

HUMANITARIAN INTERVENTION

Exam Strategies: Discussing the development of R2P and its application with reference to specific cases (show empirical breadth and theoretical depth! When talking about security, think about: Security for whom (states, individuals, international system?), for which values (territorial integrity, economic relations?), from what threats, and in what time period (short run security policies might conflict with long-term ones.). **Distinguish between R2P in theory vs. practice!**

My own position: *The R2P doctrine has emerged as consequence of the shift from state to human security. It is trying to bring together two seemingly conflicting principles of the UN: state sovereignty and human rights. By redefining 'sovereignty' as 'responsibility', the R2P contributes to a more secure environment for citizens, at least in theory. It can be thought of as a 'regime', i.e. a social norm about human protection. However, **whilst it is a good idea in theory, the R2P has often been misused in practice.** Its implementation is inhibited through an anarchic system that prevent collective and concerted action. It is subject to great power politics – like anything else in the global sphere – and can hence be used as excuse for states' own agendas.*

DEFINITIONS AND CLARIFICATIONS

- > What is Humanitarian Intervention?
 - > Defined as a **military action** carried out in the territory of another state **without that host state's consent** – exercised by a state, group of states or non-state actor and justified to some extent by a humanitarian concern for the citizens of the host state (Hehir)
 - > Greenwood defines humanitarian intervention as referring to cases where a substantial part of people is threatened with death or suffering on a grand scale due to government action or a slide into anarchy -- where threat or use of force is involved
- > What is the Responsibility to Protect Doctrine?
 - > It is about **taking effective, preventive actions at the earliest possible stage** (Evans) This can go through a variety of channels: political, economic, diplomatic or legal. Holds that the *primary* responsibility lies with the host state, only when it is unwilling or unable to protect own citizenry does the international community step in.
 - > Foundations of the R2P: [ICISS Report \(2001\)](#), [UN World Summit outcome document \(2005\)](#)
 - > Elements are:
 - **Responsibility to prevent,**
 - **to react and**
 - **to rebuild.**
- > What is the **relationship between Humanitarian Intervention and R2P?**
 - > **HI is an explicitly coercive military action, whereas R2P does not have to be military in the first instance:** It is about preventive and diplomatic measures at the earliest possible stage.
 - > **Bellamy:** Important to recognize that R2P is not HI in disguise. Humanitarian intervention is necessary only when building of R2P has failed.
 - So coercive military action is only necessary when all other measures (preventive, diplomatic etc.) have failed.
- > How has the understanding of “state sovereignty” changed?
 - > From a “*right to non-intervention*” to “*sovereignty as responsibility*” – means that states are only sovereign to the extent to which they care and provide for their citizens.
 - Previously, it referred to the rights that states enjoy to territorial integrity, political independence and non-intervention (Bellamy 2010)

HUMANITARIAN INTERVENTION IN THEORY AND PRACTICE

Theoretical and Legal Underpinnings of Humanitarian intervention

- › Only military force can directly prevent genocidal killing and stand between perpetrators and their intended victims (Bellamy 2010). Even if non-military interventions – diplomacy, economic and political sanctions, naming and shaming – seem to be more appealing, they do not suffice to end genocide.
- › Argument from **moral duty to intervene**: Globalization, social interconnectedness etc. mean that we are so integrated that massive human rights violations in one corner of the world may have effects on other parts.
- › The **1948 Genocide Convention** specifically speaks of a duty to prevent and punish genocide (Art. 1)
 - > But it is **not clear whether this general duty is also a legal obligation to intervene and stop specific genocides.**
 - > *Bosnia and Herzegovina vs. Serbia and Montenegro* case: ICJ 2007 ruled that Serbia was not guilty of genocide but had violated Art. 1, which states its obligation to prevent and punish the crime of genocide. States must “*employ all means which are reasonably available to them to do so*”

