Can the Doctrine of the R2P Make the World More Secure?

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[The responsibility to protect] can be a minefield of nuance, political calculation and competing national interests. The result too often is hesitation or inaction. This we cannot afford.
– Secretary-General Ban Ki-moon, 2011

Humanitarian intervention has always been a controversial issue, whether it is implemented, or not. The doctrine of Responsibility to Protect (R2P) is supposed to provide a framework to "protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (§138, 2005 World Summit Outcome). This essay takes a neoliberalist approach, assuming an anarchical international system, but at the same time acknowledging that international institutions can influence the behaviour of states, gradually leading to progress in the fields of human rights and international humanitarian law. While from a purely moral perspective, the R2P is a crucial step forward, we must remain extremely critical of what it can achieve in a world dominated by power politics. As of yet, it cannot guarantee international peace and security and is not likely to stop future Rwandas and future Kosovos from happening. Firstly, the essay examines neoliberalism in terms of achieving security through international cooperation, also briefly touching upon neorealism and constructivism. The emphasis then shifts to the initial aims of the R2P and how the doctrine is linked to security and the notion of sovereignty. Next, the focus turns to the internal flaws of the UN system, paradoxically based upon liberal humanitarian values, as well as realist power politics. This leads to the most serious limitations of the R2P: its dependence on the political will of states and the harmony of the Security Council. Finally, the essay analyses the cases for R2P in Libya and Syria, respectively.

Neoliberalist thinkers like Robert Keohane and Robert Axelrod are similar to neorealists such as Kenneth Waltz and Joseph Grieco in that they assume the rational egoism of states and the struggle of Great Power politics. (Brown&Ainley, 2009: 46-47) However, in neoliberalist terms, a Hobbesian situation of anarchy does not necessitate a Hobbesian 'sovereign' for there to be cooperation and security (ibid). States are not concerned about cooperation being zero-sum, or, put differently, their *relative* gains compared to others, as neorealists argue, but rather they seek *absolute* gains and worry about their own welfare more than about competition. For Keohane, war is not inevitable. (1988: 381) States willingly work together in international institutions, for when harmony prevails, their policies can be facilitated through cooperation and they can change the behaviour of other state actors. (ibid: 380) Constructivists such as Wendt, on the other hand, would claim that the international system is merely based upon socially established norms and takes for granted the nature of the state as a governing body. (Brown&Ainley, 2009: 49) Many constructivists would also point out that identity matters in international politics and discourses about security. (ibid: 50) US relations with the UK, for example, differ greatly from its relations with China because of how it perceives these countries. In this sense, the R2P is 'what states make of it'. The way it is interpreted by Russia is different from the way France views it. Yet, whilst recognizing the extent to which social constructs determine the world as we see it, this does not alleviate the dilemma that our international system remains dominated by power struggles. With regard to international law, neoliberals do endorse the latter, but prefer to base their opinion on rationalist assumptions and economic theory where possible. (Reus-Smit, 2008: 290) The following paragraph aims to show how the many failures of international humanitarian law since 1945 eventually led to the creation of the R2P doctrine.

The end of the Second World War marked a period of legal optimism. The international community agreed to prevent

future genocide, crimes against humanity and war crimes and to protect citizens in armed conflict. This led to the adoption of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, the Universal Declaration of Human Rights, as well as the Geneva Conventions of 1949. Yet, these initial promises would be proved hollow. Throughout the Cold War, the legal paradigm suffered from a considerable setback, due to the world's bipolar division into two camps and the consequent paralysis of the Security Council. The legal tools that had been created just after World War Two proved ineffective in preventing or even halting, human atrocities, such as in East Pakistan, Biafra in Nigeria, Cambodia and Guatemala. Near the end of the 20th century, the nature of armed conflict experienced a shift from large-scale inter-state wars to internal violence. (Evans, 2006: 706) Again, the international community failed to prevent genocides, this time in Rwanda, the Former Yugoslavia and East Timor. In the late 1990s, debates about crisis prevention and response increasingly began to concentrate on the security of the individual and the community, rather than merely the state — 'human security'. It was in this context that the International Commission on Intervention and State Sovereignty (ICISS) first presented its report on the "Responsibility to Protect" in 2001: "The traditional, narrow perception of security leaves out the most elementary and legitimate concerns of ordinary people regarding security in their daily lives". (ICISS, 2001: 15) The ICISS focused on what it perceived as new security challenges in the 21st century, including international terrorism, internal conflicts, weak state structures and increased vulnerability of civilians. (ibid: 4)

