Examining the International Commission on Intervention and State Sovereignty as a Model for "Stage One" International Decision-Making

by

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Abstract

This thesis is an examination the feasibility of using the International Commission on Intervention and State Sovereignty (ICISS) as the model for a new form of international decision-making increasingly visible at this time in history. The term this thesis proposes is "Stage One" international decision-making. The term is defined as the formation of a carefully constructed international gathering of eminent thinkers and actors, similarly interested in a particularly complex, controversial, and current problem for international relations, in need of immediate and widespread debate, but which the established international institutions for international debate are unwilling or unable to address.

The structure of the ICISS is such that issues of state reception and inclusion, legitimacy, timing, participant selection, and political fall-out are overarching concerns that arise, and will be addressed, in this analysis of the structure and impact of the ICISS as a model for future "stage one" (initializing) international dialogue of controversial yet imminent matters affecting international peace and security.

The methods of investigation used include analysis of scholastic and governmental literature related to Canadian foreign policy on human security, interviews with and analysis of various individuals involved in the ICISS, and analysis of preliminary findings and reports by the Commission.

The general conclusions drawn are that the ICISS' dedication to maintaining the sanctity of the UN while seeking other means for fostering international action, and its attempt to provide an open discussion forum, are positive features. However, the Commission is not an ideal model for "stage one" international decision-making mainly as a result of the idiosyncratic nature of its participant selection and the inference of secondary mandates, which go beyond simply initiating international debate.
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INTRODUCTION:
The ICISS

The United Nations was designed to cope with interstate war. Repelling or reversing a clearcut cross-border aggression of one state by another, as of Kuwait by Iraq in 1990, is one of the few bottom lines in international affairs. Yet the disputes clamoring for U.N. attention today are almost all internal. Founded on the principle of national sovereignty, the U.N. is ill-equipped to cope with civil conflict.

- Ramesh Thakur, Vice Rector of the United Nations University, Tokyo

In April of 2000, the United Nations' Secretary-General, Kofi Annan, submitted his Millennium Report to the United Nations General Assembly (UNGA). Included within this report was a plea to the entire international community to work together to find a solution to the growing human security dilemmas, especially the cases of gross human rights abuse within states. He emphasized the need to shift central focus of each nation’s security policies away from preservation of the state, to protecting the lives of its individual citizens. This plea was a continuation of a previous speech made to the UNGA in September of 1999, where he suggested the “core challenge to the Security Council and to the UN as a whole in the next century [should be]: to forge unity behind the principle that massive and systematic violations of human rights—wherever they may take place—should not be allowed to stand.”

In order to attain the desired outcomes of these two statements, Annan and others have been advocating the use of forceful militarized intervention inside a state, without its consent, as a final resort to cease massive internal violations of human rights. At issue is how to reconcile a growing concern for safety of the individual, regardless of their location, with an on-going concern for state sovereignty. If a sovereign state is guilty of violating the human rights of its own citizens, does the state forfeit its sovereign right to rule over those people? How many human rights violations must a state be guilty of before an intervention is warranted? What external force has the legitimacy required to undertake an intervention: any other state, a group of states, a group of non-state actors?

1 Thakur, The U.N.'s Impossible Task...
2 DFAIT Document, 4 April 2000.
must give their approval before an intervening force may proceed: anyone, the UNGA, the United Nations’ Security Council (UNSC), some other international or regional association? By what criteria should one make a decision to intervene?

Many questions, including all of the above, have left most states unwilling to engage in any formal dialogue on this matter. Yet, the issue is ever-present and, following NATO’s action in Kosovo, is in a dangerous position of possibly evolving beyond the control of the UNSC, for fifty years, the traditional source for debate and action on international security. The ad hoc nature of the Security Council’s interventions on humanitarian grounds, as in Somalia, Haiti, and East Timor, along with its lack of action in places equally needy as in Rwanda, Chechnya, and Kosovo, have left many state leaders, non-governmental organizations (NGOs), and ordinary citizens angry and confused. Demands are increasing that the international community lay some visible and universal ground rules to use when making decisions that both threaten and assist states and the people therein.

Despite the public outcry and strong urgings of the UN Secretary-General, the Security Council is stalled, as is the General Assembly, by a majority of states that view any discussion of institutionalizing a limit to state sovereignty as simply out of the question. However, there are those states that do not share this point of view. Canada is one of them. Its foreign policy agenda, described in its document entitled Freedom From Fear is very much in line with Annan’s human-centred security vision. When it became clear the debate surrounding intervention for human rights protection would not ensue within the United Nations, Canada stepped in, its foreign affairs officials feeling this matter required immediate attention in light of the recent precedent set by NATO’s unilateral action in Kosovo. What followed was a proposal by Canada, to Kofi Annan, to create an international commission, independent of the United

3 DFAIT, Freedom From Fear...
4 Ibid.
Nations, to facilitate an international debate on reconciling sovereignty and intervention. Annan gave the Canadian government his blessing and the creation of the International Commission on State Sovereignty and Intervention (ICISS) was underway. Its inception was formally announced by Canada's Prime Minister, Jean Chretien, at the United Nations' Millennial Summit in September of 2000.

What is the ICISS?

The ICISS is an international commission of twelve individuals, charged with investigating two important characteristics of international relations: state sovereignty and state intervention on the basis of human rights violations – also to be referred to as protective intervention throughout this paper. Additionally, the commission is to attempt to form a consensus as to how these two notions might coexist as internationally sanctioned norms of international behaviour. The commission is chaired by two men, one of Southern (developing nation) origin, Mohammed Sahnoun (Algeria), and the other from a Northern (developed) country, Gareth Evans (Australia). Within the span of one year, the commissioners are hosting regional roundtables throughout the world to consult with various NGOs, academic institutes, and state representatives. The Commission also has an Advisory Board and a Research arm, both of which will contribute their expertise and findings to the commissioners. Upon completion of all consultations—both roundtable and advisory board meetings—and final submissions of research conclusions, the commissioners will attempt to consolidate all of the information into a consensual final report, which they will present to the Secretary-General of the United Nations at the next General Assembly, in the fall of 2001. At the time of this thesis' completion (Aug.2001), the Commission had extended its deadline for reporting to the UN to

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5 The ICISS members have chosen to replace the term “humanitarian intervention” with “protective intervention” in response to strong opposition by many humanitarian organizations and workers who argued that to use the term humanitarian when discussing a
November 2001. This was due to additional requests for consultation by certain states and the need for additional time for the research arm to complete its work.\(^6\)

**How was the ICISS Created?**

A team within Canada’s Department of Foreign Affairs and International Trade (DFAIT) created the ICISS. The key individuals included: Lloyd Axworthy (then Minister for Foreign Affairs, now the Director of the Liu Centre for the Study of Global Issues and Professor of Political Science at the University of British Columbia), Jill Sinclair (then director of the Arms Control and Disarmament Division, now, is the director general of the Global and Human issues bureau and the executive director of the ICISS’ Secretariat), Don Hubert (a senior policy adviser in the Peace Building and Human Security division, and currently assisting the research directorate in the ICISS), Heidi Hulan (deputy director of the ICISS Secretariat), and Paul Heinbecker (then, DFAIT’s Assistant Deputy-Minister for Global Issues; currently he is Canada’s United Nations Permanent Representative).\(^7\)

The creation of the ICISS evolved from a couple of key incidents related to the United Nations. First, both the General Assembly and the Security Council were unwilling to open discussions regarding state intervention. The content of Annan’s speech to the UNGA in September 1999 was both bold and unexpected. He declared the rights of individuals a priority above all else, including state sovereignty. He stated that sovereignty was not an inalienable right and that it should be open to removal should a state fail to satisfy its primary duty, which, he argued, is the protection of all of its citizens. This speech even took the UN Secretariat by surprise. Many within various branches of the UN (including the Secretariat) disagreed with militarized activity is a serious misuse of the word. Others have also pointed out that the term may be misleading as “it tends to prejudge the issue of whether the intervention is defensible.” (See: Advocaat, A., *Briefing Paper for the Meeting of…section 1*)

\(^6\) Hulan, June 4th

\(^7\) Axworthy, Aug. 15th
what Annan had said or the manner and timing in which he said it. His speech further angered states already wary of the sovereignty debate and it soon became clear that a serious debate on the legitimate use of forceful intervention would not take place under the auspices of the United Nations in the near future. This event left Annan in a difficult position: passionate and convinced of the immediate attention this matter required, yet incapacitated to move his agenda forward within the confines of the UN system.

Another key incident within the UN that inspired the genesis of the ICISS was that the legitimacy, legality, and implications of the North Atlantic Treaty Organization’s (NATO) attack on Yugoslavia, without UN approval, had yet to be investigated in earnest by the UN. All states were in agreement that some answers were necessary, but no method of inquiry or discussion, satisfactory to all, was forthcoming. Yugoslavia was going to the World Court with a claim of war crimes against the members of NATO. Similarly, NATO representatives were seeking the arrest and prosecution of Yugoslavia’s Prime Minister, Slobodan Milosevic, and other key leaders, for crimes against humanity. Meanwhile, both NATO and UN peacekeeping troops remained stationed in Kosovo and other parts of Yugoslavia, as well as Macedonia and Albania, in an attempt to contain further hostilities.

These two dilemmas within the UN were of particular concern to Canada’s foreign affairs ministry. Canada was a strong proponent of the independent NATO intervention in Kosovo; yet just as keen to see some international debate and policy develop regarding NATO’s action and the Security Council’s inaction. One of the senior advisors in Canada’s Department of Foreign Affairs, Don Hubert, came up with the idea of an independent commission. Under the leadership of Lloyd Axworthy, then Minister of Foreign Affairs, Hubert’s idea was developed into what would become the ICISS. The financial resources of the commission were

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8 Ayebare, Adonia, 3. Also: Hulan, June 4th, and Axworthy, Aug. 15th
9 Hulan, June 4th
10 ibid.
divided into two parts. The administrative funding would come from the Canadian government and an additional, significant contribution from the Swiss government, and a small donation from the British government. Funding for all other aspects was sought from private foundations and organizations with neutral and especially pro-South reputations. A detailed discussion of funding follows in chapter two. Upon submission of its report to Annan, at the 56th convening of the UNGA (with Canada as its sponsor) the ICISS would disband.

How is the ICISS different from UN commissions and other independent commissions?

First, unlike the Brahimi Report, the UN Commission on Global Governance, and Brundtland Commission, the ICISS is not sanctioned by the United Nations. Independence from the UN allowed the creators of the ICISS to enjoy a greater degree of freedom, in defining the Commission’s mandate. There would also be greater flexibility in whom was chosen to participate and how and when the Commission would meet and conclude. Without the need for full or majority Security Council or General Assembly approval, the selection of participants could be centred on merit and appropriate credentials, rather than political game playing. In general, without the need for approval by the two UN bodies, or even individual state approval, the Commission is subject to less political posturing and diplomatic protocol. Not being strictly bound to the UN also allowed greater latitude so as to include more of the non-governmental (civil society) community; the impact of which is further explored in subsequent chapters.

Second, the ICISS is an independent commission, but its creators hope that the inclusion of certain unique aspects will improve on some of the previous independent commissions. Important commissions such as the Carnegie Commission—on preventing deadly conflict, and the Brandt Commission—on international development issues, have produced exceptional

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11 ibid.
12 Carnegie Commission on ...
13 Brandt, Willy
documents and recommendations for solving serious challenges in the international arena.

Sadly, these commissions' reports, regardless of how intelligent and comprehensive, have typically been graciously acknowledged by individual states and the UN, only to be quickly put on a storage shelf somewhere, never to be seen again. This is a fate ICISS creators did not want to befall their commission. The key advantage the ICISS has over these other independent commissions is that although the ICISS is also an independent commission, it has a very short arm's length relationship with the UN. The report of the ICISS will be publicly released at the UN General Assembly. The UN Secretary-General is deeply committed to supporting the Commission's mandate and has ensured ICISS planners that he will give it his full support and whatever promotion possible. This strong and influential relationship with Annan, along with Canada as its sponsor nation at the UN, and a carefully chosen group of political advisors, is what ICISS organizers hope will provide them with the kind of exposure necessary to gather enough political will to ensure this report is brought to, and remains on the immediate agenda for international debate.

Another way in which the ICISS differs from other commissions is with regard to its subject matter. This independent commission, with a large contingent of non-governmental actors, is broaching the idea of limiting state sovereignty when massive human rights violations occur. What is important to note is, in the end, only states have the authority to change the UN Charter, or its interpretation and yet it is states that would be most affected by the kind of change posited by the ICISS. The purpose of the ICISS is to initiate debate and provide suggestions to state leaders in the United Nations for how next to proceed with this topic. It is this initiation of state-centred debate, without the consent of or significant inclusion of any state in the proceedings of the commission that this paper is interested in pursuing.

14 Axworthy, Aug. 15th
The “Ottawa Process,” also known as the campaign to ban landmines, has been heralded by many in DFAIT as the new model for initiating global policy-making.\textsuperscript{15} Banning the use of conventional landmines, however, can still be included in the traditional national security approach to forming state policy. Protective intervention – the topic of the ICISS – cannot. Formally legitimizing this kind of activity requires adopting a new norm. While protecting the state has been the basis of all states’ security policies, protective intervention would move protecting individuals to the top priority spot and accept a limitation to their traditional (since 1945) sovereign domain. ICISS creators were required to make some important adjustments to the “Ottawa Process” model in order to build a successful coalition seeking to achieve a far more ambitious goal. Additions to the landmine design included: a formal gathering for inquiry with an all-welcoming atmosphere; two additional divisions; a very carefully crafted participant list. These additions will be explored at great length in the ensuing chapters.

**The ICISS and the Idea of “Stage One” International Decision-Making:**

Could the ICISS therefore be the model for what this paper will call, “Stage One” international decision-making? Specifically, “Stage One” refers to the formation of a carefully constructed international gathering of eminent thinkers and actors, similarly interested in a particularly complex, controversial, and current problem for international relations, in need of immediate and widespread debate, but which the established international institutions for international debate (namely the United Nations Security Council and the General Assembly) are unwilling or unable to address. Although independent of these international institutions, some form of association should be maintained so as to ensure a carry-over of efforts and information to a body with the formal legitimacy to actually do something. The term “Stage One” is used so as to be clear that this gathering (likely in the form of a commission) is meant to be only a first

\textsuperscript{15} See Hubert and McRae, *Human Security and the New Diplomacy*
round of deliberations, with one or several more rounds of discussion to follow, especially at the state level. The purpose of the first stage is to consolidate the varying opinions and research into one place, with a captive audience of highly motivated and qualified experts on the subject, ready to engage in a meaningful discussion of the problem. Together, they construct a consensual report with recommendations for further action, effectively promote and gather political will to support the report, and commend it to the leaders of the world and bid them find a resolution to the problem at hand.

Concerns:

The likelihood that states will enthusiastically admit a report that suggests they adopt restrictions to their sovereignty is only one concern that arises out of consideration of the ICISS. Another important concern is the legitimacy that states will afford the Commission and its report as it addresses a state-centred topic without the backing of the United Nations or any other international organization. Without the UN’s name behind the Commission, how will it gather the political will needed to ensure it is taken seriously by state leaders? If it cannot garner the support of the Security Council’s five permanent members, and a sizable and varied number of states from the developing nations (G-77), then what? Also of concern is the relatively short time frame (one year) allotted for the commissioners to resolve a highly complex matter. Two final concerns presume the ICISS is successful: a) the ICISS becomes the model for “stage one” international dialogue; and b) its recommendations are adopted into a resolution by the UNGA. First, how might states respond to this new norm that allows for non-consensual state intervention? Would it lead to a kinder world, or to new initiatives to make such an intervention on one’s state impossible (for example, a build-up of arms)? The second concern stemming from the success of the ICISS is how it would affect the UN’s relevance. Who are these new decision-makers answerable to? If states take a greater interest in these commissions, could the
commissions become too politicized and wind up stalled just like the UN? State reception and inclusion, legitimacy, timing, participant selection, and political fall-out are the overarching concerns this paper will use in its analysis of the structure and impact of the ICISS as a future model for “stage one” (initializing) international dialogue of controversial yet imminent matters affecting international peace and security.

Structure of this Paper:

As of writing this thesis (August 2001), the International Commission on Intervention and State Sovereignty is still a work in progress. The commissioners have only just finished their consultations and the final report has yet to be written. The object of this thesis is not to analyze the recommendations of the Commission (although some speculation is possible and will be addressed in the fourth chapter). Rather, this paper considers the concept of the ICISS, its structure and its aims, as a model for an international alternative to the United Nations in providing initial discussion of highly sensitive or controversial topics in international affairs. The following chapters consider why and how this commission came to be, whether it is likely to succeed in its mandate, and whether or not this model of international dialogue—leading to action—should be employed in the future.

The first chapter takes a closer look at various factors that, in recent years, gave rise to the creation of the ICISS. Chapter two is an in depth analysis of the three branches of the ICISS; especially the selection of each branch’s participants, and the anticipated role of each branch. The third chapter carries on from the second with an examination of the process and approach taken by the Commission to meet the challenge of reconciling state sovereignty with state intervention for the protection human rights, to the satisfaction of all the international community. Chapter four is a limited analysis of: the likely direction the final report of the Commission will take; whether there is consensus among the commissioners; and what the
ICISS promoters plan to do and will need to do in order to “sell” their report to state leaders and others world-wide. The fifth, concluding chapter is divided into three parts. The first part reflects on the relationship between the Commission and the key aspects of the “stage one” idea, and whether the ICISS possesses the necessary characteristics to be a model for “stage one” international decision-making. The second part will consider the impact the ICISS could have should its recommendations be accepted by states in the UN, and/or should this Commission become the “stage one” model. The final part of this chapter will posit some additional thoughts on proposed new trends in international diplomacy and multilateralism.
CHAPTER ONE:
WHY WAS THE ICISS CREATED?

Prior to an analysis of the ICISS, it is important to consider what the motivating factors were for its creation and whether they all relate to the mandate of initializing international debate on reconciling sovereignty and intervention. Five reasons for this Commission are posited in this chapter: an escalation in domestic violence throughout the world; increasing demand that interventions be addressed at the international level, but the United Nations is unable to do so; a means of disseminating the foreign policy aspirations of certain like-minded states; to assist with the mobilization of NGOs and civil society in international decision-making processes; and, as a means of synthesizing or at least publicizing various bilateral and multilateral human security initiatives.

An escalation in domestic violence worldwide:

January 1998. UN peacekeepers are still struggling to put the pieces back together following UN intervention missions in places like Bosnia, Somalia, Indonesia, Haiti. There is word that ethnic tensions in the Yugoslavian province of Kosovo have worsened and violence directed toward the ethnic Albanian population in the region is reaching epidemic proportions. It is clear the Yugoslavian government is indifferent to the atrocities at best, and, more likely, sanctioning them. A Kosovar rebel force is gaining both momentum and desperation, further escalating violence directed toward civilians. The United Nations Security Council is concerned.

Three of five permanent Security Council members share the continent with Yugoslavia. The spillover of refugees into Macedonia and Albania is seriously taxing the means of these two nations and they are threatening to turn any newcomers back at the borders. Ex-patriots of both Serbian and Albanian origin are putting pressure on Security Council members and their allies, in whose countries they now reside such as France, The United States, and Great Britain, Canada, Australia, etc. The unsatisfactory aftermath of missions such as Somalia and Bosnia are
still fresh in every state official’s mind. A resolution is proposed to send a UN peacekeeping mission to help quell the violence but consent from the Yugoslav government is denied. With growing reports of human rights abuses and genocide, and the Yugoslavian government increasingly believed to be behind the attacks, it is proposed that a different UN mission, one of forced intervention, be deployed. Yugoslavia applies pressure to all of its long-time allies, especially Russia, to stop this mission from going ahead. After much heated debate, it becomes clear that the Security Council is aware and concerned with what is happening within the state, but the Council remains unwilling and unable to sanction an international intervention. No UN mission to Yugoslavia without the consent of the Yugoslavian government will ensue.

