Sovereignty as Responsibility: R2P and IDP Protection
Jessica Anderson

This paper examines the parallel development since the early 1990s of the Responsibility to Protect doctrine and of the “soft law” regime of internally displaced persons’ protection. I will apply a constructivist norm life cycle framework to demonstrate how these two concepts are expressions of the same emerging norm—sovereignty as responsibility—and were promoted by a closely connected network of norm entrepreneurs. However, a postcolonial critique reveals that this constructivist narrative obscures three crucial aspects of norm development: history, power, and the underlying teleological assumption of “moral progress.” Finally, my paper will attempt to reconcile these viewpoints by examining the constructivist response and proposing a version of constructivist scholarship that is more attuned to historical power imbalances and to the agency of both the “socializee” and the persons to be protected by “moral progress.”

Introduction
Considerable change has occurred since the end of the Cold War in the way that the relationship between sovereignty and human rights is construed in international discourse. In many cases, there is a growing willingness to allow severe human rights abuses to trump a state’s sovereign right to non-interference and non-intervention. For example, it is increasingly accepted that the international community should intervene to stop a government from perpetrating genocide against its own population (Bellamy 2009, 2). Furthermore, international humanitarian organizations are no longer expected to wait to provide aid to displaced populations until they have crossed a border, but must now provide assistance and protection to the far greater number of internally displaced who remain...
inside their own country. This essay will examine the development of these two norms over the last 20 years—Responsibility to Protect (R2P)\(^1\) and the protection of internally displaced persons (IDPs)\(^2\)—and will argue that they are highly interconnected manifestations of a more general, underlying norm, namely “sovereignty as responsibility.” This broad concept underscores that a state’s sovereignty is accompanied by a responsibility to protect the rights and fulfill the basic needs of its citizens. As Deng states, “if [governments] fail to discharge the responsibilities of sovereignty…they cannot legitimately complain against international humanitarian intervention” (Deng et al. 1996, xvi). However, Deng maintained that the primary focus should be on a positive vision of sovereignty, where outside support aims primarily to strengthen domestic capacity and prevent crises in the first place, rather than emphasizing the “right” to intervene (Bellamy 2009, 31).

Despite the fact that both R2P and IDP protection have remained largely in the realm of principles or “soft law,” they still exercise considerable influence over international debates and actions in ways that would have been far less likely fifty years ago, thus demonstrating the crucial importance of new ideas in international relations. The question then arises of where these norms came from and how they developed to enjoy such high levels of prominence and acceptance. The norm life cycle approach within constructivism is an ideal theoretical framework to employ because it deals with ideational factors of change in international relations and provides considerable explanatory power in determining why certain norms are successful and others are not (Finnemore and Sikkink 1998). I will therefore apply the life cycle framework to the historical development of R2P and IDP protection in order to demonstrate their parallel and often interconnected trajectory as expressions of the same burgeoning norm. However, when viewed from a postcolonial standpoint, the norm life cycle framework obscures three crucial aspects of norm development: history, power, and the underlying teleological assumption of “moral progress.” Finally, my paper will attempt to reconcile these viewpoints by examining the constructivist response and proposing a version of constructivist scholarship that is more attuned to historical power imbalances and to the agency of both the “socializee” and the persons to be protected by “moral progress.”

The nature of norms

Constructivism is an international relations perspective that focuses on how meaning is created inter-subjectively through interactions between actors, which shape their identity and thereby their interests (Wendt 1992). It is thus particularly adept at describing processes of change and provides considerable space for human agency in the communicative action

---

2. The IDP protection regime is based on the non-binding 1998 Guiding Principles on Internal Displacement, which compile principles from international humanitarian law, human rights, and analogous refugee law and apply them to IDPs.
that is required for norm diffusion (Crawford 2002, 2). Finnemore and Sikkink (1998) define a norm “as a standard of appropriate behaviour for actors with a given identity” (891). Therefore, in order for emerging norms to be successful in influencing state behaviour, they must persuasively promote adapted visions of identity. Deng et al.’s (1996) *Sovereignty as Responsibility* is precisely such an attempt to convince African states and the international community to view a core component of state identity—sovereignty—in a different light and therefore to behave differently. Norms are always viewed as “good” in some way by those who promote them and so are prescriptive (Finnemore and Sikkink 1998, 892). Finnemore and Sikkink (1998) lay out a 3-stage process by which norms successfully influence international relations, which I will apply to R2P and IDP protection and which is summarized in Table 1.

