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With the exception of Raphael Lemkin's efforts and the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, no idea has moved faster in the international normative arena than "the responsibility to protect" (R2P, or the uglier RtoP in current UN parlance), the title of the 2001 report from the International Commission on Intervention and State Sovereignty (ICISS).[i]

Friends and foes have agreed that the commission's contribution to forestalling and stopping mass atrocities was its specific framework with a three-pronged responsibility—to prevent, to react, to rebuild.

Prevention was not an ICISS afterthought, but the motivation for convening the commission in fall 2000 was to break new ground and about reacting to mass atrocities. Its comparative advantage, at least in comparison with other international blue-ribbon groups, was a narrow focus—what used to be called "humanitarian intervention." Receptivity to its recommendations reflected not only the idealism of a few like-minded norm entrepreneurs but also its demand-driven character. After divisive and inconsistent instances of military humanitarianism in the tumultuous 1990s, states genuinely sought guidance about intervening across borders to protect and assist war victims.

The original formulation of R2P by the ICISS sandwiched military force in between the sliced-white-bread of prevention and post-conflict peace-building. These popular issues made military intervention for human protection purposes somewhat more palatable than it had been, especially to Third World critics. And then UN secretary-general Kofi Annan, who had used the bully pulpit far more than his predecessors to serve to push human rights in general and preventing mass atrocities in particular,[ii] heartily welcomed the report. Nonetheless, sovereignty remained paramount, the deployment of military force objectionable, and R2P contested.

As he has done for too many issues since taking office in 2007, Secretary-General Ban Ki-moon has sought to finesse controversy. His January 2009 report emphasized three supposedly equal pillars underpinning R2P—state responsibility, capacity building, and international responses.[iii] According to Ramesh Thakur, "the report did not retreat from the necessity for outside military action in some circumstances but it diluted the central defining feature of R2P."[iv] I would be harsher: the Secretary-General sought to sidestep considering the third pillar, the sharp end of the R2P stick of using or threatening to use military force to stop mass atrocities. As James Pattison reminds us, "humanitarian intervention is *only one part* of the doctrine of the responsibility to protect, but… it *is* part of the responsibility to protect."[v] That reality became clear once again with R2P's first unequivocal application to justify the international action in Libya. [vi]

So, whither R2P? Given R2P's declared goal of changing the discourse about a visceral humanitarian reaction and make mass atrocities a distant memory, how long can a norm be "emerging" before it "has emerged"? Whatever one's views about the current consensus or lack thereof, the responsibility to protect certainly has shaped international conversations—diplomatic, military, and academic—about responding to egregious violations of human rights and conscience-shocking humanitarian disasters. It would be useful to readers to review history.

R2P moves beyond the contested and counterproductive label of "humanitarian intervention." Beginning with the international response in northern Iraq in 1991, this moniker had led to largely circular tirades about the agency, timing, legitimacy, means, circumstances, and advisability of using military force to protect human beings.

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The central normative tenet of the responsibility to protect is that state sovereignty is contingent and not absolute; it entails duties not simply rights. After centuries of largely looking the other way, sovereignty no longer provides a license for mass murder in the eyes of legitimate members of the international community of states. Every state has a responsibility to protect its own citizens from mass killings and other gross violations of their rights. If any state, however, is manifestly unable or unwilling to exercise that responsibility, or is the perpetrator of mass atrocities, its sovereignty is abrogated. Meanwhile, the responsibility to protect devolves to the international community of states, ideally acting through the UN Security Council.

This dual framework—internal and external—drew upon work by Francis Deng and Roberta Cohen about "sovereignty as responsibility." As envisaged in the 2001 ICISS report and embraced later by over 150 heads of state and government at the UN's 2005 World Summit,[vii] the reframing moved away from humanitarian intervention as a "right." Deng, Cohen, the ICISS, and the World Summit emphasized the need—indeed, the responsibility—for the international community of states, embodied by the United Nations and mandated since its creation to deliver "freedom from fear," to do everything possible to prevent mass atrocities. Deploying military force is an option after alternatives have been considered and patently failed. Military intervention to protect the vulnerable is restricted, in the summit's language, to cases of "genocide, war crimes, ethnic cleansing and crimes against humanity"—or the shorthand of "mass atrocity crimes" in this essay.

