

The Macalester Review

Volume 2
Issue 1 Fall 2011


Article 1

2-2-2012

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Recommended Citation

Alexan, Oana D. (2012) "Carving Out a Niche for Humanitarianism within the Responsibility to Protect," *The Macalester Review*: Vol. 2: Iss. 1, Article 1.
Available at: <http://digitalcommons.macalester.edu/macreview/vol2/iss1/1>

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Carving Out a Niche for Humanitarianism within the Responsibility to Protect

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“We have a responsibility in our time, as our predecessors did in theirs, not to be prisoners of history, but to shape it: to build a world not without conflict, but in which conflict is effectively contained; a world not without repression, but in which the sway of freedom is enlarged; a world not without lawless behavior, but in which the law-abiding are progressively more secure.”¹

In a world where humanitarian tragedies color the global panorama in dark shades, aid workers use their paintbrushes to create softer light effects. Despite the unpredictability, ongoing disturbances, and insecurity that characterize humanitarian aid projects, humanitarians strive to combat deplorable living conditions, assist refugees, and rid certain communities of disease. At its core, humanitarian action aims to alleviate the *humanitarian* symptoms of crises in an impartial, neutral, and independent fashion. Henry Dunant’s book *Un Souvenir de Solferino* symbolically marks the conception of modern humanitarianism, for his poignant impressions depicting the desperation and suffering on the battlefield near Solferino in 1859 led to the creation of the Red Cross. Dunant’s ideas serve as an ethical template for humanitarians, because their relevance continues to radiate powerfully on the humanitarian scene. Yet aid organizations have been accused of exacerbating humanitarian crises by limiting their scope to the alleviation of immediate suffering.

Such criticism has compelled various humanitarian actors to reappraise the multiple dimensions of humanitarian aid operations and to evade the strict application of humanitarian principles. Indeed, humanitarian ideals have been stretched in ways relief workers never expected. Today’s humanitarian agenda—spanning long-term political, economic, security, and

¹Madeleine Albright, “International Law Approaches the Twenty-First Century: A U.S. Perspective on Enforcement,” *Fordham International Law Journal* 18 (1995): 1605-1606.

human rights goals—appears infinite.² These goals have complicated the deployment of humanitarian assistance, yet despite these transformations in the field, most humanitarians would assent to Fiona Terry's claim that a "humanitarian end, such as easing the suffering of a population, cannot justify any means to achieve it"³—and to many humanitarians, such means include war. Humanitarian intervention is founded on the premise that war, whose nature provides the rationale for killing, may be labeled a humanitarian act if waged for humanitarian ends. More specifically, it is defined as "the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied."⁴ The U.N. Security Council has traditionally invoked the language of threat to or endangerment of "the maintenance of international peace and security" to justify humanitarian intervention.

In fact, many humanitarian relief organizations do not intrinsically oppose military intervention in response to grave violations of international humanitarian law. What they do oppose, however, is the misleading and manipulative labeling of conflicts that contradict the fundamental rationale of humanitarian action. Thus, a humanitarian worker may ask, "If national authorities are unable or unwilling to protect their citizens, is the international community⁵ supposed to stand and watch from afar as countless innocent individuals lose their lives?" Nations of the world merely watched the systematic slaughter of Bosnian Muslims in

² Joel R. Charny, "Upholding Humanitarian Principles in an Effective Integrated Response," *Ethics and International Affairs* 18, 2 (2004): 13.

³ Fiona Terry, *Condemned to Repeat? The Paradox of Humanitarian Action* (Ithaca: Cornell UP, 2002): 242.

⁴ J.L. Holzgrefe, "The Humanitarian Intervention Debate" in J. L. Holzgrefe and Robert O. Keohane, eds. *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas* (Cambridge: Cambridge UP, 2003): 18.

⁵ The expression "international community" may be subject to interpretation due to the disproportionate involvement and decision-making power of certain states in comparison to others. Indeed, the expression is as widely debated as it is accepted and employed on a global scale. Yet given the expression's common usage in the fields of international studies and political science, I will use it in this paper to refer to the conglomeration of international actors working collectively on issues of global concern.

Srebrenica and indeed, as Kofi Annan wrote, “the tragedy of Srebrenica will haunt our history forever.” While on the ground in Rwanda, OXFAM was the first to announce that further international assistance, including military assistance, was necessary to contain what they perceived to be an imminent genocide. Indeed, many humanitarian actors would have preferred that the international community intervene militarily in Rwanda at the beginning of the genocide to prevent the escalation of the conflict. Similarly, many lives might have been saved in Bosnia if humanitarianism had not been a pretext for political inaction.

