Does the R2P Doctrine Represent a Positive Step for Human Rights?

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To What Extent Does the Responsibility to Protect Doctrine Represent a Positive Step for Human Rights?

In 2001 the International Commission of Intervention and State Sovereignty (ICISS) composed the Responsibility to Protect (R2P) doctrine. The doctrine marked a poignant transformation of international understanding of 'sovereignty' – challenging pervasive Westphalian ideas and the norm of non-intervention. The report restructured the language of humanitarian intervention. It stressed the idea of responsibility, 'that sovereign states have a responsibility to protect their own citizens from avoidable catastrophe' (ICISS Report, 2001: VIII) and 'the international community has a responsibility to encourage and assist States in fulfilling this responsibility' (UN, 2012). The R2P doctrine is significantly symbolic, reaffirming the United Nations' commitment to promoting human rights. However, whether it has been successful in achieving its aims is contestable. This essay shall argue that although the doctrine is morally and ideologically explicit in promoting human rights, in practice, the utilisation of the R2P doctrine is futile. The doctrine is an example of the inadequate and inefficient bureaucracy of the UN. The doctrine has done little for human rights as it notoriously falls short of acting effectively. The commission lacks authority and is undermined by its institutional structures. And, especially in the original 2001 ICISS report, the R2P doctrine is largely military in its objectives, undermining its aim to separate 'responsibility' from 'intervention'. Furthermore, the overtly ambiguous militaristic language suggests its emphasis is on intervention as opposed to seeking alternative, less pervasive preventative measures to protect civilians from violations of their human rights. In consideration of these arguments, this essay shall illustrate how R2P, although a 'poignant step' for human rights, is not a sufficiently 'positive step'. Although it is plainly a positive symbolic 'moral step', in practice, it does not fulfil its purpose. Additionally, I argue that its responses are not always appropriate. In an era of dominantly civil-warfare, on-the-ground peacekeeping missions may be more effective than military intervention from above.

A clear limitation of the R2P doctrine is its inability to effectively protect civilians from gross violations of human rights due to lack of tangible commitment from the international community. 'One of the most striking aspects of the R2P doctrine appears to be the gap between the promise and the reality' (Chandler, 2009: 27). Drafted after the atrocities of Rwanda in which the international community failed to intervene, the 2001 ICISS report explicitly expresses its objectives and purpose. There will be 'no more Rwandas', where states are unwilling or unable to protect their civilians, 'the principle of non-intervention yield to the international responsibility to protect.' (ICISS Report, 2001: VIII and XI). However, since the report was commissioned, there are clear discrepancies of the Security Council's ability to respond swiftly to instances of escalating violations, as was the case in Darfur. As Belloni states, 'humanitarian crises do not suddenly break out' (2006:333). Sudan has been in civil war almost continuously since independence.

In 2003, Sudanese government forces and the Janjaweed militias orchestrated a campaign of mass murder, rape, forced displacement, and destruction. At least 200,000 were killed and 2.5 million were displaced (Gutman et al., 2007: 146). Although conflict was escalating for many years, no attempt was made to stop the disaster at an early stage. The UN Security Council only started debating an appropriate and proportional international response once the worst of the humanitarian atrocities had already occurred (Belloni, 2006:334). Not only did they fail to prevent the obvious escalation of violence before it occurred, but when they did finally act in 2004, they opted for inappropriate

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and complacent bureaucratic measures as means to protect civilians. In 2006, the UN met with the Sudanese government and cease-fire treaties were signed. The government 'listened politely, and signed agreements to disarm the Janjaweed, [yet] the killing continued apace' (Gutman et al., 2007: 150). Although on paper, the UN was effective at striking peace, the reality is quite the opposite. The council failed to respond appropriately and protect Sudanese civilians from breaches of human rights. In this instance, the UN's 'monumental mistake' (Gutman, 2007:149) was the drawn out and inconclusive deliberation process and inappropriate, administrative response. This example highlights the limitations of the R2P doctrine. Without genuine commitment of the international community, the positive values R2P encompasses, such as promoting human rights, will inexorably struggle to be met. In consideration of this case study, it is questionable that the R2P doctrine is a valid 'positive step' for human rights.

