UNIVERSITY OF CALIFORNIA,
IRVINE

With the Best of Intentions: Normative Dilemmas of the Responsibility to Protect

DISSERTATION

submitted in partial satisfaction of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

in Political Science

by

Tiffany Iris Williams

Dissertation Committee:
Professor Kevin Olson, Chair
Associate Professor Keith Topper
Associate Professor Bronwyn Leebaw

2017
DEDICATION

To

Cayden, Landon, and Emma,
for giving me more joy than I ever could imagine,

and Adam,
I still love you and miss you.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACKNOWLEDGMENTS</td>
<td>iv</td>
</tr>
<tr>
<td>CURRICULUM VITAE</td>
<td>v</td>
</tr>
<tr>
<td>ABSTRACT OF THE DISSERTATION</td>
<td>vii</td>
</tr>
<tr>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>CHAPTER 1: Historical Narrative</td>
<td>22</td>
</tr>
<tr>
<td>CHAPTER 2: Community</td>
<td>70</td>
</tr>
<tr>
<td>CHAPTER 3: Responsibility</td>
<td>129</td>
</tr>
<tr>
<td>CHAPTER 4: Conclusion</td>
<td>194</td>
</tr>
<tr>
<td>REFERENCES</td>
<td>218</td>
</tr>
<tr>
<td>APPENDIX A: Member Countries of the Non-Aligned Movement (NAM)</td>
<td>244</td>
</tr>
<tr>
<td>APPENDIX B: Member Countries of the Group of 77 (G-77)</td>
<td>246</td>
</tr>
</tbody>
</table>
ACKNOWLEDGMENTS

I would like to thank my committee chair, Kevin Olson, for his support throughout this arduous process. Without his help in navigating the program and his advocacy, this dissertation would not have been possible. I also appreciate the intellectual freedom he granted to pursue my interests and the careful feedback that greatly improved my work. I would also like to thank Keith Topper for introducing me to Cavell and Wittgenstein, whose work animated this dissertation, and for inspiring me to look at my subject in a new way. I would also like to express appreciation to both for their dedication to and passion for teaching. Finally, I would like to thank Bronwyn Leebaw, a careful and critical scholar on issues of international ethics, for providing me with a valuable international relations perspective and so graciously agreeing to be on my committee on such short notice.

I would also like to thank my friends and colleagues. I owe a debt of gratitude in particular to Pernilla Johannson, who inspired me to begin writing my dissertation and who has been with me every step of the way. I am grateful for the immense amount of time she spent giving feedback on my dissertation, and most importantly, for her unwavering encouragement and faith in my academic abilities, motivating me to keep going when I was ready to give up. I would also like to thank Marcos Scauso and John Emery, as well as Eric Heinze, for in different ways having faith in the value and interest of my work even when I didn’t. Finally, my thanks to Alexander Hodge-Wallis for finally making UCI feel like home.
CURRICULUM VITAE

Tiffany Williams

Education

University of California Irvine, Irvine, CA
Doctor of Philosophy in Political Science, June 2017
Concentrations: Political Theory; Philosophy of Language; Postcolonial Theory; International Relations Theory

San Diego State University, San Diego, CA
Master of Arts in Political Science, May 2009

San Diego State University, San Diego, CA
Bachelor of Arts in Political Science, May 2005

Teaching Experience

University of California Irvine, School of Social Sciences – Irvine, CA
Graduate Teaching Assistant: Introduction to American Politics, Introduction to International Relations, Introduction to Sociocultural Anthropology, Introduction to Law, Families and Intimate Relations, Race and Ethnicity Fall 2010 – Fall 2016

San Diego State University – San Diego, CA
Graduate Teaching Assistant: American Politics in an International Perspective, Introduction to American Politics, Fall 2006 – Spring 2008

Work Experience

Legal Assistant, 2005-2010
McAteer and McAteer – San Diego, CA

Administrative Assistant, 2000-2005
West Star Properties – El Cajon, CA

Awards and Special Recognitions

Frances V. Harbour Graduate Student Paper Award, International Studies Association (2017)

Dean of Social Sciences recognition of outstanding teaching award at the University of California, Irvine (Winter 2015, Fall 2012).

Eugene Cota-Robles Fellowship, University of California, Irvine
Conference Presentations


ABSTRACT OF THE DISSERTATION

With the Best of Intentions: Normative Dilemmas of the Responsibility to Protect

By

Tiffany Iris Williams

Doctor of Philosophy in Political Science

University of California, Irvine, 2017

Professor Kevin Olson, Chair

The Responsibility to Protect (R2P) is widely heralded as a new norm in international relations and has become a primary ethical language in international politics. That R2P represents a normative advance is widely assumed, and the overwhelming focus for R2P supporters is how to improve its implementation. Whether R2P should be implemented is rarely asked. In contrast, I argue that R2P suffers from severe normative and theoretical flaws that undermine its desirability as an international political project. To bring these flaws to light, this dissertation analyzes the discourse of humanitarian intervention/R2P by identifying its underlying concepts and categories and demonstrating how this field of knowledge has been constituted by relations of power, specifically structures of global inequality.

First, I demonstrate that R2P and humanitarian intervention use two historical narratives to justify their legitimacy and necessity. These stories, which involve the historical emergence of international law, including the principles of sovereignty and non-intervention, and the emergence of the norm of humanitarian intervention, largely exclude the historical experiences of those in the global South, rendering both narratives theoretically and empirically flawed. Second, R2P relies on the idea of community, as evidenced by its calls for an international
community imbued with responsibility and claims that this community has accepted R2P. In contrast, I show that the existence and character of the ‘international community’ itself is problematic and that by marginalizing perspectives from the South, the R2P discourse actually undermines the formation of such a community. Third, I argue that R2P’s invocation of responsibility again works against its intention of instantiating global responsibility. By grammatically linking sovereignty and responsibility, human rights become relevant within a state and not in international practices, making Western states responsible for protection but not for their own harms. Moreover, this problematization reduces all events to an intervention/non-intervention binary frame, which lends support to harmful military interventions and marginalizes other humanitarian options. In response to these severe limitations, I offer an alternative to R2P, which I term international responsiveness, that retains a concern for the well-being of those beyond our borders but challenges rather than reinforces structures of global inequality.
INTRODUCTION

In the wake of the controversy surrounding NATO’s 1999 intervention into Kosovo, UN Secretary-General Kofi Annan asked, “if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that affect every precept of our common humanity?” (quoted in ICISS 2001a, vii). In response, the Canadian government convened the International Commission on Intervention and State Sovereignty (ICISS), a panel of prominent diplomats and academics, representing all parts of the globe, which sought to develop a global consensus on when it was acceptable to employ force to stop human rights atrocities.¹

The result was the 2001 doctrine of the Responsibility to Protect (R2P), which sought to shift the meaning of sovereignty from the principle of non-intervention to responsibility. Its central theme is the “idea that sovereign states have a responsibility to protect their own citizens from avoidable catastrophes – from mass murder and rape, from starvation – but that when they are unwilling or unable to do so, that responsibility must be born by the broader community of states” (ICISS 2001a, viii). This global responsibility involved a continuum of action: to “prevent” atrocities from occurring at all; to “react” when they did occur; and to “rebuild” after intervention takes place.

After its initial formulation, the Responsibility to Protect quickly became part of international politics. In December 2004, the report of the UN High-Level Panel on Threats, Challenges and Change “endorse[d] the emerging norm… [of] a collective international responsibility to protect” (United Nations 2004, 66, ¶203). R2P was further supported in March

¹ The ICISS was co-chaired by Gareth Evans, former Foreign Affairs Minister of Australia, and Mohamed Sahnoun, an Algerian diplomat and Special Advisor to the UN Secretary-General. The other members included Gisèle Côté-Harper (Canada); Lee Hamilton (United States); Michael Ignatieff (Canada); Vladimir Lukin (Russia); Klaus Naumann (Germany); Cyril Ramaphosa (South Africa); Fidel V. Ramos (Philippines); Cornelio Sommaruga (Switzerland); Eduardo Stein Barillas (Guatemala); and Ramesh Thakur (India).
2005, when the report of the UN Secretary-General, “In Larger Freedom: Towards Development, Security and Human Rights for All,” endorsed the findings of the High-Level Panel, and argued, “we must embrace the responsibility to protect, and when necessary, we must act on it” (2005, 35, ¶135). The biggest achievement came when R2P was unanimously adopted at the 2005 UN World Summit, which supporters have pointed to as demonstration of “an unambiguous acceptance by governments of the collective international responsibility to protect” (Weiss 2007, 118).

The Responsibility to Protect has therefore become an important part of international discourse, and there is in many ways a sense of triumphalism about the normative aspects of R2P. In other words, the moral and conceptual challenges are largely seen as settled, with R2P declared the only viable option for addressing mass atrocities. This sense of closure can be seen in the title to Gareth Evans’ 2011 piece in *Foreign Affairs*, “End of the Argument: How We Won the Debate Over Stopping Genocide.” In this same article, he approvingly quotes then UN Secretary General Ban Ki-Moon: “Our debates are now about how, not whether, to implement the responsibility to protect.” The consensus therefore seems to follow Weiss that “further normative progress is of little importance. It is far more crucial to understand and address the political shortcomings standing in the way of making R2P an operational reality” (2007, 4).

That R2P represents a normative advance, an important step forward in instantiating and supporting international morality, is widely assumed, and the overwhelming focus for R2P supporters (and many of its critics) is how to improve implementation of the norm. In other words, whether R2P *should* be implemented is rarely asked. In contrast, I argue that R2P suffers

---

2 The World Summit Outcome document had significant changes from the ICISS, most notably raising the threshold for action. International responsibility is invoked when a state is “manifestly failing” to protect its population, rather than the ICISS language of “unable or unwilling” to do so. It also limited military intervention to four specific crimes of genocide, war crimes, ethnic cleansing, and crimes against humanity. The World Summit Outcome also wedded intervention to Security Council approval (Heinze 2011, 23).
from severe normative and theoretical flaws that undermine its desirability as an international political project. To bring these flaws to light, this dissertation analyzes the discourse of humanitarian intervention/R2P, identifying the underlying concepts and categories that structure our knowledge of humanitarian intervention/R2P and demonstrating how this field of knowledge has been constituted by relations of power, specifically structures of global inequality.

More specifically, I show how R2P is dominated by what Graubart (2013) terms “pragmatic liberal interventionism.” This approach, he argues, seeks to implement a humanitarian intervention regime dominated by the United States and allied Western states, whose status as liberal democracies is assumed to assure responsible and desirable behavior (2013, 70). While the R2P discourse is neither monolithic nor uncontested, this liberal interventionist approach can be considered hegemonic because its proponents have been able to construct the categories through which the debates take place. In other words, the important point is that although there are certainly disagreements and heated debates, they largely take place on top of a “shared terrain” of deeper assumptions (Barkawi and Laffey 2006, 335).

The structure of the dissertation is therefore based on laying out this terrain, with each chapter focused on a key theoretical aspect of the discourse. The first is a Western-centric historical narrative that justifies the necessity of R2P. The second is an appeal to community that

---

3 Although most supporters take great pains to separate the two, I link humanitarian intervention and R2P for two reasons. First, R2P emerged out of the question of humanitarian intervention; the ICISS was explicitly convened to deal with the legal and ethical dilemmas that arose in the wake of the Kosovo intervention. Second, R2P shares the same conceptual bases as humanitarian intervention and is therefore part of the same discursive formation. Moreover, this separation itself is an important part of the power-knowledge dynamics, as I demonstrate in Chapter 2.

4 In identifying a discourse, I am following Epstein’s definition of a discourse as “a cohesive ensemble of ideas, concepts, and categorizations about a specific object that frame that object in a certain way, and, therefore, delimit the possibilities for action in relation to it” (2008, 2).

5 Many, if not most, of the most prominent scholars and supporters of R2P, such as Thomas Weiss, Alex Bellamy, Ramesh Thakur, and Gareth Evans, among others, fall under this category of liberal interventionism.

6 Examples of “debates” include: the significance of R2P’s adoption at the 2005 World Summit; its status as a norm in international relations; the likelihood of effective implementation; the “newness” of R2P principles; and debates over whether to intervene in any given situation, among others.
gives the discourse moral legitimacy. The third is the invocation of responsibility. Chapters 1-3 are focused on criticizing these three theoretical underpinnings, arguing that these underlying assumptions, to use Barkawai and Laffey’s phrase, present “both a social science problem and a political problem” (2006, 344). That is, they lend themselves to inaccurate empirical descriptions, and more importantly, combine to foreclose political alternatives. By identifying these hidden assumptions and foreclosed alternatives, I hope to open the way to new thinking about humanitarian norms and their place in relations between the global North and global South. The specific arguments in each chapter are explained in more depth below.

Chapter 1: Historical Narrative

In Chapter 1, I argue that both R2P and humanitarian intervention use two distinct but related historical narratives to justify their legitimacy and necessity. The first involves the larger historical emergence of international law, including the principles of sovereignty and non-intervention, while the second focuses on the emergence of the norm of humanitarian intervention itself. These stories form part of the doxa of R2P, presented as taken for granted historical “facts”. However, as this chapter will show, these narratives largely exclude the historical experiences of those in the global South, an exclusion that renders both narratives theoretically and empirically flawed.  

---

Throughout, I will use the terms North/South and the West/Third World interchangeably, as both sets of terms are used within the literature. Alison Jaggar gives a good explanation of the former: “Roughly, the ‘global North’ refers to highly industrialized and wealthy states, mostly located in the Northern Hemisphere—though Australia and New Zealand are possible exceptions. The ‘global South’ refers to poorer states that depend mostly on agriculture and extractive industries and whose manufacturing industry, if it exists, is likely to be foreign owned. Many (though not all) of these states are located in the Southern Hemisphere, and their populations tend to be darker-skinned, whereas the populations of the global North are mostly (though not exclusively) light-skinned. Northern states often have a history as colonizing nations and Southern states have often been colonized” (2005, 195). For the latter, I follow Obiora Okafor’s description of the Third World as a contingent but useful category involving a self-identity “coalescing around a historical and continuing experience of subordination at the global level that they feel they share” (Okafor 2005, 174). These categories therefore work as a useful shorthand but are not absolute.
The first narrative provides a macro-history of the emergence of the norm of sovereignty under international law. In this story, the principle of sovereignty emerges in Europe through the Treaties of Westphalia (1648) and then is gradually spread throughout the world with pernicious effects. For 400 years, so the story goes, states had unlimited sovereignty within their borders and could treat their own citizens as they pleased. Evans (2006c) captures this view: “For centuries, going all the way back to the emergence of the modern system of sovereign states in the 1648 Treaty of Westphalia, the view has prevailed that, to put it bluntly, sovereignty is a license to kill: what happens within state borders, however grotesque and morally indefensible, is nobody else’s business.” In this story, sovereignty remained absolute and unquestioned until the Holocaust laid bare the dangers and moral paucity of unlimited sovereignty.

This narrative of Westphalian sovereignty is so widely accepted that it is rarely subjected to critical scrutiny and has become a foundational tale within the International Relations (IR) discipline. However, as I argue in Chapter 1, this accepted narrative has three significant limitations: it incorrectly assumes sovereignty emerged fully formed in Europe in 1648; it creates an opposition between sovereignty and human rights, ignoring the violence that came from the denial of sovereignty; and it erases the historical experiences of the global South by focusing on the Holocaust as the paradigmatic example of genocide.

First, as the work of Antony Anghie (1996, 1999, 2006b) adeptly demonstrates, this story of Westphalian sovereignty effaces the colonial origins of international law. Sovereignty—as part of international law—is seen as emerging in the West and then gradually extending throughout the world. In contrast, Anghie draws our attention to the ways in which international law and the concept of sovereignty emerged out of the colonial encounter. Sovereignty did not emerge ex nihilo in Europe; instead, determining the meaning of sovereignty, and who would be
sovereign, involved a process of determining who was *not* sovereign. The answer was those non-Western peoples deemed ineligible for membership in international society. The concept of sovereignty was therefore not created in 1648, but rather emerged through the exclusion of non-Western societies from international law.

This process of exclusion from the realm of international law and international society is central to the second important limitation of the story of Westphalian sovereignty, namely its ignorance of the ways in which this exclusion served to legitimate colonial and imperial violence. To attribute this violence to sovereignty misses that colonial powers justified their actions precisely because non-Western peoples were *not* sovereign. Mégret’s (2006) analysis of the emergence of the laws of war provides one powerful example of this dynamic. Although such laws are seen as *limiting* state violence, it is more accurate to say that they seek to limit some forms of violence while legitimizing and permitting others. The 1899 Hague Conventions exemplified this dynamic, as participating states grappled with the problem of violence of war while simultaneously unleashing unprecedented violence outside their borders; as wars between sovereign states were subjected to new limits, European powers were given free reign in their treatment of colonial subjects, who were seen as too “uncivilized” for international humanitarian law to be applicable.

This colonial and imperial violence, however, has been erased by the third major limitation of the story, its use of the Holocaust as the paradigmatic example of the need for human rights. Focusing on the Holocaust as an example of the dangers of unlimited state sovereignty has resulted in a Western human rights project based on a fundamental opposition between sovereignty and human rights and overwhelmingly concerned with the dangers of non-intervention. However, such a construction fundamentally ignores the experiences of much of the
world. Bringing in the history of genocides and other mass atrocities that occurred through Western colonialism and imperialism shows that for much of the world the danger came from Western *intervention* rather than non-intervention.

By focusing on the story of Westphalian sovereignty, the legacy of colonialism and imperialism and the inequality that continues to structure the international system are excised from the record. Rather than a central problematic, colonialism and imperialism become historical aberrations. As such, the norm of non-intervention, based on sovereignty, becomes a problem to be overcome rather than a desperately needed protection in the face of a long history of Western intervention. In other words, the danger of sovereign *inequality*, in which sovereignty remains the prerogative of the powerful, remains unacknowledged.

This first narrative of Westphalian sovereignty, then, provides a macro-history that creates the central problematic of human rights, namely that sovereignty, through its mandate of non-intervention, is an obstacle to the realization of human rights and must be overcome. By default, then, the protection of human rights becomes linked to intervention. This opposition of human rights and sovereignty has been further entrenched by the story of humanitarian intervention, which follows a definitive pattern across a wide range of scholarship.

First, beginning where the previous story ends, the Holocaust is again identified as the catalyst that lays bare the ultimate necessity of human rights, providing the ultimate proof of the dangers of state sovereignty. In response to the Holocaust, the UN Charter and Universal Declaration of Human Rights (UDHR) made human rights a central tenet of international politics. Second, the story heavily criticizes Cold War politics for interrupting the normative promise of the Charter and UDHR, as human rights were unfortunately subordinated to political
needs. Third, the end of the Cold War has ushered in a new era in which the emancipatory potential of human rights can finally be realized through the norm of humanitarian intervention.

This Cold War story has several underlying assumptions that I challenge in Chapter 1. First, it continues the erasure of non-Western experiences by focusing on the East-West conflict, ignoring the North-South dimension. Second, treating the Cold War as a period of inaction on behalf of human rights keeps non-intervention as the primary obstacle to the realization of human rights. By erasing Cold War interventions by Western states, the story continues to ignore the dangers that come from the denial of non-Western sovereignty. Once again, human rights are placed in opposition to sovereignty. Third, and most importantly, it prevents serious criticism of US/Western foreign policy through a process of historical amnesia. In this narrative, any unsavory actions can be either ignored altogether or dismissed as an aberration, an unfortunate but necessary part of the Cold War struggle that pitted the freedom-loving West against the totalitarian Soviet Union. The self-image of Western states as human rights protectors and promoters therefore remains safely entrenched, and humanitarian claims are generally taken at face value.

Chapter 2: Community

Chapter 2 turns to what I see as the second major theoretical/rhetorical justification for R2P, the idea of community. This can be seen within the R2P doctrine itself, in which the responsibility for human rights protections falls to the international community if the sovereign state is unable or unwilling to protect its citizens (ICISS 2001a, viii). The idea of an international community is also invoked when supporters point to R2P’s adoption at the 2005 World Summit. In this case, the Summit ostensibly demonstrates that R2P has been adopted by the international community at large and is therefore not the prerogative of a few powerful states. As this chapter
will show, however, such claims are problematic for two key reasons. First, invoking an international community imbued with responsibility assumes that the existence and character of this community is not problematic. Second, claims to consensus within the international community in regards to R2P ignore the ways in which the R2P discourse systematically marginalizes perspectives from the South, thereby undermining the formation of such a community.

In challenging R2P’s acceptance of an existing international community, I am not dismissing the idea of such a community outright. Instead, I am arguing that R2P itself, along with its supporters, severely undertheorizes the meaning and practice of an international community. To address this lacuna, I turn to Wittgenstein and Stanley Cavell. Very broadly, their work is useful first for raising the question of community itself, which both view as never settled, and for providing a starting point to consider what it takes to create a meaningful community and to judge whether such criteria are being met.

The first aspect, raising the idea of community to begin with, is important because the question of community is largely ignored within the field of IR due to an underlying assumption that formal decolonization, in which all peoples were given sovereignty, marks the advent of an international community or society. In other words, bringing all peoples under the realm of international law brought all peoples into international society as well. Decolonization is therefore the founding event for the international community, and the question of community no longer needs to be raised.

Turning to Wittgenstein, however, problematizes these assumptions. First, he directs our attention to the need to consider what “forms of life” support a community (2009, §19, 11°). We should therefore be wary of claims to an international community that do not take shared
meaning or practices seriously; a community cannot be presupposed simply because its existence is stated. Moreover, Wittgenstein’s work highlights the need for a community to be continually reestablished (Pohlhaus and Wright 2002). A community is not established once and for all, let alone by unilateral fiat, and the ‘we’ of any community must always be open to further questions. Viewing the question of community as something that is not, and can never be, entirely settled provides an opening to evaluate R2P’s claims to community. To do so, I turn to Stanley Cavell, who like Wittgenstein, sees community as something always in the process of being (re)established. What Cavell adds to Wittgenstein’s work is his focus on the necessity of political voice in creating and maintaining a political community. There are three aspects of political voice that are central to my argument. First, the mutuality of speech means that speaking for oneself always entails speaking for others. Second, members of a community need to have not only the opportunity to speak politically, but also to speak in one’s own voice. Third, to be able to speak in one’s own (political) voice includes challenging the very principles of society, not simply their application in certain situations. As Chapter 2 argues, these three requirements fail abysmally when analyzing the discourse of humanitarian intervention/R2P.

First, as pointed out above, Cavell sees speech as essential to the formation and renewal of a political (or moral) community, and an important aspect of this speech is that it always involves others. As he argues, “To speak for oneself politically is to speak for others with whom you consent to association, and it is to consent to be spoken for by them—not as a parent speaks for you, i.e., instead of you but as someone in mutuality speaks for you, i.e. speaks your mind” (1982, 27). However, this connection is always tenuous and open to rebuff by those for whom you claim to be speaking.
To create an international community, then, all members must have the ability to speak not only for themselves, but also for the community as a whole, to make claims about what the ‘we’ of the community says. What I show, however, is that non-Western states and peoples continue to be excluded as contributors to questions of international norms. This exclusion is maintained through the systematic depreciation of the political, cultural, and intellectual contributions of the non-West (Grovogui 2003, 121). Decolonization, then, did not change the essential dynamic, whereby Western states arrogated the right to speak on behalf of the international community as a whole, a right generally denied the non-West.

The second aspect of political voice is that when speaking politically, one must be able to speak in one’s own voice. That is, members of a community must be able to draw on their own moral consciousness and sense of political history, and to speak in a manner that best gives voice to their views. To not speak in one’s own voice, or to not have it received as speech, as such, is not to speak at all. However, within the R2P discourse, perspectives from the South are either distorted or ignored altogether. This denial of political voice is done in three key ways.

First, postcolonial states are denied the ability to give voice to their experiences of colonialism and neocolonialism. For Western R2P supporters, colonialism and imperialism are irrelevant to broader issues surrounding humanitarian intervention, and this history is either ignored or treated as an obstacle to the protection of human rights by creating an emotional attachment to state sovereignty on the part of non-Western states. This failure, I argue, is in large part due to the historical narrative outlined in Chapter 1. As previously noted, this narrative places sovereignty in opposition to human rights, and in so doing, effectively effaces Western colonialism/imperialism from the historical record. As a result, it is treated as an aberration
relegated to the dustbins of history by the ‘expansion of international society’ following
decolonization.

Second, all critiques of humanitarian intervention from the South have been reduced to a
defense of absolute state sovereignty. To show that this characterization is empirically
inaccurate, I look at the ICISS regional roundtables. For most participants, opposition to
humanitarian intervention came not from a defense of sovereignty in principle but from political
concerns about how the norm would be implemented given the current structure of the
international system and the current and past behaviors of Western states. These issues therefore
included, among others, the continued violation of non-Western states’ sovereignty, the
monopoly of decision-making authority by Western states, selectivity and double standards, an
inability to separate humanitarian motives from geopolitical interests, and the destabilizing
effects of economic inequality. However, these political concerns were effectively ignored in the
formation of the R2P norm itself.

Third, R2P itself was designed to evade critiques from the South and to get around the
South’s continued rejection of humanitarian intervention. Rather than address the issues noted
above, R2P declared the political concerns from the nations of the South irrelevant through
definitional fiat. That R2P was chosen for its rhetorical/political value to Western supporters can
be seen in Weiss’ description of R2P as simply “a more politically acceptable reformulation of
the more familiar ‘humanitarian intervention’” (2011b, 225). The continued insistence by
supporters that R2P and humanitarian intervention are two different concepts, or that R2P is
primarily about prevention, can therefore be seen as rhetorical strategies to hide the link between
humanitarian intervention and R2P.
The “consensus” of the international community over R2P is therefore only maintained by marginalizing perspectives from the South. However, it would be a mistake to limit the analysis to the question of R2P itself. As the third aspect of political voice directs us, speaking in one’s own voice as part of a community also entails being able to question the very structures of society. This section therefore argues that questions surrounding humanitarian intervention and R2P cannot be understood in isolation, but rather must be placed in the context of critiques about the larger international system.

To make this argument, I examine documents from the Non-Aligned Movement (NAM) and Group of 77 (G-77), two international organizations dedicated to representing the interests and priorities of the South in international affairs. I focus on the years 1995-2012 to demonstrate that the issues raised during the debates over humanitarian intervention in the 1990s remain salient following R2P’s emergence in 2001 and its adoption at the World Summit in 2005. Specifically these concerns include: their continued marginalization within the international system; United Nations reform; global economic inequality; and the need to look at the interrelationship between domestic and international issues. It therefore starkly shows that R2P has failed to address concerns regarding the nature of the international system.

Unlike what R2P supporters often perceive as the core of criticism, I am not arguing that all states in the global South oppose humanitarian intervention/R2P, that the only critics are located in the South, or that all oppositions and criticisms of the mainstream view are inherently legitimate. What I am arguing is that there is an overwhelming tendency to declare the conceptual/normative issues settled and to focus on implementation, as well as a tendency to marginalize or silence the voices of those R2P is designed to help. In either case, most criticisms that move beyond the tactical level are excluded from the dominant discourse.
Bringing to the fore various perspectives from the global South therefore helps challenge these two tendencies. First, it demonstrates that the normative issues are far from settled despite R2P supporters’ overwhelming focus on consensus regarding the norm. Second, there is value added in taking these criticisms seriously. In other words, many of their challenges are not irrelevant or reactionary, but rather highlight very real limitations and dangers of the current hegemonic conception of R2P.

Chapter 3: Responsibility

Chapter 3 analyzes the third conceptual foundation of R2P, that of “responsibility.” As the name indicates, the idea of responsibility is central to the entire enterprise, which is based on redefining “sovereignty as control” to “sovereignty as responsibility” (ICISS 2001a, 13). For R2P supporters, this redefinition of sovereignty is seen as a fundamental change from the preexisting norm of humanitarian intervention, a change that addresses and overcomes the earlier opposition of Third World countries. However, the concept of responsibility found in R2P suffers from the same limitations outlined in the previous two chapters, namely privileging the experiences and perspectives of Western states. The result is that R2P works against rather than in service of responsibility.

To demonstrate the limitations of R2P’s construction of responsibility, I first draw on the work of Wittgenstein. There are two aspects of his work relevant to my project. First, he directs us to look for meaning not in an absolute sense, but rather meaning that arises from use. Second, his idea of grammar draws our attention to the relationship between concepts. I therefore look at how responsibility is used in the ICISS, focusing on the concepts to which it has been linked, and the silences or exclusions that result.
Most importantly, the ICISS links responsibility to sovereignty. Beyond redefining sovereignty as responsibility, this linkage can be seen in the insistence that primary responsibility for human rights protections rests with the state concerned; it is only if the state is unable or unwilling to fulfill this responsibility, or is itself the perpetrator, that it becomes the responsibility of the international community to act in its place (ICISS 2001a, 17). Ostensibly, emphasizing the centrality of sovereignty was meant to alleviate some of the concerns of non-Western states. However, the effect has been a reinforcement of Western power rather than a reaffirmation of non-Western sovereignty.

By linking responsibility to sovereignty, the ICISS places responsibility for human rights violations within the sovereign state, or more accurately, within the non-Western state. As a result, international practices, including the actions of outside states and international institutions, are excluded from this formulation. The end result is that Western actors and international institutions are constructed as uninvolved bystanders who can choose to get involved once Western states have determined that violations are taking place. That Western states could be implicated in any of the problems of the Third World becomes unthinkable. In other words, within the grammar of responsibility, Western states are responsible for protection but not for their own harms; they can be saviors or bystanders, but not perpetrators.

Although R2P has evolved since its initial formulation by the ICISS, this grammar continues to dominate the discourse, which revolves around an intervention/non-intervention paradigm. In this paradigm, Western states and international institutions face a choice between intervening for humanitarian purposes (savior) or staying uninvolved and letting atrocities unfold (bystander). Two important assumptions underlie this intervention/non-intervention frame. First, this paradigm assumes that members of the “international community” are not involved in the
crisis. Second, it links intervention to the exercise of responsibility and non-intervention to irresponsibility.

To highlight the material consequences of this limited frame, I turn to three empirical case studies: East Timor, Kosovo, and Libya. These cases are not meant to be exhaustive of every instance of “humanitarian intervention,” but rather are meant to serve as exemplary cases that highlight the problems of the discourse (Walzer 2000, xxii). The cases of East Timor and Kosovo were chosen because they are often cited as examples of humanitarian interventions that demonstrate the rise of humanitarian values in the post-Cold War era. In other words, they are important episodes within the story of humanitarian intervention. The Kosovo intervention is also important because it was a key impetus for the creation of the ICISS, and hence had an important influence on the formation of the R2P norm. Libya was chosen because it is the most recent example of a “humanitarian intervention” and the first military intervention to be explicitly justified under the R2P norm. Furthermore, using cases prior to and following the creation of the R2P norm allows an analysis of whether or not the switch from humanitarian intervention to R2P has significantly altered the discourse and practice.

The first case study, East Timor, starkly reveals the normative and empirical limitations of the intervention/non-intervention paradigm. Within the narrative of humanitarian intervention, the 1999 Australian-led intervention into East Timor marks an important step in the evolution of the norm. In this account, Western states finally intervened to stop atrocities against the East Timorese after twenty-five years of inaction by Western states. In other words, the problem is once again framed in terms of non-intervention. However, this characterization ignores the long history of active support for the Indonesian regime on the part of the United States, Australia, and Canada, among others. This support included tacit consent for the initial invasion, and giving
military, political, and economic aid as the genocide of the East Timorese took place. To characterize the situation as one of non-intervention or inaction is therefore empirically false.

In addition to being empirically inaccurate, the standard account of East Timor is dangerous because the way we conceive of a problem to begin with limits the solutions available to us (Campbell 1998a; Doty 1996). Narrating East Timor as a case of intervention for the protection of humanitarian values after decades of non-intervention leads humanitarian intervention/R2P to call on the United States and other Western states to intervene to stop atrocities. The assumption is that Western states are uninvolved and their intervention will be humanitarian. This framing therefore lacks a vocabulary to address the ways in which Western states are participating in or aiding atrocities themselves, which makes it difficult, if not impossible, address these policies within the R2P framework.

In much the same way, NATO’s 1999 bombing of Kosovo, without Security Council authorization, followed the intervention/non-intervention paradigm. In making the case for war, both UK Prime Minister Tony Blair and US President Bill Clinton presented their only options as intervening to protect the Kosovar Albanians or standing by and allowing then President of Serbia Milošević to commit mass murder. In making this case, they relied on a simplified morality tale of the evil perpetrator (Milošević), innocent victim (Kosovar Albanians), and savior (NATO).

This framing—a choice between intervention and non-intervention and intervention as prima facie humanitarian—has been widely accepted within the academic literature. NATO is viewed as facing a choice between intervening (through the bombing) or remaining uninvolved. That NATO chose to intervene is therefore taken as proof of either the ascendency of humanitarian values on the part of Western states or of the compatibility of values and interests.
Moreover, NATO’s lack of Security Council authorization for the bombing is presented as a choice between legitimacy/morality (intervention) and strict legality (non-intervention). The lesson therefore has been the need to reform international law to make it easier to intervene, accepting non-intervention as a problem to be overcome.

Once again, this accepted narrative is problematic. First, presenting the choice as to intervene or not intervene ignores the ways in which the UK and United States were involved prior to the bombing, most importantly in blocking a political settlement. Second, the presumption that intervention, by definition, is humanitarian has led to an uncritical acceptance of humanitarian claims for intervention, as well as an underestimation of the ways in which the pursuit of strategic interests can undermine humanitarian goals. Third, and most importantly, the presumption that intervention is humanitarian has led to an erasure of the effects of intervention on those whose behalf one claims to be intervening. In so doing, it has erased the ways in which intervention can, and did, escalate the violence.

The interpretation of Kosovo through the intervention/non-intervention paradigm is particularly dangerous as the case of Kosovo served as the impetus for the ICISS. Although R2P was supposed to overcome the dangers and limitations of humanitarian intervention, the essential conceptual categories—the intervention/non-intervention binary, link between intervention and humanitarianism, acceptance of humanitarian motives for Western states—have all remained firmly in place.

As a result, NATO’s 2012 intervention in Libya followed the same pattern. Political leaders in the United States, France, and the UK presented their only options as intervention to stop an impending massacre or non-intervention that would enable mass murder. In making this case, they once again relied on a simplified morality tale that obscured the political situation.
Involvement prior to the bombing was also ignored, as NATO refused to pursue diplomatic options. The link between intervention and humanitarianism similarly deflected attention from the devastating consequences. Rather than curtail the violence, the NATO intervention prolonged the civil war, broadened the geographic scope of the fighting, increased the number of casualties, and led to regional instability (Kuperman 2013).

Chapter 4: Conclusion

In the conclusion, I offer an alternative to humanitarian intervention and R2P, which I term international responsiveness, that is neither “fatalism and isolationism” (Weiss 1994) nor “cynical indifference” (Evans 2006c). Instead, it retains R2P’s cosmopolitan concern for the well-being of those beyond our borders, but fundamentally reconceptualizes the envisioned relationship between Western citizens and others.

To demonstrate why such a shift is necessary, I begin by analyzing R2P as a cosmopolitan project. Such a task is necessary as there has been very little consideration of the type of cosmopolitanism that animates the norm, or, more specifically, of how R2P is supposed to foster an expanded scope of moral concern. What I will show is that R2P is ultimately based on an impartialist cosmopolitanism that rejects partial attachments and justifies itself on the basis of common humanity. However, as the work of Erskine (2002, 2004) and Dobson (2006) direct us, solidarity on the basis of common humanity cannot be assumed. Instead, there is a need to actively foster and build concrete relations to others in order to form a solidarity that can inspire action. R2P is unsuited to this task because, as I demonstrate in Chapter 3, R2P imagines us as separated until a moment of crisis draws our attention and our involvement, which conceals rather than highlights ongoing material relationships.
In contrast, the concept of responsiveness (Beausoleil 2016; Schiff 2014) places such existing connections at its center. Schiff describes “the problem of responsiveness as the problem of acknowledging and experiencing our implication in others’ suffering” (2014, 21-22). In other words, cultivating responsiveness requires acknowledgment of the ways in which we are already involved in structures of inequality so that we may take responsibility for ameliorating their effects. This contrasts with R2P’s placement of Western states and citizens in the abstract role of savior, and therefore offers a vastly different analysis of the connection between Western citizens and human rights victims.

After laying out the theoretical argument for a shift from responsibility to responsiveness, I draw on Amy Bartholomew’s (2008) critical cosmopolitanism and Jonathan Graubart’s (2013) anti-empire solidarism to develop what international responsiveness might look like in practice as an alternative to R2P. Most importantly, I argue, is that it entails two fundamental shifts in perspective for citizens in the North. First, it involves a change in identity, from a bystander or savior to an implicated agent. Second, it shifts the focus from the South, long viewed as a distant site of disorder and intervention, to our own practices in the North. These two shifts have several important advantages over the current mainstream conception of R2P. These include creating the basis for international solidarity; directing our efforts to where they will be most effective; providing the critical tools to evaluate calls for military intervention, thereby bringing the focus back to the effects of intervention; and challenging rather than supporting global inequality.

Finally, I turn to the affective aspect of responsiveness to consider efforts for political change. As Schiff emphasizes, accepting our responsibility to others is not solely, or even primarily, a matter of knowledge. Instead, it is “an affective stance involving attunement to the suffering of others, and openness to acknowledging and experiencing the claims that such
suffering might make upon me” (2014, 34). The problem is therefore not to bring more facts to light or to make a better argument. Instead, it is crucial to consider the conditions that hinder responsiveness, including the interpretive frames that influence affective responses (Beausoleil 2016, 7-8). Here the key obstacles to acknowledging the connections between citizens in the North and South are the dominant historical narratives that underlie and justify humanitarian intervention and R2P. Alternative narratives can therefore help foster responsiveness by opening up new identities, changing how we interpret events, and creating new options for acting.
CHAPTER 1: HISTORICAL NARRATIVE

Although rarely acknowledged, both humanitarian intervention and R2P rely on historical narratives to justify their legitimacy and necessity. To understand the importance of these historical narratives, it is first necessary to identify what narratives do. Margaret Somers describes narrative as “an ontological condition of social life” (1994, 614, emphasis in original), and identifies several key ways in which narratives structure our social life. The first is the formation of identity. She notes that we come to be who we are by locating or being located in narratives, or in other words, being emplotted in stories. This is rarely a conscious process, and these narratives are rarely of our own making (606). Second, narratives play a crucial role in understanding the world. We make sense of what has happened by assembling a narrative or integrating it into one or more existing narratives. Through emplotment, significance is given to independent instances. To put it another way, ‘events’ are turned into ‘episodes’ (616). Third, narratives also serve as a guide to action: “people are guided to act in certain ways and not others, on the basis of projections, expectations, and memories derived from a multiplicity but ultimately limited repertoire of available social, public and cultural narratives” (614).

Taken together, the way in which we narrativize our past and present are crucial for the types of identities we hold, for how we come to understand or interpret events as they happen, and for delimiting what courses of action are available to us. This chapter therefore looks at how the R2P norm has come to be em plotted in a much larger historical narrative that functions in much the same way outlined by Somers. It constitutes a particular Western identity, takes

---

8 As I will show, narrative is a central feature of the work in support of R2P. However, as Ewick and Silbey explain, using or doing narrative doesn’t have to be a self-conscious or explicit process (1995, 201, f3). While some commentators, such as Gareth Evans, may explicitly use narratives, for many others it is more accurate to describe it as an unconscious process.

9 I will use stories and narratives interchangeably.
‘events’ of human rights abuses and plots them in a coherent story, and limits certain actions while enabling others.

One further aspect of narratives is important for my argument, namely that the social character of narratives means that they are as subject to power relations as any other social practice. As Ewick and Silbey point out, narratives aren’t only told within social contexts, but are social practices that are part of the constitution of their own context (1995, 211). Because they are social practices, “they are as likely to bear the imprint of dominant cultural meanings and relations of power as any other social practice” (211). In other words, narratives are just as likely to reinforce as challenge inequality (212). That narratives can serve rather than challenge inequality cannot be reduced to bad intentions, for they are told within particular institutional, historical, and interactional contexts that shape their telling, meanings, and effects (208). These contexts can therefore shape narratives in ways that exceed the intentions of individual storytellers.10 As Autesserre (2012) forcefully demonstrates in her analysis of dominant narratives about violence in the Democratic Republic of the Congo, well-intentioned efforts can unintentionally have severely negative consequences. She shows that by settling for a simplified story of the conflict’s main cause, consequence, and solution, international efforts have actually led to an increase in human rights violations.

Therefore, although supporters of humanitarian intervention and R2P are undoubtedly motivated by a genuine desire to further human rights protections, they remain unaware of the ways in which their narratives can reinforce global inequality. Although the norms of humanitarian intervention and R2P are seen as challenging state power by privileging human rights over power politics, what we will see is that the foundational stories of international law

10 Or as Cocks phrases it in a slightly different context, “the historicity of political keywords gives our imagination, speech, and action a density of meaning of which any individual speaker may or may not be aware” (2014, 16).
and humanitarian intervention function as ideological justifications for the sovereign right of Western powers (Foucault 2003). However, dominant narratives are never completely hegemonic, but instead are open to contestation by marginalized voices (Autesserre 2012, 208). This chapter therefore seeks to offer alternative readings of this history that open up different possibilities of action.

The chapter will proceed as follows. First I will give a paradigmatic example of the dominant, or hegemonic, historical narrative of the emergence of the R2P norm. The following two sections will challenge this metanarrative by deconstructing the two conceptually distinct, although clearly linked, stories that comprise it. The first, which begins with the Peace of Westphalia and ends with the Holocaust, provides a macro-history that creates the central problematic of human rights. Central to this story is a Eurocentric view of the formation of international law, in which sovereignty—the foundation of international law—is seen as being created in Europe and then spread throughout the world. Here I challenge this narrative by offering an alternative account of the emergence and evolution of international law, one that takes Western colonialism and imperialism seriously.

The second, which starts with the Holocaust and culminates with the end of the Cold War, focuses on the emergence of the norm of humanitarian intervention itself. In this story, the end of the Cold War has allowed humanitarian intervention to finally redeem the human rights promise created in the wake of the Holocaust, but delayed by Cold War power politics. In this case, I will argue that this story is flawed for two central reasons: it accepts the primacy of the East-West conflict, characterized as ideological, and it denies any relevance of Cold War politics for our current era. I therefore offer an alternative reading of the Cold War and demonstrate how it challenges the standard story of humanitarian intervention.

The ICISS similarly describes humanitarian intervention as “a promise to people in need” (2001a, 1).
R2P’s Metanarrative

Gareth Evans, one of R2P’s most prominent supporters, provides one of the most paradigmatic examples of the structuring narrative of the humanitarian intervention/R2P discourse. In arguing for the significance of R2P’s endorsement at the 2005 World Summit, Evans specifically urges us to locate it within a much longer historical narrative. He begins:

To appreciate how far the world came in 2005, it is important to understand where it had been. For an insanely long time – centuries in fact, going all the way back to the emergence of the modern system of states in the 1600s – the view had prevailed that state sovereignty is a license to kill: that it is no one’s business but their own if states murder or forcibly displace large numbers of their own citizens, or allow atrocity crimes to be committed by one group against another on their soil.

After World War II and Hitler’s Holocaust some progress was certainly made in challenging this absolutist conception of state sovereignty, with individual and group rights recognized in the UN Charter, and, more grandly, in the Universal Declaration; with the Nuremberg Tribunal Charter in 1945 recognizing the concept of ‘crimes against humanity’; and with the signing of the Genocide Convention in 1948. (2008a, 284)

However, Evans continues, the Cold War years remained focused on Article 2(7) of the UN Charter, which enshrined the principle of non-intervention. He laments: “The state of mind that even massive atrocity crimes like those of the Cambodian killing fields were just not the rest of the world’s business prevailed throughout the UN’s first half-century of existence” (2008a, 284). This changed with “the end of the Cold War [when] the prevailing complacent assumptions about non-intervention did at last come under challenge as never before” (284). However, Evans regrets, “old habits of non-intervention died very hard,” and he points to UN failures in Somalia, Rwanda, and Srebrenica, Bosnia (285). Following these failures, “the killing and ethnic cleansing started all over again in Kosovo in 1999” (285), and in the face of Security Council

---

12 Although I critique his work extensively, my focus on Evans is not an attack on him personally. Here it is important to keep in mind Cocks’ apt warning: “In the modern age, individuals who produce dramatic upheavals in the daily lives of others are most often not Machiavellian princes, emperors, or conquistadors but more ordinary human beings situated at key nodes of power so much larger and more complex than themselves that the assaults would continue regardless of whether any one of those human beings lived or died” (2014, 129).
paralysis, action was taken “by a coalition of the willing, but in a way that challenged the integrity of the whole intervention security system” (285).

It was the intervention in Kosovo, without Security Council approval, that instigated a fierce debate over humanitarian intervention. Evans describes the debate thus:

Throughout the decade of the 1990s a fierce argument raged on between, on the one hand, advocates of ‘humanitarian intervention’ – the doctrine that there was a ‘right to intervene’ militarily, against the will of the government of the country in question, in these cases – and, on the other hand, defenders of state sovereignty, who insisted that internal events were none of the rest of the world’s business. It was very much a North-South debate, with the many new states born out of decolonization being very proud of their newly won sovereignty, very conscious of their fragility, and all too conscious of the way in which they had been on the receiving end in the past of not very benign interventions from the imperial and colonial powers, and not very keen to acknowledge their right to do so again, whatever the circumstance. And it was a very bitter debate, with the trenches dug deep on both sides, and the verbal missiles flowing thick and fast, often in very ugly terms.

