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Rising powers and the responsibility to protect: will the norm survive in the age of BRICS?

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Abstract

What is the view of the BRICS countries regarding the international community's Responsibility to Protect (RtoP) against civilian atrocities? This paper revisits the debate on international humanitarian action in Libya and Syria 2011-2012; a time with BRICS states as members of the United Nation Security Council. While BRICS countries from the outset had different views on RtoP, the experiences of the Libyan intervention led to a unanimous reluctance to initiate any humanitarian action in Syria. We find, however, that all BRICS except Russia in general are positive to the RtoP concept and are willing to participate in further developments to specify how and when it applies. On the basis of our analysis, we expect that RtoP will continue to be an important feature of international relations but that it primarily will be used against non-state actors and that the behavior of the interveners may be subjected to UNSC scrutiny.

Introduction

The most important issue in current international relations relates to the nature of the change from a US-dominated unipolar world to a multipolar structure. In addition to the economic and political rise of China, recent years have seen an increasingly nationalistic and aggressive Russia as well as growing assertiveness by major regional powers like India, Brazil, and South Africa. The growing economic development in these five states – commonly referred to as BRICS (O'Neill, 2001) – is widely expected to make them key players for future international security. While it has been suggested that they deserve greater representation in international institutional arrangements (Stephen, 2012), it has also been pointed out that they cannot expect to indefinitely “free-ride” on the West in tackling global challenges (Patrick, 2010).

But what are the likely consequences for the policies pursued by the international community if and when BRICS become more influential? Will this lead to an overall more isolationist approach to world politics characterized by interstate competition over power and development? Will “hard” security issues dominate “soft” concerns such as the threats of global warming or transnational crime and diseases? Will there be a reversal of norms and goals promoted by the West in recent decades such as democracy, good governance and human rights?

In this paper, we focus on BRICS approach to the international community's Responsibility to Protect (RtoP) in the event of atrocities against civilians. This contested concept, formalized by the 2005 UN World Summit and the 2009 Report of the Secretary-General (UN, 2005, 2009) may face renewed scrutiny in a future multilateral system. While RtoP was not imposed by the West, the view of human rights as an important concern for international relations has been promoted by democratic, particularly European, states (Moravcik, 2000; Landman, 2005; Brockmeier, Kurtz & Jenk 2014). Thus, this specific issue-area provide a suitable setting to explore whether rising powers may seek reforms or even removal of existing international norms and agreements.

To explore BRICS view on RtoP, we revisit the debate regarding international humanitarian action during the first year of the internal conflicts in Libya and Syria 2011-2012. At the time, all BRICS states were members of the United Nations Security Council which offers a tentative scenario for future global power negotiations. Selecting

these cases also means that we are covering both one situation which led to a resolution allowing international action (Libya) and one where this was blocked (Syria).

Our analysis finds that while the BRICS countries from the outset had disparate views regarding RtoP, the outcome of the Libyan intervention unified their opinions with regards to rejecting proposals requesting humanitarian action in Syria. Despite this, our analysis shows that all BRICS countries except Russia in general are positive to RtoP and willing to engage in efforts to further develop the concept and, in particular, how and when it should apply. Thus, we expect RtoP to remain important even in a multipolar world but also that further regulatory mechanisms of the use of force are likely to be discussed. In practice, this means that RtoP is likely to be used primarily as justification of multinational action aimed at stopping atrocities perpetrated by non-state actors and that the behavior of the interveners may become subjected to UNSC scrutiny.

While Brazil, India, China and South Africa have indicated a willingness to strengthen the role of the UN in the RtoP framework, Russian opinions and actions differ. Moscow has consistently raised the most objections to the RtoP idea and has not provided substantive suggestions about modifying the concept. Instead, Russia have effectively undermined the term by motivating its unilateral military interventions in Georgia 2008 and Ukraine 2014 as justified under RtoP because of threats to Russian nationals. Such claims challenge not only the Western view of RtoP but even more the approaches promoted by other BRICS states, suggesting that Russia may be concerned about its' loss of international influence brought by the rise of B-ICS.

This article continues as follows. First we briefly summarize the concept of RtoP and how it was developed. We then present our study on the Brazilian, Russian, Indian, Chinese, and South African attitudes towards international humanitarian action in Libya and Syria, but also the countries' diverse general opinions about the norm. In the final section, we discuss our findings and suggest some implications of our contribution to the understanding of international politics in the future.

