**Responsibility to Protect and the Anti-Interventionists
Robin Collins**

**Is Responsibility to Protect flawed?** Some detractors see the R2P framework as primarily a convenience for major powers using overwhelming violence to smother crisis only when they see fit. They are wrong. Ramesh Thakur (co-author of the core ICISS report) readily admits deploying military force may be "the defining element" of the concept,[[1]](#endnote-1) but R2P "embraces a whole spectrum of preventive and reactive responses, with coercive military action reserved only for the most extreme and exceptional cases." The extreme cases get most of the media and political airplay because successful prevention is dull.[[2]](#endnote-2) The response to a humanitarian crisis, though, need not require that guns go in blazing: R2P advocates aren't doing a good enough sales job if they allow this "neo-colonial military intervention" caricature to pass without comment.[[3]](#endnote-3)

 Jean Bricmont, in a critique of R2P that has widely circulated in “anti-globalization” and peace community circles for several years,[[4]](#endnote-4) cautions that the primary function of the United Nations is the defence of borders of small states and the protection of national sovereignty -- even at the cost of ignoring citizens' human rights:[[5]](#endnote-5) "The main failure of the United Nations has not been that it did not stop dictators from murdering their own people." The shame of the UN is that it has turned a blind eye to the "repeated violation of international law and of the principle of national sovereignty" and this has led to the killing of millions.[[6]](#endnote-6) Bricmont considers mass atrocity prevention to be a rival of national sovereignty protection, and feels we are obliged to choose between them. He chooses sovereignty.

 Edward Herman’s blurb for Bricmont’s (2006) book Humanitarian Imperialism: “…effectively deconstructs ‘humanitarian interventionism’ and makes a good case that leftists who support it are the ‘useful idiots’ of imperialism.” Ouch.

A similar approach is taken by Philip Cunliffe[[7]](#endnote-7) who sees R2P as paternalistic, and denial of the intrinsic right of populations to express their self-determination. “[T]he dialectic of sovereignty contains within itself the potential to check and overthrow tyranny,” he writes. “Without effort it is possible to bring to mind historical examples of when people have risen up against even the most fearsome and unjust of tyrannies.” Calling on, and then relying on, the international community for external help is asking for trouble:

“Relaxing the normative presumption against intervention always privileges powerful states, because it is precisely these states that are capable of projecting power across borders. The result is that the international hierarchy will subvert the already fragile and decaying edifice of formal international equality.”

Cunliffe expands that argument further to unfairly accuse Louise Arbour[[8]](#endnote-8) (a former Chief Prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda and someone who emphasized the legal obligations of states, even powerful states, to prevent mass atrocity) of defending the dictum of Might Makes Right.

Cunliffe believes populations at risk of mass atrocity have at least a residual or nascent “representative government” worth defending, and are demonstrably capable of fending for themselves. The evidence isn’t strong for either claim. However, he is right to say that the lack of a genuine atrocity-response capability leads to the arrival of default call-up forces: NATO, or a “coalition of the willing”.

 Another R2P opponent tries to re-write the assessment of the conditions in Libya that originally justified the 2011 United Nations' R2P intervention. Alan Kuperman claims[[9]](#endnote-9) that an external intervention was never required in the first place "because peaceful Libyan civilians were not actually being targeted". That's a misreading of the record, at best. There were three UN Security Council resolutions addressing the threats to civilians in Libya, and in Benghazi in particular. While there were conflicting estimates of numbers killed,[[10]](#endnote-10) the UNSC position (Resolutions #1970 and #1973) was clear.[[11]](#endnote-11) How likely was it that all fifteen members of the Security Council had been (twice) duped into thinking the threat of mass atrocity was genuine, when it wasn’t?

