

● CHINA'S STAND ON RESPONSIBILITY TO PROTECT AND ITS RESPONSES: AN ANALYSIS



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Abstract

The application or otherwise of the international norm of intervention during grave human rights violations in a state under the principle of Responsibility to Protect (R2P) has been a point of debate in several instances. The present paper discusses the current standpoint of one of the permanent members of the United Nations UNSC i.e. China on R2p and how it shifted from strict interpretation to the liberal interpretation of the R2P. It also gives a holistic picture of how and to what extent China has accepted R2P and further elaborates on differential treatment of the countries under R2P. In this paper, the author has argued that the China has not accepted the R2P fully but only to the extent of prevention of the humanitarian crisis which is the first pillar of the R2P.

Key words-

Responsibility to Protect, China, Humanitarian Crisis, Intervention, Sovereignty

1. INTRODUCTION

The ambiguities and controversies over the practice of humanitarian intervention pioneered the advent of one of the most recognized principles of modern international law i.e. the Responsibility to Protect (hereinafter referred to as R2P). The R2P principle was introduced for the very first time via the Report of International Commission on Intervention and State Sovereignty (hereinafter referred to as ICISS) published in 2001. The ICISS was established as an autonomous and impartial commission in September, 2000 by the Government of Canada to engage with the issues as to the principle of sovereignty, intervention and protection of human rights. The proposed Principle got universal recognition in 2005 at United Nations (hereinafter referred to as the UN) World Summit when the member states endorsed R2P against war crimes, crimes against humanity, ethnic cleansing and genocide.¹ Again, the principle of R2P received overwhelming support at the UN General Assembly Debate in July 2009 after the then Secretary General of UN Ban-Ki-Moon presented a Report on

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¹Para 138 and 139 of World Summit Outcome Document 2005

implementation of R2P few days before the said Debate.² Since then R2P has not been made a formal agenda of General Assembly up till now at UN General Assembly Plenary Meeting³ on the R2P (2021) wherein majority of the states once again committed to the principle of R2P and discussed points relating to the implementation of the principle.⁴ However, China objected to the implementation of R2P along with few other states expressing their disagreement to the same.⁵ The recognition of R2P has also influenced the discourse over humanitarian intervention even though many have argued that both the principles are different.⁶

After receiving such international recognition, R2P is not sans controversy in relation to its validity as an international norm. Since many States have refused to accept their responsibility under R2P, even after agreeing on it at 2005 summit, therefore, many scholars have claimed that the principle is still in the process of evolution. Even though the States evade their responsibility under R2P, the UNSC resolutions have invoked the responsibility of States on the basis of the Principle of R2P. For instance, in the Resolutions 2502,⁷ 2499,⁸ 2463,⁹ 2459,¹⁰ 2457,¹¹ 2449,¹² 2296,¹³ etc., the UNSC has invoked the responsibility of the state under R2P. Moreover, the Presidential Statements have time and again made reference to R2P¹⁴ in order to recall the responsibility of a state towards its population. Though there are denial of responsibilities by states in the implementation of R2P, yet these denials, of itself, does not challenge the very principle of R2P.

The R2P is a norm of international law that emerged in the year 2001, as a better substitute to the practice of humanitarian intervention which existed earlier¹⁵ in terms of

²Adoption of UN General Assembly Resolution 63/308 acknowledging Secretary General's Report on R2P

³Held on 17th and 18th May, 2021 at 75th Session of General Assembly

⁴Adopted UN General Assembly Resolution 75/277 on the R2P and the Prevention of Genocide, War Crimes, Ethnic Cleansing and Crimes against Humanity" 2021

⁵China again expressed its concern over the varying definition of the R2P and the elements of the principle; Report of Global Centre for the R2P "Summary of 2021 UN General Assembly Plenary Meeting on the R2P" (June 2021)

