

# GREAT POWERS AND GREAT PROBLEMS: PERSPECTIVES ON THE RESPONSIBILITY TO PROTECT

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## ABSTRACT

*Violence and suffering have always been present, and people have constantly looked for ways to ease the burdens of others. In the principle of the Responsibility to Protect (R2P), many have found a hope more promising than its predecessor, humanitarian intervention, which was not well received internationally because of its tendency to be abused by great powers. Today, serious issues plague the R2P principle, which, though born of a noble idea, has turned out to be ineffective and easily either misunderstood or misused. The principle is viewed differently by powerful states than by weak states and by the East than by the West. In the end, the form it currently takes seems to be inefficient, and, no matter what theoretical framework is applied to its analysis, the conclusion is that the only way to better its intended results is to either reform R2P or replace it. This paper looks at some of the questions constantly being asked with regard to R2P and surveys some of the proposed solutions. Perhaps the only way to truly tackle the problem of international human security is through interdisciplinary and inter paradigmatic collaboration, as well as education, patience, and determination. The cause of R2P is indeed a noble one, yet it has not proven to be an effective norm. Realistically, a different road needs to be taken for its principles to endure.*

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## I R2P: HOPE AND DISAPPOINTMENT

### A *History of R2P*

The principle of the Responsibility to Protect (R2P) is the successor of the older principle of humanitarian intervention. Both draw from the essence of just war theory. They are also a legacy of Raphael Lemkin's struggle to get genocide recognized as an international crime and Eleanor Roosevelt's efforts in the framing of the Universal Declaration of Human Rights (UDHR). In 2000, Kofi Annan, then the Secretary General of the UN, was already posing difficult questions with regard to intervention: '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 affect every precept of our common humanity?'<sup>1</sup> Soon, a keen alliance of the willing would take up the responsibility to answer such dilemmas. The Canadian government, along with several major foundations, made public in September 2000 the creation of the International Commission on Intervention and State Sovereignty (ICISS).<sup>2</sup> Its December 2001 report entitled 'The Responsibility to Protect' would become the foundational document of a newly envisioned international norm which was to replace the out-of-date humanitarian intervention principle. In the years to come R2P would become increasingly significant at the international level, amassing a number of important documents which mention, detail and make use of it.<sup>3</sup> The new norm would be better framed and defined and have clear standards to be followed. It would also bring about modifications to the former humanitarian intervention principle and attempt a change of mindset. Now, it was no longer about the 'right to intervene' in other countries' territories when the situation called for it. This time, there was a responsibility of the government to protect its own citizens, and when that did not happen, the responsibility would pass to the international community.

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<sup>1</sup> Report of the International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect*, December 2001, VII.

<sup>2</sup> Ibid.

<sup>3</sup> Some key documents include: the United Nations General Assembly's 2005 *World Summit Outcome A/60/L.1*, the UN Office of the Special Advisers on the Prevention of Genocide and the Responsibility to Protect's *Framework of Analysis for Atrocity Crimes: A tool for prevention*, The Global Centre for the Responsibility to Protect's *The Responsibility to Protect: A Background Briefing*, several Reports of the UN Secretary General as well as UN General Assembly Resolutions and other similar documents; see generally Global Centre for the Responsibility to Protect, <[http://www.globalr2p.org/about\\_r2p](http://www.globalr2p.org/about_r2p)>.

Indeed, if we are to look at the basis of R2P, a transition from the right to intervene to the responsibility to intervene, it is in fact a way of moving away from the idea that one is entitled to invade the territory of another state if it breaks international rules and towards the idea that it is the burden or the responsibility of states to invade the territory of others if this should happen. Indeed, the change in language attempts to break the appearance of pride and the evident position of power to the more 'humble' calling of a responsibility one needs to answer to be seen as moral. Regrettably, R2P takes a simplistic view of the fight between good and evil, the good protector states and the evil aggressive regimes. Unfortunately, most of the time the situation is not that clear. Sometimes the cruel regime ruling a country is in fact the best it could have at that time. While the concept was created so as to protect people everywhere from four atrocious crimes: genocide, ethnic cleansing, war crimes and crimes against humanity, it has, nonetheless, sometimes fallen victim to abuse from great powers seeking to protect their own interests.

R2P was meant as an aid for countries who cannot fulfil the responsibility to protect their own citizens, which, as the principle's first pillar notes, is primarily the state's responsibility<sup>4</sup>. The principle's second pillar notes that the international community is to help and encourage states in their fulfilment of this responsibility<sup>5</sup>. As per the third pillar, the international community is obligated to assist, in accordance with the UN Charter, those states which cannot or will not fulfill this responsibility<sup>6</sup>. Military intervention was always meant as an absolute last resort. Unfortunately, as the machinations of global affairs have shown, national interests seem to be at the forefront of political action. Thus, the ideas of R2P have been used in the past for the purpose of regime change, a purpose it was never meant to serve.

Unfortunately, the pushing aside of what many see as an 'evil dictator' does not guarantee that there is a 'good ruler' somewhere in the country waiting to be given the chance to serve his people to the best of his abilities. R2P has proven itself ineffective in its role as guarantor of individuals' security. This stems from many problems it faces, which will be discussed here.

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<sup>4</sup> The Global Centre for the Responsibility to Protect, <[http://www.globalr2p.org/about\\_r2p](http://www.globalr2p.org/about_r2p)>.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

Evans noted that R2P was created for the purpose of changing the international response to the terrible crimes against which it was designed to protect.<sup>7</sup> It was meant to create a global environment in which states cannot simply ignore the expectation that their citizens' rights should be respected.<sup>8</sup> It was meant to make states 'ashamed to violate'<sup>9</sup> this behavioural norm of respecting human rights- in the sense of preventing or stopping the mass atrocity crimes it protects against-, or at least 'embarrassed to ignore'<sup>10</sup> it. Evans's analysis of the concept is important, as he co-chaired the International Commission on Intervention and State Sovereignty in 2001, when the R2P concept was first published in the Commission's report.

### B *From Spring to Winter: The Situation in the Middle East*

The Middle East is one of the most problematic regions in the world in terms of human rights violations and R2P application. The Arab Spring, which started with the Tunisian Revolution of 2010, had a resounding impact on global politics. This phenomenon was composed of a series of protests, some violent and some peaceful, which were sparked by the conditions in the countries in which they took place. The existing authoritarianism, unemployment, economic crises, poverty, discrimination, human rights abuses, corruption, and so on contributed to the uprisings. The demonstrations quickly spread from Tunisia to Egypt, Libya, Yemen, Syria, Bahrain, Kuwait, Oman, Jordan, and other countries in the region. The last resort of military intervention according to R2P was eventually applied in Libya.

Having initially believed that R2P had been a success in Libya, the world soon realized that it had in fact made a grave mistake. The recognition that the intervention had had disastrous effects, bringing the country to political, financial, and humanitarian breaking points by prolonging the conflict and increasing the number of victims, came both from supporters and critics of R2P. Most notably, former Secretary General of the UN Kofi Annan observed that the way in which the intervention under R2P played out in Libya revealed problems with the concept.<sup>11</sup> He noted that the Russians and Chinese felt as if they had been fooled since the

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<sup>7</sup> Gareth Evans, 'R2P: The Next Ten Years' in Alex J. Bellamy and Tim Dunne (eds), *The Oxford Handbook of the Responsibility to Protect* (Oxford University Press, 2016), 913.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Natalie Nougayrède, Interview with Kofi Annan (online article) 'Kofi Annan: 'Sur la Syrie, à L'évidence, Nous N'avons Pas Réussi' ('On Syria, It's Obvious, We Haven't Succeeded'), *Le Monde* (online), 7 July 2012 <[http://www.lemonde.fr/proche-orient/article/2012/07/07/kofi-annan-sur-la-syrie-a-l-evidence-nous-n-avonspas-reussi\\_1730658\\_3218.html](http://www.lemonde.fr/proche-orient/article/2012/07/07/kofi-annan-sur-la-syrie-a-l-evidence-nous-n-avonspas-reussi_1730658_3218.html)>; See also Andrew Garwood-Gowers, 'The Responsibility to Protect and the Arab Spring: Libya as the Exception, Syria as the Norm?' (2013) 36 (2) *UNSW Law Journal* 594, 610.

