ROUNDTABLE: BALANCING LEGAL NORMS, MORAL VALUES, AND NATIONAL INTERESTS

Introduction Gareth Evans

hether the context is politics, diplomacy, or scholarship, the urge to simplify—to come up with single catchall explanatory theories or single big solutions—is all too common. Simplification may play well in keynote speeches, work wonders for book royalties, and certainly help politicians win elections, but its utility for real-world international decision-making is another story. The contributors to this roundtable have resisted its charms, recognizing that the conduct of international relations very often involves the balancing of multiple factors—including, in particular, legal and other norms, moral values, and national interests. While these may be compelling individually and sometimes mutually reinforcing, as often as not they will be in stark conflict with each other.

This messy reality poses multiple challenges and dilemmas, ones that I have experienced firsthand during my career as a foreign policy practitioner both in and out of government. I and my colleagues find ourselves constantly stretched and pulled, trying to find a balance, case by case, between competing imperatives. Doing justice or saving lives? Advancing national economic and security interests or being a human rights standard-bearer? Respecting national sovereignty or intervening to stop atrocities? Keeping security allies happy or campaigning against nuclear weapons? Doing what is politically popular or doing what is morally right?

International policymakers and those who influence them are not, however, condemned to completely ad hoc responses in these cases. There *are* guiding principles and new ways of conceptualizing problems that can help us untangle many of these familiar dilemmas. Each of the contributors to this roundtable—whether writing as a scholar or practitioner, whether tackling specific policy issues or addressing multiple issues from a particular disciplinary perspective—has sought to identify and argue for such principles. As such, each paper, presented initially

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in February 2018 in a Berlin workshop convened by Friedrich Schiller University Jena, stands alone as a significant contribution to the literature and provides useful guidance to policymakers.

An overarching issue echoed in a number of the essays, which perhaps arises more than any other in discussions of the dilemmas confronted by foreign policymakers, is the supposedly irreducible tension that so often seems to exist between hardheaded national interests on the one hand and widely recognized ethical values on the other. But it has long been my view that this tension largely evaporates if one is prepared to rethink the basic principles involved.

The trouble begins with the way in which "national interests" are almost universally conceptualized in just two boxes: either geopolitical, strategic, and physical-security-related interests, or trade, investment, and other economic-related interests. If one limits the concept to that familiar duo, how does one square that with being a liberal internationalist? Should we care about human rights atrocities, health epidemics, environmental catastrophes, weapons proliferation, or any other problems afflicting people who are far away only in situations where these developments have a direct impact on our own security or prosperity? Should we care about Islamist terrorism in the Middle East only because extreme jihadist movements of this kind may recruit deluded young men who may then return to threaten our homeland security? Should we care about refugees from Syria and Afghanistan only because they might become "queue-jumping" asylum seekers threatening our territorial integrity or domestic harmony?

Of course, governments do occasionally make commitments that cannot easily be characterized as advancing the traditional security-prosperity duo. Sometimes they explain them in terms of meeting international legal obligations, or (more often) as *value* issues: doing the right thing simply because it *is* the right thing. But the trouble is that even when governments, of whatever political color, do act decently—providing, say, disaster relief to earthquake victims in a small country far away—most of the time these actions are seen, by themselves and others, as discretionary add-ons, not as engaging in the hardheaded, hardcore business of foreign policy. That means such commitments become very susceptible to the vagaries of domestic politics, where there is a congenital reluctance to assume public support for what cannot be described in very concrete national interest terms.

The solution lies, I have long believed, in describing national interests as comprising not just the familiar duo of security and economic interests but a distinct

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third category as well, namely, every country's national interest in being, and in being seen to be, a good international citizen. Being a good international citizen means being willing to engage in cooperative international action to advance global public goods, or—putting it another way—to help resolve what Kofi Annan described as "problems without passports": those issues that are by their nature beyond the capacity of any one state, however great and powerful, to solve on its own. The list is familiar. It includes achieving a clean and safe global environment; a world free of health pandemics, out of control cross-border population flows, mass atrocity crimes, international trafficking of drugs and people, cross-border terrorism, and extreme poverty; and a world on its way to abolishing all weapons of mass destruction.

"Good international citizenship" as a third category of national interest helps bridge the gap between realists and idealists by embodying the idea that idealism can in fact be realistic. This is because there are concrete returns—in terms of reputation and reciprocity—when a state is seen to be a good international citizen. Enhancement of a state's international reputation is bound to work, over time, to its economic and security advantage. The Scandinavians, in particular, have long understood this: irreproachable Sweden is one of the world's major armaments sellers!

As to reciprocity, foreign policymakers are no more immune to ordinary human instincts than anyone else. If I take your problems seriously, you are that much more likely to help me solve mine. My help for you today in solving your terrorism problem or environmental problem or piracy problem might reasonably lead you to be willing tomorrow to help solve my refugee problem, or at least vote for me for a major international position such as a seat on the Security Council.

Good international citizenship as a core national interest has won a degree of recognition in the academic literature.¹ But much work remains to persuade governments around the world that they would have an easier time selling multilateral commitments to skeptical domestic audiences if they worked harder at explaining the reputational and reciprocity benefits involved.

