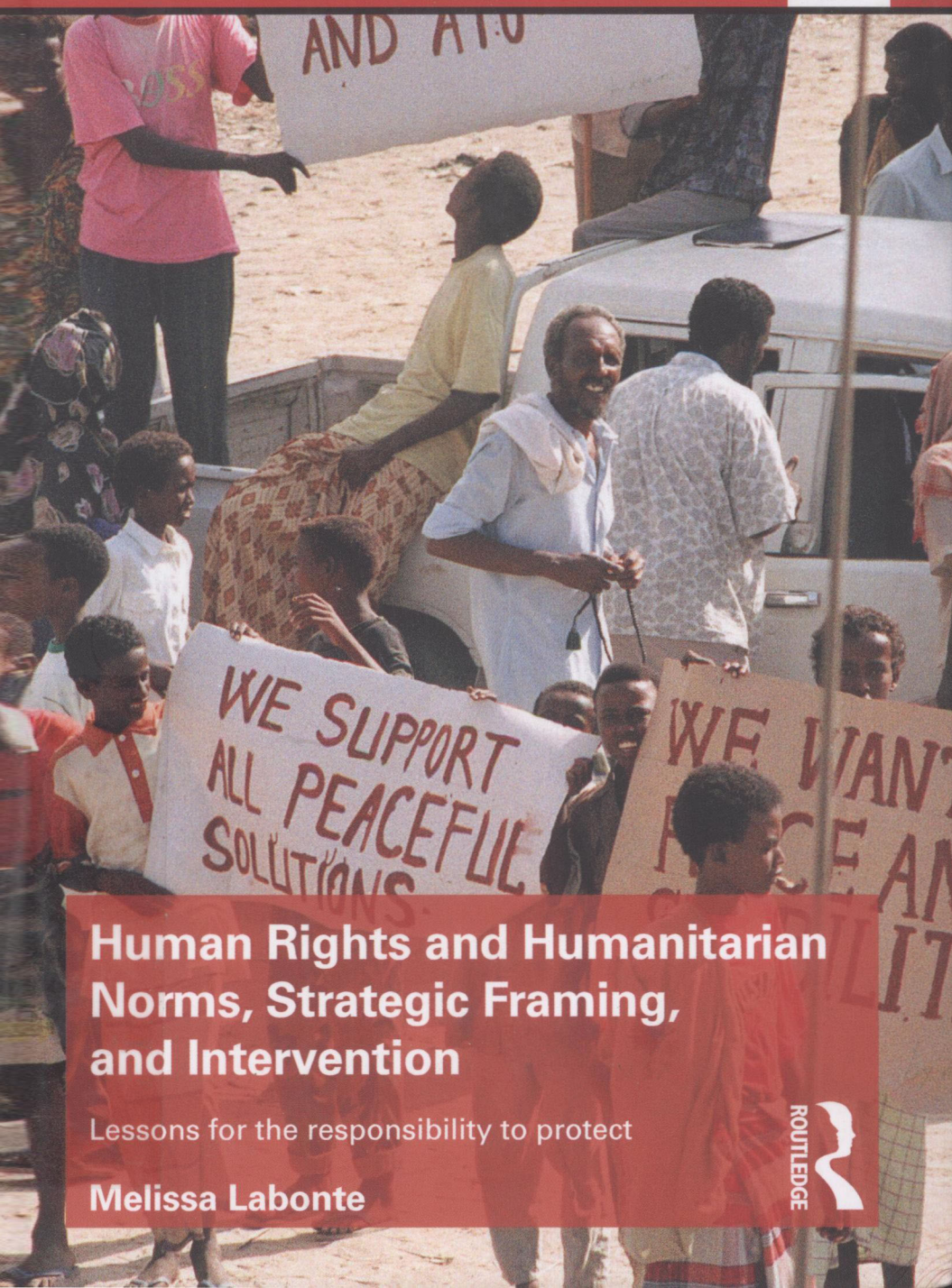


GLOBAL INSTITUTIONS



Human Rights and Humanitarian Norms, Strategic Framing, and Intervention

Lessons for the responsibility to protect

Melissa Labonte



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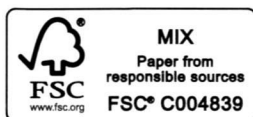
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Human Rights and Humanitarian Norms, Strategic Framing, and Intervention

The human rights and humanitarian landscape of the modern era has been littered with acts that have shocked the moral conscience of mankind, and there has been wide variation in whether, how, and to what degree states respond to mass atrocity crimes, even when they share similar characteristics. In many cases concerned states responded, either through moral suasion, gentle or coercive diplomacy, or other non-forcible measures, to prevent or halt the indiscriminate human rights violations that were occurring. In others, states simply turned away and left the vulnerable to their fate. In still other cases states responded robustly, using military force to stop the atrocities and save lives.

