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R2P after Libya and Syria: Engaging Emerging Powers

The use of force—no matter how benevolent, enlightened, or impartial in intent—has dramatic consequences. It shapes the struggle for power and helps to determine the outcome of political contests, which is why it is inherently controversial. It is why international debates about Libya—the first road test of the Responsibility to Protect's (R2P) coercive element (also known as Pillar Three)—were understandably contentious. Pillar Three is defined as "the responsibility of Member States to respond collectively in a timely and decisive manner when a State is manifestly failing to provide...protection."[1] While peaceful means of response are primarily preferred, should that prove inadequate to ensure protection, the international community should use more robust action: "no strategy for fulfilling the responsibility to protect would be complete without the possibility of collective enforcement measures, including through sanctions or coercive military action in extreme cases."[2]

Libya proved to be almost a textbook illustration justifying R2P principles, but its implementation also demonstrated the need for legitimacy criteria to guide decisions on authorizing and overseeing international military intervention. Although successful, the Libyan operation proved particularly controversial among the emerging powers, and the price of exceeding the mandate there has been paid by Syrians. Nevertheless, it would be premature to conclude that R2P can be branded "RIP."

The global diffusion of power underway means that Westerners have lost their previous capacity to set global standards and rules of behavior. Brazil, China, and India, among others, are emerging as important growth centers in the world

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economy, but so far the signs show that these new players are more interested in the status and trappings of power than in assuming burdens of leadership. Nor do they clearly have the institutional capacity to connect national aspirations of rapid economic development and political stability to breaking global gridlocks on issues such as democratization, political and market freedoms, civil liberties, and human rights. Even the democratic rising powers—Brazil, South Africa, and especially India with its more than six decades of constitutional democratic governance—do not demonstrate that hard or soft human rights promotion is an integral element of their foreign policy. As power and influence seep out of the U.S.-led transatlantic order and migrate toward Asia and elsewhere, who will manage the transition from the Westphalian system of world affairs to an alternative system, and how?[3] One aspect of that transition is the shift from the norm of non-intervention to the principle-cum-norm of R2P.

Through global governance mechanisms and international accountability instruments, the emerging powers—more than any other group of states because of their increasing influence—will determine a) whether vulnerable groups receive protection from predations by brutish rulers domestically; b) whether weak countries receive protection from predations by regional or global major powers; and c) whether violators of both are made to answer for their transgressions.

Before looking more closely at how these states' views on R2P are evolving, given recent experiences such as Libya and Syria, it is important to understand three preliminary things. First, external interventions were frequent in the past, before R2P's 2001 formulation, and are not guaranteed in the future, despite R2P's unanimous adoption in 2005. The choice therefore is not *if* intervention, but *whether* an intervention will be ad hoc or rules-based, unilateral or multilateral, and divisive or consensual. R2P, especially when backed by agreed-upon legitimacy criteria, will help shift the balance toward interventions which are rules-based, multilateral, and consensual. Thus, the international community should prepare itself normatively, organizationally, and operationally to deal with humanitarian crises rather than bury its head and belatedly make up responses when crises inevitably happen.

Second, the debate over R2P is not, and should not become, a North–South issue. But it can turn into one, either because of willful—and sometimes self-serving—obstinacy on the part of key emerging countries or because of calculated neglect of their legitimate concerns by a declining West. Despite impressions that non-Western societies resist R2P, many have a

historical tradition of reciprocal rights and obligations which bind sovereigns and subjects. As argued by Mohamed Sahnoun, co-chair of the International Commission on Intervention and State Sovereignty (ICISS), in many ways R2P is actually a distinctly African contribution to global human rights.[4] Many traditional Asian cultures also stress the symbiotic link between duties owed by kings

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to subjects and loyalty of citizens to sovereigns, a point made by civil society representatives who accordingly conclude that, far from abridging sovereignty, R2P *enhances* it.[5] In India, for example, Emperor Ashoka (3rd-century BC) inscribed the following message on a rock edict: "this is my rule: government by the law, administration according to the law, gratification of my subjects under the law, and protection through the law."[6] Modern India's constitution imposes R2P-type responsibility on federal and state government in its chapters on fundamental rights and directive principles of state policy.

