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Is the Responsibility to Protect Undermining International Democracy?

The Responsibility to Protect (R2P) has become one of the primary normative languages in international politics, and its universal adoption at the 2005 World Summit is seen as evidence of an international consensus surrounding the norm. This paper argues, however, that this declared consensus overlooks deep divisions within the international community. These divisions concern the R2P norm itself, as well as demands for broader reform of the international system as a whole.

In the first section I focus on the R2P norm itself, demonstrating that claims to an international consensus by Western R2P supporters hide the ways in which non-Western states have been systematically marginalized from its normative development. First, I show that non-Western concerns and criticisms of humanitarian intervention are either ignored or distorted, especially in regards to political challenges the implementation of humanitarian intervention in a highly unequal global system. Second, I argue that the R2P norm itself was designed to evade these fundamental critiques.

In the second section, I place non-Western objections to humanitarian intervention and criticisms of R2P in the context of their demands for greater authority, recognition and participation in international society. Whereas Western R2P supporters see demands for greater democratic transformation of the international system as tangential at best, or a distraction at worst, to the R2P norm, non-Western states view the lack of international democracy as a core problem with the norm. As such, R2P serves to undermine efforts for international democracy.

Section I: Humanitarian Intervention and R2P

There is in many ways a sense of triumphalism about the *normative* aspects of R2P. In other words, the moral and conceptual challenges are largely seen as settled, with R2P declared the only viable option for addressing mass atrocities. This sense of closure can be seen in the title to Gareth Evans' 2011 piece in *Foreign Affairs*, "End of the Argument: How We Won the Debate Over Stopping Genocide." In this same article, he approvingly quotes UN Secretary General Ban Ki-Moon: "Our debates are now about how, not whether, to implement the responsibility to protect." The consensus therefore seems to follow Weiss that "further normative progress is of little importance. It is far more crucial to understand and address the political shortcomings standing in the way of making R2P an operational reality" (2007:4). The focus is therefore overwhelmingly on securing implementation, with a common lament among Western R2P supporters that Western states continue to lack the political will to intervene in humanitarian situations.[1]

This claim to normative consensus within the international community, however, is fundamentally flawed. In the following section, I will show that this fiction can only be maintained by systematically misrepresenting or altogether ignoring the arguments from non-Western critics. First, I will show how Western R2P supporters distort arguments against humanitarian intervention by dismissing all concerns about sovereignty as irrational or self-serving and by (unfairly) reducing all opposition to humanitarian intervention to a defense of the principle of absolute state sovereignty. Second, I will argue that the change from humanitarian intervention to R2P can be seen as largely a political and rhetorical move, one designed to evade rather than address the key problems of humanitarian intervention.

[1] For examples of this focus on political will, see, inter alia: Evans (2008a:289; 2008b:224; 2009b:5); Evans, Thakur, and Pape (2013:211-212); Glanville (2013:179); Kikoler (2009:12-15); Luck (2010:10); and Weiss (2011:234, 271).

Humanitarian Intervention

One important reason that non-Western concerns about sovereignty are marginalized os that the historic narrative of humanitarian intervention brackets out the history of colonialism and imperialism. As a result, colonialism and imperialism are treated as relevant only to the extent that they create an emotional reaction on the part of Third World states, and by extension serve as an obstacle to the realization of humanitarian intervention. Evans[2] encapsulates this view, claiming that a "reason for the issue of humanitarian intervention being so difficult to resolve is the *emotional attachment to state sovereignty* by so many countries" (2005a, emphasis added). In much the same way, Thakur claims, "At one level, the developing countries attachment to sovereignty is deeply emotional. The colonial experience traumatized many of them and the long shadows cast by this are yet to disappear" (2011:78).

This type of language, and the underlying biases it reveals, has leaked into policy circles as well. For example, Adele Brown's policy paper, prepared for the Members of Parliament in the UK's House of Commons, claims that "Western imperialism has left deep scars and engendered a legacy of hearty cynicism" (2008:55). Samantha Power, former adviser to President Obama and current US ambassador to the United Nations, describes humanitarian intervention as "*rais[ing] the hackles* among smaller countries that former colonial powers were using humanitarian pretexts to cloak their imperial designs" (2009:xi, emphasis added).

What is abundantly clear here is that colonialism and imperialism are not seen as having any relevance for the former colonial and imperial powers themselves. In a telling phrase, Thakur argues, "The continuing scars in the collective memory are difficult for many Westerners

[2] Evans frequently uses such arguments. In various speeches, he has described Third World countries as having: "visceral discomfort" (2005a); "sensitivities" (2006); "instinctive unwilling[ness] to concede in principle that intervention…could ever wholly avoid having [a neo-colonial and neo-imperial] character" (2007b); and raised hackles (2007a).

to comprehend and come to terms with" (2011:79). The implication is that it is not their own behavior that Western states need to reckon with, but rather how to deal with the emotional reaction on the part of Third World states. This follows the pattern identified by David Crocker, in which the need for mature democracies to reckon with past rights abuses is ignored (1999:44).

Not only do Western states deem it unnecessary to reflect on their own imperial and colonial past, but there is an underlying irritation with post-colonial states' focus on these exploitive relationships. As Thakur puts it, "fewer and fewer Westerners are impressed any longer with charges of neoimperialism by *historical association*" (2011:9, emphasis added). This phrase reflects the dominant Western view that colonialism and imperialism are historical episodes that have been completed and are no longer relevant to contemporary politics.

However, for those on the receiving end of colonialism and imperialism, as well as Cold War interventions, this legacy cannot be so neatly relegated to the past. As Soyinka-Airwele (2010:111) argues, understanding the political, social, and economic problems facing Africa must include understanding the ways in which the

> physical and structural violence of colonialism creates situational and relational conditions for distinct harm manifest in outbreaks of social and political violence, deepening impoverishment, economic disparities, trauma, turbulent mobilizations for justice, land claims and disputations, the alienation of subjects from leaders, the emergence and persistence of authoritarianism despite citizen resistance and mobilization, and new forms of identity conflicts.

