

## **RESPONSIBILITY TO PROTECT (R2P) vs. GENOCIDE /MASS ATROCITIES**

Notes for Hon. David Kilgour in panel discussion with  
former Ambassador PAUL HEINBECKER, Prof. ERROL MENDES, and moderator EVAN  
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Permit me to extend the deep sympathy of all of us to Senator Dallaire on the passing over the weekend of his dear mother. She was a remarkable woman. (Permettez-moi d'exprimer la sympathie profonde de nous tous au sénateur Dallaire sur la mort au cours du week-end de sa chère mère. Elle était une femme remarquable.)

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The UN Genocide Convention of 1948 criminalizes in 142 participating countries acts intended to "destroy in whole or in part members of a racial, national, religious or ethnic group." As no prosecutions were launched for almost six decades, enforcement remains a major weakness. The International Court of Justice dealt another blow in 2007 by holding that the government of Serbia was not responsible for the genocide in Bosnia in the 1990s.

The UN Security Council and larger international community must find a way to prevent outdated concepts of national sovereignty from allowing genocides and mass atrocities to occur before humanitarian interventions can be achieved. Consider, among others, the events in King Leopold's Congo (1886-1908), Ukraine's Famine ('32-33), the Holocaust ('39-45), Chiang Kai-shek's Taiwan ('47 and later), Mao's Tibet ('50 and afterwards; also today under Hu), Biafra ('67-70), Pol Pot's Cambodia ('75-79), the Ndebeles in Mugabe's Zimbabwe ('82-87), Bosnia/Kosovo ('92-99), Bashir's Darfur (2003 to the present) and the Nuba Mountains (ongoing), Sri Lanka, and Falun Gong in China ('99 to the present).

### **Rwanda**

One of Canada's most revered national heroes, Sen. Romeo Dallaire, was to speak today about the 1994 case of Rwanda. Let me just say:

- The slaughter ended only when Paul Kagame and his soldiers took Kigali, declared a cease-fire and formed a new government without international or UN help. The performance of the UN during the genocide was unforgivable to the Rwandan people; it shocked all who thought that the UN under its Charter was supposed to represent all peoples equally. "Are some more human than others?", asked Dallaire.
- *Shake Hands with the Devil*, published in 2003, should be compulsory reading for everyone and those dealing with the ongoing Darfur and Nuba Mountains debacles in particular. Darfur was aptly termed "Rwanda in slow motion."
- Dallaire's book chronicles how Rwandans and his small group of UNAMIR peacekeepers were abandoned by the UN and international community, including the Canadian government. He makes many important points, but I'll repeat only one:

Almost 50 years to the day that his father and father-in-law "helped to liberate Europe-when the extermination camps were uncovered and when, in one voice, humanity said, 'Never Again'-we once again sat back and permitted this unspeakable horror to occur. We could not find the political will or the resources

to stop it...this recent (genocide) is being forgotten and its lessons submerged in ignorance and apathy... (It) was a failure of humanity that could easily happen again."

There were some Canadians who did not abandon the Rwandans: Dallaire, his colleague, Major Brent Beardsley, MSF's Dr James Orbinski, who saved "hundreds, perhaps thousands, of people" working at the King Faisal hospital in Kigali throughout the genocide, a group of brave and dedicated staff of Rwandan nationals at the Canadian mission in Kigali, and others, such as a Canadian priest who saved the life of a Rwandan nun by persuading an approaching mob not to kill her. Most of us Canadians have little to be proud of about our role in the Rwandan Genocide.

### **Current Critical Situations**

#### **Darfur**

Points made by Norman Epstein of Canadians Against Slavery and Torture in Sudan three years ago seem only a little less applicable today:

- The statistics include not only death by violence (400,000+), but by famine and disease...some 2.5 million people have been forcibly displaced from their homes.
- The international community has not mustered the political will to resolve the crisis. It continues to negotiate with Bashir and his cohorts as if they are part of the solution while they continue to act with impunity and are the source of the problem.
- The genocide of attrition continues.

What needs to be done? What can Canada do? Epstein says it can urge its international partners to stop negotiating with Khartoum. In the words of Eli Wiesel: "We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented."

#### **NUBA MOUNTAINS/BLUE NILE**



Since South Sudan celebrated independence in July, 2011, Bashir has waged war against the residents of the Nuba Mountains (South Kordofan) and Blue Nile states. The bombing campaign appears designed to terrorize the Nubans, who number about one million, into fleeing to South Sudan. This is the second round of such treatment by Khartoum against the Nubans, with the same lack of response by the international community, granting Bashir the confidence that he can continue at will without consequence or intervention. This is the campaign to finish the genocide of the 90's as the "final solution" for the "Nuba problem!"

