

Interview - Kurt Mills

Written by E-International Relations

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Dr Kurt Mills is Senior Lecturer in International Human Rights at the University of Glasgow and Convenor of the Glasgow Human Rights Network. He previously taught at the American University in Cairo, Mount Holyoke College, James Madison University, and Gettysburg College, and served as the Assistant Director of the Five College Program in Peace and World Security Studies at Hampshire College.

He is the founder of the Human Rights section of the International Studies Association (ISA), and currently serves as Vice-President-Elect of the ISA. His work focuses on human rights, humanitarianism, humanitarian intervention, international criminal justice, and international organisations, with a focus on sub-Saharan Africa, and he has published widely in these areas. Recent publications include 'R2P3: Protecting, Prosecuting or Palliating in Mass Atrocity Situations?' and 'The Responsibility to Protect and the International Criminal Court: Complementary or Conflicting?' He has two books coming out in 2015: *International Responses to Mass Atrocities in Africa: Responsibility to Protect, Prosecute and Palliate*, and *Human Rights Protection in Global Politics: Responsibilities of States and Non-State Actors* (edited with David J. Karp).

In this interview, he answers questions on the R2P, neo-humanitarianism, the limits of norms, the practicality of the International Criminal Court, and the importance of academic networks.

Where do you see the most exciting research/debates happening in your field?

That's a rather large question. With regard to responsibility to protect (R2P), there's been an immense explosion of work in the field. You can see this in a number of panels given at the recent International Studies Association (ISA) convention. One of the areas that's probably of the most interest is trying to think more about what R2P actually means, because there's been a lot of work done on big theoretical issues, but the most important questions surround its practical applications. Does it mean a Libya-style intervention, or can it mean other types of things as well? More work needs to be done to make our understanding of the latter more concrete.

What came out of the World Summit in relation to R2P is quite important, but the most important part of R2P is this recognition that the Security Council might sanction the use of military force to protect people. This was the new addition to the R2P mandate—everything else had been seen before, in terms of a focus on prevention and so on. The shifting understandings of sovereignty have changed the way 'people' and 'the state' are seen, which was probably the most important change.

In terms of the practice of R2P, obviously Libya is one way to go, however, you need other approaches. We're seeing other types of activities under the rubric of the 'protection of civilians', which is doing some of the same types of things that people would consider the mandate of R2P, but they're more consensual peace-keeping operations. There's a blurry line between some of the activities we've seen with the intervention brigade in the Eastern Congo and R2P, and more work needs to be done in that area to figure out exactly how such activities should be classified.

How has the way you understand the world changed over time, and what (or who) prompted the most significant shifts in your thinking?

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I did my undergraduate work in the 1980s, during the Reagan Cold War. Everything I studied was about that – nuclear weapons, star wars, etc. – and everything was put within a Cold War framework. When this all fell apart, the biggest shifts in my thinking took place. I realized that many of the theoretical constructs that we had to explain international relations just really made no sense whatsoever—nobody predicted that this was going to happen.

In terms of thinkers, the role of identity and what makes states do what they do – the constructivist project – has been more important to me in recent years. I don't think this can be used to explain everything, but I think it's really quite important. For example, the work of Thomas Risse, Kathryn Sikkink, and Martha Finnemore.

There have so far been only trivial international responses to the current bloody conflicts in the Democratic Republic of the Congo (DRC) and Central African Republic. Given what the international community learnt about the importance of intervention during the Rwanda genocide in 1994, why do you think powerful global actors are still hesitant to become involved in conflicts in sub-Saharan Africa?

I don't think the reactions have necessarily been trivial. You've had massive amounts of money and a very large peacekeeping force in place for a very long time. Efforts there have also been ramped-up recently with the intervention brigade. It also has the most robust protection of civilians mandate of any peacekeeping operation. On the other hand, it has not been given the resources to carry out that mandate and the contributing countries have been fairly reluctant to allow their troops to be involved.

With regard to the Central African Republic, again, it's taken a long time to get to the point where we're talking about a peacekeeping force, and it's not going to be deployed for another three months. Nonetheless, the reaction to CAR has been somewhat quicker than in previous situations. The types of responses you're seeing indicate that the different actions one can take have been far more routinized in terms of humanitarian responses, talking about the International Criminal Court and talking about some sort of military protection. But again, that's still taken far too long to be debated.

In relation to Rwanda, after the atrocities there, people would say, just like they did after the Holocaust, 'never again, never again'. But in order for the required actions to be taken, states need to have some sort of interest. That is at least partially behind the comparatively quick international response to the crisis in South Sudan, which has rich oil reserves. This oil argument is also made in regard to Libya. I don't know if that was the case, but I think the key element that motivated involvement from the US, etc., was that it was relatively easy to do. There weren't many risks involved.

A state's interest may also come about from a change in its thinking about what it means to be a participant in the protection of human rights, which leads into the whole constructivist debate. But if you're going to be sending your troops halfway around the world to be killed, or if you're going to be involving your military in other ways, that requires state-based interests that are fairly substantial. It also requires a prudential analysis of the situation, which is, at least partially, what I believe has happened with regards to Syria. Nobody has an interest in intervening, and part of that is because nobody knows what will happen if there's an intervention, as the situation is so volatile; al Qaida is involved, Iran and Israel are also in the mix. From my own personal perspective, I don't think that means we take a step back from Syria. But as it stands, there aren't any global powers that want to get involved.

All of this raises important questions about the will to engage in the activities that the UN agreed to in 2005—the three pillars of the responsibility to protect.