Third, the realities are that the only likely sites and targets of intervention in the foreseeable future will be developing countries. It is the *people in developing countries* therefore who will suffer if mass atrocities are committed and outsiders refuse (or fail) to help, or if primarily geopolitical or commercial interventions are disguised as humanitarian ones. Conversely, people in developing countries will primarily benefit if interventions are motivated mainly by humanitarian concerns and executed responsibly. Since the interveners will likely come from a spectrum of advanced and/or developing countries, conversations on R2P should occur firstly among the civil societies and governments of developing countries, and secondly between developing and advanced countries. This will forge common norms and standards of international citizenship consistent with contemporary principles of national and global good governance. The relevance of this diversity seems to be surprisingly ignored in New York and many opinion capitals/journals, with a near exclusive dominance of Western names, faces, and voices on the subject. A recent high-profile roundtable on R2P after Libya, for example, had exclusively Western writers. Each one of the five is individually very qualified—with most being personal friends, co-authors, or co-editors—but the collective optics are damaging.[7]

For all these reasons, engaging the emerging powers on developing the criteria for, and conduct of, R2P interventions as we learn from recent experiences such as Libya and Syria are in the mutual interest of both the emerging powers themselves and all those who support the principle of R2P to protect the world's vulnerable populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.

R2P: Between Unilateral Intervention and Institutional Indifference

In the decades after 1945, the nature of armed conflict transformed as interstate warfare between uniformed armies gave way to irregular conflict between rival armed groups.[8] The nature of the state also departed from its idealized European version. Many Communist and some newly-decolonized countries were states whose regimes ruled through terror, sometimes even propped up by the U.S. national security state.[9] Thus, the principal victims of both regular and irregular warfare have increasingly been civilians. And advances in telecommunications have brought the unadulterated horror of the world into our living rooms.

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Simultaneously, the goals of promoting human rights and democratic governance, protecting civilian victims from humanitarian atrocities, and punishing governmental perpetrators of mass crimes have become more important. R2P spoke eloquently to the need to change the UN's normative framework to account for the changed reality of threats and victims.[10] R2P now provides an entry point for the international community to step in and take up the moral as well as military slack. Pared down to its essence, R2P is the acceptance of a duty by all those who live in zones of safety to care for those trapped in zones of danger. It strikes a balance between unilateral interference rooted in the arrogance of power and institutionalized indifference.

Engaging the Developing World: the 2001 ICISS Debates

The practice of intervention, and the belief that it is in the best interests of natives who will warmly welcome and benefit from it, has a long but not necessarily distinguished lineage. The European colonial powers in particular, convinced of the moral as well as material superiority of their own civilizations, often justified their conquests and rule over "savages" and "natives" with reference to the "white man's burden" to spread the "standards of civilization" to non-Western societies.[11] When NATO took military action against Serbia's atrocities in Kosovo in 1999, the West justified the action as "humanitarian intervention," while the Non-Aligned Movement—the largest grouping of countries in the world outside the United Nations—rejected any so-called right to humanitarian intervention.[12] Secretary-General Kofi Annan, mindful of the controversy sparked by the lack of intervention to halt the genocide in Rwanda in 1994, acknowledged that the UN Charter-based regime for regulating

the use of military force in such circumstances was broken, and called for a new normative consensus on the subject.

Canada responded to his call by setting up the independent International Commission on Intervention and State Sovereignty (ICISS), which was successful in repositioning the international consensus on intervention to prevent and halt atrocities because it rejected the

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language and discourse of "humanitarian intervention." In 2001, ICISS conducted extensive consultations around the globe to better understand the problems in reconciling intervention with state sovereignty. During this process, ICISS quickly discovered a visceral hostility across the developing world to any so-called "right of humanitarian intervention," often rooted in colonialism.[13]

This hostility is a reflection of a real world reality: the concept of "intervention" is a euphemism. Going back to 1999, NATO's "humanitarian intervention" in Kosovo was actually three months of bombing. This led to the adoption of the phrase "humanitarian bombing," referring at first to the Kosovo War and later to other military interventions that stressed human rights. Indeed, just using the term "humanitarian bombing" starkly highlights the damaging contradiction of the two words. But that is exactly what NATO action amounted to in Kosovo, which explains the controversy that embroiled no less than Vaclev Havel, then-President of the Czech Republic.[14]

