

Responsibility to Protect and its Neo-Imperialist Implications

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SASHA BHATNAGAR, APR 14 2016

This paper aims to explore the doctrine of 'Responsibility to Protect' from the theoretical paradigm of 'Neo-Imperialism' by focusing on the motivations behind its conceptualisation, its consequences on stability and security, and its implications for sovereignty. The research question that it aims to answer is: Can the doctrine of "Responsibility to Protect" achieve the creation of security that it aims for in its present interventionist form, or does it do more harm than good by creating a renewed narrative of Neo-Imperialism through the façade of security? According to Merriam Webster Dictionary, *Imperialism* can be defined as 'The policy, practise or advocacy of extending the power and dominion of a nation by direct territorial acquisitions or gaining indirect control over the political and economic life of other areas.'^[1] However, recent literature argues that since 'direct' forms of colonial and imperial control are becoming increasingly difficult to justify in the present international order, dominant sovereign powers are using more subtle processes of manipulation and indirect control to achieve a beneficial world order, which is the present day definition of 'neo-imperialism' in practise. Hans Morgenthau, for example, defines imperialism as 'a manifestation of the balance of power and the process by which nations try to achieve a favourable change in the status quo'.^[2] Therefore, in order to understand the essence of neo-imperialism, it is essential to uncover the concept of 'imperialism' and the role that it plays in the balance of power. Most suited to our analysis of humanitarian intervention is the definition of neo-imperialism by Johan Galtung where he states that 'Any theory of liberation from structural violence presupposes theoretically and practically adequate ideas of the dominance system against which the liberation is directed, and this special type of dominance system is neo-imperialism.'^[3] This paper will aim to argue that any form of humanitarian intervention will seek to impose a one sided narrative of stability and security, which are by default culturally and regionally not uniform. An important indicator in this assessment thus becomes the nature of security that the 'Responsibility to Protect' doctrine aims to achieve and further, whether such security can be achieved through violent and interventionist means.

The first section will function to contextualise the birth of the doctrine by analysing who were the architects of the Responsibility to Protect (henceforth R2P) doctrine and the impact of its construction on the establishment of a clear power dynamic resounding of the neo-imperialist political imbalances. The second section will further explore the 'Construction and Role of Language and Terminology in Facilitating Neo-Imperialism' by assessing how and by whom the language of the doctrine been constructed and how it facilitates a justification for violence through an appeal to international consciousness. It will also draw comparisons between 'Responsibility' and 'White Man's Burden'. The third section provides a critical perspective on the nexus between R2P and emancipation, and whether the two can go hand in hand using the Welsh School of International Critical Security Studies and analysing the case of the Libyan Intervention of 2011. The fourth and the fifth sections will analyse the aftermath of R2P operations and assess their success or failure, as well as problems with selective implementation and the creation of a bifurcated system of sovereignty. The sixth section will discuss the insufficiency of existing international legal mechanisms to provide adequate checks and balances on the doctrine by taking a case study of the International Criminal Court and analysing its shortcomings. The final section will explore the theme of organic change versus a temporary peace through paradigms of human security and post conflict transition.

Reviewing the Architects of the 'Responsibility to Protect' Doctrine

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The urgency for a doctrine of this nature was felt after the cases of mass killings that could not be controlled in Rwanda and Bosnia towards the end of the 20th Century. The first formal forum to discuss the formulation of the doctrine was the International Commission on Intervention and State Sovereignty (ICISS), set up by the Canadian Government in 2000 with members from both developing and developed countries. However, what is noticeable about the membership of this commission is that all of these diplomats hailed from uniform ideological and political backgrounds. The commission included representatives from governments such as Canada's Jean Chrétian's Liberal Government and Tony Blair's Labour Government in the United Kingdom, and thus there was little disagreement in shifting focus from humanitarian intervention and towards a paradigm of 'right to intervene'.^[4] While there are officially three components to the doctrine that were agreed upon, namely the state's duty to protect its citizens, the international community's duty to assist states in doing so, and the responsibility to intervene as the last resort, the very essence of the doctrine that can also be seen through its name is the responsibility to 'protect', thus highlighting that intervention is indeed a legitimate option in the name of protection.

