

**STATEMENT ENDORSED BY THE PRESBYTERIAN CHURCH IN CANADA
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THE CANADIAN CHURCHES AND THE RESPONSIBILITY TO PROTECT

Introduction

In October 2005, the Commission on Justice and Peace of the Canadian Council of Churches held one in a series of forums related to the topic of the responsibility to protect. At this meeting, it was decided that:

- “The Canadian Churches’ and the Responsibility to Protect” be the basis for formulating a document for discussion and discernment in the churches;
- a revised document be considered by the members of the Commission at its April 2006 meeting and then sent to the churches for a response; and
- a document which incorporates the responses from member churches be considered by the Commission when member churches have completed their deliberations.

At its meeting in Porto Alegre, Brazil in February 2006, the World Council of Churches (WCC) adopted a statement for study by member churches and eventual adoption by its member churches. The WCC document is an attempt to narrow the differences between those churches which support the just war theory and the historic peace churches by strengthening the call to prevention and peacebuilding while recognizing the responsibility to protect.

The document prepared by the Commission on Justice and Peace has been adapted for the Canadian context from the WCC Porto Alegre document.

The use of force for humanitarian purposes is a controversial issue in most intellectual and political spheres. While some believe that the resort to force must not be avoided when it can alleviate or stop large-scale human rights violations, others can only support intervention by creative, non-violent means. Others again, give a very high priority to territorial integrity and sovereignty. Churches too have necessarily entered this debate.

In history, some churches have been among those legitimising military interventions, leading to disastrous wars. In many cases, the churches have admitted their guilt later on. During the 20th century churches have become more aware of their calling to a ministry of healing and reconciliation, beyond national boundaries. In the New Testament, Jesus calls us to go beyond loving the neighbour to loving the enemy as well. This is based on the loving character of God, revealed supremely in the death of Jesus Christ for all, absorbing their hostility, and exercising mercy rather than retribution (Rom 5:10; Luke 6:36). The prohibition against killing is at the heart of Christian ethics (Mt 5: 21-22). But the biblical witness also informs us about an anthropology that takes the human capacity to do evil in the light of the fallen nature of humankind (Gen. 4). The challenge for Christians is to pursue peace in the midst of violence.

Canadian churches believe that every human being is created in the image of God and shares the human nature assumed by Jesus Christ in his incarnation. This resonates with the articles of the Universal Declaration of Human Rights. The WCC has therefore initiated an ecumenical “Decade to Overcome Violence 2001-2010: Churches Seeking Reconciliation and Peace” parallel to the United Nations “Decade for the Culture of Peace. 2001-2010”. It is in those who are most vulnerable that Christ becomes visible for us (Mt 25: 40). The responsibility to protect the vulnerable reaches far beyond the boundaries of nations and faith-traditions.

It is a shared responsibility, conceiving the world as one household of God, who is the creator of all. The churches honour the strong witness of many individuals who have recognised the responsibility to protect those who are weak, poor and vulnerable, sometimes paying with their lives.

From “humanitarian intervention” to the “responsibility to protect”:

The concept of Responsibility to Protect was developed by the International Commission on Intervention and State Sovereignty (ICISS) in its December 2001 report. It shifted the debate from the viewpoint of the interveners to that of the people in need of assistance, thus redefining sovereignty as a duty-bearer status, rather than as an absolute power. This innovative concept focuses on the needs and rights of the civilian population and on the responsibilities of sovereignty, not only on the rights of sovereignty. Hence, the shift from intervention to protection places citizens at the centre of the debate. States can no longer hide behind the pretext of sovereignty to perpetrate human rights violations against their citizens and live in total impunity.

The churches are in support of the emerging international norm of the responsibility to protect. This norm holds that national governments clearly bear the primary and sovereign responsibility to provide for the safety of their people. Indeed, the responsibility to protect and serve the welfare of its people is central to a state's sovereignty. When there is failure to carry out that responsibility, whether by neglect, lack of capacity, or direct assaults on the population, the international community has the duty to assist peoples and states, and in extreme situations, to intervene in the internal affairs of the state in the interests and safety of the people.