March 1999. Enter the North Atlantic Treaty Organization (NATO). Under the leadership of the United States, NATO takes on the intervention mission that the UN could not. The international clout of the states within this alliance, and an admission by all Security Council members that the Kosovo situation is a threat to the greater peace of the Balkan region, leads the Security Council to refrain from an attempt to impede NATO’s movements. The NATO mission succeeds with respect to stemming all-out warfare but fails in that the Chinese embassy, suspiciously, is bombed in the process, fueling international tension between China and the NATO members especially the US. Furthermore, the damage done to Yugoslavia’s infrastructure is estimated to be billions of US dollars, to say nothing of the peoples’ spirit. Indications are that a positive resolution in the region to the damage and division is not forthcoming.

The incident in Kosovo, and the recent series of domestic, civilian-oriented crises that preceded it are worldwide: in Europe (Bosnia, Chechnya, Croatia, Yugoslavia), in Asia (East Timor, Cambodia, Burma/Myanmar), in Africa (Somalia, Rwanda, Sierra Leone, Uganda), and in the Americas (Guatemala and Haiti). Civilians are increasingly the targets in these domestic...
disputes, accounting for 80% of all casualties. In each of these cases, mass civilian casualties were sanctioned or perpetrated by the state’s own government officials. In the aftermath of the conflict, whether the UN or another external force played a part or not, the end result has been an unstable peaceful resolution, if any at all. A reason for this kind of negative outcome might have been a lack of international action, or, if action was taken, it was poorly planned due to poor reconnaissance work prior to intervening. Poor outcomes have also been explained as due to poor or no post-conflict planning. Sometimes too immediate a departure by international forces has been cited as the problem, leaving the state without a stable infrastructure and the people demoralised. Other times, the international forces’ seemingly indefinite presence has been accused of encouraging little or no movement domestically to create a stable regime. Even places like Haiti, where there has been a good deal of political will for the creation of stable government by the UN, the Organization of American States (OAS), and many Haitians themselves, “the pace of reform has been slower than hoped... Governance remains weak, and real justice reform has not progressed very far.”

While the devastating effects such conflicts have domestically are obvious, the effects internal conflicts are having on the international community is only just beginning to gain the attention of heads of state. Concerns are growing with the increased incidence of domestic conflicts world-wide as the spill-over of refugees into neighbouring states, environmental infrastructure damage along the borders, economic disruptions in trade, investments, loans repayment, currency devaluation, and the seizure of foreign companies’ local offices and/or industrial plants. And, certainly the most pressing concern related to the work of the ICISS, the abuse within a sovereign (therefore presumably united) nation, of fundamental human rights. Human rights advocates fear the message—should it remain unchallenged—such violent action

16 Bonser & Hubert, 111
17 Lee, 102
is sending is that the preservation of life is somehow of less consequence than the survival of a state; failing to recognize that the pursuit of "things", without first assuring the safety of one’s life, is entirely pointless. And without an internationally protected value placed on the individual’s right to pursue a life without fear of unjustified acts or threats of persecution, a worldwide lack of respect for life itself will provide the ultimate threat to everyone’s peace and security. “[T]he concept of peace and security – national, regional, and global – makes sense only if it is derived from individual security.”

There has been increasing demand at the international level, for clarity and uniformity regarding hostile interventions, but the UN is stalled on the matter:

International attention regarding intervening in a sovereign state when it is guilty of abusing the human rights of its citizens has been gaining momentum since the early 1990’s. In 1995, the United Nations’ Commission on Global Governance made the first dramatic assertion in this regard with its report, “Our Global Neighbourhood.” That commission’s report stated that “where people are subjected to massive suffering and distress… there is a need to weigh a state’s right to autonomy against its people’s right to security.” NATO’s 1998/99 intervention in Kosovo, sans the UN, intensified calls for a resolution to the question of the legality of state interventions for domestic human rights violations. In June of 1999 (and shortly after the end of the Kosovo crisis), Canada’s Minister of Foreign Affairs, Lloyd Axworthy, in an address to fellow G-8 members, called for a systematic debate on the matter, arguing, “tests and standards need to be established… [leading to] a new test of [state] accountability, … [which] is human security. The new norm exists – now the UN and other international organizations must rise to

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18 Vaclav Havel, quoted in DFAIT, Freedom From Fear...
19 Commission on Global Governance, Our Global...
20 Bonser & Hubert, 112
the challenge of enhancing and enforcing that norm."\(^{21}\) The Secretary-General of the United Nations shared Canada’s thoughts and gave this topic top priority throughout 1999 and 2000, culminating in the Spring of 2000 with the release of his Millennium Report, where he states that developing a human-centred approach to security – including intervention – should be one of three key objectives achieved by the international community as whole in the first part of the new millennium.\(^{22}\)

The Secretary-General’s and Canada’s calls for an international debate on sovereignty and human rights were echoed by several other states as well, yet none could persuade enough members of either the General Assembly or the Security Council to agree to formally entertain this debate. The United Nations was stalled; the reasons were many. From an administrative perspective, the UN has been marred for some time with a critical lack of firm commitment from various member states, especially in terms of each state’s financial obligations.\(^{23}\) The UN’s most important financial contributor, the United States has consistently withheld funds for its membership dues, its share of peacekeeping operation costs, and special funds for various UN programs, despite repeated statements of what “an indispensable institution” the UN is for the USA.\(^{24}\) Therefore, the UN organization would not likely give approval for additional spending for any new initiatives without a great deal of member states’ support, which the sovereignty-intervention dialogue lacks.

This poor commitment could also be attributed to each state’s desire to maintain control over its own affairs. In the case of the United States, it has chosen to limit its commitment to international organizations and focus on bilateral interaction with other states.\(^{25}\) Many other states prefer to use the United Nations as only one small part of their foreign policy pursuits.

\(^{21}\) ibid., 113: shortened version of Lloyd Axworthy’s speech to the Foreign Ministers of the G-8, June 1999.
\(^{22}\) UN GA/9704 Press Release...
\(^{23}\) UN Press Release #2
\(^{24}\) Welch, David. See also: Clinton, William J., reference.
\(^{25}\) Held, David, et al., 28
Many nations not adorned with permanent Security Council membership see the United Nations as inherently undemocratic and its decisions as often unrepresentative of the needs and perspectives of all its members. Indeed, much discussion has ensued recently regarding the need for basic structural reform of the United Nations, giving more countries greater influence and responsibility. The notion of intervention and limits to state sovereignty, while a type of reform, is not something that would increase the power of any state, in fact quite the opposite. Allowing the UN, through international law, to limit a state’s freedom, at a time when many states see power in the UN as uneven, could prove quite a great challenge.

With the current structure of the United Nations and the general international division of power, some smaller and weaker states view a debate on intervention as opening the floodgates for a return to colonialism or a kind of paternalism. There are still many nations who feel their sovereignty is far from assured even now. Other weaker states see the sovereignty-human rights debate as an attempt by the wealthier and more powerful nations to limit the growth of the developing nations. “Confusion abounds over areas of demarcation between the mandates and agendas of the Bank, the IMF and the UN.” The excuse by international financial organizations that certain clauses in trade agreements be included for protection against human rights abuses is seen, by some weaker states, as hypocritical. Weaker states argue it is a denial of the fact that much of the wealth, power, and peace currently enjoyed by those states championing human rights, was amassed at the expense of a great many of these states’ citizens’ and others’ lives in ways, that today, are considered human rights abuses. Canada did not get its cross-continental railway without the slave labour provided by many foreigners. Britain’s allowance of deplorable child labour standards during the industrial revolution is another example. The policy of

26 UN Press Release #1. *Fifth Committee Commences Discussion...*
27 In the case of Singapore, officials and citizens alike remain wary of other states immediate and long-term intentions who are in close proximity. Water, border, and financial trade with Malaysia are an on-going concern. As are Malaysian, Thai, and Indonesian weapons acquisitions and security planning. Also, “fear of Japan’s long-term strategic ambitions” dating back to the Second World War is a strong concern among many Singaporean people. (Deck, 252).
assimilation or destruction of the aboriginal peoples in order to gain control over land in countries such as the USA, Australia, and Canada is yet another example cited.

It should be noted at this point that the kind of interventions for human rights abuses the ICISS and others are debating have consistently been linked to massive and systematic violations of human rights principles agreed to in the International Declaration of Human Rights. According to those principles, most, if not all states could be found guilty of some human right violations, but for the vast majority of states, these violations would not be considered massive and systematic. Most states therefore, would have no need to worry about facing an intervention. However, does one thing lead to another? Were cases of massive domestic human rights abuse to be formally and legally condemned and subject to international retaliation, would the next step be to condemn and punish smaller cases of human rights violations? If so, a much greater number of states would have cause to worry. And how much of a violation exactly is too much? What would the threshold for “massive” be? Who would be responsible for determining when a violation warranted an intervention? What if the guilty state were – as in the case of Russia’s treatment of her citizens in Chechnya – one of the Permanent Five Security Council members or another large and powerful state? Would they too be subject to an intervention? Who could carry out such a mission and realistically expect a successful outcome? If P5 states were deemed untouchable, how might the security goals of other states change to make them also safe from intervention? On the opposite end of the spectrum, given the lack of international action in Rwanda, could all nations expect to be aided by interventions whether they are important to the dominant (leading in troop and weapons supply) states or not? All of these smaller nations’ concerns are entirely valid and certainly help to explain the lack of enthusiasm in the UN to delve into the subject. Nevertheless, others, especially those responsible for the ICISS, or supportive of it (some of which are smaller nations), counter that these interventions are already

\[28\] Thakur, Back to What They do Best…
occurring (or not occurring), but without any rhyme or reason, and this state of limbo and inconsistency is a far greater threat to the smaller and less powerful states. For example, the member nations of the Organization for African Unity (OAU) have been dealing with the erosion of the sovereignty of African states... [f]rom the early 1980’s, [when] most African governments reluctantly agreed to implement [internationally dictated] economic structural adjustment policies (SAPs) and accepted direct interference in politically sensitive economic policy management... In due course, bilateral donor agencies added political accountability to the economic conditionalities already imposed by SAP... [including] broader political representation, government accountability, and democracy.... [Additionally], in 1989, the World Bank Report advised African governments of the need to... create an enabling environment for resource mobilization, democracy and participatory politics.29

Whether economic or militarized, for these nations, the concept of international intervention and relinquishing of sovereignty is not new. In fact, even within their own regional organization, “the legal foundations for intervention in African states exist at the OAU... [And t]here is a realization that African interventions need a humanitarian dimension to [the OAU’s] doctrines of intervention.”30 Proponents of the ICISS wish to see the international community as a whole adopt such a humanitarian component to interventionist activities and insist that “[n]o one... is promoting a world in which the strong intervene where they will and the weak suffer what they must... Clearly, tests and standards need to be established by which the necessity, or not, of international enforcement of human security can be judged.”31

The strong and powerful nations are not necessarily inclined to participate in discussions of interventions and sovereignty limitations either. From one perspective, successful nations want to remain so, and anything that places new limits to the options available for exerting pressure—in this case, limiting the justifiable reasons for intervening in the affairs of another state—could threaten the continued success (control) of these stronger nations. A member of the Ugandan diplomatic core submitted a discussion paper to the ICISS, which argued, “East and

29 Rugumamu, 3
Central Africa internal affairs of one state [are already] foreign affairs of others." He later goes on to describe how the "European governments and armies especially those of France and Belgium in the early 1990’s were seeking prominent international roles in Africa to avoid becoming marginalised in the new US-dominated world order."

The most powerful nations currently enjoy relatively unrestricted control over most international decision-making, especially security measures, including interventions. This allows the furthering, or protection of, individual interests of these more powerful states to be factored into any decision regarding an international intervention. The introduction of international guidelines or perhaps even a codification of rules for interventions, would significantly limit the ability of the dominant nations to pick and choose their battles. Some of these states fear they may be forced to participate in intervention missions they see no advantage in being a part of. Considering humanitarian interventions since the end of the Cold War, international action has been very slow in coming (Sierra Leone and Bosnia), or seriously understaffed (Rwanda). In the rare cases where more immediate action was taken (only Somalia and, arguably, Kosovo), these interventions were plagued with other problems especially poor information gathering. In all of these cases, the potential gains to be made by the intervening nations – restoration of order and stability and the protection of innocent civilian lives – were highly uncertain and far outweighed by the potential losses – further domestic casualties, casualties to the intervening forces and the resulting public backlash at home, weapons and funds to supply the mission, and reputation as divided and angry civilians blame the intervening states either for interfering or not doing enough. For the powerful nations, the memory of these past, recent failures, combined with a fear of being forced into similar missions in the future makes them nervous of the topic of debate at the ICISS.

31 Ayebare, 3
32 Bonser and Hubert, 113: shortened version of Lloyd Axworthy’s speech to the Foreign Ministers of the G-8, June 1999.
33 Ayebare, 1
The level of control the dominant states of the world wield is also obviously of great advantage in virtually assuring their exemption from being the object of any international intervention. This is especially the case with the five permanent members (P5) of the UN Security Council, with an ability to veto any decision. But even those powerful states not in possession of a veto such as Japan, Canada, Australia and most of the Western European nations, can be fairly certain that they too will not be subject to an intervention in light of their associations with the P5 states, their extensive multilateral ties, their economic strength, and/or their military capabilities and treaties. It is unlikely that international guidelines or codification would change this scenario. Most proposals of intervention guidelines (including the one the ICISS is likely to produce) argue that two principles: a) the capacity to act; and b) reasonable certainty that the intervention will be successful, are essential components of any decision to proceed with a non-consensual state intervention.\textsuperscript{34} The strength of these nations would therefore almost certainly preclude any international interventions against them. However, some states such as China and Russia argue that theoretically, there is a possibility that a group of states could band together and exert pressure on a single powerful state, using human rights violations as a cover for other agendas such as reducing that state’s economic gains and political power internationally. Following NATO’s unilateral intervention in Kosovo, Russia, considered a strong state, yet unsure of its actual capacity since the end of the Cold War, responded to the attack with the news headline and subsequent statement: “Today Yugoslavia – Tomorrow Russia” This is the deeply felt public consensus since NATO’s attack.”\textsuperscript{35} Clearly, the imagination and fears of both strong and weak states run rampant over a topic that threatens to limit a portion of their freedom and control. Even if the majority of these states agree with the

\textsuperscript{32} ibid., 2-3 \\
\textsuperscript{34} Advocaat, A., \textit{Briefing Paper For the Meeting of...}, section 4. \\
\textsuperscript{35} Arbatov, section on \textit{New Defence Priorities}. 
principles behind the protection of human rights, a majority also appear to be extremely nervous to open the gates, even a crack, to their sovereign jurisdiction.

Again, however, some states are more convinced of the merit of protective intervention than others. Canada’s foreign affairs officials and state leaders have decided that, on the basis of present day events, human rights is one aspect of a state’s traditional domain that is increasingly misplaced. Canada’s argument is that one’s humanity is without territorial borders and therefore should not be solely bound to or controlled by a single state. Canada’s argument continues, that the world is in need of adopting “a major and necessary shift in international relations... which have long placed predominant emphasis on the security of the state [by] broadening the focus to include the security of people.... [However,] states are not always guarantors of human security... [and when they are in fact the perpetrators of great harm to individuals,] the humanitarian imperative to act cannot be ignored and can in some cases, outweigh concerns about state sovereignty (emphasis added).”36 This new conception of a global approach to protecting the individual’s security is by no means universally supported. Most states believe the responsibility for the protection and conduct of all those within a state’s territorial boundary remains solely its own, and is only one part of its broader security policy. Nonetheless, Canadian leaders, the United Nations Secretary-General, and a host of other states and individuals submit that the actions of the international community in the last half century—including freer trade, the introduction and use of international peacekeeping and peacemaking missions, the increase in regional and international organizations and institutions, and the explosion of multinational companies and NGOs, are all clearly indicative of a shift in how, and the frequency with which, the people of the world interact. Should not the first order of business among leaders of this increasingly interdependent relationship be to provide for the protection of everyone’s basic right to life and just treatment? Is the attainment of security of the person not
the most fundamental component of continued international peace and security? The creators, participants and promoters of the ICISS think so and believe it is time to engage in an international debate on the matter. The UN was not able to initiate this debate, so the ICISS did.

*The ICISS was created to disseminate the foreign policy goals of certain like-minded states:*

The ICISS has afforded some like-minded states an opportunity to bring their foreign policies to the forefront of international attention and debate. A common characteristic among these states is that they are all “middle powers.” They have fairly healthy and stable economies, are organized by some form of democracy, and are heavily dependent on other nations in trade and security for their own survival. This dependency also tends to make middle powers very supportive of multilateral organizations and quite adept at maintaining good multilateral ties. With respect to interventions, not being among the dominant powers affords them a less negative reputation in international affairs, even when they have been partners with a dominant power in coercive activity. It is the USA predominantly that was (and continues to be) subject to attacks by NATO intervention critics.

Because of their reliance on others, international institutions and laws are highly valued by middle powers. While not absolute, such institutions and laws provide order and a common foundation in which all states may operate; a fairer playing field. It is not so surprising then that a fair number of middle power states look favourably on the mandate of the ICISS: “to promote a comprehensive debate on the issues surrounding the problem of intervention and state sovereignty [and to] help build a broader understanding of these issues and to foster a global political consensus” on the matter. While many of these states may be uncertain as to their support for protective intervention, the lack of any international policy, let alone discussion on

36 DFAIT, *Freedom From Fear*, 1-3.
the matter is more disconcerting. It is, as a matter of course, that middle powers face a great challenge in managing their affairs with such heavy reliance on the rest of the international community, but when that community is paralyzed in dealing with violent conflict and destabilization, fears of the spill-over effect and economic paralysis for these interdependent nations magnify the challenge several times over.

Canada, a middle power, in the sovereignty-intervention debate has taken the lead in promoting the middle power perspective of the like-minded states, drawing on its experience with the successful and expeditious international campaign to ban land mines. This is referred to as the “Ottawa Process”. The idea behind this process was to circumvent a stalemate at the United Nations by creating momentum and pressure for change from outside formal inter-state channels, employing relevant NGOs, scholars, notable individuals (like Princess Diana and the Pope), as well as some carefully chosen state officials. Some have argued that Canada’s actions during the NATO intervention in Kosovo also reflected this approach as “throughout the campaign the foreign ministry and the minister stayed in touch with domestic and transnational NGO partners, recognizing their key role [in a successful intervention].” Some (especially officials in Canada’s Foreign Affairs Department) are heralding this approach as the “new multilateralism” or the “new diplomacy,” where governments, NGOs, and other members of civil society are to work together with great transparency to engender international change where international institutions cannot do so in a timely manner, if at all. Further, international peace and security matters, once the sole domain of sovereign states, are now scrutinized by a much broader group of interested parties. Some state leaders may view this approach with concern, arguing the new participants lack the legitimacy and responsibility of elected or chosen leaders,

34 Waschuk, 221.
35 ICIS - Issue Note for..., “Background”, 1.
36 Waschuk, 218
37 ibid., 221
38 See most chapters in: Human Security and the New Diplomacy...
and it is not often that adding more people to a decision-making group makes getting a final
decision easier. Others argue that the complexity of the world today makes it impossible for
states to adequately survey and control all that is happening. That the addition of relevant
experts to face various complex international problems will allow a better-informed and
hopefully long-lasting decision to be made. The latter argument is certainly the view of current
Canadian foreign policy.