After analysing the report of the commission that was submitted to the United Nations, it is also evident that there was barely any sign of opposition and debate from those who were of the belief that a military solution may not be the best method to ending conflict.^[5] It is partly also this lack of narrative that has led to the doctrine being so military and intervention oriented, which is highly representative of the Western liberal 'show of strength' oriented solution approaches that we have repeatedly observed in instances like Iraq and Vietnam. It is also important to note that the 'interventionist responsibility' can only be shouldered by nations which have military and technological might, and therefore the possibility of a developed Western nation having to face such an invasion of sovereignty is close to none.

It is also key to assess whether the so called 'International Community' really has the final say in mandating an intervention by calling upon the R2P doctrine. The actor who in fact does have the final say is the United Nations Security Council, the sole actor who can authorise such operations. The Security Council is indeed dominated by the Permanent Five (P5) members who are not even remotely representative of the international community. The entire power then to approve a military intervention capable of major destruction and changes to national regimes and the world order lies in the hands of the developed few of the world. While this gives them the power to initiate interventions in cases they deem fit, it also backfires in its converse form by ensuring that adversaries of these countries will remain protected of their sovereignty even in cases of grave war crimes. As Antony Loewenstein has correctly raised 'We never hear R2P backers pushing for a military intervention in Gaza to protect the Palestinians from Israeli Missiles. Nobody is talking about protecting Egyptian civilians from the brutal US backed military dictatorship in Egypt'.^[6] This selective implementation is only a further indication of the existing bifurcation and its power manifestation.

The Power of Language and Terminology

The relationship between language and the creation of narratives is not an unknown one. Terminology has the power to completely change the nature of viewership of certain ideas in the favour of the ones who construct it. One of the devastating implications of the language of the 'Responsibility to Protect' for the field of conflict and war is that it has taken away agency from the citizens earlier seen as citizens with rights and power. These citizens are now viewed as victims in need of 'protection' and support. It not only strips them of their individual status but also perpetuates a psychological image of powerlessness and victim hood. Mahmood Mamdani sees this as a perpetuated pattern 'from the history of modern western colonialism where the leading western powers came to countries controlled by rival powers and claimed to protect "vulnerable groups."^[7] It is thus important to question 'Where has this responsibility been derived from', and the resulting narrative is quite similar to that of colonialism and the 'White Man's Burden' which highlights the 'duty of the white race to impart culture and education to the rest of the world'.^[8] Even today, this is manifested through the prevalence of the dominant western narrative of humanitarian military intervention and the West's idea of stability, peace, and security that will be imposed upon the country that is being 'protected'.

At the third round table conference of the ICISS, the main authors of the doctrine suggested the usage of the term 'responsibility to protect' as a means to avoid using the term 'right to intervene' and shift focus towards the humanitarian needs of failing states.^[9] The present doctrine therefore is more of an instrument of power in the hands

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of the developed countries to justify intervention at will as opposed to an instrument focused on ending conflict in war torn societies. This is because its language, and even its practise, takes away focus from the inherent causal problems that are at the root of such conflicts and make them into situations that can be resolved through intervention. There are a number of causes that are at the heart of civil wars and in need for attention including poverty, underdevelopment, inequality, lack of agency, corruption, religious divides and many others that cannot be transformed at such a simplistic and superficial level. It is worthy also to note that only two pages of the entire doctrine are devoted to 'Non-Military' forms of intervention. Thus, the language of the R2P doctrine and present day humanitarian intervention has contributed to a narrow understanding of conflict which can be detrimental to the very growth of these societies.

