
Unravelling the Paradox of 'The Responsibility to Protect'

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ABSTRACT

This paper explains that the desire to evade Western responsibility is at the heart of the paradox of 'the responsibility to protect' (R2P) doctrine, and that this desire for evasion enables us to understand the gap between the rhetorical promise of 'never again' and the reality of a lack of 'political will' to intervene in situations where mass atrocities are ongoing. The paper traces the shifting discourse away from the 1990s 'right to intervene'; through the 2001 International Commission on Intervention and State Sovereignty's report re-posing military intervention in the vague terms of 'the responsibility to protect'; to the 2005 World Summit and 2009 follow-up document, which de-link military intervention from R2P and focus instead upon non-Western state and regional 'responsibilities'. Through the reworking of the doctrine of the 'responsibility to protect', questions of military intervention, which threatened to undermine the UN framework, have been transposed into technical and administrative problems, serving to strengthen and extend UN institutional structures.

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

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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.¹

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 R2P and the right of humanitarian intervention appears to be much less clear. This shift in the meaning of R2P will be the subject of this article and is at the heart of the paradox of R2P: the fact that it appears that R2P’s universal acceptance has come at a cost to both its meaning and application.

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 foreign minister and primary architect and leading authority on R2P, the summit marked ‘the really big step forward in terms of formal acceptance of R2P’.² For Alex Bellamy, professor of peace and conflict studies at the University of Queensland, Australia, 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 key other international principle—the right of sovereignty.³ Yet, even advocates of R2P argue that the summit ‘achieved much less than had been envisaged’, with leading proponents of the cause expressing a ‘deep disappointment’ with what had been achieved, and many stating a need for the Summit Outcome to be ‘reaffirmed’, to be ‘operationalised’, and for the ‘shaky consensus’ to be hardened.⁴

Gareth Evans argues that the work of establishing R2P is still to come and involves taking on ‘three big challenges’.⁵ The first challenge 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: mobilising the political will for the institutions (as yet undecided) to act on R2P (once it is clear what that might mean). This article explains why there should be such a gap between claims of the importance of R2P and the lack of certainty of what the R2P even means, let alone how it might be turned from an ‘idea’ into established policy ‘practice’.

The paradox of R2P will first be addressed, through a consideration of the R2P on its own terms. It will be argued that the ICISS report should be understood as recognition of the deeper problems of building consensus around the concept of ‘humanitarian intervention’ rather than as a solution to the problem. In fact, it was the ICISS report itself that sowed the seeds of confusion and evasion that seem to

¹International Commission on Intervention and State Sovereignty, *Report of the International Commission on Intervention and State Sovereignty: the responsibility to protect* (Ottawa, 2001), vii; hereafter cited as ICISS, *Responsibility to protect*.

²Gareth Evans, *The responsibility to protect: ending mass atrocity crimes once and for all* (Washington, D.C., 2008), 44.

³Alex Bellamy, *Responsibility to protect: the global effort to end mass atrocities* (London, 2009), 6.

⁴Bellamy, *Responsibility to protect: the global effort*, 91–3.

⁵Evans, *Responsibility to protect: ending mass atrocity crimes*, 54.

have dogged the concept of R2P. Second, this paper will put R2P in the broader context of international disengagement and the desire to shift political responsibility away from leading Western states. The paradox of R2P's acceptance implying less responsibility for Western states to act and to intervene is explained in the broader context of post-Cold War lack of strategic concern with large areas of the world, such as sub-Saharan Africa.

R2P AND THE ICISS REPORT

In terms of the contrast between the international consensus for R2P at the United Nations summit in 2005 and the lack of practical clarity or political obligations, unravelling the paradox of R2P is made easier when we understand the concept in the context of post-Cold War international relations. The advocates of R2P tend to take R2P out of context and believe that R2P only starts with the ICISS report, without which the idea 'would never have been given birth'.⁶ These advocates understand R2P as being born in the wake of the UN failure to agree on military intervention for humanitarian purposes, and therefore as inspired by the failures of intervention in Rwanda and Srebrenica and about saying 'never again' in the face of mass atrocities.

In fact, the R2P of the consensus on humanitarian intervention was a 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'.⁷ 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.⁸ This exaggerates the links being made and conflates the ICISS report opinions with those of international society more broadly, as a reflection of the desire for humanitarian intervention post-Kosovo, which is then allegedly muted by Iraq. In fact, it was international disarray over Kosovo that 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 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'.

