R2P IN GLOBAL SECURITY POLICY

Marc Saxer

Based on remarks delivered in Arnoldshain …

When addressing mass atrocities like genocide, ethnic cleansing, war crimes and crimes against humanity, our focus should be how we can most effectively help the people on the ground. However, in order to do so, we need to develop the necessary capacities to do so, but even more important, we need the political will to act.

Thus, these remarks will look at cases of mass atrocities from a global policy perspective. The focus will be on the question how the international community can reach a political consensus on how to address cases where mass atrocities occur and local government are not able or not willing to act.

Depending on how we count, we face something between 25-35 violent internal conflicts worldwide, with all their destabilizing impacts on the regional level, also posing global security risks like migration, safe havens for terrorism and organized crime. Taking the supposable effects of climate change (e.g. desertification) and the increasing competition for declining fossil energy into account, we will most likely see a significant rise in fighting for scarce resources. On a systemic level, what we might see in the future are vast zones of instability stemming from a proliferation of failing states and a spread of violent conflict. The international community will have to determine how to deal with these systemic instabilities, and how to address state failure and violent conflict.

To ask how to address systemic global security threats is to ask about he rules and principles of the world order. The international community as a whole, and established and rising great powers in particular, will have to determine if such issues should be addressed in a multilateral, cooperative way, based on a set of rules and criteria, or if the current ad hoc practice with all its political blockades should continue.

So far, and beyond all the specific political and economic interests involved in each individual case, such a broad international consensus is not in sight. On the contrary, the debates over the "humanitarian interventions" of the 1990ies, and the global rift over the US led invasion in Iraq have led to a lot of mistrust and fuelled fears over "neo colonialism" and "imperial policies" especially in the Global South. On the other end of the spectrum, in the developed states of the North commanding over the necessary political, economic and military capabilities to address at least some of the worst cases, there is growing domestic resentment against such global engagement. The experiences with setbacks in international protectorates like Bosnia, Kosovo, but also the difficulties in Timor Leste, Haiti and Afghanistan have led to a certain "intervention fatigue". Inside the UN system, it provoked what has been described more pointedly as "blue helmet apartheid": the reluctance of especially Western powers to support UN peacekeeping mission with more than logistical and financial means. Finally, the (re)-emergence of powers like China and Russian on the global stage with their strong emphasis on sovereignty and non-intervention has further complicated the search for a global consensus in a situation where sovereignty is often abused to shield against external interventions to stop mass killings.

Against this backdrop, the concept of Responsibility to Protect has found a lot of interest. With its endorsement by 150 member states in the 2005 UN Summit Outcome Document, it has proven it can be a bridge that might facilitate the search for a broad consensus on how to deal

with cases of genocide, ethnic cleansing, war crimes and crimes against humanity. Western fears of a universal obligation to intervene worldwide have been taken into account by placing the responsibility to protect citizens back to the individual state: only if this state is not able or not willing to act, there is a subsidiary obligation for the international community. However, by renouncing the criteria proposed in the ICISS report, Western powers showed that they are not willing to accept any more concrete legal or political obligation, but prefer a responsibility to protect at their own discretion. At the same time, fears in the Global South of "humanitarian imperialism" have been abated by changing the discourse from a "right to intervene" to a subsidiary "responsibility to protect". R2P redefines sovereignty by taking four broadly accepted, internationally codified mass atrocities out of the domestic jurisdiction, the core of state sovereignty mentioned in Art 2 VII UN Charter. On the other hand, states can ward off external interventions simply by taking action to protect their own citizens against mass atrocities. Fear over a militarization of peacebuilding are addressed by embedding the controversial "responsibility to react" into a comprehensive framework with a strong emphasis on prevention and rebuilding. Calls by peacebuilding practitioners and human rights activists for international engagement in cases of mass atrocities are reflected in the establishment of a moral obligation to protect citizens.

This conceptual outreach has been key to the advancement of R2P. Thus, the track record of R2P gives reason for cautious optimism. Given the historical scale of the endeavour – to redefine Westphalian sovereignty to enable addressing systemic instability stemming from the proliferation of failing states- progress has been rather quick. Besides the above mentioned endorsement by 150 member states in 2005 – one of the very few concrete outcomes of the highly controversial UN reform process- the principle has been implemented in the Charta of the African Union (officials talk of a shift of paradigm away from non-intervention towards non-indifference), supporting the notion that R2P is more than just a Western concept.

However, the principle has attracted criticism especially from the Global South. Several influential countries from the Non Aligned Movement have made clear that they are not willing to accept the shift that is entailed in R2P. Russia and China have voiced their own reservations against the principle. Support from major Western powers remained somewhat lukewarm.

More recently though, supporters of R2P from civil society have rallied to advance the principle. Several major NGOs, including the International Crisis Group, Oxfam, Refugees International, Human Rights Watch, and Institute for Global Policy have founded the *Global Centre for the Responsibility to Protect* as a "catalyst for moving the responsibility to protect from principle to practice". Under the leadership of Ban Ki Moon, the new post of a Special Advisor to the UN Secretary General on the Responsibility to Protect has been formed. However, the controversy over his nomination has shown once more that R2P is far from being unanimously supported in the international community.

The outcome of the bigger debate how do deal with systemic instability will depend on how key actors define their roles in the emerging world order, and if they perceive state failure and violent conflict as a common problem that needs to be addressed with a multilateral, cooperative approach. The Responsibility to Protect concept is well positioned to serve as a starting point for international consensus building by establishing clearer rules, procedures and criteria for determining whether, when and how to intervene. The set of criteria proposed by the ICISS report already indicate how such a concretion might look like. Now, the main task is to develop the concept further to address shortcomings, and to build a coalition as broad as possible in its support.