Inherent weaknesses of the R2P doctrine lie in its institutional frameworks. As Belloni states, 'moral decisions with weak sanctions are the worst policy' (2006: 331). This reduces the doctrine's actual value as a document that 'positively' protects human rights, to a morally powerful, yet ineffectual doctrine. The R2P doctrine is vulnerable to manipulation from all sides. The discrepancy between the moral and theoretical principles of the R2P doctrine to its practical application is significant. Its absence of substantial authoritative bodies and clearly defined directives exposes it to exploitation. The extensive doctrine is full of ambiguity. It has unclear procedures and directives, and vague 'thresholds' which outline which atrocities constitute international intervention. 'The phrase 'within capabilities' is hardly adequate wording in a mandate towards the protection of civilians who may have expectations that cannot be fulfilled' (Doyle, 2009: 24). The reluctance and indecision of states to interfere in Darfur (2004) and Syria (2013) encompass the lack of autonomy of the doctrine. Critics such as Kuperman (2003) also highlight the possible inadvertent dangers of R2P. The threat of credible sanction may incidentally contribute to the outbreak of violence. 'In the domestic context… genocides and ethnic cleansing may occur when a vulnerable subordinate group rises up because it miscalculates optimistically that it will receive assistance from an outside source' (2003: 57). Such was the case in Kosovo. A year prior to NATO's intervention, the Kosovo Liberation Army calculated that only an extensive humanitarian crisis would compel NATO to intervene and some argue they intentional escalated the atrocities. 10,000 civilian Kosovo Albanians were killed in the violence and 300 000 were displaced (Belloni, 2006: 334). If this is the case, it seems legitimate to contest that the R2P doctrine is a positive doctrine advocating human rights, for on occasions it inadvertently escalates humanitarian crises.

Additional limitations of the R2P institutional frameworks become evident. The R2P doctrine has also been subject to manipulation by states to justify perhaps unlawful intervention. Such was the case of the UK and US when they simulated the language of the doctrine to justify waging war on Iraq in 2003 under the guise of 'humanitarian' grounds. Furthermore, the P5 veto in the Security Council has the power to halt, or undermine progressive plans imminently. This occurred at UN Council discussions over the Syrian conflict in 2012, which blocked further discussion of intervention or sanctioning. Russia and China Vetoed three Council resolutions which had hoped to put pressure on the Assad regime to stop the escalating violence and his attacks on civilians (Aljazeera, 2012). Additionally, there are no clear institutions determined by the R2P doctrine, which instruct appropriate means of intervention. Furthermore, nor are there any directives committing states to reconstruct and uphold human rights once they have been supposedly restored and protected. Such innate limitations within the founding structures of the doctrine, and with the absence of institutions and political bodies supporting the doctrine, this inevitably limits the capability for the R2P concept to become a proactive 'positive' institution in upholding human rights.

Nonetheless, the doctrine itself stands as a significant ideological commitment of the UN towards the promotion of human rights. It has been successful at putting the issue of human rights firmly onto the UN agenda and in this respect one must credit the doctrine as an ideologically poignant document endorsing human rights. The 2001 ICISS R2P report was enshrined into the UNs 2005 World Summit Outcomes as agenda items 138 and 139 (UN, 2005). The report instils the UNs pledge to promote human rights, 'to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity' (UN, 2005). Additionally, the doctrine symbolises the adaptable nature of the UN. It recognises and responds proactively to the changing, and increasingly civil nature of warfare in the 21st century. The 'overwhelming majority of today's armed conflicts [are] internal, not inter-state, [and] the proportion of civilians to military killed in them increased from about one in ten at the beginning of the 20th century to about 9 in 10 at the close' (Evans, 2004: 82). Therefore the R2P doctrine illustrates the international communities' recognition of their 'responsibility.' It is fair to argue that regardless as to whether the terms of the doctrine are fully exercised, the

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R2P doctrine is a symbolic 'constructive step' towards elevating the profile of human rights. The doctrine clearly states how the international community will not tolerate gross violations of human rights, and it aims to eradicate and effectively stop such violations (UN, 2005). The poignant question however, is whether the powerful discourse of the doctrine can become a reality in practice. 'Governments should only promise to do that which they are actually prepared to deliver on' (Bellamy, 631). It is within this context that I scrutinise the effectiveness of the doctrine.

Regarding the title question, one could argue that the R2P doctrine in fact represents an inadequate positive development for human rights. It is arguably narrow and restricted in its objectives. The report establishes the threshold of the international community's responsibility to intervene; protecting civilians from only the most horrendous of atrocities; namely, genocide, war crimes, crimes against humanity and ethnic cleansing (UN, 2005). The international community seeks to police only extreme violations of human rights, arguably neglecting its responsibility to uphold alternative, highly significant human rights for fear of facing scrutiny for undermining the Westphalia norm of non-intervention. The implementation of the UN Universal Declaration of Human Rights, remains solely the responsibility of individual states, and the extent to which the articles are upheld are entirely at their discretion. As it intended, the R2P only intends to relay the responsibility to the international community in the direst circumstances of violations. It arguably fails to consider and protect individuals from violation of other basic human rights such as right to vote, right for protection from discrimination, freedom from torture, right to fair trial and equal rights for men and women, to name a few (UDHR, 1948). The R2P, although intending to protect the masses from atrocities, does not sufficiently commit the international community to protecting the rights of the individual. Such rights remain firmly at the jurisdiction of the sovereign state, and only if they are acting exceptionally brutally, will international sanction supposedly be mobilised. Additionally, one could also contest that the international community has the responsibility to intervene when natural disasters occur, which can potentially cause a similar scale of widespread devastation. No doubt the R2P doctrine marks a positive development for instilling the concept of universal commitment against state violations. However, it is arguably essentialist in that it seeks only to protect the most primary and basic of those rights. 'Responsibility' is recognised as a last resort. One could proclaim in terms of positively improving human rights, it achieves this in the most skeletal of forms.

