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## **HUMANITARIAN INTERVENTION: FINDING OUT ITS HUMAN SECURITY IMPLICATIONS**

### **Abstract**

Humanitarian intervention based on the idea called 'The Responsibility to Protect (R2P)' leaves little room for controversy because such intervention is meant to save populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In effect, the R2P is a step by step process for dealing with an internal conflict with significant security implications. It is a composite whole of three elements and each of which tries to deal with an internal conflict with due consideration to security at three levels, i.e., human security at the national level, regional security and international security. In view of the fact that contemporary world witnesses, till to date, many internal conflicts of various nature, intervention in such cases, henceforth, should be guided by the spirit of R2P. This would enable the conflicts to find their respective end in a peaceful and non-violent manner in consonance with international laws and norms. The paper attempts to study the various elements of R2P from a comprehensive security perspective with recommendation for its application in all future internal conflicts including the current one in Syria.

### **1. Introduction**

Humanitarian intervention as a political phenomenon has been a controversial issue whether it is implemented or not. Much of the controversy, however, seems to have faded away when humanitarian intervention has been looked upon as a mechanism in conjunction with the idea called 'Responsibility to Protect (R2P)', initiated by the Canadian government in September 2000. Efforts towards promulgation of such an idea were rendered in response to international community's failure to save populations from genocide, war crimes, ethnic cleansing and crimes against humanity. All such heinous acts were perpetrated in several conflict-ridden countries, in particular during the post-Cold War period. In view of the fact that most of these conflicts were intra-state in nature, the normal procedure for resolving international conflict as enshrined in the UN Charter was not applicable in these cases. As a result,

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ways and means were to be devised to respond to various intra-state conflicts or, in other words, what is called internal conflicts.

A dispassionate analysis of various internal conflicts quite clearly reveals the fact that it is the total failure in maintaining internal human security conditions of the people that lies at the base of all internal conflicts. Since deterioration in human security conditions causes adverse effects on regional and international security, internal conflicts are, therefore, deemed to be detrimental to security system at three levels, i.e., national, regional and international. It is with this consideration in view that humanitarian intervention has been crafted to forestall the degradation of three-tier security system through certain measures. All such measures are incorporated in the concept of R2P. It should be mentioned that the R2P is preventive in nature. It takes cognizance of the fact that if a conflict arises due to the failure in human security system, it is better to rectify the wrongs committed in the affected countries before actually taking any punitive step against them. R2P, in effect, creates conditions for a conflict-ridden country to look forward to the future, not only from its internal human security, but also from regional and international security perspective.

In view of the above, the paper seeks to study that R2P driven humanitarian intervention tries to deal with internal conflict through a comprehensive security approach. As mentioned earlier, security, in this connection is at three levels, i.e., human security at national level, regional security and international security. The paper is divided into five sections including introduction and conclusion. The second section is an attempt to explain as to why humanitarian intervention is needed to address the problems associated with an internal conflict. The third section seeks to find out the measures and procedures through which humanitarian intervention seeks to address the security complexities as generated by an internal conflict. The fourth section attempts to prognosticate the future of humanitarian intervention for meeting the challenges as posed by the internal conflicts of various nature. Finally, the paper ends with a conclusion.

The paper is based on empirical and analytical understanding of various facets of security and their linkages with R2P based humanitarian intervention. Research materials such as books, journals, newspapers, electronic media, etc. have been utilised for undertaking the research.

## **2. Internal Conflict and the *Raison d'être* of Humanitarian Intervention**

At the outset, it should be mentioned that it is the internal conflict rather than international conflict that invites humanitarian intervention due to few peculiarities that the former type of conflict exhibits. Although the presence of internal conflicts has been observed since the very inception of the modern state system, nonetheless, their occurrence in great number with fierce intensity is mostly observed in the post-

Cold War period. With the end of the Cold War, a great expectation that peace dividend would be enjoyed by the international community in perpetuity somewhat became a chimera when various internal conflicts took place with their destabilising effects on national, regional and international security. In terms of origin and their resulting effects, internal conflicts perplexed the international community to the extent that new measures are needed in order to respond to such conflicts. Towards this end, the naissance of humanitarian intervention was found to be the most logical answer. This section of the paper attempts to deal with the nature and characteristics of an internal conflict in order to examine the ground that they create for inviting humanitarian intervention. A brief description of humanitarian intervention will also find its place in the paper.

In the post-Cold War period, internal conflict has been baptised as such like intra-state conflict, new wars, non-international conflict, wars in the post-Cold War era and ethnic conflicts. For the purpose of the paper, internal conflict or intra-state conflict would be used interchangeably. The concept of internal conflict has been defined in various ways. The paper prefers to cite the opinions of two distinguished authors in the field, one by Michael E. Brown and the other by Muzaffer Ercan Yilmaz. Michael E. Brown defines an internal conflict as, "By "internal conflict", we mean violent or potentially violent political disputes whose origins can be traced primarily to domestic rather than systemic factors, and where armed violence takes place or threatens to take place primarily within the borders of a single state".<sup>1</sup> In a similar vein, Muzaffer Ercan Yilmaz defines an internal conflict in the following words, "A non-international (internal) armed conflict refers to a situation of violence involving protracted armed confrontations between government forces and one or more organized armed groups, or between such groups themselves, arising on the territory of a state".<sup>2</sup> Examples of internal conflict include violent power struggles involving civilian or military leaders, armed ethnic conflicts and secessionist campaigns, challenges by criminal organisations to state sovereignty, armed ideological struggles, and revolutions.<sup>3</sup> "The level of violence can range from low-level terrorist campaigns to sustained guerrilla insurgencies to all-out war or genocide. In most cases, the key actors are governments and rebel groups, but when state structures are weak or non-existent, groups of various kinds fight among themselves in a Hobbesian universe of their own".<sup>4</sup>