resolution they helped adopt was used for regime change, which was not its initial purpose, and this reality had caused problems for those who would have wanted to see an intervention take place in Syria as well, as intervention there did not take place mostly because of Libya.<sup>12</sup> Former US president Barack Obama also noted that the biggest mistake he made during his presidency had probably been his failure to plan for the consequences of the Libyan intervention.<sup>13</sup> Garwood-Gowers pointed out that the intervention in Libya did much to strain the relationships between Western and non-Western states in the UN Security Council (UNSC). As well, the concept's credibility suffered considerably because it was perceived as an excuse for regime change.<sup>14</sup> Garwood-Gowers noted that such a 'perfect storm'<sup>15</sup> of political and factual circumstances that were present in order for the Libya intervention to occur is not likely to take place often and predicted that indeed the response to Syria—to avoid intervention—will be the norm and the one in Libya will be the exception. He claimed that Libya is unique in the way in which strategic interests and humanitarian ideas aligned and made it possible for the UNSC to act promptly and with great force.<sup>16</sup>

On February 26, 2011, the UN Security Council unanimously voted for Resolution 1970 which 'affirmed Libya's "responsibility to protect" and marked the first time the Council had referred to the RtoP framework since a 2006 Resolution on the situation in Darfur'<sup>17</sup>. It also imposed a travel ban on Gaddafi's family and important members of the government, an arms embargo, and a freeze of assets for the Gaddafi family. It then referred the situation to the International Criminal Court for investigation of alleged acts of crimes against humanity.<sup>18</sup>

These measures, however, failed to determine Qaddafi to give up his dictatorial ways and it was clear that different measures needed to be taken. Thus, Resolution 1973 was adopted by the Council. It 'sanctioned a no-fly zone to protect Libyan civilians, and authorized Member States, in cooperation with the Security Council, to take 'all necessary measures (...) to protect civilians and civilian populated areas under threat.'<sup>19</sup> This time, 'China, Russia, India, Brazil

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<sup>12</sup> Ibid.

<sup>13</sup> 'President Obama: 'Libya Aftermath "Worst Mistake" of Presidency,' *BBC News* (online), 11 April, 2016, <<http://www.bbc.com/news/world-us-canada-36013703>>.

<sup>14</sup> Andrew Garwood-Gowers, 'The Responsibility to Protect and the Arab Spring: Libya as the Exception, Syria as the Norm?' (2013) 36 *UNSW Law Journal* 2, 609.

<sup>15</sup> Ibid 607.

<sup>16</sup> Ibid 609.

<sup>17</sup> 'The crisis in Libya', International Coalition for the Responsibility to Protect <<http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-libya>>.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

and Germany abstained from the vote.<sup>20</sup> Soon there was enough evidence gathered of crimes against humanity having been committed by the Qaddafi regime, that an arrest warrant was issued for him, his son and the head of Libya's military intelligence. Although NATO's eventual strikes on Libya were 'unique in the alliance's history of military interventions'<sup>21</sup> and even though they did result in the fall of the dictatorial regime of Muammar Gaddafi, the country obviously did not benefit from Western actions as some expected.

The situation in Syria, on the other hand, had a completely different response. The observer mission sent to the country has failed, and the UNSC has been able to agree on very little.<sup>22</sup> Intervention never took place. When the war in Syria started, powerful Western states took the perspective that pro-democracy forces were being brutally oppressed by Assad's regime.<sup>23</sup> The BRICS nations (Brazil, Russia, India, China and South Africa) had another opinion, however. They, especially Russia and China, stressed that the violence which was taking place was in fact due to a justifiable response from the government against attacks on state infrastructure perpetrated by armed groups of the opposition.<sup>24</sup> When first casting their vetoes against intervention, Beijing and Moscow made their concerns known regarding the risk of a repeat of the Libya situation and emphasized that the resolution did not address the violence being perpetrated by the opposition groups.<sup>25</sup> After a second double veto by Russia and China, Kofi Annan was given the appointment of Joint Special Envoy to Syria by the UN and the Arab League. In this role, he presented his six-point peace plan, which was eventually rejected by Russia and China after a brief period of consensus on the matter.<sup>26</sup> Garwood-Gowers examined the consensus issues faced by the UNSC from a number of viewpoints. Firstly, he stated it is obvious that understanding between Western and non-Western powers has broken down in the wake of the Libyan intervention.<sup>27</sup> As such, it is possible that the constant rejection of proposals of intervention might have been a way for Russia to show Western nations that it did not approve of the way in which the Libyan operation was conducted and

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<sup>20</sup> Ibid.

<sup>21</sup> Ryan C. Hendrickson, 'The Role and Impact on NATO', in Dag Henriksen and Ann Karin Larssen (eds), *Political Rationale and International Consequences of the War in Libya* (Oxford University Press - Oxford Scholarship Online, 2016), 211.

<sup>22</sup> Garwood-Gowers, above n 14, 610.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid 611.

<sup>26</sup> Ibid 612.

<sup>27</sup> Ibid.

that it would not be an accomplice to such actions again.<sup>28</sup> Secondly, Garwood-Gowers noted, the perfect storm of circumstances and interests were not present in Syria as they were in Libya. Thirdly, he observed, Western and non-Western states have quite different perspectives in terms of foreign policy, as the mood among BRICS shows.<sup>29</sup>

Adams claimed that UNSC Resolutions 1970 and 1973 represented timely and appropriate responses to the atrocities in Libya and that one should not be distracted by the debate around R2P in Libya nor the crisis currently raging in the country in the wake of the intervention<sup>30</sup>. And, truly, the resolutions were a timely response. Resolution 1970 on Peace and Security in Africa was meant to prevent further violence, and Resolution 1973 on Libya led to the military intervention meant to secure the future of the country. Resolution 1973 might have seemed appropriate at the time; however, seeing as how it managed to prolong the conflict, it most likely was not the best approach. It is, of course, important to remember that this response was timely and considered by many appropriate, and, if one should ever be in doubt of what is at risk when considering military intervention under R2P, Libya can always be considered. At the same time, one would probably wonder what an untimely and inappropriate response might look like. If this is what happens when things go according to plan, what might happen when they do not? As for the situation in Syria, the lack of agreement with regard to both appropriate action and interpretation of R2P might lead to further grave errors.

The ensuing ‘Arab winter’<sup>31</sup> dispelled many of the hopes the world had for democratic rule finally emerging in the Middle East. The truth is that democracy cannot happen overnight. It will not be achieved through a traditional revolution. And, most importantly, it cannot be imposed from the top down. Once a ruler is removed from a conflict or troubled region, there must not be a security of thought that everything in the country will gradually, or even with help, fall into place. Unless the population has been educated somehow about democracy, the way it works, and what it needs to function properly, there cannot be any expectation of such a system being suddenly embraced. In fact, even if every circumstance is perfectly tailored in a way which might allow for democracy to be implemented, if there does not exist a well-

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<sup>28</sup> Walter Russel Mead ‘The Wilsonian World Order Has Once Again Been Postponed’ on Walter Russell Mead, *The American Interest* (5 October, 2011) <<http://blogs.the-americaninterest.com/wrm/2011/10/05/the-wilsonian-world-order-has-once-again-been-postponed/>> quoted in Garwood-Gowers, above n 14, 612.

<sup>29</sup> Garwood-Gowers, above n 14, 613.

<sup>30</sup> Simon Adams, ‘Libya,’ in Bellamy and Dunne (eds), above n 7, 778.