This was the unpromising environment in which the concept of the responsibility to protect was born. The deadlock was broken by what seemed initially destined to be a rather obscure international commission initiated by Canada13… (2008a, 285)

He concludes the story with R2P’s endorsement by the UN General Assembly at the 2005 World Summit, after which “[w]e have something in place which can properly be described as a new international norm, and perhaps on its way to becoming a new rule of customary international law” (286).14

---

13 Evans is referring to the ICISS, which he co-chaired with Algerian diplomat Mohamed Sahnoun.

14 Here Evans is perhaps more positive than most on the importance of the 2005 World Summit and R2P’s status as an international norm. Although Lindberg (2005) praises the Summit as “a revolution in world consciousness in international affairs,” Byers (2005) criticizes the outcome document for stripping the content out of R2P and keeping limits on intervention in place. Bellamy also criticizes the Summit for watering down the R2P norm, arguing its adoption has had little impact (2006, 155, 169). Héhir refers to R2P as an “illusory platitude” (2011) and “sound and fury signifying nothing” (2010), arguing that the Summit just restated existing law. Wheeler (2005) likewise argues that its adoption didn’t change the parameters shaping humanitarian intervention. As far as its status as a norm in international law, Thibault argues that “R2P presents itself primarily as an ideal” (2012, 215), whereas Kikoler (2009) views R2P as an emerging rather than established norm. More critically, Focarelli (2008) argues that R2P is too ambiguously tied to humanitarian intervention to become an effective norm, Reinold (2010) questions the viability of R2P as a norm, arguing that it lacks conceptual clarity and consistent state practice, and Stahn (2007, 120) views R2P as “a political catchword rather than a legal norm.” As Chomsky (1987, 132) reminds us, however, tactical disagreements can mask widespread agreement of underlying premises. In this way, tactical debates over the efficacy and importance of R2P as norm and its adoption at the 2005 World Summit still widely accept Evans’ overall narrative and its underlying assumptions.
Here we can see how ‘the event’ of the 2005 Summit is turned into one ‘episode’ of many in the much longer story of state sovereignty and non-intervention. This story is remarkable for how unremarkable it is, as it employs the following widely accepted tropes: the overwhelming focus on Westphalian sovereignty, seen as originating in Europe and expanding to the rest of the world; the Holocaust as the defining moment that reveals the dangers of state sovereignty and the ultimate necessity of human rights; the Cold War as a limitation on the normative promise of human rights, and its end as an opportunity for humanitarian action; Somalia, Rwanda, and Bosnia as failures on the part of the West, which either failed to act at all or did so half-heartedly and often counterproductively; Kosovo as the defining moment of truly humanitarian action, but at the same time sparking a crisis in international law; debates over humanitarian intervention between Western states who want to protect human rights and non-Western states who cling to absolute notions of state sovereignty; and finally, R2P as ultimately overcoming these divisions.

What is also notable is what we do not see, namely any reflection on the importance or relevance of Western violence in the Third World. A closer look at Evans’ narrative reveals this elision. To be fair, he does mention colonialism and imperialism, but not within the historical timeline, which jumps from Westphalia to the Holocaust. Instead, the legacy or importance of colonialism and imperialism is as an obstacle to human rights protections. In his telling states in the South defended absolute state sovereignty because newly decolonized states were “very proud of their newly won sovereignty, very conscious of their fragility, and all too conscious of the way in which they had been on the receiving end in the past of not very benign interventions from the imperial and colonial powers” (2008a, 285). Colonialism and imperialism are therefore
relevant only insofar as their memory evokes an emotional (and implied, therefore illogical), attachment to sovereignty. In a similar process of erasure, the Cold War is portrayed as a period of *inaction*, ignoring the myriad interventions by Western states, especially the United States, into the Third World. The rest of the chapter therefore focuses on bringing these silences to light.

**From Westphalia to the Holocaust: The Story of Human Rights**

In this section, I will focus on the first two tropes outlined above, the emphasis on absolute Westphalian sovereignty and the Holocaust as the defining moment that reveals the moral bankruptcy of sovereignty and non-intervention. Together, they have created the normative and intellectual foundations of human rights in such a way as to exclude the experiences of non-Western societies, especially those subjected to Western colonialism and imperialism. In aiming to bring these experiences back in, I am drawing on the Third World Approaches to International Law (TWAIL) movement within international legal studies. Rather than a single approach, Okafor describes it as “a broad dialectic (or large umbrella) of opposition to the generally unequal, unfair, and unjust character of an international legal regime that all-too-often (but not always) helps subject the Third World to domination, subordination, and serious disadvantage” (2005, 176). Key features of this approach include taking seriously *world* history and the equality of Third World peoples, and offering epistemic and ideological resistance. In sum, TWAIL has a “dogged insistence on history, continuity, centering the Third World,

---

15 This point will be further discussed in Chapter 2.
16 Sylvester criticizes the overwhelming focus on Western colonialism: “The preoccupation with the West, and its knowledge/power configurations internationally, acts as the paradigmatic grounding for postcolonial studies. The West—often understood as the Anglo West—fascinates in its scope, reach and permutations, in its inducements, rewards, neuroses” (1999, 714). She argues that focusing on European colonialism precludes discussion of other issues, such as the Japanese colonization of Korea or Chinese colonization of Tibet. While her point is well-taken, I focus on Western colonialism because the stories of human rights and humanitarian intervention are based on Western experiences, propagate a specific Western identity, and serve as ideological justifications for Western state power. As such, it is necessary to disrupt the stories Western states and citizens tell about themselves.
17 Chimni (2003) and Mutua and Anghie (2000) provide further overviews of the TWAIL perspective.
resisting global hegemony, demanding increased global equality, and unmasking the hand of power in the construction of knowledge” (186).

Westphalia

The idea of Westphalian sovereignty looms large in the literature of human rights and humanitarian intervention, and is almost universally used as a foundational moment, the origin of the story. Once again, Evans nicely encapsulates the underlying assumptions of the discipline. Demonstrating the dominant treatment of Westphalian sovereignty, he reflects:

For present purposes, the significance of the Westphalian principles, which steadily expanded beyond Europe and over time became the accepted worldwide norm, is that…they effectively institutionalized the long-standing indifference of political rulers toward atrocity crimes occurring elsewhere, and also immunized them from any external discipline they might conceivably have faced for either perpetrating such crimes against their own people or allowing others to commit them while they stood by. Thus sovereignty—the possession by a country of the recognized trappings of independent statehood—meant immunity from outside scrutiny or sanction: what happened within a state’s borders and its territorial possessions, however grotesque and morally indefensible, was nobody else’s business. In the history of ideas, there have been few that have prevailed to more destructive effect. (2008c:16)

Although phrased a bit polemically, the view that “in the history of ideas, there have been few that have prevailed to more destructive effect” (16) is hardly controversial.

Perhaps the most obvious evidence of the acceptance of this narrative is the way in which the antagonistic binary of human rights and sovereignty dominates the literature on human rights.

---

18 Of course, not all academic literature treats the absolute nature of sovereignty as an empirical fact. Krasner’s (1999) seminal work Organized Hypocrisy challenges claims that sovereignty is under unprecedented assault in an era of globalization and transnational activism, arguing such claims (incorrectly) presuppose an era where sovereignty was an effective and respected institution. Philpott argues that “state sovereignty has been revisable and revised, violable and violated—constant, continuously, for diverse causes and purposes” (2001b, 298), while Walker (2002) sees sovereignty as a political practice rather than established fact. However such problematizations have done little to change its narrative treatment as such. Moreover, even those who are critical of the storytelling about sovereignty and international law do not discuss their relationship to colonialism. For example, while Onuf (2002) criticizes the simplified story of international law, he is concerned with linking international law to social and political developments within Europe.
and humanitarian intervention. That it should take this form is unsurprising as binary oppositions are often central to the construction of meaning. Importantly, these oppositions are not neutral but instead work to establish a hierarchical relation between the terms (Milliken 1999, 229). As the following examples will show this oppositional human rights/sovereignty binary remains an omnipresent specter.

In her study of the historical evolution of international norms regarding the use of force, Finnemore (2003, 79) uses this binary in her description of the post-World War II era. She argues that the principles of human rights and justice, found in the Universal Declaration of Human Rights (UDHR) and Human Rights Covenants, were balanced against the principles of nonintervention and sovereignty, enshrined in the UN Charter. Although people were now viewed as deserving protection, the idea of sovereign equality prohibited interference in the domestic affairs of states, even in cases of human rights violations. Buchanan shares this view, noting “a disturbing tension between two core values of the international legal system itself: respect for state sovereignty and a commitment to peaceful relations among states, on the one hand, the protection of basic human rights on the other” (2003, 131). For Lauren, national sovereignty and international human rights have been diametrically opposed since their codification in the UN Charter and “conflict between the two would set the stage for innumerable struggles to come” (2003, 193). Others are more forceful in their denunciations. Hurrell argues the sovereign system is “fundamentally inhospitable to the promotion by states of both human rights and democracy” (1999, 277), while Donnelly maintains, “controlling the

---

19 For other examples of this binary in addition to those discussed below, see: Baehr (2004, 24-25); Barnett and Weiss (2008, 27); Bellamy (2005, 33); Bloomfield (2015); D’Agostini (2004, 145); Davis (2004, 4); Gerber (2011, 28); Ignatieff (2001, 38); Kikoler (2009, 4, 6); Kusano (2004, 123); Tesón (2003, 93); and Wheeler (2002, 12-13, 27), among others.
modern state is central to the realisation of any plausible conception of human dignity” (2003, 86).

To understand how this binary has come to dominate the literature, it is helpful to return once more to Evans’ denunciation of state sovereignty. There are two key points here. The first is that Evans describes Westphalian principles as “steadily expand[ing] beyond Europe and over time becom[ing] the accepted worldwide norm” (2008c, 16). In other words, sovereignty is seen as emerging in Europe and spreading to the rest of the world. The meaning of sovereignty is therefore assumed to be already established within Europe, with colonialism only relevant to the extent by which decolonization universalized these principles.20 Second, Evans claims that “what happened within a state’s borders and its territorial possessions, however grotesque and morally indefensible, was nobody else’s business” (16). The assumption here is that violence in the “territorial possessions” was caused by sovereignty. Both of the above assumptions are problematic and will be deconstructed below.

First, I offer an alternative account that demonstrates how sovereignty in particular, and more broadly international law with its concomitant idea of international society, did not emerge isolated in Europe, but rather was fundamentally shaped by the colonial experience. Second, and related to the first, I show how for much of the non-West, violence was not a function of sovereignty, but rather of its denial. In other words, violence was justified not on the grounds of sovereignty, but rather that non-Western peoples were not sovereign and therefore were undeserving of the protections granted to sovereign states and their citizens.

---

20 Even Daniel Philpott’s historical study of Westphalia repeats this characterization. Although Philpott does discuss the fact that non-Western peoples were excluded from the realm of sovereignty, he ignores the ways in which this exclusion was central to the very formation of sovereignty. He likewise characterizes decolonization as a process of universalization (2001a, 153).
International Law and the Colonial Encounter

To challenge this story of Westphalian sovereignty, it is necessary to recognize the nature of law. Like law in general, international law is generally viewed as an emancipatory force. Although debates have raged over the status and relevance of international law, there is an underlying assumption that “international law is unquestioningly a force for good. It stands in opposition to tyranny and empire…[and] provides the means to a new global order defined by a shared cosmopolitan ethic…” (Buss 2006, 87). Such an interpretation treats law as a negative constraint. However, it is much more useful to think of law as a productive form of power, one that “produces reality[,] …domains of objects and rituals of truth” (Foucault [1979] 1995, 194). It produces reality by creating the very categories through which we see the world and delimiting the realm of the possible.

One of the key categories or realities is the idea of cultural difference, which both helped produce and was produced through international law. As the following will show, this idea of cultural difference worked through a complicated process of exclusion/reincorporation. As Anghie explains, “legal doctrines play the crucial role of identifying the other—and this has the effect of expelling the other from the realm of law—and then proceeding to develop the doctrines necessary to suppress, transform, redeem the other” (2006c, 394). On the one hand, violence toward the non-West was justified on the basis of their exclusion from the realm of international law. On the other hand, it was also justified as a means to effect civilizational transformation. Anghie’s careful study of the centrality of the colonial encounter to the creation

---

21 These debates are largely about whether international law can even be said to exist given that the international realm lacks a governing authority and whether international law is fundamentally undermined by the geopolitical actions of powerful states (Falk 2002, 46-48). Also see Henkin (1990) for an overview of debates about the efficacy of international law.

22 See Pettit (1997) for a characterization of law as a constraint on (arbitrary) action.
and elaboration of international law provides insight into this process of exclusion and violent reincorporation, as well as the idea of cultural difference that supports it.

Anghie (1996) locates the origin of international law in the works of sixteenth century theologian and jurist Francisco Vitoria, whose two main works—‘De Indis Noviter Inventis’ and ‘De Jure Bellis Hispanorum in Barbaros’—were essentially concerned with the relations between the Spanish and Indians. Anghie notes that the question facing Vitoria was not the traditional International Relations concern of creating order out of sovereign states, as it was sovereignty itself that was in question: “Vitoria’s work addresses a prior set of questions. Who is sovereign? Are the Indians sovereign? What are the rights and duties of the Indians and Spaniards? How are the respective rights and duties of the Spanish and Indians to be decided?” (1996, 322) It was therefore through the colonial encounter that sovereignty doctrine, the complex set of rules deciding what entities are sovereign and the power and limits of sovereignty, were decided.

Vitoria begins his analysis by first rejecting the medieval juris based on the Pope’s universal authority. Instead, he argues that because Indians are human and possessing of reason, they are included under the *jus gentium* of natural law. International law would therefore be based in natural law administered by a sovereign rather than the divine law of the Pope. Vitoria is often praised for his humanitarian efforts to protect the interests of the Indians. However, this inclusion of both the Indians and Spanish under natural law was not a relationship of equality. Rather than offer protections to the Indians, it universalized Spanish cultural practices and naturalized and legitimated a system of commerce and Spanish penetration. This *jus gentium* granted the Spanish the right to freely trade, travel and proselytize in Indian territories, and any interference became a violation of natural law, giving the Spanish the right to ‘defend’ their interests.

---

23 The following discussion of Vitoria is all drawn from this article.
The appeal to universal natural law further supported Spanish violence by legitimizing intervention into Indian lands in the name of bringing civilization. Because the Indians’ social and cultural practices were at odds with ‘universal Spanish practices’, they were marked as radically different and inferior. However, their capacity for reason—which brought Indians under the realm of natural law to begin with—showed their potential to achieve perfection. The most important transformation would be adopting Christianity, which was of course part of the universal *jus gentium*. Once again, any resistance to conversion becomes a violation of natural law and a justification for war. In effect, war becomes the vehicle to effect the Indians’ transformation.

Starting an enduring pattern, we see international law being used to legitimize Spanish (European) violence to protect their own commercial interests and transform non-European societies. We also see the formation of European sovereignty through the denial of non-European sovereignty. Although Vitoria is ostensibly rejecting religious authority, he once again draws on Christianity in his construction of sovereignty. For Vitoria, the right to wage war was one-sided, as only Christians can wage a just war. Because the power to wage war is the most important prerogative of the sovereign, Indians could never be sovereign. Therefore, rather than a defender of the Indians, Vitoria’s legacy can be seen as one of instituting a durable system of domination. Anghie summarizes this legacy:

Vitoria’s real importance lies in his developing a set of concepts and constructing a set of arguments which have been continuously used by western powers in their suppression of the non-western world and which are still regularly employed in contemporary international relations in the supposedly post-imperial world. In particular, we see in Vitoria’s work the enactment of a formidable series of maneuvers by which European practices are posited as universally applicable norms with which the colonial peoples must conform if they are to avoid sanctions and achieve full membership. Vitoria’s jurisprudence demonstrates, furthermore, how the construction of the barbarian as both within the reach of law and yet outside its protection creates an object against which sovereignty may express its fullest powers by engaging in unmediated and unqualified
violence which is justified as leading to conversion, salvation, civilization. Non-European peoples have been continuously characterized as the barbarians compelling the further extension of international law’s ambit. (1996, 332-333)

This centrality of the colonial encounter would be retained as international law shifted from a system of natural law to positive law during the nineteenth century.24

Under Vitoria’s system of natural law, the sovereign administers the law, whose principles were identified by the use of reason. Under positive law, the sovereign still administers the law, but also creates it through its sovereign will; “the fundamental positivist position [is] that states are the principal actors of international law and they are bound to that which they have consented” (Anghie 1999, 2). As states, rather than transcendental principles, were its source, international lawyers would identify law through the careful study of the actual behavior of states and the laws and institutions they created. Starting from these premises, the central theoretical question then becomes how legal order can be created out of sovereign states. Colonialism is therefore incidental or altogether excluded from this imaginary, as it is not a confrontation between two sovereign states. However, Anghie argues that colonial problems were no less central to positive law than natural law, as “positivists were engaged in an ongoing struggle to define, subordinate, and exclude the uncivilized native” (7).

The biggest challenge to the theoretical and political project of international law was the late nineteenth century jurist John Austin. Essentially, Austin argued that without a sovereign, there could be no positive law, and because the international realm lacked an overarching sovereign, international law could not be said to properly exist. The challenge for positivists became the justification of international law’s status as law even though it failed to meet Austin’s criteria. In other words, international lawyers were set the task of proving that

---

24 Positive law refers to human-made laws, in our case those made by sovereign states. This is in contrast to natural law, which is comprised of inherent rights conferred by God, nature, or reason.
international law existed despite the lack of an ultimate authority above states to create and enforce the law. International lawyers therefore justified the existence of international law by “establishing that a functioning system of rules governed the behavior of states, as exemplified by the operation of customary international law” (Anghie 1999, 16). Importantly, this custom presupposed a preexisting society. In other words, international law was law only if sovereign states were part of an international society. Society therefore became a founding concept of international law.

Most importantly, the centrality of society raised the question of membership. If international society could be said to exist, creating law out of its customs, who would be included as its members? The answer for positivists was that only civilized societies could be part of international society, and the test for civilization was once again European cultural, political, social, and legal institutions. Moreover, expelling non-European peoples from international society would in effect expel them from sovereignty as well, as the civilizational differences used to determine membership in international society and international law were translated into the realm of sovereignty. As Anghie (1999, 25-28) points out, the traditional criteria used by positivists to define sovereignty—control over territory or having a ruler who possessed ultimate authority for that society—would have included a great many non-European peoples. The answer turned back on the idea of society; non-European societies lacked sovereignty because they were excluded from the family of nations.

To sum up, sovereignty, a core doctrine of international law, is generally seen as emerging in Europe and then expanding to the rest of the world, largely through the process of decolonization in the twentieth century. However, as Anghie’s analysis shows, the colonial encounter, along with its concomitant distinction between the civilized and uncivilized, was
central to the evolution of the norm itself, as European sovereignty was consolidated through the denial of non-Western sovereignty. However, it would be a mistake to see the problem primarily in terms of exclusion, which could be remedied by greater inclusiveness. This exclusion of non-European peoples from its jurisdiction was followed by violent attempts to readmit the uncivilized into this legal framework.

The violence of this exclusion and forceful reincorporation can be seen in Frédéric Mégrets’s critical examination of the emergence of international humanitarian law (or laws of war). Although the laws of war are seen as limiting state violence, it is more accurate to say that they seek to limit some forms of violence while legitimizing and permitting others. As Mégret notes, “It is a fact hardly stressed that the emergence of modern international humanitarian law coincided with the apotheosis of perhaps the most outrageous and voracious colonizing spree in world history since the conquista” (2006, 269). These opposing trends were evident in 1876, which saw the formation of the Red Cross and the Berlin Conference, which marked the opening salvo of ‘Scramble for Africa’.25 Similarly, the 1899 Hague Conventions grappled with the problem of violence of (European) war while many of the participating states unleashed unprecedented violence outside their borders.

That efforts to make warfare more humane, by outlawing certain types of violence, could comfortably co-exist with this colonial violence becomes less surprising if we follow Foucault’s insight that law does not aim to eliminate illegalities altogether:

Penalty … [is] a way of handling illegalities, of laying down the limits of tolerance, of giving free reign to some, of putting pressure on others, of excluding a particular section, of making another useful, of neutralizing certain individuals and profiting from others. In short, penalty does not simply ‘check’ illegalities, it ‘differentiates’ them, it provides them with a general ‘economy’. And, if one can speak of justice, it is not only because

---

25 As a striking example of how events can play different roles in different narratives, Gareth Evans describes the Berlin Congress as evidence of the stirring of collective conscience, which was “conspicuously unsuccessful” (2008c, 18).
the law itself or the way of applying it serves the interest of a class, it is also because the differential administration of illegalities through the mediation of penalty forms part of those mechanisms of domination. ([1979] 1995, 272)

International humanitarian law therefore sought to limit wars between sovereign states, while giving European powers free reign in their treatment of colonial subjects. The applicability of international humanitarian law outside of Europe became voluntary, the result of chivalry or charity, an effort to protect a sense of paternalistic honor and civilizational pride (Mégret 2006, 282).

As Mégret demonstrates, this reluctance to the universal application of international humanitarian law ran deep. For Europeans, “what seems to have been at stake is a sense of distance, a distance that was of course geographic but also and mostly civilizational” (2006, 286). Like international law in general, international humanitarian law was based on a distinction between the ‘civilized’ and ‘uncivilized’ world. As a result, “This constant contrasting of the ‘civilized’ and the ‘non-civilized’, and association of civilization with the laws of war, is what then made it easy to take the next step – to consider that the laws of war were not applicable to ‘non-civilized’ peoples” (288). This strong sense of solidarity and intra-European identity then set the stage psychologically for a releasing of constraints outside Europe. While the laws of war sought to restrain intra-European wars, there was no problem with the British using bullets infected with smallpox or aerial bombardment in their colonial wars, with US soldiers torching villages in the Philippines, or with France bombing Damascus, razing whole neighborhoods and

---

26 Also see Kinsella (2011), chapter 5 for a discussion of the central role of the discourse of civilization in the formation of international humanitarian law.
killing hundreds of locals (280, 282, 294). Mégret concludes, “Essentially the idea was one of a sliding scale; that standards should be dependent on whom one was fighting against” (288).

Mégret (2006, 308-310) also points to the ways in which the laws of war were one of the foremost instruments of forced socialization of non-Western nations into the international community; waging war on the West’s terms became essential to proving that one deserved membership in the family of nations. In addition to militarily disadvantaging non-Western nations, it also transformed non-Western societies by legitimizing the shift to large standing armies. He wryly notes, “It may well be, therefore, that the spread of the West’s own model of centralized, industrialized violence – essentially the fabrication of a dehumanized war machinery – to the rest of the world, manifested itself in an exponential increase in the overall amount of violence experienced by humankind” (2006, 317).

What we see, then, is that through the laws of war, the other is first excluded from the realm of law, and then forcefully reincorporated. This dynamic is not unique, but is rather a particular example of the wider logic of international law. Although Foucault is focusing on the disciplining of individual bodies, his discussion of disciplinary penalty remains useful for grasping the disciplining function of international law. One aspect of discipline is its combination of “[h]ierarchized, continuous and functional surveillance” with normalizing judgment ( [1979] 1995, 176). In other words, penalty “compares, differentiates, hierarchizes, homogenizes, excludes. In short, it normalizes” (183, emphasis in original). Moreover, this

---

27 Exemplifying this dynamic, the United States ardently supported the 1899 Hague regulations, while also advocating the torture and extermination of Filipinos during the Philippine-American war, which was deemed the only possible response to the innate barbarism of the Filipinos (Kinsella 2011, 108).

28 Kinsella (2011) further demonstrates both the entrenchment of discourses of civilization within international humanitarian law and its use in demarcating international society. She notes that during the Algerian independence movement (1954-1962), the National Liberation Front (FLN) used its adherence to international humanitarian law to demonstrate that “Algeria was competent, rational, and, most importantly, civilized enough to deserve and demand self rule” (2011, 131). The key point is that the standards of civilization were not destroyed but spread; in other words, civilization was still a standard of international order but was now a shared attribute (2011, 135).
“differentiation…is not one of acts, but of individuals themselves, of their nature, their potentialities, their level or their value” (181). It is not actions or violations that are being judged, but rather the individual soul. We see in international law this same hierarchical and normalizing gaze, in which non-European societies are categorized, classified, studied, and ranked on the ladder of civilization (see Gong 1984).

Two further aspects of disciplinary penalty prove useful for my analysis. The first is that it has a different aim than prior forms of punishment. Its target is non-observance, that which does not measure up to the rule or departs from it. In other words, disciplinary punishment is corrective (Foucault [1979] 1995, 179). Its aim is not simply to punish but rather to transform; if disciplinary power marks the normal from the abnormal, it is so that the abnormal can be transformed and brought back into the realm of the normal.29 In the same way, international law did not merely exclude non-European societies, but rather posited a difference in order for it to be overcome. As noted above, international law emerged not from efforts to create order among sovereign states but was instead based on the problem of cultural difference. As Antony Anghie (2006b, 741-742) argues:

International law may be seen as an attempt to establish a universal system of order among entities characterised as belonging to different cultural systems. This problem gives rise to what might be termed the ‘dynamic of difference’: international law posits a gap, a difference between European and non-European cultures and peoples, the former being characterised, broadly, as civilised and the latter as uncivilised…This gap having been established, what follows is the formulation of doctrines that are designed to efface this gap: to bring the uncivilized/aberrant/violent/backward/oppressed into the realm of civilisation, the universal order governed by (European) international law.

29 This drive to transform through law was not limited to international law. See Merry (1991) for a review of the relationship between law and colonialism and Merry (2000) for a detailed study of the ways in which law was deployed in attempts to transform colonial Hawaiian society.
In other words, non-European societies were to be subjected to disciplinary power not because they have violated any law but because of their failure to conform to European standards of social organization.

International lawyers have therefore been concerned about the proper function of government in non-European societies since at least the modern beginnings of the discipline in the sixteenth society (Anghie 2006a, 118). Under the earlier natural law, the manner in which Indian rulers governed their people figures prominently in Vitoria’s deliberation, with their deficient governance marking them as inferior. Under nineteenth century positivist law, government was the crucial test of whether a state was civilized, and civilization was defined as the conditions in which a European could feel safe and secure (120). The test of this security was the capacity to tolerate, protect, and facilitate European trade, which further linked governance to trade. This link was further cemented at the Berlin Conference, which developed a new rationale for colonialism; the expansion of commerce was the means of effecting the entry of the backward people into the world of civilization. “In short, international law has sought to create non-European governments that would facilitate European commercial expansion into the colonies and, in so doing, civilize and develop the backwards natives” (116). This disciplining of non-European societies stood in marked contrast to the doctrines of sovereignty that governed European states. Anghie notes, “At a time when government within European states was immune to regulation by international law, government in non-European states was a matter that international law could dictate” (123).

In sum, describing nonintervention as “the organizing principle of international relations since Westphalia” (Weiss 2011b, 299) or “Westphalian principles” as “steadily expand[ing] beyond Europe and over time becom[ing] the accepted worldwide norm” (Evans 2008a, 16) is
unsatisfying for several reasons: it ignores the ways in which the colonial encounter was central to the formation of international law, creating structuring categories that divided the world into civilized/sovereign and uncivilized/non-sovereign; it erases the violence inflicted by colonial and imperial powers, which was justified not on Westphalian principles of sovereignty and non-intervention but rather on the fact that most of the non-West was seen as not sovereign, and therefore undeserving of such protections; and it creates a normative foundation for human rights that ignores the historical experiences of much of the world. This last point is particularly evident in the central place that the Holocaust has in the human rights narrative, which will be discussed in more detail below.

_Holocaust_

As I argued above, the trope of Westphalian sovereignty completely excises its colonial and imperial roots. However, this elision is not unique. Instead, it must be placed in the context of a much larger epistemic silence identified by Sankaran Krishna, in which “the discipline of international relations was and is predicated on a systematic politics of forgetting, a willful amnesia, on the question of race” (2001, 401). This ‘politics of forgetting’ is maintained through what Frederic Jameson calls a ‘strategy of containment’, which he describes as “a means at once of denying those intolerable contradictions that lie hidden beneath the social surface…and of constructing on the very ground cleared by such denial a substitute truth that renders existence at least partly bearable” (quoted in Krishna 2001, 406). Krishna identifies abstraction as one strategy of containment, or way in which the ‘intolerable contradictions’ between the violent actions of the West and its humanitarian identity are made bearable.

Here Krishna points to IR’s fetishism of abstraction, arguing that its emphasis on theory building rather than historical or descriptive analysis “simultaneously rationalizes and elides the
details of the encounter” (2001, 401). Although not theory-building per se, we can see such elements of abstraction in which 400 years of history is reduced to Westphalian principles of nonintervention. Although simplified narratives are in some senses necessary for their effectiveness (Autesserre 2012, 208), I would also argue that it reveals what Krishna describes as “a desire to escape history, to efface the violence, genocide and theft of land that marked the encounter between ‘the rest’ and the West in the post-Colombian era” (2001, 401). As he explains, through abstraction this violence can be bracketed out. For example, the dominant characterization of the nineteenth century “world” is the “Hundred Years’ Peace” maintained by the Concert of Europe (1815-1914). Here wars are defined exclusively as acts of sovereign power on each other, thereby denying the bloody history of the nineteenth century. More broadly, “By deftly defining the international as the encounter between sovereign states, much of the violent world history is instantly sanitized” (409, emphasis in original).

One further aspect of Krishna’s argument is useful here. Drawing on Heidegger, he argues that a strategy of containment is a simultaneous process of disclosure and concealment. He argues, “It is not that race disappears from IR; it is that race serves as the crucial epistemic silence around which the discipline is written and coheres. That which is made to appear in IR discourses is that which conceals the silent presence of race” (2001, 407). For my purpose, this process of disclosure/concealment is particularly evident in the central role played by the Holocaust in the human rights narrative, in which sovereign state violence is made to appear while simultaneously concealing colonial and imperial violence.

For not just R2P supporters, but Western liberal international relations scholars in general, the Holocaust is the defining moment that spurs the formation of human rights and demonstrates their ultimate necessity, which can be seen in the following examples. For Devetak,
the universal recognition of human dignity emerged out of a catastrophic moral collapse, in
which the “twentieth century achieved new heights in humankind’s capacity to inflict inhumane
levels of cruelty, violence and destruction” (2002, 175). Donnelly (2007, 4) is more explicit in
linking the Holocaust to human rights:

A dramatic event that crystallizes awareness often is crucial to making a problem an
active subject of international concern and action... The catalyst that made human rights
an issue in world politics was the Holocaust, the systematic mass murder of millions of
innocent civilians by Germany during World War II.

Within this mainstream interpretation, the Holocaust is seen as the product of “the grammar of
the system of state sovereignty and statism” (Booth 1999, 65) instituted by the 1648 Treaties of
Westphalia. In this view, the horrors of World War Two revealed the moral bankruptcy of blind
adherence to absolute state sovereignty. The international system, in which only sovereign states
held rights, proved inadequate to address this moral collapse. Although morally egregious, the
systematic state extermination of its own citizens was not an international legal offense: “As the
world faced the Holocaust, it found itself armed only with moral outrage. Shocking as the Nazi
atrocities were, the international community lacked the legal and political language to condemn
them” (Donnelly 2007, 4).

Michael Ignatieff also places state sovereignty as the ultimate enemy of human rights. In
his defense of the Universal Declaration of Human Rights, he claims its drafting was not a
moment of European triumphalism, but rather a warning to the rest of the world to not reproduce
its mistakes. The chief mistake, he argues,

was the idolatry of the nation-state, causing individuals to forget the higher law
commanding them to obey unjust orders. The abandonment of this moral heritage of
natural law, the surrender of individualism to collectivism, the drafters believed, led to
the catastrophe of Nazi and Stalinist oppression. (2001, 65)
He further argues, “The Holocaust laid bare what the world looked like when pure tyranny was
given free rein to exploit natural human cruelty. Without the Holocaust, then, no Declaration”
(81). Ignatieff concludes, the “Holocaust demonstrates both the prudential necessity of human
rights and their ultimate fragility” (81).

Without denying the horror of the Holocaust, it is also important to note that the
subjugation, exploitation, and genocide of non-Western peoples was not ‘dramatic’ enough to
‘crystallize awareness’ for the necessity of human rights:

Neither the enslavement of Africans, with its barbaric consequences and genocidal
dimensions, nor the classic colonization of Asians, Africans, and Latin Americans by
Europeans, with its bone-chilling atrocities, was sufficient to move the West to create
the human rights movement. It took the genocidal extermination of Jews in Europe—
a white people—to start the process of the codification and universalization of human
rights norms. (Mutua 2002, 16) 30

In this process of disclosure/concealment, the Holocaust is made to appear while colonial and
imperial genocides are concealed in a “politics of forgetting.” Focusing on the Holocaust gives a
truncated view of the history of genocide, as “[m]ass slaughter and loss of life among the
‘natives’ was a normal and routine feature of European expansion into and rule over the non-
European world” (Barkawi and Laffey 2006, 343).

As Sven Lindquist puts it, “the Holocaust was unique – in Europe. But the history of
Western expansion in other parts of the world shows many examples of total exterminations of
whole peoples” (quoted in Barkawi and Laffey 2006, 343). In fact, examples of mass death can
be found throughout the world. African examples include the 1904 “German annihilation of over
eighty percent of the Herero population in the colony of German South West Africa in a single

30 One could argue that such a claim ignores the abolitionist movement and the many social activists involved in
anti-colonialism efforts in the nineteenth century. However, I would argue that Mutua is correct in his central point,
namely that colonial violence was insufficient to prompt the codification and universalization of human rights
norms, with the possible exception of the 1926 Slavery Convention. Moreover, as should be clear, these
international humanitarian efforts, while perhaps explored in more depth in scholarly work devoted to the topic, are
largely absent in the story of human rights, nor have they had much influence in the intellectual foundations of
human rights.
year,” which made it the first genocide of the twentieth century (Mamdani 2001, 10, 12), as well as an estimated ten million deaths in the Belgian Congo (Hochschild 1998, 225-233). In Asia we see mass starvation during World War Two, in which an estimated 3.5-3.8 million Bengalis died “as a predictable result of war-time exigencies and the grain market in India” (Barkawi and Laffey 2006, 343). In the case of the Bengalis, England refused to reallocate shipping space from military purposes, although ample food supplies were sent to Holland (Barkawi and Laffey 2006, 343, f90). In the Americas, murder, disease (sometimes intentionally spread), forced labor, and starvation reduced the population by 90 percent (Churchill 1997, 1).

In all the above cases, the problem here is not so much Westphalian sovereignty, but rather the highly uneven application of the privileges associated with state sovereignty prior to World War Two. The inclusion of Western colonialism and imperialism would easily reveal that for many societies, it is the dismantling of colonialism and subsequent recognition of sovereign equality—not the rise of human rights—that have provided the greatest protection against threats to human dignity. As Chandler (2006, 127) argues, “the universal recognition of sovereign equality was a thoroughly radical conception of the authority of the non-Western state.” For the first time, the sovereignty of the Great Powers was restricted and sovereignty was extended to new states that would have failed the Westphalian test of ‘empirical statehood’ (Chandler 2006, 126).

In one sense bringing in the history of colonialism and imperialism is important for its own sake, as denial of the past is its own form of violence. However, bringing in subjugated history (Foucault 2003, 7) is important because it has current significance. Treating colonialism and imperialism as a central problematic rather than historical aberrations, remedied through formal decolonization, allows us to consider the violation of human rights across borders and not
solely within; challenge the moral self-identity of Western states; and bring continued structures of global inequality to the fore, including those maintained through international law. The need for such reimaginings becomes further apparent when we turn to the narrative of humanitarian intervention, which keeps intact and builds off of this Western-centric human rights story.

**Redeeming Human Rights: Humanitarian Intervention in the Post-Cold War Era**

Whereas the first narrative outlined above provides a macro-history that creates the central problematic of human rights, the second historical narrative tells a particular story about the emergence of the humanitarian intervention norm. Although I treat the two as conceptually distinct here, the human rights and humanitarian intervention narratives are linked in several ways. As I will show, the latter relies heavily on the former for its conceptual bases, and the ending point for the human rights narrative—the Holocaust—provides the starting point for the humanitarian intervention story. Moreover, the two are often linked together to create one master narrative, as demonstrated by Evans’ narrative at the start of this chapter.

The story of the emergence of the humanitarian intervention norm, which I call the Cold War narrative, follows a general pattern. First, and as described in more detail above, the Holocaust is identified as the catalyst that lays bare the ultimate necessity of human rights, providing the ultimate proof of the dangers of state sovereignty. In response to the Holocaust, the UN Charter and Universal Declaration of Human Rights (UDHR) made human rights a central tenet of international politics. Second, Cold War politics are heavily criticized for interrupting the normative promise of the Charter and UDHR. In this story, human rights were unfortunately, but necessarily, subordinated to political needs. Third, the end of the Cold War has ushered in a new era in which the emancipatory potential of human rights can finally be realized through the norm of humanitarian intervention.
There are several key assumptions that underlie this narrative. The first is that the defining feature of the period between 1945-1990 is the East-West conflict. Second, and related to the first, is that this struggle is an ideological one. Third, this East-West struggle is portrayed as the reason for the eschewal of human rights. Fourth, the end of the Cold War is assumed to mark an epochal break, a new era of politics, characterized as humanitarian (though always incompletely so). Fifth, the states called on to enact this new humanitarian era, realized through the practice of humanitarian intervention, are inevitably Western. Before subjecting these assumptions to a critical gaze, I will demonstrate the prevalence of this Cold War narrative, and these underlying assumptions, throughout scholarly work and political practice.

Cold War Narrative

As many have argued before (e.g. Cocks 2014, 16; Epstein 2008, 9-10; Ives 2004, 88; Piiparinen 2012, 485), concepts, discourses, and narratives do not exist independently of one another or separate from historical processes. In this way, the discourse of humanitarian intervention draws heavily on the broader human rights discourse, as humanitarian intervention is meant to be military action taken on behalf of human rights. I therefore begin by showing how this narrative appears within the human rights literature, with the following three examples taken from scholarly works that are meant to give a comprehensive overview of human rights, including their historical formation.

Like most other commentators, Jack Mahoney (2007, 42) situates the emergence of the modern human rights regime as a reaction to World War II, agreeing with the assessment that it was a war to vindicate human rights. In his view, the UN was therefore founded with the protection and promotion of international human rights as a primary goal. Although not limited

---

31 As Laffey (2003, 591) notes, IR continues to be dominated by US-based scholars, institutions, and concerns, while Aydinli and Mathews (2000) similarly find that scholars from the periphery remain marginalized within the discipline.
to such matters, he argues, “that the subject of human rights came after much debate to be explicitly identified in the preamble to the UN Charter is an indication of how significant and crucial future respect for human rights was considered to be by the fifty nations represented at San Francisco” (45). Although human rights would thereafter be a defining feature of the post-war era, Mahoney also views the Cold War as delaying implementation: “Shortly after the founding of the United Nations, the descent of the Iron Curtain midway across Europe kept East and West polarized politically and economically for more than forty years, and human rights had to some extent been a cold war political weapon which the United States in particular aimed regularly at the Soviet Union” (57).

Jack Donnelly’s book *International Human Rights* follows the same narrative pattern. As demonstrated in my above discussion, he likewise views the Holocaust as the defining event of human rights, seeing it as “[t]he catalyst that made human rights an issue in world politics” (2007, 4). He also sees the Cold War as cutting this normative progress short, claiming: “the rise of the cold war, the ideological and geopolitical struggle between the United States and the Soviet Union, brought the initial progress [of human rights] to a halt” (5-6, emphasis in original). He describes human rights as the site of superpower struggle, in which both sides used human rights language to discredit and challenge the other, while at the same time flagrantly violating human rights. In this political climate, he argues, the further elaboration and implementation of human rights standards stagnated (6).

Finally, Michael Freeman also locates the impetus for the human-rights revival in growing knowledge of Nazi atrocities (2011, 38), and criticizes the corruption of human rights ideals by the Cold War, in which they were subordinated to political needs. He argues that the

---

32 Donnelly’s book is meant to be an introductory textbook of sorts, demonstrating the standardized and uncontroversial nature of this account.
Cold War reinforced the reluctance of states to submit to international regulation of human rights, and the superpowers used human rights to score propaganda points off each other (47). He laments, “The implementation of the UN’s human-rights principles was seriously delayed by the politics of the Cold War. The UN proclaimed human rights, but did little to implement them” (10).

As we can see, this characterization of the Cold War as an ideological struggle between two superpowers, with power politics necessarily being prioritized over human rights, is pervasive. All three narratives exclusively focus on the East-West conflict as the defining feature of the Cold War era, characterize the conflict as ideological at least in part, and blame the Cold War for a lack of human rights progress. Before moving on to the humanitarian intervention discourse specifically, it might be helpful to explore this latter assumption in more depth, specifically its reliance on the image of paralysis or stagnation, sometimes directed at the Security Council in particular and other times at the United Nations as a whole.

Here Abi-Saab’s periodization of international law is instructive. Although he is focusing more on the collective security system of the UN, his language is similar and his arguments reveal the ways in which the Cold War narrative, much like the story of international law discussed above, continues to ignore the historical experiences of much of the world. Following the narrative, he places the Cold War as an obstacle: “The realization of the initial design of the Charter was rapidly hampered by the advent of the Cold War, which affected all aspects of international life” (1998, 259). After commenting on this stagnation, he argues further that this paralysis made it necessary to elaborate principles, which was taken up by weaker states. In his view, if collective security faltered, the principle of self-determination, aided by decolonization, flourished. What is telling here is that he does not consider decolonization to be sufficient
normative progress on behalf of human rights. Although the UN played an important role in
decolonization efforts, such activity is not enough to disturb the image of Cold War paralysis.
Instead, as I will show, it is humanitarian intervention that comes to represent an end to this
stagnation and the resumption of human rights norms.

This link between the human rights story and humanitarian intervention, the way in
which the latter has been emplotted as the redemption of the human rights promise betrayed by
the Cold War, is nicely demonstrated by Richard Devetak’s book chapter, “Signs of a New
Enlightenment? Concepts of Community and Humanity After the Cold War.” The title itself is
telling, capturing the sense that the end of the Cold War makes an epochal break that offers a
more enlightened view of our common humanity. Like many others, he sees “new articulations
of humanity” created in the wake of the Holocaust (2002, 175). And again, like many others, he
sees the Cold War as a constraint, arguing that states subordinated the ethical obligations
formulated in the Declaration and Covenants\textsuperscript{33} to Cold War alliances and economic interests, and
that bitter rivalries among the great powers severely constrained UN action (168).\textsuperscript{34} However,
the end of the ideological division between the world’s powerful states has meant “consensus is
not just a possibility, it has on some occasions been a reality on questions of military
intervention” (170, emphasis added). Here Devetak completes the chain, creating a seamless
narrative from the Holocaust to humanitarian intervention, spurred by “new articulations of
humanity.”

Once again it is necessary to point out the ways in which discourses build off one
another. Not only is humanitarian intervention the redemption of human rights, but it offers this

\textsuperscript{33} International Covenant on Civic and Political Rights (1966) and International Covenant on Economic, Social, and
Cultural Rights (1966)
\textsuperscript{34} In contrast, Amin (2006, 342) argues that this bipolarity actually gave countries in the periphery a degree of
maneuverability that has been lost with the end of the Cold War.
redemption by drawing on, and inverting, the human rights/sovereignty binary created by the
trope of Westphalian sovereignty. In other words, it is not only that human rights are being
valued, but that they are valued because they are perceived as challenging and undermining
sovereignty. The following three examples, which are each specifically discussing humanitarian
intervention, demonstrate this inversion.\textsuperscript{35} Martha Finnemore argues, “In this struggle between
principles, the balance seems to have shifted since the end of the cold war, and humanitarian
claims now frequently trump sovereignty claims” (2003, 79). In much the same way, Hiroki
Kusano argues the post-Cold War era has allowed for renewed discussion of human rights, in
which state sovereignty is weighed against individual rights in order to achieve justice and other
liberal goods (2004, 126). Or as Jamie Munn puts it even more positively, we are returning to the
original aims of the UN, “finally moving away from the security of the sovereign state to the
security of humanity” (2002, 205). In this way, humanitarian intervention is represented as the
fulfillment of the human rights promise found in the UN Charter and related human rights
instruments, which can only be achieved at the expense of sovereignty.

This narrative pattern is also found among the most prominent humanitarian
intervention/R2P supporters. Thomas Weiss succinctly states: “between 1945 and 1990…the UN
Charter regime was circumscribed by the East-West conflict” (2007, 31). However, “The end of
the Cold War made possible UN decisions about international security that had not been feasible
for some 40 years” (2007, 264). In his view, the collapse of the bipolar system enhanced
prospects for great power cooperation and multilateral action through the Security Council,
demonstrated by a greater number of resolutions passed and fewer vetoes (2011b, 38). As a

\textsuperscript{35} This inversion of the human rights/sovereignty binary is not limited to discussions of humanitarian intervention.
For a similar characterization in the context of humanitarianism, see Barnett and Weiss (2008, 27).
result, “A remarkable development of the post-Cold War era has been the routine use of military force to protect human beings trapped in the throes of war” (2011b, 1, emphasis added).

As noted at the outset, Gareth Evans also repeatedly uses these tropes, in both his academic work and advocacy. In his book *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All*, he asks why did non-intervention hold? He gives three answers: 1) the sovereignty principle, founded by the Peace of Westphalia; 2) the large increase in UN membership that accompanied decolonization, in which the newly independent states held fast to traditional notions of sovereignty; and 3) “the dynamics of the cold war…dominating the UN system from the start and hamstringing the organization when it came to dealing with mass atrocities” (2008c, 21). On this last point he further laments: “Although in the immediate aftermath of the Holocaust the world had started to institutionalize its collective conscience, during the cold war decades that followed cynicism trumped conscience every time the major powers faced a serious choice” (22).

As he continues the story, we see several of the assumptions outlined above, namely the Cold War as an ideological struggle, its end as an epochal break, and the new era characterized as humanitarian. For Evans, this privileging of cynicism over conscience “changed dramatically after the Berlin Wall came down in 1989. The removal of a major source of ideological and great power conflict liberated the UN to play the global security role its founders intended…” (2004b, 62). Although he tempers his praise by pointing out that interventions were not always effective and that the Kosovo intervention, in which the Security Council was bypassed completely, further complicated the process, he maintains that “there was reason to believe that step by step, painful and disappointing as much of the process was, a new and much more responsive international legal order was falling into place” (62).

36 Admittedly, the distinction between the two is not always clear-cut.
To take yet another example of a prominent R2P supporter employing the Cold War narrative identified above, Ramesh Thakur declares: “The end of the cold war offered new and exciting opportunities for international and regional organizations to underpin and underwrite international, national and human security. In the absence of overarching ideological divisions, the emphasis shifted to creating and strengthening the bases of cooperative framework among various security providers” (2011b, 43). Although captured in a single sentence, you can clearly see Thakur’s acceptance of the key assumptions of this Cold War story: the Cold War as an ideological struggle; human rights subordinated to political exigencies as a result; and its end as a decisive break that opens up new potentials for humanitarian action.

Although the previous examples have (mostly) consisted of scholarly literature, it is important to note that this characterization has informed the policy world as well. As previously mentioned, Evans straddles the line between academic and advocacy, as his political speeches and advocacy articles on behalf of R2P often employ similar language. Perhaps more importantly, both Evans and Thakur served on the ICISS, with Evans serving as a co-chair. It is therefore unsurprising that you find this description in its final report: “The end of the Cold War held out the prospect for joint international action to address issues of peace, security, human rights and sustainable development on a global scale” (2001a, 3). Although the R2P norm has evolved in some respects since its initial formulation, the ICISS created its intellectual and normative scaffolding, which has continuing relevance.