The profound sense of disillusionment and revulsion at the failure of the international community to act effectively in Somalia, Rwanda, and Bosnia led to the creation of a new principle. In 2001, the International Commission on Intervention and State Sovereignty (ICISS) produced a report that outlines a new doctrine, the “Responsibility to Protect” (hereafter RtoP). Gareth Evans, the Co-Chair of the ICISS, wrote that the “evolution away from the discourse of humanitarian intervention...and toward the embrace of the new concept of the responsibility to protect has been a fascinating piece of intellectual history in its own right.”⁶ The doctrine’s authors struggled to reconcile lessons from past humanitarian interventions with the reality that large-scale atrocities committed against innocent human beings will continue to plague the global community. RtoP stipulates that states are primarily responsible for the protection of their citizens from mass atrocities, that the international community should assist states in this endeavor, and that, if a state fails to act appropriately, the responsibility to intervene—peacefully or in extreme cases, militarily—falls to the international community.

My argument in this paper proceeds thus: first, I consider the ways in which humanitarian intervention lacks a humanitarian core and hinders relief workers’ efforts on the

⁶ Gareth Evans, “From Humanitarian Intervention to the Responsibility to Protect,” *Wisconsin International Law Journal* 24: 3 (2006): 704.

ground. Here, I also describe the meaning of a “humanitarian space.” The second part of the paper outlines the framework of RtoP, emphasizing that the proper implementation of RtoP can safeguard humanitarianism to a greater extent and further the goals of relief workers. The final part of the paper considers the contributions that RtoP makes to military intervention and the positive advancements induced by the doctrine’s other pillars.

Literature Review

Prior to engaging my research question, I will provide a brief overview of the scholarship that frames the context of my research. Important ideas that I will not approach or treat extensively due to the limitations of the paper will emerge. Scholars have examined humanitarian intervention through various lenses. Some have assessed the effectiveness of past humanitarian interventions, offering detailed descriptions of many cases. Others have analyzed past experiences and have subsequently ventured to provide their audiences with a sense of understanding and clarity. Only in recent years have writers begun to intertwine moral questions—whether there is a right or duty to intervene—with political and strategic considerations. Much of the literature focuses on the desirable balance between state sovereignty and human rights. Simon Caney stands among the many scholars who defend the norm of nonintervention but ultimately argue that sovereignty may be overridden to further human rights.⁷ Scholars have also criticized the intersection between humanitarianism and humanitarian intervention, which, many argue, should not be labeled in humanitarian terms. My own aspirations in this paper are modest in that I will not elaborate extensively on the idea that military intervention is imperialism in disguise—an idea widely exposed by scholars and

⁷ Simon Caney, “Human Rights and the Rights of States: Terry Nardin on Nonintervention,” *International Political Science Review* 18: 1 (1997): 27-37.

practitioners. As articulated in numerous academic works, there are two main views on the issue: (1) hegemonic powers have an economic interest in access to raw materials and primary commodities; (2) humanitarian intervention embodies an ethos of democracy-building.⁸

The Responsibility to Protect doctrine has carved out its niche in recent literature. As an emerging norm, it stimulates heated debate around its practical implications. Emily Gade affirms, "RtoP and humanitarian interventions are examples of the way the changing nature of sovereignty and civilian protection norms have outpaced much of the legal framework underpinning international law."⁹ In *Humanitarian Intervention: Confronting the Contradictions*, Michael Newman brings together existing work on humanitarian intervention and discusses the contributions and innovations of the Responsibility to Protect.¹⁰ His book stands as a supplement to the likes of Alex Bellamy, David Chandler, Anne Orford, Nicholas J. Wheeler, and Thomas G. Weiss. Some scholars such as Kurt Mills argue that the "responsibility to react" is "the most important, far-reaching, and innovative of the doctrine's responsibilities due to the potential new duties it imposes on states and the direct challenge to sovereignty."¹¹ Indeed, writers tend to overlook RtoP's emphasis on case-specific policies aimed at prevention, for example. I have encountered few scholars who thoroughly consider RtoP's multi-faceted approach to humanitarian crises. Most treat the doctrine as a pale version of humanitarian intervention and consider its militaristic component first and foremost. Moreover, humanitarian considerations have not predominated throughout the literature I found on the topic. Subsequently, my focus will be on bridging the gap between RtoP and humanitarianism. Upon

⁸ See J.A. Bellamy and P.D. Williams, "Who's Keeping the Peace? Regionalization and Contemporary Operations," *International Security* 29: 4 (2005): 157-195; M. Gilligan and S. J. Stedman, "Where Do the Peacekeepers Go?," *International Studies Review* 5: 4 (2003): 37-54; L. L. Neack, "UN Peace-Keeping: In the Interest of Community or Self?," *Journal of Peace Research* 32: 2 (1995): 181-196.

⁹ Emily Kalah Gade, "Defining the Non-Combatant: How do we Determine Who is Worthy of Protection in Violent Conflict?," *Journal of Military Ethics* 9: 3 (2010): 234.

¹⁰ Michael Newman, *Humanitarian Intervention: Confronting the Contradictions* (New York: Columbia UP, 2009).

¹¹ Kurt Mills, "Vacillating on Darfur: Responsibility to Protect, to Prosecute, or to Feed?," *Global Responsibility to Protect* 1: 4 (2009): 4.

a close examination of the doctrine, the realization that humanitarian actors may find a niche within its scope emerges poignantly.