While a small group of liberal interventionists saw the ICISS report as a resolution to the problems of gaining international consensus for coercive intervention in the cause of human rights, there is no evidence that this was actually achieved. As Bellamy notes, little consensus was achieved outside the Canadian government and among a few prominent ICISS commissioners themselves on the argument for giving institutional backing to the concept of humanitarian intervention.⁹ What the report did achieve was the creation of a moral case for more engaged regulation and consensual intervention in the domestic policy processes of non-Western states: a framework that the US was keen to promote, especially in relation to sub-Saharan Africa and the newly reconstituted African Union. The R2P continuum implied that

⁶Evans, *Responsibility to protect: ending mass atrocity crimes*, xiii.

⁷Evans, *Responsibility to protect: ending mass atrocity crimes*, 5.

⁸Bellamy, *Responsibility to protect: the global effort*, 70.

⁹Bellamy, *Responsibility to protect: the global effort*, 70; 95.

few areas of domestic policy-making were now ‘out of bounds’, once it was established that the international community had a duty to assist potentially ‘weak’ or ‘failing’ states in carrying out their responsibility to prevent ‘mass atrocity crimes’. The desire to take the edge off the focus on Western-led military intervention and to concentrate on more indirect mechanisms of ‘conflict prevention’ was further encouraged by the international policy problems of Western responsibility in the ‘Global War on Terror’; most specifically, the war in and occupation of Iraq.

In fact, rather than seeing the invasion and occupation of Iraq as nearly ending the R2P discussion, it should be seen as clarifying the dynamic behind R2P. The R2P that emerged post-Iraq reflected more acutely the crisis of confidence about Western intervention that began to emerge with the ICISS report itself. Where the ICISS report begins to restore the credibility of the UN—highlighting the difficulties Western states faced in mustering the legitimacy for non-consensual intervention if the UN Security Council failed to agree strict criteria—the reborn R2P is even less confident in a non-bureaucratic and non-legalistic justification for intervention. Where the inability to win a consensus around the Kosovo intervention enabled the UN to regain ground, the discrediting of unilateral action in the international sphere after the Iraq invasion strengthened the UN’s hand further and encouraged successive secretary-generals to regain the upper hand over the moral agenda of ending mass atrocity crimes.¹⁰

R2P BEYOND ICISS

In September 2003 the UN secretary-general, Kofi Annan, gave new life to R2P by selecting Gareth Evans to be on the high level panel on ‘Threats, Challenges and Change’, which was charged with preparing the ground for the 2005 world summit declaration. The panel’s report, *A more secure world: our shared responsibility*, released in December 2004, was then used as a basis for the secretary-general’s report to the summit, *In larger freedom: towards development, security and human rights for all*, published in March 2005.¹¹ Annan took over the R2P language of the ICISS report but distanced it from the use of coercive force by putting the recommendations in different sections of the report. While the discussion on the criteria for coercive intervention was to be a subject for the Security Council and the potential reform of its decision-making powers, the R2P was clarified as a matter of state capacity, as a normative moral principle requiring a state to protect its own citizens.¹²

The separation between the R2P and the use of coercive force continued the shift of focus of the ICISS report; moving further away from a Western state responsibility to intervene and instead towards an emphasis on the responsibilities of the ‘failing’ state. For the advocates of humanitarian intervention, this was a major shift, which, as Evans notes, ‘resulted in them being seen as quite separate, rather than inherently linked, proposals when they came to be debated at the World Summit’.¹³ Evans was

¹⁰Evans, *Responsibility to protect: ending mass atrocity crimes*, 69.

¹¹United Nations, *A more secure world: our shared responsibility* (Report of the high level panel on Threats, Challenges and Change; New York, 2004), available at: <http://www.un.org/secureworld/report2.pdf> (28 April 2009); Kofi Annan, *In larger freedom: towards development, security and human rights for all* Report of the secretary-general to the UN summit 21 March 2005 (New York, 2005), available at: <http://www.un.org/largerfreedom/> (8 April 2009).

¹²Bellamy, *Responsibility to protect: the global effort*, 76.

¹³Evans, *Responsibility to protect: ending mass atrocity crimes*, 46.

clearly 'unhappy' that Annan's delinking of coercive intervention and R2P resulted in the failure of the world summit to adopt any criteria that could legitimise the use of force independently of a Security Council decision.¹⁴

If we take R2P at face value as 'ending mass atrocities once and for all', then it appears paradoxical that the one thing that did not occur was any international commitment on this precise point.¹⁵ Despite the reproduction of the language of the International Criminal Court in the construction of mass atrocities as justiciable crimes—'Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity'¹⁶—there are no institutional obligations that flow from this, other than those that pre-existed the declaration.