Practical Examples

- › **NATO intervention in former Yugoslavia during Kosovo War 1999:**
 - > Ethnic cleansing of thousands of Albanians driving them to flee into neighbouring countries, and potential to destabilize the region prompted IO such as UN and NATO to condemnation. NATO sought authorisation from UN SC for military intervention, but China and Russia were against it.
 - > NATO launched its campaign without UN’s approval. First time it had used military force without the expressed endorsement of UNSC
 - > Shortly after the NATO intervention, Tony Blair gave a speech on his “**doctrine of the international community**”, maintaining that globalization was changing the world in ways which rendered **traditional views of sovereignty anachronistic** (Blair 1999)
 - Criteria in deciding whether or not to intervene include: how sure the international community is of the case, whether all diplomatic options have been exhausted, whether there is a long-term strategy, and whether there are national interests involved

HUMANITARIAN INTERVENTION AS WESTERN INTERFERENCE?

- › Since armed intervention is seldom without other interests involved than “just” humanitarian concerns, there is the **fear that using a ‘moral duty to intervene’ is just Western hegemony** or neo-imperialist ambitions **in disguise**. This might go against the principle of self-determination.
 - > Example: Hitler’s invasion in 1939 of Czechoslovakia, inspired as desire to protect Czechoslovak citizens with German ethnic background whose “life and liberty” was threatened.
 - This worry about foreign intervention is particularly shared by many post-colonial states (Bellamy 2010)
 - **Underlying pluralist idea of international society**: assumption that international society is made up of a plurality of diverse communities, with different ideas about the good life. The rules of the UN Charter should allow these communities to co-exist peacefully together.
 - > **Objection**: What to do when the state is harming its own citizens? (see sovereignty as responsibility below)
- › BUT even though argument is often attributed to “third-world countries”, the post-colonial world is not united on this issue: 5 years before the adoption of the R2P principle, members of the African Union already gave the regional institution a **right to intervene in response to serious humanitarian emergencies** (Williams 2007)
- › It seems **paradox** that even though the West is commonly identified as the principal advocate of humanitarian intervention, there is **little evidence of Western military activism** to end genocide since the start of the 20th

century. “*There has been much less actual external military intervention to end genocide than there has been talk about such interventions*” (Bellamy 2010).

So instead, the argument could be: The problem is not that there is *too much* humanitarian intervention in times of genocide, but that there is actually *too little* of it (Bellamy 2010). The way genocides have ended in the past were often not really because of outside interference motivated by humanitarian purposes.

- > Many genocides end “successfully” for the perpetrators, with **suppressing the victims**.
 - Examples: Indonesia 1965-6 massacre of suspected communists (suppression of ethnic Chinese), Burundi 1972 elimination of Hutus
- > And some genocides which were ended by external military force were ended not because of the genocide itself, but rather because of **other motivations** (based on power politics)
 - Examples: Defeat of Germany and Japan in the First and Second World Wars

Analysis: This argument goes to show that the claim of “humanitarian intervention as Western interference” is not as substantiated by empirical evidence as often believed. There are many factors which prevent intervention, e.g. costs, public opinion etc. (see below)

- > It is true that states often have mixed motives.
 - > But this does not have to undermine the “goodness” that can result from humanitarian interventions.
 - > Wheeler (2000) argues **motives are important but not the sole consideration** – rather, the key test should be that the means chosen by the intervener must not undermine the positive humanitarian outcome (*this seems to be adopting a consequentialist ethical view*)
 - Examples:
 - Vietnam intervention in Cambodia 1978: This intervention was self-interested and not done because of humanitarian concerns, but that did not undermine the humanitarian goal of removing the Khmer Rouge from power whose regime was autocratic, xenophobic and repressive. → this would be acceptable (though of course it still needs to be weighed against the weight of the aggression of another sovereign state)
 - France’s intervention in Rwanda was motivated by protecting Hutu allies and Francophones, which ended up in a strategy that did little to protect the genocide’s victims → this would not be acceptable.

