The Responsibility to Protect: Dilemmas of a New Norm

JENNIFER WELSH

The past two decades have witnessed a resurgence of interest in the law, morality, and politics of military intervention. Part of this attention is due to the increased incidence of the practice. Although the United States and the Soviet Union engaged in intervention within their respective spheres of influence periodically during the cold war, since the early 1990s intervention has become a more prominent feature of the international landscape. But the renewed interest also flows from a shift in the perception of intervention in some corners of international society: from an act that in the past was viewed negatively as “dictatorial interference,” to a good deed motivated by the desire to bring peace and stability or to right a wrong that a particular state (or its leader) has committed. For many present-day supporters of the practice, intervention is no longer an act that a target country suffers, but is rather something from which it benefits.

Some recent interventions have been motivated (at least partially) and publicly justified by humanitarian purposes—a product of both the increased salience of international human rights norms and the willingness of the United Nations Security Council to consider humanitarian crises as threats to international peace and security. Today, humanitarian claims can trump sovereignty claims, particularly if interventions can be carried out through multilateral institutions, which are seen as providing a stamp of legitimacy. In other, more controversial cases, intervening actors have relied on a different and controversial rationale: an imperative to reshape the domestic political structure of foreign countries to implant or restore democratic government. The relationship between these two motivations—especially the question of whether regime change is necessary to achieve lasting humanitarian outcomes—is at the center of some of the most heated contemporary debates about intervention.

Although the humanitarian rationale for the use of force has developed rapidly and gained legitimacy, the consensus around this legitimacy—particularly through the rationale’s modern incarnation, the principle of the “responsibility to protect” (R2P)—has remained both narrow and fragile. Regardless of its ultimate purpose, the use of military force always carries the potential for further death, destruction, and social and political instability. It also stands in tension with important normative and legal principles that underpin international society: namely, sovereign equality, territorial integrity, and self-determination. As a result, the principle of “last resort” has been, and will continue to be, central to efforts to forge a consensus around the legitimacy of international intervention.

This is especially so in the wake of NATO’s 2011 military action in Libya, which many countries in the global south and elsewhere viewed as an illegitimate extension of the mandate of civilian protection to the more contested objective of overthrowing the regime of Muammar el-Qaddafi. The backlash against that intervention, combined with growing assertiveness on the part of so-called rising powers that are suspicious of the West’s liberal agenda, is likely to circumscribe both the application and the implementation of R2P in the decade ahead.

THE SOCIETY OF HUMANKIND

While the word “intervention” existed in the English and French languages from at least the fif-
teenth century, it only came to refer to a coercive act (by one state or group of states, against another state) in the middle of nineteenth century, when John Stuart Mill wrote his famous essay on nonintervention. But even if the term is relatively new, the practice of what came to be called intervention, and particularly the practice of humanitarian intervention, has a much longer history. In the period following the 1648 Peace of Westphalia, princes and states deployed armed force against other princes and states without consent from the target, and their justification for doing so was the appalling behavior of foreign sovereigns. Contrary to what some have argued, then, humanitarian intervention is not peculiar to the nineteenth, twentieth, and twenty-first centuries. It is evident also in previous efforts of princes and states to respond to behavior perceived to have transgressed the standards of what Alberico Gentili (1552-1608), one of the founders of international law, called the “society of humankind.”

The humanitarian rationales for intervention advanced in previous centuries varied a great deal. They ranged from the need to rescue fellow humans from egregious harm, such as cannibalism and human sacrifice, or from vicious oppression by a tyrannical ruler, to the imperative to stop massacres committed against members of ethnic or religious groups. However, given the strength of the countervailing nonintervention norm (and its protection of diverse and autonomous political communities), intervening princes and states were more likely to seek to change the target’s policy or behavior, rather than to change the regime itself. This was particularly true in the early modern period, when princes viewed their fellow sovereigns as divinely ordained, and were therefore reluctant to bring about their forcible removal.

With the rise of positive international law in the late eighteenth and nineteenth centuries, the mutual respect for sovereignty and territorial integrity became more formally enshrined. Even if in practice states continued to use force for humanitarian purposes (either to rescue their own citizens in other states, or to save suffering minorities), international lawyers avoided codifying a legal permission to do so. This stance hardened even further with the 1945 signing of the UN Charter, a document whose primary purpose, given the experience of the Second World War, was to delegitimize war or intervention outside the specific context of self-defense and to transfer authorization for any use of force to the Security Council. Article 2(7)

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Nevertheless, though the Charter does not explicitly give states permission to use military force in response to a humanitarian crisis occurring inside a UN member state, its framers were not immune to human rights considerations, given the recent experience of the Holocaust. Strong human rights commitments enshrined in the preamble and Article 1(3) and Article 55 provided some space for later arguments in favor of interventions on humanitarian grounds. These openings were accompanied by developments in international humanitarian law—most notably the 1948 Convention on the Prevention and Punishment of the Crime of Genocide—which suggested that in some cases, where egregious crimes are committed, the general prohibition on the use of force might permit exceptions.

THE SECURITY COUNCIL EVOLVES

But perhaps the provisions of the Charter most relevant to our discussion here are Articles 39 to 42, which elaborate the discretionary powers given to the Security Council both to define what constitutes a threat to peace and security and to recommend action to counter such a threat. For much of the cold war, members of the Council pursued a restrictive interpretation of those powers; threats to the peace were largely confined to instances of interstate war. Similarly, the confluence of interests that bound both powerful and weak states to the norm of nonintervention ensured that any attempts to claim the right to intervene on humanitarian grounds were swiftly rejected.

Beginning in 1991, however, with an effort to protect Kurds in northern Iraq at the end of the first Gulf War, the Council showed an increased willingness and capacity to address violations of international humanitarian law and to manage an expanded range of threats to peace and security. This more expansive reading of the Council’s powers generated a series of missions designed to ameliorate the plight of civilians caught up in armed conflict. It also facilitated action in more exceptional cases, such as Somalia (1992) and Haiti (1994), where massive violations of human rights were themselves deemed to constitute threats to international peace and security.

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The circumstances in which the Council authorized action varied greatly (including civil war,
the collapse of state institutions, and state-led oppression), as did the degree of success in achieving beneficial humanitarian outcomes through military action. But after two decades in which the humanitarian rationale featured regularly in Council debates about the use of force—culminating in the landmark decisions in 2011 to impose a no-fly zone over Libya and to “use all necessary means” to protect civilians in Ivory Coast—it is now more difficult to insist that individuals suffering inside the boundaries of member states is not a legitimate subject of international concern.

**Norm Entrepreneurs**

Running alongside this evolution in Council practice was a more deliberate attempt by so-called norm entrepreneurs, spearheaded by then-UN Secretary General Kofi Annan, to mobilize support for a new, more conditional interpretation of sovereignty and, by implication, greater legitimacy for coercive international action to protect individuals from gross and systematic violations of their human rights. The broad backdrop for their efforts was a seemingly more permissive environment for intervention that resulted from a variety of parallel developments. These included: the strengthening of human rights norms and proliferation of human rights organizations; global and instantaneous access to information and images of crises; the weakening (or complete collapse) of state structures in many conflict-ridden societies, which left civilians more vulnerable; and the increasing impact of refugee flows on neighboring societies.

Norm entrepreneurship was also aided by two pivotal cases from the 1990s that affected the reigning climate of opinion regarding humanitarian intervention. On the one hand, the international community’s late and wholly inadequate response to the genocide in Rwanda in 1994 led to calls of “never again” in the face of such large-scale atrocities. On the other hand, the 1999 NATO bombing of Serbia, designed to prevent ethnic cleansing in Kosovo, occurred without Security Council authorization and created damaging divisions within the international community about the conditions under which force should be used for humanitarian objectives.

Annan sought to avoid repeating both of these scenarios by urging member states to rethink their rights and responsibilities in a world in which interpretation of the Charter had evolved to focus on the protection of individual human beings, instead of the sovereign states that might abuse them. The Canadian-sponsored International Commission on Intervention and State Sovereignty (ICISS) responded to Annan’s challenge with an influential 2001 report, *The Responsibility to Protect*. ICISS’s key contribution was to transform the previous discourse about the rights of interveners into a victim-centered dialogue about the responsibilities of both individual states to protect their populations from mass violations of their rights, and the international community to fill the gap when states failed to protect.

Underpinning the commissioners’ recommendations was the assumption that the rights and privileges associated with sovereign statehood (such as nonintervention) had become conditional on the willingness and capacity of the state to provide for the safety and well-being of individuals within its territory. If sovereignty and responsibility were indeed intertwined, then intervention would be permissible—and could even be seen as an ally of sovereignty—if it were aimed at protecting civilians from atrocities and embedding the ethic of protection in reconstituted state institutions.

For better or worse, global bodies such as the United Nations remain at the center of efforts to make R2P a reality.

In another crucial move, the ICISS report drew important distinctions between the broad principle of R2P and the narrower and contested practice of humanitarian intervention. The former can encompass a wide range of responses to humanitarian crises, including negotiation, sanctions, or other nonmilitary tools. It also involves a broad array of actors (states, international organizations, and nongovernmental groups), not just those with the capacity to use military force. Finally, while humanitarian intervention is primarily reactive, the responsibility to protect civilian populations places strong emphasis on the prevention of crises before they arise, as well as an imperative to rebuild societies after conflicts.

The early reception of R2P was mixed. To begin, the notion was articulated in the autumn of 2001, hardly an ideal moment for discussing anything beyond international terrorism. The subsequent war against Iraq in 2003—which eventually used humanitarian justifications after the original case for intervention, based on weapons of mass de-
though under the Charter it technically had the power to do so.

Despite the continuing debate over R2P, heads of state and government endorsed a version of the principle at the 2005 anniversary summit of the United Nations. Article 138 of the Summit Outcome Document acknowledges the responsibility of individual sovereign states to protect their own populations from four mass atrocity crimes (genocide, crimes against humanity, war crimes, and ethnic cleansing), and to prevent both their commission and incitement. The subsequent paragraph, Article 139, endows the international community (working through the UN) with the remedial power to take collective action, “on a case-by-case basis,” using diplomatic, humanitarian, and—if necessary—forceful means in situations where national authorities “are manifestly failing to protect their populations” from such crimes. This paragraph also affirms the commitment of the international community to assist states in building the capacity to protect their populations, and to act before crises fully develop.

MORE PRECISION

In many respects, the Summit Outcome Document resolved the lingering questions about trigger, source, and agency. States agreed to limit the scope of R2P to four specific crimes, thereby providing greater precision to the previous ICSS idea of “large scale loss of life.” The crimes identified in Articles 138 and 139 were similar to those codified in both the 1998 Rome Statute of the International Criminal Court and the 2001 Constitutive Act of the African Union, and therefore reflected a reasonably robust consensus on the kind of exceptional circumstances that R2P was designed to address. As a result, when then-French Foreign Minister Bernard Kouchner tried to claim that the Burmese government’s slow provision of humanitarian assistance after Cyclone Nargis (2008) constituted a “crime against humanity,” a number of states (most notably China) insisted that R2P was not applicable to natural disasters. This view was shared by many of R2P’s most ardent supporters and by high-level UN officials, who were concerned about undermining the fragile consensus that had been achieved in 2005.

Second, the Outcome Document is a statement of political commitment, issued by heads of state and government. On the one hand, this means the source of R2P’s authority is the express consent of states, and is therefore more specific than
the general references to “common humanity” set out in the ICISI report. On the other, it means that R2P creates no new legal obligations on the part of states to respond to mass atrocities (whether occurring or imminent). Instead, as the text of Article 139 makes clear, the coercive aspect of R2P is embedded in existing collective security mechanisms, set out in the UN Charter. This result was welcomed by many developing countries, which feared that additional legal responsibilities could erode sovereignty and permit excessive intervention, but also by the United States, which under the leadership of George W. Bush was uneasy about creating any new legal obligations that might reduce America’s sovereign right to decide on the use of force.

