



Implementing the Responsibility to Protect: Where Expectations Meet Reality [Full Text]

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Responsibility to Protect: The Global Effort to End Mass Atrocities, Alex J. Bellamy (Cambridge: Polity Press, 2009), 249 pp., \$70 cloth, \$25 paper.

The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All, Gareth Evans (Washington, D.C.: Brookings Institution Press, 2008), 349 pp., \$37 cloth, \$20 paper.

Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene?, James Pattison (Oxford: Oxford University Press, 2010), 284 pp., \$95 cloth.

In June 2010 intercommunal violence exploded in Kyrgyzstan's southern cities of Osh and Jalalabad, resulting in the dramatic scene of thousands of ethnic Uzbeks fleeing their homes to avoid persecution by groups of ethnic Kyrgyz (allegedly backed by government troops). Reports of arson, rape, and other atrocities were widespread, accompanied by varying accounts of the number of civilians killed.¹ The response to the persecution and displacement followed a pattern that we have seen before: calls for urgent international action by nongovernmental organizations, such as Human Rights Watch and the International Crisis Group, followed by a muted response on the part of international organizations (in this case, the Organization for Security and Co-operation in Europe and the United Nations Security Council). While both Russia and the United States were active in supporting efforts to organize humanitarian assistance to those affected by the violence, neither state was prepared to tackle the political and logistical challenge of deploying military forces to the region to protect civilians.²

What was perhaps less familiar, however, was the way in which advocates for robust action in Kyrgyzstan appealed to the *responsibility* of the international community to react. This suggests that the climate of expectations may be changing. As with other recent instances of ethnic violence, such as in Sudan and Kenya, representatives of civil society called upon states to adhere to the principle of the "responsibility to protect," endorsed by heads of state and government at the 2005 World Summit, marking the sixtieth anniversary of the founding of the United Nations. Article 138 of the Summit Outcome Document acknowledges the responsibility of individual sovereign states to protect their own populations from such atrocities as genocide and ethnic cleansing. The subsequent paragraph, Article 139, states that the international community is prepared to take collective action (including, if necessary, through the use of military force) when national authorities "are manifestly failing to protect their populations" from such gross violations of their rights. In its "Open Letter to the Security Council" recommending the deployment of an international stabilization mission to Kyrgyzstan, the Global Centre for the Responsibility to Protect referred explicitly to the Outcome Document's clause that the Council has the responsibility to authorize "timely and decisive measures" to prevent or halt mass atrocities. "The Council cannot look the other way or hope that the situation will quickly disappear. . . . The time to act to prevent crimes against humanity and ethnic cleansing and render 'never again' real is now."³

The three books reviewed here all deal with this changing climate of expectations, though in different ways. The first two, by Alex Bellamy and Gareth Evans, chronicle and analyze the development of the responsibility to protect (or RtoP, as it has become known), and assess the prospects for its implementation. Their starting point is frustration with what Bellamy describes as the "slow, timid and disjointed" (Bellamy, p. 1) response of the international community to mass atrocities, or what Evans more provocatively calls the international community's "collective state of mind that not even the Cambodian killing fields were any of the world's business" (Evans, p. 21). Their goal is to prod policy-makers into doing the "right thing" when faced with such crises—or, at the very least, to make it more difficult for them to stand aside. Both books also take pains to show that the choices facing the international community are no longer limited to sending in troops or doing nothing. The responsibility to protect is now a multifaceted political and diplomatic agenda, with an array of military and nonmilitary tools. It seeks to support sovereign states in developing the capacity to protect their own citizens—thereby preventing the commission of mass atrocities—but also the responsibility to rebuild societies after any intervention or conflict so that the conditions prompting international action do not reappear.⁴

James Pattison's book, *Humanitarian Intervention and the Responsibility to Protect*, is both narrower and broader in scope. It is focused solely on the hard edge of RtoP: the use of military force by the international community if and when a sovereign state fails to protect its own citizens. But it is also broader in that it argues that humanitarian intervention (at least in theory) can be undertaken in response to various kinds of crises. RtoP, on the other hand, was defined in the Outcome Document to refer to four specific crimes: genocide, crimes against humanity, war crimes, and ethnic cleansing. This narrow reading of RtoP, while still controversial to those who believe that other violations of human rights or natural disasters should also trigger the principle, has become the settled interpretation within the United Nations system. As Evans puts it: "to use the responsibility to protect too broadly, in non-mass-atrocity contexts, is to dilute to the point of uselessness its role as a mobilizer of instinctive, universal action. . . . There will always be many fewer countries in the world of explicitly RtoP concern than there are of more general conflict or human rights concern" (Evans, pp. 64, 71).