Hassan Sharif of Kitchener, chair of the Nuba Mountains International Association Canada, notes:

The air bombings by North Sudan's government...are race-based. These civilians are seen as [black] Africans by the Bashir regime, which respects only those it considers Arabs. The residents of the Nuba Mountains- whether Muslim, Christian or animist in religion - normally live in harmony. Humanitarian aid is not reaching ... residents because of continuing bombing and violence. An immediate no-fly zone and UN peacemakers with a strong mandate (chapter 7) are needed now. If the international community does not act quickly, the Nuba Mountains could become the next Darfur.

Canada should encourage a greater sense of urgency in international bodies, including the UN, about the catastrophe now affecting so many tens of thousands of innocent people in the region.

### **Democratic Republic of Congo**

In 2009, the Canadian All-Party Parliamentary Group for Genocide Prevention, released its report on the humanitarian crisis in the Democratic Republic of the Congo and called for Canadian action. "Millions of lives have been lost, communities have been destroyed and civilians, particularly women, have carried the weight of the ongoing armed conflict in the DRC."

Ce rapport demande que le Canada intervienne pour faire cesser les atrocités :

1. d'élaborer un plan national pour appliquer les résolutions 1325 et 1820 du Conseil de sécurité de l'Organisation des Nations Unies, prévoyant la participation des femmes à la consolidation de la paix;
2. de collaborer avec les Nations Unies pour mettre un terme à la culture d'impunité qui entoure la violence sexuelle et la violence fondée sur le genre;
3. d'offrir une formation spécialisée sur la violence sexuelle et la violence fondée sur le genre aux Casques bleus des Nations Unies;
4. de préparer et d'adopter des lois sur les téléphones et autres produits utilisant des matières acquises au prix d'assassinats et de viols;
5. de renouveler et d'accroître le financement aux projets qu'appuie actuellement l'ACDI (Agence Canadienne de Développement International) en RDC.

Permit me to quote here Jean-Bertin, a Congolese who wants to end the "absolute silence" around crimes committed in his country, where the exploitation of strategic raw materials like coltan continues. "It's possible that two children died so that you could have that mobile phone".

### **China**

Since 2001, the party-state across China has been pillaging vital organs on a large scale from members of the Falun Gong spiritual/exercise community, murdering them in the process, and selling them for large sums for transplantation to wealthy nationals and foreign "organ tourists". A related part of this inhuman commerce is a network of forced labour camps, where Falun Gong and other prisoners produce a range of consumer products for export. More information about this is available at <http://organharvestinvestigation.net/>

## **Iran**

In recent letters to UN Secretary General Ban Ki-moon and Secretary of State Hillary Clinton, MP Irwin Cotler, co-chair of the Inter-Parliamentary Group for Human Rights in Iran, said, "Allowing President Ahmadinejad to address the UN General Assembly is a cruel parody of law and justice...A person who pursues the most destructive of weaponry in violation of UN Security Council Resolutions, who incites to genocide, who is complicit in crimes against humanity, who is engaged in a massive repression of the human rights of his own citizens, who assaults the basic tenets of the UN Charter - such a person should be the object of an indictment by this international body, rather than the beneficiary of its respected podium." He adds that there are... precedents in international law and U.S. conduct that would exclude war criminals, such as Ahmadinejad, from entering the U.S., let alone addressing the United Nations.

## **CONCLUSION**

The responsibility to protect doctrine arose with the Canada-funded International Commission on State Sovereignty and Intervention. We had won election to the Security Council in 1998 partly on a platform of protection for civilians, persuaded by Dallaire's comments about Rwanda. When Serbia's Slobodan Milosevic attacked the Albanian population in the province of Kosovo, world opinion tipped in favour of an effective mechanism to protect civilians from attacks by their own governments.

In 2005, the R2P doctrine was endorsed by a UN summit; last year, it was put into practice when the Security Council decided to create a no-fly zone in Libya after Gadhafi threatened a massive attack on the opposition-held city of Benghazi. The initiative was propelled by Gadhafi's language - that he planned to "cleanse Libya home by home" - words similar to those used by genocidaires in Rwanda. If a regime expresses clear genocidal or systematic atrocity intentions, R2P now allows other governments to prevent him from killing his own people. Tragically, it does not yet apply in countries, such as Syria, protected by governments having permanent vetoes in the Security Council.

Canadians should actively promote the R2P doctrine:

- It offers the best hope of achieving the "never again" pledges that followed the genocide in Rwanda by allowing the UN and international community to shift the focus from governments intervening for humanitarian purposes to civilians in need of protection.
- In the past, intervention usually arrived too late to save lives. R2P allows governments to act before a tyrant begins to slaughter citizens.
- Contrary to the notion that R2P is part of a North-driven agenda, other countries supporting it include Argentina, Armenia, Bosnia, Chile, Croatia, East Timor, El Salvador, Nepal, Peru, Rwanda, Sierra Leone, and Uruguay.

In short, what we are all doing here today is useful and important, but all of us going forward must do whatever we can to energize further R2P internationally for the sake of our one human family.

Thank you.