This book seeks to examine the effects of strategic framing in US and United Nations policy arenas to draw conclusions regarding whether and how the human rights and humanitarian norms embedded within such frames resonated with decision makers and, in turn, how they shaped variation in levels of political will concerning humanitarian intervention in three cases that today would qualify as responsibility to protect (R2P) cases: Somalia, Rwanda, and Sierra Leone. Labonte concludes that in order for humanitarian interventions to stand a higher likelihood of being effective, actors advocating support of such actions must find a way to persuade policy makers by appealing to both the logic of consequences (which rely on material and pragmatic considerations) and logic of appropriateness (which rely on normatively appropriate considerations)—and strategic framing may be one path to achieve this outcome.

Offering a detailed examination of three key cases and providing an original and important contribution to the field, this work will be of great interest to students and scholars alike.

Melissa Labonte is Assistant Professor of Political Science at Fordham University.

Routledge Global Institutions Series

Edited by Thomas G. Weiss

The CUNY Graduate Center, New York, USA

and Rorden Wilkinson

University of Manchester, UK

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Foreword

Melissa Labonte's *Human Rights and Humanitarian Norms, Strategic Framing, and Intervention: Lessons for the responsibility to protect* is the 10th in a growing number of research volumes in our "global institutions" series examining crucial global problems as well as policies and solutions to address them. These volumes serve as lengthier and more specialized treatments of given topics than is possible in the general series. As such, they are essential components in advancing the overarching aim of the series—that is, to render more visible the often complex and poorly understood world of "global governance."

In addition to these longer research volumes, the series strives to provide readers with user-friendly and short (usually 50,000 words) but definitive guides to the most visible aspects of what we know as "global governance" as well as authoritative accounts of the issues and debates in which they are embroiled. We now have over 70 books that act as key reference points to the most significant global institutions and the evolution of the issues that they face. Our intention has always been to provide one-stop guides for all readers—students (both undergraduate and postgraduate), interested negotiators, diplomats, practitioners from nongovernmental and intergovernmental organizations, and interested parties alike—seeking information about most prominent institutional aspects of global governance.

Labonte pries open the infamous "black box" of political will for the emerging norm of the responsibility to protect (R2P) and probes the devilish details lurking inside. In the best tradition of social science, she asks "R2P, so what?" While many of us assume the importance of norms and normative entrepreneurs, Labonte wants to know under what conditions the human rights and humanitarian norms that are so prevalent in rhetoric and lie at the heart of policy making about mass atrocities actually affect the formation of sufficient political will to respond decisively and effectively. A mirror reflection of her concerns involves the

conditions that make humanitarian assistance and humanitarian diplomacy good substitutes for actually doing something to halt the murder of innocents. Clearly norms are a necessary first step, but they are hardly sufficient.

This unusual and provocative book analyzes the strategic framing of mass atrocities within both US and UN policy arenas to shed light on how the norm of humanitarian intervention, and more recently R2P, affected outcomes in Somalia, Rwanda, and Sierra Leone. Labonte is to be congratulated for challenging received wisdom. Ideally, this and other volumes in the research stream will be used as complementary readings in courses in which other specific titles in this series are pertinent—a selection of which can be found in the “about the series” section at the front of this book. Our aim is to enable topics of importance to be dealt with exhaustively by specialists as well as enabling collected works to address issues in ways that bring more than the sum of the individual parts, while at the same time maintaining the quality of the series.

As always, we look forward to comments from our readers.

Thomas G. Weiss
The CUNY Graduate Center, New York, USA

Rorden Wilkinson
University of Manchester, UK
April 2012

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The manuscript has benefited enormously from exchanges with and feedback from colleagues who have been on the academic- and/or field-level front lines of humanitarianism, including Nezhir Altay, Eric Berman, Tom Biersteker, Antonio Donini, Anne Edgerton, Larissa Fast, Arancha Garcia del Soto, Lee Gordenker, Peter Hansen, Larry Hollingworth, Terry Hopmann, Kim Hudson, Jean Krasno, Tony Land, Kurt Mills, Norah Niland, Dirk Salomons, Ana Siscar, Tina Szabados, and the co-editors of this series, Tom Weiss and Rorden Wilkinson. Each has left a marked

impact on my thinking and helped shape my approach to the subjects this book addresses. All errors within are, of course, my own.