The Roots and Branches of RtoP

Before delving into the question of whether and how the 2005 commitment of states to RtoP might be operationalized, it is worth pausing to reflect on where the principle came from. The notion that sovereign states have a responsibility to protect their populations has a long pedigree in political theory. Even during Thomas Hobbes's age of absolutism, the legitimate power of the sovereign could be circumscribed in situations where the state was either itself a threat to the individual or where it was either unwilling or unable to protect the individual from other threats to his/her security. In those cases, Hobbes contended, the sovereign was no longer owed obedience; the commonwealth would dissolve and every man would be "at liberty to protect himself."⁵ However, the idea that the *international community* might have not only a right but a responsibility to protect individuals inside the jurisdiction of a sovereign state is more novel, and more controversial. It was precisely this bolder claim that the International Commission on Intervention and State Sovereignty (ICISS)—which Gareth Evans cochaired—sought to promulgate in its 2001 report, *The Responsibility to Protect*.⁶

As Bellamy argues in his first chapter, it is misleading to depict the supporters of and opponents to RtoP as subsets of a larger debate between human rights and sovereignty. The real issue is which conception of sovereignty one adheres to: the "'traditional' view," which holds that nation-states have a right to determine their own form of government and should be protected by strict adherence to the rule of nonintervention; and a "second" conception (Bellamy does not apply a more specific adjective), which maintains that sovereignty entails responsibilities and that a government's failure to fulfill those responsibilities might legitimize, indeed require, external interference (Bellamy, p. 15). His crucial point is that *both* these conceptions of sovereignty draw on human rights arguments. The former emphasizes the right of peoples to self-determination (and has been supported strongly by formerly colonized states, particularly in the UN General Assembly), while the latter focuses on the inalienable and pre-political rights of individuals, as articulated in the Universal Declaration of Human Rights.

As proponents of the second conception, Evans and his fellow commissioners were arguing that contemporary sovereignty is no longer about undisputed control over territory, but rather a conditional right dependent upon a state's adherence to minimum standards of behavior. As the report states: "It is acknowledged that sovereignty implies a dual responsibility: externally—to respect the sovereignty of other states, and internally, to respect the dignity and basic rights of all the people within the state."⁷ From this basis, Evans explains, a more constructive and less threatening role for the international community emerges: "where the state is unable or unwilling to meet its own responsibility . . . a secondary responsibility to protect falls on the wider international community" (Evans, p. 42). Seen in this way, intervention becomes an ally of sovereignty, and an integral part of restoring it, as long as it is aimed at protecting civilians.

Bellamy and Evans both acknowledge that the ICISS formulation of RtoP drew inspiration from the earlier work of Francis Deng, a former Sudanese diplomat who currently serves as the UN secretary-general's Special Adviser on the Prevention of Genocide.⁸ In order to understand how Deng came to coin the phrase "sovereignty as responsibility," it is important to note two sets of experiences. Bellamy and Evans focus only on the second, but the first was arguably more significant. The first formative experience was Deng's participation in a Brookings Institution initiative in the late 1980s on conflict management in Africa. The central concern driving the project was the effect of the end of the cold war on the African continent, particularly as the two superpowers moved away from their dual roles as the financiers of proxy wars and the guardians of regional stability. The fear of Deng and others was that Africa would be further marginalized within the international system, and that its internal conflicts would create increasingly perilous conditions for civilians. In his view, the solution to this danger lay in a new generation of African leaders, who could take on collective responsibility for maintaining stability and responding to humanitarian crises within a new normative framework that involved partnership with the international community.⁹ This perspective was reflected in the Africa Leadership Forum, created by the former Nigerian leader Olusegun Obasanjo, which in the early 1990s spearheaded the development of a "Helsinki Process" for Africa—known as the Kampala Process. At the core of the Kampala Process (and subsequent Kampala Document¹⁰) was a strong statement of interdependence: the security of one African country's population had become relevant for all others,

thereby breaking "the protective wall of sovereignty."¹¹

Although the Kampala Process eventually derailed, Deng took its central message into his other formative experience: his tenure as the secretary-general's Special Representative on Internally Displaced Persons from 1994 to 2004. In this role, he confronted firsthand the individuals who were placed in the "moral vacuum left by the state's failure, deliberate or imposed, to fulfil its normal responsibilities."¹² By filling the gap, international humanitarian organizations had inevitably "stepped on the toes" of national governments, provoking them to reassert their sovereign control.¹³ For Deng, the way out of this apparent tug-of-war was the articulation of a new framework for responsibility and accountability in international society. It began by acknowledging that the primary locus of responsibility for protecting and assisting civilians remained with the host government—an idea that, as Bellamy argues, would later come to sit at the heart of RtoP (Bellamy, p. 22). From this relatively uncontroversial claim (which most states accepted), Deng moved on to argue that the best way for vulnerable or weak states to fulfill these responsibilities was to invite and welcome international assistance to *complement* national efforts and enhance their sovereignty. "Troubled states faced a choice: work with international organisations and other interested outsiders to realise their sovereign responsibilities or obstruct international efforts and forfeit their sovereignty."¹⁴

