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Intervention



Atrocity Prevention and Response: Challenges for R2P

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Abstract

While longstanding critiques of the Responsibility to Protect (R2P) as a Western interventionist doctrine are well known, this intervention argues that a new form of backlash politics to the R2P is emerging from key Western states that have long been its strongest advocates and supporters. This intervention argues that this trend is disconcerting in that it risks returning to an international politics of complacency whereby states are no longer willing to acknowledge or accept responsibility to assist populations from mass atrocities occurring within the borders of a foreign state. Two strategies are advocated to counter this trend among governments. First, is to emphasise the successes as well as acknowledge the failures of R2P. Second, to clearly articulate how it is in every country's own national interest to respond decently to conscience-shocking atrocity crimes occurring elsewhere.

Keywords

Responsibility to Protect – good international citizenship – advocacy

In formulating and implementing public policy, internationally as domestically, it always helps to ask the right questions. UN Secretary-General Kofi Annan did just that in his Millennium Report in 2000 when he put this one starkly to the General Assembly: *'If humanitarian intervention is indeed an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of our common humanity?'*¹

It was that challenge which led directly – through the successive mechanisms of the Canadian-sponsored International Commission on Intervention and State Sovereignty (ICISS) which I had the privilege of co-chairing in 2001, the Secretary-General's own High Level Panel on Threats Challenges and Change of which I was a member in 2004, and the UN's 60th Anniversary World Summit of 2005 – to the conceptual creation, and then unanimous global embrace, of the principles of the Responsibility to Protect (R2P), with three key pillars:

- the responsibility of every state to its own people to neither commit mass atrocity crimes nor allow them to occur ('Pillar One');
- the responsibility of other states to assist those lacking the capacity to so protect ('Pillar Two'); and
- the responsibility of the international community to respond with 'timely and decisive action' if a state is 'manifestly failing' to meet its protection responsibilities – including ultimately with coercive military force if that is authorised by the Security Council ('Pillar Three').

What made this new consensus possible, where none had previously existed around the concept of 'the right of humanitarian intervention' – widely advocated but rarely applied by the global North, and hated by the global South – was four big conceptual shifts achieved in the ICISS Report:

- the change of language, with the 'responsibility to protect' being much less inherently abrasive than the 'right to intervene';
- the emphasis on multiple actors sharing that responsibility, not just the big military players, as was the case with humanitarian intervention;
- the strong emphasis on preventive strategies, not just reactive ones as was the case with humanitarian intervention;
- the identification and support for a whole continuum of reaction measures, not just military ones, as was the case with humanitarian intervention, but including diplomatic isolation, and sanctions and embargoes, and threats of International Criminal Court prosecution; and

1 Kofi Annan, *We the Peoples: The Role of the United Nations, 21st Century* (New York: United Nations, 2000), p. 48 (emphasis added).

- the insistence that the bar for any military intervention be set very high, with legality dependent on Security Council endorsement, and legitimacy dependent on satisfying clear prudential criteria, including proportionality and doing, on balance, more good than harm.

The Commission's objective in crafting our report and recommendations was not to create new international legal rules nor undermine old ones. Our intended contribution was not to international relations theory but political practice. We wanted to create new standards of international behaviour which states would feel ashamed to violate, compelled to observe, or at least embarrassed to ignore. Above all, we simply wanted to ensure that when genocide, ethnic cleansing or other crimes against humanity or major war crimes were being threatened or committed behind sovereign state borders – as had catastrophically been the case through much of the 1990s in Central Africa and the Balkans – the rest of the world would regard this not as nobody else's business, but everyone's.

Now, nearly 20 years later – following the breakdown in Security Council consensus since 2011, and the manifest failure to prevent or effectively respond to a whole new series of atrocity crime catastrophes in Sri Lanka, Syria, Myanmar, Sudan, Ethiopia, Ukraine, Gaza, and elsewhere – a number of sceptical and cynical voices from both the global South and global North (or if one prefers the alternative shorthand, 'the West and the Rest') are being heard to argue that the whole R2P norm-creation enterprise has been a complete waste of time or worse.