However, these deformations created by colonialism[3] are generally ignored, and instead blame is located in the failed and misguided policies enacted by some self-interested post-independence leaders. The point is not that all non-Western leaders are blameless or that the West is the cause

[3] The Cold War has also left damaging legacies by "creat[ing] an ethos of violence as the principle mode of policing lesser powers by the so-called great powers" (Grovogui, 2010:182). The US and the Soviet Union provided the means of violence, including landmines, cluster bombs, and tracking devices. They also christened terror tactics as legitimate tools of combat (Grovogui, 2010:182). Violence in Africa, according to this view, is therefore not simply the result of an African propensity for violence, as is so often portrayed.

of all problems facing the Third World, but rather that by ignoring the ways the structural violence of colonialism is reinforced by global hierarchies and institutions, existing global economic, legal, and political structures are shielded from critical scrutiny (Soyinka-Airewele, 2010:126).

When Thakur writes, "As memories of colonialism dim and become increasingly distant, the salience of sovereignty correspondingly diminishes" (2011:80), he is denying the continued legacies of colonialism and imperialism, which *continue* to create the conditions for material harm. Furthermore, Thakur treats formal decolonization as a definitive break, ignoring that harmful interventions and exploitive relationships did not end with the achievement of formal sovereignty. Framing colonialism as a "dimming memory" therefore shields Western states from examining their own actions.

That excising colonialism, imperialism, and Cold War interventions from the historical narrative has foreclosed meaningful debate and worked to silence critics is particularly evident in the 2009 UN debate on R2P, which was convened by Nicaraguan Foreign Minister Miguel d'Escoto Brockmann, as President of the General Assembly. In particular, d'Escoto (UN, 2009) sought to highlight historical trends in great power intervention and the dynamics shaping the interventionist policies of leading states. The concern was that the norm would be used to justify arbitrary and selective interventions. Rather than defending unbridled sovereignty as R2P supporters accuse, d'Escoto argued that there is real danger that the net impact of institutionalizing a new regime of force would be more self-serving and destabilizing interventions that will exacerbate rather than mitigate suffering. In other words, a long history of predatory interventions by the West, combined with their continued dominance of international

institutions meant that rather than being irrational or self-serving, non-Western countries had good reason to be wary of such interventions.

Rather than address d'Escoto's arguments, R2P supporters roundly condemned him. Glanville summarizes this dismissal: "d'Escoto's speech was widely interpreted as a destructive contribution to the international conversation on R2P: one that cynically sought to preempt and confuse the General Assembly's debate by misrepresenting the concept of R2P and tying it to the invasion of Iraq, and by pretending that the nuanced agreement on the concept had never been reached in 2005 and that the most extreme and problematic interpretations of the principle were still on the table" (2013:180). Even more critically, the International Coalition for the Responsibility to Protect (ICRtoP) describes d'Escoto's concept paper as "an insult to the Secretary-General… [that] was blatantly unhelpful in moving along the discussion on implementing the norm" (2009:3). Particularly insulting for the ICRtoP was d'Escoto's insistence on world financial reform and Security Council reform as part of the effort to eliminate genocide. Badescu and Weiss similarly accused d'Escoto of "trying to paint R2P in imperialistic colors" and derided d'Escoto's "opening harangue" (2010:357).

On a broader level, many R2P supporters found the very existence of the debate was problematic, as it ran the risk of undermining the 2005 consensus. For example, the International Coalition for the Responsibility to Protect (ICRtoP) was concerned "that a debate could provide the opportunity for skeptical governments to re-negotiate the norm and possibly result in a resolution that watered down or added caveats to the 2005 World Summit agreement" (2009:3). They further worried that the "debate would distract Member States from the core issue of implementation and lead to a discussion focused on imperialism and tangential United Nations reform issues" (ICRtoP, 2009:4). Edward Luck, Special Adviser to the UN Secretary-General,

similarly argued, "What we do not need at this point… are efforts to turn back the clock, to divide the membership, or to divert attention from our central task" (Luck, 2009:2). In other words, they insisted that the time for debate had passed. In their zeal to protect the norm, supporters sought to preclude issues of crucial import, including the need for historical scrutiny of predatory interventions from great powers as well as the need for reform of the UN and the global economic system.

In addition to dismissing all concerns about sovereignty as irrational and irrelevant, the humanitarian intervention discourse is also distorted by reducing all criticisms to the defense of sovereignty.[4] For instance, Evans and Sahnoun, the co-chairs of the ICISS, describe debates over humanitarian intervention as "cantankerous exchanges in which fervent supporters of intervention on human rights grounds, opposed by anxious defenders of state sovereignty, dug themselves deeper into opposing trenches" (2002:100-101). Elsewhere, Evans[5] (2011) frames the issue as a fight between the North, which supported humanitarian intervention, and a South that argued in favor of absolute state sovereignty. In much the same way, Bellamy describes humanitarian intervention debates as a "divisive and irresolvable struggle between defenders of human rights and advocates of sovereign inviolability" (2006:148).

Although parsed in this way, many, if not most, of the critiques center on the political realities of implementing 'humanitarian intervention' in an international system largely dominated by Western states. This political aspect cannot be ignored because rights, whether formally universal or not, need to be identified and codified to be put into practice. Therefore, as Ayoob points out, "the question of agency – who constructs and codifies human rights – [is]

[4] Hehir is a notable exception, arguing: "At no point did any state argue that sovereignty enables a state to treat its population any way it pleases" (2011:1337).

[5] Evans uses similar phrasing in a variety of speeches. For examples, see Evans (2004; 2005b; 2005a; 2006; 2007a, 2009a; 2013).

crucial" (2001:226). In the current international system, this agency is unevenly distributed: "currently, the power to determine both where human rights have been violated and what needs to be done about such violations is concentrated more or less in the hands of the same agents," namely the three Western permanent members of the Security Council or by NATO (Ayoob, 2001:226).

