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# The Paradox of the 'Responsibility to Protect'

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## David Chandler

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## Introduction

One of the most striking aspects of the Responsibility to Protect (R2P) doctrine appears to be the gap between the promise and the reality. In 2001, when the International Commission on Intervention and State Sovereignty (ICISS) published its report 'The Responsibility to Protect', there was little doubt that, as stated in the Foreword, the concept of R2P was 'about the so-called "right of humanitarian intervention" – the question of when, if ever, it is appropriate for states to take coercive – and in particular military – action, against another state for the purpose of protecting people at risk in that other state' (ICISS, 2001: vii). The ICISS was tasked with trying to develop a global political consensus on the question of humanitarian intervention, which it believed it had achieved through reformulating the problem in terms of the 'responsibility to protect'.

Today, the relationship between the concept of R2P and the right of humanitarian intervention appears to be much less clear. Both the books under review here seek to clarify what the concept of R2P stands for today and suggest that its meaning has shifted away from the focus on military coercion (synonymous with humanitarian intervention) and towards a more consensual concern with international preventive measures. They both also raise problems with this shift towards an emphasis on prevention and stress the need to develop greater clarity about the meaning and operational aspects of R2P. This review considers their positions and discusses the political and conceptual barriers to achieving doctrinal and operational clarity over R2P despite the asserted gains made in achieving an international consensus for the Responsibility to Protect.

For the advocates of R2P, its endorsement at the UN General Assembly 2005 World Summit is taken as a fundamental turning point. For Gareth Evans, former Australian

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foreign minister, co-chair of the ICISS and primary architect of R2P, the summit marked 'the really big step forward in terms of formal acceptance of R2P' (Evans, p. 44). For Alex Bellamy, Executive Director of the Asia-Pacific Centre for the Responsibility to Protect and Professor of Peace and Conflict Studies at the University of Queensland, the summit marked a transformation of R2P from a 'concept' – an idea – to a 'principle' – a 'fundamental truth' based upon a 'shared understanding' and a 'sufficient consensus' – making the right of intervention no longer subordinate to the other key international principle – the right of sovereignty (Bellamy, p. 6). Yet even these advocates (the authors of the books reviewed here) recognize that the summit 'achieved much less than had been envisaged', and note that leading proponents of their cause have expressed 'deep disappointment' with what has been achieved so far, calling for the Summit Outcome to be 'reaffirmed', to be 'operationalized', and for the 'shaky consensus' to be hardened (Bellamy, pp. 91–3).

Gareth Evans argues that the work of establishing R2P is still to come and involves taking on 'three big challenges' (p. 54). The first is conceptual: defining the concept – the meaning – of R2P. One would have thought that this was pretty fundamental. In fact, it is strange to talk about R2P as if it had some real existence despite the fact that there is no clarity about what it might actually entail. The second challenge is the institutional one: what institutions are necessary or have the task of carrying 'it' out (whatever the 'it' of R2P might be). The third challenge is the political one: mobilizing the political will for the institutions (as yet undecided) to act on R2P (once it is clear what that might mean).

## R2P and the ICISS Report

The R2P of the consensus on humanitarian intervention was fiction in the heads of a few ICISS commissioners and activists. As Gareth Evans himself states, when the ICISS report was published shortly after 11 September 2001, international policy and academic focus was elsewhere and 'the report seemed likely to disappear without a trace' (p. 5). Bellamy goes further to argue that the unpopular US-led invasion of Iraq killed off the desire for discussion of humanitarian intervention and that the war in Iraq was wrongly associated with the R2P (p. 70). This exaggerates the support for the ICISS view of legitimizing unilateral humanitarian intervention post-Kosovo: support which was then allegedly muted by the war on terror and the debacle of Iraq. In fact, it was international disarray over Kosovo which heralded the first steps away from the 1990s declarations of Western mission and humanitarian responsibility.

The ICISS report itself reflected the problems of humanitarian intervention, recasting the 'right of intervention' accruing to Western military actors, as the 'responsibility to protect' and shifting the focus away from the interveners to the 'victims of atrocities' – the ostensible objects of intervention. The difficulty of justifying Western military intervention was also reflected in the report's shift of focus away from non-consensual military intervention in its argument for a continuum of responsibility: 'to prevent', 'to react' and 'to rebuild'. This was an act of political evasion rather than political consensus-building and the advocates of R2P are still living with the consequences of this in the confusion that surrounds the R2P concept today.