Canada is not alone in its desire for greater inclusion of civil society, (more on this in the
next section) nor is it alone in its foreign policy objective of placing human security as the top
priority in all international decision-making. In May of 1998, Canada and Norway signed the
Lysoen Accord. The main objectives of this Accord between these two middle powers, each
about to serve a term on the Security Council as non-permanent members, was stated as to
“establish a framework for consultation and concerted action... [in matters such as] enhancing
human security; promoting human rights; strengthening humanitarian law; preventing conflict;
and fostering democracy and good governance.” \(^\text{43}\) Within months, this bilateral team expanded
to include an additional nine states: Chile, Jordan, Thailand, Slovenia, Netherlands, Austria,
Switzerland, Ireland, and South Africa (as all observer). \(^\text{44}\) This group of states has elected to be
known as the Human Security Network (HSN). Today, the number of member states totals 12
(13 if South Africa, still officially an observer, is counted): the new members are Greece and
Mali. \(^\text{45}\) Notably, all of the members are middle powers and every region of the world (including
the Middle East and the Balkans) is represented. Although South Africa remains an observer,
the HSN’s description states that it is based on a flexible consultative mechanism, they only ask
that any state that participates agree to the principles, \(^\text{46}\) and those responsible for creating the

\(\text{43} \) Small, Michael, 232
\(\text{44} \) Waschuk, 219
\(\text{45} \) Human Security Network Members...
\(\text{46} \) Axworthy, Aug. 15\(^{\text{th}}\), See also: Human Security Network...
HSN consider South Africa a member.\textsuperscript{47} All are united in the mission to consider humanitarian security and humanitarian development as the first criteria in international activities. Also of note is that 6 of the 13 member/observer states have one or more representative(s) on the ICISS (refer to Figure 2.1 for a list of states represented in the ICISS).

The foreign ministries of the two founding nations firmly believe in "the need to work with like-minded\textsuperscript{48} countries inside and outside [traditional multilateral institutions] to pool resources and extend an influence.... And this should not stop with states. We must cooperate with non-governmental organizations, the private sector and other non-state actors."\textsuperscript{49} The ICISS seems a very appropriate and timely option for this network to pursue its members' common foreign policy goals.

\textit{The ICISS Encourages the Mobilization of Civil Society and Catalytic Diplomacy:}

Another reason for creating a commission to debate state sovereignty and intervention was to allow the inclusion of civil society. This was well-suited to Canada's "New Multilateralism" in which civil society or non-governmental actors (scholars, organizations, other states, transnational networks) are fully included at all stages of policy formation, from conception even to implementation, with the state acting as the sovereign (legitimate) sponsor of the ideas, referred to by Brian Hocking, as "catalytic diplomacy."\textsuperscript{50} The "new multilateralism" sees international civil society as a crucial part of sound decision-making in what is an increasingly complex world.

The number of intergovernmental organizations has grown from 132 in 1956, to 251 in 1999 and the number of non-governmental organizations has grown from 973 in 1956, to 5825 in

\begin{flushright}
\textsuperscript{47} Axworthy, Aug. 15\textsuperscript{th}\\
\textsuperscript{48} Defined as: states "with similarly limited capacities and comparably vital stakes in the maintenance of a stable international order" (from Stairs, "On Global Governance", 68. In: Waschuk, 219).\\
\textsuperscript{49} ibid.\\
\textsuperscript{50} ibid., 222, Hocking in...
\end{flushright}
This growth and the remarkable improvements in communication technology have led to a vast network of highly organized and well-mobilized non-state actors. "Transnational Issue Networks" are cropping up for every imaginable international topic. Individually, their one-sided, one-issue focus may make them unsuitable as leaders and policy-makers, but their expertise and in-depth knowledge of an issue, included in the whole mêlée of information available to international leaders (states) is invaluable.

Even those states that would rather not consider non-governmental actors’ views have admitted that this has become impossible if not impractical. Singaporean Prime Minister Goh Chok Tong recently stated:

The nation state is being redefined. The power within states is flowing downwards and being localised in provinces and cities. At the same time, state sovereignty is being circumscribed by regional and multilateral organisations. Furthermore, new actors... global corporations... and NGOs... are now a prominent and integral part of international life. [What is needed is a] balance between the national role of sovereign states and the international mandate of multilateral organisations.

These non-state actors are media-savvy, often as well informed as governments, and have broader, faster, cheaper and better communications, travel and information technologies. Rather than work against these networks and exclude them, Canada’s new style has been to bring them right into the centre of discussions, making use of the knowledge and access these groups have, while also enabling the government to keep a closer eye on them. Final decisions remain that of states, due to "the sovereignty-related rules which continue to be key influences in the operation of the international system." Indeed, the adoption of the ICISS’ recommendations will be subject to the approval of states. It is therefore the hope of those responsible for the Commission’s creation, that the heavy, but not exclusive, contingent of non-state participants

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51 ibid., 216
52 ibid., 217
53 Tong, 1
54 Waschuk, 217
will provide the depth and connections necessary to reassure and put pressure on state leaders when it is the UN's turn to debate this topic.

*The ICISS can initiate a Synthesis of Bilateral/Regional Human Security Initiatives:*

While perhaps not as obvious or important an influence for creating the ICISS, the Commission offers the many bilateral and regional human security accords, networks and seminars currently underway the opportunity to publicize their activities and possibly even initiate some synthesis among some of them, pushing the human security concept that much further along. In many ways, the progression of human security is much further along in bilateral and small-scale multilateral settings. As discussed earlier, the most dramatic example has been the bilateral agreement between Canada and Norway, (the Lysoen Accord) and its further development into the Human Security Network.

Agreements on the priority of human security between like-minded states are not so surprising, however, something like the "Canada-China Seminar on Asia-Pacific Multilateralism and Cooperative Security" is. While not specifically dealing with the notion of human security, the concept has been part of the agenda of these meetings. A similar seminar is being considered between Canada and North Korea (DPRK). These two nations are among those most resistant to discussions of sovereignty permeability, yet their willingness even to explore the concept with Canada – perhaps the biggest proponent of putting individual security above state sovereignty – is noteworthy.

The regional intervention agreements in the OAU could also be given international exposure and inflection with a commission devoted solely to the sovereignty-intervention debate. Likewise, the non-confrontational and consultative approach of the ICISS (to be further

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56 ibid.
discussed in chapter three) provides an Asian regional association like ASEAN, the Association of South-East Asian Nations, a comfortable international venue to observe and participate in a discussion of external state influence in traditionally sovereign jurisdictions. This is significant given certain ASEAN members’ moves to introduce more intrusive commentary, known as constructive engagement, regarding member-states’ international affairs where they see a possible regional impact. Whether a state fully sold on the notion of human security and a role for interventions therein (Norway/Canada), or a state only willing to familiarize itself with the subject and the degree of support world-wide (China/Singapore), or a state that falls somewhere in-between (the United States/Russia), as a provider of an initial point of reference and synthesis of the myriad of ideas and activity circulating, the ICISS could be quite useful.

This chapter’s first two reasons for creating of the ICISS are directly supported in the literature of the Commission. The fourth reason: including other non-governmental actors in the discussion, still fits within the stated mandate of the Commission. The third and fifth reasons for the ICISS however, are not publicly espoused by any involved in the ICISS, and suggest other motives behind this commission. These goals go beyond initiating the dialogue on sovereignty-intervention, to actually steering the international community along a course of action, preferred by the Commission’s creators, promoting human security above state security, and adding certain options to international law such as protective intervention, to ensure that human security is given first priority. The ensuing chapters further explore this notion of other, secondary (perhaps even primary), mandates, the existence of which would suggest the ICISS is both exceeding its mandate and deviating from the “stage one” concept as set out in this thesis’ introduction.
CHAPTER TWO: BUILDING THE ICISS

This chapter provides some description and analysis of the three divisions of the ICISS with particular attention to the method of selection of participants. The analysis argues there were two broad reasons why the individuals were chosen: their nationality/regional association; and their own individual qualities. Under these two broad headings, several sub-reasons are discussed including: degree of support for the concept of protective intervention; expertise and/or activity in matters of international conflict resolution; degree of political sway in respective spheres of influence; availability; provision of funds; and previous interaction with the creators of the Commission.

The Three Divisions of the Commission:

**Figure 2.1**

**DIVISIONS OF THE ICISS**

- **Advisory Board**
  - Chair of Advisory Board
    - Lloyd Axworthy
  - Other Advisory Board Members

- **Commissioners**
  - Co-Chairs of Commission
    - Gareth Evans
    - Mohamed Sahnoun
  - Other Members of the Commission

- **Research Directorate**
  - Directors of Research Directorate
    - Dr. Thomas G. Weiss
    - Stanlake J.T.M. Samkange
    - Located at the Grad Centre at the City University of New York.
  - Various Scholars commissioned to do research on intervention and/or sovereignty.

**The Secretariat for the ICISS**

- Administrative Centre for the Commission
  - Three full-time staff members.
  - Located at Canada’s Department of Foreign Affairs and International Trade (DFAIT.)
Of the three divisions (Figure 2.1), the commissioners’ section is the most visible and active group. It is comprised of twelve commissioners, led by two co-chairs, Mohammed Sahnoun and Gareth Evans (see Appendix A for a list of the members and a brief biography). This section of the ICISS participates in all of the regional consultations and is responsible for all of the content in the final report.

Another division of the ICISS is called the Advisory Board. This group has fifteen members, all of whom have a keen interest and history of experience in matters relating to sovereignty, intervention, international law, and human rights (see Appendix B). The role of this division is to lend a hand to the commissioners in the latter half of their term, as the commissioners begin to synthesize all they have been hearing and reading. The Advisory Board will also assist the commissioners in crafting the final report to ensure its introduction and reception is politically sound. Simply put, the members of the Advisory Board are the strategists. When the final report is released, the Advisory Board members are also expected to be the key promoters of the report in their respective spheres of influence. Canada’s former Minister of Foreign Affairs, the central figure behind the creation of the ICISS, Lloyd Axworthy, chairs this arm.

The final division of the Commission is the Research Directorate. Housed at the Graduate Centre at the City University of New York, this division of the ICISS is lead by Dr. Thomas G. Weiss and Dr. Stanlake J.T.M. Samkange. The role of the research division is two-fold. One aspect of its work is to commission works by leading Doctoral students around the world on various topics related to sovereignty and intervention based on the following themes: past occurrences of intervention, responsibility, authority, capacity, political will, and prevention.57 Once the submissions are received, it is the task of Dr. Weiss and his assistants to

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review and refine the papers and publish them in the second volume of the complete ICISS report. The other role of the research team is to try to help summarize and synthesize the materials and discussions from all of the regional meetings, with an academic perspective. Dr. Samkange is performing this part of the research. Upon completion, he will submit his work to the commissioners to aid in their preparations for the final report and his work will also be within the second and third volumes to the ICISS final report.58

The Selection of Participants:

The subject matter of the ICISS is of a very delicate nature. Its goal of facilitating an international consensus regarding state sovereignty and intervention is extremely ambitious. It is therefore not surprising that the selection of those whose participation would determine the success of the Commission was a very carefully crafted political process.59 The credibility of the Commission is heavily dependent on the credibility of its participants. Clearly, the creators of the ICISS felt this credibility should be derived from two equally important qualities of the participants: a) the nation and region they could represent; and b) their personal qualifications and reputation.

a) The Participants as State and Regional Representatives:

Clearly, the ICISS creators wished to make the national identity of all the participants obvious to anyone interested in the Commission. In its promotional literature, the list of commissioners indicates the individual’s country of origin immediately following her or his name. Furthermore, the list for the Advisory Board participants includes a description only of the individuals’ position held or work done in their respective home country.

58 Hulan, June 4th
59 Axworthy, Aug. 15th
Taken as a whole, both the commissioners and the Advisory Board members have been selected with a truly international blend in mind. All regions of the world are included, and the selection of the state to represent the region appears to lean toward those states whose support for forceful intervention on human security grounds is thought to be present, necessary, and/or forthcoming. Table 2.1 illustrates this breakdown.

### Table 2.1: State and Regional Affiliation of ICISS Participants

<table>
<thead>
<tr>
<th>Members of the Commission</th>
<th>North America</th>
<th>South &amp; Central America</th>
<th>Africa &amp; Middle East</th>
<th>Asia &amp; Oceania</th>
<th>Europe - East</th>
<th>Europe - West</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Canada(2)</em></td>
<td></td>
<td>Guatemala</td>
<td>Algeria</td>
<td><em>South Africa</em></td>
<td><em>Russia</em></td>
<td><em>Germany</em></td>
</tr>
<tr>
<td><em>USA</em></td>
<td></td>
<td></td>
<td><em>South Africa</em></td>
<td><em>Australia</em></td>
<td></td>
<td><em>Switzerland</em></td>
</tr>
<tr>
<td>Members of the Advisory Board</td>
<td><em>Canada(2)</em></td>
<td>Argentina</td>
<td><em>Egypt</em></td>
<td>Thailand</td>
<td>Poland</td>
<td>Hellenic Republic</td>
</tr>
<tr>
<td><em>Mexico</em></td>
<td></td>
<td><em>Chile</em></td>
<td><em>South Africa</em></td>
<td></td>
<td></td>
<td><em>United Kingdom</em></td>
</tr>
<tr>
<td><em>USA(3)</em></td>
<td></td>
<td></td>
<td>Palestinian National Authority</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Members of the Research Directorate</td>
<td><em>Canada</em></td>
<td></td>
<td><em>Zimbabwe</em></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>USA</em></td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

**Legend:**
- Permanent member of Security Council
- * in favour of some form of humanitarian intervention

Of all the considerations made with regard to the appropriate representation of states among the Commission’s members, the broadest and most important of them was that of equal representation of two groups, commonly referred to as the South and the North, or the developing and the developed nations respectively. This equal representation is reflected in all facets of the Commission; in the choice of co-chairs, the other commissioners, the members of
the Advisory Board, and the Research Directorate’s leaders. There are several possible reasons why the creators of the ICISS wanted the Commission divided up this way. First, of all the international and regional state groupings based on commonality, none is more apparent than the split between the Northern and Southern nations. Debates at the United Nations frequently begin and end either by the northern nations or the southern ones pointing out how what the other grouping is doing or suggesting is harmful to their group’s best interests. Second, the majority of the interventions undertaken by the UN and/or other international organizations have been led by Northern states and directed towards a Southern state (the Balkans are considered, arguably, Southern in this thesis). Furthermore, all current violent domestic conflicts (with the exception of Northern Ireland) are in Southern states, while the most vocal states in favour of forceful intervention (namely NATO members) are Northern ones—although one should note the support of many OAU member states in Africa for such intervention. Third, the creators of the ICISS recognized that if this Commission were to have any impact at all, it would need the support of several key G-77 nations (now with 133 members) in order to move the Commission’s recommendations through the UN General Assembly.\(^6\) Without enough support within this majority group of nations, and the right blend (meaning supporters from all sub-groupings), the report will almost certainly be set aside. It was important the Commission establish a reputation of neutrality between the South and the North from the outset in order to ensure effective participation in the regional roundtables by those nations in a position to move the ICISS agenda forward both within the United Nations and their own states.

Within the Commission’s Southern representation, Africa is the primary focus. The Southern co-chair of the Commission is from Algeria and another commissioner from South Africa. Within the Advisory Board, there are two members from the African continent, and one

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\(^6\) This information was derived from discussions with DFAIT officials.  
\(^6\) Hulan, June 4th
of the leaders of the Research Directorate, Samkange, is from Zimbabwe. There are many good reasons for including a substantial African contingent. The African states clearly dominate the G-77 with almost 50 members. The African continent has been disproportionately the location of intense domestic strife. If this region’s leadership finds favour with the ICISS’ recommendations, it could significantly strengthen the likelihood of the Commission and its cause being kept on the international agenda. Also of great import to the ICISS is that several African states, as well as the Organization for African Unity (OAU), have been indicating they would be willing to accept some form of non-consensual international military intervention. As mentioned earlier, intervention for the purpose of maintaining peace is already a tenet within the OAU’s charter “[b]ut the actual process of authorizing and implementing intervention has been much more ad hoc…. Africa’s doctrine of intervention is primarily political…. There is a realization [however] that African interventions need a humanitarian dimension to its doctrines of intervention.”

Although the main motive for support stems from the fear of spillover (a somewhat less contested justification for intervention under the UN Charter), some states have also voiced concern for the safety of people in other states with whom they share an ethnic heritage. Furthermore, as discussed in chapter one, African representatives have also argued that Africans are more open to the concept of non-consensual intervention because most of their countries have frequently experienced external interference in domestic matters, be it social, political, financial, or military in nature. Such aid might, in fact, have been requested and needed, but the terms have rarely been established by, or with, the state receiving assistance, and often the aid has been misdirected or hoarded from the nation as a whole by the leaders of whatever regime is in power at that moment. The numerous states in the African region, more than its share of the world’s violent conflicts, and the OAU’s openness to engaging in the sovereignty-intervention debate, all make this region a crucial ally for those in favour of

62 Ayebare, 3
protective intervention. Africa’s strong presence on the ICISS reflects an attempt to secure this partnership.

Just as striking as the great emphasis on Africa, is the relative lack of Asian state representation on the ICISS. Out of 12 commissioners, only two are from the Asiatic region, one of whom, Ramesh Thakur, of India, was previously the head of Peace Research at Australia National University, and is currently Vice-Rector at the United Nations University in Tokyo. He is a strong advocate of peaceful approaches to conflict resolution, and an ardent critic of nuclear weapons. While eminently qualified for the role of commissioner in the ICISS, whether his views can be said to reflect that of his country of origin is less certain. [More discussion of Thakur ensues in the next section, on individuals.] The other Asian commissioner is a former President of the Philippines, Fidel Ramos. His commitment to Asia is perhaps less suspicious, however whether he will be considered a credible spokesperson for the region’s dominant states like China or Japan, or even the Philippines’ neighbours, Malaysia and Indonesia, is questionable.

The Asian states’ absence is not altogether surprising. Generally speaking, the states of this region are among the most vociferous defenders of the principle of absolute sovereignty. Regional organizations such ASEAN operate on a strict code of non-critical consultation and information exchange. More recently, there have been some moves towards opening the floor to constructive discussions on matters of regional concern originating in only one state. However, there is still no consensus on instituting such a framework and many argue that it is the very fact that there is no opportunity for criticism that ASEAN has managed to stay together as long as it has.

The reason for Japan’s absence on the Commission is at first glance perhaps less obvious than it is for the other Asian states. Japan is a top economic performer and its success is entirely tied to trade with the rest of the world. Some of its most successful products such as televisions,
stereos, appliances, and cars, are the very ‘extravagances’ that consumers in developing nations will want to buy first, as their economies stabilize and grow. Given that the majority of violent domestic conflicts are in developing nations, conflict prevention and cessation are certainly in Japan’s best interests. Yet, Japan has some very good legal and regional reasons for not wanting to support protective intervention. First, Japan’s constitution since the end of World War II has not permitted a national army, nor any real participation in international warfare. Japan has only just begun to play a more active role in UN peacekeeping missions, and even then, not in a combat-ready sense. Many of its citizens are not in favour of any increased participation of their nation in international conflicts. Supporting protective intervention would be a significant domestic problem for Japan, constitutionally and politically. In its case, it has concerns with both sides of protective intervention; threats to its sovereignty on one side, and participating in a militarized intervention of another nation on the other.

