PEOPLE'S NEWS

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CETA is signed—but still a long way to go!

On Sunday 30 October the EU and Canada finally signed the Comprehensive Economic and Trade Agreement. Following Brexit, the agreement was classified as a mixed agreement by the EU Commission and therefore requires ratification not only by the EU but also by the twenty-eight member-states, as well as the EU Parliament.

Altogether, to enter fully into force CETA must still clear some thirty-eight national and regional parliaments in the EU in the coming years.

If the EU Parliament approves the agreement (most of the Irish members oppose it) it will then be "provisionally implemented." This means that the parts of the agreement that are deemed to affect only EU law and not national laws will be implemented, most probably in early 2017. After that the agreement will be sent to national parliaments of the member-states for ratification.

Thanks to a recent ruling by the German Constitutional Court, the whole concept of a corporate investment court (ISDS) will now go to the highest EU court to rule on its legality—something that risks invalidating not only CETA but the EU's entire trade agenda.

It's clear that this round of ratification will not be easy, and there are also a number of Constitutional Court cases pending, including one in Canada lodged last week.

A referendum on CETA is legally possible in fourteen member-states, but only in three (Hungary, Lithuania and the Netherlands) can citizens trigger a referendum. In the Netherlands a number of NGOs have begun the preparation for a citizen-initiated referendum on CETA.

Unfortunately, the Irish government is fully in support of CETA, and supports provisional application, despite a recent vote in the Seanad rejecting it. It is highly likely, therefore, that a vote in the Dáil would be in favour and that the Seanad would be reined in.

Article 29.5.2 of the Constitution of Ireland requires that the Government obtain the approval of the Dáil should they wish the Irish state to be bound by an international agreement that might lead to the placing of a financial charge on the state. The purpose of investment-state dispute settlement (ISDS) in CETA is to do just that. Therefore, no matter what they might think, the EU Council cannot "provisionally apply" CETA to Ireland before such approval; and the Dáil cannot vote on it unless the Irish state satisfies itself that ISDS is legal under EU law.

The only alternative then is a court challenge and a possible referendum. However, irrespective of any challenge, this agreement has such myriad and far-reaching effects that it should be put to the people for decision.

The proposed ISDS court is likely to contravene the Constitution in the following areas at least:

• it possibly infringes article 15.2.1, which vests in the Oireachtas the sole power to make law;

• it certainly infringes article 34.1, which vests in the Irish courts the power to dispense justice;

• it certainly infringes article 34.3.2, which makes the High Court and appellate courts above it the sole courts in which a law may be questioned.

Other provisions, such as regulatory convergence, are also likely to be found to interfere with the prerogative of the Oireachtas to make Irish law.

CETA spells disaster for our health and environment; it creates a nightmare for governments resisting privatisation; it gives corporations the right to sue governments in special courts; and it would be a disaster for workers' rights.

If CETA passes the EU Parliament and gets "provisionally applied" we would be part of the deal and subject to ISDS challenges for at least two years. If the deal is fully approved, however, leaving it would take up to twenty years.

So, a crucial task at the moment in which all of us can participate is to put pressure on our MEPs, other than those who have pledged to vote against CETA, to do so.

Study finds that CETA would adversely affect workers

A recent study by Tufts University in Massachusetts, using the UN "global policy model," has shown that CETA would lead to wage compression, job losses, a reduction in the share of national income accruing to labour,and net losses in GDP.

It also shows that the economic model used by the EU, which assumes full employment and no negative effect on income distribution, ignores all the major risks of deeper liberalisation.

Like other "new-generation" trade agreements, CETA aims at further liberalising trade, investment and other areas of society so far protected from market competition. CETA is therefore more than just a trade agreement and needs to be approached in its complexity, without blinkers.

CETA's proponents emphasise the prospect of greater growth in GDP as a result of rising trade volumes and investment. However, official projections suggest gains in GDP of up to 0.08 per cent for the European Union and 0.76 per cent for Canada.