**Life cycle stages: Norm entrepreneurs and norm emergence**

The first stage in the norm life cycle occurs when norm entrepreneurs try to persuade key states to accept new norms and become norm leaders. The emergence of norms requires transnational activists who use their human agency to communicate prescriptive ideas about issues and to frame them in such a way as to compete successfully with pre-existing norms (Keck and Sikkink 1998, 2-3). Finnemore and Sikkink (1998, 898) note the difficulty of understanding why norm entrepreneurs decide to challenge the status quo and conclude that in most cases, they are inspired by altruism and empathy. Norm entrepreneurs also require organizational platforms in order to disseminate their message internationally. International organizations, such as the UN, are particularly well-suited to pressure weaker states and to convince powerful states to accept the norm. Moreover, they are also key in facilitating the institutionalization of the norm in concrete sets of rules or organizational arrangements that are often necessary to make way for the second stage (Finnemore and Sikkink 1998, 900).

**IDP protection**

When it comes to the emergence of R2P and IDP protection norms, key entrepreneurs immediately catch one’s attention. The concept of sovereignty as responsibility was developed at the Brookings Institution, beginning in 1989 as part of the Africa Project to investigate conflict management in Africa. The project was led by Francis Deng, a former Sudanese diplomat, who was assisted by Roberta Cohen, a Senior Fellow at Brookings (Deng et al. 1998, xi; Cohen 2010, 4). Deng subsequently played an entrepreneurial role in the emergence of both norms, while Cohen’s activism was focussed on IDPs. Altruism and empathy certainly seem to apply as motivations for this entrepreneurship, along with a sense of urgency for solving dire humanitarian problems and a feeling of moral injustice about the exclusive international focus on refugee protection.
Table 1: Summary of R2P and IDP protection (adapted from Finnemore and Sikkink)

<table>
<thead>
<tr>
<th>Norm Emergence: IDPs</th>
<th>Norm Emergence: R2P</th>
<th>Norm Cascade: IDPs</th>
<th>Norm Cascade: R2P</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Actors</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Norm entrepreneurs:</td>
<td>Francisco Deng,</td>
<td>Deng and other</td>
<td>Annan, ICISS</td>
</tr>
<tr>
<td></td>
<td>Roberta Cohen c.</td>
<td>experts who</td>
<td>commissioners</td>
</tr>
<tr>
<td></td>
<td>1990-91</td>
<td>developed <em>Guiding</em></td>
<td>Canada</td>
</tr>
<tr>
<td></td>
<td>State leaders:</td>
<td><em>Principles</em></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Austria</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Org. Platform</strong></td>
<td>Refugee Policy Group; NGO networks; UN Commission on Human Rights; SG Representative on IDPs</td>
<td>General Assembly, ICISS, UN reform agenda</td>
<td><em>Guiding Principles</em> accepted by Commission on Human Rights (1998)</td>
</tr>
<tr>
<td><strong>Motives</strong></td>
<td>Altruism, sense of moral unfairness in face of increasing human suffering of IDPs, while smaller number of refugees received more attention</td>
<td>Experiences of Rwanda, Srebrenica, Kosovo; increasingly prominent human rights norms</td>
<td>R2P endorsed in World Summit Outcome (2005) and by Security Council (2006)</td>
</tr>
<tr>
<td><strong>Dominant Mechanism</strong></td>
<td>Persuasion—compare with accepted IHL, human rights, and refugee regimes and frame through sovereignty as responsibility</td>
<td>Persuasion—guilt about past inaction, sovereignty as responsibility norm</td>
<td>Socialization/Institutionalization: World Summit Outcome, IASC Cluster system, UNHCR’s role, regional and domestic lawmaker supported by socializing agents (Great Lakes Protocol, Kampala Convention)</td>
</tr>
</tbody>
</table>

