The Responsibility to Protect

European contributions in a changing world order

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Introduction

The humanitarian policies of the EU and its member states are often described as a double ambition: to contribute to the establishment of international rules and institutions for global human government, and to take humanitarian action on the basis of such rules and institutions. The ‘Responsibility to Protect’ (R2P), which was adopted at the 2005 UN World Summit, obviously fits well into this agenda. It stipulates a shared national and international humanitarian responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity by means of prevention, peaceful measures and, if necessary, military means. Consequently, the R2P and the associated principle of humanitarian intervention is an area in which the EU and its member states have opportunities to show international leadership.

The literature on this subject has evolved with the changing international environment. Three phases can be identified:

1. The post-Cold War revival of the principle and practice of humanitarian intervention where Europe, and especially the European great powers, played a leading role from the intervention in northern Iraq to save the Kurds in 1991 to the troubled interventions in Bosnia (1992–95) and Kosovo (1999).

2. The so-called ‘sunset of humanitarian intervention’ after 9/11, the ‘war on terror’ and especially the controversial US-led attack on Iraq in 2003: a ten-year period in which Europe was preoccupied with damage control and the restoration of Western credibility in the humanitarian field.

3. The return to humanitarian leadership and intervention with the Arab Spring and the 2011 interventions in Côte d'Ivoire and Libya; events that may signal a new European approach based on great-power cooperation and regional partnership under the impression of evolving multipolarity.

The review of the academic literature on humanitarian intervention and the R2P in these three phases will focus on the relationship between international and European contributions. In
doing so, I will pay attention to three key issues in the European debate. The first concerns the
tension between EU and member-state leadership. The second concerns the gap between
European rhetoric and European action, where action can mean diplomatic, legal and institutional
contributions on the one hand and the use of force on the other. This relates to the debate
between those who see Europe as predominantly a civilian power with abilities to set a normative
agenda and to contribute to the construction of international legal and institutional design
(Manners, 2002; Kaldor, Martin and Selchow, 2007), and those who argue that institutional
design is not worth much, if effective collective action for the principles at stake is impossible
(Matlary, 2008). The third key issue concerns the strategic ability of Europe to position itself in
the changing international power structure, and to enter into partnerships with the UN and
regional organisations.

The review will also refer to the interplay between European values and interests. As for
values, the EU and its member states generally see themselves as the promoters of human rights,
democracy, the rule of law, international justice and collective management of international
order based on international organisations (Smith, 2001: 185–203, 253–74; Manners, 2002;
Laatikainen and Smith, 2006b; Bisp and Drieskens, 2006; Jørgensen, 2009). In this respect,
European identity has clear references to the Grotian tradition of International Relations and
International Law and its conception of a genuine international society (Lauterpacht, 1975; Bull,
1966; Falk, 1998) – a conception which has been cultivated in various forms by liberal, English
School, constructivist and cosmopolitan streams of thought. However, this does not mean that
the foreign policies of the EU and its member states will never be self-interested. First, a more
Grotian world order will arguably serve the interests of the EU in so far that such an order
would increase the importance of political, economic and cooperative resources – the strong
sides of the EU – as compared to military ones. Second, the EU and its member states might
pursue own interests inside the general framework of a Grotian foreign policy. The Grotian
identities of Europe combine values and interests.

Europe and the post-Cold War revival of humanitarian intervention

The end of the Cold War was followed by international momentum for Western values like
democracy and human rights, and a new vitality in the UN Security Council. In this new
atmosphere of great-power cooperation, humanitarian intervention – defined as dictatorial or
coercive interference in the sphere of jurisdiction of a sovereign state to protect or relieve
civilians facing genocide, crimes against humanity, ethnic cleansing and war crimes – came back
on the international agenda.

