The Responsibility to Protect: a new response to humanitarian suffering?

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Does the recent development of the "responsibility to protect" principle represent a change in the way that the UN and its member states consider and respond to major cases of humanitarian suffering?

The "responsibility to protect" principle (R2P) has radically transformed the international community's approach to major cases of humanitarian suffering, shifting its focus from "intervention" to "prevention". As a result, the international community has a major responsibility to assist in the building or rebuilding of "state capacity" in order to prevent the possibility of "mass atrocity crimes" from occurring.[i] Humanitarian suffering became the subject of considerable debate during the 1990s, due to intervention or otherwise in states such as: Kosovo, Rwanda, Somalia and East Timor.[ii] However, the debate was largely dominated by the struggle for primacy between the "mutually incompatible" principles of "human rights" and "sovereignty".[iii] As such, the unresolved dispute was between two opposing camps, those "for" and "against" the "right" of humanitarian intervention.[iv] Nevertheless, a limited "right" of intervention was recognised by the international community in the late 1990s, the collective "right" of intervention 'to protect civilians from wholesale slaughter, [sic] suffering and violence'.[v] This "vague" and "limited" right was fundamental in "paving" the way for the more complex, sophisticated and broadly acceptable R2P, promulgated by the ICISS[vi] report in December, 2001.[vii] In essence, R2P was a radical transformation for three major reasons: it reconciled the competing principles of "sovereignty" and "human rights";[viii] focused on prevention as opposed to intervention; and emphasised the protection of innocent victims rather than the "right of any state" to intervene in another.[ix] The R2P cause was further advanced through its "official" adoption by the international community in 2005 and 2006.[x] In summary, R2P has fundamentally transformed the concept of humanitarian intervention "as we know it" and has become a widely accepted norm within the international community.[xi] Nevertheless, the tragic case of Darfur has clearly demonstrated its limitations. Accordingly, the UN and its member states must be prepared to generate the necessary "political will" and "resources" to ensure that the "sun never sets" on R2P and the words

"never again" may be uttered with confidence.[xii]

Definitions

In order to adequately address this question, two critical terms must be defined: "major cases of humanitarian suffering" and the "responsibility to protect" principle (R2P). David Scheffer has long argued that the generic expression "atrocity crimes" should be used to refer to 'gross and massive violations of human rights or international humanitarian law' or 'genocide, war crimes, ethnic cleansing, and crimes against humanity'.[xiii] In this view, the relevant category or type of "atrocity crime" committed remains a question for the international courts, and as such is beyond the scope of this essay.[xiv] Accordingly, the term "atrocity crimes" will be used as a shortcut for "massive cases of humanitarian suffering" for the purpose of this essay. Further, the reference to "humanitarian suffering" is an oxymoron, but refers in this context to the "selfless motives" which "should" drive the international community in its attempt to save lives at risk and reduce human suffering.[xv] Nevertheless, it must be stated that good intentions are great, but results are what really matter.[xvi]

R2P focuses on the responsibility of the host state to protect its internal population. Accordingly, if the host state is unwilling or unable to protect its citizens from "mass atrocities", then R2P overrides the principle of non-intervention.[xvii] In other words, the "responsibility to protect" the civilian population shifts from the host state to the international community and includes three levels of responsibility: the "responsibility to prevent", "responsibility to react" and "responsibility to rebuild" after any military intervention.[xviii] Nevertheless, R2P explicitly states that military intervention can only be authorised as a means of last resort in extreme and exceptional circumstances.[xix]

Fundamental Principles of the International System

The international system rests on the fundamental principle of state sovereignty, as expressed by Article 2(1) of the United Nations Charter (UNC).[xx] This principle recognises that each state is an equal and independent entity, responsible for and in control of its own territory,[xxi] 'unfettered by external constraints'.[xxii] This traditional view of state sovereignty is reflected in the fundamental principle of non-intervention, enshrined in Articles 2(3) and (4) of the UN Charter, which clearly prohibits the use of force by state actors.[xxiii] In other words, states are forbidden from carrying out military incursions into the territory of other states, unless consent is specifically provided by the host state government.[xxiv] This principle is further reinforced by UNC Article 2(7), which explicitly prohibits the UN from interfering in state matters which are 'essentially within the domestic jurisdiction of any state'.[xxv] Finally, two exceptions to the principle of non-intervention are expressly provided by the UN Charter. First, state actors have the right to use self-defence, individually or collectively,[xxvi] against an armed attack.[xxvii] Second and most importantly, the Security Council has the power to authorise collective action under the Chapter VII enforcement provisions.[xxviii]