The ICISS argued however that, unlike humanitarian intervention, R2P would put the needs and interests of the victims of atrocities ahead of those of the intervening powers. It is victim- and people-centered, while "humanitarian intervention" privileges the perspectives, preferences, and priorities of the intervening states. Beyond this general guidance, I drew eight inferences advanced by participants in the ICISS consultations with opinion leaders from governments, media, and civil society in the developing world:[15]

First, the term "humanitarian" should never be associated with war. Humanitarianism is good, but interventionism is bad; "humanitarian intervention" therefore marries evil to good. Far from humanitarianism enhancing interventions, it will itself be tarnished by interventionism.

Second, the UN Charter recognizes only self-defense and the maintenance and restoration of international peace and security as legitimate grounds for the use of force. The use of force for moral reasons is dangerous and counterproductive in its practical effects: it can encourage warring parties inside a country to be rigid and irresponsible in the hope of internationalizing

the conflict,[16] or facilitate interventions by those exploiting the cloak of legality for their own purposes. Both can cause or prolong large-scale killings.

Third, the Western concept of human rights animating "humanitarian interventions" has an internal incoherence: human rights for the individual somehow mystically transforms into collective rights (protecting groups of people), while at the same time the collective rights of the entire nation as a sovereign entity are still denied legitimacy.

Fourth, the inconsistent practice, double standards, and the sporadic nature of Western powers' interest in protecting human rights shows that noble principles are often convenient cloaks for hegemonic interests.

Fifth, the results of Western intervention have not always been beneficial and sometimes have aggravated crises, for example in Indochina, Iran, and Latin America.

Sixth, the UN is the central and indispensable agency to lawfully authorize the use of military force.

Seventh, interventions cannot become the pretext for imposing external political preferences (a.k.a. regime change). Cases justifying intervention must be tightly restricted to such heinous crimes as genocide and mass murders, must always be the option of last resort, must be temporary, and must be guided by considerations of political impartiality and neutrality between the domestic political contenders.

Finally, interveners must respect and ensure the territorial integrity of the target state.[17]

There were of course significant differences across the developing world. In Latin America in the 20th century, for example, interventions were most frequently conducted by the great and powerful neighbor to the north. The continent also had its share of rogue regimes (sometimes backed by Washington) that brutalized their own people in the 1970s and 1980s. The dual experience has shaped its response to the tension between sovereignty and intervention more sharply than in Africa and Asia.[18] Geography and history ensure that in Latin America, "the contrast between [U.S.] hard power and [UN] legitimacy is viewed in even more vivid colors than in other regions of the globe."[19]

Meanwhile, if Asia had the hardest line in defense of state sovereignty, Africa took the softest: Article 4(h) of the Constitutive Act of the Africa Union, adopted in Lomé on July 11, 2000, spells out the principle of intervention: the "right of the Union to intervene in a Member State" with respect to the commission of "war crimes, genocide, and crimes against humanity."[20] Author Dan Kuwali calls this a shift from "humanitarian" to "statutory" intervention wherein African states "have themselves accepted sovereignty not as a shield but as a responsibility."[21]

There are many possible explanations for the greater willingness of Africans to accept intervention than Asians. State failure is a more widespread problem—the polarization between society and the state makes sovereignty elusive. In effect, in parts of Africa sovereignty has become restricted to an international relational dimension (the negative conception of non-interference rather than the positive one of enabling attributes and assets). Many weak African states subsequently lack real experience with sovereignty, being subject instead to warlords, robber barons, and gun and drug runners, among other criminal elements.[22] Recent African history may also explain Africa's greater openness to intervention: far too many regimes had used the shield of sovereignty for their abusive records, treating African people as objects not actors.

