

Correspondence

Humanitarian Intervention and the Responsibility to Protect

Gareth Evans and
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Robert A. Pape

To the Editors (Gareth Evans and Ramesh Thakur write):

As cochair (Evans) and member (Thakur) of the International Commission on Intervention and State Sovereignty (ICISS), and principal authors of its 2001 report *The Responsibility to Protect* (R2P),¹ we read Robert Pape's article with great interest—but also with growing surprise and ultimately considerable disappointment.² Intervention can be studied as an analytical concept or as a political project, and Pape's article clearly falls into the latter category. His purpose is to advance his so-called pragmatic standard of humanitarian intervention against the standard of the genocide convention (which, in his view, sets the bar much too high) and R2P (which he thinks is loose and permissive, setting the bar much too low). For an article proposing to advance humanitarian intervention as a political project, however, it is remarkably disconnected from political reality.³

Pape completely overlooks the emergence of R2P over the last decade as the normative instrument of choice for converting shocked international conscience about mass atrocity crimes into decisive collective action. His forty-page article devotes just two pages to R2P, focusing entirely on its original articulation in the ICISS report and totally ignoring its subsequent intellectual and political evolution. "[S]ome policy advocates and scholars," he states, "have argued for the adoption of the 'responsibility to protect' standard" (pp. 50–51). Pardon? R2P was actually adopted by the United Nations General Assembly, sitting as the 2005 World Summit, the largest gathering of the world's heads of state and government ever convened,⁴ and subsequently in multiple

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Robert A. Pape is Professor of Political Science and Director of the Chicago Project on Security and Terrorism at the University of Chicago.

1. The International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect* (Ottawa: International Development Research Centre for ICISS, 2001).

2. Robert A. Pape, "When Duty Calls: A Pragmatic Standard of Humanitarian Intervention," *International Security*, Vol. 37, No. 1 (Summer 2012), pp. 41–80. Further references appear parenthetically in the text.

3. We say this with Gareth Evans having spent twenty-one years in active national politics, eight as Australia's foreign minister and another nine leading a major international conflict-resolution nongovernmental organization, the International Crisis Group, and with Ramesh Thakur having spent nine years in a senior position in the United Nations system.

4. UN General Assembly, sixtieth session, *World Summit Outcome, 2005*, resolution adopted by the General Assembly, October 24, 2005, pars. 138–139.

resolutions of the Security Council.⁵ Despite this completely authoritative statement of the principle (or “standard,” in Pape’s preferred terminology), he concludes, astonishingly, that “the international community is unlikely to embrace the R2P movement” (p. 52). The 2005 World Summit Outcome Document and its subsequent translation into shared understandings in intergovernmental circles have simply been airbrushed from history in Pape’s account.

We do not pretend that there is now anything close to unanimous consensus in the international community as to how R2P should be applied in every case where mass atrocity crimes are threatened or occurring, especially at what might be called the “sharp end” of the R2P response spectrum, where a situation is, *prima facie*, so grave as to compel consideration of not just lesser measures (e.g., diplomatic persuasion and pressure, targeted sanctions, or the threat of International Criminal Court prosecution), but the extreme option of coercive external military force. There was such consensus when the Security Council, specifically invoking R2P, authorized military action in Libya in March 2011,⁶ but it fell apart later in the year as the “BRICS” countries charged that the NATO-led forces had exceeded their civilian protection mandate.⁷ This in turn has contributed significantly to the paralysis of the Security Council in the face of the even more grievous situation that subsequently unfolded in Syria. It will clearly take time for trust to be restored between the major players, although—as will be explained—we are optimistic that it can be.

In what follows, we first outline the evolution of R2P since 2001, totally neglected in Pape’s analysis. Second, we spell out five objections to the analysis he does offer—that it resurrects unacceptably divisive “humanitarian intervention” discourse; opens the door to unilateral interventions; ignores prevention and rebuilding responsibilities; wholly overstates the permissive scope of R2P; and exaggerates the obligations it creates. Finally, we discuss where R2P stands in the wake of Libya and Syria.

THE EVOLUTION OF R2P SINCE 2001

In current international policy discourse on the question of mass atrocity crimes, it is the multidimensional and nuanced concept of R2P—not the older one-dimensional military concept of humanitarian intervention—that dominates real-world debate. There have been a number of crucial way stations in the evolution of the concept from its original formulation by our ICISS commission—all ignored by Pape—starting with the

5. UN Security Council Resolution, No. 1674 “[r]eaffirms the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity” (emphasis in original). UN Security Council Resolution, No. 1674, April 28, 2006. See also UN Security Council Resolution, No. 1970, February 26, 2011; UN Security Council Resolution, No. 1973, March 17, 2011, on Libya; UN Security Council Resolution, No. 1975, March 30, 2011, on Côte d’Ivoire; UN Security Council Resolution, No. 2014, October 21, 2011, on Yemen; UN Security Council Resolution, No. 1996, July 8, 2011, on South Sudan; and UN Security Council, statement by the president of the Security Council, September 22, 2011.

6. UN Security Council Resolution, No. 1973.

7. The BRICS countries are Brazil, Russia, India, China, and South Africa—all of which were members of the Security Council during 2011. On the BRICS as a grouping in world affairs, see Andrew F. Cooper and Ramesh Thakur, “The BRICS in the New Global Economic Geography,” in Thomas G. Weiss and Rorden Wilkinson, eds., *International Organizations and Global Governance* (London: Routledge, forthcoming).

important reports of the UN Secretary-General's High-Level Panel (disclosure: Evans was a member) and Secretary-General Kofi Annan himself articulating more precisely the obligations involved prior to the 2005 summit.⁸ Then, importantly, the "World Summit Outcome Document" itself narrowed the focus from the ICISS benchmark (rightly criticized by Pape as too broad) of "population suffering serious harm," so that only "four crimes" could trigger R2P—"genocide, war crimes, ethnic cleansing, and crimes against humanity."