Third, the agent or bearer of the international responsibility to protect seems more precise. Article 139 speaks of the responsibility of the international community, working through the UN, to protect populations from the four R2P crimes. And when the exercise of that responsibility involves the use of military force, the Outcome Document further specifies the Security Council as the key agent of implementation, in full accordance with the Charter. This strong articulation of a “UN responsibility to protect” was largely designed to alleviate fears that powerful states would intervene unilaterally under the banner of R2P. In short, there were to be “no more Kosovos” and “no more Iraqs.”

LINGERING QUESTIONS

Although many praised the 2005 document as a historic breakthrough for R2P, the debate over the norm’s status and trajectory remains heated. Despite its being widely and frequently endorsed by a variety of actors (both governmental and nongovernmental), there is an aversion in parts of the international community to its implementation. This is true even within the UN itself, where in some corners there is concern that association with the R2P label—because of its link to coercive means—could undermine the cooperative relationships with states on which various UN agencies rely in order to do their work.

There is also continuing ambiguity over when the principle applies, who can authorize its implementation, and how a protection mandate should be carried out, all of which creates challenges for implementation.

WHEN DOES R2P APPLY?

To understand the nature and range of the ambiguity regarding applicability, it is helpful to unpack the three-pillar conceptualization of R2P presented to the General Assembly by Secretary General Ban Ki moon in his 2009 report, Implementing the Responsibility to Protect. Pillar One, drawing on pre-existing legal obligations, is the responsibility of individual states to protect their own populations (whether nationals or not) from the four crimes specified in the Summit Outcome Document. Pillar Two calls on the international community, acting through the UN system and partner organizations, to help states fulfill these responsibilities (for example, by helping states to build capacity for the prevention of these crimes). Finally, following the logic of Article 139, Pillar Three specifies that if a state is manifestly failing to protect its population, UN member states have a residual responsibility to respond collectively, and decisively, using the full range of political, economic, and military tools.

Seen through this framework, R2P is what I would call a “complex norm.” It contains more than one prescription and involves both consensual and coercive means. This formulation makes the implementation of R2P particularly difficult, given that states can argue about whether certain pillars should have greater emphasis (despite the Secretary General’s claim that they are all equally important) and about when the Third Pillar applies (that is, when a national government can be said to have “manifestly failed” to protect its population). This is precisely what happened in the case of Darfur, in 2004–06, in response to attacks by militias against civilians. At the time, states that opposed sanctions against the Sudanese government maintained that Khartoum had to be given sufficient time to live up to its protection responsibilities before the international community instituted coercive measures.

Efforts to narrow R2P or frame it in terms of criminal law have not solved the question of when the principle applies. States can still disagree over whether one or more of the four R2P crimes are being committed (or are imminent) and whether the alleged victims are really “innocent.” This
kind of debate has been on vivid display in the case of Syria, where the government claims it is fighting foreign-inspired “terrorists” and defends its attacks on civilian-populated areas as militarily necessary. It was also evident during the spring of 2009, at the height of the Sri Lankan government’s military assault against the Tamil Tigers, when advocates of R2P argued over whether the approximately 150,000 civilians caught up in the fighting in a jungle area near Mullaitivu were being subjected to mass atrocity crimes. While some called for a cease-fire and the imposition of sanctions on Sri Lanka, others pointed to the nature and track record of the Tamil Tigers and invoked the larger post-9/11 project of counterterrorism.

This kind of disagreement is exacerbated by the fact that it is frequently the Security Council—a political rather than legal body—that is tasked with making assessments about the nature or likelihood of mass atrocity crimes in particular situations. In order to do so, it often relies on fact-finding missions or commissions of inquiry. However, these bodies cannot always deliver definitive or timely assessments that enable the Council to respond decisively to escalating crises. As a result, it will usually be the case, as it was in Libya in March 2011, that diplomats must pass judgment on the necessity and legitimacy of action to forestall mass atrocities without firm knowledge that crimes are being (or will be) committed. Opponents of the intervention have claimed retrospectively that Qaddafi had neither the intention nor the capability to inflict violence on the people of Benghazi, while supporters maintain that the Libyan leader’s statements, combined with his track record, meant that they had to act preventively to avert a bloodbath.

WHO SHOULD DECIDE?

This discussion of the Security Council leads to a second question: What constitutes “proper authority” for international intervention? Are the UN, regional international organizations, the affected populations themselves, or the leaders of powerful countries the most appropriate agents for deciding whether and how to intervene? Given the edict to avoid unilateralism, it was clear from the beginning of the Libyan crisis that Western countries, particularly the United Kingdom and the United States, would not countenance action without a mandate from the Security Council. This need for Council authorization was repeatedly stressed by NATO Secretary General Anders Fogh Rasmussen, right up until the passage of Resolution 1973 (a marked change from the 1999 experience in Kosovo).

But two problems flow from this interpretation of “proper authority.” First, the Security Council’s legitimacy is itself a subject of ongoing contestation. Its deliberations lack transparency, and its structure both underrepresents key constituencies in international society and formalizes a privileged position for the Permanent Five. While these deficiencies have to be weighed against the Council’s effectiveness (as a smaller and presumably more “nimble” decision-making body), its makeup and practices are seen by many as falling short of the levels of legitimacy needed to make crucial decisions about peace and security on behalf of the international community. These criticisms grow louder when, as in cases like Darfur or Syria, the Council is unable to agree on action in a timely and decisive fashion, which is what the Outcome Document demands.

Added to these issues is the absence in the Charter of any robust means for holding the Council to account; if it acts irresponsibly, in either what it does or what it fails to do, there is very little by way of consequences—other than the slow erosion of its stature. In this regard, it is notable that in August 2012, following a third veto by China and Russia of draft resolutions on Syria, the UN General Assembly passed a resolution deploiring the Council’s failure to fulfill the role the Charter had intended for it.

The second problem is that the Council’s role in authorizing actions designed to exercise the international responsibility to protect does not extend to actually fulfilling such responsibilities. This is especially true for actions involving military force. Without its own standing army, the Council must delegate the responsibility to protect to an operational body—in the case of Libya, a coalition led by NATO. But this arrangement, without clear procedures for reporting and oversight, leaves the Council with little control over how the protection mandate is carried out. During the air campaign in Libya, Russian, South African, and Indian representatives on the Council protested against what they viewed as an illegitimate extension of the original mandate of civilian protection, as NATO
began to strike at fleeing Libyan forces that posed no risk to civilians and at properties containing members of the Qaddafi family.

The protesting states later claimed that Western countries intended on achieving the final objective of regime change had misappropriated the Council's authority and stamp of legitimacy. As a result, following a recent initiative of the Brazilian government, calls have arisen within the UN to ensure that Council mandates for civilian protection missions include sunset clauses (that expire to allow for renegotiation), limitations on the kind of force that can be used, and stronger requirements for regular briefings to Council members.

HOW CAN WE PROTECT RESPONSIBLY?
The concern over regime change leads to a final set of questions. Must protection involve the use of military force, or can other coercive tools, such as sanctions, arms embargos, or threats of prosecution, serve to forestall atrocities? And if a case can be made that intervention is warranted, what kind of military action and what level of force are justified? Can human rights be protected solely through high-altitude air strikes (as in the cases of Kosovo or Libya), or does just intervention require the deployment of ground troops in combat, at greater risk to the intervener, in order to minimize casualties among the local population? While the contemporary debate about humanitarian intervention is partly inspired by the guilt associated with inaction in Rwanda, it is also profoundly shaped by the devastating consequences of interventions that have spawned new cycles of violence and fostered new sources of instability.

The Brazilian initiative mentioned above, Responsibility While Protecting, responds to this context by trying to clarify both the conditions under which force can be used for humanitarian purposes and the standards that must be met by those who use force in the name of the international community. With respect to the first issue, the proposal calls for the exhaustion of all peaceful means before force is employed. Regarding the second, Brazil appeals to the medical notion of “do no harm,” arguing that those who implement R2P through forceful means must avoid making the cure worse than the disease. In practice, however, there are difficulties in honoring both principles.

THE IMPERATIVE TO ACT
First, while peaceful means should be explored, and are preferred, they cannot always be literally exhausted. The nonmilitary tools for preventing and responding to mass atrocities are still relatively limited, and require investments by both national governments and international organizations to enhance their effectiveness. In the meantime, the imperative to act in a timely and decisive fashion, to avert large-scale loss of life, will require political and moral judgment as to when military means are the most appropriate instrument. At the very least, it may be necessary to threaten such means when employing other tools, in order to create the belief that consequences will flow from noncooperative behavior. Furthermore, if the objective is to respond to or prevent crimes, there are inherent limits on the parameters of negotiation and what kinds of “side deals” can be promised. Indeed, the UN has constrained itself by adopting guidelines for negotiations which stipulate that amnesties cannot be offered in situations where mass atrocities are occurring or imminent.

Second, it is impossible to employ military force without some civilian casualties. This reality, and the highly visible destruction that comes with intervention, effectively means that military action with a humanitarian purpose will never fully meet the test of preventing harm—and will therefore, in the eyes of some, constitute a contradiction in terms. What international actors can do is strive to fully comply with international humanitarian law, by ensuring that civilian deaths are accidental and unintended and by avoiding rules of engagement that place the safety of intervening forces ahead of the safety of local civilians. In addition, accountability demands that intervening forces do more to actually track and record civilian deaths and to compensate, where possible, those in the local population whose family members have been killed or whose property and livelihoods have been destroyed.

Finally, there is what the University of Ottawa's Roland Paris calls the "counterfactual problem." When military intervention is proposed to forestall atrocities or the further escalation of violence against civilians, it is extremely difficult to construct compelling counterfactual arguments about the harm that would occur without intervention. Situations involving mass atrocities will always require probability assessments, about both the likelihood that atrocities will be perpetrated and the effectiveness of military action to prevent such atrocities. And these assessments will always be open to contestation and counterargument. But this does not negate the need for international ac-
tors to establish more effective and authoritative mechanisms for analyzing “at risk situations” and methodically calculating the effects of action or inaction. It is no longer enough for interveners to ask other members of the international community to “trust” their intentions and their capacities; too much is at stake.

**Responsibility and Reality**

The 2011 military action against Libya sparked a debate about the role of regional organizations as both legitimators and operational agents for the implementation of R2P. Analysts pointed to the fact that the Security Council’s agreement to pass Resolution 1973 (which authorized the use of force) was contingent on explicit calls for action by the Arab League; without the League’s request, and the participation of key Arab states in the military campaign, military action would have been viewed as an illegitimate intervention akin to other Western-led forays into the Middle East. But while regional actors can sometimes be significant players, given their proximity to a crisis and their knowledge of regional and local dynamics, they cannot be, as some have suggested, the “gatekeepers” for global action. After all, the responsibility to protect remains the responsibility of the entire international community.

Furthermore, particular interests on the part of regional hegemons may undermine the legitimacy of their contribution in practice, by raising concerns about the designs they may have with respect to their neighbor in crisis. Moreover, the capacities and resources of regional organizations have been found wanting in many instances, whether we consider the African-led monitoring and peacekeeping mission to Darfur (which was eventually replaced in 2007 by a joint AU-UN force) or the meager Arab League observer mission sent to Syria in early 2012 (which was eventually replaced by the UN Supervision Mission in Syria).

For better or worse, global bodies such as the United Nations remain at the center of efforts to make R2P a reality. States believe that the broad-based nature of multilateral organizations like the UN offer greater assurances that decisions will reflect the interests of the world community, rather than the strategic or ideological objectives of one dominant player. Such organizations also offer the promise of greater effectiveness, since they bring the resources of the most powerful to bear. In practice, of course, these promises are not always met, and we witness “selective intervention.”

