

Is there 'a responsibility to protect?' Discuss with Reference to Darfur

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JAMES WORLEY, AUG 2 2008

In December 2001 the International Commission on Intervention and State Sovereignty released a report titled "The Responsibility to Protect". It was designed to apply to the international stage as it was a response to the United Nations' failure to decide on this issue[1]. There are multiple views on this topic as it is central to one's interpretation of the international system, and applies directly to the issues of state sovereignty, the role of international actors and the impact of Globalisation. To get a clear view of the arguments it is important to look at the relevant theories, then the related ideas and then apply these to the current situation in Darfur which demonstrates the conflict between state sovereignty and the responsibility to protect. However, a responsibility to protect should not be limited to the UN, as it is not the only international actor with the capability or mandate to take action. Other actors such as regional bodies and international institutions must be considered.

The rule which some argue has dictated the UN's interaction, with intervention, is that of the realists: that state sovereignty is intrinsic in statehood and that it cannot be challenged. "For realists, the state is the main actor and sovereignty is its distinguishing trait." [2], and further to this "Within this territorial space, sovereignty means that the state has supreme authority to make and enforce laws". According to this view, there is no international responsibility to protect, as it is the responsibility and right of each state to protect its citizens as it sees fit.

A slightly more moderate realist view would hold that in some cases "powerful states are able to overturn the non-intervention principle on the grounds of national security and international order." [3] However this view would still prevent any action to protect citizens of another sovereign nation against their will. When there is a threat to international or national security then that is a direct threat to one's own security and as such states can feel justified in trying to protect themselves through intervention. The situation with protecting people is that there is no threat to one's own security only that of another states citizens, thus from this realist view there is no justification for intervention.

The perfect demonstration of a state acting in a realist manner is China's policy on Sudan in response to the Darfur crisis. China's actions follow the realist model as it is not intervening in other sovereign state's issues [4]. Perhaps this is because China's national interest would not benefit from any action. Whether one is a hard-line or a moderate realist, China is acting within these theories: China is not taking measures to protect the people of Darfur as it is not seen as within the national interest or responsibility.

These actions follow China's foreign policy, as it believes that it is the right of a sovereign state to conduct its internal affairs however the state sees fit. [5] This is a very realist stance, taking no account of a states internal mechanics, and this suits China because some have raised questions over its stance on human rights [6]. China clearly feels no responsibility to protect foreign citizens as it appears not to acknowledge its responsibility to protect its own citizens.

The issue of China raises some interesting points over what actors are supposed to protect from, is it just the threat of death, genocide, ethnic cleansing and the like?

Or should it be protection from other human rights abuses which some might argue make life worthless for those who

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suffer them. If this was the case then China as well as many other states would require intervention. This would be unrealistic at least for the foreseeable future as no body in the international system has the capability to deal with every human rights abuse on the planet.

The "Responsibility to Protect" report published by the International Commission on Intervention and State Sovereignty realises this, and instead seeks to address the protection of people from "avoidable catastrophe – from mass murder and rape, from starvation–"[7]. These are far more realistic goals as they are far less prevalent and they are unjustifiable as action or policies by the sovereign states which they occur in.

The Responsibility to Protect Report is mainly about:

"the responsibility of sovereign states to protect their own people from such harm – and about the need for the larger international community to exercise that responsibility if states are unwilling or unable to do so themselves." [8]

People within states have, for a long time, recognised this and Non-Governmental Organisations such as Medecins Sans Frontieres, Amnesty International and Human Rights Watch have represented this political will. The impact of these organisations has increased with the rise of globalisation.

The process of globalisation has impacted on most spheres of life and international relations are no exception to this. The exponential growth of global communications technology as well as travel, trade and subsequent economic interdependence has brought all human societies closer together. A result of this is that citizens from one state can grow concerned about the well being of those from another and this can be expressed as political will. This idea opposes realist theory, but appears to be an increasing part of international politics.

The rise of communications technology has enabled people to feel connected to places they have never visited, through using the internet for email, business deals or just seeing pictures of places and people. As a result of this, when catastrophes occur, be they man-made or natural, the news spreads quickly across the globe, and thus people feel connected to those suffering and look to help, whether through charity or campaigning for political action.