Further evolution occurred with the secretary-general's report to the General Assembly in 2009, which helpfully characterized R2P responsibilities in terms of "three pillars": first, the responsibility of each sovereign state itself to protect its own populations from the atrocity crimes in question; second, the responsibility of other states to assist it in doing so; and third, the responsibility of the wider international community to respond in a "timely and decisive" fashion and by all appropriate means (not excluding coercive military action), in accordance with the UN Charter, if this becomes necessary because the state in question is "manifestly failing" to protect its people. It has become obvious in successive annual General Assembly debates—in 2009, 2010, 2011, and 2012 (even with the latter two occurring in the context of significant dissatisfaction with the way R2P had been applied in the later stages of the Libya operation)—that this frame of reference is now overwhelmingly accepted.⁹ As Secretary-General Ban Ki-moon put it in September 2011, "[O]ur debates are now about how, not whether, to implement the Responsibility to Protect. No government questions the principle."¹⁰

The rapid acceptance of R2P in international political settings has been accompanied by an exuberant intellectual debate—again almost wholly ignored by Pape—about its scope, limits, and mode of implementation, led not only by those associated with ICISS (in addition to us, most notably Thomas Weiss, past president of the International Studies Association), but by serious scholars in serious journals and by public intellectuals in the opinion pages of print and online commentary. Edward Luck, previously at Columbia University, for five years the special adviser to Secretary-General Ban on R2P, and now back in academe as dean of the Kroc School at the University of California, San Diego, has been particularly influential.¹¹ There is a book series on R2P under the Routledge imprint and a journal devoted exclusively to R2P, the *Global Responsibility to*

8. High-Level Panel on Threats, Challenges, and Change, *A More Secure World: Our Shared Responsibility* (New York: United Nations, 2004), <http://www.un.org/secureworld/>; and UN General Assembly, fifty-ninth session, *In Larger Freedom: Towards Development, Security and Human Rights for All*, report of Secretary-General Kofi A. Annan, March 21, 2005, <http://www.un.org/largerfreedom/>.

9. See UN General Assembly, sixty-third session, *Implementing the Responsibility to Protect*, report of the secretary-general, January 12, 2009; UN General Assembly, sixty-fourth session, *Early Warning, Assessment, and the Responsibility to Protect*, report of the secretary-general, July 14, 2010; UN General Assembly, sixty-fifth session, *The Role of Regional and Subregional Arrangements in Implementing the Responsibility to Protect*, report of the secretary-general, June 28, 2011; and UN General Assembly, sixty-sixth session, *Responsibility to Protect: Timely and Decisive Response*, report of the secretary-general, July 25, 2012. For descriptions and assessments of the annual General Assembly debates around these reports, see <http://www.globalr2p.org>.

10. UN Secretary-General Ban Ki-moon, address to ministerial roundtable "Responsibility to Protect: Responding to the Imminent Threats of Mass Atrocities," New York City, New York, September 23, 2011, <http://www.un.org/News/Press/docs/2011/sgsm13838.doc.htm>.

11. See, for example, Edward C. Luck, "The Responsibility to Protect: The First Decade," *Global Responsibility to Protect*, Vol. 3, No. 4 (2011), pp. 387–399.

Protect (GR2P). Many Ph.D. candidates around the world, in law as well as in political science and international relations, are writing their dissertations on aspects of R2P—as we well know because we are constantly being asked for advice and interviews. Additionally, a number of new and influential civil society organizations—for example, the Global Centre for R2P, the International Coalition for the Responsibility to Protect, and the Asia-Pacific Centre for R2P—have contributed vigorously to the evolution of the R2P norm. The explanation for the wide and continuing interest in R2P might well be a broadly shared sentiment that it is one of the most significant and consequential advances in the normative architecture of world order: indeed the British historian Sir Martin Gilbert has described it as “the most significant adjustment to national sovereignty in 360 years.”¹²

FIVE PROBLEMS WITH PAPE’S ANALYSIS

The consequence of Pape failing to take into account any of R2P’s political and intellectual evolution since the ICISS report, especially since 2005, is that he takes the debate straight back to the deeply divisive, problematical, costly (in blood and treasure), and utterly ineffectual pre-2001 status quo ante. In this respect, we have five specific objections to his analysis.

First, Pape resurrects the language and discourse of “humanitarian intervention.” ICISS was successful in repositioning the international consensus because we made the core, sustaining idea not the “right to intervene” but the “responsibility to protect.” We quickly discovered the visceral hostility across the developing world to any so-called right of intervention, for any purpose, rooted in these countries’ experience of Western *missions civilisatrice* in the era of colonialism. The developing countries remain deeply suspicious of the self-serving hidden agenda of geopolitical and commercial interests behind such claims. To dismiss their claims is to deny their history and disrespect their collective memory. Unlike humanitarian intervention, R2P puts the needs and interests of the victims of atrocities ahead of those of the intervening powers. It is victim and people centered, whereas “humanitarian intervention” privileges the perspectives, preferences, and priorities of the intervening states. Unlike humanitarian intervention, which is only about military coercion, R2P embraces a whole spectrum of preventive and reactive responses, with coercive military action reserved only for the most extreme and exceptional cases.

