The Shifting Discourse of the "Responsibility to Protect"

The Shifting Discourse of the "Responsibility to Protect": Any Significance to the "Humanitarian Intervention" Debate?

One of the liveliest debates of post-Cold War international relations is that of humanitarian interventionism. Defined as a "forcible military action by an external agent in the relevant political community, with predominant purpose of preventing, reducing or halting an ongoing or impending grievous suffering or loss of life" (Pattison, 2010, p. 28), humanitarian intervention raises the highly controversial question of the "right to intervene" in the internal affairs of sovereign states with the purpose of protecting human rights. The failure to address the 1990's humanitarian crisis of Somalia, Rwanda and Bosnia clearly reflected the sharp disagreement of the international community on whether, in the event of a humanitarian tragedy, one shall prioritize sovereignty or human rights.

The 21st century has seen the advent of a new language of humanitarian interventionism asserted to have escaped the logic of "sovereignty vs. human rights": the Responsibility to Protect (R2P). Conceptualized by the ICISS in 2001, and explicitly endorsed in the 2005 World Summit Outcome Document, R2P, in brief, refers to the idea that each sovereign state has a primary responsibility to protect its people from suffering grave harm, and if it is unable or unwilling to do so, this responsibility is transferred to the international society (Bellamy, 2011). This international responsibility consists of preventing the humanitarian crisis, reacting to it and rebuilding after (ICISS, 2001). By reconciling the principle of sovereignty with that of human rights, argued Annan, the R2P report constituted the "most comprehensive and carefully thought-well response" to the dilemma of traditional humanitarian intervention (Annan, 2002). The development of the R2P doctrine, and its universal endorsement in 2005, was also presented by many of its proponents as a promise for a "new world order," as it will bring us "closer to ending mass atrocities" (Evans, 2008).

It is no doubt that the R2P has succeeded in shifting away from "humanitarian intervention" on the rhetoric level. In fact, there has been a noticeable abandoning of the phrase "humanitarian intervention" in favor of R2P in both political discourse, as well as academic literature. However, a shift from the discourse does not necessarily imply a shift from the main sources of controversies in the debate. Has the R2P succeeded in settling the main dilemmas posed by the traditional debate? Is it able to transform the inherent political dynamics of the 1990's humanitarian interventionism? The purpose of this essay is to explore the real value and practical application of the R2P discourse. Reframing the concept of humanitarian intervention in the new R2P vocabulary language did not alter the actual content of the traditional debate and does not provide any genuine approach to address the initial challenges faced by it. The essay will first demonstrate how the R2P "novel" character of the conception of "sovereignty as responsibility" is flawed and overly exaggerated. It will, then, discuss how the legal content of the R2P's international responsibility to protect is "old wine in new bottles," which reflects the existing international law structure of the pre–R2P. Finally, it will argue how the R2P shift on the moral level –even if it constitutes an innovation– has resulted in disconnecting the R2P from the traditional focus on militarized humanitarian intervention debate. The conclusion will affirm that the R2P has not only offered nothing genuine to solve the initial humanitarian intervention dilemma, but also "de-links" us – in Chandler (2009) words- from it.

From an "Old" to a "New" Sovereignty: Same Essence, Different Terms?

The Shifting Discourse of the "Responsibility to Protect"
Written by Tahira Mohamad Abbas

R2P advocates' main objection to the use of the phrase "humanitarian intervention" is that it arguably favors a traditional conception of sovereignty that clashes with human rights (Evans, 2008). They claim that the problem with the "old" Westphalian conceptualization of sovereignty is that it rests on an absolute and exclusive right of the state to control everything within its own jurisdiction and, therefore, provides the ruler with a "free hand to violate its citizen's human rights with impunity" (Pattison, 2010, p.2). This traditional conception of sovereignty of an "absolutist internal control" character, they argue, emphasizes the state's freedom from external interference (Evans & Sahnoun, 2001). As a result, when the state violates its citizens' human rights, "humanitarian intervention" tends to prioritize the sovereign rights of the former over the human rights of the latter.