Source: Finnemore and Sikkink 1998, 898

IDP protection took off first, with Deng and Cohen framing the argument by appealing to the fact that there were far more IDPs than refugees and that their humanitarian needs were just as great, with differences restricted to mere geography. In addition, Deng and Cohen invoked the shifting geopolitical context at the end of the Cold War, in which intensified internal conflicts created the need for IDP protection. Relaxing attitudes towards borders and sovereignty allowed increased international involvement with internal crises and
Western states no longer wished to accept refugees to advance their ideological struggle with Russia and so preferred that the displaced remain inside their own countries (Weiss and Korn 2006, 12; Cohen 2010, 1-2).

Deng and Cohen made effective use of organizational platforms, including UN bodies and academic research institutions like Brookings. As part of the Refugee Policy Group (RPG), a Washington think tank, Cohen stated before the UN Commission on Human Rights in 1990 that the UN must move beyond merely offering ad hoc humanitarian relief to IDPs. She noted that “the UN cannot assign responsibility for the protection of [IDPs] to the very authorities that may have been the cause of their problems. The fact that they are displaced internally does not mean that the international community does not have a major responsibility to protect them” (Cohen 1990, emphasis added). The RPG convened the first conference on human rights protection for IDPs in 1991 in Washington and argued that the provision of food and shelter would be meaningless if IDPs were not protected from murder, rape, and other abuses (Weiss and Korn 2006, 22). In 1992, NGO lobbying efforts and support from the Austrian delegation succeeded in persuading the Commission on Human Rights to appoint Deng as Representative of the Secretary General on IDPs (Weiss and Korn 2006, 28). This mandate gave him a unique status from which to urge states to become norm leaders on this issue and to begin working with various academic experts to institutionalize the norm as the Guiding Principles document (Cohen 2010, 4).

**R2P**

Bellamy (2009) traces R2P’s origins to the concept of sovereignty as responsibility, as proposed by Deng and Cohen and developed through their work on IDPs (2; 21). The motivation for R2P grew out of the international angst surrounding the Rwandan genocide, the Srebrenica massacres, and the Kosovo intervention, as well as the openings created by the end of the Cold War. Kofi Annan (UN Secretary General 1997-2006) played the role of norm entrepreneur and began calling for a reconciliation of sovereignty and human rights during NATO’s intervention in Kosovo in 1999. Canada took up the challenge to become a norm leader and created the ICISS in 2000, which met the following year and began the process of institutionalizing the norm by “clarifying what, exactly, the norm is and what constitutes violation” (Bellamy 2009, 29-33; Finnemore and Sikkink 1998, 900). In general terms, ICISS determined that states had the primary responsibility to protect their citizens, but if they failed, this responsibility was transferred to the international community (ICISS 2001, xi).

As Secretary General, Annan possessed the ideal organizational platform for promoting R2P, and he used it to the full extent by addressing the General Assembly in September 1999 on “the two concepts of sovereignty” (Annan 1999). The ICISS itself was a valuable platform because it brought together various norm entrepreneurs with the sponsorship
of a state norm leader. Canadian Foreign Minister and norm entrepreneur himself, Lloyd Axworthy, specifically acknowledged that he had first heard of “responsibility to protect” when Deng visited him in Ottawa to argue for stronger IDP protection (Deng 2008, 88). The ICISS report was released in December 2001 and was endorsed by Annan a few weeks later, who also included the ICISS conclusions on the agenda for UN reform (Bellamy 2009, 51). Annan and state leaders, including Canada, continued to push R2P in UN fora over the next several years, which would result in the acceptance of the general doctrine at the 2005 World Summit.

