

FULFILLING THE RESPONSIBILITY TO PROTECT

CONOR HEANEY

In this paper I argue that the present global institutional structure—founded and upheld by the international community—systematically violates human rights. In recent years the Responsibility to Protect (R2P) doctrine has emerged as a justification for the resolution of humanitarian crises. R2P is an approach to humanitarian crises that emphasizes the responsibilities that powerful international actors have to protect human rights. In this paper I seek to examine the moral structure of the R2P at the intersection between the literature on R2P, global justice, and global poverty (particularly the work of Thomas Pogge). I introduce and defend a new principle, which extends R2P. My claim, here, is that in order to fulfill (my extended version of) R2P, members of the international community must also—in addition to mitigating cases of humanitarian crises—stop systematically violating human rights themselves. The maintenance of the present global institutional architecture is, I argue, a daily violation of R2P. The connective moral analysis that I will put forward between the global institutional architecture, global poverty and R2P is, I hope, a novel approach. It is also strategic. Whilst the international community has shown willingness to intervene in situations of humanitarian crisis, it has not shown a similar commitment to remedying global poverty. By arguing, as I do in this paper, that alleviating global poverty is in fact a necessary component of fulfilling R2P, I hope to establish a preliminary ground for showing that the moral demands of R2P are much greater than they are presently treated, and that the doctrine includes demands to conduct mass institutional reform towards the actual protection of human rights.

1. Introduction

In this paper I argue that the global institutional structure—founded and upheld by the international community (IC)—systematically violates human rights. In recent years, the Responsibility to Protect (R2P) has emerged as an approach to humanitarian crises that emphasizes the responsibilities that powerful international actors have to protect human rights. I will take the moral structure of R2P as my entry point and argue for a re-reading of what it means, morally, to fulfill R2P. My claim is that the responsibility to protect must include a responsibility to not harm.

In order to fulfill R2P, the IC must stop systematically violating human rights themselves. The connective moral analysis that I will put forward between the global institutional architecture, global poverty, and R2P constitutes, I hope, a novel approach. It is also strategic. Whilst the IC has shown willingness to fulfill R2P, it has not shown a similar commitment to remedying global poverty. I hope to establish a preliminary ground for showing that the moral demands of R2P are much greater than they are presently treated.

The structure of this paper is as follows. I first introduce R2P. I then consider the moral structure of R2P, introduce and defend a negative responsibility, which I claim ought to be included in R2P. Following this, I argue that the IC systematically violates this negative responsibility. I then consider briefly what fulfilling R2P might look like. Finally, I consider and reject two objections to my proposal; the first objection rejects my extension of R2P beyond its explicit initial purpose, and the second objection rejects my broader claim that the IC systematically violates human rights.

1.1. R2P

R2P is, first and foremost, an alteration in the Westphalian conception of state sovereignty. This conception of state sovereignty considered territorial sovereignty and self-determination as the foundational rights of states. Non-interference in the affairs of other states was a key principle that issued from Westphalian sovereignty.¹ Following the Cold War, however, an acceptance grew that "military intervention might be benevolent and disinterested—that powerful states might really come to liberate,"² signalling a change in this conception of sovereignty. The Security Council broadened its remit in the 1990s as a body willing to protect humanitarian values, such as universal human rights, at their 1992 Summit Meeting.³

This trend was borne out to varying degrees in the Gulf War (1990–91), Somalia (1991–93), Bosnia (1995), East Timor, Sierra Leone, and Kosovo (all 1999), and was given its official nature in the 2001 report by the International Commission on Intervention and State Sovereignty (ICISS) entitled "Responsibility to Protect". Sovereignty, on this new view, is a conditional right dependent upon the treatment of citizens.

What secures a state's sovereignty is, now, the extent to which that state guarantees the human rights of its citizens. Human rights are now foundational to state sovereignty. As such, sovereignty is lost if a state does not guarantee human rights and becomes "pooled" in the IC, who then have a responsibility to protect the human rights of those in that

state.⁴ R2P was explicitly acknowledged at the UN's 2005 World Summit, which agreed that there is a universal responsibility to protect populations and their human rights, expressing the intention to undertake action to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.⁵ The R2P doctrine is clearly one that views human rights as universal.⁶

Whilst I do not wish to conflate R2P and humanitarian intervention (HI), R2P does signal a shift in the internationally accepted view of sovereignty, which considers human rights as foundational to state sovereignty, and is thereby related to the normative justification of HI. HI is a practice, which crosses state borders in order to mitigate the violation of human rights. Whilst R2P and HI are not the same thing, both are part of the IC's normative discourse, which centralizes the protection and fulfilment of human rights (rather than sovereignty).