The harbinger of this development was the collective intervention in northern Iraq in April
1991 to save more than 1.5 million Kurdish refugees from the humanitarian disaster they were
facing in the mountains on the Iraqi borders to Turkey and Iran, after their failed rebellion
against Saddam Hussein in the aftermath of the Gulf War. In these desperate circumstances, the
British prime minister, John Major (inspired by President Turgut Özal of Turkey) came up with
the idea of establishing so-called ‘safe havens’ on Iraqi territory at the Luxembourg meeting of
the European Community on 8 April 1991. The proposal immediately got the support of French
President François Mitterrand and the rest of the European Community. French Foreign Minister,
Roland Dumas, even claimed that the French concept of a ‘devoir d’ingérence’ emerged from
the Iraqi repression in the same way as the concept of ‘crimes against humanity’ emerged from the
Holocaust (Freedman and Boren, 1992: 82; Rodley, 1992). Some commentators noted that the
safe-havens initiative saved the troubled EC top summit from political failure. This might seem
to be less than a glorious statement, but the actual gathering of the heads of states provided the
opportunity for European great-power action, while the values and ambitions of the community provided the stimulus. After some hesitation, the United States (US) fully endorsed the safe-haven concept, and the three Western great powers led what became a successful collective intervention to save the Kurds from the imminent threat of destruction (Freedman and Boren, 1992; Stromseth, 1993).

Academically, the successful rescue operation for the Kurds in northern Iraq triggered a virtual explosion of debates and contributions on this subject.

First, it led to a rediscovery of the old European tradition of humanitarian intervention. In the history of thought, this tradition goes back to late medieval writings on law, theology and philosophy by, among others, Francisco de Vitoria, Alberico Gentili, Francisco Suárez and Hugo Grotius (Meron, 1991: 110–16). In European state practice, it culminated with a series of generally recognised examples in the nineteenth century, including Greece 1827–30 and Lebanon 1860–61 (Ganji, 1962; Knudsen, 1997). Thus, from a historical point of view, there is an element of symbolism in the fact that it was Europe that came up with the idea of establishing safe havens for the Kurds. Following this new precedent for humanitarian intervention, the old European writings, debates and experiences were revived as a tradition to learn from, compare with and draw on (Meron, 1991; Bettati, 1991; Scheffer, 1992; Knudsen, 1996, 1997).


The enthusiasm for the doctrine of humanitarian intervention, and the sense of the revival of a historical mission, were perhaps more evident in France than anywhere else. In French journals on international law, a tradition of sympathetic inquiry into the doctrine of humanitarian intervention was founded with early contributions by, among others, Rolin-Jaequemyns (Rolin-Jaequemyns, 1876) and Rougier (Rougier, 1910), and the French defence of this right continued after the two world wars (Bettati, 1991: 646–47; Guillot, 1994: 31). After the establishment of safe havens in northern Iraq, French scholars were in the lead once again. One of them was the French professor of international law, Mario Bettati (Bettati, 1991), who saw this event as a part of a broader development in which the principle of exclusive sovereignty was being qualified in favour of a right of humanitarian assistance and intervention. In France, the Médecins sans Frontières had been promoting the idealistic concept of a devoir d’ingérence (Bettati and Kouchner, 1987; Rufin, 1993) for some time, supported by philosophers, academics and politicians, and from the late 1980s and early 1990s, humanitarian corridors and humanitarian intervention became French policy at the UN (Guillot, 1994: 34–35). In his Bastille Day speech on 14 July 1991, President Mitterrand even said that ‘it is France who has taken the initiative to this new extraordinary right … a right to intervene in the internal affairs of another state when a part of its population is the victim of persecution’ (quoted in Bettati, 1991: 640). The humanitarian intervention in northern Iraq was seen as the culmination of the French promotion of the devoir d’ingérence (Bettati, 1991: 661–67).

Third, the challenges of humanitarian intervention and the ethical implications increasingly dominated the debate due to the disappointments in Somalia (1992–94), Bosnia (1992–95) and Rwanda (1994) (Jackson, 1993; Freedman, 1994; Fisher, 1994; Knudsen, 1996; McNulty, 1997). The humanitarian intervention in Somalia where the EC and member states did muster some collective efforts (von Hippel and Yannis, 1997), developed into a terrible blow to the self-confidence and determination of the US (Clark, 1993; Patman, 1995) while Europe was
painfully unable to bring the atrocities and horrors of the civil war in Bosnia to an end (Steinberg, 1993; Freedman, 1994).