More importantly, all these projections stem from a single trade model, which assumes full employment and no negative effect on income distribution in all countries, excluding the major risks of deeper liberalisation. This lack of intellectual diversity and of realism which shrouds the debate about CETA's alleged

economic benefits calls for an alternative assessment, grounded in sounder modelling premises.

This study,using the UN model, provides alternative projections of CETA's economic effects. Allowing for changes in employment and income distribution, and acknowledging that CETA is more than just an old-fashioned trade agreement, produces very different results. The authors find that CETA would cause unemployment, inequality, reductions in welfare benefits, and a reduction of intra-EU trade. Specifically, they find that—

• CETA would lead to **intra-EU trade diversion**. Trade balances and current accounts in Germany, France and Italy might improve, but this would happen to the detriment of Britain and other EU countries.

• CETA would lead to a **reduction in the labour income share**. Competitive pressures exerted by CETA on firms and transferred to workers would raise the share of national income accruing to capital and symmetrically reduce the share of national income accruing to labour. By 2023 profit's share would have risen by 1.76 per cent and 0.66 per cent in Canada and the EU, respectively, mirroring the decline in labour's share.

• CETA would lead to **wage compression**. By 2023 workers would have lost average annual increases in earnings of €1,776 in Canada and between €316 and €1,331 in the EU (depending on the country). Countries in which labour has a higher share of national income and with greater unemployment, such as France and Italy, would experience the most pronounced wage compression.

• CETA would lead to a **net loss in government revenue**. Competitive pressures exerted by CETA on governments by international investors, and shrinking policy options for supporting national investment and production, would reduce government revenue and expenditure. Government deficits as a proportion of GDP would also increase in every EU country, pushing public finances closer to or beyond the limits set by the Maastricht Treaty.

• CETA would lead to **job losses**. By 2023 approximately 230,000 jobs would be lost in CETA countries, 200,000 of them in the EU and 80,000 more in the rest of the world, adding to the rising dependence ratio (the average number of people supported by one job).

• CETA would lead to a **net loss in GDP**. As investment and foreign demand remained sluggish, shortfalls in aggregate demand nurtured by higher unemployment would also hurt productivity and cause cumulative losses in welfare benefits amounting to 0.96 per cent and 0.49 per cent of national income in Canada and the EU, respectively. While Britain (−0.23 per cent) and Germany (−0.37 per cent) might be least affected, France (−0.65 per cent) and Italy (−0.78 per cent) would lose more than other EU countries (−0.53 per cent). Unfortunately, they did not include Ireland.

In sum, CETA would lead not just to economic losses but also to rising unemployment and inequality, with negative implications for social cohesion in an already complex and volatile political situation.

The authors conclude that seeking to increase exports as a substitute for domestic demand is not a sustainable growth strategy for the EU or Canada. In the present context of high unemployment and low growth, improving competitiveness by lowering labour costs can only harm the economy.

Were policy-makers to adopt CETA and go down this road they would soon be left with

only one option for reviving demand in the face of growing social tensions: increase private lending, possibly through renewed financial deregulation, opening the door to unsustainable debt and financial instability.

Instead of repeating the errors of the past, policy-makers should stimulate economic activity through co-ordinated and lasting support of labour incomes and seek ways of initiating a badly needed socio-environmental transition.

The Oettinger and Barroso affairs

The EU Commission continues to demonstrate that it is arrogant, elitist, and out of touch. Its failure to sensibly engage with the fall-out from the racist and homophobic remarks of Günther Oettinger, the German member of the EU Commission, raises questions about how seriously the Commission takes these issues and whether the EU's rhetoric on these matters reeks of hypocrisy.

Oettinger described visiting Chinese ministers as "slitty-eyed" in a shocking speech last week. He went on to mock women and gay marriage. Criticising Germany's present political agenda, he listed other issues he disagreed with, such as maternity leave, retirement allowance, and child-care allowance. He finished the list by saying that "perhaps compulsory gay marriage will be introduced."