A brief review of RtoP

While institutionalized discussions about RtoP first begun in the 1990s, the promotion of human rights through military interventions and sanctions, aid allocation, and

supranational institutions have previously been mentioned in the foreign policy goals in Europe and the US. For example, the 1973 Copenhagen Declaration calling for a unified European external policy emphasized human rights, and the US Congress from 1974 onwards reduced aid to (Latin American) countries with poor human rights records (Stohl, Carleton & Johnson, 1984; Kreutz, 2015). However, the end of the Cold War led to a growing global attention to these issues. In 1991, UN Secretary-General Pérez de Cuéllar suggested a re-interpretation of the principles of sovereignty to make it possible to intervene on humanitarian grounds, and the same year the first explicit such action was launched to protect the Kurds in northern Iraq after the Persian Gulf War.

While the concern for humanitarian suffering influenced the practice of the UN and other powers, the norm only became formalized in the early 2000s (UN, 2005). The principles of the Responsibility to Protect consist of three separate, sequential stages. First, that the responsibility lies on the government of a state to protect its population from mass atrocities. Second, that the international community has a responsibility to assist the government of a state to fulfil this duty. Third, if the government of a state fails to protect its population from mass atrocities, then the international community has the right to intervene to protect the people by proportional means ranging from peaceful to coercive. As with most broad policy documents, these stages are open to interpretation with regards to when and how they should be applied. This is particularly the case for the second and third stages. While the use of force has been the most fiercely debated option within the RtoP framework, it is by no means the only measure through which the international community can contribute to the protection of civilians.

Brazil

Brazil has mixed perceptions towards the RtoP concept. On the one hand, the norm is accepted as part of existing international law and acceptance that civilians at times may need protection from atrocities. On the other hand, Brazil has expressed concerns about the third pillar as offering a pretext for Western powers to interfere in the domestic affairs of other states (Kenkel, 2012). To reconcile these two positions, the government in Brasilia has suggested that the RtoP should be considered a preventive concept with a strong emphasis on multilateral agreement, non-violent measures, and part of peacebuilding mandates. Furthermore, to avoid abuse of the concept, Brazil argue that

the pillars are time-sequential and has provided suggestions regarding the need for checks-and-balances also regarding the behavior of intervening actors (Benner, 2013).

When anti-government demonstrations in Libya started on February 15, 2011 and repression followed, Brazil at first did not consider the situation a threat to international peace and security and thus not mandated UN Security Council Action. Despite this caution, Brazil supported Resolution 1970 on February 26 that imposed sanctions on the regime. Following escalating violence in the weeks that followed, a proposal by the United Kingdom, France and Lebanon led to Resolution 1973 which authorized the use of force to halt atrocities on March 17, 2011. Brazil abstained from voting on the resolution but soon became critical of the air campaign of the so-called Coalition of willing states. Brasilia claimed that the intervening states were taking advantage of the ambiguous term “all necessary means” in the Resolution and that the air campaign was non-consistent with the purpose for which it was decided (Benner, 2012, p. 3-4; Almeida, 2013, p. 10-11).

When the discussion turned to the situation in Syria just a few months later, Brazil made it clear that the experiences of Libya were influential for its considerations regarding future interventions. Brazil abstained from voting on October 4 when a Resolution was rejected by the UNSC requesting the end of human rights abuse by the Syrian regime.

A further consequence of the Brazilian criticism of the Libyan intervention was proposals that the RtoP should be further developed. During an open debate of the UNSC in November 2011, Brasilia suggested the concept of “Responsibility while Protecting” (RwP) aiming to bridge the differences between opponents and advocates of RtoP’s third pillar. RwP stress the importance of a *collective* international responsibility to protect to be exercised primarily through peaceful means. Indeed, the third pillar should only be an option for the UNSC when five criteria are met and strictly followed; violence as a last resort, do no harm to civilians, proportionality to the events on the ground, and the intervention should be under the exclusive authority of the UNSC that would monitor the situation (UNGA, 2011).

In the debate that followed, the other BRICS countries shared their concerns over RtoP and largely supported the Brazilian initiative. South Africa, in particular, becoming a staunch advocate for the RwP and demanded the creation of “a set of agreed

guidelines” for future coercive measures (Permanent Mission of South Africa, 2012). The Western countries initially opposed the Brazilian suggestion but later changed their view towards active engagement with experts in the debate on the future of RtoP. Somewhat surprisingly, though, it was Brazil themselves that that after about a year put an end to the RWP initiative. Instead of intensifying efforts to further develop the idea of RWP, the Brazilian President Rousseff instead became vaguer about the concept in 2012 which came across as burying the initiative (Permanent Mission of Brazil, 2012).