⁶For instance authors like P.H. Winfield and Farrokh Jhabvala while defining humanitarian intervention observed that it involves more of a right of a state to employ military measures for civilian protection. Whereas R2P is considered as a responsibility to protect civilians by employing military as well as non-military measures; Manoj Kumar Sinha, "Is Humanitarian Intervention Permissible in International Law" 40 JILI 66 (2000); P.N. Premsy, "Legitimacy of Humanitarian Intervention under International Law" 27 CULR 386 (2003)

⁷Adopted on 19th Dec. 2019 on Democratic Republic of the Congo

⁸Adopted on 15th Nov. 2019 on Central African Republic

⁹Adopted on 29th Mar. 2019 on Democratic Republic of the Congo

¹⁰Adopted on 15th Mar. 2019 on South Sudan

¹¹Adopted on 27th Feb. 2019 on Silencing the guns in Africa

¹²Adopted on 13th Dec. 2018 on Syria

¹³Adopted on 29th Jun. 2016 on Sudan (Darfur)

¹⁴More than 60 UNSC Resolutions have made reference to R2P for invoking responsibility under the R2P.

¹⁵Few scholars gave an indirect hint while giving definition of humanitarian intervention that the new international norm of R2P has its genesis in the former customary practice of Humanitarian Intervention. For instance, Alan J. Kuperman observed that- "humanitarian intervention is the use of diplomatic, economic, and



protecting the civilian victims of grave human rights violations. However, consensus over the authority of UNSC to exercise its powers under the UN Charter to invoke R2P has given rise to many controversies as to the role of its member states. The role of permanent members of UNSC with exclusive veto power determines its functioning. China is one of such permanent members of UNSC and a rapidly growing economy. Thus, it is imperative to study China's stance on the global norm and practices followed by the international community.

The present paper discusses the current standpoint of China on R2P and how it shifted from strict interpretation to the liberal interpretation of R2P. It also gives a holistic picture of how and to what extent China has accepted R2P and further elaborates on differential treatment of the countries while implementing R2P.

2. Responsibility to Protect

Under R2P norm, sovereignty, perceived as something more than the state's prerogative, is interpreted to include state's obligation towards its population. According to R2P, sovereignty entails duty of a state to protect its population from grave human rights violations which is likely to disturb peace of the region. But where state fails or is unable to protect its population then, the responsibility shifts to the international community to take necessary measure for protection of civilians of the concerned state. Thus, the responsibility of the international community emanates only from the failure or inability of a state to take actions in case of egregious violations of human rights of its civilians. Appalling humanitarian conditions within a state does not give right to another state to interfere within domestic affairs of the former unless responsibility shifts on international community to restore peace. This pre-condition for the application of the Principle of R2P has also impacted positively on the debate over legitimacy of humanitarian interventions. As stated in the ICISS Report, where responsibility shifts to international community, UNSC may take necessary measures under the UN Charter to address the situation. But, it nowhere mentions in the Report that it is the sole prerogative of UNSC to interfere when needed, although international community may call for collective measures through UNSC to deal with the crisis.¹⁶ Also, UNSC has been considered as a legitimate authority to take measures for protection of civilians in crisis. Further, the Report also maintains that the actions authorized by UNSC are considered to be justifiable. The reason behind giving such authority under ICISS Report to UNSC in matters of crisis is that it has obligation under UN Charter to maintain international peace and Security.¹⁷

The ICISS Report specifies circumstances for application of R2P, such as severe abuse of human rights due to civil unrest or war within a state or grave violation caused by the state itself acting as an oppressor and persecutor against its own population. Moreover, the Report specifically lays down the grounds on which military intervention may take place; for example, mass killing, rape, expulsion, etc. resulting either from state's failure

military resources by one or more states or international organizations intended primarily to protect civilians who are endangered in another state."; Michael Goodhart (ed.), *Human Rights: Politics & Practice*, 335 (Oxford University Press, New York, 2009)