Second, not only does Pape take his readers back to the rightly rejected and discarded world of humanitarian intervention, but he would also take us back to the unsustainable world of unilateral interventions. The task for ICISS was to address a critical protection gap between complicity, paralysis, and illegality. If atrocities are being perpetrated and members of the international community have the capacity and opportunity to stop them but choose to look the other way, they are part complicit even though not the prime perpetrator in the atrocity crimes. To insist on absolute state sovereignty and nonintervention in domestic affairs under the UN Charter regime, however, is to accept a paralysis of international action and to give tyrants the license to kill. Yet, to undertake unilateral intervention—that is, one not authorized by the United Nations—is to violate the existing body of international law that restricts the use of inter-

12. Martin Gilbert, “The Terrible 20th Century,” *Globe and Mail* (Toronto), January 31, 2007.

national force to defense against armed attack or when authorized by the United Nations. R2P successfully finessed this protection gap.

Moreover, Pape ignores the reality that acting unilaterally adds to the transaction costs of the enterprise, and that the exercise of national power is made more efficient and more effective when it is grounded in international legitimacy, with all the encouragement of reciprocally accommodating behavior this tends to promote. The principled underpinnings for adopting an R2P rather than a humanitarian intervention perspective are reinforced by the reality of the gradual but steady shift of power and influence from the West to the rest. The folly of disregarding the global South's sensitivities and preferences has only grown in the decade since R2P was first articulated.

Of course, no major power will commit itself in advance either never to use force unless UN-authorized or always to use force when the UN Security Council so decides. Nevertheless, it is very much in the U.S. interest, especially as its relative power and influence begin to wane, to bind the rising powers to global norms and international law on their international behavior. The United States cannot fashion a world in which all others have to obey international law and norms, but Washington can opt out of any of them, whenever and for however long it chooses.

Third, going backward on humanitarian intervention means a reluctance to embrace the responsibilities to prevent and rebuild, which are core to R2P but not normally part of humanitarian intervention discourse, as Pape's contribution makes clear. If interventions are embedded conceptually in the rights and privileges of the intervening actors, then of course the fewer the constraints and obligations on them, the better. In that case, however, they can hardly be called "humanitarian." Conversely, if interventions are genuinely motivated by humanitarian concerns as the primary goal (accepting, as Pape does, that the real world is often characterized by mixed-motive situations), then their implementation implies solidarity across borders. Such solidarity, however, cannot begin and end with military intervention. It must also find expression at the precrisis point and be continued after the immediate crisis is over.

Pape, in fact, effectively concedes the existence of a responsibility to rebuild after a military intervention for humanitarian purposes when he identifies as one of the three requirements of his pragmatic standard for such interventions "a workable strategy for creating lasting local security." We agree with his rationale: "so that saving lives in the short term does not lead to open-ended chaos in which many more are killed in the long term" (p. 43). As well as the conceptual incoherence of arguing otherwise, this is practical common sense. Of course efforts should be made to help to build or rebuild institutions and conditions that will prevent a relapse into the kind of murderous situation that required outside intervention in the first place.

Fourth, Pape would take the normative architecture back to the pre-R2P status quo on a false premise. The charge against R2P—that it is too permissive and would embroil the United States and the West in interventions without end all over the world—is wrong in theory and demonstrably false in practice. R2P, as endorsed by world leaders at the UN in 2005, would restrict military interventions to protect at-risk populations only in the context of the specified "four crimes" of genocide, war crimes, ethnic cleansing, and crimes against humanity, and only when such interventions are authorized under Chapters 7 or 8 of the UN Charter. By ignoring the 2005 outcome document and the subsequent reports from the secretary-general and their reception in the General Assembly, Pape is able to paint a false picture. Our 2001 report was an advo-

cacy document, not the final word, and it succeeded admirably in its objective of producing an authoritative political response. That response, and the only authoritative document for evaluating and judging R2P as the intervention standard, is the 2005 outcome document. Ironically, the dominant scholarly criticism of the 2005 iteration was that it was “R2P lite” and had set the bar too high.¹³

To be sure, many calls have been made for R2P to be invoked militarily in various situations. Even wrong-headed calls have had the unintended benefit of clarifying both the limits and the permissive circumstances of R2P, as argued by Cristina Badescu and Thomas Weiss.¹⁴ This is analogous to imitation being the sincerest form of flattery (Myanmar), and perhaps also hypocrisy being the tribute that vice pays to virtue (Russia in South Ossetia). To date, however, the reality is that Libya in 2011, and the less-noticed Côte d’Ivoire resolution at the same time,¹⁵ are the sole examples of coercive action being authorized by the United Nations under the rubric of R2P. Pape’s catalogue in table 1 (p. 76), which tests the three alternative standards against actual crises, is irrelevant for R2P. His last column—misabeled, as is all too unhappily common, “‘Right’ to Protect”—implies that R2P would require coercive military intervention in every one of the cases listed, but that is to totally misunderstand the limits of the doctrine as it has always been formulated.

Pape claims incorrectly that “R2P sets the bar for intervention so low that virtually every instance of anarchy and tyranny—or indeed, every potential instance—represents an opportunity for the international community to violate the sovereignty of states” (p. 43). As noted, R2P as adopted by world leaders in 2005 restricts intervention to the four specified crimes of genocide, war crimes, ethnic cleansing, and crimes against humanity. In addition, the phrase “every potential instance” is also badly misleading. These crimes must be either occurring or expected to occur. If a genocide is about to break out—as indeed was reasonably anticipated in Rwanda in 1994—it does not make sense to wait until it does break out before acting, especially if more lives can be saved by acting preemptively. This is different, however, from acting on the suspicion that it might possibly break out at some undefined point in the future.