Relief Workers' Beloved Humanitarian Space

Humanitarianism may have undergone a substantial metamorphosis in the recent past, yet humanitarian practitioners and policy-makers continue to identify several core principles or values that have guided—successfully or otherwise—humanitarian action. These elements stand at the core of international humanitarian law and humanitarian action, constituting a “humanitarian space.” The universal value that fundamentally compels humanitarian action is humanity. Commonly identified as humanitarianism’s *raison d’être*, humanity denotes an aid giver’s dedication to alleviate human suffering in order to preserve and protect human dignity. The other core principles are independence, impartiality, and neutrality—the latter one depending greatly on a humanitarian organization’s own interpretation of its sphere of competence. The principle of independence reasserts an organization’s autonomy in front of various pressure groups—whether they be states, international organizations, or other authorities—and public opinion. Financial pressure should likewise not hinder humanitarian action. Independent decision-making strengthens the credibility and ensures the effectiveness of humanitarian work. Furthermore, the principle of impartiality echoes or reiterates the notion of equality. In other words, “[h]umanitarian endeavour aims simply to help people – be they friend or foe – in proportion to their need, giving priority to the most urgent cases (the principle of proportionality).”¹² Political inclinations, religious beliefs, and ethnic or racial identities must bear no weight in a humanitarian’s decision to help others. Finally, the doctrine of neutrality

¹² Daniel Thürer, “Dunant’s Pyramid: Thoughts on the ‘Humanitarian Space,’” *International Review of the Red Cross* 89: 865 (2007): 57.

dictates that aid givers should not take sides in political, religious, or ideological disputes. This value is not universally accepted by humanitarian agents, many of whom question the legitimacy and morality of enabling certain victims of violence—who are otherwise perpetrators of violence—to rehabilitate in order to produce more suffering.

Ultimately, these values form a humanitarian space where aid givers are free to move and to evaluate needs, as well as to ensure the fair distribution of aid among those in need. In the recent past, the humanitarian space has shrunk considerably due to the heavy involvement of various actors such as governments, private corporations, and armed forces. Humanitarianism has been utilized as an alibi both for state action and *inaction*; moreover, there is an ever-increasing correlation between a state's massive commitment to aid and its strategic motivations. Humanitarian intervention brings these issues to the forefront in new and pronounced ways. Humanitarians cannot work within the context established by military intervention, but they may undertake effective relief assistance within the scope of RtoP's implementation. Unlike humanitarian intervention, RtoP's multi-dimensional framework ensures "the possibility of creating a humanitarian space in which the spirit of humanitarian operations will be respected."¹³

Dilemmas for Humanitarianism in the Era of "Humanitarian" Military Interventions

Public outcry at suffering caused by the disintegration or the gross misuse of authority of the state has undermined the principle of nonintervention, which guided interstate relations in the "Westphalian era." As established in the seventeenth century, the principle of Westphalian sovereignty assumed that states were granted supreme authority within their territorial boundaries. Yet the recent interventions of foreign states in the "private affairs" of other

¹³ Terry 242.

states—beginning with the 1999 military intervention in Kosovo staged by the international community—have marked a departure from the Westphalian conceptualization of sovereignty and a move toward twentieth and twenty-first centuries rights-based sovereignty. Humanitarian intervention reflects the international community’s decision to prioritize individual rights over state sovereignty in cases of grave human rights violations. The recognition of human security over and above state boundaries takes a large stride toward global citizenship, where “each state is responsible not only to its own citizens but also to the citizens of the world.”¹⁴ Intervention is “humanitarian” when “its aim is to protect innocent people who are not nationals of the intervening state from violence perpetrated or permitted by the government of the target state.”¹⁵ Thus, in theory, the case for “humanitarian intervention” is based on humanitarianism itself. Yet despite claims that humanitarian intervention is inspired by humanitarian considerations, most humanitarians stress that, stripped of humanitarian clothes, humanitarian intervention is war. David Rieff emphasizes “the reality that, even at their most just and most defensible, wars involve, centrally, the slaughter of innocents, no matter how hard scrupulous soldiers, or their political masters, try to minimize such killing.”¹⁶ The logic of war supersedes the logic of humanitarianism even in *humanitarian* war. Beyond that logic, humanitarianism itself has become a moral imperative—a status that endows humanitarian considerations with incredible strength. As Rieff notes, “humanitarianism puts war beyond debate, when war should never be beyond debate” (218). The imperative rises above and beyond other considerations, as it happened in Bosnia, in

¹⁴ Gade 223.

¹⁵ Terry Nardin and Melissa Williams, eds. *Humanitarian Intervention* (New York: New York University Press, 2006): 1.

¹⁶ David Rieff, *A Bed for the Night: Humanitarianism in Crisis* (New York: Simon and Schuster Paperbacks, 2002): 284.

Kosovo, and in Afghanistan. The humanitarian imperative has thus been abused in the context of humanitarian intervention.

