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## Responsibility to Protect and Humanitarian Interventions – Military Force in the Name of Human Rights?

November 6 to 8, 2023 in Hanover

Conference Program

### Abstract

The protection of human rights is a continuous motif of national and international policy. However, there is no generally binding legal definition of what constitutes a Responsibility to Protect (R2P). Nevertheless, the protection of human rights serves as a justification for using military force in humanitarian interventions. Are the Responsibility to Protect and humanitarian interventions concepts susceptible to abuse? Examples such as Russia's declaration in Ukraine to protect ethnic Russians indicate how far theory and practice diverge. Moreover, it is unclear to whom a Responsibility to Protect ultimately applies and at what points discriminatory differences manifest themselves vis-à-vis victims and minorities. In addition, recent interventions by Western states in Afghanistan or Mali have not been successful, and the future of humanitarian interventions is currently in question. Is there nevertheless a global responsibility that obliges us to act? The symposium explores these aspects and offers a collegial exchange on the subject.

### Monday, 6 November 2023

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9:30am-1:00pm

Welcome

Lunch

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1:00pm-2:30pm

Future and Challenges of Humanitarian Interventions

### Content:

The concept of R2P reflects an international debate on the responsibility of states towards their citizens. The commission established by the United Nations used human rights as a basis and, on this basis, also derived a responsibility of the international community if a state does not fulfill its responsibility towards its own citizens. In the case of an international military intervention, this would be deemed a humanitarian intervention. Humanitarian interventions are intended to intervene in the situation of a population in need. In this sense, humanitarian intervention would be a possible consequence if a state does not fulfill its responsibilities. However, the international community has not yet been able to agree on binding rules for a global Responsibility to Protect or for humanitarian interventions. The two concepts stand unrelated to each other. While there is at least a report and recommended guidelines by a UN commission for R2P, humanitarian intervention stands outside the UN system, so it cannot be directly located within it from a legal point of view. The criteria for crossing the line into the use of military force in a humanitarian intervention are therefore vague and seem to be possibly used precisely for that reason to justify this crossing of the line. Humanitarian missions or interventions and also R2P are concepts which use military force. It is not certain that the protection of human rights is the actual goal or only serves as a pretext for the pursuit of other interests.



Course of the Format:

- The symposium will be opened by Henning de Vries with an overview of the conference program. He leads over to the first format and introduces the participants.
- The permanent participants give a short (2 to 5 minutes) statement one after the other. Then the discussion begins. The permanent participants classify the topic and thus create a discussion context in which all participants can situate themselves via the guest position, but also contribute their perspective. This channels participation in the joint discussion.
- The guest position is opened after one or two rounds among the permanent participants. People from the audience can fill the guest seat for a question or comment and a retort. After that, they give the seat back.

Schedule and Persons Responsible:

- Introduction (15 minutes)
  - o **Dr. Henning de Vries**, *Philipps-University Marburg*
- Fish Bowl Discussion with Guest Position (60 minutes)
  - o **Prof. Dr. Kevin Jon Heller**, *University of Copenhagen/Center for Military Studies*
  - o **Prof. Dr. Martin Mennecke**, *University of Southern Denmark*
  - o **Prof. Dr. John-Mark Iyi**, *University of the Western Cape*
  - o **Guest Position**

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**2:30pm-3:00pm      Coffee Break**

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**3:00pm-6:00pm      Global Responsibility – Just a Construct?**

Content:

The concept of Responsibility to Protect presupposes that every human being has rights for whose protection there is an (international) responsibility. International responsibility cannot only be derived from the concept of human rights, but it can also be found in other areas of law (cf. Werkner/Ebeling 2017). In international humanitarian law, there is an explicit responsibility to protect civilians and a duty of care for the planning of military attacks. In international criminal law, individual responsibility has arisen from universally applicable crimes (genocide, war crimes, crimes against humanity, crime of aggression). Is there a global (protective) responsibility of the international community emerging across different legal fields (cf. Bonacker/Brodocz 2001)?

From an organizational point of view, the ICC with regard to individuals and the ICJ with regard to states try to implement this concept of responsibility within the scope of their possibilities. However, they can only realize this partially, which leads to global differences in the perception of responsibility. Does a construct like global responsibility depend on who is at stake – states or individuals, men, women, or other gender identities, white or non-white?

