

Edward Luck- The Responsibility to Protect: Growing Pains or Early Promise?

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The ever-expanding literature on the responsibility to protect (RtoP) could now fill a small library. The number of graduate theses alone devoted to the topic has been nothing less than staggering. RtoP's contribution to both conceptual thought and policy planning concerning how to prevent genocide and other mass atrocities, therefore, is beyond question. But RtoP was not envisioned as an academic or planning exercise. Nine years after the principle was first articulated by the independent International Commission on Intervention and State Sovereignty (ICISS) and five years after it was refined and adopted by the 2005 World Summit, [1](#) some are beginning to ask whether, where, and how the concept has made a difference in terms of international and state policy and, more important, in terms of preventing such horrific crimes in the first place. Understandably, many of these early assessments are skeptical. As the official charged with developing the conceptual, political, and institutional elements of RtoP for United Nations Secretary-General Ban Ki-moon, I have followed this growing assessment literature with keen attention. One of the more thoughtful and constructive contributions to this genre appeared in a recent volume of this journal.

[2](#)

In "The Responsibility to Protect—Five Years On," Alex J. Bellamy provides a balanced, cogent, and—as the following suggests—provocative analysis of the strengths and weaknesses of RtoP as a policy tool.

Professor Bellamy, the author of one of the better books on RtoP, [3](#) comments on a series of humanitarian crises since 2005 in which he believes RtoP was either used too little (Somalia), used ineffectively (Darfur), or employed effectively (Kenya). He draws useful lessons from each. Such comparative studies remind us that the ability of RtoP to deliver has been (and will continue to be) mixed. There is no dispute about that. They also demonstrate, however, that it is a bit early in RtoP's young life to judge what it will be when it grows up as a mature policy tool. There is reason to question, as well, whether Somalia and Darfur are the best tests of RtoP's potential.

None of these situations can be understood only through an RtoP lens. In Somalia, establishing viable governance and reestablishing state control over the country's territory have both been first-order goals of the international community. Without functioning governance, no one can be held fully responsible or accountable for the assaults on civilians. In cases of extreme state fragility and long-running armed conflict, the resolution of the underlying conflict may be a prerequisite for fully achieving RtoP goals. Integrating RtoP and genocide prevention

perspectives into policy-making in such situations—whether in terms of peacemaking, peacekeeping, or post-conflict peacebuilding—may be critical to furthering human protection goals. But, as Professor Bellamy recognizes, these perspectives cannot offer magical solutions to stubborn and deeply entrenched political, economic, and security problems. Nor will they, or should they, be the sole basis for policy choices.

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Prevention and Response

Prevention, unfortunately, does not always work. A strategy for advancing RtoP principles cannot be considered viable and sustainable unless it also includes ways the responsibility to protect of generating the will and capacity to respond effectively to the failure to prevent. That is why the third pillar of the secretary-general's strategy—response—is every bit as integral and essential as the first two, which largely address means of prevention, by the state and with the assistance of the international community, respectively. The dividing lines between prevention and response are not always neatly and clearly drawn. In Kenya, structural prevention failed, and the postelection violence escalated quickly in some parts of the country. For the United Nations and the rest of the international community, including, importantly, for Kofi Annan's determined mediation on behalf of the African Union, the goal could be no more than preventing the bad from becoming even worse. Yes, it was prevention, but hardly of an ideal sort.

The United Nations, therefore, places a premium on upstream structural prevention, that is, on helping to build the institutions, values, attitudes, policies, and practices that make the commission of any of the four specific crimes associated with the right to protect—genocide, war crimes, ethnic cleansing, and crimes against humanity—completely unacceptable in a given society. The ultimate goal is for states, societies, and peoples to internalize RtoP principles into their very conceptions of the nature of the state and its obligations to the populations within its territory (as well as to others in wartime). As Professor Bellamy puts it, this "long-term agenda" necessarily "involves changing cultures and identities" (p. 164). Preferably, this occurs from within, with a minimum of external pressure or assistance. As he also properly points out, "the further upstream we go in terms of structural prevention, the more difficult it is to demonstrate RtoP's impact (p. 164). Fair enough, but our first purpose must remain preventing such horrendous crimes, not proving RtoP's worth, however frustrating that may be for hard-core advocates and political scientists alike. What we do need to get a firmer grip on, in any case, is what works in terms of structural prevention and why. This requires the help of scholars and policy analysts. We need more detailed case studies, more candid lessons-learned exercises, and more trans-regional comparisons of what did and did not work, under what conditions, how

and why, in different circumstances. Fortunately, the breadth and depth of scholarship now under won the responsibility to protect offers real promise of more precise, differentiated, and authoritative clues to good policy over time.