Oettinger, who served as state premier of Baden-Württemberg until 2010, is no stranger to headline-grabbing controversy, having once stated that he would rather commit suicide than be married to the leader of the populist Alternative for Germany, Frauke Petry.

Oettinger used a newspaper interview to defend his remarks, claiming they were "sloppy" rather than racist.

He has since faced demands for his resignation in both Brussels and Berlin, but the Commission refused four times to apologise for the remarks. Asked if there would be an investigation, its chief spokesperson said that "there is no FBI at the European Commission" and that they had "nothing to add" to the interview, in effect endorsing Oettinger's "sloppy language" excuse.

The fact that the president of the Commission, Jean-Claude Juncker, did not speak to Oettinger about the speech, and that in a second set of comments Oettinger branded Wallonia "a micro-region ruled by communists," speaks volumes about the EU Commission. So much for championing "European values"; perhaps they're only for the "little people."

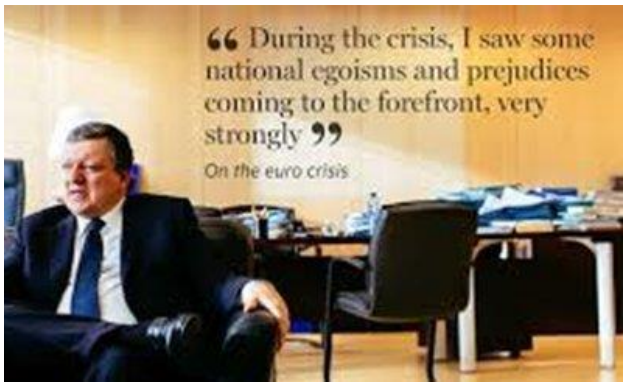
Astonishingly, Oettinger has been promoted since his "slitty-eyed" speech to the post of commissioner for financial programming and the budget. Let's hope he's dealt with by the EU Parliament hearing before he takes up his new job. If Enda Kenny behaved like this he'd almost certainly be consigned to oblivion; but then the arrogance of the EU elite knows no bounds.

And then there's José Manuel Barroso, former president of the Commission. The Commission has just published a report by its "independent ethics committee." Not surprisingly, it exonerates Barroso for taking a lobbying job with the American investment

bank Goldman Sachs, though it does state that Barroso lacked judgement by associating the EU with the "negative image of financial greed" symbolised by the bank, which played a significant role in triggering both the 2007 global financial crisis and the continuing Greek debt crisis.

Juncker had defended Barroso, but after an intervention by the EU ombudsman, Emily O'Reilly—who recalled that article 245 of the EU treaties bestows on commissioners an open-ended duty to behave with integrity, both during and after their term of office—Juncker referred the case to the Commission's ad hoc advisory committee.

O'Reilly issued a statement saying that she remained worried about both the Barroso case and the rules on commissioners' conduct. "The ombudsman will now reflect on the next steps—including a possible inquiry—she will take in relation to this important issue." O'Reilly says she had been taken aback by the Commission's stubborn insistence that the rules had been met when so many people claimed otherwise.



More than 216,000 people signed two petitions demanding that strong measures be taken against Barroso, and that the limitations on former commissioners' conduct should be tightened. The Commission has treated these calls with disdain, even locking the doors of its head office when the petitioners came to hand over the signatures.

It also emerged a few weeks ago that Barroso had closer contact with Goldman Sachs during his tenure as president of the Commission than he previously admitted, having held unregistered meetings with Goldman's most senior managers.

Nine of the twenty-six commissioners who left office in 2014 have since taken up positions in organisations with links to big business. In one example, the former commissioner for competition Neelie Kroes took up a job in May with Uber Technologies Inc., a firm that she vocally supported while in office.

British High Court ruling on article 50

On 3 November the High Court in London ruled that the government must seek parliamentary approval in order to trigger article 50 of the Lisbon Treaty, the formal process for leaving the EU. The government has confirmed that it will appeal the decision, with a hearing at the Supreme Court expected to take place in December.

