

## **Foreword to Cecilia Jacobs (ed) *Implementing the Responsibility to Protect***

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In a world as full of cynicism, double standards, crude assertions of national interest and realpolitik as ours continues to be, it is very easy to believe that ideas do not matter very much. Achieving fundamental change in the way states and their leaders think and behave is as hard as international relations gets. But that is exactly the task that those of us involved in the creation of the Responsibility to Protect (R2P) concept set out to achieve two decades ago.

With the horror of Cambodia in the 1970s repeated in a new explosion of genocidal violence in the Balkans and Central Africa in the 1990s, it had become apparent that, even after the horrors of the Holocaust and all the many developments in international human rights law and international humanitarian law that followed World War II, the international community was still a completely consensus free zone when it came to the ‘right to intervene’ to halt or avert mass atrocity crimes. As United Nations Secretary-General Kofi Annan lamented to the General Assembly in 2000, ‘If humanitarian intervention is indeed an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of our common humanity?’

That challenge was answered, and the beginnings of a new consensus forged, in the report in 2001 of the Canada-sponsored International Commission on Intervention and State Sovereignty, which I had the pleasure and privilege of co-chairing. This initiated the breakthrough concept of the ‘responsibility to protect’, which – by emphasising ‘responsibility’ rather than ‘right’, ‘protection’ rather than ‘intervention’ and prevention as well as reaction – made it politically possible for the first time for the global North and South to find common ground. Eventually, after a long and fraught diplomatic process, the UN General Assembly, sitting at head of state and government level at the 2005 World Summit, unanimously endorsed the principle of R2P, with its three distinctive pillars (although these pillars were not articulated quite so clearly as such until the Secretary-General’s report to the Assembly four years later): the responsibility of a state to its own people not to either commit such mass atrocity crimes or allow them to occur (‘Pillar One’); the responsibility of other states to assist those lacking the capacity to so protect (‘Pillar Two’); and the responsibility of the international community to respond with ‘timely and decisive action’ – including ultimately with coercive military force if that is authorised by the Security Council – if a state is ‘manifestly failing’ to meet its protection responsibilities (‘Pillar Three’).

The initiators of the R2P concept were trying neither to create new international legal rules nor undermine old ones. Our intended contribution was not to international relations theory but political practice. We knew that in the real world it was going to be hard to get perfect results, but we wanted to change the way that the world’s policymakers, and those who influence them, thought and above all acted in response to emerging, imminent, and actually occurring mass atrocity crimes behind sovereign state walls. The bottom line was to change the habits of

centuries by generating a reflex international response, not only in words but also in deeds, that genocide, other crimes against humanity, and major war crimes were everybody's business, not nobody's.

Looking at the catastrophic series of events in Syria, where R2P has gained no traction at all, largely because of negative reaction by the BRICS states (Brazil, Russia, India, China and South Africa) to the initially successful, but then divisive and ultimately failed, military intervention in Libya in 2011, it would be easy to say that nothing has changed for the better. The continuing ugly situation in the Congo, the disastrous war in Yemen, and the terrible ethnic cleansing of Rohingya people in Myanmar have all further reinforced the cynics who say that this whole norm-building enterprise has been a waste of time or worse. But measuring R2P against the four benchmarks we had in mind from the beginning -- its role a normative force, a catalyst for institutional change, and a framework for both prevention and effective reaction -- my own assessment is more positive, albeit not remotely complacent.

*Normatively*, R2P has achieved a global take-up unimaginable for the earlier concept of 'humanitarian intervention' which R2P has now rightly, and almost completely, displaced (a certain lingering US academic nostalgia for that language notwithstanding). True, many states are still clearly more comfortable with the first two pillars of R2P (the responsibility of all states to protect their own peoples and that of others to assist them) than they are with the third (the world's responsibility to react effectively, by measures extending from persuasion to coercion, when that protection fails). But there is no longer any serious dissent evident in relation to any of the elements of the 2005 Resolution. The best evidence lies in the General Assembly's annual interactive debates since 2009, which have shown ever stronger and more clearly articulated support for what is now widely accepted as a new political (if not legal) norm, and in the literally scores of resolutions specifically referencing R2P, in whole or part, that have continued to be passed by the Security Council.

*Institutionally*, more than 50 states and intergovernmental organizations have now established R2P 'focal points' -- designated high-level officials whose job is to analyze atrocity risk and mobilize appropriate responses. Civilian response capability is receiving much more organized attention, as is the need for militaries to rethink their force configuration, doctrine, rules of engagement, and training to deal better with mass atrocity response operations.

*Preventively*, R2P-driven strategies have had a number of notable successes, notably in stopping the recurrence of strife in Kenya after 2008; in the West African cases of Sierra Leone, Liberia, Guinea, and Cote d'Ivoire over the last decade; and Kyrgyzstan after 2010. Volatile situations such as Burundi get the kind of continuing Security Council attention unknown to Rwanda in the 1990s. Strong civilian protection mandates are now the norm in peacekeeping operations. And the whole preventive toolbox, long and short term, structural and operational, is much better understood, albeit with action still often lagging behind rhetoric.

*Reactively*, however, where it matters most that R2P make a difference, it must be acknowledged that the record has been at best mixed. On the positive side are the success

stories in Kenya in 2008, Côte d'Ivoire in 2011, and at least initially in Libya in 2011, and the partial success that can be claimed for UN operations in Congo, South Sudan, and the Central African Republic. But against this must be weighed serious failures in Sri Lanka and Sudan, and above all in Syria, and most recently now Myanmar. Reestablishing Security Council consensus in these hardest of cases is not impossible, but it will take time. Brazil's 'responsibility while protecting' (RWP) proposal remains the most constructive of all the suggested ways forward, requiring as it would all Council members to debate more comprehensively the criteria that need to be met before any use of force is authorized and to accept close monitoring and review of any coercive military mandate throughout its lifetime.

By any historical standard, the speed and extent of the evolution of R2P, in the few short years since the idea was conceived, has been remarkable. My own strong instinct is that no policymakers anywhere in the world really want to see a return to the bad old days of Cambodia, Rwanda, and the Balkans. We sometimes forget just how bad those days were: for example, then US Secretary of State Henry Kissinger reportedly felt able to say to Thai Foreign Minister Chatichai in November 1975, seven months after the Khmer Rouge had commenced their genocidal reign of terror, 'Tell the Cambodians that we will be friends with them. They are murderous thugs, but we won't let that stand in our way'. As cynical as so many of our political leaders continue so often to be, I suspect the time really has gone when any of them could now feel able to talk like that.

All that said, achieving the complete *implementation* of R2P in all its necessary dimensions – the effective prevention of the occurrence, continuation and recurrence of mass atrocity crimes – is still manifestly work in progress. The task of the next generation of policymakers, and those who seek to influence them, is above all to turn largely accepted principles into consistently applied practice. This book will make a major contribution to achieving just that.

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