On the question of criteria for the use of force, we do not take issue with the central theme of Pape’s article that, when it comes to military intervention for human protection purposes, the bar needs to be set high (though not so impossibly high as it tends to be under the Genocide Convention). Our concern, rather, is to emphasize that all of the necessary intellectual and policy apparatus to do just that is already there with R2P, and that it is neither necessary nor helpful to reinvent the wheel for this purpose, particularly when any embrace of “humanitarian intervention” language in any form, even with the proposed new “pragmatic” modifier, is bound to make international consensus impossible.

The specific prudential criteria for the use of force that we would endorse are the five

13. See, for example, Alex J. Bellamy, *Responsibility to Protect* (Cambridge: Polity, 2009), p. 67; and Thomas G. Weiss, *Humanitarian Intervention: Ideas in Action*, 2d ed. (Cambridge: Polity, 2011), p. 127.

14. Cristina Badescu and Thomas G. Weiss, “Misrepresenting R2P and Advancing Norms: An Alternative Spiral?” *International Studies Perspectives*, Vol. 11, No. 4 (November 2010), pp. 354–374.

15. UN Security Council Resolution, No. 1970, No. 1973, and No. 1975.

that have emerged from the recommendations of the ICISS, the High-Level Panel, and Secretary-General Annan.¹⁶ First, seriousness of risk: Is the threatened harm of such a kind and scale as to justify *prima facie* the use of force? Second, primary purpose of the proposed military action: Is it to halt or avert the threat in question, whatever other secondary motives might be in play for different states? Third, last resort: Has every non-military option been fully explored and the judgment reasonably made that nothing less than military force could halt or avert the harm in question? Fourth, proportionality: Are the scale, duration, and intensity of the proposed military action the minimum necessary to meet the threat? Fifth, and usually the toughest legitimacy test, balance of consequences: Will those at risk ultimately be better or worse off, and the scale of suffering greater or less?

Without entering into a detailed discussion of Pape's own criteria, on many smaller points of which we would take issue had we the space to do so,¹⁷ it is evident that at least in some major respects his concerns mirror ours. His requirement of an "ongoing campaign of mass homicide" (p. 43) is one way of articulating the need for the seriousness of the risk to be very great, and "a viable plan for intervention" (p. 43) is a not very different way of saying that an intervention must do more good than harm. We think it was a mistake not to include a reference to criteria of legitimacy for the use of force in the 2005 resolution; their adoption by the General Assembly, or even just as informal guidelines by the Security Council, remains unfinished international business.

Fifth, we can only regard as an egregious straw man, built for the sole purpose of knocking down, Pape's assertion that R2P "would effectively obligate" states "to commit vast resources to provide for the welfare of foreigners even if this came at the expense of obligations to their own citizens" (p. 52). To our knowledge, no advocate, supporter, or sympathizer of R2P—and, before this, no critic of R2P—had made this claim. It may be worth adding in this respect that R2P argues for a political responsibility on the part of the international community to help populations at risk of atrocity and creates no new legal obligation whatsoever.

R2P AFTER LIBYA AND SYRIA

Where does R2P stand now, after the controversies surrounding Libya and Syria? Applying R2P principles, we agree with Pape (in his case applying his own pragmatic humanitarian intervention standard) that Libya in March 2011 was a textbook case for coercive military intervention, and that tens of thousands of lives, in Benghazi and elsewhere, were almost certainly saved by it. In a speech on January 18, 2012, to a conference to honor ICISS on the tenth anniversary of the R2P report, Secretary-General Ban noted that, historically, the international community's "chief failing" has not been too much intervention, but rather "the reluctance to act in the face of serious threats"—the

16. See ICISS, *The Responsibility to Protect*, pp. 32–37, 74–75; High-Level Panel on Threats, Challenges, and Change, *A More Secure World*, p. 67; and UN General Assembly, *In Larger Freedom*, p. 43. These recommendations differ a little in their language and presentation, but their core concepts are the same.

17. For example, his "separable target population" and "lucrative targets for over-the-horizon power" conditions for "low-cost intervention" (pp. 58–59) seem at odds with the realities on the ground in Rwanda in 1994, when Tutsi and Hutu were completely intermixed throughout the country.

same argument as Pape's regarding the genocide standard of intervention. In Ban's view, Libya in 2011 "demonstrated that human protection is a defining purpose of the United Nations."¹⁸ Had the international community acted as quickly and robustly as it did in the 1990s, the 8,000 men and boys murdered outside Srebrenica and most of the 800,000 men, women, and children hacked to death in Rwanda would be alive today.

We are not so sure, however, that the NATO-led operation in Libya remained a textbook R2P case for its duration.¹⁹ If the objective genuinely was, and remained throughout, "the protection of civilians and civilian populated areas" and not regime change as such, why—at least after the initial defense of Benghazi—were cease-fire offers that may have been serious rejected outright without exploration? Why were fleeing personnel posing no immediate risk to civilians, and locations of no obvious military significance, targeted? Why did the interveners break their own arms embargo in supplying the rebels? The Western powers had answers to most if not all of these questions—for example, in the argument that protecting civilians in areas such as Tripoli that long remained under Muammar Gaddafi's control could only in practice be accomplished by overthrowing the regime. They did not satisfy the BRICS countries—among others on and outside the Security Council. Moreover, the R2P consensus underpinning Resolution 1973 fell apart over the course of 2011, damaged by gaps in expectation, communication, and accountability between those who mandated the operation and those who executed it.