Finally, I shall argue that a critical weakness of the R2P doctrine is that its outlook of 'intervention' is inherently too military. It diverts attention away from potentially more effective, non-military solutions. Much analysis of the 2001 responsibility to protect concept and language of 'responsibility' is steeped in interventionist military discourse (Bellamy, 2008:634). Confusion is amplified over the contentious 'Just Cause Thresholds' which justifies states deliberating over whether or not the crisis justifies the criteria for intervention. Furthermore, military rhetoric is inevitably immersed with negative associations. It implies aggressive action from above, which will inexorably consist of death and destruction on both sides. Subsequently, this often results in hesitance and challenges when trying to rouse political support for sanctions and intervention, military or not. Such military language implies costly commitment and is often not desirable for international states considering intervening. Furthermore, military commitment inevitably means that the political figures endorsing intervention will face perhaps negative repercussions in their domestic country, again reducing desirability of intervening and mobilising the R2P. The unpopular military nature of the doctrine supports realist analysis, which asserts that states will only intervene if it is in their interests.

The initial ICISS report seemed unable to distinguish 'military intervention' from 'responsibility to protect.' Although purporting preventative measures, the 2001 commission's main focus was on intervention. 'It dedicated only 9 of its 85 pages to prevention, and only 16 to the responsibilities to prevent and rebuild, whereas 32 pages were devoted to intervention' (Bellamy, 2008: 621). Though the 2005 report is less inclined to militaristic language, there still appears to be a real discrepancy in the international community to commit to alternative, less expensive, and more preventative measures to protect violations of human rights internationally. 'There has been much less critical attention paid to the far more prosaic and everyday practices involved in the softer forms of international executive action' (Orford, 2012: 31). The 'successful' intervention in Darfur for instance, eventually came from effective peacekeeping operations embarking peacekeepers trained by the African Union into particularly hostile areas of Darfur. The response was widely acknowledged as an apt and effective contrast to international military intervention. Such an example purports the powerful potential of less extensive, culturally sensitive and widely successful, alternate measures of intervention. I argue the R2P doctrine should re-evaluate its language and seek to encourage

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less invasive, problematic means of intervention. It should focus instead on working on the ground, trying to prevent atrocities through practical policing, surveillance and administration. Such measures are more appealing to the international commuting and seem more effective that the current and deliberative methods of intervention. The military nature of R2P heightens hesitancy, and too often response is hindered until situations broach tipping-point, leaving few alternative operations to venture other than military ones.

In conclusion, this essay has explored the multiple ways by which the R2P doctrine fails to represent any real 'positive step' for human rights. The doctrine undoubtedly is a symbolic and ideological success, for it entrenches the issue of human rights onto the UN Agenda. It also explicitly confirms the UN's zero tolerance and commitment to preventing gross violations of human rights in the form of genocide, war crimes, crimes against humanity, and ethnic cleansing. Furthermore, it is a progressive document in challenging longstanding and questionably dated, Westphalian notions of sovereignty and highlights the adaptable nature of the UN. However, as this essay has shown, in reality the doctrine falls short of its promises and commitment to preventing atrocities. The failure to act in Darfur is a clear example of the bureaucratic incapability of the doctrine, and highlights the lack of real commitment of the international community to recognise its responsibility to protect civilians whose rights are being violated by their state. The failure to respond in Darfur also highlighted the weakness of the UN Commission to effectively mobilise forces when sanctions were clearly unsuccessful. Furthermore, instances such as the British and US invasion of Iraq, and the Chinese and Russian exercising of their veto over Syria, have exposed the institutional flaws of the doctrine and they ways it can be manipulated at the discretion of UN members. Finally, its inherent militaristic language inhibits the R2P's commitment to practicing alternate, non-military, preventative, and on-the-ground means and directives to tackle gross violations of human rights. Although bureaucratically and morally explicit in its commitment to promoting and protecting human rights internationally, the R2P doctrine is, as has been discussed, just a compilation of 'moral declarations with weak sanctions' (Belloni, 2006: 331).

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