

The Responsibility to Protect – A Response

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Abstract

The Response refers to the presentation “The Responsibility to Protect. A Perspective from the Global South” by Siddharth Mallavarapu. It challenges the presentation on its critique of the post-colonial structures of the concept of R2P and brings the idea of “just peace” into relation with R2P

Keywords: responsibility to protect; globalisation; power structure; victims; just peace

Introduction

This response refers to the presentation of Siddharth Mallavarapu who presented his perspective under the title: “The Responsibility to Protect: A Perspective from the Global South”. In the presentation Mallavarapu shared his Indian perspective on one of the relatively new and challenging developments of the UN security policies: the Responsibility to Protect (R2P). One of the core points of his presentation was that R2P must be seen and understood in relation to “a longer history of interventionism and the broader culpability of major powers in both sustaining and perpetuating inequalities” and that R2P is much messier in the real world than in textbooks.

In this paper I want to make three points: first I will refer to those parts where I agree with what Siddharth Mallavarapu was saying but where I also see challenges, my second point will be aspects where I have probably a different perspective and my third point will be trying to bring Mallavarapu’s perspective to terms with a theological approach and my “Northern” perspective, being a German, Protestant theologian and economist.

The Unfairness of Global Political and Economic Structures and the Problem of the Mis-use of R2P

The Unfairness of Global Economic and Political Structures

One of Mallavarapu’s important points of critique of R2P is that it is “part of an older and much wider global history of intervention” and that it is “burdened by the past” and that it is in a way continuing old power structures. Mallavarapu states in an interview: “I have recently intervened on the Responsibility to Protect (RtoP) doctrine and its practice. I have been rather critical arguing that it cannot be disassociated from a longer history of interventionism by the majority powers in the global south however its dressing. A thread that runs through my work is to demonstrate how historical asymmetry continues to manifest in terms of how the contemporary international system is structured.” (Creutzfeld 2014, 8). I think this is an important point to discuss about:

Understanding Siddharth Mallavarapu’s critique as a general critique on the unfairness of global political and economic structures, I think this is an absolutely right observation. Looking at power structures on the global level and looking at global institutions like the United Nations and especially the Security Council, the questions of fairness in the sense of modes and forms of participation of everybody or at least every state involved in decision processes etc. is an important point (see for the discussion on the structures of the UN, e.g. Schmitt 2013). The questions which global unjust political and economic structures have to do with colonialism and which other reasons are to be mentioned opens up another important point on the perseverance of historical events into the present which I do not want to comment on here since more and detailed analysis are needed. But I have the following questions: Are the colonial power structures in the post-colonial forms really manifest in the formation and structure of the Responsibility to Protect concept? As far as I have seen, the formation and the structure of the R2P has been developed in an international way which does not make the impression that R2P - as a concept – is the expression of the will of former or present day empires (Luck 2013). It was the International Commission on Intervention and State Sovereignty (ICISS) under the leadership of Canada which developed the idea in 2001 in their publication “The Responsibility to Protect” (ICISS 2001). In 2005 the concept was accepted by the whole General Assembly of the UN (Bellamy 2015, 14). So I would like to know more where exactly Mallavarapu sees post-colonial structures already in the concept? And my other point is: even if the concept of R2P has been developed in this unfair world, I think, we still can use it and develop it further. Just because it has been created in this context, this does not disqualify it per se.

The Mis-use of the R2P

Another important point of Mallavarapu's critique is - what I will call - the mis-use of the concept of the Responsibility to Protect, especially in the way the concept is administered, implemented and applied.

If we look at the case of Libya as the first official reference to the concept of R2P at an armed intervention we can see the problems: the mandate was formulated very open and there were statesmen like the French president who declared that a change of the political regime has to be the aim of the intervention although this is not part of the statutes of R2P. The abstention of Germany concerning the vote on the resolution 1973 on the 17th of March 2011 shows the complicated interpretation of the situation in Libya and the interwovenness of national and international politics (Seibel 2013, 87). "Though few doubt that the international community's swift action in Libya averted a massacre in Benghazi, the manner in which NATO and its allies enforced Resolution 1973 proved deeply controversial. Many governments and commentators argued that the alliance exceeded the mandate it had been given by the UN Security Council." (Bellamy 2015, 187). As we have seen, it is important to distinguish the concept, its theoretical level, its ethical demand and the level of its implantation which has to be improved (Deitelhoff 2013, 23f.). Alex J. Bellamy expresses this point: "Ultimately a principle can be used and abused by skilled diplomats to satisfy almost any political agenda. The real test for the R2P is whether it can be transformed into a program of action which delivers real protection to civilians in peril" (Bellamy 2009, 199). And it is definitely not enough only to consider responsibility because this concept needs more normative grounding in justice issues, e.g., since there is also the tendency of responsibility to paternalism. Therefore, for example, the organization of the concept has to be done in a way that it is not paternalizing, by referring to the local people, analyzing the actual situation thoroughly etc.