¹⁶Agreed at World Summit 2005

¹⁷Article 24 of the UN Charter

or intentional state's act. However, at 2005 World Summit only four grounds were recognized for operationalization of R2P i.e. War crimes, ethnic Cleansing, Crimes against humanity and Genocide.¹⁸

In 2009, Secretary-General Ban-Ki-Moon's Report elaborated on three cornerstones of R2P, considered as three pillars for implementation of R2P. These three pillars are - firstly, the responsibility of a state towards its population; secondly, the responsibility of international community to help concerned state in discharging its duty under R2P and; thirdly, international community's responsibility to take effective and prompt measures for civilians security on failure of the concerned state.¹⁹ The third pillar calls for taking peaceful measures by international community to address the crisis and when such measures prove to be insufficient, then resorting to enforcement measures in accordance with Chapter VII of the UN Charter. Further, Special Advisor to the then Secretary General also pointed out four main ingredients for operationalization of R2P namely, Capacity Building & Rebuilding of the concerned state; Evaluation and Warning of crisis in advance; determined and prompt action reaction to the crisis; and lastly, cooperation with the regional and sub-regional organization to resolve the conflict.²⁰ These ingredients suggested by the Special Advisor

Edward C. Luck can be said to be inspired from the elements of R2P mentioned in the ICISS Report. According to the said Report, R2P consists of three elements namely responsibility to Prevent, to Protect and finally to Rebuild.²¹ The element of responsibility to prevent contains early warning and evaluation of crisis, addressing the root cause of conflict, peaceful negotiations to avoid conflict, etc. whereas responsibility to protect contains taking prompt and effective measures when preventive measures fail or prove to be insufficient. Lastly, responsibility to rebuild embodies obligations after the intervention has taken place to restore peaceful situation existed prior to the conflict by ensuring rehabilitation of civilians as well as reconstruction of the infrastructure of that state.²²

3. China's stand on R2P

China, being one of the victims of colonial oppression, has always considered the principle of sovereignty as a non-negotiable and inviolable right of a state under international law. It has been a constant supporter of the principle of sovereignty over any other principles of international law. Interestingly, the said principle has itself evolved over a period of time making it a more dynamic concept which now cannot be confined to its traditional doctrinaire limits. Previously, the traditional interpretation of sovereignty emphasized more on the non-interference as well as supremacy of the authority and territorial integrity of the state. Although the contemporary idea of

¹⁸ICISS Report, Supra note 1

¹⁹Alex J. Bellamy, "The Three Pillars of The Responsibility to Protect", Special Issue Pensamiento Propio (pg 39 to 64) (January-June 2015, Vol. 20)

²⁰Edward C. Luck, The United Nations and The Responsibility to Protect, Satnelly Foundation Policy Analysis Brief (August 2008)

²¹ICISS Report 2001

²²Ibid



sovereignty not only encompass the components of traditional idea but extends to state's obligation to be a responsible sovereign. This shift in the interpretation of the principle of sovereignty has affected the stance of many states, including China, towards it. Thus, in order to understand the present outlook of China towards the principle of sovereignty and humanitarian intervention in the form of R2P, it is imperative to analyze its past conduct as well as its foreign policy.

The foundation of foreign policy of China is said to be enshrined in the five principles embodied in the Panchsheel Treaty²³ entered into between China and India. The said treaty dealt with the five principles which shall govern the international relations between the two countries. Subsequently, the said principles have been considered as fundamental in governing the international relations and, therefore, later adopted by other countries as well as by the UN through Resolutions adopted by the General Assembly.²⁴ For the purpose of humanitarian intervention, out of five there were two main principles i.e. non-interference in the domestic affairs and respect of each other's sovereignty and territorial integrity. These two principles underpin the Chinese foreign policy when it comes to the approach of China towards the idea of humanitarian intervention.