In Europe, this led to a fierce debate over the conduct of humanitarian intervention. In British political and doctrinal thinking, the approach of ‘wider peacekeeping’ had become highly influential at the beginning of the 1990s. The doctrine incorporated humanitarian goals and activities under the classical peacekeeping concept and gave priority to the maintenance of consent, neutral action and a limited use of force, even when basic human rights were violated in the field (Wider Peacekeeping, 1995; Sharp, 1994: 40). However, the frustration in the political, public and academic debate grew steadily along with the ongoing atrocities and Serb defiance in the horrors of Bosnia, also among British academics (Sharp, 1994; Gow, 1994; Towle, 1994). The message was heard, also in the UK. As argued by Michael Pugh (Pugh, 1997), the lessons from Bosnia and Somalia, and the heavy criticism that wider peacekeeping ran into, led to a change in British thinking. The grey area previously called ‘wider peacekeeping’ was virtually excluded in favour of a broader spectrum of (humanitarian) enforcement.

In French political and academic thinking, humanitarian intervention was inherently about enforcement for humanitarian purposes, and the French doctrine evolved increasingly in explicit opposition to the concepts of wider peacekeeping. As the severe setbacks in Somalia, Bosnia and Rwanda became increasingly obvious, the enthusiasm of 1991 gave way to a profound critique of the attempt by the French and other governments to hide behind NGO humanitarian assistance, and an almost unanimous quest for full-scale military intervention in order to stop the killings and provide acceptable terms for humanitarian assistance (Jean, 1993; Rufin, 1993; Guillot, 1994; Howorth, 1994; Destexhe, 1994–95). In French military doctrine, the key word for this position was ‘active impartiality’ where impartiality refers to the binding and universal character of any Security Council mandate, while ‘active’ was the code word for the use of force in order to defend the content of the mandate (Chauvancy, 1995).

In the combat field, the twist between ‘wider peacekeeping’ and ‘active impartiality’ was finally decided (at least for the 1990s) with ‘Operation Deliberate Force’ which was outright war against the Serb side on humanitarian grounds following the fall of several so-called ‘safe areas’ and the genocide in one of them, Srebrenica.

To conclude on the 1990s, it was the European great powers and other states rather than the EC or the EU that championed Europe in the revival of humanitarian intervention. However, this was hardly seen as a big problem in the 1990s. First, the humanitarian values and political ambitions of the EC and the EU were important for European proposals and contributions regarding especially northern Iraq, Bosnia, Somalia, and, at the end of the decade, Kosovo. Second, the EU was heavily involved in the reconstruction of Bosnia and Kosovo on the basis of ambitious new trusteeship arrangements as direct extensions of humanitarian intervention in these countries (Knudsen and Laustsen, 2006; Knudsen and Nielsen, 2010). Generally, the EC and the EU found it important to support the UN in various ways during the humanitarianism of the 1990s.

As for the nature of the European contribution in the 1990s it was both civilian (diplomatic, legal, and institutional) and military. The drive and initiative behind the revival of humanitarian intervention came to a considerable extent from European diplomacy in spite of the often indispensable US military leadership. Along the way there was much frustration over European inability to prevent horrors in especially Bosnia and Rwanda where the gap between rhetoric and action seemed to be enormous at times. But in both cases, European states devoted substantial military power to stop the atrocities, including ground troops. Therefore, the question to pose is not whether Europe acted as a civilian or a military power. It acted as both. The question to pose concerns the degree of European success. In terms of civilian power, Europe got the new concepts of humanitarian intervention and qualified sovereignty that it wanted.
with the UN as the central arena of institutionalisation, and the US as the key (senior) partner. In terms of military power, Europe also got the results it was after, though not without setbacks and even points of humiliation, especially in Bosnia. But individual and combined great-power status was confirmed rather than undermined.

Of course this happened under the general global power structure of US hegemony. But even though the superior power of the US was the permissive factor for the whole humanitarian intervention enterprise, the initiatives and the implementation was a joint venture. As for the initiative, Europe was in several cases the driving force. The revival of humanitarian intervention would not have happened without the Europeans.

Europe and the ‘sunset years’: R2P and humanitarian intervention under pressure

The heyday of humanitarian intervention in the 1990s ended dramatically with the terror-attacks on New York and Washington on 9/11, and not least the US response to it. To many observers, the proclamation of ‘the war on terror’, the introduction of an ‘Axis of Evil’ comprising North Korea, Iran and Iraq, the introduction of a right of preventive warfare, a preference for ‘coalitions of the willing’ under US leadership rather than collective enforcement under UN authority, and the US-led attack on Iraq in March 2003 were a series of events that shattered the international community perhaps even more than the attack on 9/11 in itself. These steps, and in particular the attack on Iraq, were seen as a threat to the UN-based collective security system, the ban on the use of force in the UN Charter, and international humanitarian law (Dunne, 2003; Knudsen, 2004; Weiss, 2004; Whitman, 2005).