Article 138 of the world summit Outcome Declaration asserts, first, that individual states accept their responsibility to prevent such crimes. Second, it asserts that 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'.¹⁷ Article 139 goes further, in asserting that 'the international community, through the United Nations' has the responsibility to protect populations through 'appropriate diplomatic, humanitarian, and other peaceful means, in accordance with Chapters VI and VIII of the Charter'. That article also asserts that the international community is

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...should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.¹⁸

Third, it asserts that the UN General Assembly members are committed 'to helping States build capacity to protect their populations...and to assisting those which are under stress before crises and conflicts break out'.¹⁹

There is no discussion here of any ICISS-inspired independent criteria that could justify the use of military force independently of the Security Council and the UN Charter framework. In this context, the application of R2P seems little different from a non-R2P response to international crisis situations where mass atrocities are occurring or seem possible. This was highlighted in Kenya at the end of 2007, where disputed elections led to ethnic-related violence, with 1,000 people killed and 300,000 displaced. UN secretary-general Ban Ki-moon publicly characterised this as an R2P situation.²⁰ In this case R2P was seen to facilitate international pressure on the Kenyan government and to provide a discursive framework for international diplomatic involvement. Even in the case of Darfur, it was alleged 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.²¹

¹⁴Evans, *Responsibility to protect: ending mass atrocity crimes*, 140.

¹⁵Evans, *Responsibility to protect: ending mass atrocity crimes*.

¹⁶United Nations General Assembly, *2005 World Summit outcome document*, A/60/L.1, 15 September 2005, article 138 (hereafter cited as UNGA, *2005 World Summit outcome*). The text of this document is available at: <http://daccessdds.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement> (28 April 2009).

¹⁷UNGA, *2005 World Summit outcome*, article 138.

¹⁸UNGA, *2005 World Summit outcome*, article 139.

¹⁹UNGA, *2005 World Summit outcome*, article 139.

²⁰Evans, *Responsibility to protect: ending mass atrocity crimes*, 51.

²¹Evans, *Responsibility to protect: ending mass atrocity crimes*, 61.

In fact, it appears that the more that R2P is disassociated from the ICISS focus on justifying military intervention, the more confusing the pronouncements of its leading advocates become. Under ICISS, R2P could justifiably be seen as another name for humanitarian intervention. Yet, in 2008 Gareth Evans was seemingly right to assert that the biggest misunderstanding about R2P was the belief that ‘R2P is just another name for humanitarian intervention’.²² As Alex Bellamy states, counter-intuitively perhaps, the position presented in the world summit Outcome Declaration ‘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’.²³

R2P ‘LITE’?

It would appear that all that remains of the R2P is the moral focus on the centrality of the potential victims of ‘mass atrocity crimes’. As Gareth Evans states, without the R2P focus on potential atrocity victims, the legitimacy of external intervention in the domestic affairs of ‘vulnerable’ states would be much more disputed:

...if R2P is to be about protecting everybody from everything, it will end up protecting nobody from anything. The whole point of embracing the new language of ‘the responsibility to protect’ is that it is capable of generating an effective, consensual response to extreme, conscience-shocking cases in a way that ‘right to intervene’ language simply could not. We need to preserve the focus and bite of ‘R2P’ as a rallying cry in the face of mass atrocities.²⁴

Evans seeks to resist the apparent watering-down of the R2P concept, arguing that without the focus on the potential victims of mass atrocities it will not be possible to garner international support for external intervention. Diplomatically, rather than challenge the UN Summit Outcome from a more open position—asserting that the UN has retreated from the assertive military interventionism of the ICISS report—Evans seeks to argue that in broadening the conception of R2P too far, ‘to embrace what might be described as the whole human security agenda’, the UN risks inviting opposition from many states and commentators

who see it as the thin end of a totally interventionist wedge—as giving an open invitation for the countries of the North to engage to their hearts’ content in the *missions civilisatrices* (civilizing missions) that so understandably anger those in the global South, who have experienced it all before.²⁵

He raises the concern that, in this way, the possibility of military intervention would be opened up 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. Here Evans’s argument that R2P should be primarily about ‘prevention’ but also strictly limited in application to ‘atrocity situations’ becomes a contradiction in terms. 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’.²⁶ This makes it difficult to understand Evans’s determination to have his cake and eat it,

²²Evans, *Responsibility to protect: ending mass atrocity crimes*, 56.