## R2P beyond ICISS

The confusions at all levels stem from the fact that R2P as a concern to prevent ‘mass atrocity crimes’ has been delinked from the initial discussion about the permissive use of coercive force without UN Security Council authorization. UN General-Secretary Kofi Annan took over the R2P language of the ICISS report, in preparation for the 2005 UN World Summit, but distanced it from the use of coercive force through putting the recommendations in different sections of the report. The separation continued the shift of focus of the ICISS report; moving further from a Western state duty to intervene and more towards an ethical emphasis on non-specific responsibilities to prevent atrocities. If we take R2P at face value as ‘ending mass atrocities once and for all’ (the subtitle of Evans’ book), then it appears paradoxical that the one thing that did not occur at the 2005 World Summit was any international commitment on this precise point. As Alex Bellamy states, the World Summit Outcome position ‘is seemingly at odds with the concerns which animated those most closely associated with the ICISS and with the concerns which have animated most of the commission’s commentators’ (p. 4). Without the emphasis on non-consensual military intervention, R2P begins to blur into the general UN policy practices of conflict prevention.

This was highlighted in Kenya at the end of 2007, where disputed elections led to ethnic-related violence, with 1000 people killed and 300,000 displaced. UN Secretary-General Ban Ki-moon publicly characterized this as an R2P situation (p. 51). Here the use of R2P language was seen as politically useful to facilitate international pressure on the Kenyan government and to provide a discursive framework for international diplomatic involvement. Even, in the case of Darfur, Evans himself alleges that becoming classed as an R2P situation did not mean that non-consensual force would be used, or that R2P had ‘failed’ because military coercion was not deployed (p. 61).

Both Bellamy and Evans want to argue that ‘prevention is the single most important dimension of the responsibility to protect’ (Evans, p. 79), and both are concerned that R2P language should not be deployed too broadly. Evans’ major concern is that this might be understood as raising the possibility of military intervention in a ‘whole variety of policy contexts’ – such as that of the Burmese/Myanmar government’s failure to react adequately to Cyclone Nargis – inevitably giving the concept of R2P a bad name. Bellamy’s main concern is that in trying to be too comprehensive, R2P will become immersed in the UN’s wider conflict-prevention programmes and lose its focus. They both get to the heart of the problem of the R2P compromise on intervention: how to relate an emphasis on ‘prevention’ with a strictly limited application to ‘atrocities situations’.

The lack of clarity over R2P, both in conceptual and institutional terms, is an inevitable consequence of its development out of the ICISS report, which attempted to muddy the waters over the right of intervention. It is not conceptually possible to consider R2P in terms of prevention, no matter how often the advocates of R2P repeat the mantra that ‘prevention is the single most important dimension’. Mass atrocities do not arise *de novo*, but in a context of inequalities and conflict. Evans himself admits that: ‘of course, it is true that some full-fledged R2P mass atrocity situations evolve out of less extreme human rights violations, or out of general conflict environments’ (p. 69), in which case it is impossible to make a judgement in advance about the potential for mass atrocities, in

order to enable R2P prevention to take place as some discrete set of practices separate from ongoing international responses to political crisis or conflict situation.

The contradictions multiply as Evans tries to dig himself out of the hole which has been awaiting him. For Evans, the solution to the conundrum is ‘the need for some further criteria to be developed and properly applied if any kind of credible “R2P watch list” is to be prepared’ (p. 74). On the basis of a set of indicators, which Evans admits are ‘an art rather than a science’ and ‘essentially seat of the pants judgements’, he suggests that we can draw up a list of countries which, without mass atrocities ‘obviously occurring’, are nevertheless of ‘R2P concern’ (ibid.). The poverty of the argument is glaring, because it stands on three infeasible claims: firstly, that these indicators, yet to be properly thought through – such as a history of mass atrocities, persistent tensions, poor coping mechanisms, receptivity to external influence and poor leadership – can clearly distinguish a select list of countries; that, secondly, any such list and labelling could generate a consensus around this classification; and, thirdly, that, once clarified and consented to, some set of discrete policy measures could be set in place to prevent ‘mass atrocities’ as a distinct sphere of policy intervention.