Secondly, Japan has been lobbying for reform of the Security Council for a number of years. Specifically, it wishes to be given permanent member status, arguing its economic standing in today’s world makes it a worthy member of the world’s elite nation-states. The controversy surrounding state sovereignty and intervention is therefore not something Japan has wanted to wade into heavily on one side or the other. This is not to say that Japan has been completely silent on the matter. Perhaps recognizing the need to address the issue and wishing to demonstrate some leadership abilities, about the same time Canada issued its conception of human security, Japan also issued such a conception. Japan’s view of human security is much more broad including social, political, economic, environmental, and military dimensions. Japan insists that any discussion of human security must include all of these aspects, considering them inseparable. This includes intervention. An invitation was made to Japan’s Foreign Affairs Minister, to have a Japanese representative participate in the Commission, but the invitation was,
politely, but firmly declined. Japan is not willing to entertain discussions of military
intervention in isolation from a broader discussion of reforming the other aspects that constitute
human security threats.

In this respect, Japan finds itself with the support of most other Asian states. Knowing
this, the creators of the ICISS chose to try to bring the Asian states on side more gradually, by
including them in the roundtables, conducted in the consultative style with which Asian nations
are familiar and feel comfortable contributing to. Indeed, in late May, an unexpected roundtable
in Beijing was added to the ICISS agenda, which would suggest that the Commission’s approach
is being received favourably in this region.

Two commissioners strategically represent Western Europe, one from a neutral nation
(Switzerland) and the other, the region’s top economic performer (Germany). The United
Kingdom, its position on protective intervention still uncertain, has a modest presence with a
member on the Advisory Board; who incidentally is very much in favour of protective
intervention. A smaller UK role is good for the ICISS because it keeps a potential ally
informed and involved, without encouraging an external perception of too much leadership by
Western, Security Council P5 states and their allies. The Mediterranean or Baltic part of Europe
is not forgotten, although it too is less conspicuous with its only representative placed on the
Advisory Board, and its representative state, the Hellenic Republic. This nation is certainly one
of the more stable and less conflict-ridden in that region and a less controversial choice.

However, including those states presently in the thick of domestic division might have benefited
the Commission as they are perhaps best able to shed light on the matter of sovereign abuses and
offer greater depth of insight into the source of state breakdowns. But which state to choose?

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63 Axworthy, Aug. 15th
64 ibid.
these nations might very well have sabotaged the entire Commission by bringing specific and as yet unresolved conflicts into the broad, futuristic work of the ICISS.

Perhaps having a Russian commissioner will provide some of the Balkan states, likely not satisfied with representation by the Hellenic Republic, with greater reassurance of having a voice. Of greater concern to the ICISS though, is having a Russian commissioner to provide a necessary UNSC permanent member counter-balance to the United States. These two nations have stood on opposing sides in more interventions than any other two states. Even post-Cold War, these two remain militarily dominant. Therefore, both their presence on the ICISS was likely deemed imperative for ICISS credibility. Also, post-Cold-War Russia has proven to be more prepared to cooperate and participate in United Nations peacekeeping and intervention missions. However, maintenance of sovereignty at a time of great instability in the former superpower is a high priority on Russia’s national agenda. Of the permanent five members of the Security Council, the United Kingdom and the United States positions towards protecting human rights and intervention are already deemed largely supportive and France is also considered a likely ally, Russia’s and China’s position however remain questionable. By giving Russia a spot on the Commission, perhaps the ICISS architects hoped this would give Russia some incentive to at least engage in discussions of state sovereignty and intervention. Likely of great concern to both Russia and ICISS creators, and another reason for including Russia, was Chechnya. Where might this conflict fall within a classification of reasonable and just domestic state action not subject to an intervention? Chechnya is an unresolved, violent domestic conflict but within a nation whose comparative size and power within the international community appears to override the same criticism and action applied to places like the troubled Baltic states.

Poland’s voice on the Advisory Board is a useful counter-balance to Russia within the former Eastern Block countries. Since the disintegration of the Soviet Union, these,
independent, Eastern European states have been struggling to assert their own identities and maintain their renewed sovereignty. These states do not have the same concerns or protection as Russia when it comes to matters of national security. Thus, including one of the region’s “lighter-weights” was a good move by the ICISS creators. Not unlike Asia, state sovereignty in Eastern Europe is tightly guarded since the end of the Cold War re-established each nation’s independence. Nonetheless, these states’ economic and political difficulties are of far greater significance at this time and perhaps the Eastern Europe states have not yet had the positive taste of success as an independent entity that so many Asian states are now privy to, to encourage as strong an opposition to external interference in their domestic affairs.

Eastern Europe and, only to a slightly lesser degree, Western Europe both have moderate representation within the ICISS. However, north of the Balkan states, Europe enjoys a good degree of domestic cultural homogeneity, stability, and/or respect for the rule of law, which has certainly facilitated the rather peaceful domestic existence in these states. That domestic peace has also applied to European relations with one another since the end of the Second World War. While not always one united mass like recent the European Union seems to be suggesting a shift towards, there have always been close alliances between multiple nations. It is therefore quite likely that those states that are not represented in the ICISS will have similar concerns as at least one of those states from the two European regions that are included; satisfying the desire for all to be heard and informed.

South America and Oceania also have rather meagre representation on the ICISS (three and one respectively). Yet, considering the number, size, population, and the level of activity in world affairs of the countries in these two regions, the number of commissioners and advisors representing them is appropriate. Oceania’s sole representative is not exactly without clout, as

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65 Arbatov, Appendix A, “Russia’s Military Doctrine”.
one of the two most important people on the entire commission (co-chair). Gareth Evans will
certainly give that region a significant voice.

South American absence may be due in part to the region’s perceived apprehension
regarding humanitarian intervention. Article 19 of Chapter IV in the Organizations of American
States’ Charter clearly states that all forms of intervention are illegal.66 However, it is clear that
the Latin American community is making room for humanitarian considerations and “traditional
core OAS principles of sovereignty and non intervention are being subverted in favor of
increased support of democracy and human rights.”67 However, “Latin American practice
together with the opinion of the Court in the Nicaragua case leave no room for any doubt that the
Non-intervention principle represents a customary norm in the Inter-American context and is
therefore binding among its members as a source of international law.”68

Perhaps their lack of representation is because this region has lacked significant
participation thus far in the debate on intervention and state sovereignty. However, recently:

“Uniting for Peace” decided, that when a situation of a “paralyzed” Security
Council arises, the GA could take up the matter and make any necessary
recommendations to the Member States, including the use of armed forces.
The Resolutions as a whole were adopted 52-5 with two abstentions. As
regards the Latin American countries, they all voted in favor of the resolution
(18 votes out of 52), with the only exception of Argentina,
which abstained.69

As one unit, the number of Latin American states involved in the vote on these resolutions
amounted to a third of the entire voting contingent. Clearly, the South American region’s
support for the GA resolutions was crucial for them to pass and suggests, therefore this region is
playing an important role in international affairs.

When queried, ICISS organizers indicated they felt the South American region was well
represented.70 They included Mexico in this region, which adds another Advisory Board member

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66 Vales, Hernan, section II, iii, b).
67 Caminos, The Role... 273
68 Vales, Hernan, section II, iii, a).
69 ibid, section III, i.
to the tally. Because of Latin America’s traditional adherence to the principle of non-intervention, it is fitting that Guatemala — no stranger to interventions — was chosen as the region’s representative for a commissioner. Argentina and Chile have representatives on the Advisory Board, and considering their size and relative prosperity in South America, these two states might provide some useful suggestions and influence for convincing the rest of the region to support the Commission. It is also notable that Chile is the only South American member of the Human Security Network, and has been included on the ICISS.

Clearly not suffering either from lack of interest nor regional representation, North American states are well represented within the ICISS. Mexico has a spot on the Advisory Board, held by a former Secretary of Foreign Relations. As one of the South’s most active traders with Northern states and an increasingly stable governing mechanism, Mexico is in a good position to act as a bridge nation, an example of a developing nation that steadily is improving its human rights record. Almost immediately into his term as Mexico’s new President, Vincente Fox, began to make significant changes to the government’s policy towards the people of the Chiapas, including signing a human rights agreement with the UN that included sections on indigenous rights, appointing key human rights and Zapatista-friendly individuals to key posts in his government, and introducing a new bill on indigenous rights.  This is not to say that the Mexican government is not concerned with the parameters of sovereignty afforded a state and the grounds for any kind of intervention. The Mexican government’s moves towards settling the dispute in Chiapas have been strictly considered an internal matter and Mexico would certainly be extremely cautious about supporting any kind of movement towards limiting a state’s sovereign capacity based on human rights. Nonetheless, its economic interdependence

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70 Axworthy, Aug. 15th
71 "Signals of Peace", The Economist, 40
on states who strongly favour some such sovereign limitations, puts pressure on Mexico to at least participate in the debate.

Canada, as the host country for the ICISS, obviously will have an opportunity to express its views. Canada has four individuals involved with the ICISS, two as commissioners and two as Advisory Board members. Indeed, one of its Advisory Board members, Lloyd Axworthy, is the chair of the board, and the central figure driving the creation of the entire Commission. While no longer Minister of Foreign Affairs, his legacy remains the dominant theme of Canadian foreign policy, especially in matters of human rights and the protection of innocent civilians. As chair of the Advisory Board, Axworthy has access to the most intimate discussions of the commissioners and in concert with the two Canadian commissioners, affords Canada more opportunity than any other nation to influence the agenda of the ICISS.

Canada’s position in this debate is certainly well understood by all members of the Commission. Indeed, anyone with web access can gain a comprehensive understanding of Canada’s view on sovereignty and intervention matters within minutes by looking at the DFAIT web site. With respect to human security and state intervention, Canada is, in fact, one of the least flexible states. Officials within DFAIT admit that it is possible the ICISS final report could be too soft for Canada to support. There was some speculation that when the leadership of the Ministry of Foreign Affairs changed hands, shortly after the ICISS began its work, Canada would take a softer tone and relax its push for protective intervention. Formally, no such changes have been made to date; in fact, things have been rather quiet at the Foreign Affairs Ministry with matters related to human rights and intervention. Perhaps officials are awaiting the completion of the ICISS?

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73 Ibid.
74 Hulan, June 4th
75 Axworthy, Aug. 15th
Predictions regarding the United States' foreign policy on state intervention remain far less certain than they do with Canada. While the US has been as active as Canada in international intervention missions, the terms under which they have acted have largely been determined by the US itself. The ICISS is seeking possibly, to create some sort of formal code or institution to regulate interventions and state behaviour. This is not necessarily something the United States favours, neither in the sense of limiting justifications for an intervention nor in requiring states to act (intervene) whenever another state is found to be in violation of its responsibilities and subject to an intervention. As far as anyone telling the United States what it can and cannot do, the US is as defensive of its sovereign right as any other state. Ironically however, the United States does have a reputation for being less concerned with respecting other nations' desire to self-actualize.

The engineers of the ICISS appear to have been quite cautious with respect to how much of a presence the US should have. The willingness of the United States to intervene in the domestic affairs of other countries, is well documented. Moreover, the fact that most American participation in interventions has been predicated on a) their ability to win and b) having a vested interest, is well known. For that reason, creators of the Commission seem to have attempted to strike a careful balance of enough US participation to reflect the US’s international influence, but not too much of a presence so as to discourage participation in and thwart the perception of neutrality in the Commission by other states concerned with US hegemony and competitiveness. With one commissioner, the US has been given due recognition without dominating the group. Although there are three Americans on the Advisory Board, two belong to independent foundations known for their work with developing countries. US Senator, Patrick Leahy, recently selected as chair of the United States Judicial Committee, holds the final American Advisory Board position. In terms of influencing political will and pushing the report through
government, it would be hard to find a better representative. The United States also has some additional representation as host country to the research directorate in New York City, and US academic, Thomas G. Weiss sharing in the research directorate’s leadership.

Interestingly, in light of the political structure of the current US government, the attempted balance might prove to be too heavily weighted against enough of a US role. All of the US representatives are more readily associated with the Democratic Party, which would have been quite good, had the narrow vote margin in the most recent Presidential election, gone the other way – as ICISS creators had anticipated.77 Garnering the political will in a country evenly divided on US participation in UN missions78 and very sensitive to losses of its own servicemen, may prove to be a much greater challenge now, with the more traditionally isolationist Republican Party dominating both Congress and the White House. However, the recent swing of power in the US Senate, in favour of the Democrats (hence the reason for Senator Leahy’s appointment to Chair of the Judicial Committee) might help the ICISS report obtain an audience with the American government. Regardless, the ICISS architects’ choice of several well-respected and less controversial US representatives should make the Commission less threatening to both American leaders, and American-wary states. This is perhaps of greater consequence for the purpose of engaging in long-term international policy-making rather than including US representatives from the current administration, which would be short-term centred.

Table 2.1 clearly demonstrates the ICISS has successfully included a broad cross-section of the world’s nations within a limited number of positions. States committed to finding some level of consensus in support of providing guidelines for protective intervention were clearly favoured for selection. The countries participating in the Commission will certainly affect the

76 Fry, Earl, 116: Rwanda, and 126.
77 Axworthy Aug. 15th, & Hulan, June 4th
78 Cambone, Steve, 2
outcome of the report in some ways. Nevertheless, the actions and reputation of the individual representatives themselves are as important as the countries they call home; such is the object of investigation in the next section.

b) The Participants as Individuals:

This section is not an in depth look at each member of the ICISS. All of the individuals involved have extensive backgrounds in foreign affairs, human rights, interventions, and/or sovereignty issues. Yet, there are hundreds of other equally qualified individuals throughout the world. The question is why were these particular people chosen? Five major reasons will be discussed here. One of them has already been highlighted at length: a particular combination of regions and states was sought. Second, there are some purely functional reasons behind this particular selection of participants. For example, the Commission required those who were immediately available to commit to a demanding project and schedule, compressed into one year. Also, it was necessary to ensure at least some of those involved in funding the Commission were included.

A third important quality that informs this commission’s choice of participants is that most of the commissioners and the Advisory Board members strongly support seeing protective intervention included, in some capacity, as a legitimate option in international security affairs. Even those identified as being reticent in supporting interventionist policies79 have made public statements that suggest a likely endorsement of it in the final analysis.80 Granted, the goal of the ICISS is to find a way to harmonize state sovereignty and intervention, and therefore those participating should at least be open to considering the concept of intervention, but to what degree? Many of the participants, prior to the start of the ICISS, have been arguing for some

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79 Ramesh Thakur and Vladimir Lukin were the two individuals identified as not favouring non-consensual intervention at the outset of the ICISS. Axworthy, August 15th
80 See Appendix C.
time that state security is secondary to an individual’s. While not an invalid opinion, how representative is it of the global community? Having an outstanding individual such as Ramesh Thakur involved might be very good for the work of the ICISS, but as a representative of Indian or other Asian states concerns? While he may know well what the concerns of the leaders of these places are, he does not necessarily share them\(^{81}\) and cannot therefore be expected to fully or passionately reflect opposing views in his contribution to ICISS deliberations. Having a number of pro-intervention individuals on the Commission is not necessarily problematic; in fact it is desirable in order to ensure that position is heard. But having too many opens the door for outside criticism of bias within the Commission, making it easier for non-supportive parties – most importantly states – to reject the Commission’s final report. Public perception is very important. All of the participants may in fact be very objective throughout their analysis and consultations, but their reputation or opinion on this subject matter prior to their membership in the ICISS is what is most easily accessible to external analysts. That information is predominantly what will form the opinions of the analysts and those they advise regarding the quality of the work to be expected from the ICISS.

A fourth consideration of individual participation on the ICISS centres on the composition ratio of governmental, non-governmental, and international institutions represented by the various individuals. Table 2.2 links the individuals to the region they come from and indicates whether they are associated, from the ICISS’ perspective,\(^{82}\) with a government (G), a non-governmental institution or organization (N), and/or an international organization (I). The first letter indicates the individual’s current or most recent vocation.

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\(^{81}\) In fact, he is often quite in opposition to official state opinion and policy in India and other parts of Asia. See various of his articles listed on the UN University’s media web-site: [http://www.unu.edu/hq/ginfo/media/media%2Dindex%2Darchives.html](http://www.unu.edu/hq/ginfo/media/media%2Dindex%2Darchives.html).

\(^{82}\) See Appendices A and B
Table 2.2: Regional and Vocational Affiliation of Participants

<table>
<thead>
<tr>
<th>Commissioners</th>
<th>Advisory Board</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North America</strong></td>
<td>Lloyd Axworthy (N/G)</td>
</tr>
<tr>
<td>Giselse Cote-Harper (N)</td>
<td>Dr. Ivan Head (N)</td>
</tr>
<tr>
<td>Michael Ignatieff (N)</td>
<td>Her Excellency Rosaria Green Maia (G)</td>
</tr>
<tr>
<td>Lee Hamilton (N/G)</td>
<td>Jonathan Fanton (N)</td>
</tr>
<tr>
<td></td>
<td>Dr. Vartan Gregorian (N)</td>
</tr>
<tr>
<td></td>
<td>Honoroble Patrick Leahy (G)</td>
</tr>
<tr>
<td><strong>South &amp; Central America</strong></td>
<td>Eduardo Stein (I/G/N)</td>
</tr>
<tr>
<td></td>
<td>Her Excellency, Maria Soldad Alvear Valenzuela (G)</td>
</tr>
<tr>
<td></td>
<td>His Excellency, Adalberto Rodriguez Giavarini (G)</td>
</tr>
<tr>
<td><strong>Africa &amp; Middle East</strong></td>
<td>Mohamed Sahnoun (I)</td>
</tr>
<tr>
<td>Cyril Ramaphosa (N/G)</td>
<td>Dr. Hanan Ashwari (G)</td>
</tr>
<tr>
<td></td>
<td>His Excellency, Amre Moussa (G)</td>
</tr>
<tr>
<td></td>
<td>Dr. Mamphela Ramphele (I/N)</td>
</tr>
<tr>
<td><strong>Asia</strong></td>
<td>Fidel Ramos (N/G)</td>
</tr>
<tr>
<td>Ramesh Thakur (N)</td>
<td>His Excellency, Dr. Surin Pitsuwan (G)</td>
</tr>
<tr>
<td><strong>Oceania</strong></td>
<td>Gareth Evans (N/G)</td>
</tr>
<tr>
<td><strong>Europe, East</strong></td>
<td>Vladimir Lukin (N/G)</td>
</tr>
<tr>
<td></td>
<td>Prof. Bronislaw Geremek (G)</td>
</tr>
<tr>
<td><strong>Europe, West</strong></td>
<td>Klaus Naumann (I/G)</td>
</tr>
<tr>
<td>Cornelio Sommaruga (N/I/G)</td>
<td>Right Honorable Robin Cook (G)</td>
</tr>
<tr>
<td></td>
<td>His Excellency, George Papandreou (G)</td>
</tr>
</tbody>
</table>

A number of interesting facts emerge when the composition of these two groups is broken down this way. First, regarding the commissioners, table 2.2 indicates the number of individuals with governmental experience is slightly lower than the number of individuals engaged in non-governmental work. Seven of the commissioners have experience in both governmental and non-governmental environments. Those working for an international institution number only three and of the three, two have also worked in governmental or non-governmental bodies, or both. This breakdown suggests an important belief on the part of the creators of the ICISS: that civil society’s role is deemed at least as important as the state’s, if not
more so. Rapid advances in communication technology have led to a considerable swell in the organization and activity of non-governmental organizations (NGOs), enabling them to better influence government decision-making. The international treaty to ban landmines was largely a civil society movement that merely used Canada’s statehood as the necessary sovereign access point to the world’s leaders. Also, the outcomes of both the Rio Summit and the Kyoto Accord were influenced heavily by NGOs. The ICISS creators are clearly of the mind that civil society’s influence on states in international decision-making is strong and worthy of the leading role on the Commission.