An important result of these gaps was a split in the international response to the worsening crisis in Syria. Draft Security Council resolutions introduced by Arab and Western countries have been vetoed by China and Russia, still smarting from what they perceived to be overreach in the implementation of the Libyan mandate. These two permanent members remained defiantly opposed to any resolution, even involving completely nonmilitary forms of pressure, arguing—with more political than intellectual force—that this could set in train a sequence of events leading to a Resolution 1973-type authorization for external military intervention in Syria.²⁰

Although the backlash against the Libyan intervention decision is unquestionably a setback for R2P, it does not sound its death-knell. As is clear from the UN General Assembly debates already mentioned, there remains overwhelming support for the gen-

18. Ban Ki-moon, "Address to Stanley Foundation Conference on the Responsibility to Protect," New York City, New York, January 18, 2012, http://www.un.org/apps/news/infocus/sgspeeches/statments_full.asp?statID=1433.

19. See Gareth Evans, "Civilian Protection and the New Geopolitics of Intervention," *SIPRI Yearbook 2012* (Oxford: Oxford University Press for SIPRI, 2012), pp. 25–29; and Ramesh Thakur, "Libya and the Responsibility to Protect," *Situation Report* (Pretoria: Institute for Security Studies, March 2, 2012).

20. See China's ambassador to the United Kingdom Liu Xiaoming, "China Believes Syria Needs a Peaceful Solution," *Guardian* (London), February 10, 2012; Vladimir Isachenkov, "Moscow Support for Assad Well-Calculated," *San Francisco Chronicle*, February 5, 2012; Walter Russell Mead, "Russia's Syrian Bet Explained," *American Interest*, blog, February 5, 2012, <http://blogs.the-american-interest.com/wrm/2012/02/05/russias-syrian-bet-explained/>; Dmitri Trenin, "Russia's Line in the Sand on Syria," *Foreign Affairs*, February 5, 2012, <http://carnegieendowment.org/2012/02/05/russia-s-line-in-sand-on-syria/9g77>; Yezid Sayigh, "China's Position on Syria" (Washington, D.C.: Carnegie Endowment for International Peace, February 8, 2012), <http://www.carnegieendowment.org/2012/02/08/china-s-position-on-syria/9iyy>; and Fyodor Lukyanov, "Why Does Russia's Stance on Syria Baffle Everyone?" *Russia in Global Affairs*, February 23, 2012, <http://eng.globalaffairs.ru/redcol/Why-Does-Russias-Stance-on-Syria-Baffle-Everyone-15478>.

eral principles of R2P, including all three of its pillars. There will always be disagreement, sometimes intense, about what precise responses are appropriate to particular situations, and those disagreements will almost invariably become more acute as the debate moves to the sharp end of the response spectrum and the stakes increase. Only very rarely will all of the stars align in favor of UN-supported military intervention, as in Libya.

The most encouraging feature of the present international political debate post-Libya is the attention being devoted to a proposal made by Brazil, one of the fiercest global South critics of the course of the Libyan intervention, aimed at finding a new basis for consensus among Security Council members in responding to the most extreme mass atrocity situations: what it calls “responsibility while protecting” or “RWP.”²¹ Designed to supplement rather than supplant R2P, its two key elements are first, for the Security Council to embrace, formally or informally, an agreed set of criteria or guidelines (along the lines of those noted above, including “last resort,” “proportionality,” and “balance of consequences”) to help it reach consensus in any debate before an R2P military intervention is authorized; and second, for the Council to accept some form of monitoring or review mechanism to ensure that it has a reasonable chance to maintain that consensus throughout the duration of an implementation operation.

In the end, decisions are made based on the particular exigencies of the day. Any decision to intervene militarily will be contingent, made on a case-by-case basis rather than following a prescriptive formula, although we strongly believe that the prudential criteria for the use of force supported by most R2P advocates would genuinely assist that process. Conversely, any authorization can be misused, with the likely result of fostering perceptions that it is a convenient tool in the service of foreign imperialism. In this sense, Pape is falling into the error of blaming the normative tool for the ills of those using the tools to pursue their own agendas. That can happen to R2P. And it can happen to any substitute.

CONCLUSION

Both we and Pape want to achieve and maintain a genuine shared normative understanding of underlying principles, to maximize the prospects of support for coercive military intervention when it is warranted and resistance to it when it is not, and above all to save the maximum possible number of innocent lives at risk from mass atrocity crimes. Where we disagree is in our firm conviction that, in the actual world of policymakers and those who hope to influence them, the responsibility to protect is now, and will remain, the only credible frame of reference. The proper course is not to ignore, abandon, misrepresent, or circumvent the new R2P norm, but to consolidate and strengthen it.

—Gareth Evans
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—Ramesh Thakur
Canberra, Australia

21. UN General Assembly, sixty-sixth session, “Responsibility while Protecting: Elements for the Development and Promotion of a Concept,” November 11, 2011.

Robert A. Pape Replies:

In my article “When Duty Calls,” I advance a new, pragmatic standard for humanitarian intervention that specifies when the United States and other members of the international community should intervene militarily to stop a government from harming its own citizens.¹ The pragmatic standard has three requirements for the use of force: (1) an ongoing campaign of mass homicide sponsored by the government; (2) a viable plan for international intervention with reasonable estimates of low casualties for the intervening forces; and (3) a workable strategy for creating lasting local security for the threatened population. In addition, I explain why adopting the pragmatic standard would save more lives than the two prevailing alternatives: the so-called genocide standard (i.e., the moral imperative to intervene to prevent genocide), which sets the bar for intervention too high, and the “responsibility to protect” (R2P), which sets the bar so low that virtually every instance of anarchy or tyranny would create unbounded obligations beyond the capacity of states to fulfill.

Gareth Evans and Ramesh Thakur, both long-standing proponents of the responsibility to protect standard, argue that my article pays insufficient attention to R2P, ignores the evolution of R2P after its founding document in 2001, and fails to appreciate that R2P is now the “normative instrument of choice” guiding “collective action” by the international community to stop governments from harming their citizens. They see no need for a new standard because, in their words, there is already “rapid acceptance of R2P in international political settings.”