Of course, not all the global public goods or ethical aspirations that most of us might instinctively embrace are universally, or uncontroversially, seen as compelling. One such issue, which lies squarely at the intersection of law, morality, and national interest, and on which policymakers have long been divided, is international intervention to halt or avert genocide and other mass atrocity crimes being

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perpetrated behind sovereign state walls. A principled solution is now at hand in the form of the Responsibility to Protect. It commands almost universal consensus in principle, but the struggle for its acceptance has been a long one, and its effective practical implementation remains a work in progress.

RtoP—initially the product of an international commission sponsored by Canada, which I had the privilege of co-chairing²—has three distinct pillars: (1) the responsibility of a state to its own people not to commit mass atrocity crimes or allow them to occur; (2) the responsibility of other states to assist those lacking the capacity to so protect; and (3) the responsibility of the international community to respond with "timely and decisive action"—including, ultimately, with coercive military force if that is authorized by the Security Council—when a state is "manifestly failing" to meet its protection responsibilities. Those of us involved in the creation of the RtoP concept were trying neither to create new international legal rules nor to undermine old ones. Our intended contribution was not to international relations theory but to political practice. We wanted to generate a reflexive international response that mass atrocity crimes are the business of everyone, not of no one.

How well have we succeeded? Looking at the catastrophic series of events in Syria and the continuing ugly situation in the Democratic Republic of the Congo, the disastrous war in Yemen and the terrible ethnic cleansing of the Rohingya people in Myanmar, it would be easy to say that nothing has changed for the better. But, measured against four basic benchmarks, it is possible to make a more positive, albeit not remotely complacent, assessment.

Normatively, RtoP has achieved a global acceptance unimaginable for the earlier concept of "humanitarian intervention," which RtoP has now rightly and almost completely displaced. The best evidence for this lies in the General Assembly's annual interactive debates since 2009, which have shown ever stronger and more clearly articulated support for what is now widely accepted as a new political (if not legal) norm, and in the more than fifty resolutions referencing RtoP that have now been passed by the Security Council (more than forty of them coming *after* the bitter disagreements over Libya in 2011).

Institutionally, more than sixty states and intergovernmental organizations have now established RtoP "focal points," that is, designated high-level officials whose job is to analyze atrocity risk and mobilize appropriate responses. RtoP has brought more organized attention to civilian response capability, and to the

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need for militaries to rethink their force configuration, doctrine, rules of engagement, and training to deal better with mass atrocity response operations.

Preventively, RtoP-driven strategies have had a number of successes, notably in stopping the recurrence of violence in Kenya after 2008; in the West African cases of Sierra Leone, Liberia, Guinea, and Côte d'Ivoire over the last decade; and in Kyrgyzstan after 2010. Today, volatile situations such as the one in Burundi get the kind of continuing Security Council attention unknown to Rwanda in the 1990s. Strong civilian protection mandates are now the norm in peacekeeping operations. And the whole preventive toolbox—long-term and short-term, structural and operational—is much better understood, albeit with action still often lagging behind rhetoric.

Reactively, however, where it matters most that RtoP make a difference, the record has been at best mixed. On the positive side are the success stories such as Kenya, Côte d'Ivoire, and, at least initially, Libya, as well as the partial successes that can be claimed for UN operations in the Congo, South Sudan, and the Central African Republic. But as mentioned above, these must be weighed against serious failures in Sri Lanka, Sudan, more recently in Myanmar, and above all in Syria. Reestablishing Security Council consensus in these hardest of cases is not impossible, but it will take time. Brazil's "responsibility while protecting" proposal—in which policymakers in both China and Russia have expressed interest—remains the most constructive of all the suggested ways forward, requiring as it would all Council members to debate more comprehensively the criteria that need to be met before any use of force is authorized and to accept close monitoring and review of any coercive military mandate throughout its lifetime.

Being an incorrigible optimist,³ I continue to be confident about the ultimate effective elimination of mass atrocity crimes. In international relations, as in life itself, outlooks can be self-reinforcing. Pessimists see conflict, horror, and sheer human idiocy as more or less inevitable, and adopt a wary and competitive approach to the conduct of international relations. But for optimists of all stripes and colors, what matters is believing in and nurturing an instinct of cooperation in the hope and expectation that decent human values will ultimately prevail. If we want to change the world for the better, we must start by believing that change is possible.

But while optimism, like pessimism, is self-reinforcing, it is not necessarily selffulfilling. We do not get to change the world simply by believing in its possibility: we have to work for it. This includes developing the kind of conceptual tools that

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may make argument for change more persuasive with policymakers and publics. As the following papers all demonstrate, there is a continuing disposition among policymakers—and not only in Donald Trump's America—to regard the pursuit of moral values internationally as distinct from, and as likely to be in tension with, national interests. I continue to believe that extending the concept of "national interest" to include being, and being seen to be, a good international citizen would be very helpful in countering that perception and in generating real commitment not only to the effective implementation of RtoP but to the pursuit of other global and regional public goods. One lives in hope that, with the help of the arguments in this collection, this reconceptualization will eventually gain political as well as intellectual traction.

NOTES

¹ See, for example, Nicholas J. Wheeler and Tim Dunne, "Good International Citizenship: A Third Way for British Foreign Policy," *International Affairs* 74, no. 4 (1998).

² International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), www.globalr2p.org. See also Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All* (Washington, D.C.: Brookings Institution Press, 2008).

³ See Gareth Evans, *Incorrigible Optimist: A Political Memoir* (Melbourne: Melbourne University Press, 2017).