The Strengths of the R2P

The Starting Point: The Victims

One of the strengths of R2P is that its starting point lies with the human beings who are violated in their human rights having become victims of genocide, war crimes, crimes against humanity and ethnic cleansing (Enns 2013, 103). The three "pillars" of the R2P refer to the situation of those in need: "(1) the primary responsibility of states to protect their own population from genocide, war crimes, ethnic cleansing and crimes against humanity, and from the their incitement; (2) the duty of states to assist each other to build the capacity necessary to discharge the first responsibility; (3) the international community's responsibility to take timely and decisive action to protect populations from the four crimes when the state in question fails to do so." (Bellamy 2015, 2f.). The underlying moral concept of this responsibility does not only refer to an ethics of care but starts from a cosmopolitan perspective that each individual has the right to a decent life and that there are global duties to help (Rudolf 2013, 14). There is a universalism in this concept, but using the idea that everybody in a situation as a victim wants help, I think that this is a strong argument to agree that there exist duties of the whole humankind to protect also the ones which are not citizens of one's own state but who belong to humanity around the globe. Although it has to be taken into account that on the level of implementation of R2P there are difficulties.

The Subsidiarity Character and the Multi-Facets of the R2P

The three "pillars" of R2P can also be interpreted as three levels and R2P as a subsidiarity principle. Therefore, if the "level" of the state is not able to help to protect its citizens itself, there is the international community as the next level to act. This subsidiarity structure has to

be understood as levels of responsibility. There are further questions of the information flow and who has the power of the deliberations in executing R2P in its detailed actions. There are also the questions who has got the power to decide and on which level these decisions are taken and also the questions of fairness arise.

But the concept does not only have the subsidiarity structure, it has also multiple facets of action: At least in its primary version of 2001 it emphasizes the need for prevention and the need of protection in its different forms, - not only in a military way - and also after the interventions the need to rebuild structures. Taking this whole process into account is a strength of the R2P.

Responsibility as the Character of Sovereignty and the Role of Collective Responsibility

The strength and the difficulty of the concept is the idea of a collective responsibility not only of states but of humankind, in its form as the “international community”, that in cases of violation against human rights this responsibility is stronger than the single state sovereignty. For me, from an ethical point of view, the interesting part is the role of responsibility in this concept. It challenges traditional understandings of responsibility as something on an individual level and even on the state level. R2P refers to the responsibility of the state which is grounded in legal as well as moral responsibility but it goes further to refer to the responsibility of the international community. Up to now this is more a moral responsibility than a legal one due to the fact that we do not have a proper and sophisticated international legal framework. And here begin the difficulties like the legitimization of taking up the responsibility to protect beyond the state: who is obliged to do it: the UN, the NATO, NGOs etc (Evans 2008, 175ff.)? Another important point is also the question, in order to be able to take up collective responsibility you need to have enough information to judge the situation adequately.

How can collective responsibility be understood? The theological ethicist Dietrich Bonhoeffer while analyzing how to live responsibly came up with the idea that responsibility has a fourfold structure. For him, as a theologian, it is grounded in the responsibility before God and in Christ and in this sense is a vicarious representative action, it is a deed which needs courage in accordance with reality, in order to be responsible one needs freedom and also taking on guilt belongs for him to responsibility (Bonhoeffer 2009, 274f.). Taking this as a vantage point for the ideas about collective responsibility in the context of R2P, we need to ask who are the responsible actors and what is their legitimization (Hofmann 2013). It is also important to see that responsibility alone as an idea to structure the tasks of protection is not enough: the concept of collective responsibility has to be set into relation with freedom as well as with justice issues, so that, e.g., paternalism does not prevail. But this would be another presentation, so I stop here and want to bring in another point which might lead the discussion a bit further.

The Concept of “Just Peace” and the R2P

I just want to say a few words about the theological discussions of R2P and the grounding idea of just peace in the “Denkschrift” of the Protestant Church of Germany as an example. I got the impression that there are similarities between the idea of “just peace” and Siddharth Mallavarapu’s critique in the point of raising issues of justice in international relations and the R2P. In the ecumenical peace ethics discussion the approach of a “just peace” has become central. The idea behind this concept is that just war theory is not useful anymore for our present day situation, because there are power structures and injustices which have to be addressed as well and that there is the urgent need to bring justice issues and peace issues together. In the idea of “just peace” the non-violent tradition of Christian thinking is emphasized as well as the importance of prevention. The Protestant Church of Germany in its

Denkschrift “Aus Gottes Frieden leben – für gerechten Frieden sorgen” (EKD 2007) describes the following elements which characterize “just peace”: it is the protection from violence, the support of freedom, the reduction of despair and the support of cultural plurality. It is combined with the relevance of the law and the importance of legal structures and an ethics in which the use of violence is in accordance with democratic law (Haspel 2011, 139f). The core element is the idea that violence must be prevented and that justice is an important element to prevent violence (Hoppe 2011, 62f.). In this sense, the idea of “just peace” supports the non-violent and prevention sides of the responsibility to protect although it is still open towards the possibility to use violence as ultima ratio after checking different criteria. Concerning the R2P in its present form, R2P lacks clearer criteria which could be further developed from the ISICC document in relation to a “just peace” concept. The churches themselves are on their way of analyzing R2P from a pacifist and a “just peace” point of view. In its statement on the way to just peace, the General Assembly of the 10th convention of the World Council of Churches in Busan in November 2013 declared concerning the R2P: a. “Undertake, in cooperation with member churches and specialized ministries, critical analysis of the “Responsibility to Prevent, React and Rebuild” and its relationship to just peace, and its misuse to justify armed interventions” (WCC 2013). The just peace approach and R2P can be put into further fruitful relation. But from this background the question remains, concerning the emphasis on the prevention of violence: is it too idealistic to put the focus on the non-violence and prevention side of the R2P because also non-violent interventions and humanitarian help can be abused? How is a “just peace” approach in a violent world possible (Enns 2012, 233f.)? Can R2P be developed further by structuring and modifying it to become a more successful instrument to promote peace and justice?

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