The Responsibility to Protect: How It Got Here and Where It's Headed

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Contents

Introduction

The Responsibility to Protect (R2P) is a new concept which redefines the meaning of sovereignty and the responsibility of governments. It seeks to establish a framework from which mass atrocity crimes can be addressed and actively avoided. R2P is a concept, principle, and an emerging norm, advocated by governments and civil society around the world (Bellamy 4-7). R2P may be many things but, above all, it is a way to abolish the scourge of genocide, crimes against humanity, and war crimes from the face of the earth. R2P emerged from a century of the bloodiest wars mankind has ever witnessed and its advocates hope to make mass atrocity crimes a phenomenon of the past.

This essay will focus on the evolution of the Responsibility to Protect, how the international community came to it, and where R2P's trajectory is headed. This will be accomplished in several ways. First, by highlighting some of the humanitarian intervention experiences in the post-Cold War era, the hope is to illuminate what exactly brought the international community to the table. Second, discussing the actual drafting of the content within R2P and the process involved should demonstrate R2P's true global meaning and purpose. Third, analyzing when and where R2P has been used or overlooked can help uncover how the commitment moved from rhetoric to action and where the transition has created gaps. Lastly, by reviewing current R2P trends, the final objective is to better conceptualize the future trajectory R2P may take in international relations.

What Experiences Brought the World to R2P?

The commitment of R2P did not come out of thin air, it came from years of being unable to avoid or appropriately address mass atrocity crimes around the world. "Never again" said the international community following the Holocaust, the Cambodian genocide in the 1970s, the Rwandan genocide in1994, and the Srebrenica massacre in Bosnia (Evans 2009: 15). Yet for several years, particularly in the 1990s, the world still struggled with addressing mass atrocity crimes while respecting sovereignty. The global South became outraged at the humanitarian interventions carried out by the global North, holding steadfast to the "traditional nonintervention concept of national sovereignty" (Evans 2008: 30). While, in situations of grave human rights violations, the global North "could not see beyond humanitarian intervention", or using military force to intervene in situations where mass atrocity crimes are being committed (Evans 2008: 30). How did the global North and South become so entrenched in their beliefs? What brought the international community to create R2P in the first place? Gareth Evans, one of the most ardent advocates of R2P, believes four critical experiences brought the international community closer to the views enshrined in R2P.

The first experience was the intervention in Somalia in 1992. The clan-based civil war in Somalia raised some serious concerns after UN Secretary-General reported to the Security Council that approximately 1.5 million Somalis were immediately at risk of death (cited in Evans 2008: 27). The United States and the United Nations responded by upping their involvement in the situation on humanitarian grounds. The mission for the United States was not entirely a failure, since they were successfully able to save about 100,000 or more lives. But to say the Somali experience was successful would be to miss the hard-learned lessons the experience taught the international community. The United States entered Somalia with the limited objective of providing humanitarian aid to at-risk populations, but severely disrupted the already fragile politics and economy of the country in the process. General Colin Powell's doctrine of overwhelming force with limited objectives commanded both the administrations of Bush and Clinton in Somalia. The United States left the United Nations with the logical problems following their intervention, and the United Nations found their task nearly insurmountable. The UN proved incapable of providing the desperate nation-building Somalia needed at the time. For the United States, assisting an at-risk population certainly has its benignity to it; however, achieving "positive results in Somalia would have been exceptionally difficult [even] under the best of circumstances" (Clarke & Herbst, 1996). It proved much easier to get in and out of Somalia than it was to create lasting change. Perhaps the biggest lesson humanitarian intervenors learned from the Somalian experience was that one cannot "intervene in a country beset by widespread civil violence without affecting domestic politics" (Clarke & Herbst, 1996); or, put another way, sometimes the best intentions can yield poor results.

The second experience, which came on the heels of the Somali intervention, happened in Rwanda in the 1990s. Shortly after the plane carrying President Juvenal Habyarimana of Rwanda and Cyprien Ntaryamira of Burundi (both Hutus) was shot down, Hutu extremists began a campaign of slaughter against their Tutsi counterparts. The UN, with the help of Belgium, sent troops into Rwanda but, "the UN mission was not given a mandate to stop the killing" (*Rwanda Genocide*, 2014). To make matters worse, the United States was still recovering from their humiliation in Mogadishu and so did not want to get sucked into another African conflict, no matter how horrific. French troops did eventually arrive with a mandate to use force, but their true impact was "at best cosmetic" (Evans 2008: 29). In fact, since the French were allies of the Hutu government, accusations of being complicit in the genocide and not doing enough to stop it even arose (*Rwanda*

Genocide, 2014). Ultimately though, the result of insufficient action was 800,000 Tutsis and moderate Hutus slaughtered in what became known as the worst genocide since the Holocaust.