It is, therefore, evident that an internal conflict differs from an international conflict not only in spatial and conflict parties terms, it has, rather, other problematic characteristics unseen in case of an international conflict. These characteristics

<sup>1</sup> Michael E. Brown, "Introduction" in Michael E. Brown (ed.), *The International Dimensions of Internal Conflict*, Center for Science and International Affairs, Cambridge, 1996, p. 1.

<sup>2</sup> Muzaffer Ercan Yilmaz, "Intra-state Conflicts in the Post-Cold War", *International Journal on World Peace*, Vol. 24, No. 4, December 2007.

<sup>3</sup> Michael E. Brown, *op. cit.*

<sup>4</sup> Harry Eckstein, "Introduction: Toward the Theoretical Study of Internal War" in Harry Eckstein (ed.), *Internal War: Problems and Approaches*, New York: Free Press, 1964.

ultimately drive an intra-state conflict towards a course that defies, in most cases, all peaceful means of conflict management and conflict resolution. It is, thus, pertinent to delve into such characteristics in a manner as brief as possible.

First, the occurrence of an internal conflict is very abrupt and erratic. Such type of conflict normally does not have precise beginning and ending. It does not start with a declaration of war. The spatial coverage of an internal conflict is not fixed, and as a result it is devoid of definitive battlefields. An internal conflict lacks decisive campaigns and formal endings.<sup>5</sup>

Second, it is difficult to draw a time framework of an intra-state conflict. Normally, it is protracted in nature and can last for decades. During the period of conflict, episodes of fierce fighting may alternate with times of relative peace. This makes the boundary between war and peace quite blurry both in time and across space.<sup>6</sup>

Third, there are differences in modes of warfare in case of an internal conflict. It is fought by loosely knit groups of 'regulars' and 'irregulars', soldiers, rebels and civilians, local warlords, cadres and paramilitaries and not by two (or more) conventional clear-cut national armies.<sup>7</sup>

Fourth, an internal conflict is generally supported by outside sources. The support may come from overseas diaspora, lobby groups or foreign mercenaries. Such type of conflict is sustained by global networks of trade, outside emergency assistance and the parallel economy.<sup>8</sup>

Fifth, an internal conflict has, in all likelihood, the possibility of getting itself transformed into either a regional conflict or an international one for the following reasons: (a) the flow of refugees across borders;<sup>9</sup> (b) the use of the territory of neighbouring states for shipment of arms and supplies; (c) posing a threat to the interests of distant powers and international organisations; (d) excessive dependence on diaspora for financial and political support; and finally (e) threatening and undermining international law, international norms of behaviour and international order.

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<sup>5</sup> Jole Demmers, *Theories of Violent Conflict: An Introduction*, New York: Routledge, 2012.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> Refugees, for example, often flee across international borders in larger numbers: at the height of the genocidal slaughter in Rwanda in 1994, 250,000 Rwandans fled into Tanzania in a single day. Over the course of just a few months, an estimated 2 million people fled from Rwanda to Tanzania, Zaire, and Burundi; none of these countries was in a position to provide adequately for a sudden influx of needy people. At a minimum, refugees impose heavy economic burdens on host states, and they can pose political and security problems as well. Cited in Michael E. Brown, *op. cit.*, p. 6-7.

Finally, an inter-state conflict causes tremendous suffering in terms of loss of life and property. This is because violence with which an internal conflict is associated is normally intense due to the involvement of various rebel groups, ethnic factions, guerillas, insurgents and the like. All these groups fight among themselves, as stated earlier, in a 'Hobbesian world of their own'.<sup>10</sup>

The last point that evokes humanitarian question is relevant for the paper. Needless to mention, the atrocities and crimes committed in case of an internal conflict have been found to surpass even those of an international conflict of conventional nature. As Michael E. Brown aptly remarks, "In most internal conflicts, the stakes are high and fighting is vicious. Internal conflict often involves direct, deliberate attacks on civilians. Conflicts over control of territory frequently escalate into military campaigns designed to drive out or kill civilians from rival groups. Intimidation, assassination, rape, forced expulsion, and systematic slaughter are commonly employed instruments. The numbers of people displaced or killed in such conflicts are often counted in tens and hundreds of thousands, and sometimes even in millions. In the most extreme cases – in Bosnia since 1992 and in Rwanda in 1994, for example – genocide is carried out".<sup>11</sup> Perhaps, more ominous is the fact that killing/massacre or other atrocious acts are not only committed by the non-state actors but as well by the state authority that itself perpetrates such acts against its own citizens. As David Dykes observes, "... in the 20<sup>th</sup> century alone 262 million people were killed by their own governments: six times more than the number of people killed in battle with foreign governments".<sup>12</sup>