Second, the Advisory Board is almost entirely comprised of governmental individuals. Of fifteen, eleven are currently representatives of governments, and another, the chair of the board, only recently left his a long tenure as a leading government official. As the political strategists of the Commission, governmental association and legitimate political power to make policy decisions, are obvious reasons for having composed the Advisory Board in this way.

When looking at the Advisory Board and commissioners together, the combination of governmental, non-governmental, and international institution combination is an equal blend of the first two, and limited representation of the third. This would support the ICISS desire to ensure the best means of gathering wide-scale public interest in the Commission at the outset and more importantly, in promoting the report after its release. In an attempt to ensure the survival and application of the recommendations in the report, the right combination of participants who could bring the Commission to the broadest array of people throughout the world was a key component for ICISS drafters. Government experts are needed to break through state security concerns. NGOs are viewed as the most desirable means to mobilize mass public political will as a source of pressure on governments. And, a few members who are experts within key

83 Waschuk, 217
84 Hulan, June 49
international institutions, in this case the UN and NATO, provide reassurance to their regional and international state organizations that the work of the Commission is well-informed. This combination, it is hoped, will engender enough political will from all directions to force the world’s leaders to pay attention and act on the recommendations indicated in the ICISS’ final report.

The final reason that explains the method of participant selection to the ICISS is more problematic than the other reasons when considering the ICISS as a possible model for the “stage one” concept. Many of the individuals were selected because they were well acquainted with the leader of the ICISS creative team: Lloyd Axworthy. In many cases, it was their affinity for Axworthy that brought them into the Commission. In other cases, it was Axworthy’s particular style and determination that convinced an individual to participate. Also certainly of influence, was Axworthy’s reputation for seeing things through and achieving real results, as in the landmines campaign. This meant that a lot of the Commission’s formative activity centred on one individual.

However, Axworthy was sensitive that his presence within the Commission had to remain inconspicuous for two reasons. First, he is clearly deeply engaged in this topic and has plainly decided that protective intervention is a necessary addition to international relations and the sovereignty of the state is secondary to personal security. Axworthy’s candid expression of his views throughout the Kosovo crisis and continuing on today did not make him a good candidate for the necessarily more open-minded “commissioner” portfolio. However, given his commitment to this project and his successful anti-land mines campaign, his presence in some meaningful capacity was desirable. The second reason for keeping a low-profile was that, as the top foreign affairs official for the Canadian government, the Commission’s host state, Axworthy

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85 Axworthy, Aug, 15th
86 DFAIT, Freedom From Fear, and, Axworthy, Aug. 15th.
likely determined that in order to assure the independence of the Commission was deemed legitimate, he needed to stay out of the thick of its work.

Lloyd Axworthy’s decision to retire from politics just after the Commission was to begin its work assisted in giving the impression of Axworthy’s distance from the Commission. However, his position as chair of the Advisory Board, arguably, brought him right back into the centre of the Commission: the chair of the Advisory Board can sit in on all commissioner’s meetings. But such a perception is actually entirely incorrect, for Axworthy has had very little time to devote to the ICISS with all of the new responsibilities and projects facing him in his new career(s).\textsuperscript{87} Unfortunately, it is only through discussions with those working inside the ICISS that one would be made aware of this fact.

Two problems for the ICISS arise from all these matters related to Lloyd Axworthy. First, the external perception could easily be that this is another of Axworthy’s missions, and everything decided within the ICISS will be in line with his personal preferences, of which state leaders are already quite familiar, and not necessarily in agreement. Second, the reality that Axworthy has really not been very involved with the Commission might explain some of the lack, both internally and externally of interest in the ICISS. Some commissioners have been largely absent from the regional roundtables and commissioners’ meetings.\textsuperscript{88} Also, Canada has not been profiling the activity of the Commission in any meaningful way. For example, the ICISS web site has not been updated since March of 2001; meaning most of the roundtable meetings have not been recorded on the public site.\textsuperscript{89} There have also been some significant staffing rotations within DFAIT, which have affected attention given to the ICISS by some of the original members of the creative team.\textsuperscript{90} Arguably, these events within the ICISS would not have occurred if Axworthy had still been leading the Foreign Affairs Ministry. Without his

\textsuperscript{87} Hulan, June 4\textsuperscript{th} and Memo... 1
\textsuperscript{88} Axworthy, Aug. 15\textsuperscript{th}, and See table 3.1 in the text
passion present in the commission on a regular basis, some of the fundamental drive that got most of the individuals involved, appears to have been directed elsewhere.

The Host Institution:

Despite the keen interest of certain Canadian officials in addressing the topic of state sovereignty and intervention when human right violations occur, there are other benefits in having the Canadian government as the ICISS host institution. First, having a state directly involved ensures the Commission’s report will have a legitimate member to introduce it to the United Nations. This is extremely important, as the international community of states has largely ignored previous independent commissions with important and well-prepared reports because they lacked sufficient state sponsorship.

Second, Canada’s commitment to the Commission includes the provision of all administrative funding and labour, which includes a secretariat housed in Canada’s Department of Foreign Affairs and International Trade (DFAIT) and an administrative staff of three. Funds and space are always an issue for international commissions, as many want to be involved but not at their own personal or state’s expense.

Having a state involved in the ICISS is advantageous from an administrative, financial, and UN-access perspective, however not just any state will do. Canada is known in international relations terms as a middle power country. This generally means it is wealthy, stable, and a valuable ally in military matters but without sufficient strength so as to be an independent threat. In many ways, middle power nations are a desirable choice when negotiating in international affairs. Their multilateral nature gives them broader international connections and generally a

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10 Axworthy, Aug. 15. 
better reception by other nations. With the end of the Cold War and the advent of greater trade liberalization, middle powers have been able to broaden their state relations that much more.

Canada in particular has some additional qualities that make it among the most desirable of middle power states for supporting matters for international reflection. First, its international reputation as a multicultural haven for immigrants of all origins gives it an international sensitivity within its own borders that is a quality not shared with many other nations. Second, while certainly not a perfect example of a state as guarantor of human rights, it is considered among the best examples at present. Furthermore, regarding the ICISS in particular, Canada’s aggressive foreign policy that all states provide basic human rights protection for all their citizens has made it a leader in the push for greater clarity on the matter of the international community’s responsibilities when state sovereignty is in conflict with individual human rights. Thus it is an obvious choice for this particular international debate. But could Canada’s strong bias towards a very controversial definition of human rights protection in fact hurt the ICISS? With Canada as its chief sponsor, might the Commission be viewed as likely to recommend actions that favour a decrease of state sovereignty that would threaten those states whose confidence in not being intervened upon is not so strong as Canada’s? As indicated earlier, Canadian officials involved with the ICISS are quick to distance the Canadian government and the ICISS: going so far as to say that the final report of the ICISS could end up not being supported by Canada. But again, however true this might be, the external perception of Canada’s relationship with the ICISS is not likely to be one of great distance, especially when it was Canadian officials who created the ICISS, are housing its secretariat, and it is staffed by DFAIT employees.

91 UNDP, UN Development Report 2000, Chapter 1, p.177
92 See: DFAIT, Freedom From Fear...
Another quality that is unique to Canada is its relationship with the world’s current dominant, perhaps hegemonic, state, the United States of America. Except by use of military force, no other country has more opportunity to influence the US than Canada. The two are each other’s primary foreign trading partners. They share the longest unmanned border in the world. They have an exhaustive list of shared military and space programs. This relationship between Canada and the US is important because no matter how great the ideas conceived of within the ICISS may be, without the support of the United States it is likely nothing will happen. Several of the Commission’s regional roundtable discussion papers, rapporteurs reports, and discussions with relevant individuals indicate the Commission’s awareness and concern over gaining US approval.93 Having the US’ best friend as the state most involved in the Commission’s process is clearly an attempt to appease and gently nudge this giant state among states into fellowship with the Commission’s recommendations. Again however, the question is whether the proper balance has been struck, giving the US enough proximity to engender its critical support, without sacrificing the Commission’s ambition to be and maintain a reputation of being independent of all unitary influences, especially states, and most especially the dominant one.

Is seeing past Canada’s own biases along with its interdependent relationship with the United States simply too much ask of any rational analyst of the ICISS? Admittedly, no country would be able to escape some degree of criticism and doubt as to its motivation in supporting such a commission. In fact, Canadian officials are not particularly interested in denying their desire to see this debate move forward, especially in a direction they prefer.94 Their point in taking the lead was that no one else was willing or able to do so and Canada did not feel it could wait any longer for this debate to occur.95 The challenge then is for the ICISS is to provide skeptics of both the process and analysis with enough material to suggest Canada’s role was

94 Axworthy, Aug. 15th & Hulan, June 4th
indeed minor and that what is contained in the pages of the final report is derived from and of benefit to all.

**Funding the ICISS**

International affairs suffer from no shortage of critical issues in need of greater and multifaceted study and dialogue. Nor is there a shortage of individuals with both the interest and expertise necessary to pursue jointly such topics. What then is missing? Predominantly it is a lack of sufficient political will to convince influential individuals, states, or organizations to pay for the great expense incurred by international congresses for which travel and communication costs alone are prohibitive. Providing funds is a statement of deep commitment to the project, and the often controversial and protracted nature of so many international topics could certainly make them unappealing when allocating funds for various causes. However, in the case of the ICISS and its intended topic of inquiry, the very recent action in Kosovo and on-going ramifications of inaction in Rwanda, greatly facilitated mustering the requisite political will and necessary funds to support an international inquiry on state sovereignty and intervention. Nonetheless, the topic is indeed controversial and the list of those willing to contribute to its work was not exactly profuse. In the end, three governments became involved: Canada, Switzerland and the United Kingdom; along with five private international foundations: The Carnegie Corporation of New York, the Rockefeller Foundation, The John D. and Catherine T. MacArthur Foundation, The William and Flora Hewlett Foundation, and The Simons Foundation. Again, there was a careful blend of government and civil society participation evident in the list of financial contributors; a clear pattern with the ICISS' creators.

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90 Axworthy, Aug. 15th
Public Financing:

Providing government, or public, funds for highly contentious issues is never popular. States like to support activities that will guarantee to put the government in a good light or be profitable. A government’s apprehension for sponsoring less certain activities is even greater with international projects; where an individual state’s control over the project can be lost and the outcome, it may very well deplore. The subject of study for the ICISS is perhaps the epitome of such projects; seeking a consensus on restricting the power of a government to rule is at the Commission’s very core. Thus, receiving financial aid from governments, either with extreme views or mixed popular opinion of the intervention/sovereignty debate, was likely not anticipated by ICISS architects. Arguably, based on its foreign policy guidelines, Canada could be considered a state with extreme views favouring intervention, but perhaps they are an allowable exception as host and initiator of the entire project and, as their views are well known to the commissioners and international community. Does Canada’s support swing the perception of the ICISS away from neutrality? Quite possibly, but it is likely Canadian officials will attempt to demonstrate that they are keeping their distance, at least publicly, in order to ensure the Commission is received as an impartial piece of work.

The other two government contributors made donations that were much less substantial and therefore less problematic for themselves or the Commission. The United Kingdom contribution was essentially a symbolic one and amounted to about enough to pay for the regional roundtable hosted in London. A small, symbolic gesture of support from one of the Security Council’s permanent five, a NATO member, and leading participant in past interventions, was probably just about as much as ICISS creators would want. Canada already fills the role of the wealthy, Northern, pro-interventionist state; another would be excessive. Switzerland’s contribution was more substantial than Britain’s and was warmly accepted by the
Commission's organizers. Given Switzerland's neutral, or non-aligned, status in international affairs, its willingness to help fund the ICISS, was seen as an important achievement assisting in establishing the integrity of the Commission.  

Securing funds from government sources other than those regarded as neutral or in favour of intervention could have been beneficial given the desire for the ICISS to fashion a well reasoned and universally acceptable set of conditions for international interventions. Donations from Southern states would have been especially powerful with the majority of internal conflicts located in Southern states and certainly some of the fiercest opposition to any tampering with state sovereignty. While acknowledging the relative poverty of most of the Southern states, surely a small, symbolic donation would have been possible among those who felt secure with the topic of this inquiry. According to the ICISS organizers, such support was not possible. But even a one-dollar donation would have allowed that state's name to be included as contributor, and would have been a positive feat for the ICISS. And what of those Southern nations who could afford even a modest donation, for example in Asia? Their reason for not doing so is more likely due to suspicion and apprehension regarding the true motivations of the ICISS. With the structure and participants of the Commission as indicated thus far, is it at all possible that the final consensus would be that state sovereignty is paramount and that non-consensual state intervention is not permissible? Such an outcome would be very unlikely, yet it is just such a position that many Asian states currently hold. If their current position is rejected at the outset, any significant support for the Commission, especially money, is unrealistic. Indeed, as will be discussed at greater length in the succeeding chapter, many Asian nations have refused even to send a state representative to a regional roundtable, for fear their participation

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96 Hulan, June 4th
97 ibid.
98 Axworthy, Aug. 15th
would be misconstrued as support for the conclusions of the Commission and diminish their ability to possibly reject the final conclusions of the ICISS at the UN.

Southern nations are by no means the only states to resist financing this commission. Although Northern states have been less hesitant than the South, to participate in the consultative roundtables, they have been just as keen as their Southern colleagues to refrain from funding a commission engaged in deciding how to place limits on a state’s respective domain. Within the democratic nations, public support for aggressive interventionist measures is often mixed. Even during the Kosovo crisis, the United States House of Representatives evenly split the vote over a motion to support NATO’s air attacks on Yugoslavia, and a significant majority rejected President Clinton’s initial request to send ground troops to the region. Governments in democratic countries must be very careful to correctly read the mood of their public to avoid a costly political mistake. And when it comes to matters of external conflicts, a conservative, self-preservation approach is typical.

Northern states are also just as protective of their right to rule within their territorial boundaries as their Southern counterparts. Russia’s firm refusal to engage the international community in a discussion over its action in its region known as Chechnya is a recent example of this fact. Israel is another. In contrast to this desire to protect one’s own sovereignty, but still a reason for Northern states to oppose the work of the Commission, is that conclusions drawn by the ICISS might in fact limit state options for interfering in other states’ affairs. Presumably, as part of its final report, the ICISS will make some recommendations as to what circumstances would legitimize a non-consensual intervention. In doing so, it would also be indicating what instances were not valid excuses for an intervention. Northern states have regularly been the perpetrators of various types of interventions, be they economic, social or political. Of course, the majority of such interventions have been consensual, but not always or not always entirely
so. Generally speaking, past interventions, or lack thereof, have been motivated by the expectation that there would be some political or economic gain for the intervening state(s). To codify the legitimate grounds for state intervention could significantly limit the avenues currently available for greater economic and political power sought by Northern states. Furthermore, requiring a state to intervene in a place that is of no or even negative benefit could hinder their international influence and stability. Imagine if the USA was required to forcibly intervene in Israel. Limiting growth or upsetting state power is generally not a move any government will support, which partially explains the lack of financial support for the ICISS by such states as the USA, France, the UK, who are traditionally known for their active support in peace-making initiatives. Again, however, should too many of the wealthier Northern nations have shown a significant interest in the ICISS, the perception of it being a pro-North assembly could have ensued, damaging the Commission’s attempt at an equal weighting of South-North input.

According to the ICISS secretariat, enough funds have been secured to ensure all expenses are met, however a greater number of contributing states would have been preferable.100 It would have been an asset for the Commission to have had a Southern state on board. However the topic of the ICISS does pose a threat to sovereignty for all nation states and was clearly a stumbling block for rousing state financial support. Canada, also interested in its sovereignty, was not faced with the same concerns, for should it later find itself in opposition to the Commission’s proposals, it could distance itself by claiming that, as host, it had a duty to facilitate the dialogue, whether it favoured the outcome or not. Other states would not have such an explanation to fall back on. Furthermore, this Commission is charged with establishing possible guidelines for state interventions where human rights are violated. Any consensus

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100 Daalder & O’Hanlon, 232
101 Hulan, June 4th
therefore that leans towards some kind of code for such interventions will be a step towards current Canadian foreign policy thus, a positive outcome of some degree from Canada’s perspective is virtually guaranteed.

Private Financing:

Funds derived from the private sector were as much of a concern as in the public domain, not in terms of finding sources, rather in terms of justifying them. Knowing that private donors were almost certainly going to be from the North, it was important to ICISS creators that donors have a reputation of neutrality, especially in the eyes of the South.\textsuperscript{101} Although all five private donors are international foundations based either in Canada or the United States, their reputations as internationally non-aligned NGOs are well accepted throughout both the Northern and Southern hemispheres.\textsuperscript{102} Nevertheless, their home base is in the North and for all but one – the Simons Foundation – in the United States. There is much criticism in the international arena of the work done by Northern NGOs in the South. These NGOs are often accused of meddling in a country in a manner that is ignorant of what help the country really needs. Whether or not these five particular NGOs are guilty of such offenses, the question is whether or not the international community will recognize their expertise and awareness of the general public’s needs in the most conflict-prone places on the planet. Such concerns would have been far fewer had the Commission managed to gain funding from a Southern NGO. Such a prospect however would have been highly unlikely. Even the Northern NGOs struggle for adequate funding, but nothing like the degree to which Southern NGOs do. Clearly the difficulty in locating Southern NGOs to contribute financially was not because of a lack of will, rather to a lack of means. A

\textsuperscript{101} ibid.
\textsuperscript{102} ibid.
survey of the participants' list of the Mozambique and Chilean regional roundtables indicated a tremendous interest in this topic among Southern NGOs.\textsuperscript{103}

Will the lack of Southern financial contributions seriously damage the reputation of all-inclusiveness the Commission is seeking? It is unlikely. The limited financial resources of the South is well understood. Furthermore, the inclusion of two of the sponsoring, South-favouring NGOs on the Advisory Board, together with the absolutely even representation of Southern and Northern states as both Commissioners and Advisory Boards members, and the number of Southern organisations participating in the roundtables should satisfy concerns with regard to Southern inclusion.

The ICISS' Relationship to the United Nations

The relationship between the ICISS and the United Nations is one of the most unique facets of this particular commission. The word 'independent' is usually the first word used to describe the ICISS.\textsuperscript{104} From the outset, spokespeople for the Commission have been reinforcing the idea that this is a non-aligned body, hosted by a country for organizational purposes only.\textsuperscript{105} But just how far removed from the United Nations is it? The first public announcement of the creation of the Commission was made at the United Nations at its Millennial Summit. Prime Minister Chretien specifically stated in that announcement that the ICISS would present its final report to the UN General Assembly later this year. Furthermore, the full support offered to this Commission by UN Secretary-General, Kofi Annan, at its inception and throughout, is certainly indicative of a strong, if unofficial, UN interest. This does not suggest that the United Nations as a whole was supportive of the creation of the ICISS. As previously mentioned, even within Annan’s own secretariat there was division as to the best method to commence a dialogue about

\textsuperscript{103} ICISS - Record of Consultations...
\textsuperscript{104} ICISS - Backgrounder, 1
\textsuperscript{105} Hulan, June 4th
limits to sovereignty, not to mention whether such a dialogue should occur at all.\textsuperscript{106} Again, it was Annan’s inability to convince both the UN bureaucracy and the state members of the UN to engage in debates on this subject that brought it to Canada in the first place.