²³Bellamy, *Responsibility to protect: the global effort*, 4.

²⁴Evans, *Responsibility to protect: ending mass atrocity crimes*, 65.

²⁵Evans, *Responsibility to protect: ending mass atrocity crimes*, 65.

²⁶Evans, *Responsibility to protect: ending mass atrocity crimes*, 69.

concerning prevention (which only makes sense at a general level) and the focus on mass atrocities (where reaction or 'humanitarian intervention' only occurs in specific isolated cases).

At this level, 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 of the responsibility to protect'.²⁷ It is not possible to draw the line that makes R2P a tenable concept once it is no longer about legitimising coercive military intervention. Even the language used by Evans to describe the conundrum is contradictory. For example, in relation to Myanmar/Burma, is the situation 'best characterized and responded to as a human rights and democracy problem, requiring whatever mix of pressure and persuasion will best work, or as an R2P situation in the making?'²⁸ Here, the intimation is that 'an R2P situation' involves the need for military intervention if necessary, but Evans has already stated that not all 'R2P situations' require military intervention, some can be dealt with by international 'pressure and persuasion'. How can a judgement be made in advance about the potential for mass atrocities in order to enable R2P prevention to take place as some discreet set of practices separate from international responses to 'a human rights and democracy problem'?

The contradictions multiply as Evans tries to dig himself out of the hole he has created here. 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'.²⁹ 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 we can draw up a list of countries which, without mass atrocities 'obviously occurring', are nevertheless of 'R2P concern'.³⁰ The poverty of the argument is clear, for Evans implies

- first, that these indicators, yet to be properly thought through—such as history of mass atrocities, persistent tensions, poor coping mechanisms, receptivity to external influence and poor leadership—can clearly distinguish a select list of countries;
- second, that any such list and labelling could generate a consensus around this classification; and
- third, 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 that address such limited concerns. Mass atrocities do not arise *de novo*, but in a context of inequalities and conflict. Some R2P advocates, such as Alex Bellamy, are more aware of this problem. However, even Bellamy 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

²⁷Evans, *Responsibility to protect: ending mass atrocity crimes*, 79.

²⁸Evans, *Responsibility to protect: ending mass atrocity crimes*, 73.

²⁹Evans, *Responsibility to protect: ending mass atrocity crimes*, 74.

³⁰Evans, *Responsibility to protect: ending mass atrocity crimes*, 74.

to identify precisely what it is that the responsibility to prevent is seeking to prevent and what measures are necessary to achieve that goal.³¹

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 'operationalised'.

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 UN 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 that is central, but the continuum of international oversight that 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 that asserts the UN's moral authority over both Great 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 co-ordinated 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'.³² R2P's discursive framing reinterprets 'mass atrocities' of the past and present in the framework of neoliberalism or liberal institutionalism. Gareth Evans explains this shift in understanding:

Some conflicts that may appear at first sight to be clear-cut examples of loot seeking or a contest over resources—in Sierra Leone and the Democratic Republic of the Congo, for example—were more fundamentally driven by the failures of basic governance: decades of misrule and corruption by parasitic state elites and associated socio-economic deterioration and institutional decay. These made their ruling regimes extremely vulnerable to both general popular discontent and the specific ambitions of rebels and various external actors, with poor governance not only fuelling political and economic grievances but reducing the risk and cost of mounting violent challenges to it.³³

However we might understand the proximate causes of conflict—rebel groups or exploitative rulers or external actors seeking to gain resources—the structural causes

³¹Bellamy, *Responsibility to protect: the global effort*, 130.

³²Evans, *Responsibility to protect: ending mass atrocity crimes*, 88.

³³Evans, *Responsibility to protect: ending mass atrocity crimes*, 88.

of conflict and therefore the possibilities of 'mass atrocities' are located in the failing institutions of the state and the lack of good governance.