<sup>31</sup> C. Kurzman, D. F. Fahmy, J. Gengler, et al., ‘Arab Winter’ (2013) 2 *Contexts*, 12–21 quoted in Aidan Hehir and James Pattison, ‘Introduction: The Responsibility to Protect after the Arab Spring,’ (2016) 51 *Cooperation and Conflict* 2, 142.

educated population with the will to see the project succeed and the country prosper, the endeavour will not last long. That is not to say that everyone who voted for the Libya intervention had the hope that democracy was in the country's immediate future. But even the expectation that the nation might do better without the dictator in power at the time proved short-sighted. In a situation in which there are so many variables to take into consideration, it might be best not to have high expectations. In Libya, regime change, which took place because of the abusive use of the R2P principle's intervention permission, proved to be the equivalent of cutting the head of the mythical Hydra. Where one problem had stood, now there were many. And, unfortunately, the more such short-sighted visions dominate the world stage, the more heads the monster will have and the more regions it will take over.

### *C Differing Views of R2P*

R2P has, in many parts of the non-Western world, come to be seen as an instrument of domination by great powers. Mahbubani, for instance, believes that the one of the most important changes the future is likely to bring is the retreat of Western power. As such, he wonders whether Western values, including R2P, will retreat with it.<sup>32</sup> He believes that this will depend on whether the concepts it is based on will be adopted as universal, the way the UDHR was in his view, or if they will be treated as 'inherently Western.'<sup>33</sup> Mahbubani sees the UDHR as 'hard wired into the DNA of humanity as a whole [and surviving] any retreat of Western power.'<sup>34</sup> As for the concept of R2P, it is not clear to him at all if this will be the case. It does not seem as if the R2P concept has had enough time to show that is capable of actually being effective for the protection of citizens. It has, however, shown itself quite effective in the Libya case as an instrument of the will of great powers.

Mahbubani continues by noting that another source of considerable stress for R2P will be the fact that the West will have to make a choice between protecting 'Western power or protecting Western values in the coming decade.'<sup>35</sup> He gives as an example of this Western values dilemma the fact that ICISS stated in its report on R2P that the most appropriate body to protect human lives in the context of military intervention is the UNSC.<sup>36</sup> Yet, he notes, the

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<sup>32</sup> Kishore Mahbubani, 'Embedding R2P in a New Universal Declaration of Human Responsibilities' in Bellamy and Dunne (eds), above n 7, 948.

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*



Council would not be trusted by the ... non-Western population of the world to protect values like R2P.<sup>37</sup> He believes therefore that the West will have to share the power of the UNSC with other non-Western nations, but that, as of right now, it is not ready to do so.<sup>38</sup> He does not see non-Western nations as having the 'cultural self-confidence to take on board and support concepts like R2P, which were launched by the West, but which can clearly serve the interests of humanity as a whole.'<sup>39</sup> More to the point, he believes that it is time for the East to acknowledge that the West has brought more civilization to the world as a whole thanks to documents like the UDHR, for instance, and that the East should develop the confidence to defend these concepts, as it does indeed share values with the West, values which actually have their roots in the East.<sup>40</sup> Mahhubani also points out the importance of the shift towards an 'Asian century,'<sup>41</sup> which might currently be taking place, and the possibility this might cause Western influence to 'recede globally,' perhaps causing concepts like R2P to disappear from the global community mindset.<sup>42</sup>

There also seems to be much concern about the relationship between R2P and the Arab region. This usually has to do with the double standards used when applying, or not applying, the R2P principle. Azzam and Hindawi noted that the Israel-Palestine conflict

is not the only case in which the Security Council has not been able to take decisive action to stop massive human rights violations and war crimes, from an Arab perspective, inaction on Palestine symbolizes at its worst the double standards that have plagued the international community for too long, and which are likely to continue to plague the nascent R2P concept as well.<sup>43</sup>

They claimed that there is serious frustration with such standards. Another example given by Azzam and Hindawi was the protection of civilians in Darfur, where many saw the indictment of Omar al-Bashir as 'shameful' since there were human rights violations committed every day by the Israeli occupation authorities.<sup>44</sup>

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<sup>37</sup> Ibid 948–49.

<sup>38</sup> Ibid 949.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Fateh Azzam and Coralie Pison Hindawi, 'The Arab Region,' in Bellamy and Dunne (eds), above n 7, 454.

<sup>44</sup> Ibid 459.

When it comes to the very idea of humanitarianism, Azzam and Hindawi quoted Imad Jad in order to highlight opinions which are present in the Arab debate surrounding R2P. Jad saw humanitarianism as

the imposition of moral frameworks on positions that are fundamentally the outcome of political interests, seeking to achieve [them] after decorating them with glittering slogans. There is nothing more glowing than the expression ‘humanitarian’ ... to market views that are in reality in contradiction to the slogans that they propose.<sup>45</sup>

This indeed is an echo of the bitterest reality and a sign that the heart of the Arab world has too often had its resilience tested by the interests of great powers. Yet this is a truth with which most of the world has had to deal, and as Mearsheimer pointed out in his *Tragedy of Great Power Politics*, it is an unescapable reality. There are those who would want to have a principle of humanitarian intervention based on their own Islamic culture and beliefs and thus create a basis for such intervention which would not be, they believe, subject to a double standard.<sup>46</sup> Azzam and Hindawi concluded that hiding state interests under the guise of R2P undermines the concept, and that, from an Arab perspective, the doctrine may easily appear lost.<sup>47</sup> Here they cited Nassim’s view on the matter, that the reality of the East and its suffering lays bare the falsehood of the West.<sup>48</sup> However, Azzam and Hindawi pointed out that there are movements of humanitarianism in the Arab region regardless of R2P’s failure or success and that ‘societies are not passively waiting in the expectation that help will have to come from benevolent strangers’<sup>49</sup> and ‘Arab civil society might have a lot more to teach the world about R2P than our survey of their governments’ publicly stated positions could ever suggest.’<sup>50</sup> These observations are very relevant to the principle of R2P and the idea of finding, if not a solution, at least an incentive for the prospect of safer lives for people across the world.

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<sup>45</sup> Imad Jad, ‘“Humanitarian intervention” Between Humanitarian Considerations and Political Implications’, (Al-Ahram Center for Political and Strategic Studies, Cairo, 2000), quoted in Azzam and Hindawi, above n 43, 461.

<sup>46</sup> Azzam and Hindawi, above n 43, 461.

<sup>47</sup> Ibid 463.

<sup>48</sup> Nassim Yaziji, ‘The Sad Fate of R2P: From Libya to the Lost Chance of Syria,’ (2014) *Open Democracy* (online), 2 July, < <https://www.opendemocracy.net/en/openglobalrights-openpage/sad-fate-of-r2p-from-libya-to-lost-chance-of-syria/>>, quoted in Azzam and Hindawi above n 43, 463.

<sup>49</sup> Azzam and Hindawi, above n 43, 463.

<sup>50</sup> Ibid.

However, an important factor which one has to consider in the process of looking for a better system of providing security to individuals on the global level is the tendency of countries with great power to sometimes abuse the system and create dangerous situations for individuals. The quest to satisfy national interests is not always easily stifled by collateral damages. This tendency unfortunately is not contained to the Eastern or Western sphere of influence. As such, a world dominated by Eastern powers would not offer any guarantees of a more secure and peaceful environment than the one currently dominated by the West. This is why cooperation, research and debate on matters of national interest and personal security on the global stage are vital.

## II HOPES FOR BETTERING R2P?

### *A Decentralization*

One might look at R2P's drawbacks as signs of its impending demise. Or, one might think that it is obviously a failed concept in terms of saving or sparing lives and ask why it should even be attempted. In fact, one might ask, why even attempt any kind of peacekeeping or collaboration when it is so obvious that states will still do as they please and great powers will continue their millennial game? But then, one would encounter the horrifying stories of those who have had to live through genocide or similar atrocities and be turned, by force of their conscience, to believe that something must be done, that one cannot in good faith stand idly by and watch or hear of people getting massacred. But what is to be done? What, if anything, can work? One of the defining characteristics of human nature is the tendency to run from pain and head towards pleasure; humans will do whatever is necessary to survive and, sometimes, dominate. Human beings are complicated and paradoxical creatures. Unfortunately, there truly is nothing one might be able to claim as an obvious solution. But there are conversations currently taking place which might provide some worthwhile perspectives, if not towards completely ending human suffering, then at least towards lessening it and providing a chance for as many as possible to live in safety.

