

Rhetoric of Responsibility: R2P's Harmful Application in Humanitarian Practice

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RACHEL HAO, FEB 15 2015

The Rhetoric of Responsibility: An Analysis of the Responsibility to Protect Doctrine and its Harmful Application in Modern Humanitarian Practice

Global outrage following the atrocities of Rwanda and Kosovo saw an increasing demand for reform of international humanitarian protection. In response, the notion of a sovereign state's responsibility to protect (R2P) emerged. Adopted unanimously at the 2005 World Summit, the doctrine was developed as a rejection of the humanitarian interventionist traditions of the past, and has since been touted as the reconciliation of tensions between state sovereignty and international protection of human rights (Evans, 2009). However, since its introduction, the doctrine has faced much scepticism. Many, particularly those in the global south, accuse R2P of simply being another 'slogan' employed by Western nations to justify self-interested interventions in their continued bid to propagate liberal ideals and maintain the international status quo (See Stahn 2007; Chomsky 2009; Murray & Hehir 2011). The lack of legal force and inherent institutional bias in the R2P norm particularly allows states to decide 'whether and where' to intervene, according to personal 'interests and values' (Focarelli 2008, pg. 202), resulting in a practice that is inconsistent and unreliable. As a result, there is a growing perception of R2P as a 'Trojan Horse' which has re-legitimised Western intervention on their own terms (Bellamy 2005). In particular, the international response to the humanitarian crises of Libya and Syria highlight the pervasive influence of *realpolitik* in R2P norm application. As a result, R2P has become a tool for the powerhouses of the international community to exert their influence throughout the developing world, departing from the purposes of 'civilian protection' advocated by the original doctrine (Wills 2009). Ultimately, unless the doctrine undergoes significant reform, the Western-centric nature of R2P and the way it allows humanitarian discourse to entrench the current world order is likely to effect more harm than good in the international community.

The 1990s saw a decade of humanitarian crises around the world, with genocides, war crimes, ethnic cleansing, and mass displacements of citizens dogging the United Nations and its member nations (Evans 2009, pg. 30). Humanitarian interventions had either been attempted largely unsuccessfully (Somalia), or not at all (Rwanda) (Evans 2009, pg. 27 - 29). In particular, the Rwandan genocide galvanised global sentiment, and calls were made for international reform to better prevent such atrocities (Annan 2000, pg. 48). With such an emotive backdrop grew the tensions between sovereignty and principles of non-intervention, and the 'right to intervene' in the name of human rights protection (Evans 2009, pg. 30). The responsibility to protect doctrine claims to resolve these tensions. Finding its origins in the 2001 report of the International Commission on Intervention and State Sovereignty (ICISS), it shifted the understanding of sovereignty from 'sovereignty as control' to 'sovereignty as responsibility' - to the human rights protection of its peoples (ICISS 2001, pg. 14). If a state is 'unwilling or unable' to uphold its responsibility, then the onus of protection is shifted to the international community (ICISS 2001, pg. 8, 14). Thus, when people were faced with 'genocide, ethnic cleansing, war crimes, or crimes against humanity', the global community was apportioned a collective responsibility to intervene, through UNSC-sanctioned action (ICISS 2001, pg. 47). Importantly, this new principle of R2P advocated a three pillar approach to the application of this new international norm: sovereignty as a responsibility, an international commitment to aid states in said responsibility, and an international responsibility to intervene coercively (UNGA 2005). This separates from the traditions of humanitarian intervention, because military intervention is notably only 'exercisable by the Security Council', and as a 'last resort' (The Secretary-General 2004,

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pg. 203). As such, claims by state actors to be acting according to the principles of R2P, but whose actions are not sanctioned by the UNSC, cannot be truly representative of R2P practice.

The R2P doctrine has undoubtedly become a pervasive part of international relations discourse, and represents a significant shift in the understandings of sovereignty and humanitarian actions. However, its success as a normative concept is highly contingent on a number of idealistic presumptions. Primarily, it is important to realise that there is no positive obligation to act or intervene under any of the conceptions of R2P (Stahn 2007: 120). Whilst the duty of a state to protect its own citizens from mass atrocities is recognised in a variety of international legal instruments, there is no indication of the consequences of a breach of the R2P doctrine by state actors who fail to intervene in the face of a humanitarian crisis (Stahn 2007, pg. 117, 118). Thus, despite the rhetoric of collective security, it is generally accepted that R2P does not represent an international legal duty. This is problematic for a number of reasons. Firstly, without legal force, R2P remains a moral or political principle, and does not hold the power of protection which it purports to. Instead, as a 'soft' norm, R2P becomes less about holding states accountable and more about grandiloquence, as states and institutions advocate for R2P more than they actually practice its tenants (Breakey 2011, pg. 48).