Good governance, bad governments

R2P post-2005 is about good governance rather than military intervention. This is highlighted in the secretary-general's follow up report, *Implementing the responsibility to protect*:

The twentieth century was marred by the Holocaust, the killing fields of Cambodia, the genocide of Rwanda and the mass killings in Srebrenica...the brutal legacy of the twentieth century speaks bitterly and graphically of the profound failure of individual States to live up to their most basic and compelling responsibilities as well as the collective inadequacies of international institutions.³⁴

The understanding of the Holocaust, Cambodia, Rwanda and Srebrenica as failings of 'individual states' is a very narrow or particular reading of these events: disassociating them from the context of war and international conflict. Rather than place these 'mass atrocities' in an international, social, economic and political context, understanding war and intervention, these events are separated as discreet acts that can be explained on the basis of 'individual state' failures: on the basis of both the failure of particular states to take up their 'responsibilities' and the failure of international institutions to assist them in doing this.

Liberal institutionalism provides a convenient framework of understanding for the UN, for the answers are not to be found in large-scale measures of economic and social transformation, nor in merely the prosecution of individuals (as with the ICC), but in the institutional framework of states held to be at risk of 'failing' or of failing to take on 'their most basic and compelling responsibilities'. If the cause of 'R2P situations' is, at heart, the lack of 'good governance', the solution would appear to be the inculcation of the practices and norms of 'good governance', which are seen to be open to understanding and export through either the 'carrot' of aid, loans and membership of international institutions or the 'stick' of sanctions and the threat of more coercive forms of intervention. Through marshalling these 'carrots' and 'sticks', with the cooperation of the international financial institutions, regional organisations and associations and the UN's own institutions, the UN is seen to be the key to the co-ordination of the necessary tasks of prevention and the similar 'good governance' responsibilities of post-conflict rebuilding.

The underlying assumption is that the more that the institutions of the 'failing' or the 'post-conflict' state are engaged with by international institutional actors, the more secure their sovereignty and their capacity to take up their 'responsibilities' will be. In the words of the secretary-general's follow up report: 'The State...remains the bedrock of the responsibility to protect, the purpose of which is to build responsible sovereignty, not to undermine it'.³⁵ Far from a discourse of military intervention—undermining sovereignty—the revamped R2P is understood to be a framework of state capacity-building. As Alex Bellamy notes, the R2P, as endorsed by the 2005 world summit and subsequently by the UN Security Council,

³⁴United Nations, *Implementing the responsibility to protect: report of the secretary-general*, A/63/677, 12 January 2009, §5. The text of this report is available at <http://www.responsibilityto-protect.org/index.php?module=uploads&func=download&fileId=655> (8 April 2009).

³⁵United Nations, *Implementing the responsibility to protect*, §13.

is essentially about ‘international assistance to help build responsible sovereigns with appropriate capacity’.³⁶

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.³⁷ 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. 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 that can ensure that these liberal institutions take root.³⁸

Nevertheless, the re-posing 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 ‘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.³⁹

R2P: DIVESTING WESTERN RESPONSIBILITY

While the R2P was certainly resuscitated by the disastrous invasion and occupation of Iraq, the policy discourse is not one of intervention but of recasting the framework of international regulation. The ICISS report itself could be seen, as noted above, as less about seeking to ensure that Western powers had a blank cheque for intervention and more as a way of evading the focus on Western responsibility. In the post-Cold War world, it appeared that the more the West declared its responsibility for dealing with conflict and crises, the more Western governments were stuck in the cleft stick of either standing on the sidelines or sending in the marines and coping with body-bags returning home, as well as being saddled with responsibilities for outcomes, often in parts of the world where they had little long-term strategic interests. While Kosovo clearly exposed the awkwardness of the ‘intervene/don’t intervene’ dilemma for Western politicians, it was the earlier failure of intervention in Somalia that should be signalled as heralding the start of the policy discussion on R2P.

At the heart the discourse of the ‘Responsibility to Protect’ appears to be the desire to divest Western responsibility rather than to take it on. As Francis Deng *et al.* noted in the mid-1990s, when the concept of ‘sovereignty as responsibility’ was

³⁶Bellamy, *Responsibility to protect: the global effort*, 4.

³⁷See, for example, Simon Chesterman, Ramesh Thakur and Michael Ignatieff, *Making states work: state failure and the crisis of governance* (Tokyo, 2005); and Roland Paris and Timothy Sisk, *The dilemmas of statebuilding: confronting the contradictions of postwar peace operations* (London, 2009).

³⁸Paris and Sisk, *Dilemmas of statebuilding*; Douglass North, *Institutions, institutional change and economic performance* (Cambridge, 1990).

