In the Post-9/11 Era is "The Responsibility to Protect" Irrelevant?
Written by David Sykes

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The responsibility for states to intervene in the governing of other states has been always been a controversial subject in international relations. Ever since the 1600s the right of a state to be able to govern itself free of intervention and control of other states has played an important role in international society. The responsibility to protect individuals from violations of their human rights around the world has been a movement increasing in intensity since the end of the Cold War. There have been numerous humanitarian interventions in the past two decades and it has been a topic of debate and disagreement in the United Nations. The events of September 11th 2001 have certainly altered how states view their 'responsibility' to intervene however. What is not clear is whether or not humanitarianism really is at the forefront of modern foreign policies, or whether recent interventions have been driven by self-security desires rather than a genuine desire to help the suffering.

This essay will first examine the concepts of sovereignty and human rights as well as the historical development of the two ideas leading to the changes made in how the UN viewed humanitarian intervention following the collapse of the Soviet Union and then the impact which 9/11 had on the perceived responsibility to protect. The essay will analyse the alternative motives which could also be behind recent interventions and the possible consequences which interventions might cause to the international community. The essay will then conclude whether or not the responsibility to protect others is still relevant in international relations, or whether it is simply a partially disguised self-interest which is driving states to invade one another in pursuit of their own goals.

Sovereignty is a right which all states claim. It is the right for states to be able to govern themselves and to have control over what they do and how they do it. Although the rights and obligations of states and peoples have varied, states sovereignty demands immunity from external challenge to forms and methods of governance[1]. According to the principle of Westphalian sovereignty, the best way of achieving security is to maintain international order based on the mutual recognition of each state's right to rule a particular territory as they see fit. This follows the theory that the best provider of human security is the state. However, despite states agreeing on respecting one another's 'absolute sovereignty', this has never granted states the right to abuse their citizens. Until the 19th century, leaders were seen to be held accountable to God, which would mean that they would not be able to have absolute freedom in how they govern. This doctrine remained until the 19th century.[2] It is generally agreed that sovereignty has to be restricted in some way in order to prevent grotesque violations of human rights, because of the realisation that in the 20th century alone 262 million people were killed by their own governments: six times more than the number of people killed in battle with foreign governments.[3] However, there has been a great deal of disagreement over the issue of what degree of responsibility states have to prevent humanitarian crises in other nations, and to the degree to which sovereignty has to be conditional.

The responsibility to protect is a recent doctrine to which the United Nations agreed at the 2005 World Summit. The member states settled on a four part agreement; states' recognition of their responsibility to protect their own citizens from genocide, war crimes, crimes against humanity, and ethnic cleansing; the agreement to help other states fulfil this responsibility; the international community agreed to use non-coercive measure to prevent genocide and mass atrocities; and a willingness of the Security Council to intervene using the full range of its powers should a government fail to protect its citizens.

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By the end of the Second World War, the view of sovereignty was forced to change. After the atrocities of the Nazi regime became clear, human rights began to take precedence over sovereignty in the foreign policies of numerous states and in the eyes of the newly established United Nations. However, this was counter-balanced to a degree by belief in a state's right to autonomy, which spurred the de-colonisation movement and created a strong impetus for the outlawing of war as an instrument of state policy.[4]

During the Cold War there was a relatively strict regulation of the use of force and the ability of states to intervene in the affairs of others due to fears of the damage to the balance of power and international order and stability[5]. However these laws were arguably strained to such a degree that they were no longer binding.[6]

After the collapse of the Soviet Union in 1991 however, humanitarianism saw a revival. Sparked by concerns of humanitarian failures in Rwanda the 1999 NATO bombing of Yugoslavia prompted international organisations and politicians to re-evaluate the meaning of sovereignty and the responsibility to intervene in the affairs of other nations, leading to the agreement of 2005.

The 2005 World Summit agreement on the responsibility to protect was influenced by the International Commission on Interventions and State Sovereignty (ICISS).[7] The ICISS argued that when states are 'unable or unwilling to protect their citizens from grave harm, the principle of non-interference yields to the responsibility to protect'[8]. The Commission argued that a responsibility to halt humanitarian crises would not be enough, and that states have a responsibility to prevent such suffering and to rebuild societies in a way which will not lead to humanitarian problems in future. They also concluded that prevention was the most effective and most important element of the responsibility to protect and that interveners had a moral duty to work towards disarming and demobilising former combatants. Interveners should also foster opportunities for reconciliation, and to guarantee the legal rights of the endangered and displaced as well as aid economic growth.[9]

The 2005 World Summit was the first time that the society of states had formally declared that sovereignty was granted on the condition of human security[10]. However, the concept of human security is still unclear in definition. The definition offered by the ICISS is 'the security of people- their physical safety, and the protection of their human rights and fundamental freedoms.'[11] The fundamental components of which are 'the security of people against threats to life, health, livelihood, personal safety and human dignity.'[12] This definition however has been criticised for being far too vague, and it has been pointed out that the term is broad enough to encompass things such as traffic accidents as threats to human security.[13] This has lead critics to argue that 'if human security means anything at all, it means nothing'[14]. However the wide-ranging definition used by the ICISS has argued to be an asset exactly because it is so broad and all-encompassing and holds governments responsible for managing all dangers to their peoples as well as protecting the diverse range of values, perspectives and objectives of all of the members of the coalition.[15]

There are also concerns over the justification of pre-emptive preventative intervention before any humanitarian crisis arises, as it is unclear how to judge with any certainty whether a state will commit human rights violations or whether human security will be threatened by groups within the nation in question. This could be a very serious threat to the idea of sovereignty as it would directly challenge a state's ability to be self-governed as it is effectively a form of government (typically western style liberal democracy) being forced upon another nation. Another critique of the system is that it overlooks some violations of human rights over others, particularly the United States' US PATRIOT Act, which enables security services to search a suspect's home or place of work, record conversations, and monitor phone lines, emails and financial records without the knowledge or permission of the individual concerned or a court order. Another challenge to the responsibility to protect is that it challenges the core principles of the United Nations 'The violent armed attack by three members of the United nations upon a fourth cannot be treated as anything but a grave error inconsistent with the principles and purposes of the Charter'[16]. There is also worry over the precedent which allowing intervention on the grounds of humanitarianism will set, as it may well allow more frequent breaches of state sovereignty to go ahead in much less compelling humanitarian circumstances[17].