This path by which Deng came to the principle of "sovereignty as responsibility" reveals two important insights. First, his original concern was not with legitimizing intervention by Western actors, as so much of the subsequent liberal writing on humanitarian intervention and RtoP has sought to do, but rather with encouraging leaders in regions of instability to collaborate in alleviating human suffering. In short, the problem was one of nonaction rather than excessive interventionism.¹⁵

Second, Deng's understanding of sovereignty as responsibility always involved heavy emphasis on a second dimension—namely, encouraging weaker states to work in partnership with international actors in building up their capacity to fulfill their responsibilities to their citizens. His experience in negotiating with states over internally displaced peoples led him to believe that sovereignty as responsibility would fail if it was pitched solely in negative terms—that is, as states being punished by the international community for failing to be responsible.¹⁶

The more lasting and positive solution was to help states act responsibly, thereby avoiding more coercive measures. These insights did not feature prominently in the ICISS report, though the second one has been identified by Bellamy as the key to RtoP's future success (Bellamy, pp. 197–98). Instead, the commissioners were more concerned with leveraging Deng's notion of "sovereignty as responsibility" to legitimize intervention for humanitarian purposes. As Evans puts it: "We sought to turn the whole weary—and increasingly ugly—debate about 'the right to intervene' on its head and recharacterize it not as an argument about the 'right' of states to do anything but rather about their responsibility" (Evans, p. 39).

While the merits of this linguistic shift are many, the reformulation of sovereignty also contained two weaknesses, which have continued to dog the principle of RtoP. The first is the lack of clarity around who, precisely, bears the international responsibility to protect. The second is the failure to reconcile the idea of international responsibility with the equally important, and arguably competing, norm of sovereign equality.

Assigning the Responsibility to Protect

As Pattison notes in the introduction to his book, though Evans and the ICISS report largely succeeded in changing the nature of the debate on intervention, their appeal to the international community was a very general one. Beyond claiming that the Security Council should ideally authorize any forceful action to relieve mass humanitarian suffering, it did not clarify which particular agent bears the responsibilities associated with protection (Pattison, p. 4).¹⁷ Moreover, while scholars of international law have drawn on the 1948 Genocide Convention (and subsequent jurisprudence) to assert the existence of positive state obligations to protect populations from mass atrocities within another state's jurisdiction,¹⁸ the law remains unclear as to which states will have that obligation to act in precise circumstances.¹⁹

For a political theorist like Pattison, this ambiguity is highly unsatisfactory. If the word "responsibility" is going to be used, then responsibility must rest somewhere, and must mean something. In taking up the challenge of assigning the international responsibility to protect, his book does not offer a sustained treatment of the questions that have preoccupied most normative theorists on humanitarian intervention (such as whether and when intervention should occur). Instead, Pattison draws on a variety of authors, of differing ethical commitments, to make two initial claims: (1) that humanitarian suffering can serve as a just cause for the use of military force; and (2) that such humanitarian intervention is a duty and not merely a right. The bulk of the book then goes on to make the case for why and how we should answer the question of who should intervene.

If responsibility is left diffuse, Pattison argues, it is easier for states and international organizations to shirk their obligations. This leaves us with a collective action problem: "the more potential rescuers there are, the less the likelihood of the chances of actual rescue" (Pattison, p. 9).²⁰ In addition, identifying who should act serves as an important precondition to ensuring that intervention, where necessary, will actually occur. In his words: "We first need to know who are the most suitable agents to undertake intervention before we can identify how to increase their willingness to act" (Pattison, p. 9). Rather than a general campaign to mobilize political will (which Evans advocates in the conclusion to his book), Pattison believes we need a targeted strategy aimed at enhancing the will and capacity of particular agents. Linked to this, he suggests that an unassigned responsibility to protect deprives the international community of a deterrent effect. The need for external intervention might decrease if those potentially inclined to commit mass atrocities have a clear sense that a specific actor would respond (Pattison, pp. 9–11).

Having made the case for assigning the responsibility to intervene, Pattison identifies the qualities of potential interveners that are morally important. What is refreshing about his book, however, is that it moves beyond ideal theory to offer both an assessment of the legitimacy of current intervening agents and recommendations on how interveners could be made more legitimate. In viewing legitimacy as scalar (that is, as a matter of degree), Pattison's theory also differs from more categorical approaches to establishing legitimacy, such as the criteria used by Evans and the ICISS commissioners in determining whether an intervention would be "right."²¹ Pattison concludes that although we should aim for interveners that are fully legitimate—and it is those actors who have the duty to act—those with an adequate degree of legitimacy would still be morally acceptable, and therefore have the right to intervene (Pattison, p. 182). In identifying who should intervene, Pattison privileges those agents who currently have the capacity to deliver humanitarian outcomes through military action (what he calls a Moderate Instrumentalist Approach). In other words, the most legitimate intervener is the one that is most likely to be effective. Effectiveness is a function of not only substantial military and nonmilitary resources but also a clear strategy for their deployment and the requisite commitment to see an intervention through. Moreover, it is not enough for the intervener to promote beneficial consequences for those it is trying to save (what he calls local external effectiveness); it must also consider the costs and benefits for its own constituents ("internal effectiveness") and promote the enjoyment of human rights in the world at large ("global external effectiveness") (Pattison, pp. 182–83). Not surprisingly, since this is a tall order, Pattison acknowledges that interveners will rarely have a high probability of achieving success.