³⁹For more on this, see Ashraf Ghani and Clare Lockhart, *Fixing failed states: a framework for rebuilding a fractured world* (Oxford, 2008); David Chandler, *Hollow hegemony: rethinking global politics, power and resistance* (London, 2009).

first developed, it was necessary as a response to superpower withdrawal from Africa:

It is important to explore the implications of this shift in great power roles for the management of conflict in Africa. In the changing world context of the 1990s, Africa has little choice but to confront a wide variety of clashes on the continent and to do so increasingly on its own...[T]he 'aggravating external factor' had been removed, but so had 'the moderating role of the superpowers both as third parties and as mutually neutralizing allies'. Given Africa's resource constraints, who can assume the mantle of peacemaker when state actors fail to govern responsibly.⁴⁰

In the wake of US disengagement from Africa, understood to have been hastened by the disastrous direct military intervention in Somalia, the question for the policy-makers was how to develop a new set of relations emphasising the need for strengthened regional institutions in enforcing stability, with Western states playing a much less directly interventionist role: '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'.⁴¹ At the end of the 1990s only around 25 percent of UN peacekeeping troops were contributed by major Western powers, by the beginning of 2008 this figure was down to 10 percent.⁴² 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'.⁴³

In fact, rather than juxtaposing intervention and withdrawal, it would be better to see R2P as a process of relationship management, whereby regulatory frameworks are reshaped under a desire to internationalise regulation in areas that are no longer considered to be of vital security interest. The central area of concern for R2P 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 being an organisation 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.⁴⁴

Bellamy notes that the organisational capacity behind R2P is being built not by Western states or international institutions, like the UN, but by the African Union. 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.⁴⁵ 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

⁴⁰Francis M. Deng *et al.*, *Sovereignty as responsibility: conflict management in Africa* (Washington, D.C., 1996), 168.

⁴¹Deng *et al.*, *Sovereignty as responsibility*, 189.

⁴²Bellamy, *Responsibility to protect: the global effort*, 161.

⁴³Bellamy, *Responsibility to protect: the global effort*, 161.

⁴⁴Bellamy, *Responsibility to protect: the global effort*, 78.

⁴⁵Bellamy, *Responsibility to protect: the global effort*, 161.

problems” permits the [Security Council] P5 to defer its responsibilities to the AU in cases where the former lacks the political will to act’.⁴⁶

The R2P of the 2005 World Summit Outcome Declaration 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 therefore make more sense to see Somalia, Kosovo and Iraq as the turning points in the problematisation of Western responsibility and the mutual desire on behalf of both the UN and leading Western states to internationalise 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 organisations. Ironically, this R2P is a far cry from the liberal interventionist fantasy that claimed that Western leaders and Western states would take direct responsibility for intervening in the cause of protecting human rights.

CONCLUSION

What we are seeing in the shift to liberal institutionalist perspectives, highlighted by the shifting discourse of R2P, is, in fact, a shift away from responsibility. In effect, no one becomes responsible. While the ICC approach of laying responsibility at the feet of individual government leaders and army officials is clearly inadequate as a way of grasping the causes of conflict or of preventing it, the R2P approach suggests even less responsibility. For the R2P, implicitly—as long as state institutions fail to create a framework that enables conflicts to be ameliorated and the rule of law and human rights to be enforced—it is inevitable that actors will attempt to take advantage and that the incentive to assume state responsibilities of protection will be lacking. In this framework, actors in ‘failing’ states have less responsibility for outcomes, as they are seen to be shaped by their institutional context, with little capacity to overcome these structural constraints.

Even more counter-intuitively, international institutions have fewer responsibilities. The focus on ‘good governance’ as prevention and on institutional reform takes the emphasis away from any broader transformative vision of social, economic and political change. In this context, external Western actors appear to be powerless to influence events. In effect, any external responsibilities are removed once ‘mass atrocities’ are understood to be structured by institutional frameworks. The blame for recurring crises is located narrowly at the level of post-colonial state societies and political elites, rather than in any policy interventions (intended or unintended) by external actors.

The institutionalist perspective of the R2P is both conceptually and institutionally a reflection of the evasion of Western responsibility for others. Conceptually, it denies the economic, social and political frameworks that would inculcate Western powers in the problems and underdevelopment of post-colonial regimes. Institutionally, 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 African Union. The paradox of R2P has been unravelled. Conceptually and institutionally the R2P is not a mystery once the intention to evade Western responsibility is clarified. This makes Gareth Evans’s call for a struggle to muster the political will to turn the R2P

⁴⁶Bellamy, *Responsibility to protect: the global effort*, 79.

from an idea into a practice particularly misleading. It would appear that it is not political will which is lacking here but political understanding.