1.2. Assumptions

R2P is by no means a non-controversial doctrine. Many reject the justifiability of R2P and HI. For the purposes of this essay, I will make two assumptions. First, I will assume that moral responsibilities are cosmopolitan (as opposed to communitarian).⁷ Second, I will assume that interventionist practices (such as those taken through R2P) can be justified and relatedly, that we should not necessarily be pessimistic about the possibility of powerful global actors acting against their putative self-interest in favour of their cosmopolitan moral responsibilities.⁸ Whilst I acknowledge that my broadening of R2P in this paper has implications that would likely face resistance from the most powerful actors in the IC, it appears nonetheless important to extend non state-centric discussions of moral responsibilities in global justice, which I can only partially contribute to here. My subsequent treatment of R2P is in light of these two assumptions and acknowledgement.⁹

Since "international community" is a vague term, I will here define my usage. The IC is the collection of states, institutions, NGOs (etc.) that uphold global institutional arrangements, as well as these arrangements themselves. Whatever international institutional arrangements are in place, I understand them as a entity constituted by and constitutive of the IC. This includes institutions such as the IMF, the UN, the EU, and NATO, as well as the international legal and economic systems upheld by these institutions. In a case when R2P is "activated," responsibility becomes concentrated in the IC. The issue then becomes who and how precisely the IC should respond. I do not claim that this definition is exhaustive, but it will define my subsequent usage in this paper.

Given the primary status R2P accords to the fulfilling of human rights, I am treating it as a step of considerable moral force in international relations. My aim here is to offer a re-reading of what it means to fulfil R2P. In order to do this, I will now turn to the moral structure of R2P.

2. The Moral Structure of R2P

The R2P doctrine assumes that the rights afforded to states also carry responsibilities that states are obligated to fulfil when exercising these rights. R2P's focus on protection entails a focus on protecting human rights from their violation. R2P is conventionally considered to involve the mitigation of genocide, war crimes, ethnic cleansing, and crimes against humanity (termed "atrocities crimes"). So, R2P is about the mitigation and prevention of atrocity crimes. In 2013, the UN reported on preventative activities that fall under the purview of R2P. An important risk factor for such atrocity crimes that this report explicitly identifies is overt or covert political, social, economic, and gender discrimination. While these are broad categories, it does specifically mention "underrepresentation or exclusion,"¹⁰ "socioeconomic disparities"¹¹ and "unequal access to economic opportunities, land and other resources, employment, food, shelter or healthcare"¹² as being important risk factors. In other words, states, as part of the mitigation and prevention of atrocity crimes, have a responsibility to ensure representation and non-exclusion, to work against socioeconomic disparities, and to work for equal access to economic resources.¹³

States can fail to fulfil their responsibilities as a sovereign in two ways. First, a state may violate its negative responsibility by foreseeably contributing to the violation of the rights of its citizens. For example, a state may concentrate power and wealth in an élite in such a manner that the basic physical security of most of the population is compromised; such a concentration, as noted above, is an instance of economic discrimination. So, if the existing institutional structure of a state foreseeably does not protect the basic physical security of its citizens, this is a violation of the basic human right to security of the citizens affected, and is that state's failure in this negative responsibility.

Second, a state may violate its positive responsibility by not ensuring the conditions for the realization of human rights for all of its citizens. This is the responsibility a state has to provide the conditions for the fulfilment of the human rights of all of its citizens, and is violated when a state does not act so as to ensure these conditions when such responsi-

bilities are generated. If, for example, a natural disaster occurs (such as Hurricane Katrina), positive responsibilities are generated that the state in question must fulfil in order to ensure the conditions for the realization of human rights for all of its citizens are secured.¹⁴

Both cases are negations of the state's responsibilities that, under R2P, need to be fulfilled in order for sovereignty to be maintained. In order to mitigate those risk factors identified by the UN and maintain sovereignty, states have a responsibility to protect the human rights of their population, to work against social, political, economic, and gender discrimination and exclusion.¹⁵ States can avoid the risk factors the UN identified as associated with atrocity crimes by protecting and fulfilling the human rights of their populations. Schematically, R2P issues two responsibilities to states as conditions of sovereignty:

(S₁) States have a negative responsibility to not foreseeably contribute to the violation of the human rights of their citizens.

(S₂) States have a positive responsibility to ensure the conditions for the realization of human rights to all their citizens.