As Ayoob points out, there is no single Third World perspective, with differences based on sub-region, status in the international and regional pecking order, different problems being faced, and shared affinities with people affected by state repression or state failure or both (2004:104). However, he does find broad commonalities in their concerns: "At the most general level, third world reservations are related to the contested questions of what constitutes humanitarian intervention, how it should be authorized, and through what agents it should be implemented" (2004:100). These concerns were reflected at the ICISS regional roundtables held in 2001. As I will show, the variety of issues voiced by participants cannot (for the most part) be reduced to a defense of absolute state sovereignty.[6]

African states south of the Sahara were most likely to be receptive to arguments for humanitarian intervention (ICISS, 2001b:363-365). For these states, the primary concerns are the fragility of state sovereignty in Africa, which is seen as not deeply rooted in society, and the marginalization of Africans by the Security Council in particular and the international system in general. African support for R2P is often used as evidence that it is not only a Western norm; however, these claims gloss over differences in interpretations and emphases of the norm. At the roundtable held in Maputo, Mozambique, the preference was overwhelmingly for prevention over military intervention, with the latter seen as a last resort. They also argued for the need to

[6] The full list of roundtables includes: Ottawa; Geneva; London; Maputo; Washington; Santiago, Chile; Cairo; Paris; New Delhi; Beijing; and St. Petersburg.

look at the root causes of conflict, particularly the relationship between poverty and conflict. They identified the increasing deterioration in the terms of trade and a sharp reduction of bilateral trade as contributing to this poverty, thereby implicating Western states and Western-dominated financial institutions as contributing to the root causes of conflict. Finally, they also raised the issue of decision-making authority, demanding to be seen as actors rather than objects and "a problem to be solved" (ICISS, 2001b:364). In sum, although receptive to the idea, the Maputo roundtable still raised fundamental challenges to R2P, namely African exclusion from discussions about humanitarian intervention and R2P, their marginalization from international society in general, and the contribution of international factors to the structural causes of conflict.

At the Cairo Roundtable (ICISS, 2001b:374-377), which included representatives from the Middle East, the biggest concerns were selectivity and double standards[7], particularly US support for Israel despite the latter's repeated violations of international law and brutal repression of Palestinians.[8] Participants noted that there is no international intervention envisioned for Palestine despite the "disproportionate use of force, severe abuses of human rights, [and] denial of the right of self-determination" (ICISS, 2001b:375). Beyond Israel, participants also criticized Western powers for their backing of authoritarian regimes and contribution to tensions in the region through the pursuit of their interests. Therefore, like the Maputo roundtable, they demanded an acknowledgement of the ways that international factors contribute to crises. Moreover, the selectivity and double standards of Western powers pointed to the wider problem that the identification and definition of abuses, can be, and generally is, a

[7] Of course, Third World states have also used double standards. However, I agree with Ayoob that "there is a crucial difference in the exercise of double standards by third world states as compared to its use by the major powers, especially the United States. The former do not have the capabilities to engage in humanitarian intervention or to set up the international administrations unless such an endeavor is blessed and supported, either within the UN or outside by the concert of powers led by the United States" (2004:113).

[8] The Cairo Roundtable did not include a Palestinian delegate.

subjective and politicized process. As such, they expressed concerns that human rights could be misused as a pretext for intervention. They therefore rejected unilateral intervention, arguing that any intervention must be done in conformity with the UN Charter. However, participants also raised issues about giving authority to the Security Council because of its undemocratic character and lack of accountability, making UN reform a central concern. Humanitarian intervention and R2P therefore were not rejected in principle. Instead, criticisms focused on the misuse of norms, and these concerns about misuse have arisen from the actual behavior of Western states.

For Latin America (ICISS, 2001b:371-373), a major concern was the region's subjection to US intervention and brutalization by regimes often backed by the US. Given this history of unilateral intervention, the question of authority—what is necessary to legitimize intervention and who can make the decisions to intervene—became central. Participants argued that the UN Charter should be kept as a key paradigm for analysis of cases requiring military intervention. The overall position was that "any decision to intervene militarily could only be legitimate if based on severe abuse of fundamental human rights. However, even if the Security Council could not decide to intervene, despite the existence of objective grounds, it would be very difficult to class as legitimate a 'unilateral' military intervention (that is, one taking place without Security Council mandate). Despite its shortcomings, the UN Charter should be kept as the key paradigm for the analysis of cases eventually requiring military intervention" (ICISS, 2001b:373). Although intervention was not rejected in principle, it was seen as a last resort and would only be legitimate with Security Council authorization.

There was much less support for humanitarian intervention in Asia, with China outright rejecting humanitarian intervention at the Beijing roundtable (ICISS, 2001b:392). On the one

hand, China rejected humanitarian intervention in principle, arguing that the conceptualization of humanitarian intervention is a total fallacy. This rejection might come closest to the sovereignty versus human rights caricature seen above. However, their concerns were also pragmatic, focusing on the political misuse of the norms. More specifically, like in Cairo, the focus was on the inconsistent practice and double standards on the part of Western states: "the sporadic, unpredictable, and incoherent words and actions of the Western powers regarding humanitarian intervention suggest that they have not seriously pursued a policy of protecting human rights and safeguarding world peace" (ICISS, 2001b:392).

The New Delhi roundtable (ICISS, 2001b:387-390) likewise raised concerns about the misuse of the norm: "Very often the morality and claimed legitimacy of interventions have in reality only been those of dominant nations or groups of nations" (ICISS, 2001b:388). Moreover, the participants, in a recurring theme, highlighted the issue of decision-making authority, including who defines the standards for when abuses have taken place, who enforces these standards, and how and what the process of scrutiny should be. Although the Security Council was generally the preferred authority for making decisions, participants still criticized it for its problems of coherence and effectiveness, and its lack of representation, democratic practice and legitimacy. Overall, there was a clear preference for protective and preventive intervention, with military intervention a "necessary evil" (ICISS, 2001b:388).

To sum up this survey of non-Western roundtables, other than China, no participants rejected humanitarian intervention in principle. However, most viewed it as a last resort and prioritized prevention. There was also a clear rejection of unilateral interventions, with an emphasis on working in accordance with the UN Charter. The main concerns throughout were the monopoly on decisions about intervention held by powerful states, the selectivity and double

standards of Western states, and an inability to separate out humanitarian motives from geopolitical interests.

The key point here is that these concerns are based on the actual conduct of Western states, including past interventions. However, the ICISS purposely refused to scrutinize this conduct. Thakur reflects, "We adopted the position, which was surely right, that any attempt to examine the merits, law, legitimacy and political wisdom of past interventions would be backward-looking, possibly finger-pointing and certainly judgmental. In other words, we were not—and I for one am still not—convinced that such an exercise would be helpful to our task" (2011:88). By refusing to address past interventions, ICISS excised political concerns from the R2P debate, particularly those raised by states in the global South. In the following section, I will show that not only did the move from humanitarian intervention to R2P not resolve the dilemmas of humanitarian intervention, but that it was largely designed to evade these key political issues.