R2P Since 2001

Shaped in part by the ICISS consultations, The Responsibility to Protect report was published in December 2001 and endorsed by the UN High-level Panel on Threats, Challenges, and Change in 2004, as well as by UN Secretary-General Kofi Annan in 2005.[23] In a significant breakthrough for the growing acceptance of the new norm, China's official paper on UN reforms, published on June 7, 2005, noted that "[e]ach state shoulders the primary responsibility to protect its own population…When a massive humanitarian crisis occurs, it is the legitimate concern of the international community to ease and defuse the crisis."[24] It went on to list the conditions and safeguards, including Security Council authorization, which form the core of R2P. Unanimous endorsement by world leaders in 2005 added clarity, rigor, and specificity, limiting the triggering events to war crimes, genocide, ethnic cleansing, and crimes against humanity, and thus realigning the emerging global political norm to existing categories of international legal crimes.[25]

UN Secretary-General Ban Ki-moon has subsequently released four special reports that have sustained and consolidated the new international consensus on the subject.[26] The annual debates by the UN General Assembly on Ban's special reports have helped to forge a shared understanding of R2P to distinguish it from humanitarian intervention and align it with efforts to build capacity to help states exercise their sovereignty more effectively. Meanwhile, civil society organizations have promoted a vigorous process of R2P norm socialization and crystallization.

Four actual test cases in 2008–09 demonstrated the growing understandings and clarifications of the meaning and limits of R2P, even though at times it was abused and misapplied.[27] With Burma's deadly Cyclone Nargis in 2008, principles, politics, and practicality converged to counsel caution in invoking R2P. When the military regime rejected outside assistance to help alleviate the suffering caused by the humanitarian disaster, France proposed that R2P should

be invoked to forcibly overcome the government's recalcitrance. But in principle, the 2005 formulation on R2P did not cover humanitarian disasters; politically, the developing countries were not prepared to broaden R2P's scope beyond the four atrocity crimes specified in 2005; and practically, no country was prepared to send troops into another land war in the jungles of Southeast Asia.

When Russia claimed an R2P mandate in intervening against Georgia in South Ossetia in 2008, it drew attention to the relationship of R2P to the problem of the kin-state.[28] In this problem, a group that constitutes the majority or a substantial population in one state might find itself an ethnic minority in another, especially neighboring, state: for example, the Chinese in Indonesia, Tamils in Sri Lanka, Indians in Fiji, whites in Zimbabwe or South Africa, or Russians in the former Soviet bloc in eastern Europe and Central Asia. If these minority groups are attacked and risk being killed in large numbers based on their ethnic identity, then do their kin overseas have any special rights or duties to protect them? The kin-state has a strong interest to defend its fellow ethnics under attack. Yet, history shows that the intervention of a so-called "kin-state" or "motherland" to defend a threatened minority in a neighboring state can increase rather than defuse conflict. Instead of helping find a solution, the interested party exacerbates the problem.

Israel's offensive in Hamas-ruled Gaza in 2008–09 demonstrated the risks of seeking remedy in R2P when better or more appropriate tools and instruments are available, for example in international humanitarian law (IHL). Under international law, an occupying power has the responsibility to protect not just citizens and residents on its own territory, but all peoples living under its occupation. But R2P does not cover situations of interstate armed conflict; its scope is limited to atrocities committed or anticipated inside sovereign jurisdictions. By contrast, IHL regulates the use of armed force in all conflicts.

Finally, the May 2009 climax of the Sri Lankan civil war, when the government mercilessly crushed the ruthless terrorist organization the Tamil Tigers, raised troubling questions about the applicability of R2P to a brutal civil war and about the limits to the authority of the legitimate government to use force when confronted with armed challenge. Should the United Nations have invoked R2P to protect tens of thousands of civilians caught in the crossfire? The debate in the Human Rights Council in Geneva showed that most developing countries, to the shock of Westerners, back a government's right to suppress armed insurgencies and terrorist groups with military force.[29] At the same time, it is worth noting that Foreign Minister (and now President) Pranab Mukherjee of India—a country that was among the most resistant to R2P in 2001—found it useful to remind Colombo of its responsibility to protect all its citizens.[30]

The General Assembly debate in July 2009 on Ban Ki-moon's report on R2P, *Implementing the Responsibility to Protect*, was held against the backdrop of these

four cases. Yet, 94 speakers—almost two-thirds of them from Africa, Asia, and Latin America—mostly reaffirmed the 2005 consensus, expressed opposition to any effort to reopen it, and insisted that its scope be restricted to the four crimes of genocide, crimes against humanity, war crimes, and ethnic cleansing.