INHIBITORS TO INTERVENTION

- > Key Tension: **Human rights vs. state sovereignty**
 - > Evident in the UN Charter: Calls for reaffirming faith in fundamental human rights, but also outlaws use of force with only two exceptions (states’ rights to self-defence (Art. 51) and UN SC authorization (Ch. VII)
 - This seems to constitute a powerful barrier to intervention.
 - Example: March 2005 SC debate on whether to refer alleged crimes in Darfur to the ICC: US representative abstained and argued that the Court “strikes at the essence of the nature of sovereignty”
- > Thakur (2011) argued that there is a **fundamental normative dilemma of world order** between respecting national sovereignty, giving the Security Council decision power and keeping international law. This is because in trying to keep all of these principles, one risks either allowing humanitarian tragedies, deadlock in the SC or using force without UN authorization
- > But it is questionable whether international law really is that strong of a barrier to intervention: Chesterman argued that “*interventions do not take place because states do not want them to take place*”. **So it is rather a problem of political will.**
 - > All P5 members have been implicated in genocide through their support for the perpetrators in the past half-century (Bellamy 2010).

- Example: France funded and armed Hutu government in Rwanda, with weapons which made the genocide possible. Motivation was to preserve influence in former colonial territories
 - Analysis: This shows that there is active political interest involved, which makes preventing genocide because of humanitarian concerns difficult
 - > States also consider themselves **responsible first and foremost for their own citizens**. Reluctant to spend tax money and risking lives of soldiers in order to ‘save strangers’ from genocide in other countries
 - 1999 Report of the Independent Inquiry into UN’s failure to prevent genocide in Rwanda 1994 criticizes that the mission was not adequately “*planned, dimensioned, deployed or instructed*”. This goes to show that there was a lack of proper resources and adequate planning. Part of that reason is because powers did not have a large stake in the issue (?).
- > **Prudential considerations** – or competing priorities – may also lead to states refraining from armed intervention
 - > E.g. calculation that intervention could do more harm than good
 - Example: NGOs, Evans and Deng all argued against military intervention in Darfur on the grounds that it would exacerbate the violence. In Darfur case, US had to balance its concerns for the victims of genocide with own national security interests in War on Terror.

REPONSIBILITY TO PROTECT (R2P)

- > Created as response to the mass atrocities committed in the 1990s in Kosovo and Rwanda, which the international community failed to prevent, as well as the SG Kofi Annan’s arguments that **human rights concerns may outweigh state sovereignty concerns**
 - > “*if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violation of human rights that offend every precept of our common humanity?*” – Annan, 2000 Millenium Report
- > The **notion of “human security”** – which changes the reference object from states to humans – was formalized as R2P, which encompasses a global commitment to **prevent four key concerns**:
 - i. **genocide,**
 - ii. **war crimes,**
 - iii. **ethnic cleansing,**
 - iv. **crimes against humanity.**
- > Thus, the principle of R2P has been framed in terms of *crimes prevention*. (Sharma and Welsh 2015)
- > Concept of R2P draws inspiration from Francis Deng’s idea of “**State sovereignty as responsibility**” – sovereignty is not just protection from outside interference, rather is a matter of **states having positive responsibilities for their population’s welfare**, and to assist each other.
 - > The primary responsibility for the protection of its people lies first and foremost with the State itself.
 - > But a “**residual responsibility**” also lies with the broader community of states, and is activated when a particular state is either unwilling or unable to fulfil its R2P or is itself the actual perpetrator of crimes or atrocities
 - > Obj.: Humanitarian intervention or R2P will weaken state sovereignty, as it erodes a government’s power over own citizens
 - Response: not necessarily, humanitarian intervention may help domestic sovereignty by helping states to hold authority in its own borders (Holzgreffe and Keohane 2003). Especially within the R2P doctrine, the *primary* responsibility lies with the state.
- > 2005 UN World Summit Outcome Document, Paragraphs 138 and 139

§138: “*Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. (...)*”

§139: “*The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. (...)*”

- › R2P is based on well-established principles of existing international law (Bellamy et al 2016)
 - › Genocide Convention (1947) prohibits the crime of genocide and assigns all states a responsibility to prevent it, demands that the perpetrators be punished for their actions. ICJ ruled 2007 that as a result of this, all states have a legal duty to take positive steps to prevent genocide when they have prior knowledge about its likely commission
 - › States already have these obligations to prevent and punish genocide, war crimes and crimes against humanity.

