# The global rule of law is under fire

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*Erna Paris’s latest book is* The Sun Climbs Slow: The International Criminal Court and the Struggle for Justice.

Are we witnessing a hollowing out of the global rule of law and other norms that have provided a framework for peace since the end of the Second World War? It is true that the laws, treaties, statutes, and regulations – so reluctantly negotiated by nations anxious to maintain their sovereignty and rights – have often been honoured in the breach; but until recently the breach, itself, was seen as an aberration, as a subject of fierce international debate.

Less so now, it seems. As postwar configurations of power shift and new pockets of violence erupt, international institutions seem less able to make a difference. In consequence, the world is becoming a lot more dangerous – again.

Russian President Vladimir Putin illegally annexes Crimea in a throwback to similar deadly events that preceded both world wars, then initiates a proxy campaign in Ukraine. The international community imposes sanctions: its only non-military tool. A beleaguered Secretary of State John Kerry fails to mediate a sustained ceasefire in the Gaza war, signalling America’s diminishing influence in the Middle East. Israel and Hamas feel free to dismiss the envoy of the United States. They’ll take care of business once they’ve met their respective goals. Independent cells such as ISIL in Iraq threaten populations. The UN Security Council recommends humanitarian aid. U.S. President Barack Obama unilaterally orders airstrikes.

The surprise may be that humanity was able to establish international rules in the first place. After the bloodletting of the American civil war, the 19th-century European powers strained to define the laws of war. The League of Nations was born in a burst of hope after the First World War, then dissolved into failure. Not until 1945, with the horrors wrought by Hitler still fresh in memory, were ongoing international safeguards established.

After a homicidal half-century in which tens of millions died, the founding of the United Nations was hailed as a moral and legal triumph. The Geneva Conventions had been fought over since 1864 before they were agreed to by the major powers in 1949. The creation of myriad UN agencies such as UNESCO, mandated to promote universal education; UNICEF, with a focus on protecting children; the UN Commission for Human Rights, devolved from the unprecedented Universal Declaration of Human Rights; and the novel concept of UN peacekeeping – all were expressions of internationalism and postwar hope.

The structures still exist; in fact, they were augmented by the Responsibility to Protect doctrine, which was adopted at the 2005 World Summit, and the creation of the International Criminal Court in 2002, both of which advanced international humanitarian law and loosened the constraints of sovereignty if a state committed atrocities against its own citizens. But they have become incrementally fragile, and with hindsight two milestone events may suggest why.

In the 1990s, the international failure to protect civilians in Rwanda and Bosnia resulted in the NATO-led bombing of the former Yugoslavia in 1999 – the first such use of military force without the approval of the UN Security Council. The Security Council had already proved itself culpably negligent: Russia and China had vetoed non-military options in December, 1994 and in February, 1999. NATO attacked in March.

Humanitarians were cautiously in favour during the controversial campaign – myself included. The choice was distressing: saving civilian lives or upholding international law with respect to the use of force. Either way, a precedent was set. In 2003, George W. Bush similarly bypassed the UN when he invaded Iraq with the support of a small “coalition of the willing.”

Both these milestones were turning points. They were followed by the Bush administration’s efforts to legalize torture during the “war on terror,” by a failed intervention in Libya that gave way to civil war, and by subsequent Security Council vetoes on efforts to end the debacle in Syria, or refer perpetrators of war crimes to the ICC. More recently, the bombing of UN facilities in Gaza – on the symbolic locus of international law, itself – may be seen as a secondary attack on the international order.

Canada is no idle bystander to this trend. Prime Minister Stephen Harper is hostile to the UN, contributing to a developing disregard for the organization. He disdains multilateral diplomacy, the mainstay of global relations. In the case of Omar Khadr, he has egregiously flouted international rules regarding child soldiers.

The United Nations needs support, not animosity. It also needs reform. The emergent inclination to brush aside breaches of global law is a dangerous trend.

Before the advent of international laws and institutions, local brush fires ignited a terrible conflagration that lasted, with a short intermission, until the mid-20th century. There are many such fires raging today. Only the rule of law can protect us.