This had been foreshadowed by China's Ambassador Liu Zhenmin in a Security Council debate on December 4, 2006, when he warned that the 2005 Outcome Document in which the UN General Assembly affirmed R2P was "a very cautious representation of the responsibility to protect...it is not appropriate to expand, willfully to interpret or even abuse this concept."[31] Ban also warned in his 2009 report that "it would be counterproductive, and possibly even destructive, to try to revisit the negotiations that led to the provisions of paragraphs 138 and 139 of the Summit Outcome."[32] In an interview with *Time* magazine, Liberia's President Ellen Johnson Sirleaf captured the broad consensus as of 2009: "Look at how we have gone from [a stance] of non-interference in our internal affairs to respect for the principle of the responsibility to protect."[33]

Libya 2011

Two years later, Libya would demonstrate both the potential mobilizing power and the limitations of R2P as a call to international arms. R2P was the discourse of choice in debating how best to respond to the crisis, and the Security Council for the first time invoked R2P under the coercive chapter 7 of the Charter.[34] The Libyan experience would also confirm that the debate on military interventions cannot avoid questions of regime legitimacy, state capacity, and state-building.

Resolution 1973, adopted on March 17 by a 10-0-5 vote (China, Russia, Brazil, Germany, and India abstained), authorized the use of "all necessary measures...to protect civilians and civilian-populated areas."[35] NATO took almost a full decade to intervene with air power in Kosovo in 1999; in Libya, it took just one month to mobilize a broad coalition, secure a UN mandate to protect civilians, establish and enforce no-kill zones, stop Gaddafi's advancing army, and prevent a massacre of the innocents in Benghazi. By year's end, Gaddafi had been ousted and killed. The outcome was thus a triumph for R2P. It showed it *is* possible for the international community—working through the authenticated, UN-centered structures and procedures of organized multilateralism—to deploy international force to neutralize the military might of a thug and intervene between him and his victims.

The Libyan people's euphoria and NATO's relief over the successful military campaign tempered criticisms of the manner in which NATO over-interpreted UN authorization to protect civilians. Carefully crafted both to authorize and delimit the scope of intervention, Resolution 1973 specified the purpose of

military action as humanitarian protection and limited the means to that goal. Yet, NATO ignored the restrictions against targeting Gaddafi directly in a transparent effort at regime change, spurned hints of any willingness by the Gaddafi regime to negotiate a ceasefire, intervened in the internal civil war, and broke the UN's arms embargo by supplying weaponry to the rebels. If 1973 restrictions had been respected, the civil war and the international intervention could well have been longer and messier.

Ignoring them may well have been justified on the logic of military necessity and efficiency. But the insistence by some NATO powers that they fully adhered to UN-authorized "all necessary measures" to protect civilians and civilian-populated areas is not credible. In his speech to the General Assembly in September 2011, Prime Minister Manmohan Singh of India made a thinly-veiled attack on the expansive interpretation of Resolution 1973: "Actions taken under the authority of the United Nations must respect the unity, territorial integrity, sovereignty and independence of individual states."[36] All the BRICS countries (Brazil, Russia, India, China, South Africa) objected strongly to the shift from the politically neutral posture of civilian protection to the partial goal of assisting the rebels and pursuing regime change.[37]

Furthermore, volatility and violence continue to cast a long shadow over post-Gaddafi Libya's stability and commitment to a liberal democratic culture. Gadaffi's death brought a wave of questions: Who are the rebels? What do they stand for? For whom do they speak? How much popular support do they command? How committed are they to eschewing rule by terror? The same questions have been highly pertinent with respect to the ongoing crisis in Syria, and have complicated international responses to it.

Syria 2012

Syrians have paid the price of NATO excesses in Libya.[38] By the end of 2011, the peaceful Arab Spring in Syria had mutated into a bloody armed uprising and then a full-fledged civil war in which, according to a study commissioned by the UN Office of the High Commissioner for Human Rights, 60,000 people had been killed as of November 2012.[39] Possible courses of action in Syria cannot be contemplated without acknowledging that the crisis is also about relations with Iran, Russia, and China. Furthermore, there is heightened caution about yet another Western invasion of another Muslim country, especially since this is a more formidable enemy in a more volatile strategic environment.

