

The End of Intervention?

The responsibility to protect as international norm—and now, parody

The below talk was delivered on March 19, 2014, by Michael Ignatieff, who will lead the first Richard C. Holbrooke Forum symposium, Statecraft and Responsibility. He was speaking at London's Chatham House, home of the Royal Institute of International Affairs, moderated by Lindsey Hilsum, International Editor of Britain's Channel 4 News, who led the subsequent Q&A session.

When I planned this talk, in early March, I had entitled it "Is the Age of Intervention Over?" and was going to speak about the West's failure to take decisive action in Syria. Since then, we've had an intervention no one expected.

Russia's intervention in Ukraine is obviously a hinge moment in the twenty-first century. Anyone who knows Ukraine must have a sense of foreboding about where Russian actions are headed. We in the West have sought to comfort ourselves with the thought that Putin is a rational actor, moving his pieces about the geostrategic chessboard. We deeply want to believe that he knows what he is doing. At one level his strategic intentions seem clear enough: to secure the Crimean naval base in perpetuity and Russian access to the Black Sea and the Mediterranean. Beyond that, his purpose is to prevent Ukraine moving into the NATO orbit and to insert a sliver under the finger of Ukrainian political culture so as to ensure that all political actors there remain constantly aware of the limits on Ukrainian sovereignty. His purpose, in short, is to constrain in perpetuity the self-determination of the Ukrainian people. He doesn't need to annex eastern Ukraine or invade the whole of the territory to render Ukraine subservient to his sphere of influence.

So far, so rational, but why should we suppose that Putin will continue to behave rationally? He has said his aims are confined to Crimea. Who knows whether that is true, or whether success will turn his head and lead him on to over-reach? He also said he wasn't going into Crimea, so we don't know where we are and we have no reason to trust what he says.

There is also the question of whether Putin can control the forces he has unleashed. As someone whose Russian ancestors are buried in Ukraine, I would emphasize a point made by Timothy Snyder of Yale. Ukraine forms part of what he calls the *Bloodlands*, the blood-soaked ground of Eastern Europe cursed by a terrible history. What fills any observer with foreboding is the emerging confrontation between Ukrainian nationalists and Russians, both engaged in total denial of each other's history.

When Putin calls all Ukrainian nationalists fascists he is, of course, evoking 1941 and the collaboration of a tiny portion of the Ukrainian population in the German murder of the

Jews in Ukraine. A relatively small number of Ukrainians did collaborate in that horrible crime but to use the word “fascist” for all expression of Ukrainian nationalism is to demonize their politics. The Russian misuse of the word ‘fascist’ evokes the ways in which Serbs called all Croats fascist in 1991. When political language is used to demonize people and diabolize a cause, violence cannot be far off.

The language of fascism also works to conceal a Soviet genocide. Russians and those nostalgic for the Soviet Union use the language of fascism to hide, from themselves and then from others, one of the Soviet regime’s most terrible crimes-- the *Holodomor*-- the forced starvation of seven million Ukrainian kulaks and peasants during Stalin’s collectivization between 1931 and 1938.

So we have in Ukraine an accursed encounter between two languages of genocide that cannot speak truth to each other. This is the single most dangerous thing about the current situation—and why it’s not over. There is simply no way for either side to share truth about the historical realities that are driving the passions, frenzies and murderous desire for vengeance.

In other societies—Germany, South Africa, Argentina, Chile—shared truth has turned enemies into adversaries. Not in Ukraine. Not in Russia. A blood-soaked past remains unacknowledged and unshared. Such pasts are already inflaming and envenoming the present.

Ukraine also casts light on the new shape of the post-Cold War order. With the unilateral seizure of Crimea, the stability of the borders of all post-Soviet states is put in question. There isn’t a country that borders Russia that isn’t concerned about its territorial integrity and the future of its sovereignty. A tremor of fear is running down a wide arc of peoples from the Baltic to the Black Sea. The denuclearization of Ukraine so happily agreed in 1994 now seems a bitter irony to Ukrainians. They traded their nuclear weapons for assurances about their territorial integrity from Britain, the United States and Russia. There will be some Ukrainian nationalists who now wish they had never given up their nuclear weapons. They would have given them a guarantee of sovereignty worth considerably more than Western assurances. Other vulnerable states Iran perhaps, North Korea certainly, will conclude from the Crimean story that they should accelerate their already advanced nuclear programs.

Putin’s normative justification for the seizure of Crimea was ‘to protect’ ethnic Russians and Russian language speakers from imminent danger. The protection language is a language with which I have a certain association, since I was a member of the International Commission on Sovereignty and Intervention that devised the notion of the Responsibility to Protect (R2P). The language of Responsibility to Protect has now been served back to us in the form of mocking parody.

Those of us who have defended the language of humanitarian intervention to protect civilians need to purify it of the grotesque caricature that has been served back up to us.