Recent events such as Burma and Darfur have shown the true extent to which these technologies have mobilised citizens to apply pressure on their governments to recognise their responsibilities to protect. Campaign websites are set up to gather and coordinate support; petitions are circulated through email rapidly and when protests are organised many more people are made aware of them through the internet.[9] One of the other advantages, for those with the agenda to do so, of the age of Globalisation is that convincing people that there is a responsibility to protect is much easier when there are pictures and testimonies of the stricken areas being spread across the internet. Furthermore, this can lead influential people, not necessarily politicians, to take a stand; Steven Spielberg recently showed the impact that a celebrity can have by pulling out of a role in the Beijing Olympics in protest against China's policies on Sudan.

Some theorists would say that globalisation is not entirely a positive force in terms of encouraging a responsibility to protect. For whilst it does influence citizens, it also influences states through interdependency: states build up a network of trading links and other bonds. Globalisation has now reached the point where, with perhaps a few exceptions like Cuba, all states are intrinsically tied into this web of links. From this position a small crisis in one place can have a large impact across the globe through a domino effect. As a result states are often unwilling to take action which could jeopardise their position and the strength of the ties.

The lack of serious concerted effort on the part of the international community could, at least in part, be attributed to interdependency. The actions of China make a very convincing case, as some of their strongest trading links are with Sudan, especially with oil and the illegal arms trade.[10] This is why it would not be necessarily in the interest of China's other trading partners to place too many sanctions on Sudan. The impact of one of the world's largest economies having an oil shortage would be felt across the whole world.

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The Liberal school encompasses many ideas, of which one is that the people of a state influence its own political actions in international relations. This would lend itself to the argument that with the people of a state showing a will to protect, then a state should take action. Taken further, the question of whether the state should take action against the will of another sovereign state arises. The Liberal idea that it is the people which matter shows their stance on this issue: if the people within a state wish for outside protection this should transfer into political will. However, this only works in a democratic system, or one where the leaders of a state are accountable to the people through some sort of election process.

Solidarism is a school of thought which is often attached to both the English School and the Liberal School, but in reality its links with liberalism are circumstantial.

The Solidarist International Society is a concept defined as “the collective enforcement of international rules *and* the guardianship of human rights.”[11] This is often paired up with liberalism as they are concerned with protecting human rights and international rules. However, the solidarist system does not mean that these laws and rights are necessarily liberal. They may indeed be very anti-liberal, as long as they are mutually agreed upon by the society.

In the recent past the Solidarist International Society has been used to explain and justify actions such as Kosovo and Somalia. It also provides a strong mandate to take action in Darfur; to protect the rights that were outlined in the Universal Declaration of Human Rights[12]. The solidarist view evidently advocates the notion that there is a responsibility to protect the rights and lives of people anytime, anywhere if they are held as important by the states able to take action.

The policy of the United Kingdom on Sudan illustrates the liberal and solidarist views well. The belief of the UK is that;

“states have the primary responsibility for their citizens and in situation where the governments are unable or unwilling to protect their citizens from genocide and crimes against humanity, the international community has a responsibility to act.”[13]

It is clear from this government statement that the UK definitely believes it has a responsibility to protect, so it comes as a surprise that it has deployed no troops.

The main reason for lack of deployment is that states are usually unwilling to take part in an action which could be deemed an outright aggressive attack; in the very first line of the UN Charter it says “We the peoples of the United Nations determined to save succeeding generations from the scourge of war,”[14] The United States of America appears to be an exception to this and some say that it is an in-direct attack on the legitimacy of the UN. As a result states look for legitimacy and this comes from the UN; a body seen as the collective will of all member states and thus the most legitimate body in the International system.

The UN’s use of force is prescribed by the Security Council, so in the case of Darfur when this was discussed on 11th June 2004 the Security Council decided to create UNMIS a UN body to oversee operations in Sudan. The key part of the Security Council resolution in question, 1547, was in operative clause 3 which stated “*Declares* its readiness to consider establishing a United Nations peace support operation to support the implementation of a Comprehensive Peace Agreement”[15].

This is clearly a meaningful statement and over the next few years many resolutions were passed to expand the mandate and capabilities of the UNMIS force. Then in Security Council resolution 1769 signed on the 31st of July 2007; there was the creation of a joint military peacekeeping mission with the African Union, UNAMID. One of the most recent was resolution 1784 adopted by the Security Council on 31 October 2007, its key points sought to overcome many of the obstacles that UNMIS and UNAMID had encountered.[16] It would seem that the actions taken by the Security Council and the continued level of interest and action from them would prove that there is a responsibility to protect and that the international organisation best suited to deal with it is doing so.