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Arab and Western countries introduced draft resolutions in October 2011 as well as February and July 2012 calling for an end to the flow of arms into Syria, for President Bashar al-Assad to yield key powers to a deputy, for a government of national unity, and for preparations to hold free presidential and parliamentary elections. China and Russia vetoed all three, while Brazil, India, and South Africa have shifted from initial abstention to subsequent support.[40]

China and Russia remain resolutely opposed to any resolution which could set off a chain of events leading to a 1973-type authorization for outside military operations in Syria. They have several arguments, including: such a resolution would put Syria on the path to civil war; the Security Council should not dictate internal politics and succession; opposition groups must also receive condemnation for perpetrating violence (the moral hazard argument) and must be exhorted to engage constructively with the government;[41] the draft resolutions would have inflamed, not calmed the situation; and the only solution to the Syrian crisis is through an inclusive, Syrian-led process to address the legitimate aspirations of the people in an environment free of violence and human rights abuses. In other words, while there are unquestionably strategic and economic imperatives behind Russia's policy in particular, the strength of the Sino–Russian opposition also reflects a conflict of political approaches and rejects armed domestic confrontation backed by international enablers.

India and South Africa have emphasized the primary responsibility of the Security Council to resolve internal differences through peaceful means, while Brazil has played a more constructive role by tabling a possible compromise paper (discussed below). They noted that the October 2011 draft resolution failed to condemn the rebel-perpetrated violence and failed to require rebels to engage with the government in seeking a peaceful solution through political processes.[42] Both voted in favor of the draft resolution on February 4, 2012, which China and Russia also vetoed on the grounds that it was unbalanced and a thinly-veiled attempt to impose regime change in Damascus through armed struggle.

Ambassador Hardeep Singh Puri explained India's vote by noting that the resolution called on the Syrian government to protect its population.[43] A more realpolitik explanation is that India did not wish to antagonize six Gulf Arab neighbors (including Saudi Arabia), where almost six million Indians work and live. Saudi Arabia was also promising to make up India's energy imports from Iran, which was proving problematic with the tightening U.S. and European sanctions on Iran due to its nuclear activities.[44] Riyadh had also begun handing over suspected foreign-based terrorists for questioning by Indian agencies as part of the broader realignment of India's relations with key Middle Eastern countries.[45] Nevertheless, the underlying Indian assessment is unlikely to have changed significantly: while the Assad regime has given hints of being open to

discussions, the rebels have been intransigent in insisting on his departure as a precondition for negotiations. Because the opposition's regional and international backers do not press them to drop this condition "the obsession with regime change has come in the way of a search for political dialogue."[46]

Rebalancing the Normative Order?

The debate on how best to operationalize R2P requires a respectful conversation among proponents and skeptics over when, how, and by whom to execute the international Responsibility to Protect. The consensus on R2P in ICISS in 2001 and at the UN since 2005 resulted from a genuine North–South dialogue. Had R2P merely repackaged the Western humanitarian warriors' wishes and brushed aside the sensitivities of the formerly colonized, it never would have gained rapid traction culminating in unanimous endorsement by world leaders in 2005.

The R2P consensus underpinning Resolution 1973 on Libya was damaged by gaps in expectation, communication, and accountability between those who mandated the operation and those who executed it. Brazil subsequently offered a paper on "Responsibility while Protecting" with the potential to bring in some agreed parameters on the conditions to govern the use of UN-authorized R2P operations.[47] Its two key elements are: to formulate an agreed-upon set of guidelines to help the UNSC achieve consensus in future debates before authorizing an R2P military intervention; and a monitoring or review mechanism to help sustain that consensus by ensuring that the Council has an oversight role over the operation during implementation.

As exemplified by the Brazilian initiative, critics should engage with R2P and seek to improve the means and manner of implementation. This way, the Southern players will become joint and responsible stakeholders in the emerging new world order. On the other hand, if new, rising powers remain more concerned with consolidating their national power aspirations than developing norms and institutions of global governance,[48] they will remain incomplete powers, limited by these narrow ambitions, with their material grasp longer than their normative reach.

> Emerging powers can engage on R2P to become responsible stakeholders in the global order.