So, if (S₁) and/or (S₂) are violated, then the responsibilities that the state failed to fulfil are transferred beyond its borders to the IC and its conditional sovereignty is sacrificed.¹⁶ R2P, then, also issues a responsibility to the IC:

(IC₁) If (S₁) and/or (S₂) are violated, the IC has a positive responsibility to rectify the rights violations caused by the state in question and to take measures to prevent further violations.

If states ensure the protection and fulfilment of the human rights of their population, then, quite simply, R2P will never be activated. If states cannot provide those conditions, then R2P provides a framework so that the IC can.¹⁷

2.1. IC₂

If (S₁) and/or (S₂) are violated, then (it is hoped) the institutionalization of R2P (and the fulfilment of (IC₁)) will mitigate the violation of human rights.

This is what it presently means to fulfil R2P. I argue, however, that (IC₁) alone does not fulfil R2P. I argue for the introduction of an additional principle, (IC₂):

(IC₂) The IC has a negative responsibility to not foreseeably contribute to human rights violations.

Essentially, (IC₂) is this: in order to mitigate against the violation of human rights, against atrocity crimes and the risk factors the UN identified, the international community cannot themselves violate human rights. The responsibility to protect must include a responsibility to not harm. Just as R2P issues responsibilities to states to work against political, social, economic, and gender discrimination and exclusion, and just as R2P functions within an international discourse that centralizes the importance of human rights, the aim of introducing (IC₂) is to take account of the possibility of the members of the IC violating human rights *themselves* and to incorporate this concern into R2P.

More specifically, (IC₂) is a negative institutional responsibility, a term I take from Thomas Pogge. His account of human rights is one (like R2P) that relates rights to responsibilities. Pogge claims that human rights impose negative responsibilities on us.¹⁸ He distinguishes negative responsibilities into two kinds: interactional and institutional. The interactional violation of a human right is performed by those who directly perpetrate or sanction that violation (say, torture). Institutional violation is performed through contribution to/participation in "social institutions that foreseeably give rise to an avoidable human-rights deficit."¹⁹ (Here, two examples noted by Pogge include the regulations on intellectual property rights, such as the 1995 TRIPS Agreement, and international resource privileges such as those held by autocratic rulers in the selling of a territory's national resources.) For Pogge, just as we have a negative responsibility to refrain from interactionally violating the human rights of others, we also have a negative responsibility to refrain from institutionally violating the human rights of others.

Pogge highlights the role that institutional structures play in generating and maintaining global poverty. He claims that participating or legitimizing such institutions is the violation of a negative institutional responsibility not to support institutions which deprive people of the basic human right to the means to subsistence; highlighting how human rights can be violated by a diffuse set of actors and institutions. My claim is that (IC₂) is a negative institutional responsibility that fits Pogge's account, and that its introduction into R2P captures the conditions for preventing human rights violations more fully than (IC₁) alone does.

Why should we be motivated to include (IC₂) in our formation of R2P? As I noted above, under R2P, states have a responsibility to ensure representation, non-exclusion, to work against socioeconomic disparities, and to work for equal access to economic resources. R2P provides a

framework so that the IC can fulfil human rights if (S1) and/or (S2) are violated. However, R2P presently does not incorporate the consideration that the IC can themselves violate human rights systematically, and can themselves perpetuate socioeconomic disparities and unequal access to economic resources. If we reject the introduction of (IC2) and maintain that (IC1) alone is sufficient for the fulfilment of R2P, this leaves open the possibility that the IC can themselves systematically violate human rights and still affirm, as they do, "common fundamental values, including freedom, equality, solidarity, tolerance [and] respect for all human rights."²⁰ Given these purposes and aims, my argument is that for R2P to be fulfilled, (IC1) and (IC2) are necessary conditions.²¹ If states agree to the positive responsibility (IC1)—sanctioning intervention when human rights are being violated—I argue that they ought also to be committed to (IC2)—i.e., to not cause gross violations themselves.

2.2. The Violation of (IC2)

In this section, I will make three claims. First, that affluent states—the most powerful in the IC—bear primary responsibility for global institutional arrangements. Second, I will claim that there are different levels of violation of (IC2). Third, I will argue that global poverty is an effect of the mass violation of (IC2), and so, that the IC systematically violates human rights and fails to fulfil R2P.

