

GLOBAL POLITICS AND THE RESPONSIBILITY TO
PROTECT

International Responsibility and Grave Humanitarian Crises

Collective provision for human security

Hannes Peltonen



International Responsibility and Grave Humanitarian Crises

This book examines responsibility in grave humanitarian crises, focusing on the international community's collective responsibility to take action in such cases as genocide or ethnic cleansing.

The idea of collective responsibility highlights how we would like to see the global level primarily as something akin to a community of peoples, rather than as a society of states in which other international and transnational actors operate. Since the acceptance of human rights, and in view of the atrocities of the Holocaust and other genocides, we have realized that some things concern us all: a realization that has led to the development of the responsibility to protect (R2P) framework.

This book focuses on understanding the international community and its collective responsibility. Unlike the research frameworks put forward in other publications on this topic, the research model developed here does not distribute the collective responsibility to particular actors; instead, it sets out how the burden should be divided among those actors responsible in order to protect human security on a global scale.

This book will be of interest to students of humanitarian intervention, the responsibility to protect, international law, peace and conflict studies, and international relations in general.

Hannes Peltonen is a Senior Lecturer in the Faculty of Social Sciences at the University of Lapland, and is the author of *Justifications of Inaction: Responsibility and Non-Intervention in Genocide* (2012, Saarbrücken: LAP).

Global Politics and the Responsibility to Protect

Series Editors:

Alex J. Bellamy

Griffith University

Sara E. Davies

Griffith University

and

Monica Serrano

The City University of New York

The aim of this book series is to gather the best new thinking about the responsibility to protect into a core set of volumes that provides a definitive account of the principle, its implementation, and its role in crises, that reflects a plurality of views and regional perspectives.

Global Politics and the Responsibility to Protect

From Words to Deeds

Alex J. Bellamy

The Responsibility to Protect

Norms, Laws and International Politics

Ramesh Thakur

Humanitarian Intervention and the Responsibility to Protect

Security and Human Rights

Cristina G. Badescu

Sri Lanka and the Responsibility to Protect

Politics, Ethnicity, Genocide

Damien Kingsbury

International Responsibility and Grave Humanitarian Crises

Collective Provision for Human Security

Hannes Peltonen

International Responsibility and Grave Humanitarian Crises

Collective provision for human security

Hannes Peltonen

First published 2013
by Routledge
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

Simultaneously published in the USA and Canada
by Routledge
711 Third Avenue, New York, NY 10017

Routledge is an imprint of the Taylor & Francis Group, an informa business

© 2013 Hannes Peltonen

The right of Hannes Peltonen to be identified as author of this work has been asserted by him in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced or utilized in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

Trademark notice: Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging-in-Publication Data

Peltonen, Hannes, 1978–

International responsibility and grave humanitarian crises : collective provision for human security / Hannes Peltonen.

pages cm. – (Global politics and the responsibility to protect)

Includes bibliographical references and index.

1. Humanitarian intervention. 2. Intervention (International law)

3. Security, International. I. Title.

JZ6369.P44 2013

363.34'526–dc23

2012026590

ISBN: 978-0-415-52587-9 (hbk)

ISBN: 978-0-203-09376-4 (ebk)

Typeset in Times

by Wearset Ltd, Boldon, Tyne and Wear

To you

Contents

<i>Acknowledgments</i>	ix
<i>List of abbreviations</i>	x
Introduction	1
1 International responsibility and human security	7
<i>Two frameworks</i>	<i>9</i>
<i>Right or responsibility</i>	<i>16</i>
<i>Conclusion</i>	<i>26</i>
2 On responsibility	27
<i>Responsibility</i>	<i>30</i>
<i>Collective responsibility</i>	<i>38</i>
<i>Collective responsibility to protect</i>	<i>41</i>
<i>Conclusion</i>	<i>44</i>
3 International collective responsibility	46
<i>Collective guarantee of human security</i>	<i>47</i>
<i>To (not) perfect an imperfect duty</i>	<i>49</i>
<i>Communal contribution</i>	<i>56</i>
<i>An anticipated criticism</i>	<i>70</i>
<i>Conclusion</i>	<i>71</i>
4 Human security governance	72
<i>Global governance of human security</i>	<i>74</i>
<i>Sovereignty as responsibility</i>	<i>79</i>
<i>The international community: a governor of sorts?</i>	<i>85</i>
5 The world through R2P	87
<i>Neighborhood watch</i>	<i>89</i>