What are the consequences of this decision?

Firstly, the intention of the prime minister, Theresa May, to trigger article 50 by the end of March 2017 is still possible. The government's appeal to the Supreme Court is expected to be heard on 7 December, with a decision by early January. If the government wins this appeal it can continue with "plan A" and trigger article 50 of its own accord.

However, there is a distinct chance that the government could lose again on appeal. This would mean that Parliament will vote on

whether article 50 can be triggered.

The obvious reason for the government's wanting to avoid enacting legislation to trigger article 50 is that this can be a time-consuming process, frustrated by delays or amendments in either the House of Commons or the House of Lords. This is now the prospect facing the government if it loses on appeal, and therefore its deadline of the end of March could be at risk.

It is very hard to believe that a majority of members of the House of Commons would actually move to block Brexit by preventing the government triggering article 50, especially having voted to give the public the opportunity to vote to leave the EU in a referendum.

The same is probably true for the House of Lords, which would create a fully blown constitutional crisis if it opposed article 50 outright. Nevertheless, this raises the question of what those MPs or peers who have most vociferously campaigned for parliamentary approval of article 50 intend to do.

Many MPs have been demanding more information about the government's negotiating priorities and greater scrutiny by Parliament of the negotiations once they are under way. This is likely to be the focus of any parliamentary tussles over legislation to trigger article 50, with MPs and peers seeking to amend the bill to give them greater and more formal powers to scrutinise the process.

Some may also seek to commit the government to legislation to guarantee various things, for example the rights of EU nationals in the United Kingdom. And, once this can of worms is opened, don't be surprised if some MPs who backed Leave also come up with their own demands.

Parliament will be on much weaker ground when it comes to fundamental questions about what Brexit means—whether, for example,the government seeks to keep the country in the EU's customs union or single market. Parliament can demand what it likes about its role in scrutinising the process of the article 50 talks, but it cannot mandate any particular outcome. Some in Parliament have insisted that membership of the single market must be maintained at all costs—and a minority of MPs may seek to do this, despite how badly this might be perceived by much of the electorate.

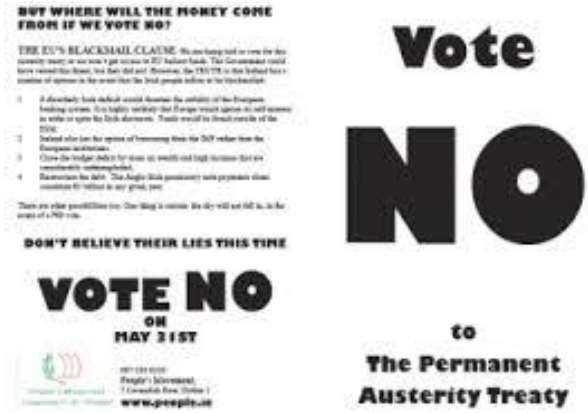
However, this is still going to be a negotiation with the rest of the EU, and Parliament cannot determine the interests or negotiating positions of third parties. Ultimately, therefore, the government cannot be bound to any particular negotiating mandate or outcome.

Parliament will probably seek, and get, a vote on the final package negotiated with the EU, but this will be in effect a "take it or leave it" vote. And—as has been argued by all sides in last week's court case—once article 50 is triggered, "out" means "out." The dynamic is such that there would be no going back to the status quo, and a vote to reject any new deal with the EU would mean leaving on the WTO's terms.

Ultimately, if the legislation required to enact article 50 is frustrated or becomes protracted, Theresa May could be forced to call a general election. This would certainly mean missing the deadline of the end of March 2017. But it would also mean that any MPs seen to be blocking the referendum result would find it very hard to keep their seats; and this is why it is likely that an article 50 bill would be passed.