Three clarifications seem in order. First, if you're going to advance the normative justification of protection when you use military force, then a normative criterion you must meet is that you must protect everybody. What is parodic about Putin's language is that he is using force to protect just one group of human beings. Secondly, protection has normative validity only when those protected are threatened with ethnic massacre or genocide. That was what the R2P criteria were, and they're worth restating, since a lot of people think if you say, "We must use force to protect civilians," that you can use that language when their democracies are overthrown, when they've got bad governments. Not so. The triggering conditions for justified protection were that civilians must be in mortal threat of their very lives. In the case of the ethnic Russians, there was no such threat.

Protection was in the UN Security Council mandate to authorize the intervention in Libya. There, protection of civilians morphed very quickly into regime change. In Crimea, what has bounced back to us has been Russian fury, some of it justified, at the ways in which protection in Libya was used to justify regime change. So, moving forward into the future, if we're going to protect civilians, let's protect civilians; let's not make it a cover for regime change.

The use of protection language in Libya created a precedent Putin was happy to exploit. The question we need to ask now is whether protection of civilians in Crimea is going to become the justification for Russian regime change in Ukraine. If 'protection' of Russian civilians in Ukraine were to be turned into a justification for regime change in either eastern Ukraine or in the country as a whole, that would be a recipe for civil war. For Ukraine will have no choice but to fight.

Events in Ukraine also force us to be clear about the international law of secession. Putin is saying unilateral secession of Crimea is mandated by the popular consent shown in the referendum. When Spetsnaz [Russian Special Forces] is watching over the voters going to the polls, this was constrained consent at the very best. But even if it was genuine consent, the fact that it was unilateral, without the consent of the Ukrainian people, is bound to store up trouble for the future. The normative principle we need to reaffirm in international affairs is that you can't compel a people to remain inside another country if they withdraw their consent, but if they leave they retain obligations to the normative and constitutional order they wish to leave: the constitutional order of Ukraine, but also of Canada, the United Kingdom and Spain. This is a counterintuitive thought but a deeply important one. Why are seceding groups bound to respect the constitutional order of a state they wish to leave? To avoid civil war. There are twenty other reasons I could offer, but that's the one that matters.

The unilateral secession of Crimea is unacceptable to the majority of the Ukrainian people. It's *force majeure*, and the long-term consequences of this are explosive, not just for Ukraine but for other small nations in Europe that may want to leave their constitutional homes. Look no further than the United Kingdom. A Scottish referendum is legitimate: both sides agreed to its terms and will abide by its result. Were the Scots to decide to secede in September—and don't exclude that as a possibility—what then must follow is a protracted negotiation about borders, defense installations, national debt and currency. It would be painful work, but it would be negotiated by both parties, and thus if successful would avoid civil war. Unilateral secession of Crimea, followed by unilateral secession of eastern Ukraine, would plunge the country into civil war.

Let me come to Syria since Syria and Ukraine are linked. It was always going to be difficult to get any common action by Russia and the US to stop the killing there, but now it seems to me to be absolutely impossible. I understand that the Americans and the British are deeply reluctant to intervene. The democratic constituency for humanitarian intervention has evaporated and for good reason: because of well-founded disillusion about Iraq, Afghanistan and the costs of both.

So obvious are these costs that the public has turned against intervention altogether. I wish to remind you, though, that no one is dying in Kosovo or in Bosnia. Sometimes interventions do work. Nevertheless, the democratic legitimacy for the use of force has collapsed in Western states.

As the bodies pile higher in Syria, however, sooner or later Western governments will be faced, once again, with the question of what to do to stop the carnage. The age of humanitarian intervention to protect civilians is not over, because civilians keep dying. Massive civilian death is more than a matter of shame. When it occurs in a geostrategically important region of the world, it imposes geostrategic costs on everybody, even the Russians. Sooner or later, Syria will demand action once again.

If you ask me what to do about Syria: I would engage in air interdiction to stop Assad from using air power—barrel bombs, helicopters—to torment and kill civilians. The only defensible purpose for the use of force in Syria would be to stop the massacre of civilians and to force Assad to deliver a ceasefire. We would use force to say to Assad, "You can't win. You can hold onto what you've got but you can't win, so come to Geneva and negotiate a ceasefire." A government cease-fire would give the rebels an incentive to impose one of their own, and once the killing stopped and civilians could be relieved of their torment, talk at Geneva might consolidate the cease-fire, leaving everyone in possession of what they hold, into something more permanent. That and not regime change is the best we can hope for.

In 2014 we're in a new world, split in two between authoritarian regimes and democratic ones, a world so split over the use of force to protect civilians that both sides serve each other parodic versions of the other's argument. It's a new world, but

also a return to a very old one indeed, the one described in the Melian dialogue in Thucydides' History of the Peloponnesian Wars, where "the strong do what they can and the weak suffer what they must." From the Baltics to the Black Sea coast, in southern Europe, all the countries that face Putin will now want security guarantees from us. Those in NATO will get them. Those without will not. The weak will suffer what they must.

It's a good thing that, thus far, the strong have not pushed their argument to the edge of war. It is a good thing that mutual economic dependence—on finance and energy--restrains hotter heads, but let us not be so naïve as to believe either that economics will trump politics or that all the actors in this drama will remain rational chess players. The world is too dangerous for us to entertain such illusions.

Lindsey Hilsum: You said the Scottish referendum was legitimate because both sides agreed. The Serbs didn't agree on Kosovo's independence.