According to the Independent Foreign Policy of China regarding Peace,²⁵ it is necessary for the states to adhere to principle of non-intervention for preservation of world peace. It reiterates the principles contained in UN Charter as to peaceful settlements of disputes, non use of force and abstention from interference under any pretext. Nowhere in the policy has intervention been professed as a *modus operandi* for maintenance of international order and security. In fact, on the contrary, it sees intervention of any kind as a threat or disruption to international peace.²⁶ However, China has also expressed its commitment towards the policy of resolving international issues, such as barbaric international crimes and other matters through cooperation and assistance of the international community. Here, the term "international crimes" can be interpreted to include the grounds of humanitarian intervention under R2P viz. genocide, war crimes, ethnic cleansing and crimes against humanity. But, China has insisted, under the said policy, on collective measures rather than taking unilateral measures to curb and resolve international issues. So, in a way it can be said that the Chinese Foreign Policy of Peace supports the idea of collective intervention and discourages any unilateral threat or use of force or other interventions. This stipulation as to collective action under the Chinese policy has helped it to evolve its stand on intervention as well as respond according to the need of the situation considering the pragmatic approach towards the issue.

Despite China's allegiance to the traditional principle of sovereignty, it acknowledged the significance of collective intervention to deal with humanitarian issues thereby impliedly accepting the fact that a state has no right to commit international crimes against its own population. China has also admitted that in exceptional, rare and serious

²³Five Principles of Peaceful Coexistence, signed on 29th April, (1954).

²⁴General Assembly Resolution 2131 (XX) (21 December 1965)

²⁵China's Independent Foreign Policy of Peace (19th Sept. 2003)

²⁶Ibid

circumstances, the collective endeavour of the international community to address the issue is crucial. It has also been argued by some authors that China recognizes that exceptionally grave situations require attention along with the action in the form of intervention by the international community. It shows that China believes in the protection of human rights as a valid cogent ground for intervention. This belief has been expressed by Chinese diplomats on different occasions as well.²⁷

However, China believes that such collective endeavours for intervention in grave situations stated above, should adhere to the provisions of the UN Charter and with the consent of the state where intervention is to take place. Furthermore, China maintained that the international response should conform to the views of the affected countries by asserting the significance of the role of regional organization.²⁸ Thus, it can be safely said that China backs certain essential elements of the Principle of R2P, as it acknowledged the coordinated efforts of regional as well as national and international entities in preserving peace. It has insisted on the moral obligation of these entities in order to ensure peace and tranquility in the international community.

The involvement of China in the Peacekeeping Missions of UN also manifests that it subscribes to the idea of resolving humanitarian crisis with the help of international entity i.e. United Nations. It cannot be merely treated as rhetorical but a significant step on the part of China. China has been seen gradually increasing the number of its troops sent for UN Peacekeeping Missions to address the humanitarian emergencies. For instance, according to the UN Peacekeeping Mission Ranking as of 31st March 2021, China ranked 9th in contribution of troops for such mission, out-performing other four permanent members of UNSC.²⁹ According to the same UN data of 2008, it ranked 23rd.³⁰ It shows that China's stand on the responsibility of international community towards protection of civilians of another state, has significantly transitioned over a period of time.

China has sent its security personnel under Peacekeeping missions irrespective of the fact that under some missions they are authorized to employ force for protection of civilians and in self defense. However, there is no uniform approach adopted by China towards peacekeeping missions for every humanitarian crisis. Thus, China's stance on intervention is considered to be complex because, on paper, it has always advocated for non-intervention and is believed to be a staunch supporter of sovereignty as a sacrosanct principle of international law but in practice it has been observed to be earnestly involved in the United Nations humanitarian operations. Technically, such missions are said to interfere in the internal affairs of a country where crisis prevail. The thrust of Peacekeeping missions is substantially to safeguard human rights of civilians contributing in establishment of peace even though it takes place after obtaining the consent of the host state.

²⁷Statement given by Chinese Foreign Minister as to the necessity of collective action for securing peace in Africa at United Nations UNSC Summit Level Meeting held on 25th September 2007.