The third life lesson for the international community came in 1992 in Bosnia. Following the disintegration of the former Yugoslavia, ethnic tensions and nationalism dominated the region. The United Nations Security Council remained occupied in the region, passing multiple Resolutions to address some of the ongoing problems. Starting in 1992, Bosnian Serb forces attempted to seize the eastern bloc of territory in Bosnia which included the city of Srebrenica. The United Nations established a UN Protection Force (UNPROFOR) as a peacekeeping operation with the consent of the Former Republic of Yugoslavia. However, as the situation worsened, "UNPROFOR's mandate was extended to include more complex security operations", including the "protection of five specifically identified "safe areas" around five Bosnian towns, including Srebrenica" (Evans 2008: 28). Dutch and UN troops were incapable of holding back Bosnian Serb attacks nor the eventual takeover of Srebrenica due to their lack of troops. Bosnian Serb forces blocked peacekeeping troop rotations and, as a result, "the force was reduced from an already gravely insufficient force of about 400, to about 300" (*The Fall of Srebrenica*, 1995). Following days of shelling and artillery attacks moving closer and closer to the peacekeeping forces, "U.N. sources estimate that approximately 5,000 Bosnian Serb troops had surrounded the enclave by July 5 with fifty artillery pieces and fifteen to twenty battle vehicles, including tanks and armored personnel carriers" (*The Fall of Srebrenica*, 1995). After peacekeeping forces were overwhelmed, Bosnian Serb forces separated Bosniak civilians, busing the women and girls out, who were oftentimes raped or sexually assaulted, while the men and boys were bused to killing sites. It is estimated that approximately 8,000 Bosniak men and boys were slaughtered in Srebrenica. As was the case with Rwanda, the international community yet again failed to stop mass atrocities and failed to protect civilian populations.

The fourth and final shocking experience with mass atrocity crimes came in the late 1990s in Kosovo. In 1998, President Slobodan Milosevic's clash with Kosovar Albanian forces led to the deaths of over 150,000 Kosovar Albanians. It is also estimated that some 400,000 Kosovar Albanians were forced to leave their homes. The international community failed to act through the UN Security Council to address the ongoing war in Kosovo, mainly because of the anticipated vetoes on behalf of Russia and China. NATO responded by starting a sustained air campaign against the Milosevic regime. It was clear that the previous Srebrenica experience had a lasting impact on the NATO allies who "were united by a sense of shame that, in the first four years of atrocity wars in the former Yugoslavia (1991-95), they had failed, individually and collectively, to devise coherent policies and to engage in decisive action" (Roberts 104). The NATO intervention raised serious concerns, however, since acting without the blessing of the UN Security Council undermined the Council itself. Was the circumvention of the Security Council for international peace and security matters appropriate? Was it even legal? These questions become especially troubling when one considers that NATO's objectives "included many elements that were not entirely humanitarian, and not exclusively concerned with Kosovo" (Roberts 108).

Insufficient action and humanitarian interventions stretched traditional notions of sovereignty in ways which threatened to emasculate the idea entirely. These experiences also drew its fair share of global criticism. Thomas Weiss, a prominent scholar of humanitarian intervention and R2P, highlights several of the most significant criticisms surrounding the use of military force in humanitarian crises. First, Weiss argues that staying the course, with or without UN authorization, is necessary to reach an outcome which can avoid any repeat of what caused the crisis in the first place. This was unfortunately not always the case. In this sense, East Timor suffered a similar fate to

Somalia, where not staying the course or rebuilding the failed institutions slid these countries back into crises. In 2006, "East Timor reverted back into chaos and violence…prompting the return of Australian military forces that had previously departed with the onset of post-conflict reconstruction" (Weiss 90). Second, Weiss argues critics are right to question whether military humanitarianism does in fact do more harm to the situation than good (Weiss 91-92). The actions taken in Libya (which is discussed further below) should raise questions as to the validity of humanitarian intervention in certain situations. Will an intervention provide long-term relief? Or will it provide only a temporary solution?

Despite these four experiences, there still was no concrete consensus on when and how to act. On the one hand, the international community wanted to actively avoid mass atrocity crimes but, on the other, was dissatisfied with how these crimes in the 90s were handled. It is true that following the end of the Cold War the world became better situated to handle global concerns over peace and security. Ideological warfare no longer dominated international relations, and the age of realpolitik began unravelling. Following the end of the Cold War, even the United States began stressing human rights more energetically. Yet, despite renewed energy, the 1990s were not characterized by the global consensus on addressing mass atrocities some had hoped for. They were alternatively characterized by missteps or inaction in the face of mass atrocity crimes. By the end of the 20th century, the international community was pressed with the existential question of how to reconcile the relationships between contemporary forms of war, sovereignty, and respect for human rights. It was out of this 20th century debris from which the idea of the responsibility to protect was finally born.