Further, the non-binding nature of the R2P doctrine allows states to act according to self-interest, instead of an overarching, moral obligation (Focarelli 2008, pg. 202). R2P and its constructors are emblematic of the liberal belief that the weight of ethical principles is sufficient to alter the strategic dispositions of a state (Murray & Hehir 2011, pg. 4). Such belief presupposes that there is a general standard of morality shared by the international community, and then assumes that this standard reigns above all other strategic considerations (Reiff 2003, pg. 8). This is a utopian postulation and is highly idealistic (Robertson 2005, pg. 50). Instead, nations have their own value systems, which differ across different cultural contexts, influencing state positions on R2P implementation. The great potential for self-interest poisoning the humanitarian intentions of R2P has given rise to the popular 'Trojan horse' critique (Bellamy 2005). This argument recalls the Greek myth about invasion via subterfuge as an analogy for the use of the 'resort to R2P as a weapon of imperial intervention at will' (Chomsky 2009, pg. 4). UN Special Advisor on the Responsibility to Protect similarly held that 'ultimately, of course, it is all about political will' (Luck 2010, pg. 363). Thus, despite states using R2P as a slogan to demonstrate their commitment to human rights protection, any actual instance of R2P in action is likely to be because of self-interested intentions more so than the actual principles of the doctrine. As such, rhetoric about the communal, global nature of R2P creates unrealistic expectations of a 'false emancipatory friend who does not materialise', which is damaging for those which R2P was supposed to protect (Kennedy pg. 22- 23).

A pertinent example of the relevance of self-interest is in the application of R2P to the humanitarian crises in Libya. *Resolution 1973* was the first instance of the Security Council authorising the use of military force for the protection of civilians, without the consent of the host state, and was done in response to the blatant intention of the Gaddafi regime to commit mass atrocities against Libyan civilians (Bellamy 2011, pg. 265). With descriptions of his protesters as 'cockroaches' and proclamations that dissidents would be 'hunted down door to door and executed', Gaddafi recalled the horrors of Rwanda (Fahim & Kirkpatrick 2011; Bellamy, 2011, pg. 265). Reminded of their commitment to 'Never Again!' allow mass atrocities to occur unchecked, many members of the international community were quick to condemn his actions (Murray & Hehir 2011, pg. 4). Keeping in mind that military intervention is not permitted under the R2P doctrine unless enacted 'as a last resort', *Resolution 1970* attempted to use the International Criminal Court, an arms embargo, and a travel ban initially (UNSC 2011); however these initiatives all proved unsuccessful in preventing the humanitarian atrocities committed by Gaddafi's regime (Zifcak 2012, pg. 6). As such, *Resolution 1973* authorised a military coalition intervention; NATO bombed areas where civilians were likely to be attacked by the Libyan Government, and enforced a no-fly zone and navy arms embargo (Zifcak 2012, pg. 7). Consequently, NATO-supported rebel forces gained control over Benghazi within weeks (Zifcak 2012, pg. 7). Due to international military support, the mandate of 'civilian protection' was ultimately achieved, with the Libyan conflict generally concluding in late August 2011 (Zifcak 2012, pg. 8).

Libya has been described as 'a textbook case of the R2P norm working exactly as it was supposed to' (Evans 2012). Yet, analysis of UNSC negotiations over *Resolution 1973* does not afford much credit to R2P principles for its passing (Morris 2013, pg. 1272). In fact, during debate, only France and Columbia mentioned the doctrine (Zifcak 2012, pg. 7). The interventionist nature of the resolution also provoked abstentions from China, Russia, Germany,

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India, and Brazil (UNSC 2011). Even so, the resolution was passed with a two-thirds majority (UNSC 2011), a ground breaking move that continues to be cited as an achievement of R2P, despite the apparent lack of influence it had over the decision (Garwood-Gowers 2013b, pg. 605). Furthermore, the subsequent NATO military actions, although eventually concluding the conflict, appeared to prioritise regime change over simply fulfilling its mandate of 'civilian protection' (Zifcak 2012, pg. 8). For example, retreating Libyan forces, who were not posing a threat to far away civilians, were attacked (Hehir & Murray 2013, page. 19), and bombing of 'command and control' centres resulted in the deaths of Gaddafi's son and three grandchildren (Zifcak 2012, pg. 7). Libyan military leaders were also directly targeted, pushing to the limits the understanding of 'civilian protection' and revealing regime change as an undoubted strategic goal (Zifcak 2012, pg. 9). David Reiff thus declared that 'regime change became the West's policy, and the civilian-protection mandate of R2P was its cover' (Reiff 2011).

