce fissionable material for weapons purposes and are subject to inspections by the International Atomic Energy Agency (IAEA). The four countries that possess nuclear weapons and enrichment facilities and are not party to the NPT (Israel, India, Pakistan and the DPRK) do not seem likely to participate in an FMCT that would impose restrictions on their activities. In such circumstances, many members of the Conference on Disarmament believe that a treaty to prohibit the production of fissile material for weapons purposes as proposed would be redundant and even innocuous. On the other hand, they argue, the refusal to include existing stockpiles would make the treaty useless to prevent or at least reduce the potential growth of existing arsenals. Besides deviating the attention of the Conference from what non-nuclear States consider priority tasks, the insistence in an FMCT seems in fact, in the view of several States, to conceal other interests, such as an attempt at imposing new and more stringent restrictions and controls on peaceful nuclear activities in non-nuclear weapon States.

Alternative instruments

The long-standing deadlock and the consequent growing frustration stimulated non-nuclear weapon States and concerned civil society organizations devoted to disarmament to shun the "step by step" approach and increase their demand for swift and immediate measures of nuclear disarmament, including the negotiation of a Convention to outlaw such weapons on humanitarian grounds. Accordingly, campaigns to that effect have been intensifying lately, even if the current possessors would not join that negotiation and would be unlikely to adhere immediately to an eventual treaty negotiated outside the existing multilateral forums. Advocates of a negotiation without the participation of the nuclear-armed States point to the precedents of the successful adoption of instruments that banned certain conventional weapons having excessively harmful or indiscriminate effects, such as land mines and cluster

munitions and to the recent negotiation of the Arms Trade Treaty as recommended by a General Assembly resolution. They believe that although it would not by itself guarantee the elimination of nuclear weapons, a simple prohibition – even if not universally recognized – would reinforce existing norms on this kind of armament and make its use less likely. It would also stigmatize nuclear weapons, together with chemical and biological, as repugnant to the conscience of humankind and contrary to international law, thus creating a strong taboo against their possession and use.

For several years now, governments and civil society organizations interested in the negotiation of a treaty to prohibit the production, stockpiling and use of nuclear weapons and mandate their destruction have been working on the development of proposals and studies to that effect. In 1997, the delegation of Malaysia proposed a draft Convention elaborated with the assistance of the Lawyers Committee on Nuclear Policy. In 2007, Costa Rica and Malaysia introduced a model Convention at the U.N. General Assembly. In the same year 127 countries voted in favor of a General Assembly resolution that called attention to the unanimous advisory opinion of the International Court of Justice (1996) that there is a legal obligation to "initiate in good faith and conclude" nuclear disarmament negotiations in accordance with Article VI of the NPT and called on all States to comply forthwith with that obligation. In 2008 the Secretary General of the United Nations proposed a 5-point plan for nuclear disarmament which included the negotiation of a nuclear weapons Convention. A large number of countries voiced support for the proposal and many civil society organizations articulated public opinion movements in favor of similar initiatives.

Since the 2010 NPT Review Conference new campaigns advocating an outright prohibition of nuclear weapons have arisen. They stress that such a treaty is a global humanitarian imperative of the highest order and that it is achievable and increasingly urgent. Building on the findings of the Oslo 2013 Conference, they point to the large number of civilian victims of a nuclear detonation, to the risk of disruption of the global climate and widespread agricultural collapse resulting in famine, as well as the lack of adequate humanitarian response to such a catastrophe. They argue that a nuclear weapons ban would allow nations to formalize globally their rejection of such weapons, as countries in several parts of the world have done regionally through treaties that set up nuclear-weapon free zones, thus creating a clear international legal norm against the possession of such weapons. Nuclear weapon-armed States joining such a treaty would undertake to eliminate their arsenals within a specified time frame in order to ensure the irreversible and verified destruction of their stockpiles. As envisaged by its advocates, a treaty banning nuclear weapons would

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also become a challenge to the legitimacy of possession by any State. Several international civil society organizations and think tanks are discussing the elements and the political and practical dimensions of a future prohibition.