### 1 *Regional Responsibility to Protect*

Importantly, Evans stressed the necessity of increasing regional organizations' involvement in preventing and resolving atrocity situations.<sup>51</sup> Article 53, Paragraph 1 of Chapter VIII of the UN Charter references regional organizations, but it also stresses the importance of those organizations only acting under the direction of the UNSC when contemplating military intervention.<sup>52</sup> Therefore, in order to take any military action, with only the listed exceptions, the regional organizations need to seek UNSC authorization. Their role does indeed need to increase, perhaps, some might say, to the point that they become the major decision makers.

R2P might benefit from the help and input of regional organizations.<sup>53</sup> The UN claims to sustain the rights of international citizens and the collaboration between nations in the interest of peace. But this collaboration is mostly taking place under the supervision and in the interest of great powers. The possibility of regional organizations playing the central role, instead of a marginal one, in protecting citizens from international crimes should be considered. They might have a better chance of keeping citizens safe. Much like a local government in a federalized state, such organizations might have a clearer perspective on and a more immediate interest in dealing with issues affecting their locale. While this does not completely exclude the possibility of great powers having an influence over these organizations as well, it might provide a better chance that the immediate reality of regional organizations' environment and its interests will win out more often than other interests. The suggestion of surrendering authority to such entities has been made before, for instance, in the case of Africa, where Iyi argued that regional organizations should be given the immediate responsibility to protect if a state should fail in its duty to do so, and only in the case that this organization fails should the burden fall on the broader international community.<sup>54</sup> Of course, as in any situation where the state is overruled by an outside actor, this would bring into question the concept of state sovereignty on the international stage and whether or not it would still be viewed as the foundation of the international legal order. Too great a paradigm shift

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<sup>51</sup> Ibid 923.

<sup>52</sup> Charter of the United Nations, art.53.

<sup>53</sup> 'An Overview of Regional Human Rights Systems,' *Office of the High Commissioner for Human Rights, Regional Office for South East Asia*, <<http://bangkok.ohchr.org/programme/regional-systems.aspx>>.

<sup>54</sup> John-Mark Iyi, *Humanitarian Intervention and the AU-ECOWAS Intervention Treaties under International Law: Towards a Theory of Regional Responsibility to Protect* (Springer, 2016), 300.

in this respect might not prove possible to implement. Iyi notes that in order for decentralization to happen, there would need to be, among others, two great changes to the R2P paradigm which is, arguably, currently operating under the UN Charter. The changes would also have to come with a shift in the view of state sovereignty as the foundation of the international legal order as we know it today, which, of course, might not be something one would expect in the near future. The first change would be the restructuring of authority between the UNSC and these regional organizations.<sup>55</sup> Second, there would need to be a recalibration in terms of the order in which R2P is distributed to organizations and the international community.<sup>56</sup> And these changes are easily imagined, although perhaps not as easily applied. It is not hard to see why the idea of a more powerful regional R2P would look increasingly necessary for many around the world. The issues facing the implementation of such changes might not work in their favor in the long run, however.

## *2 Individual Responsibility to Protect*

It makes sense to try to engage on an international stage even those actors which do not have the principal role in influencing the workings of the international system. Even though one might argue that states are run by individuals and therefore what is perceived as state interest on the global stage is still the will of those certain individuals, one has to take into account the difference in mentality and overall change of perspective which take place when individuals are put in groups, and, more importantly, in positions of decisional power on a national level. There is a reason, in those countries where corruption reigns supreme and the interests of politicians do not go beyond their own material benefit, that neither the economy nor the state system functions at what might be considered a decent efficiency. States which have such faulty systems rarely have what one might consider a well-informed and free population. The reason for this reality is that the rulers of these countries have not managed to change their perspectives and work in the interest of the state as much as would be required of them, although they have managed to do so enough to keep the state alive and stable. Therefore, there is a change of mentality and interests once individuals reach a certain level of responsibility within a state. Whether that change is great or small can be seen in the overall efficiency of the state apparatus. But in order to keep a state on the world map, a certain level of change in priorities is absolutely necessary. As such, even if states are ruled by individuals,

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<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

at that level of power, people tend to act in a way which is not completely consistent with what one might expect of a private citizen going about his daily routine. Again, there is no doubt states are influenced by the character of those running them, but not to a full degree. Thus, while a character of a state might be in keeping with the culture from which its leaders come, it will still have to exhibit a whole array of different characteristics not necessarily applicable to any one private individual if it is to keep a steady presence on the world stage. This concept reflects Barkin's<sup>57</sup> co-constitution of agent and structure. The individuals construct the reality of the state together as a group; then, after this reality has been created, the international stage influences its behaviour and interests. This is a continuous exchange and co-creation.

There are some ongoing debates on what might be considered an individual responsibility to protect and how it may be accomplished considering the already quite complicated international system. Edward C. Luck and Dana Zaret Luck analysed the Individual Responsibility to Protect (IR2P). They believe that vulnerable populations cannot be protected from international crimes, and that no prevention can take place for those populations unless there is an assuming of responsibility and risk. They noted that if R2P only implies responsibilities of a collective nature which apply to institutions and governments, it will always face dilemmas in terms of taking action and a lack of accountability.<sup>58</sup> They see IR2P as necessary on the international stage so that individuals, especially those who are close to and part of escalating dangerous situations which might breed an environment of international crimes, can get involved and have the ability to prevent or stop such horrible actions. The authors identify seven sets of individuals who need to be influenced by policy steps and messages within societies that exhibit the elements of potential atrocity crimes:

- (1) vulnerable populations who are likely to be targeted;
- (2) bystanders and would-be or actual perpetrators, including those who enable or incite such crimes;
- (3) group and community leaders;
- (4) national leaders, who can choose other paths;
- (5) leaders of influential foreign countries, who may face tough choices about whether, when, and how to intervene;
- (6) key officials and decision makers in international organizations; and
- (7) survivors – themselves physical and/or emotional casualties – whose narratives and lessons will shape the chances of recidivism.<sup>59</sup>

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<sup>57</sup> Samuel J. Barkin, *Realist Constructivism, Rethinking International Relations Theory* (Cambridge University Press, New York City, Kindle Edition, 2010).

<sup>58</sup> Edward Luck and Dana Zaret Luck, 'The Individual Responsibility to Protect,' in Sheri P. Rosenberg, Tiberiu Galis, and Alex Zucker (eds) *Reconstructing Atrocity Prevention*, (Cambridge University Press, New York, 2016), 207–8; See also Coralie Pison Hindawi, 'What if R2P Was—Truly— Everyone's Business? Exploring the Individual Responsibility to Protect' (2016) 41 *Alternatives: Global, Local, Political* 1.

<sup>59</sup> *Ibid* 214.