In order to escape this logic of conflict between sovereignty and human rights, the ICISS called for a necessary "reconceptualization" of the meaning of sovereignty. In fact, the R2P proposal is mainly based on advocating an "alternative" conception of sovereignty: "sovereignty as responsibility". Accordingly, this new conception rejects the old absolutist authoritative sovereignty, which gives rulers engaged in brutally oppressing their people the right of "protection against attack" from outside (ICISS, 2001). This claimed novel "sovereignty as responsibility" is defined in terms of both rights and responsibilities of governments toward the protection of their populations (ICISS, 2001). Within this view, "only those states that cherished, nurtured and protected the fundamental rights of their citizens and thereby fulfilled their sovereign responsibilities were entitled to the full panoply of sovereign rights" (Bellamy, 2011, p. 10). Thus, legitimate sovereignty is not "unlimited", but becomes "conditional" on the good performance of the state and its demonstration of a responsibility to respect the basic rights of human beings within its boundaries.

At the heart of the R2P discourse, we find a sense of progressive movement from an "old" unlimited and rival sovereignty of a pre-R2P era toward a "new" conditional sovereignty contingent to human rights. This rhetoric of a revolutionary transformation in the thinking about the nature of sovereignty is present in the public statements of international actors. For instance, Annan considered that this "modern" understanding of the ICISS of sovereignty and human rights as supporting each other, offers a "fresh conceptual template" for thinking about humanitarian intervention (Annan, 2002). Many presented the 2005 summit declaration as "momentous" because it was the first time the society of states collectively agreed that sovereignty was related to human rights. Indeed, Blair declared at the end of the Summit that it was the first time states agreed they "do not have the right to do what they will within their own borders" (Hehir, 2010,p.229).

This same sense of an increasing shift in the essence of sovereignty is similarly acknowledged in academic debates. However, IR and international law scholars have interpreted the significance of this new conception of sovereignty in different ways. Many advocates, like Gilbert, considered it as the most significant modification and adjustment to the concept of sovereignty since its inception (Thakur, 2006). Generally, advocates argued that this new understanding is advantageous because it does not place sovereignty on a higher scale than human rights and makes the objections based on the principle of non-interference senseless (Evans & Sahnoun, 2002). By contrast, strong critics of this new articulation of "sovereignty as responsibility" expressed their concern toward an understanding that raises the "specter of a return to colonial habits and practices on the part of the major western powers" (Ayoob, 2002, p85). Opposing scholars argue that the altering of the status of sovereignty would open "the floodgates to increased interventionism" (Bellamy & Davis, 2011). Other academics, like Chesterman, pointed out that reconceptualizing the meaning of sovereignty has no utility to the humanitarian intervention debate, since the major cause of inaction in the face of intra-state violence is not sovereignty, but the lack of will of the international community to intervene (Bellamy, 2009).

However, it is the novel character of "sovereignty as responsibility" in itself, rather than its significance, that should be re-evaluated. Is the theoretical content of "sovereignty as responsibility" really as modern as its terminological innovation? Has there really been a "reconceptualization" in the essence of sovereignty? By distancing ourselves from the rhetoric surrounding the novelty of "sovereignty as responsibility" and examining the actual substance of the notion, we find that its asserted originality is over-stated. Indeed, the "new sovereignty" can be perceived as "new" only when contrasted to a caricaturist image of the old Westphalian sovereignty (Hehir, 2010). The image of the unlimited and rival "control of the sovereign over a particular territory" (ICISS, 2001) that R2P proponents attempt to present is flawed and over-exaggerated. The pre-R2P criticized sovereignty is often portrayed as an absolutist one which enables the pursuit of policies internally without any restriction. This kind of description is found in Evan's

The Shifting Discourse of the "Responsibility to Protect"
Written by Tahira Mohamad Abbas

writings, who went as far as to argue that the state sovereignty was viewed for "an insanely long time" as a "license to kill," since it meant that "what happened within state borders, however grotesque and morally indefensible, is none of the rest of the world's business" (Evans, 2008, p. 68).