To discuss the issue of global responsibility, the keynote lecture will be followed by three discussion groups on the topics of

- Universal Individual Responsibility in International Criminal Law
- Responsibility in Violent Conflicts through R2P and International Humanitarian Law
- Responsibility through Human Rights

The question posed by the title of this format "Global Responsibility - Just a Construct?" therefore aims to find out whether global responsibility is actually emerging across different areas or whether it is just a construct. What concepts of responsibility are emerging in individual fields? Do these concepts relate to global responsibility? Are the individual concepts of responsibility legitimized by aspects that go beyond the individual areas? What does the practical implementation of the concepts of responsibility look like?

Course of the Format:

- This format extends the problem outline by abstraction to global responsibility.
- Via a keynote lecture, the topic of the symposium will be expanded in this respect. The keynote lecture introduces the format and leads into a discussion. In this way, the topic "Global Responsibility - Just a Construct?" will be debated.



- Following this, small groups will elaborate on the responsibility concepts of the selected topics and discuss references to the construct of "global responsibility" beyond these topics. Thus, the focus is on deepening aspects, but at the same time, on carving out connections beyond these aspects.
- For this purpose, the participants are divided into three groups in advance and change rooms together with the moderators.
- The moderators lead their respective topics independently. They moderate the discussion, give inputs and record the discussion.
- After the group discussion, all participants move back to the plenum. The moderators present the results of the discussion to the plenum. This is followed by a joint debate in the plenum, which links the individual aspects together. In the small groups, the individual responsibility concepts and connections to global responsibility were worked out. In the plenum, the individual responsibility concepts are also related to each other via their connection to global responsibility. In this way, a comprehensive discussion context on the Responsibility to Protect and humanitarian interventions emerges, in which all participants actively engage.

Schedule and Persons Responsible:

- Keynote Lecture (45 minutes) with Discussion (20 minutes)
  - o **Director Savita Pawnday**, *Global Centre for the Responsibility to Protect*
- Break/Change of Room (15 minutes)
- 3 Discussion Groups (45 minutes)
  - o Universal Individual Responsibility in International Criminal Law
    - **Prof. Dr. Stefanie Bock**, *Philipps-University Marburg*
    - **Prof. Dr. Eckart Conze**, *Philipps-University Marburg*
  - o Responsibility in Violent Conflicts through R2P and International Humanitarian Law
    - **Dr. Henning de Vries**, *Philipps-University Marburg*
  - o Responsibility through Human Rights
    - **Prof. Dr. Andreas Heinemann-Grüder**, *Bonn International Centre for Conflict Studies*
- Change of Room (10 minutes)
- Presentation (15 minutes – 5 minutes per group)
- Debate in Plenum (30 minutes)

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**From 6:30pm          Dinner**

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**Tuesday, 7 November 2023**

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**9:00am-12:00          Concept and Practice of Humanitarian Intervention(s)**

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Content:

The practice of humanitarian interventions does not only fall apart with its concept in the question for whom a Responsibility to Protect can ultimately be implemented. Moreover, the question arises with which intentions the intervention powers intervene. In 2008, pro-Russian rebels in South Ossetia, a region of Georgia, attempted to declare independence. When the Georgian government took action against them, Russia intervened with its own troops, justifying this military action as a humanitarian intervention to protect the population from the Georgian government. Various other examples can be found, such as the U.S. interventions in Iraq with the false factual claim that a global nuclear, biological and chemical threat was emerging there. Despite the misuse, is it still possible to refer back to the core of upholding human rights (Kötter et al. 2022; Rudolf 2017)? This multi-layered tension between concept and practice of humanitarian intervention is discussed on the basis of four different topics:

- Practice of Humanitarian Intervention in the 19<sup>th</sup> Century
- Germany's Foreign and Security Policy and the Practice of Humanitarian Intervention Today
- Conception of R2P and Humanitarian Intervention
- Abuse of Humanitarian Intervention



There are many overlaps between these aspects. Historical lines are drawn from the practice of humanitarian intervention in the 19<sup>th</sup> century to Germany's foreign and security policy today and beyond these specific cases. On the basis of this concrete line of development, a discussion on the conception of R2P and humanitarian intervention unfolds and also shows how adaptable this conception is. This adaptability is discussed in particular in the context of the misuse of humanitarian intervention and thus completes the picture from a historical development perspective on today's foreign and security policy to a reflection on the conception of R2P and humanitarian intervention.