 Permanent members of the Security Council have often agreed there are mass atrocity threats even if they are influenced by their own ethnic or other interests in a conflict, or unwilling to agree to a resolution. As David Petracek points out, Russia supported a no-fly zone authorizing NATO air strikes against Serbia in the Bosnia conflict, despite support for the Serb position.[[12]](#endnote-12)

Jean Bricmont, however, didn’t go so far as to suggest there are no threats to populations within sovereign states. Rather:

"It will be objected that such a policy [of non-intervention] would allow dictators to 'murder their own people', the current slogan justifying intervention. But if non-intervention may allow such terrible things to happen, history shows that military intervention frequently has the same result..." [Emphasis added.]

 Peaceful alternatives are proposed -- "reduction of military expenditures [and] arms sales (including to dictators who may use them to 'murder their own people') and [shifting] use of resources to improve social standards" – choices that are also supported by R2P advocates. The International Coalition for the Responsibility to Protect (ICR2P) recently issued a report “Arms and Atrocities: Protecting Populations by Preventing the Means”[[13]](#endnote-13) that outlines several disarmament campaigns that would reduce mass atrocity risks. It points out that the Arms Trade Treaty, for example, “prohibits States from transferring conventional arms ammunition, parts and components if the State has ‘knowledge at the time of authorization that the arms or items would be used in the commission of [R2P crimes]’.”

But none of these peace options provide the urgent antidotes urgently enough, whereas R2P doctrine in “pillar 3” does allow for coercive military force as last resort.[[14]](#endnote-14)

 Because some see R2P as "humanitarian intervention" with a new name[[15]](#endnote-15) but no honest reformulation (in effect a Trojan horse for NATO interests and U.S. corporate and political domination), by deduction therefore, R2P motivation cannot possibly be the halting of atrocities or a means to restrain powerful states.

These worries wouldn't startle the authors of R2P. A sizeable chunk of the ICISS report was concerned with the subject of popular skepticism towards unleashing the use of force: from the problem of neo-colonial legacies to Security Council vetoes, the prevention of conflict, to the legality of military intervention both outside and under the UN Charter. Controversy lingers, the report’s research volume itself noted in 2001, because some see that *"humanitarian justifications were usually a pretext for intervention motivated by strategic, economic, or political interests."* Will military intervention "inevitably do more harm than good?” they asked, “or are the consequences generally positive, despite the inevitable failings and shortcomings?"[[16]](#endnote-16)

 What R2P language clarified at the 2005 UN World Summit[[17]](#endnote-17) (and later UNSC Resolution 1674 in 2006, and at the 2009 General Assembly debate) was that UN Security Council authority was demanded for all Chapter 7 military interventions to be legal. The ICISS had considered options other than Security Council authority for use of force. Many, including critics of R2P, have also referred to the option of UNGA Resolution 377 (of 1950) that "enables" the General Assembly to recommend enforcement action when the Security Council is unable to. But Uniting for Peace is rarely used, there still remains controversy over its legal stature, and it requires a 2/3 UNGA vote of confidence.[[18]](#endnote-18)

It is one thing to argue the Security Council must unequivocally authorize use of force; it is quite another to imply (as Bricmont and some others do) that human rights are not equally protected under the UN Charter when they are. The remedy for large-scale violations of those rights also fall under Chapter 7 authority -- and United Nations collective action.[[19]](#endnote-19)

When Noam Chomsky in 2009 issued his skeptic’s statement to the UN General Assembly debate on implementing R2P, he seemed to doubt that R2P added much new to the tool kit: "[T]he Security Council had already determined that it can even use force under Chapter VII to end massive human rights abuses, civil war, and violation of civil liberties..."[[20]](#endnote-20)

As Louise Arbour also pointed out in 2008, pre-existing international law protects citizens at risk, such as through the 1948 Genocide Convention, and the International Court of Justice (2007) judgement of Bosnia-Herzegovina vs. Serbia: “The responsibility to protect norm, therefore, reiterates an existing legal obligation in relation to genocide.”[[21]](#endnote-21) Elsewhere she suggests that R2P in effect updates the Genocide Convention by adding to it war crimes and crimes against humanity.[[22]](#endnote-22) Not all States are signatories to the Genocide Convention (147 have signed) and not all have signed the Rome Statute for the International Criminal Court (123 have) – both of which deal with mass atrocity crimes. But 185 have signed at least one. Only eleven States stand outside both.[[23]](#endnote-23)