A report published by the UN under the title 'Human Rights and Conflicts: A UN Priority' depicts a more agonising picture of humanitarian crisis as observed in case of intra-state conflicts. It says, "The number of conflict-ridden deaths is only a small indication of the tremendous amount of suffering, displacement and devastation caused by conflicts. Assaults on the fundamental right to life are widespread – massacre, indiscriminate attacks on civilians, execution of prisoners and starvation of entire populations. Torture is common in internal conflicts, as are measures restricting people's freedom of movement – forcible relocations, mass expulsions, denial of the right to seek asylum or the right to return to one's home. Women and girls are raped by soldiers and forced into prostitution, and civilians are abducted to serve as soldiers. Tens of thousands of people detained in connection with conflicts 'disappear' each year, normally killed or buried in secret, leaving their families with the torment of not knowing their fate. Thousands of others are arbitrarily imprisoned and never brought to trial or if they are, are subject to grossly unfair procedures. Homes, schools and hospitals are deliberately destroyed. Relief convoys, which try to assist civilians by providing humanitarian aid are attacked".<sup>13</sup>

<sup>10</sup> Harry Eckstein, *op. cit.*

<sup>11</sup> Michael E. Brown, *op. cit.*, p. 3.

<sup>12</sup> David Dykes, "In the post 9/11 era is the 'Responsibility to Protect' irrelevant?", available at <http://www.e-ir.info?p=2109>, accessed on 20 October 2013.

<sup>13</sup> "Human Rights and Conflicts: A UN Priority", available at [www.un.org//rights/HR Today/hr.conflict.htm](http://www.un.org//rights/HR Today/hr.conflict.htm), accessed on 12 August 2013.

Beginning from the early nineties, the atrocities and war crimes as observed in various internal conflicts, in particular in the continent of Africa, took the entire international community by surprise. Soon a concern for human rights and its promotion heightened at the international level, propelled further by globalisation and rapid advancement in information and communication technology. Meanwhile, rapid changes in international relations following the end of the Cold War led many quarters to think about direct military intervention in the newly erupted intra-state conflicts with or without the UN Security Council authorisation. Eventually, there arose a heated debate over the issue of humanitarian intervention with respect to its legality and practicality. Finally, the debate subsided with the emergence of the concept of R2P in successive phases. Thus, one notices, following the end of the 1991 Gulf War, French Foreign Minister Ronald Dumas opined about direct intervention in the following words, "The international community had a right to intervene to alleviate human suffering caused by repression, civil disorder, inter-state conflict or natural disasters".<sup>14</sup> The UN Secretary General, Kofi Annan, in his address to the 54<sup>th</sup> session of the UN General Assembly in 1999, cited the failures of the UN Security Council to act promptly in Rwanda and Kosovo and invoked the member states of the UN to "find common ground in upholding the principles of the Charter, and acting in defense of our common humanity". He warned that "if the collective conscience of humanity cannot find in the United Nations its greatest tribune, there is a grave danger that it will look elsewhere for peace and for justice".<sup>15</sup> A year later, he in his Millennium Report to the General Assembly expressed his dilemma in the following words, "if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how would we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of our common humanity?".<sup>16</sup>

A solution to the dilemma faced by the UN authority was given in a report published by the International Commission on Intervention and State Sovereignty (ICISS) in 2000 under the initiative of the Canadian government. The report incorporated a new idea called 'the Responsibility to Protect' (R2P) rather than the 'right to intervene'.<sup>17</sup> The R2P redefines humanitarian intervention as a responsibility (first, of the state concerned, and failing that, of the international community), and not a right (of outsiders, however, may they represent the international community at large).<sup>18</sup> The report considers the phrase 'right to intervene' unhelpful, because it stresses 'the claims, rights and prerogatives of the potentially intervening states' over 'the urgent needs of the potential beneficiaries of action', and because it fails

<sup>14</sup> Thomas G. Weiss and Kurt Campbell, "Military Humanitarianism", *Survival*, Vol. 33, No. 5, September-October, 1991, p. 452.

<sup>15</sup> "The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty", *ICISS Report*, Ottawa, International Development Center, December 2001.

<sup>16</sup> *Ibid.*

<sup>17</sup> The Responsibility to Protect, available at <http://www.iciss.ca/report2-en.asp>, accessed on 06 July 2013.

<sup>18</sup> Amitav Acharya, "Refining the Dilemmas of Humanitarian Intervention", *Australian Journal of International Affairs*, Vol. 56, No. 3, 2002, p. 374-74, cited in Mohammad Ismail Hossain, "State Sovereignty and Humanitarian Intervention : Does One Negate the Other?", *BIISS Papers* 22, September 2006, p. 89.

to capture the broader tasks of prevention and follow-up peace building that must accompany intervention".<sup>19</sup>

One of the most prominent features of the report is its assertion that humanitarian intervention is to be 'an exceptional and extraordinary' measure. As stated in the basic principles of the ICISS, "Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect".<sup>20</sup> The report considers two kinds of event for conducting intervention: "where there is a large-scale loss of life – with or without genocide intent – that results from deliberate state action or the massive failure of state structures; and where there is a large-scale ethnic cleansing carried out by means of killing, rape, torture, or mass expulsion."<sup>21</sup>

Intense diplomatic efforts were needed to recognise the R2P as a new political concept. It is after six years that the idea was duly endorsed by the UN Security Council Resolution 1674 in 2006. Earlier in 2005, the issue was placed in the UN sponsored World Summit before the representatives of nearly 170 countries who consented to the idea almost unconditionally. In 2008, the UN Secretary General Ban Ki-moon appointed Assistant Secretary-General Edward Luck as his Special Adviser for R2P. Finally, in 2009, the UN General Assembly renewed its commitment to R2P through a resolution titled 'Responsibility to Protect', the first resolution on R2P formalising international commitment to the concept.