Evans, Thakur, and I agree that the international community has a broad responsibility to protect innocents threatened by their governments. We disagree, however, that such a broadly framed responsibility entails an obligation or a duty to intervene militarily. In a world where military intervention is increasingly considered a means to stop ongoing campaigns of mass homicide, a narrow focus on when and how it should be used is not only appropriate, but necessary. Further, the absence of discussion in my article of the “evolution” of R2P beyond the 2001 founding document was appropriate—there are more statements and documents by R2P proponents (which I did examine), but these do not change or clarify R2P’s standards for the use of force. Finally, Evans and Thakur exaggerate the extent to which the international community has embraced R2P, particularly with regard to armed intervention in humanitarian crises. Accordingly, my response clarifies the objective for humanitarian intervention, the practical implications of R2P and the status of R2P in the international community, and the specific objections raised by Evans and Thakur.

CLARIFYING THE OBJECTIVE

As I write in my article, proponents of humanitarian intervention have long argued that the international community has a duty to save lives even when citizens are threatened by their own governments. Since World War II, the practice of genocide has been the most well-known standard—defined by the 1948 Convention as acts “committed with the intent to destroy, in whole or in part, a national ethnic, racial, or religious group.” In

1. Robert A. Pape, “When Duty Calls: A Pragmatic Standard of Humanitarian Intervention,” *International Security*, Vol. 37, No. 1 (Summer 2012), pp. 41–80.

practice, however, the international community has done little to prevent genocide, effectively standing by in all major instances of state-sponsored efforts to destroy a nation or an ethnic group from the Holocaust in the 1940s, to Biafra, Bangladesh, Ethiopia, and Cambodia in the 1960s and 1970s, to Rwanda and the Sudan in recent years.

The main problem has not been a lack of consensus that genocide is a crime. Rather, it has been the lack of agreement on a standard that would define (1) the threshold for action with sufficient clarity for a timely response—otherwise, by the time the international community decides to act, there may be few lives left to save; (2) the cost threshold that states should accept in responding to the moral crime of mass atrocity—without consideration of costs, intervention might violate the intervening government's existing responsibilities toward protecting its own citizens, creating a clash of moral duties; and (3) the long-term obligations that interveners must adopt so that saving lives in the short term does not lead to ungovernable chaos and a resumption of mass killing in the future.

Although acknowledging problems with the current genocide standard, R2P focuses on the wrong objective. Evans and Thakur suggest that broad acceptance by the international community of the responsibility to protect is itself the key goal. Hence, they count the number of statements by policymakers that use R2P-related phrases condemning mass atrocities and other related crimes as a measure of the power of their ideas. International consensus on moral rhetoric, however, is the wrong measure of success. There already exists a far stronger international consensus against genocide, which has done little to compel states to act.

What is missing is international consensus on when to intervene militarily to save lives. This consensus requires agreement on translating normative principles into practical action in real cases of intervention. My article both develops and clarifies those requirements. It measures success not with regard to the number of times international policymakers issue statements condemning mass atrocities and related crimes, but with regard to the number of instances in which the international community has actually used force to save lives put at risk by a local government—most notably over the past twenty years, in northern Iraq, Bosnia, Kosovo, and now Libya.

R2P IN PRACTICE

How much progress has R2P made in defining the standards necessary to save lives? Alas, hardly any. My article argues that R2P does not identify the number of atrocities necessary to justify the use of force, fails to identify the level of costs that interveners should accept or to offer any guidance on how the duty to save others should be reconciled with prior moral obligations, and would obligate the international community to engage in ambitious nation building with fuzzy criteria for starting or ending these projects.

Evans and Thakur state that this critique is based on R2P's 2001 founding document—which is true—and that the subsequent evolution of R2P solves the problems I identify—which it does not. To bolster their case, Evans and Thakur list five "prudential criteria for the use of force." An examination of these criteria, however, shows that R2P remains hopelessly vague and would effectively result in the same problems that currently confront the genocide standard. In contrast, the pragmatic standard addresses all of these criteria in a manner that is significantly more well defined than the nebulous genocide and R2P standards for the use of force.

Evans and Thakur's first criterion is "seriousness of risk." The authors ask, "Is the threatened harm of such a kind and scale as to justify *prima facie* the use of force?" But even if Evans and Thakur mean "the threatened harm of" genocide, war crimes, ethnic cleansing, or crimes against humanity (see their text and n. 5), the question is still impractically opaque. What kind of war crime? What kind of ethnic cleansing? What degree of group killing constitutes genocide? By contrast, the threshold for the pragmatic standard would normally be crossed when the local government kills 2,000 or more innocents within about a month.

Their second criterion is "primary purpose of the proposed military action: Is it to halt or avert the threat in question, whatever other secondary motives might be in play for different states?" Asking this question acknowledges that mixed motives may be involved in intervention decisions, but it fails to establish what would indicate when moral motives are urgent. The pragmatic standard stipulates that a mass homicide campaign must have already started and be ongoing against an identifiable pool of victims, thus stipulating observable conditions when moral motives are likely to be primary.

Third is "last resort: Has every nonmilitary option been fully explored and the judgment reasonably made that nothing less than military force could halt or avert the harm in question?" This question is as ill-defined as Evans and Thakur's first question. How long does the pre-intervention debate take? At what point have nonmilitary options been "fully explored?" Leaving the standard for when to intervene up to the political judgments of interveners, rather than setting a firm standard of harm for when to intervene, increases the chance that, by the time there is consensus that everything non-military has been done, it will be too late.

