

## Correspondence

### Humanitarian Intervention and the Responsibility to Protect (R2P)

Gareth Evans and Ramesh Thakur

*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),<sup>1</sup> we read Robert Pape's article with great interest—but growing surprise and ultimately considerable disappointment.<sup>2</sup> 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 as 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.<sup>3</sup>

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 has actually been 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,<sup>4</sup> and subsequently in multiple resolutions of the Security Council.<sup>5</sup> Despite this completely authoritative

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

<sup>2</sup> 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.

<sup>3</sup> 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.

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

<sup>5</sup> 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;

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 anything close to unanimous consensus now 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,<sup>6</sup> but it fell apart later in the year as the "BRICS" countries charged that the NATO-led forces had exceeded their civilian protection mandate.<sup>7</sup> 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, wholly 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 important reports of the UN Secretary-General's High-Level Panel (disclosure: Evans was a member) and Secretary-General Kofi Annan himself leading up to the 2005 summit, articulating more precisely the obligations involved.<sup>8</sup> Then, importantly, the World Summit Outcome Document itself narrowed the focus from the broad ICISS benchmark (rightly criticized by Pape as too broad) of "population suffering serious harm," so

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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, September 22, 2011.

<sup>6</sup> UN Security Council Resolution, No. 1973.

<sup>7</sup> 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 Organization and Global Governance* (London: Routledge, forthcoming).

<sup>8</sup> 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/>.

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 to do 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.<sup>9</sup> 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.”<sup>10</sup>

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.<sup>11</sup> There is a book series on R2P under the Routledge imprint and a journal devoted exclusively to R2P, the *Global Responsibility to Protect (GR2P)*. Many Ph.D. candidates around the world, in law as well as 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 R2P 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.”<sup>12</sup>

## FIVE PROBLEMS WITH PAPE’S ANALYSIS

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<sup>9</sup> See UN General Assembly, sixty-third session, *Implementing the Responsibility to Protect*, report of the Secretary-General, January 12, 2009; *ibid.*, sixty-fourth session, *Early Warning, Assessment, and the Responsibility to Protect*, report of the Secretary-General, July 14, 2010; *ibid.*, 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 *ibid.*, 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>.

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

<sup>11</sup> 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.

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

The consequence of Pape failing to take into account any of this political and intellectual evolution of R2P since the ICISS report, and 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, he would take us back also 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 give tyrants the license to kill. But 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 international 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 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 if not 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 whichever 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 advocacy document, not the final word, and 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 criticism of the 2005 iteration was that it was “R2P lite” that had set the bar too high.<sup>13</sup>

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.<sup>14</sup> 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,<sup>15</sup> 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) that tests the three alternative standards against actual crises, is irrelevant for R2P. His last column—mis-labeled, 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 either be occurring or expected to occur. If a genocide is about to break out—as indeed one 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

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<sup>13</sup> 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.

<sup>14</sup> 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.

<sup>15</sup> UN Security Council Resolution, No. 1970; *ibid.*, No. 1973; and *ibid.*, No. 1975.

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 that have emerged out of the recommendations of each of ICISS, the High-Level Panel, and Secretary-General Annan.<sup>16</sup> 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 nonmilitary 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,<sup>17</sup> it is evident that at least in some major respects his concerns mirror our own. 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 either—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

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<sup>16</sup> 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.

<sup>17</sup> 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.



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 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."<sup>18</sup> 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 throughout 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.<sup>19</sup> 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 seriously 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 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 the 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.<sup>20</sup>

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 general 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

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<sup>18</sup> Ban Ki-moon, "Address to Stanley Foundation Conference on the Responsibility to Protect," New York, January 18, 2012, [http://www.un.org/apps/news/infocus/sgspeeches/statments\\_full.asp?statID=1433](http://www.un.org/apps/news/infocus/sgspeeches/statments_full.asp?statID=1433).

<sup>19</sup> 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," Institute for Security Studies, *Situation Report* (Pretoria: 2 March 2012).

<sup>20</sup> 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*, 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>.

and the stakes get higher. 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.”<sup>21</sup> 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 militarily intervene 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 of it being 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.

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