The challenge to R2P coming from the global South is familiar enough. The key themes, all hangovers from the past, have been there from the beginning but seem to be becoming more widely articulated:

- that sovereignty should be inviolate, and to concede an inch to anyone wanting to intervene in a state's internal affairs is to yield a mile: R2P is just a Northern, or Western, fraud – the old humanitarian military intervention wine in a new bottle;
- that the North or West will always be more interested in remaking the political map to its own taste than relieving human suffering: with the P3's intervention in Libya, for example, becoming just an excuse for forcible regime change;
- that Northern, or Western, proponents of R2P are incapable of anything other than double standards in calling out war crimes and crimes against humanity: fiercely condemnatory in Africa or Asia, or of Russia in Ukraine, but almost mute when it comes to Israel's reckless overreach in Gaza;

- that the North, or West, is not putting its money where its mouth is when it comes to humanitarian aid for, or opening avenues for resettlement to, those displaced, starved or impoverished by mass atrocity crimes; and
- that R2P proponents are overly preoccupied with so-called civil and political rights: the ones that really matter in the developing world, with China the new standard-setter and bearer, being economic and social rights.

In many ways more disconcerting are the challenges to R2P that now seem to be coming more frequently from the global North or West, from countries traditionally the most articulate champions of universal civil and political rights. What is involved here is not so much outright hostility, but an evident perception that R2P is an idea whose time has come and gone; that it no longer has any real utility as an energising and uniting concept internationally; and that to the extent that it may involve the expenditure of treasure, or even worse blood, in defence of people in faraway places of which most electors are perceived to know nothing and care less, it is domestically potentially politically toxic.

A particularly troubling development in this context is the apparent unwillingness now to even use R2P *terminology* by some countries who have been in the past the strongest champions of the concept – and who manifestly remain committed to the general cause of atrocity prevention. That reluctance is nothing new for the United States, which – being, as it has been so long, the world's richest and most militarily powerful country – has always resisted, no doubt conscious of the claims on its resources that would invariably follow, the notion that it had a 'responsibility' or obligation to do anything at all it did not choose to do according to principles of its own making. Even Samantha Power, America's most passionate and articulate advocate of her country's need to better respond to what she described in her seminal book as 'The Problem from Hell';² found herself unable in office to beat that constraint, as she wearily used to explain to me when she was US Permanent Representative to the UN in New York.

But retreat from voluntary use of R2P terminology *is* new for countries like Canada, without whom – and the idealism, commitment, and diplomatic professionalism of its ministers and officials like Lloyd Axworthy, Paul Martin, Allan Rock, Jill Sinclair, and Heidi Hulan, not to mention the testimony and moral advocacy of retired general Roméo Dallaire – R2P would never have seen the light of day. And that really is disconcerting.

2 Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York: Basic Books, 2002).

So I think it is time, 24 years after Kofi Annan's question, for another big one to be asked and answered: *'If R2P is not the right set of standard-setting principles and prescriptions to guide the international community in its response to unconscionable mass atrocity crimes – gross and systematic violations of human rights that offend every precept of our common humanity – then what is the alternative?'*

Is there another set of principles anyone can identify, using different terminology and concepts, addressing both prevention and reaction, which is remotely capable of finding common ground between the global South and North, as R2P did in 2005 (and in fact continues largely to do in the UN General Assembly)? Do we abandon altogether the search for a common, energising *normative* foundation for our response to mass atrocity crimes, and put all our focus just on ad hoc development assistance and institution-building, including new legal treaty-making, strategies?

Do we make prevention the entire focus of our activity, and abandon altogether the hope of effective response at the sharpest end of the reaction spectrum in those extreme cases when prevention has failed and people are dying in their thousands, or scores or hundreds of thousands? If that is going too far, should we go all the way back to accepting that there is indeed a 'right of humanitarian intervention' which the big military players should, at their discretion and without Security Council or other constraint, be able to either ignore to exercise with all guns blazing?

Or do we go back to the other extreme and accept, as some in the global South have always asserted (with buyer's remorse at having gone along with the 2005 consensus), that state sovereignty really is absolute, and that mass atrocity crimes perpetrated behind state walls really are none of the rest of the world's business? Do we retreat to acceptance of the kind of *realpolitik* whereby a US Secretary of State could say to his Thai counterpart, as Henry Kissinger did seven months into the Khmer Rouge's reign of genocidal slaughter in 1975: 'You should tell the Cambodians that we'll be friends with them. They are murderous thugs, but we won't let that stand in our way'?

Readers will not be surprised that my own strong view is that I see *no* credible alternative to R2P as a set of standard-setting principles, and that my answer to all the other corollary questions I have just asked is in the negative. I know that I am not alone in that. But the question for those of us who still really believe in the cause is what do we need to *do* now to keep the flame of R2P alive.

I think the answer for the governments of those countries who do have significant international influence, and are willing to use it in this cause,

is to embrace two broad strategies in all their engagement and advocacy around atrocity prevention and response, about both of which I have written and spoken extensively elsewhere, and will not do more here than baldly summarise. First, to emphasise the successes as well as acknowledge the failures³ of R2P. Second, to clearly articulate how it is in every country's own national interest⁴ to respond decently to conscience-shocking atrocity crimes occurring elsewhere.