Russia

Russia has in general been critical to the development of the RtoP which they claim challenges established principles of international law such as non-interference and respect for state sovereignty (Russian Presidency, 2008). During the UN debate on the RtoP, Moscow eventually accepted the concept but explicitly emphasized that UNSC authorization was a criteria for action in order to prevent misuse (Bellamy, 2006, p. 152). This view remains visible in Russia’s behavior when humanitarian crises has been on the UNSC agenda, as the country regularly has abstained or vetoed RtoP decisions.

In the case of Libya, Russia abstained from voting on the Resolution largely because of concern that it be singled out for blame if no action was taken and atrocities continued. (UNSC, 2011a). It is also believed that Russia considered the possible effect on its significant economic interests in Libya if the violence escalated further. As it were, Russia did suffer economically from the eventual outcome of the crisis as the post-conflict government in Libya declared that it would reconsider Libya’s relationship with countries that had not provided support to their cause (Chorin, 2012).

When the UN were discussing how to deal with the situation in Syria, Russia made it clear that it would oppose any measures similar to those adopted towards Libya. Moscow argued that the Libyan example had been unsuccessful as civilian victimization increased after the intervention. Further, it was suggested that supporting the rebels in ousting the Gaddafi regime was a misrepresentation of the RtoP mandate (UNSC, 2012b) and constituted a “medieval crusade” on behalf of the West to pursue geopolitical goals (Trenin, 2013; Charap, 2013). Instead, Russia promoted a political solution for settling the crisis through negotiations and emphasized that both Syrian sides committed

atrocities. This approach, it has been suggested, was viewed as the best way for Moscow to preserve its influence and interests in the region (Trenin, 2013).

India

The objections raised by India against the RtoP have been motivated less on the importance of sovereignty and power and more on the principles themselves. While the relatively recent colonial experience may contribute to suspicions over the motivations of the West, India argue that RtoP challenges the country's cultural values of non-violence, tolerance, pluralism and hierarchy (Pethiyagoda, 2013). As a consequence, New Delhi puts a strong emphasis on the first two pillars of the concept and contends that every peaceful measure and attempt for cooperation should be exhausted before the possibility of violent action is considered (Mohan, 2014). Indeed, even in these instances it is suggested that the international community move cautiously along with regional organizations on a case-by-case approach (Bellamy, 2009, p. 118).

Given this background, India was at first surprisingly positive to actions in the Libyan crisis. New Delhi supported the imposition of sanctions and did not oppose Resolution 1973 on the use of force against the Libyan government. When the air campaign was underway, though, India became openly critical of its implementation and questioned the significance and efficiency of the RtoP concept as a method to reduce atrocities (UNSC, 2011e). Violent means were denounced as unacceptable at all times and Resolution 1973 was against the spirit of the UN Charter and instead constituted a justification by the West of its regime-change aspirations.

In August 2011, when the situation in Syria shifted from primarily repression of protesters towards full-scale civil war, India held the UNSC presidency. On the basis of its criticism of the Libyan intervention, India pushed for the use of diplomacy to end the violence and drafted a UNSC Presidential Statement that expressed concern over the situation (UNSC, 2011d) and reiterated its preference for a political solution.

China

From the outset, it could be expected that China would be cautious of any moves to reduce state sovereignty for the protection of human rights. The non-interference by other states in domestic affairs has been a cornerstone of Chinese foreign policy since the establishment of the People's Republic in 1949. Further, the sanctions imposed on Beijing by the US and EU following the crackdown of protesters in Tiananmen Square 1989 is considered an attempt to pressure the country to abandon one-party rule (Tiewa, 2012, p. 159). However, in 2005 China acknowledged that the international community has a responsibility to react to atrocities but with a strong emphasis on the preventive dimension of RtoP. Beijing demands that the use of force is conditioned on consensus approval by the UNSC, and China has abstained or blocked proposals regarding RtoP action in for example Darfur and Myanmar (Garwood-Gowers, 2012:378).