The idea is that the UN decision-making process, which is complicated, subject to national interests, and, importantly, very much removed from the environments which it affects, cannot typically make the decisions necessary to prevent or fight mass atrocity crimes.<sup>60</sup> As such, some of the responsibility must be transferred to the individual, and he must be the one to understand the consequences and foresee the dangers of discourse and actions which might lead to violence. Waiting for other countries to come and help or intervene is not an option which will encourage long-term stability and might put populations in danger of violent outbreaks.<sup>61</sup>

Hindawi also believes in IR2P. She discussed the agency problem, that is, whose responsibility it is to act in the case of R2P, and underlined correctly that the R2P principle, due to the way it was framed, cannot guarantee that the events like the Rwandan genocide will not happen again.<sup>62</sup> In other words, she pointed out that if R2P only triggers a legal possibility, as opposed to an obligation, for the UNSC to intervene, then the concept is inefficient in terms of protecting the vulnerable<sup>63</sup> in a situation where neither the state in charge nor the Security Council is able or willing to do so. Hindawi explored different opinions on whether or not bypassing the UN's inefficient system and having states or coalitions of states act on themselves to protect the population would be an acceptable use of the spirit of R2P. Her conclusion was that a great majority of states view R2P within the confines of the UNSC's authority and therefore such arguments which do not take into account that intervention by the UNSC would not prove attractive to most states.<sup>64</sup> The cosmopolitan view she took, in which individuals are equal to states in terms of their influence on an international level, might not be the most accurate one due to the many layers of bureaucracy individuals must pass through before they can effect change on a state level, let alone an international one. And individuals most certainly do not hold the monopoly of force or political and legal decisions on the international level. However, Hindawi made some valid observations pertaining to the importance of the individual in collaborating to stop atrocities. She did point out that it is not easy for individuals to influence their governments but stressed the importance of trying.<sup>65</sup> She believes that the so-called global citizen will feel and

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<sup>60</sup> Ibid 216.

<sup>61</sup> Ibid 225.

<sup>62</sup> Coralie Pison Hindawi, 'What if R2P Was—Truly— Everyone's Business? Exploring the Individual Responsibility to Protect,' (2016) 41 *Alternatives: Global, Local, Political* 1, 32.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid 34.

<sup>65</sup> Ibid 36.

understand the responsibility he has to the rest of the world and thus be ready to engage in the fight against international crimes.<sup>66</sup> Hindawi noted that rarely will the actions of states be inspired by moral concerns and that, because states are run by individuals, the responsibility to protect should fall on them.<sup>67</sup>

However, it is hard to imagine an ever-engaged global citizen with the interests of the country and the world at heart constantly. This would not be a realistic picture. While states' actions will not often be inspired by ethical concerns, to believe that the individual will easily be stripped of their daily responsibilities and cares in order to try to fight through the system to effect change in their, let alone others', countries, is to disregard the will as well as the capabilities of people in general. Perhaps some will have this desire and embark on the fight to stand up for people's rights and security by working with organizations and states to try to have a positive effect on a global level. The greater the number of such individuals who campaign for the betterment of human security conditions worldwide, the greater the odds of effecting change. And, for young people whose personal responsibilities are not as pressing, this might be possible. But, the further away the cause of the fight is and the more personal responsibilities an individual has (family, school, work, debt, illness, social obligations, etc.), the less likely it is he will be able to take up the fight for human rights and mass atrocity prevention. This is not counting the fatigue that sets in when trying to work one's way up a system in which one does not automatically get to effect change. Following the example of Raphael Lemkin, the man responsible for making genocide a recognized international crime—who dedicated his life to this fight, forsaking all other personal possibilities—some might try this, but not many would be able to finish what they started. Firstly, the circumstances surrounding Lemkin's life, with the death of family members in the Nazi genocide and his emigration to America and campaign to outlaw the genocide which took his loved ones, are not encountered often. Secondly, the expectation to put so much effort into campaigning for a cause would be an unfair and unrealistic burden to place on the shoulders of every citizen. Acts of charity and humanitarianism have to be relatively easy to accomplish; otherwise, they ask of human beings more than they have the freedom to give in an imperfect and demanding world. At the same time, individuals, even if left to run the application of R2P, will also have their preferences and biases, as Hindawi did in fact note.<sup>68</sup>

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<sup>66</sup> Ibid.

<sup>67</sup> Ibid 37.

<sup>68</sup> Ibid 39.



Now, making sure that particular populations, especially vulnerable ones, are educated with regard to the dangers of atrocity-triggering behaviour and made to understand their influence in keeping tensions from becoming conflicts is a sensible goal. The Lucks correctly pointed out that

over time—and changing values and priorities is a long-term project—the key to reducing the incidence and severity of mass atrocities lies in education, training, and the embedding of principles of tolerance, pluralism, and human dignity deep into individual, community, and societal values.<sup>69</sup>

Education would pay off in the long run, and perhaps it might have some effect in the short term as well. It is not as if the idea of people choosing to prevent rather than incite or choosing to do good rather than evil in conflict situations is a novel one. People have this instinct naturally. The process of education, however, is one which needs to be taken seriously, as it is the only one which stands a chance to produce change in the long run by explaining dangers and behavioural patterns which might lead to violence. And it is a good idea, as the Lucks pointed out, to help people close to such dangerous situations learn how to recognize the signs of impending atrocity and sound the alarm or try to help somehow. As in the case of the Rwandan genocide, where people in the country fell pray to the dangerous rhetoric of the media and their neighbours, every individual's reaction matters. What if more had answered 'no' to the cry to pick up their machetes and kill their compatriots? What if they had had a clearer picture of their history and how the Tutsis and the Hutus were not as different and impossible to reconcile as they were being told? What if there had been a way for more people to understand what was really happening and how they were being manipulated? Of course, one cannot know what might have changed those tragic circumstances, but there is no doubt that the more aware individuals are of the dangers of manipulation and misinformation, the safer they can make their communities. But will this responsibility also transcend borders and imply the need to help citizens of other countries? Will education and activism, through organizations and state governments in one country lead to similar efforts in another? How can this work globally?

Of course, it is not a bad idea to bring the fact that others are suffering to the attention of people all over the world. But with so many conflicts around the world and so many issues, one might encounter 'donor fatigue,' or, in some cases, 'activist fatigue' and grow tired of giving and speaking for others' rights without seeing little, if any, immediate feedback. And

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<sup>69</sup> Luck and Luck, above n 58, 247.

in terms of ways to reach one's own government, knowing whether one is making a difference can be difficult. An arguably easier way for people to see the fruits of their labor has also been brought into discussion. And it might have less to do with the so-called global citizen than it does with the global consumer.

### B *Engaging the Global Market*

The discussion around the influence of the global market, especially the private sector, in human security has been taking place for some time. The idea of corporate social responsibility<sup>70</sup> has made its way into the international debate on the security of citizens. It is obvious that social instability, violence, and destruction are not circumstances in which businesses can thrive, with the exceptions of those which profit from conflict.<sup>71</sup> Allowing consumer choice to play a role in human security might emphasize the role of profit for companies too much and seem distasteful and emotionally detached to some. The cases in which the media helped in creating mass atrocities are well remembered, such as Radio Télévision Libre des Mille Collines in Rwanda.<sup>72</sup> As well, in the most famous case of 'blood diamond mining' in Sierra Leone, where the ensuing civil war caused so many atrocities, a particular diamond company, De Beers, insisted on making its profit in an unethical manner. Many consumers are now aware of these tragedies and have asked their jewelry companies to provide them with 'clean diamonds,' that is, gems procured in an ethical way. While De Beers managed to turn the situation to its advantage,<sup>73</sup> marketing the need for ethically obtained diamonds and managing to keep its profits, it also discarded the old, barbaric ways of doing business. In fact, the company turned the situation so much to its advantage by this new effort for ethical business that its campaign, launched with help from the government of Botswana, led to legislation strictly limiting the companies which could own rough diamonds so that illegal gems might not be part of the market chain any longer. After a while, because of conflict diamonds issues, De Beers stopped buying diamonds on the open market and

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<sup>70</sup> Tessa Alleblas, 'The Responsibility to Protect and the Private Sector: Making the Business Case for Private Sector Involvement in Mass Atrocity Prevention' (2015) *The Hague Institute for Global Justice*, Working Paper 5,1, <<http://www.thehagueinstituteforglobaljustice.org/information-for-policy-makers/working-paper/working-paper-5-the-responsibility-to-protect-and-the-private-sector-making-the-business-case-for-private-sector-involvement-in-mass-atrocity-prevention/>>.

