

# The Doctrine of Responsibility to Protect (R2P) and India's Response

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**ABSTRACT:** *The paper aims to examine the historical background and the definition, scope and limitation of the doctrine of responsibility to protect (R2P). The paper then focuses on why credibility of the Responsibility to Protect was questioned over the years. However, the paper majorly deals with the Indian position towards the doctrine of Responsibility to Protect.*

**Key Words:**

## **Historical Background and Definition**

The Responsibility to Protect, also commonly known as R2P, is a global political commitment. Globally, it addresses four key concerns, namely, genocide, war crimes, ethnic cleansing and crime against humanity. The principle was endorsed and adopted by all the member states of the United Nations at the 2005 World Summit, and articulated in the paragraphs 138-139 of the 2005 World Summit Outcome Document (Murthy and Kurtz 2016). The principle of R2P is based upon the underlying premises that sovereignty entails a responsibility to protect all population from mass atrocity, crimes and human rights violations. It was based on a respect for the norms and principles of international law, especially underlying principles of law relating to sovereignty, peace, security, human rights and armed conflicts (Paris 2014). Though, the idea of humanitarian intervention in conflict zones has existed for decades but its conceptualisation under the aegis of R2P is fairly new.

Responsibility to Protect differs from humanitarian intervention in four important ways; firstly, humanitarian intervention only refers to the use of military force whereas R2P is first and foremost a preventive principle that emphasises a range of measures to stem the risk of genocide, war crimes, ethnic cleansing and the crime against humanity, before the crime are threatened or occur. Hence, the use of force may only be carried out as a measure of last resort when all other non-coercive measures have failed, and only when it is authorised by the United Nations Security Council (UNSC). In contrast, the humanitarian intervention which allows the force as a humanitarian imperative without the authorisation of such bodies such as the UNSC. The second ways relate to the first, as the principle, the R2P is rooted firmly in existing international law. Thirdly, while in the past humanitarian interventions have been justified in the context of varying situations whereas R2P focuses only on the four major concerns like mass atrocities and others as these are mentioned above. And lastly, humanitarian intervention assumes a right to intervene, whereas R2P firmly believes in the idea of collective responsibility to protect.

Despite all the differences, both the humanitarian intervention and the responsibility to protect agree on the fact that sovereignty is not absolute. However, the doctrine of the responsibility to protect emerged amidst the argument that followed a series of military interventions in civil conflicts during the course of 1990s and the early 2000. It was a response to mass atrocities in Somalia, the former Yugoslavia, Rwanda, Democratic Republic of Congo, Sudan and others by the international communities.

But, this doctrine of R2P was originally formulated by the International Commission on Intervention and State Sovereignty (ICISS), under a Canadian initiative in a response to plea from the then UN Secretary General, Kofi Annan, in the wake of NATO's military intervention in Kosovo. The ICISS report in December 2001 entitled "The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty".<sup>1</sup> Under this doctrine it was argued that the sovereign states have a responsibility to protect their own citizens from avoidable catastrophe like mass murder, rape, starvation etc. But, when they are unwilling or unable to do so, then the responsibility must be borne by the broader community of the states.

<sup>1</sup>The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty (Ottawa: International Development Research Centre, December, 2001, cited as ICISS Report.

In an interview in 2012, Gareth Evans, the co-chair of the ICISS, stated:

“The Responsibility to Protect was an idea born in 2001. The intention was to recast the language and substance of the debate: to change prevailing mind sets, so the reaction to these catastrophic human rights violations taking place behind sovereign state walls would be that they are everyone’s business” (Evans 2012).

Ramesh Thakur and Thomas G. Weiss argued that “the responsibility to protect is the most democratic normative development of our time” (Thakur and Weiss 2009). According to Michael Doyle, “one of the truly striking evolutions in the international norms of our time is the development of R2P” (Doyle 2011).

### **Scope and Limitation of R2P**

The report of the ICISS, which first articulated the responsibility to protect in its December 2001 report, covers a wide scope of application in its articulation of principle which includes overwhelming natural or environmental catastrophes. But in 2005 World Summit had redefined the scope to the R2P to the four crimes which are mentioned in the paragraphs 138 and 139. As per the Secretary General’s 2009 Report on the R2P, i.e. ‘Implementing the Responsibility to Protect’ which applies only to confined four areas.

To try to extend it to cover other calamities such as HIV/AIDS, Climate Change etc. would undermine the 2005 consensus. The focused scope is part of what the UN Secretary General has termed a “narrow but deep approach.”

The Responsibility to Protect consists of three important and mutually reinforcing pillars which give it a theoretical base, which are as follows: Pillar-I: Protection Responsibility of the State. Pillar-II: It is related to the international community’s responsibilities to assist and encourage states to fulfil their responsibility to protect. Pillar-III: It refers to the Security Council responsibility to take timely and decisive action when states are failing to protect their citizens.