As to the defending the R2P record, for all that continues to go wrong, real progress has been made against most of the benchmarks we R2P advocates set ourselves two decades ago. *Normatively*, as evidenced in annual General Assembly debates and multiple Security Council resolutions, 'R2P' still commands a degree of global acceptance and traction unimaginable for 'humanitarian intervention'. *Institutionally*, real progress has been made in developing both international legal accountability mechanisms, and national civilian and military response preparedness. *Preventively*, R2P-driven strategies have had a number of under-noticed successes, notably in stopping the recurrence of violence in Kenya, the West African cases of Sierra Leone, Liberia, Guinea, Côte d'Ivoire, and The Gambia, and in Kyrgyzstan, while volatile situations such as Burundi get recurring Security Council attention of a kind unknown to Rwanda in the 1990s.

Reactively – ensuring effective response to atrocity crises actually under way – this is obviously at best still work in progress. There have been partial successes – more often involving diplomatic than military pressure – in Kenya, Côte d'Ivoire, Congo, South Sudan, and the Central African Republic, and even Libya (at least initially, in stopping a massacre in Benghazi). But also too many failures, not helped by the re-emergence of major power rivalry and obstruction in the Security Council. That said, neither China nor Russia have been totally hostile to the concept of R2P – with Russia even calling it in aid to try to justify its initial assaults on Georgia and Ukraine, so getting them to eventually return to a more consensual approach may not be a totally lost cause. Though it would help in this respect if the P3 could bring itself to acknowledge that it overreached in Libya in 2011 – perhaps by now accepting the attractions of

3 Gareth Evans, 'Russian Atrocities in Ukraine & The Future of R2P'. Address to Young Diplomats Society, University of Melbourne, 17 August 2022, <https://www.gevans.org/speeches/Speech753.html>, accessed 28 July 2024.

4 Gareth Evans, 'Good International Citizenship: The Case for Decency', Lecture to IDFR Distinguished Lecture Series, Institute of Diplomacy and Foreign Relations, Ministry of Foreign Affairs, Kuala Lumpur, 23 November 2023, <https://www.gevans.org/speeches/Speech781.html>, accessed 28 July 2024.

the complementary concept of ‘Responsibility While Protecting’ advanced by Brazil at the time.

As to my second strategy, advocating for effective atrocity response to be taken seriously as a key national interest, not just something best left to missionaries, boy scouts, and those naive to the realities of domestic politics, I have long argued that foreign policy makers, and those in the media and elsewhere who influence them, far too often still think of national interests *only* in terms of the familiar duo of security and prosperity. We need to think in terms of every country having a *third* national interest: being, and being seen to be, a good international citizen – being, in other words, the kind of country that cares about other people’s suffering and does everything it reasonably can to alleviate it, even if there is no direct or obvious security or economic benefit to be derived from doing so. One of the key benchmarks for being so regarded is doing everything one reasonably can to prevent the horror and misery of war and mass atrocity crimes, and to alleviate their consequences, including for refugees fleeing their impact.

My argument is that being and being seen to be a good international citizen is not just a moral but a national interest imperative. The returns from good, selfless international behaviour are more than just warm inner glows. They come from the instinct for reciprocity that such behaviour generates. They come from the impetus to collective problem-solving that comes from bringing a cooperative, not just wholly self-interested, mindset to the negotiating table. And above all the returns are *reputational* – what we now think of as ‘soft power’: countries so perceived are those others want to invest in and trade with, to visit, to study in, and to trust in security terms. And, as I have argued at length in my recently published little book *Good International Citizenship: The Case for Decency*,⁵ when it comes to the domestic politics of international decency, there is plenty of evidence that our publics are far more supportive of genuinely selfless behaviour than are most of the politicians who fear their negative reaction.

Last but not least, it is crucially important to stay optimistic. If we want to change the world for the better, we must start by believing in the possibility of change. Optimism is self-reinforcing just as pessimism is self-defeating. The concept of R2P *has* shown itself capable of capturing genuine cross-cultural repulsion at the kind of atrocities which killed some 80 million people during

5 Gareth Evans, *Good International Citizenship: The Case for Decency* (Clayton, Vic.: Monash University Publishing, 2022).

the course of the twentieth century, of doing so in language which for most people is instinctively attractive, and of creating consensus for action where none previously existed. It would be a tragedy now to succumb to the cynics and sceptics, to fail to see the continuing force of R2P as an energising ideal, and to abandon the aspiration to see it fully and effectively implemented in all its dimensions. I believe very much that outcome is still possible.