The language of humanitarian intervention offends the susceptibilities of many in the humanitarian sector. Discourse on the “right to intervene” “focuse[s] attention on the claims, rights and prerogatives of the potentially intervening states rather than the urgent needs of potential beneficiaries.”¹⁷ Scholars and practitioners have argued that humanitarian intervention is a replay of imperialism under the guise of humanitarianism. Adopting the vision that there is a “right” to intervene is parallel to the old colonial norms. Dialogue between aid providers and the crisis’s so-called “victims” is minimal, widening the gap between external and internal actors. Moreover, humanitarian intervention is limited in scope as it ignores the potential need for preventive action or follow-up assistance—limitations I shall later juxtapose with the corresponding contributions of RtoP.

The right of intervention on humanitarian grounds has been criticized by partisans of humanitarian independence as endangering the humanitarian enterprise by attempting to make humanitarianism “the servant of state power.”¹⁸ In fact, academic literature has elevated the idea that “[h]umanitarian intervention is never purely humanitarian”¹⁹ to the status of a universally accepted truth. Many scholars argue that the international community has been motivated to intervene by the desire to promote and protect core values such as freedom, democracy, and humanitarianism. These motivations have complicated the administration of humanitarian intervention and have rendered certain conflicts peripheral to international security—despite the fact that from a humanitarian perspective, all humanitarian crises are equally important. Recent years have witnessed a dramatic growth in military involvement in

¹⁷ Michael Newman, “Revisiting the ‘Responsibility to Protect,’” *The Political Quarterly* 80: 1 (March 2009): 94.

¹⁸ Rieff 98.

¹⁹ Mona Fixdal and Dan Smith, “Humanitarian Intervention and Just War,” *Mershon International Studies Review* 42 (1998): 284.

relief activities, particularly in Afghanistan and Iraq. Yet the motivations of the military do not entirely match those of humanitarian organizations—even when intervention is dressed in humanitarian terms. The military's motives are intrinsically linked to an overall political strategy. "Humanitarian action is premised on the equal worth of all human beings, yet military interventions since Somalia have been selectively undertaken by governments with direct national interests: the French in Rwanda, the United States in Haiti, the Russians in Georgia, the Australians in East Timor, NATO governments in Kosovo, the Nigerians in Liberia, and the British in Sierra Leone."²⁰ When governments include humanitarian activities in the mission mandates of and tasks undertaken by their armed forces, humanitarian organizations and the military cannot retain clearly defined and distinct roles and responsibilities on the ground. Needless to say, the complex relationship between civilian and military personnel compromises the perception of neutrality and impartiality of humanitarian assistance. Philippe Conraud recently noted that the perceived impartiality of UN aid agencies and NGOs is at risk in Côte d'Ivoire: "Aid workers have to be particularly careful in all UN integrated missions (where humanitarian and military UN missions are managed under the same umbrella), ... 'especially here where UNOCI's actions have been controversial both in Côte d'Ivoire, and outside.'"²¹ Associating with outside military forces hinders access to civilians and puts civilian lives at risk. Such was the case with the Kosovar refugee camps in northern Albania that were shelled by Yugoslav forces due to the presence of NATO troops within them.

Moreover, misappropriating the language of "humanitarian intervention" in cases where armed intervention is not purely driven by humanitarian goals can be devastating for persecuted people in need of assistance in the future. Critics have claimed that the people of

²⁰ Fiona Terry, "Military Involvement in Refugee Crises, A Positive Evolution?," *The Lancet* 357: 9266 (May 2001): 3.

²¹ IRIN, "Côte d'Ivoire: Aid agencies fighting to remain impartial," <http://www.irinnews.org/Report.aspx?ReportID=92557> (April 2011).

Darfur are victims of this rhetoric. Alluding that the Iraq war was not a *humanitarian* intervention, Sudan's parliamentary speaker, Ahmad Ibrahim al-Tahir, warned against intervention in his country, saying: "If Iraq opened one gate of hell for the West, we will open seven of its gates. We will not surrender this country."²²

The Responsibility to Protect Doctrine

The International Commission on Intervention and State Sovereignty (ICISS) articulated the idea of the "responsibility to protect" as it sought to develop a new normative framework that would ensure that there were no more mass killings or ethnic cleansings. The Commission responded to Kofi Annan's explicit plea that the international community avoid future Rwandas and Kosovos. The debate over sovereignty versus intervention was reframed in terms of the responsibility to protect. States adopted RtoP in 2005. The doctrine's authors insisted that achieving international consensus required a change in terminology and the adoption of a new discourse, one incorporating different emphases and nuances. The development of RtoP represents an evolution in international norms. Its core commitments are worth quoting due to their revolutionary overturn of established international law, namely the endorsement of national jurisdiction free from external intervention:

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. We accept that responsibility and will act in accordance with it...