2.2.1. The Global Institutional Architecture

Current global institutional arrangements and present levels of social, political and economic development are a result of a history of (among other things) colonialism, slavery, and subjugation. The process of decolonization in the twentieth century left many former colonial states with high levels of inequality and poverty, and low levels of bargaining power to negotiate future institutional arrangements. In so far as such inequality, poverty, and low levels of bargaining power were not mitigated, decolonization failed to institutionally empower former colonial states, specifically in relation to their (lack of) influence on global institutional arrangements.²²

The formation of global institutional arrangements can be viewed as a process of bargaining amongst states, with states negotiating according to self-interest. Affluent states are more likely to negotiate institutions to suit their interests (as opposed to, say, having the alleviation of severe poverty as a priority). Since affluent states have over 75 per cent of the global product (with 16 per cent of the population), they enjoy relatively

high levels of bargaining power.²³ We can expect then, the global institutional order to largely reflect the interests of affluent states and not the alleviation of severe poverty. As Pogge notes: "[t]he existing design of global institutional arrangements thus reinforces the very inequality that enables the governments of the affluent countries to impose such a skewed design in the first place."²⁴

This point is supported by the evidence that in 1960 (when Europe released Africa from colonialism) there was a 30:1 inequality ratio in per capita income between Europe and Africa. This ratio now stands around at 39:1, i.e., the expected trend of an international institutional arrangement founded and maintained by those affluent states using heightened bargaining powers to further self-interest.²⁵ The global poor, that is, had (and continue to have) no effective influence in the formation of global economic rules.

2.2.2 Two Levels of Violation of (IC2)

Drawing from Pogge, I claim that the maintenance of this institutional architecture, conducted daily by the IC, constitutes the violation of (IC2). In short: the IC maintains, supports and perpetuates a global institutional system that generated the present condition of global poverty. I suggest that (IC2) is violated in at least two ways—what I will call two levels of violation:

L1: This involves conforming to/not objecting to institutional systems that violate (IC2). This is an institutional violation of (IC2).

L2: This involves actively "playing along," participating or contributing to violations of (IC2). This is an interactional violation of (IC2) which is made possible by L1 (so it is both interactional and institutional).

For example, consider the privileges that are accorded to leaders of states in negotiating treaties or contracts. Consider, further, an affluent state (state A) making a contract with a corrupt, oppressive, and poor state on the export of natural resources (state B). State B depends on the military to maintain power and extracts natural resources through a process that endangers its population; further, profits from the contract are utilized in order to repressively maintain state B's power (embezzlement or on arms, for example). Further, although state A doesn't itself perpetrate harm upon the population of state B, its contract with state B enables it and, certainly, empowers state B to continue to do so; it is a case of playing along, participating or contributing in the violation of (IC2). The

money that state A utilizes (tax revenue it collected from its own population) in its contract with state B is precisely what is used by the leaders of state B against the human rights of its population.²⁶ Considering this in terms of the resource curse, Leif Wenar considers the example of Equatorial Guinea (which takes the position of state B from our example):

Outsiders to Equatorial Guinea are already doing a great deal with regard to its citizens: outsiders are making their plight worse. [The money oppressive leaders receive from outsiders] is the money that increases [their] ability to buy weapons, to control the channels of patronage, and to disrupt possible challenges to his rule.²⁷

In the above example, state A violates (IC₂) at both levels. Their violation of L₂ in their contract negotiation with state B was also a violation of L₁. So, violations of L₂ simultaneously violate L₁. We may consider a third state (state C), which does not enter into contract with state B, but nonetheless does not object to the contract or the institutional architecture that enables it—i.e., state C would be in violation of L₁ but not in violation of L₂. State C does not interactionally violate the human rights of the population of state B, however, the institutional architecture it conforms to and perpetuates still violates L₁. In short, *both* state A and state C violate (IC₂). The distinction between L₁ and L₂ serves to highlight the different ways in ways (IC₂) can be (and is) violated.

2.2.3 Global Poverty as a Violation of (IC₂)

For Pogge, global poverty—linked to one-third of human deaths every year (around 18 million)—is the cumulative effect of international institutional arrangements generated and maintained by the IC.²⁸ Global poverty, this is to say, is the effect of the combined violations of L₁ and L₂. These arrangements disempower and impoverish the citizens of weaker states, directly exclude access to medical innovations and nourishment, education (etc.); in short, they constitute a mass and continuous violation of (IC₂).²⁹ Quantitatively, the violation of (IC₂) constitutes the largest set of human rights violations by any set of actors globally:³⁰ “Given that the present global institutional order is foreseeably associated with such massive incidence of avoidable severe poverty, its (uncompensated) imposition manifests an ongoing human-rights violation—arguably the largest such violation ever committed in human history.”³¹

Whilst global poverty is a huge issue in human terms, it is a comparatively minute economic problem. To take an example: the number of people who lived below the \$2-per-day poverty line in 2005 constituted 40 per cent of the global population. It would have required \$296 bil-

lion for this poverty shortfall to be remedied.³² This shortfall amounted to 0.66 per cent of the global product that year, or, alternatively, well under 50 per cent of what the US spends on its military.³³ This is to say, then, that this poverty shortfall could be made up at little to no cost for the affluent, that, further, “it is for the sake of trivial economic gains that national and global elites are keeping billions of humans in life-threatening poverty.”³⁴ As I noted in section 2, R₂P issues responsibilities to states to work against socioeconomic disparities and for equal access to economic resources; my claims here are simply that (1) global poverty is the effect of the IC failing to work against such disparities and for such equality, and (2) that such responsibilities ought also be extended to the IC itself.