Does the reality of uncertain effectiveness and selective intervention—brought to the fore in the current crisis in Syria—doom R2P to failure? Not necessarily. Ultimately, the strength of the principle is best measured by the degree to which notions of protection are invoked by international actors during times of real or imminent crisis. But exactly what type of action follows from its invocation will depend on a host of factors, including hard-headed calculations about whether force can accomplish the goal of protection. In some situations, such as Libya in 2011, military action will be deemed both possible and legitimate; in other instances, such as in Kenya following its post-election violence in 2008, targeted sanctions and mediation will be deemed more appropriate. Not everyone will like this inconsistency. Indeed, some will be intensely suspicious of what lies behind it. But as long as R2P remains a political and moral responsibility, and not a legal obligation, this is the best that we can hope for.
“We have learned time and again in history that arming opposition forces, while improving their chances in the near term, can militarize and divide a society in ways detrimental to its recovery.”

Prudence Suggests Staying Out of Syria

DAVID W. LESCH

Pressure continues to build for outside military intervention, preferably led by the United States, in support of Syrian rebels fighting the regime of Bashar al-Assad. To date, the conflict appears to have settled into a protracted civil war, with neither side having the military ability to land a knockout punch. On paper, an asymmetry of power would seem to favor the Syrian government—but the uprising has become widespread, and opposition forces for months have been receiving funding, as well as small-scale military tactical support, from outside sources, particularly Saudi Arabia, Qatar, and Turkey. The result is a virtual stalemate.

This calculus could change, however, if outside support for the opposition increases substantially—as it did in Libya in 2011, when the United States, its NATO allies, and the Arab League to varying degrees inserted themselves in the military mix in support of the forces arrayed against Muammar el-Qaddafi’s regime. The outside aid helped turn the tide against the Libyan dictator and led to his overthrow.

Although military contingency plans for intervention in Syria were drawn up in Western capitals in early 2012, and many officials and analysts in those capitals called for a more robust international effort to assist the opposition, there appears to be little appetite in the West (or capability in the Arab world) for actually implementing such plans. As The New York Times President Barack Obama stated on March 7, 2012, “For us to take military action unilaterally as some have suggested, or to think that somehow there is some simple solution, I think is a mistake.”

Obama, as with his approach toward Iran, does not want the United States to get whipped up into a frenzy of outrage over Syria in a way that might lead to precipitous military intervention more convulsive than well-considered. Few in the West, certainly in the United States, want to engage in actions that could escalate into another major military operation in the Middle East just when US troops have withdrawn from Iraq and are drawing down in Afghanistan. The American economy is slowly recovering and does not need another jolt of war expenditures.

And 2012 is a presidential election year. No sitting administration would want to initiate military intervention if it didn’t have to, especially when the war drums appear to be even louder regarding whether to support an Israeli attack against Iran in order to degrade or eliminate that country’s alleged capacity to develop nuclear weapons. Furthermore, polls in the United States have shown a consistent, clear majority against military intervention in Syria.

SYRIA ISN’T LIBYA

One of the main arguments against intervention is that Syria is not Libya. Attempting to apply what was perceived to be a successful NATO and Arab League strategy in Libya to the situation in Syria is comparing apples to oranges. First off, the Libyan National Transitional Council (NTC), while not a paragon of unity—as the post-Qaddafi environment in Libya has shown—was unified in purpose if not in rank. As US officials repeatedly emphasize when comparing the situation to Syria, the NTC had an address; the myriad Syrian opposition groups do not.

The NTC also had Benghazi—that is, territory, especially a major port city—under its control. The Libyan rebels thus could be resupplied more easily. The Libyan conflict, moreover, had something close to clearly defined battlefronts, which also facilitated resupply and targeting.
In Syria, the rebellion is spread over the entire country and is fought in densely populated cities where it is very difficult to figure out who’s who. Another consideration is that even with NATO and Arab League military support, it took over seven months to defeat Qaddafi’s forces.

Benghazi and other coastal areas under rebel control acted as safe havens for those fleeing from Qaddafi’s forces, and they provided organizational cover for the NTC to form and at least give the appearance of a home-grown opposition government that could take over once the regime was overthrown. All of this made regional and international support for the Libyan rebellion that much easier, because there seemed to be a reasonable chance of a stable post-Qaddafi political system since a rudimentary form of it was already identifiable.

This has not been the case in Syria, at least so far. There has been talk of creating a safe haven or *cordon sanitaire* of sorts, but nothing has materialized because of the logistical difficulties of doing so and lack of diplomatic support. Indeed, the cities that initially were the most-discussed candidates for establishing a “Benghazi” in Syria, in particular Homs or Hama, are completely landlocked and located along the fault line of the north-south axis of the country. The popular choice now for the location of a safe haven is adjacent to the Turkish border north of Aleppo. But this also would present logistical difficulties, in addition to exacerbating already tense and deteriorating Syrian-Turkish relations.

In any event, as most military planners have readily pointed out, establishing any such haven would also require establishing a no-fly zone, like the one NATO created in Libya. However, Syrian anti-aircraft defenses are significantly better than Libya’s. U.S. intelligence officials describe the Syrian regime’s air defense system as “massive” and “very dense.” It includes thousands of Russian-supplied sophisticated surface-to-air missiles, anti-aircraft artillery, and advanced radar with digital gear that is more difficult for American aircraft to jam.

Taking out Syria’s air defense capability would be difficult and dangerous, and it would probably result in significant collateral damage, since many of the air defense missile batteries are located in and around densely populated cities. Overall, the Syrian military is simply stouter and more numerous than Libya’s forces, and much more effort in general would be required to defeat it.

**INCALCULABLE CONSEQUENCES**

Intervention, moreover, could result in unpredictable consequences. The regime in its last spasms might unleash a conventional or chemical weapons attack against its neighbors, including Israel; this likely would ignite a regional conflagration. The government could also lose all constraints on action and employ chemical weapons against its own populace—and outside military forces—resulting in incalculable death and destruction. The threat of outside intervention has been one of the primary inhibiting factors against the Syrian regime’s use of weapons of mass destruction. If the West intervenes militarily, the regime would figure it has nothing to lose and the gloves would come off.

The topography and geography of Syria are different from Libya’s—and significantly more difficult from a military planner’s point of view. Most of the fighting in Libya occurred near the coast, on plains largely devoid of the mountains, valleys, hills, and rivers that shape the most populated areas of Syria. Most of the areas targeted by NATO were within easy reach of NATO air bases in Italy, and it still took some 21,000 missions over six months to establish and enforce the no-fly zone, suppress Libya’s much less daunting air defenses, and destroy command and control centers.

Syria has both friendly and not-so-friendly neighbors. The not-so-friendly ones (Turkey and Jordan) could act as forward bases for establishing a safe haven. The friendly ones (Iraq and Lebanon), on the other hand, offer Syria some strategic depth and areas to pre-position supplies and troops out of the way of enemy air power. In any case, Turkey and Jordan would both face practical and political problems in acting as forward staging areas. Both countries could be flooded more than they already are with Syrian refugees. In addition, the appearance of foreign troops on Turkish and/or Jordanian soil could provoke a domestic backlash.

And for Turkey, the Kurdish issue is a complicating factor. Kurds in Turkey have grown restive as a result of deteriorating Syrian-Turkish rela-
tions and because the Assad government entered into a modus vivendi with its own Kurkish population in northeastern Syria, delivering more autonomy in return for the Kurds' staying largely on the sidelines of the rebellion.

So neither Jordan nor Turkey would likely even consider acting as a forward base without a strong international consensus and guaranteed success, both of which do not exist at the time of this writing, especially as the Syrian military remains cohesive relative to Qaddafi's forces.

It is also important that the international community generally believed Qaddafi to be at the very least eccentric—with most going further, describing him as deranged. Assad, on the other hand, is generally not thought of in this manner. Even though the Libyan leader had improved his relationship with Washington during President George W. Bush's time in office, Qaddafi's personality perhaps made the decision to actively support his overthrow an easier one to make.

**Diplomatic Complications**

Maybe most important, the rebellion in Syria began and escalated after the one in Libya began and escalated, and after it attracted outside military intervention. Had the Syrian uprising and concomitant government crackdown occurred before the Libyan revolt, perhaps the international community would have been able to assert itself in support of the Syria opposition with less diplomatic complication. There would have been no Libyan precedent, in which the Russians or the Chinese felt duped by United Nations Security Council measures, causing both countries to use their Security Council vetoes repeatedly to prevent a Libyan solution from being applied to Syria.

In addition, the Syrian uprising has lasted long enough to reveal some of the serious post-Qaddafi problems in Libya, including militias unwilling to disarm, intense tribal differences that undermine the ability of the transitional government to govern, continuing atrocities, and a lack of basic services. The killing in September 2012 of the US ambassador to Libya underscores the obstacles that still face the new Libyan government.

We have learned time and again in history that arming opposition forces, while improving their chances in the near term, can militarize and divide a society in ways detrimental to its recovery. Should the fall of Assad occur via military means, in the aftermath it will be next to impossible to get the guns back.

The Syrian uprising has also lasted long enough that we have witnessed the rise of Islamist groups and parties in the aftermath of the revolutions in Tunisia, Egypt, Libya, and Yemen, and this too has given pause to many in the West.

**Machiavellian Considerations**

I have no doubt that some in Western capitals are thinking in Machiavellian terms in a way they dared not early in the Arab Spring. They may be quietly hoping Assad does indeed subdue the revolt—and in a way that is a slow drip rather than the mass extermination that occurred in Hama in 1982, thus not morally compelling the international community to act—just so they do not have to face the difficult decision of whether or not to militarily intervene.

This outcome, in addition, would provide one less opportunity for Islamists to come to power in a strategic part of the Middle East. It would then be much easier to isolate and contain Syria without any more diplomatic or popular pressure to engage in military action. Syria eventually would recede from the front pages of newspapers.

However, the mass killings by Syrian government troops, which continue today, are the type of events that could provoke the moral outrage to fuel a more robust international response. By sanctioning and/or casting a blind eye toward paramilitary groups that support the regime (the so-called shabiha especially) for short term advantage, the government may have unleashed forces over which it has lost control, thus increasing the chance for a level of atrocity that would compel the international community to act more assertively.

There is also the question of what the collapse of the Syrian regime would mean for Syria itself. Would the country implode, especially given the relative dearth of institutions or civil society that could help pick up the pieces? Would there not be vendettas, open antagonisms, and possibly all-out sectarian warfare a la Iraq or Afghanistan? Might Syria's implosion lead to the doomsday scenario of regional instability and war? And would the international community be committed to rebuilding the country if foreign powers contributed to its destruction with military might?

With neither the United States nor Europe in the political, diplomatic, or economic mood to pursue nation-building, why undertake action that might precipitate the consequences which they desperately want to avoid? Perhaps the
Saudi and Qatari's would pay the lion's share, but Western governments are wary of the type of government (probably Islamist) that Riyadh and Doha would countenance. Concerns already have arisen regarding those countries' roles in promoting Islamists in Libya, Tunisia, Egypt, and elsewhere in the wake of the Arab Spring.

To be sure, as the uprising has continued for a second year, and as the opposition has carved out small areas, usually city districts, under its control, there have by necessity emerged municipal councils organized by Local Coordinating Committees to provide services and leadership that the government provided in these areas before it was expelled. For instance, the Homs Revolutionary Council has established a clandestine network of mobile hospitals and an elected committee structure to deal with security and armed operations, media, planning and carrying out protests, and humanitarian and legal needs. If these sorts of structures continue to develop as the conflict persists, perhaps Syria will not disintegrate or devolve into chaos in the wake of the regime's ouster, as many predict.

But will this only happen if the regime falls organically, that is, due to overthrow by indigenous forces? Or would outside military intervention, as happened with the US-led invasion of Iraq in 2003, destroy what little is left of the state, thus opening up a Pandora's box of sectarian strife and nationwide chaos?

**NO CONSENSUS**

Another difference between the Libyan situation and that of Syria is the relative lack of an international consensus regarding the latter. Libya was effectively isolated, with no significant international backing in terms of financial and military support. Syria, on the other hand, has received throughout the uprising significant diplomatic, financial, and military support from a number of countries, most importantly Iran and Russia.