Although the ICISS organizers wish to keep some distance from affiliation with the UN, the preferred distance was not all that much beyond a good long arm. Too often, past independent commissions have found themselves left out of the international loop, trying to convince national governments to take action on their commission’s proposals. Despite solid research, sound advice, and certain benefits to all, reports by the Carnegie Commission (1997) and the Brandt Commission (1978/79) lacked an aggressive UN link to get their message off paper and into circles of political action. The creators of the ICISS were determined not to see the same fate for their commission. With Annan and Canadian DFAIT leaders both interested in seeing this debate move forward, establishing ties with the United Nations via the Secretary General and Canada seemed the best way to go. Hence, the first two international announcements of the creation of the ICISS were made at the UN: one by Canada’s Minister for Foreign Affairs, Lloyd Axworthy, to the General Assembly and the other, as mentioned, by Chretien to the entire world, which ensured the UN’s inclusion from the beginning. Furthermore, the appointment of Mohamed Sahnoun, a special advisor to the UN Secretary-General, as the Commission’s co-chair, an important insider, ensured the UN secretariat (specifically Annan) throughout the Commission’s progression. Finally, by releasing the final report to the world via the UNGA, the UN is indirectly but significantly included in the ICISS activities from start to finish; as the major forum for public outreach worldwide, this is very beneficial to the ICISS.

The insistence of both the ICISS and many states and UN officials that the Commission is not sanctioned by the United Nations allows the ICISS the necessary distance from the UN so

\textsuperscript{106} Axworthy, Aug. 15\textsuperscript{th}
as not to be controlled by UN diplomatic etiquette, and to not be shrugged off by UN critics. Yet its obvious ties to two key UN entry points: the Secretary-General and a host country willing to sponsor its presentation to the General Assembly, should provide it the broad international publicity that only the United Nations is capable of generating.

Though not entirely unproblematic, by and large, the divisions of the ICISS, the idea of a host institution, the funding arrangements, and the Commission’s relationship with the UN, all fit within the basic parameters of the “stage one” model for international decision-making.
CHAPTER THREE:
THE ICISS IN ACTION

The nature of the ICISS' inquiry and the current mood among states regarding this subject called for some careful thought as to how the greatest number of states possible could be convinced to participate. A good portion of key non-state actors would also need to be attracted if the Commission was to achieve its goals of broad legitimacy and comprehensive analysis.

There are three distinct aspects of the ICISS' overall conception, whose process and approach to their tasks will be examined in detail in this chapter. First, the manner in which meetings were organized and conducted has been crucial to engendering true international participation. Second, the research conducted out of the Graduate Centre at the University of New York was meant to ensure discussions were either backed up or informed by scholarly thought and research. And finally, the timeline for completion of the Commission's work as a whole, as well as the various pieces of the whole, provide some useful insight as to the positive and negative aspects of this Commission's structure.
Table 3.1: All Meetings of the ICISS

<table>
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<th>Date, type, location</th>
<th>Commissioners</th>
<th>Government Representatives</th>
<th>Non-Government Actors</th>
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Legend

R-T: Roundtable meeting
Comm.: Commissioner’s meeting
Ad-C: Advisory Board and Commissioner’s meeting
F.E.: Foreign Embassy
EU: European Union
ECOCAS: Economic Community of Central African States
Int’l Inst.: International Institutions
The Process and the Approach of the ICISS Meetings:

**Process:** The Commissioner’s work has proceeded with three types of meetings. The first, the regional roundtables, are by far the most demanding. These meetings serve two crucial purposes for the Commission. First, they provide the opportunity for commissioners to discuss and gather information from a variety of invited government officials and non-governmental actors from any number of states in a region. The other purpose of these meetings is to publicize the work of the Commission and gather some early momentum so that when the report is released there will be a lot of attention given to it.  

One concern that should be noted here is that the selection of participants to these roundtables is problematic when choosing the non-governmental participants. In countries where the ICISS secretariat is unsure who of civil society should be invited, they have relied on state officials to make the recommendations. In many developing nations, however, civil society groups are not often accepted as a legitimate and desirable voice for state policy. In developed states, while non-governmental groups’ voices may be accepted (however grudgingly) and valued, there are now so many that they cannot all be represented in these meetings. In both situations, this creates the possibility that by leaving the decision for inclusion up to state officials, only those favoured, or at least tolerated, by states will be included. This may not be a bad thing, in that the ICISS does need, first and foremost, to get states on board; however, in the interests of gaining wide public support and finding like-minded groups throughout the world, especially in hesitant states, to help gather the political will to move the report into action, the absence of certain groups could be of notable loss to the ICISS.

The other two types of meetings are internal. The Advisory Board and the Commissioners met once halfway through the process (June, 2001) for a discussion of the

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107 ibid.
108 Hulan, June 4 th
direction the report is likely to take and some political strategizing around its release and reception. The other type of meeting set out in the Commission is the commissioners’ private meeting. These are designed to synthesize recent roundtable discussions and compare notes and opinions. The last of these meetings (held in August, 2001) would be (was) to seek consensus and make a final determination of the direction of the report.

**Approach:** The approach to the regional roundtable meetings is a highlight of the structure of the Commission. Its design is well positioned to achieve an atmosphere that is legitimate, all-inclusive, non-threatening and flexible; all highly desirable qualities when trying to introduce a controversial topic to an entire planet. First, that the Commission made a commitment to go to the interested parties across the globe is important for legitimacy. All regions of the world have had an opportunity to meet with the commissioners at least once (Asia, Western Europe and North America all had more than one.) Notably, all the Permanent Five UN Security Council members have hosted a regional consultation. Without the UN as its sponsor, nor any formal state involvement, except Canada, and then, only at an arm’s length, the ability of the Commission to speak of and refer to discussions it had at a truly global level will be an important validation of its work.

The all-inclusive participant format at these regional roundtables is another highly beneficial quality of the Commission. The ICISS secretariat issued an open invitation to any state in the region, which was of course very important. But further expanding the list of possible participants to include NGOs, academics and private institutes, provides a truly comprehensive regional perspectives package. Although some states may not appreciate the all-inclusive approach to a topic that they regard as a states-only matter, the non-binding status of the Commission and its findings should assuage such fears. Even with the possible exclusion of
some key non-governmental actors, as discussed earlier, the fact that so many others are included and publicly noted in the records of the Commission,\textsuperscript{110} again assists the Commission in getting the whole world engaged in the topic of reconciling human rights and state sovereignty.

The third quality attempts to ensure that all who engage in the roundtables leaves with a positive impression of the ICISS. The creators of the Commission designed the roundtables as consultative and non-committal. Participants were encouraged to share their views openly and without fear of criticism. This is a style very familiar to Asian nations. The Association of South-East Asian Nations (ASEAN), conducts its meetings in this way, as does the Asia-Pacific Economic Cooperation, APEC. This style is particularly conducive to the ICISS' aim of initiating the international dialogue on sovereignty and intervention. Even states that have so far indicated they would not support any formal entrenchment of non-consensual state intervention, have participated. China and Russia, two of the staunchest critics of NATO's intervention in Kosovo, and most active defenders of state sovereignty even agreed to host a roundtable in their respective regions. The willingness of these states to contribute to the roundtables also provides the commissioners with a better sense of the various views currently circulating. This will be important in gauging the appropriate depth and strength of the wording and explanation of recommendations in the report. It will also give the commissioners and other ICISS participants and staff present at the roundtables a sense of who their supporters or detractors are and what regions or countries they will need to devote the most energy to. Of the regions that had held roundtables up to June 1\textsuperscript{st} (North America, Western Europe, Africa, South America and the Middle East), DFAIT officials had already ascertained which countries would be receiving less attention. This includes those considered supportive of protective intervention, such as: Canada, Switzerland, Mozambique, Ghana, Jordan, Chile, Egypt, Norway, and Argentina.\textsuperscript{111}

\textsuperscript{110} \textit{ibid.}
\textsuperscript{111} ICISS - Record of Consultations
\textsuperscript{111} Hulan, June 4\textsuperscript{th}
considered not at all supportive are also included here: most of Asia was thought to be here.\textsuperscript{112} Those countries that DFAIT has identified as possible, but not firm supporters, are where the energies of ICISS/protective intervention supporters will be centred. Some of the nations identified thus far are Thailand, the Philippines, the UK, the United States, South Africa, several states in South America, Germany, some of the Scandinavian nations, Austria, and several other African states.\textsuperscript{113}

The final positive quality of the Commission’s approach to roundtables is flexibility. As will be discussed further in the up-coming section on timelines, the ICISS was originally supposed to complete its work within one year. The deadline was extended because of the Commission’s organizers’ wish to include any state willing to participate.\textsuperscript{114} Confirmation of some meetings did not occur until the term of the Commission had well progressed, and some high level pitches were made to certain states (especially India and China) which resulted in their agreeing to participate, even host a consultation.\textsuperscript{115} As mentioned earlier, the Commission’s roundtable organizers were also willing to admit any participants the states in the region wished to be present. This is also a good way to encourage nervous states and individuals to look at the Commission with less trepidation and be given an opportunity to express their thoughts and feel included.

Inclusion and tension abating are two of the most important qualities a commission wanting to encourage a frank discussion of a highly controversial and universally relevant topic. The ICISS roundtable structure is well designed to encourage just this kind of discussion.
The Process and Approach to the Research:

**Process:** The Commission will produce three volumes as its final work. The report of the commissioners, presented to the UN General Assembly, will be the first volume, but two research-related volumes are to follow. The second volume will be a compilation of a number of specially commissioned papers by Ph.D. students, currently researching aspects of sovereignty, intervention, state security, and/or the UN Security Council; “all the issues [will be presented] in a comprehensive, balanced and up-to-date way.” The third volume will be “an anthology of the best past writings in the field, together with an annotated bibliography.” Additionally, the roundtable meetings have always had a couple of discussion papers included in their pre-consultation packages.

**Approach:** Unfortunately, according to ICISS organizers, the research portion, specifically the specially commissioned papers by students, has been a big problem for the Commission. Various ICISS organizers have described the quality of the papers as being far below that which they were anticipating. Posited reasons for the disappointing papers have included a lack of real commitment/priority to the ICISS, or even to protective intervention, and perhaps doubts that the Commission will achieve its goals.

These are good, plausible reasons for the poor return, however, there are others, just as plausible, where the fault lies less with the scholars and more with the ICISS. The first difficulty likely arose with the deadline for paper submissions. The writers were given approximately three months to complete the commissioned work. Presumably, this would not be the first paper that any of them had written on this topic, but even re-working a previously written paper to fit within the guidelines of what the ICISS’ research directorate was asking for takes time.

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115 ibid.
116 *ICISS Promotional Pamphlet*, 3
Furthermore, it is unlikely that this was the only project these students had on their plates and the commissioned papers were a comparatively large and sudden addition to their immediate obligations. And yet (with sympathy to the over-worked, under-appreciated, post-graduation job-focused students) not may would want to decline an opportunity for publication, especially given the wide audience a report of this nature might attract.

How the commissioned writers were chosen must also be considered as a possible explanation for an unsatisfactory return. According to those involved in the selection, the directors of the research directorate had only a matter of days to find willing contributors. Furthermore, in order to be “comprehensive [and] balanced” writers from around the world would need to be included. This would have to have narrowed the field to those students with whom the directors were already familiar. Indeed, a quick survey of professors of International Relations at the University of British Columbia, Canada, indicated these professors were aware of a number of senior graduate students contemplating the required topics, whose capabilities they were happy to vouch for. Of course, there are thousands of students working on issues of sovereignty, intervention, human rights, the Security Council, and other related topics. It would have been impossible to identify them all and select a small number of the most promising even with months to do so. Perhaps then, this part of the Commission would have been better off conceptualized differently. What if, rather than commissioning the papers, the research directorate had sent out a world-wide communique to all international studies programs, inviting papers on the relevant topics? The author of those papers selected for publication would receive a small remuneration. The deadline for submission could remain three months (or even be shortened) thus cutting down on the number of submissions and hours spent sorting through them. This approach would not only have widened the pool of scholarly contributors, but it provides another opportunity for publication.

117 ibid.
118 Axworthy, Aug. 15th and Hulan, June 4th
119 ICISS Promotional Pamphlet, 2
would also have been another really effective publicity move for the ICISS. Nevertheless, this was a novel addition to the Commission therefore some glitches were bound to be present. And although Thomas Weiss (the ICISS research director) and Don Hubert (a senior researcher at DFAIT) now face the task of polishing and salvaging these papers, a strong emphasis on academic contributions within this Commission should broaden its credibility, appeal, audience, and hopefully its overall outlook in facing such a heavy topic.

The Process and Approach to the ICISS Timeline

**Process:** a major criticism of the United Nations has been the significant time lag when trying to make decisions on matters in need of immediate attention. Security Council decisions relating to peacekeeping and peace-enforcement missions have been among the most heavily criticized. This is why NATO took on the Kosovo intervention without the Security Council’s approval. The members of NATO felt the situation in Kosovo could not wait for international action any longer. Foremost on their minds was what the delay of adequate means and mandate had done to people in Srebernica in 1995. Knowing NATO’s member states were dealing with the same regime (Milosevic’s), they ascertained that waiting would improve nothing; immediate action was necessary with or without the Security Council.

The campaign to ban landmines was accomplished within fourteen months, followed by its ratification and implementation (as the Ottawa Convention) within fifteen months. This made it “the most rapidly implemented multilateral convention of its kind in history.”

The ICISS too seeks to complete its work in a timely fashion. By its own admission, the ICISS is not trying “to reinvent the wheel: it [seeks to] build upon and complement the many

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120 Hulan, June 4th
121 Axworthy, Aug. 15th
122 Hanson, 89
123 Gwozdecky and Sinclair, 29
efforts already undertaken on these issues by research institutes and individual governments. 124

The ICISS wants to synthesize all the years and volumes of work dedicated to sovereignty and intervention matters, and try to find some emerging consensus. Creators of the Commission felt years of further research, both state and individual, prior to an international discussion, was unnecessary. 125 That there may be flaws in a document produced in only one year was accepted. That adjustments might be necessary as time passes, agreed. However, what ICISS creators kept stressing was first, that to improve on something you first need the something; secondly, there was an international precedent set by NATO intervention in Yugoslavia, so that “something” needed to be written soon. Thus, drafters of the ICISS process initially set a time frame of one year—now 14 months—for the completion of all aspects of the Commission. The Commission’s conclusion would then be followed by a coalition of like-minded/supporting states who would spend approximately one more year, drafting a resolution, drawing on the ICISS report’s recommendations, for the United Nations General Assembly. 126

**Approach:** To complete the work within the specified time frame, activities appear to have been informally divided up into three time blocks. The first four months, approximately, were to include the organization of participants, meetings, and funds. Also, selection of the commissioned authors and their subsequent submission of a paper would occur at this time. The only real problems with this time block (research purposes) have already been mentioned.

The following six to seven months appear to have been allotted for all regional consultations, the commissioner-Advisory Board strategy meeting, and compilation and examination of the commissioned papers and works to be cited in the anthology. It is in this time block, as indicated previously, that the decisions to include additional consultations, extending

124 ICISS Promotional Pamphlet, 2
125 Axworthy, Aug 15° and Hulan, June 4th
126 Axworthy, Aug. 15°
the time frame of the Commission. The extension appears to have had little bearing on any other part of the Commission, nor on its planned presentation to the UNGA. Meanwhile, having been able to include even more states in the consultative process should be considered a very positive outcome.

The final three months are, logically, earmarked for the final commissioners’ meeting and consolidation of research. The most demanding task in this time block will be writing and approving the report and final editing of the two research volumes. Each subsequent consultative meeting has, to some degree, built on the discussions of the last. Also, in consultation with the commissioners, the ICISS secretariat and policy advisors have been carefully reporting, synthesizing and preparing rough drafts of findings and opinions, since the very first roundtable. Furthermore, again in consultation with the individual commissioners, rough drafts of the final report have been circulating since at least June.127

As briefly noted at the end of this section’s “process” division, post ICISS action and its time frame have also been somewhat considered. What is proposed is that a group of states, likely the Human Security Network’s members, would meet at various points over the course of one year to prepare a resolution to be submitted to a vote at the United Nation’s General Assembly.128 The resolution would be in keeping with the recommendations of the ICISS, with only more alterations required for formal resolutions.129 This group of states would also take the lead in mobilizing wider General Assembly members’ support for the ICISS recommendations and their adoption into international law.130 This post-ICISS plan is obviously entirely contingent on success at the conclusion of the ICISS. At present, ICISS supporters are skeptical about a positive outcome for the Commission because of uncertainty in Canada’s commitment to the Commission, its willingness to put the necessary energy into an aggressive promotional

127 DFAIT, ICISS Report—Elements Paper, cover letter
128 Axworthy, Aug. 15
129 ibid.
campaign.\textsuperscript{131} The specific kind of support and promotion foreseen is part of the discussion of the fourth chapter, which follows.
CHAPTER FOUR:
The Final Report and Its Release

Although, as of writing this thesis (Aug. 2001), the Commission has not yet concluded and the final report has yet to be written, some discussion of the report is possible. Using discussions with DFAIT and ICISS officials, roundtable rapporteurs’ reports, and the outline to the draft of the final report: “ICISS Report— The Elements Paper”, much can be discerned as to what the key aspects and recommendations of the report will be, whether there is consensus, and how the report will be promoted, or “sold”, to the international community.

The Report:

Some limited discussion of the anticipated contents of the ICISS Final Report follows. The same order and headings as presented in the final draft outline, hereafter referred to as, The Elements Paper will be used for the analysis.

1. Contact and Challenge

Much of this has already been addressed in other parts of this paper. Generally, the ICISS will identity the recent failures at the UN, Kofi Annan’s challenge and growing tension due to inconsistencies surrounding sovereignty and intervention activities as the main reasons for the Commission’s work.\(^{132}\)

Also of note in this section is the attempt of the Commission to introduce new terminology and to clearly define it. Intervention is defined by the Commission as, “coercive or punitive action taken with reference to a particular state by without the consent of that state. Such actions may include military actions involving the use of force, as well as non-military measures such as sanctions”.\(^{133}\) As described earlier, the Commission has renamed the term

\(^{132}\) DFAIT, ICISS Report—Elements Paper, 1/2
\(^{133}\) ibid.
humanitarian intervention, now calling it protective intervention, in recognition of the coercive and often militaristic nature of this activity.\footnote{ibid, 2}

2. The Responsibility to Protect

In keeping with the new term, The Elements Paper states the forms of the debate itself must shift from "the right to intervene," to the "responsibility to protect".\footnote{ibid.} This responsibility includes intervention, prevention, and follow-up.\footnote{ibid, 3} The paper argues the legal basis to support this international responsibility can be found in several places including: the UN Charter, national law, the UN Declaration, the Genocide and Geneva Conventions, the International Criminal Court Statute, ECOWAS in Liberia and Kosovo, and even action by the Security Council in Somalia, where no real threat to international peace existed; all of which reflect an emerging norm of the responsibility to protect.\footnote{ibid.} Clearly, the ICISS wishes to make this issue victim-centred and shift the focus from what a state can or cannot do, to what human beings have a right to expect from each other, especially through the institutions designed to manage human relations—states and international organizations. One problem with this new line of thinking is that it has an uncomfortably familiar ring to it: colonialism or paternalism. Protection summons up all kinds of images of the weak and helpless being saved by the honorable and mighty. And from whom are they protected in this case? Their own highest authority. And who will protect them? Other people's highest authorities. The implication is that a society has failed and is in need of assistance by other, "better" societies. There is undoubtedly a need in some places for protection of innocent civilians caught up in a violent national crisis. However, it must be clear that this protection is for innocent lives only. If the responsibility to protect includes "follow-up,"\footnote{ibid.} how much interference could be justified as protecting innocent lives? Ousting and even
prosecuting state leaders? Overhauling the governing structure? Re-designing the judicial system? Providing armed personnel for an indefinite length of time ("until the state is stable again")? Providing significant funds as loans or acquisitions? Whether such protection is a good thing or not is not the issue; it is whether states, especially former colonies, would be too sensitive to the possible connotations derived from the phrase, "responsibility to protect," to support protective intervention.