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. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-

²² BBC News, "Sudan Grudgingly Accepts UN Vote" (September 9, 2004). See <http://news.bbc.co.uk/1/hi/world/africa/3670590.stm>.

case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity...²³

For one, states are entrusted with the primary responsibility to protect the security of their citizens. Should they fail to do so, the principle of non-intervention yields to the international responsibility to protect. The responsibility is threefold: to prevent, to react, and to rebuild. This triad is to be undertaken on a case by case, hence discretionary, basis. In other words, when the host state manifestly fails in its responsibility to protect its citizens, states—as members of the international community—agree to use all peaceful means to protect vulnerable populations. If, and only if, these peaceful measures fail or constitute an inappropriate approach to the crisis, the Security Council may mandate the use of any means necessary, including non-consensual force. By incorporating both peaceful and coercive means of preventing or bringing mass atrocities to an end, RtoP constitutes a real conceptual change from humanitarian intervention.

As I mentioned before, “[h]umanitarian relief is increasingly seen as giving Western governments the appearance of ‘doing something’ in the face of a tragedy while providing an alibi to avoid making a riskier political or military commitment that could address the ‘roots of the crisis.’”²⁴ RtoP’s emphasis on “responsibility” has the potential to translate into a deeper political commitment to protection, thus reducing the possibility that governments intervene *ad hoc* merely to further their own political agendas or that they evade involvement. On a similar note, “many civil society groups and agencies feel that the root of many of their problems in attempting to protect civilians lie in being unable to engage political will from key states in a

²³ ICISS, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*, Ottawa: International Development Research Council, (2001).

²⁴ David Chandler, “The Road to Military Humanitarianism,” *Human Rights Quarterly* 23 (2001) 699.

timely manner, and then convert this will into practical assistance.”²⁵ The RtoP doctrine holds such a promise. The notion of an international responsibility to protect persons in need of humanitarian assistance frames the international community’s actions within the concept of humanitarianism—as providing protection and relief from suffering. Put simply, RtoP comes into play in response to needs, which may enable states to move beyond issues of sovereignty and security. The emphasis on needs rather than on a “right to intervene” has calmed the debate between the global North and the global South—a development that largely avoids imperialist allegations. “If allowed to achieve its potential, RtoP can develop into an effective multi-layered response to humanitarian crises. Humanitarianism is already embedded within, rather than at the margins of, contemporary conflict. Provided the development of RtoP, relief workers could locate a niche within the multi-faceted paradigm established by the doctrine in order to facilitate its proper implementation.

My aspirations in this paper are modest in that I will but briefly address the operational shortcomings of RtoP. Scholars have identified the problematic dimensions that lie at the heart of RtoP in the contemporary global context. Not only is it hard to mobilize political will to act and overcome the scarce capacities of international actors, but also interveners have recently encountered domestic resistance against international engagement. Implementing preventive strategies has proven to be a complex matter since most states resist to be put on a watch list for fear of tainting their international reputation. Moreover, political blockades in the international response to mass atrocities can prevent timely action. Yet scholars have also sought remedies and given subsequent advice to counter such shortcomings. For one, an array of actors—sub-regional organizations, civil society organizations, human rights groups, humanitarian

²⁵ Susan Harris Rimmer, “Refugees, Internally Displaced Persons and the ‘Responsibility to Protect,’” Policy Development and Evaluation Service 185 (2010): 5.

organizations—can work to build the infrastructure necessary for RtoP. As will emerge from my paper later on, humanitarians can play an important role in strengthening implementation.

The RtoP Doctrine's Contributions to Military Intervention and Its Proper Implementation

RtoP sends the message that humanitarian concern cannot be used as a pretext for intervention. Nonetheless, some members of the international community are concerned that RtoP is “simply a more sophisticated way of conceptualizing and hence legitimizing humanitarian intervention.”²⁶ They suspect that RtoP is a “Trojan horse” for the legitimization of unilateral intervention. Yet RtoP can reduce the international community’s temptation to focus exclusively on military responses to grave humanitarian problems, since, far from enabling non-consensual military intervention, the doctrine is an important mechanism for constraining the use of force. RtoP limits the scope of the intervention agenda to four internationally codified cases: genocide, war crimes, ethnic cleansing, and crimes against humanity. These thresholds for military intervention are meant to constrain governments’ ability to abuse RtoP and limit the scope of potential Security Council interventionism.²⁷ Ramesh Thakur argues that RtoP’s criteria prevents states from misappropriating the language of humanitarianism for geopolitical and unilateral interventions. In cases not meeting the thresholds, RtoP urges merely non-coercive protection measures such as humanitarian assistance. “This is why Western powers’ choice to send humanitarian assistance rather than intervene militarily in Chechnya, where just cause arguably existed but the requirements of right authority, proportionality and likelihood of success would not have been met, was perfectly consistent with R2P doctrine.”²⁸ Humanitarian

²⁶ Alex J. Bellamy, “The Responsibility to Protect and the Problem of Military Intervention,” *International Affairs* 84, 4 (2008) 616.

²⁷ Ramesh Thakur, *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect* (Cambridge: CU Press, 2007) 260.

²⁸ Charli Carpenter, “Libya and the Responsibility to Protect,” *Small Wars Journal* (March 28, 2011).

actors can rejoice in that, according to RtoP, states cannot claim a humanitarian mantle for armed intervention.