Our primary concern - Prevention:

To be faithful to that responsibility to protect people means above all prevention – prevention of the kinds of catastrophic assaults on individuals and communities that the world has witnessed in Burundi, Cambodia, Rwanda, Sudan, Uganda, the Democratic Republic of Congo, and other instances and locations of human-made crises. WCC studies showed that although churches have different views on the use of force for human protection purposes, they agree on the essential role of preventive efforts to avoid and, if possible, tackle the crisis before it reaches serious stages. Protection becomes necessary when prevention has failed.

Hence, churches emphasise the need to concentrate on prevention. While external intervention – by the use of force or non-violently - may seem unavoidable in some situations, churches should nevertheless be engaged in increasing the capacity of the local people to be able to intervene themselves by strengthening structures of the civil society and modern public-private partnerships, in terms of prevention as well as protection. Churches are called to offer their moral authority for mediation between differently powerful actors.

The prevention of catastrophic human insecurity requires attention to the root causes of insecurity as well as to more immediate or direct causes of insecurity. Broadly stated, the long-term agenda is to pursue human security and the transformation of life according to the vision of God's Kingdom. The key elements of human security are economic development (meeting basic needs), universal education, respect for human rights, good governance, political inclusion and power-sharing, just trade, control over the instruments of violence (small arms in particular), the rule of law through law-biding and accountable security institutions, and promoting confidence in public institutions.

On the other hand, the more immediate preventive attention to emerging security crises must include specific measures designed to mitigate immediate insecurities and to instil the reliable hope that national institutions and mechanisms, with the support of an attentive international community, will remain committed to averting a crisis of human insecurity.

At the national level, governments should undertake self-monitoring to become aware of emerging threats, establish mechanisms for alerting authorities and agencies to such emerging threats, engage civil society and churches in assessing conditions of human security and insecurity, initiate national dialogues, including dialogue with non-state actors, to acknowledge emerging problems and to engage the people in the search for solutions, and develop national action plans.

Prevention requires action to address conditions of insecurity as they emerge, before they precipitate crisis, which in turn requires specific prevention capacities such as early warning or identification of emerging threats or conditions of insecurity, and the political will to act before a crisis occurs. To act before a crisis is

present requires a special sensitivity to and understanding of the conditions and needs of people, which in turn requires the active co-operation of civil society, and especially faith communities which are rooted in the daily spiritual and physical realities of people. Faith communities are playing a major role in trust-building and truth finding processes in many contexts of crisis, such as truth and reconciliation commissions, trauma-healing centres, providing safe meeting places for adversarial groups, etc.

Forming the ecumenical mind on the dilemmas of the use of force:

It is necessary to distinguish prevention from intervention. From the church and ecumenical perspectives, if intervention occurs, it is because prevention has failed. The responsibility to protect is first and foremost about protecting civilians and preventing any harmful human rights crisis. The international community's responsibility is basically a non-military preventive action through such measures as the deployment of humanitarian relief personnel and special envoys, through capacity building and the enhancement of sustainable local infrastructure, and the imposition of economic sanctions and embargoes on arms, etc.

The international community has a duty to join the pursuit of human security before situations in troubled states degenerate to catastrophic proportions. This is the duty of protection through prevention of assaults on the safety, rights, and wellbeing of people in their homes and communities and on the wellbeing of the environment in which they live.

In calling on the international community to come to the aid of vulnerable people in extraordinary suffering and peril, the fellowship of churches is not prepared to say that it is never appropriate or never necessary to resort to the use of force for the protection of the vulnerable. This refusal in principle to preclude the use of force is not based on a naïve belief that force can be relied on to solve intractable problems. Rather, it is based on the certain knowledge that the objective must be the welfare of people, especially those in situations of extreme vulnerability and who are utterly abandoned to the whims and prerogatives of their tormentors. It is a tragic reality that civilians, especially women and children, are the primary victims in situations of extreme insecurity and war.

The resort to force is first and foremost the result of the failure to prevent what could have been prevented with appropriate foresight and actions, but having failed, and having acknowledged such failure, the world needs to do what it can to limit the burden and peril that is experienced by people as a consequence. This force can be legitimised only to stop the use of armed force in order to reinstate civil means, strictly respecting the proportionality of means. It needs to be controlled by international law in accordance to the UN Charter and can only be taken into consideration by those who themselves follow international law strictly. This is an imperative condition.

