

State Sovereignty, Human Rights and the Responsibility to Protect

by Lorna Salzman (October 2015)

I hate getting articles on the issue of state sovereignty, such as one from The Bruges Group a few years ago urging the UK to remove itself from the EU on grounds that its sovereignty is threatened, not because they aren't interesting or important but because it means having to start doing more reading on the topic at hand. Already my initial and relatively narrow involvement in Islamism, which started ten years ago as a response to an ill advised anti-Israel resolution in the US Green Party (of which I am no longer a member) led to my spending the following years researching Islamism, women's rights, civil liberties, terrorism, fundamentalism and religious jihad, the main tenets of Islam, the extreme left, Israel/Palestine, and Political Correctness. My head hasn't stopped spinning.

The issue of state sovereignty is very important, especially when it intersects with human rights violations and calls for foreign intervention, and especially today regarding the European migrant problem and the influx of Muslims. My exposure was initially limited to how this relates to the issue of Israel's right to self defense and the role of the international courts regarding genocide and violations of human rights. I had also read some European academic papers on state sovereignty and whether or not the notion of a nation-state would be more protective of ethnic and minority rights than a country in which these sub-divisions were given greater autonomy or complete independence (my initial response was yes, having seen what happened in the Balkans). This issue is of course not moot but has become a bit quieter since the end of "the troubles" in N. Ireland and in Basque country in Spain. It of course was highly relevant in the post-war state called Yugoslavia, and in the southern Soviet provinces that are now independent and at least as repressive as the old Soviet Union.

The inability (or refusal, if you prefer) of nation-states to get involved with

foreign internal conflicts and genocide such as in Darfur, Rwanda and the Congo, not to mention the earlier refusal of western Europe regarding Kosovo and Bosnia, reflected what was and is the abysmal impotence of the UN, and the general (though not universal) reluctance of many countries to get involved in conflicts without the support of other countries or the approval of the UN, and has resulted in the slaughter of millions and millions of innocent civilians, particularly in Africa. Neither political party in this country has clean hands; the Rwanda massacre occurred under the watch of Pres. Jimmy Carter; that in Darfur under both George W. Bush and Barack Obama. The Congo massacres continue today, as do the rapes and looting in Sudan, and is now exacerbated by the crimes of ISIS, Boko Haram, Al Shabab and other sub-state terrorist groups. Somalia is a nightmare. Mauritania, India and Haiti are hotbeds of child slavery, with Haiti getting double points for widespread unremitting rape of defenseless women despite the hand-wringing of liberals over the earthquake and its persistent poverty.

The Lawfare Project in NYC headed by Brooke Goldstein has commendably taken on the issue of stealth jihad and one of its main tools, lawfare. Unfortunately the more glamorous and less sensitive topic of terrorism continues to hog the spotlight even though stealth jihad, in my opinion and that of some Lawfare workshop participants, presents a far greater threat to democracy and freedom in this country. In responding to the Muslim campaign of lawfare (using law as a weapon of war, to suppress free speech, promote ideology and undermine the law itself so as to allow the inculcation of shariah law into American institutions, legal system, academia, media and civil society), the importance of state sovereignty has been vigorously defended at the three Lawfare conferences in NYC, though admittedly most participants would be considered to be centrist or on the right.

The defense of sovereignty needs to be taken seriously, however, with regard to the right of Israel to self-defense and now with the grave European migrant problem underlain by African overpopulation, poverty, religious persecution and criminal elements (including Islamist terrorists) escaping the law in their own countries. Pro-Palestine pressure groups, Hamas, Hezbollah, Iran, and their sympathizers have made considerable headway in eroding the heretofore universally accepted (including the UN and international law and charters) right to self-defense of citizens and territory. In the virulent propaganda issued by

these groups, abetted by corrupt “impartial” experts in international law as exemplified by the infamous Goldstone report, and in the UN Human Rights Council (Arab-controlled) resolution to ban all criticism of Islam, there is a steady erosion of support from some human rights groups and lawyers for the notion of supreme nation-state sovereignty. This is reinforced by the equally reprehensible position of the international left that characterizes local resistance struggles as struggles by groups and regions who, the left insists, should be regarded as independent states themselves. This is intended to cast suicide attacks and bombing of innocent Israelis and communities as morally and politically defensible, not as acts of gratuitous unprovoked aggression.