<sup>71</sup> *Ibid* 4.

<sup>72</sup> *Ibid*.

<sup>73</sup> Alan Cowell, 'Controversy Over Diamonds Made into Virtue by De Beers,' *New York Times* (online), 22 August 2000, <<http://www.nytimes.com/2000/08/22/business/controversy-over-diamonds-made-into-virtue-by-de-beers.html>>.

eventually closed stores in Africa.<sup>74</sup> In fact, in 2001, Kofi Annan mentioned De Beers in one of his speeches and praised its efforts to stop the conflict diamond trade, saying it set an example for the fight against financing warlords and freed the consumer from the danger of unintentionally participating in this unethical market.<sup>75</sup> Therefore, the company not only did not suffer from moving away from conflict diamonds but actually profited image-wise. While this may be seen as a move done solely for business purposes, which most likely it was, it is important to note that the move also shifted the market away from 'blood diamonds' and thereby helped develop more ethical trade rules.

So, one might argue that destruction of business opportunities, killing of personnel, and crippling of the labor market, as usually happen during a conflict, are good reasons for companies to get involved in this debate about citizen security. As well and importantly, when the image of a company, especially a multinational one, is at stake due to unethical business practices, there are consequences for its bottom line. Therefore, there are reasons for companies to get involved, more so than for charity, since in the case of conflict and unethical business their earnings are threatened in several ways.

So far, however, the emphasis in the discussion of the global market or private sector's role in human security has been on trying to get said companies to get involved in human security issues out of a desire to prevent whatever drop in income might be caused by these tragedies and also out of pure goodness. As well, the focus has been on conflict prevention, which companies can contribute to through diplomacy and knowledge earned in the environment in which they worked and have consequently gained experience in negotiation and managing complex situations, especially those who have operated in conflict-prone areas (and have consequently gained precious knowledge of the environment) and those who have worked in an environment where different ethnic groups interact.<sup>76</sup>

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<sup>74</sup> Alleblas, above n 70, 9.

<sup>75</sup> United Nations Information Service, Vienna, 'In Address to World Economic Forum, Secretary-General, Says Globalization Must Work for All' (Press Releases, Switzerland, 28 January 2001), <<http://www.unis.unvienna.org/unis/pressrels/2001/sg2772.html>>; See also Alleblas, above n 70, 9.

<sup>76</sup> Alleblas, above n 70, 10.

This is not a bad idea. So far, however, the result has been that ‘private sector actors might not feel obligated to participate directly in preventing atrocities.’<sup>77</sup> In addition, they might have problems convincing shareholders of the need to get involved.<sup>78</sup> They may also find that there are additional costs involved in conflict prevention.<sup>79</sup> In the end, as Alleblas noted, not many businesses want to get involved with R2P as they do not see it as their responsibility or within their capacities to solve.<sup>80</sup>

The obstacles to the private sector’s willingness to act, including their fears of spending too much money on prevention, and, in this case, intervention, might be removed by the addition of one important element: the consumer. Instead of counting on the idea of global citizenship and the use of military intervention when situations get out of hand, the global voice of the consumer has also been debated as a potential factor for effecting change. The idea is that people might actually get a voice and be able to make a direct impact by encouraging companies to engage in these situations and not involve themselves in what would be seen as unethical trade with countries which abuse the rights of their citizens. It might be hard to visualize a global citizen; however, one can certainly envision the impact of a global consumer.

If the global consumer decides not to buy from companies involved in trade with or in states that kill their own citizens, then business would be very bad indeed. At the same time, there is no need for global consumers to get involved in any bureaucratic process in order to make their voices heard at an international level, since consumer choice is a relatively straightforward process. It also does not involve too much effort, so it is simple to get involved in and does not take people away from their responsibilities or daily cares.

According to Thomas Hobbes, it is the state’s ultimate duty to protect citizens. This is why the populace gives up freedoms to the state: so that it might be protected from other citizens and outside invaders. Unfortunately, if the state is the one persecuting its citizens, then it will

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<sup>77</sup> ‘Policy Dialogue Brief: The Power of the Private Sector in Preventing Atrocities and Promoting the Responsibility to Protect’, *Stanley Foundation* (online), 26-28 October 2016, 2, <[https://www.stanleyfoundation.org/publications/pdb/PowerofthePrivateSector\\_SPC1216.pdf](https://www.stanleyfoundation.org/publications/pdb/PowerofthePrivateSector_SPC1216.pdf), accessed May 1, 2018>.

<sup>78</sup> Alleblas, above n 70, 12.

<sup>79</sup> *Ibid.*

<sup>80</sup> *Ibid* 16.

most definitely not be the one to protect them. The idea has been discussed that if international crimes take place, perhaps it might be best if the ensuing punishment could be focused on both states and companies dealing with states perpetrating atrocities.

If companies are held accountable by the global consumers instead of solely by individual states in terms of what countries they do business with and how they conduct that business, it might boost the power of economic sanctions. And this way, private individuals everywhere, albeit at first especially the ones in developed countries, who are responsible for most of the great shopping trends, will be given a direct voice and effect on world affairs, specifically, on the prevention or ending of human suffering. As for the abuser countries, no matter who is in power, if both the private and the public sectors of various countries limit their business dealings with them, there would be less power to be had than would be desired. Of course, such a strategy might likely backfire and cause more harm to the very citizens it is meant to protect. Poverty can be worsened, and the very conditions of mass atrocity crimes might be made worse by such boycotts.

There is something to be said about enlisting support from the global market, especially since sometimes it is the sector which gains from conflict and it perhaps could be held accountable through consumer choice. However, one would have to consider a strategy which would take into account the effects of global consumer choice on the poverty and security of citizens around the world. If there was a way to minimize the risk to citizens and keep the effects on companies, this idea might stand a chance. Much research is necessary in this regard. The cause of preventing atrocities is not one which can be reached quickly. It is the change of minds and hearts which the world should be seeking as a long-term strategy.

### III PERSPECTIVES

#### A *The Urgent Need for a Solution*

If the ideas for reform prove unsuccessful, only two options seem obvious answers, and both are unpleasant. First, countries that respect human safety may choose to close themselves off and tend to their own affairs, relinquishing the self-imposed duty to provide help to others. The other option is war or widespread military intervention for the sake of not promoting but enforcing individual security everywhere. This last option, however, is still most likely doomed to failure, as unless there is a basis of democratic education and human rights

knowledge, no amount of military 'liberation' would bring long-lasting and healthy democracy and human security to any country. In this last scenario, short of an authoritarian world government always monitoring the situation, international crimes would still take place. And, as in an authoritarian super state, these crimes would most likely eventually come from the government, and the purpose would be defeated.

From the perspective of widespread human suffering, the search for solutions should not stop. There are many crises in the world at present, and R2P does not seem to be doing much to end them. An obvious tragic consequence of the Middle East turmoil, for instance, is that people suffer many forms of persecution and live in constant fear for their lives. One particular minority, whose terrible and ongoing extinguishing from the region is significant on many levels, is Christians. The Middle East was the birthplace of the Christian religion. To see Christianity disappear from its millennial home is dreadful and certainly breaks the heart of history. From the international community's perspective, it is also a violation of fundamental human rights and an act of genocide as described by the Rome Statute's Article 7, Subsections a, b and c.<sup>81</sup> As Sherwood pointed out, there are increasingly numerous calls to label the horrendous crimes against Christians, as well as other religious minorities in the Middle East, as genocide.<sup>82</sup>

In the wake of such realities there is some, but perhaps not enough, international debate on the matter. As we have seen, military action is still controversial, as the world tries to figure out whether it is more a force for good or harm. For instance, an attempt to topple the Assad regime in Syria would be seen by many as a disaster for the country's Christians,<sup>83</sup> as his regime was usually quite tolerant of Christians. The Islamic groups which might succeed Assad's reign do not promise such tolerance. This Christian winter<sup>84</sup> has brought much suffering to the Middle East's followers of Christ. Kent noted that the population of Christians

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<sup>81</sup> Rome Statute of the International Criminal Court, opened for signature 17 July 1998, 2187 UNTS 90 (entered into force 1 July 2002).