The Commission also built on Francis Deng's notion that sovereignty "carries with it certain responsibilities for which governments may be held accountable. … not only to their own national constituencies but ultimately to the international community." (Deng et al., 1996: 1) Sovereignty is an ambiguous concept. Indeed, whilst state sovereignty is rooted in the Peace of Westphalia of 1648, the notion of sovereignty of the people originates in the work of Enlightenment thinkers like Bodin, Hobbes and Rousseau, as well as in the American and French declarations of rights in the late 18th century. (Glanville, 2011: 234) More often than not, however, governments still use the Westphalian notion of sovereignty and national, rather than human security issues. For both realists and liberalists, the main principles of the international state system and international security remain territorial independence and non-interference. (Bellamy, 2008: 422) Yet, the aim of the ICISS report was that when states are unable or unwilling to protect their citizens from serious harm, the principle of non-interference would yield to the responsibility to protect. (ICISS, 2001: XI) According to Former Secretary-General Kofi Annan (1999), "[t]he state is now widely understood to be the servant of its people, and not vice versa." The ICISS argued that R2P was more than just military intervention, a responsibility to react to large-scale human suffering. The international community also had a responsibility to prevent such conflicts by means of non-violent tools and help rebuild societies affected by crimes against humanity and war crimes. (ICISS, 2001: XI) The R2P thus views human rights and sovereignty as mutually supporting, rather than opposing concepts. (Bellamy, 2008: 427) The obvious difficulties pertaining to the latter notion of sovereignty are, however, at what point a state loses its sovereignty and which body has the authority to decide. In order to govern when the R2P should come into force, the ICISS suggested threshold principles such as large scale killing and ethnic cleansing, as well as precautionary ones — right intention, last resort, proportional means and reasonable prospect of success. (ICISS, 2001: XII)

The implementation of the R2P's key recommendations has been problematic, mainly due to the rigid and flawed structure of the UN itself, similar to that of its failed predecessor, the League of Nations. From its onset, the doctrine of collective security was based on two opposing paradigms: the traditional balance of power system derived from the Great Power hierarchy of the 'Concert of Europe' versus the 'Peace Project' tradition based on Kant's *Perpetual Peace*. (Brown & Ainley, 2009: 145) The Security Council (SC) was thus supposed to "maintain international peace and security" (Article 1.1.) and safeguard liberal values such as intrinsic human rights, whilst preserving state sovereignty and a realist Great Power chain of command at the same time. The UN Charter restricts the use of force to cases of self-defence and SC decisions under Chapter VII. (Articles 2.4 and 2.7) However, the five permanent SC members' (P-5) veto power can stop any such decision from passing. This internal paradox of the UN is the underlying reason for its many failures, such as the SC stalemate during the Cold War, and has presented the R2P's main obstacle.

Despite Annan's attempts at reforming the UN, and his creation of a High-Level Panel to examine UN reform in light of 21st century security challenges, the P-5 — particularly the US, China and Russia — have refused any attempt at reform that would restrict their powers and their freedom of action and manoeuvre, especially regarding limits on the

veto. (Wheeler, 2005: 7) Neither have they been willing to adopt threshold and precautionary principles or a greater role for the General Assembly. (ibid.) Thus the panel could not change the system that R2P relies on. It even explicitly states that the use of force depends on SC authority. (RHPTCC, 2004: 16) Yet, the panel did achieve changes in the normative context of R2P. One of its main innovations was the proposition that the SC has the authority and responsibility to use force preventively when necessary to safeguard international peace and security, enabling it to authorise coercive action to prevent humanitarian disasters from worsening. (ibid: 51) In 2005, the World Summit Outcome Document accepted for the first time that under Chapter VII collective action could be applied on a "case-by-case basis and in cooperation with relevant regional organisations" when states were failing to protect their populations from "genocide, war crimes, ethnic cleansing and crimes against humanity." (§139) Still, the Outcome Document can be interpreted in a way that R2P could effectively constrain rather than enable interventions: "[e]ach individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity." (§138) In this regard, its vague diplomatic language does little to prevent states from hiding behind the shield of sovereignty, whilst failing to protect their own populations, and has hardly changed the P-5's general stance on intervention to save strangers from suffering.

Important normative developments regarding R2P since the 2005 World Summit include the SC adoption of Resolutions 1674 (Operative Clause 4.) and 1894 (Preamble) on the Protection of Civilians in Armed Conflict bearing the first SC reference to R2P by reaffirming §138-139 of the 2005 World Summit Outcome, as well as Resolution 1706 authorizing the deployment of UN peacekeeping troops in Darfur, which also refers to R2P (Preamble). However, R2P also suffered from some considerable setbacks. Hence, in 2007, China and Russia vetoed a resolution on the situation in Burma on the grounds that Burma did not pose a threat to international peace and security. (ICRtoP [online]) Moreover, the UNSC Resolution 1769 authorizing a hybrid UN-AU force deployment in Darfur failed to refer to R2P. (ibid.) Furthermore, during the General Assembly's 5th Committee bi-annual budget debate in 2007, some Member States denied that they had never agreed to R2P as a norm and declined funding for a new Special Advisor on R2P. (Evans, 2008: 288) These developments show just to what extent the R2P doctrine can be stretched by the rhetoric states.