Michael Ignatieff: No. We are paying in Crimea the consequences of unilateral military or non-Security Council approved action in Kosovo, (a), and (b) we're paying the price of the ICJ's (International Court of Justice) judgment in 2010 that unilateral declarations of independence by seceding states are not violations of international law. I felt as a Canadian that that was a catastrophic judgment. The Kosovo judgment served to rationalize Putin's case, and Putin is serving up a series of international law justifications that are parodic versions of some of the ones that he didn't like in the 1990s.

Lindsey Hilsum: You certainly were somebody who believed, from a moral perspective and political perspective—in humanitarian intervention. Do you think that you were wrong? Do you no longer believe what you used to believe because of what's happened?

Michael Ignatieff: I think I was certainly wrong, I've said lots of times I think I was wrong about Iraq, there's no question about that.

Lindsey Hilsum: You were in favor of the intervention in Iraq?

Michael Ignatieff: Well, it's a long story but the short answer is yes, and the reason was I had been up to see what Saddam Hussein had done to the Kurds, and if you've seen a people who have been hit with poisoned gas, it sears you all the way down, and this is an object lesson in the effect of strong emotion on political judgment. I had such strong emotions about the Kurds that it led me to accord trust to agents, Rumsfeld and Bush, and so on, who deserved no trust at all. The only thing I'd say is that the Kurds are living the best hours of their history as a consequence. That's not a justification for the mistakes or the cost. I still think it was a mistake. So yes, of course you learn. We should be extremely circumspect about the use of force. It should always be a last resort. It

wasn't the last resort in this case and the evidence was systematically falsified. One of the deepest reasons why people have backed off intervention was that they feel their consent was manipulated. The wells of democratic trust were poisoned by Blair and Bush and that means that in Syria when people are being massacred and there's a genuine case to interpose and stop them dying we won't be there because the wells have been poisoned. My point is not that military intervention isn't dangerous, it certainly is, not that it can't go wrong, it certainly can, I just don't want us to back ourselves into a position where we refuse an instrument when last resort really requires it.

Nik Gowing (BBC News): Is the age of normative thinking over? What is normative analysis? Because we listened to Putin three or four weeks ago saying we won't go into Crimea. He did. He says he doesn't want to divide Ukraine, and analysts including in Ottawa and elsewhere have been working on certain assumptions about what logical normative analysis is; that's been overturned considerably.

Michael Ignatieff: Normative thinking is in trouble in a world in which you have Spetsnaz airlifted into Simferopol and you have coercion of a free election and you have no guarantee that he doesn't go into Donetsk. But I still think it's extremely important for us to figure out what principles actually matter to us, what red lines we can't actually have crossed and one of them is unilateral secession under force. We don't want that. We want, I think, to reflect seriously about other things. Don't make promises you can't keep. There's something normatively embarrassing to me that we signed the Budapest Declaration guaranteeing the territorial integrity of a state and had absolutely no intention of doing so. That's the function of normative thinking here, to clarify what we should care about.

Question 4 (Ian Martin?): Michael, do you at this point think that the concept of responsibility to protect has actually taken us any further forward in the practical discussion of intervention? I was hopeful when the report appeared that it moved us beyond what had become a rather sterile debate about military humanitarian intervention. It now seems to me that that debate is in exactly the same place as it was, and I don't find that in any other way the concept has helped me as a practitioner decide what in practice to do across the broad area of preventive diplomacy, peacebuilding etc.

Michael Ignatieff: I think the honest answer is that at the very least R2P is in very serious trouble. What I tried to do in this talk is rescue the concept of protection, and to attempt to define what the normative criteria are that you would have to apply if you're going to use the word protection in UN resolutions or in any operation to come. But I would freely concede that we don't know what the operational correlates of R2P are at all. In each different situation you can get some normative language of the kind I'm trying to provide, about your objective being to protect civilians. How you actually do it on the ground varies in each case, depends on your capabilities. The only thing I've

learned about this is that if you make protection of civilians the mandate, don't make promises you can't keep. That means you have to have the military capability to return fire. "Protection is a promise" and if you make a promise, it has to be correlated to capabilities that are actually robust. Getting those capabilities from states is extremely difficult. So to your question 'has R2P taken us forward?', I would say: a millimeter and a half.

Lindsey Hilsum: Is this an end to humanitarian intervention? Did we kill it? Did Putin kill it? Or is it just very sick at the moment but with enough hope and enough nurturing and healing we can cure it?

Michael Ignatieff: There is no doubt that Putin has poisoned the language and poisoned the wells. We on the Western side are also paying the consequence of Kosovo and other actions. I defend Kosovo but you pay a price when you step outside international legality. I'm trying not to be an apologist for humanitarian intervention. I don't care about R2P. What I care about is UN missions that work, civilians that actually get protected. Thanks to our interventions there, nobody is dying in Kosovo or Bosnia, and they are dying in Syria, so all I care about is consequential international action that is clear about its moral purpose, limited in its expectations, adequately staffed with competent, capable, hardworking people who have the equipment to do the job—and the job is to protect human beings from horror.