<sup>82</sup> Harriet Sherwood, 'Calls Grow to Label Attacks on Middle East Christians as Genocide,' *The Guardian*, (online) 10 March 2016, <<https://www.theguardian.com/world/2016/mar/10/middle-east-christians-label-genocide-hillary-clinton-european-parliament>>.

<sup>83</sup> Edward Dark, 'Aleppo's Christians See Regime as Last Hope,' *Al-Monitor* (online) 23 March 2015, <https://www.al-monitor.com/pulse/originals/2015/03/syria-christians-aleppo-regime-community-is.html>.

<sup>84</sup> Georgiana Constantin, 'From Arab Spring to Christian Winter,' *Selous Foundation for Public Policy Research* (online) 29 July 2013, <<http://sfppr.org/2013/07/from-arab-spring-to-christian-winter/>>.

in the region is now down from the 20 percent of a century ago to three to four percent, and Christians are constantly being submitted to genocide.<sup>85</sup>

The problems faced by minority religious groups in numerous parts of the world call for special attention. Since military intervention and diplomatic endeavours do not seem to be helping, one must ask, what might be the best way to help those suffering? One cannot help but look at the situation from the perspective offered by advice on a sustainable democracy. The first step in helping persecuted minorities must be education and a slow reprogramming of social hostilities towards a more peaceful outlook. No matter what is done in the short term, without a long-term strategy, there can be no success. In the meantime, an ‘international community’ that cannot find ways to collaborate efficiently looks on, or rather looks away. Perhaps most unfortunate is that there seems to be a cycle of mistakes this community cannot escape.

### B *The Sprint and the Marathon: Pragmatism*

Swimming against the current tires and eventually drowns even the best athlete. Instead of fighting the views of the world, one should learn from them. Both East and West must be willing to learn from each other if they are to grow in any meaningful way. We note Kondoch’s suggestion that commitment to R2P is more of a marathon than a sprint and that its success would take time.<sup>86</sup> Yet, in its current form, there might not be any future for R2P, precisely because of the diverse mentalities and cultures around the world. Even if all cultures would accept the concept, its success would still be conditioned by the UN permanent five’s interests and the ultimate chance for success of military interventions. History has shown that such interventions are precarious and risk causing more suffering than they remedy. Therefore, the marathon should take place somewhere else. It should lie in the prospect of education, as we, the Lucks, and others have pointed out. Those countries seeking democracy should be given the necessary training to be able to apply it. Good values have a tendency to grip the hearts of people and cause change in the long run. The important thing would be to ensure that education is provided to all corners of the world, which is no easy task, to be sure. These educational institutions would be the entities which would ensure that the message of respect for human life and the dignity of the person as well as other basic principles which

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<sup>85</sup> Simon Kent, ‘Report: Middle East Christians on the Eve of Destruction,’ *Breitbart* (online) 16 January 2018, <<http://www.breitbart.com/jerusalem/2018/01/16/report-middle-east-christians-on-the-eve-of-destruction/>>.

<sup>86</sup> Boris Kondoch, ‘North Korea,’ in Bellamy and Dunne (eds), above n 7, 834.

make for a safe and balanced social life would be known to all, if possible. There must be a way of thinking which allows change to be made through molding minds, not through brute force. As we have seen, even in the wake of revolution, there can be no change unless the seeds of freedom have already been planted. If there is any important strategy one might learn from the East, it would be to think in terms of generations, not just years.

Evans's following arguments make sense, and it is obvious that there was a lot of thought put into the original R2P concept. Evans stated that R2P was not designed for purists but rather for pragmatists, and it was developed in full knowledge of how messy reality can be and how quickly state interests and actions can shift.<sup>87</sup> In this sense, the concept was not meant for international relations theory, but rather for political practice,<sup>88</sup> he observed. As well, its purpose, Evans noted, was to inspire the creation of new institutional instruments at both a national and international level<sup>89</sup> and to make sure that policy makers on the global stage would not have to look back with regret at another genocide which was not addressed.<sup>90</sup> He believes these are the criteria by which R2P's victory or failure should be judged.

It is true that R2P has gained more 'normative traction'<sup>91</sup> than its predecessor, humanitarian intervention, which was not very popular. And it certainly has been picked up by the UNSC, albeit not in its complete original form. It is being referred to in the Council's resolutions. And, of course, it is present in political discourse, even if there are differences in how or if each country actually commits to the principle.<sup>92</sup>

Evans believes that the differences in methods among international powers could be bridged with goodwill and, as not many atrocity situations threaten vital state interests, but rather our own humanity, the incentive to strive for solutions is there.<sup>93</sup> However, if one takes a closer look at the situation, whether as a theorist or a practitioner, it will be evident that this is not always the case. In fact, a situation rarely presents itself in such a way as to be viewed in a disinterested manner. One need only look at the situation in Libya or the current conflict in Syria to understand that there are quite important national interests involved there. In fact, there would be no proxy war between Russia and the United States in Syria without such

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<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid 914.

<sup>92</sup> Ibid 915.

<sup>93</sup> Ibid 917.



interests. The conflict in its present form would not exist if it had not been for US intervention in the region in previous years and concomitant great power interests. There are times when nations can afford to put their interests aside and act together for the good of humanity. However, the nature of the international system is unlikely to allow them to do that too often.

Evans also addressed the fear which he claims many of R2P's critics have levied against it: 'general adventurism and militarization.'<sup>94</sup> He believes that after Afghanistan, Iraq, and Libya, the United States has learned important lessons about the 'limits of military power'<sup>95</sup> and will be a lot more cautious in the future application of R2P.

Another issue Evans brought up is prevention, which, as we have seen, and is quite obvious no matter what one's political leaning, has not been very effective. The reason, Evans observed, partly has to do with the fact that prevention does not offer anything 'visible'<sup>96</sup> so to speak. That is, a military intervention captures the public's attention and gives the politicians behind it the credit they may be seeking, whereas prevention does not offer such exposure.<sup>97</sup> Of course, the risk is always present that instead of credit, the politicians who supported a certain intervention will get blame instead. However, Evans's observation is correct. It is indeed difficult to pay for or support something which has hardly any visibility from a political perspective.

One of the problems R2P currently faces is that its just war framework and theoretical complexity were not fully accepted by the international community. Working with the shorter, less complex version of the concept perhaps leaves a bit more to be desired than working with the norm as it was intended to be. That is not to say that any scenario is a perfect one, but rather that working with the full concept might have improved on the overall framework of R2P and would have put more of an accent on prevention rather than intervention. Evans addressed the idea of military intervention as well and stressed that no matter how much one might look for a different solution in cases such as Rwanda, there cannot be another viable option.<sup>98</sup> While a military intervention might have stopped the atrocities in Rwanda, the reality of the matter is that one simply cannot know. A military solution may have been able to rescue people in the short term, but in the long run, the possibility still exists that the

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<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> Gareth Evans, 'R2P: The Next Ten Years', above n 7, 924.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid 926.

situation might have turned into another Kosovo, where many estimate that the intervention worsened the situation for civilians and led to more deaths.

An important set of remarks that Evans made has to do with most of the criticism addressed towards the R2P concept. He listed a set of such criticisms.<sup>99</sup> The first has to do with mixed motives, that is, the fact that countries engage in intervention due to both their national interest and altruistic motives. The second is the counterfactual issue that it is not possible to prove how many people might have died in absence of an intervention. The third criticism is the conspicuous harm issue, that is, the fact that there *are* going to be some civilian damages. The next criticism is the end-state problem, or how the interveners are to leave the country after they have achieved the humanitarian goals. And, finally, Evans listed the inconsistency problem, which has to do with why one might advocate for intervention anywhere when it is obvious that it cannot take place everywhere it should. His response to anyone making these arguments was ‘welcome to the real world,’<sup>100</sup> and he stressed once more that R2P is a concept for pragmatists as opposed to purists, and, as such, any decision made by those who actually apply it, rather than simply write about it, is going to be a complex and difficult one.