A Critical Perspective of the Nexus between 'Responsibility to Protect' and Emancipation

The Welsh School of International Critical Security Studies has understood emancipation as a critique of what lies at the core of the belief of the 'Traditional Security School'. According to one of its main proponents, Ken Booth, 'an emancipatory security paradigm must seek to uncover the realities of security (or rather insecurity) which entails locating human rights abuses, the oppression of minorities, the powerlessness of the poor and violence against women'.^[10] It is hard to imagine that external agents of violence and insurgency can lead to the actualisation and emancipation which ironically the R2P doctrine claims to be its objective. This idea can be best understood through the dichotomy of 'negative peace' and 'positive peace'. According to Johan Galtung, 'peace research is a research into the conditions for moving closer to peace or at least not drifting closer to violence. Thus negative peace is the "absence of violence and war" and positive peace is the integration of human society".^[11] Seen through this lens, it is visible that the R2P is a move towards negative peace by moving to create the absence of war with further violence. Emancipation simply gets reduced to moving from one kind of violence to the other, and one kind of restraint to another. Not only are the voices of the civilians marginalised with the end of even a possibility of individual or local processes of resistance; reduced also is their capacity to occupy public platforms, build indigenous movements, and demand social justice.

Another dimension of the equation is to ask whether the people can feel this emancipation in the complete absence of agency. For example, a large reason for the intensity of nationalism that countries like India and France feel today is that they struggled and through domestic revolutions and movements, established values and ideals that are even more personal than they are national. Emancipation is a largely internally driven process and there is little evidence to justify that externally imposed or facilitated 'emancipation' can lead to a structural resolution of conflict. Even if this is viewed as a 'partial emancipation', it is the kind that leads to a definite creation of power structures and hegemonic relationships.

Case Study of Libyan Intervention (2011)

The duration of time between the United Nations Security Council Resolution 1973 that demanded for a ceasefire in Libya and the addition of the clause urging 'UN Member States to take all necessary measures to protect civilians and civilian protected areas of Libya'^[12] was remarkably short. The case of the Libyan intervention has perhaps been one of the worst cases of the R2P in action, but, more than the criticisms for arbitrary aerial bombing by the North Atlantic Treaty Organisation (NATO) on Libyan territory, there has been criticism of the lack of focus given to civil society voices, humanitarian requirements and alternate methods of pacific settlement. Therefore, the emancipation that the intervention sought to achieve in Libya was one which in effect further perpetuated the inequalities and insecurities of the people. This will be further analysed in the following section discussing the aftermath of such operations.

Analysing the Aftermath of 'Responsibility to Protect' Operations

In order to assess whether the doctrine of 'Responsibility of Protect' has been able to achieve its goals in its present form, a post-intervention assessment of political society and economic order is necessary. Continuing the 'Case Study of the Libyan Intervention of 2011', scholars have often questioned why the P3, in this case United States of America, the United Kingdom, and France, refused to settle for anything short of regime change. Gareth Evans

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argues:

The charge sheet includes the interveners rejecting ceasefire offers that may have been serious, and which certainly should at least have been explored; striking fleeing personnel that posed no immediate risk to civilians; striking locations that had no obvious military significance (like the compound in which Gaddafi relatives were killed); and, more generally, comprehensively supporting the rebel side in what rapidly became a civil war, ignoring the very explicit arms embargo in the process.^[13]

After Muammar Gaddafi was killed, the entire state was left in a political vacuum with excessive supply of arms in the hands of civilians that had been supplied from external opposers of the Gaddafi regime. While the world celebrated this as a victory of the intervention, rebels with arms went ahead and conducted indiscriminate killings of civilians who they identified as 'Pro-Gaddafi' and established their own rules, calling themselves 'guardians of the revolution'.

Today, more than four years after the death of Gaddafi, there is no semblance of stability or security in the State of Libya. The country's infrastructure has been massively destroyed, their economy has crumbled even more, a record number of 'civil wars' have broken out and the country has become a haven for extremists. As a consequence of the political vacuum created in Libya, parts of the country are today controlled by the Islamic State (IS), a jihadi extremist militant group that many have called a terrorist organisation and against whom a large number of countries and organisations have officially declared war. This clearly demonstrates that it is not enough to push for and achieve a 'regime' change in a conflict ridden country, but rather such undertaken operations without taking into account the background situation of the conflict can in fact lead to its worsening.