The Right of Humanitarian Intervention

The 1990s debate regarding humanitarian intervention was dominated by the struggle for primacy between the competing principles of "sovereignty" and "human rights, "darlings" of the "global South" and "global North" respectively. The "global North" argued that where "atrocity crimes" result from state failure to protect its citizens, "human rights" must trump "state sovereignty".[xxix] In other words, outside states have the "right to intervene" ("droit d'ingérence") in the internal affairs of other states in exceptional circumstances.[xxx] On the other hand, the "global South" expressed strong opposition to this "so-called right", arguing that state sovereignty is a fundamental principle of the international system. As such, it would automatically trump any question of "human rights".[xxxi] Their perceptions were most accurately described by Alex Bellamy when he said: '[humanitarian intervention is] perceived as a "Trojan horse" used by the powerful to legitimise their interference in the affairs of the weak.' [xxxii] In other words, these post-colonial states viewed "human rights" as a mere excuse for intervention by the most powerful states.[xxxiii]

The struggle between these two opposing camps was never fully resolved during the 1990s, largely due to the "mutually incompatible" principles of "sovereignty" and "human rights". Nevertheless, the international community had clearly demonstrated its commitment to intervention in order to protect victims of "mass atrocities" in cases such as: Bosnia, Somalia, Haiti, Northern Iraq, and East Timor.[xxxiv] Consequently, the international community was in agreement[xxxv] by the end of the 1990s that the United Nations Security Council had a collective "right" of humanitarian intervention under the Chapter VII provisions of the UN Charter.[xxxvi] Official statements from various member states, such as the United Kingdom, reinforced this right through their express justification of the principle.[xxxvii] As such, this right enabled the international community to respond collectively to major cases of threats to international peace and security,[xxxviii] such as genocide and ethnic cleansing.[xxxix]

NATO intervention in Kosovo generated serious debate within the international community regarding intervention conducted without[xl] Security Council approval.[xli] As a result, the Security Council was caught between "a rock and a hard place", as it failed to sanction the use of force by NATO, but was not prepared to condemn it either.[xlii] Interestingly enough, a subsequent independent commission on Kosovo[xliii] held that the intervention was "illegal but legitimate".[xliv] In practical terms, this finding lent support to the proposition that: 'states have a moral right to intervene to save strangers in supreme humanitarian emergencies'.[xlv] In addition, the lack of opposition to Rwandan intervention from any member of the Security Council acted as further persuasive support[xlvi] for the principle.[xlvii] Notwithstanding, the principle of unilateral humanitarian intervention does not enjoy majority support within the international community.[xlviii]

Accordingly, this "so-called right" of humanitarian intervention was vague

and lacked clear guidelines, making its consistent application virtually impossible. Gareth Evans and Mohamed Sahnoun (2002) best summed up this state of affairs[xlix]:

There were no agreed rules for handling cases such as Somalia, Bosnia, Rwanda, and Kosovo at the start of the 1990s, and there remain none today. Disagreement continues about whether there is a right of intervention, how and when it should be exercised, and under whose authority.

In my view, these factors prevented the "right" of intervention from being firmly entrenched within the international system, as it is extremely difficult to apply a doctrine or right which lacks agreement on its most basic guiding principles. Meanwhile, the highly divisive debate between the "mutually incompatible" principles of "state sovereignty" and "human rights" continued during the late 1990s, such that each side became even more deeply entrenched in its respective position.[l] Accordingly, a radical and innovative approach was clearly needed to take the concept of "humanitarian intervention" to the next level.