It is true that Westphalian "absolute sovereignty" refers to the exclusive competence and capacity of the state "to make authoritative decisions regarding the people and resources within its territory" (Evans & Sahnoun, 2002, p. 100)? However, it is also extreme to suggest that governments were legally and morally entitled to do to their citizens whatever they see fit (Hehir, 2010, p. 230), even to the point of carrying out massive human rights violations and terrorizing their populations. In other words, the portrayal of sovereignty as providing a "carte blanche" within its internationally recognized borders has never existed in the earlier theoretical framework of sovereignty (Welsh, 2010). Historically speaking, theorizing power has always involved the comprising of important elements of restraint to the notion of sovereignty. It is argued that it has long been accepted that there are limits to what a sovereign can do to his people. Welsh points out that "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" (Welsh, 2010). Within this line of thinking, sovereignty derived from the people within a state, where sovereigns draw their rule from the consent of governed, and this consent may be withdrawn if the sovereign abuses its citizens or fails to guarantee their basic rights (Welsh, 2010). Thus, sovereignty was never conceived as the simple capacity to coerce, but there always existed restraints on keeping power within moral boundaries (Welsh, 2010). It is this same "contractarian" logic of Hobbes' social contract theory that lies behind the formulation of sovereignty as responsibility.

Even theories of rights hold that the idea of an "old unlimited sovereignty" – as portrayed by R2P – is theoretically incoherent (Welsh, 2010). Logically, rights do not exist without responsibilities, and if sovereigns entailed right to exclusive jurisdiction in their territories, then sovereignty is, by its very nature, limited, seeing that it is difficult to entitle leaders to rule arbitrarily because they have been entailed responsibilities from God (Welsh, 2010). Moreover, even prior to the post cold war era, states could not reasonably claim a legal entitlement to do whatever they wanted to their people (Pattison, 2010). Since, at least, the 1945 Nuremburg trials, it has been clear that states have accepted that they cannot do "what they will" to their own citizens (Glanville, 2010). As Carsten Stahn argues, the legal developments of the Cold War in International Humanitarian Law- such as the International Covenant on Civil and Political Rights and the Universal Declaration of Human rights- and many other regional conventions outline the responsibilities and legal obligations of states toward their citizens (Glanville & Davis, 2010). Nolan noted that even those states that emerged from decolonization accepted limitations on their sovereign inviolability and "Westphalian fundamentalism" (Pattison, 2010).

This reveals that the advocated notion of "sovereignty as responsibility," which is at the heart of the R2P approach, is merely a newly articulated vocabulary of the same theoretical substance of the "pre-R2P sovereignty". As Bellamy, himself an R2P advocate, noted, the doctrine of sovereignty as responsibility is " neither new nor radical" (Hehir, 2010). Hence, it is insignificant to speak of a "new sovereignty" reconfiguring the traditional relationship between sovereignty and human rights, since the actual content of the "old" and "new" sovereignty is very much alike. If the first R2P pillar of the sovereign's responsibility to protect its people is an idea with a long history, what about the other pillar of the R2P: the international responsibility to protect?

The International Responsibility to Protect: a "Mirror" of Existing International Law

R2P holds that when the host state does not fulfill its protective role, there is an entity outside the state that can step in to protect the people within this state from grave harm (Hough, 2004). This idea of the transfer of responsibility to the international level is a relatively new idea that does not have deeply established roots. It was always accepted, to a certain extent, that the international community might have a *right* (and not responsibility) to step in to enforce the performance of sovereign responsibilities. But the notion of having an international *responsibility* to protect is perhaps the most novel aspect of R2P (Pattison, 2010). This dimension of the R2P calls on its relationship with international law and how it might impact upon the existing international legal provisions of the pre-R2P humanitarian interventionism.

The Shifting Discourse of the "Responsibility to Protect"

Written by Tahira Mohamad Abbas

The humanitarian interventions of the 1990s have revealed the legal dilemmas of the traditional humanitarian intervention debate. More particularly, the NATO unilateral action in Kosovo (without the UNSC authorization), often described as "legitimate but illegal," raised a complex debate over the legal character of humanitarian interventions (Thakur, 2006). The main areas of contestation were around three questions: whether there is a right to intervene, who has the right to authorize the intervention, and who should undertake it. R2P proponents suggest that the advent of the R2P principle offers a new legal framework in which the international community can respond differently to particular situation of humanitarian emergency (Thakur, 2006). However, a closer look at the legal content of the paragraphs 138-140 of the 2005 World Summit Outcome Document reveals that the R2P does not hold any new legal weight that is able to transform the international legal framework in a way in which the international community can actually respond. As will be demonstrated, the legal requirements are, in reality, "old wine in new bottles" (Bellamy & Davis, 2011). This is in terms of the international "legal obligations" to protect, the "decision-making" process by which the international community should protect, as well as the actor responsible in undertaking the humanitarian intervention.