Furthermore, the doctrine intends to minimize the gap between intervening militarily and doing nothing, for it offers a wide array of options ranging from diplomatic pressure to economic and political sanctions. Military coercion emerges as a last resort. Alex Bellamy writes, “by incorporating political and diplomatic strategies alongside legal, economic and military options, R2P points toward holistic strategies of engagement that can overcome the temptation to visualize complex problems in exclusively military terms.”²⁹ However, the international community continues to struggle with separating RtoP from military action. The international responses to the crisis in Darfur and to Cyclone Nargis in Myanmar/Burma illustrate the international community’s temptation to conflate the two. In regards to the crisis in Darfur, activists and political leaders advocated for the implementation of RtoP through the deployment of military forces with little consideration to the doctrine’s other tenets. Despite the military junta’s inability to respond effectively to the crisis in Burma, the government permitted limited external humanitarian action. External political leaders, such as at the French foreign minister Bernard Kouchner, once again tied RtoP with proposals for the use of military force in order to secure the delivery of aid to Burma. The international community should shift its focus from RtoP’s militaristic component and consider the other commitments associated with RtoP. I will later focus on the non-coercive measures to prevent and to protect vulnerable populations.

The protection of civilians stands at the heart of RtoP and has positive implications for humanitarian work. In 2004, the United Nations Office for the Coordination of Humanitarian Affairs reported that “the lack of security remains the predominant and most visible threat to

²⁹ Bellamy 630.

access”³⁰ to populations affected by conflict. Protection from violence is a task that humanitarian organizations are unable to assume effectively, but positive peace-supporting activities can be linked to the provision of life-saving humanitarian aid in war situations. Indeed, well-organized peace operation may succeed in effectively protecting vulnerable citizens and ensuring access for relief workers. The mandate for the RtoP-based mission in Sudan, for example, reads, UMMIS was mandated “to facilitate and coordinate, within its capabilities and in its areas of deployment, the voluntary return of refugees and internally displaced persons, and humanitarian assistance, inter alia, by helping to establish the necessary security.”³¹ Gaining and maintaining access to the most vulnerable people in conflict is critical to the delivery of humanitarian assistance and protection. Thus, humanitarian personnel can benefit from such mandates that facilitate their access to victims.

As with all interventionist operations, including humanitarian action, implementing RtoP can have potential unintended consequences. The international community can avoid these effects through a thorough examination of the crisis. After all, the “definition of a situation very much matters: How bystanders see it and what sense they make of it shapes their actions.”³² Alan Kuperman provides several suggestions for the positive implementation of RtoP. Unless state retaliation is grossly disproportionate, he argues, the international community should refuse to intervene in any way. The international community should retain RtoP’s intervention option for extreme cases in order “to discourage states from responding disproportionately to rebellion by intentionally harming civilians.”³³ This approach would serve

³⁰ 2004 Parliamentary Hearing at the United Nations, “Strengthening Humanitarian Action in Conflict: Defining the Parliamentary Role,” 19-20 October 2004.

³¹ U.N. Security Council Resolution 1590, 24 March 2005.

³² Ervin Staub, “The Origins and Prevention of Genocide, Mass Killing, and Other Collective Violence,” *Peace and Conflict: Journal of Peace Psychology* 5:4 (1999): 318.

³³ Alan J. Kuperman, “Rethinking the Responsibility to Protect,” *The Whitehead Journal of Diplomacy and International Relations* (2009): 26.

as an incentive toward less violent action for all parties in civil conflicts. Humanitarian aid, such as food, water, sanitation, shelter, and medical care, must be delivered in a manner that minimizes the benefits to rebels, many of whom intercept aid convoys and transform refugee camps into training and recruitment centers. Installing security systems and networks may prevent such problematic developments. Moreover, external actors should attempt to persuade states to address the grievances of non-violent domestic groups in their midst. Also, they should abstain from appropriating territory or authority to a domestic opposition without the implementation of preventive measures against a potentially violent backlash.

Conflict Prevention and RtoP

One of the humanitarian sector's most conservative members, the ICRC, presented its stance on armed intervention:

While armed intervention in response to grave violations of human rights and international humanitarian law may be unavoidable in certain extreme situations, what we expect of the community of States is that they should not view either such intervention or the situations that have caused it as inevitable. To systematically use armed intervention for humanitarian purposes would amount to an abdication by the international community of its true responsibilities: preventing conflict and promoting the basic values expressed in international humanitarian law.³⁴

It is surprising that the ICRC identifies conflict prevention as one of the international community's principal responsibilities given the organization's strong commitment to humanitarian principles. But the ICRC's realization matches the ICSS's acknowledgement that "[i]t is very often the very policies of outside states, nonstate actors, international organizations, and the international financial institutions (IFIs) that exacerbate the grinding poverty, inequality, poor governance, and patrimonial politics that are often identified as the root causes

³⁴ Anne Ryniker, "The ICRC's Position on 'Humanitarian Intervention,'" *IRRC* 83: 842 (June 2001): 532.

of armed conflict.”³⁵ ³⁶ As I mentioned earlier in my paper, RtoP offers a richer conceptual framework than humanitarian intervention. The doctrine’s authors have stressed that the prevention pillar is at the heart of RtoP. Preventive intervention tends to consist of a response to situations where the momentum toward violence against a vulnerable population has already been established.