²⁸Ibid

²⁹Uniformed Personnel Contributing Countries by Ranking: Experts on Mission, Formed Police Units, Individual Police, Staff Officer, and Troops (31 March 2021). In the same Ranking of 2021, United States of America ranked 82nd, United Kingdom ranked 37th, Russia ranked 68th and France ranked 29th.

³⁰Contributor Countries by Ranking to UN Peacekeeping Operations (monthly summary) As of: 31st Dec. 2008



It is apparent from the practice adopted by China that it has put its responsibility under R2P into action by participating and sometimes playing proactive role in prevention of humanitarian crisis. But, notwithstanding such practice, it has many times used its veto power thereby obstructing the UNSC's Resolution as to any crucial matters involving grave human rights violations in a state.³¹ This approach is intriguing as it represents that China does not support any intervention, including condemnation, even in cases of utmost exigency, particularly where the concerned state itself is the perpetrator of the crisis. But, in spite of use of its veto, China has on different occasions taken diplomatic measures stimulating formal discussions to reach amicable solutions without using any kind of violence. For instance, in the Darfur crisis, China acted as a diplomatic mediator in deployment of UN Peacekeeping forces in Sudan even though it had abstained from voting for UNSC Resolution regarding the expansion of mandates of UNMIS (United Nations Mission in Sudan)³² and Resolution seeking disarmament of Janjaweed militia, accused of committing grave human rights violations, as well as imposing arms embargo on Sudan.³³ But these instances are not indicative of China's thorough commitment to R2P but only suggest that it has narrowly shifted from its previous stance of treating sovereignty as an absolute principle to slight dilution of the principle to give effect to certain aspects of R2P in certain situations. Hence, China acknowledges some moral elements of R2P rather than the whole idea of it. It also recognizes that the sovereignty is susceptible to widespread human rights violations taking place within a state and allows international community to act under R2P.

Apart from supporting moral attribute of R2P, China also along with other member states of the UN explicitly endorsed R2P in the event of genocide, war crimes, crimes against humanity and ethnic cleansing at the United Nations World Summit held in 2005.³⁴ Again in the same year, it formally reaffirmed this position in its Position Paper on UN Reform wherein it acknowledged the responsibility of international community in cases of grave humanitarian crisis.³⁵ Furthermore, in the year 2006, it voted for the UNSC Resolution wherein the Council reaffirmed its support for R2P.³⁶ However, according to the UNSC Report, China was initially reluctant to approve this Resolution but later on agreed to approve the Draft Resolution provided the language of the Resolution should be the same as used in the Outcome Document of 2005.³⁷ It can be said that these instances illustrate the significant transition in the position of China towards R2P which also helped in the growth of R2P as an international norm.

³¹For instance, China vetoed a draft resolution on Myanmar (S/2007/14) Even though the situation in Myanmar was considered to be one of the most dreadful humanitarian catastrophes of all time; China vetoed many Resolutions on Syria irrespective of the gravity of the crisis such as it vetoed draft Resolution (S/2011/612), (S/2012/77), (S/2012/538), (S/2014/348), (S/2016/1026), (S/2017/172), etc.

³²UNSC Resolution 1706 (2006)

³³Resolution 1556 (2004) Adopted by the UNSC at its 5015th meeting, on 30 July 2004

³⁴High Level Plenary Meeting of General Assembly resulting in adoption of General Assembly Resolution on 16th Sept. 2005; Supra note 1

³⁵Position Paper of the People's Republic of China on the UN Reforms dated 7 June 2005

³⁶UNSC Resolution 1674 adopted on 28 April, 2006

³⁷UNSC Report: Update Report No.1 dated 8 March 2006 on Draft Resolution relating to Protection of Civilian in armed conflict