Ultimately, the Responsibility to Protect principle reinforces sovereignty by helping states to meet their existing responsibilities.

- › **Is R2P an established international norm?**
 - › This claim is **contested** in the academic literature.
 - › Way of moving beyond this is to **think about R2P as a ‘regime’** (Bellamy et al. 2016) – regimes are “*principles, norms, rules and decision-making procedures around which actor expectations converge in a given issue-area.*”
 - The regime is nested within the UN system – its development has been shaped by GA and SC – and it is meaningful to talk about R2P as a regime because it **gives effect to multilateral efforts to establish cooperative arrangements** to prevent, contain or halt genocide and other mass atrocities. It is a **social norm embedded in a wider regime of human protection** rather than a legal rule backed by the coercive power of the state.
- › However, even if the R2P enjoys widespread support by the UN GA, it **does not resolve the problem about deciding about the most appropriate and effective response** to specific cases of genocide and mass atrocities (Bellamy 2010)
 - › The *general* principle faces difficulties when applied to *specific* cases. It is a problem of theory vs. practice.

THREE PILLARS OF THE R2P

Specified in the [SG 2009 report](#) “Implementing the Responsibility to Protect”

- › **Pillar 1: Protection Responsibilities of the State** – states have primary responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity
 - › **Pillar 2: International Assistance and Capacity-Building** – international community commits to help states to protect their populations before crises and conflicts break out
 - › **Pillar 3: Timely and Decisive Response** – need to act quickly to prevent and halt genocide, war crimes, ethnic cleansing and crimes against humanity when a state manifestly fails to protect its populations
- › Somalia as Case Study for an **Implementation of the Three Pillars** (Lotze 2016)
 - › Two phases of engagement, between 1992 and again from 2002 onwards. The first phase was mainly an arms embargo. During the 2nd phase, the UNSC grew increasingly concerned about the humanitarian situation in Somalia, addressing this in multiple resolution: condemning all acts of violence or abuses committed against civilians, reminding parties to the conflict of their responsibilities to respect their obligations to protect civilians.
 - › By end of 2014, international engagement evolved from single-pronged approach of arms embargo into a multi-pronged approach – including capacity-building for the Federal Government, development support for Somali security sector...
 - › **Insight into the three pillars:**

- **Pillar 1:** Council has placed increasing emphasis on the government’s responsibilities toward its civilian population, as the capacity of the government increased.
Example: Arms embargo in 1992 was gradually eased as capacity of government to manage arms has increased, avoiding misuse.
- **Pillar 2:** Main channels of international assistance in Somalia has been deployment by the AU of the AMISOM mission, endorsed by the UN, which provided security to the federal government, training for Somali security forces and joint operations with the national army.
- **Pillar 3:** SC was quick to act in the 1990s, although those operations were not robust enough to deal with the complexities of the situation.

SOVEREIGNTY AS RESPONSIBILITY

- › Since 1945 at least, sovereignty had commonly been understood as entailing a **right to non-interference** (Art. 2, 7 of UN Charter).
 - > But this raises the difficult question of how the international community should respond to situations in which the state is failing to protect its own population from crimes or when the state itself was among the principal perpetrators (Bellamy et al. 2016). The alternative is to let the world watch when minorities are persecuted and sentenced to death.
- › The idea to re-interpret sovereignty as responsibility originated from the work of Francis Deng and other scholars, looking at how the end of the Cold War changed the way conflict and conflict resolution were perceived in Africa.
 - > Deng did not seek to diminish or dismiss state sovereignty, but rather, since there is no adequate replacement in sight for the system of state sovereignty, he said that the **primary responsibility for promoting the security and well-being of populations must remain with the state.**
- › **Sovereignty as responsibility is one of the main foundations for the concept of the R2P.**
 - > “state sovereignty, in its most basic sense, is being redefined... States are now widely understood to be the servants of their people, not vice versa.” Annan, 1999
Crucial shift to human security, and away from state security! The former enhances the latter.
- › Bellamy (2010) argues that when external actors intervene in a government’s domestic affairs, they are not depriving them of their sovereignty but **instead enhancing it**, because it creates the conditions necessary for individual sovereigns to determine their own fate.
 - > Sovereignty as responsibility implies that individual sovereigns have an interest in cooperating with international agencies as best way to realise their sovereignty (Bellamy 2010)
- › How did it come to this shift? Thakur (2011) argues that due **global interdependence**, the once sacrosanct principle of national sovereignty is eroded, and it is now sensible to reconceptualize sovereignty as responsibility.