Using military force *in extremis* with a view toward "saving strangers"[viii] was the lynch-pin for the debate resulting from international inaction in 1994 in Rwanda (doing too little too late) and action in 1999 in Kosovo (according to some, doing too much too soon). The original R2P agenda encompasses a range of responses to mass atrocities, from prevention to post-conflict rebuilding, and not merely the use of overwhelming military force to stop them after they begin. The World Summit set aside peace-building (or included it as part of prevention, thereby downgrading it). But the distinct spectrum of prevention, reaction, and rebuilding remains preferable. The integrity of the original ICISS conceptualization suffers when diluted or conflated so that prevention becomes an all-encompassing category without a meaningful policy edge.

Whether using the original ICISS conception or the 2005 World Summit version, two specific challenges remain. First, R2P should not become synonymous with everything that the United Nations does. In addition to reacting and protecting civilians at risk, the value added of R2P consists of proximate prevention and proximate peace-building—that is, efforts to move back from the brink of mass atrocities that have yet to become widespread or after such crimes to ensure that they do not recur. International action is required before the only option is the US Army's 82nd Airborne Division; and additional commitments to help mend societies are also essential in order to avoid beginning anew a cycle of settling accounts and crimes.

In short, the responsibility to protect is not about the protection of everyone from everything. Broadening perspectives has opened the floodgates to an overflow of appeals to address too many problems. For example, part of the political support at the World Summit reflected an understandable but erroneous desire to use R2P to mobilize support for root-cause prevention, or investments in economic and social development. As bureaucrats invariably seek justifications for pet projects, we run the risk that everything is on the R2P agenda. It is emotionally tempting to say that we have a responsibility to protect people from HIV/AIDS and small arms, and the Inuit from global warming. However, if R2P means everything, it means nothing.

Second, at the other end of the spectrum, the responsibility to protect also should not be viewed too narrowly. It is not *only* about the use of military force. The broad emphasis especially pertinent after Washington's and London's 2003 rhetoric disingenuously morphed into a vague "humanitarian" justification for the war in Iraq when weapons of mass destruction and links to Al-Qaeda proved non-existent. The 2003 Iraq war temporarily was a conversation stopper for R2P as critics looked askance upon the consideration of any humanitarian justification for military force. Contemporary foreign adventurism and imperial meddling in humanitarian guise were not more acceptable than earlier incarnations.

Yet R2P breaks new ground in coming to the rescue. In addition to the usual attributes of a sovereign state that students encounter in international relations and law courses and in the 1934 Montevideo Convention—people,

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authority, territory, and independence—there is another: a modicum of respect for human rights. The interpretation of privileges for sovereigns has made room for modest responsibilities as well. When a state is unable or manifestly unwilling to protect the rights of its population—and especially when it perpetuates abuse—that state loses its sovereignty along with the accompanying right of non-intervention. The traditional rule of non-interference in the internal affairs of other countries does not apply in the face of mass atrocities.

Moreover, the outdated discourse of humanitarian intervention is turned on its head and transformed from that properly detested in the global South. The merits of particular situations should be evaluated rather than blindly given an imprimatur as "humanitarian." For anyone familiar with the number of sins justified by that adjective, this change marks a profound shift away from the rights of outsiders to intervene toward the rights of populations at risk to assistance and protection and the responsibility of outsiders to help.

In what Gareth Evans calculates to be "a blink of the eye in the history of ideas,"[ix] developments since the release of the ICISS report in December 2001 show that R2P has moved from the passionate prose of an international commission's report toward being a mainstay of international public policy debates. Edward Luck aptly reminds us that the lifespan of successful norms is "measured in centuries, not decades,"[x] but R2P seems firmly embedded in the values of international society and occasionally in policies and tactics for a particular crisis. And it certainly has the potential to evolve further in customary international law and to contribute to ongoing conversations about the qualifications of states as legitimate, rather than rogue, sovereigns.

