



Responsibility for human rights: 'Sovereignty' is a cop-out for turning away from global needs

Trump's philosophy, as laid out before the United Nations, is a departure in direction.

By Ellen J. Kennedy

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In President Donald Trump's recent address to the United Nations General Assembly, he declared unequivocally that sovereignty should be the dominant principle that guides relations between nations. Indeed, he used the word "sovereign" or "sovereignty" a record-breaking 21 times. The essence of his remarks was to uphold the go-it-alone, America-first philosophy that resonates strongly among his loyal supporters.

What is the global perspective on sovereignty?

In September 1999, Kofi Annan, then the U.N. secretary-general, reflected upon "the prospects for human security and intervention in the next century." In his 2000 Millennium Report, he wrote, "If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violations of human rights that offend every precept of our common humanity?"

Hopeful steps occurred at the beginning of the new millennium. In 2000, the Canadian government set up the International Commission on Intervention and State Sovereignty. ICISS issued a revolutionary report titled "The Responsibility to Protect." This report defined sovereignty more broadly as not only a state's ability and its right to protect itself from outside interference. Sovereignty was redefined to give states positive responsibilities for their own populations and a larger responsibility to assist others' populations as well. This is a "residual responsibility" that falls upon the broader community of states, and it is to be "activated when a particular state is clearly either unwilling or unable to fulfill its responsibility to protect or is itself the actual perpetrator of crimes or atrocities."

At the 2005 U.N. World Summit meeting, member states committed to the Responsibility to Protect and to preventing and responding to the most serious violations of international human rights and humanitarian law. Heads of state affirmed their obligations to protect their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity. They also accepted a collective responsibility to encourage one another to uphold this commitment. They declared that they were prepared to take timely and decisive action, in accordance with the U.N. Charter and in cooperation with relevant regional organizations, when other states fail to protect their populations.

Trump's words at the U.N. are in marked contrast to Annan's plea and to the ICISS pledge that we must intervene in response to gross and systematic violations of human rights and with adherence to the doctrine of the Responsibility to Protect. However, there is no simple response between sovereignty's isolation and intervention. Critical questions surround definitions of intervention, which can include political, economic, military, diplomatic and humanitarian means; intervention by whom, under what circumstances, and decided by what mechanisms; and intervention at what consequence to the prevailing world order and to the newly constituted world order created by such intervention.

Despite the plea that Annan made almost two decades ago, and the pledge to support the Responsibility to Protect, we are now witnessing the world's worst refugee crisis since World War II; horrific devastation and brutality wreaked upon innocent civilians in record numbers in Syria, Iraq, South Sudan, Yemen, Congo, Burundi and Myanmar; and a generation of children in those places growing up with no schooling, inadequate nutrition that stunts their bodies and their brains, and with futures likely to have only more violence and displacement. These horrors result from adherence to the concept of sovereignty that gives each nation control over its own affairs and to an isolationist stance that turns us away from any moral responsibility to others.

Every spring, I lead law students on a study trip to New York and Washington, D.C., to meet global leaders in human rights. We always visit the U.N. Office on the Prevention of Genocide and the Responsibility to Protect. We are inspired by efforts to strengthen civil societies in places where early-warning signs point to imminent atrocity crimes against innocent targeted groups.

We are also deeply discouraged. Today's tragedies illustrate that much more is needed. It is time to commit to a new global order, one in which the Responsibility to Protect extends to us all — as the protectors and, perhaps, as those who someday may need to be protected.

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