One-way "dialogue"

Enda Kenny's "Civic Dialogue on Brexit" was not much of a dialogue. Absent was any representation from unionists, three-quarters of whom voted for the United Kingdom to leave the EU. Kenny has promised to rectify that omission by meeting the Northern Ireland first minister, Arlene Foster, in the coming days.



But what about opponents of the EU in the Republic? There was no acknowledgement that this opinion exists, much less any attempt to give it a hearing. Yet even the most sympathetic observer would acknowledge that no good arguments were presented to the gathering for Ireland remaining in the EU if the United Kingdom leaves it.

For what benefit objectively is EU membership now to us? Just look at the evidence.

In 2014 the Irish state became a net contributor to the EU budget for the first time, so that in future any EU moneys that come here under the common agricultural policy, EU cohesion funds, Erasmus schemes, research grants or whatever are Irish taxpayers' money coming back, having been recycled through Brussels to keep some bureaucrats there in business.

In the North too, EU grants and subsidies are really UK taxpayers' money being recycled.

The Irish state does a third of its trade with Britain and the North, a third with America and the rest of the world, and only a third with the euro zone. As the pound falls vis-à-vis the euro and the dollar as Britain moves away from the EU, we desperately need an Irish pound that can fall along with it, so maintaining our competitiveness in our principal export markets: Britain and America.

This is why the Irish state urgently needs to get its own currency back. It was economic and political madness ever to give it up. Among other things, that folly was principally responsible for the financial boom and bust of 2001–08, whose malign consequences still dog the lives of so many Irish people daily.

If Ireland remains in the EU or euro zone after Britain leaves, we will almost certainly be subjected to ever further integration measures as Brussels and Frankfurt seek desperately to hold the euro zone together. Such measures, entailing EU banking union, tax harmonisation, signing up to TTIP, etc., would severely hit us economically in the years ahead while adding ever newer dimensions to the north-south border.

Outside the EU Ireland can take back control of its valuable sea-fishing waters, whose value if they had been exploited in the Irish interest over the years would have been greater than all the net money received from

Brussels since 1973. These fisheries are still a hugely valuable resource, as are our potential undersea energy resources, which the EU also now has its eyes on.

Outside the EU we can get rid of a whole mass of stupid EU rules and regulations that are designed to serve the interests of the big capitalist monopolies, to privatise public services, and to hit small and medium-sized national business. We can revert to an independent foreign policy, adopt once again a meaningful neutrality policy, and once more do trade deals with Britain and the wide world, having regained the power to sign commercial treaties, which at present is an exclusive power of Brussels.

The EU and euro zone is a low-growth area with a dysfunctional currency and an ageing population. The proportion of our trade with it has been declining in recent years as our exporters move into more dynamic, expanding markets outside the euro zone. Leaving the EU, getting our own currency back and getting back control over trade treaties puts us in the best position to develop links with the wide world outside the sclerotic EU and euro zone.

The main argument for staying in the EU if Britain leaves is that foreign investors might prefer to invest in an Ireland that is inside the EU rather than outside it along with Britain. But with a highly competitive exchange rate and a corporation tax rate brought down to 10 per cent or so, Britain outside the EU will remain attractive for foreign investment. An Irish state that takes back its own currency and also keeps a low company tax rate would be attractive for foreign investors too. Moreover, Ireland and Britain share the English language, which would be an attraction for foreign investors regardless of whether we are outside the EU or in it.

Approximately a third of the Republic's electorate could be described as "Euro-critical," and this proportion can be guaranteed to rise as the attractiveness of leaving the EU along with Britain becomes more and more apparent. On 31 October the *Irish Daily Mail* published the result of an opinion poll that showed that almost four in ten Irish people would choose open borders and free trade with Britain over the EU.

And more and more people are beginning to realise that the EU is the "elephant in the room" in many of our recent political controversies: water charges—an EU requirement; bin charges—an EU requirement; social housing—restricted by EU requirements on state aid; mass surveillance of e-mail, internet use and social media—an EU requirement; Dáil private

members' bills with financial implications being submitted first to the EU Central Bank for vetting—an EU requirement … And the list goes on.