Iran's support of the Assad regime has been somewhat expected and easier to explain. The two countries have maintained an important strategic alliance in the Middle East since the late 1970s. More to the point, as the Syrian crisis has become something of a proxy battleground in a regional cold war between Iran with its allies and Saudi Arabia with its allies, Tehran increasingly has seen Syria as a front line in the conflict. The fall of the Assad regime, with presumably a less pro-Iran government taking its place (though this is not assured by any means), would deliver a severe strategic blow to Tehran and its ability to influence events in the heartland of the Middle East, including the Arab-Israeli arena via its support of Hezbollah and Hamas.

Russian support for the Assad regime is a little more complicated, especially since Moscow abstained from the critical UN resolutions regarding Libya that facilitated NATO military action there. Russia has enjoyed a close relationship with Syria going back to the superpower cold war days of the Soviet Union, when Damascus was more often than not allied with and supported by Moscow. The relationship had economic, political, and military dimensions, which have continued under Hafez al-Assad's son Bashar.

Therefore, it is not surprising that the Kremlin backed the Syrian regime when the uprising broke out in March 2011, and that it continued to strongly support the government well into 2012. The long history of mutually supportive relations creates a certain amount of institutional inertia that keeps the relationship relatively close. There is bureaucratic momentum in both Moscow and Damascus, with officials in both capitals having vested interests in maintaining close ties. At a more practical level, Russia has significant commercial interests in Syria. In 2009, Russian companies' investments in Syria's tourism and energy sectors, as well as infrastructure projects, totaled some $19.4 billion.

And at a time when Russia's defense industry has lost billions of dollars worth of military contracts with Iran (due to sanctions) and Libya (due to the overthrow of Qaddafi, a steady customer), Syria provides an outlet for weapons sales: Over the past decade, it was Russia's seventh-largest buyer. The Syrian port city of Tartus, though relatively small, represents Moscow's last naval base in the Mediterranean. Russian technicians recently have upgraded facilities there, indicating Moscow's long-term intention to retain access to the port.

In the diplomatic arena, Syria's geostrategic centrality in the Middle East affords Moscow one of its few remaining areas of ingress into the region's affairs, after Russia lost much of its diplomatic leverage with the collapse of the Soviet Union.
Driven by its desire to regain some of its lost global status and carve out a more indispensable role in international affairs, Moscow has been on opposite sides of the United States and its Western allies in global organizations, such as the United Nations, more often than not in recent years.

Russian leaders felt duped by the UN Security Council resolution, passed in May 2011, that approved a no-fly zone to protect Libya's civilian population. Russia's abstention on the resolution allowed it to pass in the absence of a veto, and appeared to cause a rift between then-President Dmitri Medvedev, who supported the move, and then–Prime Minister Vladimir Putin, who wanted a veto. Moscow came to believe that what was intended as a protective measure to safeguard civilian lives in Libya was interpreted liberally by the United States, Britain, France and other interested parties as carte blanche to authorize a military intervention that proved critical to the Libyan rebels' overthrow of Qaddafi. As the Syrian situation devolved, therefore, Putin's position became more dominant in Russian policy making circles, and this led to a hardening of Moscow's stance in support of the Assad regime.

**MOSCOW'S OBJECTIONS**

Russian leaders do not want to see a repeat of Libya in Syria, and this is why they have been so sensitive to the specifics of the language in proposed UN resolutions condemning Damascus.

The Russians—and the Chinese—also do not want to see any UN resolutions that might authorize or lead to military intervention or economic sanctions based on human rights abuses, as has been consistently suggested in the case of Syria. Beijing and Moscow do not want to see precedents set that might possibly be used against them in the future.

Related to this, Moscow also perceives hypocrisy and double standards in the West's behavior regarding human rights abuses and repressive regimes. As Russians eagerly point out, Washington stayed largely quiet when the minority Sunni regime in Bahrain was violently putting down protests in the capital city of Manama while at the same time the White House was championing protest movements in Tunisia, Libya, and Egypt. As UCLA's Daniel Treisman has noted, "Russian policy makers have developed an allergy to Western leaders' moralizing."

The Kremlin does not want to see instability in the Middle East that could lead to a region-wide war and/or a shift in the balance of power that could have deleterious effects on Russia's position in the region and even in Russia itself. As the Carnegie Moscow Center's Dmitri Trenin has written, "The Russian government is openly conservative; it abhors revolutions. This, however, is more than a self-serving ideological stance. When the Kremlin looks at the Arab Awakening, they see democratization leading directly to Islamicization. Revolutions are bad enough, in the Kremlin's view, but attempts to interfere in other countries' civil wars can only make things worse." Moscow also sees the West's interest in removing Assad as intended more to weaken Syria's ally, Iran, than to help the Syrian people rid themselves of a tyrant. Moscow as a result has been consistent in supporting a largely Syrian solution to a Syrian problem.

In September 2012 Putin compared Western support for the Syrian rebels to US support for the Afghan mujahideen resisting Soviet occupation in the 1980s, pointing out that Washington "supported a rebel movement there and basically gave rise to Al Qaeda, which later backfired on the United States itself." While Syria and Afghanistan are obviously different in many important ways, the main point is that the United States must be careful about militarily intervening in a situation about which it has much less than a complete understanding, especially with regard to the makeup and nature of the opposition forces.

Precipitous action in Syria could bring short-term success in overthrowing the regime (though this is not guaranteed) but long-term negative repercussions, especially if further militarizing the situation on the ground leads to a costly occupation—costly in terms of life, expense, and the continued deterioration of America's political standing in the region. In addition, intervention could turn a domestic, increasingly sectarian, civil war into a regional—and maybe even an international-proxy—conflict, with US and Western forces on both sides. Western leaders and policy makers, even those tempted to consider intervention, are generally as aware of such dangers as the Russians are.

**FRACUTURED OPPOSITION**

An equally important obstacle to intervention is a lack of consensus within the Syrian opposition. The front opposing the Assad regime is anything but unified and coordinated. High-profile resignations have occurred, particularly in the Syrian National Council (SNC), which had been
the putative opposition body in international diplomatic circles. Vocal disputes have broken out between the SNC and the Free Syrian Army (FSA), the opposition armed forces, as well as between the SNC and the Local Coordinating Committees, the youth-led activists on the ground in Syria who are doing most of the fighting and dying. The Local Coordinating Committees have flexed their muscles in forcing changes among SNC leaders, who largely reside outside of Syria.

Indeed, the Syrian opposition contains a number of significant fault lines: not only between rebel leaders inside and outside of Syria, but also between more secular and more Islamist elements, and between those who are more militant versus those who still hold out hope for some sort of negotiated solution. Antagonisms and disputes, exacerbated by decades-long personal clashes, as well as by self-aggrandizing jockeying for positions of power in a post-Assad government, have been exploited by the Assad regime and have hardened under its crackdown, which has fed into sectarian fears and solidified sectarian loyalties.

And according to most reports, jihadists from other countries have entered this confusing array of opposition elements, particularly across the Iraqi border in a reversal of the flow that followed the US-led invasion of Iraq. Although their numbers are not significant and most Syrian rebels reject them, the jihadists have carved out a role for themselves, especially in carrying out suicide and other daring attacks against regime forces. They could also implant themselves more permanently if the conflict continues to intensify and the opposition continues to fragment. So concerned is the Obama administration about the SNC and the dominant position that the Syrian Muslim Brotherhood has acquired within it that the State Department appears to have turned away from the SNC and is searching for alternatives.

Given this complicated and uncertain situation in Syria, even if other factors all of a sudden made military intervention more politically, diplomatically, and economically feasible, the Obama administration or its successor would be ill-advised to enter into this maelstrom with anything beyond the measures the White House has already taken in the form of sanctions against the Assad regime and diplomatic, financial, and tactical support for the opposition. More than anything else, the United States and its allies need to help promote a representative Syrian opposition that develops an inclusive strategy for the future, but in this regard there is only so much Washington can do.

**DO NO HARM**

I have been traveling to Syria regularly for over a quarter-century. It is a beautiful country with wonderful people and an amazing history. I have friends on both sides of the conflict who have been killed and many more who have been displaced and seen their lives totally disrupted. The Syrian people deserve stability, prosperity, and freedom no less than anyone else. If I thought military intervention could bring about these things without causing more rather than less harm, death, and destruction, I would be all for it.

Unfortunately, there are too many unknown variables and unanswered questions, a heroic opposition that is nonetheless fractured, and delicate regional and international circumstances that could severely complicate and escalate the cost of military intervention. Neither Americans nor Syrians nor neighbors in the region should want Syria to become another Iraq or Afghanistan. Patience and prudence, combined with selective assistance where it is feasible, may seem more complicated than springing full bore into action, but in this case they represent, for the time being, the correct policy.
“China and Russia’s stance on Syria is a result of their convergent conceptions of sovereignty and humanitarian intervention, their compatible assessments of the nature of the conflict and of Western motives, and the lessons they learned from the Libyan uprising.”

Beijing and Moscow Balk at “Interference”

RAJAN MENON

Despite periodic prophesies of its atrophy, if not demise, and portrayals of it as an anachronism that hinders the management of complex transnational problems through “global governance,” the sovereign state remains peerless in international politics. Yet the project of armed humanitarian intervention—the use of force to stop mass killings within countries—has achieved a new prominence since the end of the cold war. The project has generated a spirited discussion regarding the proper balance between states’ sovereign rights and their accountability to outsiders, whether other states or international organizations, when they commit large-scale atrocities. China and Russia have been like-minded on this question—unsympathetic (at best) to humanitarian intervention and determined to prevent it from gaining a momentum that might erode states’ sovereignty.

The state as a political formation and sovereignty, its legal underpinning, are relative newcomers and can be traced back to the seventeenth century. That seems like a long time, but in the span of human history it amounts to a blip. While there have been many compromises, voluntary or not, that deviate from a textbook model of sovereignty, the principle remains a bedrock of international politics and law. And it underlies the (routine) claim of rulers that what occurs within the territories they administer—whether with popular consent or not—is an internal affair, not a matter for foreigners. The United Nations Charter, written to establish a universal consensus on rules for reducing the frequency of war, and various UN General Assembly resolutions stress sovereignty’s inviolability. Chapter 1 (i) of the Charter proclaims the “sovereign equality of all of [the UN’s] Members,” and Chapter 1 (vii) prohibits intervention “in matters which are essentially within the domestic jurisdiction of any state.” General Assembly Resolution 36/103, adopted on December 9, 1981, is more categorical. It denies states, singly or jointly, the rights “to intervene or interfere in any form or for any reason in the internal or external affairs of States,” to “overthrow or change the political system of another State,” or to promote instability within states “under whatever pretext.” This narrow conception of sovereignty informs Chinese and Russian critiques of armed humanitarian intervention, or even lesser punitive measures, such as sanctions.

THE HUMANITARIAN CHALLENGE

Advocates of humanitarian intervention have challenged the narrow conception. They contend that these same documents specify that the provisions enshrining sovereignty must not prejudice the Security Council’s right to address threats to peace and security under Chapter VII of the Charter, which allows measures such as sanctions and military force to preserve the peace. They contend that large-scale violence within states is among the conditions that threaten international peace. They maintain, moreover, that the references in UN documents to the impermissibility of intervention in states’ internal affairs must be interpreted in light of the UN’s larger purposes, which include protecting and promoting human rights. Sovereignty in this view is conditional, not limitless. It entails responsibilities to protect individuals’ rights and is not designed to protect the rights of states as an end in itself.