"Responsibility to Protect" principle (R2P)

The "responsibility to protect" principle (R2P) was promulgated via the publication of the ICISS report in December 2001[li], fundamentally transforming the concept of humanitarian intervention through its introduction of "sovereignty as responsibility".[lii] This concept enabled the competing principles of "state sovereignty" and "human rights" to be reconciled, focusing on the responsibility of the host state to protect its internal population, rather than the "right of any state" to intervene in another.[liii] Accordingly, if an internal population is 'suffering serious harm as a result of internal war, insurgency, repression or state failure'[liv] and the host state is unwilling or unable to discharge its responsibility towards its citizens, then R2P overrides the principle of non-intervention.[lv] As such, it includes three distinct layers of responsibility: the "responsibility to protect", "responsibility to react" and the "responsibility to rebuild" after any military intervention.[lvi]

The modern concept of "sovereignty as responsibility" represented a major modification to the traditional view of "sovereignty as control".[lvii] However, this evolutionary process didn't take place overnight, but over a period of several decades. Francis Deng, former UN Secretary-General on Internally Displaced Persons, played a critical role in this transformation through a series of books and articles throughout the 1990s.[lviii]

The new R2P terminology was critical to the radical conceptual transformation of humanitarian intervention for a number of key reasons. First, the term "humanitarian intervention" was of considerable concern to humanitarian relief organisations, who viewed it as an archetypal oxymoron.[lix] Consequently, its replacement by the more "user-friendly" responsibility to protect was critical in allaying the concerns of

humanitarian relief organisations. Second, the focus was placed back on those most needing support rather than those seeking merely to establish a "right",[lx] thus cooling the debate between the "global North" and "global South". Third, the language of R2P is much less divisive, as it focuses on prevention rather than intervention. Finally, it must be acknowledged that whilst this radical change in terminology was important, the international community must still generate the "political will" necessary in order to prevent "mass atrocities".

The ICISS report stressed the fundamental importance of the "responsibility to prevent", as it enables the international community to address the root causes of internal conflict or crises and thus prevent "atrocity crimes" from occurring.[lxi] However, if these preventative measures are unsuccessful, the international community has a secondary "responsibility to react" through a range of persuasive and coercive measures such as: arms embargoes, "smart sanctions", aviation bans, travel restrictions, diplomatic means and ordinary economic incentives or sanctions.[lxii] This continuum of suitable measures clearly provides the international community with a wide range of tools at its disposal.[lxiii] Finally, if these secondary measures are unsuccessful, the international community may use collective force as a means of last resort in extreme and exceptional circumstances.[lxiv]

The Early Years of R2P (2001-2006)

The "Responsibility to Protect" report was published by ICISS in December 2001, barely three months after the shocking events of September 11 which dominated international headlines and left minimal space for the emerging "responsibility to protect" principle.[lxv] The 2003 invasion of Iraq was a further setback to the R2P cause, as its advocates[lxvi] sought to incorrectly justify it on the basis of R2P principles, causing significant further damage to the newly emerging norm.[lxvii] As a result, R2P lacked traction in its early years and almost completely disappeared from the "international spotlight". However, its endorsement by the United Nations Secretary General's High-Level Panel on Threats, Challenges, and Change, enabled it to regain momentum and the attention of the international community in 2004.[lxviii]

The Panel's recommendations were particularly significant to the evolution of R2P, as it recommended that the Security Council reach agreement on the appropriate criteria to be adopted regarding the use of force in R2P situations. Accordingly, the Panel then proceeded to recommend the use of "five basic criteria" from the original ICISS report for this very purpose: seriousness of threat; proper purpose; last resort; proportional means; and reasonable chance of success.[lxix] Nevertheless, it continued to emphasise the critical importance of the Security Council as the ultimate source of R2P authority.[lxx]

These recommendations were adopted by the Secretary General as part of his report 'In Larger Freedom', then distributed to all UN member states in the lead-up to the 2005 UN World Summit.[lxxi] This report was critical,

as it provided a link between the High Level Panel and the 2005 UN World Summit.[lxxii] The core R2P provisions were subsequently approved at the Summit in the form of Resolutions 138 and 139 entitled: Responsibility to Protect Populations from Genocide, War Crimes, ethnic cleansing, and crimes against humanity'.[lxxiii] As R2P was the only significant reform proposal to be passed at the Summit, its significance should not be underestimated.[lxxiv] Most importantly, this demonstrated its broad acceptance within the international community. Finally, these R2P summit resolutions were formally endorsed by the Security Council in April, 2006.[lxxv] In contrast, the "right" of humanitarian intervention was never able to marshal such broad support, largely due to its divisive language and lack of clear, guiding principles.