By establishing effectiveness as the primary consideration for determining legitimacy, two issues immediately arise. First, how do different principles translate into effectiveness, particularly when (as in this case) we would be measuring *potential* effectiveness? In his assessment of current interveners, Pattison identifies NATO as the most legitimate agent. This is largely as a result of its past success in Bosnia and Kosovo, where its logistical and military hardware helped to achieve a relatively quick end to ethnic cleansing. But would such assets necessarily translate in contexts farther away from Europe, and is NATO necessarily any better than other organizations in designing strategies likely to ensure success? The alliance's current experience in Afghanistan (though not a humanitarian intervention) raises questions about how potential effectiveness can and should be determined.

Second, Pattison's framework suffers from a temporal problem. A focus on *current* capacity neglects the question of how variations in capacity among states and organizations have arisen. Is it morally acceptable for those who currently have the capacity to act to continue to bear the international responsibility to protect simply because others who might develop that capacity (through decisions to invest in their militaries or to increase foreign assistance budgets) are not doing so?²² Pattison recognizes that the most legitimate intervener might have already done its "fair share," and might therefore object to assuming (yet again) the international responsibility to protect (Pattison, pp. 197–98). But his solutions to this problem are still largely underdeveloped, and he permits too much discretion in determining when an agent has already "done enough" to address humanitarian suffering. A reliance on effectiveness, without more detailed attention to the distribution of costs, seems not only unfair but also unsustainable.

In building his argument, Pattison dismisses factors that are commonly held to be critical in determining who is a legitimate agent of intervention. The most obvious candidate is legality. While the 2005 Outcome Document firmly adheres to the proceduralist position that an intervener must have legal authorization via the UN Security Council, Pattison argues that an intervener's legal status is no more than a "minor non-consequentialist factor," which might have some instrumental value in enhancing legitimacy (Pattison, p. 184). To demand Security Council endorsement, and to give it moral significance, he argues, is to concede too much power and to overlook the very serious deficiencies of the institution, particularly with regard to the body's global representativeness and the veto power of the five permanent members (Pattison, pp. 54–56).²³ In Pattison's view, if we want an intervener's legal status to serve as the critical criterion, then we need to reform international law and institutions (Pattison, p. 65).

Theoretically, this might all be true. Indeed, Pattison's position is reinforced when one considers that there are no formal mechanisms (either within the UN Charter or through judicial review) for holding the Security Council accountable for its actions or omissions,²⁴ and that the council has hardly acted in the "timely and

decisive" manner called for in the 2005 Summit Outcome Document. But when one shifts the assessment of legitimacy from the moral to the political realm, that small instrumental value of council endorsement becomes central. In the absence of an alternative, the Council remains the best means both to prevent each state in the system (particularly the powerful Permanent Five) from defining for itself what constitutes a threat to international peace and security, and to facilitate cooperative responses to such threats.²⁵

This lesson is not lost on Evans, who—while conscious of the limitations of relying on the politically and strategically motivated members of the Security Council—shares with many diplomats the fear that the existing international order with respect to the use of force would be damaged if the Council is bypassed. In the end, he argues (rightly in my view) that there are no easy answers to the dilemmas of what to do when a monumental crisis presents itself and the Council either stands aside (as in Rwanda) or becomes deadlocked (as in Kosovo). "We must simply hope that over time . . . the Security Council will work better than it has done, and that fewer cases *will* arise of manifest tension between legality and legitimacy" (Evans, p. 147).

Normative Contestation: Responsibility vs. Equality?

The second weakness of RtoP is its proponents' insufficient recognition of the strength of competing normative ideas. Consider, for example, Evans's synopsis of RtoP's progress: "Within just four years of the first articulation of the concept—a mere blink of an eye in the history of ideas—consensus seemed to have been reached on how to resolve one of the most difficult and divisive international relations issues of our, or any other, time."²⁶