In the present stage of the debate on the elimination of nuclear weapons it is not possible to make predictions about the chances of success in the short run. Proponents of a ban are actively defining strategies for the actions that would ensure support from a significant number of countries. One option is to go ahead with the drafting of a treaty prohibiting the development, production, stockpiling, possession and use of nuclear weapons and requiring their destruction, and opening it to the signature of States. A relatively small number of ratifications would be required for its entry into force. Some observers, however, are unsure whether such a treaty, if negotiated and adopted outside the United Nations framework, would command adherence by a significant number of States and become an accepted norm of international law.

The recent emphasis on the humanitarian impact of any use of such weapons has strengthened the efforts of concerned governments and civil society in all forums devoted to disarmament and arms control issues. The debate has shifted from the primary consideration of security concepts based on potential external threats and on the possession of nuclear weapons as a factor of deterrence and of maintenance (or not) of international peace and security to the notion of disarmament as humanitarian action, giving rise to the growth of a new dynamic at the human scale. Instead of focusing on the military policies adopted by States and on their security needs, this new trend prioritizes human security. In this way, the prohibition of the possession and use of weapons of mass destruction – particularly nuclear weapons – becomes necessary and urgent because the damage inflicted by any use of such weapons, either by design or accident, to individuals, the environment, the economy and the balance of international relations is increasingly seen as unacceptable and contrary to international humanitarian law.

As mentioned before, the possessors of nuclear weapons and the majority of their allies – who predicated their security on alliances or defensive treaties that foresee nuclear response against conventional attack and do not even rule out preemptive nuclear strikes – have begun to react against the new trends in the international debate by introducing or reiterating qualifications by asserting that a prohibition per se will not be sufficient to guarantee the elimination of nuclear weapons without substantive and constructive engagement with the possessors of such weapons and

the recognition of the security dimension. Some voices among them also reiterate the conviction that since the proliferation of nuclear weapons (and not their existence) is the chief threat to international peace and security, effective measures of disarmament can only be carried out in the absence of any possibility of proliferation.

Brazilian Role

In this state of affairs, Brazil and all other Latin American and Caribbean countries have unequivocally supported the efforts of nuclear disarmament and joined the most recent declarations on the importance of the humanitarian approach. Since the advent of atomic weapons, the countries in our region have consistently expressed repudiation to their use. Brazil is a Party to all legally binding instruments negotiated by the international community in this field and its non-proliferation credentials are solid and widely known. Important regional initiatives in the field of multilateral disarmament efforts and strengthening of international security were taken in the past, such as, among others, the 1963 declaration of the five Presidents (Brazil, Ecuador, Bolivia, Venezuela and Mexico) on the need for a regional treaty to institute a nuclear weapon-free zone, which generated the successful negotiation of the Treaty of Tlatelolco; the proposal for the establishment of a Zone of Peace and Security in the South Atlantic (1968); and the process of strengthening confidence and cooperation between Brazil and Argentina resulting in the creation of the Brazilian-Argentine Agency for Accounting and Control (ABACC) in 1991. The Latin American and Caribbean region, whose international weight and prestige are considerable, possesses the conditions and credentials necessary for playing an active role in the promotion of the prospects that are currently open, either through individual and joint action in multilateral organs or by stimulating the development of research and studies in the context of the humanitarian approach to the use of nuclear weapons. There is no shortage of qualified individuals and public and private institutions interested in the evolution of the international situation and in the issues of nuclear disarmament, non-proliferation and arms control. The promotion of the humanitarian dimension regarding the consequences of any use of nuclear weapons is without doubt the most important and promising initiative that came up in recent years and deserves support for countries which, like Brazil, believe in the primacy of multilateralism for the achievement of agreed solutions for international questions.

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Contribuindo
cada vez mais para
o desenvolvimento
do Brasil.

Para a Vale, o desenvolvimento só acontece quando a empresa e a sociedade crescem juntas. Um exemplo disso é o projeto Ferro Carajás S11D, no Pará. Quando for entregue, esse projeto será o maior e melhor complexo produtor de minério de ferro no mundo, trazendo mais recursos e desenvolvimento ao nosso país. O projeto utiliza tecnologia a serviço da sustentabilidade, com novos processos que reduzem o consumo de água, de combustível e a emissão de CO_2. A Vale acredita que é com transparência, respeito às pessoas e ao meio ambiente que se constrói um futuro melhor para as próximas gerações de brasileiros.

VALE