Given the central place accorded to the Cold War and its end in the story of humanitarian intervention, and the way in which this story has been taken up not only in scholarly literature

---

37 An archive of Evan’s speeches can be found at http://www.gevans.org/speeches/speech103.htm.
38 I include R2P here because, as I will demonstrate in the next chapter, the switch from the language of humanitarian intervention to R2P was largely a political maneuver that kept the underlying assumptions of humanitarian intervention intact.
but political bodies as well, it proves worthwhile to subject this story to a critical gaze. To do so, the following section will challenge the key assumptions of this Cold War narrative by offering an alternative reading of the Cold War and the meaning of its end. More specifically, I will show that 1) uncritically privileging the East-West conflict misses a key component of international politics, namely the North-South conflict; 2) characterizing the struggle as ideological helps obscure the geopolitical imperatives for US foreign policy; 3) blaming the East-West conflict for the eschewal of human rights minimizes continued political influences on humanitarian action; and 4) treating the Cold War as a decisive break ignores important continuities and serves more as an ideological justification to ignore US and Western violations of human rights.

Critique

To begin such a critique, there are two key aspects of this Cold War story that we need to draw out, namely the primacy of the East-West struggle, seen in ideological terms, and the historic importance of the end of the Cold War. Mark Laffey captures the relationship between these two assumptions: “Because the conflict between the United States and the Soviet Union was assumed to be the defining reality of world politics after World War II, the collapse of the Soviet Union in the early 1990s was necessarily the harbinger of a new world order” (2003, 591). In this way, the idea of epochal change has dominated discussions of world order in the post-Cold War era, with the general consensus that this new order is essentially a benign or cosmopolitan liberalism that is peaceful internally and progressive in its effects abroad (593).

As we have seen, human rights and humanitarian intervention scholars follow this same pattern in defining the Cold War era in terms of an ideological East-West conflict, or as Thakur puts it, “a transcendental conflict between two fundamentally incompatible value systems” (2011b, 11). They also see the end of superpower conflict as the harbinger of a new liberal world
order, with the end of this ideological struggle removing constraints on human rights action. Or to put it differently, the end of the Cold War marks an epochal shift, a fundamental historical break with the past, creating a dividing line between an era of power politics and a new (imperfectly) humanitarian era.

Although admittedly appealing, such claims do a far better job of reflecting back the biases of the authors than portraying historical ‘reality’ as such. Laffey offers a general caution against blindly accepting such claims of a fundamental change. Drawing on Foucault, he warns us:

the assumption of change is ‘one of the most harmful habits in contemporary thought.’ Such claims may reflect real change but they may also reflect ‘our vulnerability to the assumption that our time is somehow special or different, a turning point, a moment radically disrupted by forms of social, cultural, economic and political change’. Moreover, the assertion of change participates in the project of bringing that change into being and obscures or denies the existence of continuities against the alleged divide … The claim that the world is changed, whether as the result of the end of the Cold War or of something else, is both interested and contestable. (2000, 435, emphasis in original)\(^\text{39}\)

The repeated claims that the end of the Cold War represents a decisive historical break are therefore “interested and contestable,” serving to conceal important continuities through a process of historical effacement that serves as a reinforcement of Western, and especially US, state power.

Fundamentally, framing the Cold War as an ideological conflict between the United States and Soviet Union and its end as a historic break creates several distortions. First, the ideological emphasis obscures the economic imperatives driving US foreign policy. Second, it frames US actions as primarily defensive, ignoring the ways in which the United States sought to offensively extend its hegemony. Third, it treats actions in the Third World as symptoms of the

\(^{39}\text{For a discussion of newness claims as a political practice, see Okafor’s (2005) critique of claims that 9/11 has inaugurated yet another new world order.}\)
East-West conflict. Fourth, it ignores the structural continuities with US foreign policy in the post-Cold War era. In the following section, I will therefore offer an alternative reading of the Cold War that places the Third World once again at its center and demonstrate that the post-Cold War era is marked much more by continuity than change.

Cold War Foreign Policy from a Third World Perspective

Noam Chomsky (1992) challenges orthodox depictions of the Cold War that generally accept that the essential doctrines guiding US foreign policy have been Soviet containment and deterrence, necessitated by the evil nature of the Soviet empire (10). Instead of this Manichean view, he presents the Cold War as a history of subversion, aggression, and state terrorism abroad and the entrenchment of a “military-industrial complex” at home (20-21). Rather than a reaction to Soviet aggression, Chomsky argues that US foreign policy was based on the recognition that the United States had achieved a position of military and economic power with no historical parallel, a position that could be used to its advantage (23). Economically, it was necessary to secure hinterland for state capitalist economies of Western Europe and Japan. The Iron Curtain was a threat because it “deprived the capitalist industrial powers of a region that was expected to provide raw materials, investment opportunities, markets and cheap labor” (27). The threat to interests was therefore not the Soviet Union but rather indigenous nationalism, which threatened the unimpeded access to developing economic markets throughout the world. The key point is that rather than a symptom of East-West struggle, this conflict between US policy and

---

40 In his secret 1948 Policy Planning Study 23, George Kennan, then head of the US State Department Policy Planning Staff, states: “we have about 50% of the world's wealth but only 6.3% of its population. This disparity is particularly great as between ourselves and the peoples of Asia. In this situation, we cannot fail to be the object of envy and resentment. Our real task in the coming period is to devise a pattern of relationships which will permit us to maintain this position of disparity without positive detriment to our national security.” Although critics, such as Gilles d’Aymery (2005), argue that this passage is taken out of context or that its relevance is misrepresented, the larger point that US motives were driven, at least in part, by economic factors and a desire for US hegemony are borne out by historical scholarship on the Cold War.
independent Third World development was deeply rooted in the structure of the world system (57-59).

Although Chomsky’s work has largely been marginalized within the IR discipline, his analysis of Cold War foreign policy is supported by scholarly historical work. For example, historian Thomas J. McCormick places the Cold War in a much larger context. He argues, “The Cold War itself… is merely a subplot, part of a larger story that some historians call America’s ‘hegemonic project’. An important part of that project was managing the Soviet Union, but it was never the only part and not always the most important. That hegemonic project also sought to manage Germany and Japan, America’s wartime adversaries, and Great Britain, a wartime ally, as well as the Third World and the American citizenry itself” (1995, xiii). A key component of this hegemonic strategy, McCormick argues, is the creation of a single, integrated free world market, which was fundamentally opposed to economic nationalism (xiii).

Although McCormick does not go so far as to call the Soviet threat completely manufactured, he does repeatedly demonstrate that anti-communist rhetoric was often used in service of economic imperatives. This strategic use of anti-communism can be seen from the earliest moments of the post-war era when the United States intervened in the Greek civil war to stop the radical, anti-monarchist Greek revolution. Although the 1947 Truman Doctrine was framed as an attempt to stop Soviet imperialism, the State Department feared that Greece would “drop out of the United States orbit and try an independent nationalist policy” (1995, 76).

---

41 Woods (2006) finds that, despite his prolific work on US foreign policy, Chomsky is almost completely absent from introductory IR textbooks, while Herring and Robinson conclude that “Chomsky’s work is marginalized due to its emphasis on corporate power, principled opposition to US foreign policy and the role of academia in buttressing elite power” (2003, 553). Herring and Robinson also note editorial pressure to remove references to Chomsky in favor of more “respected” scholars, even when the arguments are identical (2003, 561). Hence the inclusion of other historians in this section.

42 The Truman Doctrine requested $400 million from Congress for military and economic aid to Greece and Turkey. As McCormick points out, framing it in universal and anticommunist terms was necessary to convince a probably recalcitrant Congress (1995, 76). Although the anticommunist rhetoric was strategic, this framing has been largely
Moreover, stabilizing the region was crucial to ensuring that Europe would have access to oil that it could purchase with non-dollar resources.\textsuperscript{43} Many of these imperatives—stopping independent nationalism, the use of force to integrate Third World states into the world economy, the use of anti-communist rhetoric—would be repeated throughout the Cold War and in almost all regions of the world. In Asia, the Korean War (1950-1953) and Vietnam War (1955-1975) were arguably motivated by the desire to integrate the extractive economies of the Third World into the industrial core, through the use of military force if necessary, and to keep the Asian periphery open to Japan in order to maintain its role in the American-dominated world system (McCormick 1995, 99-100).

Foreign policy historian Gabriel Kolko (1988) also highlights the centrality of Third World states to US Cold War foreign policy. Part of this centrality grew from a growing dependence on imports of raw materials, in which it became necessary to ensure sufficient supplies of essential imports were available to American users (54-55). In particular, US economic goals required that Third World nations avoid various forms of autarky and import substitution, and above all welcome outside investors and forgo creating an important state economic sector (118). This subservient role for the Third World was reflected in the US-dominated World Bank’s philosophy of directing poorer countries to specialize in exporting primary materials that could earn currency to pay back loans and create an international division of labor (120-121). Moreover, despite the constant anticommunist rhetoric, many Third World barriers to US penetration came from rightist and centrist elements, demonstrating that nationalism in its classic forms, rather than communism itself, was the obstacle to American-accepted. For instance, the Wikipedia entry under Truman Doctrine (2015) begins: “The Truman Doctrine was an American foreign policy to stop Soviet imperialism during the Cold War.”

\textsuperscript{43} This refers to the “dollar gap crisis” between 1946-1950, in which European productivity and trade required a large supply of food, raw materials, capital goods, and technology that only the United States could supply in sufficient quantities, but had a shortage of dollars with which to pay (McCormick 1995, 73-74).
defined schema for new international order (123). In other words, the problem was therefore not communism, but rather Third World resistance to a subordinated position in the American-dominated world economy.

The response to this Third World resistance was often the use of force. As I argued in the previous section, the Cold War story is generally depicted as one of inaction in pursuit of human rights. This characterization ignores the ways in which the US actively violated human rights. The problem was not so much that the United States failed to promote democracy, but rather that it used force against the extension of democracy, such as covert action to overthrow elected governments (Barkawi and Laffey 1999, 414). Although such actions are not completely ignored, they are generally placed in the narrative of the US-Soviet struggle. However, as noted above, the target was often indigenous revolutionary movements rather than the Soviet Union (Barkawi and Laffey 1999, 418). The following two cases provide evidence for this fear of indigenous nationalism, and the willingness to undermine democracy if necessary.

In Iran, the Mohammed Mossadegh regime nationalized the Anglo-American Oil Company and forced the Shah to flee. In response, the CIA, along with British officials and monarchists, gave arms, transports, communications, and bribe money to help overthrow the Mossadegh regime. The reinstated Shah reversed the oil nationalization, accorded American oil companies a half-share of the previous British monopoly, embraced militant anticommunism and launched an ambitious modernization program heavily dependent on Western capital and markets (McCormick 1995, 120-121). In Guatemala, Jacob Arbenz Guzman confiscated 400,000 acres owned by the American-controlled United Fruit Company, resisted arbitration over compensation, and purchased Soviet arms when the hostility of the Americans grew clear. In

44 Barkawi and Laffey’s larger point is that such interventions do not violate the democratic peace theory because the United States did not use national military forces openly, but rather clients, mercenaries, and covert operations. It is therefore one more example of the general pattern of sanitizing US/Western state actions.
response, the US trained and armed anti-Arbenz \textit{contras}, funneled aid for bribes to dissident officers, and provided CIA logistical support and small-scale air cover to facilitate its overthrow. The new military government returned the land, jailed or executed opponents, and became a major recipient of American military aid in Latin America (McCormick 1995, 122).

These two cases demonstrate the absurdity of the claims about Westphalian sovereignty outlined above, in which sovereignty is taken to mean that whatever happened within a state’s borders was shielded from outside scrutiny.\textsuperscript{45} Such a characterization can only be seen as ideological, for US foreign policy was driven by the assumption that it had a right to interfere in other states. As Kolko’s study of US foreign policy finds, “In effect, it was the constant U.S. assumption that the internal economic policies of many nations, but especially the major ones and above all Latin America, were legitimate concerns for its foreign policy” (1988, 118). As a result, minute issues of the internal affairs of various nations became more than ever the legitimate concern of the United States, including a warrant for action (Kolko 1988, 130).

In sum, we find the same elision of the historical experiences of much of the world that we find in the story of Westphalian sovereignty and international law. For many parts of the world, then, the problem was intervention rather than non-intervention.\textsuperscript{46} And once again, the human rights and humanitarian intervention discourses are steadfastly focused on the dangers of sovereignty and non-intervention. Moreover, this elision of the North-South dimension is

\textsuperscript{45} The list of US interventions is long, including: “Washington’s installation of brutal and monarchical despots in Greece, Vietnam, and Iran in the 1950s; its overthrow of democratically elected leaders in Greece, Chile, Brazil, and Guatemala in the 1960s; its relentless pacification in Vietnam in the 1960s and 1970s, leading to its ‘secret’ carpet bombing of Laos and Cambodia; its training, equipping, and funding of right-wing death squads in Nicaragua, Guatemala, and El Salvador to prop up corrupt oligarchies and crush peasant guerrillas and Catholic clergy calling for land reform from the 1950s through the 1980s” (Osborn 2009, 356). Nor was Africa immune, as with US interventions in Mozambique and Angola (Okafor 2005, 184).

\textsuperscript{46} To be clear, I am not arguing that all human rights abuses during the Cold War were the result of US or Western interventions, but rather that this violence has been ignored in favor of stories of non-intervention, with the Cambodian genocide as the most commonly cited example. But even here, non-intervention is too simplistic a framework, as it ignores the effects of the US war in Indochina (see Chomsky, 1982).
particularly problematic in that privileging the East-West conflict allows the fall of the Soviet Union to be treated as a fundamental break in world politics that has created substantive change. However, placing the North-South conflict at its center helps us see continuities in US efforts to maintain military, geostrategic, and economic hegemony, with American action rather than inaction the primary problem.

**US Foreign Policy Continuities**

Although such unsavory actions in the Third World, such as undermining democracy and ushering in and supporting military rule, are sometimes acknowledged, they are largely treated as epiphenomenal to the Third World itself. In other words, such actions are simply manifestations of the dominant East-West conflict. However, as Barkawi and Laffey argue, “Behind and alongside the East-West conflict was a second and in some ways more persistent North-South conflict concerned not only with the defence and extension of capitalist social relations but also the protection of investments and access to resources” (1999, 418).

These economic imperatives do not simply disappear with the fall of the Soviet Union and as such cannot so easily be confined to the dustbins of history. There is no reason that the end of the Cold War would mark such a significant transformation of North-South relations, as the fall of the Soviet Union did not remove the foreign policy imperatives of maintaining a US-friendly capitalist order conducive for elite economic actors and access to vital resources. Despite claims to a new world order, the commitment to maintaining access to resources through the use of force if necessary, the maintenance of US hegemony, and the subordination of human rights and democracy to US foreign policy imperatives can all be seen in the post-Cold War era.

---

47 These goals, along with preventing the emergence of a rival hegemon, were identified as key national interests by a 2000 Pentagon-sponsored task force (see U.S. Commission on National Security 2000).
But before I turn to these continuities, I will offer a brief explanation as to why focusing on the United States, as opposed to another state, is useful.

The first reason is simply that the Cold War narrative is fundamentally a story about the United States, and it therefore makes sense to continue the story. The second, and much more important reason, is that R2P supporters clearly expect the United States to take the lead in carrying out these military interventions and see US involvement as key to the norm’s success. For instance, Weiss (2007, 134; 2011b, 232) repeatedly laments that without US political and military resources, there will be a lack of political will and operational capacity for humanitarian interventions. Reinold (2010, 76) similarly looks to the United States, arguing that in the absence of US leadership, consistent state practice on behalf of humanitarian intervention will not develop, preventing R2P from becoming a fully developed norm. Even when not stated so clearly, the centrality of the United States to the R2P project can be seen in concerns that threats to US legitimacy and credibility threaten the viability of the norm itself.48

Given this centrality, it is therefore important to look at the nature of US foreign policy. Looking at government policy documents, as well its actual conduct, what we see is that US foreign policy shows remarkable continuity with Cold War policies. In May 1990, Marine Corps Commandant General A.M. Gray warned:

The underdeveloped world’s growing dissatisfaction over the gap between rich and poor nations will create a fertile breeding ground for insurgencies. These insurgencies have the potential to jeopardize regional stability and our access to vital economic and military resources. This situation will become more critical as our Nation and allies, as well as potential adversaries, become more and more dependent on these strategic resources. If

48 Such concerns were particularly evident in reactions to the US invasion of Iraq, where the overriding concern seemed to be how it would affect the R2P norm. For instance, shortly after the invasion Macfarlane, Thielking, and Weiss (2004, 977) worried that it threatened consensus on the legitimacy of military intervention, while Badescu and Weiss (2010, 362) were critical that Iraq made R2P “more fraught and, temporarily, more toxic.” Bellamy (2005, 40) argues that the Iraq War has diminished the credibility of the US and UK as norm carriers, while Power (2009, x:ii) also sees Iraq as eroding the legitimacy and credibility of the United States. Importantly, they see US actions as a potential setback for implementation of the norm, but do not see these actions as challenging the wisdom of R2P itself (or undermining the moral identity of the United States).
we are to have stability in these regions, maintain access to their resources, protect our citizens abroad, defend our vital installations, and deter conflict, we must maintain within our active force structure a credible military power projection capability with the flexibility to respond to conflict across the spectrum of violence throughout the globe. (quoted in Chomsky 1992, 31)

This statement does not look very different from policies that guided US Cold War foreign policy. It demonstrates recognition of global inequality only to the extent that it represents a threat to US interests, presumes the right of the US to maintain access to vital resources in Third World countries, and maintains a commitment to US economic and military hegemony.

This commitment to military hegemony is also found in the US Department of Defense’s *Defense Strategy for the 1990s*, which, despite the end of the Cold War, called for “full spectrum threat dominance” in order to counter actual, potential, and imaginable threats, as well as bases and lily pads to the corners of the earth for the projection of American power and to protect energy supplies, pipeline routes, and other strategic resources (Loveman 2010, 351). Further aiding this militarization was the 1995 adoption into the security doctrine of Military Options Other Than War (MOOTW), which called for the use of military force in a wide range of areas, including: humanitarian intervention, peacekeeping missions, responding to natural disasters, support for insurgencies, as well as counterinsurgency efforts, combating terrorism, “show of force” operations, and the global war on drugs (Loveman 2010, 351). As a result, Loveman argues, “The use of military force in peacetime as an essential element of American foreign policy meant maintaining a vast global military presence, in effect a military empire” (2010, 351-352).

This insistence on military hegemony as a way to secure economic hegemony can be further seen in the Department of Defense’s 1999 annual report to Congress, which declared that

---

49 This term refers to “cooperative security locations,” which are maintained by the host-nation and have little permanent US presence. They serve as “a focal point for regional access” and “act as ‘lily pads’ to facilitate the rapid deployment of U.S. forces to various parts of the world” (Klaus 2004, 3).
US vital national interests include: “Ensuring the uninhibited access to key markets, energy supplies and strategic resources” (quoted in Loveman 2006, 3). It continued, “When the interests at stake are vital—that is, they are of broad and overriding importance to the survival, security, and vitality of the nation—the United States will do whatever it takes to defend them, including, when necessary, the unilateral use of military power” (quoted in Loveman 2006, 3, emphasis in original).\(^5\) Here we can see access to key markets and resources remains just as much a foreign policy imperative as during the Cold War.

To be fair, most commentators are not arguing that the United States has completely abandoned more traditional conceptions of state interests, but rather believe that these interests can be made compatible with humanitarian values.\(^5\) For instance, Weiss argues, “humanitarian values have not superceded traditional conceptions of vital interests but rather have become increasingly central to their definition” (2011b, 305). Thakur similarly argues that norms shape the goals and meaning of state actions (2011b, 3), while Evans insists “the pursuit of values can also be the pursuit of interests” (2015a, emphasis in original). However, such claims misunderstand the nature and power of US interests, “characteriz[ing] national interests as relatively innocuous and amorphous, like preserving stability, increasing trade, and stemming the tide of refugees” (Graubart 2013, 78). However, as we have seen, the United States has kept in place the same Cold War goals of military, geostrategic, and economic hegemony, which can be seen in the actual conduct of US foreign policy.

Here Chomsky (1994) is once again useful. In his challenge to early argument in favor of humanitarian intervention, he uses the historical record to show that the end of the Cold War did

---

\(^5\) Loveman (2006, 4) points out that the premise of unilateral and preemptive strikes have long since been implicit in past US security strategies, despite the uproar created by Bush’s 2002 National Security Strategy.

\(^5\) These arguments fit in with constructivist theories of IR, which argue that the ‘national interest’ is not self-evident from the nature of the international system; instead, interests and identities are constructed through representational practices (Weldes 1996, 282-287).
not mark a fundamental change in world politics by demonstrating continuities between policies
before and after the Cold War, in which the only difference seems to be the stated justifications.
For instance, our interventions in Latin America long predate the Cold War.\textsuperscript{52} Citing one
example, Chomsky (1994) explains: Woodrow Wilson “was protecting the country from the
Huns, not the Russians, when he invaded Haiti and the Dominican Republic, where his
warriors—as viciously racist as the Administration in Washington—murdered and destroyed,
reinstituted virtually slavery, dismantled the constitutional system because the backward Haitians
could not see the merits of turning their country into a US plantation, and established the
National Guards that ran the countries by violence and terror after the Marines finally left.” This
pattern of intervention has not changed. Predictably, Chomsky notes, the end of the Cold War
was shortly followed by yet another forceful intervention into Latin America, with a different
pretext of course. This time, rather than fighting Communists, the bombardment of slums in
Panama was justified by the threat of narcotraffickers. In addition to the more traditional use of
force, the United States also continued its pattern of economic violence, such as demands for
mass privatization and the reduction of public expenditures in Nicaragua, causing an increase in
infant mortality, disease, malnutrition and starvation.

Brian Loveman’s discussion of US foreign policy in Latin America also shows that US
actions remain largely unchanged. Highlighting further continuities, Loveman argues that the
war against subversion and Castro-communism during the Cold War has become the war against
the narco-terrorists in the Andean region and international terrorism elsewhere in the late 1990s:
“The melding of the war against the drug trade and against international terrorism… provided the
cornerstone for the resurgence, under cover of a ‘new’ threat scenario and with a new name

\textsuperscript{52} See also Loveman (2010) for a detailed historical study of US policy towards and intervention in Latin American
since 1776.
(cooperative security), of the main premises of the national security doctrines that shaped Latin American civil-military relations and premised the authoritarian regimes after the coup in Brazil in 1964 until late 1980s” (2006, 28). Loveman argues that including Colombia and the Andean region as part of the US global security agenda has caused the subordination of democratization (except for elections) and institution building to internal security and antidrug requirements, which has increased civilian casualties (2006, 25). Just like during the Cold War, democracy and human rights in Latin America are being sacrificed in the name of US foreign policy objectives. However, it is not only that democracy is being subordinated, but that democracy itself is seen as a threat. Just as the Cold War saw fears of independent nationalism, we now see US fears of radical democracy, especially in Latin America.

In a 2004 speech before Congress, General Hill argued that “the traditional threats [of narcoterrorism and Islamic terrorism] are now complemented by an emerging threat best described as radical populism” (quoted in Loveman, 2006, 35). As Loveman points out, that “radical populism” might be “democracy from below” is unthinkable for US policy makers. He characterizes such movements as “a genuinely grassroots reaction to the negative effects of neoliberal policies, the drug war, the intensified squeeze on, and impoverishment of, millions of Latin Americans, juxtaposed to the increasing concentration of wealth and income, corruption, and cynicism in hemispheric politics” (2006, 36). Or to put it in Butler’s terms, it is a protest against precarity, “the politically induced condition in which certain populations suffer from failing social and economic networks of support more than others, and become differentially exposed to injury, violence and death” (2015, 33). Rather than take such concerns of inequality, violence, and poverty seriously, ‘radical populism’ is seen as a threat to US interests and security (Loveman 2006, 36).
The post-Cold War era is therefore marked far more by continuity than change when it comes to US interests and the actual conduct of its foreign policy. The United States has shown the same commitment to military and economic hegemony, which includes the presumed right of access to vital resources in the Third World, and a fear of actual democracy when it challenges US hegemony. These continuities are hidden by the story of an epic Cold War struggle between good and evil, which allows the subordination of human rights to political concerns to be viewed as an unfortunate, but ultimately necessary, exception. This story also justifies claims that its end marks a “change of course” in which humanitarian claims are no longer political weapons but the expression of a new moral community. However, subversion and aggression are not anomalies but rather part of a long historical trend. In other words, the Cold War was not an exception but rather the result of domestic political structures and the global economic system that remain firmly entrenched. As Chomsky (1992, 59) warns, US policies are consistent over a long time because the dominant institutions are stable. We should therefore greet moral claims with great skepticism.

Conclusion

I have sought to challenge the traditional narrative because the story we choose to tell about our past has profound political implications. At the outset, I argued that, in Foucault’s terms, history functions as a discourse for the sovereign right of Western powers. It does so through a process of historical effacement that erases the violence perpetrated by Western states, allowing the maintenance of a uniquely moral Western identity, regardless of the actual conduct of Western states. In effect, Western interventions into the Third World are either excised from

53 See Weldes (1996) for a discussion of how Americans came to self-identify as civilized and democratic, and Campbell (1992) for an analysis which shows that such representations have a very long history within the United States. Although Weldes and Campbell are focused on the United States, they fit with a broader democratic and humanitarian Western identity (Doty 1996, 125).
the story altogether, as with “absolute” Westphalian sovereignty’s elision of colonialism and imperialism, or deemed irrelevant, such as Cold War aggression and subversion, framed as the product of unique circumstances.

While deconstructing this historical narrative is important for its own sake, it is also important because it has fundamentally distorted the two other key theoretical and normative foundations of the discourse—the appeal to community and the invocation of responsibility. For the former, the elision of Third World experiences has justified the marginalization of Third World voices from the R2P discourse and pushed issues of global inequality to the margins, processes hidden by the idea of an international community. In the latter case, excising Western crimes from the discourse, and keeping in place their assumed moral identity, creates a narrow understanding of responsibility that shields Western actions from scrutiny. After critiquing these foundations in the following two chapters, I return to these historical narratives in the conclusion, demonstrating the ways in which new narratives can open up new identities and new ways of acting.
CHAPTER 2: COMMUNITY

The second theoretical or normative support for R2P is the idea of an international community. In fact, this idea forms a core tenet of the R2P norm, which the International Commission on Intervention and State Sovereignty (ICISS) defines as “the idea that sovereign states have a responsibility to protect their own citizens from avoidable catastrophe – from mass murder and rape, from starvation – but when they are unwilling or unable to do so, the responsibility must be borne by the broader community of states” (2001a, viii). While the ICISS Report takes great pains to emphasize that the primary or default responsibility lies with the state whose people are being affected, it also attributes a “residual” or “fallback” responsibility to the larger international community (2001a, 17, 69). The idea of an international community is also invoked when supporters point to R2P’s adoption at the 2005 World Summit. In this case, the Summit ostensibly demonstrates that R2P has been adopted by the international community at large and is therefore not the prerogative of a few powerful states.54

What this chapter will argue, however, is that although normatively appealing on the surface, such claims to an international community or society are revealed as deeply problematic when subjected to close scrutiny.55 My approach is therefore sympathetic to pluralist critiques of the ‘international community’, which argue that the consensus that underpins international society is a procedural rather than substantive one (Welsh 2006, 64), with non-intervention and sovereignty forming the basis for what consensus does exist. Furthermore, pluralists such as Hedley Bull (1977) draw our attention to the fact that in an international system marked by extreme inequality, moral and universal claims are likely to reflect the interests of the dominant

54 In addition to an international community, the idea of a universal human community is also used as a justification for the ultimate necessity of humanitarian intervention/R2P (e.g. Evans 2008a, 296; 2009b, 6). This alternative use of community will be addressed in Chapter 4.

55 I will use the terms international community and international society. Although there may be theoretical differences between the two, in practice they are often used interchangeably.
powers. In the specific case of humanitarian intervention, Ayoob (2002) questions how the will of the international community is determined, pointing to the political nature of decisions to intervene. In his view, claims to international community/will are simply a cover for national interest.

While I certainly agree with these pluralist critiques, I take a different approach. Rather than dismiss the idea of an international community entirely or naively accept claims that it exists, I use philosophy of language to provide an alternative way of conceptualizing the idea of community. Although not usually associated with International Relations (IR), it provides a starting point to consider what it takes to create a meaningful community and to judge whether such criteria are being met.

The chapter will proceed as follows. Section one lays out the theoretical inspiration for the chapter. More specifically, I argue that Wittgenstein’s ideas of the conventionality of language and search for mutual intelligibility, by bringing to the fore the fluid nature of a community, highlight the need to interrogate received understandings of the international community, particularly the assumption that formal decolonization marks a moment of redemption or overcoming of the past. I then turn to Stanley Cavell’s ideas on the role of political voice in creating and maintaining a community, specifically the mutuality of speech, the need to speak in one’s own political voice, and the importance of challenging the foundations of a society.

In the following three sections, I argue that none of these requirements are being met. In section two, I demonstrate how non-Western peoples and states have not been viewed as participants in the formation of international norms and morality, denying them the opportunity

56 Such as George Lucas, Jr., who claims, “The embarrassing truth is that the phrase ‘the international community’ in fact is little more than a favored rhetorical device that, at present, names nothing” (2003, 130)
to speak for the international community. In section three, I turn to humanitarian intervention and R2P more specifically, showing how non-Western voices have been systematically ignored or distorted within the mainstream R2P discourse, thereby denying them the ability to speak in their own political voice(s). In section four, I argue that criticisms of humanitarian intervention and R2P must be placed in the context of broader challenges to the international system as a whole, challenges which have yet to be taken seriously by R2P supporters. R2P’s invocation of an international community therefore proves to be highly problematic, as it relies on the idea of a fixed, static community and ignores the processes that create and recreate a community. More importantly, by systematically marginalizing perspectives from the South, the R2P discourse actually works against the formation of a truly international community.

**Wittgenstein and Cavell**

As I argued in the previous chapter, colonialism and imperialism are largely absent from the historical narrative of human rights and humanitarian intervention. This absence is not unique but rather is part of IR’s broader lack of awareness of its colonial and imperial roots and contexts, which, as Bronwyn Jones (2006, 3) argues, is maintained by IR’s accommodation of decolonization as the expansion of international society. Sometimes this assumption of universality is stated explicitly, such as Georges Abi-Saab’s conclusion that decolonization had a “well-known effect on the universality of international society and of the United Nations itself” (1998, 261). More often, however, this assumed universality is demonstrated by the continued marginalization of the history of colonialism and imperialism from the academic discipline of IR and from Western political practice.57

---

---

57 Scholars have highlighted this marginalization in a wide range of areas, including IR theory (Jones 2006; Salter 2010), security studies (Barkawi and Laffey 2006), and liberal peace studies (Barkawi and Laffey 1999), among others.
To understand why decolonization is treated as the expansion of international society, it is important to return to the relationship between international law and international society. As Anghie (1999) demonstrates, during the nineteenth century the very existence of international law as law hinged on the existence of an international society. International law was therefore central in delineating who belonged to and who was excluded from international society. In other words, those who were excluded from the realm of international law were also expelled from international society. The result is that expanding international law is assumed to necessarily entail the expansion of international society. In other words, because law and society were so intimately linked, the universalization of international law that occurred with decolonization is assumed to have also created a universal international society.58

Implicit in this narrative is the idea that decolonization marks the founding moment for the international community. In the following section, however, I will demonstrate how Wittgenstein problematizes the idea of an essentialized community, instead showing that the formation of a community should be an ongoing process. Viewing the formation of a community as an ongoing process, rather than something definitively established at a specific moment in time and once and for all, provides a starting point for challenging the idea of a fixed international community.

*Wittgenstein*

Very broadly, Wittgenstein’s contribution to the field of IR has been to highlight the role of language in international relations, a role that has long been ignored or denied by IR scholars (Fierke 2003, 67). More specifically, his work has brought to the fore “the social nature of language, its dependence on shared rules, and the centrality of meaning and context” in

---

58 This follows a traditional understanding of law that assumes greater universality, that is, bringing everyone under its realm, constitutes progress.
international practices (Fierke 2003, 76). A common way of “applying” Wittgenstein has been to conceive of international practices as consisting of competing rules, such as Fierke’s (2012, 16) argument that the rule of sovereignty in international law competes with a host of other rules, codified in humanitarian and human rights law. However, rather than addressing international practices per se, I draw on Wittgenstein to interrogation received notions about the existence and nature of the international community. To do so, I focus on two key aspects of Wittgenstein’s work: the conventional nature of language and the search for mutual intelligibility.

In his *Philosophical Investigations*, Wittgenstein (2009) challenges the correspondence theory of language, in which language was thought to correspond to an ‘objective’ reality. Instead, he sought to draw attention to the contextual features of language use. He declares:

> When philosophers use a word – ‘knowledge’, ‘being’, ‘object’, ‘I’, ‘proposition/sentence’, ‘name’ – and try to grasp the essence of the thing, one must always ask oneself: is the word actually used this way in the language in which it is at home? —

> What we do is to bring the words back from their metaphysical to their everyday use. (§116, 53e, emphasis in original)

For Wittgenstein bringing words back to their everyday use reveals the reliance of language on shared practices, activities, and understandings.

For Wittgenstein, then, language has no fixed or “objective” meanings. Instead, meaning arises from the use of language within a social community. Because it lacks an objective meaning outside of this social community, language is conventional. However, that is not to say that it is entirely arbitrary, for although language-games are ultimately fixed by convention, they also have underlying natural preconditions. As Pitkin argues, “conventions are not merely arbitrary; they are part of a conceptual network which works, and which functions for us” (1972, 136-137). We must never forget that, as Wittgenstein said, “to imagine a language means to imagine a form of life” (2009, §19, 11e).
The important takeaway is that when speaking of a community, we need to consider what “forms of life” are needed to support it. One possible interpretation is that no such community can be said to exist because we lack an international language grounded in a common form of life. However, I agree with Farrands (2000) that although forms of life are distinct, they are not hermetically sealed from one another (96). Rather than a metalanguage, he argues, “we need practice and the ability to try to exchange and to learn from the experience of trying” (95). Here Farrands sees the possibility for an “ethics which cuts across the frontiers of community and which is not dependent on a universalistic liberal principle” (98). This ethics rests “not on a particular idea of reason, or even on whether anyone in particular believes in it or not, but on the persistence of those islands or bridges of shared, parallel, convergent or consonant experience which cut across boundaries of community and however imperfectly, enable some kind of inter-communitarian conversation to take place” (98).

Following Farrands, I therefore do not dismiss the idea of an international community entirely. Instead, I argue that the conventional nature of language and meaning, which is grounded in the lived experiences of a community, or “forms of life,” should make us wary of claims to community that do not take shared practices and meanings seriously. For my purposes, the key point is that a community cannot be rhetorically declared to exist; instead, it must be created through practices of exchange and communication, although as we will see, the content of such practices cannot be determined in advance.

Wittgenstein’s emphasis on the conventional nature of language and meaning has not been uncontroversial. In one of his most famous passages, he asks:

“How am I able to follow a rule?”— If this is not a question about causes, then it is about the justification for my acting in this way in complying with the rule.
Once I have exhausted the justifications, I have reached bedrock, and my spade is turned. Then I am inclined to say: “This is simply what I do.” (2009, §217, 91e, emphasis in original)

As Zerilli argues, this bedrock consists of a “a whole series of assumptions that do not enter our frame of reference as objects that can be contemplated, verified or refuted” (1998, 436). She asks, “What if that frame were the invisible ‘scaffolding of our thoughts’, to cite Wittgenstein, the ungrounded ground that doesn’t get questioned, and that keeps various language-games… going?” (1998, 436). For Wittgenstein, the existence of an “ungrounded ground” cannot be overcome or erased, as it is a necessary precondition for any form of life at all. This necessity arises because it is not possible to doubt everything if you are to live and act in this world. In other words, “something must stand fast if something else is to be questioned” (Zerilli 1998, 440).

This ungrounded ground, Pohlhaus and Wright note, can be seen as philosophically and politically conservative: “The reference to the spade-turning bedrock of our existent practices is taken as pointing to a ground that remains outside the reach of our attempts at criticism; the practices in which our language takes on meaning must exhibit continuity, and so tradition is affirmed as the necessary ground of sense” (2002, 801). Furthermore, this conservative reading presents the political danger “of repudiating radical challenges to the established order…as prima facie unintelligible because these challenges fail to pay adequate attention to the very conditions that could give their claims meaning” (2002, 801). These claims to conservatism assume that tradition can never be questioned and that our background(s) stands fast for all time.

For Pohlhaus and Wright, however, this conservative reading, with its assumption of unchanging and unchallenged tradition, is based on a misrepresentation of Wittgenstein’s arguments. To challenge this conservative interpretation they provide an alternative reading by
drawing on Wittgenstein’s philosophical engagement with the skeptic. They argue that rather than dismiss the skeptic’s claims as inherently unintelligible, Wittgenstein resituates these radical challenges within the contexts in which they might legitimately rise and make sense, as well as be answered (2002, 803, 807). What we see then is a constant effort to create and maintain relations of intelligibility in the face of radical challenges. Rather than reaffirming an unchanging tradition or foreclosing debate, Wittgenstein demonstrates that the ‘we’ that stands behind claims to what ‘we ordinarily say’ is continually being redefined (2002, 802).

This ‘we’ is therefore always open to political contestation. This contestation arises because the individual is not merely subject to society; instead, both exist in a reciprocal relation (Pohlhaus and Wright 2002, 809). On the one hand, self-knowledge is only possible in the context of a shared form of life; it must be articulable in the same language we speak with others. However, each person is also authorized to make a claim about what ‘we’ can say. This claim to speak representatively can be contested and is therefore always under threat of being proven wrong. The ‘we’ of society is therefore not transcendentally fixed, but rather something that “can stand in need of being reestablished” (Pohlhaus and Wright 2002, 812). This political contestation of who ‘we’ are and what ‘we’ say therefore opens up possibilities for change.

In sum, Wittgenstein’s argument for the conventional nature of language approach warns that a community cannot simply be declared to exist, but instead must be maintained by ‘forms of life’ or shared practices, which in the international context involve practices of exchange and communication. Moreover, his emphasis on the search for mutual intelligibility demonstrates that a community is constantly in the process of being established and re-established. In other words, a community is not established once and for all, let alone by unilateral fiat, and the ‘we’ of any community must always be open to further questions.
This reading therefore shows that viewing formal decolonization as ushering in a universal international society is highly problematic. First, the formation of a community should be seen as an ongoing process rather than the creation of a founding moment, rather than seeing it as an ongoing process. Second, it calls into question the repeated declarations that a community exists, declarations which are not accompanied by an examination of the meaning and content of this community. Finally, it challenges the complacency that sees the issue of community as definitively settled once and for all. While Wittgenstein provides the starting point to challenge the accepted view of an international community, Stanley Cavell, Wittgenstein’s most prominent exponent, provides insight into the types of practices that can create and maintain a community.

Cavell

Like Wittgenstein, Cavell sees community as something always in the process of being (re)established. As Norris (2006, 4) puts the point, for Cavell, “a community in which the claim to community is never raised because it is taken as definitively addressed is…no community at all.” What Cavell adds to Wittgenstein’s work is his focus on the necessity of political voice in creating and maintaining a political community, for it is through the speech of its citizens that a community is continually (re)established. In the following, I will focus on three key aspects of Cavell’s idea of political voice: the mutuality of speech; the need to speak in your own political voice; and the ability to question the very foundations of the community itself.

In Conditions Handsome and Unhandsome, Cavell raises the question of what it means to consent to one’s own society. The issue of consent, he argues, cannot be settled in advance. Instead, the extent and depth of one’s consent must be worked out through the political speech of its citizens. He therefore links the idea of consent to voice: “the idea of consent, requesting my
voice...asks me to make society mine, one in which I am spoken for, where my voice may be raised in assessing the present state of society against a further state of society” (1990, 27). Here Cavell contrasts his idea of “mak[ing] society mine” with Rawls’ more contractual view, which, as Mulhall clarifies, “understands the nature and extent of the commitments and responsibilities to which they open us as settled in advance by impersonal defining rules or principles” (1997, 183). This becomes problematic because it “has the effect of distancing us from society, making it appear as an artifact...[and] has the effect of denying...how deeply we experience ourselves as being implicated in or identified with [society]” (Mulhall 1997, 183). In other words, consent to a political community is not simply a matter of obedience, but also of membership, which is experienced, for Cavell, through speech (Owen 1999, 586).

Therefore, for Cavell, our consent to society cannot be settled in advance by abstract norms or principles. Instead, speech is central to figuring out the extent and depth of my consent to society and the nature of our political community itself. On the one hand, the exercise of one’s political voice involves a process of self-education and self-communication, as “it is through the exercise of one’s political voice that one discovers (ongoingly) where one stands politically (the limits to which one can assent) and how one stands politically in relation to others (the depth and extent of one’s agreement with others)” (Owen 1999, 587). On the other hand, it is not a private experience, for when speaking politically for oneself, you are always speaking for others.

To speak for oneself politically is to speak for others with whom you consent to association, and it is to consent to be spoken for by them—not as a parent speaks for you, i.e., instead of you but as someone in mutuality speaks for you, i.e. speaks your mind. Who these others are, for whom you speak and by whom you are spoken for, is not known a priori, though it is in practice generally treated as a given. To speak for yourself then means risking the rebuff—on some occasion, perhaps once and for all—of those for whom you claimed to be speaking; and it means risking having to rebuff—on some occasion, perhaps once for all—those who claim to be speaking for you. (Cavell 1982, 27)
As Cavell points out, although this connection is always tenuous and open to rebuff by those for whom you claim to be speaking, having a political voice necessarily involves this mutuality: “The alternative to speaking for myself representatively (for someone else’s consent) is not: speaking for myself privately. The alternative is having nothing to say, being voiceless, not even mute” (1982, 28, emphasis in original).

Having a political voice, then, entails speaking for others and having others speak for you, and it is through this voice that one gains self-knowledge (finding out how deep your agreement to society, and therefore yourself, runs) and forms the basis for an (always unstable) community. However, for Cavell, it is not enough that you speak for others and they speak for you. Instead, it is necessary that members of a community are able to speak in their own (political) voice.

This aspect of political voice—that members of a community must be able to draw on their own moral consciousness and sense of political history—comes out most strongly in Cavell’s famous reading of Ibsen’s *The Doll House*, which follows the unhappy marriage between Nora and Torvald. Within the story itself, Cavell sees the moral stakes as Nora finding her own voice after Torvald “has managed, for the eight years of their marriage, to control her voice, dictate what it may utter and the manner in which it may utter it” (1990, xxxvi).

Cavell uses this example of Nora’s effort to find (or recover) her own voice as part of a broader exploration of what is entailed by the conversation of justice, which he describes as the “idea of what citizens in different positions can say to one another about the justice of their differences” (1990, xxiv). In particular, Cavell is critical of what he sees as Rawls’ limitation on this conversation, particularly the latter’s claim that “Those who express resentment must be prepared to show why certain institutions are unjust or how others have injured them” (quoted in
Cavell 1990, 108). Here Cavell is critical that Rawls “seems to be denying precisely the competence of expressions claiming a suffering that is … ‘the object of no particular injustice but of injustice in general,’ or of expressions … that the mass of individual members of society have been deprived of a voice in their histories” (1990, xxxviii).

In Nora’s case, her sense of outrage and dishonor cannot be framed as a violation of her already established rights, as Rawls would seem to demand, but rather that she has “been deprived of a voice in [her] history” (Cavell 1990, xxxviii). When she attempts to articulate her sense of injustice, Torvald refuses to see her as a moral agent, dismissing her as “a foolish child and out of her senses” (Cavell 1990, 113). Therefore, although she senses herself violated, she can give no reasons for this sense of violation that Torvald would find acceptable. Nora is therefore unable to experience her voice as her own, and to not to speak in one’s own voice, or to not have it received as speech as such, is not to speak at all: “to refuse to acknowledge the conviction I express as an offer of conversation … is to deny me a political voice; it is to render me politically voiceless, mute” (Owen 1999, 590).

It is therefore not enough that members of a community are able to speak, but their voice must be experienced as their own. Moreover, as Cavell points out, alienation from one’s political voice can result from the moral consensus of society at large. As he explains, “Deprivation of a voice here in the conversation of justice is not the work here of the scoundrel…; deprivation here is the work of the moral consensus itself, spoken for by the respectable Torvalds of the world (in us)” (Cavell 1990, xxxvii). That the moral consensus of society itself can deny the (political) voice of its members necessarily means that it must always be open to challenge and revision.

This need to challenge the moral consensus of society is highlighted by von Rautenfeld’s (2004) critique of Rawls’ exclusion of comprehensive doctrines from public debate if they
cannot be translated directly into the language of public reason. As a result of this limitation, public reason is biased toward its current content, becoming static and inflexible. He argues, “Those claims that cannot be formulated in the vocabulary of the current interpretations of the political values are forever shut out of public reason. This is not a disadvantage if public reason is complete and needs no emendation in its present form. This is precisely how Rawls insists citizens must regard it” (66). However, this argument that public reason is complete is “rooted in an ahistorical conception of the liberal political values of freedom and equality” (66).

Instead of banning those claims that do not fit with current interpretations of public reason, von Rautenfeld urges us to adopt Emerson’s charitable ethic of interpretation, which “is marked by the willingness to regard fellow citizens as intelligible and worthy members of public discourse” (2004, 68). It calls on us to seek to attain mutual understanding, and in so doing recognizes commonalities where they exist and fosters creation where they do not.

This perfectionist approach differs from Rawls in that it “allows some claims that may not be readily expressible in terms of the currently available interpretations of the political values because they may come to be so expressible in future interpretations” (von Rautenfeld 2004, 73, emphasis in original). Allowing for the possibility that our ideas of what constitutes justice may change prevents us from becoming complacent and ignoring cries of injustice:

In *Conditions Handsome and Unhandsome*, Cavell, drawing on Emerson, suggests that a key limit of Rawls’s view of justice is that it allows for citizens at some point in political deliberation to say that ‘our conduct is above reproach’ in regard to injustices that may exist in the existing political system. Mulhall renders this to mean that ‘if an initial judgment that an injustice is being perpetuated cannot ultimately be backed up by reference to (or articulated in terms of) a principle of justice, then it must be rejected.’ This, Cavell notes, is not part of political deliberation but an end to political communication. (von Rautenfeld 2004, 73)
This foreclosure “does more than ban illiberal reasons from the deliberation of fundamental issues. By bringing an end to the conversation it closes down the possibility of any future development in the interpretation of the political values” (von Rautenfeld 2004, 74).

For Cavell, however, we must always accept the possibility that the values of freedom and equality will be understood differently in the future. “In politics, this means that the values of freedom and equality as they are presently understood cannot keep us beyond reproach. Even though citizens may be beyond reproach in terms of the present interpretation of the political values, this does not mean that it is impossible that they may be confronted with a ‘juster way of thinking’ that condemns them precisely for an interpretation of the political values that they hold” (von Rautenfeld 2004, 74, emphasis in original). Therefore, public reason must be open to those kinds of reasons that change political values.

As discussed above, restricting the types of arguments and expressions that citizens may give “will be experienced as a restriction of citizens’ ability to speak for themselves and to speak in ways that give expression to their experiences” (von Rautenfeld 2004, 78). Denying a member of a community the ability to speak in one’s own voice is therefore a restriction on participation in the political process itself, and the ability to challenge the accepted values of society is necessary to finding this voice. Once again, Cavell’s reading of The Doll House proves instructive, in which Nora’s situation is not a violation of already established rights but rather the need for some other moral vocabulary entirely.