Does the R2P Create any New Legal International Obligation?

The endorsement of the R2P by the world state leaders in 2005 raised the question about whether or not this " international norm" creates a new legal responsibility for the international community. Stedman argued that the R2P is a new legal norm that will soon become part of customary international law (Glanville, 2010). His argument goes that R2P has succeeded in creating a new legal duty for the international community to protect victims in foreign countries by providing a basis "for legitimizing coercive interference in the domestic affairs" of states that are unable to protect their own people (Glanville, 2010). According to Arbour, only when combined with the 1948 Genocide Convention and the recent ruling of the ICJ in Bosnia Vs Serbia, the R2P can create "something approximating to a new legal duty" (Bellamy & Davis, 2011).

However, these views are very far from being uncontested. Many legal commentators, as well as policy advisers, strongly doubt the idea that the R2P constitutes a new legal duty. Strauss points out that the 2005 Outcome Document and the resolutions subsequently adopted by the Security Council and the General Assembly are more like non-binding recommendations rather than statements creating a new international law norm (Glanville, 2010). In fact, examining in detail the specific content that comprises the paragraphs 138-140 reveals that the legal requirements of this doctrine is, as mentioned, "old wine in new bottles" (Bellamy & Davis, 2011). First of all, the crimes mentioned in the outcome document (genocide, ethnic cleansing, war crimes, and crimes against humanity) have already been recognized by states and enumerated in already existing International humanitarian and Human Rights Law (Pattison, 2010).

Secondly, and most importantly, it is widely argued that under the pre-R2P customary international law, states already have legal obligations to prevent crimes against humanity to occur, assist other states in fulfilling their responsibilities, and react to the humanitarian emergencies when host states fail to protect (Bellamy & Davis, 2011). An example of such a legal document is the Convention on the Prevention and Punishment of Genocide adopted by the General Assembly in 1948. This Convention has been read by many scholars as demanding states to prevent and punish genocide not only within their borders, while, at the same time, imposing a legal obligation to states to do the same, even when it occurs beyond their borders (Bellamy & Davis, 2011). Thus, under current customary international law, states already have legal obligations to assist other states in fulfilling their responsibilities to protect, as well as to provide genocide and to react to it.

The UN Secretary General Ban Ki Moon has recently reaffirmed the view that the R2P largely reflects the pre-existing international law regarding the international responsibility to protect victims suffering grave harm in foreign countries. In his 2009 Report, "Implementing the R2P", Ban Ki-Moon clearly stated that the obligations contained in the R2P were "firmly embedded in pre-existing, treaty-based and customary international law" (Glanville, 2010).

Does the R2P Offer Any Alternative Decision-Making Process?

Post-Cold War international law related to the use of force permitted, in some circumstances, humanitarian

The Shifting Discourse of the "Responsibility to Protect"

Written by Tahira Mohamad Abbas

intervention (Thakur, 2006). There is an agreement among diplomatic and academic opinion that, under the UN Charter regime on the use of force, the central-proviso is that the intervention receives the Security Council authorization (Pattison, 2010). However, the effectiveness of this decision making process on the use of force was put into question after NATO's intervention in Kosovo without the UN mandate – after the SC was blocked by Russia and China veto (Thakur, 2006). The key controversy raised by this intervention revolves around what should be done to prevent or end a humanitarian tragedy when the SC is unable or unwilling to authorize the use of force? The real legal debate around the decision making mechanism was between those who remained firmly opposed to criteria for circumventing the UNSC and those who wished that individual states retain the right to unilateral intervention in the event of an SC paralysis (Thakur, 2006).