Nevertheless, some commentators[lxxvi] have argued that the principles agreed upon at the Summit failed to represent the core of R2P, as originally outlined by the ICISS, High-Level Panel and Secretary General's Report. [lxxvii] For example, Bellamy argues that important ICISS proposals were not included in the outcome document, such as: restriction on the use of the Permanent Five (P-5) veto and criteria regarding the use of force. [lxxviii] According to this view, the original "responsibility to protect" had been seriously weakened from 'an (albeit rhetorical) "obligation" to simple "preparedness', enabling the international community to effectively avoid its future R2P responsibilities.[lxxix]

In an ideal world, these aspects of the original ICISS R2P would have been incorporated into the World Summit Document. However, the vast range of countries and interests present within the United Nations made this virtually impossible. Accordingly, in my view, Bellamy has overstated his case considerably, as the Summit resolutions were highly significant, representing the agreement of the international community on the core principles of R2P. Unfortunately, this latest version of R2P lacks criteria regarding the use of force, which clearly amounts to a minor setback.[lxxx] However, most importantly, the international community agreed on major guiding principles regarding R2P, significantly advancing the R2P cause.

Major Obstacles to R2P Implementation

The adoption of R2P by the international community was a significant breakthrough. However, declaratory intent and practical implementation are two entirely separate matters, so that it remains to be seen whether or not the international community will live up to the "lofty" ideals of the R2P norm.[lxxxi] In order for this to occur, a number of significant obstacles must be overcome, such as: lack of political will[lxxxii], ignorance and misunderstanding regarding its key principles[lxxxiii], lack of credible norm carriers[lxxxiv] and procedures for overcoming the divisive role of the Security Council.[lxxxv]

The limitations of R2P were demonstrated in a horrific fashion by the "mass atrocities" in Darfur. In essence, the Sudanese government responded to a 2004 insurgency by Darfur rebel tribal groups, using the Janjaweed militias as their "agents" to inflict mass violence on the

insurgents.[lxxxvi] Put simply, the government funded, supported and tightly coordinated militia attacks on the rebels, including well-coordinated air strikes and joint ground operations.[lxxxvii] The government's strategy was effectively designed to "drain the swamp", thus driving civilians from their villages and denying rebel tribal groups a place of sanctuary.[lxxxviii] The magnitude of this tragedy is demonstrated by the following: approximately 300,000 victims lost their lives;[lxxxix] and over two million individuals were displaced from their homes.[xc] If that wasn't shocking enough, the Sudanese government undertook on at least six separate occasions to disarm the Janjaweed militias and was repeatedly directed to do so by the Security Council,[xci] but failed miserably on each occasion to even attempt to disarm the militias.[xcii]

In terms of R2P, the Sudanese government clearly failed to protect its internal population, as it was the "Principal" behind the Janjaweed militias.[xciii] Consequently, the "responsibility to protect" shifted to the international community. In the first place, the Security Council waited two years before it finally imposed sanctions on the Sudanese government in March 2005.[xciv] It then waited another full year before imposing "smart sanctions"[xcv] on four individuals: a low-level air force commander, a Janjaweed commander, and two rebels.[xcvi] In August 2006, the Security Council finally issued a resolution authorising the deployment of peacekeepers by the end of the year. However, it clearly stated that this was subject to the consent of the Khartoum government, something that was never going to happen.[xcvii] Consequently, the international community expressed its concern for the people of Darfur, but did not care enough to deploy significant numbers of troops in order to stop the "mass atrocities".[xcviii] Put simply, there was a lack of "political will" in the international community.

Accordingly, the lack of "international political will" remains highly problematic for the "responsibility to protect", such that support must be mobilised at a domestic level through an appeal to altruistic, financial and national interest motivations.*[xcix]* In terms of altruistic motivations, we live in a highly interdependent world, such that internal crises can quickly generate into major problems for other countries or regions.[c] Consequently, "good international citizenship" is no longer an option, but ultimately in the national interest. Financial arguments also play an important role, as preventative strategies end up being much cheaper than military intervention and/or post-conflict reconstruction.[ci] However, international political will is inherently useless, unless backed up by adequate resources. Consequently, the current lack of spare international military units is a concern, such that the international community needs to significantly increase the number of available and dedicated peace-keeping resources, including a "fire brigade" rapid reaction capability.[cii]