While this latter conceptualization of sovereignty—by scholars such as Florida State University’s...
Fernando Tesón—does have roots in the past, the energy and effectiveness with which it has been advanced, and its consequences for the theory and practice of humanitarian intervention, are a post–cold war phenomenon. Recall that when Tanzanian President Julius Nyerere sent troops to Uganda in 1979 to terminate the tyranny of his counterpart Idi Amin, when the Vietnamese government invaded Cambodia in 1978 to overthrow the murderous Khmer Rouge, and when Indira Gandhi dispatched the Indian army to East Pakistan in 1971 to stop the Pakistani military's offensive against Bengalis, none of them claimed the motive of protecting civilians. Instead, realizing that that case could not be made given extant understandings of international law, they defended their decisions on the grounds that the adversary threatened their country's security.

Their reasoning proved valid: The rest of the world did not applaud their interventions, even though they saved lives and ended gross abuses. The Indian and Vietnamese interventions in particular were widely denounced, notably by China and the United States, as transgressions of international law and sovereignty. One can point to humanitarian interventions, or campaigns defended on such grounds, in the past—consider the European powers' wars to protect the Ottoman Empire's Christian minorities. But there is no precedent for the vigor with which they have been proposed, and sometimes pursued, since the 1990s in such places as Haiti, Somalia, East Timor, Bosnia, Kosovo, Darfur, Libya, and Syria. And in each of these instances, China and Russia have sought to shape the deliberations and the actions so as to counter the trend.

The proposition that people have certain unalienable rights deriving from the basic fact of their personhood, changing norms about the minimal human rights standards that governments must meet; the effectiveness of social movements and media and nongovernmental organizations in propagating these expectations and in holding governments accountable; influential democratic countries' support for human rights (however inconsistent); and the increase in the number of democracies—these have all popularized the principle that governments that perpetrate atrocities should be subject to external military intervention and that the outside world is duty bound to act against mass killings.

Yet there is no universal agreement on who should rightfully exercise this custodial obligation. A stock answer is that the "international community" should, but this nebulous label has scant operational utility. A more concrete contention is that the responsibility rightly resides in the UN because it is the sole organization with near universal membership and the legitimacy to act for all states. But what if the UN is paralyzed because one or more of the Security Council's permanent members—the Charter assigns the Council responsibility for responding to breaches of the peace—casts a veto to block action against an abusive regime? One suggested solution is intervention by an alliance (such as NATO), a regional organization (say the African Union), or even a "coalition of the willing" or a "league of democracies."

Some, notably Duke University's Allen Buchanan, add that while such interventions do contravene treaty-based international law, they can create precedents that slowly reshape customary law, eventually yielding codified laws that enable humanitarian interventions. Others, a minority, propose that, in extremis, a single state with preponderant power and a self-conception as a guardian of universal human rights should intervene and that such action is morally defensible. There is now but one country that envisions itself in this role and that proponents of unilateralism have in mind: the United States. Unsurprisingly, the advocates of this idea have mostly been Americans; no less surprisingly, many other countries, particularly Russia and China, reject their remedy.

**As in Darfur, China and Russia insist the Syrian conflict is an internal matter that should be settled by Syrians.**

**THE RISE OF R2P**

The most prominent product of this debate on sovereignty is the "Responsibility to Protect" (R2P), first presented in a 2001 report by the International Commission on Intervention and State Sovereignty (ICISS), which the Canadian government convened in response to a call for an institutional framework for humanitarian action by then–UN Secretary General Kofi Annan. Annan, following the 1999 Kosovo crisis, told the General Assembly that a collective, UN-based response to mass atrocities must be devised in order to avoid the unpalatable choice between doing nothing and
letting states act on their own. R2P, doubtless to assuage states, affirms the legal validity and practical value of sovereignty.

R2P is not a formula for military intervention, but a plan of action that encompasses early warning, prevention, and post-conflict reconstruction, and that proposes the resort to war as a last-ditch response. Nevertheless, the last item constitutes its most controversial feature. R2P’s most notable contribution builds on the formulation—first advanced in the 1990s by the former Sudanese diplomat and UN official Francis Deng and the Brookings Institution’s Roberta Cohen—that while the state is principally and in the first instance responsible for preventing and stopping atrocities, when it does not or cannot do so, or is itself the culprit, that responsibility ascends to the international community. R2P proposes that the latter should act through the UN with the Security Council’s authorization; start with diplomacy; move to coercive but nonviolent means, such as sanctions, if diplomacy fails; and turn to UN-approved multilateral military action only as the last resort—and then only sparingly, assessing feasibility and the probability of success.

The ICSS team also offered guidelines for limiting the use of vetoes by the Council’s permanent members, and allowed that regional organizations or ad hoc coalitions could act on occasions when the Council was hamstrung. To its supporters, R2P’s ingenuity lies in combining respect for sovereignty with a practical plan to address gruesome events such as Rwanda’s genocide, while not conceding carte blanche to alliances, posses, or individual states. (The problem, of course, is that there are often occasions, such as Rwanda in 1994, Darfur after 2003, or Syria in 2011–12, when no state is prepared to intervene despite diplomacy’s evident failure.)

A more radical idea—advanced by Georgetown University’s David Luban—is that governments that lack the consent of those they govern therefore lack legitimacy. The corollary is that illegitimate governments’ claims to immunity from external intervention in their domestic affairs are inferior to those of legitimate states. Sovereignty’s primary purpose, in this view, is to protect a political community’s right to self-governance, not to provide governments limitless license and a guarantee against external intervention even if they kill their citizens with abandon. This account in effect distinguishes between two categories of states, legitimate and illegitimate, and, by weighing the moral standing of states against that of citizens, defends intervention by giving citizens’ rights priority. Because many UN member states would fail this test of legitimacy, proponents of this position do not believe that the UN, or a regional organization it deputizes, should necessarily and always be the rescuer of last resort. This is the basis for their defense of NATO’s 1999 intervention in Kosovo, which proceeded without the Security Council’s blessing.

HARDLY ENTHUSIASTIC

The foes of humanitarian intervention are a diverse lot: Some are realists, others libertarians or isolationists, still others Marxists of various stripes. The Russian and Chinese critique reflects the perspectives of some of these schools but is distinctive. It defends the narrow, legalistic conception of sovereignty and opposes redefinitions aimed at increasing states’ accountability to outsiders. It rejects the claim that some states are more legitimate than others. It challenges the premises of humanitarian intervention (and not only in its military manifestation). And it contests the claim that international law should evolve so as to become friendlier to intervention aimed at stopping atrocities. In short, Chinese and Russian leaders have no sympathy for the ideas of Buchanan, Luban, Tesón, and like-minded theorists.

As for R2P, despite their misgivings on these grounds, China and Russia have given it qualified, though hardly enthusiastic, approval. Both joined the General Assembly’s endorsement of it at the 2005 World Summit convened on the UN’s 60th anniversary. Although they were active in the jostling over the final formulation—and tried to weaken it—they were not the only states that wanted language that lacked teeth and a strong enforcement provision. The opposition to R2P had begun soon after the release of the ICSS report and included a large and diverse array of states.

The United States opposed any wording that would present the international community’s responsibility as primary or intervention as obligatory, and argued its case in the prelude to the summit. India, Egypt, and Algeria (among others) continued to attack R2P as a subversion of sovereignty aimed at legitimizing Western interventions, a concern that by then had been heightened by the US invasion of Iraq, no matter that that campaign contravened R2P’s primary postulates. China and Russia actually saw some merit in R2P inasmuch as it could be used to prevent, or failing that to con-
demur and delegitimize, interventions undertaken without UN Security Council approval, whether by NATO, an ad hoc US-led coalition, or solely by the United States. R2P could even be used to defend, however unconvincingly, their own military interventions, which is what Russia did after its 2008 war with Georgia.

China and Russia did not want to be seen as obdurate holdouts, particularly because, while many of R2P’s biggest boosters were Westerners, it had gained support in various developing countries, particularly in Africa, which had traditionally hewed to the narrow definition of sovereignty to discourage Western interventionism. (The African Union has embraced some of R2P’s principles.) So China and Russia, along with many developing countries belonging to the Group of 77 and the Non-Aligned Movement, registered their objections during the pre-summit diplomatic horse-trading in an effort to weaken R2P by narrowing the circumstances under which it could be applied. The foes of R2P understood that its proponents had already diluted the ICISS version in order to gain the General Assembly’s approval. They knew the proponents would settle for the summit’s approval of an even weaker variant rather than none at all. Thus the formulation embedded in the “Outcome Document” assigned the Security Council the right to authorize and oversee the implementation of actions adopted under R2P. This departure from the ICISS design was critical for China and Russia: As permanent members of the Council they could delay, weaken, and veto proposals for intervention, whether or not they called for military action.

The convergence on humanitarian intervention between China and Russia has had a wider consequence: It helped inaugurate and sustain the current phase of their relationship, which itself dates from 1992 and was forged by China and Russia’s shared apprehensions about a unipolar world characterized by the United States’ unparalleled preponderance. While Beijing and Moscow understood that myriad obstacles would prevent America from using its economic and military power to obtain preferred outcomes at will, both nevertheless worried that a single state that loomed so large might be tempted to reshape the politics of others, using humanitarian intervention as one pretext. This disconcerted Russia, which suffered a massive reduction in power after the Soviet Union’s collapse; it troubled China because, though it is a rising power, it is still far behind the United States in economic and military might. The Sino-Russian “strategic partnership”—that is what the parties call it—seeks to orchestrate a world with additional centers of power, which, in concert, could counterbalance Washington to a degree.

**FROM THE BALKANS TO DARFUR**

If the 2003 American invasion of Iraq was the most dramatic display of unipolarity’s consequences, the US-led interventions in Bosnia and Kosovo in the 1990s ran a close second. Both Balkan campaigns demonstrated to Beijing and Moscow the magnitude of America’s power and Washington’s willingness to use it to rearrange not only the political order of countries but also their borders. That the United States and its allies justified these interventions by invoking human rights and asserting a moral obligation to stop mass atrocities added an extra edge because it challenged the narrow conception of sovereignty favored by China and Russia. The Kosovo war was particularly objectionable because NATO—which for Beijing and Moscow meant the United States for all practical purposes—launched it by bypassing the Security Council once it was clear that Russian and Chinese opposition in that forum rendered infeasible a campaign sanctified by the UN. NATO’s Kosovo war demonstrated to China and Russia that their concern about unipolarity was neither abstract nor overwrought. That the Balkan interventions occurred as NATO was expanding into East-Central Europe and the former Soviet republics was a correlation that Russia found particularly problematic.

Moscow has long deemed the Balkans a special interest, citing proximity, historical legacy, cultural affinity, and strategic salience. Yet the interventions—first in Bosnia, then in Kosovo—proceeded despite Russia’s remonstrations. Moreover, Moscow had minimal influence over the timing and modality of the interventions, and was peripheral to both postwar political settlements, which were enforced at the outset mainly by NATO peacekeepers. While the Balkans lacked an equivalent historical and strategic significance for Beijing, China was nevertheless irked by its inability to avert Western military intervention or to substantially
shape its political aftermath. The accidental bombing of the Chinese embassy in Belgrade during the American air attacks conducted to push Serbian President Slobodan Milosevic toward a settlement (one that essentially ended Serbian control over Kosovo) was especially galling to the Chinese.

If China’s direct stake in the Balkans was minor relative to Russia’s, the reverse was true in Sudan’s western region of Darfur, where the Sudanese government reacted to an insurgency that began in 2003 by using military force and unleashing the paramilitary janjaweed. By 2005, the offensive had killed as many as 300,000 noncombatants and reduced even more to refugees, within Sudan and in neighboring Chad. The precise death toll remains disputed, but massive killings (along with rapes and pillaging) undoubtedly occurred and were publicized by Western human rights and relief organizations and reporters.