To some scholars, this undermining of the UN and collective intervention for common purposes was also likely to be the end of humanitarian intervention. The most influential statement of the kind came from Thomas Weiss who predicted the ‘sunset of humanitarian intervention’ in his 2004 article in Security Dialogue (Weiss, 2004: 135, 136):

The wars on terrorism and in Iraq – the current obsession both in the United Nations and in the United States – suggest that the political will for humanitarian intervention has evaporated at the outset of the new millennium.

And when the dust from the World Trade Center and the Pentagon settled, humanitarian intervention became a tertiary issue.

According to Weiss and other ‘sunset writers’ the problem was not only that the ‘war on terror’ pushed the right and practice of humanitarian intervention in the background. As a consequence of the related US-led attack on Iraq in 2003, the very preconditions of humanitarian intervention were seriously undermined. More precisely, the doctrine of pre-emptive (meaning preventive) war launched by the Bush Administration in principle (the 2002 National Security Strategy) and in practice (the war against Iraq) involved a license of intervention so broad that it cast doubt on any exception to the principle of non-intervention and the ban on the use of force in Article 2.4 of the UN Charter, including the right of humanitarian intervention (Weiss, 2004: 143–44; Farer et al., 2005: 235; Whitman, 2005). Furthermore, the attempt by the US and the UK to legitimate failing (Afghanistan) or highly controversial (Iraq) wars of security by reference to humanitarian motives after they had gone wrong led to a renewed focus on the problem of abuse which has always been associated with humanitarian intervention (Weiss, 2004; Chesterman, 2004; Knudsen, 2004; Roth, 2004; Williams and Bellamy, 2005: 36–37; Whitman, 2005; Farer et al., 2005: 240, 245–46).
As a further reason for the sunset of humanitarian intervention, a number of writers pointed to the tragically inadequate response to ongoing atrocities in the Sudanese province of Darfur (Farer et al., 2005; Udombana, 2005; Badescu and Bergholm, 2009), although some also pointed to the complexity of the whole situation (Kuperman, 2009). According to Paul D. Williams and Alex J. Bellamy, the international unwillingness to take effective action in order to bring an end to the atrocities in Darfur indicated that ‘the emerging norm of humanitarian intervention remains weak and strongly contested’ (Williams and Bellamy, 2005: 27, 42), also in the UN Security Council (Bellamy and Williams, 2006). In support of this argument, they pointed to the open Chinese, Russian, Arab and broader Third-World skepticism towards the motives of the West following 9/11 and the war against Iraq.

It was also feared that the international failure in Darfur could very well have some highly negative implications for the ‘Responsibility to Protect’ (R2P). The R2P was launched by the International Commission on Intervention and State Sovereignty (ICISS) in the aftermath of NATO’s controversial humanitarian intervention in Kosovo in 1999 (ICISS, 2001) which was disputed first of all by Russia, China, India and other Third-World countries. According to its authors, ‘the responsibility to protect acknowledges that the primary responsibility rests with the state concerned, and that it is only if the state is unable or unwilling to fulfil its responsibility, or is itself the perpetrator, that it becomes the responsibility of the international community to act in its place’ (ICISS, 2001: 17). In this way, the R2P could be seen as a political compromise between human rights-oriented pro-interventionist and sovereignty-oriented counter-interventionist states. It could also be seen as a compromise in the academic struggle over humanitarian intervention without UN Security Council authorisation (Cassese, 1999; Simma, 1999; Roberts, 1999; Bettati, 2000; Wheeler, 2000: 257–84; Jackson, 2000: 249–93).