You coined the term 'neo-humanitarianism' to refer to the cynical imbedding of humanitarian norms in discourse surrounding modern conflicts. You've previously referred to the Bush Administration's use of humanitarianism to justify the war in Afghanistan. Where have you seen this occur in more recent conflicts? Do you think this humanitarian framing has become 'normalised' in modern conflict discourse?

We've seen Russia use the 'responsibility to protect' and humanitarian discourse to justify its activities in Crimea and

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now its presence in Eastern Ukraine. This is concerning, as Russia's behaviours have nothing to do with either of these two concepts. But on the other hand, its use of these terms has been completely and utterly rejected by the international community. So states can try to use these justifications, but that doesn't mean they'll be accepted. This is also what happened with Bush's justification for the war in Iraq.

I think governments are more comfortable using humanitarian framing to influence how their activities are viewed because human rights and humanitarian issues have become more prominent on the international agenda. Human rights norms have become more powerful also, and when this happens, states will try to use them for reasons other than what they were originally intended. In a way it's a good thing, because it shows that human rights are more powerful now, but it also means that we need to be more wary about how they might be used.

You've argued that the distinction between humanitarians and military forces has been deliberately blurred by the latter, which will ultimately cost humanitarians in conflict situations. Do you think military forces are aware of this (potential) outcome? What are 'genuine' humanitarian organisations doing to try to protect their differentiation?

There are clear cases where states have tried to use humanitarian organisations in this manner. We saw it in Afghanistan and Iraq. In Afghanistan, the military would be engaging in civilian activities – medical assistance, supplying aid, and so forth – in civilian clothing, which is a really dangerous blurring of the lines between military and non-military actors. We're seeing a similar dynamic in central Africa right now, where the US military has been sent in to aid in the hunt for Joseph Kony.

Humanitarian organisations are quite aware of this occurring, but they're also put in a difficult situation because they need to be where people most require their help, which is in war zones. They try to do what they can to keep a distance, but it can be challenging.

The US has recently legislated that SEC-reporting companies that manufacture or contract to manufacture products containing 'conflict minerals' (gold, tin, tungsten, or tantalum) must determine and report whether or not these minerals have originated in the DRC. Do you think this law is a suitable response from a hegemonic power like the US to the security crisis in the DRC? What would you like to see the US do to help bring about an end to the conflict in the DRC?

It is one positive response, and several companies, like Apple, have released statements about conflict minerals in their supply chains. It's creating more corporate social responsibility, but it's obviously not nearly enough to address the very complex situation in Eastern DRC, which is partially fuelled by access to minerals. We're seeing a similar thing in the Central African Republic right now, where the rebels have tried to use their position to gain access to minerals in the country. So, in summary, the Dodd-Frank is a positive step, but it's a very small one. It's often extremely challenging to trace the minerals, which is what the Kimberley Process has experienced with its conflict-free diamond certification system.

You've argued before that governments can often use a 'sub-par' response to an international crisis to deflect attention away from their lack of interest in committing to anything more substantial. Do you think Dodd-Frank is an example of that?

No, I wouldn't say that. The situation in the DRC has been going on for over a decade, yet there has only been a minimal amount of media attention. Therefore, the US would not be experiencing significant international pressure designed to encourage it to respond more substantially to this crisis. The Obama administration would not have backed this law because it felt under the gun to do something about DRC.

You've argued that humanitarian norms can strongly influence how states act. President Obama has faced significant international humanitarian pressure to intervene to protect civilians from state-sponsored violence in Syria, but has so far failed to. What do you think this state of affairs says about the limitations of humanitarian norms in crisis situations?

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It certainly shows that there are very significant limitations surrounding humanitarian norms. It's when these norms and pressures come up against what states see as their 'core interests' that a struggle for precedence takes place. The Obama administration would like to see al-Assad gone—they've made no bones about that, but even if Russia was not vetoing action, I don't think the US would be rushing in. I don't think there's any political will or interest in getting into Syria. This is well-evidenced by Obama's subdued response to the regime's use of chemical weapons.

Your current research project is in part looking at how international criminal justice is used in response to conflicts in the Great Lakes Region of Africa. What have you found so far about the efficacy of the International Criminal Court (ICC) in this region? What are the major successes/failures?

The main findings are that the application of international criminal justice and the ICC is very difficult and ambivalent right now. We've seen situations where it's quite clear that the ICC must get involved, but it feels like its hands are tied, for a number of reasons. For example, in Uganda and the DRC, the prosecutions that the ICC prosecutor has undertaken have been very one-sided, only going after rebels and ignoring government troops who have also committed mass atrocities. This is because the prosecutor feels he won't be able to get the support of the government if he pursues troops. This is probably true, and it shows the limits of the ICC's power.

We've also seen these limitations in relation to conducting trials; as the ICC has no police force and no way of arresting people, it relies on the government and peacekeepers to transfer alleged criminals to its custody. For example, in the DRC, the government protected a man named Bosco Ntaganda, who had an arrest warrant issued against him by the ICC, because he was seen as a key element in the peace process, despite having been a rebel. The government didn't want to hand him over, even though they had a legal obligation to do so, which again shows the limits of the ICC at this point.

What is the most important advice you could give to young scholars in your field?

It's extremely important to build up your networks, as academics don't do research in isolation (even though it seems like that sometimes). There's currently much more of a focus on networks and the building of affiliations and collaborative activity.

The interview was conducted by Dr Yolande Kyngdon-McKay.