The Development of R2P

The 21st century saw renewed efforts to address the previous century's problems responding to grave human rights violations. Several countries contributed to the drafting of R2P over the span of several years, eventually culminating in the 2005 World Summit. The concept of "sovereignty as responsibility", Kofi Annan's "two sovereignties", and the ICISS report each helped shape what the world knows today as R2P. The World Summit also saw some changes to the commitment but on the whole it was accepted by the international community with relatively open arms. So what exactly did all these contributions add to the responsibility to protect?

The first effort which had broken new ground came from Francis M. Deng and Roberta Cohen on internally displaced persons (IDPs). Together they were able to conceptualize a new form of thinking on IDPs where sovereignty meant something quite different. Their concept became known as "sovereignty as responsibility", and many attribute this breakthrough as being "at the heart" of R2P (Weiss 98). In *Sovereignty as Responsibility: Conflict Management in Africa*, the authors (among them being Francis Deng) argue that sovereignty carries certain responsibilities for which governments are to be held accountable. They are to be held accountable not only to their national constituency, but to the international community at large (Deng, Kimaro, Lyons, Rothchild, Zartman 1). Put another way, a state derives its legitimacy "from their efforts to promote the welfare and dignity of all their citizens" and must abide by their social contract as rulers (Gerhart, 1997). In order for a government to be seen as legitimate, "sovereignty must demonstrate responsibility, which means at the very least ensuring a certain level of protection for and providing the basic needs of the people (Deng, Kimaro, Lyons Rothchild, Zartman 27). A failure to do so means the government is discharging its duty and, therefore, must subsequently accept "the right of other countries or international bodies to intervene to resolve conflicts and rescue victim populations from disaster" (Gerhart, 1997). In this understanding, sovereignty is conditional.

Reframing sovereignty as a responsibility was an enormous breakthrough for the international community, even paving the way for future articulation of R2P. No longer was sovereignty to be seen as what Gareth Evans calls a "license to kill". The old Westphalian order of nonintervention above all was seriously challenged by the "sovereignty as responsibility" argument. Although sovereignty as responsibility has not yet transformed institutional structures, it has certainly changed international discourse and provided a clear normative framework, at the very least, on IDPs (Weiss 104).

The second significant breakthrough on sovereignty came from former UN Secretary General Kofi Annan's articulation on the "two concepts of sovereignty". Annan believes two types of sovereignty have transformed throughout the years – state sovereignty and individual sovereignty. For state sovereignty, he argues that "states are now widely understood to be instruments at the service of their peoples, and not vice versa". Additionally, for individual sovereignty, Annan claims that "when we read the charter today, we are more than ever conscious that its aim is to protect individual human beings, not to protect those who abuse them" (Annan, 1999). This new understanding of sovereignty essentially shifts the focus away from the state and to individuals. Individuals are what the international community should be focused on, not protecting the state's absolutist power. Advocates of human rights and Annan alike argue that the sovereignty of states should never outweigh the human rights of its citizens (Weiss 107). Annan's efforts helped to refocus the ongoing debate "not on questions of whether sovereigns had responsibilities but what

those responsibilities were, how they were best realised and what role international society should play" (Bellamy 32).

In the early 2000s, the third major breakthrough for the current form of R2P unfolded in the International Commission on Intervention and State Sovereignty report. The UN Secretary-General in his 2000 Millennium Summit report set the scene for the newly established commission by "revisiting the question of intervention and challenging the UN membership to resolve the perceived tension between sovereignty and human rights" (Bellamy 35). Alex Bellamy, in *The Responsibility to Protect: The Global Effort to End Mass Atrocities*, argues the Secretary-General wanted the international community to reconcile three major concerns following the Summit. First, some countries worried that humanitarian intervention could be used as a vessel to intervene in the affairs of other sovereigns. Second, some were concerned that the new thinking on sovereignty may "encourage secessionists to use violence to provoke intervention-triggering human rights abuse" (Bellamy 35). Lastly, the final group was skeptical over the selection of when humanitarian intervention was to be used (Bellamy 35). Amidst the growing concerns and back-and-forth over humanitarian intervention, Canadian Prime Minister Jean Chretien established the International Commission on Intervention and State Sovereignty (ICISS).