viii *Contents*

Blurred vision? 97

Conclusion 100

6 The international community reconsidered 102

Thick and thin international communities 104

The international community as an arrangement 112

Conclusion 125

Epilogue 129

Notes 131

Bibliography 138

Index 151

Acknowledgments

This book has benefited from the challenges offered by a number of people during the past few years. These challenges have come in many shapes and forms, but in the end they have all been helpful in pushing me to think and explain myself better. Some of these people are unknown to me, since they have been anonymous reviewers along the way or conference participants whose names I did not catch. For this reason I cannot thank them directly in person, but my most sincere thanks go to all who have challenged me. Of the people I can name, I am indebted for the guidance given to me by Annabelle Harris, Andrew Humphrys, and Oliver Richmond. I would also like to thank Alex J. Bellamy, Sara Davies, and Monica Serrano, the editors of this book series. The two people who have never refused to read or comment on anything I have pushed on them are Friedrich Kratochwil and Nicholas Onuf. To them I owe the most.

Some of the research or thoughts presented in this book draw from my previous work published in a different or preliminary form elsewhere. These include “In or Out? International Community Membership: Beliefs, Behaviour, Contextuality and Principles” in *Cambridge Review of International Affairs*; “The Collective Level in the Responsibility to Protect: Taking the International Community Seriously” in *Journal of Asia-Pacific Studies*; “Sovereignty as Responsibility, Responsibility to Protect, and International Order: On Responsibility, Communal Crime Prevention, and International Law” in *Uluslararası İlişkiler*; “Modeling Collective International Responsibility: The Case of Grave Humanitarian Crises” in *Review of International Studies*; “Of Rights and Responsibilities” in *Finnish Yearbook of International Law*; and the published version of my doctoral dissertation, *Justifications of Inaction: Responsibility and Non-Intervention in Genocide* (Saarbrücken: LAP).

I dedicate this book to you, my reader, who have taken the time to wrestle with the questions discussed here.

Abbreviations

CC	Communal Contribution model
DPRK	Democratic People's Republic of Korea
EU	European Union
HI	humanitarian intervention
ICC	International Criminal Court
ICISS	International Commission on Intervention and State Sovereignty
ICJ	International Court of Justice
NATO	North Atlantic Treaty Organization
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
R2P	responsibility to protect
UN	United Nations
UNGA	United Nations General Assembly
WTO	World Trade Organization

Introduction

This book is about three interrelated things at the international level: responsibility, community, and human security. I discuss responsibility also in general, but I am most interested in the notion of a collective responsibility to ensure at least minimal human security around the world. Particularly since the acceptance of human rights as some measure of human dignity (or of civilization, as in Donnelly 1998) and since the atrocities of the Holocaust and other genocides, we have realized that some things concern us all. One expression of this realization is the notion of crimes against humanity. We have condemned certain acts as crimes that are committed not only against particular others but against us all. Simultaneously, we consider that even though we have not committed such heinous acts, we nevertheless bear some indirect responsibility for them, particularly if we have allowed them to continue. Some call it bystander responsibility (Krosiak 2003), but a more popular expression is the “responsibility to protect” framework, which has attracted a good deal of attention during the past decade. Although this book is not limited to the responsibility to protect (R2P) framework, I argue that this framework contains a collective responsibility to ensure at least minimal human security around the world – and this collective responsibility should be treated as such. To explain, it is usually considered that sovereign states have a responsibility to protect their populations, and that if they are unable or unwilling to do it, or themselves perpetrate atrocities against their populations, the responsibility to protect is transferred to some external actor, for instance to the UN Security Council, that may even use force if needed. Contrary to this, I argue that the responsibility to protect framework implies and contains two responsibilities that exist parallel to each other. One is an individual responsibility of each sovereign state, and the other is a collective responsibility of the international community. The latter, I argue, may be dormant at times but it is nevertheless always in the background.