Responsibility to Protect

As Acharya summarizes, the Kosovo intervention brought to the fore longstanding concerns regarding Western states' violation of weaker state's sovereignty, the fact that developing countries have very little say in decisions about intervention, and the linkage of humanitarian intervention to the ideological and geopolitical interests of the great powers (2002:37). As I discussed above, these were recurring themes in the ICISS regional roundtables, which, contrary to R2P supporters' claims, were largely focused on the implications of institutionalizing the norm of humanitarian intervention in a highly unequal global system rather than a defense of absolute state sovereignty per se. This is not to say that those in the South did not defend state sovereignty, but rather than sovereignty needed to be out in the context of the damage of past and present interventions by powerful states.

R2P has done little to address these issues. Instead, the entire R2P project can be seen as an effort to bypass the contentious debates surrounding humanitarian intervention by a simple declaration that these problems no longer exist. This evasion can be seen in the foreclosure of debate over the dangers of abrogating state sovereignty, which is precluded by definitional fiat. The ICISS simply declares: "There is no transfer or dilution of state sovereignty. But there is a necessary re-characterization involved from *sovereignty as control* to *sovereignty as responsibility* in both internal functions and external duties" (2001a:13). Rather than engage critics in dialogue concerning the potential merits of sovereignty and political implications of global inequality, the ICISS preempts such debate by defining these questions out of existence.

The ICISS further deflects or silences criticism by elevating moral arguments over political debates. The ICISS report begins by criticizing the policy debates surrounding humanitarian intervention: "For some, the international community is not intervening enough; for others it is intervening too often. For some, the only real issue is ensuring that coercive interventions are effective; for others, questions about legality, process and the possible misuse of precedent loom much larger. For some, the new interventions herald a new world in which big powers ride roughshod over the smaller ones, manipulating the rhetoric of humanitarianism and human rights. The controversy has laid bare basic divisions within the international community. *In the interest of all those victims who suffer and die when leadership and institutions fail, it is crucial that these divisions be resolved*" (2001a:1-2, emphasis added). In other words, political debate must end in order to fulfill our moral mission of rescuing all the victims who suffer and die.

That R2P was designed to silence political debate, especially critiques from the South, is clearly reflected in MacFarlane, Thielking, and Weiss's claim: "Even if the ICISS has *altered*

little with regard to the underlying issues, the change of terminology from a 'right to humanitarian intervention' to a 'responsibility to protect' has the potential to… reduce polemics about the use of force to protect human beings" (2004:980, emphasis added). This reference to criticisms as "polemics" is not unique. In fact, it even appears in the ICISS itself, which describes its mission as "to try to develop a global political consensus on how to move from polemics – and often paralysis – towards action within the international system, particularly through the United Nations" (2001a:2). Badescu and Weiss (2010:356) are even more inflammatory, describing criticisms as "tirades" (2010:356). These 'polemics' and 'tirades' are often explicitly contrasted with the reason and logic of (Western) R2P supporters, such as Edward Luck's complaint that "too often rhetoric has replaced reason and the spectacle of debate threatens the quiet search for common ground" (2009:3).

That R2P supporters would resort to characterizing critiques from the South as "tirades", "polemics", or "spectacles" as a way to dismiss their arguments is unsurprising, for it follows a wider dynamic identified by Grovogui. He argues that participants in global engagement must conform to normative sensitivities developed by the few; unconventional forms of speech are *peremptorily* dismissed because of the form they take rather than their content (2003:123).[9] In the case of R2P, I would argue that the *content* of non-Western critiques, especially those that challenge global inequality or heavily criticize the actions of Western states, lead R2P supporters to characterize them as non-normative speech and therefore unworthy of consideration.

Badescu and Weiss offer a clear example of the ways in which political critiques are framed as non-normative speech and summarily dismissed. They argue, "R2P surfaced in an attempt to move beyond the counterproductive and toxic 'humanitarian intervention,' which

[9] Of course, conforming to normative forms of critique is no guarantee that such criticisms will be heard or acknowledged, such as the marginalization of many of the arguments presented at the various ICISS regional roundtables.

since the international response in northern Iraq in 1991, had often led to largely circular tirades about the agency, timing, legitimacy, means, circumstances, and advisability of using military force to protect human beings" (2010:356). Who has the right and ability to intervene (agency, legitimacy, means) and whether a military intervention will improve or worsen the situation (circumstances, advisability) are surely crucial to any determination. However, they are dismissed as "counterproductive," "toxic," and "tirades."

Because R2P is seen as "moving beyond" the toxic debates over humanitarian intervention, the fact that much of the world continues to reject humanitarian intervention[10] does not impinge on the idea of an international consensus. At its 2000 Ministerial Conference, which followed the Kosovo intervention, the Non-Aligned Movement rejected the right of humanitarian intervention: "We...want to reiterate our firm condemnation of all unilateral military actions including those made without proper authorisation from the United Nations Security Council or threats of military action against the sovereignty, territorial integrity and independence of the members of the Movement which constitute acts of aggression and blatant violations of the principle of non-intervention and non-interference" (2000:§11). Humanitarian intervention was similarly rejected by the G-77 at the 2000 South Summit: "We reject the so-called 'right' of humanitarian intervention, which has no legal basis in the United Nations Charter or in the general principles of international law" (2000:§54). The Non-Aligned Movement used similar language to reject humanitarian intervention at its 2004 Ministerial Conference (2004:§8), 2009 Summit in Sharm el-Sheikh, Egypt (2009:§440) and 2012 Summit in Tehran, Iran (2012a:§598).

[10] This rejection of humanitarian intervention is accompanied by the affirmation of sovereign equality. Both the Non-Aligned Movement (1995:§44; 2000:§10; 2004:§121; 2009:§5; 2012:§5) and the G-77 (2000:§4; 2005:§3) repeatedly affirm the principles of sovereign equality, territorial integrity, and non-intervention in the internal affairs of states. For arguments that humanitarian intervention constitutes an attack on the principle of sovereign equality, see Chandler (2003) and Ayoob (2002).