However, after stressing the need for a pragmatic view for the ones who apply the concept, Evans suggested that the permanent five members of the UNSC suspend their right to veto voluntarily in the cases where mass atrocities are being voted on.<sup>101</sup> This is highly unlikely to happen, as the interests of these states may at any time apply to such situations, as proven in the Syrian conflict.

As stated earlier, we have to work with what we have been given. We are given a world where we might still be able to make some slight changes, but only if they are made with a different strategy and with real, not imaginary, tools.

And, with regard to the criticisms levied against R2P which have to apparently be either ignored or set aside by the practitioner if he is to be able to do his job unstifled, there are a few points to be made. Firstly, and obviously, perhaps it would be useful for the practitioner to give more thought to the situations and bend the ear to criticism, which might help sharpen

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<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid 927.

planning and strategy. Secondly, if there are numerous things wrong with the concept of R2P, why would the practitioner *have* to keep working with it in its current form or at all for that matter instead of trying to find better alternatives?

Let us look at each of these criticisms. For the first, states might have mixed motives for joining the intervention because they know that by stopping the atrocity or supporting one side or another, they will gain something. However, this can go further, as no doubt it has in past interventions like the one in Libya, to the point where civilians are sacrificed for the benefit of a particular state. Such is the case sometimes when regime change is brought about. In this case, the warring factions left to fight for power or the wrong faction in power can lead the country, as it did Libya, to years of suffering and potential ruin. Such mixed motives can, therefore, have the effect of not just replacing one conflict with another or many others but actually destroying a country. In any case, these mixed motives lead to countries straying from their original purpose in ways which can be extremely dangerous for the very citizens they claim they are there to protect, to such an extent that they might have been better off left alone.

Regarding the second criticism, the counterfactual problem does not necessarily have to be defined by the existence of proof that a particular number of people would have perished in absence of the intervention. It is quite enough to look at how the situation was before to determine whether or not the intervention has resulted in something worse. The conspicuous harm problem can be looked at in a similar way. In such cases, if other conflicts have been started by international intervention, and then the interveners leave before those conflicts have been quieted, it is likely a worse situation than before.

The end state problem, that is, how to leave a country after intervention, is quite a simple one to address. There must be a responsibility to rebuild; otherwise, with no planning ahead, more Libyas are to come. Intervening in a country's affairs should not be looked at as a short-term rescue mission, but rather a long-term responsibility. There simply cannot be an intervention which brings about great change and then the intervening countries consider it a mission accomplished and leave. That is comparable to getting a knife out of a friend's shoulder thinking one has rescued the friend from harm and then leaving him believing he is safe now. A doctor will tell you that no such object should be taken out unless it is done by a doctor in a hospital; otherwise, the person might die. Why? Because the knife might be the only thing keeping a severed artery from bleeding the patient out. So, taking the knife out would actually be a death sentence. The person would have been better off with the knife left in. The same is

applicable in the case of military intervention and effecting great change in foreign countries. Sometimes, a ‘bad’ dictator is all that is keeping the country from metaphorically hemorrhaging to death.

The inconsistency problem, that is, the question of why apply R2P anywhere unless it can be applied everywhere it should be, is slightly more complicated. Firstly, the question should not necessarily lead one to the idea of giving up application of the concept if it cannot be applied everywhere, but rather, if it is not applied everywhere, the question becomes whether R2P is still what it claims to be, a tool for the protection of civilians everywhere, or if it has become a tool of great powers for taking advantage of weaker nations in the name of humanitarian mercy. It is not about giving up. It is more about understanding the perception given to all nations by the way in which R2P is applied. If R2P does not apply to great nations, and if they can veto and impose their wills in many ways upon weaker states, then how can anyone claim R2P is still there for citizen protection? The reason R2P is not applied everywhere is often that some great power vetoed it. Therefore, at that point one can observe that it might have indeed turned into the weapon of great powers that gives some of these powers the authority to not only seek their interests in weaker states but also get credit for being heroes for doing so.

All of this is not to say that the critics are right and that the R2P supporters and practitioners are wrong. There are shades and nuances to everything; the world is not black and white. It is, however, important for practitioners and theoreticians to look more deeply at the criticisms and questions raised and see what solutions they can come up with, not for the sake of proving anyone right or wrong, but for improving the overall efficiency of the R2P concept, and if that is not possible, perhaps coming up with a better alternative. If a blind eye is turned to criticism, the concept cannot evolve. And it might even be that the next step in its evolution is for it to be reformed or replaced. Then, instead of keeping a blind alliance to an inefficient concept, would it not be the practitioner’s duty to see it replaced with something better?

#### IV CONCLUSION

No matter what the solutions are for R2P, there must be communication and exchange of ideas so that answers can be found. These ideas need to come from a broad range of perspectives and backgrounds. Peace and security necessitate great resources for research and transnational and transcultural communication and the exchange of perspectives and ideas. These are, just

like we have discussed earlier, and much like the implementation of democracy: endeavours which have to be committed to for a long time. As we have said before, the effort to do this will be a marathon, not a sprint. And, without being overly optimistic, it is quite amazing what humans can do when they band together, take things seriously, and endeavour to undertake a long-term research project for the sake of a good idea. That is not to say that in the meantime nothing should be done, but rather to suggest that there needs to be a variety of approaches to these matters.

R2P, born out of a noble idea inspired by centuries of just war theories and debates, does not seem to be able to reach its intended potential in its current form. Human nature, of course, rarely allows for noble ideas to reach their potential, and the broader perspective of human nature's steering of international relations is an even more complicated one. Thus, the toil of humanity's search for equilibrium on both a personal and social level goes on as it has for millennia. The important things are that dialogue and debates on important issues keep moving forward.

In its current form, it is hard to imagine R2P as a concept that is vital to international human security. It is inefficient in its application and its interpretation leaves much room for ambiguity. Even if it did have a better track record, there would be nothing to stop the development of an improved concept in the future, one which would apply lessons learned from past mistakes.

On the other hand, to believe that the future only belongs to R2P or that practitioners on the international stage have no choice but to continue working with the concept as it is would be a mistake and a dangerous stifling of innovation. If R2P is found too difficult and inefficient to work with or even to modify, then it is important to develop a new theory or concept which would function better than this one. While many might argue that such international principles are a lost cause, there is a natural human compassion which will not let people forget about their fellow humans being abused and ill-treated. As such, while working towards a solution, even if it takes a long time, and even if it means that until such a solution is reached all one can do is ease the suffering instead of stopping it, it must be a priority to involve as many segments of society as possible.

Even though human nature might be faulty, and even though states' interests might always be a priority, humans will always have at least a basic inclination to stop the suffering of others. But there are many situations to take into account and just as many if not more possible solutions. These include the problems of rebel factions causing citizen suffering and whether or not it is helpful to act militarily in this case or if it can be made clear to the interveners that arming such rebel factions in the hopes that they would effect regime change might not be a solution but an additional problem. Further research into these particular issues as well as the broader R2P debate is necessary. In this respect, it must be said that there is need for more perspectives on the matter, as it seems that the concept has too rarely been analyzed by those who hold paradigmatic views other than idealism. In fact, it might be helpful if we took Samuel Barkin's advice and attempted to build bridges between paradigms instead of letting one particular paradigm limit the possibilities of human imagination. In this case more than ever, there exists a need for people to work together so that they may find a feasible solution for the future, one which is based in reality and realistic expectations. As well, it is important to have effective interdisciplinary collaboration on the matter. Bridging the East-West divide in understanding and communication with regard to R2P and its application is vital. It should be obvious that if the plan is not decided by peaceful and effective collaboration, it will be decided by further conflict.