Finally, I am so very grateful to have had the unfailing love and encouragement of my family while completing this project, but it is to Peter, Theo, and Miss S. that I reserve the deepest thanks and most heartfelt devotion. It is through them that I am reminded of all that is good in life, and it is to them that I dedicate this work.

Melissa Labonte
Bronx, NY
March 2012

Abbreviations

AFRC	Armed Forces Revolutionary Council
AU	African Union
BBC	British Broadcasting Corporation
CARE	Cooperative for Assistance and Relief Everywhere, Inc.
CDF	Civil Defense Forces
CIA	Central Intelligence Agency
CNN	Cable News Network
CRS	Catholic Relief Services
ECOMOG	ECOWAS Ceasefire Monitoring Group
ECOWAS	Economic Community of West African States
EU	European Union
IASC	Inter-Agency Standing Committee
IATF	Inter-Agency Task Force
ICC	International Criminal Court
ICISS	International Commission on Intervention and State Sovereignty
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
ICVA	International Council of Voluntary Agencies
IDP	internally displaced person
IGO	intergovernmental organization
ILC	International Legal Commission
IMC	International Medical Corps
InterAction	American Council for Voluntary International Action
IRC	International Rescue Committee
IWG	Interagency Working Groups

JCS	Joint Chiefs of Staff
LAS	League of Arab States
LoA	logic of appropriateness
LoArg	logic of argumentation
LoC	logic of consequences
MARO	mass atrocity response operation
MSF	Médecins sans Frontières
NATO	North Atlantic Treaty Organization
NEO	non-combatant evacuation operation
NGO	nongovernmental organization
NPRC	National Provisional Ruling Council
NRMD	Mouvement Républicain Nationale pour la Démocratie et le Développement (National Revolutionary Movement for Democracy and Development)
NSC	National Security Council
OAU	Organization of African Unity
OCHA	Office for the Coordination of Humanitarian Affairs
OFDA	Office of Foreign Disaster Assistance
OIC	Organization of the Islamic Conference
OPR	Operation Provide Relief
PDD	Presidential Decision Directive
PSD	Presidential Studies Directive
R2P	responsibility to protect
RPF	Rwandan Patriotic Front
RUF	Revolutionary United Front
SAVE	Save the Children
SCSL	Special Court for Sierra Leone
SLA	Sierra Leone Army
SRSg	Special Representative of the Secretary-General
UK	United Kingdom
UN	United Nations
UNAMIR	UN Assistance Mission for Rwanda
UNAMSIL	UN Mission in Sierra Leone
UNDP	UN Development Programme
UNHCR	UN High Commissioner for Refugees
UNICEF	UN Children's Fund
UNITAF	Unified Task Force
UNMIK	UN Interim Mission in Kosovo
UNMIS	UN Mission in Sudan
UNOSOM I	UN Operation in Somalia I
US	United States

USAID	US Agency for International Development
USC	United Somali Congress
WFP	World Food Programme
WV	World Vision

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Introduction

- **Norms and strategic framing**
- **Mass atrocity crimes and norm transgressions**
- **Design and methodology**
- **Conclusion**

The living victims of siege and mass atrocities don't care who saves them, they just want someone to save them.¹

The modern humanitarian landscape is littered with acts that have shocked the conscience of mankind and violent affronts to the moral sensibilities of ordinary men and women.² The Armenian genocide, the Holocaust, the Cambodian killing fields, Rwanda, Srebrenica, and Darfur are among the most well-known mass atrocity cases of the past century. In their wake alone, tens of millions fell victim to genocide, war crimes, ethnic cleansing, and crimes against humanity. To paraphrase one scholar on this issue, mass atrocities are a “hoary phenomenon.”³

In contrast to the entrenched pattern of twentieth- and twenty-first-century atrocities, wide variation has persisted in whether, how, and to what degree states respond extraterritorially to such cases. Indeed, the international community's track record in preventing and/or halting mass atrocities is decidedly mixed and the refrain of “never again” has often rung hollow. The international legal architecture has only been marginally modified to deter and/or hold accountable perpetrators of mass atrocities. In some crises, concerned states responded with mixed action, either through moral suasion, gentle or coercive diplomacy, or other non-forcible measures, to prevent or halt indiscriminate human rights violations. In others, states simply turned away and left individuals and communities to their fates. Still yet in other cases, states responded robustly, using military force to stop atrocities and save lives.