The problem that she faces is not a violation of her rights, at least not in the ways in which her rights can be formulated in her current milieu. Rather, the problem is that the moral vocabulary available to her doesn’t allow her to express her grievances. Unless she can come up with some other moral vocabulary to express a new interpretation of freedom and equality—and unless she is heard with charity—she won’t be able to express her sense of grievance. So Nora doesn’t need the kind of critique, feminist or humanist, that simply asserts a set of well-understood if poorly implemented rights against which current practice is measured. Rather, what she more likely needs is a kind
of feminism (or humanism) that relies on imaginative new ways of describing what it means to be a woman (or a human being), what kinds of wrongs women (or persons) are especially subject to, how the sexes should relate to one another, and so forth. (von Rautenfeld 2004, 78-79)

Restricting debate to already established values and interpretations will restrict the ability to find this new vocabulary, one that will challenge the prevailing interpretation itself.

To sum up, Cavell (following Wittgenstein) directs us that a community is not given, but rather continually (re)established through the speech of its citizens. In this way, a given political (or moral) community is never fixed but must be continually renewed even as it is presupposed. Moreover, this speech always involves speaking for others and having them speak for me, but it is a process that is always tentative, always open to rebuff. Moreover, he also draws our attention to the need to have not only the opportunity to speak politically, but to speak in one’s own voice. For Cavell, to be able to speak in one’s own political voice includes challenging the very principles of society, not simply their application in certain situations.

Although not addressing international politics directly, these insights are useful in deconstructing claims to international society. In the following section, I will demonstrate that although R2P supporters repeatedly invoke the idea of an international community, the Western-dominated discourse on R2P (and international morality in general) undermines the very conditions that could enable a community to be (tentatively) established. First, although Western academics and Western states arrogate to themselves the right to speak for others, they do not accord non-Western peoples the mutual right. Second, the R2P discourse itself was designed to silence or evade critiques from the South, and as such, denies these critics the right to speak in their own voice(s). Third, challenges to the very structure of international society continue to be marginalized or ignored.
Mutuality of Speech

As I argued above, I do not reject the possibility of an ‘international community’ outright. Instead, my aim is to consider what might make such a community possible, and to evaluate whether such criteria are being met. What the following section will show is that the first aspect of political voice identified above, the need for members of a community to be able to speak for one another in mutuality, is undermined by the persistent belief that the West has nothing to learn from the ‘rest’. This belief is particularly prevalent within the discipline of IR, which Grovogui argues is shaped by a “colonial ontology of difference” that includes two disciplinary presuppositions: “first that the West is the legitimate legislator and adjudicator of values, norms, and institutions for the ‘international community’ and, second, that those (presumed) incapable of producing good government, good laws, and good morals should obey the moral order bequeathed to them by the West, as a matter of deference” (2006, 31). There is therefore a persistent belief that those outside the West have not contributed in the past and are unable to contribute in the present and future to international norms and ethics, including ideas of humanitarianism and international solidarity.\(^{59}\)

To take as an illustrative example of the belief in the moral superiority of the West, Richard Rorty claims that in their arguments in favor of cosmopolitan solidarity, Westerners should be “more frankly ethnocentric and less professedly universalist” (1998, 56). He continues, “If Westerners could get rid of the notion of universal moral obligations created by membership in the species, and substitute the idea of building a community of trust between ourselves and others, we might be in a better position to persuade non-Westerners of the advantages of joining the community” (56-57). For Rorty, the West could enact this persuasion by showing the non-

---

\(^{59}\) As Grovogui (2006, 8), Shivji (1989, 15) and Soyinka-Airwele and Edozi (2010, 15) point out, this presumed moral paucity is viewed as particularly evident in Africa.
West the benefits of abolishing slavery and educating women. He concludes, “getting rid of rationalist rhetoric would permit the West to approach the non-West in the role of someone with an instructive story to tell, rather than in the role of someone purporting to be making better use of a universal human capacity” (57). Although Rorty’s call to see Western values and ideals as exemplary rather than universal opens up the potential for these values to later be proven wrong, he still envisions the non-West as in need of tutelage from the West and does not envision the West similarly learning from the non-West.

In much the same way, and despite repeated protestations to the contrary, humanitarian intervention and R2P are often seen as the provenance of the moral conscience of the West. For example, Weiss repeatedly grounds humanitarian intervention in a cosmopolitan solidarity emerging from Western values. He claims: “In many ways Western liberal values over the past few centuries have been moving toward interpreting moral obligations as going beyond a family and intimate networks, beyond a tribe, and beyond a nation. The impalpable moral ideal is concern about the fate of other people, no matter how far away” (1999, 10). Elsewhere he argues that Western publics feel a moral obligation to come to the rescue of human rights victims (Macfarlane, Thielking, and Weiss 2004, 987). In his view, it is the West that has learned to expand its moral horizon beyond communal attachments. Wheeler similarly locates moral advancement with Western citizens and states, arguing that Western states, under pressure from domestic publics and human rights constituencies, have used their dominant positions on the UN Security Council to expand its normative agenda (2001, 552).

60 Weiss uses almost identical language in a 2000 article (Macfarlane and Weiss 2000, 10).
61 Rorty, Weiss, and Wheeler seem to implicitly follow the larger pattern identified by Grovogui (2006, 36). He points out that the moral unity of the West is assumed when projecting an image of a conscious agent of progressive moral change, while disunity is assumed when pointing to specific Western crimes. In this case, enslavement, totalitarianism, Fascism, and Nazism are attributed to individual states and not treated as essential properties of the West.
The above examples support Grovgouï’s wry observation that “[t]he belief in the inherent status of the West as an enactor of norms is an unfortunate dimension of both global politics and academic discourse” (2003, 121). The presumed moral superiority of the West, however, is a function of the systematic depreciation of the political, cultural, and intellectual contributions of the ‘non-West’ to the benefit of the development of global values (Grovogui 2003, 121). Postcolonial scholars have therefore sought to highlight the contributions of those outside the West.

For example, Kwabena Akurang-Parry (2010) challenges the widely accepted view that abolition in Africa was the work of European and American institutions and agents. Although Rorty seems to believe that the West needs to “teach” the rest about the benefits of abolishing slavery, Akurang-Parry demonstrates that the activism of African abolitionists in the Gold Coast predated British colonial abolition inaugurated in 1874-75. Not only were there native African abolitionists, but their work also drew on moral norms such as humanitarianism and altruism, challenging the common view that humanitarianism is the property of the West. Moreover, these native abolitionist struggles exceeded British efforts by (presciently) arguing that freed slaves needed social and economic choices and opportunities to prevent them from reverting to forms of bondage and dependency. In this way, pace Rorty, the British could have learned from listening to African abolitionists.

Grovogui’s work on African political movements during World War II and the post-war era also brings to the fore African ethical and political contributions. As I argued above, the ideas of humanitarianism and human solidarity are often, explicitly or implicitly, treated as emerging

---

62 As Upendra Baxi (2006, 719) argues, the Third World has been a key contributor to the norms, standards, and values of international law. These contributions include: the right to self-determination, which was almost unknown to classic international law; the delegitimation of apartheid racism; social, economic, and cultural rights; the human right of development; and peaceful and friendly relations among states.
from and belonging to the West. Weiss, who sees Western liberal values as the source of cosmopolitan solidarity, demonstrated such a view. However, Grovogui draws our attention to the mobilization of human solidarity in the context of wartime anti-Nazi networks in the French colonial empire. During the Nazi occupation, he demonstrates, the colonized were left to their own devices and could have abandoned France in their time of defeat and occupation. Instead, they drew on ideas of human solidarity to support occupied France, and this African solidarity, Grovogui argues, lacked instrumentality or instrumentalization. He concludes, “human solidarity and its axiomatic derivations – including humanitarian intervention – are neither essentially modern nor necessarily Western institutions” (2006, 85). The contribution of colonial subjects to Nazi resistance, however, has been hidden by the official post-war policy of whitening the ranks of the Free French forces and the national army, and “an unofficial but equally potent policy of the whitening of national memory and image” (2006, 99).

To be clear, my point is not that Africans or the non-West in general also share these Western ideals. While it may be true that there are overlapping or consonant moral norms, to frame it solely in those terms is to treat non-Western ideas as derivative of the West. To do so ignores the ways in which those outside the West offer alternative political and moral visions that can expand our normative horizons. Grovogui (2006) gives one such example with Félix Adolphe Sylvestre Eboué’s vision for post-war France. Politically, Eboué proposed a republic based on territorial diversity, rather than the metropole domination envisioned by France. His republic would be based on philosophical openness to multiple political and cultural processes, and draw on diverse intellectual and moral sources (140). Normatively, Eboué believed in “sincere humanism,” which “meant ridding the world of certain modern conceptions of power and subjectivity, particularly imperialism and colonialism and their base political economy”
In so doing, it would challenge the complicity between humanism and slavery, colonialism, and imperialism. Rather than a form of domination, humanism would be measured by the attainment of justice and dignity by the racially, culturally, economically, and socially marginalized (142). Although ultimately unsuccessful, Eboué offered an alternative moral vision that sought justice for the most marginalized members of society, encouraged political, and philosophical openness, and challenged existing structures of power.

Echoes of Eboué’s vision, particularly the challenge to structures of imperialism and colonialism, can be seen in the widely overlooked Universal Declaration of the Rights of Peoples (“Algiers Declaration” or “Declaration”). Adopted on July 4, 1976 by a group of non-governmental participants, including national liberation activists, labor unionists, and NGOs from a large number of countries, the Algiers Declaration was conceived as a parallel document to the Universal Declaration of Human Rights (UDHR) that would finally prioritize the needs and demands of the Third World.

In addition to this shift in perspective, the Algiers Declaration also differed from the UDHR in that it was meant to be a political rather than legal document, a “political manifesto of peoples struggling against an oppressive status quo” (Shivji 1989, 97). Above all, the oppressive status quo identified by the Algiers Declaration were imperialist structures and tactics (Falk 1981, 192). This anti-imperialist stance is most clearly laid out in the Preamble, which is worth quoting at length:

We live at a time of great hopes and deep despair; a time of conflicts and contradictions; a time when liberation struggles have succeeded in arousing the peoples of the world against the domestic and international structures of imperialism and in overthrowing colonial systems; a time of struggle and victory in which new ideals of justice among and

---

63 The Declaration covers: the right to existence (Articles 1-4); the right to political self-determination (Articles 5-7); the economic rights of peoples (Articles 8-12); the right to culture (13-15); the right to environment and common resources (Articles 17-18); the rights of minorities (Articles 19-21); and guarantees and sanctions (Articles 22-30).
within nations have been adopted; a time when the General Assembly of the United Nations has given increasing expression, from the Universal Declaration of Human Rights to the Charter on the Economic Rights and Duties of States, to the quest for a new international, political and economic order.

But this is also a time of frustration and defeat, as new forms of imperialism evolve to oppress and exploit the peoples of the world. Imperialism, using vicious methods, with the complicity of governments that it has itself often installed, continues to dominate a part of the world. Through direct or indirect intervention, through multi-national enterprises, through manipulation of corrupt local politicians, with the assistance of military regimes based on police repression, torture and physical extermination of opponents, through a set of practices that has become known as neo-colonialism, imperialism extends its stranglehold over many peoples.

What is clear is that the Algiers Declaration heavily emphasizes international structural factors, which makes it distinctive from existing human rights instruments. Rather than declaring a tabula rasa with the advent of formal decolonization, the Algiers Declaration calls for a critical analysis of the ways in which international factors, past and present, are intimately linked to the problems facing the Third World.

It is also unique in that it does away with the individual/state binary that has dominated the Western human rights discourse, as both categories are entirely absent (Shivji 1989, 95). Instead, it is people-centered, and can be seen as an “assertion of popular sovereignty, asserting that it is the people of the world that are the fundamental source of authority with respect to the governing process” (Falk 1981, 192). This claim to popular sovereignty is asserted over the claims and activities of governments, multinational corporations, and international institutions (Falk 1981, 192) and is more far-reaching than that of the Western-dominated human rights discourse. While the latter overwhelmingly focuses on restraining the (Third World) state, the Algiers Declaration challenges other major violators of human rights, including multinational corporations and international institutions, which tend to be exempt from critical scrutiny.

---

64 Dan Danielson (2006, 88) points out that the private nature of corporations has largely exempted them from scrutiny under international law, despite the fact that they perform governance functions. In particular, corporations
The Algiers Declaration further challenges the status quo by demanding recognition of past and future responsibility. On the one hand, it condemns current interference and exploitation. For example, it declares the right to political self-determination (Article 5) and economic and social self-determination (Article 11), while Article 10 calls for “equal and just terms in international trade.” Together, these articles reflect a demand for changes to the current world order. On the other hand, it also demands restitution for colonial exploitation. Shivji (1989, 101) argues that the founders of the Algiers Declaration were acutely aware that the history of colonialism had a direct impact on the underdevelopment of the Third World. This history of plunder and spoliation is reflected in Article 8: “Every people has an exclusive right over its natural wealth and resources. It has the right to recover them if they have been despoiled, as well as any unjustly paid indemnities.” A similar recognition can be seen in Articles 24-26, which calls for restitution of unjustly obtained profits and the nullification of unequal treaties and agreements, and condemns unbearable financial charges. The key point is that these Articles condemn unjust enrichment not only in the present but the past as well. It therefore constitutes a denial of the redemptive rhetoric of decolonization, and calls forth not only a responsibility on the part of powerful states to cease these exploitive activities, but to offer restitution for the damage already caused.

There is one further aspect of the Algiers Declaration worth emphasizing, specifically its conception of an international community and international responsibility. As I will discuss in more depth in the following section, Western R2P supporters frame any substantive criticisms of R2P as a choice between unrestricted state sovereignty and human rights, and as a denial of the international community. On the contrary, the Algiers Declaration embraces the idea of an

have a significant governance impact on health, safety, the environment, wage rates, and economic development in developing countries.
international community imbued with responsibility. All parties, which includes more than just individual states, have a responsibility toward the entire international community (Article 22) and the international community has a responsibility to restore these rights (Article 30). However, this idea of an international community endowed with responsibility is far different than that envisioned under R2P, as it allows for Western states and international structures and practices to be perceived as the cause of rights violations.

Although the Algiers Declaration has made little substantive impact, it is valuable in demonstrating a counter-hegemonic vision of human rights and international responsibility, one that confronts existing structures of power by refusing to separate the domestic from international structural factors. It also challenges the redemptive rhetoric of decolonization by highlighting the damages caused by colonialism as well as continued neocolonial relationships. It therefore demonstrates deep fissures in the so-called international community caused by continuing relations of exploitation.

The above section was meant to illustrate two key points: that non-Western states continue to be excluded as contributors to questions of international norms and that there is real value in taking their concerns seriously. Or to put it in Cavell’s terms, the mutuality of speech necessary to establish a community is manifestly denied by “[t]he belief in the inherent status of the West as an enactor of norms” (Grovgogui 2003, 121). This assumed moral superiority on the part of the West therefore allows Western states and Western academics to make declarations about international norms and values, but the same status is not accorded to peoples outside the West. Although there are alternative conceptions of justice and responsibility, such as those found in the Algiers Declaration, they continue to be ignored or denied, and they are certainly

65 As Shivji puts the point, “The fact that the Algiers Declaration has received very little, if any, notice in the dominant discourse on Africa testifies to the ideological biases of that discourse rooted in the hegemony of imperialist ideology” (1989, 106).
not permitted to make claims about what the ‘we’ of the international community says. This inability to speak for the community as a whole therefore undermines the formation of a meaningful international community. In the following section, I turn to mainstream debates over humanitarian intervention and R2P specifically, demonstrating how their silencing of political speech also works against this search for community.

**Political Voice**

As Cavell argues, the ability to speak in your own political voice is central to the formation of and participation in a community. More specifically, members of a community must not only be able to speak with and for others, but must be able to find their own moral vocabulary that adequately expresses their own felt sense of injustice. To face restrictions on the types of arguments and reasons that are acceptable is to be denied the ability to speak politically, and therefore to participate as a member of a community. When Western R2P supporters systematically ignore or distort concerns from the South that do not fit the hegemonic conception of R2P, they are therefore denying non-Western states their political voice.

This denial of political voice is seen in three key ways. First, the historical experiences of Western colonialism and imperialism have been excised from the debate, leading all concerns about sovereignty to be dismissed as irrational or self-serving. Second, all opposition to humanitarian intervention is reduced to a defense of the principle of absolute state sovereignty, which ignores the actual criticisms emerging from the South. Third, the change from humanitarian intervention to R2P can be seen mainly as a political and rhetorical move, one designed to evade rather than address the key problems of humanitarian intervention, and thereby to silence critical voices from the South.
Humanitarian Intervention

As I noted above, members of a community must experience their political voice as their own. In other words, they must have the “ability to speak for themselves and to speak in ways that give expression to their experiences” (von Rautenfeld 2004, 78), for to deny this ability is to restrict participation in the political process itself. In the case of humanitarian intervention, postcolonial states are unable to give expression to their experiences of colonialism and neocolonialism.

This denial relates to the historical narrative I put forth in Chapter 1. This narrative, I argued, brackets out the history of colonialism and imperialism and relegates Cold War interventions by the great powers to the dustbins of history. As a result, colonialism and imperialism are treated as relevant only to the extent that they create an emotional reaction on the part of Third World states, and by extension serve as an obstacle to the realization of humanitarian intervention. Evans encapsulates this view, claiming that a “reason for the issue of humanitarian intervention being so difficult to resolve is the emotional attachment to state sovereignty by so many countries” (2005a, emphasis added). In much the same way, Thakur claims, “At one level, the developing countries attachment to sovereignty is deeply emotional. The colonial experience traumatized many of them and the long shadows cast by this are yet to disappear” (2011b, 78).

This type of language, and the underlying biases it reveals, has leaked into policy circles as well. For example, Adele Brown’s policy paper, prepared for the Members of Parliament in the UK’s House of Commons, claims that “Western imperialism has left deep scars and

---

66 Evans frequently uses such arguments. In various speeches, he has described Third World countries as having: “visceral discomfort” (2005a); “sensitivities” (2006b); “instinctive unwilling[ness] to concede in principle that intervention…could ever wholly avoid having [a neo-colonial and neo-imperial] character” (2007b); and raised hackles (2007a).
engendered a legacy of hearty cynicism” (2008, 55). Samantha Power, former adviser to President Obama and recent US ambassador to the United Nations, describes humanitarian intervention as “rais[ing] the hackles among smaller countries that former colonial powers were using humanitarian pretexts to cloak their imperial designs” (2009, xi, emphasis added).

What is abundantly clear here is that colonialism and imperialism are not seen as having any relevance for the former colonial and imperial powers themselves. In a telling phrase, Thakur argues, “The continuing scars in the collective memory are difficult for many Westerners to comprehend and come to terms with” (2011b, 79). The implication is that it is not their own behavior that Western states need to consider, but rather how to deal with the emotional reaction on the part of Third World states. This follows the pattern identified by David Crocker, in which the need for mature democracies to reckon with past rights abuses is ignored (1999, 44).

Not only do Western states deem it unnecessary to reflect on their own imperial and colonial past, but there is an underlying irritation with post-colonial states’ focus on these exploitive relationships. As Thakur puts it, “fewer and fewer Westerners are impressed any longer with charges of neoimperialism by historical association” (2011b, 9, emphasis added). This phrase reflects the dominant Western view that colonialism and imperialism are historical episodes that have been completed and are no longer relevant to contemporary politics.

However, for those on the receiving end of colonialism and imperialism, as well as Cold War interventions, this legacy cannot be so neatly relegated to the past. As Soyinka-Airwele (2010, 111) argues, understanding the political, social, and economic problems facing Africa must include understanding the ways in which the physical and structural violence of colonialism creates situational and relational conditions for distinct harm manifest in outbreaks of social and political violence, deepening impoverishment, economic disparities, trauma, turbulent mobilizations for justice, land claims and disputations, the alienation of subjects from leaders, the
emergence and persistence of authoritarianism despite citizen resistance and mobilization, and new forms of identity conflicts. However, these deformations created by colonialism are generally ignored, and instead blame is located in the failed and misguided policies enacted by some self-interested post-independence leaders.\textsuperscript{67} The point is not that all non-Western leaders are blameless or that the West is the cause of all problems facing the Third World, but rather that by ignoring the ways the structural violence of colonialism is reinforced by global hierarchies and institutions, existing global economic, legal, and political structures are protected from critical scrutiny (Soyinka-Airewele 2010, 126).

When Thakur writes, “As memories of colonialism dim and become increasingly distant, the salience of sovereignty correspondingly diminishes” (2011b, 80), he is denying the continued legacies of colonialism and imperialism, which continue to create the conditions for material harm. Furthermore, Thakur treats formal decolonization as a definitive break, ignoring that harmful interventions and exploitive relationships did not end with the achievement of formal sovereignty. Framing colonialism as a “dimming memory” therefore shields Western states from examining their own actions and makes it difficult to listen to claims that draw on these experiences.

That excising colonialism, imperialism, and Cold War interventions from the historical narrative has foreclosed meaningful debate and worked to silence critics is particularly evident in the 2009 UN debate on R2P, which was convened by Nicaraguan Foreign Minister Miguel d’Escoto Brockmann, as President of the General Assembly. In his opening speech, d’Escoto Brockmann as

\textsuperscript{67} The Cold War has also left damaging legacies by “creat[ing] an ethos of violence as the principle mode of policing lesser powers by the so-called great powers” (Grovogui 2010, 182). The United States and the Soviet Union provided the means of violence, including landmines, cluster bombs, and tracking devices. They also christened terror tactics as legitimate tools of combat (Grovogui 2010, 182). Violence in Africa, according to this view, is therefore not simply the result of an African propensity for violence, as is so often portrayed.
(2009a) sought to highlight the relevance of the historical experiences of non-Western states for debates over humanitarian intervention and R2P. Pointing to a long history of predatory interventions by the West, their continued dominance of international institutions, and a lack of accountability in the international system, d’Escoto argued that there is real danger that the net impact of institutionalizing a new regime of force would be more self-serving and destabilizing interventions that will exacerbate rather than mitigate suffering. Given this danger, d’Escoto’s (2009b) concept note preceding the debate reiterated Charter restrictions on the use of force and the importance of national sovereignty in achieving economic, social, and political rights, and offered alternative areas of emphases, including reform of the UN Security Council and international economic institutions.

Rather than address d’Escoto’s arguments, R2P supporters roundly condemned him. Glanville summarizes this dismissal: “d’Escoto’s speech was widely interpreted as a destructive contribution to the international conversation on R2P: one that cynically sought to preempt and confuse the General Assembly’s debate by misrepresenting the concept of R2P and tying it to the invasion of Iraq, and by pretending that the nuanced agreement on the concept had never been reached in 2005 and that the most extreme and problematic interpretations of the principle were still on the table” (2013, 180). Even more critically, the International Coalition for the Responsibility to Protect (ICRtoP) describes d’Escoto’s concept paper as “an insult to the Secretary-General… [that] was blatantly unhelpful in moving along the discussion on implementing the norm” (2009, 3). Badescu and Weiss similarly accused d’Escoto of “trying to paint R2P in imperialistic colors” and derided his “opening harangue” (2010, 357).

On a broader level, many R2P supporters found the very existence of the debate problematic, as it ran the risk of undermining the 2005 consensus. For example, the ICRtoP was
concerned “that a debate could provide the opportunity for skeptical governments to re-negotiate the norm and possibly result in a resolution that watered down or added caveats to the 2005 World Summit agreement” (2009, 3). They further worried that the “debate would distract Member States from the core issue of implementation and lead to a discussion focused on imperialism and tangential United Nations reform issues” (2009, 4). Edward Luck, former Special Adviser to the UN Secretary-General, similarly argued, “What we do not need at this point… are efforts to turn back the clock, to divide the membership, or to divert attention from our central task” (2009, 2). In other words, they insisted that the time for debate had passed.

As I noted in my earlier discussion of Cavell, speaking in one’s own voice entails the ability to draw on one’s own moral consciousness and political history, to express one’s experiences. What this overview has shown is that postcolonial states are routinely denied this opportunity, as colonialism, imperialism, and the unequal global system that resulted from these experiences are deemed at best irrelevant to the issue of humanitarian intervention (and by extension R2P). By limiting the types of arguments that are acceptable, R2P supporters are restricting participation, and thereby membership, in the international community.

In addition to not allowing members to draw on their own felt sense of injustice, another restriction on the exercise of political voice is to not even have it received as speech at all. As Owen points out, “to refuse to acknowledge the conviction I express as an offer of conversation…is to deny me a political voice” (1999, 590). This refusal to enter into conversation is evident when R2P supporters (unfairly) reduce all criticisms of humanitarian intervention to a defense of sovereignty in principle.68

---

68 Hehir is a notable exception, arguing: “At no point did any state argue that sovereignty enables a state to treat its population any way it pleases” (2011, 1337).
Evans and Sahnoun, the co-chairs of the ICISS, exhibit this reductionism when they describe debates over humanitarian intervention as “cantankerous exchanges in which fervent supporters of intervention on human rights grounds, opposed by anxious defenders of state sovereignty, dug themselves deeper into opposing trenches” (2002, 100-101). Elsewhere, Evans (2011) frames the issue as a fight between the North, which supported humanitarian intervention, and a South that argued in favor of absolute state sovereignty.\footnote{Evans uses similar phrasing in a variety of speeches. For examples, see Evans (2004a; 2005a; 2005b; 2006b; 2007a; 2008b; 2009a; 2013a).} In much the same way, Bellamy describes humanitarian intervention debates as a “divisive and irresolvable struggle between defenders of human rights and advocates of sovereign inviolability” (2006, 148).

Although parsed in this way, many, if not most, of the critiques center on the political realities of implementing ‘humanitarian intervention’ in an international system largely dominated by Western states. This political aspect cannot be ignored because rights, whether formally universal or not, need to be identified and codified to be put into practice. Therefore, as Ayoob points out, “the question of agency – who constructs and codifies human rights – [is] crucial” (2001, 226). In the current international system, this agency is unevenly distributed: “currently, the power to determine both where human rights have been violated and what needs to be done about such violations is concentrated more or less in the hands of the same agents,” namely the three Western permanent members of the Security Council or by NATO (Ayoob 2001, 226).

Therefore, although there is no single Third World perspective—with differences based on sub-region, status in the international and regional pecking order, different problems being faced, and shared affinities with people affected by state repression and/or state failure—this institutional reality contributes to broad commonalities in Third World concerns (Ayoob 2004,
104). As Ayoob summarizes, “At the most general level, third world reservations are related to the contested questions of what constitutes humanitarian intervention, how it should be authorized, and through what agents it should be implemented” (2004, 100). These concerns were reflected at the ICISS regional roundtables held in 2001.\(^{70}\) As I will show, the variety of issues voiced by participants cannot (for the most part) be reduced to a defense of absolute state sovereignty.

African states south of the Sahara were most likely to be receptive to arguments for humanitarian intervention (ICISS 2001b, 363-365). For these states, the primary concerns are the fragility of state sovereignty in Africa, which is seen as not deeply rooted in society, and the marginalization of Africans by the Security Council in particular and the international system in general. African support for R2P is often used as evidence that it is not only a Western norm; however, these claims gloss over differences in interpretations and emphases. At the roundtable held in Maputo, Mozambique, the preference was overwhelmingly for prevention over military intervention, with the latter seen as a last resort. They also argued for the need to look at the root causes of conflict, particularly the relationship between poverty and conflict. Moreover, they identified the increasing deterioration in the terms of trade and a sharp reduction of bilateral aid as contributing to this poverty, thereby implicating Western states and Western-dominated financial institutions as contributing to the root causes of conflict. Finally, they also raised the issue of decision-making authority, demanding to be seen as actors rather than objects and “a problem to be solved” (364). In sum, although receptive to the idea, the Maputo roundtable still raised fundamental challenges to R2P, namely African exclusion from discussions about

\(^{70}\) The full list of roundtables includes: Ottawa; Geneva; London; Maputo; Washington; Santiago, Chile; Cairo; Paris; New Delhi; Beijing; and St. Petersburg.
humanitarian intervention and R2P, their marginalization from international society in general, and the contribution of international factors to the structural causes of conflict.

At the Cairo Roundtable (ICISS 2001b, 374-377), which included representatives from the Middle East, the biggest concerns were selectivity and double standards, particularly US support for Israel despite the latter’s repeated violations of international law and brutal repression of Palestinians. Participants noted that there is no international intervention envisioned for Palestine despite the “disproportionate use of force, severe abuses of human rights, [and] denial of the right of self-determination” (375). Beyond Israel, participants also criticized Western powers for their backing of authoritarian regimes and contribution to tensions in the region through the pursuit of their interests. Therefore, like the Maputo roundtable, they demanded an acknowledgement of the ways that international factors contribute to crises. Moreover, the selectivity and double standards of Western powers pointed to the wider problem that the identification and definition of abuses can be, and generally is, a subjective and politicized process. As such, they expressed concerns that human rights could be misused as a pretext for intervention. They therefore rejected unilateral intervention, arguing that any intervention must be done in conformity with the UN Charter. However, participants also raised issues about giving authority to the Security Council because of its undemocratic character and lack of accountability, making UN reform a central concern. Humanitarian intervention and R2P therefore were not rejected in principle. Instead, criticisms focused on the misuse of norms, and these concerns about misuse have arisen from the actual behavior of Western states.

71 Of course, Third World states have also used double standards. However, I agree with Ayoob that “there is a crucial difference in the exercise of double standards by third world states as compared to its use by the major powers, especially the United States. The former do not have the capabilities to engage in humanitarian intervention or to set up the international administrations unless such an endeavor is blessed and supported, either within the UN or outside by the concert of powers led by the United States” (2004, 113).

72 The Cairo Roundtable did not include a Palestinian delegate.
For Latin America (ICISS 2001b, 371-373), a major concern was the region’s subjection to US intervention and brutalization by regimes often backed by the United States. Given this history of unilateral intervention, the question of authority—what is necessary to legitimize intervention and who can make the decisions to intervene—became central. Participants argued that the UN Charter should be kept as a key paradigm for analysis of cases requiring military intervention. The overall position was that “any decision to intervene militarily could only be legitimate if based on severe abuse of fundamental human rights. However, even if the Security Council could not decide to intervene, despite the existence of objective grounds, it would be very difficult to class as legitimate a ‘unilateral’ military intervention (that is, one taking place without Security Council mandate). Despite its shortcomings, the UN Charter should be kept as the key paradigm for the analysis of cases eventually requiring military intervention” (373). Although intervention was not rejected in principle, it was seen as a last resort and would only be legitimate with Security Council authorization.

In Africa, the Middle East, and Latin America, then, the norm of (some) international responsibility to protect was not rejected in favor of sovereignty as purported by ardent R2P supporters, but implementation issues were seen as much more deep and problematic than mere technical issues. Moreover, implementation could not be separated from its international context. Participants therefore sought to broaden the range of debate to include issues of UN reform, the destabilizing impact of the international economic system, the negative effects of Western states’ foreign policy, and most centrally, who would have the authority to make decisions about intervention.

There was much less support for humanitarian intervention in Asia, with China outright rejecting humanitarian intervention at the Beijing roundtable (ICISS 2001b, 392). On the one
hand, China rejected humanitarian intervention in principle, arguing that the conceptualization of humanitarian intervention is a total fallacy. This rejection might come closest to the sovereignty versus human rights caricature seen above. However, their concerns were also pragmatic, focusing on the political misuse of the norms. More specifically, like in Cairo, the focus was on the inconsistent practice and double standards on the part of Western states: “the sporadic, unpredictable, and incoherent words and actions of the Western powers regarding humanitarian intervention suggest that they have not seriously pursued a policy of protecting human rights and safeguarding world peace” (392).

The New Delhi roundtable (ICISS 2001b, 387-390) likewise raised concerns about the misuse of the norm: “Very often the morality and claimed legitimacy of interventions have in reality only been those of dominant nations or groups of nations” (388). Moreover, the participants, in a recurring theme, highlighted the issue of decision-making authority, including who defines the standards for when abuses have taken place, who enforces these standards, and how and what the process of scrutiny should be. Although the Security Council was generally the preferred authority for making decisions, participants still criticized it for its problems of coherence and effectiveness, and its lack of representation, democratic practice, and legitimacy. Overall, there was a clear preference for protective and preventive intervention, with military intervention a “necessary evil” (388).

To sum up this survey of non-Western roundtables, other than China, no participants rejected humanitarian intervention in principle. However, most viewed it as a last resort and prioritized prevention. There was also a clear rejection of unilateral interventions, with an emphasis on working in accordance with the UN Charter. The main concerns throughout were the monopoly on decisions about intervention held by powerful states, the selectivity and double
standards of Western states, and an inability to separate out humanitarian motives from geopolitical interests. In other words, the debate centered not on the principle of sovereignty, but rather on what humanitarian intervention would look like in practice based on the actual conduct of Western states, including past interventions.

However, the ICISS purposely refused to scrutinize this conduct. Thakur reflects, “We adopted the position, which was surely right, that any attempt to examine the merits, law, legitimacy and political wisdom of past interventions would be backward-looking, possibly finger-pointing and certainly judgmental. In other words, we were not—and I for one am still not—convinced that such an exercise would be helpful to our task” (2011b, 88, emphasis added).

The ICISS regional roundtables were ostensibly meant to engage with arguments from the South, thereby making the R2P norm a reflection of the international community as a whole. However, this refusal to address past interventions meant that the ICISS excised their political concerns from the R2P debate.

Framing humanitarian intervention debates as a “divisive and irresolvable struggle between defenders of human rights and advocates of sovereign inviolability” (Bellamy 2006, 148) is therefore problematic for two reasons. First, it ignores the historical (and current) experiences of much of the world, in which the violation of sovereignty was an important threat to human rights. Second, it mischaracterizes, and thereby ignores, the multifaceted issues raised by states in the South, as evidenced by the ICISS regional roundtables. The former denies postcolonial states the ability to give expression to their experiences, while the latter is a refusal to enter into conversation at all. Together, they restrict participation, and therefore membership, in the international community. Although R2P was ostensibly designed to overcome the dangers and limitations of humanitarian intervention, the following section will show that not only has
R2P failed to resolve these issues, but that it was largely designed to evade the key political issues raised by states in the South.

Responsibility to Protect

As I discussed above, the ICISS regional roundtables were largely focused on the implications of institutionalizing the norm of humanitarian intervention in a highly unequal global system rather than a defense of absolute state sovereignty per se. This is not to say that those in the South did not defend state sovereignty, but rather that sovereignty needed to be put in the context of the damage of past and present interventions by powerful states. As the following will show, R2P has not only done little to address these issues, but seeks to hide them from view. In other words, by trying to bypass the contentious debates surrounding humanitarian intervention by a simple declaration that these problems no longer exist, R2P was designed to restrict the political speech of states in the South.

This evasion can be seen in the foreclosure of debate over the dangers of abrogating state sovereignty, which is precluded by definitional fiat. The ICISS simply declares: “There is no transfer or dilution of state sovereignty. But there is a necessary re-characterization involved from sovereignty as control to sovereignty as responsibility in both internal functions and external duties” (2001a, 13, emphasis in original). Rather than engage critics in dialogue concerning the potential merits of sovereignty and political implications of global inequality, the ICISS preempts such debate by defining these questions out of existence.73

73 For Weiss, this redefinition of sovereignty was purely rhetorical: “There are two public policy angles fraught with ethical dimensions resulting from the R2P report: ‘core principles’ [state sovereignty implying responsibility] and ‘principles for military intervention’. The former is politically correct enough packaging so that Chinese, Russian, and many Third World readers may be able to stomach the latter, the real meat of the report” (2007, 100, emphasis added).
The ICISS further deflects or silences criticism by elevating moral arguments over political debates. The report begins by criticizing the policy debates surrounding humanitarian intervention:

For some, the international community is not intervening enough; for others it is intervening too often. For some, the only real issue is ensuring that coercive interventions are effective; for others, questions about legality, process and the possible misuse of precedent loom much larger. For some, the new interventions herald a new world in which big powers ride roughshod over the smaller ones, manipulating the rhetoric of humanitarianism and human rights. The controversy has laid bare basic divisions within the international community. In the interest of all those victims who suffer and die when leadership and institutions fail, it is crucial that these divisions be resolved (ICISS 2001a, 1-2, emphasis added).

In other words, political debate must end in order to fulfill our moral mission of rescuing suffering victims.

That R2P was designed to silence political debate, especially critiques from the South, is clearly reflected in MacFarlane, Thielking, and Weiss’s claim: “Even if the ICISS has altered little with regard to the underlying issues, the change of terminology from a ‘right to humanitarian intervention’ to a ‘responsibility to protect’ has the potential to… reduce polemics about the use of force to protect human beings” (2004, 980, emphasis added). This reference to criticisms as “polemics” is not unique. In fact, it even appears in the ICISS itself, which describes its mission as “to try to develop a global political consensus on how to move from polemics – and often paralysis – towards action within the international system, particularly through the United Nations” (2001a, 2). Badescu and Weiss are even more inflammatory, describing criticisms as “tirades” (2010, 356). These ‘polemics’ and ‘tirades’ are often explicitly contrasted with the reason and logic of (Western) R2P supporters, such as Edward Luck’s complaint that “too often rhetoric has replaced reason and the spectacle of debate threatens the quiet search for common ground” (2009, 3).
That R2P supporters would resort to characterizing critiques from the South as “tirades,” “polemics,” or “spectacles” as a way to dismiss their arguments is unsurprising, for it follows a wider dynamic identified by Grovogui. He argues that participants in global engagement must conform to normative sensitivities developed by the few; unconventional forms of speech are peremptorily dismissed because of the form they take rather than their content (2003, 123). In the case of R2P, I would argue that the content of non-Western critiques, especially those that challenge global inequality or heavily criticize the actions of Western states, lead R2P supporters to characterize them as non-normative speech and therefore unworthy of consideration.

Badescu and Weiss offer a clear example of the ways in which political critiques are framed as non-normative speech and summarily dismissed. They argue, “R2P surfaced in an attempt to move beyond the counterproductive and toxic ‘humanitarian intervention,’ which since the international response in northern Iraq in 1991, had often led to largely circular tirades about the agency, timing, legitimacy, means, circumstances, and advisability of using military force to protect human beings” (2010, 356). Who has the right and ability to intervene (agency, legitimacy, means) and whether a military intervention will improve or worsen the situation (circumstances, advisability) are surely crucial to any determination. However, they are dismissed as “counterproductive,” “toxic,” and “tirades.”

Because R2P is seen as “moving beyond” the toxic debates over humanitarian intervention, the fact that much of the world continues to reject humanitarian intervention does not impinge on the idea of consensus in the international community. At its 2000 Ministerial

74 Of course, conforming to normative forms of critique is no guarantee that such criticisms will be heard or acknowledged, as evidenced by the marginalization of many of the arguments presented at the various ICISS regional roundtables.

75 This rejection of humanitarian intervention is accompanied by the affirmation of sovereign equality. Both the Non-Aligned Movement (1995, §44; 2000, §10; 2004, §121; 2009, §5; 2012a, §5) and Group of 77 (2000, §4; 2005, §3) repeatedly affirm the principles of sovereign equality, territorial integrity, and non-intervention in the internal
Conference, which followed the Kosovo intervention, the Non-Aligned Movement rejected the right of humanitarian intervention: “We...want to reiterate our firm condemnation of all unilateral military actions including those made without proper authorisation from the United Nations Security Council or threats of military action against the sovereignty, territorial integrity and independence of the members of the Movement which constitute acts of aggression and blatant violations of the principle of non-intervention and non-interference” (2000, §11).

Humanitarian intervention was similarly rejected by the G-77 at its 2000 South Summit: “We reject the so-called ‘right’ of humanitarian intervention, which has no legal basis in the United Nations Charter or in the general principles of international law” (2000, §54). The Non-Aligned Movement used similar language to reject humanitarian intervention at its 2004 Ministerial Conference (2004, §8), 2009 Summit in Sharm el-Sheikh, Egypt (2009, §440), and 2012 Summit in Tehran, Iran (2012a, §598).

To obscure this cleavage, many R2P supporters go to great lengths to insist that R2P and humanitarian intervention are two separate concepts, and that the criticisms of the former do not apply to the latter. For example, Evans claims that the idea that “R2P is just another name for humanitarian intervention” is one of the major misunderstandings of R2P (2008c, 56) and criticizes those who “continue to hammer away at ‘humanitarian intervention’ as the target, and only incidentally mention R2P, flailing away at the old straw man without acknowledging that the debate has moved on and the extent to which their concerns have been conceptually accommodated” (2007b). In his 2009 speech before the UN General Assembly, Edward Luck described “the old caricature that RtoP is another word for military intervention” as one of the “myths that have clung to RtoP like so many unwanted barnacles from an earlier time and place”
(2009, 3). Instead, argues Luck, R2P is “broader, more multilateral, more nuanced, and more positive” than humanitarian intervention (2009, 2). Evans and Thakur make a similar distinction, claiming, “In current international policy discourse on the question of mass atrocity crimes, it is the multidimensional and nuanced concept of R2P—not the older one-dimension military concept of humanitarian intervention—that dominates real-world debate” (Evans, Thakur, and Pape 2013, 200).

A second, closely related strategy of using R2P to avoid debates over humanitarian intervention has been to shift the emphasis to prevention, with prominent supporters repeatedly declaring that prevention is the most important aspect of R2P.76 Luck insists that in formulating the R2P norm, “Prevention and state responsibility were to be the key” (2009, 2), while Evans urges us to “look at the responsibility in question as being above all a responsibility to prevent” (2009b, 3, emphasis in original). In much the same way, Thakur claims, “Prevention is the single most important dimension of the responsibility to protect” (2011b, 80).

However, I would argue that these repeated protestations that R2P and humanitarian intervention are two distinct concepts or that prevention, not intervention, is the most important aspect of R2P are disingenuous. To begin, such claims ignore the very reason that the ICISS was founded, which was to respond to Kofi Annan’s question: “if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that affect every precept of our common humanity?” (quoted in ICISS 2001a, vii). The Commission therefore saw itself tasked with answering the “legal, moral, operational and political” questions surrounding humanitarian

---

76 For other examples of this claim that prevention is the most important aspect of R2P, see Badescu and Weiss (2010, 367); Evans (2004a; 2005a; 2006b; 2007a; 2008c, 42, 56; 2012c; 2015b); Kikoler (2009, 3); Luck (2010, 3); and Welsh (2016). Despite this claim, however, implementing the preventive component of R2P has received very little attention (Bellamy 2016).
intervention (2001a, vii). As Acharya summarizes, “The Report’s primary goal [was] to establish clear rules, procedures and criteria of humanitarian intervention, especially those related to the decision to intervene, its timing and its modalities. The Report thus aim[ed] to make humanitarian intervention not only legitimate, but also more efficient” (2002, 373). Its claim that “[p]revention is the single most important dimension of the responsibility to protect” (ICISS 2001a, xi) would therefore seem, as Bellamy puts the point, to be nothing more than a “hollow protestation” (2011a, 41).

Given that the ICISS was specifically founded with the goal of legitimizing humanitarian intervention, Hehir is correct in stating: “If R2P is now being championed as primarily an initiative aimed at preventing intra-state mass atrocities, then this constitutes a significant alteration of its original raison d’être and an answer to a question that was not asked” (2010, 228, emphasis in original). Where I disagree with Hehir, however, is in how much of this supposed shift is rhetorical rather than substantive. In my view, the emphasis on prevention, which is generally used as “proof” that R2P and humanitarian intervention are different concepts, generally functions as a rhetorical device that obfuscates the continuing relationship between the two. Therefore, although one could argue that the R2P norm has evolved so far from its initial founding that its provenance no longer matters, the fact that the ICISS was specifically founded on the question of humanitarian intervention remains crucial because it is obvious that R2P was chosen for its rhetorical/political value to Western supporters, as a way to evade critiques over humanitarian intervention without addressing the underlying issues.

Bellamy similarly argues that “the ICISS was originally tasked with developing a more sophisticated account of the principles associated with humanitarian intervention” (2009a, 112). His concern, however, is that the perceived association of R2P with humanitarian intervention has “undermin[ed] efforts to translate R2P from words to deeds” (2009a, 112).
This linkage can be clearly seen in the conceptual slippage between humanitarian intervention and R2P and the avowedly political explanations given for the change in language. For example and somewhat ironically, even Evans, who so ardently denies the linkage between R2P and humanitarian intervention, claims: “The first [contribution of R2P], and perhaps most useful politically, was inventing a new way of talking about humanitarian intervention” (2008c, 39, emphasis added). Weiss is even more flagrant about conflating the two, often switching between humanitarian intervention and R2P, sometimes within the same paragraph. The reason is straightforward, as he sees the change in language as purely strategic and political, rather than substantive. For Weiss, “The responsibility to protect is a more politically acceptable reformulation of the more familiar ‘humanitarian intervention’” (2011b, 225, emphasis added).

Weiss’ changing attitude toward prevention also reflects this strategic stance, in which he adopts the language of prevention as a useful political tool to deflect criticism. He first claims, “The ICISS’s discourse about prevention… obscures the essence of the most urgent part of the spectrum of responsibility, to protect those caught in the crosshairs of war” (2007, 104). Four years later, he changes his mind, claiming, “R2P is above all about taking preventive action” (2011b, 234). At first glance this change could be seen as an evolution in thinking. However, a few pages later he reveals his underlying motivation for prioritizing prevention, arguing that the priority of prevention “cannot be said too frequently, because a limited number of Third World spoilers frequently get substantial diplomatic resonance from claiming that humanitarian intervention is a synonym for Western imperialism” (2011b, 240-241). In this phrase we see a

78 To give an example of this conceptual slippage: “The sun of humanitarian intervention has set for now. Whether US power will underpin or undermine humanitarian intervention is uncertain. But one thing is clear. It will be decisive. If the responsibility to protect is to flourish, the United States must be on board. The current moment is dark, but that is not to say that humanitarian intervention will not dawn again” (Weiss 2011b, 292, emphasis added).

79 Ironically, elsewhere Weiss writes, R2P “is not a synonym for ‘humanitarian intervention’, although supporters sometimes lapse into that language” (Badescu and Weiss 2010, 367).
number of key themes I have identified: conceptual slippage between R2P and humanitarian intervention; the recourse to a discourse of prevention as a rhetorical tool; and dismissal of Third World critics as spoilers.

Weiss is not unique in seeing a focus on prevention as a political tool to deflect criticism from humanitarian intervention. Heinze similarly, though more critically, argues that R2P was crafted with the view toward implementing humanitarian intervention, with the language of prevention being used a tool to gain political support for humanitarian intervention: “the authors couched this agenda within a strategy about preventing and averting gross human suffering, and reconceptualized the debate about ‘intervention’ as a discussion of ‘responsibility’ in order to make it more palatable to states that have an aversion to limitations imposed on their sovereignty. The idea, in short, was to use the R2P label to generate enough political will among states to mobilize a decisive response to gross human rights violations, which any reasonable person would take to mean military intervention after reading the ICISS report” (2011, 22). R2P, then, was designed to legitimate humanitarian intervention by shifting the debate away from the latter’s unresolved issues, and thereby foreclosing the conversation.

