



Does the UN principle of Responsibility to Protect oblige Canada and its allies to intervene—militarily or otherwise—in Syria?

Tina J. Park says **YES**

The photo of the three-year-old Syrian boy, Alan Kurdi, whose body surfaced on the shore of Turkey earlier this fall, galvanized global attention on the seminal humanitarian challenge of our time. Since the outbreak in 2011, the Syrian crisis has seen the death of more than 200,000 people and the displacement of more than 10 million.

Gender-based violence, war crimes and crimes against humanity are being committed in Syria, yet the international community has remained paralyzed. The speed, magnitude and brutality of the Syrian crisis calls for our compassion and our collective responsibility to protect people in peril.

The Responsibility to Protect (R2P) principle is an emerging norm in international relations. Coined under the sponsorship of the Canadian government in 2001, it states that when a state or a government is unable or unwilling to protect its populations from genocide, war crimes, crimes against humanity or ethnic cleansing, the international community must step up to protect people under threat. R2P was born out of the frustration and limitations seen with humanitarian interventions in the 1990s, most notably the Rwandan Genocide in 1994, when the international community stood by while 800,000 Tutsi and moderate Hutu were killed.

Fundamentally, R2P aspires to

prevent such appalling failures of humanity, and if necessary, mobilize timely and decisive action for response. R2P was unanimously adopted by 150 governments and heads of state at the United Nations World Summit Outcome in 2005. R2P has a narrow but deep approach, in the sense that its scope is strictly limited to four specific mass atrocity crimes, but it offers a wide variety of diplomatic, economic, political and military tools for fulfilling our responsibility. At its root, R2P is based on the concept of “sovereignty as responsibility” and argues that the primary responsibility for protecting people lies with the state itself. While R2P is a political doctrine,

the crimes covered under R2P have strong roots in international human rights, criminal and humanitarian law.

The situation in Syria calls for our immediate attention and action, on both moral and legal grounds. Canada has obligations under international refugee law to assist these refugees.

It is also important to underscore that R2P is governed by the collective security provisions of the UN Charter and encourages us to consider a broad array of instruments in terms of applying

R2P. Any use of force under the umbrella of R2P requires UN Security Council authorization. While geopolitical interests and the complexity of the situation on the ground in Syria have considerably polarized the international community’s response, the arrival of a new government in Ottawa may serve as a turning point in recalibrating our strategy.

Canada’s response to the Syrian situation to date has been extremely lacking, particularly in

light of our proud tradition in promoting global humanitarianism. From UN peacekeeping to R2P, Canada has long been a champion of human rights and stepping above the yardstick of our national self-interests. The precise nature of Canadian policy on Syria can

R2P aspires to prevent such appalling failures of humanity.

range anywhere from accepting more refugees to providing substantial humanitarian aid, and if necessary, participating in a multilateral military engagement after exhausting all other options. On moral, legal and political grounds, Canada can and should, play a greater role in Syria, and R2P offers a powerful paradigm to unite our efforts. In choosing hope over cynicism in an atrocious situation like Syria, Canada has yet another opportunity to make a meaningful difference in promoting peace and security on the global stage. **1**

> To voice your opinion on this question, go to www.legionmagazine.com/FaceToFace.



David J. Bercuson says **NO**

Canada is a sovereign nation and as such has no obligation to take any action outside its borders, militarily or otherwise, which is not sanctioned by the Canadian government.

This basic principle applies except in circumstances where the government of Canada enters into an agreement to come to the aid of specific allies—such as Canada's NATO partners—in the event of an attack on any one of them. The NATO obligation arises from Article V of the Treaty of Washington, which established NATO in 1949. But as a sovereign nation, Canada can withdraw from NATO and rid itself of even that long-standing obligation.

There is no domestic or legal obligation that gives the United Nations the power to order Canada to engage in military action anywhere for any reason. Although it may be politically convenient for a prime minister to declare that Canada will act, or not act, only at the request of the UN, either in the case of Responsibility to Protect (R2P) or any other circumstances, such runs counter to Canada's independent status.

Although Canada became constitutionally independent only with the passage of the Statute of Westminster by the parliament of the United Kingdom in 1931, Canada had practical self-government many decades prior to that. It is true that when Britain and its Empire went to war

against Germany in 1914, Canada was legally at war as a part of that empire, but Canadian Prime Minister Robert Borden, a strong supporter of the war, realized by 1917 that Canada was ultimately responsible for the size of its own war effort. At one point, he even considered telling British leaders that unless British generalship improved significantly, Canada would cease sending any more troops to the Western Front. In 1919, he insisted in recalling Cana-

the war of its own volition as an ally, not as a colony. And in every Canadian military intervention over the past 70 years, including the 2002 intervention in Afghanistan, Canada alone decided whether to participate and the extent of its participation.

For example, Canada joined the air campaign against Yugoslavia during the Kosovo crisis of 1999—bombing Serb targets in Serbia and Kosovo—without the authorization of the UN Security Council.

Perhaps the day will come when R2P overrides nations' sovereign power.

dian troops from Russia, where he had sent them to intervene in the Russian Civil War. The British were chagrined, but had no legal way to stop Canadian withdrawal. In 1922, Prime Minister William Lyon Mackenzie King adamantly refused to dispatch Canadian troops to Turkey to aid Britain in a growing confrontation with the new Turkish republic. Canada, King declared, simply had nothing at stake there.

As an independent nation, Canada took the highly symbolic step of issuing its own declaration of war against Germany in 1939—a signal to Canadians and Canada's allies that Canada was entering

R2P reflects noble sentiments: no evil government ought to be able to hide behind sovereignty in any campaign against its own people. It is altruistic in principle, born largely out of the Rwandan Genocide, but the decision of the Security Council to invoke it is and was entirely a political matter. It was invoked in the case of Libya in 2011, but not in the case of Syria.

Perhaps the day will come when R2P overrides nations' sovereign power to decide when and how to take military and other action, and does so in an even-handed way. That will make for a better world. But that day has not yet come. **0**