Some critics like to tie “R2P” to historical events that preceded publication of the ICISS R2P report (in 2001) or the unanimous acceptance of R2P at the World Summit in 2005.[[24]](#endnote-24) If everything qualifies as R2P, what distinguishes R2P from earlier interventionist rhetoric? Not much, argues Bricmont, because R2P “is being [falsely] sold to the United Nations as something essentially different from the right of humanitarian intervention, a notion that was developed in the West at the end of the 1970s."[[25]](#endnote-25)

But R2P does differ from other frameworks. Obligatory Security Council authority was agreed at the UN in 2005.[[26]](#endnote-26) But aside from the paper trail, the description of a continuum of responses, the change is primarily philosophical – an internationally agreed shift from the right to intervene to the responsibility to protect. Within the latter framework there is a check-off of contingencies that, first, allow states an opportunity to protect their own citizens; then, time to request aid; but if unable or unwilling to do either, there follows a concomitant responsibility of other states to intervene through the UN process to protect citizens, and including the right to use military force as last resort. What might yet need improvement: oversight, transparency, capacity, responsibility *while* protecting. (See my “Improving R2P: Some Modest Proposals”.)

 New approaches that challenge old doctrines are unavoidably controversial at first, but also creative. Chomsky also pointed this out in his 2009 statement: “For that continuing and essential project [the civilizing effect of popular movements], R2P can be a valuable tool, much as the Universal Declaration of Human Rights has been.” Not faint praise.

A recent analysis of R2P structures by Roland Paris[[27]](#endnote-27) brings renewed attention to several real problems that relate to military intervention outcomes. Intervening states may have mixed motivations. There is a likelihood of “collateral damage”, especially if the focus is on remote missile launches and an aversion to ground troops. And double standards: What if interventions are selectively applied to some situations and not others? Paris concludes that destabilizing effects will follow from R2P military interventions "even if the initial goal of averting a mass atrocity is met." Those observations are certainly possible outcomes and pertinent, but they apply to all military interventions, and not the military component of R2P uniquely.

On the other hand, if one argues that only peaceful measures can be justified in every circumstance, a much broader debate about use of force is engaged. One shouldn't too quickly discount, however, the ability of a United Nations military deployment to deter atrocity.[[28]](#endnote-28)

 Wesphalian principles originating in 1648 to end the Thirty Years War legitimized sovereignty and equality of states, their right to self-determination, and the principle of non-interference of one state in the internal affairs of another. More than 350 years later, along comes the Responsibility to Protect and its argument that state sovereignty is not God-given or eternal but must at least be conditional on protection of citizens within those same sovereign borders. With rights come responsibilities.

Anti-interventionists need to offer more compelling criticism and better alternatives than isolationism, pacifism and denial in the face of mass atrocity because, as Adrian Gallagher contends, "it is clear that R2P establishes a framework that reduces the potential for rogue intervention, reasserts the importance of both the UN Charter and sovereignty, and furthermore attempts to place the burden of military intervention on the collective shoulders of the 'international community'."[[29]](#endnote-29)

In September of 2011, a month after the Arab League recognized Gaddafi’s opposition National Transitional Council as “the legitimate representative of the Libyan state“, UN Secretary-General Ban Ki-Moon said: “Our debates are about how, not whether to implement the Responsibility to Protect.”[[30]](#endnote-30) If true, let’s improve the “how”.[[31]](#endnote-31)