2 Introduction

Take two recent crises where mass atrocities were imminent and unfolding—Rwanda and Kosovo. In Rwanda, the international community of states, through the United Nations (UN) Security Council, did nothing to save more than 800,000 Tutsis and moderate Hutus from slaughter. In the words of the International Commission on Intervention and State Sovereignty (ICISS), the failure “laid bare the full horror of inaction.”⁴ In Kosovo, however, military humanitarian intervention was taken by the North Atlantic Treaty Organization (NATO) with *post hoc* Security Council authorization and, while critics maintain that military action may have expedited ethnic cleansing and retribution crimes, supporters argue that a mass slaughter of civilians was prevented.⁵

In other cases, such as Zimbabwe, where mass atrocities continue to be perpetrated by the state against its civilian population, the response has mainly involved sub-regional diplomatic pressure and economic sanctions. It has not prompted states, regional/sub-regional bodies, or the UN to consider supporting more robust action that might include the use of military force. In other cases, such as Côte d’Ivoire and Sierra Leone, where both state and non-state actors perpetrated horrific violence against civilians, former colonial powers (France and the United Kingdom, respectively) obtained critical regional and international support to field limited military interventions with strong protection mandates and permissive rules of engagement, alongside deployed UN multilateral peacekeepers.

Yet amid all the variation in the way states respond to mass atrocities, each and every case shares a common element that critically shaped outcomes: the concept of political will. Political will may well be the most often-used phrase in politics today. It is widely considered to be a “collective” concept—denoting the separate but interconnected wills of elites and the general population.⁶ It comprises preferences and their intensity, and level of salience of the issue under consideration. In democratic republics, it is conversely correlated to the level of national interest a state has in a given issue area (e.g. vital, core, other). Political will has been invoked to explain similar decisions taken in response to different events, as well as different decisions taken in response to similar events. Especially within the sphere of humanitarian politics, political will has served at times as the hero and at other times as the villain of outcomes involving mass atrocity cases. Why didn’t the international community of states prevent the Rwandan genocide? Lack of political will. Why did NATO intervene in Kosovo? Because the necessary political will was galvanized among key member states. However, how much do we really know about political will for robust humanitarian

action, besides the fact that it is at a minimum a necessary (but not always sufficient) condition to generate policy outcomes aimed at protecting populations from mass atrocity crimes?

Relatedly, how much do we know about whether and how human rights and humanitarian norms that lie at the heart of policy making concerning mass atrocity crimes affect the formation of political will to respond decisively and effectively in cases where innocents are being massacred? Why are humanitarian assistance and humanitarian diplomacy so often used as substitutes for political will, especially in the direst of cases where stronger measures appear to be both legitimate, responsible, and practical to halt mass atrocity crimes (and regardless of their legality)? These issues stand today at the center of political debates surrounding humanitarian intervention and the emerging doctrine of the responsibility to protect (R2P), which affirms that host states have a primary responsibility to protect their populations from four classes of mass atrocity crimes: genocide, war crimes, ethnic cleansing, and crimes against humanity. When states manifestly fail in upholding their primary responsibility, a residual, secondary responsibility falls to the international community of states to respond effectively in protecting civilians from these crimes, through a wide range of policy measures including non-forcible and, where appropriate, forcible measures.⁷

Indeed, supporters stress that R2P's "relevance and power derive from its capacity to help spur political will for implementing widely accepted and long codified universal standards,"⁸ as well as its potential to shape and condition state behavior to respond effectively to mass atrocities. They also claim that it would have decidedly altered outcomes of mass atrocity cases that pre-date the norm. For example, UK Foreign Minister, Jack Straw, claimed in 2005 that had R2P been around in the 1990s, Rwanda and Srebrenica would have turned out differently.⁹ However, how do we know that the norms underpinning the doctrine can really help do this? Unfortunately, we don't have the option of winding back the clock to determine whether or not Straw was correct. We can, however, explore his claim by examining it analytically and assessing whether and how the human rights and humanitarian norms that featured in the policy debates concerning mass atrocity cases resonated with policy makers. We can also identify how, if at all, they may have shaped policy decisions supporting robust policies to protect civilians in those cases.

This book analyzes the strategic framing of mass atrocity cases in US and UN policy arenas to build knowledge concerning whether and how the humanitarian and human rights norms embedded within those frames affected decision outcomes in each of three mass atrocity cases: