

Protecting R2P From Misuse The Canadian International Council

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After a decade of controversial humanitarian interventions and equally controversial failures to intervene, the International Commission on Intervention and State Sovereignty (ICISS) was set up by Canada in 2000 to find a way to reconcile the norm of state sovereignty with intervention for humanitarian purposes. Its answer was the “Responsibility to Protect”—the idea that the international community has a responsibility to protect people from mass atrocities when their own state is unable or unwilling to do so, including through military means as a last resort.

R2P was not going to be an easy sell in a world run by sovereign states. But normative change never happens overnight, or by chance. To transform entrenched patterns of state behaviour, emerging norms like R2P need years, and often decades, of tireless advocacy. They need reiteration and reinforcement in public statements and declarations. And, as critical, they need consistent and sound application on the ground.

Repeated failures to act on R2P, as in Darfur, can weaken the norm by casting doubt on the global society’s readiness to act on its common responsibility: a weak or a toothless norm will deter few transgressing states. But acting on R2P inappropriately, or invoking it as a pretext for other objectives like regime change, can be as damaging as inaction to R2P’s long-run effectiveness. A norm that is easily abused, or misapplied, will encounter suspicion and resistance and likely fail in its task.

In R2P’s case, the potential for misuse—and the need to fend it off—was present from its inception. ICISS, which launched R2P in its report of December 2001, had delayed publication by several months to isolate R2P from the unfolding debate about the use of force in Afghanistan and the wider “war on terror” after 9/11.

But R2P still got entangled in the controversy over the U.S.-led invasion of Iraq. When Washington and its allies used force to topple Saddam Hussein in March 2003—without the UN Security Council’s blessing—and then invoked dubious *post hoc* humanitarian justifications for the action, most states would not even discuss R2P for fear of legitimizing the illegal invasion. ICISS, of course, had never advocated the use of force to achieve regime change or democratization: it sought to build consensus on how to respond to mass atrocities. If anything, its precautionary principles on the use of force warned *against*

humanitarian intervention where the consequences of intervening were likely worse than no action at all—as in Iraq.

While R2P was always going to face some degree of opposition at the UN, especially from governments with spotty human rights records, the invasion of Iraq expanded R2P's circle of critics and doubters. Many weak states in the "Global South" worried that R2P could be exploited by their stronger neighbors to justify interventions on geopolitical grounds. Even countries that were generally supportive of R2P refused to embrace it in 2003 out of concern that its meaning was being "twisted."

Then, when Darfur went up in flames a year later, the United States and its co-allies-of-the-willing found themselves with depleted credibility to advocate for humanitarian intervention in the Sudan, as well as a limited capacity to intervene. The Iraq invasion, meanwhile, had armed a number of governments traditionally opposed to outside interference with a new argument against R2P—that it could be used as a "Trojan horse" to conceal the Western agenda of regime-change under the guise of human rights. (...)

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