To obscure this cleavage, many R2P supporters go to great lengths to insist that R2P and humanitarian intervention are two separate concepts, and that the criticisms of the former do not apply to the latter. For example, Evans claims that the idea that "R2P is just another name for humanitarian intervention" is one of the major misunderstandings of R2P (2008b:56) and criticizes those who "continue to hammer away at 'humanitarian intervention' as the target, and only incidentally mention R2P, flailing away at the old straw man without acknowledging that the debate has moved on and the extent to which their concerns have been conceptually accommodated" (2007b). In his 2009 speech before the UN General Assembly, Edward Luck described "the old caricature that RtoP is another word for military intervention" as one of the "myths that have clung to RtoP like so many unwanted barnacles from an earlier time and place" (2009:3). Instead, argues Luck, R2P is "broader, more multilateral, more nuanced, and more positive" than humanitarian intervention (2009:2). Evans and Thakur make a similar distinction, claiming, "In current international policy discourse on the question of mass atrocity crimes, it is the multidimensional and nuanced concept of R2P—not the older one-dimension military concept of humanitarian intervention—that dominates real-world debate" (Evans, Thakur, and Pape, 2013:200).

A second, closely-related strategy of using R2P to avoid debates over humanitarian intervention has been to shift the emphasis to prevention, with prominent supporters repeatedly declaring that prevention is the most important aspect of R2P.[11] Luck insists that in formulating the R2P norm, "Prevention and state responsibility were to be the key" (2009:2) while Evans urges us to "look at the responsibility in question as being above all a responsibility to *prevent*"

[11] For other examples of this claim that prevention is the most important aspect of R2P, see Badescu and Weiss (2010:367); Evans (2008b:42, 56; 2004; 2005a; 2006; 2007a); Kikoler (2009:3); and Luck (2010:3).

(2009:3, emphasis in original). In much the same way, Thakur claims, "Prevention is the single most important dimension of the responsibility to protect" (2011:80).

These repeated protestations that R2P and humanitarian intervention are two distinct concepts or that prevention, not intervention, is the most important aspect of R2P are disingenuous for two reasons. The first is that it ignores the very reason that the ICISS was founded, which was to respond to Kofi Annan's question: "if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should be respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that affect every precept of our common humanity?" (quoted in ICISS, 2001a:vii). The Commission therefore saw itself tasked with answering the "legal, moral, operational and political" questions surrounding humanitarian intervention (2001a:vii). As Acharya summarizes, "The Report's primary goal [was] to establish clear rules, procedures and criteria of humanitarian intervention, especially those related to the decision to intervene, its timing and its modalities. The Report thus aim[ed] to make humanitarian intervention not only legitimate, but also more efficient" (2002:373). Its claim that "[p]revention is the single most important dimension of the responsibility to protect" (2001a:xi) would therefore seem, as Bellamy puts the point, to be nothing more than a "hollow protestation" (2011:41).

Given that the ICISS was specifically founded with the goal of legitimizing humanitarian intervention, Hehir is correct in stating: "If R2P is now being championed as primarily an initiative aimed at *preventing* intra-state mass atrocities, then this constitutes a significant alteration of is original *raison d'être* and an answer to a question that was not asked" (2010:228, emphasis in original). Where I disagree with Hehir, however, is in how much of this supposed shift is rhetorical rather than substantive. In my view, the emphasis on prevention, which is

generally used as "proof" that R2P and humanitarian intervention are different concepts, generally functions as a rhetorical device that obfuscates the continuing relationship between the two. Therefore, although one could argue that the R2P norm has evolved so far from its initial founding that its provenance no longer matters, the fact that the ICISS was specifically founded on the question of humanitarian intervention remains crucial because it is blatantly obvious that R2P was chosen for its rhetorical/political value to Western supporters, as a way to evade critiques over humanitarian intervention without challenging the underlying issues.

This linkage can be clearly seen in the conceptual slippage between humanitarian intervention and R2P and the avowedly political explanations given for the change in *language*. For example and somewhat ironically, even Evans, who so ardently denies the linkage between R2P and humanitarian intervention, claims: "The first [contribution of R2P], and perhaps most *useful politically*, was inventing a new way of talking about humanitarian intervention" (2008b:39, emphasis added). Weiss is even more flagrant about conflating the two, often switching between humanitarian intervention and R2P, sometimes within the same paragraph.[12] The reason is straightforward, as he sees the change in language as purely strategic and political, rather than substantive. For Weiss[13], "The responsibility to protect is a more *politically acceptable* reformulation of the more familiar 'humanitarian intervention'" (2011:225, emphasis added).

In sum, the consensus touted by many R2P supporters is only maintained by distorting or silencing criticisms from the global South. This erasure is enacted in several ways. First, the

[12] To give an example of this conceptual slippage: "The sun of humanitarian intervention has set for now. Whether US power will underpin or undermine humanitarian intervention is uncertain. But one thing is clear. It will be decisive. If the responsibility to protect is to flourish, the United States must be on board. The current moment is dark, but that is not to say that humanitarian intervention will not dawn again" (Weiss, 2011:292).

[13] Ironically, elsewhere Weiss writes, R2P "is not a synonym for 'humanitarian intervention', although supporters sometimes lapse into that language" (Badescu and Weiss, 2010:367).

questions surrounding humanitarian intervention are evaded by ignoring the South's justified concerns about sovereignty and reducing all critiques to the frame of sovereignty versus human rights. In this way, the historical and current behavior of Western states are shielded from critical scrutiny. Second, the R2P norm itself was designed as a political tool to foreclose debate first through definitial fiat and then by obscuring R2P's relationship to humanitarian intervention. However, it would be a mistake to isolate humanitarian intervention and R2P from broader challenges to the international system. Instead, criticisms of humanitarian intervention and R2P by those in the global South must be placed in the context of their demands for greater participation and authority in the international system as a whole.