However, after 9/11, the 2003 attack on Iraq and the failing response to the atrocities in Darfur, the R2P concept was threatened by retrenchment in some parts of the world and outright resistance in others. Most writers appreciated the moral force of the concept, but it was also felt that by placing the primary responsibility to protect with the involved government, the concept left too big a margin for the national authorities to continue to accept or even commit crimes against humanity (Weiss, 2004: 138–40; Williams and Bellamy, 2005: 36–37). In the political, public and academic debates, the atrocities of the Sudanese province were generally seen as a test case for the continuing relevance of the right of humanitarian intervention and the R2P principle – a test that was not passed (Bellamy and Williams, 2006: 156–57; Williams and Bellamy, 2005: 30; Badescu and Bergholm, 2009). In light of the failing response to the atrocities in Darfur and the general international situation, Thomas Weiss even stated that ‘my disgust makes me think about retiring from the “humanitarian enterprise” and pursuing other research’ (Farer et al., 2005: 236). Apparently, the sunset of humanitarian intervention was also a sunset for the R2P.

But the fortunes of the explosive doctrine of humanitarian intervention and its contemporary R2P framework changed again. After a successful diplomatic offensive in especially African and Asian quarters led by Canada (Bellamy, 2006), while the European Council, Commission, Parliament and member states were in a supportive role (Vincent and Wouters, 2008: 5–6), the R2P was to some surprise included in the 2005 UN World Summit Outcome Document:

In this context we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriated, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity (…).

(World Summit Outcome Document, 2005: paragraph 139)
This amounted to a universal confirmation of the ‘responsibility to protect’ and thereby also the principle of humanitarian intervention which is included in it. The R2P remained in limbo (Bellamy, 2006), but the successful UN-orchestrated diplomatic interference and mediation in Kenya in 2008 in the context of the contested election and ethnic killings were, for good reasons, sold as a (highly needed) success for the preventive part of the R2P (Cohen, 2008). In contrast, the attempt by France (led by Bernard Kouchner who had now become foreign minister) to pressure the regime of Myanmar to receive humanitarian assistance under the R2P concept after the devastating effects of Cyclone Nargis was generally seen as a potential setback, because many countries, especially in the Third World, found that this was an untimely attempt to expand the reach of the R2P concept and therefore also the room for abuse (Thakur and Weiss, 2009: 47–50; Evans, 2008).

In retrospect, the French offensive was perhaps not as unfortunate as some thought. Other leading Western countries got a chance to show that they were not eager to expand the scope for dictatorial interference under the R2P concept, and key actors like ASEAN and China got the opportunity to work out a not entirely useless compromise with the regime in the context of international diplomatic pressure. Slowly the academic mood began to change. Observers who had been frustrated, skeptic, worried or critical now increasingly began to see the R2P concept as a success (Bellamy, 2006; Thakur and Weiss, 2009).

As indicated, the sunset mood was also highly evident in the European debate, but there were also internal and external calls for European mobilisation. For his part, Thomas Weiss actually put some hope in Europe now that the US had lost its way. More specifically, he pointed to the independent and quite successful European initiatives in eastern Congo in 2003 and Sierra Leone in 2000, only to add that Europe would not go far in humanitarian enforcement without an independent and substantial collective military capacity. As observed by Weiss (Weiss, 2004: 141), the ‘rhetoric on ESDP (European Security and Defense Policy) far outpaces spending’.

However, the cautious hope that Europe would be able to step forward and show Grotian-internationalist leadership in various areas, while the US was preoccupied with the anti-terror agenda and the wars in Afghanistan and Iraq, was shared by European scholars (Laatikainen and Smith, 2006a). They pointed to the fact that support of, and cooperation with, the UN became an official EU goal from 2003 and onwards. The groundbreaking EU operation Artemis in eastern Congo in 2003 also gave some basis for optimism (Homan, 2007; Martinelli, 2010; Biscop and Drieskens, 2006), even though it was a disappointment to many that the EU turned down a UN request to launch a similar operation in Congo in 2008, something that could give credence to more realist explanations for the deployment of Artemis (Gegout, 2005). However, the ability of the EU to launch such humanitarian operations in cooperation with the UN, and the so-called ‘battle group’ concept, pointed forward to a lasting EU potential (Biscop and Drieskens, 2006). Furthermore, there was strong European support behind UN Secretary-General Kofi Annan’s ambitious reform program for the 2005 UN World Summit, which resulted in the establishment of the UN Peacebuilding Committee and the UN Human Rights Council, and the adoption of the R2P concept (Laatikainen and Smith, 2006b: 1–23; Smith, 2006: 169–70; Biscop and Drieskens, 2006). Strikingly, Europe increased its efforts for the promotion of institutions for a Grotian humanitarian world order in a broad sense, something that also included support for the ICC, exactly at the critical moment where the UN, and its humanitarian agenda, was in crisis due to the war on Iraq and general international disagreement.