In the Libyan crisis, Beijing's position was largely similar to that of Russia. Chinese companies held substantial business contracts with the Libyan regime that were jeopardized as the opposition grew stronger. China did not block Resolution 1973 but nevertheless became increasingly critical when the intervention was underway (Menegazzi, 2012, p. 9). Right after the implementation of the No-Fly Zone, China expressed concern that this could deteriorate the situation, and "there must be no one-size-fits-all approach to the protection of civilians" due to the special circumstances in Libya (UNSC, 2011a). Beijing criticized the air strikes that caused civilian casualties and lambasted the West for using the RtoP as a guise for regime-change. There were also repeated reminders that the responsibility lies first and foremost with the Libyan government and that the Libyan people should decide on their fate (UNSC, 2011b).

The criticism of the Libya intervention provided prescriptive for the Chinese approach towards proposals of action in Syria. China vetoed UN Resolutions on the basis that the proposed action could further deteriorate the situation into a prolonged conflict that may destabilize the region (UNSC, 2012a). China claimed that the Libyan experience was a poor blueprint for Syria because the intervention assisted the rebels and led to increased civilian victimization. Beijing also reiterated its opposition to any intervention that could be extended to include regime-change as this is beyond ending atrocities. This view ties into a general suspicion in Beijing about Western motives for RtoP and that military interventions destabilizes the international order (Pollack, 2011:302).

After the debacle in Libya and the deadlock in Syria, China introduced a new concept on how to deal with atrocities. In October 2013, during a closed conference organized by the China Institute of International Studies, China's foreign minister presented the "Responsible Protection" to a group of experts mainly coming from BRICS states (Zongze, 2012). According to this, six principles are to be adhered: the object of an intervention should be clear and people of the target country should be protected by all means, the legitimacy of the protection must be established, the means of protection must be limited, the purpose of protection must be clear, the "protectors" should be responsible for the post-intervention and post-protection reconstruction of the state concerned, and the UN should establish mechanisms of supervision, outcome evaluation and post factum accountability to ensure the means, process, scope and results of protection.

South Africa

The principle of RtoP aligns closely with the stated ambitions of South African foreign policy since the end of apartheid in 1994, including the promotion of human rights, democracy, justice, and conflict resolution through regional peace interventions (Dunne & Mabera, 2013, p. 6). However, Pretoria argue that regional organizations should have the main responsibility for handling crises under the auspices of UNSC, as local knowledge and capabilities offer better means to tackle the situation (Aboagye, 2012).

Amongst the BRICS countries, South Africa was the most positive to action in Libya and supported both the imposition of sanctions and the military intervention. It maintained that the use of force was an appropriate response against a brutal regime that violated its people's fundamental rights, and that the international community thus had a responsibility to protect defenseless civilians (UNSC, 2011a). However, when it became clear that NATO was tasked with implementing the no-fly zone and that regime-change was an increasingly likely outcome of the operation, there was a change in opinion. South Africa argued that the military intervention was against the letter and spirit of Resolution 1973 and that regime change constituted a breach of Libyan sovereignty and produced more harm to civilians (UNSC, 2011c).

The experiences from Libya made South Africa skeptical about the appropriate approach for handling the Syrian crisis. While Pretoria early on voiced support that Assad would step down in the face of growing protests, the country sided with the other BRICS countries in calling for a peaceful political solution rather than military force. The reasons given for their approach were concerns that intervention would deteriorate the situation further and that the West had a hidden agenda for regime change in Syria to promote geopolitical aspirations (UNSC, 2012a).

Discussion

A first look at the BRICS countries during the Libyan and Syrian crises suggest that they were acting in a largely similar manner. In response to Libya, all countries supported or cautiously accepted both sanctions and the intervention while all countries were opposed to intervening in Syria just a few months later. What our study shows, though, is that already prior to the Libyan case there were differences in the countries approach to the RtoP. South Africa was largely positive to the concept, and Brazil, India, and China also supported the obligation of the international community to protect civilians. Russia, in contrast, was strongly critical of the concept out of principle. When it came to the implementation of the concept, however, all countries were unsatisfied with the existing setup. South Africa wanted regional actors to have greater power over any potential use of force, while Brazil, India, and China questioned whether intervention at all was an appropriate option for humanitarian protection.

Their criticism of the implementation processes means does not constitute rejection of the RtoP concept but rather a call for a more detailed regulatory framework for how and when it applies. Proposals from the BRICS states aimed at addressing this issue have focused an increase in the legalistic nature of RtoP and strengthening the UNSC power over single states and ad hoc coalitions. These are not a new debate, but something that was considered already in the 2001 ICISS report that first coined the RtoP concept. Interestingly, while the BRICS countries then as now insisted that the UNSC should be the instance overseeing RtoP, they were in 2005 reluctant to specify criteria for when it should apply (Bellamy, 2006).