The consensus over R2P touted by many of its supporters can therefore only be maintained by distorting or silencing criticisms from the global South. This erasure is enacted in several ways. First, the questions surrounding humanitarian intervention are evaded by ignoring the South’s justified concerns about sovereignty and reducing all critiques to the frame of sovereignty versus human rights. In this way, the historical and current behavior of Western states is shielded from critical scrutiny. Second, the R2P norm itself was designed as a political tool to foreclose debate, first through definitional fiat and then by obscuring R2P’s relationship to humanitarian intervention. As such, although R2P relies on the idea of a consensus within the
international community, the discourse surrounding the norm actually serves to undermine the formation of an international community by preventing those in the South from speaking in their own political voice. In other words, it is not received as speech, for their criticisms of humanitarian intervention and R2P are not considered acceptable within the (Western) moral consensus. This problem is compounded when humanitarian intervention and R2P are placed in the context of broader challenges to the international system, which I turn to in the following section.

**Critique of the Broader International System**

I argued above that states and peoples in the South are denied their political voice in regards to humanitarian intervention and R2P. Importantly, this deprivation, as Cavell warns, “is not the work here of the scoundrel… [but] of the moral consensus itself” (1990, xxxvii). That the moral consensus of the community can deny the political voice of its members means that it must also be open to challenge and revision. In other words, a member of a community must have the ability to question not only a particular decision within a community, but also the very rules of the community. I therefore argue that criticisms of humanitarian intervention and R2P by those in the global South must be placed in the context of their demands for greater participation and authority in the international system as a whole, demands that R2P supporters consistently fail to acknowledge and address.

To bring these demands to the fore, I focus on two key international organizations dedicated to representing the priorities and interests of the South in international affairs.\(^80\) The first is the Non-Aligned Movement (NAM), which originated out of the 1955 Bandung

---

\(^{80}\) My arguments here make no claims as to the efficacy of these groups. Rajagopal (2006, 767) argues that NAM and the G-77 have lost relevance as geopolitical bodies, while Thakur (2011b, 12) argues that with the end of the Cold War, NAM has lost its conceptual mooring and Third World solidarity has been lost with the embrace of market friendly policies.
Conference. At Badung, the main topics included pressures from major powers, difficulties in maintaining their independence in the face of such pressures, and opposition to colonialism and neo-colonialism. The first NAM Summit Conference was held in 1961 in Belgrade with twenty-five participating States, and a central goal was charting an independent course in world affairs without being pawns in Great Power struggles. Important political goals have therefore been “the right of independent judgment [and] the struggle against imperialism and neo-colonialism,” as well as restructuring the global economic order (NAM 2001). It now includes 120 members and seeks to give countries from the South a greater voice in international affairs.81

The second is the Group of 77 (G-77), which also seeks to increase the influence of states from the global South. It was established on 15 June 1964 as an intergovernmental organization working within the UN, and its membership has grown from 77 to 134 states.82 Its stated goal is to “provide[] the means for the countries of the South to articulate and promote their collective economic interests and enhance their joint negotiating capacity on all major economic issues within the United Nations system, and promote South-South cooperation for development” (G-77 2016).

Although we should be careful not to assume homogeneity between participating countries or that there is one Southern perspective, looking at their declarations, statements, and documents is useful in providing insight into the types of concerns that arise from those countries marginalized in the international system.83 The following section will therefore analyze key documents from NAM and the G-77, focusing on the years 1995-2012 to demonstrate that the

---

81 For the full list of the Non-Aligned Movement’s current members, see Appendix A. The list is drawn from the its most recent Summit (NAM 2012a).
82 The name Group of 77 was kept because of its historical significance. For a full list of its current members, see Appendix B. Although not an official member, the G-77 is often accompanied by China. This list can be found on its website at www.g77.org/doc.members.html.
83 Rajagopal is careful to point out that there are vast differences in levels of economic and political power between Third World states (2006, 767).
types of concerns raised during the 1990s debates over humanitarian intervention remain just as prevalent despite the shift to R2P in 2001 and its adoption in 2005. In other words, the shift to R2P has done little, if anything, to address concerns regarding the nature of the international system.

When Evans (2012a) claims that the issue facing the international community is “how to improve global governance,” he therefore misses that for many in the South, the problems for the international community run much deeper. It is not (only) a matter of improving performance but rather altering the structure of the international community itself to ensure their full participation as members. To demonstrate this fundamental challenge, I will focus on four key themes that arise from the Non-Aligned Movement and G-77: their marginalization from international society; a lack of democracy within the United Nations; inequality in the global economic system; and the interrelated nature of domestic and international factors. As I will show, R2P has bracketed out these issues, once again denying non-Western states full participation as members in the international community.

Marginalization from International Society

As I argued above, Western IR scholars tend to treat decolonization as the advent of a universal international society. However, this assumed universality hides the ways in which inclusion is an ongoing process. Grovogui describes this fight for inclusion at the United Nations, where “the struggle for a postcolonial order has focused on political autonomy and authority within the international order; the right to speak for self and through the cultural resources on which individual participants draw their moral consciousness; a quest for commensurable ideas, values, and objectives through which international morality can be

84 Given the sheer volume of documentation produced by both organizations, a complete analysis is beyond the scope of this dissertation. My choice of documents is therefore meant to be illustrative rather than exhaustive.
formulated” (2006, 56). The problem therefore involves not only exclusion from positions of authority but also from the formation of international morality.

Whereas R2P invokes an already established, static international community, states in the South see the establishment of a meaningful community as an essential task yet to be realized, which is reflected in both the Non-Aligned Movement and G-77’s frequent criticisms of their marginalization from international society. Opposition to members’ political and normative subordination is reflected in the G-77’s declaration: “the international machinery through which global norms are developed and actions taken must … ensure that the countries of the South can participate on an equal footing in decisions which affect them most of all” (2000, §10, emphasis added). Here we see a request for political autonomy and authority, the right to participate in decisions that affect them, as well as a demand to participate in the formation of global norms – rather than a demand for particular norms to be implemented.

The G-77’s declaration was made in 2000, and as we saw in the 2001 ICISS regional roundtables, a major concern from all regions was the much greater decision-making authority of Western states. Although its supporters claim R2P has “conceptually accommodated” (Evans 2007b) these concerns, the need for greater participation and authority on the part of non-Western states remains a crucial (and unmet) demand, which was raised again by the Non-Aligned Movement in 2012: “The growing importance of developing countries is yet to be sufficiently reflected in the governance structures of existing international key decision-making bodies…it is imperative that developing countries could have a greater voice and participation in the major institutions, which coordinate policies at the international level” (2012b, §1c, emphasis added).
In addition to criticizing the continued exclusions from positions of authority, the Non-Aligned Movement has also been highly critical of its normative subordination. A challenge to the presumed exclusive moral authority of the West can be seen in the pointed remark: “Some powerful members of the international community continue to insist on their models and perceptions as standards for universal behaviour” (1995, §13). Such criticisms tend to be reduced to a crude relativism, in which non-Western states are seen as demanding the right to violate human rights at will in the name of cultural difference. However, I argue it is more fruitful to see it as part of consistent demand by non-Western states to participate in the formation of global norms and international morality, through the use of “cultural resources on which individual participants draw their own moral consciousness” (Grovogui 2006, 56).

Once again, the switch from humanitarian intervention to R2P does not seem to have altered this dynamic, as the Non-Aligned Movement continued to challenge these entrenched viewpoints, including the demonization of its members. In 2009, they “[o]ppose[d] and condemn[ed] labelling of NAM countries and peoples by certain States through use of pejorative terms as well as systematic vilification of other States to exert political pressure” (2009, §24.4). Instead of this vilification, they “reiterated the need to continue working towards the promotion of dialogue and understanding among civilizations, cultures and religions” (2009, §30).

The R2P discourse is not exempt from this repeated demonization. Rather than actually addressing the concerns of non-Western critics, they are summarily dismissed as inherently irrational or self-serving. For example, in a speech to the Africa Policy Forum in Addis Ababa, Evans repeatedly accuses the Non-Aligned Movement of fighting a “rearguard action” against “any kind of limitation on the full and untrammeled exercise of sovereignty, however
irresponsible that exercise may be” (2005b). In yet another speech, he refers to “forces of resistance” in the international community (2006b). Samantha Power claims that “[t]he Southern revolt has meant that a diminishing number of voices are speaking out on behalf of human rights in the international system” (2009, xiii), while Weiss laments “Third World countries that wish to slow or reverse normative progress” (2007, 55).

Here it is important to recognize that this demonization is not the only problem. Or rather, the problem is not merely the lack of respect given to non-Western critics, but rather that this lack of recognition and respect is also supported by deep material inequalities. We should therefore keep in mind Joan Cock’s warning that struggles for recognition “unwittingly may obscure the material interest in an unequal shouldering of the burdens of vulnerability that is the secret of much discursive cruelty, and that will not be corrected and may even be protected by reforms in how groups speak to and about one another” (2014, 136). She further warns, “reciprocal recognition and respect can serve as both a substitute for material transformation and a discursive mystification of the deep material inequalities between so-called equal sovereign nations” (2014, 155, f60). In other words, we must change not only how we speak to each other but also the material inequalities that govern this relationship. The goal for NAM and the G-77 is therefore not simply discursive, but rather includes specific arguments for changes to existing international structures, most notably the United Nations and international economic institutions.

UN Reform

The United Nations has long been seen as representing the international community, and for states in the South, it has been key arena in which the struggle for inclusion in this community has been fought (Grosvogui 2006, 56). Greater participation within the United Nation has therefore been a longstanding demand made by the Non-Aligned Movement. This demand

---

85 As it was a speech to the Africa Policy Forum, he takes great pains to paint Africa as an exception.
figures prominently in its 1995 Summit Document, which “reiterated that democracy within the
family of nations would require the fullest participation and engagement of all States, large and
small, in the work of the Organization” (§57) and “appealed to the major States to accept this
inevitable process [of democratization] in the broader interests of mankind” (§13). In addition to
these broad moral claims, it also makes specific criticisms of the functioning of the United
Nations, including the lack of democracy and transparency in the Security Council (§49), the
“undue influence over the Security Council and the privileged and dominant role that the veto
rights ensures for the Permanent Members of the Council” (§50) and a lack of equitable
representation in the Security Council (§51).

Discussing the role of the ICISS, Evans states: “Our bottom line was that the task was not
to find alternatives to the Security Council, but to make the Security Council work better”
(2004b, 70). The answer to “making the Security Council work better” was to formulate criteria
for military intervention, with very little attention paid to the dominance of Western states within
the UN in general and Security Council in particular. In fact, Western democracies have
repeatedly shot down proposals for democratic reform of the UN, including the General
Assembly, Security Council, and Court of International Justice (Archibugi 2003, 8). The change
from humanitarian intervention to R2P has therefore done little to change the institutional reality
that those in the South, who will be the targets of R2P, whether military intervention or so-called
prevention efforts, continue to have very little say in how the norm will be applied.

One argument put forth by supporters is that the 2005 Summit accommodated non-
Western concerns by tying military intervention to the Security Council. However, it is
important to remember José Alvarez’s (2003) warning that we need to consider hegemonic

---

86 This is also one of the biggest criticisms of R2P by Western supporters, who see the need for Security Council
approval as too constraining.
rule working through collective processes of international law, including the Security Council. The Non-Aligned Movement is not only concerned with preventing powerful states from acting outside international law, but rather their exclusion from the decision-making processes.

Looking at the Non-Aligned Movement’s 2012 Summit shows that R2P has done little to give more equitable representation and participation within the UN, especially the Security Council. They declared: “Reform of the Security Council should be comprehensive, addressing all substantive issues relating, inter alia, to the question of the membership, regional representation, the Council’s agenda, its working methods and decision-making process, including the veto” (2012a, §91.3). A frequent concern is the inflated power of the Security Council and its encroachment on other principle organs of the UN, especially the General Assembly and Economic and Social Council (§79.5, §82, §83.7), as well as the question of equitable representation in the Security Council (§91, §91.8).

More specifically, the Non-Aligned Movement highlights the myriad ways in which members are excluded from participation in debates within the Security Council, including unscheduled open debates with selective notification, reluctance in convening open debates on some issues of high significance, repeatedly restricting participation in some of the open debates and discriminating between members and non-members of the Council …, failure to submit special reports to the General …, submission of annual reports still lacking sufficient information and analytical content, and lack of minimal parameters for the elaboration of the monthly assessment by the Security Council Presidencies. (2012a, §91.6)

Western R2P supporters rarely analyze these tactics of exclusion, instead focusing on the need to formulate criteria for military intervention. The assumption is that having criteria will lead to better discussions, and better processes lead to better outcomes (e.g. Evans 2004b, 77-78;
Glanville 2013, 175-176; Wheeler 2001, 566). However, such claims ignore the institutional biases that prevent participation in such debates, thereby undermining this goal.

As I demonstrated above, the lack of democracy, representation, accountability, and transparency in the Security Council was forcefully highlighted at the ICISS regional roundtables in 2001. However, these problems have not been addressed under R2P. Instead, they are generally treated as irrelevant to, or a distraction from, the more important task of implementing R2P, an attitude reflected by the ICRtoP’s criticism of “tangential United Nations reform issues” as a “distract[ion]… from the core issues of implementation” (2009, 4), Weiss’ description of Security Council Reform as “wast[ed] energy” (2011b, 289), and Bellamy’s admonition, “Progress in the here and now should not be made hostage to potential future reforms to the very structure of international relations” (2016, 63). This dismissal of Security Council reform as “tangential” or a “distraction” denies those in the South the ability to challenge accepted values, and is therefore a restriction on participation in the political process itself. Declaring the status quo to be inviolable in effect shuts down the political conversation necessary for the formation and maintenance of a community, a process repeated by the exclusion of economic concerns from the discourse.

**Economic Inequality**

Both the Non-Aligned Movement and G-77 focus heavily on the inequality of the global economic system as a part of their broader critique of their limited membership in the international society. At its 1995 Summit, the Non-Aligned Movement called for a “more balanced and participatory system of international economic relations” (§24), based on “justice and equity” (§45). This was not just a general call for equality and justice, but rather included specific complaints about how they continue to be marginalized in the global economic system,
through methods such as protectionism, inordinate burdens of external indebtedness, lack of access to technology, and deteriorating terms of trade with developed countries (§8). The Non-Aligned Movement raised the same concerns at its 2000 Summit, again noting the marginalization of many developing countries from the world economy (§8).

In the same way, the G-77 South Summit in 2000 called for “a more just and equitable international economic system” (§5) and “a fundamental reform of the international financial architecture, making it more democratic, more transparent and better attuned to solving the problems of development” (§12). Once again, we see specific inequalities being named, including the need to address the imbalance in WTO agreements (§20), which include protectionist measurements such as anti-dumping actions, countervailing duties, tariff peaks and escalations; the need to take into account their vulnerability and risk of marginalization in the global economy; and the problem of external debt (§26). In 2001, the G-77 reiterated the call for the need for greater democracy in global economic decision-making structures (§36).

In fact, developing countries have consistently demanded major reform of the international trade regime. At the 2001 Doha Conference of the WTO developing countries raised issues concerning “basic market access to industrial country economies, terms of trade between developing country exports and imports from industrial countries, commodity price volatility and trade patterns, phaseout of export subsidies and trade-distorting domestic support measures in agricultural exports by industrial countries (especially cotton), and special and differentiated treatment for poor countries” (Cheru 2010, 202-203). The most important topics at the conference were US/Euro trade practices that locked African farm products out of rich markets yet allowed wealthy countries to flood African markets with massively subsidized exports (Cheru 2010, 203)
After the 2001 Conference, the WTO appeared to recognize the structural inequality within the international economic system. Paragraph 3 of the Doha Declaration states: “We recognize the particular vulnerability of the least-developed countries and the special structural difficulties they face in the global economy. We are committed to addressing the marginalization of least-developed countries in international trade and to improving their effective participation in the multilateral trading system” (WTO, 2001). However, this rhetorical declaration was not accompanied by substantive changes. Ten years after the Doha Declaration, developing countries continue to be disadvantaged by the global economic system. From 2001-2011, $47 billion has been paid in subsidies to rich-country producers, which has continued to create barriers for 15 million cotton farmers in west Africa and has put five million of the poorest farmers out of business. Beyond cotton, there has been a lack of agreement on reducing farming subsidies in general on the part of rich countries. The WTO also failed to curb protectionist measures on the part of G-20 countries, despite the fact that eliminating protectionist measures is one of its stated aims. It also failed to improve access to its expensive and complex legal system, and small and poor countries therefore continue still have little voice in trade negotiations (Walker 2011).

Given this lack of progress, it is unsurprising that the Non-Aligned Movement offers the same critiques of the international economic system in its 2009 Summit Document:

They stressed the important role of the United Nations in addressing issues concerning international trade and development, as well as the persistent systemic inequities in international economic relations, in particular the slow progress in enhancing the voice and participation of developing countries in the International, Financial and Monetary Institutions, which are to the detriment of developing countries. They also underlined the need for a comprehensive and structural reform of the global financial and economic governance and architecture in order to establish an equitable, transparent and democratic international system that strengthens and broadens the participation of developing countries in international economic decision making and norm setting. (§51, emphasis added)
It is therefore clear that Third World countries continue to be disadvantaged by and lack full participatory rights in the international economic system.

However, these concerns are not taken up by Western states in the context of international morality and solidarity more generally, and R2P specifically. As I noted previously, d’Escoto’s (2009b) insistence that reform of international global economic governance and international development efforts were key aspects to atrocity prevention under R2P was dismissed as an “insult to the Secretary-General” and “blatantly unhelpful” (ICRtoP 2009, 3). Like UN reform, then, the global economic system is treated as irrelevant to R2P and excised from the discourse. The nature of the international system itself remains protected from challenge within the R2P discourse, and therefore functions yet again to restrict the speech and membership of states in the South.

Part of this reluctance to consider international political and economic structures involves institutional biases. As Grovogui (2010, 177) argues, within the Western narrative, economic and political failings are attributed to corruption of public institutions and unscrupulousness of African leaders. Rarely are they placed in the context of international relations. In contrast, as we saw with the Algiers Declaration, highlighting the interrelated nature of domestic and international structural factors has been a key feature of resistance from the global South. In the same way, both NAM and the G-77 highlight this interrelated nature and in so doing, reveal a stark deficiency in the R2P norm.

Interrelationship of Issues

One way of dismissing these economic demands discussed above is to claim that R2P does not cover all human rights protection issues. For instance, Badescu and Weiss argue that

---

88 This attribution is not limited to Africa. Thomas Pogge (2003, 121) finds that in general the social causes of poverty, and keys to its eradication, are seen to lie in the poor countries themselves, the problem of faulty institutions and the policies of corrupt and oppressive elites in the developing world.
R2P “should not be viewed as the protection of everyone from everything” and “if R2P covers everything, it means nothing” (2010, 367). Evans similarly argues that a major misunderstanding is that “R2P covers all human protection issues” (2008c, 64). While this claim is ostensibly meant to guard against claims of imperial overreach, what it essentially does is to bracket out systemic concerns.

In a now (in)famous phrase, Ayoob describes the tension between the North and South thus: “While the North is primarily interested in justice within states and order among them, the South is basically committed to order within states and justice among them” (2002, 99). However, I would argue that for many in the South, justice among states is necessary for justice within states. In other words, mitigating the inequality of the global system, in which the countries of the South continue to be harmed by the policies of international financial institutions, disadvantaged by the global economic system, and subject to destabilizing interventions, is crucial to creating just conditions within these states. The problems facing the South therefore cannot be neatly separated from the international context, and a repeated theme is the need to look at how the actions of powerful states, along with the political and economic subordination of Third World states, contributes to instability in the Third World.

We see this refusal to separate international and domestic issues from both NAM and the G-77. At its 1995 Summit, the Non-Aligned Movement highlighted their interrelated nature, arguing “stability, security, democracy and peace cannot be consolidated without rectifying the growing international inequalities” (§21). One example is the way in which structural adjustment programs and unbridled market economies, pushed by Western states and Western-dominated international financial institutions, contribute to economic inequality within states, causing social
instability (§22). Another is “a rampant traffic in armaments [that] continues to put in jeopardy the security and stability of vast regions of the world” (§4).

The Non-Aligned Movement reiterated the interrelated nature of domestic and international factors at its 2000 Summit: “economic underdevelopment, poverty and social injustice constitute a source of frustration and a cause of new conflicts, and...stability, security, democracy and peace cannot be consolidated without rectifying the growing international inequalities” (§9). Furthermore, “the easy availability of illicit small arms and light weapons escalate conflicts, undermine political stability and have a devastating impact on peace and security” (§80). In 2012, the Non-Aligned Movement once again highlighted “the interconnectedness of economic development, social development and environmental protection, peace and security, and human rights and the rule of law” and linked conflict prevention and resolution to sustained economic growth and sustainable development (2012a, §77.9).

In this way the Non-Aligned Movement’s declaration to look at root cause of conflicts (2000, §41) means something very different from the ideas of prevention espoused by Western R2P supporters. For the latter, prevention is framed in terms of capacity building, such as Welsh’s (2006, 68) question: “Rather than punishing those states that are not responsible to their citizens, should we think more about how we can build the capacity of states to be responsible?” There is little to no recognition of the ways in which international institutions and structures reduce the capacity of states to deal with crises or actually cause crises. Instead, the international community is only offered the role of helper, as seen in Weiss’ reference to the “international commitment to help states help themselves” (2011b, 239). In much the same way, Evans argues,

89 Similarly, at its 2000 Summit, the G-77 asked developed states to look at the negative impact of domestic economic, monetary and fiscal policies on developing countries (2000, §15)
“when it comes to the international community, a big part of its preventive response should be to help countries help themselves” (2007a).

When Edward Luck calls for “helping to build the institutions, values, attitudes, policies, and practices that make the commission of any of the four specific crimes associated with the right to protect—genocide, war crimes, ethnic cleansing, and crimes against humanity—completely unacceptable in a given society” (2010, 3), he is following the pattern of attributing all state failures to the sovereign state and its cultural failings (Mutua 2002). In contrast, what NAM and the G-77 are demanding is recognition of the ways in which violence is displaced from the First to the Third World by international practices that subject the latter to unsustainable economic and social practices. In other words, Western states and Western-dominated international institutions are therefore in part responsible for the wider environment in which human rights violations take place (Anghie and Chimni 2003, 89). As such, the Non-Aligned Movement and G-77’s refusal to separate out domestic and international factors represents a profound challenge to the Western moral consensus, a challenge yet to be fully acknowledged.

Claims that R2P has responded to the critiques leveled against humanitarian intervention are therefore untenable because they misrepresent what the actual concerns are. Most importantly, objections to humanitarian intervention arise not from a defense of the principle of absolute state sovereignty, but rather from broader concerns about the nature of the international system. As I have shown, the shift from humanitarian intervention to R2P has not only failed to address these concerns, but more importantly, has refused to even see these broader structural critiques as important issues to be considered at all. Such a refusal to hear these challenges to the international system therefore further undermines the search for community.
Conclusion

When the R2P invokes the international community’s responsibility for protection or supporters justify the norm on the basis of a consensus within the international community, there is an underlying assumption that this international community is already established and relatively unproblematic. As such, there is little to no discussion of the processes that would enable an international community to be established and maintained. Shifting to this processual perspective has demonstrated that states and peoples in the South are routinely denied full membership and participation in the international community, as the R2P norm itself and its supporters employ multiple tactics designed to restrict the speech of non-Western states. Claims to “an effectively universal consensus on R2P principles” (Evans 2014) therefore ring false, and R2P undermines the formation of an international community even as it repeatedly invokes it.

While this marginalization of non-Western states within the international community is important in its own right, the material consequences of this unequal membership make it even more problematic. In the following chapter, I demonstrate that the third conceptual foundation of R2P—responsibility—privileges the experiences and perspective of Western states, creating an artificial common sense in which Western states are responsible for protection but not for their own harms. The result is a limited, and ultimately flawed, understanding of international responsibility that creates an impetus toward military intervention and marginalizes alternative (peaceful) solutions.
CHAPTER 3: RESPONSIBILITY

The third, and perhaps most important, conceptual foundation for R2P is the idea of “responsibility,” which has two elements. The first is R2P’s redefinition of “sovereignty as control” to “sovereignty as responsibility” (ICISS 2001a, 13), widely seen as one of the norms most important conceptual breakthroughs, representing a shift in the meaning and practice of sovereignty itself. The second is the responsibility of the larger international community to offer protection when a sovereign state fails to protect its citizens. Both elements—sovereignty as responsibility and an international responsibility to protect—are praised as the expansion of responsibility, the former for making responsibility a condition for the recognition and exercise of sovereignty and the latter for spreading responsibility beyond one’s own borders.

However, I argue that much like the idea of community discussed in Chapter 2, R2P’s construction of responsibility suffers from severe flaws that actually undermine its purported goals. Most importantly, R2P reinforces a narrow interpretation of responsibility that, like the historical narrative discussed in Chapter 1, excludes Western states and international institutions from critical scrutiny. R2P therefore works against the instantiation of an international responsibility as it repeatedly invokes it.

To make this argument, section one uses Wittgenstein’s idea of grammar to analyze the meaning of responsibility in R2P’s founding document, the report of the International Commission on Intervention and State Sovereignty (ICISS). Here I will show that responsibility is grammatically linked to sovereignty in such a way that human rights only become relevant within a state and not in international practices. Section two demonstrates how this grammar of responsibility, which frames the choice facing Western actors as intervention (as a savior) versus non-intervention (as a bystander), has come to dominate the discourse surrounding humanitarian
intervention and R2P and creates an artificial common sense through which all events are then interpreted. This interpretive frame is important because, as both David Campbell (1998a) and Roxanne Doty (1996) highlight in different ways, different solutions result from specific forms of problematization, which in turn inevitably marginalizes alternatives. The following three sections therefore turn to empirical case studies—East Timor, Kosovo, and Libya—to show how this intervention/non-intervention paradigm has narrowed the range of possible action.

In section three, I argue that the 1999 UN-mandated intervention in East Timor has largely been framed as one of international intervention, motivated by humanitarian values, following a long period of non-intervention. However, such a framing is empirically inaccurate in that it ignores the long history of US, Australian, and Canadian support for the Indonesian regime. Moreover, reducing the choices of Western states to intervention or non-intervention makes it difficult to ask how their own actions, through the provision of military, economic, and political support, enabled the atrocities to take place, thereby limiting options for addressing human rights violations. Section four turns to Kosovo, where NATO’s bombing was once again framed as a choice between intervening as a savior or remaining a bystander. Here I argue that once again this frame obscures the ways in which the UK and United States were involved prior to the bombing, most importantly in blocking a political settlement of the conflict. Moreover, equating intervention with the exercise of responsibility and expression of moral solidarity removed responsibility for the actual consequences of the intervention, as the bombing increased the number of casualties and precipitated large-scale ethnic cleansing. Once again we see the evasion of responsibility rather than its exercise.

A frequent claim is that R2P has expanded the range of options for dealing with humanitarian crises (e.g. Evans 2012c; 2013b). However, as I show in section five with the case
of Libya, this intervention/non-intervention paradigm has remained intact following the shift from humanitarian intervention to R2P. As in Kosovo, the choice was limited to military intervention or non-intervention, which foreclosed other options, including efforts to reach a political settlement, and resulted in a worsened humanitarian outcome. Moreover, as I demonstrate in section six, this intervention/non-intervention paradigm, which shields international institutions and Western states from critical scrutiny, is just as relevant to the prevention component of R2P.

**Grammar of Responsibility**

To show how R2P works *against* responsibility, I will analyze its founding document, the report of the International Commission on Intervention and State Sovereignty (ICISS or Report), using a Wittgensteinian approach.\(^90\) In his *Philosophical Investigations*, Wittgenstein (2009) challenged the correspondence theory of language, in which language was thought to correspond to an ‘objective’ reality. In contrast, he argued that meanings are not objective but rather arise from use. He states, “When philosophers use a word — ‘knowledge’, ‘being’, ‘object’, ‘I’, ‘proposition/sentence’, ‘name’ — and try to grasp the *essence* of the thing, one must always ask oneself: is the word actually used in this way in the language in which it is at home? — What we do is to bring the words back from their metaphysical to their everyday use” (2009, §16, 53\(^5\), emphasis in original). In other words, he asks us to analyze their common-sense understandings. To paraphrase Hanna Pitkin, a Wittgensteinian approach will therefore suggest that we begin by asking not what responsibility is, but how the word ‘responsibility’ is used (1972, 276).\(^91\)

---

\(^90\) Although R2P has certainly evolved since its creation, the ICISS set the discursive terrain on which debates take place.

\(^91\) This contrasts with the Derridean approach taken by Zehfuss (2002, 2004), which focuses on the meaning of responsibility itself.
More specifically, to show how the concept of responsibility is used in the ICISS report I will draw upon Wittgenstein’s idea of grammar. Like much of his work, Wittgenstein did not give a straightforward explanation of what he means by grammar. However, both Hanna Pitkin and Linda Zerilli explicate his meaning in useful ways. Pitkin explains, “Grammar, one can say, establishes the place of a concept in our system of concepts, and thereby in our world. It controls what other concepts, what questions and observations, are relevant to a particular concept” (1972, 119, emphasis in original). To understand the grammar of responsibility, it is therefore necessary to see to which concepts responsibility has been linked. Understanding this grammar is important because, as Zerilli argues, it lays down what counts as an intelligible description of reality: “What is at issue in grammar is not a metaphysical given but our form of representation that sets limits to what it makes sense to say” (1998, 442). To understand the grammar of responsibility, then, it is necessary to look at its connection to other concepts, and in so doing find the silences and exclusions that result from this conceptual linkage.

As previously noted, the ICISS defines the Responsibility to Protect as “the idea that sovereign states have a responsibility to protect their own citizens from avoidable catastrophe—from mass murder and rape, from starvation—but when they are unwilling or unable to do so, the responsibility must be borne by the broader community of states” (2001a, viii). This responsibility entails three components: 1) the Responsibility to Prevent: “to address the root causes and direct causes of internal conflict and other man-made crises putting populations at risk” (xi); 2) the Responsibility to React: “to respond to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention” (xi); and 3) the Responsibility to Rebuild: “to provide, particularly after military intervention, full assistance with recovery,
reconstruction and reconciliation, addressing the causes of the harm the intervention was
designed to halt or avert” (xi). However, these stated explanations provide little insight by
themselves into the meaning of responsibility as its used in the ICISS.

As noted above, grammar structures the relationship between concepts. To understand the
grammar of responsibility, it is therefore necessary to examine its relationship to other concepts.
In the ICISS, perhaps the most important conceptual linkage is that between sovereignty and
responsibility. Supporters of humanitarian intervention and R2P have long shown an
overwhelming concern with the concept of sovereignty as an obstacle to humanitarian
intervention. The fear is that, to quote the co-chair of the ICISS Gareth Evans, “sovereignty is a license to kill” (2006a, 331). However, they also recognize that concerns about sovereignty
remain salient in much of the world. The text of the ICISS therefore reflects these conflicting
demands.

The Report begins by elaborating the meaning of sovereignty. Externally, sovereignty
consists in the legal identity of the state under international law, based on the formal sovereign
equality of states, while “[i]nternally, sovereignty signifies the capacity to make authoritative
decisions with regard to the people and resources within the territory of the state” (ICISS 2001a, 12). This internal sovereignty therefore implies a corresponding norm of non-intervention, which
is enshrined in Article 2(7) of UN Charter: “A sovereign state is empowered in international law
to exercise exclusive and total jurisdiction within its territorial borders. Other states have the
corresponding duty not to intervene in the internal affairs of a sovereign state” (12). The
challenge the ICISS sets for itself, then, is how to support intervention while reaffirming the
principle of sovereignty.
The solution to this dilemma for R2P supporters is the conceptual linkage of sovereignty to responsibility, a reformulation accepted by the very act of entering the community of states. In signing the UN Charter, the Report argues, “There is no transfer or dilution of state sovereignty. But there is a necessary re-characterization involved: from sovereignty as control to sovereignty as responsibility in both internal functions and external duties” (2001a, 13, emphasis in original).

The consequences of this reformulation are outlined thus:

Thinking of sovereignty as responsibility, in a way that is being increasingly recognized in state practice, has a threefold significance. First, it implies that the state authorities are responsible for the functions of protecting the safety and lives of citizens and promotion of their welfare. Secondly, it suggests that the national political authorities are responsible to the citizens internally and to the international community through the UN. And thirdly, it means that the agents of state are responsible for their actions; that is to say, they are accountable for their acts of commission and omission. The case for thinking of sovereignty in these terms is strengthened by the ever-increasing impact of international human rights norms, and the increasing impact in international discourse of the concept of human security. (13)

Ironically, although the Responsibility to Protect is based on a cosmopolitan idea of responsibility for others beyond one’s own borders—a responsibility that transcends the limits of sovereignty—the ICISS reinforces the connection between responsibility and sovereignty.

The consequence of this linkage is that responsibility becomes located within the sovereign state: “The Commission believes that the responsibility to protect resides first and foremost with the state whose people are directly affected” (2001a, 17). This primary responsibility, they argue, reflects international law and the modern state system, as well as the practical realities of who is best placed to make a positive difference. However, if the state should fail in these responsibilities, the international community has the right to step in: “While the state whose people are directly affected has the default responsibility to protect, a residual responsibility also lies with the broader community of states. This fallback responsibility is
activated when a particular state is clearly unwilling or unable to fulfill its responsibility to protect or is itself the actual perpetrator of crimes or atrocities” (17).

As Hanna Pitkin argues, “Knowing the grammar of a word, we know what kinds of things are—can be—said with it, what would count as appropriate occasions for saying them” (1972, 121, emphasis in original). Within this grammar of responsibility, it is only the sovereign state that can fail in its duties. In other words, human rights protections become relevant only within a state, that is in the relationship between a government and its people, and not international practices (Doty 1996, 142). This primary responsibility for protection therefore carries with it a primary attribution of guilt. The sovereign state can be both a violator and protector of human rights, a dual role denied the ‘international community’.

As the following will show, this linkage of sovereignty and responsibility, which locates human rights violations solely within the sovereign state, makes it difficult for the Report to address international practices. At various points, the ICISS does seem to acknowledge that the world is interconnected, such as this explanation of post-Cold War security dilemmas: “Intra-state warfare is often viewed, in the prosperous West, simply as a set of discrete and unrelated crises occurring in distant and unimportant regions. In reality, what is happening is a convulsive process of state fragmentation and state formation that is transforming the international order itself. Moreover, the rich world is deeply implicated in the process. Civil conflicts are fuelled by arms and monetary transfers that originate in the developed world, and their destabilizing effects are felt in the developed world in everything from globally interconnected terrorism to refugee flows, the export of drugs, the spread of infectious disease and organized crime” (2001a, 5, emphasis added). Nowhere, however, does the Report call upon the “rich world” to take responsibility for its implication in these civil conflicts, which would entail taking steps to end
their participation. Instead, the above “considerations reinforce the Commission’s view that human security is indeed indivisible. There is no longer such a thing as a humanitarian catastrophe occurring ‘in a faraway country of which we know little’” (5). In other words, this example is used to justify only the “residual” responsibility of the ‘international community’, while excluding questions of any primary responsibility.

The differing roles created for the sovereign state and the international community are even more evident in the discussion of post-Cold War threats. These new security dilemmas that have arisen after the end of the Cold War “present the international community with acute dilemmas. If it stays disengaged, there is the risk of becoming complicit bystanders in massacre, ethnic cleansing, and even genocide. If the international community intervenes, it may or may not be able to mitigate such abuses” (2001a, 5, emphasis added). The options for the international community are therefore being an uninvolved bystander or undertaking uncertain action for humanitarian aims. The possibility for the international community (whether in part or whole) to be a perpetrator of human rights violations is completely excluded.

This disjuncture arises again in Section 3: Responsibility to Prevent (2001a, 19), in which the grammar of responsibility presents two options for the international community: remain uninvolved or offer help. In fulfilling the responsibility to prevent humanitarian catastrophes, Western states are given a wide range of options for offering aid: “Such support may take many forms. It may come in the form of development assistance and other efforts to help address the root cause of potential conflict; or efforts to provide support for local initiatives to advance good governance, human rights, or the rule of law; or good offices missions, mediation and other efforts to promote dialogue or reconciliation. In some cases international support for prevention
efforts may take the form of inducements; in others, it may involve a willingness to apply tough and perhaps even punitive measures” (19).

Once again you have a quick mention of Western involvement, but its significance is not understood. The report identifies the lack of development and high debt burdens as an important root cause of many conflicts, and it acknowledges that Western states are involved in such problems. It notes, “The trade policies applied by many richer industrialized countries unfairly disadvantaging or restricting access to markets, together with the terms of trade being experienced by many developing countries, have not made any easier the reduction of the debt burden, or the capacity to meet the social and economic development needs of their population” (2001a, 20). And yet, fairer economic relations are not considered part of the responsibility borne by these states. Instead, the problem is once again that of inaction. The Report laments, “There remains a gap between rhetoric and financial and political support for prevention” (20).

Moreover, this economic injustice is quickly forgotten once the report moves on to outlining its plan for prevention. First, it identifies the need to “differentiate between underlying or ‘root’ and precipitating or ‘direct’ causes of armed conflict. There is a growing and widespread recognition that armed conflicts cannot be understood without reference to such ‘root’ causes as poverty, political repression, and uneven distribution of resources” (2001a, 22). What is needed, the Report argues, is to address political needs and deficiencies, as well as economic deprivation and lack of economic opportunities. Economic plans might involve

---

92 Talal Asad provides further insight into why economic violence and marginalization receive less attention. In the context of colonialism, he notes, colonial administrators banned certain practices not out of concern for indigenous suffering but rather the “desire to impose what they considered civilized standards of justice and humanity on a subject population—that is, the desire to create new human subjects” (2003, 110). He continues, “In the process of learning to be ‘fully human’ only some kinds of suffering were seen to as an affront to humanity, and their elimination sought. This was distinguished from suffering that was necessary to the process of realizing one’s humanity—that is, pain that was adequate to its end, not wasteful pain” (2003, 111, emphasis in original). In this way, economic violence is justified as necessary for economic growth and modernization, and is therefore not an affront to humanity.
development assistance, technical assistance, the promotion of economic growth and opportunities, as well as “better terms of trade and permitting greater access to external markets for developing countries” (23). Strengthening legal protections and institutions includes promoting respect for the rule of law, independence of judiciary, promoting honesty and accountability in law enforcement, and enhancing protections for vulnerable groups, as well as embarking upon needed sectoral reforms to the military and other state security services (23). Once again, almost all of these are ways in which rich, Western countries can offer ‘assistance’ to these fragile states. Only one suggestion—unequal terms of trade—implicates the West in any way, but it is not a responsibility but rather something that might be done.

The ICISS therefore places responsibility for human rights violations within the sovereign state, thereby excluding international practices from critical scrutiny. That international practices have been, whether intentionally or not, excluded from this formulation of international responsibility can be seen when Gareth Evans argues that a “key dimension” of R2P was “its spreading of that responsibility: every state had the responsibility to protect its own people; other states had a responsibility to assist them to do so; and – if a state was manifestly failing, as a result of either incapacity of ill-will, to protect its own people – the wider international community then had a responsibility to act more decisively” (2013b, emphasis in original). Although Evans views R2P as broadening responsibility, this formulation—where only the sovereign state can manifestly fail and the international community’s only role is assistance—is a limitation of responsibility.

However, it is important to note R2P is not unique in its failure to address human rights violations across borders. Instead, it follows and builds on an earlier pattern astutely highlighted by Doty, in which human rights were constructed as relevant within a state. She explains,
“human rights were constructed as relevant within national boundaries—between a government and its own citizens—but not in international practices such as the training of dictators and members of death squads (the School of the Americas), intervention that overthrew elected leaders (Guatemala, Chile), and later military intervention that caused extreme suffering and death among civilians (Panama and the Gulf War). The United States could be implicated in such practices and still not be considered a violator of human rights” (1996, 142). In much the same way, the ICISS can point to unfair and harmful trade practices, the arms trade, and involvement in civil conflicts, but still not see Western states as violators of human rights.

Moreover, the historical narratives discussed in Chapter 1 reinforce this grammatical linkage of sovereignty and responsibility. As I argued, the story of Westphalian sovereignty that underlies human rights erases the history of Western colonialism and imperialism, while the Cold War narrative either ignores or denies the relevance of US interventions. In both cases, the history of Western states is sanitized with any bad actions erased from the historical record. Therefore, although the ICISS does briefly discuss the ways in which Western states are implicated in any of the problems of the Third World, it ultimately falls back on the old trope of Western states as the savior of the benighted Third World. Within the grammar of responsibility, therefore, Western states are responsible for protection but not for their own harms.

As noted previously, the R2P norm has certainly evolved from its original formulation in the ICISS. However, as the following section will show, its construction of Western actors as uninvolved bystanders facing a choice between reaction (saving strangers) and non-interference remains prevalent. Therefore, when Williams and Bellamy claim that R2P has “provided a catalyst for more creative thinking about operational issues” (2012, 274), they miss the way in which the R2P norm, by entrenching the intervention/non-intervention paradigm, has foreclosed
alternative ways of thinking and acting. Most notably, assuming a default position of non-intervention limits discussion of the ways in which Western states and Western-dominated international institutions are already involved in the internal affairs of non-Western states.\textsuperscript{93} Moreover, the exercise of responsibility and moral solidarity has become equated with (military) intervention, foreclosing other visions of responsibility.

**Intervention v. Non-Intervention**

Paraphrasing Shakespeare, Fuyuki Kurasawa perfectly encapsulates this intervention/non-intervention dichotomy, framing the dilemma thus: “To intervene or not to intervene, that is the question. Indeed, whether external military force can and ought to be used in a given country to respond to human rights violations represents one of the most contested topics of our time” (2006, 297, emphasis added). Others are more optimistic, claiming that this question—“to intervene or not to intervene”—has been decisively settled. For Thakur, “the real choice in world politics today is no longer between intervention and non-intervention, but between different modes of intervention” (2011b, 158). Weiss declares, “the long debate over whether to act has become, instead, a discussion about how to act” (2011b, 229). Using similar language, Bellamy writes, “Debates about preventing and responding to mass atrocities are no longer primarily about whether to act, but about how to act” (2011b, 265, emphasis in original). For both Weiss and Bellamy, “to act” is implicitly equated with intervention.

What these arguments miss is that the choice was never about intervention or non-intervention, for Western states—either unilaterally or through international institutions—have been continually intervening in non-Western societies and states at least from the colonial era.

\textsuperscript{93} This omission is particularly striking given that this need to critically look at the role of Western states and international institutions was very clearly articulated by Third World voices during the ICISS regional roundtables. 
on. However, as discussed in the previous section, the R2P norm, as formulated in the ICISS, only gives two options to Western states and citizens—either intervene as saviors or stand by as complicit bystanders—and the default position is assumed to be passive non-interference.

This savior (intervention)/bystander (non-intervention) dichotomy pervades the literature. For example, Reinold uses the language of passive complicity when addressing the value of the R2P norm, arguing, “We do not need the notion of responsibility to protect to understand that it is morally objectionable to remain passive while scores of innocent civilians are being slaughtered” (2010, 67, emphasis added). Weiss similarly frames the options as intervening as a savior or abandonment, admonishing that “[c]omplexity is not an excuse to abandon large numbers of people to their Hobbesian fate in civil wars” (1999, 13, emphasis added). Using almost identical language, Kurasawa argues that “the denunciation of interventionism because of its imperialist essence amounts to abandoning large numbers of human beings to their fate; ‘we’ let ourselves off the hook by asserting that ‘they’ should sort things out by themselves” (2006, 304, emphasis added).  

94 A fact that even humanitarian intervention and R2P supporters readily acknowledge. For example, Hui argues that critics should not be worried about intervention because it is a historical regularity. In her words: “From this macrohistorical perspective, humanitarian intervention at the end of the Cold War merely followed a long trend in international politics. If anything has changed, it is that the character of interventions has in fact become less coercive in the post-Cold War era: from the old repertoire of outright conquest, regime imposition, and covert subversion to the new formula of humanitarian assistance and democracy promotion” (2004, 90). Kurasawa likewise admits this history of intervention: “Of course, “Euro-American nation-states have frequently ignored the principle of non-intervention in practice since Third World nations gained political independence, either through invasions to topple governments, covert funding and training of rebel groups, support for friendly regimes, or economic interference and control of national industries” (2006, 312, f10).

95 Here it’s important to note that Kurasawa is badly misrepresenting critics. Singling out Noam Chomsky, David Chandler, and Peter Gowan, he criticizes them for not differentiating between the principle of humanitarian intervention and its abuse. He accuses them of misleadingly focusing on the “imperial essence” of humanitarianism rather than seeing that “its uses are socio-politically and normatively circumstantial” (2006, 312-313). However, it is exactly the socio-political character of humanitarianism and humanitarian intervention that concerns them. Their point isn’t about an “imperial essence” but rather that given the realities of the international system, there is nothing in place to stop humanitarian claims from being used in the service of empire, and the historical record has aptly shown this danger.
Edward Luck also implicitly adopts this framework when he argues that a key benefit of the R2P norm is that “as the political costs of acting appropriately decline, the domestic and international costs of doing nothing in the face of atrocity should rise” (2010, 5, emphasis added). A few pages later, he once again frames the choice as intervention or doing nothing: “Though some critics fret that RtoP could prove to be a humanitarian veneer by which powerful states could justify military intervention in the developing world, more often the problem has been the opposite: that the capable have stood by as the slaughter of civilians unfolded before the world’s—and sometimes even UN peacekeepers’—eyes. They have looked for excuses not to act, rather than reasons to intervene” (2010, 9, emphasis added). In a 2007 speech, Evans likewise criticizes the problem of inaction, reflecting, “It is hard to believe how long it has taken the world’s policymakers to come to grips with the idea that there is something insanely, indefensibly wrong about states killing or displacing large numbers of their own citizens, or standing by when others do so, and that it is unacceptable for the rest of the world to stand by allowing this to happen” (2007b, emphasis added).96

In addition to (inaccurately) framing the choice as one between intervention and non-intervention, this construction is problematic in that it limits the possibilities for cosmopolitanism solidarity by exclusively linking it to the idea of intervention.97 In other words, in the R2P discourse moral solidarity is linked to intervention and non-intervention equated with, as Evans frames it, “cynical indifference” (2006c). This assumption underlies Bellamy’s (2003)

---

96 This focus on states killing their own citizens is also telling. Interrogating “how, in a secular system like human rights, responsibility is assigned for [cruelty],” Talal Asad points out that although human rights are ostensibly universal and inalienable, these rights are only upheld when violated by certain actors. “Nothing essential to a person’s human essence is violated if he or she suffers as a consequence of military action or market manipulation from beyond his own state when that is permitted by international law” (2003, 129).