The assertion that R2P is merely a slogan for actions of self-interest is further implied when considering the deadlock of the international community to act on the crisis in Syria. Similar to the Libyan crisis, the Assad regime has failed to protect its civilians—murdering pro-democracy protesters and civilians alike (Gaitlin 2012, pg. 15). As of August 22, 2014, the United Nations has concluded a death toll of at least 191, 000 people (BBC 2014). Unlike the swift action in reaction to Libyan atrocities, the UNSC remains at an impasse, and disagreements over what constitutes an appropriate response to combat the conflict has caused China and Russia to veto three draft resolutions (Garwood-Gowers 2013a, pg. 3). This can largely be attributed to the supremacy of national interests in dictating state policy. Syria has long been an important ally to Russia, with the two nations sharing a mutually beneficial trade relationship centred on military equipment and naval facilities (Nuruzzaman 2014). China shares similar economic ties, as Syria's largest supplier of imported goods (Wong 2012). The way NATO's measures in Libya appeared to expand the scope of civilian protection under the R2P doctrine was a further 'cause for concern' for the non-interventionist countries of Brazil, Russia, India, China and South Africa (BRICS), who all opposed the Western-sponsored initiatives in the Security Council (ICRtoP). Another major reason that there has been a difference in response to Syria compared to Libya is the lack of regional support for intervention (Garwood-Gowers 2013b, pg. 311). During the Libyan conflict, key regional organisations called for the use of UNSC-sanctioned force for the protection of civilians on the ground – including the Gulf Cooperation Council, the Organisation of the Islamic Conference, and the League of Arab States (Carment & Landry 2014, pg. 52). Such antagonism towards Gaddafi is attributed to his unpopularity in the Arab world, displaying again the multifaceted nature of state intentions (Garwood-Gowers 2013b, pg. 608). Without such widespread regional support, it is likely that Russia and China would have similarly vetoed *Resolution 1973* (Bellamy 2011, pg. 266). In contrast, the same regional organisations have been reluctant to support military intervention into Syria; thus encouraging non-interventionist principles in the Security Council (See Alsharif 2012; Kirkpatrick 2013).

The international community's inaction in Syria is not unusual when considering the scope of other humanitarian crises in the last decade or so. In fact, there have been many similar accusations of politically motivated inaction since the conception of R2P. This may be exemplified through the international community's response to the atrocities in Darfur, which many observers called a 'test case for the international community's commitment to R2P' (Matthews 2008, pg. 144). The conflict began in 2003 and has yet to be resolved, seeing several hundred thousand people killed as of 2010 (Degomme & Guha-Sapir 2010) and more than two million people displaced as of 2008 (Matthews 2008, pg. 144). Yet, it took two years after the conflict began for the Security Council to impose sanctions, and three for peacekeepers to be recommended to Khartoum (Grono 2005, pg. 626). The US in particular has been dogged in its rhetoric, with both then-Secretary of State Colin Powell and then-President George W. Bush calling it a 'genocide' (Grono 2005, 626). However, their strong intelligence relationship with the Sudan takes precedence; similarly, China is Sudan's largest importer of oil, whilst European nations have demonstrated that the issue is not large enough for them to be willing to risk the lives of their troops (Grono 2005, pg. 629). The international community's persistent complacency is an eerie reminder of Rwanda. Similar records of inaction have been recognised in international responses to mass atrocities in Somalia, Iraq, and Afghanistan (Bellamy 2010, pg. 150). This standard of practice emphasises the significant role of politics and self-interest in R2P, thus delegitimising the accountability of the so-called R2P program and revealing the rhetorical nature of the doctrine.

It would be inappropriate to discuss the 'Trojan horse' challenge of R2P without considering the US-headed invasion of Iraq, which was much criticised throughout the international system (Breakey 2011, pg. 52). Western advocates continually defended the military intervention with humanitarian justifications and principles of R2P; however, the only

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manifest failure evident was the failure of the US to meet the thresholds of the precautionary principles of right intention, last resort, proportional means and reasonable prospects, which must guide any claim of R2P-motivated intervention (Thakur 2005, pg. 7). Similar attempts to claim R2P where the humanitarian situation did not appear to reach the threshold of 'manifest failure to protect' have been demonstrated by Russia in relation to Georgia, and France in relation to Myanmar (Bellamy 2010, pg. 144). However, none of these claims were ever legitimised by the UNSC, which is an important requirement of the R2P doctrine. This demonstrates that whilst hidden national agendas are certainly part of the decision making process when applying R2P, the norm does not go so far as to allow individual states 'automatic legitimacy on coercive interference' (Bellamy 2010, pg. 152). It would be unfair to hold a doctrine to account for the misuse of it by independent state actors; as such, fears of R2P being used as a Trojan horse are not as alarming as they may seem.