### 3. Humanitarian Intervention: Facing the Security Challenges

Since the end of World War II, few instruments like the Universal Declaration of Human Rights (1948) and the Geneva Conventions (1949) sought to bring a halt to further genocide, war crimes and all sorts of crimes against humanity across the globe. In most cases, such promises were, however, not fulfilled to the expectation of the international community. As observed, during the period of the Cold War, the two superpowers supported, in an almost unbridled manner, various protracted conflicts in the Third World to preserve their respective geo-strategic, security and economic interests. The end of the Cold War witnessed even more serious conflicts, for example in Rwanda, former Yugoslavia, East Timor, Congo etc. As a result, as Illicole-Ann Hardwick remarks, "In the late 1990s, debates about crisis prevention and response increasingly began to concentrate on the security of the individual and the community, rather than merely the state – human security. It was in this context that the ICISS first presented its report on the 'Responsibility to Protect' in 2001. The traditional, narrow perception of security leaves out the most elementary and legitimate concerns of

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<sup>19</sup> *Ibid.*

<sup>20</sup> ICISS Report, *op. cit.*

<sup>21</sup> *Ibid.*

ordinary people regarding security in their daily lives. The ICISS focused on what it perceived as new security challenges in 21<sup>st</sup> century, including international terrorism, international conflicts, weak state structures and increased vulnerability of civilians<sup>22</sup>

It is, therefore, the paradigmatic shift in the concept of security from a traditional one to a comprehensive one that lies at the epicentre of the R2P doctrine. In this connection, R2P seeks to address the security deficit that creates and sustains a conflict with all its perverse effects on human security and consequently on national, regional and international security. This section of the paper, therefore, purports to study the three basic elements of R2P and then examine how they are related to security in general and to human security in particular. The three elements are: (i) the responsibility to prevent; (ii) the responsibility to react and (iii) the responsibility to rebuild.

### 3.1 *The Responsibility to Prevent*

The responsibility to prevent is a human security driven concept. As indicated earlier, the R2P envisages that a conflict is caused mainly due to human security deficit in a particular country, in other words, due to malfunctioning of a state in its political, economic, social and cultural spheres. As a result, the R2P suggests certain political, economic, social, cultural, legal and military reforms for a conflict-ridden country to redress the wrongs committed in the past and to forestall the repetition of the conflict in the future. As one scholar puts it, "Effective prevention must address the root causes and direct causes of internal conflict and other man-made crises putting populations at risks"<sup>23</sup> Before actually taking the measures, the R2P suggests an early warning system through which the causes and effects of a conflict need to be brought to attention. For effective prevention, 'there has to be knowledge of the fragility of the situation and the risks associated with it – so called early warning.' Early warning demands a continuous rigorous programme of research and analysis on the conflict to be dealt with. What then are wrongs committed and how do they impinge on human security? The answer to the question needs an enquiry into the real causes of an internal conflict with their consequences for human security.

Volumes of literature exist on the theme called 'human security'. All existing ideas and viewpoints with respect to human security unequivocally indicate that the concept has emerged out of the paradigmatic shift from traditional security to a comprehensive one. While the former relates to an excessive state-centric notion of territorial security from military-defense angle, the latter includes within its fold a wide range of issues related to the wellbeing and safety of the people. Towards this

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<sup>22</sup> "Can the doctrine of the R2P make the world more secure?"; available at [www.e-ir.info/2012/0815/can-the-doctrine-of-the-R2P-make-the-world-more-secure](http://www.e-ir.info/2012/0815/can-the-doctrine-of-the-R2P-make-the-world-more-secure), accessed on 15 July 2013.

<sup>23</sup> Ijaz Khan, "Humanitarian and Military Intervention and the Role of the United Nations: The Responsibility to Protect" in Naveed Ahmed Tahir (ed.), *Humanitarian, Preventive, Punitive and Political Intervention and State Sovereignty: Varying Political, Moral and Legal Standpoints*, University of Karachi: B.C.C. & T Press, 2010, p. 16.



end, human security, in comprehensive sense, includes protection of human being not only from traditional military threats but also from a variety of economic, social, ethnic, epidemiological and environment threats.<sup>24</sup> A plethora of definitions with respect to human security can be cited to show how the concept is being broadened day by day to include a variety of issues that many feel should come within the province of human security. The paper, however, does not intend to deal with them other than focusing on the definition as given by Mahbub-ul-Huq in the widely known United Nations Development Program's *Human Development Report of 1994* where he defines human security as: (a) safety from chronic threats to humans such as hunger, diseases and repression; and (b) protection from sudden and hurtful disruptions in people's lives – whether in jobs, homes or communities.<sup>25</sup> In other words, the key premises of human security are 'freedom from fear' and 'freedom from want'. There is no gainsaying that while attempts at conceptualisation and theorisation of security continues to remain in vogue, the two above stated premises of human security are universally accepted by now. The UNDP report identified seven dimensions of human security and the emerging threats posed to them. They are: (i) Economic Security (poverty, homelessness); (ii) Food Security (hunger); (iii) Health Security (inadequate health care, diseases); (iv) Environmental Security (degradation, pollution, natural disasters); (v) Personal Security (physical violence, crime, traffic accidents); (vi) Community Security (oppression, disintegration and discrimination); (vii) Political Security (repression, torture, disappearance, human rights violations).<sup>26</sup>