3. **The Responsibility to Prevent**

The ICISS final report will likely argue that a responsibility to protect naturally requires preventive action. The Commission recommends the international community provide a "strong commitment to helping local efforts to address both the root causes and immediate causes of problems". The Commission suggests such commitment will lend legitimacy to more intrusive activities, should the need arise. The next step (also considered prevention by the ICISS) would be more direct and possibly intrusive measures — and could "be political/diplomatic, economic, legal or military in character" — short of intervention, but up to the threat thereof. The Commission argues here that such direct measures differ from intervention in that they always aim to "obviate the need to employ directly coercive measures". Some confusion arises here because in the first section, the Commission included both coercive and punitive (e.g. sanctions) actions in its definition of intervention. But this third section suggests that sanctions would fall under *direct measures*, (not intervening) even though they were earlier described as intervening.

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139 ibid, 4
140 ibid.
141 ibid.
142 ibid, 2
143 ibid, 3/4
4. The Responsibility to Intervene

In this section, the ICISS provides its recommendations for threshold criteria and precautionary principles when considering an intervention. First, the Commission very clearly states that military responses are strictly “for the most extreme situations”. The four broad threshold criteria suggested are: (1) large scale loss of life (actual or apprehended); (2) ethnic cleansing (by killing, expulsion, rape); (3) systematic violations of group human rights; (4) overthrow of a democratically elected government. These criteria are consistent with much of the literature on intervention, and while further discussion would be interesting, it is beyond the scope of this paper.

Next, The Elements Paper states that, where the threshold criteria are met, further precautionary principles should be considered. They commend four: (1) right intention (“with protection as the primary motive, if not the only motive”); (2) it is the last resort; (3) that the means be “proportionate to the objectives being pursued”; (4) there is a “reasonable prospect of succeeding in the assigned task”. Numbers (1) and (4) are possibly the key stumbling blocks to getting developing nations on side. With regard to “right intention,” at the start of colonialism, many imperialists argued and believed that what they were doing was for the good of the people whose lives they were taking control of. In a sense, the colonies were being introduced to many new organizing principles and inventions that could protect them from disease and deadly conflict among themselves. But was this the main motivation for the imperial nations’ presence? No. Could one successfully argue that it was? Yes. Should the ICISS state that protection of life is the only motive, it would be very easy for a state facing intervention and/or it allies to argue those seeking to intervene had other motives. NATO officials responsible for the Kosovo campaign insist the intervention was for humanitarian reasons, “not
some cold calculus of realpolitik”. However, many critics have challenged that contention citing things like: giving NATO a purpose, testing new weapons technology, US reassertion of hegemony, Western states humiliating Russia, and even that the US—and possibly its allies—was sending warning signals to China not to push its luck on its quest for greater international power. Likewise, yet in stark contrast, critics of humanitarian/protective interventions claim the lack of assistance for Rwanda, unquestionably a humanitarian crisis, offered no additional motivation for states to intervene and so no one came to help. Again, further debate regarding intent is beyond the scope of this paper, but having the right intention and determining the primary motivations are clearly subjective and highly controversial issues.

Next, principle (4) calls for a reasonable prospect of success. The reason for such a principle is obvious—there is nothing protective or humanitarian about compelling states to a mission where the intervening force would be incapable of stopping the conflict. Such an intervention would merely add to the problem, increase the casualties, and possibly turn a domestic conflict into an international one. However, this principle suggests a formal entrenchment of a two-tiered international system of laws. Power between states is uneven; this is not new. Some states have significantly more control over international security than others (the Security Council P5), this is also not new, and is formally entrenched in international law. However, calls for UNSC reform are increasing and the balance of power is in flux. The demand that all states be required to fulfill obligations of human rights is the very essence of the entire ICISS mandate. Yet those states with significantly more power will not be under the same degree of pressure to observe human rights laws because the likelihood of their facing an intervention will be so much less. Therefore, when most states look at the ICISS report and are asked to consider making its recommendations part of international law, not knowing which

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146 Axworthy, Address to G-8..., 9 June, 1999, In: Hubert and McRae, 113
states are likely to be most powerful will be a primary concern of many state leaders, and this principle of not proceeding without the prospect of success will certainly be contentious.

5. The Question of Authority

The most salient aspects of this section are the Commission’s assertion that the precedents used to support the emerging norm of the “responsibility to protect,” are not wholly derived from the UN Charter, and therefore, while desirable, support from the Security Council in an intervention is not mandatory. The Commission does recommend that it be established that “all proposals for coercive intervention must formally be brought to the Security Council,” but should Council approval be denied, the intervention could still proceed.147 In The Elements Paper, the Commission lists the following as other possible sources of protective (intervening) forces: the UNGA; regional or sub-regional organizations; or “actions by coalitions of the willing” (or perhaps even by a single state).”148 It is the final group that is most noteworthy. First of all, The Elements Paper does not indicate who might be included in a “coalition of the willing.” Presumably the actual final report will do so. According to Canada’s Human Security literature, coalitions of the willing can be composed of like-minded states as in the Human Security Network.149 However, in some cases, these coalitions have also included NGOs and other civil society actors.150 The latter form of coalition would certainly raise some legitimacy concerns for some. The parenthetical phrase included in the grouping is even more likely to incite controversy. Even Canadian officials have argued that these kind of forceful interventions should always be multilateral; that “unilateral interventions... [would] raise questions of abuse and/or self-interest by the intervention”.151 According to Lloyd Axworthy, the notion of unilateral interventions was whole-heartedly trounced at the Commissioner-Advisory Board

147 DFAIT, ICISS Report—Elements Paper, 5
148 ibid.
149 Small, 231
150 Gwozdecky & Sinclair, 34
151 Hubert & Bonser, 118
meeting and is not likely to appear in the final report. However, the fact that the commissioners (not the political strategists) considered including this phrase is interesting and perhaps merits a mention and explanation in the report, even if not included as a recommendation.

6. The Operational Dimension

In this section, the Commission addresses the question of how to successfully proceed with and conclude an intervention. It divides the operation into three phases: the pre-intervention phase; the intervention phase; and the post-intervention phase. The first phase is relatively straightforward and not especially controversial. One note of interest is the statement that a successful intervention needs to consider media relations. While consideration of the media is not new to military campaigns, that it is listed as a key issue along with: resources; planning; mandate setting; and coalition-building, does, arguably, imply a rise in importance.

The second phase, again, follows fairly standard military operations. A key component included here, and one often cited as extremely problematic in past UN peacekeeping or peace-enforcing missions, is the command structure. It is not clear from The Elements Paper what the Commission will recommend be done, but there has been a fair amount of discussion at the roundtables regarding regionally based leadership. Superior knowledge in terms of geography, culture, chronic disputes, and history are all cited as leading arguments for this type of command structure. Should this be the Commission’s recommendation, countries who have played major roles in international peace missions, but whose own regions are relatively peaceful, such as the USA, Canada and North-West Europe, will likely have some difficulty with this. Conversely, such a recommendation would likely please African and Asian nations. This anticipated

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152 Axworthy, Aug. 15th
153 DFAIT, ICSS Report—Elements Paper, 5
component of the final report speaks to an unresolved issues at the UN and therefore, the Commission’s recommendations should be of interest.

The third phase, post-intervention, includes the “transfer of authority; capacity to sustain the effort; capacity to deal with the broad range of post-conflict peace-building issues.” This phase is probably the most vaguely defined, and yet its actualization is often a major concern among many NGOs and academics. Aid agencies such as the Red Cross, Doctors Without Borders, church organizations, and many others, are generally heavily involved in post-conflict operations. Such organizations often describe the lack of adequate resources (personnel, money, supplies) provided by states once the fighting ceases. Some argue too many troops are often withdrawn too soon, leaving the remaining soldiers and foreign civilians in extremely dangerous positions. In terms of gathering non-governmental political will and momentum for the Commission, this phase will likely be reviewed quite closely by non-governmental actors prior to giving the ICISS their support.

7. The Responsibility to Follow-up

Some very important caveats to interventions are made in this section. Here, the Commission makes it clear that protective intervention responds “to threats of human life and not directly in support of self-determination claims”. The Commission also argues that the “right intention [principle] precludes permanent occupation,” and that the state’s sovereignty is only suspended, and not to be removed or permanently altered. These two caveats may help alleviate weaker nations’ fears of a return to colonialism. However, “temporary occupation” of another nation could conceivably last a long time. It could be argued that a long commitment is inevitable following any intervention because inevitably there will have been a serious breakdown in stability. When is the right time to transfer authority? Who determines when a

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154 ibid., 6
155 ibid.
156 ibid.
nation is really ready to govern itself again? Some argue, “foreign armies, including those fighting under the UN blue flag, cannot impose peace or civil wars without also imposing foreign rule: this was the logic of colonialism.”\(^{157}\) Hence, in the very same place the Commission tries to reassure one that protective intervention is not like colonialism, the argument that it is can be made.

### 8. The Responsibility to Protect: The Way Forward

This is the concluding section. It provides a summary of the key content and thrust of the report. It also discusses how to mobilize the political will and move the Commission’s recommendations along towards “the consolidation of an emerging norm for the responsibility to protect, and its acceptance as part of customary international law”\(^{158}\). (These matters will be addressed later on in this chapter, in the section titled *The Sell.*) The final part of this section addresses the key elements that might be included in a General Assembly resolution on protective intervention. The recommendation to codify does not appear likely to be made, suggesting a lack of complete consensus on the Commission, to be addressed in the next section of this chapter.

### Is There Consensus?

*The Elements Paper* suggests the Commissioners are all in agreement with all of the proposed pieces of the report, except one. There appears to be uncertainty as to whether the report should include a recommendation to codify this report as a UNGA resolution. The final page of *The Elements Paper* discusses the pros and cons of pushing for codification. Reasons against that are provided are: possibly not politically achievable at present; counterproductive to achieving long-term consensus; would such effort have any real significance; and there may be a

\(^{157}\) Thakur, *Rich and Afraid*...

political risk of the UNGA producing a resolution repudiating the responsibility to protect.\footnote{ibid., 7}

Another concern that could be added would be a risk of leaving the hesitant states that participated and indicated a lack of support for protective intervention at the roundtables, feeling ignored and deceived. States were invited to participate in a commission that claimed to be open and objective, but going so far as to recommend that protective intervention become a UNGA resolution could easily encourage a perception that the Commission’s actual mandate was to publicize the protective intervention cause, in preparation for a UN campaign to create a resolution endorsing it.

Reasons listed in support of recommending codification: it would be a useful means for “placing the ‘responsibility to protect’ concept squarely before the General Assembly; and that formalizing [that] concept... would help to limit the potential for arbitrariness and abuse in the application of the concept”.\footnote{ibid.} However the Commission’s mandate, as published in its promotional literature was to “build a \textit{broader understanding} of the problem of reconciling intervention and sovereignty and to foster \textit{global political consensus} on how to move...towards action within the international system”.\footnote{ICISS \textit{Promotional Pamphlet}, 2} If the Commission is to remain true to this mandate, maintaining an impartial image by presenting a thorough and well-reasoned document is crucial. The political maneuvering and secondary agenda, such as moving the international community towards a UN resolution, should be pursued (at least publicly) separately from the final report.

The ICISS does appear to have achieved its goal of writing a fully consensual report. As of August 2001, the only real lack of cohesion among the commissioners was how best to ensure their mutual concept of protective intervention and the norm of the “responsibility to protect,” becomes a permanent and useful part of the international security system.
The Sell

With consensus for the recommendations in the report achieved among the commissioners, the next step will be to convince the international community of its merit. As in the campaign to ban landmines, those involved with the ICISS recognize that the product they are about to offer the world — a guide to protective intervention — is not something everyone considers a necessity or desirable. Unlike banning landmines, protective intervention affects every state directly. Furthermore, while both initiatives aim to protect people and provide peace, dismantling a landmine is non-coercive and swiftly accomplished; protective intervention is just the opposite. Selling the international community on protective intervention likely will be an even greater challenge for the “ICISS coalition.” This section will explore two aspects in this regard: whose support is needed from the outset (which states, media, NGOs) and what has been done so far to secure that support.

First, who does the ICISS need to have on its side when the report is released? The number and “type” of states are obviously the first priority. Of all the states, an absolutely firm commitment by Canada is crucial. This commission is the brainchild of Canadian Foreign Affairs officials, and Canada has put a lot of staff time and financial resources into the ICISS. If, after all that, Canada appears even a little reserved in its support, those close to the Commission feel the momentum will be lost.162 Throughout most of the Commission’s mandate, the leadership in the Foreign Ministry has been relatively silent about the ICISS, and Canada’s Human Security Agenda in general. The focus of the current Minister of Foreign Affairs has been more on trade matters.163 While this silence is not a rejection, neither is it a glowing endorsement. Given what the ICISS is trying to achieve, a glowing endorsement from its closest allied state at the UN is imperative.

162 Axworthy, Aug. 15th
163 Ibid.
The ICISS creators had a pre-determined support network, including certain states from the very beginning. All of the members of the Human Security Network (HSN) were identified as secure supporters of the Commission at the outset. The next group of nations the ICISS set out to attract was a sizable contingent of Southern states. It is anticipated that the Southern members of the HSN: Jordan, Chile, Mali, Slovenia, Thailand and South Africa, will work within their respective spheres (regions) of influence as ICISS promoters. Also, Advisory Board Members and certain commissioners with appropriate ties to the South will make some aggressive moves in diplomatic circles on behalf of the Commission.

Of course, promotion of the ICISS in diplomatic circles will not be limited to Southern states. Careful attention will also be given to Northern nations, especially the P5 Security Council members. Many of the Northern nations, including the United States, Britain, and France, are regularly solicited for their support for protective intervention. Their views are well known to those involved with the ICISS. Maintaining the communication channel and keeping the pressure on is really the most they can do.

Perhaps the best source of pressure for all states, especially the democratic ones, is being sought by mobilizing the transnational NGOs. These organizations “can draw on their moral authority to confer enhanced legitimacy upon their partners in government”. With their moral sway, NGOs can move people emotionally, which is a very powerful tool, and if enough citizens are so moved, governments can be forced into action. Using NGOs to get at governments via the people might be the best strategy, rather than encouraging an aggressive campaign against state leaders directly as:

[m]any governments have also begun to react harshly to the growing influence of unaccountable, single-issue and militant NGOs. The curtailment of Australian cooperation with UN human-rights investigations is but the latest example of mounting exasperation

164 Hulan, June 419
165 Ibid.
166 Waschuk, 217
among governments of the access to the UN system enjoyed by what they see as fundamentally irresponsible NGOs. They [NGOs] have increasing influence on many governments and international organizations. But they are not accountable to anyone. Influence without accountability can be a recipe for inviting irresponsible behaviour.\footnote{Thakur, \textit{UN Deaths...}}

In Canada, state leaders [Ministers] are increasingly sensitive to being overlooked by officials in foreign affairs, whom Ministers feel, tend to seek non-governmental advice and support for their external agenda, rather than that of the officials elected to lead the country.\footnote{Bonser, June 4th} The ICISS must gain the support of state leaders above anyone else to move their agenda forward. Employing NGOs to assist in this goal is advisable, however, sensitivity to what might be growing impatience of governments towards NGOs should also be considered.

The final group targeted by the ICISS to help build the momentum for their agenda is the media; the goal being to get at state governments via the general population. Plans are in place to hold at least one media blitz in New York prior to the release of the ICISS report to get the media’s attention.\footnote{Hulan, June 4th} Other ideas being considered include press releases by the Canadian government and the UN Secretary-General; Canada’s Prime Minister coming to the UN to submit the ICISS report himself; supportive speeches by Canada’s Minister of Foreign Affairs, the Prime Minister and/or the UN Secretary-General.\footnote{Ibid.}

While the ICISS has prepared many options to attract media coverage, one option that is not considered is going one step further, with an ad campaign. When a company wishes to sell a new product, a marketing campaign is usually considered a necessary component. Rather than simply waiting for media outlets to take an interest in the ICISS and communicate its message to their respective audience, perhaps the ICISS should take the lead and promote their “product” in the form of an advertisement. Imagine an ad where a single individual (representative of the
nation in which the ad would air), stands in the middle of the television screen, after it has been filled with images of war-time atrocities, and makes a simple statement such as: “Our humanity is sacred and universal. If we do not respect and protect our common humanity and right to life, then what does that say about the value of our own lives? Life—is there anything more important?” Professional ad-writers might create a catchier version, but the point is that the ICISS need not wait for or depend on the media to bring protective intervention to the public eye; rather the Commission can use the media to do it themselves.

If the goal of “stage one” international decision-making is about generating international discussion on a matter of universal import, a provocative ad campaign could spread the word and stimulate debate very quickly. Negative aspects of this kind of approach might be: trying to summarize a very complex issue into thirty seconds; the cost; alienating governments who currently oppose protective intervention. Cost could be reduced if sponsors could be found or if it were done as a non-profit advertisement. Also, rather than television, an Internet ad could be developed and disseminated at a comparatively low cost (but would reach far fewer people). The complexity of the issue can be addressed or explained with follow-up strategies like directing those interested to the report itself. The point of the ad would be just to generate interest and tug at people’s heartstrings. As for alienating governments who oppose protective intervention, those governments who can be affected by a media campaign are those who need to please their citizens to remain in power. If the citizens get behind the ad in support of protective intervention, the governments will follow suit. Using the media to forward an agenda is not a new concept; states and political leaders are extremely fond of such action. Why not adopt it in the new multilateral frameworks too?
CHAPTER FIVE: CONCLUSIONS AND POSSIBLE LONG-TERM IMPLICATIONS

Does the International Commission on Intervention and State Sovereignty contain the necessary components to act as a model for “stage one” international decision-making? The answer to this broad question will be considered through ten separate questions. Following the ten questions; three additional questions looking at the long-term in international relations will be contemplated: the implications of this new style of international diplomacy; possible global repercussions should the ICISS succeed; and the salience of such proposals of new trends in international diplomacy and multilateralism and the role of the United Nations therein.

Question 1: Is this commission a carefully constructed international gathering of highly motivated and qualified experts in matters of state sovereignty and intervention?

The ICISS is indeed a carefully planned international gathering of talented individuals, chiefly sought, by the Commission’s creators, for their personal expertise, the societal grouping their current job title put them in (government, non-government, international institution), and the national and/or regional location they could be associated with. However, the suitability of the ICISS as a model falls short in this capacity in two areas. First, and tied to another concern that will be raised in a section to follow, the underlying goal of this commission was not simply to initiate the debate on reconciling sovereignty and intervention in international law; the choice of participants reflects this. There were too many participants who were already fully sold on the notion of forceful, non-consensual intervention. And, those indicated as not necessarily supportive, are fully supportive of the notion of human sovereignty/rights before state sovereignty. It follows that if one acknowledges that so far, violent conflict is part of the human experience (even if only indirectly), then protective intervention must be included as a possible
option to ensure that human rights are protected when violence is the only way to get through to the abuser.

