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## Responsibility to Regulate: How the 'Responsibility to Protect' Expands State Power

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## Responsibility to Regulate: How the 'Responsibility to Protect' Expands State Power

### Abstract

Like most UN reports, particularly those concerned with the doctrine of the "responsibility to protect" (RtoP), the latest report of the UN Secretary-General is filled with plenty of pious guff mixed in with the platitudes that engulf UN diplomacy. But buried within the blathering are also some disturbing prescriptions for how the UN envisages rolling out RtoP around the world. I want to draw attention to three specific points in order to consider what these tell us about RtoP as a political model. First, I will look at the treatment of media and speech in the report; second, how the use of military force (the so-called "third pillar" of the doctrine) sits alongside the other pillars of RtoP; and third, the role of regional organizations sketched out within the report.

### Keywords

Human rights, United Nations, Responsibility to protect, Civil rights, Political rights, Free speech, Hegemony

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## Responsibility to Regulate: How the 'Responsibility to Protect' Expands State Power

by Philip Cunliffe

Like most UN reports, particularly those concerned with the doctrine of the "responsibility to protect" (RtoP), the latest report of the UN Secretary-General is filled with plenty of pious guff mixed in with the platitudes that engulf UN diplomacy. But buried within the blathering are also some disturbing prescriptions for how the UN envisages rolling out RtoP around the world. I want to draw attention to three specific points in order to consider what these tell us about RtoP as a political model. First, I will look at the treatment of media and speech in the report; second, how the use of military force (the so-called "third pillar" of the doctrine) sits alongside the other pillars of RtoP; and third, the role of regional organizations sketched out within the report.

With the aim of preventing mass atrocities, there is a distinct emphasis on monitoring and, worse, restricting certain types of speech in the report. Paragraph 11 of the Secretary-General's report calls on states to suppress "incendiary rhetoric targeting a minority group," while paragraph 26 reminds states of their "responsibility to prevent incitement of the four crimes" targeted by RtoP as well as prescribing the "advocacy" of hatred. Such injunctions should alarm anyone concerned with freedom of speech around the world. Not only is the meaning of "incendiary rhetoric" obscure – is incendiary rhetoric a cause or a measure of the imminence of mass atrocities? – but the UN is here effectively encouraging states to more vigorously regulate the public pronouncements of their citizens. This is chilling indeed.

With the report's vague and wide-ranging exhortation to states to suppress certain types of speech, the Secretary-General has effectively granted his blessing to state authorities to act more coercively against their citizens' civil and political rights. For what constitutes incendiary and inflammatory rhetoric against minority groups? Who is to decide such questions? Who should take action? Does a rebel group rallying a populace for a democratic uprising to destroy a minority dictatorship constitute "advocacy of hatred"? How is it more pacifistic to suppress hateful rhetoric with police and prisons, rather than having it exposed and delegitimized in free and open debate? The notion that rhetoric should be monitored by political authorities at the global level for "indications of intent to commit atrocities" (emphasis added) propels the promotion of RtoP into the realm of policing thought-crime. That is to say, not only will RtoP now justify the repression of rhetoric deemed to be extreme, but the doctrine will also justify the monitoring of speech in order to divine 'indications' of possible violent intent. The potential for authoritarianism in such prescriptions does not need to be spelled out. All this from a doctrine supposedly founded on liberal principles of defending rights.

Second, for all that the UN insists that the doctrine of RtoP is not primarily about the use of force, the velvet glove of conflict "prevention" often slips off to reveal the mailed fist beneath. This too is evident in the Secretary-General's report. Paragraph 17 of the report observes that the "will of national authorities to avoid crimes and violations relating to RtoP may be reinforced by the demonstrated readiness of the international community to take collective action ... when peaceful means are inadequate." In plain language: wars justified by invocation of RtoP should be seen as exemplary warnings to other states that might be at odds with the "international community."

Given that the UN Charter promises to end "the scourge of war," it is remarkable enough that the Secretary-General is here waxing lyrical about the salutary benefits of muscular displays of force. More troubling still is what this language reveals about the reasoning underpinning the doctrine of RtoP, the logic of which is effectively that of blackmail. If states do not submit to the regulatory mechanisms and oversight claimed against them by agencies of the international community, they may be subject to military attack. If we pursue the Secretary-General's logic here to its conclusion, the idea that states can be legally attacked if they do not follow certain responsibilities set for them at the international level can only mean that the legitimacy of the state is seen to derive from the international community rather than from the people that the state is supposed to represent. As the political theorist Amitai Eztioni observed some time ago, this idea blasts "a gaping hole" in the "foundation of democratic theory."<sup>[1]</sup>

Finally, there is the role allocated to regional organizations. Regional bodies are one way in which the UN has sought to shore up the doctrine – presumably hoping to avoid the impression that RtoP is simply a justification for an expanding, globalized NATO to strike anywhere at will. In practice however, UN prescriptions for regional organizations embodied in RtoP amount to a meddler's charter for regional hegemonies. Under the terms of RtoP, regional powers are effectively granted the right to police their weaker neighbors and pursue their local rivalries as representatives of the UN – with actions being justified by the need to prevent outbreaks of conflict that might lead to mass atrocities.

The example given in the Secretary-General's report is telling: at two points the report lavishes praise on the role played by the League of Arab Dictators, led by such renowned defenders of human rights as the Saudi royal family. Acting with the backing of the "international community," this regional organization helped to suppress democracy in Bahrain. Thus far it has succeeded in channelling the popular energies of the Arab Spring, directing it against the Gaddafi and Ba'athist regimes in Libya and Syria respectively (both long-time enemies of the US in the region), diverting it away from the absolute monarchies of the Gulf who remain the West's key allies in the Arab world.

The doctrine of RtoP is often defended on the basis that it extends protection to individuals against predatory and rapacious states. In fact, the doctrine extends state power: it can legitimate authoritarian measures as seen in the Secretary-General's exhortations to chisel away at free speech, and it legitimates the power of strong states to act against weaker states – empowering regional hegemonies such as Saudi Arabia to act as regional protectors of human rights. Paragraph 47 in the report notes that individuals "are also important actors" who "play an important role in holding States and their leaders to account when they fail to protect." No less important, individuals should hold their states to account when they restrict their citizens' freedom of speech and seek to dominate and repress their neighbors.

[1] Eztioni, Amitai. 2006. 'Sovereignty as Responsibility', *Orbis* 50(1): 72

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