Together, these novel notions of what should constitute sovereignty are being utilized by the pro-Palestine movement, its Arab supporters, the American left, and numerous complicit and naive Americans in the peace movement, including many American Jews. By their criteria, any Israeli response to invasion, missile attacks or suicide bombing is not considered justified, and even less supported is the notion that an attacked territory or citizenry has the right to not only defend itself passively in bunkers but to counterattack to destroy or remove the actual sources of the initial attacks. Thus, Israeli’s response to Hamas – identifying those areas and buildings housing weapons and ammunition used in the attacks – was decried as “disproportionate” and unjustified. It is as if the 1939 bombing of American ships at Pearl Harbor should have resulted in a “proportionate” bombing of Japanese ships rather than in a declaration of war to nip Japanese aggression in the bud.

Some human rights activists, and even some on the left such as Michael Berube, insist that we must have credible international bodies to deal with conflicts within nation-states and especially with tyrannical and maniacal regimes like those of Saddam Hussein and Omar Bashir of Sudan. This notion is based on the need to prevent the intervention of states with ulterior motives and agenda (i.e. the United States invasion of Iraq, for starters), as well as provide time and space for non-violent responses to these conflicts. Of course many sanctions have not worked at all and can be circumvented. But more stringent ones have rarely been tried. In the case of Darfur, some groups proposed preventing fly-overs of planes or the tactic of harbor blockades. In most cases, though, humanitarian reasons have been raised that effectively rule out just about every non-violent alternative.

In addition, we now have a large bloc of countries unified against western and American "hegemony" who are able to block even minimal sanctions or protective measures. These include some Muslim nations as well as radical leftist American groups intent on proving, despite evidence to the contrary, that the USA is the greatest violator of human rights in the world. In Rwanda, peace keepers were sent in to protect civilians....but they were unarmed and therefore rendered completely useless. The important subject of Responsibility to Protect has yet to be sorted out satisfactorily. It may never be sorted out in time to render future interventions undesirable or unnecessary. The horror and revulsion Americans felt over Darfur created a small but short-lived movement by blacks, Jews and Christians (no leftists) that tragically could not sufficiently counteract the criminality of Bashir and Sudan's government and mercenaries.

The argument against sovereignty needs to be examined closely. There is little doubt, for example, that the US resistance to abiding by the international criminal court, or any other supra-state body, is intended to defend American troops from being charged with human rights violations (as in Guantanamo) or war crimes, not to mention the indictment of Bush and Cheney themselves. Countering this is the argument that under present international and UN arrangements, and the influence of regimes and movements demanding sovereignty but committing crimes against their own people or gratuitous unprovoked acts of war (Hamas and Hezbollah), and absent any agreed-on criteria and oversight on who gets indicted and on what basis, political vendettas and acts of retribution could be protected under international law by any international body. The most egregious example was the threat by the UK, of all countries, to arrest Israeli minister Tzipi Livni if she entered the UK. She cancelled her trip, as have other Israelis under similar threats of arrest.

In light of this, it is strange to see the article by the Bruges Group resisting the notion of further UK integration into the EU, and its concerns about sovereignty, which they were ready to deny to Israel but claim for themselves when they threatened Tsipi Livni with arrest.

Yes, international norms and criteria for judging human rights violations, war crimes and genocide are desperately needed. But unless and until ways can be found to structure and oversee these judgements, and to prevent the manipulation of such bodies by states as well as sub-state criminal elements such as Hamas and Hezbollah, the notion of state sovereignty should remain intact even if

imperfect.

Lorna Salzman's career as an environmental activist and writer began when the late David Brower hired her to be the regional representative of Friends of the Earth in NYC. Later she worked as an editor on *National Audubon's American Birds* magazine and as director of Food & Water, an early opponent of food irradiation, and then spent three years as a natural resource specialist in the NYC Dept. of Environmental Protection. She co-founded the New York Green Party in 1984 and in 2004 she sought the U.S. Green Party's presidential nomination. She is the author of "