My second main argument is that the idea of collective responsibility is a so-called “game-changer.” It changes the default position from which one should examine the international level in a number of ways. For one thing, if we can agree that there is a collective responsibility to ensure at least minimal human security around the world, the question is not “who should act?” but instead “who can legitimately not contribute to the realization of that collective responsibility?”

2 Introduction

As a parallel, consider domestic tax systems. As citizens of a state we have an obligation to pay taxes. This applies to all citizens, but some are exempted on legitimate grounds. The existence of a collective responsibility, ultimately tied to our common humanity and a communal worldview, has a similar implication. The default position is not that only some international actors have a responsibility to act, but rather that we all share in the collective responsibility to act, and the question is whether some of us can justifiably remain passive. On a higher level, this perspective implies a communal understanding of the international or even of the global level that should be of interest to any student of international relations, because it sees international actors as members of a community, not as individual actors (in an anarchic society) that choose to associate with each other based on rational grounds. In other words, the international is the community, not a society of communities. Furthermore, a communal approach recognizes that there is such a thing as the common good – in this context global human security – and that this will not result from an invisible hand but from the members of the community realizing their responsibilities and obligations to the community, not only their self-interests.

My third claim is that we need to re-think the entity that holds collective responsibility and by extension parts of the global governance of human security. Here, the first thing to realize is that the international community is a result of our projection. We need to project collective responsibility on some entity, and the international community operates as a suitable concept for this purpose. This means that on the one hand it is not an “actual” community in the same sense as, say, the North Atlantic security community. Rather, it is an abstraction, an idea, an expression of our desire that there should be some collective entity capable of ensuring global human security, since we have not been impressed with the track record of sovereign states or the UN Security Council. But the international community cannot remain only as an abstraction if collective responsibility is to be meaningful. In order to realize collective responsibility in practice, we need to be able to hold some real actors accountable for what they did or did not do. In order to do this we need to be able to say who should have done what. Instead of asking whether a global community exists (Ellis 2009), or which actors share particular characteristics (or morally significant qualities, as e.g. in Pattison 2010) so that we can argue that they form the international community or those who were responsible, I recall the purpose of establishing a collective responsibility and projecting it on the international community in the first place. The aim was to solve a particular problem, namely global *insecurity*. With that in mind, I suggest that we approach the issue of the international community and of how collective responsibility is realized in practice from that perspective. Again, given that collective responsibility should have changed our default position, the approach should not be to ask who forms the international community and then to find a problem for it to solve. Instead, we should begin with the problem and see who should be part of the solution, and establish the international community’s membership in this way. Given that different problems require different solutions, my proposal implies that the international community needs to be understood as an inherently dynamic arrangement of actors.

In order to achieve these aims, the first three chapters of this book focus on responsibility and international collective responsibility. The last three chapters of the book discuss the international community.

The two parts of the book share a general structure. Ideally one would read the book as a whole, because many of the things I discuss in different parts of the book are connected to each other, but I have done my best to ensure that each chapter can be read separately. Chapter 1 and Chapter 4 set the general stage for the discussions in the two chapters that follow them. Chapters 2 and 5 discuss their topics especially in relation to the responsibility to protect framework, since it merits special attention given the overall focus of this book. Chapters 3 and 6 each propose a way to reconsider the issues at stake. Thus, Chapter 3 suggests how to think about collective international responsibility, and Chapter 6 explains my proposal for how to understand the international community. Both of these models are based on the discussions in the chapters that precede them. The book ends with a brief epilogue.