Notwithstanding its reaffirmation of the R2P, China has time and again shown its apprehensions towards the interpretation as well as implementation of the same. According to the UNSC Debates on Protection of Civilians, China had expressed its concern over misapplication of the norm of R2P. For instance, in the case of Northern Uganda, China insisted on giving due regard to the sovereignty of the state. Before this, in July 2005, China along with few other states opposed appointment of UN Special Envoy for fact finding operation in a crisis in Zimbabwe, arguing that it is a domestic matter of the state even though crisis affected around 2.4 million civilians.³⁸ Later on, in July 2008, China along with Russia vetoed a draft Resolution imposing arms embargo on Zimbabwe maintaining its previous stance on situation in the Zimbabwe.³⁹ Further, during Darfur Crisis in 2006, China persuaded to incorporate the requirement of consent of government in the UNSC Resolution 1706,⁴⁰ which called for transformation of AMIS (African Union Mission in Sudan) to UN Peacekeeping operation and which paved way for deployment of UNAMID (UN-African Union Hybrid Mission in Darfur) after few months.⁴¹ Also, it persuaded Sudan to agree to the Resolution 1706, through bilateral dialogue. However, prior to adoption of Resolution 1706, China reiterated its confirmation of R2P by giving vote in favour of Resolution 1674⁴² which reaffirmed R2P for protection of civilians in conflict situation. However, only after one month of passing Resolution 1674, China expressed its viewpoint, at a UNSC Meeting on R2P by stating that R2P under 2005 Summit Document is different from the basic notion of R2P, thereby referring to it as a complex concept.⁴³ Again in December 2006, China maintained that the notion of R2P should neither be interpreted beyond the limits of Outcome Document of 2005 nor be implemented by misinterpreting or misusing the concept.⁴⁴

In 2007, China's apprehension towards R2P was observed to be increased as it asserted that the Council should avoid implementation of R2P owing to varying interpretations of the same by the states.⁴⁵ It also reiterated its stance on misapplication of the Principle and insisted on the discussion over it in the General Assembly in order to gain more clarity and consensus on implementation of R2P.⁴⁶ At the same time, many other states agreed on invoking R2P for safeguarding the civilians. Chinese delegate made statement reasserting the principle of sovereignty as well as territorial integrity and observed that UN should not interfere without the consent of the host state even in case when such interference is most needed. China also consistently insisted that any discussions over interpretation of R2P should take place in General Assembly and UNSC should not exploit the principle as a primary forum.⁴⁷

³⁸UNSC Report, Cross Cutting Report No.2 on Protection of Civilians (14 Oct. 2008)

³⁹Ibid

⁴⁰Adopted on 31st August 2006

⁴¹Since Sudan did not agree with Resolution 1706, it continued to oppose the deployment of UNAMID and thwart the proper deployment of UNAMID

⁴²Adopted on 28 April 2006

⁴³Record of UN UNSC 5476th Meeting on 28 June 2006 as to Debate on Protection of Civilians

⁴⁴Record of UN UNSC 5577th Meeting on 4 December 2006 as to Debate on Protection of Civilians

⁴⁵Record of UN UNSC 5703th Meeting on 22 June 2007 as to Open Debate on Protection of Civilians

⁴⁶Record of UN UNSC 5703th Meeting on 22 June 2007 as to Open Debate on Protection of Civilians

⁴⁷Record of UN UNSC 5781st Meeting on 20 November 2007 as to Open Debate on Protection of Civilians;

Record of UN UNSC 5898th Meeting on 27 May 2008 as to Open Debate on Protection of Civilians



When referring to the debates in UNSC on Protection of Civilians, China can be seen to be skeptical of the interpretation of R2P especially by the UNSC. But at the same time, it has repeatedly acknowledged the responsibility of a state under the Principle of R2P along with embracing the notion of R2P as specified under World Summit Outcome Document of 2005. Further, it has also emphasized the role of UN Bodies other than UNSC such as General Assembly, ECOSOC, Human Rights Council, UNDP, World Bank in protection of the civilian in conflict situation. Moreover, it highlighted the significant role which NGOs and other international and regional organizations can play in securing peace.⁴⁸ It has given prominence to the avoidance and alleviation of the crisis with the help of such organizations. China maintained that the UNSC Resolution 1674, which reaffirms the language of R2P used in the outcome Document of 2005, provides a legal structure for protection of civilians and the UNSC should act under that framework.⁴⁹

