

## Inspiration for the Symposium

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Long have the Treaty of Westphalia's words *cuius regio, eius religio* (whoever reigns, his religion) constituted the keystone of state sovereignty – the principle of non-interference in “matters which are essentially within the domestic jurisdiction of” states (UN Charter 2.7). But beginning in the late 1980s and 1990s, the practice and scholarship of international relations began to reflect the limits of Westphalian thinking. The unprecedentedly violent 20<sup>th</sup> Century opened with the Armenian Genocide, crested with the Holocaust, and closed with astonishing violence allegedly unleashed across the globe by the end of the Cold War: ethnic cleansing in the Balkans, genocide in Rwanda, Africa's first “world war” in the DR Congo, mass slaughter in East Timor, to name but a few.

The 21<sup>st</sup> century has not begun auspiciously. Slow motion genocide in Darfur has left more than 200,000 dead and 2 million displaced into the nightmarish conditions of refugee status on the periphery of the world. The Israeli-Palestinian conflict continues unabated with more than half of Gazans now living in refugee camps. Perhaps only until its “invisible children” were highlighted in an American film was the war in Northern Uganda no longer what Jan Egeland had referred to as the “world's worst *ignored* humanitarian disaster.” And despite the official end of the war in the DR Congo in 2003, an estimated 45,000 people continue to die there every month (International Rescue Committee 2008).

In response to the explosion of civil conflict across the world, and the “new world order's” transformed Security Council, a “New Humanitarianism” appeared to challenge what its advocates saw as the clearly mistaken notion that the non-interference principle was an inviolable shield behind which murderous tyrants could commit mass atrocities with impunity. At the same time, however, counter-tendencies emerged. One was in response to this “muscular humanitarianism,” and the fears of a neo-imperial age it stoked (Orford 2003, Bello 2006). Another reflected a growing appreciation for the limited utility or even counter-productivity of the palliative care offered to the suffering by the “humanitarian international” (de Waal 1998).

In hopes of reaching some global consensus on how to balance human rights with sovereignty, the International Commission on Intervention and State Sovereignty delivered in December 2001 its report *The Responsibility to Protect*. Apparently successful, Thomas Weiss argues that “[w]ith the possible exception of the prevention of genocide after War II, no idea has moved faster or farther in the international normative arena than The Responsibility to Protect (R2P).” (2006, 214)

Yet something of a perfect humanitarian storm remains in place around Africa and Weiss recognizes that despite the speed of R2P's norm cascade, "the Security Council's dithering over Darfur and the Democratic Republic of Congo demonstrates the dramatic disconnect between multilateral rhetoric and reality" (Ibid.) Africa's infamously weak states, that most tragic of colonial legacies, play host to governments that are mired in perverse structures of incentives, generating chronically bad governance. This gives rise to immiserated populations that rebellious entrepreneurs seeking control of enclave sites of "cursed resources" have exploited to great effect (Sawyer 2004). The world's apparently insatiable demand for these blood commodities makes the atrocities committed by the Charles Taylors and the Foday Sankohs merely rational responses to global economic incentives. And now it seems that the West's Cold War bankrolling of kleptocratic tyrants, which had briefly gone the way of the Soviet Union, might now be renewed in its War on Terror. Flows of arms from the West, and increasingly the East, often to the worst regimes, continue to provide the means for African self-destruction. At the same time, a myopic conception of what constitutes good governance among the Bretton Woods Institutions has informed their cookie-cutter demands for ever more limited government, which often produces African states less capable of managing their now increasingly desperate societies' conflicts (O'Bannon 2006).

But just as something like a global consensus on a balance between the ordering principles of justice and sovereign coexistence was emerging under the rubric of R2P, which might have generated well-informed, multilateral responses to these complex problems, humanitarianism became the *ex post facto* justification for war on Iraq. This use of humanitarian principles for *raisons d'état*, left even some of R2P's most ardent supporters wondering, as Stephen Holmes does, "how should we be thinking about humanitarian intervention today, after having seen how easy it was for the [Bush] Administration to steal the liberal agenda, packaging reckless bellicosity as liberation of the oppressed" (2006)? Are not, critics ask, Michael Ignatieff's (2003) and Rudyard Kipling's (1899) respective calls to the West to shoulder its civilizational burdens just too similar to ignore?

Now standing in the shadow of Iraq, we seek to explore in this symposium questions such as "have the disastrous humanitarian consequences of *Operation Iraqi Freedom* confirmed the worst fears of a renewed Imperial age, underwritten as was the previous, with the narrative of a burdensome responsibility to rescue the peoples of the global south from its barbarism?"<sup>1</sup> Has the apparent openness to abuse of humanitarian principles

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<sup>1</sup> I use this notion of "shadow" in the way John Roth elaborates on Elie Weisel's concept to reflect on the role, indeed the complicity, of ethics in the Holocaust (2007). For both Roth and Weisel, because of the ways in which ethics were implicated in genocide, for example by Himmler, who constructed an ethical syllogism to conclude that in addition to adults, all Jewish children needed to be killed, a shadow is still cast by Birkenau on contemporary ethics. Weisel concludes from the Nazi use of principled reasoning to obtain a moral justification for their genocidal project that "[t]raditional ideas and acquired values, philosophical systems and social theories – all must be revised in the shadow of Birkenau." (Cited in Roth 2007, X). It may well be said that the use, or perhaps the ease of abuse, of humanitarian principles by powerful states for purely *raisons d'état*, such as that of the Bush administration for its war on Iraq or Russia's invasion of South Ossetia, demands the full and thorough interrogation of our theories and laws about human rights, as Weisel concludes is required for ethics in the post-Holocaust era.

already doomed next month's 45,000 victims of the Congo "peace" or the 200,000 victims of the next Omar Al-Bashir who determines that genocide is the only effective response to a perceived existential threat to the regime (Valentino 2004)? And what does R2P mean in the post-Iraq/War on Terror era?

In particular, what does the doctrine's priority emphasis on conflict prevention by addressing its root causes actually demand from the international community in terms of its responsibility to protect, when some of the most significant causes of conflict include poverty (Fearon and Laiton 2003, Rice 2007), arms transfers (Bureau of Intelligence and Research 2001), commodity export dependence (Collier and Hoeffler 2004) and, increasingly, climate change and environmental degradation (Homer-Dixon 2001, Brauch 2002, Egeland 2008)? What are the implications for international law and the society of states of an ascendant human rights regime that enshrines an interventionist right (or responsibility), when powerful states are prepared to employ humanitarianism to justify any violation of state sovereignty it deems necessary?

These are not easy questions to answer. If they were, symposia such as ours would not be necessary. But seek answers we must; getting through the brush and thorny brambles of these complicated issues demands our diligence. We must keep ourselves moving along the path toward a meaningful global consensus on how to achieve real respect for the dignity of all of persons, regardless of the geographical accident of one's birth. Our task is to seek a global regime protective of those who would be the targets of mass atrocities without simply transferring the source of that threat to human dignity from tyrannical governments shielded by some antiquated notion of sovereignty, to states with the power to determine for themselves when another has forfeited its sovereign rights of non-interference. And as the late Adrian Adams said of the merits of seeking to re-establish even the most fragile bonds between people struggling to survive in rural Africa, doing so among states is equally imperative, "because otherwise there is no hope" (Adams 1984).

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