In the case of the Iraqi Intervention of 2003, it was justified to the UN and international community by the United States claiming that Iraq was harbouring 'Weapons of Mass Destruction', a claim that later proved to be false. The U.S. Iraq Survey Group published in 2004 that 'The ISG has not found evidence that Saddam possessed WMD stocks in 2003, but [there is] the possibility that some weapons existed in Iraq, although not of a militarily significant capability'.^[14] Testimony to the worsening of the conflict here, is the fact that the mortality rate within Iraq increased exponentially after the Iraq Invasion. In an increasing order of death estimates, the Iraqi Health Military Survey published in the *New England Journal of Medicine* of '400,000 excess deaths due to the war with 15,000 being violent deaths'; a higher estimate comes from the British Medical Journal – *The Lancet* which claims there '654,965 excess deaths with 601,027 as violent deaths; and the highest estimate comes from *Opinion Research Business Survey* which published that there were '1,033,000 violent deaths as a result of the war'.^[15] This leads to the question that is rarely ever asked in this context: how do we measure genocide? Is it simply state sponsored killings or should the excess deaths facilitated by operations of external actors and coalitions be understood as a part of the genocide? How is that mass killings are termed genocide, but deaths caused by insurgency operations are termed international obligations?

Another aspect to consider as a definite consequence of these invasions is the rise of refugees contributing to the world's largest refugee crisis that is being seen today. High levels of instability, no definite political authority, presence of rebels, internal displacement and extremists harbouring weapons; all of these have led people to flee their countries especially Syria and Libya and seek refuge elsewhere. More than a thousand refugees died while travelling to Europe in April 2015 and many more put their lives in risk everyday, even at the uncertainty of asylum. The implications of this crisis on the security of asylum granting states can also now be seen after the Paris Attacks of 2015 where one of the seven terrorists was found to have entered France as a Syrian Refugee.^[16] What can also be seen as a consequence of these interventions in the Middle East is the impact on the Arab State of the Persian Gulf resulting in economic meltdowns between the states in the Middle East. Two important conclusions of the Report of the Overseas Development Institute regarding economic impact on the region after the Iraqi Invasion were 'Many developing states were severely affected and while there has been a considerable response to the crisis, the distribution of assistance was highly selective'.^[17]

Bifurcated System of Sovereignty: Shadows of Colonialism

The 'Responsibility to Protect' doctrine has today led to what Mahmood Mamdani calls a 'Bifurcated System of

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Sovereignty' where the standard of civilisation has been set in the format of a 'partial licence of sovereignty granted by the international community which can be revoked if states fail to meet the standards of liberal governance'.^[18] This idea of the judgement of state legitimacy given to external agents, is highly reminiscent of the idea of colonialism and indicates low levels of independence and freedom associated with sovereignty. Non-Western states are now judged through a Western Liberal paradigm of governance and live with the knowledge that non adherence to the order could just as easily lead to them being termed 'failed', 'rogue' or 'unstable'. The argument is therefore that, much like colonial times, even today sovereignty is the right of a few and a prize for the others. This international pressure not only ensures that policies undertaken by governments across the world fit the liberal democracy paradigm but sends out a clear message that there is little independence in terms of governments to decide their systems of governance, laws and political ideologies, which is further exacerbated by the position of power that the Western states are in and the undue influence it casts on the rest of the world.