**Life cycle stages: Norm acceptance (and resistance)**

Deng presented the completed *Guiding Principles* to the Commission on Human Rights in 1998 and they were supported by a resolution. I would argue that this event marked the tipping point where a “critical mass” of states signalled acceptance of the norm. Subsequently, IDP protection standards began to influence key international organizations’ (IOs) mandates and these IOs became “socializing agents” and began to pressure states to comply domestically (Finnemore and Sikkink 1998, 903-904). For this particular norm, acceptance by IOs was almost as important as acceptance by states, since IOs were the actors most often able to provide direct protection to IDPs because of their presence in conflict zones. In 1999, the Inter-Agency Standing Committee (IASC), the main forum for coordinating humanitarian assistance, acknowledged the need to protect IDPs. During the 2005 humanitarian reform process, the UN High Commissioner for Refugees (UNHCR) was made global cluster lead agency for the protection of IDPs in conflict situations, thus completing the expansion of the agency’s mandate beyond refugees and ensuring a consistent focal point for IDP protection (Crisp 2009, 74).

State compliance with IDP protection has been more recent and has relied heavily on pressure from socializing agents like UNHCR and norm entrepreneurs such as the Representative on IDPs. The *Guiding Principles* were unanimously endorsed by states in the 2005 World Summit outcome document, and regional and domestic lawmaking have recently begun to “catch on” (World Summit Outcome 2005, para. 132). Africa has taken the lead by incorporating the *Guiding Principles* within two binding instruments: the 2006 Great Lakes Protocol on the Protection and Assistance of IDPs and the 2009 AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (Abebe 2012). The latter entered into force on 6 December 2012 and UNHCR is developing a model legislation to facilitate its domestication (IDMC 2012). Twenty-two countries have adopted legislation or policies dealing with IDP protection, and UNHCR and the current SR on IDPs, Walter Kälin, are currently working with at least 6 other countries to develop their national framework (Ferris 2012, 6). Despite these recent advances, I would hesitate to say that the norm has become internalized, or “taken for granted,” because compliance still
requires significant discussion and external support, but would rather place it in cascade phase, at least in the African region (Finnemore and Sikkink 1998, 905).

**Resistance**

While R2P reached its tipping point when it was recognized at the 2005 World Summit and reaffirmed by Security Council resolution 1974 in 2006, it remains in a less advanced stage of acceptance than IDP protection. Resistance on the part of many states stems from the fact that R2P runs up against alternative norms around aspects of sovereignty that are more strongly entrenched because they deal with military non-intervention, while IDP protection may seem less threatening because it takes place in the humanitarian realm. In addition, Bellamy (2009) notes that R2P is partially derived from a very different version of sovereignty as responsibility—namely the responsibility to avoid actions that threaten international peace and security, such as weapons of mass destruction proliferation or failure to stamp out terrorism. This concept played a key role in justifying interventions in Kosovo, Afghanistan, and Iraq, which helps to explain the strong resistance to R2P on the part of states who feared co-optation by more powerful states (Bellamy 2009, 24-25).

Despite the above challenges, the promotion of R2P continues, with the position of Special Advisor to the Secretary General with a focus on R2P being created in 2007 and filled by Edward Luck in 2008, who has collaborated closely with Deng to build consensus around implementation, early warning, and recommendations for action. The Secretary General has invoked R2P 8 times in diplomatic and prevention contexts, including in Kenya and Côte d’Ivoire (Luck 2011). The most controversial aspect of the doctrine—military intervention—has been implemented only once, in Libya, although the subsequent backlash and extreme resistance to any intervention in Syria confirm the enduring strength of the alternative norm that eschews military intervention for fear of imperialism and Western imposition (Hall Findlay 2011).

Interestingly, even the humanitarian version of sovereignty as the responsibility to protect the human rights of IDPs received similar criticisms. This human rights focus directly challenged the idea that displacement was an internal, sovereign issue and when Deng first began discussing IDPs at the Commission for Human Rights, he was attacked by China for attempting to undermine the sovereignty of former colonial states by imposing a selective and distorted standard of human rights in the interest of the West (Weiss and Korn 2006, 25; Bellamy 2009, 27). In other words, sovereignty as responsibility has been opposed according to the degree by which it is seen to threaten the alternative norm of sovereignty as self-determination (which is, coincidentally, a hard-won achievement of decolonization for many states). This particular alternative norm is clung to most tenaciously by states who suspect that they would be the most likely targets of intervention—and these are normally non-Western states, many of them former colonies.
Reasons for successful norm acceptance