The R2P, supposedly conceived to address this decision-making dilemma about who has the authority to sanction the justifiable use of force when the SC is paralyzed, did not offer anything new in this regard. In fact, the mechanism through which the R2P can be implemented is consistent with the existing international law on the use of force. The ICISS report clearly privileges the UNSC as the most appropriate body to authorize military intervention for humanitarian purposes, arguing that all those seeking to intervene must always seek the SC approval (ICISS, 2001). Even the ICISS suggested alternatives routes in the case where the SC rejected a proposal for intervention that crossed the "just cause" threshold (approaching the General Assembly for declaratory support and working through regional organizations or coalitions of the willing), which were rejected in the 2005 outcome document (Bellamy & Davis, 2011). Bellamy (2009) argued that the question of the legitimacy of interventions unauthorized by the SC proved "particularly thorny" in the 2005 World Summit. Unable to reach a consensus on a mechanism of decision making in the case of a SC deadlock, state leaders dropped the proposal by the ICISS and adopted a more conservative version of R2P: "R2P LITE" (Bellamy, 2009). Thus, the notion of legitimate intervention without explicit SC approval was avoided, and the primary legal authority for intervention remained vested in the SC (similarly to the pre- R2P emergence). Moreover, the R2P shows unable to tackle the main problem of the SC veto blocking the action to intervene in a humanitarian emergency. Even the suggestion by the ICISS of a code of conduct, whereby the P5 agree on that a permanent member "in matters where its vital national interests were not claimed to be involved, would not use its veto to obstruct the passage of what would otherwise be a major resolution" (ICISS, 2001), was also dropped in the 2005 "R2P LITE" (Pattison, 2010).

In sum, the R2P reinforced, rather than altered, "the legal obligations of member states to refrain from the use of force except in conformity with the Charter" (Bellamy & Davis 2011). The 2005 summit agreement on the procedure of decision making on the use of military force for humanitarian purposes strengthens the legal justification for limited forms of unilateral and regional action in response to severe oppression of governments to their populations (Bannon 2005). With the UNSC remaining as the one and only authority of the use of force and the failure to tackle SC paralysis dilemma, nothing else suggests that R2P altered the traditional decision-making process under humanitarian interventionism.

Who is Responsible to Protect: The "International Community?"

The requirement fir SC authorization that identifies the "procedure that agents should follow when discharging the R2P" should not be confused with the other crucial question of "who has the responsibility to protect" (Pattison, 2010). The supplementary volume of the ICISS report does argue that if citizen's human rights are to be protected, "it is necessary to identify not only counterpart obligations but also specific obligation bearers"(ICISS, 2001). However, R2P does not suggest anything about the "who should undertake the humanitarian intervention" question. It is true that the "international community" as a whole is said to be responsible to protect, but referring to a term as vague as the "international community" does not help in identifying which international actor precisely bears the responsibility to protect and is given the task when a humanitarian intervention is called for under the R2P doctrine (Pattison, 2010).

This leaves the current status of the R2P as an "unassigned responsibility," not falling on any international actor in particular (Glanville, 2010). This lack of clarity is problematic, argues Pattison (2010), since it allows a potential agent to have the choice of not acting when there are other agents who can perform the same action and allows analysts to avoid pointing the finger at a specific responsible entity. Kok-Chor Tan frames this problem of the R2P in

The Shifting Discourse of the "Responsibility to Protect"
Written by Tahira Mohamad Abbas

the language of an "imperfect duty", which cannot be claimable and reasonably expected to be performed as long as it is not demanded of a specific agent (Glanville, 2010). As Miler and Tan point out, the R2P does not identify a responsible agent, not even in an informal way such as the widely accepted norm of "the most legitimate intervener to act," which leaves the room for other actors to join when necessary (Bellamy & Davis, 2011).

Even after the R2P, the same contestations about the legal aspects of humanitarian interventions are still ongoing. This is due to the fact that the legal quality of the R2P does not go beyond the already existing international law. This view that the R2P reproduces the same legal international architecture is also confirmed by the declaration of Brazil ambassador to the UN Maria Luiza in the 2009 General Assembly debate, when she noted that "in Brazil's view, R2P is not a principle proper, much less a novel legal prescription. Rather, it is a powerful political call for all states to abide by legal obligations already set forth in the Charter" (Bellamy & Davis, 2011). With all of that being said, if the legal international R2P LITE is "hollow", what is the significance of the international responsibility on the moral level?

The Moral Responsibility to Protect: A "Disconnection" from Humanitarian Interventionism

After all the modifications made to the original R2P concept in the 2005 Summit, what is left is an "R2P LITE" that is mainly about morality (Hehir, 2010). In reference to its ethical weight and novelty, some scholars have described the R2P as a "global moral compact" (Evans, 2008). The debate around forcible humanitarian intervention raises a question of an ethical complexity: do outsiders have a moral *right* to act across borders with the purpose of ending the suffering of insiders within a sovereign state? This moral dimension of the debate involves two sets of values, state values and human rights values, holding on to both of them when considering a humanitarian intervention, as it is, as argued, to be "confronted to a dilemma" (Asfaw, Kerber & Weiderud, 2005). In the "classical international ethics," the rights of the state are privileged over those of the people (Evans, 2008). That is why R2P proponents oppose to the traditional articulation of the "right to intervene" that frames the debate in a language reflecting the perspective of potential interveners (Bellamy, 2009). They argue that the traditional "humanitarian intervention" phrase makes the debate narrowly focused on those outsiders, rather than considering the urgent needs of the insiders suffering from harm (Bellamy, 2009).