The events of 11th September 2001 have had a very complex impact on the responsibility to protect. On the face of it, it has lead to the invasions of Afghanistan and Iraq, two attempts to remove ruthless regimes which have oppressed

and butchered their people. The invasion of Afghanistan was argued by Donald Rumsfeld as being in line with the previous interventions in Kosovo, Bosnia, Somalia, Northern Iraq, and Kuwait 'for the purpose of denying hostile regimes the opportunity to oppress their own people and other people.'[18]

However, it is argued that 9/11 and its aftermath have out-modelled the concern for the humanitarian well-being of citizens of other nations, and has replaced it with a self-interested concern for security. As Paul Heinbecker, Canadian Ambassador to the UN described it, the interventions in Kosovo and East Timor were based on concern for the vulnerable 'other, whereas Afghanistan and Iraq were fought for the protection of the 'self'.[19] It is a generally held view that unstable states and states with failed governments can become home to terrorist networks and can lead to terrorist and anti-western sympathisers in that region increasing, so there is clearly a perceived security concern raised by the destabilisation and collapse of foreign governments. Humanitarian interventions are arguably always serving self-interest to a degree. The interventions in East Timor, Bosnia, and Sierra Leone were made possible by the leadership of a particular state with an interest in the intervention, as well as the capability and will to lead the intervention. This is evident in these three cases as the interventions were lead by Australia (East Timor), USA (Bosnia), and the UK (Sierra Leone). However the Rwandan crisis had no 'lead-nation' backing intervention and so the UN was slow and weak in its response.[20]

The US-led coalition which invaded Iraq may have merely used the humanitarian arguments. Initially, the crisis was depicted with little focus on the suffering of civilians, but on the threat Iraq posed to interveners. But as the support for the intervention diminished and the weakness of the link between Saddam Hussein and Al-Qaida was exposed, figures such as Tony Blair began to draw attention to the moral purpose of intervention and the population of Iraq who were opposed and desperate for intervention. The humanitarian justification was further fuelled by the discovery of the mass graves of Hussein's political rivals as the military campaign drew to a close.[21] This use of humanitarianism as justification can be viewed as having a powerful impact in international society.

David Rieff has argued that it is now virtually impossible for a Western democracy to fight a war 'without describing it to some extent in humanitarian terms.'[22] The US' War on Terror is undoubtedly a campaign driven by the desire for self-security, however because of the material and political costs of intervention it is vital to retain relations with France, UK, and Germany, etc; nations with which the invasions of Afghanistan and Iraq have strained. Therefore, in an effort to maintain support and assistance, the US may have consciously incorporated humanitarian rhetoric into its foreign policy.[23]

Indeed, before 9/11 the focus of US foreign policy was locations containing groups capable of trans-national violence with an articulated anti-American agenda, but it has since gradually grown to encompass nations with the conditions which have been known to foster or facilitate terrorism.[24]

The growing agenda of intervention that the US has adopted in recent years is a fundamental threat to sovereignty, the principles of the United Nations, and the stability of the international community. Although the interventions in the middle-east do have humanitarian results, such as establishing democratic governments and overthrowing tyrannical regimes, it the War on Terror is not fought in the name of human security, but in the interest of national security. Although the humanitarian responsibility to protect was a powerful and arguably benevolent movement after the end of the Cold War, it has been manipulated into nothing more than a means of legitimating invasions of nations hostile to the West. It has been perverted into weapon to be used against the principles of national security, but only against the non-Western world.

There is a clear set of double standards in 'humanitarian' foreign policy as since 9/11 many states have adopted authoritarian policies against their own people, such as the US PATRIOT Act, the vast amount of surveillance technology in the UK, the narrowly rejected 42 day detention period without trial, and restrictions and monitoring of movement in the name of 'counter-terrorism'. (While these are not as serious violations of human security as the activities of despots such as Saddam Hussein for example, they are still threats to human rights.) It also allows some states such as Israel, France and India the right to provide for their defence as they see fit, while denying that right to others, thus challenging a core principle of the UN Charter of formal equality of all member states.[25]

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Michael Ignatieff has argued that 9/11 taught the international community that in a globalised world, the rich and powerful have a duty to assist the poor and powerless out of self interest, rather than altruism.[26] He and David Rieff argue that the 'opportunistic use of human rights interventions abroad by Western governments is inauthentic and insincere, and unlikely to achieve long-term gains in binding society together on the basis of moral concerns.'[27]

Since the events of September 11th 2001, the responsibility to protect has perished, and its corpse is now being used as a disguise for self-interest and self-security. The imitation of humanitarianism has been used to break down the international principles of state sovereignty to enable the US in particular to fight its enemies with the general support of the international community. It has been used as justification for the world's biggest military power to carpet bomb one of the poorest regimes on Earth with the intention of removing its government among other morally questionable interventions. Certainly, states should have a responsibility to intervene in the affairs of other nations when there is a violation of human rights and human security, however the way in which the responsibility to protect has been utilised in the last eight and a half years has been humanitarian only in name.

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