It has been observed that China continues to lay more stress upon prevention and peace rebuilding as the two most important elements of R2P, as compared to the element of protection during crisis. China pointed out that prevention plays a major role in the matters of civilian security as it entails advance action before the conditions of civilian deteriorates leading to crisis.⁵⁰ In January 2009, China abstained from participating in UNSC meetings regarding renewal of mandates of UN Missions such as UNOCI (UN Mission in Côte d'Ivoire), UNAMA (UN Assistance Mission in Afghanistan), UNAMI (UN Assistance Mission for Iraq), etc. Further, in case of Sri Lankan crisis caused by a militant group named LTTE (Liberation Tigers of Tamil Eelam), China affirmed that it is entirely domestic affair of the state and that the UNSC should not intervene. China has been very cautious in matters of civilian security.⁵¹ It has argued that the crisis should be resolved through peaceful ways with the help of regional and international organizations rather than only through the UNSC resolutions as UNSC should not be seen as a sole forum to resolve crisis for civilian security.

As an advocate of peaceful resolution of conflicts, China has been unwilling to refer any conflict for investigation to any international agency or to take recourse of sanctions in general. China also did not attend any meetings of UNSC's Informal Expert Group on Protection of Civilians, as it might lead to making such group equivalent to the Working Groups of Council, which are formal in nature.⁵² China and Russia amongst the other permanent members of the UNSC are considered to be more cautious about the protection regime in general. China's skepticism towards protection is due to its reluctance to the growth of R2P through the precedence based on Resolutions of UNSC.⁵³ China argued that measures taken after the eruption of crisis is not at all pragmatic from the point of view of civilian security as it would not be as effective in halting the already ongoing massacre.⁵⁴ It insisted

⁴⁸Record of UN UNSC 5898th Meeting on 27 May 2008 as to Open Debate on Protection of Civilians

⁴⁹Ibid

⁵⁰UNSC Report (Cross Cutting Report No. 4: Protection of Civilians in Armed Conflict (30th Oct. 2009)

⁵¹Ibid

⁵²UNSC Report (Cross Cutting Report No. 3: Protection of Civilians in Armed Conflict (29th Oct. 2010)

⁵³UNSC Report (Monthly Forecast: Protection of Women and Children in Situation of Armed Conflict) (Feb 2011)

⁵⁴Record of UN UNSC 5577th Meeting on 4 December 2006 as to Debate on Protection of Civilians

that prevention as well as potent reconciliation is the key to civilian security as it occasions conditions conducive for civilians.⁵⁵ Moreover, it believes that since prevention leads to civilian security which ultimately leads to their protection in the future by avoiding any kind of conflict, international community should make more efforts to boost the preventive measures which also consists peace building measures.⁵⁶ Thus, it can be said that China's vehement support of preventive measures to resolve crisis with the help of regional and international organizations or bodies has, in a way, put R2P in action.

4. Conclusion

The unanimous adoption of R2P at the UN world Summit in 2005 gave hope for the reformation of humanitarian condition worldwide. Since the principle subscribe to the idea of modern sovereignty by acknowledging the primary responsibility of the concerned state to resolve the humanitarian crisis within its territory, many states approved the doctrine with the mindset that it would not interfere with their sovereign authority. The policy of non-interference with the sovereign authority of a state under R2P is a corollary to the aspect of giving prime responsibility to the concerned state to resolve the crisis under R2P. However, it is not absolute but depends upon the response of the concerned state to the crisis. In case of failure or inability of the state to respond, the other two aspects of R2P comes into play, viz. the responsibility to assist the host state to restore peace and responsibility of the international community to take up peaceful measures or otherwise to protect the security of the civilians of the host state in grave situation. In view of the above, there is dilemma as to whether states have accepted the R2P norm in its totality or is confined only to the single aspect of giving prime responsibility to the host. For instance, China, as member of the UNSC, endorsed the principle at 2005 summit but failed to implement the essence of the principle.