2.3 Fulfilling (IC₁) and (IC₂)

As I noted in section 1, the IC has shown willingness and desire to fulfill R₂P. By introducing (IC₂) into R₂P, the IC would have a responsibility to work against political, social, economic and gender discrimination and exclusion (which would involve the mitigation of global poverty), and the hope is that this willingness could be shown to stop the systematic violation of (IC₂). It is worth briefly considering what would constitute such a fulfilment.³⁵ Given the fact that (IC₂) is systematically violated, fulfilling (IC₂) would involve, at least, the following measures:

- (1) Political reform of global institutions: the present global institutional order is a product of historical inequalities, and it sustains and increases inequality. Political reform of global institutions would both disempower the most powerful and empower those who are presently disempowered (it should be noted that even incremental power shifts would be of this nature).³⁶
- (2) Economic reform of global institutions: such reform would take at least two types of approach. First, it would include mass redistribution at a preliminary level in order to mitigate the current high levels of human rights violations occasioned by the current global economic order—redistribution of, for example, medical, sanitary, infrastructural, and educational resources, as well as food, drugs, energy, etc. Second, it would seek to identify and reform those aspects of the current global economic infrastructure that contribute to continuing human rights violations. For example, WTO regulations on intellectual property rights, such as the 1995 TRIPS Agreement.³⁷

These two suggestions are only preliminary; they would form the beginning of a response to the fulfilment of (IC2) given its current violation.

3. Objections to an Extended R2P

I will now consider two objections against my attempted expansion of R2P.

3.1. The Misrepresentation Objection

My attempt to broaden R2P might be objected to on the grounds that I *misrepresent* the real purpose of R2P, which was intended to provide a legal and moral framework to intervene in situations of humanitarian crisis and not global poverty.

The purpose of R2P was certainly to provide a legal and moral framework to intervene in situations of humanitarian crisis occasioned by the violation of (S1) and/or (S2). Indeed, the strength of R2P and (IC1) is its focus on protecting human rights from their violation and not respecting a state's status as sovereign unless it fulfils (S1) and (S2). If a state was actively exacerbating "socioeconomic disparities"³⁸ and "unequal access to economic opportunities, land and other resources, employment, food, shelter or healthcare,"³⁹ it would, depending on the context, constitute a violation of (S1) or (S2), and (IC1) would be activated. However, there seems to be no moral difference between human rights violations caused by violations of (S1) or (S2) than those cause by the violation of (IC2). Or if there is, as I noted, the instances of the violation of (IC2) are quantitatively much greater and more systemic. Whilst there is a difference in how these human rights abuses came about, R2P's state-centric account of human rights abuses perversely takes abuses occasioned by states seriously, but treats abuses occasioned by the very functioning of the international system with impunity. My claim is that the violations occasioned *both* by states and the IC need to be part of R2P. Both ought to be taken into account in any pursuit of fulfilling R2P.

This is made clearer through a brief example. Consider a fire department. This fire department has a positive responsibility to intervene in local fire crises by extinguishing fires, broadly mirroring (IC1). However, it would seem unlikely that this would be considered a properly functioning fire department if it simultaneously started and failed to extinguish a much larger number of fires than it succeeded in putting out. The fire department, then, has a negative responsibility to not foreseeably contribute to the starting of fires, mirroring (IC2). The goal of the

fire department, to protect people from fires, can only be achieved when it fulfils both its negative and positive responsibilities.

The claim that R2P should be limited to (IC1) mirrors the claim, *mutatis mutandis*, that the fire department can fulfil its role as a fire department by putting out fires and simultaneously starting even more. My claim is, rather, that in order to fulfil its role as a fire department, it needs to put out fires and stop systematically starting them.⁴⁰

3.2 The Interactional Objection

Another objection to my argument might be that, in fact, the IC does not violate (IC2). Rather, violations of rights can always be reduced to an *interactional* violation with specific locatable actors, rather than the somewhat more anonymous and diffuse establishment and maintenance of an institutional order as such. This rejection then, is a rejection of the account of the institutional violation of human rights from section 2.2.