The first chapter discusses the global governance of human security with reference to humanitarian intervention and the responsibility to protect. Humanitarian intervention has been discussed at length, especially during the 1990s, and it has sparked heated debates among students of international politics, international law, and ethics. Perhaps the most central question in these debates has been whether force can or should be used for humanitarian purposes in order to “save strangers,” to use Nicholas Wheeler’s (2000) phrase. These debates have lessened, but not disappeared, since the popularization of the responsibility to protect framework as a result of the report by the International Commission on Intervention and State Sovereignty (ICISS 2001a). Although some remain skeptical about the difference between the debates on humanitarian intervention and those on the responsibility to protect (e.g. Hehir 2010), I explain in Chapter 1 how the two differ in their “worldviews.” The humanitarian intervention debates operate within what the participants consider to be the contemporary world order, while the responsibility to protect debates concern also the general world order as it should be. One important part of the world as it should be, according to the responsibility to protect framework, is the re-conceptualization of sovereignty as responsibility (which I discuss in more detail in Chapter 4). Both the debate on humanitarian intervention and that concerning responsibility to protect can be seen as part of two frameworks that deal with the provision and guarantee of human security across borders. Chapter 1 argues that both frameworks discuss the provision and guarantee of human security with reference to international responsibility. While the responsibility to protect framework is explicit about such references, the humanitarian intervention framework contains implicit references. The chapter shows, however, that the reference to a responsibility does not arise from an often-perceived link between a right and a duty. Instead, the connection to a responsibility arises from acts of authorization. In addition to introducing some important background information for non-experts, arguing for the importance of responsibility already in the humanitarian intervention framework, and limiting the overall discussion in this book to such aspects of global

4 Introduction

human security governance as might fall within either or both frameworks, Chapter 1 sets up the overall approach of this book, discussing the use of binary logic and contextuality with regard to the assumed connection between a right and a responsibility (or a duty). As I try to illustrate in the chapter, circumstances, exceptions, and non-dichotomous thinking are a central part of the law, politics, and the everyday – and the global governance of human security is no different in this regard.

Chapter 2 discusses responsibility in general, and collective responsibility within the responsibility to protect framework in particular. The chapter conceptualizes responsibility and distinguishes it from duty. The general argument is that responsibilities are inherently open-ended and require the use of discretion and deliberation. While some might say that this is the case also with duties, I defend my distinction with reference to rules. Duties require the following of rules, but responsibilities require the determining of which rules apply in a given context, whether there are exceptions to the applicable rules within that context, and whether there is a need to establish new rules given the particularities of the context in question. I illustrate the last point with my discussion on conceptual change. Moreover, the chapter takes a path less trodden by clarifying the notion of responsibility with the help of some misperceptions. Here, of particular interest are such questions as whether a responsibility is transferred and whether causality is a necessary part of responsibility. These two points are important for the overall discussion in this book, because they arise for instance in existing accounts of the international community's collective responsibility as an "imperfect duty" (which I discuss in more detail in Chapter 3) and with reference to the international community being "in charge" of repairing a harm (for example genocide) that it has not caused. Lastly, Chapter 2 discusses collective responsibilities in general as well as the collective responsibility within the responsibility to protect framework, namely the responsibility of the international community. Here, I demonstrate the kind of responsibility in question with reference to a concept familiar from international law, namely obligation *erga omnes*. My argument is not that the international community's collective responsibility is a legal obligation *erga omnes*. Rather, I make this connection in order to emphasize that a collective responsibility is inherently collective, and to that extent indivisible because it falls on the international community as a whole, not to any particular individual member of the international community.

Even though the international community's responsibility to protect is indivisible in the sense that it does not fall on any particular member of the community, one should be able to say something more about it, which is the task of Chapter 3. Chapter 3 clarifies first that the international community's responsibility to protect concerns a global guarantee of minimal human security. This guarantee is, as mentioned, inherently collective. In some debates regarding the responsibility to protect, this is called an "imperfect duty," a term borrowed from philosophy, and Chapter 3 outlines three attempts to "perfect" this imperfect duty (Glanville 2010b; Pattison 2010; Tan 2006). Unfortunately, the chapter argues, attempts like the ones discussed appear to commit an error in logic due

to the manner in which they deal with the relationship between the collective level (the international community) and the individual level (individual international actors). Rather than commit the same error, Chapter 3 introduces my Communal Contribution model of collective international responsibility. In a nutshell, it approaches the international community's collective responsibility from a problem-driven perspective, rather than taking the actor-centered approach that has been more common in debates regarding responsibilities, and that has been criticized for instance by Cane (2002). The Communal Contribution model is not opposed to existing accounts, but it seeks to show the kind of path necessary in dealing with such complex issues as collective international responsibility. Lastly, it highlights an aspect usually left unnoticed in debates regarding the responsibility to protect framework, namely that if there really is a collective international responsibility to ensure at least minimal human security around the world, the question is what kind of a collective entity holds it, and whether there are some actors who can legitimately *not* contribute to the common burden of fulfilling it.