97 This linkage can be seen in works focused on cosmopolitanism itself. For example, Vernon (2010, 118-119) takes as the central question of humanitarian intervention: “why should members of one society accept great costs for the benefits of outsiders?” The task for his cosmopolitan theory is the common one of justifying “saving strangers.” He briefly mentions global economic policies but they are separated out from the question of intervention. Buchanan (1999) is similarly concerned with how a state can justify intervention to its own citizens.
argument that inconsistencies in the practice of humanitarian intervention and the seemingly irresolvable debates that surround it are due to conflicts between three guiding norms of international society. These norms are: the realist tradition, which opposes humanitarian intervention and emphasizes a state’s primary responsibility to its own citizens; the pluralist tradition, which focuses on non-intervention as a fundamental rule that maintains international order; and solidarism, which supports a responsibility to protect people across borders and supports military intervention. As before, the choices are framed as non-intervention or intervention, and solidarity across borders equated with intervention. The exercise of responsibility has therefore been conflated with military intervention, and the problem that preoccupies the literature is a lack of intervention.

Once again, Bellamy is useful for demonstrating this linkage of responsibility and intervention. He criticizes R2P for, in the case of Darfur, “enabl[ing] anti-interventionists to legitimize arguments against action by claiming that primary responsibility in certain contested cases still lies with the state and not (yet) with an international body” (2005, 33, emphasis in original). He continues, “While the ICISS was right to be concerned about reducing the danger that states might abuse humanitarian justifications to legitimate unjust wars, it evidently should have paid more attention to the danger that responsibility to protect language could itself be abused by states keen to avoid assuming any responsibility for saving some of the world’s most vulnerable people” (2005, 53, emphasis added). Elsewhere, Bellamy is critical of R2P’s efficacy, including its reliance on the idea that external pressure, particularly international and domestic public opinion, can persuade states to act in humanitarian crises. He laments, “Powerful states are no more likely to feel obliged to act to save distant strangers” and “there is a real danger that states of all stripes will co-opt the language of the responsibility to protect to legitimate inaction
and irresponsibility” (2006, 169, emphasis added). The underlying assumption seems to be that intervening is the only way to exercise responsibility.\(^9^8\)

In the following three sections, I will use the case studies of East Timor, Kosovo, and Libya to highlight how far this intervention/non-intervention paradigm, which casts the international community, and in particular Western states, in the role of the savior, has come to dominate academic literature and political discourse, and the profound limitations that result. These limitations, which will be discussed in detail below, include an assumed default position of distance and detachment that precludes a critical look at the ways in which international institutions and Western states are already involved in crises, the equation of intervention with moral solidarity and humanitarian values, which absolve Western states of responsibility for the consequences of their interventions, and a narrowing of the range of possible reactions to humanitarian crises, as military intervention becomes the only way to exercise responsibility.

**East Timor**

The case of East Timor is an important episode within the narrative of humanitarian intervention, often used as shorthand for the existence of and need for humanitarian intervention.\(^9^9\) However, the way in which the case has become narrativized is deeply flawed. Most importantly, it follows the grammar of responsibility described above. Sovereignty is once again linked to responsibility, thereby locating responsibility for all harms in the sovereign state (here Indonesia). Following this construction, the international community is given the option to intervene as a savior or do nothing, with intervention by definition humanitarian. This intervention/non-intervention paradigm is problematic in that it is not only empirically

---

\(^9^8\) As Coicaud and Wheeler frame it, “the idea and practice of humanitarian intervention can be viewed as one expressing an ethics of international solidarity” (2008, 3).

\(^9^9\) For examples, see: Evans (2008a, 293); Glanville (2013, 177); Kikoler (2009, 11); Macfarlane, Thielking, and Weiss (2004, 989); Reinold (2010, 74); and Wheeler (2001, 553, 558, 560).
inaccurate, but more importantly, works to circumscribe the lessons drawn from the case, thereby limiting possibilities for humanitarian action.

Mainstream Narrative

Donnelly (2007, 184-185) gives a standard account of the case. For centuries the island of Timor had been under split colonial rule, with the Netherlands controlling West Timor (as well as Indonesia) and East Timor under Portuguese rule. When Indonesia gained its independence from the Netherlands in 1949, it was granted control over West Timor only, with East Timor remaining a Portuguese colony. When East Timor declared its independence from Portugal in 1975, Indonesia promptly invaded.\(^{100}\) What followed was twenty-five years of violence and brutal repression, in which at least 100,000 East Timorese died.\(^{101}\) In 1999, international pressure finally induced Indonesia to permit a UN-sponsored referendum on independence. In response to paramilitary violence following the overwhelming vote in favor of independence, the Security Council created the Australian-led International Force for East Timor (InterFet) that “in combination with intensive political pressure and diplomatic activity, restored order and produced Indonesian acquiescence in Timorese independence” (2007, 184-185).

For many commentators, this UN intervention marks an important milestone in the rise of humanitarian values in international policy. Thibault points to East Timor as an example of the “international community dedicat[ing]…energy and resources to ‘saving strangers’” (2012, 211). For Weiss, “the international reaction to Timor… [was] remarkable” (2011b, 303) and an “important victor[y] for civilians” (2011b, 229). Gunn sees in East Timor the “emergence of a

---

\(^{100}\) The invasion took place on December 7, 1975, although Donnelly incorrectly lists the date as October 16, 1975 (2007:184).

\(^{101}\) The exact number of deaths is unknown, but Donnelly’s estimate of 100,000 is on the low end. The ICISS background report gives an estimate of 200-300,000 (2001b, 115), while Cotton (2001, 133) and Power (2007, 147) give estimates of 100-200,000. These numbers include the total deaths from massacre, starvation, and disease. “In addition to mass executions, indiscriminate shooting and aerial strafing of populated areas, and fragmentation bombing, a deliberate strategy of starvation through destruction of food crops and continuous military operations left the population unable to cultivate the land” (Scharfe 1996, 37)
new ethic of solidarity around some form of humanitarian intervention” (2008, 264). In an even more far-reaching interpretation, Donnelly claims that this intervention showed that the right to humanitarian intervention was being established as a matter of positive international law (2007, 184).102

For these commentators, East Timor is remarkable because it represents the primacy of humanitarian values over crude political interests. For example, Donnelly claims, “The power of the emerging norm of humanitarian intervention against genocide is illustrated by the fact that almost all the conventional political and material considerations counseled inaction” (2007, 185, emphasis added). His evidence for the primacy of humanitarian values is that Indonesia is a large, strategically located country with vast oil reserves and a strong record of support for the West; in contrast, East Timor is small, poor, and of little material interest. Although his assertion that the intervention was wholly devoid of political or material interests is itself contestable, what is more important for my purposes is the way he frames the choice facing Western states as one between intervention or inaction. Moreover, intervention was once again linked to moral solidarity and humanitarianism, with non-intervention representing the realm of “cynical indifference” and narrow national interests. That intervention won out over non-intervention therefore shows the primacy of humanitarian values.

Wheeler and Dunne similarly treat the intervention as proof of a new post-Cold War humanitarian sensibility following a long period of inaction. They claim, “East Timor is a barometer for how far the normative structure of international society has been transformed.”103 In the Cold War, powerful Western states gave the ‘green light’ to President Suharto to invade and

102 Donnelly is perhaps more optimistic about the generalizability of the East Timor case. Weissman (2010, 197) and Cotton (2001, 127, 139) argue that the unique circumstances in East Timor are unlikely to be repeated.
103 In much the same way, Sebastian and Smith claim, “East Timor is a striking example, which illustrates how the norms have changed to some extent in the post-Cold War era” (2000, 65).
then *looked away* while genocidal terror was perpetrated by Indonesian armed forces. Twenty-four years later, green turned to red as Indonesia came under intense pressure to allow a UN-mandated intervention force to stop the worsening humanitarian situation in East Timor” (2001, 806, emphasis added). Samantha Power uses identical language to describe US policy toward East Timor: “In 1975, when its ally, the oil-producing, anti-Communist Indonesia, invaded East Timor, killing between 100,000 and 200,000 civilians, the United States *looked away*” (2007, 146-147, emphasis added). In a similar manner, Bellamy and McDonald claim that Western states “turn[ed] a blind eye to human suffering for more than two decades [in] East Timor” (2002, 376).

These accounts of East Timor therefore largely follow the intervention/non-intervention binary identified above, in which the “international community” was faced with a stark choice between intervening as saviors or remaining as bystanders to atrocity. That Western states finally intervened in 1999, ending their decades long policy of *inaction* when they had “looked away” or “turned a blind eye” to atrocities in East Timor, is proof then of the ascendency of humanitarian values in the foreign policies of Western states. However, in the following section I will challenge this mainstream account by demonstrating that Western states were not bystanders to the violence in East Timor, but rather *actively* provided political, diplomatic, and material support that enabled the invasion to take place and the occupation to continue for over twenty years.

*Critique*

As Chomsky forcefully puts the point, rather than “looking away” from atrocities in East Timor, “Washington was ‘looking right there’ and acting decisively to escalate the atrocities”

---

104 In a 500-page book covering US policy toward genocide, Power’s entire discussion of East Timor is limited to this one sentence.
James Cotton succinctly summarizes the central role of the United States in authorizing and supporting Indonesia’s invasion and occupation: “without US support, the annexation would not have taken place, and without US materiel, the war against the East Timorese resistance forces …would not have been successful. On his visit to Jakarta with President Gerald Ford on 5-6 December 1975, then US Secretary of State Henry Kissinger was informed of Indonesia’s invasion plans; deliveries of more than US $1 billion of arms, including counter-insurgency aircraft and other specialist items, gave Indonesian forces the upper hand from 1978. In the UN, the United States deliberately obstructed censure of Indonesia” (2001, 134).

Brad Simpson’s (2005) detailed examination of declassified documents from the United States, United Kingdom, Australia, and New Zealand also clearly shows how crucial international support for Indonesia was in allowing the invasion to take place. As he points out, before the invasion, Indonesian President Suharto and Foreign Minister Malik were cautious about taking over East Timor because of fears of losing military and economic aid from the United States, Australia, and other Western states. As Simpson summarizes:

Suharto’s worries were threefold: first, that precipitate action over East Timor would jeopardize international economic assistance, a crucial concern in the wake of the revelations about the insolvency of the state-owned oil company Pertamina; second, that since Indonesia was ‘so dependent on U.S. arms’, as a British Embassy official put it, an invasion might lead to a cutoff of current military aid; and, third, that an invasion would jeopardize the long-term US military assistance that the armed forces were counting on to undertake their plans for military modernization. ‘The President [Suharto] does not want to take any action which might prejudice his hopes of arms supplies from the Americans and Australians’, the British Embassy reported. (291-292)

105 See also Chomsky, “The United States and East Timor” (1982, 337-370) for a thorough look at US support for Indonesia.
106 Simpson describes this material support in depth: “US-supplied destroyer escorts shelled East Timor as the attack unfolded; Indonesian marines disembarked from US-supplied landing craft; US- supplied C-47 and C-130 aircraft dropped Indonesian paratroops and strafed Dili with .50 calibre machine guns; while the 17th and 18th Airborne brigades which led the assault on the Timorese capital were ‘totally U.S. MAP supported’, and their jump masters US trained. US and Indonesian officials later conceded that ‘Indonesian armed forces are equipped 90% with US equipment’” (2005, 299-300).
The United States therefore had immense leverage over Indonesia, and likely could have deterred the invasion. However, the overarching concern was that Indonesia not be seen to be using US-supplied weapons, not that the invasion be stopped (295-296). Moreover, when it became obvious that US weapons were being used, efforts were made to limit discussion of this fact rather than curtail their use: “[t]he US Secretary of State…was determined to squelch the discussion of East Timor and the use of US weapons, and ordered the US embassy in Jakarta again to ‘cut down on their reporting to Washington’” (300). Moreover, the State Department evaded Congressional restrictions on aid, claiming that assistance had been temporarily suspended while actually increasing military aid.

Indonesia found similar support from Australia, which also had advanced notice of the intervention and offered Indonesia its implicit support (Simpson 2005, 287), support that continued long after the invasion. Politically, Australia acknowledged Indonesian sovereignty over East Timor from December 1978 on, despite the illegality of the occupation. Australia was also the only state to enter into an international legal instrument—the 1991 Timor Gap ‘Zone of Cooperation’ agreement—that once again affirmed Indonesian sovereignty over East Timor (Cotton 2001, 135). The motivation behind this political recognition of sovereignty was to enable Indonesia to grant access to Timorese oilfields and liquid natural gas in the Timor Sea. This economic motivation also led Australia to provide Indonesia with political cover in the UN, voting against General Assembly resolutions concerning East Timor (Scharfe 1996, 99-101). Finally, Australia also provided militarily aid, including the provision of military aircraft and boats, and the training of Indonesian soldiers (Howard 2001, 31).

---

107 Ironically, Gareth Evans, as Australian Foreign Affairs Minister, was a signatory to the treaty. Just the year before, Evans (1990) had introduced his idea of “good international citizenship,” which includes the “desire to protect fundamental human rights wherever they are threatened.”
Although the United States and Australia were perhaps the most involved in supporting Indonesia, Sharon Scharfe (1996) argues that Canada was also actively complicit in the violence against the East Timorese through the provision of political and material support to Indonesia. Politically, Canada worked to protect Indonesia at the United Nations. From 1976-1979, Canada abstained from voting on General Assembly resolutions concerning East Timor, and in 1980 shifted its vote to “no”, thereby publicly siding with Indonesia. Moreover, Canada lobbied to have resolutions concerning East Timor removed from the agenda of the UN Commission on Human Rights (108-111). Materially, Canada not only continued to provide aid, but also actually increased it after the invasion; aid programs grew tenfold from 1975-1996, making Canada one of Indonesia’s top ten donors (157). Finally, Canada also supplied Indonesia with military goods. Although Canada, under the guise of a human rights foreign policy, ostensibly does not allow military exports where they may be used to abuse human rights or where there are actual or imminent hostilities, in practice the Canadian government has done little to enforce this policy. As Scharfe notes, “it seems that the government honestly has no idea as to the value of Canadian military goods going to Indonesia, nor who ends up with it” (199).  

Although the existential threat of Communism is the standard reason given for the subordination of human rights during the Cold War, this explanation does not hold when looking at East Timor. The foreign policies of Western states toward Indonesia continued much the same after the fall of the Soviet Union, with military and economic support continuing throughout the 1990s. For example, in 1995 Canadian officials refused calls for an arms embargo because it could hurt other commercial enterprises in Indonesia (Scharfe 1996, 203). The United States was similarly concerned with access for US capital to resources, labor, and markets of the region (Scharfe 1996, 97), and therefore continued to provide military arms and training. Throughout

---

108 The UK, France, and Germany also supplied arms to Indonesia (Chomsky 2001, 135; Scharfe 1996, 196).
1997 and 1998, the United States was still training Indonesian military forces in “military expertise that could only be used against civilians, such as urban guerilla warfare, surveillance, counter-intelligence, sniper marksmanship, and ‘psychological operations’” (Chomsky 2001, 136). The UK even delivered Hawk jets to Indonesia in the days after InterFet had landed (Chomsky 2001, 135).

However, for the most part, this very active support for Indonesia’s crimes does not enter the dominant narrative. Instead, the emphasis alternates between Western states as bystanders and saviors. Wheeler adopts the former approach when he claims, “[t]he normal response of states to humanitarian outrages during the Cold War was non-intervention,” examples of which include “Indonesia’s mass murder of East Timorese after its conquest and annexation of that country in 1975” (2002, 13). The latter can be seen in the emphasis on the ways in which the United States, Australia, and other Western states ended the atrocities. In addition to praise for the Australian-led military intervention itself, credit is given to the United States for exerting diplomatic pressure on Indonesia in order to garner consent for the intervention (e.g. Bellamy 2009b, 147-148; Evans 2008a, 294; Farer 2003, 57-58).

In sum, the case of East Timor has become a significant episode in the story of humanitarian intervention, but the way in which it has become incorporated is highly problematic. Most importantly, it largely follows the grammar of responsibility identified above, which links sovereignty and responsibility in such a way to exclude certain harmful international practices of Western states. Within this grammar, only the sovereign state can be both the violator and protector of human rights, whereas the international community is offered the role of savior or bystander. In this story, then, Indonesia is solely responsible for the violence against the East Timorese people, with the international community finally ending its role as a bystander
and intervening as a savior. If Western states are guilty of any crime, it is one of omission for not intervening sooner (e.g. Weiss 2011b, 306; Williams 2009). In other words, good, liberal Western states did not do all that they could to protect human rights everywhere.

A close look at the supplementary volume to the final ICISS report shows that the case of East Timor could have provided alternative lessons. Although lacking a deep account of the role of Western states in supporting Indonesia’s invasion and occupation of East Timor, the report does obliquely raise the issue of Australian support for Indonesia.109 It states, although “[t]here was some reluctance to intervene…Australia instigated discussions, driven by domestic political pressure, concern about a refugee crisis and regional stability, and some measure of contrition for its previous policies on East Timor” (ICISS 2001b, 115, emphasis added). Although still following the (inaccurate) intervention/non-intervention paradigm, it at least hints at the issue of an active Australian policy in East Timor.

The possibility that this involvement could involve some measure of responsibility is raised further on in the report. Delving into a discussion about the distribution of responsibility among states, the background report points to three perspectives. “The first is that states with the greatest wealth and military power, those with the greatest clout, have the greatest responsibility… A second position claims that states are equally responsible but that the execution of that responsibility should be proportionate to their means… In a third view, states have different responsibilities that are reinforced by moral decisions. Past actions that may have contributed, wittingly or unwittingly, to the emergence of a humanitarian crisis affect the weight of moral responsibility (for example, Australia on East Timor)” (ICISS 2001b, 148).110

109 The role of the United States in supporting Indonesia is still glaringly absent.
110 Although Chomsky has come under heavy fire for his critiques of R2P and humanitarian intervention, this third view of responsibility heavily mirrors his argument for moral responsibility on the part of the United States for its actions in East Timor: “We cannot undo the past, but we should at least be willing to recognize what we have done,
Here we see a possible opening for a discussion of the responsibility of Western states for participating in and aiding humanitarian crises, but this potential is excised from the final ICISS report. Unfortunately, East Timor is mentioned only twice, first as an example of the ways in which the major powers can put pressure on states short of military force (ICISS 2001a, 37) and second as an example of the need for security sector reform in targeted countries (ICISS 2001a, 65). In other words, the final ICISS report points to East Timor as an example of Western states intervening to stop atrocities and of the difficulties faced in carrying out protection tasks after intervention has taken place. It therefore misses a key opportunity to offer a broader vision that would delink sovereignty and responsibility.

This narrow reading of responsibility is more glaring in light of a more comprehensive construction of responsibility that was being proposed by the UN’s International Law Commission (ILC). The ILC is a subsidiary of the General Assembly, consisting of 34 elected members—from a highly diverse background—who have proven expertise in international law. Part of the ILC’s mission is to promote the progressive development of international law, which involves developing draft conventions on areas that are not covered under international law or where existing law is underdeveloped (ILC 2015). Under Chapter IV of its 2001 Draft Articles, the ILC addresses the issue of state responsibility, but unlike R2P, it also addresses responsibility across borders. The Draft Articles therefore reflect the view, as Jessica Howard argues, that “those states that assist or are complicit in the commission of a breach of an international obligation owed to the international community as a whole should be held responsible along with the state directly responsible” (2001, 19-20). Recognition of this complicity can be found in Articles 16-18. Article 16 states:

and face the moral responsibility of saving the remnants and providing ample reparations – a small gesture of compensation for terrible crimes” (1999a).
A State which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if:

(a) that State does so with knowledge of the circumstances of the internationally wrongful act; and

(b) the act would be internationally wrongful if committed by that State.

Whereas Article 16 covers aid and assistance, Article 17 deals with “direction and control” over another state and Article 18 with the coercion of another state (Howard 2001, 20-21). By allowing consideration of actions by assisting states, the Draft Articles offer a way to delink sovereignty and responsibility.

Howard’s application of the Draft Articles to the case of East Timor demonstrates the value of expanding responsibility to include outside actors. After noting that the aid or assistance referenced in Article 16 includes legal or political assistance, as well as material provisions, she argues that both Australia and the United States could be considered legally responsible for the crimes against East Timor. She finds that Australia violated the East Timorese right to self-determination though both the diplomatic and political support for the invasion and the conclusion of the Timor Gap Treaty, while the United States assisted in the crime of aggression by providing military and economic aid. However, Howard argues that the Draft Articles are significantly limited by “the requirement of proving intention on the part of the assistant state” (2001, 46). Despite this limitation, the Draft Articles are significant in bringing international practices to the fore regarding questions of responsibility. However, these proposals seem to have gone nowhere. These discussions of state responsibility remain limited to the ILC, which lacks any binding authority, and R2P remains the dominant discourse on responsibility in international politics.
The case of East Timor, then, is a powerful demonstration of the limits and dangers of the grammar of responsibility and its intervention/non-intervention paradigm. Although there is ample evidence of the ways in which Western political, military, and economic support for Indonesia contributed to the genocide in East Timor, this support is unintelligible within the dominant grammar. As a result, the result the lesson from East Timor has therefore largely been the need for and legitimacy of (military) intervention. For example, in his criticism of “anti-imperialist absolutism,” Kurasawa claims, “No pacifist plea would have halted the mass slaughters in East Timor, the former Yugoslavia or Rwanda” (2006, 303). As I showed, however, military intervention was not the only option. As Chomsky points out, “To end the atrocities in this case would not have required bombing, or sanctions, or indeed any act beyond withdrawal of participation” (2009). Rather than “intervening,” he argues, a more effective way to stop atrocities is to stop participating in them. However, the intervention/non-intervention paradigm, with its presumption of detachment and distance, makes it difficult to look at how states are already involved and therefore limits the types of humanitarian actions that can be envisioned.

Kosovo

The second key episode in the humanitarian intervention narrative is NATO’s military intervention in Kosovo. As I will show, the Kosovo intervention follows the intervention/non-intervention paradigm, both at the time leaders were arguing for military intervention and in subsequent academic analyses. Like the case of East Timor, framing the choice as intervening or standing by served to ignore the ways other states were already involved in the crisis, and therefore narrowed the range of possible actions. In addition, the case of Kosovo highlights a number of dangers inherent in this construction: viewing the international community as a savior contributes to framing crises as simplified morality tales, limiting understanding of the
complexity of the situation; automatically linking intervention with humanitarian protection ignores ways in which intervention (especially militarily) can exacerbate the conflict, thereby removing responsibility for these consequences; and conversely, equating non-intervention to letting mass atrocities unfold creates the impetus to “do something” regardless of the consequences.

**Mainstream Narrative**

In March 1999, NATO launched air strikes against the Federal Republic of Yugoslavia (FRY)/Serbia\(^{111}\) without the approval of the UN Security Council. The official explanation of the bombing was to stop the Serbian President, Slobodan Milošević, from committing acts of genocide and ethnic cleansing against Kosovar Albanians, and to prevent the conflict from spilling over to neighboring states (Bono 2004, 222-223).\(^{112}\) Within the humanitarian intervention discourse, the story of Kosovo therefore largely centers on the two themes of legitimacy (the humanitarian motives) and legality (the intervention was explicitly done outside the UN framework).

This humanitarian rationale played a central role for both British Prime Minister Tony Blair and US President Bill Clinton as they sought to justify the military intervention in Kosovo. In his 18 April 1999 *Newsweek* piece, “A New Generation Draws the Line,” Blair claimed to be “fighting not for territory but for values” (1999a). He reiterated this point less than a week later in a speech to the Chicago Economic Club, describing Kosovo as “a just war, based not on any territorial ambitions but on values” (1999b). Rather than claim the superiority of values over interests, he argued that the two were fundamentally compatible: “Now our actions are guided by

---

\(^{111}\) Following the 1991 breakup of Yugoslavia, the republics of Serbia and Montenegro established a loose federation as the FRY, with Kosovo a province of Serbia.

\(^{112}\) In the following section, I will focus on how Kosovo has become emplotted in the humanitarian intervention discourse. For a more in-depth, historical account see Tim Judah (2000), *Kosovo: War and Revenge*. 

156
a more subtle blend of mutual self interest and moral purpose in defending the values we cherish. In the end values and interests merge” (1999b). Clinton employed similar rhetorical tactics, appealing to the compatibility of morality and interests in his defense of the bombing: “Ending this tragedy is a moral imperative. It is also important to America’s national interests” (1999b).

Accompanying this invocation of values was an insistence on the evil nature of Milošević, whose refusal of peaceful options and commitment to genocidal terror justified war as the only available option. In a New York Times piece during the bombing, Clinton claimed to have “exhausted every diplomatic avenue for a settlement,” all of which failed because Milošević remains committed to “build[ing] a greater Serbia by singling out whole peoples for destruction because of their ethnicity and faith” (1999a). Blair similarly criticized Milošević for “reject[ing] diplomacy in Paris this year” (1999a), and then likened the situation to Chamberlain’s appeasement of Hitler: “We have learnt by bitter experience not to appease dictators. We tried it 60 years ago. It didn't work then and it shouldn't be tried now. Milošević's actions in Kosovo have given rise to scenes of suffering and cruelty people thought were banished from Europe forever” (1999a).113

For both Clinton and Blair, then, Milošević’s evil nature confronted them with the same dichotomous choice found in the ICISS and in the discourse of East Timor: intervene (in this case to save the innocent Kosovar Albanians) or stand by and do nothing. Defending his actions, Blair asked, “what was the alternative? To do nothing would have been to acquiesce in Milošević's brutality” (1999a, emphasis added). He further asserted, “there was no alternative to military action” (1999b). Clinton likewise claimed that Milošević gave no other alternatives:

113 In the press, Milošević was likened to a range of dictators, including Pol Pot, Saddam Hussein, Stalin, Mussolini, and Gaddafi (Willcox 2005, 108). For an example, see Ken Livingstone (1999), “Comment: Why We Are Not Wrong to Compare Milosevic to Hitler.”
“Mr. Milošević broke his promises, poured more troops into Kosovo, poised for an offensive he had been planning for months. When it began, we had to act” (1999a, emphasis added). Clinton therefore framed military intervention as the only moral course of action: “I am convinced that the dangers of acting are far outweighed by the dangers of not acting...If we and our allies were to allow this war to continue with no response, President Milošević would read our hesitation as a license to kill” (1999b). When framed in such a way, military intervention is not one policy chosen among others based on careful consideration, but rather becomes the only moral course of action, the only action that can even be considered within this interpretive frame.

On one level, Blair and Clinton’s arguments can be seen as rhetorical devices meant to gather political support. However, as my discussion of the academic literature below demonstrates, this intervention/non-intervention paradigm, with its attendant assumptions, has become part of a common sense understanding of the conflict.

In particular, Blair’s assertion that the war in Kosovo was fought for values, and therefore legitimate, seems to have been widely accepted. Nicely encapsulating this view, Forsythe asserts, “If ever there were an essentially humanitarian intervention, at least in motivation and intent, this was it” (2000, 338). Weiss describes Kosovo as a “humanitarian war” (2011b, 303) that demonstrates how “humanitarian values have influenced the composition of national interests” (2011b, 300). Ignatieff similarly claims, “values and interests were nearly indistinguishable” in Kosovo (2001, 40). With the humanitarian intent established, there is a widespread acceptance of its legitimacy. For example, Finnemore argues that the Kosovo intervention’s “legitimacy has received little or no criticism” (2003, 78), a view echoed by Evans’ assertion that any
controversy around the intervention centers not on legitimacy but rather legality (2008c, 29-30).  

Although I would challenge his claim about the unquestionable legitimacy of Kosovo, Evans is correct that much of the debate has revolved around its legality. Importantly, this discussion of legality has been profoundly shaped by the presumed humanitarian legitimacy identified above, with most commentators accepting the widely quoted determination of the Independent International Commission on Kosovo (IICK) that the intervention was “illegal but legitimate” (2000, 4). In other words, Kosovo pitted emerging values against existing law, with humanitarian necessity overriding concerns about legality. As the following will show, the lesson of the NATO intervention is therefore the inadequacy of international law—namely legal restrictions on the use of force and the norm of non-intervention—in the face of human catastrophes.

Voon employs this “illegal but legitimate” trope when she argues the actions in Kosovo demonstrated a gap between legality and moral necessity. For her, Kosovo showed the need for “the reworking of international law to bring lawfulness in line with notions of legitimacy,” with the goal of making it easier for individual states and organizations to intervene (2004, 40). In much the same way, Buchanan argues Kosovo has focused attention on the deficiency of existing international law concerning humanitarian intervention. “In the aftermath of Kosovo, there

114 For other examples that highlight the humanitarian motivation of the war, see, inter alia, Baehr (2004, 26); Bellamy (2008, 232); Henkin (1999, 824); Farer (2003); Pattinson (2011a, 251); Power (2007, 448-449); and Wheeler (2002, 267), as well as the discussion of international law below.

115 Heinze is more critical of this finding, noting that “the Commission’s understanding of legitimacy seems unduly narrow and focused entirely on the moral dimension or on the preferences of the great powers, since most governments did not actually support NATO’s actions” (2011, 25).

116 The UN Charter presents very limited allowances for the use of military force by member states (United Nations, 1945). Article 2, paragraph 4, calls on members to “refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any manner inconsistent with the purposes of the UN.” Under Chapter VII, military intervention is only allowable when authorized by the UN Security Council to maintain or restore international peace and security. Furthermore, Article 2, paragraph 7, prohibits intervention “in matters which are essentially within the domestic jurisdiction of any state.”
seems to be a widening consensus that there is an unacceptable gap between what international law allows and what morality requires” (2003, 131). Franck expresses a similar sentiment, calling for the reform of international law to “bridge the gap—so starkly revealed by [the Kosovo] crisis—between legality and legitimacy, between strict legal positivism and a common sense of moral justice” (2003, 215).

The overall consensus seems to be that, as Henkin frames it, “Kosovo demonstrates yet again the compelling need to address the deficiencies in the law and the practice of the UN Charter” (1999, 828). If the deficiencies in the law are the restrictions on intervention and the use of force, the practical deficiencies involve the inaction of the Security Council. The second major lesson of the Kosovo war has therefore been the need to overcome Security Council paralysis when faced with humanitarian crises (e.g. Annan 1999; Bellamy 2006, 143; Weiss 2007, 88; Wheeler 2001, 553 and 2005, 96-97).

In regards to both law and practice, then, the “lesson” of Kosovo has been the need to make it easier for Western states to intervene militarily. This is the inevitable result of placing Kosovo in the intervention/non-intervention interpretive frame, where Western states in particular or the international community in general are presumed to be uninvolved prior to the crises and where military intervention is the only humanitarian course of action (the only other choice is to “do nothing”). Below, I demonstrate why this standard account is empirically inaccurate and the lessons drawn from it normatively problematic.

**Critique**

To begin, the story of NATO intervening to save Kosovar Albanians from the evil Milošević “conveys a highly stylized morality tale where Serbs are the villains, the Kosovar Albanians are the victims, and NATO is the moral rescuer” (Graubart 2013, 80). As Graubart
points out, although Milošević did have a terrible human rights record and Kosovar Albanians had suffered human rights abuses, the situation was much more morally complex. In particular, Blair and Clinton’s insistence on portraying Milošević as a genocidal dictator in the same vein as Hitler stripped the conflict of all political context. Rather than a simple story of villains and victims, the NATO bombing was preceded by an ongoing civil conflict between Serbian forces and the Kosovo Liberation Army (KLA), which had taken about 2,000 lives at the time (Graubart 2013, 80).\(^{117}\) Albanians were not solely victims in this conflict, as the KLA had perpetrated numerous attacks and forced displacement of Serbs and Roma (Graubart 2013, 80). Moreover, these attacks were designed to provoke a disproportionate response by Serb forces and thereby elicit intervention on their side (Kuperman 2008).\(^{118}\)

If this simplified story of Serbs as villains and Kosovar Albanians as the innocent victims proves to be suspect, so does the framing of NATO as the moral rescuer. As discussed above, both Clinton and Blair claim that Milošević left them no choice but to intervene militarily. In Clinton’s terms, “we had to act” (1999a). However, this formulation of NATO as an outsider forced into action is problematic in two respects. First, it ignores the ways the United States and other NATO states were already involved in the crisis. Second, it removes responsibility for the consequences of the intervention because of the claimed lack of alternatives. In other words, it absolves NATO from any responsibility for its actions prior to and during the bombing.

---

\(^{117}\) This number includes both civilian and military casualties on both sides. Although the exact number is unknown, the number of Albanian civilians killed by Serb forces is estimated to be in the range of several hundred. Putting this conflict in the context of other counterinsurgencies, including those of the United States in Vietnam, the French in Algeria or the British in Kenya, for example, Gibbs concludes, “Compared with other counterinsurgency wars, the Serb actions in Kosovo were pretty mild” (2009, 193). This is of course not to say that Serb forces did not use excessive force or that the atrocities should not be condemned, but rather that they provide a flimsy justification for Western intervention.

\(^{118}\) As Kuperman notes, “The KLA did not merely hope for intervention, but actively pursued a strategy to attract such aid by provoking Serb retaliation against Albanian civilians. Indeed, the KLA viewed retaliatory killing not merely as an unavoidable cost to be endured, but actually an interim goal necessary to assure subsequent victory” (2008, 67).
Rather than view the bombing as the moment of intervention, it is more useful to look at US involvement leading up to the intervention. In fact, there is evidence that the United States actually worked against a diplomatic settlement. Looking at the diplomatic history shows us that Clinton’s claim to have “exhausted every diplomatic avenue for a settlement” (1999a), therefore leaving NATO no option but to intervene militarily, is highly questionable.119 First, although Milošević’s record was not perfect, the Serbs did initially comply with a 1998 US-negotiated cease-fire. However, the KLA quickly renewed its military action in an attempt to draw the West into the crisis.120 Second, and more importantly, NATO “showed little interest during the Rambouillet talks in early 1999 for any diplomatic settlement that did not amount to political humiliation for Milošević” (Graubart 2013, 80). Although Milošević was open to a deal that involved autonomy for Kosovo and a non-NATO peacekeeping force, NATO insisted on placing its own troops in Serbia, knowing that these terms would be intolerable. Coming to a peaceful settlement did not therefore seem to be a priority. Even the IICK, which, as noted above, had declared NATO’s actions “illegal but legitimate,” concluded that NATO was intent on employing force ‘regardless of Serbia’s stance’” (Graubart 2013, 81).121 Clinton’s (1999b) argument that “the dangers of acting are far outweighed by the dangers of not acting” is therefore disingenuous, as not acting was not an option. Instead, the United States and UK had already been acting to block a political settlement.

If NATO’s actions prior to the bombing have received little scrutiny and evaded issues of responsibility, so too have questions of NATO’s responsibility for the outcome of the bombing.

119 Bellamy also makes this claim: “Only when negotiations failed, because Milošević refused to accept NATO’s terms or even seriously negotiate, and Serbs recommenced ethnic cleansing in Kosovo did NATO finally decide to launch airstrikes” (2008, 248).
120 This cease-fire was negotiated under the US threat of bombing, and it was this threat that allowed the rebels to regroup, reoccupy territory, and further escalate the war (Kuperman 2008, 71).
121 At a 2000 parliamentary hearing, former UK defense minister of state John Gilbert was candid on both points: “I think people were spoiling for a fight in NATO at that time… the terms put to Milošević at Rambouillet were absolutely intolerable” (quoted in Gibbs 2009, 190).
This lack of responsibility is an inevitable outcome of the savior/bystander dichotomy of presenting the only options as *intervening* to stop atrocities or *standing by* to let the atrocities happen. These are precisely the two choices Clinton presented to the American people: intervene to save the Kosovar Albanians or stand by, which would give Milošević a “license to kill” (1999b). With genocidal violence attributed to non-intervention, the only ethical option is to intervene, and any negative consequences of the intervention become the sole responsibility of Milošević, whose evil nature forced a response.122

The presumption of a humanitarian outcome is dangerous because it prevents careful consideration of the ways in which intervention can escalate rather than mitigate atrocities (Chomsky 1999b, 48). As noted above, prior to the bombing the conflict had taken approximately 2,000 lives. Rather than reduce casualties, the bombing triggered vicious Serbian retaliation, which expelled nearly a million Albanian citizens and killed up to 10,000 people. Moreover, the violence continued after Milošević surrendered, as KLA militias then murdered several hundred Serbs, abducted and tortured others, and forced the displacement of roughly 200,000 Serbs and Roma (Graubart 2013, 80). These results were not unexpected, as the US military had foreseen that an air war might increase the atrocities, with General Hugh Shelton, chair of the Chief Joint of Staff, briefing Clinton to this effect (Gibbs 2009, 198).

Although it was foreseeable that air strikes would likely exacerbate the situation and increase rather than halt atrocities, there is a very little discussion of NATO’s responsibility for this humanitarian disaster. In fact, there seems to be a visceral reaction against such reflection. When Chomsky (2009) argued that the United States and NATO should be held responsible for the outcomes of their bombing campaign in Kosovo, Ian Williams dismissed him out of hand:

---

122 To be clear, I am not denying that Milošević bears any responsibility, or even primary responsibility for these crimes, but rather that NATO’s role in the crisis cannot be ignored.
“[Chomsky] claimed that the NATO air raids on Serbia actually precipitated the worst atrocities in Kosovo. This latter claim isn't only untrue but morally unpalatable in its spurious causality, like claiming that the British air raids on Germany precipitated the Nazi gas chambers” (2009). Therefore, rather than engage in questions of moral responsibility, the destruction wrought by the NATO bombing has been absorbed into the narrative as evidence of the evil nature of Milošević and proof that the bombing was necessary and legitimate.

In addition to evading moral responsibility, the United States has also used its power to evade legal responsibility for its actions through its manipulation of the International Criminal Tribunal for the former Yugoslavia (ICTY). Because the ICTY relied heavily on the United States for its functioning, such as gathering evidence, arresting indicted figures, and garnering the cooperation of Balkan leaders, the United States was able to use this leverage to prevent serious investigation of NATO’s actions in Kosovo (Graubart 2010, 420). In addition to the intervention itself, which was clearly a crime of aggression under international law, NATO also likely committed war crimes by targeting civilian infrastructure to demoralize the population. This included attacks on TV and radio stations without advanced warning, as well as the bombing of three civilian bridges (Graubart and Varadarajan 2013, 480).

To sum up so far, the case of Kosovo has generally been taken up within the humanitarian intervention/R2P discourse as a simplified morality tale in which NATO bypassed international law and international institutions to rescue innocent Kosovar Albanians from the evil Serbs. The lessons of Kosovo have been just as simplified, revolving around a set of antagonistic binaries that largely map onto one another: legitimacy/legality; human rights/sovereignty; and intervention/non-intervention. Given that Kosovo was an important impetus for the ICISS, it is unsurprising that the latter is overwhelmingly concerned with
justifying intervention by Western states. However, there are alternative lessons from Kosovo that are crucial for analyzing humanitarian intervention and the Responsibility to Protect.

The first involves rethinking the relationship between values and interests. As discussed above, Kosovo is treated as either the victory of humanitarian values, or an example of the compatibility of values and interests. It is therefore an example of the “power of ideas to reshape national interests” (Sikkink 1998, 519). However, this view is problematic for two reasons. First, it misrepresents what the actual interests are, seeing them as relatively benign and therefore essentially compatible with values. Second, as Graubart argues, this view incorrectly assumes that the influence works in only one way, that moral sentiments will be shaping national interests. Instead, he argues, “one can in fact expect the national interests to be the active agent constituting how moral impulses will play out in practice” (2013, 81).

In the first case, regional stability and NATO credibility are generally pointed to as the relevant interests. However, a more probing analysis of these interests is given by Jonathan Graubart and worth quoting at length:

> It is more useful to situate these goals within a broader post-Cold War resolve to secure global predominance and a neoliberal economic order. Thus, NATO credibility translated into the goals of maintaining a regional institution that impeded Europe from adopting an independent security policy, and transforming NATO into a vehicle for global projection of US-led military power. Similarly, stability for the Balkans is best understood as facilitating an economic and political transition favorable for US influence. NATO’s Kosovo offensive advanced each goal. It visibly reinvigorated NATO’s mission and humiliated a regime that was resistant to both US regional dominance and neoliberal economic restructuring. (2013, 81)

This leads to the second point, in which interests are likely to drive values rather than the other way around. The inflexible diplomatic stance and high-altitude bombing make little sense if

---

123 Wheeler makes this type of claim in the context of Kosovo: “National interests are not given but constructed, and the Blair Government reconstituted British interests to reflect its vision of Britain as a social-democratic state committed to defending, by force if necessary, internationally agreed human rights norms” (2002, 267).
humanitarian motivations were the most important reason for the intervention, “although from a national-interest perspective…US-NATO actions were reasonably well-designed” (Graubart 2013, 82).

In addition to rethinking the relationship between values and interests, a critical look at the Kosovo intervention also shows the dangers of the savior/bystander construction itself. In other words, even if humanitarian justifications are sincerely held, this reductive narrative can ultimately be counterproductive by privileging the maintenance of a humanitarian identity over a humanitarian outcome. This danger is highlighted in Maja Zehfuss’s examination of debates in Germany over military involvement abroad, which “became an issue and a problem in relation to understandings of the self rather than to understandings of the needs or desires of others” (2002, 142). Specifically, debates over military intervention, including the NATO intervention in Kosovo, revolved around how Germans constructed their own identity in relation to Germany’s Nazi past, and military operations increasingly became equated with the exercise of German moral responsibility.

Debating military intervention in terms of what it meant for German identity had two negative effects. First, representations of responsibility other than military action became excluded from the debates.124 Second, the actual effects of military involvement became irrelevant. As Zehfuss argues, “One effect of this conceptualization was that considering what might actually help the people in need at the centre of the conflicts was almost completely excluded from the debates. The people on whose behalf the military operations were to be undertaken were not at issue” (2002, 143). As a result, “the endorsement of norms became more important than the potential outcome of any particular act. The question was not whether any

---

124 These alternatives include responsibility toward future generations in terms of protecting the environment, preserving peace, and creating a more just world order (2002, 145), as well as raising foreign aid, founding relief organizations, and fighting epidemics and natural disasters (2002, 180-181).
particular deployment would be useful or right but whether the principle behind it was moral” (2002, 144).

Similar to these debates in Germany, Tony Blair also linked NATO’s military intervention in Kosovo to the desire to maintain a humanitarian identity. A year after the bombing, Blair proclaimed that “standing up for Britain means standing up for our values overseas...[as] in Kosovo” (2000). In 2007 he further reflected, “to stop ethnic cleansing in Kosovo, I took the decision to make our country one that intervened, that did not pass by, or keep out of the thick of it.” For Blair, the important point is what intervention meant for the UK as a country, and not the effects of intervention for the people of Kosovo.

This focus on the principle—of acting to reaffirm one’s own identity—over the needs of those on whose behalf one claims to be acting, is also evident in academic discussions of the Kosovo intervention, in which the consequences of NATO’s bombing campaign seem irrelevant to pronouncements on its legitimacy. For example, Donnelly claims Kosovo was significant for three reasons. First, it “was undertaken as genocide began, or perhaps even before” (2007, 181). Second, it took place despite the relatively low number of deaths. Instead, the international community “recognized and responded to genuine genocide—a violent attack against a people because of who they are—even though perhaps only several hundred, and certainly less than several thousand, people had been killed when the bombing began” (181). Third, humanitarian concerns trumped legality, as “the negative precedent of Rwanda—something has to be done—took priority over the requirements of authorization and legality” (181). Donnelly therefore seems to be more concerned with the principle—that “something has to be done”—than with the actual outcome. Although he is well aware that the bombing

As Gibbs notes, this claim of genocide has lost credibility, with international tribunals determining that the atrocities in Kosovo did not qualify as genocide (2009, 192).
exacerbated the conflict, admitting that 10,000 were killed and 1.5 million fled their homes after the bombing began (181), he still sees the intervention as praiseworthy for taking a stand against genocide.

In sum, justification for the bombing of Kosovo largely followed the intervention/non-intervention paradigm identified at the start, whereby Western states were given the option of intervening as saviors or remaining bystanders. As in the case of East Timor, the assumption of detachment prior to the military intervention hides the way the United States and UK in particular were already involved, most notably in blocking a political settlement. Moreover, equating intervention with stopping atrocities and non-intervention with their allowance deflected questions of responsibility for the consequences of the intervention. Instead, military intervention was assumed to be humanitarian by default.

The intervention/non-intervention paradigm therefore severely circumscribes the meaning and exercise of responsibility. Shielding the involvement of Western states and international institutions in crises means that addressing these policies cannot be considered as exercising responsibility. Instead, the only option is for greater intervention. Moreover, assuming that intervention is by definition humanitarian means that the act of intervention is more important than the consequences. As previously noted, the Kosovo intervention served as the impetus for the ICISS, and this interpretive frame—a choice between intervention and non-intervention and non-intervention (sovereignty) as an obstacle to the protection of human rights—formed the lens through which R2P was formulated. As the following section will show,

---

126 Donnelly is not alone here, as prominent supporters of R2P and humanitarian intervention readily admit the devastating humanitarian consequences of NATO’s bombing. For example, even Evans admits, “The seventy-eight days of destructive bombing produced a flood of refugees and internal displacements and a surge of further killings—some thousands in all—by the Serbs” (2008c, 29). Ignatieff similarly notes that the “military intervention unleashed a genuine human rights disaster: the forcible eviction of 800,000 Kosovan citizens to Albania and Macedonia, followed by the massacre of up to 10,000 of those who remained” (2001, 46). Tellingly, none of the three include KLA atrocities after Milošević’s surrender in their accounts.
rather than open up new ways of acting, as its supporters claim, R2P has only served to further entrench this narrow construction of responsibility.

**Libya**

As I’ve noted, the ICISS was ostensibly tasked with moving beyond the “sterile” debates of humanitarian intervention (of which Kosovo was the prime example). However, the narrative structure of Kosovo—based on an evil perpetrator, innocent victims, and the Western savior—was reproduced in the ICISS, where the grammar of responsibility gives the ‘international community’ a choice between intervening to stop the atrocities or remain a bystander. As a result, R2P has failed to create a deliberative, nuanced process for debates over intervention, as demonstrated by NATO’s 2011 military intervention, which has been attributed to the rise of the R2P norm (e.g. Pattinson 2011b, 271; Weiss 2011c, 7; Williams and Bellamy 2012, 273). As I will show, humanitarian justifications—based on the intervention/non-intervention paradigm—were once again used to shut down debate by partisans of military intervention, once again foreclosing alternative courses of action and narrowing the meaning and exercise of responsibility.