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There could however be other reasons for the Security Council's actions; it could be, instead of acting to protect, acting to maintain international stability. This is the Security Council's primary role and thus would make a great deal of sense as the Darfur crisis has a high level of risk of destabilising Chad and other neighbouring states[17]. When a conflict starts spilling over into its neighbours then the possibility of interstate wars will rise dramatically, thus the Security Council would definitely feel the need to act. As such it seems plausible to argue that the Security Council's actions have in fact not been driven by a "responsibility to protect" but rather their primary goal of ensuring global security.

Something which adds further credence to this argument is that if the Security Council was determined with its responsibility to protect then it would adopt different approaches. As it stands it has ordered the deployment of UNAMID: a 31,042 strong force primarily made up of troops from African countries. The force is designed to operate efficiently from its headquarters in El Fasher, under African leadership, providing both military strength and policing to ensure order[18]. However the crisis in Darfur is still ongoing and many argue that the presence of the peacekeeping force has not been felt.

UNAMID has been criticised for perceived weaknesses such as lacking flexibility, mobility, numbers and the support of the Sudanese government. Although the majority of its troops come from within Africa, much of the logistical support and transport is supplied by western militaries. The problem is that much of this has not been delivered upon which suggests that those states which have been standing by the responsibility to protect and speaking of its importance have been speaking hollow words. The most widely reported problem facing the UNAMID force is its complete lack of essential transport helicopters[19].

One of the issues raised previously is that of the protecting UNAMID force comprising mainly of African troops, this is designed to show an African solution to an African problem. However if the motivation here was purely to protect the people of Darfur the best troops for the job with the best equipment should be deployed as soon as possible, but instead the protection of the Darfurians seems to have been overridden by a desire to empower the African Union.

Another factor is that the role of African troops was dictated by the Sudanese government. However, one of the guiding principles of the Responsibility to Protect Report is that a sovereign state has a responsibility to its people and if it is unable or unwilling to protect its citizens it forgoes the usual rights of a sovereign state, as such intervention is justified. Surely as UNAMID has been deployed this suggests that this situation applies to Darfur and so surely Sudan has forgone the rights to have a voice in the composition of the protecting force.

The move for the African Union to play an active role in Darfur is perhaps a reflection that the responsibility to protect extends beyond the UN. It is the UN's legitimacy which makes it desirable as the intervening party, but if the UN can give legitimacy through, for example the Security Council authorising another body or group of states to take action, then surely that can be just as effective. Therefore if anyone can act, with UN sanction, who should? From the position of the UN Security Council having authorised action to protect in line with the outlined responsibility to protect, due to the vital nature of the task and the lack of any opposition to the mission[20], anyone who can act to protect should.

Whichever view point one comes from, or whomever one feels should be taking the action, the argument is still determined by personal preference: whether one feels that those who can act to protect those in need of protection should have a responsibility to do so. It is the same dilemma as asking if one should help a stranger being mugged: the details of how one acts are trivial when put against the need to act.

To an extent this comes down to individual personal beliefs, but for the United Nations, they have made their beliefs clear by enshrining them in resolutions and charters. Thus when the UN and the countries which are signatories to the UN's documents are faced with people in need, it is clear that there is a responsibility to protect.

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[1] The reaction of the UN and the wider international community to the crises in Rwanda, The Former Yugoslav Republic and Sierra Leon show a wide variety of response. With such an unclear policy of action it was clear some investigation was needed on what role the international community should have in these situations.

[2] Tim Dunne & Brian C. Schmidt, "Realism" in *The Globalisation of World Politics*, eds John Baylis & Steve Smith (Oxford and New York: Oxford University Press, 2001), 172.

[3] Dunne & Schmidt, Realism, 173.

[4] Opheera McDoom, "Pressure changed Chinese Darfur stance, report says" *Reuters News Agency*, 18 August 2007, <http://africa.reuters.com/top/news/usnBAN854961.html> (6 February 2008).

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[8] International Commission on Intervention and State Sovereignty, 69.

[9] Associated Press, "Thousands Protest Darfur Crisis," *Save Darfur*, http://www.savedarfur.org/newsroom/clips/thousands_protest_darfur_crisis/ (3 February 2008).

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[17] Paul D. Williams & Alex J. Bellamy, "The Responsibility To Protect and the Crisis in Darfur," *Security Dialogue* 36.1 (2005): 30.

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[20] The logic is that if the Security Council has acknowledged its responsibility to protect and the implicit loss of the rights of state sovereignty to those who fail to protect is implied, then there is no-one to object to protecting. State sovereignty is not an issue because the Security Council will have agreed that for the crisis in question the state has lost that privilege. Any other objection would be irrelevant as in recognising the responsibility to protect the UN would be accepting that there is one and would act on it.

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