The level of ignorance regarding R2P is clearly demonstrated by a recent academic article, which called for the introduction of a new law on humanitarian intervention and failed to make any reference whatsoever to R2P.[ciii] Lack of understanding is another critical obstacle, as illustrated by the following list of significant misunderstandings. First, R2P is just

another name for "humanitarian intervention".[civ] Second, R2P must always involve the use of coercive military force in extreme cases.[cv] Third, R2P only applies to weak countries, never the strong.[cvi] Fourth, R2P covers all human protection issues.[cvii] Finally, the invasion of Iraq was an excellent example of R2P at work.[cviii]

The Bush administration did significant damage to R2P through its justification of the Iraqi invasion, using R2P as a mere "smokescreen" to justify an otherwise "illegal" intervention.[cix] As a direct result, other states became more cautious and even openly hostile to R2P, concerned that it could possibly be used as a justification for future intervention in their nation states.[cx] Further, it has meant that the credibility of the United States as a R2P norm carrier has been significantly diminished, making it extremely difficult for the US to build Security Council consensus around R2P action, as demonstrated in Darfur.[cxi] Nevertheless, the R2P principle will only continue to flourish if the US is brought on-board regarding the "Responsibility to Protect". Consequently, the international community must seek to engage the Obama administration on R2P through multilateral efforts.[cxii]

The "global South" has expressed a number of key reservations regarding the R2P principle, particularly regarding its effect on the erosion of sovereignty and the unrepresentative nature of the Security Council as main R2P decision-maker. Unfortunately, it is highly unlikely that the Security Council will undergo significant reforms, as its history demonstrates that no permanent member of the Security Council (P-5) will ever vote to reduce its share of world power.[cxiii] However, these difficulties may possibly be overcome if the Security Council works in tandem with regional security bodies, such as the African Union or NATO. In other words, in situations where a stalemate exists within the Security Council, it could possibly defer its responsibility to a regional body. However, the international community would need to provide adequate training and resources to these regional bodies to ensure that they were fully equipped to react, unlike the African Union in the case of Darfur.

Conclusion

In summary, R2P represents a radical transformation in the international community's approach to major cases of humanitarian suffering. Most importantly, there has been a massive shift in emphasis from intervention to prevention, such that R2P has become a widely accepted norm within the international community.[cxiv] Nevertheless, significant obstacles remain, such as the lack of: political will; criteria for military intervention; and credible R2P norm carrier. Accordingly, domestic pressure must be placed on national political leaders through altruistic, financial and national motivations in order to generate sufficient international political will. Civil society groups, such as the International Coalition on the Responsibility to Protect, must continue to play an important role in public education in order to increase awareness of R2P principles. Further, the international community must uncover a new "normative champion",[cxv] able to effectively engage the Obama administration on R2P through

multilateral efforts.[cxvi] In my opinion, Australia would be ideally placed to assume this role, due to its: middle power status, strong reputation in the international community and ability to provide creative leadership in multilateral fora.[cxvii] Finally, a new international commission must be convened to address some of these major obstacles, including the lack of agreed criteria for R2P military intervention. In conclusion, the concept of humanitarian intervention has been radically transformed by the "responsibility to protect" principle. However, significant obstacles must be overcome to ensure that the "sun never sets" on R2P and the words "never again" may be uttered with confidence.[cxviii]

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[i] G Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All,* 1st edn, The Brookings Institute, Washington DC, 2008, p. 57.

[ii] Adam Roberts, 'The So-Called Right of Humanitarian Intervention', *Trinity Papers*, number 13, 2000, pp. 1-23, retrieved 4 May 2010, <http://www.trinity.unimelb.edu.au/publications/trinity_papers /paper13>, p. 7.

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[ix] Ibid.

[x] UN General Assembly Resolutions 138 and 139 and UN Security Council Resolution 1674 paragraph 4.

[xi] International Coalition for the Responsibility to Protect, *The Responsibility to Protec*t, World Federalist Movement, New York, retrieved 15 April 2010, <http://www.responsibilitytoprotect.org>.

[xii] R Thakur & G Weiss, 'R2P: From Idea to Norm – and Action?', *Global Responsibility to Protect*, vol. 1, no. 1, 2009, pp. 22-53, retrieved 1 April 2010, <http://www.brill.nl/gr2p>, pp. 52-53.