Ervin Staub argues that “[p]overty, the experience of injustice, and social and psychological disorganization that prevents the meeting of basic human needs in a rapidly changing world tend to lead people to turn to ethnic, religious, national, or other ‘identity’ groups to strengthen individual identity and to gain support and security”³⁷—which often leads to collective violence. The relationships between social conditions and violence are complex and multidimensional, yet passivity by external bystanders encourages perpetrators and thus, it is not a viable option. Humanitarians can work to reduce the potential of violence by adopting prevention measures, particularly in areas where the basic human needs of individuals are not fulfilled. Humanitarians can play a key role in healing and rebuilding communities to improve individual lives and avoid continued violence.

Humanitarian absolutists that abide by humanitarian principles may rejoice in that “diplomatic ideas of prevention are associated with early warning, preventive diplomacy and crisis management”³⁸ rather than with the root causes of conflict such as economic inequality and underdevelopment. Their involvement in crises can thus prioritize the alleviation of suffering over remedying its root causes. RtoP’s emphasis on prevention may reduce the

³⁵ Alex J. Bellamy, “Conflict Prevention and the Responsibility to Protect,” *Journal of Global Governance* 14 (2008): 150.

³⁶ Anne Orford also asserts that “resort to the use of force as a response to security and humanitarian crises continues to mean that insufficient attention is paid to the extent to which the policies of international institutions themselves contribute to creating the conditions that lead to such crises” in “Muscular Humanitarianism: Reading the Narratives of New Interventionism,” *European Journal of International Law* 10: 4 (1999): 681.

³⁷ Staub 304.

³⁸ Rimmer 11.

politicization of aid since humanitarians may have the opportunity to operate in an environment that is less divided along political or ideological lines.

Crisis management activities flow from an armed conflict already in flight. Components of conflict prevention under this conception point to a human security approach. Indeed, the stress upon the wider human security agenda was an integral part of the ICSS's report. Born in the policy world, the concept of human security was first employed in the 1994 UNDP *Human Development Report*. The UNDP vision of human security was broad, encompassing various dimensions, including economic, food, health, environmental, personal, community and political security. The object of security shifted from an exclusive stress on territorial security from external aggression to a greater stress on individuals and communities and the multiple threats to security that they face in their own lives. Focusing on the concept of human security means adopting a bottom-up or local approach to security. In practical terms, human security is about ensuring basic human needs in economic, health, food, social and environmental terms. On the other hand, it is about removing the use, or threat, of force and violence from people's everyday lives.

Michael Newman writes, "Human security concentrates on the following distinct, but interrelated, areas concerned with conflict and poverty: protecting people during violent conflict and in post-conflict situations; defending people who are forced to move; overcoming economic insecurities; guaranteeing the availability and affordability of essential health care; and ensuring the elimination of illiteracy, educational deprivation and schools that promote intolerance."³⁹ This notion of "human security" has the merit of connecting a wide array of phenomena that cause deprivation and suffering—phenomena whose familiarity to relief workers is by no means limited in scope. Thus, the concept of human security shines a spotlight

³⁹ Newman, *Humanitarian Intervention*, 186-187.

on the role that humanitarian workers can play in conflict prevention. The RtoP doctrine focuses attention on the human needs of those seeking protection or assistance. And the “notion of international action for the purposes of human protection paradoxically [provides] a stronger link with the idea of humanitarianism than had been the case with the previous discourse”⁴⁰ of humanitarian intervention.

RtoP’s Role in Linking External and Local Actors to Ensure Humanitarian Effectiveness

Anne Orford states that the RtoP doctrine “stands in a complicated relationship to a long tradition of absolutist or authoritarian state theorising in which the relation between state and subject was figured in terms of protection and obedience.”⁴¹ Yet the doctrine’s authors strived to eliminate this dichotomy in order to achieve consensus at the international level and avoid placing the beneficiaries of aid in a passive, accepting role that undermines their sense of agency. A key feature of RtoP’s human security component is its focus on individuals—an aspect that targets the empowerment of affected persons in conflict situations. Moreover, RtoP stresses that the international community assist crisis-affected countries reach their potential and ensure the security of their citizens on their own. Encouraging states to commit to capacity-building assistance is the first step in treating existing or potential humanitarian crises. Direct and pronounced interventionist measures are considered only when local efforts and every attempt to support them internationally fail. Thus, international intervention is subsidiary to the failure of local actors. This means that RtoP recasts intervention as a means to support self-rescue and resistance efforts.

⁴⁰ Newman, *Revisiting*, 95.

⁴¹ Orford, “The Responsibility to Protect and the Politicization of International Law,” Workshop at RegNet, ANU (2008).