After several roundtables, global consultations, and meetings with governments, academia, and civil society, the ICISS finalized its report in December 2001. The report was named "The Responsibility to Protect". The report builds on the "sovereignty as responsibility" belief as well as on Kofi Annan's "two sovereignties" understanding. It reestablishes the importance of the traditional norm of noninterference while codifying the new understanding of sovereignty as being the responsibility of governments to protect all its citizens. Regarding humanitarian intervention, the commission believed the ongoing debate should focus "not on "the right to intervene" but on "the responsibility to protect"" (*The Responsibility to Protect*, 2001: 17). This shift entails several key changes to the current understanding. The responsibility to protect gives the state primary responsibility to address mass atrocities within their own borders. If the state is unable or unwilling, it becomes the responsibility of the international community to act in their place. The responsibility to protect also means not just reacting to mass atrocity crimes, but preventing and rebuilding as well. Acting before grave human rights violations take place would avoid the need for military humanitarianism and, likewise, working to rebuild the state after can offset any future conflict or need for future intervention. The commission stressed that prevention is the most important element of the responsibility to protect. Monitoring populations at risk and taking the necessary action to avoid mass atrocities would at least in part address the anxieties states have regarding the international community's role in the internal affairs of other states, since the preventing portion would not entail force. The commission also argued that military intervention for humanitarian purposes should be seen as "an exceptional and extraordinary measure" (*The Responsibility to Protect*, 2001: XXII). The only way military intervention for humanitarian purposes could be used is in the case of large scale loss of life and/or large scale 'ethnic cleansing'. If these criteria are not met, the commission holds that military intervention should indeed not be an option. The commission also addressed the concerns over NATO's intervention in Kosovo without Security Council authorization:

A. There is no better or more appropriate body than the United Nations Security Council to authorize military intervention for human protection purposes. The task is not to find alternatives to the Security Council as a source of authority, but to make the Security Council work better than it has.

B. Security Council authorization should in all cases be sought prior to any military intervention action being carried out (*The Responsibility to Protect*, 2001: XII).

Overall, the ICISS's "Responsibility to Protect" report covered most of the concerns from both sides of the ideological divide. It did not revert to the Westphalian "sovereignty as a license to kill" understanding while also not endorsing humanitarian intervention or the bypassing of the United Nation Security Council. The report was able to heal the divides and find common ground on the major issues of sovereignty, intervention, and human rights. There were certainly its fair share of critics; however, the ICISS report's first major test came in the 2005 World Summit.

In March 2005, Secretary-General Kofi Annan urged UN Members to embrace the responsibility to protect in his eighty-eight page report, *In Larger Freedom: Towards Development, Security, and Human Rights for All* (cited in Evans, 2008: 46). In Kofi Annan's report, he urged governments and heads of state to:

> (b) Embrace the "responsibility to protect" as a basis for collective action against genocide, ethnic cleansing and crimes against humanity, and agree to act on this responsibility, recognizing that this responsibility lies first and foremost with each individual State, whose duty it is to protect its population, but that if national authorities are unwilling or unable to protect their citizens, then the responsibility shifts to the international community to use diplomatic, humanitarian and other methods to help protect civilian populations, and that if such methods appear insufficient the Security Council may out of necessity decide to take action under the Charter, including enforcement action, if so required (Annan, Annex Par. 7(b)).

In sum, Kofi Annan's proposals "touched even more ICISS direct bases" and ultimately set the stage for the World Summit later on that year (Evans, 2008; 46).

The 2005 World Summit held between the 14th and 16th of September saw more than 150 world leaders, including presidents, prime ministers, and princes, deliberate on the most pertinent world issues at hand (Weiss 121). At the conclusion of the Summit, world leaders formally adopted the responsibility to protect, as seen in the Summit's Outcome Document. More specifically, Paragraphs 38 and 39 of the Outcome Document deal directly with R2P concerns.

The General Assembly held:

> 138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

> 139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in

accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out (U.N.G.A. Res. A/60/1, 2005).

The journey of R2P, from the history of humanitarian intervention and genocide to its General Assembly triumph, was an extensive and much deliberated one. The mere fact that R2P reached a consensus in the General Assembly was nothing short of momentous (Weiss 67). Yet, despite consensus and its triumph in the GA, R2P still had a long road ahead. There were still those who remained skeptical of R2P, on both sides of the ideological divide. Moreover the intervention into Libya in 2011 only served to bring more skeptics along and exacerbate tensions even further. Therefore, in getting a better understanding of the future of R2P, it is important to note how R2P has been used and how its uses have either reinforced or de-aligned ideological stances.