**Mainstream Narrative**

In the traditional narrative, the conflict began on 15 February 2011 as the Libyan people, following in the footsteps of the non-violent uprisings in Egypt and Tunisia, engaged in peaceful, non-violent protests. Gaddafi responded with brutal force, compelling the originally non-violent protestors to take up arms in self-defense and launch a rebellion. As Gaddafi continued to react with disproportionate violence, including firing indiscriminately in residential areas and bombing civilians, the international community was forced to take action (Kuperman 2013, 107-108).
The international response began with UN Security Council Resolution 1970. Passed on 26 February 2011, it invoked Libyan authorities’ responsibility to protect its population, referred the Libyan situation to the International Criminal Court, called for an embargo on all parties, and imposed sanctions, including an asset freeze and travel-ban on high-ranking members of Libya’s government. As the conflict continued, the Security Council passed Resolution 1973 on 17 March 2011, which, after reiterating Libya’s responsibility to protect its population, authorized Member states “to take all necessary measures… [except occupation] to protect civilians.”\textsuperscript{127} It also imposed a no fly zone and reinforced the prior arms embargo. Two days later, a NATO-led coalition began military operations in Libya, ostensibly to enforce this resolution. Fighting continued between Gaddafi forces and the rebel forces of the National Transitional Council (NTC) until Gaddafi was killed in October 2011.

The justifications for this military action were nearly identical to those offered by Clinton and Blair for the Kosovo intervention. These parallels were particularly evident in President Obama’s 28 March 2011 speech defending NATO’s bombing of Libya,\textsuperscript{128} where he painted Gaddafi (much like Clinton and Blair did with Milošević) as irrationally committed to perpetrating violence against his own people and unwilling to negotiate, thereby forcing a reaction. Obama began by framing the United States as a reluctant intervener. Although “we are naturally reluctant to use force to solve the world’s many challenges,” he told the American people, “we have a responsibility to act.” This responsibility arises because Gaddafi was waging “a military campaign against the Libyan people” in which “[i]nnocent people were targeted for killing.” After demonstrating Gaddafi’s evil nature, Obama once again emphasized that the

\textsuperscript{127} The vote was 10-0-5, with France, the United Kingdom, the United States, Bosnia and Herzegovina, Colombia, Gabon, Lebanon, Nigeria, Portugal, and South Africa voting in favor, and Brazil, China, India, Germany, and Russia abstaining.

\textsuperscript{128} The following quotes are all from Obama (2011), “Remarks by the President in Address to the Nation on Libya,” March 28.
bombing was a last resort, with action being forced by Gaddafí’s intransigence and insistence on continuing his campaign of violence. After “tr[y]ing to end the violence without using force, the international community offered Qaddafí a final chance to stop his campaign of killing, or face the consequences.” When he refused, Obama argued, “the United States and the world faced a choice.” This choice was to begin the bombing or stand by and let the violence unfold: “if we waited one more day, Benghazi, a city the size Charlotte, could suffer a massacre that would have reverberated across the region and stained the conscience of the world.”

The discourse in the UK was very similar to that in the United States, as evidenced in a 21 March 2011 parliamentary debate. Like Obama, British Prime Minister David Cameron painted Britain as a reluctant savior forced into the role: “Gaddafí has had every conceivable opportunity to stop massacring his own people and the time for red lines, threats, last chances is over. Tough action is needed now to ensure that people in Libya can lead their lives without fear and with access to the basic needs of life…” (HC Deb 21 March 2011 Vol. 535 c714). Further highlighting the humanitarian motives, he continued, “we already know, beyond any doubt that we have succeeded in chasing Gaddafí’s planes out of the sky, we have saved the lives of many Libyans, and we have helped to prevent the destruction of a great and historic city” (c714). Labour leader Edward Milliband made similar humanitarian arguments in favor of military intervention. Directly invoking the responsibility to protect norm, he argued: “Our intentions are right: we are acting to protect the Libyan people, to save lives, and to prevent the Gaddafi regime from committing serious crimes against humanity. We do not seek commercial gain or geopolitical advantage, and we are not intending to occupy Libya or seize her natural resources” (c716). Furthermore, Milliband argued, military intervention is “the ‘last resort’ to protect the Libyan people. Sanctions and other measures have been tried, including in resolution 1970, and
they have not stopped Colonel Gaddafi. As the Prime Minister said, his ceasefire was simply a lie paraded to the international community before his forces once again attacked Benghazi” (c716).¹²⁹

Finally, humanitarian norms also figured prominently in the official justification offered by France, which was the first country to take military action against Libya (Davidson 2013, 314-315). On February 23, President Sarkozy condemned Gaddafi’s “brutal and bloody repression” as “revolting”, and three days later France’s ambassador to the UN, Gérard Araud, also condemned Gaddafi’s regime as “brutal and bloody” and suggested that “crimes against humanity may have been committed” (Davidson 2013, 315). In a joint op-ed, Obama, Cameron, and Sarkozy (2011) praised their countries’ actions: “By responding immediately, our countries, together with an international coalition, halted the advances of Qaddafi’s forces and prevented the bloodbath that he had promised to inflict upon the citizens of the besieged city of Benghazi.” They continued, “Tens of thousands of lives have been protected.” Sarkozy (2011) reiterated these claims in a speech on August 31, where he claimed “France’s choices were just, politically and morally,” and praised France for “le[ading] the way… when people demanding freedom were threatened with being crushed by Qaddafi’s cannons, tanks, and planes.”

Much like in Kosovo, the humanitarian motives for the war put forth by political leaders remain central to the academic analysis. Weiss asserts, “the dominant motivation for using military force was to protect civilians” (2011a, 291), while Chesterman simply states, “The

¹²⁹ Labour MP Jeremy Corbyn was a notable exception, asking in reference to Milliband’s arguments, “Does he not think that it is time for a wholesale review of our policy of military co-operation and arms sales in the case of Bahrain and Saudi Arabia, and of what is happening in Yemen and further afield in the Congo, the Ivory Coast and other places? At what point is he prepared to say that we should be involved or not involved, and at what point is he prepared to say that we will seriously scale down our arms export industry, which actually leads to much of the oppression in the first place?” (cc716-717). As Corbyn’s critical comments demonstrate, dominant narratives are rarely completely hegemonic or unchallenged. That is, there are openings for alternative grammars, although they may not be successful in creating alternative practices at the time.
intentions behind the decision to intervene in Libya were good” (2011, 284). That humanitarian motives were primary is taken as self-evident because of the consensus that a massacre was imminent. For Thakur, “The decisive factor for many was the highly credible threat to hunt down opponents alley by alley, house by house, room by room, with no mercy or pity” (2011a, 13). Bellamy points to the “extraordinary clarity of the threat of mass atrocities. Not since Rwanda has a regime so clearly signaled its intent to commit crimes against humanity” (2011b, 265). Moreover, he argues, the time frame for these atrocities was very short, as “the fall of Benghazi was days, if not hours, away” (2011b, 266). Chesterman also refers to the “unusual clarity of the situation in Libya. State leaders are usually more circumspect in the threats they make against their populations than was Qaddafi; impending massacres are rarely so easy to foresee” (2011, 282). Finally, Evans similarly claims that it was “clear to everyone atrocities were imminent” (2013b).

Reflecting two years after the intervention, Evans and Thakur insisted, “Libya in March 2011 was a textbook case for coercive military intervention” (Evans, Thakur, and Pape 2013, 205). In their view, Libya was a textbook case because atrocities were clearly imminent and “tens of thousands of lives, in Benghazi and elsewhere, were certainly saved by it” (205). Elsewhere Thakur writes that the Libyan intervention was “a triumph for R2P” because “[i]t showed it is possible for the international community… to deploy international force to neutralize the military might of a thug and intervene between him and his victims” (2013, 69, emphasis in original).

---

130 This invocation of Rwanda is not unique. Both Weiss (2011c, 10) and Evans (2011) compare the language used by Qaddafi (“cockroaches”) to that of the Rwandan genocidaires. Elsewhere, Evans claims, “If the Security Council had acted equally as decisively and robustly in the 1990s, the 8,000 murdered in Srebrenica and 800,000 in Rwanda might still be alive today” (2013b; see also 2015c).
Critique

Here I might agree with Evans that Libya was a “textbook case” for R2P. However, as I will demonstrate below, rather than a “triumph” or “unquestionable success” (Evans 2011), the Libya intervention reveals the fundamental flaws of R2P. First, it continues to rely on a simplified morality tale populated by perpetrators, victims and saviors, which creates a depoliticized, distorted understanding of the conflict that limits, rather than expands, pathways for action. Second, the intervention/non-intervention paradigm is once again shown to narrow and thereby work against the exercise of responsibility by equating responsibility with the act of military intervention, thereby removing scrutiny of the intervener’s actions prior to and during the intervention, as well as ignoring questions of responsibility for the outcome. Third, the case reveals once again the subordination of values to interests, with its attendant humanitarian costs. Fourth, it demonstrates the continued failure of consensus around the R2P norm, despite repeated claims to the contrary.

a. Simplified/Depoliticizing Morality Tale

As noted in Chapter 2, R2P supporters believe that, as Evans puts the point, “good process…produces better outcomes. If the process demands that criteria have to be systematically discussed, it is much more difficult to duck, weave, fudge, dissimulate and simply ignore critical issues” (2004b, 78). Here Evans is likely correct that increased transparency and debate can contribute to better outcomes, and greater participation and inclusion in these processes were important demands made by states in the South during the ICISS regional roundtables. Where Evans (and other Western R2P supporters) errs is failing to take into account the ability of powerful states to put forth a dominant narrative that forecloses alternative ways of acting. As I showed above, the dominant narrative of Libya is that Gaddafi was targeting
innocent civilians from the beginning, that he refused all efforts to find a peaceful resolution, and, most importantly, that a massacre was imminent, thereby making military intervention a necessary and justified last resort. In other words, as I pointed out above, the narrative followed the pattern of the evil perpetrator (Gaddafi), innocent victim (peaceful Libyans protesting for democracy), and savior (NATO). However, the reality is once again more complicated.

In an expert deconstruction of this dominant narrative, Kuperman (2013, 107-113) demonstrates that the claim that Gaddafi used lethal, indiscriminate force against peaceful civilians is patently false. First, although Obama, Sarkozy, and Cameron took great pains to paint the protestors as innocents peacefully protesting for democracy, many of the protestors were armed and violent from the first day of protests, including the use of firearms and Molotov cocktails, bulldozers and bomb-laden vehicles to capture army garrisons in Benghazi, and the burning of government buildings in Tripoli. Second, Gaddafi’s initial response used non-lethal force, including water cannons and rubber bullets, to counter the protestors. When Gaddafi did escalate his use of force as the rebels increased their violence, his forces initially attempted to wound rather than kill the rebels. Third, although Gaddafi did escalate to lethal force, he did not target civilians or use indiscriminate force. Finally, Gaddafi did not threaten or perpetrate revenge killings against civilians in areas recaptured from the rebels, although he did try to intimidate the rebels by threatening to be ruthless against those still fighting.

The “almost universally held fears of an imminent massacre by Gaddafi forces marching on Benghazi” (Evans 2015c) therefore seem to be the result of a successful propaganda campaign, rather than the result of careful deliberation and discussion. Although Gaddafi’s prior

---

131 In contrast, Evans continues to insist that Libyans took up arms in self-defense, claiming “a regime’s one-sided killing sometimes leads initially-unarmed civilians to seek arms to fight back” (2012b).
132 Justifying the bombing, Obama (2011) claimed civilians were being targeted from the air: “Military jets and helicopter gunships were unleashed upon people who had no means to defend themselves against assaults from the air.” This turned out to be a particularly egregious falsehood.
behavior certainly contributed to the acceptance of such claims, I would also argue that the arguments for intervention put forth by the United States, UK, and France resonated because they fit in with the dominant intervention/non-intervention paradigm at the heart of R2P, whereby non-intervention is equated with standing by to let a Rwanda-style genocide happen and intervention with the exercise of responsibility and moral solidarity. The result is what Jake Lynch terms a “‘bomb-or-do-nothing’ dyad… [that] excludes meaningful consideration of other alternatives for action” (2011, 65).

In the case of Libya, the most important alternative excluded from the exercise of responsibility was the pursuit of a political settlement to the conflict. Resolution 1973 called for the “immediate establishment of a cease-fire” and called for a political solution to the crisis, specifically referencing efforts on behalf of the African Union (AU). Despite claims that Gaddafi refused to negotiate or cooperate, he announced a cease-fire and proposed a political dialogue. It was the Western-supported NTC, and not Gaddafi, who rejected the cease-fire and any political negotiations (Roberts 2011). NATO repeatedly dismissed efforts by the AU to negotiate a cease-fire, and did not use its leverage to pressure the NTC to negotiate with the Gaddafi regime (Brockmeier, et al. 2016, 121). Although there is no way know if a political settlement could have been reached, it is highly problematic that NATO refused to even attempt to reach one.

Mary O’Connell (2011) also points out that other options beyond bombing were not seriously considered. Although there were repeated claims that bombing was a last resort, she points out that there were no attempts to use peaceful means to protect civilians, such as gaining

133 In tactic reminiscent of Kosovo, NATO also made untenable demands that would undermine any attempts at a political negotiation. Specifically, NATO demanded that Gaddafi remove all of its troops from important towns that had been retaken from the rebels, which would have forced him to “accept strategic defeat in advance,” an intolerable requirement (Roberts 2011).
safe passage out of Benghazi. Other failed alternatives include refugee protection. In the seven months of fighting, over 30,000 refugees from Libya fled to Europe. However, European governments offered fewer than 700 asylum slots (Davidson 2013, 316). Prior to R2P, Evans (2012c) claims, the only choices were to “send in Marines” or “do nothing”. However, under R2P, the choices are presented in much the same way: bomb or do nothing.

b. Narrowing of Responsibility

As I have been arguing, the intervention/non-intervention paradigm (here instantiated as bomb or do nothing) works against responsibility in several ways. First, presenting the choice as intervention or non-intervention ignores the ways in which “outsiders” may already be involved in the conflict. In the case of Libya, it hides the ways in which NATO involvement, by foreclosing attempts to reach a cease-fire and negotiate a political settlement, contributed to escalating the conflict and led to the bombing. This involvement is obscured by simple claims that the bombing was a last resort in the face of Gaddafi’s intransigence and genocidal intent to massacre his own people.

Second, when the choices are presented as intervention and non-intervention, with non-intervention sure to result in a catastrophic massacre, the very act of intervention is proof of a humanitarian outcome. In other words, if non-intervention would necessarily result in a massacre, then intervention is evidence of its prevention. This is seen in Obama, Cameron, and Sarkozy’s (2011) claim that “[t]ens of thousands of lives have been protected,” Thakur’s (2013, 69) assertion that the NATO bombing “prevent[ed] a massacre of the innocents of Benghazi.”

---

134 In this case, the ICISS itself is very limited. Under the “Responsibility to React,” the measures short of military action largely target the state, including sanctions, arms embargoes, ending military cooperation and training programs, and restrictions on diplomatic representation and travel (ICISS 2001a, 29-31).

135 As David Cameron insisted, “if we had stood aside this spring, people in Benghazi would have been massacred” (2011a).
and Cameron’s (2011b) insistence that “Gaddafi was going to slaughter his own people and that massacre of thousands of innocent people was averted.”

Once again, presenting the only choices as intervene to stop the atrocities or remain a bystander and allow catastrophic atrocities to happen prevents a discussion of the ways in which, as in Kosovo, intervention can escalate the atrocities. In the case of Libya, as Kuperman persuasively argues, NATO intervention prolonged the civil war, broadened the geographic scope of the fighting and increased the number of casualties (2013, 118-119). Moreover, the rebels perpetrated scores of reprisal killings, as well as torturing, beating, and arbitrarily detaining thousands of suspected Qaddafi supporters. They also expelled 30,000 (mostly black) residents from the city of Tawergha and burned or looted their homes and shops, igniting racial and ethnic violence that had not occurred under Gaddafi (Kuperman 2013, 125).

NATO’s intervention also had devastating regional effects, a fear that had been prioritized by the African Union and which had animated their insistence on the need for a political settlement (de Waal 2011, 369). Particularly damaged was Mali, long considered one of Africa’s most stable democracies. Malian ethnic Tuareg fighters in Gaddafi’s security forces fled home with weapons and launched a rebellion in the north, and as their successes mounted, army officers staged a coup. The Tuareg movement was then hijacked by local Islamic forces and elements of al-Qaeda, who imposed Sharia law in the north. As a result, hundreds of thousands of Malians were displaced. More broadly, the intervention facilitated the flow of weapons to

---

136 This point is born out by research showing that internationalization, foreign states supporting one side or the other militarily, of armed conflicts is extremely likely to prolong and intensify violence (Pettersson and Wallensteen 2015, 537).

137 Thakur seems to recognize this horrible destruction: “Their immediate priorities are to establish security, law and order; prevent lootings and reprisals and stop attacks on black Africans by lighter-skinned Arabs as the new normal; defeat remaining pockets of resistance by Gaddafi loyalists, establish control over the whole country and avert a protracted low-level insurgency; restore infrastructure and public services; and ameliorate the humanitarian suffering” (2011a, 14). However, he then praises the military intervention for reducing civilian casualties with little risk of military casualties.
arms markets and radical Islamists beyond Mali, and may have encouraged violent uprisings in Syria, thereby greatly increasing the death toll (Kuperman 2013, 128-132). As Kuperman summarizes, “Overall, NATO intervention significantly exacerbated humanitarian suffering in Libya and Mali, as well as security threats in the region” (2013, 132).

When non-intervention is equated with mass atrocities and the abdication of moral responsibility, the interveners are largely absolved of responsibility for the consequences of the intervention. As a result, there has been very little discussion of responsibility, at least in the context of the R2P norm, on the part of the United States, UK, or France for the devastation, in Libya and the wider region, created by the NATO intervention.

To sum up so far, like Kosovo, the Libya intervention was based on the intervention/non-intervention paradigm that casts the West (through NATO) in the role of the savior. And as before, what we saw was a narrowing of responsibility rather than its exercise. Once again, NATO was exempt from critical scrutiny of its actions prior to the intervention (rejection of any attempt at a political settlement and insistence on military action), its actions during the bombing (discussed below), and the outcome of the intervention overall. Beyond the issue of responsibility, the case of Libya also has implications for the R2P project as a whole.

c. Subordination of Values to Interests

The case of Libya, like Kosovo, challenges the claimed relationship between values and interests. Like Clinton justifying NATO’s bombing of Kosovo, Obama (2011) made a case for the essential compatibility of interests and values, both of which, he argued, were at stake in Libya. On the one hand, Obama claimed that humanitarian values were a part of US national interests: “It was not in our interests to let [a massacre] happen. I refused to let that happen.” On the other, he emphasized that humanitarian action would also help strategic goals, specifically by
preventing large refugee flows that would threaten the democratic transitions in Egypt and Tunisia, as well as maintaining the credibility of the UN. Even here, however, Obama is careful to paint US strategic goals as relatively benign—democracy promotion and the protection of multilateral institutions—and therefore compatible with humanitarian action and values.

Cameron also made similar arguments about the compatibility of values and national interests, arguing that pursuing humanitarian values would also aid in strategic interests: “If Gaddafi’s attacks on his own people succeed, Libya will become once again a pariah state, festering on Europe’s border, and a source of instability exporting terror beyond its borders” (HC Deb 21 March 2011 Vol 535 c708). He also emphasized values on their own: “we should be proud that we’re not only acting in British interests but also being true to our values as a nation” (c714).

For the biggest supporters of R2P, these statements are hardly controversial. In Libya, Thakur insists, “the West’s strategic interests coincided with UN values. This does not mean that the latter was subordinated to the former” (2011a, 13). However, a closer look at the case shows that civilian protection quickly became subordinate to geopolitical goals. As noted at the outset, Resolution 1973 authorized member states “to take all necessary measures… to protect civilians.” However, NATO’s goals quickly shifted to regime change, at the expense of civilians. If civilian protection had been paramount, Kuperman argues, NATO would have enforced the no-fly zone, bombed the forces threatening civilians, and attempted to forge a cease-fire.

However, NATO’s actions went far beyond civilian protection, including attacking retreating forces, bombing forces in Qaddafi’s hometown of Sirte, which posed no threat to civilians, and supplying aid, in the form of arms (in violation of the arms embargo) and logistical support, to the rebels even as they rejected a cease-fire (2013, 113-115). As Kuperman summarizes, “all available evidence suggests that NATO’s primary objectives starting early in the intervention
was to help the rebels overthrow Qaddafi, even if this escalated and extended the civil war and thereby magnified the threat to Libyan civilians” (2013, 115). In other words, humanitarian values (civilian protection) was subordinate to interests (regime change).138

d. Failed Consensus

The final lesson from Libya relates back to the claim of consensus raised in Chapter 2. As I noted in my discussion of the ICISS roundtables in particular, Western R2P supporters tend to see the issue of implementation as largely irrelevant to consensus on the principles of R2P. Evans encapsulates this view when he claims that after Libya there are “practically no voices at all challenging its foundations… [although] debate about how to implement R2P in practice… is still very fierce and very divisive” (2012c). However, I argued that these issues—who decides when R2P is relevant or how this responsibility is to be carried out—are actually central for the foundations of R2P. As such, the Libya case reveals deep fissures in the so-called international community.

Here the example of the African Union (AU) proves instructive. On the surface, it is easy to see the AU’s shift from an absolute right of non-intervention to the principle of ‘non-indifference’ (Kioko 2003) as evidence of widespread support for the R2P norm and proof of its universal validity.139 Such a view is found in Bellamy’s claims that the AU’s adoption of Article 4(h) “challeng[ed] the idea that the R2P pitched the West against the rest” (2009b, 77) and “dispelled the notion that sovereignty as responsibility was a uniquely Western idea” (2011a, 15).

138 For the US, these interests included “establishing a more stable alliance with an oil-rich and geostrategically valuable state, exerting influence on the political and economic directions of the broader Arab Spring, and displaying the continued prowess of NATO capabilities” (Graubart 2013, 83).

139 Although Article 4(g) of the African Union’s (2000) Constitutive Charter reaffirms “non-interference by any Member State in the internal affairs of another”, Article 4(h) provides for “the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity.”
Such a reading, however, is problematic for several reasons. The first is that, as I argued in Chapter 2, advocates such as Bellamy severely misrecognize the nature of the criticisms of R2P. Fundamentally, they reduce all challenges to a reactionary attachment to sovereignty *as a principle*; in so doing, they ignore the structures of global inequality (past and current) that make sovereignty so necessary *in practice* to former colonies. To put it another way, the AU’s endorsement of intervention to stop mass atrocities only vindicates the hegemonic conception of R2P if overcoming absolute notions of sovereignty were the crux of the matter. Although the AU seems to be challenging the primacy of sovereignty, it is not at the same time endorsing the Western-dominated R2P regime. In fact, the AU was created in part as a response, and challenge, to Africa’s marginalization in the international community (Sarkin 2009), which is most evident in the realm of global governance (Welz 2013).

As I discussed above, diplomatic efforts by the AU to resolve the crisis were undermined and sidelined by the rush to war on the part of NATO. In fact, NATO unceremoniously told the AU negotiating team not to go to Libya because they were going to bomb the country (Roberts 2011). Thabo Mbeki, a former president of South Africa and inaugural chairman of the AU, declared: “the reality is that the UN Security Council made absolutely sure that it ignored Africa’s views on what needed to be done to resolve a crisis in a member state of the AU” (2011). He further criticized the disregard by Western countries of the long-term effects on the region, which as discussed above, proved prescient. Although the principle of non-indifference lent itself to a vague theoretical receptivity to the military aspect of R2P, this limited support collapsed with Libya.

In fact, the Libyan intervention once again brought to the fore the unresolved issues that were evaded when R2P was reduced to a conflict between the norms of human rights and
sovereignty. Many of these concerns were raised during a 10 May 2011 Security Council (UNSC 2011c) meeting on the protection of civilians in armed conflict. In regards to Libya, the general consensus for non-Western states followed India’s assertion, “There is a sense of unease about the manner in which the humanitarian imperative has been interpreted for actual action on the ground.” (10). During the meeting, a range of countries criticized NATO’s implementation of Resolution 1973 in Libya.

For example, South Africa argued “the implementation of these resolutions appears to go beyond their letter and spirit,” specifically by siding with one party to the conflict and “advancing political agendas that go beyond the protection of civilian mandates, including regime change” (UNSC 2011c, 18). Russia similarly argued that it is unacceptable to take the side of one party when implementing a UN mandate, in clear reference to NATO’s provision of arms and logistical support to the rebels, which violated the arms embargo in the resolution and went beyond the mandate of civilian protection. In much the same way, China argued that the international community must respect the independence, unity and territorial integrity of the country, that there must be no attempt at regime change or involvement in the civil war under the guise of protecting civilians, and that actions must not exceed the mandate of the resolutions. Brazil argued, “We must avoid excessively broad interpretations of the protection of civilians, which could link it to the exacerbation of conflict, compromise the impartiality of the United Nations or create the perception that it is being used as a smokescreen for intervention or regime change” (11). Finally, Uruguay also called on NATO to respect the terms of the mandate. In sum, there was widespread frustration with the political manipulation of Resolution 1973 by
NATO, particularly support for the rebels and its expansion of the mandate from civilian protection to regime change.\textsuperscript{140}

Although the dissatisfaction with Libya dominated the discussion, several states used this debate to raise larger critiques of R2P, once again demonstrating that R2P has systematically failed to address the questions and concerns of states in the South. Very broadly, China rejected claims that the normative issues have been settled: “Various parties still hold divergent views on the responsibility to protect, and the General Assembly should continue its discussion on the matter” (UNSC 2011c, 21). These divergent views were evident when India asked, “\textit{Quis custodet ipsos custodies}?” Who watches the guardians?” (10). Although referencing the case of Libya here, the question is relevant to the R2P project as a whole. Despite claims to consensus on the principles of R2P within the international community, it is clear that this basic question—“Who watches the guardians?”—has yet to be answered satisfactorily for many states in the South. In other words, how exactly will powerful states be prevented from politically misusing the norm in such a way that violates international law and exacerbates humanitarian suffering?

Cuba raised similar questions about power and decision-making authority, offering perhaps the most trenchant and far ranging critique during the debate:

Despite the effort made, there are still many aspects to be clarified with regard to the protection of civilians, such as, inter alia, who decides when there is a need to protect; who decides that a State is not protecting its population, and on what basis; who determines the action to be taken, and under what criteria; what are the limits for the duration; and how to prevent the issue being used for the purposes of intervention and interference. (UNSC 2011c, 27)

As I argued in Chapter 2, these objections encompass many of the key issues for the global South: the greater decision-making authority on the part of powerful Western states and the lack

\textsuperscript{140} Hugh Roberts (2011) argues that the language of “all necessary measures” was designed to tacitly authorize a war to effect regime change.
of accountability to prevent the political misuse of the norm.\textsuperscript{141} Although R2P supporters repeatedly emphasize process as a restraint on misuse of the norm, they ignore, as Cuba points out here, that “[t]he Security Council would have to undergo profound reforms, including in its membership and working methods, to ensure that any civilian protection actions taken would be non-abusive and non-selective” (UNSC 2011c, 27). Unfortunately, Cuba has long been dismissed as a norm “spoiler” and their arguments rarely seriously considered. In my view, in this case they are ignored because they are unintelligible within the current grammar of R2P. That Western states will have the greatest authority is unproblematic within a discourse that systematically erases their harms and casts them as saviors.

It is this exemption that Cuba challenged by insisting that \textit{all} victims of violence should be protected: “We oppose the death of innocent people, whatever the circumstance and place, as we categorically condemn aggression under whatever garb its hides” (UNSC 2011c, 27). A similar theme emerged from Nicaragua:

\begin{quote}
The Security Council must explain to us, particularly in the light of resolution 1973 (2011), how civilians are to be protected from shelling. We ought to be told — because we have the right to know — how many civilians have perished in the name of this alleged protection of civilians. We need to be told who is going to protect the civilians from their supposed protectors. Someone needs to explain to us how, in applying the protection of civilians, the assassination of a head of State of a sovereign country is planned. We must be told how the bombing death of innocent children contributes to the protection of civilians. (34)
\end{quote}

Together, Cuba and Nicaragua are challenging the part of the R2P norm that puts the West in the role of the savior, thereby marking the victims of Western states as unworthy victims.\textsuperscript{142} They are demanding that civilians be protected not only from their own governments, but from the

\textsuperscript{141} In fact, there remains a stubborn refusal to address this issue. Instead, Western R2P supporters simply assume that, to paraphrase Howard Zinn (1990, 195), the behavior of liberal democracies at home means that they will behave decently abroad, despite the overwhelming empirical evidence to the contrary. Coicaud embodies this view when he confidently asserts, “powerful countries shaped by democratic values are the ones that have historically been the advocates and underwriters of international solidarity” (2008, 290).

\textsuperscript{142} For more on this distinction, see Chomsky and Herman (2002), “Worthy and Unworthy Victims,” \textit{Manufacturing Consent}. 
“international community” as well. As such, they are hinting at a far greater view of responsibility than that found in the hegemonic conception of R2P.

The Libya intervention therefore brought to the fore fundamental problems with the norm itself, including the inability to constrain political misuse of the norm, its foreclosure of alternative pathways beyond military action, and the demonstration of continuing inequality in the international system. More importantly, it led to devastating humanitarian effects in Libya and the wider region. However, these deeper questions about R2P itself or about the consequences of the intervention for Libya remain largely unasked. Instead, Western R2P supporters seem more concerned with the effects of the intervention on political support for the norm, with debates largely centered on whether the R2P norm is alive or dead (Brockmeier, et al. 2016). That R2P was used with disastrous humanitarian consequences has not raised fundamental questions about its desirability. Instead, the biggest concern is the loss of political support for the norm.

This concern with the protection of the R2P norm is evident in Evans’ lamentation that “there has been some infection of the whole R2P concept by the perception, accurate or otherwise, that the civilian protection mandate granted by the Council, with no dissenting voices, was manifestly exceeded by that military intervention” (2012c). In fact, in multiple speeches Evans pays very little attention to the actual outcome of the Libyan intervention on the Libyan people or on the wider region. Instead, his largest concern is that perceptions of political misuse in the case of Libya have led to Security Council paralysis, and therefore inaction, in Syria (2012b; 2012c; 2013b; 2014; 2015c). Thakur expresses a similar sentiment, lamenting, “Syrians have paid the price of NATO excesses in Libya” (2013, 70).143

143 Although outside the scope of this chapter, it’s important to note that the discourse surrounding Syria is very similar, such as the following newspaper headlines: “We Are Watching Allepo Burn in Real Time. And Just Like in
After Libya, then, the discourse remains much as it was. It still follows the grammar of responsibility found in the ICISS, pitting intervention (equated with the exercise of responsibility and moral solidarity) against non-intervention (the abdication of responsibility and denial of common humanity). It ignores many of the concerns of non-Western states, and refuses to take responsibility for the outcomes of interventions, prioritizing abstract norms over humanitarian outcomes. Finally, it still casts Western states in the role of the savior, with the R2P discourse continuing to lack a vocabulary to make Western powers responsible for their own harms in the international arena. Although I have primarily focused on how the grammar of responsibility plays out in terms of military intervention, the following section will briefly demonstrate that it applies to the prevention component of R2P as well.

**Prevention**

As discussed in Chapter 2, many supporters insist that R2P is primarily about prevention. It is therefore important to point out that the preventive component of R2P follows the same grammar as military intervention and therefore suffers from the same limitations. As discussed in the opening section of this chapter, the ICISS largely equates prevention with efforts by international institutions and Western states to reform the internal workings of non-Western states. In other words, the ICISS largely linked prevention to good governance initiatives, such as instilling the rule of law and promoting human rights, and the provision of development and technical assistance.\(^{144}\) Underlying this ‘good governance’ frame were the same assumptions I have highlighted in regards to military intervention. Once again, the primary responsibility for

---

\(^{144}\) The idea of good governance itself, which involves creation of government that is democratic, open, accountable, and transparent, can be seen as a current manifestation of the colonial underpinnings of international law discussed in Chapter 1. As Anghie notes, this concept has developed in relation to and is principally applied to Third World states; gives international law once again the task of reproducing in the non-European world a set of principles and institutions, seen as perfected in European world and essential to progress and stability of non-European world; and legitimates interference in the domestic jurisdiction of the (non-Western) state (2006a, 114-117).
social ills was located in the sovereign (non-Western) state, with the international community given the choice to intervene to help remake the state or remain a bystander. As a result, there was very limited discussion of ways in which the international community or Western states were already involved in non-Western states, the harm that arose from this involvement, or a responsibility to transform the existing international system. Instead, the international community was going to intervene and save these states from themselves.\(^{145}\)

Reducing the idea of prevention to good governance, with the ‘international community’ playing the role of the savior, is particularly egregious given the views expressed during the ICISS regional roundtables. As I demonstrated in Chapter 2, most non-Western states vastly preferred the idea of prevention to military intervention, but their views of prevention differed greatly from the final version found in the ICISS. For example, at the Maputo Roundtable, African states highlighted the relationship between poverty and conflict, and criticized unfair trade practices as contributing to the root causes of conflict. Although the ICISS briefly mentions unfair trade policies and high debt burdens, eliminating these problems is not included as part of exercising responsibility. At the Cairo Roundtable, participants criticized Western powers for backing authoritarian regimes and contributing to tensions in the region through the pursuit of their own interests. However, as this chapter made clear, the foreign policy of Western states has largely been exempt from critical scrutiny under R2P (unless decrying the lack of political will for them to intervene).

Although continuing debate over the implementation of the military aspect of R2P is acknowledged, there is far less discussion about continuing conflicts over the non-military

\(^{145}\) As David Chandler (2004) has argued, the ICISS, in giving the ‘international community’ a sweeping responsibility to prevent mass atrocities, react when they occur, and rebuild after intervention served to legitimate ever-greater intervention into and regulation of the non-Western state.
elements. The concerns raised at the regional roundtables, although largely ignored in the final report of the ICISS, continued to be raised by states in the global South. This dissension could be seen in Chapter 2, where the Non-Aligned Movement and G-77 repeatedly offered a much different idea of prevention that challenged the structure of the economic system and emphasized the interrelationship of domestic and international factors.

These concerns were raised yet again at the 2009 UN debate on R2P, where Kenyan writer Ngugi wa Thiong’o also attempted place the global economic system at the heart of discussions over prevention. In his speech, “Uneven Development is the Root of Many Crimes,” wa Thiong’o (2009) pointed to divisions in wealth and power between and within nations and regions as a “structural basis of the instability in the world today and of many these crimes we are talking about today.” He concluded, “Only by closing the two major divisions between nations/regions and within nations/regions can we begin to address the structural basis of crimes against humanity. Man made poverty is also a crime against humanity. That’s why I think that the global community… should look at structural uneven development as an integral part of the implementation of the responsibility to protect.” In his “Concept Note” for the debate, General Assembly President Miguel d’Escoto Brockman (2009b) also linked reform of international economic governance to prevention. However, as previously discussed, the International Coalition for the Responsibility to Protect dismissed d’Escoto’s call for world financial reform as “blatantly unhelpful in moving along the discussion of the norm” (2009, 3).

This dismissal of efforts to link global economic reform with prevention is echoed by Weiss, who criticizes the “erroneous desire to use R2P to mobilize support for root-cause prevention or investments in economic and social development” (2011c, 8). Instead of critical looks at the existent economic system or the foreign policies of Western states, there are vague
references to capacity building (e.g. Thakur 2011b, 60; Welsh 2006, 68) or claims to “help states help themselves” (Weiss 2011b, 239; see also Evans 2007a; 2008c, 56). Perhaps the most striking example is given by Edward Luck, then Special Adviser to the Secretary General, who insisted, “The United Nations, therefore, places a premium on upstream structural prevention, on helping to build the institutions, values, attitudes, policies, and practices that make the commission of any of the four specific crimes associated with the right to protect—genocide, war crimes, ethnic cleansing, and crimes against humanity—completely unacceptable in a given society” (2010, 3, emphasis added).146 In Luck’s view, then, what is needed is the whole transformation of non-Western societies. Once again, R2P is not unique, but rather follows the larger pattern of portraying “the political sphere in non-Western states… in alarmist terms of collapse, incompetence and social breakdown” (Chandler 2006, 224).147

Discussions of prevention, then, largely follow the grammar of responsibility found in the ICISS, where the fault lies exclusively in the sovereign (non-Western) state and the international community, through international institutions, is given the option to intervene and reform these states.148 Once again, international institutions are presumed to start from a position of

---

146 He does not seem concerned with building institutions and values that would, for instance, bar the United States and other Western states from committing war crimes. As I demonstrated earlier, the United States used its political leverage over the ICTY to prevent investigation and prosecution of NATO war crimes. In much the same way, NATO refused to investigate its bombing of civilians in Libya, including the death of 34 civilians in Majer (Chivers 2011). By exempting similar transformations in Western countries, he is demonstrating my overall point that the grammar of R2P, which allows Western states the role of savior or bystander, makes it difficult, if not impossible, to address the harms caused by the ‘international community’, particularly Western states.

147 This view of non-Western incompetence and Western salvation is evident in Hui’s argument that “the international community should help to establish in ‘zones of turmoil’ the rule of law, a free and fair political system with safeguards for minorities, a civil society, a functioning economy, public confidence in the police and courts, and so on,” in order to create a “healthy political community” (2004, 97). Farer also invokes the image of disease when he insists “it will be necessary, particularly in much of Africa but also in Central Asia and spottilly elsewhere in the developing world, to reinvent the state and to insert into its now corrupt and palsied limbs both political and technocratic advisers recruited from the centers of order with financial and coercive resources at their call” (2003, 88). These fit with what Rahul Rao has described as “a profoundly disturbing renewal of enthusiasm for empire in the Western academy today” (2004, 148).

148 For recent exceptions, see Feinstein’s (2016) analysis of the role of the global arms trade in mass atrocities, Lopez’s (2016) argument for targeting outside actors who enable atrocities, and Pell and Bonner’s (2016) focus on the role of multinational corporations in aiding atrocities.
detachment, and intervention is not considered a source of harm. As a result, broader structural changes to the international system remain outside the discourse.

**Conclusion**

When the ICISS formulated the R2P norm, two key goals were to expand the meaning and exercise of responsibility and to find new, creative ways to prevent and respond to mass atrocities. Although laudable goals, I have argued that the ICISS has failed on both accounts, and in this chapter I have demonstrated that an important reason for this failure is the grammar of responsibility, which links sovereignty to responsibility. In this grammar, responsibility for the cause of harms is located solely in the (non-Western) sovereign state, with the international community only responsible for trying to ameliorate these harms. Western states and international institutions are therefore not seen as being involved in, and therefore responsible for, humanitarian crises themselves, which contracts rather than expands the exercise of responsibility. Moreover, framing the international community as uninvolved bystanders has entrenched what I termed the intervention/non-intervention paradigm, in which the international community (particularly Western states) are given the choice to intervene as a savior or stand by and do nothing as the only two alternatives.

I am not claiming that the ICISS is unique in using this frame, but rather draws on already established meanings. As I argued in Chapter 1, the historical narrative underlying human rights and humanitarian intervention erases the history of Western colonialism, imperialism, and Cold War interventions, thereby rendering the actions of the North invisible. This erasure is significant in two ways. First, erasing harmful actions of Western states from the narrative allows these states to maintain a humanitarian identity, the savior of the intervention/non-intervention paradigm. Second, it allows Westphalian sovereignty, with its
norm of *non-intervention*, to be framed in opposition to the protection of human rights, thereby making intervention by default humanitarian. The ICISS regional roundtables offered a chance to include alternative perspectives that would challenge this dominant frame. However, as I demonstrated in Chapter 2, these non-Western perspectives were widely ignored in the ICISS itself, which was part of the broader limitation on the participation and membership of non-Western states in the international community. The result is a Western-centric concept that further reinforces the power of Western states.

The grammar of responsibility that I have examined in this chapter has been particularly damaging in that it has distorted our understanding of conflicts, thereby limiting options for addressing them. As Zerilli notes, grammar lays down what counts as an intelligible description of reality (1998, 442). Within the grammar of responsibility, every situation is forced into the intervention/non-intervention paradigm, where Western states or the international community faces a choice between intervening to end the atrocities or standing by and letting them happen. As my case studies demonstrated, this paradigm meant that the ways in which outside actors were already involved were rendered invisible. Moreover, with intervention automatically equated with humanitarianism, the actual consequences for the targets of intervention became unimportant.

As a result, this grammar limits “[w]hat becomes sayable, doable, [and] imaginable” (Doty 1997, 385). By fixing “the cause, location, and site of resolving growing threats to global security…in the global South” (Mgbeoji 2006, 856, emphasis in original), the ICISS placed the policies of Western states and international institutions outside the discussion of R2P. Presenting the only choices as (military) intervention or *doing nothing* makes military intervention the only available moral course of action, and the idea of doing something becomes more important than
the actual humanitarian effects. However, as I argue in the following chapter, there are other alternatives: the choice is not simply between supporting Western-led humanitarian intervention and doing nothing, but rather between different visions of responsibility.
CHAPTER 4: CONCLUSION

In many ways, the grammar of responsibility used by R2P supporters has led support for Western-led humanitarian intervention to be seen as the only way to promote and instantiate humanitarian values and cosmopolitan solidarity. In opposing humanitarian intervention or R2P, critics are accused of “fatalism and isolationism” (Weiss 1994), “cynical indifference” (Evans 2006c), and being “apologists for authoritarian sovereignty” (Williams 2009). In other words, one either supports Western-led humanitarian intervention and the R2P norm to aid human rights victims around the world, or falls back on a realpolitik approach that “abandon[s] large numbers of human beings to their fate” (Kurasawa 2006, 304). However, such charges set up a false dichotomy, as the choice is not between Western-led humanitarian intervention and R2P or “fatalism and isolationism.” Instead, I argue that the relevant choice is between different visions of international morality. This chapter therefore suggests one such alternative, which I term international responsiveness.

At the core of this shift from R2P to international responsiveness is a reconceptualization of the relationship of Western citizens to those beyond their own borders. To demonstrate why such a change is necessary, section one analyzes R2P as a cosmopolitan project, demonstrating that its unreflexive reliance on impartialist cosmopolitanism, based on appeals to membership in a common humanity, actually works against the formation of ties of solidarity across borders. My argument is therefore not a rejection of the principle of cosmopolitan solidarity itself, but rather that R2P is ill equipped to foster this solidarity. A more effective approach, I argue, focuses on the condition of responsiveness, which Schiff frames as the ability to “acknowledge and experience connections between our activities and others’ suffering” (2014, 16, emphasis in
original). It therefore focuses on material ties that can actively work to create ties of solidarity across borders.

After laying out the theoretical justification for a shift from responsibility to responsiveness, section two uses Amy Bartholomew’s critical cosmopolitanism and Jonathan Graubart’s anti-empire solidarism to suggest what international responsiveness might look like in opposition to R2P. Fundamentally, it asks Western citizens to see themselves as implicated agents rather than as saviors or bystanders, and brings the policies of Western states and international institutions back into view. However, such a shift is not a given, and section three therefore focuses on an important obstacle to the realization of international responsiveness, namely the historical narratives that justify humanitarian intervention and R2P.

**Cosmopolitanism and its Limits**

A cosmopolitan ethic, according to Toni Erskine (2000, 569), “demands that one’s scope of moral concern—the area within which claims of moral duty, solidarity and loyalty to ‘fellow moral agents’ provide intelligible appeals—is co-terminous with no particular community or group of communities. In other words, it requires us to acknowledge the moral standing of those who are neither friends nor allies, comrades nor compatriots, those to whom we might refer to as ‘distant strangers’.” Moral commitments therefore extend beyond all borders, whether political, ethnic, ideological, socioeconomic, or religious to include the community of human individuals worldwide (Erskine 2002, 458).

The Responsibility to Protect can therefore be seen as a cosmopolitan project par excellence, as the idea that moral concerns are universal rather than territorially bounded is at its foundation.\(^{149}\) It is indeed how many, if not most, R2P supporters frame the project, and the

---

\(^{149}\) As Erskine notes, “it is possible to speak of political or ethical cosmopolitanism, neither of which entails the other” (2002, 457, emphasis in original). In calling R2P a cosmopolitan project, I am referring to ethical
cosmopolitan ideal can be seen in the articulation of the doctrine itself, which invokes the responsibility of the “broader community of states” when a sovereign state fails to protect its population (ICISS 2001a, viii). Or in Nicholas Wheeler’s formulation, “states accept not only a moral responsibility to protect the security of their own citizens, but also the wider one of ‘guardianship of human rights everywhere’” (2002, 12).

That R2P represents a normative advance is widely accepted.\textsuperscript{150} As such, there seems to be very little consideration of how the R2P norm helps foster an expanded scope of moral concern. Instead, the assumption seems to be that by declaring a universal moral concern, R2P, by definition, both expresses and promotes cosmopolitan solidarity. However, looking at the type of cosmopolitanism that animates R2P’s call for a responsibility beyond one’s own borders reveals significant limitations. Most significantly, as I argue in this section, R2P relies on an impartialist cosmopolitanism, “the view that morality depends on an impersonal standpoint from which equal consideration is given to all” (Erskine 2002, 460). For impartialist cosmopolitanism, achieving an inclusive scope of moral concern can only be achieved through the removal of particular loyalties in favor of identification with humanity as a whole.

This approach is evident in R2P’s imperative to challenge our partial allegiances—the state, sovereignty, national interest, profit, etc.—and instead identify with human rights victims in particular and humanity in general. This condemnation of exclusionary identifications permeates Kofi Annan’s criticism of the UN’s failure to live up to its “special responsibility in promoting respect for human rights worldwide” (2006). The blame for this failure, he argues, lies with those who refuse to identify with oppressed peoples: “There is more than enough blame to

\footnotesize{cosmopolitanism. As previously noted, Western democracies have repeatedly shot down proposals for reforms of UN bodies, which would have been demonstrations of what Erskine would call a more political cosmopolitanism (by making global institutions more politically inclusive).  
\textsuperscript{150} The efficacy of the norm, of course, remains hotly contested.}
go around. It can be shared among those who value abstract notions of sovereignty more than the lives of real families, those whose reflex of solidarity puts them on the side of governments and not of peoples, and those who fear that action to stop the slaughter would jeopardize their commercial interests” (2006). Annan therefore calls on us to identify with the rights of individuals (who are part of the universal human community), rather than the partiality of sovereignty, governments, or commercial interests.

Gareth Evans uses similar rhetoric, asking people to “look at each issue as it arises from the perspective of the victims” (2009b, 3), and admonishing that when debating R2P, “the crucial concern should not be national interest, or ideology, but our common humanity – our obligation simply as human beings not to stand by watching our fellow human beings suffering unbearable, unutterable horrors” (2009b, 6). This recourse to the idea of shared humanity is a common tactic for Evans, who uses it as the ultimate justification for R2P. He argues, “at the end of the day the case for R2P rests simply on our common humanity: the impossibility of ignoring the cries of pain and distress of our fellow human beings” (2008a, 296).