Despite resistance, one of the reasons that R2P and IDP protection have been able to progress this far is the use of strategic communication in order to make it less threatening to pre-existing norms. The concept of sovereignty as responsibility itself is “a way of squaring the circle, to reconcile the seemingly clashing principles of state sovereignty and non-intervention, on the one hand, with the need to halt the worst kinds of abuse of human rights, on the other hand, and even to intervene militarily in the most egregious of cases” (Weiss and Korn 2006, 24). Similarly, the ICISS sought to “reframe a concept in order to build consensus on a divisive issue,” as had been done earlier to reconcile the tension between economic development and environmental protection by creating the concept of “sustainable development” (Bellamy 2009, 41). ICISS worked to achieve this by reformulating the concept of humanitarian intervention away from mere military action toward a broader spectrum of “responsibility to protect” that ranged from prevention and promoting human security to post-conflict rebuilding (ICISS 2001).

The IDP protection norm has perhaps been even more successful because it places a stronger emphasis on preventive and protective measures by the state itself. For example, only 5 out of 30 principles relate to international humanitarian access and obligations, while the rest outline how the national government can prevent displacement and protect rights during displacement (Guiding Principles 1998). In addition, the Guiding Principles were developed through an innovative, expert-led exercise, a less political process than state-led negotiations, and, because of their “soft law” status, they were easier for states to accept than a more formal declaration or binding treaty, which helps explain their widespread enthusiastic reception (Mutua 2007, 562).

Furthermore, R2P and IDP protection encountered not only hostile pre-existing norms, such as traditional sovereignty as self-determination, but also more conducive pre-existing normative frameworks, such as international humanitarian law, just war theory, and easy analogies to refugee law (Mooney 2008). For example, the rights of civilians during wartime have long been codified in the Geneva Conventions and are merely reinterpreted in R2P and IDP protection; the criteria for R2P intervention are derived almost directly from just war theory; and emphasizing linkages between IDP protection and refugee protection is

3. For example, Guiding Principle 4 prohibits discrimination against IDPs based on their race, sex, age, and other similar criteria. IHL sets out a parallel provision in Geneva Convention IV: “[w]ithout prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion” (Kälin 2008, 21).

4. Just war theory requires just cause, legitimate authority, proportionality of war, chance of success, war as a last resort, and right intention before going to war can be considered just (Viotti and Kaupi 2012, 398). R2P’s criteria for military intervention are: right authority, just cause, right intention, last resort, proportional means, and reasonable prospects (ICISS 2001, s. 4.16).
a perfect example of claiming adjacency to already established norms (Finnemore and Sikkink 1998, 907). Finnemore and Sikkink (1998) also predict that certain norms may be more likely to succeed as a result of their content, noting a “long-term trend toward humanizing the ‘other’” and the greater effectiveness of norms that stress “bodily integrity and prevention of bodily harm for vulnerable or “innocent” groups” (Finnemore and Sikkink 1998, 907; Keck and Sikkink 1998). Thus, R2P exemplifies the move in the second half of the twentieth century to universalize the Western concept of “humanity,” driven in part by decolonization (Finnemore 1996, 172).

In terms of the “world time—context” that provides the backdrop for norm change, the end of the Cold War and the severe internal conflicts of the 1990s clearly played an important role for R2P and IDP protection (Finnemore and Sikkink 1998, 909). While a realist perspective might argue that the shift in balance of power at the end of the Cold War simply meant that the US was able to turn its attention toward spreading its soft power and arguing for its right to intervene at will, constructivists would point out that this changing geopolitical structure was simply one of many factors influencing states’ identity and their inter-subjectively constructed interests. Furthermore, the concept of sovereignty as responsibility was propounded by non-state actors and demonstrates the fact that ideas matter in constructing states’ interests at least as much as material capabilities (Finnemore and Sikkink 1998). In fact, intervention or assistance for IDPs can actually contravene states’ material interests and is therefore only undertaken to satisfy identity-driven interests, as defined by strongly held norms (Finnemore 1996, 185).