Fourth, "proportionality: Are the scale, duration, and intensity of the proposed military action the minimum necessary to meet the threat?" Of course, interveners should not commit atrocities in the name of stopping them. Evans and Thakur, however, fail to engage with the moral dilemma that is central in humanitarian intervention—identifying the level of costs that interveners should accept so that the duty to save others can be reconciled with prior moral obligations. This is a core purpose of the pragmatic standard.

Finally, "[b]alance of consequences: Will those at risk ultimately be better or worse off, and the scale of suffering greater or less?" Again, the question begs a host of immediately apparent practical issues that can and should be tackled by the international community prior to the onset of humanitarian crises. On what basis will interveners judge the risk that mass killing will resume in the near or long term? Given R2P's emphasis on nation building, how will it be possible to prevent interventions initially driven by humanitarian concerns from evolving into greedy adventures to secure geopolitical and commercial advantages? Such interventions might effectively become occupations leading to resistance by local populations to interveners now perceived as transforming the domestic institutions in ways that advance their own national interests. The pragmatic standard addresses the need for lasting security for threatened populations, but in a manner that emphasizes local self-determination over foreign-imposed regime change or other projects for reconstructing the national political, social, economic, and other institutions necessarily in line with the long-term preferences of the interveners.

Given R2P's open-ended criteria for the use of force, it is little wonder that it is not being powerfully embraced by the international community.

Evans and Thakur overstate the international community's commitment to R2P. At issue is not occasional abstract rhetoric or the number of times that the United Nations General Assembly has passed resolutions using the words "responsibility to protect." What matters is the threshold for military action—whether the international community has regularly and consistently endorsed the standards for the use of force embodied in R2P or regularly and consistently engaged in armed intervention to protect lives on the basis of R2P standards. When viewed in this light, it is clear that, rhetoric notwithstanding, the international community has not manifestly endorsed R2P's standards for the use of force or acted largely in accord with those standards.

The high point of international support for R2P was the 2005 World Summit, a plenary meeting of the UN General Assembly. Aside from the power to approve the UN budget, the General Assembly is a deliberative body with no authority to enforce the resolutions it passes. Assembly resolutions are statements of principle, not treaties, and are therefore not binding in international law. Indeed, they are often passed by "consensus" without a formal vote by the member states, making the commitment of individual states foggy and difficult to gauge.

The 2005 World Summit resolution cited by Evans and Thakur is a prime example. It did not create any new obligations for member states, and it refers to the "responsibility to protect" in only 2 of its 178 paragraphs. At most, these statements have the status of moral suasion. Some may be persuaded, others not—but it is hard to tell, because the resolution does not compel members to reveal actual preferences for future policy apart from public rhetoric motivated by domestic or other political motives. Further, the influence of moral suasion stemming from the 2005 World Summit document's statement on R2P is particularly weak, given that the document failed to adopt any criteria for the use of military force—an omission that Evans himself calls "disappointing."² Finally, the status of even this weak degree of consensus for R2P in the international community is questionable. In 2009 the president of the General Assembly issued a "concept note" and organized a plenary debate underlining opposition to R2P. This led to a resolution that pointedly failed to endorse concrete plans for implementation of R2P, disappointing supporters.³ Chief among the concerns was that R2P set such a low bar for intervention that it could easily be invoked as justification for imperial or other aggressive military adventures, as in fact happened with supporters of the invasion of Iraq in 2003 and Russia's war against Georgia in 2008.⁴

If rhetorical support for R2P is weak and inconsistent, the connection between the principles of R2P and the behavior of the international community is virtually nonexis-

2. Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocities Once and For All* (Washington, D.C.: Brookings Institution Press, 2008), p. 48.

3. For assessments of the 2009 General Assembly debate, see Global Centre for the Responsibility to Protect (GCR2P), *The 2009 General Assembly Debate: An Assessment* (New York: GCR2P, August 2009); International Coalition for the Responsibility to Protect (ICRtoP), *Report on the General Assembly Plenary Debate on the Responsibility to Protect* (New York: ICRtoP, September 15, 2009); and "Responsibility to Protect: An Idea Whose Time Has Come—and Gone?" *Economist*, July 23, 2009, <http://www.economist.com/node/14087788>.

4. Michael Ignatieff, "Why Are We in Iraq? (And Liberia? And Afghanistan?)," *New York Times Magazine*, September 7, 2003; Michael Byers, "High Ground Lost on UN's Responsibility to Protect," *Winnipeg Free Press*, September 18, 2005; and interview with Minister of Foreign Affairs of the Russian Federation Sergey Lavrov by the British Broadcasting Corporation, Moscow, August 9, 2008, <http://www.un.int/russia/new/MainRoot/docs/warfare/statement090808en.htm>.

tent. First, intervention in past cases of atrocities considered ripe for intervention according to R2P advocates has rarely occurred. When the international community has intervened, it has done so because the case met the conditions of the new, pragmatic standard advanced in my article. Alex Bellamy, a staunch advocate of R2P, catalogues episodes of mass atrocities to clarify “R2P’s preventive agenda,” with a total of twenty-one qualifying for intervention from 1990 to 2010. Of these, the international community intervened in only the five cases that would qualify according to the pragmatic standard, and it failed to act to any meaningful degree to prevent or stop atrocities in the other sixteen cases.

Second, the connection between R2P and recent cases of mass atrocities in Libya and Syria is even more problematic. As Evans and Thakur point out, supporters of R2P were initially eager to claim the international intervention in Libya in March 2011 as an endorsement of their principles, but they have since distanced themselves from the intervention, even suggesting that the Libya operation is now better thought of as counter to the principles of R2P. At the same time, Evans and Thakur indicate that mass atrocities in Syria do qualify for intervention according to R2P principles. In other words, for proponents of R2P, the responsibility to protect has not only failed to produce appropriate intervention in both Libya and Syria, but its standards have opened the door to action that supporters ultimately condemn.