The collision of different UN Charter norms that produced the heated and tense debates over "humanitarian intervention" in 1999 between the global North, as represented by NATO, and the global South, as articulated by the Non-Aligned Movement (NAM), reflected a growing erosion of the sense of

community among the different members of the family of nations. States and peoples no longer share a common belief in the means and procedures by which their differences can be mediated and reconciled. This suggests that the response of states to atrocities will continue to be ad hoc and on a case-by-case basis, rather than principled and consistent.[49]

Reframing "humanitarian intervention" as the Responsibility to Protect at least re-established an international consensus on the legitimate ends of the use of military power. However, the implementation of the sharp, military end of Pillar Three of R2P in Libya in 2011 shows that the global consensus on R2P is tenuous and fragile rather than robust and resilient. Above all, the Libyan example confirms that success in an R2P intervention, even if internationally approved, is not guaranteed any more than in any other type of external intervention. Good intentions do not automatically shape good outcomes.

On the contrary, there is no humanitarian crisis so grave that an outside military intervention cannot make it worse. The use of military force must always— *always*—be the option of *last* resort, not the tool of choice for dealing with threatened or occurring atrocities. Equally, however, it *must* remain the option of last resort, and cannot be taken off the table. The key is to engage emerging countries in continually shaping the means of implementing R2P interventions, when necessary, and for those emerging countries to seek to shape global normative guidelines rather than looking only to their own national ambitions.

Notes

1. UN General Assembly, 63rd Session, *Implementing the Responsibility to Protect*, A/63/677, (New York: United Nations, January 12, 2009), page 9, paragraph 11(c), http://www.unrol.org/files/SG_reportA_63_677_en.pdf.
2. Ibid., page 25, paragraph 56.
3. See Sung Won Kim, David P. Fidler, and Sumit Ganguly, "Eastphalia Rising? Asian Influence and the Fate of Human Security," *World Policy Journal* 26, no. 2 (2009): pages 53–64, http://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1114&context=facpub.
4. Mohamed Sahnoun, "Africa: Uphold Continent's Contribution to Human Rights, Urges Top Diplomat," *allAfrica.com*, July 21, 2009, http://allafrica.com/stories/printable/200907210549.html. For another African perspective that also strongly supports R2P, see Samuel Atuobi, "The Responsibility to Protect: The Time to Act is Now," *KAIPTC Policy Brief* no. 1, July, 2009, http://www.responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/2633-kaiptc-policy-brief-the-responsibility-to-protect-the-time-to-act-is-now.
5. See World Federalist Movement, *Global Consultative Roundtables on the Responsibility to Protect: Civil Society Perspectives and Recommendations for Action, Interim Report,* (New York: WFM, January 2009):8.
6. Quoted in Stanley Wolpert, *A New History of India,* (New York: Oxford University Press, 1977): 66–67.

7. See *Ethics & International Affairs* 25, no. 3 (Cambridge University Press, Fall 2011), http://www.ethicsandinternationalaffairs.org/fall-2011-issue-25-3/.

8. See Andrew Mack et al., *Human Security Report 2005*, (Oxford: Oxford University Press, 2005).

9. See Michael J. Hogan, *A Cross of Iron: Harry S. Truman and the Origins of the National Security State, 1945-1954*, (Cambridge: Cambridge University Press, 2000); Seth G. Jones, Olga Oliker, Peter Chalk, C. Christine Fair, Rollie Lal, and James Dobbins, *Securing Tyrants or Fostering Reform? U.S. Internal Security Assistance to Repressive and Transitioning Regimes*, (Santa Monica CA: Rand, 2006); Norrin M. Ripsman and T. V. Paul, *Globalization and the National Security State*, (Oxford: Oxford University Press, 2010); Douglas C. Stuart, *Creating the National Security State: A History of the Law That Transformed America*, (Princeton: Princeton University Press, 2008); and Gary Wills, *Bomb Power: The Modern Presidency and the National Security State*, (London: Penguin, 2010).

10. For an account of the UN's transformation since 1945, see Ramesh Thakur, *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect*, (Cambridge: Cambridge University Press, 2006).

11. See Gerrit W. Gong, *The ''Standard'' of Civilization in International Society* (New York: Oxford University Press, 1984).

12. Albrecht Schnabel and Ramesh Thakur, eds., *Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Action, and International Citizenship* (Tokyo: United Nations University Press, 2000).