#### Course of the Format:

- After outlining the problem, this format will open up a new perspective with the relationship between the concept and practice of humanitarian intervention. To what extent do these sides still coincide? Do new problems arise from this or do previous ones have to be reformulated?
- In the plenum, the moderators will present the topics concerning the relationship between concept and practice of humanitarian intervention in 10-minute keynote speeches.
- This will then be deepened in a World Café format. For this purpose, the participants will assign themselves to pre-arranged booths, where the moderators will be located. The change between the booths takes place after 15 minutes. By moving from one booth to the next, the participants link the discussion across the individual aspects.
- The moderators lead the discussion and record the state of discussion. They will be supported by other colleagues in order to reflect a disciplinary diversity at the booths.
- After all participants have moved through all the booths, there is a break in which the moderators compile the results.
- Afterwards, everyone gathers again in the plenum. There, the moderators present the states of discussion in order to initiate an overall discussion of the topic. In this way, all participants receive an overall view of the discussion and can establish further links.

#### Schedule and Persons Responsible:

- Keynote Speeches (40 minutes – 10 minutes per topic)
  - o Practice of Humanitarian Intervention in the 19<sup>th</sup> Century
    - **Prof. Dr. Fabian Klose**, *University of Cologne*
  - o Germany's Foreign and Security Policy and the Practice of Humanitarian Intervention Today
    - **Prof. Dr. Hubert Zimmermann**, *Philipps-University Marburg*
  - o Conception of R2P and Humanitarian Intervention
    - **Dr. Werner Distler**, *University of Groningen*
  - o Abuse of Humanitarian Intervention
    - **Dr. des. Hendrik Simon**, *Peace Research Institute Frankfurt*
- World Café (60 minutes – 15 minutes per booth)
  - o Practice of Humanitarian Intervention in the 19<sup>th</sup> Century
    - **Prof. Dr. Fabian Klose**, *University of Cologne*
    - **Prof. Dr. Tatjana Tönsmeier**, *Bergische University Wuppertal*
  - o Germany's Foreign and Security Policy and the Practice of Humanitarian Intervention Today
    - **Prof. Dr. Hubert Zimmermann**, *Philipps-University Marburg*
    - **Dr. Thorsten Gromes**, *Peace Research Institute Frankfurt*
  - o Conception of R2P and Humanitarian Intervention
    - **Dr. Werner Distler**, *University of Groningen*
    - **Dr. Alexander Reichwein**, *Justus-Liebig-University Gießen*
  - o Abuse of Humanitarian Intervention
    - **Dr. des. Hendrik Simon**, *Peace Research Institute Frankfurt*
    - **Dr. Regine Schwab**, *Peace Research Institute Frankfurt*
- Break (20 minutes – compilation of results by input providers)
- Presentation of Results (20 minutes)
- Discussion in Plenum (40 minutes)



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12:00-1:00pm

Lunch

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1:00pm-4:00pm

Whose Responsibility – Whose Protection?

Content:

Who is protected by humanitarian interventions? In humanitarian crises and intra-state conflicts, women, children, discriminated ethnic groups and other minorities suffer the most. In the course of restoring more peaceful conditions, these groups often remain stigmatized. Human rights concepts are therefore not applied equally to all people. Differences arise due to societal stigma, discrimination, but also accessibility to institutions. In humanitarian interventions, particularly vulnerable groups are not accessible due to such limitations (cf. Buckley-Zistel/Björkdahl 2022). Value-based differences occur between the intervening powers and the society being intervened in, differences that cannot be bridged without intercultural competencies. In this perspective, the components "Gender in Armed Conflict" on the one hand and "Responsibility to Protect in International Criminal Law" after armed conflicts on the other hand will be addressed. As a third component, the relationship between the military, which uses violence or intervenes, and gender will be examined.