Insufficiency of Existing International Legal Mechanisms to place Checks and Balances on the R2P: A Critical Analysis of the Role of the International Criminal Court

It is unthinkable to have a doctrine that is so all powerful and allows states to invade the sovereignty of others without the existence of an equally all powerful international legal mechanism in charge of placing checks and balances on this power. In this section, I will argue that the International Criminal Court is not nearly as neutral or free of bias as is the standard required for the fair implementation of the doctrine. At the very onset, Washington's refusal to sign the Rome Statute rested on the fact that its people may be tried for past crimes including major bombings and the nuclear explosions which led it to demand complete and indefinite exemption from the court's jurisdiction, failing which it threatened to veto the renewal of peacekeeping operations in Bosnia.^[19] The United States then resorted to forming various bilateral agreements with member states with terms of not handing over criminals to the ICC but to their respective governments. The US influence in the ICC is thus visible since its very formation.

What is also striking is that all the three major interventions that have been undertaken by the ICC—Uganda, Congo and Sudan—have been those where there has been complete approval by the US on the method of investigations. Moreover, this course was even designed by the US so as to ensure that in Uganda for example, it is only the LRA and not the Pro-US Government that gets charged with the government led accusations. When questioned about this selective accusation, the ICC Official Louis Moreno Ocampo stated that they made use of 'The Principle of Gravity'.^[20] For this reason, countries such as India have refused to sign the Rome Statute, as they are wary of the relationship between the ICC and the UNSC with the ICC giving the UNSC powers of oversight. It is also worth noticing that till date it is only cases of Africa that have been investigated and other very important western cases that could have been investigated, have been completely ignored. The ICC is thus not a strong enough instrument to justly implement the doctrine of Responsibility to Protect.

Organic Change Versus Temporary Peace

Finally, this section aims to assess whether R2P is ultimately effective in achieving the change that it aims for. While the consequences and implications have demonstrated excessive harm that has been caused as a result of such interventions, at the very heart of the critique of the doctrine is its inability to provide a Transformation of the conflict as opposed to a mere solution. Even for a regime change to work successfully, a certain amount of focus to human security needs to be given but we find the doctrine to be dissociated with human security and resonating of the traditionalist state security paradigm. Threats that are extremely real such as poverty, hunger, healthcare and agency are sidelined in the mission to gain political control and exercise that control by Western Powers. 'This taken for granted peace is divorced from the reality of the long evolution of both the concept and the methods used in its construction, stemming from a particular set of experiences, interests, perspectives and epistemologies'^[21] argues O.P. Richmond. Many scholars have claimed for example, that South Africa's Post-Apartheid Transition was smooth because it was domestically driven and not pushed for or investigated by an external agency such as the International Criminal Court. I therefore argue that in order to end war in a society, an imposed intervention while might establish a temporary form of peace will be impeding in the process of organic change in the long run. Conflicts are resolved not by changing regimes but by resolving the deep rooted problems that plague such societies so as to ensure that they never return. The critical lens that must be used to view to R2P is that of conflict transformation and

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not a simplistic resolution.

Conclusion

The twenty-first century world order is not the same as the one that existed at the time of colonialism. However, a resurgence of many of the features of that order are strikingly visible today. Hegemonic political relations, self beneficial economic arrangements, invasions in the name of the protection of minorities and vulnerable groups, assertion of the neo-liberal political paradigm as being the ideal aspiration, large numbers of killings in the name of collateral damage in the process towards civilisation and development and finally the dominance of the international system by the developed powers of the world; the features could not be more similar. The difference lies only in the fact that these are now accomplished through subtle manipulation, use of language and use of existing power relations and bargaining power which become distinctly visible while applying the neo-imperialist theoretical framework to the doctrine of 'Responsibility to Protect'. On a secondary level, the security and emancipation achieved through this doctrine are not only partial and temporary but are suited to a world order that is beneficial to the developed few. However, it is also important to acknowledge the additional responsibility it places on governments to protect their citizens and to limit the power of governments to perform indiscriminate killings on racial, ethnic or political grounds. In order for the doctrine of 'Responsibility of Protect' to be a more successful one, it needs to devote a lot more focus to alternate dispute resolution mechanisms, improving existing legal mechanisms, accommodating regional and transnational organisations into the conflict resolution process and, finally, a structural reformulation of its essence in order to ensure a systemic and sustainable change.

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Footnotes

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