R2P AS WESTERN CONSTRUCT?

(also see above: Humanitarian Intervention as Western Interference?)

- › R2P usually conceptualized as a liberal Western construct, this influences the discourse and contributes to a West-versus-the-Rest (of the world) framing. (Mabera and Spies 2016)
 - > But this would be to neglect the many ways in which **Africa has been “one of the most important crucibles in which R2P was forged”** (Williams 2009)
 - On an individual level: Sudanese diplomat and scholar Francis Deng was the first to make the explicit connection between sovereignty and responsibility in 1995, Kofi Annan ensured that the human security paradigm pervaded the executive agenda in his time as SG;
 - On an institutional level: African Union (AU) was the first intergovernmental organization ever to condone humanitarian intervention in its charter (AU Constitutive Act of 2000)

- › It would be **mistaken to pit the Global North against the Global South**, as a “West against the Rest”. This analytical approach is far too simplistic.
- › True that the non-Western world is united in mistrust of Western altruism, but it is no less prone to realpolitik, normative rifts and reproductions of structural power hierarchies (Mabera and Spies 2016)
- › The **responsibility to prevent helped convince states that R2P wasn't just an intervener's Charter** (Bellamy 2009)
 - > To make prevention work, following elements must be met: **Early warning** (information, access to officials who make decisions), **preventive diplomacy** (agreements between conflicting parties, this is the traditional sphere of UN involvement), **ending impunity** (through international criminal law and human rights diplomacy, as well as the UNHRC), preventive deployment (peacekeeping)
 - **Example:** HRC used R2P to evaluate performance on Sudanese government in Darfur, although various bodies and states have launched attacks on report's legitimacy.
 - > **Bellamy** argues that it is the *operationalization* that has failed in important cases

CASE STUDIES FOR THE R2P

- › Positive implementation of the R2P (or Milestones)
 - > **Kenya 2008.** Widely credited to be the most successful application of the R2P. Presidential election had Kibaki declared as winner but there were accusations of electoral manipulations by the opposition, with leader Odinga. Quick international response to prevent ethnic violence, Kofi Annan mediated between the parties which led to power-sharing agreement with Kibaki as president and Odinga as PM, and the set-up of three commissions.
 - Probably best example we have so far of R2P because here the means were diplomatic rather than military (Evans 2008)
 - Crisis was resolved with the African Union taking a leading role, which countered the notion of R2P being just a tool of Western nations' imperialism
 - BUT **Sharma (2016)** argues that Kenya 2008 is not a straightforwardly positive case for R2P after all. The potential for ethnic violence was acknowledged by observers well in advance, but there was no international response – illustrates **gap in early warning capacity**. Further, the later decisive response by the international community happened because influential actors perceived their interests to be directly at stake. **Role of strategic (economic, political etc.) interests** important!
 - Seems like Kenyan case was successful because of its unanimous support within the international community, which placed pressure on Kenyan actors. But this does not mean that R2P is effective in general, when external views diverge.
- › Negative implementation of R2P (or failure to apply the principle in the first place)
 - > **Libya 2011.** First time SC explicitly referred to the R2P in a military authorization against the Gaddafi regime, demanding immediate ceasefire and authorizing "all necessary measures" to protect civilians and to end the “*gross and systematic violation of human rights*” - **but** the NATO mission is highly controversial, as it may have caused civilian deaths and was more of a "**foreign imposed regime change**". It was seen as going beyond the authorized no-fly zone and protection of civilians.
 - Libya was the first time that the SC had authorized the use of force for human protection purposes *without the consent of the recognized government concerned* (Bellamy et al 2016)
 - **Critique:** NATO and UN overstepped their mandates by contributing to regime change, used disproportionate force which increased civilian casualties
 - **Implication:**
 - Leap from R2P to regime change led Russia and China to state that they would not support R2P missions in the future if there were concerns that these could be used for regime change initiatives.