Here, actions that are permissible under the third pillar can include non-coercive means such as diplomacy and humanitarian assistance and coercive measures such as sanctions or as a last resort- the use of force by the authorisation of UNSC.

### **Why has the credibility of the R2P questioned over the years?**

The doctrine of responsibility to protect and certain implementation of it have come under serious criticism by the states. One of the main concerns surrounding R2P is that it infringes upon national sovereignty. The credibility of the doctrine was also questioned in the wake of Libyan crisis in 2012. Critics opined that it was nothing but a tactics of regime change through the UN Resolution 1973. In the case of Syria, several attempts were made by the US government in the course of 2011 to 2013 to pass Security Council resolution invoking R2P to justify military intervention in the Syrian Civil War. However, these were vetoed by Russia and China.

### **India’s Response to Responsibility to Protect**

Though India has been one of the largest contributors to the UN Peacekeeping Mission, its approach to the idea of R2P has been cautious. As Sumit Ganguly states, “India has adopted an ambivalent stance towards the genesis and evolution of the doctrine of the responsibility to protect” (Ganguly 2016). However, if we look at the Indian stance on R2P, it is quite clear especially when Pillar-III of R2P is concerned. Actually, India did not resist the first and second pillar as they are coherent with the Indian foreign policy. According to Alan Bloomfield, “India adopted a soft approach where policy makers supported measures such as diplomatic missions and unarmed ceasefire monitoring missions” (Bloomfield 2017). However, it rendered the strong opposition to the third pillar of R2P describing it as an unnecessary interference in domestic concerns of the states and it is a tool of powerful nations to topple the existing regimes and thereafter the state sovereignty. Nirupam Sen, former representative of India to the UN, openly voiced his criticism of the R2P principle and portrayed it as re-emergence of humanitarian intervention in a new facet (cited in Murthy and Kurtz 2016). Though, India sees itself as an old civilization and a new nation state and preserving its independence and autonomy has been a constant in India’s foreign policy. This led to a policy of non-alignment emphasizing state autonomy even when it believed in engaging internationally. Also, the foreign policy would be reflected in the so-called Panchsheel-the five principles of peaceful coexistence. By looking at Nehru’s foreign policy, it was based on high moral standards with decolonisation, nuclear disarmament and anti-racism. Even though, certain political movements in India continue to be held on to the idealist aspirations of the Nehru Era. But policy turned into rhetoric, rather than reality after the Sino-Indian war of 1962 and Nehru’s death in 1964.

The policy of Non-alignment tottered under the Indo-Soviet Treaty of Friendship and Cooperation of 1971. The aims of nuclear disarmament became obsolete when India conducted a nuclear test in 1974. Apart from

this, Indian response to the concept, international intervention especially after 1960 had been fluctuating. For instance; in 1960, India defined its intervention in Goa to drive out the Portuguese by force on the one hand. But India was highly critical about the Anglo-French intervention in Egypt over the issue of the Suez Canal on the other hand.

Following an idealist and moral approach, India criticises the Western block at the international forum for their interventionist policy but India itself came under fire from its interventionist approach towards its immediate neighbour. For example, domestic turmoil in East Pakistan led to a huge influx of refugees. India argued that Pakistan's internal conflict has become a grave concern for India's security. So, India had decided to intervene militarily. It had also briefly intervened in Sri Lanka's civil war between the armed forces and the Liberation Tigers of Tamil Eelam (LTTE) in 1987. Thus, it can be argued that despite its strong commitment to the principle of upholding state sovereignty. Indian stand was based on its own national interests.

However, in the 1990, several incidents of mass atrocities on the civilian population emerged in the international arena and demand for humanitarian intervention increased. And that is how the 'R2P' concept came into being through a series of discussions by the member states of the UN.

### Conclusion

Whatever the scene may be, if we look at India's responses on R2P, it firmly believes in upholding the state sovereignty in the case of intervention under the Pillar-III of the doctrine. It can be noticed that in the case of Libya, being a non-permanent member of UNSC, India chose not to vote or against the UNSC Resolution 1973, rather it chose to abstain along with Brazil, China, Germany and Russian Federation. As far as the 1973 resolution is concerned, it approved the no-fly zone over Libya and authorised member states to take all necessary measures to protect civilians from the brutal Gaddafi regime. Hence, it can be argued that the states are having major contradiction over the principles of R2P are concerned. Amitav Acharya argues that "the nature and scope of agency in the global order - who creates it and how - needs to be redefined and broadened" (2018).

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9. Thakur, Ramesh and Thomas G. Weiss (2009), "R2P: From Idea to Norm and Action?", *Global Responsibility to Protect* 1, no. 1 (2009), 23. It should be noted that Prof. Ramesh Thakur was a member and Weiss was research director of the ICISS.