As for the endangered R2P principle, observers were calling for sustained and enhanced European support. However, this should be done discretely to avoid the impression that Europe was trying to impose the concept and thus the principle of humanitarian intervention on the UN and skeptical Third-World quarters (Vincent and Wouters, 2008: 4). The clear, but careful
European support for the R2P before, under and after the 2005 UN World Summit negotiations (Vincent and Wouters, 2008; Bellamy, 2006), and European reactions to the atrocities in Darfur, indicate that this has also been a European strategy. As for the atrocities in Darfur, it has been argued that the European members of the UN Security Council deliberately scaled down their Grotian inclinations in the political debate in favour of a more pragmatic position designed for the restoration and preservation of a minimal consensus on humanitarian intervention and the R2P under the impression of the international disagreement following the controversial war against Iraq and limited military resources (Bellamy and Williams, 2006: 149–57). Instead, the EU invoked diplomatic and economic means and left the leadership in conflict resolution to the AU (Williams and Bellamy, 2005: 33–34, 336–37). This would indicate humanitarian prudence and strategic entrepreneurship rather than a lack of power, morality and determination. The European and international debate over imposed humanitarian assistance to Myanmar in 2008 where France came ahead of the rest of the European and international advocacy of the R2P, might be seen as further evidence of European damage control and strategic promotion of humanitarianism in the sunset period. It might also be seen as European ‘lessons learned’: R2P and humanitarian intervention cannot be forced upon the rest of the international community by the West.

In conclusion, following internal disagreement over whether to use force with the US against Iraq, Europe went for civilian power means: Institutional reform at the UN and diplomatic support of the R2P and R2P action in a broad sense – designed to operate in, and cool down, a boiling new North–South confrontation over international principles and values. Ironically, while scholars of humanitarian intervention and R2P were bemoaning the decline of this agenda, some observers of European politics could note a convergence between values and interests in Europe vis-à-vis the US on humanitarian world order. However, a gap between rhetoric and action remained, among other things because of the differing positions of the majority of the EU and some member states that were in a closer alliance with the US under George W. Bush.

**Europe’s humanitarianism under evolving multi-polarity**

As the changes in the global power structure have become more and more evident, European observers have become more skeptical. The debacles of the US and its European partners in Afghanistan and Iraq during the ‘war on terror’ – combined with the severe financial and economic crisis of the West and the relative success of rising powers like China, Russia, India and Brazil (BRIC) – sparked a number of articles and debates about the fading power and world-order role of Europe and what to do about it. More precisely, there was concern for the European ability to promote human rights in general and effective R2P initiatives in particular. According to Richard Gowan and Franziska Brantner (Gowan and Brantner, 2008: 1), the EU is suffering a slow-motion crisis at the UN, and a defeat on the core conviction of the R2P is even likely. The problem is not a lack of European cohesion, but fading power to set the rules of the game. The UN and its human rights agenda is increasingly shaped by China, Russia and their allies, rather than Europe and the US. European defeats regarding the humanitarian and human rights crises of Kosovo, Darfur, Myanmar and Zimbabwe are taken as evidence.

As observed also by other scholars, the EU and the West have encountered opposition to its human rights and R2P agenda also from (more) democratic rising powers like India, Brazil, Indonesia and South Africa (Ayoob, 2004; Bellamy and Williams, 2006; Thakur and Weiss, 2009; Dennison and Dworkin, 2010). To some Third-World quarters, values and principles like sovereignty, non-intervention, national self-determination and international equality are simply more important than the international promotion of human rights. In terms of the English
School (Bull, 1966, 1977; Wheeler, 1992, 2000; Jackson, 2000) their world-order concept is more pluralist than solidarist (Thakur and Weiss, 2009). Accordingly, the international divide over human rights is not simply a by-product of the Bush era. Therefore, the US’ re-commitment to human rights under President Obama is not necessarily enough to give new momentum to Europe’s human rights agenda (Gowan and Brantner, 2010: 5).