- Case of Libya led to a more **complex normative R2P debate**, explicitly discussing the aspect of regime change (Brockmeier et al. 2016). Caused many previous supporters of R2P especially NGO proponents of human security to take an openly critical stance against interventions involving regime change.
 - And yet, further R2P missions post-Libya were authorized, because almost all of them were UN peacekeeping missions controlled by the UNSC – contrary to Libyan case where third party was invoked to use force (NATO), missions were also negotiated in agreement with the host government.
- > **Russian invasion into Georgia in 2008.** As a result of Putin being elected as Russia’s president in 2000 and a Western change of power in Georgia in 2003, relations started to deteriorate, resulting diplomatic crisis by April 2008. In August 2008 South Ossetian separatists in Georgia begun shelling Georgian villages, to which the Georgian Army was sent as a response. This led Russia to accuse Georgia of “aggression against South Ossetia”, launching a large-scale land, air and sea invasion of Georgia with the goal of a peace enforcement operation.
 - **Analysis:** This operation was an abuse of the R2P doctrine, and used to support a state’s self-interest (Bellamy 2010)
- > **Syria.** The Syrian case, while similar to the case of Libya 2011 (at least in its early stages) has failed to generate the unanimous consent of the UNSC in invoking the doctrine of the R2P due to a unique set of interrelated factors (Momani and Hakak 2016).
 - UNSC division on Syria is the result of a specific situation in Syria, not of a more generalised opposition to R2P (Bellamy 2014).
 - **Factors include:** i) Nature of the Syrian conflict – while the R2P designates the SC’s right to intervene in cases where there is evidence of a state’s perpetration of mass atrocities, the status of invoking R2P in civil wars is ambiguous. It does not constitute a case of unilateral use of violence by the state; ii) Backlash resulting from the Libyan intervention; iii) religious and geopolitical dimensions – crisis in Syria has emerged as a proxy war between the major regional players: Saudi Arabia and Iran are key players involved on each side.
- > **Somalia 1992 (first Phase):** UNSC adopted resolution 794, in which it determined that the magnitude of the human tragedy caused by the Somalian conflict constituted a threat to international peace and security. The SC then, under Ch. VII authorized the establishment of an operation which would create necessary conditions for delivery of humanitarian assistance
 - **Relevance: First time that SC formally recognized that a humanitarian crisis posed a threat to international peace and security** and authorized VII measures for this. It also for the first time authorized an intervention without the explicit consent of the sovereign state concerned.
 - The operation personnel got into confrontation with warlords, resulting in fierce firefights where American soldiers and Pakistani peacekeepers died. UN withdrew in 1995.

MAIN AUTHORS

HEHIR, HUMANITARIAN INTERVENTION: AN INTRODUCTION

BELLAMY, R2P: THE GLOBAL EFFORT TO END MASS ATROCITIES

BELLAMY AND WHEELER, HUMANITARIAN INTERVENTION IN WORLD POLITICS

BELLAMY, MILITARY INTERVENTION (2010) - [LINK](#)

BELLAMY ET AL, THE OXFORD HANDBOOK OF THE R2P (2016) - [LINK](#)

› **Use to refer to case studies!!!**

THAKUR, R2P – NORMS, LAWS AND THE USE OF FORCE IN INTERNATIONAL POLITICS (2011)

CHANDLER, THE R2P? IMPOSING THE LIBERAL PEACE

- › Says the ICISS underestimates the problems involved with distinguishing “moral interventions” from those motivated by traditional Realpolitik, because the line between the domestic and international arena should not be blurred.

EVANS, THE R2P ENDING MASS ATROCITIES ONCE AND FOR ALL