Postcolonial critique: History, power, and “moral progress”

When considering the lifecycle account of the development of these two sovereignty-as-responsibility norms, a switch to postcolonial IR theory lens brings several glaring omissions to the fore. First of all, little explanation seems to be required for the origin of norms, other than the personal decision of norm entrepreneurs to promote them. While this privileging of individual agency certainly creates a compelling narrative, it leaves historical and structural factors underexplored. In addition, socialization is described as a sanitized process of persuasion, “peer pressure,” and self-esteem building, with no problematization of the sharp power imbalances between international actors and the fact that identity change can be violent and coerced (Inyatullah and Blaney 2012, 169). Overall, postcolonialism denaturalizes constructivists’ implicit teleological belief in the progress of (liberal) moral values (Epstein 2012). I will examine each of these critiques in turn, applying them both to the lifecycle account of these norms and to the content of the norms themselves.
Historical antecedents in colonialism: Sovereignty, intervention, and humanitarianism

Postcolonial theorists often criticize other IR theorists for assuming that certain concepts, such as anarchy, are ahistorical, or that Western constructs, such as the rational scientific individual, are natural and universal. Rather, all such concepts must be denaturalized and acknowledged to have been built “in counterpoint” through historical interactions with a constitutive (colonial) “other,” who is usually obscured (Seth 2011). Thus, a more informed analysis always requires an in-depth study of the history surrounding concepts. The life cycle framework provides little analytical space to examine a norm’s historical background prior to being picked up by norm entrepreneurs.

Sovereignty itself is not a “neutral procedural norm” within which each state can determine its own destiny, but is in fact a European institution developed alongside colonialism (Seth 2011, 173). Glanville (2010) argues that, contrary to the dominant IR narrative, “traditional,” non-interventionist sovereignty has not been a static concept and that sovereignty has always entailed responsibility of some sort. In early modern times, absolute sovereignty was limited by obligations to honour contracts or to ensure the safety of citizens; following the American and French revolutions, popular consent was required for sovereignty; and in the late 19th and early 20th centuries, national self-determination became the justification for sovereignty (Glanville 2010).

Furthermore, during colonialism, sovereignty among European powers actually entailed responsibility for bringing “civilization” to peoples who were unable to responsibly govern themselves. Under the post-World War I mandate system, if a mandate-holder neglected their responsibility to ensure the well-being of their mandate, responsibility was transferred to the international community (Glanville 2010, 235). Non-European countries could join the community of sovereign states only if they met “the standard of civilization” and “barbaric” atrocities, such as sati in India, were often used to justify “imperial rescue missions” (Mamdani 2010, 56). Colonial humanitarianism involved not only relief but also the need to reform the Other by addressing the causes and aftermath of crises. Indeed, “the non-West is seen to combine ‘the suffering mass and the radical evil-doer, the subhuman and the inhuman rolled into one’, providing infinite legitimacy for all western humanitarian intrusions” (Douzinas 2007 as quoted in Chimni 2009, 21). Thus, R2P and IDP protection can be seen as continuations of a colonial legacy of trusteeship and paternalistic humanitarianism.

Decolonization, on the other hand, occurred on the basis of unconditional sovereignty. It was no longer deemed acceptable to prevent national groups from gaining self-determination on the pretext that they were not yet capable of providing the rights required by the “standard of civilization” (Glanville 2010, 247). Although anti-colonialists argued that rights could only be realized through self-determination, many later felt that the new states were merely quasi-states without the capacity to uphold rights (Glanville 2010, 247). While tensions between
this untrammeled vision of sovereignty and human rights norms were largely suppressed during the Cold War, they have re-emerged since the 1990s in forms reminiscent of colonial-era linkages between sovereignty and responsibility. Ironically, the period of decolonization may have been the one in which sovereignty was the least tied to conditions of responsibility (Glanville 2010, 249).

Postcolonial scholars also point out that the North is always implicated in contemporary internal violence through historical relations of interdependence and dominance (Robinson 2011, 105). Colonial rule often hardened ethnic or religious identities and then set groups against each other to such an extent that recent conflicts can be traced directly back to colonial policies, as was the case in the Rwandan genocide (Mamdani 2010, 56). In fact, the modern phenomenon of total war, including violence against civilian populations, has roots in colonial strategies of conquest (Mamdani 2010, 57). In addition, increased attention on IDPs may allow governments to justify creating IDP camps as a form of protection for the displaced, whereas such camps may in fact resemble strategies of internment, first carried out by colonial powers in the United States when they placed indigenous populations in reservations (Mamdani 2010, 57).

