

The Responsibility to Protect Comes of Age

by Gareth Evans

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NEW YORK – Good news not only sells less well than bad news, but also often seems harder to believe. Reaction to Harvard psychologist Stephen Pinker’s majestic new book, *The Better Angels of Our Nature*, is a case in point.

In 800 meticulously argued and documented pages, Pinker shows that, over the course of history, there has been a dramatic decline in violence, both domestically and internationally – and that this downward trend is continuing through the post-Cold War years. But the response of many reviewers to Pinker’s work has been incomprehension, denial, or a tenacious focus on individual horror stories, as though they somehow change the larger picture.

Many will be similarly slow to accept that when it comes to the most conscience-shocking classes of violence – genocide, ethnic cleansing, and other mass atrocities – dramatic progress has been made recently. Those gains culminated in the interventions, unthinkable a decade ago, that the United Nations Security Council authorized this year to stop unfolding human-rights catastrophes in Côte d’Ivoire and Libya. With progress like this, it is no longer fanciful to hope that never again will there be another Holocaust, Cambodia, Rwanda, or Srebrenica.

It is ten years since an international commission that I co-chaired gave birth to the concept of the Responsibility to Protect (“RtoP”), and six years since more than 150 heads of state and government endorsed it unanimously at the UN’s World Summit in 2005. The core idea was simple: stop arguing for a “right to intervene,” which inevitably generates a backlash, and talk instead about “responsibility” – that of every state to protect its own citizens from atrocities, but also that of the wider international community to act if a state is unable or unwilling to do so.

The new concept also made clear that international protective action meant military coercion only in extreme and unavoidable cases. The normal sequence would be assistance, persuasion, and non-military pressure like sanctions and criminal prosecution.

For some time after 2005, it was possible to argue that all of this was hot air, and that fast, decisive action to respond to genocidal atrocities would remain as unlikely as ever. The jury remained out even after Kenya in early 2008, when horrific post-election violence was widely considered an RtoP case, and former UN Secretary-General Kofi Annan led a successful diplomatic mission to persuade ethnic-group leaders to quell the storm.

But it was in Côte d'Ivoire, and especially in Libya early this year, that RtoP really came of age. The two Security Council resolutions on Libya in February and March were textbook examples of a phased response to an increasingly desperate situation. Invoking RtoP, that response began with a warning and the threat of sanctions and prosecution at the International Criminal Court, and only subsequently allowed military force to protect civilians. The threat was real, and the response – in terms of many thousands of lives saved – was unquestionably effective.

Other developments, both before and since, have reinforced and embedded the RtoP norm. Even as the NATO-led intervention in Libya was being widely criticized for overreaching its narrow mandate, a major General Assembly debate in July 2011 reaffirmed overwhelming support among UN member states for the RtoP concept, in all of its dimensions. The arguments now are not about the principle, but about how to apply it.

In particular, unlike previous situations – ranging from the Burmese response to Cyclone Nargis to the Sri Lankan military's civilian massacres masquerading as a legitimate response to terrorist insurgency – there is little conceptual disagreement now about what are, and are not, "RtoP cases." For all of the lamentable inadequacy of the Security Council's response to the situation in Syria, no one has seriously argued that it is not an RtoP case.

Moreover, there have been important institutional developments in terms of early-warning mechanisms and civilian and military preparedness, not least with President Barack Obama's recent initiation in the United States of an interagency Atrocities Prevention Board.

Nobody denies that challenges remain in ensuring that RtoP is applied effectively and consistently. An immediate need is to counter the perception that any condemnatory response to an unfolding RtoP situation means stepping onto a slippery slope to military confrontation – a perception that Russia and China heavily milked in seeking to justify their vote against an early-stage Security Council resolution on Syria.

It is crucial in this context that RtoP advocates continue to emphasize that coercive military force can be contemplated only in the most extreme and exceptional circumstances. The best way to make that point would be to revive the dormant debate about adopting narrow guidelines for military intervention, as recommended by my commission and Secretary-General Annan prior to the UN vote in 2005. Clear criteria like “last resort,” “proportionality,” and “balance of consequences” would make it harder to use cynical diversionary tactics in the Security Council and elsewhere.

I have learned from long experience that to be optimistic about almost anything in international affairs is to run the risk of being thought ignorant or naïve, if not demented. But, on the issue of mass-atrocity crimes – where the international community has long had good reason for shame – real optimism is now justified. That is very good news indeed.

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Giselle Lopez wrote "Responsibility to Protect at a Crossroads: The Crisis in Libya" as part of the 2014 Humanity in Action Diplomacy and Diversity Fellowship. The research essay was first published in *Transatlantic Perspectives on Diplomacy and Diversity* (Humanity in Action Press 2015). The complete book is available for purchase on Amazon. This article examines the ethical and legal implications of the Responsibility to Protect (R2P) through a case study of humanitarian intervention in Libya. R2P was designed so that "when the next case of threatened mass killing or ethnic cleansing comes along, as it surely will, it must be dealt with expeditiously and in a systematic, thoughtful and above all principled way." (25). Responsibility to Protect's principles for military intervention begin by providing a threshold of just cause necessary to warrant the degradation of state sovereignty. It states that for military intervention to be warranted, there must be serious and irreparable harm occurring to human beings, or imminently likely to occur. Immediately after anti-Gaddafi protests began in Libya, violence occurred as state security forces attempted to crush the demonstrators. The next day Muammar Gaddafi gave a speech in which he referred to the protesters as cockroaches before urging those Libyans who remained loyal to the regime to "come out of your homes, attack (the protestors) in their dens." These events drew the attention of Bastian Friborg, ID 4121119.

Responsibility to Protect and Sovereignty Introduction Overview

The nation-State is under pressure. Economics and the high level of mobility, brought about by globalization, has put into question the sovereignty of states. In 2005, the UN outlined the idea of the Responsibility to Protect, with three pillars: (1) the state carries the primary responsibility for its citizens. This paper will look at how the responsibility to protect can be just another step towards a change in the concept of the sovereignty of state. People against their own governments came to the front of international relations in cases such as Rwanda, Somalia and Kosovo (ICISS, 2001, pp. VII-X). The need for better tools to react and prevent such cases became clear.