The R2P discourse suggests a fundamental ethical shift. At the heart of the ICISS approach is a shift from "rights to responsibilities" and from "intervention to protection". This "constructive shift", they argue, implies an evaluation of the problem from the perspective of the people at risk in need of assistance (Evans & Sahnoun, 2002). The approach of taking people at risk as a decision-making reference point rests on the concept of human security. By giving an official recognition to the perspective of human security, the ICISS affirmed that what mattered more was not the territorial state security, but the security of individuals against threats of life from within or without (Asfaw, Kerber & Weiderud, 2005). This suggests that there is a universal entitlement for human rights everywhere that calls for measures of protection from the international society and creates, as a result, an international moral duty to ensure respect for human rights and deliver practical protection to populations at risk (Asfaw, Kerber & Weiderud, 2005).

The R2P premise that the international community bears a moral responsibility to protect has its advocates and opponents. The stronger moral arguments in favor of this argument are grounded in cosmopolitan approaches. Cosmopolitan scholars insist that our "moral staring point should not be our national or statist allegiances but our common humanity" and that the moral duty to protect "stems from the moral obligation to respect humanity and tackle human suffering" (Glanville, 2010). Forsyth opposes the idea of the existence of a moral duty to protect, arguing that even if human rights are thought to be inalienable, rights still have to be codified in legal systems (Pattison, 2010). Other chief objections come from pluralist approaches that hold that political communities should be free from imposition of "supposedly universal" western conceptions (Asfaw, Kerber & Weiderud, 2005). Neo-imperialist approaches consider the moral R2P as a form of "neo-imperialism" and a version of morally problematic 19th century arguments for imperialist and paternalist practices that were grounded in the specious notion that powerful western states bore a "burden of civilizations"(Asfaw, Kerber & Weiderud, 2005).

What is of interest, here, is the practical impact of this moral shift on the traditional humanitarian intervention debate. The R2P's moral concern with human security has inserted militarized humanitarian intervention into a wider schema of responsibilities and, especially, broadened the understanding of the responsibility to prevent (Evans, 2008).

The Shifting Discourse of the "Responsibility to Protect"
Written by Tahira Mohamad Abbas

Indeed, for its proponents, the R2P is seen as primarily concerned not with the responsibility to react to humanitarian crisis, but rather with the responsibility to prevent its occurrences (Bellamy, 2011). Even the ICISS report acknowledged that prevention was the most important aspect of R2P and that the need for the world to do better, in relation to prevention, was a constantly recurring theme of the commission's global consultations (Bellamy, 2009). Some academics found that the responsibility to prevent was "the single most important" dimension of the responsibility to protect (Evans, 2008). Evans went further to argue that the R2P should be primarily about "prevention" because without its focus on potential atrocity crimes, it would be hard to establish an international consensus on the legitimacy of external intervention in the domestic affairs of states.

This shift of emphasis from intervention to prevention has an important implication on the whole humanitarian intervention debate. Humanitarian interventionism of the 1990s was mainly about the questions revolving around the legitimacy of military coercion and, hence, the "non-consensual" use of force. However, the R2P's main emphasis today is on the consensual approach of international preventive measures (Chandler, 2009). Chandler (2009) argued that that this prevention focus was even reduced to good governance, with R2P post-2005 being more about "good governance rather than military intervention". He holds that at the core of R2P discourse is the assertion that "achieving good governance in all its manifestations.. is at the heart of effective long term conflict and mass atrocity prevention" and that the "lack of good governance" is presented by the R2P discourse as the cause of the conflict. This R2P shift away from the responsibility to react toward the responsibility to prevent disconnects us, therefore, from the main humanitarian debate that revolved around the permissive use of force (Chandler, 2009). Chandler (2009) goes on to argue that because it is not conceptually possible to consider R2P only in terms of prevention, it is not anymore a "tenable concept".