[xiii] G Evans, Brookings Institute, pp. 11, 13.

[xiv] Ibid, p. 13.

[xv] M Barnett and T Weiss, 'Humanitarianism: A Brief History of the Present', in M Barnett and Tom Weiss (eds), *Humanitarianism in Question: Politics, Power, and Ethics*, Cornell Univerrsity Press, Ithaca, 2008, p. 11.

[xvi] Ibid, p. 7.

[xvii] N Wheeler, 'A Victory for Common Humanity? The responsibility to protect after the 2005 World Summit', *Conference: The UN at Sixty: Celebration or Wake'*, 6-7 October 2005, retrieved 4 April 2010, <http://cadair.aber.ac.uk/>, p. 4.

[xviii] Evans, Brookings Institute, pp. 42-43.

[xix] Ibid, p. 45.

[xx] Thakur, The Oxford Handbook, p. 391.

[xxi] Ibid, p. 389.

[xxii] Evans, Brookings Institute, pp. 16, 21.

[xxiii] United Nations, Charter of the United Nations, New York, retrieved 7 June 2010, <http://www.un.org/en/documents/charter>.

[xxiv] Thakur, p. 389.

[xxv] Ibid.

[xxvi] UN Charter, Article 51.

[xxvii] Adam Roberts, 'Humanitarian War: Military Intervention and Human Rights', *International Affairs*, vol. 69, no. 3, July 1993, pp. 429-449, retrieved 5 May 2010, JSTOR, p. 433.

[xxviii] UN Charter, Articles 39-51.

[xxix] Evans, Brookings Institute, p. 33.

[xxx] Ibid.

[xxxi] Roberts, Trinity Papers, p. 17.

[xxxii] A Bellamy, 'Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq', *Ethics and International Affairs*, vol. 19, no. 2, 2005, pp. 31-53, retrieved 15 April 2010, Expanded Academic ASAP, p. 32.

[xxxiii] Ibid.

[xxxiv] Roberts, 'The So-Called Right', p. 7.

[xxxv] Although some states were uneasy with this development and only agreed reluctantly, such as Russia, China, India and some members of the Non-Aligned Movement (NAM).

[xxxvi] Alex Bellamy and Nicholas Wheeler, 'Humanitarian Intervention in World Politics', in Baylis, Smith & Owens (eds.)*, The Globalization of World Politics: An Introduction to International Relations*, 4th edn, Oxford University Press, Oxford, 2007, p. 13.

[xxxvii] Roberts, 'The So-Called Right', p. 12.

[xxxviii] UN Charter, Article 39-51.

[xxxix] Bellamy and Wheeler, p. 13.

[xl] Otherwise known as the unilateral right of humanitarian intervention.

[xli] Ibid.

[xlii] Bellamy, p. 34.

[xliii] Independent International Commission on Kosovo.

[xliv] Ibid.

[xlv] Ibid.

[xlvi] In the case of NAM, this support was somewhat reluctant, but support nonetheless.

[xlvii] Bellamy and Wheeler, p. 13.

[xlviii] Ibid.

[xlix] G Evans & M Sahnoun, 'The Responsibility to Protect', *Foreign Affairs*, vol. 81, no. 6, 2002, pp. 1-8, retrieved 3 April 2010, JSTOR, p. 1.

[l] Ibid, p. 2.

[li] ICISS.

[lii] Ibid.

[liii] R Thakur, 'UN's Einstein Moment', in International Coalition for the Responsibility to Protect (ICR2P), *Media Quotes on the Responsibility to Protect and the UN Summit Outcome*, World Federalist Movement, New York, 2005, retrieved 13 April 2010, <http://www.responsibilitytoprotect.org>.

[liv] Evans, Brookings Institute.

[lv] Wheeler, p. 4.

[lvi] G Evans, Brookings Institute, pp. 42, 43.

[lvii] Roberts, Trinity Papers, p. 11.

[lviii] G Evans, Brookings Institute, pp. 35-37.

[lix] Evans & Sahnoun, p. 2.

[lx] Ibid.

[lxi] G Evans, *Address to the G8 Summit 2006, Issues and Instruments, The Responsibility to Protect: Unfinished Business*, 15-17 July 2006, retrieved 3 April 2010, <http://www.gevans.org/opeds/oped73.html>.