The 'fear factor' in symbiosis with the 'want factor' of a number of conflict-ridden countries goes to depict negative human security scenarios in most of these countries. The 'fear factor' is created by the inability of a state authority to keep its citizens free from state repression, discriminatory policies, breakdown of law and order situation, diseases, natural disasters etc., whereas the 'want factor' is created by hunger, poverty, homelessness, unemployment, inaccessibility to resources etc. In this connection, it is relevant to touch upon certain causes of an internal conflict that bring about the above stated distresses in a given polity. By looking through few of post-Cold War internal conflicts, Muzaffer Ercan Yilmaz reaches the conclusion that "such conflicts are correlated with, but not limited to, the desire to express cultural identity, discrimination, anti-democratic political system, economic underdevelopment and unjust distribution of national wealth, unresolved past traumas, as well as external support".<sup>27</sup> A very exhaustive and succinct explanation of the causes of an internal conflict has been provided by Michael E. Brown. He cited the causes in the following manner:

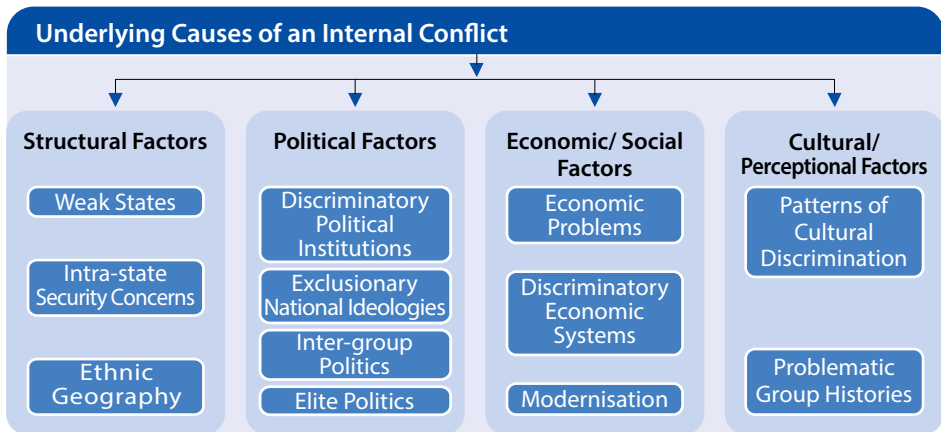
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<sup>24</sup> Human Security, Center for Global Partnership, available at <http://www.cgp.org/cgplink/programs/security/priorities.html>, accessed on 04 April 2002.

<sup>25</sup> Manzoor Ahmed. "Human Security: The Perspective of Children and Women in South Asia" in Ramesh Thakur and Oddny Wiggen (eds), *South Asia: Problems Solving Perspectives on Security, Sustainable Development, and Good Governance*, New York: UN University Press, 2004, p. 296.

<sup>26</sup> United Nations Development Programme (UNDP), *Human Development Report 1994*, New York: Oxford University Press, 1995, pp. 24-25.

<sup>27</sup> Muzaffer Ercan Yilmaz, *op. cit.*



Michael E. Brown, however, opines that weak state structures are the starting point for many analyses of internal conflict. He remarks, "Some states are born weak. Many of the states that were carved out of colonial empires in Africa and Southeast Asia, for example, were artificial constructs. They lacked legitimacy, politically sensible borders, and political institutions capable of exercising meaningful control over the territory placed under their nominal supervision. The same can be said of many states created out of the rubble of the Soviet Union and Yugoslavia. The vast majority of these new entities came into existence with only the most rudimentary political institutions in place".<sup>28</sup> In consequence, the leadership in most of these post-colonial states has been marked by failure to develop their political, social, economic, cultural and environmental systems in an effective and sustainable manner. Certain conditions like disorganisation, lawlessness, dislocation, insecurity of the minority religious and ethnic community, decomposition, breakdowns, anarchy, regression etc. began to prevail in all such realms. In the circumstances, the fragile policies of the leaders in power were simply found incapable of constructing a stable, enduring and sustainable state systems in order to deliver few human security goods to the citizens, i.e., personal security, economic opportunity, education, health services, environmental surveillance, a legal framework of order, judicial system, fundamental infra-structural requirements etc. As Robert I. Rothberg remarks, "such states honoured these obligations in the breach".<sup>29</sup> Eventually, in such polities, the pockets of dissension were caused mainly by the aggrieved sentiment of an overall deprivation in the daily national life. In many cases, these states turned out to be what many authors term as collapsed states, weak states, failed states, disruptive states, quasi states etc.

From the security perspective, the states with distresses and deplorable order have been found to affect regional security, and hence international security. In almost all cases, it has been found that (i) there has been the disruption of legitimate commerce and rise of illegal one, best referred to as 'black market and gray economy'.

<sup>28</sup> Michael E. Brown, *op. cit.*, pp. 13-14.