China along with the other four permanent members of UNSC, seen as guardian of peace by virtue of UN Charter, are responsible for the maintenance of international peace and security. But as a survivor of colonialism, China has remained skeptical of the international norms advocated by its former colonist states. It has constantly advocated for the territorial integrity and principle of sovereignty under international law. Thus, when it comes to China's foreign policy, it is apparent that the policy is tilted more towards the non-intervention narrative and territorial integrity rather than the other way around.

As far as the humanitarian crisis in other countries is concerned, there is no uniformity in the response of China, although it has consistently advocated for non-intervention and prevention of crisis before it culminates into a case for humanitarian intervention. China has time and again reiterated its commitment to R2P, which is strictly limited to the grounds upheld in the World Summit i.e. crimes against humanity, genocide, war crimes and ethnic cleansing. But even in cases where the said grounds were evident and reported by the international organizations, China has been reluctant to take any significant steps. For instance, in case of Myanmar crisis, which according to Human

⁵⁵Supra note 54

⁵⁶Record of UN UNSC 5781st Meeting on 20 November 2007 as to Open Debate on Protection of Civilians



Right Watch Report involved ethnic cleansing and genocide, China was not only reluctant to take any significant steps to resolve the crisis but it also vetoed a UNSC Resolution addressing the humanitarian crisis in Myanmar. However, in case of African Countries, China had participated and encouraged resolution of crisis through intervention. Further, in case of Syrian crisis, China vetoed many Resolutions of UNSC which resulted in the escalation of crisis for several years as well as grave human rights violations to massive population. China had advocated for peaceful resolution of heart wrenching cases of humanitarian crisis like Myanmar and Syria even though it fulfilled the prescribed criteria for intervention and when the peaceful methods have been futile. It is very confusing as to why China has been adopting different approaches for different regions. Some scholars have argued that since China wants to economically establish itself in African region, therefore, it showed more interest there. Further, in cases of human rights violations in the mainland China and its autonomous region, China has been adopting its strict policy of non-interference in its internal matters even though there have been reports of many violations of human rights and restrictions on fundamental freedoms of the citizens there. However, in case of Uyghurs Muslims Concentration Camps, China allowed the entry of diplomats and UN representatives for inspection of the situation. But many had not only accused China of controlling the visit of those envoys but also pre-planned the inspection according to its strict policy for hiding the true picture of the condition of detainees in the camps.⁵⁷

China has been seen making constructive statement (as opposed to its previous stand) in relation to respect for human rights and significance of its protection but in practice it has not been that active as it claims on paper. However, it has come far from what it used to be when it was a staunch supporter of traditional idea of sovereignty. China has also made its due effort for the peaceful resolution of the crisis through good offices but it had on several occasions failed to understand the seriousness of the crisis on case to case basis leading to serious hardships to many. Further, China will also send a meaningful message to other states by addressing serious human rights violations in Tibet Autonomous Region, Hong-Kong, Xinjiang (towards the Uyghurs).

The respect for R2P and its proper implementation covering all three aspects or pillars of R2P will go a long way in not only in the protection of gross violence of human rights within a state but also prevention of such violence, which will enhance the maintenance of international peace and security. Consensus among the states, more particularly the permanent members of UNSC, on the rational application of R2P, sidelining individual member's vested interests, at least in those circumstances where war crimes, crimes against humanity, ethnic cleansing or genocide are reported with credible facts, is the need of the hour.

⁵⁷Human Rights Watch, World Report 2020 "China: Events of 2019" (available at <https://www.hrw.org/world-report/2020/country-chapters/china-and-tibet>)