On the face of it, Evans's depiction of RtoP's trajectory rings true: the principle has undeniably become part of the world's diplomatic language, invoked by a variety of international actors (including governments, international institutions, and NGOs) to both explain and demand action. Yet as he admits, there is still deep disagreement about RtoP's meaning and use.²⁷ The principle has been referred to in a variety of circumstances, including by France in the case of Cyclone Nargis and by Russia to justify its use of force in Georgia in the summer of 2008. In both cases, RtoP advocates were quick to condemn these applications of the concept.²⁸ The net effect of this debate has been threefold: first, suspicion in civil society and the broader public that RtoP may be just about words and not action; second, protests from the original guardians of RtoP (including Evans) that their idea is being abused; and third, a reignited fear on the part of some states that the principle will be used as a cover for interventions with an entirely different purpose. But let us take a "glass half full" perspective. Principles, when adopted, always take on a life of their own. It is difficult to control their meaning, or to avoid their misuse. What is happening to RtoP has also happened to such notions as "self-defense" and "sustainable development." What is more important, and is cause for optimism, is the fact that RtoP is now an ordinary part of global discourse. Although Articles 138 and 139 of the Summit Outcome Document are, undoubtedly, the product of compromise, they do stand for something: a political commitment to take the protection of civilians (more) seriously. And while on one reading these articles might appear to be no more than "RtoP-lite," Bellamy's analysis shows that the range of activities and instruments that fall under state capacity building and international assistance—let alone Chapter VII measures—add up to quite a meaty agenda. In fact, one of Bellamy's more interesting claims is that RtoP is likely to make the greatest difference not in the realm that so exercised Evans and his fellow ICISS commissioners—that is, mobilizing the will to intervene in crises where mass killing is occurring or imminent—but rather in the area of atrocity prevention. The promise of RtoP, he writes, is in reducing "the frequency with which governments are forced to choose between standing aside and going to war for humanitarian purposes" (Bellamy, p. 4).

It is at this point, however, where we find that the glass is still half empty. Even if we accept that RtoP will inevitably be manipulated, recent events suggest that the requisite intellectual, financial, and diplomatic investments to realize this meaty agenda are not forthcoming. There are numerous examples of where discussion of RtoP has revealed lingering controversy, including the strong reaction of the General Assembly to the secretary-general's proposal to appoint a Special Adviser on the Responsibility to Protect,²⁹ the high-pitched debate over Ban Ki-moon's report on implementation of the principle,³⁰ and the slow progress on efforts to create a joint office between the new Special Adviser (Edward Luck) and Francis Deng's Office on the Prevention of Genocide. But it is the treatment of RtoP by the Security Council that most clearly illustrates the fragility of the 2005 consensus.

While in 2006 the Security Council reaffirmed the Outcome Document's RtoP provisions in its thematic resolution on the Protection of Civilians in Armed Conflict,³¹ the statement masked serious divisions over the appropriateness of discussing RtoP within the Council. Russia and China, joined by three nonpermanent members (Algeria, the Philippines, and Brazil), reminded the Council that the Outcome Document had given the general assembly the mandate for continuing discussion of RtoP (a sure recipe for ensuring very slow movement on implementation). The comments of the Russian representative illustrated that some who had signed onto the Outcome Document had a less permissive interpretation of Articles 138 and 139 than those who had brought the issue of the protection of civilians to the Council chamber. For its part, China urged the Council to "continue to approach with caution the concept of the responsibility to protect" and to avoid

attempts "to expand, willfully interpret, or even abuse this concept."³² As Bellamy notes, this experience has persuaded some RtoP advocates to refrain from pushing the Security Council to make greater use of the principle, for fear of creating opportunities for backsliding on the 2005 commitment.³³ As a result, the Council has been silent on RtoP since 2006.³⁴ More significantly, those committed to the Protection of Civilians (PoC) agenda within the Council³⁵ now avoid any association with the principle of RtoP, believing that it could serve as a lightning rod that would hamper progress on their desired reforms. As one UN official told me: "For the moment, advancing POC is difficult enough without also bringing RtoP into the same picture . . . RtoP is the concept that dare not speak its name."³⁶

So why does so much of the scholarly literature seem to overplay RtoP's success? Part of the problem stems from the limitations in international relations theory with respect to the study of normative change. There are two related issues. The first is the tendency to view the development of norms as a linear process, with institutionalization as a key step on the road to their entrenchment. In the "life cycle" model developed by Martha Finnemore and Kathryn Sikkink, norms progress through three stages, beginning with a period of "norm emergence" (often driven by entrepreneurs who promote their normative ideas to particular states, and seek endorsement in international organizations or declarations), followed by the "norm cascade" (during which states adopt norms in response to international pressure), and ending with "norm internalization" (when conformity with the norm becomes habitual).³⁷ Seen from this perspective, the endorsement of RtoP in the Summit Outcome Document, combined with the 2006 Security Council resolution, suggests that the norm is on its way to full acceptance. The second problem is the tendency for scholars of norms to assume that all normative change is necessarily progressive, and to avoid deeper reflection on the ethical tensions, or unintended consequences, that might arise.³⁸ With respect to RtoP, the assumption is that the articulation and implementation of an international responsibility to protect will bring about an unmitigated "good" in international society by making it more likely that mass atrocities are prevented or addressed.