**END NOTES**

1. Thakur, agreeing with Roland Paris, in page 13 and 16 [↑](#endnote-ref-1)
2. See “‘R2P in Practice:’ Ethnic Violence, Elections and Atrocity Prevention in Kenya”: online at http://www.globalr2p.org/publications/274 [↑](#endnote-ref-2)
3. The UN Secretary General, Ban Ki-moon referred to 3 pillars of response. Only the third includes military intervention if all else fails. See: “[Secretary-General's 2009 Report (A/63/677) on Implementing the Responsibility to Protect](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/63/677)”. [↑](#endnote-ref-3)
4. "The Case for a Non-Interventionist Foreign Policy, 'Responsibility to Protect' as Imperial Tool", by Jean Bricmont, online, 2012. The 2009 version, at the UNGA debate: http://www.un.org/ga/president/63/interactive/protect/jean.pdf [↑](#endnote-ref-4)
5. “Moreover, the left should strive towards strict respect for international law on the part of Western powers, implementing the UN resolutions concerning Israel, dismantling the worldwide US empire of bases as well as NATO[…] This necessary respect for national sovereignty means that the ultimate sovereign of each nation state is the people of that state, whose right to replace unjust governments cannot be taken over by supposedly benevolent outsiders.” (ibid) [↑](#endnote-ref-5)
6. It is difficult not to notice the skew towards UN and “Western” involvements only. Bricmont includes the following as examples of UN failures: “… it failed to prevent powerful countries from violating the principles of international law: the United States in Indochina and Iraq, South Africa in Angola and Mozambique, Israel in its neighboring countries, Indonesia in East Timor, not to speak of all the coups, threats, embargoes, unilateral sanctions, bought elections, etc.” [↑](#endnote-ref-6)
7. Philip Cunliffe, “Dangerous Duties: Power, Paternalism and the ‘responsibility to protect’”, in Review of International Studies (2010), 36, 79-96. [↑](#endnote-ref-7)
8. Louise Arbour, “The responsibility to protect as a duty of care in international law and practice” in Review of International Studies (2008), 34, 445-458. [↑](#endnote-ref-8)
9. Alan Kuperman, "Obama's Libyan Debacle," in Foreign Affairs, Feb 15, 2015. [↑](#endnote-ref-9)
10. There was disagreement about the scale of Gaddafi's repression and what might occur without a UN response, but not about the existence of repression or killings. See my discussion paper: “Thinking About Libya, the Responsibility to Protect and Regime Change: A “Lessons Learned” Discussion Paper”, World Federalist Movement- Canada, October 2011. Online. [↑](#endnote-ref-10)
11. Resolution 1970 reads in part: "Deploring the gross and systematic violation of human rights, including the repression of peaceful demonstrators, expressing deep concern at the deaths of civilians, and rejecting unequivocally the incitement to hostility and violence against the civilian population made from the highest level of the Libyan government..." [↑](#endnote-ref-11)
12. David Patracek,“R2P — Hindrance, not a help in the Syrian Crisis”, online in Open Democracy, Sept 13, 2013. [↑](#endnote-ref-12)
13. At a Glance, online at: http://responsibilitytoprotect.org/ICRtoP%20draft%20-%20Disarmament%20and%20RtoP%20PAX%20FINAL.pdf [↑](#endnote-ref-13)
14. Last resort refers to the process of selection of options from the portfolio available, and not that all other choices (such as arms trade restrictions and travel sanctions, etc.) must all sequentially fail, one after the other, first. [↑](#endnote-ref-14)
15. R2P shifted the terminology from foreigner intervention to mandatory protection of one’s own citizens. That perspective remains whether or not, in order "to protect", military and/or non-military international intervention is authorized. [↑](#endnote-ref-15)
16. ICISS Report, 2001, supplementary volume, see page 17 and 24 in particular. [↑](#endnote-ref-16)