Merely listing contemporary headlines is impressive. Prior to the World Summit's endorsement of R2P, in 2004 the UN's High-Level Panel on Threats, Challenges and Change issued *A More Secure World: Our Shared Responsibility*, which supported "the emerging norm that there is a collective international responsibility to protect."[xi] Kofi Annan endorsed it in his 2005 report, *In Larger Freedom*.[xii] In addition to the official blessing by the UN General Assembly in October 2005, the Security Council has referred to R2P on several occasions: the April 2006 resolution 1674 on the protection of civilians in armed conflict expressly "reaffirms the provisions of paragraphs 138 and 139" and the August 2006 resolution 1706 on Darfur repeats the same language with specific reference to that conflict. The first operational references to the "responsibility to protect" came against Libya in 2011: resolution 1970 had unanimous support for asubstantial package of Chapter VII efforts (arms embargo, asset freeze, travel bans, and reference of the situation to the International Criminal Court); and no state voted against resolution 1973, which authorized "all necessary measures" to enforce a no-fly zone and protect civilians. Subsequently in July 2011, in approving a new peacekeeping mission in South Sudan, R2P once again figured in resolution 1996. In addition, the Human Rights Council referred to R2P for the first time in resolution S-15/1, which led to the General Assembly's resolution 65/60 that suspended Libyan membership in that council.

UN administrative strengthening began in 2007 when UN Secretary-General Ban Ki-moon appointed a special adviser for the prevention of genocide (Francis M. Deng) and another tasked with promoting R2P (Edward C. Luck). He has referred to the implementation of R2P as one of his priorities. As noted earlier, however, the Secretariat's emphases have been overwhelmingly on the first two pillars of Ban's conception (the protection responsibilities of individual states, international assistance and capacity-building for weak ones), thereby hoping to finesse controversy over what launched the debate in the first place, the use of military force for human protection purposes.

In mid-2009 and the following two summers, the General Assembly engaged in an "informal interactive dialogue," further steps in R2P's normative journey from idea to a widely internalized basis for policy and decision-making,[xiii] which Ramesh Thakur called "the most dramatic normative development of our time."[xiv] The states members of the "Group of Friends" of the responsibility to protect in New York, the UN special adviser, and civil society have successfully advanced the cause.

Initially, many observers feared that the debate would lead to diluting the September 2005 commitment. Fears about normative back-pedaling seemed concrete enough; for instance on the eve of the debate, *The Economist* described opponents who were "busily sharpening their knives."[xv] The Nicaraguan president of the General Assembly, Father Miguel d'Escoto Brockmann, unsheathed his Marxist dagger and suggested "a more accurate name for R2P would be…redecorated colonialism."[xvi]

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However, R2P-naysayers were deeply disappointed by the discernible shift from antipathy to wider public acceptance of the norm over the last three summers.[xvii] Whether Libya has accelerated the internalization of the norm is difficult to say at this juncture. It is worth noting that "R2P focal points" from capitals and New York gathered in May 2011 at the invitation of the foreign ministers from Costa Rica, Denmark, and Ghana[xviii]—an initiative that figured in the report from the secretary-general to third inter-active dialogue in July 2011.[xix] In spite of the stalemate in Libya, the conversation was less controversial than in the previous two summers with fewer of the usual suspects claiming no consensus. The 2011 focus on regional organizations was especially timely in that regional diplomacy was crucial to the Libyan intervention, which involved the Gulf Cooperation Council, the Arab League, the Islamic Conference, and the African Union (AU). In Côte d'Ivoire, the AU's diplomacy was ultimately unsuccessful but helpful in making the ultimate UN decisions as was pressure from the Economic Community of West African States to act militarily.[xx]

Libya's people were protected from the kind of murderous harm that Muammar el-Qaddafi inflicted on unarmed civilians early in March 2011 and continued to menace against those "cockroaches" who opposed him (the same term used in 1994 by Rwanda's murderous government). As the situations in Tripoli and elsewhere across the wider Middle East unfold, acute dilemmas will remain for humanitarians and policymakers.[xxi] If the operation fares well, the norm will be strengthened. If it goes poorly, future decision-making about its implementation may be even more problematic than in the past.

It may thereby increase the decibel level of claims from naysayers who emphasize the potential of the responsibility to protect to backfire. The repression of dissent in Syria, Bahrain, and Yemen, for instance, lends weight to claims from contrarians. Alan Kuperman, for instance, argues that the expectation of benefiting from possible outside "intervention"—and he includes sanctions, embargoes, judicial pursuit, and military force under this rubric—emboldens sub-state groups of rebels either to launch or continue fighting.[xxii] There is no evidence that international mumbling has affected calculations by local militias and elites to prolong violence. While it is conceivable that belligerents could try and gain international support for their causes with an R2P appeal, thus far no such problem has arisen.

Is robust humanitarianism destined to constitute a moral hazard? There might be a problem were there an insurance policy for humanitarians as there is for banks, which permits the latter to be reckless with other peoples' money. But there is no such global life insurance policy; surely dissenters in Libya as well as Syria and Yemen understand that humanitarian talk is cheap. Is there a danger of too much military humanitarianism? Hardly.