This objection, however, does not recognize how participation in the global institutional order perpetrates and enables human rights violations that would not be possible without that participation; violations are sometimes only made possible via institutional structures. In other words, it is here where the distinction between L1 and L2 is applicable. Consider again the example from section 2.2: state B's endangering of its population and concentration of power would simply not be possible without an international system that recognizes state leaders and accords rights to them to negotiate treaties and contracts relating to the state's territory. This international system of recognition is the mass violation of L1 by a great number of actors and is what enables specific actors (such as state A) to violate L2. If the IC collectively decided to no longer recognize state leaders in this way and, for example, adopted an approach that more directly empowered populations in such treaties (i.e., if they collectively stopped violating L1), then state A's contract would not be possible (i.e., state A would not be able to violate L2); nor would the oppression occasioned by state B in the example.

A second response to this rejection of the possibility of diffused moral responsibility is provided by Elizabeth Ashford's use of Derek Parfit's example of "harmless torturers."⁴¹ This example considers a large group of torturers, each of whom individually administer a small shock to a range of victims in such a way that no torturer makes any marginally important contribution to the torture of any particular victim. These victims, however, experience a great deal of pain. Ashford points out that if we assume that no torturer aims at harming any particular victim and that no torturer influences any of the other torturers to administer the

shocks, then no *particular* torturer commits the interactional violation of any negative responsibility to not harm. A great deal of pain and torture and no moral responsibility for that pain is what we are left with in a purely interactional analysis. Using this as an analogy for global politico-economic institutions, we can, with the approach I have developed here, say that each harmless torturer is in violation of (IC₂)—specifically LI—all actors conform to a system that results in human rights violations. Each harmless torturer is a state C, so to speak, still in violation of (IC₂). In reducing human rights violations to their interactional moments, this objection ignores the conditions of possibility for these human rights violations and the ways in which many small contributions can constitute or make possible a large amount of harm. Further, this objection disables moral analysis from condemning the structure and maintenance of international institutions in their enabling of these continual violations.

4. Conclusion

Presently, R2P too narrowly focuses its interventions on violations occasioned by states—through the violation of (S₁) and/or (S₂)—and not on the human rights violations that can be and are perpetrated by the IC. On my re-reading of R2P, (IC₁) and (IC₂) are both necessary for the fulfilment of R2P; R2P cannot be fulfilled if the IC violates (IC₂). In order to fulfil the R2P, substantial political and economic reform would be necessary in addition to fulfilling (IC₁). ■

Conor Heaney is currently an MPhil candidate in philosophy at the University of Warwick, where he holds a two-year AHRC Research Preparation Master's Scholarship. He received his BA in Politics, Philosophy, and Economics from Queen's University Belfast, and is currently a deputy (students) editor of *E-International Relations*. His research interests include twentieth-century continental philosophy (primarily Foucault and Deleuze), normative political theory (specifically global justice), feminism, post-Marxism, and critical International Relations theory. He is currently researching the intersections between the "new materialisms," naturalism, and empiricism.

Acknowledgements

This paper went through many transformations since its first draft. I would like to thank Massimo Renzo, who bore its earliest versions and gave hugely important feedback, and Matthew Baxendale, whose discussions, support and friendship were (and are) indispensable. Thanks also goes to Conor Crummey and David

Axelsen, who read draft versions at separate stages, to the two anonymous peer reviewers, and their challenging comments, and to the *STAIR* special issue editors, Sarah and Fay, for their work on the issue. All mistakes remain my own.

Notes

¹ Anne Orford, "Moral Internationalism and the Responsibility to Protect," *The European Journal of International Law* 24, 1 (2013): 83–108, 94.

² Orford, "Moral Internationalism," 98.

³ *Ibid.*, 98.

⁴ Pattison, James, *Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene?* (Oxford: Oxford University Press, 2010): 21; ICISS, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001); ICISS, *The Responsibility to Protect: Research, Bibliography, Background: Supplementary Volume to the Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001). The inspiration for R2P came from Deng's work on conflict transformation in Africa: Francis M. Deng et al., *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, D.C.: Brookings Institution, 1998): 1–2.

⁵ UN, "2005 World Summit Outcome," <http://www.un.org/womenwatch/ods/A-RES-60-1-E.pdf> (accessed January 13, 2015): 30.

⁶ UN, "Report to the Secretary General: The Role of Regional and Subregional Arrangements in Implementing the Responsibility to Protect," <http://www.un.org/en/ga/search/view—doc.asp?symbol=A/65/877> (accessed January 20, 2015): 3.