There is no possibility that a discrete range of prevention, intervention and rebuilding mechanisms can be instituted which address the limited concerns of ‘ending mass atrocity crimes once and for all’. Bellamy is more aware of this problem but still tends to underestimate the conceptual vacuum created by shifting the focus of R2P to prevention rather than intervention:

Much work needs to be done on clarifying the responsibility to prevent and identifying the measures required.... The first, and perhaps most important, task is to identify precisely what it is that the responsibility to prevent is seeking to prevent and what measures are necessary to achieve that goal. (Bellamy p. 130)

It appears inevitable that, in shifting the emphasis from intervention to prevention rather than establishing an international consensus on coercive action, we are left merely with a set of questions as to what R2P could mean or how it could be ‘operationalized’.

## **The R2P is dead. Long live R2P**

R2P appears to be no more about mass atrocities than it is about establishing a right of humanitarian intervention. Something else would appear to be going on in the gradual transformation from the ‘right of humanitarian intervention’ of the 1999 Kosovo War to the R2P of the 2001 ICISS report and the R2P of the 2005 World Summit. It seems that successive Secretary-Generals have sought to use the ethical or moral consensus around mass atrocities to facilitate a broader strengthening of UN institutions and mandates. For the UN, and for R2P as it exists today, it is not the intervention (or reaction) aspect which is central but the continuum of international oversight which is crucial. The UN has turned the issue of humanitarian intervention, which in the 1990s threatened to undermine its authority – by questioning the sovereign rights of member states and UN Security Council authority over intervention – into an issue of international governance which asserts the UN’s moral authority over both major powers and post-colonial states. Key to this has been

the UN's assertion of an administrative and technocratic agenda of 'good governance' as the solution to a range of problems from development to conflict prevention.

The R2P concept depends upon the conceit that non-political, technical and administrative experts, coordinated through the UN, can understand, prevent and resolve conflict. This conceit only works through reducing social, economic and political problems to technical and administrative questions of institutional governance. At the core of R2P is the assertion that: 'Achieving good governance in all its manifestations – representative, responsive, accountable, and capable – is at the heart of effective long-term conflict and mass atrocity prevention' (Evans, p. 88). As Bellamy notes, the R2P, as endorsed by the World Summit and subsequently by the UN Security Council, is essentially about 'international assistance to help build responsible sovereigns with appropriate capacity' (p. 4).

The only problem the UN faces in turning the liberal institutionalist perspective into workable policy practice is the fact that even reducing the problem of 'preventing mass atrocities' to a problem amenable to technical and administrative intervention at the level of the 'failing' state is unlikely to prove successful on its own terms. The international state-building literature questions the assumption that greater external engagement can strengthen and cohere states, either in terms of prevention or rebuilding. Many experts argue that international support for states is just as likely to have unintended consequences, whether it is the risk of preventive intervention encouraging conflict or of post-conflict intervention undermining country ownership and creating dependencies (see, for example, Paris and Sisk, 2009; Chesterman, 2004; Fukuyama, 2004). While the best liberal institutional frameworks may well ensure that conflicts can be mitigated or prevented, it seems that there is no clear framework of policy which can ensure that these liberal institutions take root.

Nevertheless, the reposing of economic, social and political problems at the level of institutional frameworks and the solutions at the level of external mechanisms of intervention to assist in creating viable liberal institutions, achieves one important benefit: taking the responsibility for social, economic and political crisis away from both international power inequalities and from Western states as policy actors. All that external actors can do is attempt to assist institutional reform, there is no 'liberal illusion' that greater levels of economic aid will work or that democracy is a magic solution. The focus on state institutions of the 'failing state' shifts the policy and coordination responsibility away from Western states and international institutions.

## **R2P: divesting Western responsibility**

At the heart of the discourse of the 'Responsibility to Protect' appears to be the desire to divest Western responsibility rather than to take it on. In the post-Cold War period, in the wake of US disengagement from Africa, understood to have been hastened by the disastrous direct military intervention in Somalia, the question facing policy-makers was how to develop a new set of relations emphasizing the need for strengthened regional institutions in enforcing stability, with Western states playing a much less directly interventionist role. As leading UN policy adviser, Francis Deng, argued: 'With the great powers reducing their involvement in Africa, further US peacemaking initiatives will most likely emphasize the leading role of local actors and take an indirect form' (Deng et al., 1996: 189). At the

end of the 1990s, only around 25% of UN peacekeeping troops were contributed by major Western powers; by the beginning of 2008 this figure was down to 10% (Bellamy, p. 161). As Bellamy notes: ‘there is a vast difference between the states which mandate peace operations and advocate R2P, robust doctrines and civilian protection, and the states which actually contribute most of the troops to UN peace operations’ (ibid.).