Finally, the labelling of violence within certain postcolonial states as “genocide” that demands international action deflects attention away from equally severe forms of violence against civilians perpetrated by Western powers, such as during the 2003 Iraq invasion (Mamdani 2010). Indeed, Inyatullah and Blaney (2012) hypothesize that emerging norms are more likely to persist if they are able to deflect criticism from dominant powers (173).

Power: Agency, dependency, and moral progress

Mamdani (2010) argues that humanitarian governance intentionally depoliticizes itself through the language of universal human rights, and thus effectively strips the “protected” individuals of their political citizenship rights and leaves them with the “bare rights” of survival (54). The objects of protection become wards and victims, dependent on the care of more powerful and capable actors who enjoy a heroic, masculine, and militarized agency (Robinson 2011, 95). Recipients of protection are not even able to define their own needs and role in the relationship (Robinson 2011, 101). Narayan (1995) notes that this type of obligation to care for inferior others was a far more common justification for colonialism than bare self-interest (134).

R2P and IDP protection can also be viewed as tools to serve the interests of powerful neo-colonial states. The impetus to protect IDPs and other civilians inside their country of origin can, in fact, be used as an excuse for “humanitarian” intrusion into non-Western states, 5. Although Uganda used this language to justify its use of IDP camps during the civil war in the late 1990s, its strategy has since been widely condemned for restricting IDPs’ freedom of movement and confining them in extremely poor conditions (Mamdani 2010, 57).
as occurred with the Kurdish “safe zones” in Iraq in 1991\(^6\) (Chimni 2009, 20). In addition, Chimni characterizes the emerging IDP protection regime as a technique for containing IDPs in the South rather than allowing them to flee to other countries, including to the North. Now that the Cold War is over, the figure of the refugee is no longer a white male Eastern European political dissident representing ideological triumph, but a “coloured” former colonial subject who is suddenly “flooding” Western shores and bringing unknown risks of indolence or criminality. Therefore, IDP containment is part of a larger strategy of using political humanitarian governance for enhancing the postcolonial imperial order (Chimni 2009).

Not only do R2P and IDP protection create a class of racialized, vulnerable “others” in the Global South requiring containment and protection from their governments by the “international community” (of “civilized” Northern states), but the norm life cycle framework itself operates along similar lines of unequal power. Since the life cycle approach explicitly assumes that norms often succeed because of their intrinsic substantive worth, any resistance by “socializees” is smoothed over as unimportant or regressive (Epstein 2012, 140). Norm entrepreneurs are usually treated as altruistic heroes and their complicity in perpetuating global power inequalities is wholly ignored, as is Deng, Cohen, and Annan’s location in Northern institutions (Inyatullah and Blaney 2012; Chimni 2009, 16). In fact, the life cycle actually de-politicizes identity by treating the socializee as a child without any legitimate prior identity and thereby ignoring the potentially violent and coercive nature of identity change, which is perhaps why opponents of R2P feel so threatened by any doctrine that resembles colonial undermining of their sovereignty (Epstein 2012, 142). Thus, constructivism commits the mistake of believing that simply because certain norms are becoming more widely accepted, they are universally inherent, whereas alternative conceptions have been violently suppressed through global power relations (Epstein 2012). However, Epstein (2012) warns that norms may fail to cascade if resistance is persistently dismissed. Perhaps R2P in particular has reached such a stalemate because its proponents have failed to grapple constructively with the concerns of those who resist it.