The other major problem to address in this section refers to the discussion in the second chapter regarding the idiosyncratic method of selecting the participants. There was simply too much dependence on one individual, who, with all of his connections, was largely responsible for acquiring a number of the participants. One would presume that anyone or any state/organization contemplating an international congress to discuss a topic that affects every person on the planet would not even entertain the notion without feeling they had the necessary connections to make it work. However, relying on one person for so many of the connections could prove highly problematic should that individual cease to play as big a role, or be as influential, as occurred with the ICISS. (This too is related to another concern that will highlighted in a following section.)

**Question 2: Is the subject of their inquiry of immediate concern to the entire international community, necessitating an international debate?**

The subject of this inquiry is certainly of immediate concern to the entire international community. The precedent set by NATO’s intervention in Yugoslavia requires some attention by all of the state leaders. There is a real threat of similar regionally or unilaterally lead interventions, and without any formal guidelines, the requirement that any intervention be solely, or even predominantly humanitarian is not enforceable and certainly open to being abused or ignored.
Question 3: Are the usual international institutions responsible for such deliberation currently unwilling or unable to address this topic?

Yes, it is clear that both the United Nations General Assembly and the Security Council are not prepared at this time, to seriously engage in any discussions regarding placing a limitation on state sovereignty. Several states (not members of NATO) have indicated a serious shift in their security strategy, feeling threatened by NATO’s action. Southern nations are extremely wary of sovereignty-limitation discussions, deeply immersed in programs of growth for and/or rehabilitation of their economies, many once having been a colony, and already feeling some loss of sovereignty due to regulations set by external investment and aid organizations. Northern nations too are hesitant, some, like Japan, arguing the concept is too narrow, others, like the US, are concerned about losing control over which battles it fights.

Question 4: Do the goals and work of the ICISS thus far, indicate the Commission is only focused on initiating a first round of debate?

As alluded to in Question 1, not all of the goals of the ICISS were not published in its promotional brochure. Without a doubt, this commission has successfully created an international entity with an opportunity to engage in a first round of serious discussion on reconciling state sovereignty with intervention. But, the ultimate goal of the Commission’s creative team was not limited to engaging the international community in an initial dialogue, summarizing the experience in a final report, and encouraging the next round of debate. The ICISS creative team wants to see a resolution passed at the UNGA, enshrining humanitarian intervention—now called protective intervention—and the concept of the responsibility to protect into international law. That ultimate goal affected the decisions the team made regarding all aspects of the Commission, and ultimately leads one to a sense of bias towards a positive conclusion for protective intervention and thus a predetermined outcome for the report.
**Question 5: Are all sources of useful research and varying opinions being consolidated under the Commission?**

Despite the previous concern as to bias of the Commission, consolidation of a variety of research and opinions expressed throughout the Commission and elsewhere does appear to be occurring. Records of the participants at the regional roundtables indicate the research directors have been present at all of these meetings. The discussion papers submitted as backgrounders for the roundtables have been quite balanced in expressing viewpoints on protective intervention. Admittedly, the failure of the commissioned papers and their subsequent re-working by the research directorate does elicit some concern. Presumably the fixing being done is for qualitative purposes only, however, without access to the original papers, there is no way to ascertain exactly what displeased ICISS organizers about these papers and what prompted their editing. Were they poorly written or ill considered, or were they rejected because their conclusions did not please those in support of protective intervention? Before raising a flag for foul play however, what should be noted is that the research directorate is under the leadership of two distinguished scholars. They may be strong advocates of protective intervention, but they are also members of a community dedicated to objective scholastic inquiry, and have a reputation to protect therein. One should therefore expect at least a reasonably balanced and detailed third volume (the anthology and annotated bibliography).

**Question 6: Will the report be consensual?**

At this point, it appears the final report will be based on consensus. It will contain consensual-based recommendations that the international community seek to include their conception of protective intervention for use future intervention cases. The report will also recommend that serious thought be given towards recognizing the emergence of a new norm in
international law, they have named “the responsibility to protect.” At this point, it remains to be seen whether the commissioners as a whole will decide to recommend the UNGA proceed with a resolution to codify protective intervention and the responsibility to protect, based on the report’s recommendations.

Question 7: Will the report be submitted directly to state leaders and include the UN?

The ICISS report will be submitted to the UNGA, therefore almost all states will be included as first recipients and the United Nations is the chosen venue to do so.

Question 8: Will the report contain recommendations for further action?

The report of the ICISS will be submitted to the UNGA, redirecting debate on this matter to the official leaders of the community of states. With this action, the Commission as their primary choice for continuing to provide international leadership in security matters, including protective intervention, publicly recognizes the United Nations. That the Commission began with the approval and energetic support of the UN Secretary-General and will conclude at the UNGA in November, fits the “stage one” model’s definition; introducing the concept into international spheres of influence, but recognizing the real debate must eventuate among the states.

Question 9: Will those involved with the ICISS prepare and participate in the promotion of the Commission’s report?

Is everyone involved with or tied to the ICISS prepared to promote the final report’s recommendations to the degree necessary to effectively move it onto the international agenda at the UN? At the time of writing this paper (Aug. 2001), it is difficult to say with any certainty who will or will not promote this product. However, the poor attendance/participation of some
the commissioners has left some to question their resolve. Furthermore, throughout the ICISS mandate, the Canadian Ministry of Foreign Affairs has been relatively quiet in matters involving the protection human rights and the DFAIT human security agenda. Further still, the effective loss of the Ministry’s chief cheerleader for this cause, Lloyd Axworthy, along with the reassigning to other responsibilities, or absence from the Department, of some of his chief aids in developing the ICISS, is a serious issue surrounding the promotion of this report.

**Question 10: Will the members of the ICISS be effective in encouraging the international community to seek a resolution to this challenge?**

Without a strong Canadian presence, promotion within the UN will certainly suffer. And, without a leader who is passionate about the Commission’s work, aggressive Canadian support seems less likely then it might have a year ago. Nevertheless, there does remain a highly charged and well-connected group of individuals on the Advisory Board, on the Commission, in the research directorate, and as part of the ICISS secretariat/DFAIT. Will it be enough? Perhaps if one or more other nations take over or join up with Canada to promote it, it could. If the member states of the Human Security Network come out with keen support and continue to push for the report, and if ICISS strategists are correct in their belief that other states are also buying in to the conception of protective intervention and the international norm of the responsibility to protect, the ICISS might have enough support necessary to garner a formal debate in the UNGA.

**What could be some of the implications of adopting the ICISS’ style of international diplomacy?**

Imagine that the ICISS is successful and becomes the model for “stage one” international dialogue, would this affect the UN’s relevance? Could such a system of

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171 Axworthy, Aug. 15th
international decision-making lead to fragmentation and paralysis in the international arena?

One version of such an outcome could be that more and more groups circumvent international institutions and states, gathering enough support from non-governmental sources to force states hands. Who would such groups be answerable to? To whom would disapproval of decisions made in this way be expressed? How would one go about overturning it?

Another version of this scenario could be that more and more states take an interest in this circumvention method and the commissions become deeply politicized. Perhaps commissions on the same topics begin to form as states with opposing views try to counter one another's findings and recommendations. In such a scenario, not only has the UN lost its influence, but the commissions have become political tools and like the UN, ineffective. This would not be at all the debate-engendering vision of ICISS enthusiasts. To a certain extent, one can already see a bit of this today. It was September of 2000 that the ICISS began its work on the concept of humanitarian/protective intervention, centred on the Canadian idea of human security. In June of 2001, the 'Commission on Human Security' began its work, based on the Japanese version of human security.\(^{172}\) Both are trying to achieve things that are good for the planet, but they are not working together and the fact that the Japanese-lead commission began before the ICISS completed its work, could diminish interest in or even overshadow the final report of the ICISS.

What if the ICISS and its attempt at enshrining protective intervention into international law is a success?

The work of the ICISS is preceded by many years of research and recommendations as to how to deal with violent conflict among people. NATO action in Kosovo raised some eyebrows a little higher, and at a minimum, reinvigorated the calls to address the lack of clarity
at the UN regarding interventions. It is possible that the final report of the Commission and the
interest of state leaders will coincide. Should this occur, and the UNGA creates a resolution
supporting protective intervention, what might some of the repercussions be?

Given the evidence to date, one can almost certainly assume that at least one, likely
more, of the permanent members (P5) of the Security Council will resist such a move. If
however, a majority of the other members of the UN were in favour of it, would the UNGA be
able to put enough pressure on the resistant P5 state(s) to convince it/them to change their mind?
If not, would the member states of the UNGA go ahead without Security Council approval, under
the “Uniting for Peace” procedure, as suggested in the “ICISS Report-Elements Paper”? Would
a program of protective intervention truly be feasible without full support from the permanent
members? What if it was one of their allies that was facing an intervention? How might this
affect global stability? The same concerns could be raised should a significant number of the G-77
countries oppose protective intervention. Suppose all of the larger, permanent members of the
UNSC were in favour of the concept, would the stronger nations force it upon the weaker
countries? What might their reaction be? Might it shift the balance of power or decrease global
stability?

Perhaps there would be a massive shift in domestic policies the world over, leading to a
universal application of tolerance and respect for human life. That would be a great thing. One
must keep in mind however that a weakness in the application of this norm has already been
accepted and will indeed be published in the ICISS’ final report under precautionary principles:
the capacity to act. Some states, because of their level of power, especially military might, will
not face the same threat of intervention as others. Perhaps therefore, they need not abide by the
same principles of human rights provision. This is not to say that they wouldn’t abide by the
same human rights principles, but they would have a choice to do so. Might not the question for

some weaker states then become how to alter their security strategies to also avoid the possibility of one day being invaded? Some insight into this is provided in the following two quotations:

The national security calculations of many countries are likely to be affected in profound ways. It will surely have hardened the determination of security planners in Moscow, Beijing, Islamabad, New Delhi, Jerusalem and Pyongyang—not to mention Baghdad and Tehran—to put their faith in survivable nuclear forces rather than risk becoming the victims of the use of force by some future self-appointed guardians of world morality. At the Third Preparatory Committee meeting of the NPT 2000 Review Conference in New York last May, the Chinese publicly wondered if NATO would have bombed Belgrade had Yugoslavia been nuclear armed. Many other governments, alarmed at NATO triumphalism, made the same obvious connection in corridor conversations. They, too, might become interested in nuclear weapons to leverage future NATO or U.S. military action.173

The growing rift between Russia and the West is reflected in new editions of the highest official documents: Russia’s National Security Concept and Military Doctrine. They emphasize nuclear deterrence and nuclear first use as the principal pillars of Russian security; robust conventional defense against a “Balkan-type” attack by NATO; and regular employment of the armed forces to deal with local, including domestic conflicts. Russian military spending will probably rise from the present 2.8 per cent of Gross National Product to about 3.5 per cent.174

These comments suggest the possibility of a new kind of arms race building as states try to assert state sovereignty with might when it is taken away in law. The likelihood of this occurring is that much greater in light of the United States’ recent thrust towards a Theatre Missile Defence (TMD) program. A new arms race would be a very unfortunate outcome from the ICISS work, and should be something carefully considered by the commissioners for its possible long-term repercussions on international peace and security.

Is there a broader message that might be extracted from the creation of the ICISS?

Some have suggested that the end of the Cold War brought about a shift in international relations and governance, from “Realpolitik” to “Moralpolitik”. No more is the style of segregation and suspicion of all other states. The bleak outlook that states are constantly in a power struggle and either: in control of world affairs and desperately trying to stay at the top; or

173 Thakur, Peace’s High Price in Kosovo
174 Arbatov, Nov. 2001
subject to the whims of the strong, and constantly trying to replace those at the top. Instead, some argue, the world is moving toward an understanding of our shared humanity, where states increasingly consider the human implications of their decisions both within their territorial boundaries and outside them. More and more international institutions are being built, governed according to the will of all people, encouraging and regulating fairer trading, development assistance, arms control, peaceful conflict resolution, and even justice.

Neither of these visions of the world adequately reflects the world at present. World affairs are subject to a "new reality", but it is one that combines some of the principles of both realpolitik and moralpolitik. Sovereignty of the state is eroding, to some degree, both in the economic sphere and humanitarian sphere. Not all states are subject to the same degree of loss, but all are experiencing some. Calls for greater individual security and freedom to operate outside or without the state are growing. Civil society increasingly has a voice in political decision-making, and technology has increased the ability to engage in and/or know of large-scale atrocities anywhere in the world. The spread of the democratic governing style, a more even division of global power, and greater interdependence between nations, has led to calls for re-structuring the UNSC. Many are seeking a more equal, perhaps democratic system "to make it more representative of the membership and more legitimate in fulfilling its responsibilities."175

Perhaps UN reform truly is the issue most in need of immediate attention. Its leadership is being challenged by non-UN international movements like the Ottawa Coalition, the International Criminal Court coalition, the ICISS and, most recently, the Ogata Commission on Human Security. All of these coalitions and commissions have evolved in answer to some inadequacy at the UN. They, and many others before, have stated their desire to assist the UN, but if the number of international movements like these increases, with recommendations and even action

175 Carnegie Commission, xiii
occurring without the UN, the international community will lose its centre-piece, its hub. And without the hub, gravity takes over and the spokes fall away.

In the Millennium Declaration, the leaders of over 150 states in the world stated:

In addition to our own separate responsibilities to our individual societies, we have a collective responsibility to uphold the principles of human dignity, equality, and equity at the global level. As leaders, we have a duty, therefore, to all the world’s peoples, especially the most vulnerable and, in particular, the children of the world, to whom the future belongs.176

The creators of the ICISS and all those contributing to this Commission have taken the words of those leaders seriously, and attempted to facilitate meeting this goal of global unity in resolving one of the most devastating and challenging of issues: the threat to and loss of innocent lives in violent conflict within the borders of one’s homeland.

Is the ICISS the best model for “stage one” international decision-making? No. But is it a good model for those who wish to take collective action on something they feel deserves immediate attention, for the sake of global peace and security? Yes, and may we all be benefactors of their efforts.

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Bonser, Michael, Interview With Michael Bonser, DFAIT, Ottawa, ON, June 4th, 2001.


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APPENDIX A
MEMBERS OF THE COMMISSION177

Gareth Evans (Australia) (Co-Chair)

Mohamed Sahnoun (Algeria) (Co-Chair)
Special Advisor to the UN Secretary-General. Former Special Representative of the Secretary-General on Somalia and the Great Lakes of Africa.

Gisèle Côté-Harper (Canada)
Professor of Law at Laval University, Quebec City. Former Chair of the International Centre for Human Rights and Democratic Development and Member of the UN Human Rights Committee.

Lee Hamilton (USA)
Director of the Woodrow Wilson International Center for Scholars, Washington. Former US Member of Congress (1965-1999), where he served as Chairman of the Committee on International Relations.

Michael Ignatieff (Canada)
Visiting Carr Professor of Human Rights Practice at the Kennedy School of Government, Harvard University. Journalist and historian.

Vladimir Lukin (Russia)
Deputy head of the Yabloko faction, and former Chair of the International Affairs Committee, in the Russian Duma. Russian Ambassador to the USA (1992-1994).

Klaus Naumann (Germany)

Cyril Ramaphosa (South Africa)
Executive Chairman of The Molope Group and Member of the Board of Directors of the Electoral Institute of Southern Africa. Former Secretary-General of the African National Congress (1991) and Member of the South African Parliament (1994).

Fidel Ramos (Philippines)
President of the Ramos Peace and Development Foundation. Former President of the Philippines (1992-98)

Cornelio Sommaruga (Switzerland)
President of the Geneva International Centre for Humanitarian Demining. Former President of the International Committee of the Red Cross (1987-1999) and Switzerland's State Secretary for External Economic Affairs.

Eduardo Stein (Guatemala)
International Consultant with UNDP Panama. Former Foreign Minister of Guatemala (1996-2000), Executive Secretary of the Action Committee for Support to the Economic and Social Development of Central America and Head of the OAS Observer Mission to Peru's May 2000 general election.

Ramesh Thakur (India)
Vice-Rector of the UN University, Tokyo. Former head of the Peace Research Centre at the Australian National University, Canberra.

177 The information on this page is from the ICISS Website listed under: “Members of the Commission”, http://www.iciss.gc.ca/members-e.asp
APPENDIX B
MEMBERS OF THE ADVISORY BOARD

The Honourable Lloyd Axworthy (Chair)
Former Foreign Minister of Canada and current Director and CEO of the Liu Centre for the Study of Global Issues, University of British Columbia.

Her Excellency Maria Soledad Alvear Valenzuela
Minister of Foreign Affairs of the Republic of Chile.

Dr. Hanan Ashrawi
Former Cabinet Minister of the Palestinian National Authority.

The Right Honourable Robin Cook
Secretary of State for Foreign and Commonwealth Affairs, United Kingdom of Great Britain and Northern Ireland.

Mr. Jonathan F. Fanton
President of the John D. and Catherine T. MacArthur Foundation.

Professor Bronislaw Geremek
Chairman of the European Law Committee of the Sejm of the Republic of Poland.

Her Excellency Rosario Green Macias
Former Secretary of Foreign Relations, United Mexican States.

Dr. Vartan Gregorian
President of Carnegie Corporation of New York.

Dr. Ivan Head
Founding Director of the Liu Centre for the Study of Global Issues, University of British Columbia.

The Honorable Patrick Leahy
United States Senator.

His Excellency Amre Moussa
Minister of Foreign Affairs of the Arab Republic of Egypt.

His Excellency George Papandreou
Minister of Foreign Affairs of the Hellenic Republic.

His Excellency Dr. Surin Pitsuwan
Former Minister of Foreign Affairs of the Kingdom of Thailand.

Dr. Mamphela Ramphele
Managing Director, The World Bank Group and former Vice-Chancellor of the University of Cape Town.

His Excellency Adalberto Rodríguez Giavarini
Minister of Foreign Relations, International Trade and Worship of the Argentine Republic

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178 The information on this page is from the ICISS Website listed under “Advisory Board”, http://www.iciss.gc.ca/advisory_board-e.asp
APPENDIX C
The Track Record of Two Commissioners

Ramesh Thakur:

All of the following are taken from the United Nations University web-site at:
http://www.unu.edu/hq/ginfo/media/media%2Dindex%2Darchives.html.

“A safer world and a better life for all”

“U.N. deaths are no surprise”
- special to The Japan Times, Tokyo, Sunday, September 24, 2000

“Rich and Afraid of Peacekeeping”
- by Ramesh Thakur and David Malone, The International Herald Tribune, Paris, Wednesday, October 25, 2000

“Teaming Up Make Human Rights a Universal Fact”
- special to The International Herald Tribune, Paris, Thursday, December 10, 1998

“U.N. Must Balance Its Idealism with Global Reality”
- special to The International Herald Tribune, Neuilly-Sur-Seine, Friday, June 25, 1999

Vladimir Lukin:

While not direct proof of Vladimir Lukin’s support for intervention, the Yabloko Faction, of which he is deputy head, is a political party in Russia and the nation’s most outspoken political voice on human rights protection and the responsibility of the state to provide that protection.

See the Yabloko web site on human rights:

“Human Rights Emergency Declared”
By Sarah Karush, The Moscow Times, January 22, 2001, p. 5
“Prominent politicians and former dissidents joined more than 1,000 activists in Moscow this weekend to declare a national emergency for human rights and urge a consolidated fight to protect the Constitution.”

“Preliminary Conspiracy: analysis of the emergency congress of human rights activists which took place last weekend”
By Mikhail Gokhman, Izvestia, January 22, 2001, p. 3
“An all-Russian emergency congress of human rights activists was held at Hotel Kosmos last weekend. It was an "emergency" congress, as its delegates believe that the situation with human rights in the country is catastrophic. In his report, Duma Deputy Sergei Kovalev mentioned a trend towards the establishment of a new political regime in Russia...”