The hardest questions about the value of the responsibility to protect as a policy tool have revolved around its utility in spurring and shaping an effective response, not in encouraging preventive measures. Here, looking at an array of cases, as Professor Bellamy has, can be both sobering and instructive. On the one hand, RtoP is a universal principle, applicable in all places, all of the time. It should apply equally to rich countries and to poor ones, to powerful states and to fragile ones, to the smallest country in the General Assembly and to the permanent members of the Security Council. Likewise, as adopted by the 2005 World Summit, the responsibility to protect covers any incidence of any of the four crimes and violations, not just the most egregious ones.

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Politics and Costs

These observations bring us to the core questions of costs—short- and long-term— and of politics, of both the domestic and international varieties. Have the costs of committing RtoP crimes or of failing to act in the face of such mass atrocities risen since 2005? Have the costs of responding or of taking preventive action been affected one way or the other? Have perceptions of the relative value and costs of prevention versus response been altered in any observable way? Are political values and priorities evolving on these matters as a result of the 2005 commitments and of the subsequent efforts to clarify both the conceptual and operational aspects of the responsibility to protect? Are perceptions of legitimacy regarding these matters evolving as well?

Professor Bellamy provides a mixed answer, based on a somewhat different formulation of these questions. He correctly associates RtoP's "policy agenda" with prevention more than response (p. 163). From that perspective, he contends that "the key long-term test is whether there are fewer cases of mass killing to respond to." I could not agree more. Moreover, he notes that "the period since the adoption of the RtoP has been associated with a general decline in mass atrocities. But we cannot conclude that RtoP *caused* this effect, because each of the trends was evident prior to 2005." I would not suggest otherwise, as there are far too many factors and variables involved to make any cause-and-effect assumptions, especially at such an

early date. Nor is there any guarantee that these encouraging trends will be sustained in the future.

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Functions

In that regard, Professor Bellamy draws an overly sharp distinction between what he sees as RtoP's two chief functions, which in his view "are not complementary." The first—where he believes RtoP can and will make a difference—is the "political commitment to prevent and halt genocide and mass atrocities accompanied by a policy agenda in need of implementation" (p. 158). In other words, when the summit-level commitments of 2005 are matched with the comprehensive strategy laid out by the secretary-general in 2009, the combination has the potential to make a real difference if member states utilize both the words and the tools faithfully and appropriately. Implementation will not be automatic, of course, but a sustained and broad-based effort at the United Nations and key regional bodies, backed by a sturdier political will in capitals, could make a difference. A virtuous cycle of peer pressure, public expectations, learning, training, and internalization could follow, as it has to some extent in the General Assembly's RtoP discourse.

The prevention of genocide, war crimes, and crimes against humanity has long been solidly anchored in international law. RtoP adds little in that respect. But the reaffirmation and recommitment embodied in the 2005 World Summit Outcome Document add a universal and high-level political dimension that the struggle against genocide has sorely lacked over the past six decades. Likewise, the reports and strategies of the secretary-general, as well as the vigorous debates they have triggered in the General Assembly, offer a detailed and relatively coherent way forward. They embody, in short, Professor Bellamy's "policy agenda." In contrast, the UN's genocide prevention efforts, though more embedded bureaucratically, were never tested through the crucible of a series of reports by the secretary-general and debates in the General Assembly. The next step, according to both the secretary-general and Professor Bellamy, is to integrate and strengthen these twin mandates through the establishment of a joint office on the prevention of genocide and the promotion of the responsibility to protect. To some extent, this step was foreshadowed by the decision by the heads of state and government in 2005 to include the paragraph supporting the work of the Special Adviser on the Prevention of Genocide in the RtoP section of the Outcome Document.

This brings us back to Professor Bellamy's second, and less favored, function for RtoP: as a "speech act and catalyst for action." In his view, "one cannot sustain a commitment to the long-term prevention of genocide and mass atrocities as part of RtoP while also conceptualizing RtoP as primarily a speech act that acts as a catalyst for action" (p. 160). True, each of the two approaches cannot be simultaneously embraced as the primary function of RtoP. But on an operational plane, these two functions need not be incompatible, if pursued in reasonable proportions and if it is understood that a call to action does not necessarily refer to military or coercive action. Bellamy is right to reject claims that the mere invocation of the RtoP mantra would be sufficient to spur political will and to end interethnic violence in any but the most favorable circumstances. As noted earlier, neither recent history nor common logic would support such sweeping claims. Stopping such horrendous crimes is not going to be so quick or so easy. These are calculated, not random, events. Those inciting and organizing them will not be dissuaded by moral or legal appeals alone.