R2P Cases: A Brief Overview

The first attempted invocation of R2P came on behalf of France in response to a Category 4 cyclone which hit Burma's Irrawaddy Delta on 2 May 2008. Cyclone Nargis caused massive destruction and devastation, destroying entire villages and leaving people with no food, water, shelter, or medical supplies. The international community reacted quickly by offering food and medical supplies to the affected areas, but the military regime was "slow to accept outside assistance and, when it finally did, moved to actively thwart efforts to reach the most vulnerable" (Pinheiro & Barron 266). The military regime had a history of human rights violations –including destroying ethnic-minority villages, forcing transfers of populations, murder and torture, detention of political prisoners, and the use of sexual violence – so the international community became particularly concerned when the regime refused and acted against international aid (Pinheiro & Barron 263-266). Once it became clear the regime was not going to assist its people, Foreign Minister Bernard Kouchner of France "suggested that the United Nations invoke [R2P] to protect the people of Burma" (Dalder & Stares, 2008). Unfortunately, the French Foreign Minister's words "were met with a deafening silence" and "touched off a firestorm of controversy that ultimately doomed any potential successful application of the doctrine" (Dalder & Stares, 2008; Pinheiro & Barron 268). The most common argument against the Foreign Minister was that the R2P commitment only pertains to mass atrocity crimes which, ostensibly, do not include intervention in the aftermath of a natural disaster.

In Kenya in late December 2007, eruptions of violence broke out following the disputed presidential elections held on 27 December of that year. As quickly as the violence erupted in Kenya, leaders from around Africa and abroad hastily met to "press for a resolution on the crisis and an end to the violence", which "coalesced around the Africa Union-mandated Panel of Eminent Africa Personalities, under the chairmanship of Kofi-Annan" (Preston-McGhie & Sharma 279). Following their first round of talks, the Panel agreed to address four critical issues on their agenda: (1) Immediate action to stop violence and restore fundamental rights and liberties; (2) Immediate measures to address the humanitarian crises, promote reconciliation, healing, and restoration; (3) How to overcome the current political crisis; and (4) Long-term issues and solutions (cited in Preston-McGhie & Sharma 287). On 28 February, the Panel reached a power-sharing agreement on a Grand Coalition Government where Raila Odinga became Prime Minister and Mwai Kibaki retained the presidency. The agreement created no real losers since combatant factions had at least some say in the outcome. The most significant outcome of the agreement, however, was the hampering down of tensions and the de-escalation of violence.

Although R2P was not formally invoked, the case of Kenya serves as an example of how R2P can work at the very least as a normative force. The first two items on the Panel's agenda clearly have R2P undertones. Additionally, the Kenyan case reinforces the new approach the UN wishes to take with regard to grave human rights violations, mainly the shift from focusing on *reaction* to focusing on *prevention*. Critics are right, however, to point out that attributing long-term success to the Panel's actions may be premature, since even the Global Centre for the Responsibility to Protect warned that more preventative action was needed leading up to the 2013 elections (*Global Centre for the Responsibility to Protect*, 2011). Nevertheless, Kenya proved to the international community that "non-coercive tools, such as mediation, can help to halt atrocities when employed early, with sufficient resources and vigorous international support" (*Global Centre for the Responsibility to Protect*, 2011; 7).

In 2008, Foreign Minister Sergei Lavrov of Russia used the R2P commitment as a justification for Russia's invasion into Georgia. In a meeting at the Council On Foreign Relations, Lavrov claimed their actions in Georgia were to protect Russian peacekeepers. He claimed, "we have been protecting the lives of Russian peacekeepers who had been attacked by their Georgian comrades…we exercised the responsibility to protect" (*Council On Foreign Relations Transcript*, 2008). In addition, President Vladimir Putin on 30 August stated Georgia's goal was "the extermination of the peaceful population in South Ossetia", and asked "what is this if it's not genocide?" (quoted in Rubin, 2008). These accusations were a rather stunning explanation for several reasons. First and most importantly, the European Union established the Independent International Fact-Finding Mission on the Conflict in Georgia which essentially found that nothing amounting to genocide took place in Georgia. The independent body found that, in the end, "the Georgian side claimed losses of 170 servicemen, 14 policemen and 228 civilians killed and 1,747 persons wounded. The Russian side claimed losses of 67 servicemen killed and 283 wounded" (*Independent International*, 2008). Secondly, Russia's increasing involvement in Georgia, more specifically in Abkhazia and South Ossetia, had no Security Council backing thereby making the intervention, as well as their claims of R2P, illegitimate. In fact, Russia's continued actions in Georgia even today remain outside of international law. As recently as March 2015, Russia signed a treaty of "Alliance and Integration" with the de facto government of South Ossetia essentially entailing the gradual annexation of South Ossetia (Otarashvili, 2017). This claim of R2P clearly was not a proper invocation of the commitment, since neither a mass atrocity crime nor a Security Council mandate took place. Although claims of R2P do not necessarily need a UN Security Council mandate, invading another sovereign state in the name of R2P certainly does.