13. International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre for ICISS, 2001), http://www.idrc.ca/EN/Resources/Publications/Pages/IDRCBookDetails.aspx?PublicationID=240. See also Spencer Zifcak, *United Nations Reform: Heading North or South?* (London: Routledge, 2009).

14. See, for example, the entry under "Humanitarian bombing" in Wikipedia, http://en.wikipedia.org/wiki/Humanitarian_bombing.

15. These are drawn from the author's notes from the various meetings. The reports are as follows: Adonia Ayebare, "Regional Perspectives on Sovereignty and Intervention," discussion paper prepared for the ICISS Round Table Consultation, Maputo, March 10, 2001; Emmanuel Kwesi Aning, "Rapporteur's Report, ICISS Round Table Consultation, Maputo, March 10, 2001"; Luis Bitencourt, "Rapporteur's Report, ICISS Round Table Consultation, Santiago, May 4, 2001"; Ahmed T. Khalil, "Rapporteur's Report, ICISS Round Table Consultation, Cairo, May 21, 2001"; Omran el-Shafie, "Intervention and State Sovereignty," discussion paper for the ICISS Round Table consultation in Cairo, May 21, 2001; Sripapha Petcharamesree, "Rapporteur's Report, ICISS Round Table Consultation, New Delhi, June 10, 2001"; and unattributed, "Rapporteur's Report, ICISS Round Table Consultation, Beijing, June 14, 2001."

16. For a discussion of the moral hazard argument, see Alan J. Kuperman, "The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans," *International Studies Quarterly* 52, no. 1 (March 2008):49–80.

17. These were the argument advanced by various participants during the ICISS outreach consultations; they do not necessarily reflect the author's views.

18. See Jorge Heine, "The responsibility to protect: Humanitarian intervention and the principle of non-intervention in the Americas," in Ramesh Thakur, Andrew F. Cooper, and John English, eds., *International Commissions and the Power of Ideas*. (Tokyo: United Nations University Press, 2005): pages 221–45.

19. Bitencourt, "Rapporteur's Report."

20. African Union, "Constitutive Act," (Lomé, Togo, July 11, 2000), http://www.au.int/en/about/constitutive_act.

21. Dan Kuwali, "The end of humanitarian intervention: Evaluation of the African Union's right of intervention," *African Journal of Conflict Resolution* 9, no. 1 (2009): page 41.

22. Ayebare, "Regional Perspectives on Sovereignty and Intervention."

23. International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*; High-level Panel on Threats, Challenges and Change, *A more secure world: our shared responsibility* (New York: United Nations, December 2004), A/59/565; United Nations, *In larger freedom: towards development, security and human rights for all*, Report of the Secretary-General, A/59/2005, (New York, United Nations, March 21, 2005).

24. "Full text of China's Position Paper UN Reforms," Part III.1, *Xinhua,* June 7, 2005, http://news.xinhuanet.com/english/2005-06/08/content_3056817_3.htm.

25. UN General Assembly Resolution, *2005 World Summit Outcome*, A/RES/60/1, (New York: United Nations, October 24, 2005): paragraphs 138-40.

26. UN General Assembly, *Implementing the Responsibility to Protect*; UN General Assembly, 64th Session, *Early Warning, Assessment, and the Responsibility to Protect*, A/64/864, (New York: United Nations, July 14, 2010); UN General Assembly, 65th Session, *The Role of Regional and Subregional Arrangements in Implementing the Responsibility to Protect*, A/65/877-S/2011/393, (New York: United Nations, June 28, 2011); UN General Assembly, 66th Session, *Timely and Decisive Response*, A/66/874–S/2012/578, (New York: United Nations, July 25, 2012).

27. Cristina Badescu, and Thomas G. Weiss, "Misrepresenting R2P and Advancing Norms: An Alternative Spiral?" *International Studies Perspectives* 11, no. 4 (2010): pages 354–74.

28. Walter Kemp, Vesselin Popovski, and Ramesh Thakur, eds., *Blood and Borders: The Responsibility to Protect and the Problem of the Kin-State*, (Tokyo: United Nations University Press, 2011).

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33. "Look across Africa and see the major changes that are happening," *Time*, July 13, 2009, http://www.time.com/magazine/article/0,9171,1908312,00.html.

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