If taken seriously, the moral hazard argument leads to the conclusion that pledging to do nothing is appropriate, thereby re-issuing a license for mass murder to wannabe thugs. While blow-back from Libya is inevitable, nonetheless R2P is alive and well. International action in 2011 suggests that it is not quixotic to utter "never again"—that is, no more Holocausts, Cambodias, and Rwandas—and occasionally to mean it.

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Notes

[i] International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001); and Thomas G. Weiss and Don Hubert, *The Responsibility to Protect: Research, Bibliography, Background* (Ottawa: International Development Research Centre, 2001). For interpretations by commissioners, see Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All* (Washington, DC: Brookings, 2008); and Ramesh Thakur, *The United Nations, Peace and*

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Security: From Collective Security to the Responsibility to Protect (Cambridge: Cambridge University Press, 2006). The author's version of the normative itinerary is *Humanitarian Intervention: Ideas in Action* (Cambridge: Polity Press, 2007, 2nd edition forthcoming 2012).

[ii] See, for example, Kofi A. Annan, *The Question of Intervention – Statements by the Secretary-General* (New York: UN, 1999).

[iii]Ban Ki-moon, *Implementing the Responsibility to Protect, Report of the Secretary-General*, UN document A/63/677, 12 January 2009.

[iv] Ramesh Thakur, *The Responsibility To Protect: Norms, Laws and the Use of Force in International Politics* (London: Routledge, 2011), 150.

[v]James Pattison, *Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene?* (Oxford: Oxford University Press, 2010), 250.

[vi] This argument first appeared in Thomas G. Weiss, "RtoP Alive and Well after Libya" *Ethics & International Affairs* 25, 3 (2011): 1-6.

[vii]*2005 World Summit Outcome*, UN General Assembly Resolution A/RES/60/1, 24 October 2005, paras. 138-140.

[viii] Nicholas J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000).

[ix] Evans, *The Responsibility to Protect*, 28.

[x]Edward C. Luck, "The Responsibility to Protect: The First Decade," *Global Responsibility to Protect* 3, no. 4 (2011): forthcoming.

[xi]High-level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility* (New York: United Nations, 2004), para. 203.

[xii] Kofi A. Annan, *In Larger Freedom: Towards Development, Security and Human Rights for All* (New York: United Nations, 2005).

[xiii] For discussions about the theory of normative advance, see Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 4 (1998): 887-917; Thomas Risse, Stephen Ropp, and Kathryn Sikkink, *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999); and Margaret Keck and Kathryn Sikkink,*Activists beyond Borders: Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998).

[xiv] Ramesh Thakur and Thomas G. Weiss, "R2P: From Idea to Norm—and Action?"*Global Responsibility to Protect*, 1, 1 (2009): 22.

[xv] "An Idea whose Time Has Come—and Gone?" *The Economist*, 23 July 2009.

[xvi]"Statement by the President of the General Assembly, Miguel d'Escoto Brockmann, at the Opening of the 97th Session of the General Assembly," 23 July 2009.

[xvii] For accounts, see Global Centre for the Responsibility to Protect, available at: http://globalr2p.org/advocacy/index.php.

[xviii]See Global Centre for the Responsibility to Protect, "Meeting of National Focal Points on R2P Convened by

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Costa Rica, Denmark and Ghana, New York, 17 and 18 May 2011," *GCR2P Report*, June 2011, available at: http://globalr2p.org/advocacy/index.php.

[xix]Ban Ki-moon, *The Role of Regional and Sub-regional Arrangements in Implementing the Responsibility to Protect, Report of the Secretary-General*, UN document A/65/877, 27 June 2011, para. 28.

[xx] Thomas J. Bassett and Scott Straus, "Defending Democracy in Côte d'Ivoire," *Foreign Affairs* 90, no. 4 (2011): 130-140.

[xxi] See Michael Barnett and Thomas G. Weiss, *Humanitarianism Contested: Where Angels Fear to Tread* (London: Routledge, 2011).

[xxii] See Alan J. Kuperman, "Mitigating the Moral Hazard of Humanitarian Intervention: Lessons from Economics," *Global Governance* 14, no. 2 (2008): 219-240; and "The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans," *International Studies Quarterly* 52 (2008): 49-80.

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