Once the debate reached the UN, the Chinese government, a major buyer of Sudan’s oil and a provider of economic aid and arms, maintained that Darfur’s violence was more complicated than Western accounts labeling it a genocide that might require humanitarian intervention. China insisted that the Sudanese government and its Darfuri opponents should settle the conflict through negotiations, a position shared by Russian authorities. An intervention à la R2P was a nonstarter at the outset: China and Russia would have vetoed it in the Security Council. Discussions did reach a point at which plans for peacekeepers (first from the African Union and then a combined AU/UN force) were on the agenda, but even then China’s backing gave Sudanese President Omar Hassan al-Bashir the leverage to limit the size and mandate of the force, to insist that it be primarily African, and to set the proportion of non-African soldiers in what later became an AU/UN force.

China and Russia did not veto resolutions calling for tougher action; they supported or abstained with reservations in most cases, while insisting throughout that the measures proposed be acceptable to Sudan. This was a more skillful tactic than depleting political capital by blocking resolutions, and it also conveyed to the wily Bashir that the big powers were divided and that he therefore had room to maneuver to weaken resolutions and delay their implementation. Moreover, Bashir soon realized that even the Security Council members who were toughest on Sudan wanted to avoid heavy lifting, let alone military intervention. Consequently, he parried such limited pressure as he faced and shrugged off condemnations and a 2008 indictment by the International Criminal Court, to which the Security Council had referred Darfur three years previously.

Ultimately, it was not China (or Russia) that blocked robust action on Darfur. Beijing did not have to veto resolutions proposing it. None was presented because none of the Western powers wanted any part of such a response. While the US government (eventually) labeled the killings a genocide and freely castigated Bashir’s regime and China’s support, neither Washington nor its allies wanted to intervene militarily, or even to provide airpower to help the initial AU troops enforce peace or the basic equipment that would have improved their mobility and intelligence gathering. Likewise, the later AU/UN contingent lacked the numbers and the means to police war-ravaged Darfur, a vast region roughly the size of France or Spain, and fared no better.

In Kosovo, NATO went to war (though from the safety of high altitudes, a tactic that accelerated the Serb army’s assault on civilians) when the Security Council was deadlocked; in Darfur, despite pressure from Western civic groups, it did not. The difference? As in Rwanda, so in Darfur, the United States and Europe just did not believe that their vital interests were involved. While China’s support for Sudan and the Security Council’s divisions doubtless strengthened Bashir’s hand, these were excuses for avoiding tough action. For all the verbiage about the increased influence of global norms against atrocities and the new vistas opened by R2P, states acted as they typically have—in their self-interest. Their tenacity and creativity lay in constructing explanations of why they could not defend the principles they proclaimed so passionately, even as they deployed them freely to blame others for the dawdling over Darfur.

**THE LIBYA ABSTENTION**

Humanitarian intervention came to the fore again in 2011 as the Arab Spring extended from Tunisia to Syria. Once the revolutionary tide began, it was unclear how the Middle East’s authori-
tarian regimes would react to the unexpected protests produced by decades-long discontent over poverty, inequality, corruption, and repression.

As it happened, the reactions varied. In Tunisia, the army exiled President Zine el-Abidine Ben Ali, opening a path to an election-based polity. In Egypt, the generals initially backed President Hosni Mubarak but abandoned him once they saw that the massive demonstrations could not be vanquished by shows of force. They then shifted to backstage maneuvering to protect the military's political powers, to preserve its economic empire, and to circumscribe the role of Islamic parties (which had emerged as the most potent political force) through machinations aimed at shaping elections, limiting the powers of the parliament and the president, and influencing the design of a new constitution. By contrast, the Libyan and Syrian leadership resorted to violence. This, in turn, led to demands in the West for diplomatic intercession and sanctions and, once these were deemed to have failed, military intervention.

China and Russia's response to Libya's revolution was important in two ways: It ultimately determined the nature of the UN's own reaction, and it set the tone for the two countries' subsequent approach to the Syrian crisis. As the rebellion gained strength and Libyan leader Muammar al-Qaddafi intensified his crackdown, influential Europeans and Americans urged intervention. A no-flight zone emerged as the leading plan for protecting civilians. When Security Council Resolution 1973, which proposed that step and was backed by the United States and its allies, came to a vote, China and Russia, despite their well-established antipathy for humanitarian intervention, abstained instead of casting vetoes.

That decision, which enabled the intervention that would seal Qaddafi's fate, arose from two considerations. First, while regional support for a no-flight zone was initially strongest among the Persian Gulf monarchies, it later gained approval from the Arab League. The resolution did not explicitly authorize stronger follow-on military action or regime change, and China and Russia also did not want to swim against the current of Arab opinion. Both countries have wide-ranging interests in the Middle East and seek to limit Western, particularly American, influence. They may have also assumed that Qaddafi would prevail or that there would be a negotiated settlement. Beijing and Moscow would claim later that the mission exceeded the mandate of the resolution, which did not authorize outside states (Arab and Western) to arm and train the Libyan resistance or to use air strikes to shape the outcome of the conflict, enabling the rebels to topple Qaddafi. The controversy over whether these additional actions contravened Resolution 1973 continues, but the relevant issue here is that China and Russia believed that they did, and this conclusion has shaped their conduct during the Syrian crisis.

**THE SYRIAN STALEMATE**

When the revolutionary wave reached Syria, President Bashar al-Assad launched an all-out assault against the opposition and, by the summer of 2012, some 17,000 people, mainly civilians, had been killed. As in Darfur, China and Russia insisted that the conflict was an internal matter that should be settled by Syrians and that external parties should respect the Syrian government's sovereign rights. They argued that it was impermissible for outsiders, including the UN, to demand Assad's resignation as a precondition for a settlement; and that the UN should not mandate sanctions against his regime, given that the opposition was also using violence. Resolutions aimed at pressuring Assad reached the Security Council on three occasions—in October 2011 and in March and July of 2012—and China and Russia vetoed each one. By August 2012, a peace plan proposed by Kofi Annan, acting as the UN/Arab League envoy for Syria—which called for a cease-fire, a disengagement of forces, and a political settlement—lay in tatters, shredded by the incompatible preconditions attached by the regime and the resistance, and Annan himself had quit.

General and particular considerations shaped China and Russia's approach in Syria. Their vetoes reflected their overall belief in the narrow conception of sovereignty and their consequent misgivings about interventions powered by the presumption that individuals have rights that trump states' claim to immunity against external interference. More specifically, Russia (and the Soviet Union before it) had been an essential source of economic aid and weapons for the Assad regime for decades, and its ties to the government of Bashar al-Assad (who took over in 2000 after the death of his father, Hafez al-Assad) remained substantial. China and Russia concluded that the United States and its Arab and European partners were interested principally in uprooting Assad's government, not in brokering a dialogue between the warring parties in order to produce a settlement.
In Beijing and Moscow's eyes, this supervening goal led the pro-intervention countries to hack—eventually with material support—anti-Assad groups even without investigating their ideology, degree of unity, and plans for Syria. Beijing and Moscow warned that the denouement, even were Assad to fall, would be protracted fighting among opposition groups with disparate aims and continuing bloodletting. That the most influential regional states arrayed against Assad were Saudi Arabia, Qatar, and Turkey also mattered: The first two had long been aligned with the United States, and the third was a NATO ally. China and Russia therefore figured that they would be sidelined in any post-Assad settlement. The best way to prevent this, in their view, was to insist that elements within the Syrian government, though not necessarily Assad himself (who had become too compromised after the massive bloodshed), participate in planning the future political order. Furthermore, it was not a foregone conclusion that the divided and outgunned rebellion would succeed.

Even once the regime appeared doomed—certainly by July 2012—China and Russia held their course, as witness their vetoes of the third UN resolution. That motion called for mandatory sanctions under Chapter VII of the Charter, and Beijing and Moscow had no intention of opening that door. Here, the Libyan legacy was important: China and Russia united to block any resolution whose wording might eventually be interpreted creatively to justify, or even set the stage for, tougher measures, including the use of force, against Assad.

This consideration was more consequential than those commonly cited: the importance of Syria as an arms market for Russia and the significance for the Russian Navy of the Syrian port of Tartus. Although Syria's arsenal is almost entirely of Russian (or Soviet) vintage, Syria is far less important as an arms customer for Moscow than China, India, Vietnam, and Algeria, the largest markets for Russian arms over the past decade. Nor is Syria likely to become a major customer any time soon: Not only would Assad's government, assuming its survival, have to spend huge sums on economic reconstruction, thus leaving little for big expenditures on major weaponry, but Russia had already forgiven three-fourths of its $13.4 billion debt in 2005. Syria is even less consequential to Russia for trade, accounting for a paltry proportion of its combined exports and imports. As for Tartus, its dry docks and piers do provide repair and replenishment for the Russian Navy—which in any event is a shadow of its Soviet predecessor—but it hardly compares to the US Navy's big full-service overseas bases. Nor have Russia's much-vaunted plans to modernize Tartus materialized. The notion that it enables the Russian Navy to do much more than show the flag and gather intelligence is far-fetched.

Moreover, these explanations cannot account for why China blocked UN-authorized actions against Assad and criticized Western proposals offered in the name of humanitarian intervention. Syria matters even less to China for arms sales and trade, and the Chinese Navy does not have a base there. China and Russia's stance on Syria is a result of their convergent conceptions of sovereignty and humanitarian intervention, their compatible assessments of the nature of the conflict and of Western motives, and the lessons they learned from the Libyan uprising.

**Not Alone**

Barring revolutionary changes in China and Russia, Beijing and Moscow's view of humanitarian intervention will not change, and it will remain important to their strategic alignment. Neither state is democratic, and so neither sees any benefit in interventions undertaken in democracy's name or in defense of citizens being slaughtered by their governments. Both are suspicious of, and cynical about, Western (particularly American) democracy promotion programs generally—particularly Russia, which sees them as part of a gambit to diminish its influence in Ukraine, Georgia, and Central Asia. Both assume that post-intervention governments will build closer ties with the West than with them. Both face persistent public protests and restive minority nationalities and have responded with repression. Hence neither favors rights-based armed humanitarian interventions (or even those involving coercive means short of force).

It is not that China and Russia fear becoming the targets of armed interventions some day: No state or leader, not even those most enamored of humanitarian campaigns, would be so reckless. Rather, for reasons internal and external, neither country wants humanitarian intervention to gain greater legitimacy, even as a principle, let alone a practice, and they will work, in tandem and in multiple ways, against it. This much is certain: They will not be alone.
For much of Africa's post-cold war history, the question has not been whether humanitarian intervention is a cover-up for big power interests, but why outsiders have been so reluctant to act.

African Conflicts, Western Activism

JASON K. STEARNS

NATO's 2011 bombing campaign in Libya infused more controversy into an already fiery debate over humanitarian intervention. Given the setting—an oil-rich country in a strategically important region—it was easy to write off the campaign as self-interest dressed up as an effort to prevent mass atrocities. Yet, if the wrangling over humanitarian intervention seemed to come to a head with Libya, it has been constantly gaining steam in Africa over the past decade, as leaders and pundits have debated genocide in Darfur and foreign intervention in a dozen other conflicts that have surfaced on the continent.

This luror has a philosophical underpinning, one that sometimes takes precedence over—and even forgets about—developments on the ground. The debate centers on the "responsibility to protect" (R2P) doctrine, a set of principles adopted by the United Nations World Summit in 2005 that shifted the locus of intervention debates from a state's rights to its responsibilities, from the sovereignty of nations to the protection of civilians.

The concept was immediately embattled, and nowhere more so than in Africa, where a majority of today's conflicts and outside military interventions take place. Detractors lamented that it was just a throwback to colonialism. Said Ugandan political scientist Mahmood Mamdani: "The responsibility to protect is a right to punish but without being held accountable—a clarion call for the recolonization of 'failed' states in Africa."

Such concerns are real and widespread on the continent. However, critics of humanitarian inter-

vención all too often confuse double standards with sinister intent, and impartiality with inaction. Just because world powers pay more attention to injustices in Africa than elsewhere does not make the transgressions any less real.

We should also pay attention to the bigger picture. A vast majority of humanitarian interventions in Africa happen under the aegis of either regional bodies or the UN, have the consent of host countries, and are parts of larger peace processes. This is not to say these military forays are entirely successful—many are not. However, this is not because of excessive military force or neocolonial aims, but because they fail to address the political roots of conflicts.