RESPONSES TO EVANS AND THAKUR’S FIVE OBJECTIONS

Evans and Thakur also make five specific objections to my article, which are best organized around two themes. The first three constitute reasons why they believe the term “responsibility to protect” is better than “humanitarian intervention.” Objections four and five are defenses against my argument that the R2P standard is too permissive.

Evans and Thakur’s first objection is that I use the “language and discourse of ‘humanitarian intervention,’” which is politically less attractive than the “responsibility to protect,” because the former encourages states to view moral international action as a pretext for intervention policies based on geopolitical and commercial interests, whereas the latter does not. The term “humanitarian intervention,” however, has long been used to refer to international action to save lives put at great risk by a local government and remains so to this day. Of course, states may well be suspicious that moral justifications for intervention could serve as cover for selfish motives, given that national interests often determine the policies of states. Changing the label is unlikely to allay those suspicions, however. One of the main criticisms against R2P is that it sets the threshold for action so low that it can easily justify imperial or other self-interested intervention policies—a criticism strengthened in 2008, when Russia explicitly used the language of R2P to formally justify its aggression against Georgia. For real progress toward saving lives—and to allay suspicion that any humanitarian intervention is really a cover for selfish policies—a better alternative is to specify the requirements for humanitarian intervention in depth. This would greatly circumscribe the scope for misappropriating the standards for moral action as cover for interest-based policies, which is a key purpose of my article.

Second, Evans and Thakur claim that “Pape . . . would also take us back to the unsustainable world of unilateral interventions.” This is false. My article contains a section entitled “An Organized International Coalition” in which I stress the value of multilateral action. I emphasize this point in the conclusion where I state that “an established

organization such as the UN Security Council should authorize humanitarian interventions in cooperation with states from the region of the proposed intervention [which] would lower the risk that the new standard could become a pretext for the selfish motives of one or a handful of states" (p. 80).

Third, they claim that focusing on "humanitarian intervention" means focusing international solidarity on military intervention and that it implies a reluctance to embrace responsibilities to prevent and rebuild. This objection stands in opposition to Evans and Thakur's second point, given that both cannot be true. Further, Evans and Thakur are right that my article focuses on the requirements for armed intervention to save lives, but they are wrong that this would undermine international efforts to prevent atrocities in the first place or to create the conditions for lasting security for threatened populations. Given the failures of the genocide standard, it is important to develop new moral alternatives that would actually save lives put at risk by local governments. The main centerpiece of any such policy must be the requirements for using force to safeguard lives at imminent risk, which can then serve as a basis for identifying the logically consistent and morally coherent policies for prevention and lasting stability. This is the logic of the pillars of the pragmatic standard for humanitarian intervention. Indeed, ignoring the need to clarify the standard for saving lives in immediate danger would likely open the door to many competing interests and dynamics in decisions about prevention and lasting stability, resulting in endless debate rather than action.

Fourth, Evans and Thakur contend that "Pape[']s . . . charge against R2P—that it is too permissive and would embroil the United States and the West in interventions without end all over the world—is wrong." Although R2P's standards for military action are ill defined, there is good reason for thinking that these principles would justify a vast expansion of international interventions. As mentioned, Alex Bellamy lists twenty-one cases of mass atrocities and armed conflict from 1990 to 2010. R2P would obligate intervention in all of them, although precisely how is unclear. Further, this list focuses on cases where mass atrocities are already occurring, whereas Evans himself would apply R2P's principles more broadly to encompass "cases where the risk of mass atrocity crimes is in the medium or longer term." His criteria for identifying those cases are (1) whether the country has a past history of mass atrocities; (2) whether "tensions of a kind that have given rise to conflict in the past" still persist; (3) the "strength of the countries' coping mechanisms when it comes to resolving grievances and tensions"; (4) the "receptivity of the country or society in question to external influence"; and (5) whether the country has "good" leaders because "bad leaders . . . can make any problem worse."⁵ Given Evans and Thakur's exceedingly abstract and poorly bounded principles for identifying cases of future mass atrocities and Bellamy's inclusion of virtually all instances of armed conflicts around the world, one can reasonably wonder whether there are any meaningful limits to R2P—and can see why few states would want to commit themselves to such an open-ended policy.

Finally, Evans and Thakur argue that "Pape's assertion that R2P 'would effectively obligate' states 'to commit vast resources to provide for the welfare of foreigners'" is wrong, and they contend that R2P "creates no new legal obligations whatsoever." Evans and Thakur are right that R2P currently creates no new legal obligation for the

5. Evans, *The Responsibility to Protect*, pp. 73–75.

international community, which contradicts their point that the international community has embraced their principles. The key word, however, is “currently.” Given the expansive nature of R2P’s call for armed intervention in virtually any case of anarchy and tyranny in which there are actual or potential mass atrocities and nonmilitary options have been exhausted, adoption of R2P by the international community would obligate states to provide vast military, economic, and other resources. Further, R2P lacks a serious discussion about the limits of those new obligations, making the doctrine both politically unworkable and morally questionable. States are unlikely to sign a blank check with the potential for undermining their existing political and moral obligations.

CONCLUSION

There is a tremendous need for new standards of international action that would effectively translate moral duties into humanitarian realities—doing more to actually save lives than merely talking about it. To move forward, it is important to have a healthy debate on competing standards based on their merits. The pragmatic standard for humanitarian intervention advanced in my article may have its limitations. Yet if adopted, it would help to save more lives than either the existing genocide standard or the alternative of the responsibility to protect. It would also provide a sound moral basis for new international treaties to stop mass homicide campaigns by local governments against their citizens.

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