The academic reaction to the changing international situation regarding human rights and international leadership has been characterised by some frustration and calls on Europe to stand its ground. According to Dennison and Dworkin (2010), the EU must not give up on the human-rights agenda – this would weaken the credibility of Europe, also in the eyes of China. Therefore Europe must ground its values and policies in the needs and desires of the local constituencies in the countries Europe wants to affect.

This call almost seems to be a forecast of the changes in European policies during the Arab Spring in general and the humanitarian intervention in Libya in particular, although Europe has arguably continued to act selectively and pragmatically in its response to the rebellions in a number of countries in the wider Middle East. However, recent events do indicate that the emerging multi-polarity does not only involve new challenges, but also new possibilities. The prospect for future R2P action is that occasional interventionist measures will be based on UN Security Council authorisation and thus great-power compromises, as well as regional partnerships. This is a logical consequence of the rise of Third-World powers which are traditionally skeptical towards Western interventionism. This requirement of negotiation, compromise and multiple partnerships between states and international institutions would seem to match the soft-power abilities of the EU. At the same time, the retreat of the US to a ‘liberalism of restraint’ rather than a ‘liberalism of imposition’ (Sørensen, 2007) could give the EU and member states an independent and at times leading role in the orchestration and implementation of the broad range of humanitarian policies under the R2P framework.

Two cases already indicate this possibility, especially as for the role of member states, namely the humanitarian interventions in Côte d’Ivoire and Libya in 2011 which seem to change the political and academic calculations of European possibilities once again. In the former case, France demonstrated its classic determination in African intervention, but this time leadership was shared with the UN and the AU. In the case of Libya, it was not least French and British diplomacy that paved the way for the UN Security Council authorisation to use all necessary measures short of a military occupation to protect civilians and populated areas (Resolution 1973), after they have obtained a decisive support from the League of Arab States. It was also the two European powers, and the strong regional ownership delivered by the League, that convinced the US that an intervention in Libya was worth the risk (Bellamy and Williams, 2011). In this respect, the role played by France, the UK and smaller European countries in preventing a massacre in the Libyan city of Benghazi in March 2011 resembles the role played by European countries in saving the Kurds in northern Iraq in 1991. In both cases, the initiative and drive came from the European great powers, and they also took on a major military responsibility.

Apparently, the post-Cold War European commitment to humanitarian intervention has come full circle. But the international context has changed. It is no longer at matter of simply convincing the US. It is about building up consensus with rising powers, regional organisations and the Third World. This is what happened before the resort to force in Côte d’Ivoire and Libya in 2011 with the African Union and the League of Arab States in key roles as legitimisers and European states as organisers. As argued by Bellamy and Williams (2011: 839), the regional organisations played a ‘gatekeeping’ role by providing conditions under which the UN Security Council could possibly agree to resort to force. Neither the European powers nor the US seriously considered the option of military intervention without UN authorisation.
(meaning the consent, though not the support, of the BRICs in the Security Council) and regional backing. They realised that in the evolving world order, regional ownership is presumably a necessary, but – as indicated by the unchecked atrocities in Syria in 2011–12 in spite of Arab-European-US attempts to build up the pressure at the UN – hardly sufficient condition of Russian and Chinese acceptance.

Still, Côte d’Ivoire and Libya are examples of UN-authorised humanitarian intervention to stop crimes against humanity when the government itself is unwilling to do so. No wonder that Thomas Weiss (2011) announced that the R2P was alive and well after Libya while Jennifer Welsh (2011) stated that it had returned to coercion – and thus controversy! European observers noted with satisfaction that European states were once again able to assume international leadership in a combination of civilian and military power, and there is also no doubt that Europe navigated convincingly under the new strategic conditions of emerging multi-polarity and international value pluralism. But in the case of Libya, this was still with the US in an indispensable role, and it was still without full EU coherence, mostly due to German resistance to UN Security Council Resolution 1973 and the resort to force (De Baere, 2012; Renard, 2011). The European Council did offer clear support for Resolution 1973, and it also decided on a military operation to support the delivery of humanitarian assistance, but this was overtaken by events on the ground, which was somewhat anticlimactic, according to some (De Baere, 2012: 17).