Although at first not enthusiastically received by the West, the Brazilian “Responsibility While Protecting” and the Chinese “Responsible Protection” proposals could form the basis for future discussion on RtoP. This may lead to a practice where the goals of RtoP missions are specified already in the mandate, and where the operational responsibility will be more centralized under the UNSC. Considering the emphasis that the means should be in proportion to the situation, such centralization of decision-making will also be necessary for responding to changes on the ground. This, in combination with the suggested importance of post-conflict reconstruction after RtoP interventions, suggests the possibility that UNSC members are expected to participate more actively in future missions. Thus, the implication of the Brazilian and Chinese proposals is strengthening the role of the UN in international politics, and potentially even the establishment of institutions tasked with implementing the responsibility to protect.

An alternative scenario of the future RtoP builds on the views of India and South Africa about the importance the preventive aspect of RtoP. This would not run counter to policies already institutionalized in the West in the form of aid conditionality and the use of economic sanctions. However, while redirecting the emphasis of RtoP towards prevention may lead to less visible challenges to state sovereignty, it might not necessarily make international consensus easier to achieve. Influencing the structural factors behind the risk of human rights abuse means promoting democratization and judicial independence which also are controversial issues for several BRICS countries. In addition, the use of nonviolent measures such as sanctions would mean restricting economic investment (or trade in general) against potential human rights abusers, something that may be unpopular among these growing economies.

Our focus on the crises in Libya and Syria 2011-2012 offer a setting where all BRICS countries have the ability to influence global politics. The question that remains is whether these cases are indicative for the type of challenges the world is likely to face in the future. Following the experiences of the Libyan intervention, all BRICS states emphatically stated that their support and acceptance of the measures was solely because of the unique circumstances of the case. When discussing the Syrian situation, it was argued that it was inherently different although BRICS criticism of the Libyan outcome influenced their decision-making. For the foreseeable future, we expect that the shadow of Libyan regime-change will continue to be a factor that will make any RtoP actions against the government of a state unlikely. Russia, in particular, but also China views the

events in Libya as part of a pattern that also include US-sponsored activity in Kosovo 1999, Afghanistan 2001, and Iraq 2003 (Pollack, 2011; Trenin, 2013).

What all of these situations have in common, however, was that the interventions were aimed at humanitarian atrocities committed by state actors. When the threats to civilians instead consist of intercommunal violence or actions by non-state actors such as terrorist groups, there is less resistance to the use of force under the RtoP umbrella. For example, with regards to the situation in Mali 2012, all BRICS countries voted in favor of military intervention to stabilize the situation and protect the regime.

What is, then, the future of RtoP in a multilateral world? Contrary to the concerns about a reversal of policies promoted by the West, our findings suggest a different scenario. RtoP is likely to remain an important feature of international politics and it is more likely that it will become more rather than less institutionalized. There seems to be a broad consensus in the international community about the RtoP principles despite some criticism of the Libya intervention. With the exception of recent misuse of the concept by Russia, there is institutional preparedness at the national, regional, and global level to further develop and implement the norm. The UNSC continues to adopt resolutions on the basis of RtoP even after the difficulty of reaching agreement about how to handle Syria.¹ Furthermore, even in the case of Syria it was possible to reach a decision about the destruction of Syria's chemical weapons to prevent future mass atrocities.

Similarly, the experience of BRICS member states as UNSC members show that emerging powers are willing to take a decisive constructive role in dealing with the hardest cases. These initiatives give reason for confidence that there are good chances to maintain international consensus in major crises. As BRICS increasingly engage more proactively in shaping international norms and rules, we expect more focus on measures that can help government actors in protecting citizens' human rights. Thus, future developments of the RtoP may actually involve moves that effectively reconnect the concept with its original roots, emphasizing non-violence and multilateralism over military force.

¹ RtoP has been applied in Darfur (2006), Kenya (2007), Côte d'Ivoire (2011), Libya (2011), South Sudan (2001-2013), Sudan (2012), Mali (2012), CAR (2013), Central African Republic (2013), And has been invoked in Burma (2006, 2008), The Democratic Republic of Congo (2012), Guinea (2009), Kyrgyzstan (2010), Nigeria (2010, 2014), Sri Lanka (2009), Syria (2011-2012), Zimbabwe (2008)

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