<sup>29</sup> Robert I. Rothberg, "The New Nature of Nation-State Failure", *The Washington Quarterly*, Summer, 2002, p. 90.

This form of economic disengagement has not only undercut the state but has also very adversely affected the economies of neighbouring countries; (ii) refugees in neighbouring countries constituted a security threat in the asylum state and served as recruiting grounds for armed rebels and militias who further escalated threats to regional security; (iii) coupled with the rise of illegitimate commerce and the refugee situation is the emergence of warlords politics for determining the distribution of wealth, control of illegal commerce, the forging of alliance among fellow warlords, the control of activities either to threaten regional security or to invite external intervention; (iv) the emergence of warlords and their control over illegitimate commerce has led to the proliferation of small arms and light weapons which further escalated armed violence in existing and new forms of conflict; (v) the condition of vulnerability to internal and external disruption has been openly exposed. This is best observed in case of Colombia where the state failing has been exploited by the criminal elements; (vi) there has been outright challenge to human rights regimes due to its egregious violation in case of women and children.<sup>30</sup>

### **3.2 The Responsibility to React**

The responsibility to react envisages measures against a target state short of military intervention. This aspect of R2P may be viewed as a cautionary approach towards conflict and peace. In a series of episodes beginning from the early 1990s, there has been a serious circumscription of sovereignty in countries like Afghanistan, Iraq, the former Yugoslavia, Somalia, Rwanda, Haiti, Cambodia, Liberia and elsewhere on the pretext of restoring human rights. Some of the episodes involved military action called 'humanitarian intervention' endorsed by the UN or another international organisation but without the consent of the government of the target state. More menacing were the so-called humanitarian interventions in some sovereign countries without the UN Security Council's endorsement. The US bombing of Iraq in 1999, NATO's intervention in Kosovo also in 1999 and the unilateral US attack on Iraq (2003) are cases in point. In particular, the US aggression in Iraq (2003) evoked the fear worldwide that any state could be targeted by the US, if it was in the latter's interest to do so.<sup>31</sup>

Various hard-core measures like preemptive attack, unilateral intervention, direct intervention without a UN Security Council mandate could do very little either to arrest a conflict or guarantee peace after the end of the conflict. Instead, R2P suggests certain soft measures like arms embargo, economic sanctions, severing of diplomatic relations and travel restriction. This step is somewhat akin to the idea as enshrined in Article 41 of the UN Charter where it has been stated that the Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the

<sup>30</sup> Abul Kalam Azad, "Collapsed State in Contemporary International Politics", *BIISS Journal*, Vol. 24, No. 1, January 2003, pp.1-48.

<sup>31</sup> Abul Kalam Azad, "The Impact of Post 9/11 International Developments on State Sovereignty: A Bangladesh Perspective", in Naveed Ahmed Tahir (ed.), *op. cit.*, p. 140.

“United Nations” to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

This soft approach has its impact on the target state and as well as on the international community. As far as the target state is concerned, due to various international pressures, it may be compelled to control the intensity of conflict and find out possible means for restoring peace. If the state itself is the repressive agent, then the task often becomes easy, whereas in case of a conflict where several actors are involved, such international pressure may have a sobering effect on them. In particular, the warring factions may become uncertain about future flow of arms or any other assistance to their hand from the sources, both regional and international. For the international community, the cautionary approach as envisaged by the R2P has some of its positive implications. That the conflict is not encountered through any outright show of force creates a scope for peace and stability in the region where the conflict is in occurrence. Moreover, the step is in conformity with international law where the conflicting parties are given an opportunity to cease their conflict under international pressure.

If the punitive measures, short of military intervention do not work, the R2P then allows prompt use by the Secretary General of his authority under Article 99 of the UN Charter to bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security. Such stance by the Secretary General, in all likelihood, transmits a message to the target state that its failure to resolve the conflict would ultimately lead to external intervention of military nature.

In effect, the R2P looks upon military intervention with caution as such action sometimes goes to aggravate a conflict situation with dire consequences for national, regional and international security. As per the R2P, military intervention for human protection purposes must be regarded as an exceptional and extraordinary measure. It is only justifiable when undertaken for halting or averting large scale killing or expulsion of human beings, either through deliberate state action, state neglect or inability of the state to act. Failed states are particularly prone to such situations.

In order that a military intervention does not engage itself in ‘excesses’, R2P has certain prescriptions in the greater interest of peace and security. Thus, in case of a military intervention, the intervening state or organisation must consider the following:

- a. Right intention: The primary purpose of the intervention must be to halt or avert human suffering. Sincerity of intention is better assured in collective or multilateral operations, supported by regional opinion, as well as the victims.

- b. Last resort: All non-military options for the prevention or peaceful resolution of the crisis must first be explored and exhausted.
- c. Proportional means: The scale, duration and intensity of the planned military intervention should be in proportion to the situation.
- d. Reasonable prospects: It should be weighed whether the consequences of the action are likely to be worse than the consequences of inaction, in which case the idea of taking action should be dropped.
- e. Right authority: The authorisation of the Security Council should be sought prior to any military intervention. The task is not to find alternatives to the Security Council as a source of authority, but to make the Security Council work better.<sup>32</sup>

### 3.3 ***The Responsibility to Rebuild***

The R2P has been invested with the element called ‘the responsibility to rebuild’ mainly for the purpose of peace and security. After having experienced the traumas of an internal conflict, a target state may, indeed, feel insecure even after the end of conflict. In other words, there is no guarantee that sudden end of a conflict would usher in permanent peace and security in the future. This concern evokes the question of peace building from the sole perspective of security.