Conclusion

In sum, the advent of the R2P doctrine did not transform the traditional relationship between sovereignty, human rights and the duties of the international community to protect during the 1990s, as it claims to have done. Despite its shifting discourse, the R2P does not offer any practical approach to address the main controversial areas of the initial humanitarian intervention debate of the 1990s. On the one hand, the asserted R2P shift to a "new" conception of "sovereignty as responsibility" is largely flawed because early theorizations of sovereignty have always incorporated aspects of the sovereign responsibility toward the people. On the other hand, the rhetorical international responsibility to protect does not have, in reality, any new legal effects, but, rather, reinforces the legal framework of the 1990s humanitarian interventions in terms of the "legal obligation," as well as the enforcement mechanism and the responsible international agent for action. Finally, the moral shift of the R2P from intervention to prevention had the effect of disconnecting the debate from its central militarized character, leaving the relationship between humanitarian intervention and R2P unclear (Chandler, 2009). To reiterate, the R2P shifting discourse has brought almost nothing significant to the debate of humanitarian intervention. If a humanitarian crisis is to occur today, the international community will be faced with the same dilemmas of traditional humanitarian interventionism of the 1990s that were presented in the beginning of this essay: do we have the right to intervene? If yes, then under whose authority? And who is responsible to undertake the action? Thus, even after the emergence of the R2P, we remain where we were in the 1990s.

Bibliography

Annan, Kofi. "Secretary-General Addresses International Peace Academy Seminar On 'The Responsibility To Protect". 2002. UN Press Release SG/SM/8125. Available at http://www.un.org/News/Press/docs/2002/sgsm8125.doc.htm

Asfaw, Semegnish., Kerber, Guillermo and Peter Weiderud. 2005. *The Responsibility to Protect : Ethical and Theological Perspectives.* Geneva : World Council of Churches.

Ayoob, Mohammed. 2002. "Humanitarian intervention and State Sovereignty". *The International Journal of Human Rights.* 6 (1): 81-102.

The Shifting Discourse of the "Responsibility to Protect"

Written by Tahira Mohamad Abbas

Bellamy, Alex J. 2009. *Responsibility to Protect: The Global Effort to End Mass Atrocities.* UK: Polity.

Bellamy, Alex J. 2011. *Global Politics and the Responsibility to Protect : From words to deeds.* London : Routledge.

Bellamy, Alex J. and Sara Ellen Davis., 2011. *The Responsibility to Protect and International Law* . Leiden Boston : Martinus Nijhoff Publishers.

Chandler, David. 2009. "Unravelling the Paradox of the responsibility to Protect". *Irish Studies in International Affairs.*20 (1): 27-39. Available at http://www.davidchandler.org/pdf/journal_articles/ISIA%20-%20R2P.pdf

Evans, Gareth and Mohamed Sahnoun. 2002. "The Responsibility to Protect". *Foreign Affairs.* 80 (6): 99-110.

Evans, Gareth. 2008. *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All.*   Washington, D.C.: Brookings Institution.

Glanville, Luke., (2010). The International Community's Responsibility to Protect. In Davis, Sara E., and Glanville, Luke., (eds.) *Protecting the Displaced : Deepening the Responsibility to Protect .* Leiden Boston : Martinus Nijhoff Publishers.

Hehir, Aidan. 2010. "Responsibility to Protect: Sound and Fury Signifying Nothing?". *International Relations* 24 (2): 218-239.

Hough, Peter. 2004. *Understanding Global Security.* London: Routledge.

International Commission on Intervention and State Sovereignty. 2001. *The Responsibility to Protect: Research, Bibliography, Background.* Ottawa: International Development Research Centre. Available at http://www.dfait-maeci.gc.ca/iciss-ciise/pdf/Commission-Report.pdf

Pattison, James. 2010. *Humanitarian intervention and the Responsibility to Protect.* Oxford: Oxford University Press.

Thakur, Ramesh. 2006. *The United Nations, Peace and Security : From collective Security to the Responsibility to Protect.* UK : Cambridge University Press.

Welsh, Jennifer. 2010. "The Responsibility to Protect: Where expectations Meet Reality". *Ethics & International Affairs.* 24 (4).

—
Written by: Tahira Mohamad Abbas
Written at: University of Westminster
Written for: David Chandler
Date written: April/2011