Recently, both of these theoretical biases have been subjected to more critical analysis. First, scholars have noted that the implementation phase of normative development is rife with a series of challenges that call Finnemore and Sikkink's linear model into question. Efforts to implement norms open up new areas of contestation for those skeptical of the norm's provisions, and can lead to either backsliding or differential interpretations of the norm's meaning.³⁹ As Antje Weiner notes, the public endorsement of a norm in an international agreement or treaty may (and usually does) lead to renewed arguments about the norm's desirability, and thereby affects the willingness of norm followers to embrace implementation.⁴⁰ As we have seen, the implementation phase of RtoP is encountering exactly this kind of problem, given the lack of clarity concerning when the principle is triggered, who bears the international responsibility to protect, and what (precisely) the international responsibility entails. In addition, the diplomatic attempts by China to circumscribe the reach of RtoP demonstrates how regional actors can deconstruct and reconstruct the properties of a global norm in order to make them fit more closely with domestic beliefs and identities.⁴¹

Second, now that constructivists have done some of the demanding empirical work to demonstrate the possibilities of normative change, they are beginning to engage in moral defenses of why these particular changes are in fact good or progressive.⁴² In considering RtoP, or more narrowly, the practice of intervention for humanitarian purposes, Finnemore demonstrates how the humanitarian drive to save strangers comes into conflict with other considerations, such as *raison d'état*, the norm of self-determination, or the categorical imperative to avoid all war (even if it could be used as a means to end massive human rights violations).⁴³ Yet much more analysis is needed to uncover the normative position that underpins each of these perspectives. Instead, we often find those who hold these positions depicted as obstructionist, and overly concerned with shoring up the protective shell of sovereignty. Evans devotes an entire chapter to trying to answer those who, in his words, seek "to deflate or undermine the new norm [of RtoP] before it is fully consolidated and operational" (p. 53). He maintains an unwavering belief that their opposition reflects "serious misunderstandings" about what the concept is really about. As a result, he painstakingly tries to debunk these misunderstandings by arguing that RtoP is *more* than another name for humanitarian intervention, that it doesn't just refer to military force, that it is not targeted only at non-Western countries, and that the Iraq war is *not* an example of how the principle should or will be applied.

But while one has to admire Evans's tenacity, all of this slightly misses the point. It may be that a self-interested concern for regime security is what motivates some of the opponents to RtoP. Others, however, adhere to another principle that has as much "compliance pull" as the notion of "sovereignty as responsibility"—the idea of *sovereign equality*. It, too, has liberal roots, and asserts that states are entitled to equal rights and self-government regardless of material capabilities or internal social/political arrangements. It is firmly embedded in the United Nations Charter and in much of contemporary international law. What its adherents fear most is a move from a horizontal international system of sovereign states that demonstrate mutual respect to a hierarchical world system where their behavior is subject to oversight and punishment by an unspecified agent of the so-called international community. This partially explains their love-hate relationship with the Security Council: better the devil you know than the devil you

don't.

Arguably, RtoP was born in an era when assertive liberalism was at its height, and sovereign equality looked and smelled reactionary. But as the liberal moment recedes, and the distribution of power shifts globally, the principle of sovereign equality may enjoy a comeback. If so, it could very well dampen the new climate of expectations around the responsibility to protect.

Conclusion

While Bellamy and Evans share a deep desire to see RtoP become an established norm in international society, they have different views on the principle's core function. For the former, RtoP has become a broad-based policy agenda in need of implementation, while for the latter it is at heart a catalyst or rallying cry for international action.⁴⁴ Evans writes that the ultimate sign of RtoP's success will be "to get to the point where, when the next conscience-shocking case of large-scale killing comes along . . . the immediate reflex response of the whole international community will not be to ask *whether* action is necessary but rather *what* action is required, by whom, when, and where" (p. 53). If Kyrgyzstan is taken as a test, then we are still some distance from that goal. In fact, when the UN secretary-general's Special Advisers on the Prevention of Genocide and on the Responsibility to Protect issued a joint statement during the crisis calling for an impartial international investigation into the events, their communiqué was corrected within an hour to drop this demand, presumably a result of both diplomatic opposition to such action and a lack of coordination within the UN system. Evans's book offers detailed and sensible suggestions on how to overcome some of the institutional and political obstacles that prevent RtoP from becoming an "accepted international reflex" (Evans, p. 54). For their part, scholars of RtoP need a much deeper understanding of both how norms evolve and the competing normative commitments that drive those who remain skeptical of endowing the international community with a responsibility to protect.