Chapter 4 operates as an introduction to the second half of the book. Its task is simple: to provide *prima facie* evidence that one should take the international community seriously in its own right. The first half of the book refers to the international community, but only the last three chapters discuss it explicitly. Chapter 4 begins this exploration by discussing human security governance as it is envisioned in the contemporary world. Of importance in such visions are the ways in which individual states are supposed to behave as well as the role the international community is supposed to play. The manner in which states are supposed to behave given the re-conceptualization of sovereignty as responsibility can be illustrated with the notion of good international citizenship, which refers to ethical foreign policy aimed at the common good of humanity. It pushes states to behave in a self-enlightened fashion because they are part of a wider international community. Chapter 4 suggests, perhaps provocatively, that the international community is treated in certain contexts as if it were a governor of sorts. By a governor of sorts I do not mean that the international community is some centralized world government (see the arguments presented in e.g. Deudney 2008; Wendt 2003) or a formal international organization. Rather, the international community is treated as if it were a governor of sorts in the sense of governance without government, in relation to the global governance of human security. But how is this possible? This question is pursued in the two last chapters of the book.

Chapter 5, in accordance with the overall structure of the book, discusses the international community with a particular reference to the responsibility to protect framework. In order to understand both the international community and the world as it should be according to the responsibility to protect (R2P) framework, Chapter 5 begins by discussing the reliance on communal notions as they arise from the R2P framework. This is done with the help of a mental exercise that imagines the world through the "lenses" of the framework. Here, I draw inspiration from domestic neighborhood watches. The argument is not that the

6 Introduction

R2P framework is or advocates for an international neighborhood watch. Rather, the mental exercise enables one to see certain international preventative efforts as something akin to the work done by domestic neighborhood watches. It also enables one to see the R2P framework as a form of *communal* crime prevention on a global scale. The chapter also reflects critically upon the R2P framework's vision of how the world should be with the help of the contemporary international legal order. This reveals certain internal tensions within the framework, as well as a number of aspects that would have to be transformed in order for the R2P framework's vision to materialize. Perhaps the most important of such changes would result in public international law giving primacy to the wellbeing of individuals, instead of operating as a regulative and a communicative tool among sovereign states.

Given the conclusions one can draw from both Chapters 4 and 5 regarding the importance of explicitly examining the international community, Chapter 6 presents a way of thinking about the international community that aims to reconcile the need to see it as an authority of sorts but also as inherently dynamic. In the same vein as the Communal Contribution model, I suggest a way to perceive the international community from a problem-driven perspective. To this end, the chapter begins with conceptual clarifications that distinguish between the international system, the international society, and the international community. It proceeds by outlining two existing models of the international community. These two argue, each in its own way, that historical processes have brought certain international actors closer to each other in a way that can be described with reference to an international community. While both accounts require a certain density of interaction, one account emphasizes the presence of a we-feeling (Buzan 2004; Buzan and Gonzalez-Pelaez 2005), while the other stresses a common ethos (Ellis 2009; Schimmelfennig 2002). Neither of these accounts, I argue, takes into consideration a number of other factors that seem to arise from actual uses of the idea of "international community." The use of concepts is important both because the meaning of concepts is in their use and because the world and the word are intertwined and interlocked (Onuf 1989; Wittgenstein 1969). With the help of examples, I suggest that there may be both "thin" and "thick" international communities, and that their membership is not determined only on the basis of interaction levels, historical processes, and the presence of a we-feeling or a common ethos. Moreover, I argue that we need to distinguish between "the international community," which is referred to in discussions regarding international collective responsibilities, and communities that are international because they are composed of a few international actors such as states. We should consider "the international community" as a dynamic, problem-driven arrangement of various state and non-state actors, and we project the collective responsibility to ensure and govern global human security on to this dynamic arrangement.