Section I: Critique of the Broader International System

As we saw above, many R2P supporters argue that R2P and humanitarian intervention are different concepts and that R2P has responded to the critiques leveled against humanitarian intervention. For example, Evans argues that these "concerns have been conceptually accommodated" (2007b), while Glanville claims that R2P has overcome the dangers and problems of humanitarian intervention (2013:180). However, such claims are untenable because, as I argued above, they misrepresent what the actual concerns are. Most importantly, objections to humanitarian intervention arise not from a defense of the principle of absolute state sovereignty, but rather broader concerns about the nature of the international system. In the following section, I will demonstrate that, contrary to R2P supporters' claims, these broader issues have not been addressed in the shift from humanitarian intervention to R2P, and therefore Third World concerns continue to be marginalized from the discourse.

To bring these marginalized concerns to the fore, I focus on two key international organizations dedicated to representing the priorities and interests of the South in international

affairs. The first is the Non-Aligned Movement (NAM)[14], which originated out of the 1955 Bandung Conference. At Badung, the main topics included pressures from major powers, difficulties in maintaining their independence in the face of such pressures, and opposition to colonialism and neo-colonialism. The first NAM Summit Conference was held in 1961 in Belgrade with twenty-five participating States, and a key goal was charting an independent course in world affairs without being pawns in Great Power struggles. Its key political goals have therefore been "the right of independent judgment [and] the struggle against imperialism and neo-colonialism" (NAM, 2001). The movement has also focused on restructuring the global economic order. It now includes 120 members and seeks to give countries from the South a greater voice in international affairs.

The second is the Group of 77 (G-77), which also seeks to increase the influence of states from the global South. It was established on June 15, 1964 as an intergovernmental organization working within the UN, and its membership has grown from 77 to 134 states. Its stated goal is to "provide[] the means for the countries of the South to articulate and promote their collective economic interests and enhance their joint negotiating capacity on all major economic issues within the United Nations system, and promote South-South cooperation for development" (G-77, n.d.).

Although we should be careful not to assume homogeneity between participating countries[15] or that there is one Southern perspective, looking at their declarations, statements, and documents is useful in providing insight into the types of concerns that arise from those

[14] My arguments here make no claims as to the efficacy of these groups. Rajagopal (2006:767) argues that NAM and the G-77 have lost relevance as geopolitical bodies, while Thakur (2011:12) argues that with the end of the Cold War, NAM has lost its conceptual mooring and Third World solidarity has been lost with the embrace of market friendly policies.

[15] Rajagopal is careful to point out that there are vast differences in levels of economic and political power between Third World states (2006:767).

countries marginalized in the international system. The following section will therefore analyze key documents[16] from NAM and the G-77, focusing on the years 1995-2012 to demonstrate that the types of concerns raised during the 1990s debates over humanitarian intervention remain just as prevalent despite the shift to R2P in 2001 and its adoption in 2005. In other words, the shift to R2P has done little, if anything, to address concerns regarding the nature of the international system, demonstrating that the consensus touted by Western R2P supporters is more chimerical than real.

To demonstrate this fundamental challenge to the international system, I will focus on four key themes that arise from the Non-Aligned Movement and G-77: their marginalization from international society; inequality in the global economic system; the interrelated nature of domestic and international factors; and a lack of democracy within the United Nations.

Marginalization/Participation

Western IR scholars tend to treat decolonization as the advent of a universal international society (Jones, 2006:3). However, this assumed universality hides the ways in which inclusion is an ongoing process. Grovogui describes this fight for inclusion at the United Nations, where "the struggle for a postcolonial order has focused on political autonomy and authority within the international order; the right to speak for self and through the cultural resources on which individual participants draw their moral consciousness; a quest for commensurable ideas, values, and objectives through which international morality can be formulated" (2006:56). This perceived marginalization is multifaceted, involving not only the exclusion from positions of authority but also from the formation of international morality. Both the Non-Aligned Movement and G-77 therefore frequently criticize their marginalization from international society.

[16] Given the sheer volume of documentation produced by both organizations, a complete analysis is beyond the scope of this dissertation. My choice of documents is therefore meant to be illustrative rather than exhaustive.

Opposition to members' political and normative subordination is reflected in the G-77's declaration: "the international machinery through which *global norms are developed and actions taken* must … ensure that the countries of the South can participate on an equal footing in decisions which affect them most of all" (2000:§10, emphasis added). Here we see a request for political autonomy and authority, the right to participate in decisions that affect them, as well as a demand to participate in the formation of global norms – rather than a demand for particular norms to be implemented.

The G-77's declaration was made in 2000, and as we saw in the 2001 ICISS regional roundtables, a major concern from all regions was the much greater decision-making authority of Western states. Although its supporters claim R2P has "conceptually accommodated" these concerns, the need for greater participation and authority on the part of non-Western states remains a crucial (and unmet) demand, which was raised again by the Non-Aligned Movement in 2012: "The growing importance of developing countries is yet to be sufficiently reflected in the governance structures of existing international key decision-making bodies…it is imperative that developing countries could have a greater voice and participation in the major institutions, which coordinate policies at the international level" (2012b:§1c).

In addition to criticizing the continued exclusions from positions of authority, the Non-Aligned Movement has also been highly critical of its normative exclusion. A challenge to the presumed exclusive moral authority of the West can be seen in the pointed remark: "Some powerful members of the international community continue to insist on their models and perceptions as standards for universal behaviour" (1995:§13). Such criticisms tend to be reduced to a crude relativism, in which non-Western states are seen as demanding the right to violate human rights at will in the name of cultural difference. However, I argue it is more fruitful to see

it as part of consistent demand by non-Western states to participate in the formation of global norms and international morality, through the use of "cultural resources on which individual participants draw their own moral consciousness" (Grovogui, 2006:56).

Once again, the switch from humanitarian intervention to R2P does not seem to have challenged this dynamic, as the Non-Aligned Movement continued to challenge these entrenched viewpoints, including the demonization of its members. In 2009, they "[o]ppose[d] and condemn[ed] labelling of NAM countries and peoples by certain States through use of pejorative terms as well as systematic vilification of other States to exert political pressure" (2009:§24.4). Instead of this vilification, they "reiterated the need to continue working towards the promotion of dialogue and understanding among civilizations, cultures and religions" (2009:§30).