It's not only in America!

All the fuss surrounding the American election notwithstanding, Hillary Clinton v. Donald Trump offers no real choice. Either will in the end be there to defend the interests of the transnational corporations.

We see the same in the EU Parliament: even if the centre-left Socialists and Democrats and the centre-right European People's Party are often at each other's throats, the two biggest political groups always vote in the end for laws that benefit only the transnationals.

An example of this was provided by the Comprehensive Economic and Trade Agreement (CETA) with Canada. The media want us to believe that the American election is going to be extraordinarily exciting. Clinton is losing more and more of her lead over Trump, and it could be not until the last minute that we know who is going to occupy the White House.

Of course all Trump's statements are to be deplored, apart from his rejection of trade and investment treaties such as the TTIP.

With Clinton too, however, you can't say everything in the garden is rosy. In relation to military matters she's extremely aggressive, and her links with Wall Street are generally acknowledged. The American TTIP negotiators agree that with Clinton the talks will gain a new impulse. So the Americans must choose between bad and worse.

At EU elections there tend to be more possibilities. Over the years, however, centre-right and centre-left have together enjoyed a solid majority in the EU Parliament. Of course, just as in Ireland, the social-democratic and labour parties come out with fine, left ideas, but when it comes to doing anything about them these ideas are quickly exchanged for opportunism.

A good example is the appalling performance of the social-democratic president of the EU Parliament, Martin Schulz, in trying to bring the Wallons and Canadians together in order to push through CETA, though we know that this treaty is good for no-one but the transnationals.

No more left noises: with Schulz too the transnationals come first.

Another elephant has come into the room

The EU Commission has announced that it has selected, "in a fully transparent manner," five members of the new advisory council on national budgetary policy, the so-called European Fiscal Board.

The EU Parliament was not involved in the selection. And so once again we see a new organ, far away from the European public, which will soon be able to issue important advice on the running of national budgets. The Commission will hide behind this advice when it comes to making its "recommendations" to the member-states.

This has really nothing to do with democracy and transparency. As usual, both the Oireachtas and the EU Parliament have just sat back and let this happen.

The president of the EU Commission, Jean-Claude Juncker, has already announced in the "Five Presidents' Report" that an advisory council was to be established, responsible for the Commission's advice to member-states on their national budgetary policy.

A few years ago you would have thought it impossible that "Brussels" would interfere in the detail of our spending on health and education, with our pensions, with wage development—you name it. At the same time few people yet appear to see that the Commission is simply trying to play the role of our national parliament.

All eyes have recently been turned on the trade treaties while the presentation by the Commission of its new advisory council slipped almost noiselessly by. That may well have been the Commission's intention. The last thing Brussels wants in such cases is a broad social debate. So the Commission simply went ahead and set up the advisory council itself.

Humanitarian intervention

This essay originally appeared in the Hindu *(Chennai).*

Sitting in his presidential palace in 1991, Iraq's president Saddam Hussein and his Culture Minister, Hamad Hammadi, drafted a letter to Mikhail Gorbachev, President of the Union of Soviet Socialist Republics (USSR). Hussein and Hammadi hoped that the USSR would help save Iraq from the West's barrage. Hammadi, who understood the shifts in world affairs, told Hussein that the war was not intended "only to destroy Iraq, but to eliminate the role of the Soviet Union so the United States can control the fate of all humanity." Indeed, after the 1991 Gulf War, the USSR fell apart and the United States emerged as the singular superpower. The age of US unipolarity had dawned.

A jubilant US President George H. W. Bush inaugurated a "New World Order," namely "a world where the rule of law supplants the rule of the jungle." It is the US, he intimated, that lives by the "rule of law" and it is the enemies of the US—"actual and potential despots around the world"—that live by the "rule of the jungle." In this new world, "there is no substitute for American leadership," said Mr Bush, and so "in the face of tyranny, let no one doubt American credibility and reliability." Enemies of the US—tyrants and despots—would face the full-spectrum domination of the US military.