[lxii] ICISS, pp. 29-31.

[lxiii] Ibid.

[lxiv] Thakur & Weiss, p. 24.

[lxv] Weiss, p. 136.

[lxvi] Including ex post facto remarks by ex British Prime Minister Tony Blair.

[lxvii] G Evans, Address to the Human Rights Law Resource Centre (Melbourne): The Responsibility to Protect: creating and Implementing a New International Norm, 13 August 2007, retrieved 4 April 2010, <http://www.crisisgroup.org>.

[lxviii] Evans, Brookings Institute, pp. 44-45.

[lxix] Wheeler, p. 5.

[lxx] Evans, Brookings Institute, pp. 44-45.

[lxxi] Wheeler, p. 6.

[lxxii] Evans, Brookings Institute, p. 44.

[lxxiii] Ibid, pp. 48-49.

[lxxiv] Ibid.

[lxxv] Evans, Brookings Institute, p. 50.

[lxxvi] Such as Nicholas Wheeler and Alex Bellamy.

[lxxvii] Ibid, p. 47.

[lxxviii] Alex Bellamy, 'Whither the Responsibility to Protect? Humanitarian Intervention and the 2005 World Summit', *Ethics & International Affairs*, vol. 20, no. 2, 2006, pp. 143-169, retrieved 5 April 2010, Expanded Academic ASAP, p. 167.

[lxxix] Ibid, pp. 167-169.

[lxxx] Evans, Brookings Institute, pp. 47-50.

[lxxxi] Wheeler, p. 9.

[lxxxii] Ibid.

[lxxxiii] Seyla Benhabib, 'The legitimacy of human rights', in Lloyd Axworthy & A Rock, 'R2P: A New and Unfinished Agenda, Global Responsibility to Protect, vol. 1, no. 1, 2009, pp. 54-69, retrieved 31 March, <www.brill.nl/gr2p>, p. 57.

[lxxxiv] Weiss, p. 143.

[lxxxv] Ibid, p. 145.

[lxxxvi] Grono, N, 'Briefing – Darfur: The International Community's Failure to Protect', *African Affairs*, vol. 105, no. 421, 2006, pp. 621-631, retrieved 2 April 2010, Oxford Journals Online, p. 624.

[lxxxvii] Ibid, p. 624.

[lxxxviii] Ibid.

[lxxxix] BBC News, 'Darfur deaths could be 300,000', 23 April 2008, retrieved 8 June 2010, <http://news.bbc.co.uk/2/hi/7361979.stm>.

[xc] Ibid, p. 624.

[xci] United Nations Security Council Resolutions 1556 (30 July 2004), 1564 (18 September 2004), 1574 (19 November 2004), 1591 (29 March 2005).

[xcii] Grono, p. 625.

[xciii] Ibid.

[xciv] Ibid, p. 626.

[xcv] Travel and financial "smart sanctions".

[xcvi] United Nations Security Council Resolution 1672, 25 April 2006.

[xcvii] Ibid, p. 626.

[xcviii] Ibid.

[xcix] Evans & Sahnoun, p. 7.

[c] Ibid.

[ci] Ibid.

[cii] Evans, Brookings Institute, p. 178.

[ciii] Seyla Benhabib, 'The legitimacy of human rights', in Axworthy & Rock, p. 57.

[civ] Evans, Brookings Institute, p. 56.

[cv] Ibid, p. 59.

[cvi] Ibid, p. 61.

[cvii] Ibid, p. 64.

[cviii] Ibid, p. 70.

[cix] Weiss, p. 143.

[cx] Ibid.

[cxi] Ibid.

[cxii] Thakur & Weiss, pp. 52-53.

[cxiii] Ibid.

[cxiv] International Coalition for the Responsibility to Protect.

[cxv] Replacing Canada.

[cxvi] Weiss, p. 149.

[cxvii] J Ravenhill, 'Cycles of Middle Power Activism: Constraint and Choice in Australian and Canadian Foreign Policies', *Australian Journal of International Affairs*, vol. 52(3), 1998, pp. 309-327, retrieved 27 December 2009, ProQuest Central, pp. 311-312.

[cxviii] Thakur & Weiss, pp. 52-53.

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Written by: **Antony Lewis**
Written at: Deakin University
Written for: Dr Steven Slaughter
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