**Constructivist response**

Constructivist scholars and proponents of R2P and IDP protection are far from unaware of these critiques regarding neo-imperialism, especially since they are among the primary arguments of opponents. However, they often reiterate that R2P and IDP protection are actually diametrically opposed to the strategic or economic interests of Northern states, and therefore are undertaken according to an expanding ethic of universal human rights and altruistic humanitarianism that has moved away from the tradition of Eurocentric colonial

---

6. Interestingly, the creation of safe zones inside Iraq to protect IDPs was welcomed by Cohen and UNHCR High Commissioner Sadako Ogata as an opportunity to provide human rights protection transcending outdated norms of sovereignty (Cohen 2004, 461).
humanitarian interventions that were carried out only on behalf of white Christians (Finnemore 1996, 184-185). In addition, Deng notes that, far from being excluded in the development of these norms, Southern concerns have been central. In particular, IDP protection was developed with the African context in mind because the needs were greatest there. In addition, the idea of R2P is akin to the African cultural value of communal responsibility for settling disputes and ensuring well-being, which explains why regional interventions have long been part of African inter-state relations (Deng 2008, 81; 101). Although Luck acknowledges that R2P could be misused to serve national self-interest, he denies that the doctrine itself is imperialist. He notes that an R2P-like concept had been included in the AU Constitutive Act in 2000,\(^7\) based on ECOWAS’s experience of intervention in Sierra Leone and Liberia, and is therefore organically African and even prior to ICISS (Luck 2011). Of course, postcolonial theorists might respond that the North can have an identity-based, rather than material, interest in humanitarian intrusion and that mere involvement of African actors is no safeguard against neo-colonial co-optation.

**Synthesis: Alternative solutions and moving forward**

Constructivism and postcolonialism are by no means incompatible, despite constructivism’s tendency towards liberal teleology. In fact, constructivism and its ideational emphasis are uniquely positioned to take into account the historical identities and power imbalances that play a role in the creation of inter-subjective meanings. The life cycle framework should be adapted to include the role of power in allowing certain norms to develop and spread. Knowledge can always be used for dual purposes, and so R2P and IDP protection can be put to enhanced humanitarian uses if their weaknesses are reflected upon (Chimni 2009, 15). For one thing, postcolonial critique reminds the West to confront its own violations, rather than focussing solely on those committed by the barbarous other, and to acknowledge its historical and contemporary involvement in the South as one of the root causes of conflict. These attitudinal changes in themselves could garner more acceptance for R2P from Southern countries.

Robinson (2011) offers a compelling alternative approach to international humanitarianism with her depiction of a democratic, postcolonially-attuned, feminist ethics of care. She argues that relations of interdependence cannot be avoided in international life or in human relations, and that therefore what matters is how these relations are defined and by whom. Therefore, when considering international humanitarian action, local understandings of needs should be given priority and responses should be developed through the participation of all actors in the care relationship, but especially the recipients of care. Care should not imply paternalism but rather the recognition that all human beings are mutually vulnerable.

---

\(^7\) Article 4H affirms “the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity” (AU Constitutive Act 2000).
and will require care at some point in their lives (Robinson 2011, 116). Similarly, R2P and IDP protection should proceed through closer collaboration with the populations they aim to protect and sensitivity to fears of Western imposition.

Conclusion

Thus, by using the life cycle constructivist approach, we see that R2P and IDP protection have developed as two manifestations of the broader emerging norm of sovereignty as responsibility. Postcolonialism brings a useful critique to this analysis by filling in the aspects of the story that are omitted by constructivism. These very omissions of history and power may help to explain why the norms have sometimes been slow to be accepted by less powerful states. An area for further research would be to examine empirical instances of acceptance and resistance to these norms (to listen to the voices of the “socializees”) and to see which aspects are feared as imperialist and which are welcomed as helpful to strengthening national capacity and self-determination potential. Perhaps even more important than the voice of the “socializee” state, would be a recognition of the agency of the individuals “receiving protection” to determine how they envision their relationship with international actors. I would suggest that this research might demonstrate that the Guiding Principles have been more widely accepted because of their pre-eminent focus on individual needs for care, human rights, and humanitarian assistance, while R2P has largely been viewed as a state-centric doctrine establishing criteria for military intervention. In addition, the Guiding Principles were formulated in more acceptable language and merely reaffirmed pre-existing legal commitments (Mutua 2007). In other words, the IDP protection regime may have been more successful because it is less susceptible to postcolonial critiques and is somewhat closer to the democratic, interdependent ethics of care.

References