⁷ Broadly speaking, *cosmopolitanism's* central contention is that geographical distance makes little to no moral difference—see Peter Singer, "Famine, Affluence and Morality," *Philosophy and Public Affairs* 1, 3 (1972): 229–243; whereas *communitarianism* accords moral centrality to the community—see Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame, IN: University of Notre Dame Press, 1981).

⁸ Chomsky's *The New Military Humanism* (London: Pluto Press, 1999) expresses such pessimism.

⁹ I will not be discussing human rights themselves. My discussion extends from the Universal Declaration of Human Rights adopted by the UN General Assembly in 1948. For a critique of human rights, see Chris Brown's "Universal Human Rights: A Critique," *The International Journal of Human Rights* 1, 2 (1997): 41–65.

¹⁰ UN, "Report of the Secretary General—Responsibility to Protect: State Responsibility and Prevention," <http://www.un.org/en/ga/search/view—doc.asp?symbol=A/67/929> (accessed January 13, 2015): 4.

¹¹ *Ibid.*, 4.

¹² *Ibid.*, 5.

¹³ The larger claim of this paper, namely, that R2P commits members of the IC to the protection and fulfilment of human rights, could be pursued in a number of ways.

Even within the confines of the 2013 Joint Statement, the UN also cite institutional weakness and improper training of security forces to uphold international human rights law as risk factors that are relevant to the fulfilment of R2P. In this paper, I will simply be focusing on these discriminatory risk factors I mention here for clarity and consistency, though other argumentative strategies could be pursued to the same end.

¹⁴ This distinction between negative and positive responsibilities is drawn from Thomas Pogge. I will come to this in more detail in section 2.1.

¹⁵ UN, *State Responsibility*, 2.

¹⁶ Threshold conditions for intervention I here assume are known, though it will relate to a violation of (S1) and/or (S2).

¹⁷ *Ibid.*, 12.

¹⁸ Pogge uses the term “duties,” not “responsibilities.” His usage of “duty,” however, corresponds to how I am using “responsibilities.”

¹⁹ Thomas Pogge, *Politics as Usual: What Lies Behind the Pro-Poor Rhetoric* (Cambridge: Polity Press, 2010): 29; also see Pogge’s *World Poverty and Human Rights* (Cambridge: Polity Press, 2008): 72.

²⁰ UN, “2005 World Summit Outcome,” 1.

²¹ I do not claim that (IC1) and (IC2) are also *jointly sufficient* conditions. This is to say, meeting both (IC1) and (IC2) may not fulfill R2P, even though failing in either constitutes a failure to fulfill R2P.

²² Pogge, *Politics as Usual*, 32–33.

²³ World Bank, “World Development Report 2009,” <http://web.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTRESEARCH/EXTWDRS/0,,contentMDK:23080183ffpagePK:478093fflpiPK:477627ffltheSitePK:477624,00.html> (accessed May 5, 2015), p. 353. Percentages calculated from ‘High Income’ divided by ‘World’ population in 2007 and from ‘High Income’ divided by ‘World’ GNI.

²⁴ Pogge, *Politics as Usual*, 35.

²⁵ *Ibid.*, 32–33.

²⁶ I have here bracketed certain potential further factors. Here, for example state B may be an ally of state A in some other respect of against some “larger” threat to the violation of human rights. This extra layer cannot be considered within the confines of this paper, but, whether taken in isolation or not, state A nonetheless enables and enhances the repressive power of state B via the violation of (IC2). I thank the second peer reviewer for this suggestion.

²⁷ Leif Wenar, “Property Rights and the Resource Curse.” *Philosophy and Public Affairs* 36, 1 (2008): 2–32, 8. My edit.

²⁸ Pogge, *Politics as Usual*, 11.

²⁹ *Ibid.*, 12–13; 20–24; 50–52; 95–97; 103–107.