Skeptical Reactions

The use of military force for humanitarian objectives in another country is not a new phenomenon, and the dangers and contradictions in using force to protect another people are obvious. "The evil" of such interventions, John Stuart Mill wrote in 1859, "is that if [the oppressed] have not sufficient love of liberty to be able to wrest it from merely domestic oppressors, the liberty which is bestowed on them by other hands than their own, will have nothing real, nothing permanent."

This is especially so if those doing the freeing have ulterior motives. In Africa, the backdrop of colonialism has sharpened skepticism toward intervention, as has the history of the cold war, when proxy wars between the United States and the Soviet Union were fought across the continent, the legacies of which are still felt today.

The end of the cold war triggered new conflicts as well as opening more space for multilateral interventions. Since the 1970s, Africa has been the most conflict-ridden continent and, since the 1990s, the arena for a majority of humanitarian interventions, largely under the UN banner. A
third of African countries have hosted UN peacekeepers since 1989. While the number of conflicts has declined in recent years, the continent is still home to 86,000 peacekeepers.

It has not, however, been these operations in themselves that have provoked claims of neo-colonialism. After all, most UN peacekeeping operations are mandated by the Security Council and deployed with the consent of affected countries—with the exception of Somalia in the 1990s and Congo in the 1960s. Rather, it has been the tone and hyperbole of some of the advocates of intervention that can offend.

Darfur is perhaps the prime example of these controversies. The conflict there escalated in 2003, as the Sudanese government and affiliated militia fighters brutally suppressed an insurgency, leading to the deaths of up to 300,000 people over the following five years, mostly due to disease. The deaths were decried as genocide by the US Congress, Secretary of State Colin Powell, and numerous advocacy groups, some of which then called for military intervention—if necessary, without the Sudanese regime's consent.

This crusading prompted a backlash. Sudan scholar Alex de Waal accused the advocacy community of having missed the peak of violence in 2004, continuing to talk about a genocide when the conflict had dwindled to a more confused and less deadly status. Mandani skewered New York Times columnist Nicholas Kristof for the “reduction of a complex political context to a morality tale unfolding in a world populated by villains and victims.”

Few disagreed that innocent civilians were being killed, largely by the Sudanese government and government-supported militias. It was the moralizing tone and the reductionism that touched a raw nerve. What infuriated the critics was the depiction of Arab Khartoum as the evil aggressor, black Africans as hapless victims, and Western do-gooders as the saviors.

A similar line of rebuke has been stimulated by another kind of foreign intervention—prosecutions by the International Criminal Court (ICC). The body began issuing arrest warrants in 2005, focusing almost exclusively on the African continent. Today, all 29 of those whom it has indicted are Africans, with Congolese leading the count. This focus on the continent led Rwandan President Paul Kagame—himself in the crosshairs of human rights activists—to fulminate: “The injustices of the past, including colonialism and imperialism, keep coming back in different forms, like the ICC. As long as you are poor and weak, there is always some rope to hang you.”

Again, the question was not whether injustice was present. Rather, it was a matter of agency. “We are against . . . justice with double standards,” said African Union Chairman Jean Ping. The seeming hypocrisy became still richer when the Security Council—including the United States, Russia, and China, none of which had accepted the court’s jurisdiction—referred Sudan to the ICC, leading to the indictment of President Omar Hassan al-Bashir. Nations that had refused the court’s jurisdiction were lositng it on Africans.

The antagonism between pro-intervention activists and their critics reached its apex in this year’s debate over the Kony2012 video. This 30-minute piece, urging its viewers to take action against the Lord’s Resistance Army (LRA), was seen over 90 million times after it was posted on YouTube in March. It provoked a barrage of outrage from the continent: It was misleading, making it seem that the LRA was still in Uganda, and that the only solution was a military one.

But those sins could be forgiven—after all, Joseph Kony’s troops are still butchering civilians in South Sudan, Congo, and the Central African Republic. The problem was the framing: a young white man telling his pre-schooler son—and followed by millions of other young Americans—about an evil man in Africa whom he would help arrest. Nigerian novelist Teju Cole tweeted: “Feverish worry over that awful African warlord. But close to 1.5 million Iraqis died from an American war of choice. Worry about that.”

**GRASSROOTS CAMPAIGNS**

The Kony2012 campaign was emblematic of a new kind of activism, honed in the United States. Instead of appealing for aid relief from the public, as charities have done for decades, or targeting policy makers through high-level advocacy, these campaigns appealed to a wider audience to lobby for political change. Students, in particular, were asked to get involved in policy campaigns, focused on the US Congress, as well as the private sector.

The campaigns targeted three African issues above all: the conflicts in Darfur and eastern Democratic Republic of Congo, and the LRA. For
each of these stories, activists crafted a narrative that highlighted defenseless victims and odious perpetrators. For Congo, it was the epidemic of sexual violence that was placed center stage. For Darfur, the image painted was one of turbaned janjaweed militiamen on horseback bearing down on innocent villagers, while the LRA story was told through the figure of Kony, a messianic and cruel warlord.

All of these conflicts cried out for solutions, and the advocacy groups—the Enough Campaign, the Save Darfur Coalition, and Invisible Children among them—rose to the task, asking their Facebook and Twitter followers to sign petitions, call legislators, and participate in demonstrations.

To an extent, this approach democratized policy making, often by appealing to sympathetic lawmakers, who were more likely to feel grass-roots pressure than the executive branch. It was in part thanks to these groups that the conflicts were placed on the foreign policy agenda, and that substantial legislation was enacted dealing with all three conflicts.

But popularization came with its own issues. Who said that these nongovernmental organizations had the right solutions for these problems? Given that we did not have appeal to the grassroots, they had to simplify—at times, even exaggerate—the conflicts, which could lead to simplistic policy prescriptions.

Some Sudan experts argued, for example, that by exaggerating the government's abuses, playing down those of its Darfur foes, and not mentioning other groups involved, the activists were undermining the peace process. Others worried that excessive focus on Darfur diverted attention from a North-South peace deal that had brought an end to a costlier and longer war.

Grassroots activism is a blunt, if powerful, weapon. If Bashir is seen as evil and indicted as a war criminal, this could prevent compromise. As academics such as Mamdani are quick to point out, this kind of pressure does not consult those affected by the violence. “The international humanitarian order . . . turns citizens into wards. The new language refers to its subjects not as bearers of rights—and thus active agents in their emancipation—but as passive beneficiaries of an external 'responsibility to protect.'”

The complex conflict in eastern Congo provides other examples of the advantages and disadvantages of this kind of activism. Here, the advocacy community latched onto two motifs—sexual violence and conflict minerals. The argument went: Soldiers are raping thousands of women in eastern Congo in order to get minerals that end up in our electronics. It was a bold story line, one that linked millions of consumers with a complex conflict thousands of miles away. It focused much-needed attention on international supply chains, trying to render consumers responsible for the conditions in which their products were produced.

Unfortunately, the story was also part fiction. Armed groups rape Congolese women for many different reasons; resource extraction is just one of them. More important, the resulting conflict minerals legislation, passed as part of the Dodd-Frank Act in 2010, responded to this activism perhaps more than to the realities of eastern Congo. By setting a high bar for businesses trading in Congolese minerals—the law makes companies listed on US stock exchanges ascertain whether their products are “conflict-free,” a difficult standard to meet—it has discouraged the minerals trade, hampering the local economy. And the campaign’s simplistic story provoked a backlash from many quarters, diverting attention from the nuances of the conflict minerals supply chain.

MISSING THE POINT

These tensions over humanitarian intervention and celebrity/grassroots activism have raised some questions. How can we make sure interventions are accountable to the people they are supposed to help? How can we popularize the complex conflicts on the continent without succumbing to jejune narratives and solutions?

These are good, useful questions. But, to a certain extent, they miss the point. First of all, critics exaggerate the impact that these narratives have on policy. The reductionism may make it easier to popularize the message and pressure governments, but it would be wrong to suggest that whatever NGOs propose, governments execute.

Second, while many scholars have taken exception to these narratives, this debate has largely bypassed the African public, which still tends to look favorably on many of the above-mentioned initiatives. According to a GlobeScan 2004 poll of 10,000 Africans in eight countries, 65 percent said the UN Security Council should have the right to intervene with military force to prevent serious human rights violations—a figure slightly higher than in the United States. In another poll by the University of Maryland, over 70 percent of Kenyans and Nigerians approved of the ICC indictment of Bashir, and a majority of Kenyans
approved of the court's prosecutions in their own country.

Finally, and most important, the examples of Darfur, Congo, and the LRA are not representative of how the international community deals with conflict in Africa. When mass violence breaks out, the primary response is not to send in the marines or to draft arrest warrants. In general, the bureaucratic languor of diplomacy prevails, usually played out by multilateral institutions, and increasingly by African bodies. The general formula holds: calls for a cease-fire, negotiations if necessary, deployment of a peacekeeping or peace enforcement contingent, possibly sanctions. This approach rarely satisfies anyone, and typically takes years to produce progress. But it usually involves consulting the local and regional political elites and governments for solutions, not Western activists.

Very few interventions in Africa occur without the consent of host governments; Somalia, Comoros, and most recently Libya and Ivory Coast are the most notable exceptions over the past two decades. During the same time, more than 20 UN peacekeeping missions have been deployed, as well as several others under the auspices of regional organizations, all working with host governments, and often many other belligerents, to find sustainable solutions.

Nor is it accurate to suggest that the responsibility to protect doctrine—and even this posits military intervention as the last resort—has been foiled by crusading Westerners on Africa. It was the Constitutive Act of the African Union, signed in 2000, that pioneered the legal right to intervene in a member state in case of war crimes, genocide, or crimes against humanity, five years before the UN World Summit endorsed this principle. This was a significant departure for the AU—its predecessor, the Organization for African Unity, had been firmly noninterventionist. Furthermore, the AU formally endorsed the R2P principles in its Ezulwini Consensus in 2005, after an AU force had been sent to Darfur to mediate and observe a cease-fire.

The AU has now deployed peacekeeping missions to Darfur, Burundi, Somalia, and Comoros, and has created a Peace and Security Council to respond to conflict on the continent. While the AU faces many problems—in particular financial ones, as almost the entire budget of its peacekeepers is paid by the West—it increasingly is showing teeth. It has suspended Madagascar, Niger, Guinea-Bissau, and Ivory Coast for undemocratic behavior, and has used its diplomatic weight in several other conflicts.

**The Political Factor**

For much of Africa's post–cold war history, the question has not been whether humanitarian intervention is a cover-up for big power interests, but why outsiders have been so reluctant to act. It is more the legacy of Rwanda than that of Libya that haunts the continent.

In part, it boils down to bare geopolitics. Despite the claims of resource grabs, the continent remains poor and marginal. Its entire GDP is smaller than that of California, less than 3 percent of the world's total. While some countries harbor immense oil wealth—Angola, Nigeria, and Equatorial Guinea in particular—other than Sudan, none of these countries has faced a foreign military intervention since the cold war.

The political will is simply not present to take costly actions in countries peripheral to big power interests. Peacekeeping missions often lack basic equipment, such as helicopters, night-vision goggles, and surveillance technology. The missions are risky, with few governments willing to send their soldiers to die in conflicts where they have few national security interests. While the United States and Europe largely pay for the missions, they are staffed almost entirely by developing countries, with South Asians, Nigerians, and Rwandans in the lead. The only peacekeeping mission with Western troops is Lebanon, another indication of how geopolitics influences humanitarian deployments.

This deficit in political will does not just influence military deployments—diplomacy is affected, as well. Political capital is required to leverage aid money, to call in favors from allies, to engage senior officials in foreign affairs ministries, and to muster support for a UN resolution. The US intelligence community, for instance, shirked from pressuring Khartoum on Darfur due to its collaboration with Sudan on terrorism issues. The great powers do not view most of these conflicts as particularly important.