17. The World Summit, a follow-up to the UN Millennium Summit of 2000, was the largest gathering of state leaders in history, as of that date. The [United Nations Security Council Resolution 1674](http://en.wikipedia.org/wiki/United_Nations_Security_Council_Resolution_1674), adopted on April 28, 2006, "Reaffirm[ed] the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from [genocide](http://en.wikipedia.org/wiki/Genocide), [war crimes](http://en.wikipedia.org/wiki/War_crime), [ethnic cleansing](http://en.wikipedia.org/wiki/Ethnic_cleansing) and [crimes against humanity](http://en.wikipedia.org/wiki/Crime_against_humanity)". Both Chomsky and Bricmont gave statements to the follow-up 2009 UNGA debate. [↑](#endnote-ref-17)
18. The ICISS report presented arguments for how authority could be achieved without the UNSC (Uniting for Peace, etc.) but this was not agreed at the Summit. There remains a wide-ranging debate over whether common law practice obliges a response to atrocity, even without UNSC permission. See for example: John Murphy, "Force and Arms" in the United Nations and International Law, page 109; see also Volume 2 of ICISS study, the essay "Legitimacy and Authority". [↑](#endnote-ref-18)
19. Chapter VII of the UN Charter, Article 42: “[The Security Council] may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security.” Article 43(1): “All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.” [↑](#endnote-ref-19)
20. Chomsky referenced "Resolutions 925, 929, 940, June-July 1994. And as J. L. Holzgrefe observes, ‘most states are signatories to conventions that legally oblige them to respect the human rights of their citizens.’ The few successes of R2P that have been widely hailed, as in Kenya, had no need for the Summit resolution, though the terminology of R2P was invoked.” There are many examples of international obligations towards protection of human rights, including the Declaration of Principles of International Law Concerning Friendly Relations, UNGA 1970; Article 1 of UN Charter, regarding equal rights and self-determination, promoting and encouraging respect for human rights and for fundamental freedoms for all; 1966 UNGA interpretation of Article 1 of the Charter which produced the UN International Covenant on Civil and Political Rights: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status..." [↑](#endnote-ref-20)
21. Arbour: 2008. [↑](#endnote-ref-21)
22. Speech at University of Ottawa, 2013. [↑](#endnote-ref-22)
23. Bhutan, Brunei Darussalam, Equatorial Guinea, Indonesia, Mauritania, Micronesia, Palau, Qatar, Somalia, Swaziland, Turkmenistan. http://www.preventgenocide.org/law/gencon/nonparties-byICCstatus.htm [↑](#endnote-ref-23)
24. Chomsky is less helpful in this regard, too, by underplaying the distinctions between R2P and HI. [↑](#endnote-ref-24)
25. See ICISS report supplementary volume on origins of humanitarian intervention. Not content with the legacy of the 1970s, Bricmont stretches further back to find R2P origins: "When Western colonialists landed on the shores of the Americas, Africa, or Eastern Asia, they were shocked by what we would now call violations of human rights and which they called barbaric mores: human sacrifices, cannibalism, women forced to bind their feet." [↑](#endnote-ref-25)
26. Therefore the invasion of Iraq in 2003 could not be R2P, nor was NATO's intervention in Kosovo, nor Russia's intervention in Ossetia. [↑](#endnote-ref-26)
27. Roland Paris: The ‘Responsibility to Protect’ and the Structural Problems of Preventive Humanitarian Intervention in International Peacekeeping, [Volume 21](http://www.tandfonline.com/loi/finp20?open=21#vol_21), [Issue 5](http://www.tandfonline.com/toc/finp20/21/5), 2014. [↑](#endnote-ref-27)
28. “These political constraints on UN peace operations, usually encapsulated by the unenlightened expression 'lack of political will', must be tackled. [That task] will be made easier still if it can be demonstrated that enhancing the UN's capability to use force means that UN soldiers are less, rather [than] more, likely to actually have to use it." Trevor Findlay: The Use of Force in UN Peace Operations, SIPRI, Oxford University Press, 2002, Pg.390. [↑](#endnote-ref-28)
29. See Adrian Gallagher, “A Clash of Responsibilities: Engaging with Realist Critiques of the R2P”, in Global R2P, 2012: Volume 4, Issue 3, page 356. [↑](#endnote-ref-29)
30. http://www.un.org/press/en/2011/sgsm13838.doc.htm [↑](#endnote-ref-30)
31. See “Improving R2P: Some Modest Proposals”, Robin Collins.

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