The UN Secretary General’s Policy Committee defines peace building as: “peace building involves a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundations for sustainable peace and development. Peace building strategies must be coherent and tailored to specific needs of the country concerned, based on national ownership, and should comprise a carefully prioritized, sequenced and therefore, relatively narrow set of activities aimed at achieving the above objectives”<sup>33</sup>

Sustainable peace and development, as envisaged by peace building essentially emphasise on developing a security system that would prevent societies from falling back into violent struggle again. Such a security system entails restoring human security at the forefront which is to be realised through an all round development and reconstruction. As Johan Galtung remarks, "peace building should address the practical implementation of peaceful social change through socio-economic reconstruction and development".<sup>34</sup> Development should be such that both

<sup>32</sup> Ijaz Khan, *op. cit.*, pp.18-19.

<sup>33</sup> Peace building and the UN, The UN Peace Building Support Office, UN.

<sup>34</sup> Cited in Hugh Miall, Oliver Ramsbotham, Tom Woodhouse, *Contemporary Conflict Resolution*, Cambridge: Polity Press, 1999, p. 187.

the want and fear factors of human security disappear in a manner so as not to allow insecurity prevail among the general masses long affected by conflict. Peace building, thus, suggests measures like disarmament, demobilisation and reintegration in order to reinstate a feeling of security among the conflict affected people.

In effect, sustainability of peace as advocated through peace building is conditional upon certain elements like:

### 3.3.1 *Restoration of Human Rights*

If security is considered the prerequisite for post-conflict peace building, then restoration of human rights is the fundamental factor to catapult it. All victims of conflict must be ensured their respective human rights as per international standard. This means providing people with food, health, education, housing, protection of the family, democracy, participation, the rule of law, protection against enslavement, torture, cruelty, inhumane treatment or punishment. It should be mentioned that there is an inevitable correlation between restoration of human rights and human security as human dignity and welfare is a fundamental point in both the cases. Both human security and human rights establish a link among individual, national and international security. In case of human security: individual security, national security and international security are interlinked. In case of human rights, the same is corroborated by clause 28 of Universal Declaration of Human Rights (1948) which states "everyone is entitled to a social and international order in which the rights recognized in the Declaration can be realized".

### 3.3.2 *Justice and Social Cohesion*

The people in a post-conflict situation should be guaranteed justice in all walks of their life. The judicial system should be effective and operational one with well functioning court and police systems. "There is a direct relationship between violence and state collapse and injustice. It is vital to rebuild institutions and societies on a just basis and to reject the argument that justice is a luxury that can be stalled until the return of full peace and harmony".<sup>35</sup> If people are given the opportunity to live in a just society, then reconciliation would automatically prevail among different groups, ethnic communities, tribes and clans. This would ultimately bring cohesion in the society thereby allowing the people to enjoy community and group rights as demanded by human security.

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<sup>35</sup> Ijaz Khan, *op. cit.*, p. 19.

### 3.3.3 *Rule of Law*

The rule of law is prescribed by R2P through peace building. It means undertaking framework of rules and rights that make prosperous and fair societies possible. It is a system in which no one, including government, is above the law; where laws protect fundamental rights, and where justice is accessible to all. The rule of law is, in fact, a composite package containing the elements that securitise an individual in the society. These elements are: limited governmental powers, absence of corruption, maintenance of order and security, fundamental rights, open government, regulatory enforcement, civil justice, criminal justice, informal justice etc.

## 4. **Humanitarian Intervention: What lies Ahead?**

Humanitarian intervention, on the basis of R2P, does not lead to an infringement of sovereignty of a target state as many would understand. Rather, the R2P entrusts the responsibility of safeguarding the population of a conflict inflicted country from all sorts of criminal acts on the international community. This is because the target country fails to protect its people from want and fear.

As mentioned in previous discussion, the R2P is a step by step process for dealing with a conflict. It does not prescribe outright military intervention in the first place. Military intervention enters the scene when all possible peaceful means of resolving a conflict are exhausted. The relevant question now is: what then is the political future of R2P? This section of the paper is an attempt to delve into this question.

It should be mentioned that ever since the time, the concept of R2P has been floated, it has not remained above controversy on few counts, for instance, (i) the developing countries have looked upon it as a rationalisation for unwanted interference in their internal affairs. It has evoked the feeling among the developing countries that they have been relegated to the role of norm-seekers, while the five permanent members of the Security Council (P5) would continue as norm enforcers. As historical records suggest, most of these powers have interventionist tendencies, and they look for pretexts, whether strong or lame, for intervening in the affairs of the poor and underdeveloped countries. As Stephen Krasner argues, "the recent upsurge in intervention is nothing new – great powers have always acted in concert and taken an interest ... in the internal affairs of weaker states ... The international community lacks resources for doing so effectively"<sup>36</sup>; (ii) a number of interventions in both pre and post 9/11 periods do not clearly show the humanitarian intent involved. The majority of such interventions have been driven by the interests of the intervening state rather than by a desire to help suffering humanity; (iii) there has been a great deal of