In general, humanitarian assistance itself rests upon a problematic relationship between external and local actors. Scholars have highlighted the gap in perceptions and expectations that exists between external and local actors. In the context of humanitarian crises, “it is essential to understand why people rely on self-help—at the basic individual, family or community levels—to achieve their own security, and under what circumstances they may have enough trust to pass over the provision of that security to political institutions.”⁴² People will entrust their security to others under complex conditions, but interventionist mechanisms can be effective only when the international community holds a legitimate place of trust in the affected community. RtoP may foster understanding of the local context and may prevent external actors from reifying cultural practices—a tendency obscuring the reality that matters are in fact more fluid. The humanitarian space “entails the freedom to forge a relationship with the people [relief workers] are there to help—to listen to their stories and discuss their predicament as the first step to really respecting their dignity.”⁴³ RtoP’s authors stress the importance of dialogue between international actors and local ones, and guaranteeing human security (in accordance to the doctrine’s preventive paradigm) may ensure the possibility of dialogue.

Not only can aid provided in conflict settings exacerbate the conflicts that cause the suffering it is meant to alleviate, but also humanitarian assistance can lead to dependency on the part of those who receive it. Mary Anderson argues that humanitarian aid workers “often adopt a mode of operation that assumes that victims of crises can do little or nothing for themselves.”⁴⁴ Yet adopting efficient delivery systems is ineffective when the role of local people is minimal or nonexistent. RtoP encourages providers of aid to recognize that the so-

⁴² Keith Krause and Oliver Jütersonke, “Peace, Security and Development in Post-Conflict Environments,” *Security Dialogue* 36, 4 (2005) 453.

⁴³ Terry 242.

⁴⁴ Mary B. Anderson, “ ‘You Save My Life Today, But for What Tomorrow? Some Moral Dilemmas of Humanitarian Aid,” in Jonathan Moore, ed. *Hard Choices: Moral Dilemmas in Humanitarian Intervention* (Boston: Rowman and Littlefield Publishers, 1998): 139.

called “victims” of crises have capacities—such as materials, social systems, attitudes, and beliefs—they can benefit from. Aid providers should recognize these local capacities and supply aid in ways that support them—thus building and strengthening “a foundation on which their future independent development can occur.”⁴⁵ In addition to providing basic supplies needed for survival, humanitarian workers on RtoP missions should encourage community interaction and planning. And an assessment of local capacities should always complement a needs assessment, for “[w]hen providers trust and respect recipients, they approach their job as workers alongside those needing help.”⁴⁶ For example, the Engaging Civil Society Project has aimed to strengthen partnership-building efforts between RtoP-based missions and local civil society organizations. The project has facilitated advocacy and implementation of RtoP around the world. Engaging local society is important if the international community is to help states help themselves first.

Conclusion

Humanitarian intervention is meant to stop large-scale atrocities committed against innocent human beings. Its *raison d'être* is thus founded in ethical considerations—the moral duty to stop actions that shock the conscience of mankind. Yet humanitarian intervention often represents a significant departure from humanitarianism *per se*. Given the devastation inherent in war and the fact that military action is the antithesis of humanitarianism, or the alleviation of suffering, armed intervention cannot merely adopt a “humanitarian” mask. The international community has proposed alternate methods of intervention to complement and even substitute military intervention. The political, economic, and social dimensions that underpin conflicts resulting in

⁴⁵ Anderson 142.

⁴⁶ Anderson 31.

massive human rights violations or loss of human lives should be taken into consideration when intervening. It is important to develop criteria that differentiate between self-serving interventions and assistance guided by and executed according to humanitarian goals. RtoP shifts the conversation from an emphasis on justifying just wars through humanitarian imperatives to one on humanitarianism's niche within RtoP's richer conceptual framework.

"Debates about the possibilities, limits and dangers promised by international intervention have been central to the shaping of a new post-Cold War internationalism."⁴⁷ An interventionist response to humanitarian crises, RtoP is an emerging norm that has captured the hearts of hopeful individuals around the globe.⁴⁸ Rather than endorsing the perspective that RtoP is humanitarian intervention with a mask, humanitarian actors can dare to embrace this new doctrine. By capitalizing on RtoP's contributions to military intervention, humanitarians could deliver better protection to vulnerable populations and reduce the most suffering. Humanitarian participation in the early response to crises can avoid exacerbating conflicts. RtoP attempts to unlock ideological blockades beyond geopolitical and economic interests within its multi-layered framework. The doctrine acknowledges that the "challenge to humanitarian agencies and their staffs is to assist people in ways that enable them to create safer and more secure futures for themselves, and thus to contribute not only to the relief of immediate dire suffering but also to the ultimate prevention of the emergencies that cause this suffering."⁴⁹

⁴⁷ Orford 679.

⁴⁸ To say the least, the RtoP debate has been framed so as to bridge the gap between the global North and the global South. The doctrine's authors have struggled to reconcile the past's lessons with the present's needs.

⁴⁹ Anderson 37.