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## Reconstructing Sovereignty: From Control to Responsibility

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## Reconstructing Sovereignty: From Control to Responsibility

### Abstract

As I stood with a standing-room only crowd last fall at a United Nations University of New York (UNU-ONY) event entitled, "Prevention of Mass Atrocities: From Mandate to Realization," I began to wonder how far the responsibility to protect (R2P) could be stretched. As defined by the UNU-ONY organizers, the purpose of the event was "to explore the work of mass atrocity prevention across the UN system, with a focus on the role of the new Office of the Special Representative for the Prevention of Genocide and Mass Atrocities (SRPGMA)." As I currently look at the international community's response to natural disasters such as the cyclone that devastated Burma, I reflect on the core document of this conference, the Report of the International Commission on Intervention and State Sovereignty (ICISS) entitled "The Responsibility to Protect (R2P)," and its applicability to situations that are not genocidal in nature or part of a broader civil conflict. As a result, the primary question for me is not who should be involved in such humanitarian/aid interventions, as is the case with the Falconer article, but whether the repressive government of Burma has the right, or authority, to keep any and all humanitarian assistance out of their country.

### Keywords

Human rights, War on terror, Humanitarian aid, Non-governmental organizations, Military

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## Reconstructing Sovereignty: From Control to Responsibility

by Eric K. Leonard

As I stood with a standing-room only crowd last fall at a [United Nations University of New York \(UNU-ONY\)](#) event entitled, "[Prevention of Mass Atrocities: From Mandate to Realization](#)," I began to wonder how far the responsibility to protect (R2P) could be stretched. As defined by the UNU-ONY organizers, the purpose of the event was "to explore the work of mass atrocity prevention across the UN system, with a focus on the role of the new Office of the Special Representative for the Prevention of Genocide and Mass Atrocities (SRPGMA)." As I currently look at the international community's response to natural disasters such as the cyclone that devastated Burma, I reflect on the core document of this conference, the Report of the International Commission on Intervention and State Sovereignty (ICISS) entitled "The Responsibility to Protect (R2P)," and its applicability to situations that are not genocidal in nature or part of a broader civil conflict. As a result, the primary question for me is not who should be involved in such humanitarian/aid interventions, as is the case with the Falconer article, but whether the repressive government of Burma has the right, or authority, to keep any and all humanitarian assistance out of their country.

In order to address this query, it is important to first assess the viability of applying the R2P principle to a natural disaster situation. Upon reading the report, it is clear that the intent of the document is not necessarily to contend with the results of a natural disaster, but to deal with both the prevention and reaction to man-made disasters that involve conflict and civil strife. Most notably the R2P principle would apply to situations regarding acts of genocide, war crimes, and crimes against humanity. However, as one reads the report it appears reasonable to stretch that focus to situations in which a state neglects to react to crisis situations like Cyclone Nargis. If we couple that neglect with the large-scale loss of life and subsequent human rights violations, it is feasible to claim that such a situation provides a valid justification for intervention based on the responsibility to protect principle. As described by [Human Rights Watch](#), Médecins Sans Frontières, and other prominent human rights' NGOs, the Burmese government's failure to react and subsequent denial of access to both aid agencies and willing states has resulted in mass starvation, wide-spread disease, a lack of adequate shelter and clean water, among other human rights' violations. According to a recent [Human Rights Watch estimate](#), only 1.3 million people of the 2.4 million people affected by the cyclone have received aid. It is this type of preventable situation that necessitates outside intervention because of the Burmese state's neglect of its civilian population.

Ultimately though, the question of humanitarian intervention turns, as do most questions in international affairs, on the issue of sovereignty and how this defining term of world politics is applied to humanitarian aid situations. The ICISS properly recognizes the centrality of this question in their report. As a result, they provide a novel and important re-construction of how we interpret this term. Building on former Secretary-General Kofi Annan's seminal article, "[Two Concepts of Sovereignty](#)," the report calls on the international community to act upon the notion of sovereignty not as a form of control, but as a responsibility—a responsibility to protect one's

citizens. The consequences of such a re-construction of sovereignty are cogently stated in the report:

*First, it implies that the state authorities are responsible for the functions of protecting the safety and lives of citizens and promotion of their welfare. Secondly, it suggests that the national political authorities are responsible to the citizens internally and to the international community through the UN. And thirdly, it means that the agents of state are responsible for their actions; that is to say, they are accountable for their acts of commission and omission.*

This third and final point is where international humanitarian intervention for natural disaster situations, such as Cyclone Nargis, becomes pertinent. As stated earlier, it is the omission of action by the Burmese government that allows for the international community to intervene based on the R2P principle. According to this new interpretation of sovereignty, Burma has a responsibility to protect its citizens, and if it lacks the adequate resources to fulfill this responsibility, it is incumbent on the international community to intervene. This is the point where the international community must act, but act with a diplomatic consciousness of the situation. This means that unilateral action must be avoided and the responsibility to protect resides with the U.N. Security Council. Although difficult to imagine the Chinese not vetoing a resolution requiring the opening of Burma's borders to all forms of humanitarian aid, the wide spread acceptance of the responsibility to protect principle in the 2005 U.N. World Summit final document provides a glimmer of hope. Regardless, it is simple cowardice by the international community to not react with a vote in the Security Council that, if vetoed, would result in the public shaming of the dissenting parties.

In my last roundtable contribution I called for a less state-centric system, and I believe that my current advocacy for a reconstruction of sovereignty is conducive to such change. This is not to say that the responsibility to protect principle results in a non-state centric system, but it is one way to re-orient state thinking on issues of authority and control. Such progress will only assist the international community to move beyond a Westphalian consciousness and towards the more cosmopolitan level of global governance consciousness that I advocate.

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