NOTES

¹ Media sources estimated that "at least several hundred" civilians were killed, and possibly more. See Clifford J. Levy, "In Kyrgyzstan, Failure to Act Adds to Crisis," *New York Times*, June 17, 2010. While the exact numbers are still difficult to verify, the United Nations Assistant Secretary-General for Political Affairs, Oscar Fernandez-Taranco, told a closed-door meeting of the Security Council later that month that at least 300,000 Uzbeks became internally displaced following the violence, and another 100,000 fled into neighboring Uzbekistan. "UN Official Warns Security Council That Ethnic Tensions Remain High in Kyrgyzstan," *UN News Service*, June 24, 2010; available at www.un.org/apps/news/printnewsAr.asp?nid=35136.

² James Traub, "It's Not Too Late to Save Kyrgyzstan," *Foreign Policy* (June 22, 2010).

³ "Open Letter to the United Nations Security Council on the Situation in Kyrgyzstan," Global Centre for the Responsibility to Protect, June 24, 2010. The phrase "never again" alludes to the call by former secretary-general Kofi Annan to prevent atrocities such as those that occurred during the genocide in Rwanda.

⁴ In the 2009 report of the UN secretary-general, RTOP is described as resting on three pillars. Pillar one, drawing on preexisting legal obligations, is the responsibility of individual states to protect their own populations (whether nationals or not). Pillar two calls on the international community (acting through the UN system and partner organizations) to help states fulfill these responsibilities. Pillar three specifies the residual responsibility of UN Member States to act, if the state in question fails to protect its population. See "Implementing the Responsibility to Protect: Report of the Secretary-General," A/63/677, January 12, 2009.

⁵ Thomas Hobbes, *Leviathan* (Harmondsworth, UK: Penguin, 1968), chap. 29, para. 23. See also Luke Glanville, "The Antecedents of 'Sovereignty as Responsibility,'" *European Journal of International Relations*, Online First (May 19, 2010); and S. Neil MacFarlane and Yuen Foong Khong, *Human Security and the UN: A Critical History* (Bloomington: Indiana State University Press, 2006), pp. 37–39.

⁶ *The Responsibility to Protect*, Report of the International Commission on Intervention and State Sovereignty (Ottawa: IDRC, 2001).

⁷ *Ibid.*, p. 8.

⁸ Francis M. Deng, Sadikiel Kimaro, et al., *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, D.C.: The Brookings Institution, 1996); and Roberta Cohen and Francis M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement* (Washington, D.C.: The Brookings Institution, 1998).

⁹ Author's interview with Francis Deng, New York, September 16, 2008.

¹⁰ See "The Kampala Document: Towards a Conference on Security, Stability, Development and Cooperation in Africa," Kampala, May 19–22, 1991.

¹¹ Francis M. Deng and I. William Zartman, *A Strategic Vision for Africa: The Kampala Movement* (Washington, D.C.: Brookings Institution, 2002), p. 139. ¹² Deng, et al., *Sovereignty as Responsibility*, p. xii.

¹³ *Ibid.*, p. xiii.

[14](#) Ibid., p. 28.

[15](#) For more on the context within which Deng wrote, see David Chandler, "Unravelling the Paradox of the 'Responsibility to Protect,'" *Irish Studies in International Affairs* 20 (2009), pp. 27–39.

[16](#) Author's interview with Francis Deng, New York, September 16, 2008.

[17](#) Pattison follows Kok-Chor Tan in arguing that RtoP therefore establishes only an "imperfect duty" to protect. See Kok-Chor Tan, "The Duty to Protect," in Terry Nardin and Melissa Williams, eds., *Humanitarian Intervention: NOMOS XLVII* (New York: New York University Press, 2006), pp. 84–116. As Pattison notes, Tan's use of the terms "imperfect duties" and "perfect duties" differs from the standard interpretation of these terms in moral philosophy (the lack of specificity around claimants rather than agents).

[18](#) See, e.g., Louise Arbour, "The Responsibility to Protect as a Duty of Care in International Law and Practice," *Review of International Studies* 34, no. 3 (July 2008), pp. 445–58.

[19](#) For a preliminary attempt to allocate the responsibility, see International Court of Justice, *Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, General List, no. 91, February 26, 2007, para. 430. Available at www.icj-cij.org/docket/files/91/13685.pdf.

[20](#) See also David Miller, "The Responsibility to Protect Human Rights" (Working Paper Series, SJ006, Centre for the Study of Social Justice, University of Oxford, May 2007), p. 4.

[21](#) In the ICISS report, these criteria are just cause, right intention, proportionate means, last resort, reasonable prospects, and proper authority. Evans develops a similar set of five principles, but does not include proper authority (pp. 139–47).

[22](#) I have developed this objection to effectiveness more fully elsewhere. See Jennifer M. Welsh, "Who Should Act? Collective Responsibility and the Responsibility to Protect," in Frazer Egerton, ed., *The Responsibility to Protect* (forthcoming, 2011). See also David Miller, "Distributing Responsibilities," *Journal of Political Philosophy* 9, no. 4 (2001), pp. 453–71.