On the other hand, Bellamy surely does not intend to denigrate either quiet or public diplomacy as an instrument of public policy. Historically, private and public messaging has been one of the handiest and most effective tools available to the secretary-general and other global and regional leaders. Public communications may help to persuade actors to meet their RtoP commitments, while private reminders that impunity is not what it used to be may help to discourage the incitement, commission, or escalation of such crimes. The latter appears to have made a difference in Cote d'Ivoire, Kenya, and Guinea. Whether the former will prove effective in helping to staunch further violence in Kyrgyzstan remains to be seen. In theory, the RtoP tool kit appears quite extensive, but in practice in specific situations the number of available and useful tools is likely to be much more limited. If speech acts are not founded on a realistic possibility that they will the responsibility to protect be backed up, if necessary, by other measures, then they will ring hollow and lose credibility.

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Norms, Expectations, and Compliance Pull

Though he does not put it in quite such bald terms, Professor Bellamy, like any number of other scholars and analysts, at heart appears to object to RtoP as a "speech act" out of an understandable concern that member states and international officials will, when push comes to shove, give little more than lip service to the principle. This is a recurrent worry for practitioners as well. As he phrases it, "this persistent gap between what is needed and what is delivered cannot be primarily ascribed to the situation's complexity, but instead reflects the limited extent to which RtoP has the capacity to generate 'compliance pull' in international society" (pp.

153–54). However, surely it is not a question of whether the invocation of RtoP exerts no pull, as the very political opposition (as well as enthusiasm) the concept generates speaks to the widespread perception of its potency as a political rallying cry. Nor could one credibly assert that it exerts sufficient compliance pull as to ensure either consistent compliance with RtoP principles around the world or effective response to breaches when they do occur. The road to full implementation remains both long and steep. So how full or empty is the RtoP glass? More to the point, is the level rising or falling when it comes to RtoP's compliance pull?

This author, naturally, tends to see the glass, though less than half full at this point, filling slowly and unevenly. As Professor Bellamy's assessment implies, the secretary-general's strategy and the initial steps he is taking to operationalize RtoP are meant, in part, to provide further sustenance and sustainability to this larger enterprise. The annual reports and dialogues in the General Assembly, discussed above, are one means of trying to keep the issue on the minds of policy-makers in capitals and of diplomats in New York. The lively academic discourse and the dedicated efforts of NGOs, such as the Global Centre for the Responsibility to Protect, the International Coalition for the Responsibility to Protect, and the Asia-Pacific Centre for the Responsibility to Protect, both reflect and encourage the continuing interest in civil society to move RtoP from words to deeds. What is most needed, of course, are more cases where RtoP and the UN's new tools are both invoked and make a demonstrable, positive difference on the ground and in people's lives. Political will is not a given or static quantity. It can be built or destroyed by actions over time.

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Political Will and the Future

Ultimately, of course, it is all about political will. This is true for those considering inciting or committing such atrocities, for those within the society who could help curb those impulses, for neighboring countries and for regional and subregional bodies, for international NGOs and secretariats, and for the members of the United Nations and its Security Council. That is why the responsibility to protect is a political rather than a legal concept, why the work of RtoP-focused NGOs and of independent scholars, such as Professor Bellamy, matter so much; why it is essential that RtoP assessments and perspectives become better integrated in country-specific decision-making processes in the UN, regional institutions, and national governments; and why the moral imperative that RtoP represents should not be neglected even in our most hardheaded analyses of the choices ahead. Values shape priorities, and sometimes even political will.

At this point, the responsibility to protect could expect no mark other than an incomplete. It has yet to prove that it can make a deep and sustained difference in terms of either preventing genocide and other atrocity crimes and their incitement or offering or spurring a modicum of protection to vulnerable populations. But studies have shown both that peacekeepers, when properly mandated and equipped, can offer protection from atrocity crimes and that international engagement and expressions of concern have helped to prevent genocidal acts in troubled societies. The secretary-general's efforts to reach out to all 192 member states have demonstrated the possibility of building wider, deeper, and more diverse constituencies for the operationalization of RtoP. The upside potential is clearly there. What would we have said in 1953 about the chances that the Universal Declaration on Human Rights or the Genocide Convention, when they were just five years old, would come to play a transformative role in international policy and in the relations between the state and its people? Who would have been prescient enough to foresee in those dire days either how much the world would change or how much these conventions would change the world? We live in much more fluid and dynamic times, not least in the realm of ideas, values, and institutions. For all of RtoP's faults and frailties, time may well be on its side.

See full [article](#)