Course of the Format:

- With this topic, the reference to the individuals and groups to be protected is established by asking who is actually protected by the concept of the Responsibility to Protect. What discriminatory differences arise? Do blind spots emerge? Do stigmas of the intervening power and at the intervention site cause differences?
- The format starts with a keynote lecture, which is discussed directly afterwards to create a thematic introduction.
- Based on this, the negative/positive conference begins in order to work out problems in the selected aspects of the topic in the negative conference and to develop possible solutions in the positive conference.
- The participants are assigned. However, at the end of the negative conference they change the group to another group in the positive conference. In this way, a reflective approach to the problem(s) encountered is created.
- The moderators lead the discussion, give inputs and present the problem(s) to the participants after the change of groups.
- The overall picture will be discussed in the plenum.

Schedule and Persons Responsible:

- Keynote Lecture (15 minutes) with Discussion (15 minutes)
  - o **Dr. Noelle Quenivet**, *UWE Bristol*
- Change of Room (10 minutes)
- Negative Conference (45 minutes) and Positive Conference (45 minutes) in Groups
  - o Responsibility to Protect in International Criminal Law
    - **Prof. Dr. Stefanie Bock**, *Philipps-University Marburg*
  - o Gender in Armed Conflict
    - **Dr. habil. Simone Wisotzki**, *Peace Research Institute Frankfurt*
    - **Linn-Sophie Löber**, M.A., *Philipps-University Marburg*
  - o Military and Gender
    - **Major Dr. Friederike Hartung**, *Center for Military History and Social Sciences of the Bundeswehr*
    - **PD Dr. Claudia Kemper**, *LWL Institute for Westphalian Regional History*
- Break/Change of Room (15 minutes)
- Discussion of the Overall Picture (45 minutes)

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From 4:00pm

Joint Activity and Dinner



## Wednesday, 8 November 2023

9:30am-12:00

R2P and Humanitarian Intervention – Outdated Concepts?

### Content:

The justification of military force with R2P and for humanitarian intervention is manifold: Russia justifies its war of aggression against Ukraine as a "special military operation" to protect ethnic Russians without any factual basis. Russia already pursued this strategy in 2014 on the Krym as well as in eastern Ukraine and also in 2008 in Georgia. Here, Russia exploited the vagueness of the concept of humanitarian intervention. In 2011, the United Nations Security Council referred to the principle of the Responsibility to Protect for the first time, which a so-called "coalition of the willing" saw as a basis to establish a no-fly zone over Libya in the ongoing civil war. Although this intervention was not (explicitly) provided for in the UN mandate, it nevertheless operated within the United Nations system. It gave more reality to the principle of an international Responsibility to Protect, but without regulating or specifying the consequence of humanitarian intervention. The coalition of the willing was not intended, and it is questionable whether its no-fly zone was actually covered by the UN mandate. In general, Bundeswehr military missions abroad take place within the framework of the United Nations and/or the North Atlantic Treaty Organization (NATO) primarily with the mission of providing humanitarian support. At the same time, as in Afghanistan, these are also robust missions that require the use of military force (Conze 2018). However, this mission in Afghanistan as well as the one in Mali seem to have failed in their claim to protect the population. In light of this situation, the symposium concludes by asking whether R2P and humanitarian intervention are outdated concepts that are no longer fit for today's foreign and security policy.

### Course of the Format:

- The last format is to provide an overview of the entire discussion. For this purpose, the compilations of the states of discussion of the individual formats are relevant, but beyond that also the intended graphic recording.
- The format begins with a keynote lecture that takes up the topic of cyber humanitarian intervention and thus goes beyond the classic concept of humanitarian intervention with a troop deployment. This is followed by a discussion of the lecture.
- This results in a debate beyond the previous state of discussion with the mind map created during the symposium. The aspects of the topics raised are examined in greater depth and related to one another, so that an overall picture finally emerges. The graphic recorder draws along during the discussion. In this way, open questions and discussion threads also become visible on the mind map and serve as an impetus as well as a stimulus for a debate that goes beyond the symposium but is at the same time secured by the mind map.

### Schedule and Persons Responsible:

- Keynote Lecture (30 minutes) with Discussion (15 minutes)
  - o **Dr. Rhiannon Neilsen**, *University of Stanford*
- Break (10 minutes)
- Presentation of Mind Map (20 minutes)
  - o **Dr. Henning de Vries**, *Philipps-University Marburg*
- Extension of Mind Map (60 minutes)
- Securing Results (10 minutes)

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12:00-1:00pm      **Joint Closing**

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1:00pm-2:00pm      **Lunch**