[23](#) For other recent discussions of the council's legitimacy, see Vaughan Lowe, et al., *The United Nations Security Council and War* (Oxford: Oxford University Press, 2008), Introduction; and Allen Buchanan and Robert Keohane, "The Legitimacy of the UN Security Council in the Wake of the Responsibility to Protect" (unpublished paper on file with the author, March 26, 2010).

[24](#) Lowe, et al., *The United Nations Security Council and War*, pp. 39–43.

[25](#) For more on the benefits of the Security Council as a collective legitimizer, see Jennifer M. Welsh, "Authorizing Humanitarian Intervention," in Richard Price and Mark Zacher, eds., *The United Nations and Global Security* (New York: Palgrave Macmillan, 2004), pp. 177–92.

[26](#) Gareth Evans, "The Responsibility to Protect: An Idea Whose Time Has Come . . . and Gone?" *International Relations* 22, no. 3 (2008), pp. 283–98.

[27](#) For detailed examples of the continuing debate over meaning and use, see Bellamy's more recent article, "The Responsibility to Protect—Five Years On," *Ethics & International Affairs* 24, no. 2 (Summer 2010), pp. 143–69.

[28](#) On the cyclone in Myanmar, see Ramesh Thakur, "Should the UN Invoke the 'Responsibility to Protect'?" *Globe and Mail*, May 8, 2008; and Gareth Evans, "Facing Up to Our Responsibilities," *Guardian*, May 12, 2008. On the Russian example, see Global Centre for the Responsibility to Protect, "The Georgia-Russia Crisis and the Responsibility to Protect: Background Note," New York, August 19, 2008.

[29](#) UN General Assembly, "Special Subjects Relating to the Proposed Programme Budget for the Biennium 2008–2009," A/RES/62/238, February 20, 2008.

[30](#) A short resolution was eventually passed, which acknowledged the 2005 Outcome Document and committed the General Assembly to further discussion. See UN General Assembly, "The Responsibility to Protect," A/RES/63/308, October 7, 2009.

[31](#) See S/Res/1674 (April 28, 2006), para. 4.

[32](#) UN Security Council, "Protection of Civilians in Armed Conflict," S/PV.5577, December 4, 2006.

[33](#) Bellamy, "The Responsibility to Protect—Five Years On." See also Security Council Report, Update Report No. 1, "Protection of Civilians in Armed Conflict," June 18, 2007.

[34](#) A paragraph indirectly referring to RtoP was deleted from a draft Security Council resolution on Darfur in 2007. See Ekkehard Strauss, "A Bird in the Hand Is Worth Two in the Bush—On the Assumed Legal Nature of the Responsibility to Protect," *Global Responsibility to Protect* 1, no. 3 (2009), pp. 291–323.

[35](#) The council's work on the Protection of Civilians grew out of the post-Rwanda debate on the need for greater international commitment to act in the face of massive and systematic breaches of human rights law and international humanitarian law. The agenda was instigated by former secretary-general Annan's report "The Situation in Africa," in which he identified the protection of civilians in instances of conflict as a "humanitarian imperative," and called on the council to pay greater attention to particular areas of concern. See "The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa: Report of the Secretary-General," A/52/871-S/1998/318, April 13, 1998.

[36](#) Confidential interview with UN official, July 15, 2010.

[37](#) Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 4 (1998), pp. 887–917.

[38](#) Mervyn Frost, "A Turn Not Taken: Ethics in IR at the Millennium," *Review of International Studies* 24 (1998), p. 127.

[39](#) See, e.g., Kees Van Kersbergen and Bertjan Verbeek, "The Politics of International Norms: Subsidiarity and the Imperfect Competence Regime of the European Union," *European Journal of International Relations*

13, no. 2 (2007); Wayne Sandholtz, "Dynamics of International Norm Change: Rules against Wartime Plunder," *European Journal of International Relations* 14, no. 1 (2008); and Sarah V. Percy, "Mercenaries: Strong Norm, Weak Law," *International Organization* 61, no. 2 (2007).

[40](#) Antje Wiener, "Enacting Meaning-in-Use: Qualitative Research on Norms and International Relations," *Review of International Studies* 35, no. 1 (2009), p. 176.

[41](#) Jochen Prantl and Ryoko Nakano, "Global Norm Diffusion in East Asia: How China and Japan Implement the Responsibility to Protect," *International Relations* 25 (forthcoming, 2011).

[42](#) See Richard Price, ed., *Moral Limits and Possibility in World Politics* (Cambridge: Cambridge University Press, 2008).

[43](#) Martha Finnemore, "Paradoxes in Humanitarian Intervention," in Price, ed., *Moral Limits*, pp. 197–224. For an elaboration on the perils involved in the use of force for humanitarian purposes, see Robert Jackson, "War Perils in the Responsibility to Protect," *Global Responsibility to Protect* 2, no. 3 (2010), pp. 315–19.

[44](#) These two functions are set out by Bellamy in his subsequent article, "The Responsibility to Protect—Five Years On."

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