The ongoing conflict in Darfur has kept the United Nations Security Council and the broader international community busy on several fronts. The violence in Sudan erupted in February 2003 when the Sudan Liberation Movement/Army (SLMA) attacked infrastructure and government forces in Darfur. One of the main reasons for the conflict remains resource scarcity as "African farmers and Arabic nomads long have competed for limited resources in western Sudan's Darfur region", a struggle only worsened by the prolonged drought in 1983 (Zissis, 2006). Since Khartoum was already engaged in an ongoing civil war, the Sudanese government decided to fund the Arab Janjaweed militias to fight off the rebels in Darfur. Ethnic tensions rose as the Arab militias targeted populations which both backed the rebels groups and practiced a different form of Islam, one which was held in contempt by the Arab Islamic Sudanese government (Zissis, 2006). According to the 2016 Humanitarian Needs Overview report provided by the U.N. Office for Coordination of Humanitarian Affairs (OCHA), approximately 3.3 million people are in need of humanitarian assistance in Darfur alone. Furthermore, in 2016, 97,481 people were newly displaced and, as of January 2017, remain displaced across Darfur (*Darfur Hum. Overview*, 2017).

The United Nations Security Council passed several Resolutions dealing with the crisis in Darfur, directly using R2P language in several. For example, UNSC Resolution 2296 states that the UN emphasizes "that those responsible for violations of international humanitarian law and violations and abuses of human rights must be held accountable and that the Government of Sudan bears the primary responsibility to protect civilians within its territory and subject to its jurisdiction" (U.N.S.C. Res. 2296, 2016). Similarly, in 2006, UNSC Resolution 1706 "reaffirms inter alia the provisions of paragraphs 138 and 139 of the 2005 United Nations World Summit outcome document" or, put another way, reaffirms R2P (U.N.S.C. Res. 1706, 2006). Several, including The Global Centre for the Responsibility to Protect, have accused the Sudanese Armed Forces of committing "war crimes, including extrajudicial killings, forced displacement and widespread sexual

violence against civilians in South Kordofan and Blue Nile" (*Global Centre for the Responsibility to Protect*, 2017). Furthermore, Human Rights Watch have claimed the Sudanese Armed Forces have committed crimes against humanity when they "raped more than 200 women and girls in an organized attack on the north Darfur town of Tabit in October 2014" (*Sudan*, 2015). Such mass atrocity crimes are precisely what R2P is meant to address. The conflict in Darfur has attracted a considerable amount of international attention coalesced around the responsibility to protect populations at risk. Whether R2P has done its job in Darfur is questionable, but it, nevertheless, continues to be invoked in response to the ongoing human rights violations.

The clearest case of R2P with the broadest and most significant implications, however, remains the 2011 NATO military intervention into Libya. Following the effects of the Arab Spring, protests erupted and a rebellion formed to challenge the long-ruling leader of Libya, Muammar al-Qaddafi. By 26 February, "it was already clear that Qaddafi was willing to use whatever means available to crush a rapidly developing uprising" (Adams, 2014). Qaddafi and his son, al-Islam, aired on radio stations across Libya claiming there will be "rivers of blood", describing protestors as "rats" and "cockroaches", and stating they would "cleanse Libya house by house" (Adams, 2014). Following Qaddafi's speeches, the international community was once again reminded of the horrors which they failed to stop in Rwanda all those years ago. The international community was quite different this time. This time, they responded with several Security Council Resolutions mandating a prevention of genocide and the protection of civilians in Benghazi. UNSC Resolution 1973 was seen as the most significant in changing the narrative in Libya, and it clearly invoked R2P language in it. With respect to R2P, the Security Council reiterated "the responsibility of the Libyan authorities to protect the Libyan population", and reaffirmed "that parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians" (U.N.S.C. Res. 1973, 2011).

The intervention, however, soon changed from "preventing the state attacking civilians to supporting rebel forces seeking to the overthrow of the Ghaddafi regime" (Hobson 443). With heavy air support from NATO, rebel forces soon advanced to Tripoli, took the capital, and captured and killed Qaddafi. The intervention initially meant to protect innocent civilians from mass atrocities "transmogrified into something much more expansive and consequential" (Hobson 443). Now, the situation in Libya "is a mess", with "Islamic State forces holding significant ground and human security being in "worse shape than it was under Muammar el-Qaddafi" (Evans, 2016). The power-vacuum which the fall of Qaddafi left was "quickly filled by competing militias, which were heavily armed after gaining access to the old regime's stockpiles" (Hobson 449). Instead of democracy forming in Libya, the country slipped into becoming a failed state riddled with violence and chaos.