In fact, rather than juxtaposing intervention and withdrawal, it would be better to see R2P as a process of relationship management where regulatory frameworks are reshaped under a desire to internationalize regulation in areas which are no longer considered to be of vital security interest. The central area of R2P concern is the regulation of sub-Saharan Africa and, in this guise, the policy practice has not lagged behind the declarations of R2P intent. In 2003, the African Union (AU) was formally established as a replacement for the Organization of African Unity, reflecting the changing nature of African security. Rather than an organization expressing solidarity between African states against external intervention, the AU was established as a mechanism for external intervention. In this context, the power and authority of the AU was drastically enlarged, with a right of intervention in cases of war crimes, genocide and crimes against humanity (Bellamy, p. 78).

Bellamy notes that the organizational capacity behind R2P is being built not by Western states or international institutions, like the UN, but by the AU. The AU’s African Stand-By Force (ASF) is being given international funding to build five regional brigades capable of deploying 20,000 troops by 2010. The US aims to train 75,000 African peacekeepers by 2020 through its Global Peace Operations Initiative and Britain and France are also both heavily involved in training African troops for peacekeeping operations (p. 161). Bellamy asserts that far from a licence for Western states to take responsibility for ‘ending mass atrocity crimes’ in sub-Saharan Africa, it appears that the emphasis on “‘African solutions to African problems’” permits the [Security Council] P5 to defer its responsibilities to the AU in cases where the former lacks the political will to act’ (p. 79).

The R2P of the 2005 World Summit Outcome and the Secretary-General’s follow up report in 2009 can only be understood in the wake of the broader shift in the framework of international regulation and intervention since the end of the Cold War. Rather than seeing the mass atrocities of Rwanda and Srebrenica as marking the birth and transformation of R2P, it would make more sense to see Somalia, Kosovo and Iraq as the turning points in the problematization of Western responsibility and the mutual desire on behalf of both the UN and leading Western states to internationalize responsibility for relationship management with the post-colonial world on the basis of indirect forms of regulation: through intervention at the level of the institutions of the non-Western state and, failing that, at the level of regional organizations. Ironically, this R2P is a far cry from the liberal interventionist fantasy which claimed that Western leaders and Western states would take direct responsibility for intervening in the cause of protecting human rights.

## Conclusions

Both these books are similarly constructed, asserting the importance of R2P, tracing the development of the concept and then breaking down the discussion in terms of the responsibility to prevent, to react and rebuild (as in the original ICISS report). They both also suggest ways in which the international capacity for preventive intervention can be

improved. However, there is the sense that these two authors are so involved in the promotion of the concept of R2P that it is difficult for them to balance their concerns with advocacy with the need to reflect more critically on the revival of the concept of R2P in the wake of the disastrous war and occupation of Iraq or to reflect on the broader conceptual trends towards institutionalist approaches which are reflected in the shift from intervention to prevention. These failings mean that while both these books highlight the gap between the promise of Western protection raised by R2P and the reality of shifting responsibility on to others, they are neither able to address this paradox nor to see the revival of the concept of R2P as a reflection of this process of evading responsibility.

It seems increasingly clear that the institutionalist perspective of R2P is both conceptually and organizationally a reflection of the evasion of Western responsibility for others. Conceptually, it denies the economic, social and political frameworks which would inculcate Western powers in the problems and underdevelopment of post-colonial regimes. Organizationally, it seeks to relieve Western states of direct responsibility to respond to crises, through establishing indirect mechanisms of policing and military intervention, as illustrated with the development and training of the AU. The paradox of the gap between the interventionist promise of R2P and the unwillingness to intervene directly is not a policy accident but essential to the success of R2P as a mechanism for off-loading Western responsibility. While both Gareth Evans and Alex Bellamy advocate for more 'political will' to turn R2P from an idea into a policy practice, they neglect the fact that R2P has achieved its aims in relation to the transformation of conflict-management in sub-Saharan Africa. It would appear that it is not the political will of others which is lacking here, but political understanding on the part of the advocates of R2P.

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