It is evident that R2P as a doctrine is dominated by rhetoric, and is often used as a slogan for humanitarian protection to conceal a state's true intentions. However, this does not necessarily equate with *harmful* actions. It is debatable whether motive is relevant in assessing the value of a state's act or intervention – Nicholas Wheeler instead argues that 'Making the primacy of motives the defining test of a legitimate humanitarian intervention excludes cases in which states act for non-humanitarian reasons but produce a positive humanitarian outcome' (Wheeler 2002, pg. 38). Similarly Helen Frowe asserts that 'it is what the state does, rather than its intentions, that ground permissibility' (2012, pg. 15). For example, advocates of this view would consider the intervention into Libya a success, because it ultimately saved lives and ended the conflict, regardless of whether or not regime change was the real intention. Therefore, a finding that R2P is more a slogan than a program does not sufficiently conclude that its existence as a norm is harmful in the international system.

Critical approaches to R2P are particularly revealing when analysing potential harm that results from norm application. 'Third World Approaches to International Law' (TWAIL) considers modern international relations and law with particular emphasis on the international system's colonial history (Robertson 2005, pg. 41). By regarding the R2P doctrine through a 'third world' perspective, TWAIL reveals concerns specific to the cultural context of the developing world that would otherwise be overlooked (Gathii 2011, pg. 32). In particular, the colonial history of most developing nations has embedded a deep mistrust of any kind of foreign intervention, regardless of claims of humanitarian protection (Robertson 2005, pg. 43). ASEAN, for example, is especially sceptical of R2P, as many of its members see military intervention as central to its implementation, thus conflicting with their Westphalian interpretation of sovereignty. (Drummond 2009, pg. 7)

R2P arguably maintains the current inequality of the international system for a number of reasons. Firstly, as previously mentioned, the international system is not governed by a universal standard of morality. Instead, critical theorist David Reiff argues that there exists an international order and international institutions 'dominated by the United States' (Reiff 2003, pg. 8 – 9). Furthermore, the structural requirement of a Security Council mandate for R2P interventions to take place means that this so-called 'universal standard' is, in reality, defined by the five veto powers, who thus control R2P's application (Robertson 2005, pg. 50). Another necessary threshold of R2P is the 'Reasonable Prospects' requirement, which requires a 'reasonable chance of success' for an intervention to be justified (ICISS 2001, pg. 37). As a result, only nations of political and military strength could reasonably apply R2P, likely doing so for selfish reasons, and thus entrenching the current international hierarchy (Robertson 2005, pg. 44). There are also claims that R2P has contributed to a 'geography of power', with a 'core and a periphery' that defines international prestige not just by military and economic strength, but also by assigning moral superiority to the Western forces associated with the practice of the doctrine (Dexter 2007, pg. 1057). This neo-colonial humanitarian discourse, which posits the powerful as 'heroic saviours' of the pitiful victims of the developing world, is damaging not just to the psyche of states receiving assistance, but also normalises and entrenches the right of the powerful to judge the sovereign legitimacy of the weak (Branch 2011, pg. 109). For these reasons, TWAIL convincingly draws a causal link between the nature of R2P as a slogan and the harm this affects on the parties it was intended to protect.

The scholastic discipline of R2P is undoubtedly one that came from a place of well-meaning attempts at humanitarian protection in the wake of the mass atrocities of the 1990s. However, practical application of the doctrine has highlighted the ubiquity of self-interest of nations in international relations. Structural attempts by the drafters to ensure R2P is only used for legitimate interventions, such as the requirement of Security Council approval and the

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'Reasonable Prospects' threshold, have in actuality apportioned more power to the already powerful, allowing the West and the Permanent Five to further their agendas and entrench their dominance in the international system. Consequently, the limited 'sanctioning of action' in response to mass atrocities in places such as Libya, Syria and Darfur has often left suffering civilians wanting, and has generally been 'derived not from an objective appraisal of humanitarian suffering but rather a coincidence between national interest and mass atrocities' (Hehir 2012). R2P has thus become a vehicle that conceals self-interested motives by purporting the primacy of human rights protection as a norm of international relations. Promoting its continued application must coincide with reform of the principle to truly do the doctrine justice.

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