Here it is important to recognize that this demonization is not the only problem. Or rather, the problem is not merely the lack of respect given to non-Western critics, but rather that this lack of recognition and respect is also supported by deep material inequalities. In other words, we must change not only how we speak to each other but also the material inequalities that govern this relationship (Cocks, 2014: 155, f60). And in fact, these material inequalities encompass the second major concern expressed by NAM and the G-77 which I turn to next.

Economic Inequality

Both the Non-Aligned Movement and G-77 focus heavily on the inequality of the global economic system as a part of their broader critique of their limited membership in the international society. At its 1995 Summit, the Non-Aligned Movement called for a "more balanced and participatory system of international economic relations" (1995:§24), based on "justice and equity" (1995:§45). This was not just a general call for equality and justice, but rather included specific complaints about how they continue to be marginalized in the global

economic system, through methods such as protectionism, inordinate burdens of external indebtedness, lack of access to technology, and deteriorating terms of trade with developed countries (1995:§8). The Non-Aligned Movement raised the same concerns at its 2000 Summit, again noting the marginalization of many developing countries from the world economy (2000:§8).

In the same way, the G-77 South Summit in 2000 called for "a more just and equitable international economic system" (2000:§5) and "a fundamental reform of the international financial architecture, making it more democratic, more transparent and better attuned to solving the problems of development" (2000:§12). Once again, we see specific inequalities being named, including the need to address the imbalance in WTO agreements (2000:§20), which include protectionist measurements such as anti-dumping actions, countervailing duties, tariff peaks and escalations; the need to take into account their vulnerability and risk of marginalization in the global economy; and the problem of external debt (2000:§26). In 2001, the G-77 reiterated the call for the need for greater democracy in global economic decision-making structures (2001:§36).

In fact, developing countries have consistently demanded major reform of the international trade regime. At the 2001 Doha Conference of the WTO developing countries raised issues concerning "basic market access to industrial country economies, terms of trade between developing country exports and imports from industrial countries, commodity price volatility and trade patterns, phaseout of export subsidies and trade-distorting domestic support measures in agricultural exports by industrial countries (especially cotton), and special and differentiated treatment for poor countries" (Cheru, 2010:202-203). The most important topics at the conference were US/Euro trade practices that locked African farm products out of rich

markets yet allowed wealthy countries to flood African markets with massively subsidized exports (Cheru, 2010:203)

After the 2001 Conference, the WTO appeared to recognize the structural inequality within the international economic system. Paragraph 3 of the Doha Declaration states: "We recognize the particular vulnerability of the least-developed countries and the special structural difficulties they face in the global economy. We are committed to addressing the marginalization of least-developed countries in international trade and to improving their effective participation in the multilateral trading system." However, this rhetorical declaration was not accompanied by substantive changes. Ten years after the Doha Declaration, developing countries continue to be disadvantaged by the global economic system. From 2001-2011, $47 billion has been paid in subsidies to rich-country producers, which has continued to create barriers for 15 million cotton farmers in west Africa and has put five million of the poorest farmers out of business. Beyond cotton, there has been a lack of agreement on reducing farming subsidies in general on the part of rich countries. The WTO also failed to curb protectionist measures on the part of G-20 countries, despite the fact that eliminating protectionist measures is one of its stated aims. It also failed to improve access to its expensive and complex legal system, and small and poor countries therefore continue still have little voice in trade negotiations (Walker, 2011).

Given this lack of progress, it is unsurprising that the Non-Aligned Movement offers the same critiques of the international economic system in its 2009 Summit Document:

> They stressed the important role of the United Nations in addressing issues concerning international trade and development, as well as the persistent systemic inequities in international economic relations, in particular the slow progress in enhancing the *voice and participation* of developing countries *in the International, Financial and Monetary Institutions*, which are to the detriment of developing countries. They also underlined the need for a comprehensive and structural *reform of the global financial and economic governance and architecture* in order to establish an equitable, transparent and democratic international system that strengthens and broadens the participation of

> developing countries in international economic decision making and norm setting. (2009:§51, emphasis added)

It is therefore clear that Third World countries continue to be marginalized by the international economic system. However, these concerns are not taken up by Western states in the context of international morality and solidarity more generally, and R2P specifically.

Part of this ignorance has to do with institutional biases. As Grovogui (2010:177) argues, within the Western narrative, economic and political failings are attributed to corruption of public institutions and unscrupulousness of African leaders.[17] Rarely are they placed in the context of international relations. However, highlighting the interrelated nature of domestic and international structural factors has been a key feature of resistance from the global South. In the same way, both NAM and the G-77 highlight this interrelated nature and in so doing, reveal a stark deficiency in the R2P norm.

Interrelationship of Issues

One way of dismissing these economic demands discussed above is to claim that R2P does not cover all human rights protection issues. For instance, Badescu and Weiss argue that R2P "should not be viewed as the protection of everyone from everything" and "if R2P covers everything, it means nothing" (2010:367). Evans similarly argues that a major misunderstanding is that "R2P covers all human protection issues" (2008b:64). While this claim is ostensibly meant to guard against claims of imperial overreach, what it essentially does is to bracket out systemic concerns.

In a now (in)famous phrase, Ayoob describes the tension between the North and South thusly: "While the North is primarily interested in justice within states and order among them,

[17] This attribution is not limited to Africa. Thomas Pogge finds that in general the social causes of poverty, and keys to eradication, are seen to lie in the poor countries themselves, the problem of faulty institutions and the policies and of corrupt and oppressive elites in the developing world (2003:121).

the South is basically committed to order within states and justice among them" (2002:99). However, I would argue that for many in the South, justice *among* states is necessary for justice *within* states. In other words, mitigating the inequality of the global system, in which the countries of the South continue to be harmed by the policies of international financial institutions, disadvantaged by the global economic system, and subject to destabilizing interventions, is crucial to creating just conditions within these states. The problems facing the South therefore cannot be neatly separated from the international context, and a repeated theme is the need to look at how the actions of powerful states, along with the political and economic subordination of Third World states, contributes to instability in the Third World.

We see this refusal to separate international and domestic issues from both NAM and the G-77. At its 1995 Summit, the Non-Aligned Movement highlighted their interrelated nature, arguing "stability, security, democracy and peace cannot be consolidated without rectifying the growing international inequalities" (1995:§21). One example is the way in which structural adjustment programs and unbridled market economies, pushed by Western states and Western-dominated international financial institutions, contribute to economic inequality within states, causing social instability (1995:§22). [18] Another is "a rampant traffic in armaments [that] continues to put in jeopardy the security and stability of vast regions of the world" (1995:§4).