Mr Bush's predecessor, Ronald Reagan, had already wanted to go after "misfits, looney tunes and squalid criminals" who opposed US policy, but he was held back by the USSR and by popular liberation struggles in Africa and Latin America. The collapse of the USSR and the weakened Third World bloc provided the US with a tremendous opportunity.

The humanitarian façade

George H. W. Bush's successor, Bill Clinton, gave the idea of intervention its liberal patina. His National Security Adviser, Anthony Lake, crafted the notion of "rogue states": those countries that remain outside "the family of democratic nations." Mr Lake's examples included Cuba, Iran, Iraq, Libya and North Korea.

The UN-backed sanctions regime sought to weaken Iraq to the point of collapse. No pretext allowed the West to tackle the other countries. It was Yugoslavia instead that faced the barrage of "humanitarian intervention," the new term of art for Western bombardment in the service of protecting civilians. The killing of 45 Kosovar

Albanians in Račak in January 1999 provided the North Atlantic Treaty Organisation (NATO) with the reason to intervene. China and Russia refused to provide UN authorisation. It did not stay NATO's hand, which bombed Yugoslavia into pieces.

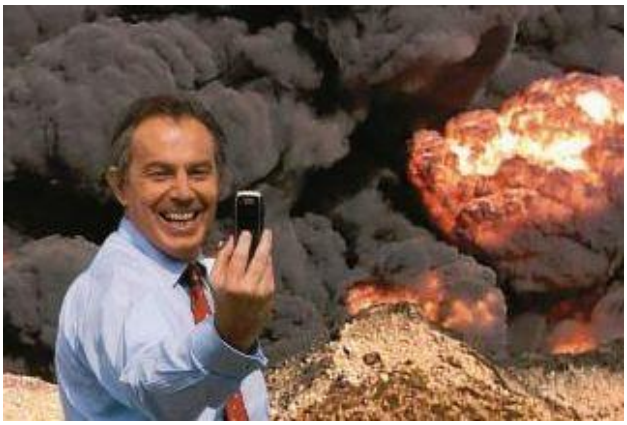
Older theories to preserve state sovereignty—such as the 1648 Peace of Westphalia and the 1934 Montevideo Convention—went by the wayside. If the West decided that a conflict demanded intervention, then the full force of Western power would be brought to bear on those whom the West determined to be the "bad guys." This was the gist of humanitarian interventionism.

What counted as a disaster worthy of intervention? In 1996, Madeleine Albright, then US Ambassador to the UN, acknowledged that the US-driven sanctions on Iraq had led to the death of half a million children. "I think this is a very hard choice," she said, "but the price, we think the price is worth it."

In other words, it was acceptable to allow half a million Iraqi children to die in order to maintain the strangulation of Iraq. This death toll—near the low estimate of the Rwandan genocide of 1994—could be tolerated if Western interests had been served. Later, when Western clients such as Israel and the countries of the African Great Lakes massacred tens of thousands, there was no outcry about genocide and for intervention. It had become clear by the 1990s that the idea of humanitarian intervention had been reduced to a fig leaf for Western interests.

New language for intervention

US President George W. Bush used the language of civilian protection in 2003 to conduct a war of aggression against Iraq. The US war broke Iraq's infrastructure and state institutions as well as dented the pretensions of humanitarian intervention. The chaos that followed was authored by the regime change war of 2003. Humanitarian intervention now seemed illegitimate—it burned in the fires of Baghdad.



Western liberals hastened to refashion the doctrine. They turned to the United Nations, which had been battered by its subordination to Western interests in the 1990s. Under Kofi Annan's watch, the UN endorsed the new idea of Responsibility to Protect (R2P) in 2005. This new doctrine asked that sovereign states respect the human rights of their citizens. When these rights are violated, then sovereignty dissolves. An outside actor endorsed by the UN can then come in to protect the citizens.