Given the apparent failure on behalf of the international community in dealing with Libya, it is important to consider what broader implications the intervention precipitated. How did the intervention affect R2P? How did it affect international cooperation?

R2P After Libya

The common view is that the Libyan experience dealt a significant blow to R2P and to future international cooperation. The issue raised was the misuse of R2P, or the expansion of the Security Council mandate on behalf of the P-3 (United States, France, United Kingdom). It is impossible to know what kind of alterative outcome there would have been in Libya had NATO not overstepped its mandate. However, Gareth Evans, one of the founders of R2P, argued that "had France, the UK, and the US adhered to the terms of the UN mandate", it would have been "reasonable to assume that support would have continued" (Evans, 2016). This would mean the blow dealt to international cooperation on peace and security matters would have at least not been as paralyzing as it was. Today, the UN Security Council has been at a standstill while mass atrocity crimes are being committed quite frequently in Syria. From March 2011 to July 2012, Russia and China vetoed three Security Council Resolutions directly addressing the mass atrocity crimes being committed in Syria (Adams, 2014). And, even following reports of sarin gas attacks, the Security Council has yet to respond in any meaningful way. To make matters worse, the BRICS even "refused to take any action at all in response to the unfolding horror in Syria, which in its early stages bore an uncanny resemblance to Qaddafi's oppression" (Evans, 2016).

An opposing view is that of Dr. Simon Adams, Executive Director of the Global Centre for the Responsibility to Protect, who attributes the lack of support on Syria more to a growing divide between the Permanent Members of the Security Council than to the misuse of R2P. Although this goes against what most argue, it does have some salience and is indeed worth noting. Russia and China have drifted from the P-3 on a "range of situations and thematic issues from Syria and Sudan to the future of UN peacekeeping" (Adams, 2014). Furthermore, Russia has a vested interest in keeping the status quo in Syria, since the regime has been a strategic ally in the Middle East for some time now. As for China, they, along with Russia, Brazil, Germany, and India abstained from the Resolution 1973 vote "because of the possibility of large-scale loss of civilian lives, the danger of being drawn into protracted military confrontation, and the unintended effect of exacerbating tensions on the ground" (Rothwell & Nasu, 2011). The Chinese have a long history of refraining from involvement in the internal affairs of other states. Adams would argue that this was essentially only reinforced by the Libyan experience, not created.

With regard to R2P, Adams' claims are further reinforced by the fact that R2P language in Security Council Resolutions has in fact increased, not decreased following the 2011 Libyan experience. R2P language in Security Council Resolutions has shifted from being contentious to being much more commonplace. In her research, Jess Gifkins finds that "unlike the argument that consensus was 'lost' after the Libyan intervention, analysis of the language in Security Council resolutions shows that it became markedly easier to reference R2P after 2011 than it was before" (Gifkins 160). She also finds that incorporating R2P language into Resolutions has "become quicker and easier to negotiate" than ever before. R2P language in the early years of the doctrine was highly contentious and oftentimes halted further drafting. This is no longer the case. R2P has indeed become a norm in Security Council Resolutions. Additionally, The Global Centre for the Responsibility to Protect tracks the times presidential statements use R2P language and ultimately found even presidential statements using R2P has increased after 2011 (*Global Centre for the Responsibility to Protect*, 2014).

These findings on both presidential statements and Resolutions using R2P language suggests that even if Libya had paralyzing repercussions for international cooperation or R2P, it may perhaps be a smaller drawback than most anticipated. For most, however, the real test of R2P remains its use in the face of great-power politics and competing national interests, which essentially is the case in Syria.

Conclusion: Where Does R2P Go From Here?

The responsibility to protect has endured a long and contentious journey from inaction in the face of mass atrocity crimes to at least a discussion on what actions the international community ought to take. The early developments which brought the international community to the drawing board, the creation of R2P and its official adoption, the cases in which R2P has been used or overlooked, and the Libyan experience and its implications have all been highlighted in this essay. Research in R2P is certainly extensive and will most likely continue to draw the attention of academics, diplomats, and politicians for many years to come. The future of R2P is anything but clear, but there is some significant discussion underway regarding the commitment's trajectory in international relations.