The Non-Aligned Movement reiterated the interrelated nature of domestic and international factors at its 2000 Summit: "economic underdevelopment, poverty and social injustice constitute a source of frustration and a cause of new conflicts, and…stability, security, democracy and peace cannot be consolidated without rectifying the growing international inequalities" (2000:§9). Furthermore, "the easy availability of illicit small arms and light

[18] Similarly, at its 2000 Summit, the G-77 asked developed states to look at negative impact of domestic economic, monetary and fiscal policies on developing countries (2000:§15)

weapons escalate conflicts, undermine political stability and have a devastating impact on peace and security" (2000:§80). In 2012, the Non-Aligned Movement once again highlighted "the interconnectedness of economic development, social development and environmental protection, peace and security, and human rights and the rule of law" and linked conflict prevention and resolution to sustained economic growth and sustainable development (2012a:§77.9).

In this way the Non-Aligned Movement's declaration to look at root cause of conflicts (2000:§41) means something very different from the ideas of prevention espoused by Western R2P supporters. For the latter, prevention is framed in terms of capacity *building*, such as Welsh's (2006:68) question: "Rather than punishing those states that are not responsible to their citizens, should we think more about how we can build the capacity of states to be responsible?" There is little to no recognition of the ways in which international institutions and structures reduce the capacity of states to deal with crises or actually cause crises. Instead, the international community is only offered the role of helper, as seen in Weiss's reference to the "international commitment to help states help themselves" (2011:239). In much the same way, Evans argues, "when it comes to the international community, a big part of its preventive response should be to help countries help themselves" (2007a).

When Edward Luck calls for "helping to build the institutions, values, attitudes, policies, and practices that make the commission of any of the four specific crimes associated with the right to protect—genocide, war crimes, ethnic cleansing, and crimes against humanity—completely unacceptable in a given society" (2010:3), he is following the pattern of attributing all state failures to the sovereign state and its cultural failings (Mutua, 2002). In contrast, what NAM and the G-77 are demanding is recognition of the ways in which violence is displaced from the first to the Third World by international practices that subject the South to

unsustainable economic and social practices. In other words, Western states and Western-dominated international institutions are therefore in part responsible for the wider environment in which human rights violations take place (Anghie and Chimni, 2003:89).

UN Reform

Another long-standing demand made by the Non-Aligned Movement is greater participation within the United Nations. This demand figures prominently in its 1995 Summit Document, which "reiterated that democracy within the family of nations would require the fullest participation and engagement of all States, large and small, in the work of the Organization" (1995:§57) and "appealed to the major States to accept this inevitable process [of democratization] in the broader interests of mankind" (1995:§13). In addition to these broad moral claims, it also makes specific criticisms of the functioning of the United Nations, including the lack of democracy and transparency in the Security Council (1995:§49), the "undue influence over the Security Council and the privileged and dominant role that the veto rights ensures for the Permanent Members of the Council" (1995:§50) and a lack of equitable representation in the Security Council (1995:§51).

Discussing the role of the ICISS, Evans states: "Our bottom line was that the task was not to find alternatives to the Security Council, but to make the Security Council work better" (2004:70). The answer to "making the Security Council work better" was to formulate criteria for military intervention, with very little attention paid to the dominance of Western states within the UN in general and Security Council in particular. In fact, Western democracies have repeatedly shot down proposals for democratic reform of the UN, including the General Assembly, Security Council, and Court of International Justice (Archibugi, 2003:8). The change from humanitarian intervention to R2P has therefore done little to change the institutional reality

that those in the South, who will be the targets of R2P, whether military intervention or so-called prevention efforts, continue to have very little say in how the norm will be applied.

One argument put forth by supporters is that the 2005 Summit accommodated non-Western concerns by tying military intervention to the Security Council.[19] However, it is important to remember José Alvarez's (2003) warning that that we need to consider hegemonic rule working through collective processes of international law, including the Security Council. The Non-Aligned Movement is not only concerned with preventing powerful states from acting outside international law, but rather their exclusion from the decision-making processes. If we look at the 2012 Summit[20], we'll see that R2P has done very little to address these concerns.

Once again the Security Council was heavily criticized. They declared: "Reform of the Security Council should be comprehensive, addressing all substantive issues relating, inter alia, to the question of the membership, regional representation, the Council's agenda, its working methods and decision-making process, including the veto" (2012a:§91.3). A frequent concern is the inflated power of the Security Council and its encroachment on other principle organs of the UN, especially the General Assembly and ECOSOC (2012a:§79.5; §82; §83.7). We also see once again the question of equitable representation in the Security Council (2012a:§91; §91.8).

Conclusion

Although Western supporter of R2P repeatedly argue that the norm has overcome the danger and limitations of R2P, such an argument can only be maintained by distorting the types of arguments and concerns being raised by non-Western states. As I have shown, greater

[19] This is also one of the biggest criticisms of R2P by Western supporters, who see the need for Security Council approval as too constraining.

[20] UN reform also figures prominently in the intervening years. The 2000 (§ 22-30) and 2004 (§22-32) Summits have sections entitled "Strengthening, Restructuring, Revitalising and Democratising the United Nations, " while the 2009 Summit (§ 54-92) has a section dedicated to "United Nations: Institutional Reform." It is important to note that the 2009 Summit marks a large increase in attention to UN reform, in both breadth and specificity.

democratization of the international financial system, the United Nations, and the international system as a whole are central to R2P, and are not peripheral, unimportant issues as Western supporters frame it. Rather than defending absolute state sovereignty, non-Western states are concerned with the locus of decision-making authority within the international system in general and United Nations, especially the Security Council, in particular, which is disproportionately held by powerful Western states. Moreover, their demand for reform of the international economic system, which involves greater democratization of its structures, involves the recognition that the crises facing much of the world cannot be separated from this international context. Therefore, not is R2P not a reflection of an international consensus, but the discourse itself undermines the possibility for such a consensus because of its attack on greater democratic participation in the international system.

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