This invocation of a common humanity is part of R2P’s appeal to community identified in Chapter 2, but rather than the international community the legitimacy of R2P is grounded in membership in the universal human community. Here this community of mankind is threatened by a retrograde insistence on placing narrow interests above the needs of human rights victims. This view follows the impartialist concern that particularism circumscribes moral concern and legitimizes exclusion. However, the impartialist ethic runs into problems as well. For critics, it is seen as ultimately untenable, lacking sufficient motivation for cosmopolitan action and giving a truncated view of human subjectivity and agency (Erskine 2002; Robbins 1998).
One such critic, Toni Erskine, is concerned with both limitations of impartialism, that of the need to acknowledge that moral subjectivity emerges through participation in specific communities and the need to find sufficient motivation for cosmopolitan action, while still maintaining an inclusive moral view. Her proposed solution to this dilemma is what she terms “embedded cosmopolitanism,” which “combine[s] a commitment to the idea of the agent as radically situated with an inclusive scope of ethical concern” (2002, 168). That an agent can be radically situated without precluding larger moral concerns comes from reconceptualizing the types of community to which we belong. These communities are no longer solely territorially-bound, defined by the state, and mutually exclusive. Instead, she envisions individuals as also part of overlapping, deterrorialized communities that can be chosen, not just assigned by the accidents of birth.

The important point here is that she envisions a scope of moral concern built on fostering concrete relationships rather than abstract appeals to humanity. She argues, “By rethinking the type of community that can provide one with a particularist moral starting-point for addressing international normative questions, embedded cosmopolitanism seeks an inclusive scope of ethical concern that would neither demand nor allow abstract appeals to humanity” (2000, 576). However, Erskine acknowledges there are not always readily apparent communities to tie distant strangers together. Therefore, although embedded cosmopolitanism can acknowledge the moral standing of distant strangers, this inclusion cannot be guaranteed. “It is clear that an embedded cosmopolitanism cannot hope to make the same promises of universal inclusion so effortlessly offered by the impartialist counterpart” (2000, 590). Although it cannot promise the same universality, her approach is particularly useful in the sense that she draws our attention to the need to actively foster overlapping communities, rather than simply assume their existence.
Another critic, Andrew Dobson (2006), is more concerned with the motivational aspect, with why cosmopolitanism ideals are so often accepted intellectually yet rarely put into practice. He “ask[s] whether it is something about the principles of cosmopolitanism as they are usually expressed that fails to turn an intellectual commitment to them into a determination to act on them” (165). His answer “is that there are limits to cosmopolitanism’s persuasiveness as long as its motivational heart remains unexamined” (165). In his view, membership in a common humanity is a thin type of bind that leaves us with a motivational difficulty: “Recognising the similarity in others of a common humanity might be enough to undergird the principles of cosmopolitanism, to get us to ‘be’ cosmopolitans (principles), but it doesn’t seem to be enough to motivate us to ‘be’ cosmopolitan (political action)” (169). This failure emerges because “[w]hat cosmopolitanism requires is a ‘nearness’ to vulnerable, suffering, disadvantaged others, and the recognition that we are all members of a common humanity seems not to bring such others near enough” (171).

To find a way out of this conundrum, to find a “motivational heart” for cosmopolitanism, Dobson suggests that we look to identifying causal relationships “between what we do or what we have done, and how they are” (2006, 171). Although, in his view, “[c]ausal responsibility produces a thicker connection between people than appeals to membership in a common humanity… reasoning from causal responsibility is largely absent in cosmopolitan theory” (172). To have any weight, the relationships envisioned by cosmopolitanism need to be material rather than mental: “The ties that bind are not, therefore, best conceived in terms of the thin skein of
humanity, but of chains of cause and effect that prompt obligations of justice rather than sympathy, pity, or beneficence” (178).151

The most important lesson from my discussion of Erskine and Dobson, then, is that solidarity on the basis of common humanity cannot be assumed. Instead, they are drawing our attention to the need to actively foster and build concrete relations to others, rather than rely on abstract notions of humanity. As I have shown in the three preceding chapters, however, R2P actually works to impede such connections. In Chapter 1, I argued that the historical narratives underlying humanitarian intervention and R2P conceal the historical (and current) intervention of Western states into the Third World; as such, these narratives create distance rather than connection. In Chapter 2, I argued that the way that the international community is framed denies Third World participants their political voice and therefore their positions as members in such a community. Finally, in Chapter 3 I argued that the grammar of responsibility treats Western states and international institutions as uninvolved bystanders that can choose to become involved as a savior. The effect is to frame the Third World as a distant site of disorder and intervention, which prevents the identification and formation of concrete relationships that would motivate cosmopolitan solidarity.

In sum, R2P ultimately fails as a cosmopolitan project because of its reliance on an untenable appeal to common humanity and its projection of an image of separation that effaces the actual involvement and relations between the North and South. However, my argument is not a rejection of cosmopolitanism in its entirety, but rather that, as Calhoun argues, cosmopolitan solidarity is not a given, but rather must be continually made and remade (2003, 98). It is

151 However, the point is not to limit our notions of responsibility to only causal relationships. Here Miller (2005) is helpful in pointing out that identifying these relationships of causality is not always easy, and we often want to assign responsibility even if such a relationship cannot be readily found.
therefore necessary to think through how to create, and continuously recreate, this solidarity, as well as the conducive conditions for it, a task that many, if not most, R2P supporters fail to do.

To begin this project of thinking through a more promising alternative, it is helpful to turn once again to Stanley Cavell, whose work reflects on the relationship of the self to the other. Specifically, Cavell draws on Wittgenstein’s discussion of skepticism to argue that our relationship to others is not a function of knowledge, which is always necessarily incomplete, but rather acknowledgement. The latter involves not information, but rather is a function of “empathetic projection,” an identification not just of others, but with them (Cavell 1982, 421). There are two key aspects of acknowledgement that can contribute to an alternative approach to responsibility. The first is that our connection to others, our identification with them, is not a given, but rather is subject to failure at any moment. The second is that our ability to acknowledge others is not a function of knowledge or cognition, but rather our ability to count others as real.

Cavell’s interjection here is useful because the idea of responsibility underlying R2P assumes a fixed, known (and knowable) relationship underlying calls for the enactment of responsibility. Or perhaps more accurately, R2P and the human rights project in general attempt to overcome the tenuousness of human relationships “through the legislation of fixed codes and principles” (Campbell 1998b, 501). Anxious that our identification with others, our acknowledgment of others’ humanity, is subject to fail at any moment, R2P attempts to fix norms epistemologically. Rather than evade this uncertainty through declarations of common humanity, I argue that what we need is a political project that works to create such connections.

Jade Schiff’s shift from responsibility to responsiveness provides a starting point for such a project. For Schiff, responsiveness has two elements. First, it involves “acknowledging and
experiencing our implication in others’ suffering” (2014, 22). Second, responsiveness is a “disposition to approach [particular, practical] contexts in a spirit of receptivity to the claims that others’ suffering may make upon us” (2014, 25). To become responsible, then, we must first be able to acknowledge the ways in which we are already implicated in structures of inequality and to maintain a commitment to listening to others. In the section below, I will begin sketching out what such an international responsiveness might look like and how it differs from the dominant R2P norm. The following is not meant to be exhaustive, but rather seeks to lay out key principles through which international responsiveness may be developed.

From Responsibility to Responsiveness

To address the problem of responsiveness, of acknowledging our connection to others and listening to the demands that others make upon us, we must first challenge the way that the responsibility of R2P imagines those in the North as separated until a moment of crisis in the South draws our attention and our involvement. In contrast, we need to bring into view the ways in which we are already involved. Rather than see the South as the site for action, citizens in the North need to turn their focus back to their own actions and their consequences (Darby 2011).

This shift in focus is evident in Amy Bartholomew’s (2008) call for the use of international humanitarian law to contest the legal and political impunity of the United States. Bartholomew’s argument here differs from the mainstream cosmopolitanism reflected in R2P in two significant respects. First, she is concerned with the restraint of US power, whereas R2P supporters see the projection of US power as central to the successful implementation of the norm. Second, she imagines a much different type of responsibility on the part of US citizens, “the political responsibility for contesting a criminal empire” (216). This sense of political responsibility is based on what she terms “critical cosmopolitanism.” She explains, “it is
cosmopolitan because it exhibits moral and political responsibility for others across borders and it is critical insofar as it judges the actions of empire and tempers cosmopolitan excess with a radical political analysis and action” (225, emphasis in original). Bartholomew therefore seeks to evoke a feeling of responsibility for the actions taken by one’s own government, to develop a sense of being implicated in the injustices inflicted by its leaders.

Jonathan Graubart takes up Bartholomew’s critical cosmopolitanism in arguing for an alternative framework of moral responsibility on the part of citizens of leading Western states. Although it retains the liberal interventionist concern with a moral responsibility across borders, his anti-imperialist solidarism differs considerably by focusing on those human rights violations that have their origins in the policies of our own states or of client regimes. The type of responsibility entailed here is quite different than what we have seen in the ICISS and codified in the R2P norm. As he argues, “one’s responsibility goes well beyond saving strangers from abusive regimes. Rather than view oneself as a Good Samaritan, an anti-imperialist Westerner accepts that she is ‘an implicated agent’ in destructive hegemonic policies and has a responsibility to resist” (2013, 88). The task is therefore not to support greater military intervention on the part of the United States or other Western states, but to challenge the policies of one’s own state.

Graubart’s anti-imperialist solidarism differs in another significant respect from the hegemonic conception of R2P. As I have argued, R2P supporters urge the United States in particular and Western states in general to take the lead in formulating and implementing the R2P norm because of their presumed moral superiority. In other words, Western states are to remain norm entrepreneurs and the rest of the world norm takers. However, in arguing for a moral responsibility across borders, Graubart is not claiming that Westerners should set the
normative agenda because of their greater moral sensibilities: “To be clear, the point is not to suggest that Westerners should take the lead in global justice campaigns, but rather that a pattern of extensive and often damaging interventions imparts distinct moral responsibilities” (2013, 88). It is therefore a responsibility based on the actual conduct of one’s own state, on concrete relations of harm, rather than on an abstract appeal to common humanity grounded in a humanitarian identity. This focus on concrete relations of harm not only provides a stronger basis for creating ties of solidarity, but also reworks the logic of responsibility I identified in Chapter 3 from an anti-imperialist perspective. By offering a critical look at the interventionist policies of Western states, it challenges the assumption of detachment found in the savior/bystander construction and delinks intervention and humanitarianism by showing the negative consequences of intervention.

Although Graubart is largely focused on anti-empire solidarism as an alternative to support for Western-led humanitarian intervention, I would argue that the essential principle, seeing oneself as an implicated agent rather than a savior or bystander, is also relevant when addressing the prevention pillar of R2P. As I have argued, prevention is largely framed as good governance initiatives, whereby international institutions help promote respect for human rights and the rule of law, and provide development assistance. The problems are therefore all located in the failing (Third World) state with the international community offered the options of intervening to reform these states or remaining a bystander. As a result, the harms that emerge from the prevailing international economic and political order, including the perpetuation of poverty, continue to be ignored (Pogge 2003).

Rather than see themselves as uninvolved in this larger economic and political order, citizens in the North should ask what kind of responsibility emerges from being its primary
beneficiaries and citizens of leading states that uphold an international institutional order in which human rights cannot be fully realized (Pogge 2005). Once again, rather than see the primary site of intervention as in the South, this approach would shift the focus to the policies of states in the North, as well as the global institutions in which they have a disproportionate impact. This would involve many of the structural reforms highlighted during the ICISS regional roundtables and by the Non-Aligned Movement and G-77, including making the UN Security Council more democratic and accountable, fairer terms of trade, including the removal of protectionist measures, and greater access to and influence in the WTO.

Moving from R2P to international responsiveness therefore entails fundamental shifts in perspective for citizens in the North. First, it involves a change in identity, from a bystander or savior to an implicated agent. Second, it shifts the focus from the South, long viewed as a distant site of disorder and intervention, to our own practices in the North. As such, it has numerous advantages over the current mainstream conception of R2P. These include creating the basis for international solidarity; directing our efforts to where they will be most effective; providing the critical tools to evaluate calls for military intervention, which brings the focus back to the effects of intervention; and challenging rather than supporting global inequality.

First, international responsiveness does not rely on unreflexive appeals to common humanity or a generic human rights victim. Instead, it calls for the active and continuous creation of relations of solidarity with those being harmed by the policies of one’s own government. By focusing on concrete relations between our own actions, or those of our government, and those being harmed, others are brought ‘near’ in a way that the impartialist cosmopolitanism of R2P cannot (Dobson 2006, 171). Furthermore, in moving beyond the appeals to a common humanity, international responsiveness does not require that we reject our
loyalties to the community attachments that enable moral subjectivity. Instead, it is because we are radically situated, as citizens of powerful Western states, that we have a responsibility to those beyond our borders.

Moreover, the focus on relations of solidarity requires that those in the South are viewed as active agents. This contrasts with R2P’s depoliticizing and disempowering tendency of seeing the South solely as “victims”. As Glover points out, R2P’s focus on the victim “reduce[es] the ‘victim other’ to an incapacitated beneficiary of ethical Western interventionism and neglect[s] the potential of indigenous processes to effect emancipation” (2011, 5). In contrast, the focus of international responsiveness on relations between concrete individuals moves away from seeing those in the South in terms of abstract categories of common humanity or human rights victims. Instead, the emphasis is on sustained and continued attention to the lives, relations, and communities of people in the South (Robinson 1999, 47), and being open to the claims that they may make.

Second, international responsiveness provides a better approach for dealing with humanitarian crises by focusing our efforts where they are most likely to be effective. As Chomsky and Herman wryly note, “It is a cheap and cynical evasion to plead ‘we must raise our voices’ whenever human rights are violated. Even a saint could not meet this demand” (1979, 38). Given this impossibility of challenging every injustice in the world, it is more responsible to address the policies that one has the greatest chance of influencing. As citizens of Western states, that means focusing “on violations of human rights that have their roots in the policies of one’s

---

152 As Chandler points out, placing the “victim” at the center of R2P’s political project is a way to foreclose debate, ensuring the legitimacy of intervention outside of international law or political decisions (2004, 69).
To be clear, not every humanitarian crisis will have its roots in the policies of Western states or international institutions, and this approach will not solve every dilemma as it arises. However, combating the systematic erasure of the implication of Western states and intervention institutions is crucial for facilitating reasoned debate over courses of action, which R2P supporters insist is central to the norm. As I demonstrated in Chapter 3, forcing every crisis into the intervention/non-intervention paradigm, and narrating every event as a story populated with an evil perpetrator, innocent victims, and the Western savior, leads to a grossly distorted understanding of the situation that lend support to harmful interventions. Assuming a position of distance or detachment prior to intervention makes it difficult to look at how Western states and international institutions are already involved in the crisis, and the victim/perpetrator/savior narrative leads to an uncritical acceptance of humanitarian claims, as well as a presumption of humanitarian outcome.

Third, and related to the point above, international responsiveness lends itself to a more critical analysis of calls for intervention in two ways. First, international responsiveness problematizes the relationship between national interests and humanitarian values. As I previously noted, many R2P supporters argue for the essential compatibility of national interests

---

153 For a recent example, the United States and UK have supported Saudi Arabia’s bombing campaign in Yemen, which began in 2015 and is currently ongoing, during which Saudi Arabia indiscriminately and at times deliberately targeted civilians. The most egregious was the bombing of a funeral procession that killed more than 140 people and wounded more than 525 people. The US-made bomb used in the bombing was part of the over $110 billion worth of weapons the US sold to Saudi Arabia during Obama’s term. The United States has also supplied intelligence and logistics for this bombing campaign (Bayoumi 2016). The UK also provided weapons, and has blocked reports that these weapons were being used in the commission of war crimes, as well as EU inquiries into war crimes in Yemen (Greenwald 2016).
and humanitarian values for Western states (e.g. Power 2016).\textsuperscript{154} Such a perspective leaves little room to consider the ways in which humanitarian values can be subordinated to or distorted by the pursuit of national interests. By challenging the assumption that the presence of humanitarian motives will lead to a humanitarian outcome, international responsiveness turns the focus back on the actual effects of such intervention.

Moreover, the rejection of a fundamental humanitarian identity for Western states reinforces this attention to the effects of interventions. As I showed in Chapter 3, there is the risk that maintaining the humanitarian identity of the intervener (the savior of R2P) will become prioritized over the effects on the target of intervention. This was seen in both the Kosovo and Libya interventions, where leaders justified the interventions in part as protecting their countries’ values and as necessary given their humanitarian identity. Although Chesterman (2011, 284, emphasis in original) warns, “Do something, \textit{do anything}, is not a military strategy,” framing the options as limited to intervention or non-intervention, and equating intervention with the protection of human rights from the start, creates the call to “do something” regardless of the actual consequences. Instead, a better approach recognizes that intervention (especially military intervention) can easily make the situation worse. Arguments against military intervention are therefore not “fatalism and isolationism” (Weiss 1994) but rather a commitment to “carefully consider the potential human consequences of their acts” (Chomsky and Herman 1979, 39).

Fourth, international responsiveness considers the long-term effects on the international order. Despite claims that R2P strengthens sovereignty, it is clear that humanitarian intervention and R2P are attacks on the principle of sovereign equality, as well as the principles of

\textsuperscript{154} As Chandler accurately summarizes, “The liberal advocates of human security discourses do not counter-pose the interests of post-colonial peoples to those of western elites. Rather, the argument is couched in terms of the compatibility of interests once there is a shift from backward and unenlightened views of self-interest to a view of self-interest which fits today’s interdependent, globalised, complex world” (2009a, 91).
nonaggression and non-intervention. These principles, along with self-determination, are not holdovers from the old Westphalian system but rather recent innovations (Cohen 2004, 12). R2P supporters therefore favor dismantling key principles of the international order that offer any protection for weaker states, without offering any way to restrain the actions of more powerful states. Whereas R2P seeks to harness global inequality for its success (by calling on powerful Western states to intervene militarily), international responsiveness seeks to challenge these structures of inequality.

New Narratives

So far I have argued for an alternative moral and political responsibility on the part of Western citizens that begins from the position that one is not a savior or bystander but rather an implicated agent in the policies of one’s own government. Although such an approach has numerous advantages, neither Bartholomew nor Graubart provide much guidance as to how to foster such an identification. Here it is important to return to Cavell’s point that acknowledgment of others involves an affective rather than solely cognitive stance, which has important consequences for how we rethink such efforts for political change. As others have argued (e.g. Norval 2012; Rancière 1999; Shulman 2008, 19) the task is not to find a better argument but rather challenge who or what is counted as real. Criticizing the policies of the United States or other Western states by bringing “facts” to light is therefore insufficient to achieve this affective stance.

Instead, we need to consider the conditions that hinder responsiveness, including the interpretive frames that influence affective responses (Beausoleil 2016, 7-8). A key aspect of these interpretive frames, as Schiff points out, is the type of narratives we tell, as stories can “facilitate and frustrate the cultivation of responsiveness” (2014, 29). The dominant historical
narrative that underlies and justifies humanitarian intervention and R2P therefore works as an important obstacle to responsiveness, to acknowledging the connections between citizens in the North and South. In contrast, the alternative narratives I put forth in Chapter 1 can help foster responsiveness.

As I discussed in detail in Chapter 1, the story of human rights and humanitarian intervention proceeds as follows: in 1648, the Peace of Westphalia created the norm of sovereignty, with its corollary of non-interference, and for 400 years sovereignty allowed states to act with impunity within their own borders. The Holocaust then laid bare the abject failure of the sovereignty norm, prompting the formation of new human rights norms and “new articulations of humanity” (Devetak 2002, 175). However, the onset of the Cold War temporarily halted the normative progress made in the wake of the Holocaust, as human rights were subsumed by power politics. However, the end of the Cold War has opened up a new (although imperfect) humanitarian era where humanitarian values have come to be central to the foreign policies of Western states.

The first way this narrative works against responsiveness is by entrenching a benevolent self-identity on the part of Western states and citizens. As I noted above, central to the idea of international responsiveness is a shift in identity for Western citizens, from a bystander or savior to an implicated agent. The mainstream narrative is antithetical to this task, as it elides the history of colonialism and imperialism and either ignores or justifies Cold War interventions as necessary to fight an evil enemy. This “politics of forgetting” (Krishna 2001, 401) therefore enables R2P supporters to claim that liberal Western states are the leaders of international

155 Here I will focus on the narrative aspect, but history is a particularly important field of contention because, as Foucault points out, “History does not simply analyze or interpret forces: it modifies them” (2003, 171). In other words, production of historical knowledge is also part of a political struggle.
solidarity (e.g. Coicaud 2008, 290; Weiss 1999, 10), whose biggest crimes have been a failure to act on behalf of human rights (e.g. Power 2007; Williams 2009).

Bringing in the history of predatory interventions on the part of Western states back into the story can therefore help to disrupt this presumed humanitarian identity. This disruption is necessary because the ability “to acknowledge and experience our implication in suffering” (Schiff 2014, 8), which lies at the heart of responsiveness, requires that we see ourselves as someone capable of causing suffering. The point here is not to wallow in self-indulgent guilt, but rather to foster critical self-reflection that would allow us to break out of the pattern of sterile repetition and enable political action (Shulman 2008, 140-141).

A second way new narratives are central to the cultivation of responsiveness is by influencing how particular events are interpreted, for “the sense or experience of crises is inseparable from the ways in which they are narrated” (Schiff 2014, 46). As I have shown, the Western-centric historical narrative that underlies humanitarian intervention and R2P leads all events to be interpreted through an intervention/non-intervention paradigm. In this story, Westphalian sovereignty was a license to kill for 400 years until the Holocaust revealed its moral paucity.156 As a result, non-intervention was treated as the biggest, and often only, obstacle to the protection of human rights. Narrating the Cold War as a period of inaction on behalf of human rights solidified this link. This narrative therefore leads to two closely related, although distinct,

---

156 To be fair, sovereignty is not always treated in such a simplistic way and there is at times recognition that sovereignty serves other purposes, such as being an important cornerstone of the international order. However, my concern is with how Westphalian sovereignty has been used in the story of human rights and humanitarian intervention, and how this image of Westphalian sovereignty serves to justify R2P as whole, as well as specific interventions. For example, in his defense of the Libya intervention, Thomas Weiss argues, “After centuries of largely looking the other way, sovereignty no longer provides a license for mass murder in the eyes of legitimate members of the international community” (2011c, 7). He then claims that criticisms amount to “reissuing a license for mass murder to wannabe thugs” (10). In telling the story of R2P, Gareth Evans repeatedly refers to sovereignty as a “license to kill” (2006c; 2008a; 2008b; 2013b). Even when not stated so forcefully, the opposition of sovereignty and human rights dominates the literature, indicating acceptance of this basic premise.
interpretations. The first is that situations are largely interpreted as a choice between intervention and non-intervention. Second, intervention (especially military) is the embodiment of humanitarian values and cosmopolitan solidarity.

As I demonstrated in Chapter 3, this framework of intervention/non-intervention has largely dominated the interpretation of humanitarian crises, whether addressing military intervention or the idea of prevention, leading to truncated and distorted understandings of the problems. For example, the invasion of East Timor by Indonesia is framed as a period of non-intervention during the Cold War. As I demonstrated, however, this interpretation ignores the decades of active support by the United States, Australia, Canada, and other Western states. In other words, the frame of non-intervention obscured the provision of military, economic, and political support for Indonesia that enabled the genocide of the East Timorese to take place. In both Kosovo and Libya, the choice facing Western states was again framed as intervention on behalf of human rights or non-intervention, which would allow mass atrocities to take place. This framework ignored the involvement of NATO prior to the military interventions, in which diplomatic efforts to resolve the crisis were foreclosed, thereby legitimating military interventions that had negative humanitarian consequences.

However, these effects have been widely ignored because linking intervention to the protection of human rights and non-intervention to their denial leads intervention to be prima facie seen as humanitarian, regardless of its actual effects. When the choices become intervention or “doing nothing,” the outcomes of intervention become less important. As I demonstrated, both Kosovo and Libya have been praised as largely humanitarian in intent and outcome. In Kosovo, the bombing precipitated large-scale ethnic cleansing and increased the death toll, while in Libya the intervention prolonged the civil war, increased the death toll, and
contributed to regional instability. These effects, however, are largely ignored or justified on the grounds that “non-intervention” would have by definition led to mass atrocities. The dominant narrative therefore hinders responsiveness by concealing our implications in others’ suffering. Interpreting all events through the intervention/non-intervention paradigm obscures our current involvement in crises (by presuming that Western states are uninvolved from the start), and assuming that intervention is by default humanitarian makes it difficult to respond to claims that one’s actions have caused suffering.

In contrast, the new narrative brings in the history of colonialism and imperialism, along with the interventions following formal decolonization, which challenges the link between intervention and humanitarianism, as well as the presumption of distance that underlies the intervention/non-intervention paradigm. In the former case, the danger for most of the world was intervention, especially, though not exclusively, by Western states. In other words, intervention rather than non-intervention justified violence and oppression. In the latter case, formal decolonization did not usher in an era of non-intervention. Instead, states in the North continued to be interconnected through interventions by Western states and international institutions, along with the larger economic system. The following two examples demonstrate the different types of analysis that emerge when we shift from the intervention/non-intervention interpretive frame.

As I have argued, the dominant narrative assumes that Western states and international institutions are uninvolved prior to a humanitarian crisis. In contrast, Rasheed Akinyemi’s (2004, 254) analysis of “the nonmilitary forms of international intervention that often precede and presage a humanitarian crisis” challenges this assumption. Rather than act as a bystander, the mid-1980s debt crisis in Africa served as a justification for the international donor community and International Financial Institutions (such as the World Bank and International Monetary
Fund) to intervene directly in Africa’s political and economic affairs. This intervention included structural adjustment programs that required states to cut social and welfare spending (such as healthcare and education) and to eliminate subsidies on basic necessities. These policies had a devastating effect on African societies and often required force to be implemented. Once again, the problem was not non-intervention, but rather that intervention by the ‘international community’ had negative economic, social, and political effects. The assumption of responsibility for these effects, however, is frustrated by R2P’s good governance approach, which continues to assume that the international community is currently uninvolved and that intervention by international interventions would have positive effects.

Carolyn Nordstrom (2003, 53) also presents a more nuanced view of the relationship between humanitarian crises and Western states, asking, “Where…do we locate the study of war?” Her answer is rightfully an expansive one, which includes the cosmopolitan centers that host munitions plants, the CEOs of these corporations, professional consultants, “the military and political leaders in…countries that len[d] advice, weapons, and manpower to the war,” and many others (53). As Nordstrom notes, the world is not neatly divided into peaceful and violent zones. “These war-torn locales, it would seem, aren’t backwaters on the global map. They, and their wars, are essential to cosmopolitan business” (36). Once again, these relationships are hidden when every crises is interpreted though the intervention/non-intervention paradigm.

R2P’s historical narrative, then, works against responsiveness by bolstering a humanitarian identity on the part of Western states and citizens that inhibits critical self-reflection and keeping in place the intervention/non-intervention interpretive frame that hides connections between those in the North and South. This assumption of non-involvement, along with the liberal identity of Western states, makes it difficult to critically look at the involvement
of international institutions and Western states. This in turn makes it difficult to take actions that would challenge their policies, thereby reducing the options available for promoting human rights and dealing with humanitarian crises.

For example, locating the cause of all instability and violence in the sovereign state, and thereby removing the wider international system from debates over responsibility, has led prevention to be conceived of in terms of greater intervention by international institutions to reform failing states. In contrast, Akinyemi’s analysis highlights the need to look at the negative effects of international institutions, and brings to the fore the destructive impacts of global economic and political inequality. This broadens prevention efforts to include reform of the international economic system. This expansion of the meaning of prevention is necessary because the refusal of Western states to enact economic reforms, including fair trade relations and the payment of right prices for commodities, that would promote stability and development in Third World states remains unproblematic under R2P.\footnote{More generally, as Fishel has argued, R2P has demonstrated a “marked lack of discussion and apparent awareness about the complex role of capitalist neoliberal forms of power in both structural violence, actual violence, and war” (2013, 215).}

Nordstrom’s analysis similarly opens up new areas for humanitarian action that have largely been foreclosed by R2P. For instance, advocacy could be aimed at prohibiting the United States government (among others) from arming and training murderous regimes (such as was the case in Indonesia), or working for more ethical business practices that do not benefit from these conflicts. There are far more choices available than bomb or do nothing, but these courses of action will continue to be foreclosed so long as R2P, and the intervention/non-intervention paradigm that underlies it, continues to dominate questions of international responsibility.
Conclusion

In a famous phrase, Gayatri Spivak (1988) asked, “Can the Subaltern Speak?” A more apt question, in my view, is can those in privileged positions listen. It is this need to learn how to listen that ultimately makes me argue for an international responsiveness rather than responsibility. As Emily Beausoleil eloquently explains, responsiveness involves creating “the conditions that lend themselves to hearing what is yet white noise or distant murmur, understanding what we lack the terms to presently grasp, and allowing for what exceeds one’s frame to unsettle and possibly reconfigure such framing” (2016, 5). It therefore resists the temptation to “dismiss, absorb, or flatten [difference] into preexisting terms” (Beausoleil 2016, 5).

So far, many Western R2P supporters have failed in this task. Although there have been numerous critiques of R2P, and the wider international system, emanating from the global South, these criticisms have been distorted or altogether ignored. In this project, I have therefore attempted to bring in these perspectives from the South that have largely been marginalized from the mainstream discourse. This has involved alternative historical narratives that place the experience of states in the South at the center, as well as bringing in broader issues of political and economic inequality in the global system. In so doing, I have tried to demonstrate that concerns over humanitarian intervention and R2P cannot be reduced to a defense of absolute state sovereignty. Instead, relevant issues include the exclusion of most non-Western states from international decision-making authority, the dangers of Western intervention, and the need to reform the international economic system. These issues have been central in my argument for an international responsiveness that calls on Western citizens to challenge the policies of their own states, including its economic system and support for regimes that violate human rights.
However, in offering international responsiveness, I am not arguing that it is the only approach to addressing questions of responsibility to and for those outside our borders. The goal is not to replace one set of fixed codes with another. To return to Beausoleil, strategies to cultivate responsiveness “are designed to provide direction in the absence of certainties: they work to establish the conditions for rather than the substance of the ethical encounter, the experience and outcome of which is understood to be at base undetermined, unknown, and perhaps unknowable” (2016, 8, emphasis in original). Rather than prescribe a set way of acting, my goal is to foster the conditions that would enable those in the North to listen and respond to those in the South.
REFERENCES


———. 2006. “Urging End to Impunity, Annan Sets Forth Ideas to Bolster UN Efforts to Protect Human Rights.” *Time Warner Center (USA), December 8.*


### APPENDIX A:
MEMBER COUNTRIES OF THE NON-ALIGNED MOVEMENT (NAM)

<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th></th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Afghanistan</td>
<td>43</td>
<td>Ghana</td>
</tr>
<tr>
<td>2</td>
<td>Algeria</td>
<td>44</td>
<td>Grenada</td>
</tr>
<tr>
<td>3</td>
<td>Angola</td>
<td>45</td>
<td>Guatemala</td>
</tr>
<tr>
<td>4</td>
<td>Antigua and Barbuda</td>
<td>46</td>
<td>Guinea</td>
</tr>
<tr>
<td>5</td>
<td>Azerbaijan</td>
<td>47</td>
<td>Guinea Bissau</td>
</tr>
<tr>
<td>6</td>
<td>Bahamas</td>
<td>48</td>
<td>Guyana</td>
</tr>
<tr>
<td>7</td>
<td>Bahrain</td>
<td>49</td>
<td>Haiti</td>
</tr>
<tr>
<td>8</td>
<td>Bangladesh</td>
<td>50</td>
<td>Honduras</td>
</tr>
<tr>
<td>9</td>
<td>Barbados</td>
<td>51</td>
<td>India</td>
</tr>
<tr>
<td>10</td>
<td>Belarus</td>
<td>52</td>
<td>Indonesia</td>
</tr>
<tr>
<td>11</td>
<td>Belize</td>
<td>53</td>
<td>Iran (Islamic Republic of)</td>
</tr>
<tr>
<td>12</td>
<td>Benin</td>
<td>54</td>
<td>Iraq</td>
</tr>
<tr>
<td>13</td>
<td>Bhutan</td>
<td>55</td>
<td>Jamaica</td>
</tr>
<tr>
<td>14</td>
<td>Bolivia</td>
<td>56</td>
<td>Jordan</td>
</tr>
<tr>
<td>15</td>
<td>Botswana</td>
<td>57</td>
<td>Kenya</td>
</tr>
<tr>
<td>16</td>
<td>Brunei Darussalam</td>
<td>58</td>
<td>Kuwait</td>
</tr>
<tr>
<td>17</td>
<td>Burkina Faso</td>
<td>59</td>
<td>Lao People's Democratic Republic</td>
</tr>
<tr>
<td>18</td>
<td>Burundi</td>
<td>60</td>
<td>Lebanon</td>
</tr>
<tr>
<td>19</td>
<td>Cambodia</td>
<td>61</td>
<td>Lesotho</td>
</tr>
<tr>
<td>20</td>
<td>Cameroon</td>
<td>62</td>
<td>Liberia</td>
</tr>
<tr>
<td>21</td>
<td>Cape Verde</td>
<td>63</td>
<td>Libya</td>
</tr>
<tr>
<td>22</td>
<td>Central African Republic</td>
<td>64</td>
<td>Madagascar</td>
</tr>
<tr>
<td>23</td>
<td>Chad</td>
<td>65</td>
<td>Malawi</td>
</tr>
<tr>
<td>24</td>
<td>Chile</td>
<td>66</td>
<td>Malaysia</td>
</tr>
<tr>
<td>25</td>
<td>Colombia</td>
<td>67</td>
<td>Maldives</td>
</tr>
<tr>
<td>26</td>
<td>Comoros</td>
<td>68</td>
<td>Mali</td>
</tr>
<tr>
<td>27</td>
<td>Congo</td>
<td>69</td>
<td>Mauritania</td>
</tr>
<tr>
<td>28</td>
<td>Côte d'Ivoire</td>
<td>70</td>
<td>Mauritius</td>
</tr>
<tr>
<td>29</td>
<td>Cuba</td>
<td>71</td>
<td>Mongolia</td>
</tr>
<tr>
<td>30</td>
<td>Democratic People's Republic of Korea</td>
<td>72</td>
<td>Morocco</td>
</tr>
<tr>
<td>31</td>
<td>Democratic Republic of the Congo</td>
<td>73</td>
<td>Mozambique</td>
</tr>
<tr>
<td>32</td>
<td>Djibouti</td>
<td>74</td>
<td>Myanmar</td>
</tr>
<tr>
<td>33</td>
<td>Dominica</td>
<td>75</td>
<td>Namibia</td>
</tr>
<tr>
<td>34</td>
<td>Dominican Republic</td>
<td>76</td>
<td>Nepal</td>
</tr>
<tr>
<td>35</td>
<td>Ecuador</td>
<td>77</td>
<td>Nicaragua</td>
</tr>
<tr>
<td>36</td>
<td>Egypt</td>
<td>78</td>
<td>Niger</td>
</tr>
<tr>
<td>37</td>
<td>Equatorial Guinea</td>
<td>79</td>
<td>Nigeria</td>
</tr>
<tr>
<td>38</td>
<td>Eritrea</td>
<td>80</td>
<td>Oman</td>
</tr>
<tr>
<td>39</td>
<td>Ethiopia</td>
<td>81</td>
<td>Pakistan</td>
</tr>
<tr>
<td>40</td>
<td>Fiji</td>
<td>82</td>
<td>Palestine</td>
</tr>
<tr>
<td>41</td>
<td>Gabon</td>
<td>83</td>
<td>Panama</td>
</tr>
<tr>
<td>42</td>
<td>Gambia</td>
<td>84</td>
<td>Papua New Guinea</td>
</tr>
<tr>
<td>43</td>
<td>Ghana</td>
<td>85</td>
<td>Peru</td>
</tr>
<tr>
<td>No.</td>
<td>Country</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>----------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>86.</td>
<td>Philippines</td>
<td></td>
<td></td>
</tr>
<tr>
<td>87.</td>
<td>Qatar</td>
<td></td>
<td></td>
</tr>
<tr>
<td>88.</td>
<td>Rwanda</td>
<td></td>
<td></td>
</tr>
<tr>
<td>89.</td>
<td>Saint Kitts and Nevis</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90.</td>
<td>Saint Lucia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>91.</td>
<td>Saint Vincent and the Grenadines</td>
<td></td>
<td></td>
</tr>
<tr>
<td>92.</td>
<td>Sao Tome and Principe</td>
<td></td>
<td></td>
</tr>
<tr>
<td>93.</td>
<td>Saudi Arabia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>94.</td>
<td>Senegal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>95.</td>
<td>Seychelles</td>
<td></td>
<td></td>
</tr>
<tr>
<td>96.</td>
<td>Sierra Leone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>97.</td>
<td>Singapore</td>
<td></td>
<td></td>
</tr>
<tr>
<td>98.</td>
<td>Somalia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>99.</td>
<td>South Africa</td>
<td></td>
<td></td>
</tr>
<tr>
<td>100.</td>
<td>Sri Lanka</td>
<td></td>
<td></td>
</tr>
<tr>
<td>101.</td>
<td>Sudan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>102.</td>
<td>Suriname</td>
<td></td>
<td></td>
</tr>
<tr>
<td>103.</td>
<td>Swaziland</td>
<td></td>
<td></td>
</tr>
<tr>
<td>104.</td>
<td>Syrian Arab Republic</td>
<td></td>
<td></td>
</tr>
<tr>
<td>105.</td>
<td>Thailand</td>
<td></td>
<td></td>
</tr>
<tr>
<td>106.</td>
<td>Timor-Leste</td>
<td></td>
<td></td>
</tr>
<tr>
<td>107.</td>
<td>Togo</td>
<td></td>
<td></td>
</tr>
<tr>
<td>108.</td>
<td>Trinidad and Tobago</td>
<td></td>
<td></td>
</tr>
<tr>
<td>109.</td>
<td>Tunisia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>110.</td>
<td>Turkmenistan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>111.</td>
<td>Uganda</td>
<td></td>
<td></td>
</tr>
<tr>
<td>112.</td>
<td>United Arab Emirates</td>
<td></td>
<td></td>
</tr>
<tr>
<td>113.</td>
<td>United Republic of Tanzania</td>
<td></td>
<td></td>
</tr>
<tr>
<td>114.</td>
<td>Uzbekistan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>115.</td>
<td>Vanuatu</td>
<td></td>
<td></td>
</tr>
<tr>
<td>116.</td>
<td>Venezuela</td>
<td></td>
<td></td>
</tr>
<tr>
<td>117.</td>
<td>Vietnam</td>
<td></td>
<td></td>
</tr>
<tr>
<td>118.</td>
<td>Yemen</td>
<td></td>
<td></td>
</tr>
<tr>
<td>119.</td>
<td>Zambia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>120.</td>
<td>Zimbabwe</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## APPENDIX B: MEMBERS COUNTRIES OF THE GROUP OF 77 (G-77)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Afghanistan</td>
</tr>
<tr>
<td>2.</td>
<td>Algeria</td>
</tr>
<tr>
<td>3.</td>
<td>Angola</td>
</tr>
<tr>
<td>4.</td>
<td>Antigua and Barbuda</td>
</tr>
<tr>
<td>5.</td>
<td>Argentina</td>
</tr>
<tr>
<td>6.</td>
<td>Bahamas</td>
</tr>
<tr>
<td>7.</td>
<td>Bahrain</td>
</tr>
<tr>
<td>8.</td>
<td>Bangladesh</td>
</tr>
<tr>
<td>9.</td>
<td>Barbados</td>
</tr>
<tr>
<td>10.</td>
<td>Belize</td>
</tr>
<tr>
<td>11.</td>
<td>Benin</td>
</tr>
<tr>
<td>12.</td>
<td>Bhutan</td>
</tr>
<tr>
<td>13.</td>
<td>Bolivia (Plurinational State of)</td>
</tr>
<tr>
<td>14.</td>
<td>Bosnia and Herzegovina</td>
</tr>
<tr>
<td>15.</td>
<td>Botswana</td>
</tr>
<tr>
<td>16.</td>
<td>Brazil</td>
</tr>
<tr>
<td>17.</td>
<td>Brunei Darussalam</td>
</tr>
<tr>
<td>18.</td>
<td>Burkina Faso</td>
</tr>
<tr>
<td>19.</td>
<td>Burundi</td>
</tr>
<tr>
<td>20.</td>
<td>Cabo Verde</td>
</tr>
<tr>
<td>21.</td>
<td>Cambodia</td>
</tr>
<tr>
<td>22.</td>
<td>Cameroon</td>
</tr>
<tr>
<td>23.</td>
<td>Central African Republic</td>
</tr>
<tr>
<td>24.</td>
<td>Chad</td>
</tr>
<tr>
<td>25.</td>
<td>Chile</td>
</tr>
<tr>
<td>26.</td>
<td>China</td>
</tr>
<tr>
<td>27.</td>
<td>Colombia</td>
</tr>
<tr>
<td>28.</td>
<td>Comoros</td>
</tr>
<tr>
<td>29.</td>
<td>Congo</td>
</tr>
<tr>
<td>30.</td>
<td>Costa Rica</td>
</tr>
<tr>
<td>31.</td>
<td>Côte d'Ivoire</td>
</tr>
<tr>
<td>32.</td>
<td>Cuba</td>
</tr>
<tr>
<td>33.</td>
<td>Democratic People's Republic of Korea</td>
</tr>
<tr>
<td>34.</td>
<td>Democratic Republic of the Congo</td>
</tr>
<tr>
<td>35.</td>
<td>Djibouti</td>
</tr>
<tr>
<td>36.</td>
<td>Dominica</td>
</tr>
<tr>
<td>37.</td>
<td>Dominican Republic</td>
</tr>
<tr>
<td>38.</td>
<td>Ecuador</td>
</tr>
<tr>
<td>39.</td>
<td>Egypt</td>
</tr>
<tr>
<td>40.</td>
<td>El Salvador</td>
</tr>
<tr>
<td>41.</td>
<td>Equatorial Guinea</td>
</tr>
<tr>
<td>42.</td>
<td>Eritrea</td>
</tr>
<tr>
<td>43.</td>
<td>Ethiopia</td>
</tr>
<tr>
<td>44.</td>
<td>Fiji</td>
</tr>
<tr>
<td>45.</td>
<td>Gabon</td>
</tr>
<tr>
<td>46.</td>
<td>Gambia</td>
</tr>
<tr>
<td>47.</td>
<td>Ghana</td>
</tr>
<tr>
<td>48.</td>
<td>Grenada</td>
</tr>
<tr>
<td>49.</td>
<td>Guatemala</td>
</tr>
<tr>
<td>50.</td>
<td>Guinea</td>
</tr>
<tr>
<td>51.</td>
<td>Guinea-Bissau</td>
</tr>
<tr>
<td>52.</td>
<td>Guyana</td>
</tr>
<tr>
<td>53.</td>
<td>Haiti</td>
</tr>
<tr>
<td>54.</td>
<td>Honduras</td>
</tr>
<tr>
<td>55.</td>
<td>India</td>
</tr>
<tr>
<td>56.</td>
<td>Indonesia</td>
</tr>
<tr>
<td>57.</td>
<td>Iran (Islamic Republic of)</td>
</tr>
<tr>
<td>58.</td>
<td>Iraq</td>
</tr>
<tr>
<td>59.</td>
<td>Jamaica</td>
</tr>
<tr>
<td>60.</td>
<td>Jordan</td>
</tr>
<tr>
<td>61.</td>
<td>Kenya</td>
</tr>
<tr>
<td>62.</td>
<td>Kiribati</td>
</tr>
<tr>
<td>63.</td>
<td>Kuwait</td>
</tr>
<tr>
<td>64.</td>
<td>Lao People's Democratic Republic</td>
</tr>
<tr>
<td>65.</td>
<td>Lebanon</td>
</tr>
<tr>
<td>66.</td>
<td>Lesotho</td>
</tr>
<tr>
<td>67.</td>
<td>Liberia</td>
</tr>
<tr>
<td>68.</td>
<td>Libya</td>
</tr>
<tr>
<td>69.</td>
<td>Madagascar</td>
</tr>
<tr>
<td>70.</td>
<td>Malawi</td>
</tr>
<tr>
<td>71.</td>
<td>Malaysia</td>
</tr>
<tr>
<td>72.</td>
<td>Maldives</td>
</tr>
<tr>
<td>73.</td>
<td>Mali</td>
</tr>
<tr>
<td>74.</td>
<td>Marshall Islands</td>
</tr>
<tr>
<td>75.</td>
<td>Mauritania</td>
</tr>
<tr>
<td>76.</td>
<td>Mauritius</td>
</tr>
<tr>
<td>77.</td>
<td>Micronesia (Federated States of)</td>
</tr>
<tr>
<td>78.</td>
<td>Mongolia</td>
</tr>
<tr>
<td>79.</td>
<td>Morocco</td>
</tr>
<tr>
<td>80.</td>
<td>Mozambique</td>
</tr>
<tr>
<td>81.</td>
<td>Myanmar</td>
</tr>
<tr>
<td>82.</td>
<td>Namibia</td>
</tr>
<tr>
<td>83.</td>
<td>Nauru</td>
</tr>
<tr>
<td>84.</td>
<td>Nepal</td>
</tr>
<tr>
<td>85.</td>
<td>Nicaragua</td>
</tr>
<tr>
<td>86.</td>
<td>Niger</td>
</tr>
<tr>
<td>87.</td>
<td>Nigeria</td>
</tr>
<tr>
<td>88.</td>
<td>Oman</td>
</tr>
<tr>
<td>89.</td>
<td>Pakistan</td>
</tr>
<tr>
<td>90.</td>
<td>Panama</td>
</tr>
<tr>
<td>91.</td>
<td>Papua New Guinea</td>
</tr>
<tr>
<td>92.</td>
<td>Paraguay</td>
</tr>
<tr>
<td>93.</td>
<td>Peru</td>
</tr>
<tr>
<td>94.</td>
<td>Philippines</td>
</tr>
</tbody>
</table>
95. Qatar
96. Rwanda
97. Saint Kitts and Nevis
98. Saint Lucia
99. Saint Vincent and the Grenadines
100. Samoa
101. Sao Tome and Principe
102. Saudi Arabia
103. Senegal
104. Seychelles
105. Sierra Leone
106. Singapore
107. Solomon Islands
108. Somalia
109. South Africa
110. South Sudan
111. Sri Lanka
112. State of Palestine
113. Sudan
114. Suriname
115. Swaziland
116. Syrian Arab Republic
117. Tajikistan
118. Thailand
119. Timor-Leste
120. Togo
121. Tonga
122. Trinidad and Tobago
123. Tunisia
124. Turkmenistan
125. Uganda
126. United Arab Emirates
127. United Republic of Tanzania
128. Uruguay
129. Vanuatu
130. Venezuela (Bolivarian Republic of)
131. Viet Nam
132. Yemen
133. Zambia
134. Zimbabwe