The most prominent focus is on R2P's role in international criminal justice, mainly its connection to the International Criminal Court (Bassiouni, 2009; Schiff, 2016; Ainley, 2015). The main argument is that providing an international architecture where government leaders and perpetrators of mass atrocity crimes are held accountable, the need for military intervention or successful maneuvering through great power politics would be lessened. The potential for the Court to serve as a deterrence of crime may further contribute to the prevention of mass atrocity crimes in conflict. The UN Security Council has the power to refer cases to the ICC as was the case for Sudan's Darfur region in March 2005 and for Libya in Resolution 1970. Yet, the trouble with relying on the ICC is the lack of enforcement mechanisms at the Court's disposal. The Court is limited in who it can prosecute and even when the Court does decide to issue arrest warrants, it is ultimately up to States to enforce the Court's orders. Sudanese President al-Bashir and Muammar al-Qaddafi's son, Said Al-Islam Qaddafi, both have warrants for their arrest yet have not been brought to the ICC. It is certainly tempting to propose the ICC and the Responsibility to Protect can be fully complementary but this, unfortunately, is not currently the case. As R2P continues to grow as a norm and as the ICC expands its membership and successfully prosecutes perpetrators of mass atrocity crimes, the premise of a deeper, more complementary relationship between the two should expected.

Another interesting discussion regarding R2P is the notion of "responsibility while protecting", a concept initially proposed by Brazil. While it has certainly lost steam post-Libya, the concept does provide a useful framework for addressing mass atrocity crimes. It creates a set of "criteria for military intervention, a monitoring-and-review mechanism to assess the implementation of Security Council mandates, and a renewed emphasis on capacity building to avert crises before they happen" (Welsh, 2013). At an informal discussion in February 2012 hosted by the Permanent Mission of Brazil, Francis Deng, Special Adviser to the Secretary-General on the Prevention of Genocide at the time, expressed strong support for the need to fine-tune R2P further. He had "no doubt" that the idea of "RwP" proposed by Brazil was "an important contribution to the consideration of RtoP" and "would sharpen the debate on how best to respond to RtoP situations" (Deng, 2012). To expect an adoption of this principle, however, would be highly optimistic since, historically, the United States has rarely accepted limits on its capacity to wield power, especially as it relates to its' national interest. While it is true that US approval and participation is not necessary, it would be rather difficult to reach critical mass in the absence of US acceptance.

Finally, there remains the still-debated role of regional and sub-regional organizations in the current R2P framework. Richard Haas, President of the Council on Foreign Relations, argues that

"regional bodies may be a better bet than global venues…as local states have a stake in doing something about a crisis that could lead to massive refugee flows" (Haas 235). In a similar vein, Haas adds "regional approaches also tend to reduce the role of great-power politics", something that may prove necessary following the effects of the R2P masqueraded regime-change intervention in Libya (Haas 235). Most recently, the EU has taken considerable steps in adopting R2P in several relevant documents. In "The New European Consensus on Development", passed on 19 May 2017, the European Commission held that the EU and its Member States "will continue to support the principle of responsibility to protect and the prevention of atrocity crimes" (*The New European*, Par. 66). Likewise, in the European Commission's "Reflection Paper on the Future of European Defense", the Council held "the European Union and its Member States have a duty and responsibility to protect citizens and promote European interests and values" (*Reflection Paper* 6). The need for the Security Council to remain active in global peace and security matters remains central, but there may perhaps be a space for regional institutions to, at the very least, prevent conflicts from reaching critical levels. Prevention became the clear focus in R2P, so who better to prevent mass atrocities than the countries and leaders who would be most affected should a conflict break out?

The responsibility to protect can take several paths moving forward, and indeed should be expected to do so as globalization continues. As the world becomes ever more connected through technology, immigration, trade, and investment, the need for cooperation on several fronts should itself warrant discussions on peace and stability. Unlike at any time in human history, technology allows the world to see the human suffering and the ramifications mass atrocities create. As Haas points out, the possibility of massive refugee flows following a conflict should also incentivize countries to maintain stability in the region. And, lastly, as economies continue to open-up to world markets, the loss of investment and trade flows as a result of conflict should be a serious concern and should also be expected to further incentivize the avoidance of conflict. The world has a vested interest in maintaining stability, preventing conflict (and mass atrocities), and keeping the peace. In this context, R2P certainly provides a useful framework. As discussed, R2P as a compliment to the ICC, RwP adopted to the R2P framework, and R2P as a norm in regional institutions should all be considered as a possible future for R2P. R2P remains relevant to the discussion surrounding preventing and addressing mass atrocity crimes and, as demonstrated, should be expected to remain so for quite some time.

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