Once more, no precise definition existed for who gets to define the nature of a conflict and who gets to intervene. Reverend Miguel d'Escoto Brockmann, president of the UN General Assembly, released a Concept Note that raised questions about the new R2P doctrine. D'Escoto called R2P "redecorated colonialism" and said that "a more accurate name for R2P would be the right to intervene."

The atmosphere for a critique of the West, despite the catastrophe in Iraq, did not exist. Ninety-two UN member states—including Brazil, India and South Africa—spoke in favour of R2P. Mexico, India and Egypt did raise the fear of unilateral coercion, although they settled into their seats when reminded that R2P required UN Security Council authorisation. Failure to act in the case of Israel's punctual bombardment of Gaza drew several comments from member states during the debate around R2P. Singapore's delegation suggested that "the judgement of whether a

government has failed in its responsibility to protect must be taken by the international community without fear or favour," a standard that would be difficult to meet given the West's stranglehold on the UN institutions. Rev. Brockmann's warning was unheeded. Humanitarian interventionism remained in the arsenal of the West.

The test for R2P came not during Israel's bombing of Gaza in Operation Cast Lead (2008–09), after which a UN report found prima facie evidence of war crimes. It came a few years later in Libya. An uprising against the Libyan government in February 2011 provided the opportunity to test R2P. During the Yugoslavian war, the Kosovo Liberation Army had made it clear that they used their fighters in strategic ways so as to provoke a response from the Yugoslavian army; massacres of civilians, they felt, would be the best way to bring in Western air power on their side and turn any conflict to their advantage.

The rebels in Libya (and later in Syria) had much the same strategic assessment. If they could elicit state violence, then they might be able to assert their right to international protection. This could only work—as the Palestinians find—if the adversary of the rebels was an enemy of the West. Egged on by the French and the Gulf Arabs, the US pushed the UN Security Council to anoint their intervention with an R2P resolution. This is indeed what occurred. NATO went hastily from protection of civilians to regime change. Washington celebrated the success of the intervention—not for Libya's sake, but for the sake of humanitarian intervention. Finally, the idea had been salvaged.

Preventing mass atrocities

In August 2011, the US government established an Atrocities Prevention Board (APB) to collect intelligence on potential mass atrocities. The APB sought to drive the narrative of what would count as an atrocity and when the West should intervene with the UN's blessings.

But the APB has not been able to do its work effectively. What appeared as a successful intervention in Libya was seen in Brazil, Russia, India, China and South Africa—the BRICS states—as a dangerous precedent. India's then Ambassador to the UN, Hardeep Singh Puri, told me in early 2012 that the Libyan example would prevent any UN Security Council resolution on Syria. The BRICS countries now saw that protection of civilians actually meant regime change whose aftermath was horrendous. In other words, it was the Libyan example that proved Rev. Brockmann right and saw the halting emergence of the new age of multipolarity.

Critics of humanitarian intervention are not callous about the horrors of war and genocide. Sovereignty cannot be a shield for massacre of civilians. Yet, at the same time, proponents of intervention watch disasters unfold and then wait till the last minute when a military operation becomes necessary. They do not want to acknowledge the long-term reforms needed to prevent the escalation of conflict into genocidal territory.

The critics worry that humanitarian intervention of the Western variety ignores causes and produces terrible outcomes. Mr Puri warns, in a forthcoming book, of perilous interventions, namely military actions that lead to chaos and increased suffering. Could there be other interventions that are not perilous?

Rev. Brockmann suggested that an antidote to mass atrocities might come from global financial reform, the redistribution of wealth and UN Security Council reform. Violence, he argued, is an outcome of grotesque inequality.

R2P did not address the protection of civilians from the multiple horsemen of the 21st century apocalypse—illiteracy, illness, poverty, joblessness and social toxicity. These are the authors of crisis. Bombs cannot defeat them.