The first major case of R2P was invoked by the SC Resolutions 1970 and 1973 during the crisis in Libya in March 2011. As a result of how R2P was used in Libya, it is now likely to be associated with humanitarian intervention, and less with the potential political and legal options it endorses. (Pattison, 2011: 2) Alex Bellamy supported the intervention in Libya as "clearly necessary" and "the best that could be made out of a bad situation" — although he admits that the form of intervention was problematic and that it essentially placed the region's long-term stability with fractious rebels about whom little is known. (2011: 7) Thomas Weiss was more cautious; he believed that while the success of Libya would strengthen the R2P doctrine, critics would redouble their position if it went badly. (2011: 1) Although considered a success by those countries that led the intervention, only time will really be able to tell whether it was really successful on the long-term or not, especially regarding the new transitional government and regional security. It is impossible to know what would have happened without an intervention. However, we should remain sceptical of the actual importance of the R2P doctrine in Libya. Arguably, the intervention could have taken place for the same purposes without any mention of R2P. The fact that an intervention occurred in Libya is certainly linked to power politics and strategic interests. Libya is situated on the Mediterranean coastline, close to Europe — with potential security implications for countries like France and Italy, concerning refugees for instance. Libya also lacked allies in its region; hence the intervention was supported by the Gulf Cooperation Council, the Organization of the Islamic Conference and the League of Arab States. (Bellamy, 2011: 4) Rallying public support for the intervention was not too difficult considering Qaddhafi's ridiculous public statements, the fact that he was clearly killing his own population and the general feelings of solidarity towards the uprisings in the Middle East.

The ongoing humanitarian crisis in Syria on the other hand, is more complex. It shows that the R2P is clearly not a remedy for every conflict. So far, a resolution calling for President Assad to step down was vetoed by Russia and China, who are unhappy with how the intervention in Libya was implemented, claiming the US-led coalition went beyond its mandate, and have key interests in Syria (for instance, Syria has been a keen ally of Russia since Soviet times). (MacAskill et al., 2011 [online]; Ovenden, 2012 [online]) In this light, it is unlikely that the doctrine of R2P will be able to persuade Russia and China to change their policies of non-intervention.

In conclusion, the R2P suffers from critical limitations; primarily its dependence on political will and on SC agreement. In this regard, we must be careful not to get ahead of ourselves and read too much into this doctrine. Louise Arbour claims that it signifies not merely a moral, but also a legal responsibility to intervene. (2008: 451) However, considering how states handle international crises, the R2P as a legal 'duty of care' seems far-fetched. As Stephanie Carvin argues, we have a 'responsibility to reality' in the sense that we must realize that the actual issues facing R2P, such as the 'will' of states, are still of political, rather than legal nature. (2010: 53) Moreover, Bellamy's argument (2011: 4) that the question is no longer whether, but how to fulfil the R2P again seems overly optimistic, especially considering the failed SC resolution regarding Burma and the ongoing conflict in Syria for which no solution appears to be in sight, raising the familiar question of double standards. The R2P has not yet found a way to overcome the complications presented by power politics and strategic interests. It remains vaguely formulated and can be interpreted by states as both supporting and disapproving of humanitarian intervention; as undermining or safeguarding national sovereignty.

The R2P does reflect progress in a normative sense and the fact that it has been invoked by SC Resolutions 1674, 1706 and most importantly 1973 and 1970 shows that there is significant consensus on the R2P and that its toolbox has potential to become more significant in the future. It is hard to argue with the R2P on moral grounds — in an ideal world, all states should take responsibility to protect their populations. In reality, projecting this responsibility onto an international scale remains problematic, for there will always be the issue of *who* should act *when* and *how*. The adoption of specific threshold and precautionary principles would be a crucial step forward making it harder for states to employ false humanitarian claims. (Wheeler, 2005: 7) As Gareth Evans (2004: 14) argues, they would strengthen strong arguments and weaken weak ones, which matters, for governments that fail to persuade other states, the media and the global public opinion, risk condemnation and sanctions. Without the adoption of such principles and without considerable Security Council reform (which still remains highly unlikely), the Realpolitik of our global order will continue to undermine the R2P. Hence, it is currently still far from being able to effectively make our world a more secure place.

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