³⁰ It is worth noting these numbers:

1. 360 million people have died from hunger and remediable diseases in peacetime in the twenty years since the Cold War than perished from wars, civil wars, and government repression over the entire twentieth century.
2. 1,020 million human beings are chronically undernourished
3. 884 million lack access to safe water

4. 2,500 million lack access to basic sanitation

5. 2,000 million lack access to essential drugs

6. 924 million lack adequate shelter

7. 1,600 million lack electricity

8. 774 million adults are illiterate

9. 218 million children are child labourers

See Pogge, *Politics as Usual*, 11; Food and Agriculture Organization of the United Nations (FAO), “More People Than Ever Are Victims of Hunger,” <http://www.fao.org/fileadmin/user—upload/newsroom/docs/Press%20release%20june-en.pdf> (accessed February 24, 2014); Fogarty International Center, “Pathways to Global Health Research 2008–2012,” <http://www.fic.nih.gov/About/Documents/stratplan—fullversion.pdf> (accessed February 24, 2014); UN-Habitat, “The Challenge of Slums: Global Report on Human Settlements 2003,” <http://www.unhabitat.org/content.asp?typeid=19&catid=555&cid=5373> (accessed February 24, 2014); International Labour Conference, “The End of Child Labour: Within Reach,” <http://www.ilo.org/public/english/standards/relm/ilc/ilc95/pdf/rep-i-b.pdf> (accessed February 24, 2014).

³¹ Pogge, *Politics as Usual*, 51

³² Poverty lines are, of course, themselves contestable, but I will not be discussing that here.

³³ *Ibid.*, 107.

³⁴ *Ibid.*, 107.

³⁵ Formally at least, the UN is committed to such a fulfilment. In particular, in

Article 28 of the Universal Declaration of Human Rights, which speaks of an entitlement to an international order in which the other rights can actually be fulfilled. Articles 21–27, further, suggest specific rights that are contravened through the types of exclusion I mentioned (rights to political participation, physical security, etc.). I thank the second anonymous reviewer for highlighting this.

³⁶ A small example of such reform may be the removal or significant reform of the veto power held in the UN Security Council by the US, the UK, China, Russia and France, a power that is a product of historical power imbalances that serves to sustain and reproduce them in the present.

³⁷ Pogge, *Politics as Usual*, 35.

³⁸ UN, *Responsibility to Protect: State Responsibility and Prevention*, 4.

³⁹ *Ibid.*, 5.

⁴⁰ The traditional usage of R2P, which I addressed in §2.1, might take the purpose of R2P as the arresting of arsonists rather than the extinguishing of fires. Although a further exploration of this would be necessary, it seems to me that this reading holds only on a view of R2P that takes only (IC1) as a responsibility, and which rejects the introduction of (IC2). Once we introduce (IC2), we allow that the violation of human rights can be occasioned by a diffuse institutional architecture. In such cases there may be no locatable “arsonist,” but rather a set of practices and norms which generate certain undesirable outcomes. On my reading, R2P is certainly about the arresting of arsonists when such arsonists are identifiable, but it is at least equally about minimising—and crucially, *not causing*—fire crises. I thank David Axelsen for this point.

⁴¹ Elizabeth Ashford, "The Duties Imposed by the Human Right to Basic Necessities," in *Freedom from Poverty as a Human Right*, ed. Thomas Pogge (Oxford: Oxford University Press, 2007), 183-218; Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984).

GENERAL SECTION

BEYOND CARROTS AND STICKS: THE ROLE OF STATUS AMBITIONS AND THE NPT'S "DOUBLE STANDARD" IN NUCLEAR ARMS CONTROL NEGOTIATIONS

SVEN-ERIC FIKENSCHER

This article examines why India walked away from the Comprehensive Test Ban Treaty (CTBT). After having spent years strongly advocating for a test ban accord, India changed course in the aftermath of the Nuclear Non-Proliferation Treaty's (NPT) indefinite extension in 1995, becoming the most outspoken opponent of the CTBT. This article argues that India's reversal cannot be explained by the conventional wisdom about (non-)compliance in nuclear arms control negotiations, which usually highlights the power of material interests. Since there was no development in the nuclear realm that might have compromised India's interests prior to its decision to change course, these theories fall short of explaining India's sudden opposition to the CTBT. The same holds true for the influence of norms. This article instead argues that perceived disrespect precipitated India's decision to abandon the treaty. India criticized the NPT as biased because it enforced non-proliferation without obligating the nuclear superpowers to disarm. Similarly, New Delhi believed the NPT's indefinite renewal made a mockery of a proud country's political claims.

Compliance and Non-Compliance in the Literature on Nuclear Arms Control Negotiations: The State-of-the-Art and India's Stance on the CTBT

The conventional wisdom on compliance and non-compliance with international demands in nuclear arms control negotiations is largely derived from rational choice explanations that study compliance with the Nuclear Non-Proliferation Treaty (NPT).¹ The long-time scholarly

Sven-Eric Fikenschner, "Beyond Carrots and Sticks: The Role of Status Ambitions and the NPT's 'Double Standard' in Nuclear Arms Control Negotiations," *St. Antony's International Review* 11 No. 1, pp.111-134