Finally, and most banally, conflicts are difficult to resolve. By definition, they involve life-or-death challenges for regimes and their enemies. Most of the worst violence in Africa has occurred in the context of unconventional war—insurgency and counterinsurgency fought with small arms and often targeting civilians. Bringing an end to fighting or positioning peacekeepers between the belligerents without taking sides can be extremely difficult. In Libya, Ivory Coast, Somalia, and the
Democratic Republic of Congo, organizers of humanitarian interventions have decided to shed the pretense of neutrality and back one side in the conflict, sparking fierce criticism from actors like the International Committee for the Red Cross that rely on impartiality. While it is too soon to say whether these interventions mark a wider trend, peacekeepers have to understand when it is time to foster peace and when they need to clamp down on spoilers.

Humanitarian intervention is often depicted as military action. But no such operation can be an end in itself. Politicians have a tendency to promise clean, surgical operations—in the case of Libya and Bosnia, largely conducted from tens of thousands of feet—in conflicts that are always complex and messy and that span many years. A humanitarian intervention may begin with military strikes, but these will prove futile unless they are connected to a larger political strategy that is seen as legitimate and credible by key actors on the ground. In most UN missions in Africa, these political processes—beginning with cease-fires, ending in transitional governments or elections—are more successful than any military action.

Scholars of peacekeeping largely agree that conflicts are better off with multilateral humanitarian interventions than without them—though this usually involves some pretty bold counterfactual theorizing. But the success rates are modest. In Africa, missions to Sierra Leone, Congo, Liberia, Mozambique, and Burundi have had some success—always tempered by significant failures as well. Missions to Sudan, Somalia, Rwanda, Angola, and Chad proved in the end much less effective.

**THE HEART OF THE MATTER**

The crucial decisions of humanitarian interventions involve how to calibrate sticks and carrots to encourage a political process that marginalizes spoilers and empowers legitimate actors. This requires a much better understanding of complex conflicts and the motivations and capacities of combatants.

Surprisingly, this is not where the debate often lies. In the case of the LRA, the question should not be whether or not Kony2012 sent the wrong message—there was hardly a message at all, other than "Kony is a very bad man and should be stopped"—but how to deal with an armed group that likely only wants peace talks in order to regroup and rear. Should we pursue talks anyway, hoping to foster divisions within its leadership and disarm its fighters? Or should we pursue smarter military operations, coupled with better demobilization and community protection programs? These seem to me the relevant questions, which will demand nuanced understanding of the group, its culture, and its inner dynamics.

In the case of eastern Congo, we have to go beyond the dueling story lines of conflict minerals and sexual violence. The several dozen armed groups there are not motivated primarily by minerals or rape. The conflict stems from the failure of the peace process to grapple with the decrepit Congolese state on the one hand and, on the other, the interests of the Rwandan government and its local allies in eastern Congo. The peace process inevitably was going to disenfranchise the latter—democracy had little to offer them—and they had little trust in a central government that was mercurial, corrupt, and often viciously anti-Rwandan.

Since the end of transitional government in 2006, there have been two Rwandan-backed uprisings, each sparking a series of other armed groups. Yet piecemeal efforts at dealing with conflict minerals and various rebellions have not illuminated the rebellions' political underpinnings. What, exactly, are Rwanda's motives, and how should the donors that fund half of its budget address them? Why has Kinshasa been so reluctant to reform its institutions, even those key for its own survival, such as the army? These are difficult questions—I have been working on the conflict for over a decade and am often stumped by it—but essential for lasting solutions.

Humanitarian intervention in Africa has suffered from hyperbole—from both its gung-ho supporters and its wary detractors. Despite the rhetoric of its proponents, the reality on the ground does not suggest an increasing number of unilateral military interventions to save lives in Africa. Instead, the dreary reality of middling peacekeeping operations seems to hold, carried out multilaterally and usually with the consent of the host country. These missions are hard and frustrating—and are about politics as much as they are about guns and bullets. The latter should never be used without a good understanding of the former. And that, more often than not, is lacking.
On R2P, America Takes the Lead

THOMAS G. WEISS

Determining whether, when, where, and why to intervene to protect civilians caught in the crosshairs of war and violence increasingly is guided by the "responsibility to protect" (R2P). With the exception of Polish attorney Raphael Lemkin's advocacy for the 1948 Genocide Convention, no idea in the international normative arena has moved faster or farther in such a short time. First formulated in a 2001 report by the International Commission on Intervention and State Sovereignty, R2P has, according to friends and foes alike, reframed sovereignty as contingent rather than absolute. The commissioners aimed to halt mass atrocities by invoking a three-pronged responsibility: to prevent, react, and rebuild.

Since then we have seen not too much but rather too little humanitarian intervention. Indeed, the United Nations Security Council's March 2011 sanctioning of international military action against Libya represented the first such authorization against a functioning de jure government. Between NATO's 1999 intervention in Kosovo and Libya last year, the sharp end of the R2P stick—the use of military force—had been replaced by skittishness from diplomats, UN staff, scholars, and policy analysts.

The loss of life and suffering in Syria today are higher than they were in Libya, yet the paralysis amid the killings and atrocities committed by Bashar al-Assad's regime suggests, in case there was any doubt, that robust action in one crisis does not necessarily foreshadow similar efforts elsewhere. Inconsistency is not only the hobgoblin of little minds but also the proverbial bottom line for political decision making. Talk is cheap, action is not.

Even so, the substantial normative and policy gains of the past decade are here to stay, in spite of the gnashing of Russian, Chinese, and others' diplomatic teeth. Humanitarian intervention remains squarely on the foreign policy agenda, in Washington and other capitals. The intergovernmental agreement on the occasion of the UN's 60th anniversary at the 2005 World Summit to halt "genocide, war crimes, ethnic cleansing, and crimes against humanity" marked a turning point in R2P's crystallization—though not quite the "international Magna Carta" hyperbolically proclaimed by the State Department's former director of policy planning, Anne-Marie Slaughter.

REALIZING THE IDEA

Organizations are not the answers to all our prayers, but norms have more clout once they are embedded in structures with resources and personnel dedicated to fostering the realization of an idea. In 2010 the UN created a joint office for R2P and the prevention of genocide. Meanwhile, a number of countries have established local points to begin internalizing R2P at the national level.

The most significant of these has arisen in the United States, the result of a presidential study directive by the Barack Obama administration. This initiative, and the decision to act in Libya, emanated from a "dream team" of genocide prevention: Secretary of State Hillary Rodham Clinton, UN Ambassador Susan Rice, and Special Assistant to the President Samantha Power. As a result, in August 2011, President Obama established the Atrocity Prevention Board (APB)—an interagency mechanism to facilitate rapid reaction across the US government to prevent mass atrocities.

"Our security is affected when masses of civilians are slaughtered, refugees flow across borders, and murderers wreak havoc on regional stability and livelihoods," Obama stated when unveiling the initiative. "America's reputation suffers, and our ability to bring about change is constrained, when we are perceived as idle in the face of mass atrocities and genocide."

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The APB actually gathered for the first time at the White House on April 23, 2012, coinciding with the annual remembrance of the Holocaust. Sixty-seven years after the end of that tragedy and eighteen after the beginning of Rwanda’s nightmare, the president announced that the United States would produce a National Intelligence Estimate of the potential for mass atrocities around the world. Obama mentioned that the initiative was part of his administration’s efforts at “institutionalizing” how the US government mobilizes to prevent and halt mass atrocities. The White House highlighted a strategy in which the prevention of such crimes was not only a moral responsibility but a core national security interest as well.

**RISK AND REWARD**

In thinking about future policy options, it would be foolish to overlook or discount five risks associated with deploying force to protect civilians. First, the intervention may be premature and not give other coercive but non-forcible measures such as sanctions the chance to work. Second, it may do more harm than good, and the unintended consequences (sometimes euphemistically labeled “collateral damage”) may outweigh the benefits of deploying military assets. Third, those applying force may exceed the terms of an approved mandate; the dispute over the authorized extent of NATO action in Libya is one illustration. Fourth, military force may fail if an operation is performed poorly; and such failure may threaten the future application of the R2P norm. A related complication is blowback (after the deaths of US soldiers in Somalia in 1993, for instance) that may compromise future decisions about preventing or halting mass atrocities (in Rwanda in 1994, for instance). Fifth, the unpredictable aftermath of military force and the inevitable difficulties of postconflict peace-building may also color future perceptions of the norm.

While these criticisms have all been leveled by some observers in the aftermath of the Libya intervention, it also would be shortsighted to ignore the four main risks from not using military force when mass atrocities threaten. First and foremost, catastrophic suffering could occur, suffering of exactly the type that, since the Holocaust, the international community of states has continually pledged to allow “never again.” Second, states would once again shame themselves and make a mockery of a substantial body of public international law by looking the other way in the face of mass murder. Third, if coercive force is postponed and displaced persons and revenge killings mount, options are reduced and the potential costs of deploying military assets later could up the ante to such an extent as to preclude taking action. Fourth, the demonstration effect of spinelessness could send the wrong message to other would-be thugs, and the deterrent effects of future international diplomacy could be weakened.

No task is more fraught than a decision to deploy military force. When the United States considers humanitarian intervention, the main policy options would follow from an APB risk analysis with answers to the following questions. First, have Americans moved beyond the “Somalia syndrome” and the apparent necessity for zero casualties among US soldiers in coming to the rescue, no matter how many victims are saved? Second, have prudential considerations been given their due, and are the imagined benefits of averted atrocities (which involve counterfactual speculation) persuasive enough to outweigh the far more visible destructiveness of a military intervention? Third, does an exit strategy address “mission creep,” because the requirements for terminating a mission, including postconflict peace-building, inevitably are more ambitious than the initial aim to avert or halt mass atrocities? Fourth, are there plausible responses for the inevitable criticisms of inconsistency across other cases where intervention did not or cannot occur? And finally, is there a plan for military burden sharing and diplomatic support from regional organizations?

The last question entered into the equation with Libya, and provides new elements circumscribing future policy options when humanitarian rather than vital national interests are on the line. The scorned notion of “leading from behind” actually meant, in the case of Libya, complementing US military assets with those from NATO partners backed by regional diplomatic support from the Arab League, the Gulf Cooperation Council, and the African Union. The United States remained essential: NATO allies still depended on American precision munitions, refueling aircraft, and reconnaissance. However, with massive budget cuts
looming, future military action for human protection purposes will require comparable pooling of resources; and the politics of mobilizing regional support will require multilateral cooperation. "Perhaps it’s better understood as leading without wishing to be seen as taking the lead," muses the New York Times Magazine’s James Traub: "a new model of multilateralism suitable to a post-hegemonic era."

**Truth and Power**

US participation in the Libya intervention has proved one of the few signature successes of the administration’s foreign policy. Speaking in Brazil after imposing the no-fly zone, Obama saw no contradiction with his Nobel Peace Prize—one can favor peace but still authorize force to halt the “butchering” of civilians. The president’s decision provided no political advantage, but it prevented massacres that would have, in his words, "stained the conscience of the world."

One hopes Libya was not an aberration. Americans desperately need to rediscover the passion and commitment of Bill Clinton’s mea culpa after the Rwanda tragedy. Are leaders capable of pledges no more Holocausts, Cambodias, or Rwandas—and occasionally meaning it?

“Never again” is not a reality, but US leadership makes it a plausible proposition. Politics and military capacity ultimately determine whether, when, where, and why to protect and assist war-affected populations. However shocking to the conscience a particular emergency, and however hard or soft the applicable international law, when political will and a military capacity exist, humanitarian space will open and war victims will be assisted and protected. In Libya the moral, legal, political, and military dimensions dovetailed under the R2P rubric. Rather than speaking truth to power, the value of R2P was speaking truth with power. And if Assad leaves Syria, it will in part be attributable to the evolving power of the R2P norm.