<sup>36</sup> "Beyond Westphalia: State Sovereignty and International Intervention", available at <http://d3.zeso.com/jsc/d3/ff3/ff2.html?n;C=9/4/1;s=13;w=728;h=90>, accessed on 02 February 2013.

disagreement over the degree of responsibility states have to prevent humanitarian crises in other states, and to what extent would sovereignty be conditional.<sup>37</sup>

Despite controversy or reservation with respect to R2P, the fact remains that R2P which has been designed to respond to internal conflicts will continue to have its validity in the days to come. Some of the factors in support of this assertion are as follows:

*First*, many Third World states are still fragile and groaning under political, economic and social instability and unrest. These states need administrative structure with infrastructural power to acquire their respective state capacity. In contemporary world, state weakness cannot continue to remain a permanent phenomenon as it ultimately leads to conflict with serious implications for peace and stability in the geographical segment where it takes place. Needless to mention, there are still many conflict spots around the globe, many of which are half-resolved or are still awaiting resolution sooner or later. In the continent of Africa, many peacekeeping operations are currently being undertaken with the sole intent of ending various internal conflicts. This goes to demonstrate that internal conflicts are still present in the world and that there is no guarantee about their absence in the future. Taking the example of Syria, one notices that a country which anticipated itself to be immune from the 'Tunisia effect' got entangled in a state of civil war and that any prospect of recovery seems to be highly unlikely within a short period of time. For the last 30 months, the world witnessed rising death toll, displacement of millions and the fading prospect of 'Damascus Spring' in Syria. The situation got further complex when the international community observed the use of chemical weapons upon Syrian civilians thereby further heightening the worldwide apprehension about the future course of conflict in the country. Many circles believe that if R2P can be applied in case of Syria, the conflict, perhaps, can go near to a solution.

*Second*, the current international system marked by unipolarity, structural conflict between the North and the South, increasing pace of globalisation in favour of the richer nations, the West's craving for resources located in the Third World, marginalisation of the poor and underdeveloped nations in international trade and commerce etc. do not favour the weaker or those nations that are on the way of development. More frustrating is the fact that their hope and aspiration for world peace and stability under the aegis of the UN have been shaken to a great extent following the US invasion of Iraq without any UN mandate. The credibility that the world body attained in the aftermath of the Gulf crisis seems to have eroded by now, and the Third World remains increasingly doubtful and skeptical about the prospects for conflict management or resolution either through any regional organisation or the UN.<sup>38</sup> In the circumstances, the viability of R2P is well recognised as it provides an

<sup>37</sup> Abul Kalam Azad, "The Impact of Post 9/11 International Developments on State Sovereignty: A Bangladesh Perspective", in Naveed Ahmad Tahir (ed.), *op. cit.*, pp. 141-142.

<sup>38</sup> Abul Kalam Azad, "Collapsed State in Contemporary International Relations", *op. cit.*, pp. 47-48.



opportunity for the weak states to act on their own politically, economically, socially, culturally and morally. The R2P is a security oriented concept and its application in case of a conflict may not necessarily need military intervention as discussed earlier.

*Third*, despite the fact that the primary responsibility for responding to internal conflicts lies within the affected states, nonetheless, there are few factors that dictate that outsiders are inevitably involved in internal conflicts and that they play a vital role in such cases. First, the sources of many internal conflicts lie outside as inside the state. "The international community in its various guises is often responsible for the conflict in the first place".<sup>39</sup> Second, due to increasing interdependence internal conflicts affect the interests of regional neighbours and beyond. Third, in case of internal conflicts, the magnitude of human suffering is very large and that media transparency makes it difficult for outside governments to watch and see such events without doing nothing. Fourth, nearly all studies agree that many protracted conflicts can only be resolved when outside resources are brought to bear.<sup>40</sup> This externality of a conflict can best be managed through the mechanism of R2P.

## 5. Conclusion

In contemporary world, the resurgence of internal conflicts as a possibility can not be ruled out for a number of reasons taken up for discussion above. As a result, the R2P retains its relevance in the future. Any human intervention based on a philosophy of R2P leaves no room for doubt and suspicion as the R2P does not advocate outright military intervention or any kind of physical interference in the first place. As has been discussed, the R2P looks at the entire conflict spectrum from the angle of security. Its three broad elements try to restore the internal security conditions on a solid basis so as not to allow any internal conflict to take place with its dire consequences for national, regional and international security. What the R2P wants is to pave the way for a state to be strong enough to protect its sovereignty and territorial integrity on the one hand, and develop an all round security structure, on the other.

Meanwhile, all states with weak political, economic, social and cultural structures must develop themselves in a sustainable manner so that human security conditions of the general masses are satisfactorily guaranteed. Any failure in maintaining a viable human security at home sows the seeds of conflict and all types of violent acts. The current crisis in Syria is a reminder of the fact that an internal crisis when it is factional in nature is difficult to solve internally. So Syria can be a laboratory where the international community can test the effectiveness of R2P in order to prevent the civilians from want and fear. Moreover, the very use of chemical weapons on the civilians by the Syrian authority amounts to some kind of genocide to which the R2P, as many opine, could have been a practical response.

<sup>39</sup> Hugh Miall, Oliver Ramsbotham and Tom Woodhouse, *op. cit.*, p. 33.

<sup>40</sup> *Ibid.*