The breach of law cannot be accepted even when this, at times, seems to lead – under military aspects – to a disadvantage or to hamper the efficiency of the intervention in the short term. Just as individuals and communities in stable and affluent societies are able in emergencies to call on armed police to come to their aid when they experience unusual or extraordinary threats of violence, churches recognise that people in much more perilous circumstances should have the right to call for and have access to protection.

Churches may acknowledge that the resort to force for protection purposes in some circumstances will be an option that cannot guarantee success but that must be tried because the world has failed to find, and continues to be at a loss to find, any other means of coming to the aid of those in desperate situations. It should be noted that some within the churches refuse the use of force in all circumstances. Their form of responsibility is to persist in preventative engagement and, whatever the cost – as a last resort – to risk non-violent intervention during the use of force. Either of these approaches may fail too, but they both need to be respected as expressions of Christian responsibility.

The limits of the use of force:

Canadian churches do not, however, believe in the exercise of lethal force to bring in a new order of peace and safety. By limiting the resort to force quite specifically to immediate protection objectives, the churches

insist that the kinds of long-term solutions that are required – that is, the restoration of societies to conditions in which people are for the most part physically safe, in which basic economic, social, and health needs are met, where fundamental rights and freedoms are respected, where the instruments of violence are controlled, and in which the dignity and worth of all people are affirmed – cannot be delivered by force. Indeed, the limiting of legitimate force to protection operations is the recognition that the distresses of deeply troubled societies cannot be quickly alleviated by either military means or diplomacy; and that in the long and painstakingly slow process of rebuilding the conditions for sustainable peace, those that are most vulnerable are entitled to protection from at least the most egregious of threats.

The use of force for humanitarian purposes can never be an attempt to find military solutions to social and political problems, to militarily engineer new social and political realities. Rather, it is intended to mitigate imminent threats and to alleviate immediate suffering while long-term solutions are sought by other means. The use of force for humanitarian purposes must therefore be carried out in the context of a broad spectrum of economic, social, political, and diplomatic efforts to address the direct and long-term conditions that underlie the crisis. In the long run, international police forces should be educated and trained for this particular task, bound to international law. Interventions should be accompanied by strictly separate humanitarian relief efforts and should include the resources and the will to stay with people in peril until essential order and public safety are restored and there is a demonstrated local capacity to continue to build conditions of durable peace.

The force that is to be deployed and used for humanitarian purposes must also be distinguished from military war-fighting methods and objectives. The military operation is not a war to defeat a state but an operation to protect populations in peril from being harassed, persecuted or killed. It is more related to just policing – though not necessarily in the level of force required - in the sense that the armed forces are not employed in order to "win" a conflict or defeat a regime. They are there only to protect people in peril and to maintain some level of public safety while other authorities and institutions pursue solutions to underlying problems.

It is the case, therefore, that there may be circumstances in which affected churches actively call for protective intervention for humanitarian purposes. These calls will always aim at the international community and presuppose a discerning and decision-making process in compliance with the international community, strictly bound to international law. These are likely to be reluctant calls, because churches, like other institutions and individuals, will always know that the current situation of peril could have been, and should have been, avoided. The churches in such circumstances should find it appropriate to recognise their own collective culpability in failing to prevent the crises that have put people in such peril.

Proposals:

The Commission on Justice and Peace, Canadian Council of Churches meeting in April, 2006:

- a) *Invites* all member of the Canadian Council of Churches to consider adopting this statement on the Responsibility to Protect.
- b) *Asks* the Governing Board to table this report for discussion at a future meeting within the next 18 months.
- c) *Suggests* that churches refer to this report and to draw on the approaches and principles it articulates when considering appropriate responses to situations of conflict and humanitarian crisis.
- d) *Decides* to contribute to efforts coordinated by the World Council of Churches and other church bodies to develop an extensive ecumenical declaration on peace, firmly rooted in an articulated theology. This should deal with topics such as just peace, the Responsibility to Protect, the role and the legal status of non-state combatants, the conflict of values (for example: territorial integrity and human life).
- e) *Adopts* this statement on the Responsibility to Protect at a future meeting.