Hard power is still a matter for France and the UK, it seems. On the other hand, diplomatic initiatives, non-forceful measures and post-war reconstruction certainly seem to be matters for the EU. The R2P stipulates a broad spectrum of national and international responsibilities, and the EU has some obvious abilities when it comes to prevention, early warning, humanitarian assistance and the coordination of economic and political sanctions (De Baere, 2012: 15–18). As for sanctions, the EU has taken action in the cases of Libya and, at the time of writing, Syria. Collective EU military power should not be excluded either. In limited military operations under the R2P umbrella, the EU rapid-reaction battle groups, developed from operation Artemis in Congo in 2003, could be valuable to the UN. In an optimistic evaluation, the EU and its member states can play complementary roles in support of the broad R2P, though this is likely to be in a flexible and pragmatic rather than an ideal approach to international crises.

European humanitarianism in conclusion: means, cohesion, and strategic orientation

The difficult choice between enforcement and diplomacy has been at the heart of European humanitarianism since the end of the Cold War, both politically and academically.

Politically, it has been visible in the difference between the French (and British) desire for a European capacity for humanitarian enforcement, and the preference for non-military means in other European quarters. But most observers seem to agree that Europe played a leading role in the evolution of a right and practice of humanitarian intervention based on the UN in the 1990s and, notwithstanding disappointments over implementation, thereby in the realisation of the Grotian principle that there are limits to state sovereignty. During the ‘sunset of humanitarian intervention’, the non-military means seemed not only to be the easiest to apply, but also the most prudent, to the extent that they were part of a European attempt to restore Western legitimacy, credibility and leadership potential in the humanitarian and R2P areas following the excesses of the ‘war on terror’. With the two interventions in Côte d’Ivoire and Libya in 2011, European states, meaning especially France and the UK (rather than the EU), are back in their roles as initiators, contributors and leaders of UN-authorised humanitarian intervention, thus
shifting the pendulum back towards the ‘droit d’ingérence’ and the military spectrum of the R2P.

Academically, the discussion of means and leadership has remained visible in the debate over the EU common security and defence policy and the European Security Strategy (ESS). Some have recommended a broad approach based primarily on international rules and institutions, negotiation, inclusion, and civilian means (Kaldor, Martin and Selchow, 2007). Others have argued that this leaves too little room for the practical realities in which non-violent action has poor chances against determined atrocities. Therefore, Europe collectively needs to bring in more hard power, if it wants to shape the world order according to its own interests and values: a substantial EU military capacity, and the will to deploy it, is warranted (Matlary, 2008; Biscop and Drieskens, 2006; Renard, 2011).

The humanitarian ambition of Europe has been pursued under dramatically changing circumstances since the end of the Cold War: Grotian internationalist momentum in the 1990s under US hegemony, the ‘war on terror’ in the first decade of the twenty-first century, and emerging multipolarity at present. Over these three periods, Europe has been remarkably consistent in promoting the norms of humanitarian intervention and the R2P, although with variable means, coherence and success. Northern Iraq 1991, Kosovo 1999, Congo 2003 and Libya 2011 may be seen as relative successes while the first years in Bosnia, the passivity in Rwanda, and the low profile during the atrocities in Darfur are widely seen as failures. But the consolidation of the norms of humanitarian intervention and the R2P would not have happened without the European commitment.

In the emerging multipolar world order, the EU and its members will be challenged to play a central role in working out great-power compromises, bringing in regional partners, and, occasionally, providing military means. It is time to leave the frustration over the sunset of humanitarian intervention and the troubles of multipolarity behind. Contributions could serve the international humanitarian agenda and European ambitions well by investigating the possibilities that the changing international balance of power presents to Europe. The need for strategic partnerships with rising powers and regional organisations like the AU, the League of Arab States, and ECOWAS has been noted (Dennison and Dworkin, 2010; De Baere, 2012), but merits more attention. Could the EU and European states act as concert organisers in specific situations of humanitarian emergency or in general? How could partnerships with the UN and regional organisations, in order to break down the North-South divide, serve this purpose? In the decades to come, European contributions and leadership under the R2P umbrella will hang on the ability to maintain a dynamic decision-making climate at the UN and beyond, whereas the role as an appendage to a US hegemonic leadership is over.

References


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