The Responsibility to Protect at 10: The Challenge of Protecting the World’s Most Vulnerable Populations

R2P at 10: Implementing an R2P Agenda for Peace Operations
Chen Kertcher*

Ten years of discussions on R2P at the UN General Assembly and the Security Council did not see its implementation as a global norm. In this short paper, I review some stepping-stones on the road to consensus about and implementation of R2P. I argue that some potential solutions provided by Peace Operations (POs) can encourage the implementation of R2P, and thus that theoretical and doctrinal synergy of the two concepts can assist the transformation of R2P from a travesty to a practice.

R2P and the Agenda for Peace

Paragraphs 138-139 of the 2005 World Summit resolution seemed, at that time, like a groundbreaking normative change in global security. In this resolution, the UN adopted a commitment to prevent and end genocide, war crimes, ethnic cleansing, and crimes against humanity. The ideal R2P demands that governments create the conditions that will prevent such crimes. The UN expects the international community to support governments in achieving this goal. Finally, it expects the international community to provide early warnings, and to support actions according to chapter 6-8 in the UN Charter. Therefore, R2P creates a delicate balance between the principle of state sovereignty and the principle of respecting human rights.

* Chen Kertcher lectures on Global History, Conflict Resolution, peacebuilding and Peacekeeping Operations in Haifa University, Ariel University and the Interdisciplinary Center in Herzliya
1 UN, A/RES/60/1, 16 September 2005

go.brandeis.edu/R2P
In 2009, UN Secretary-General Ban Ki Moon published a report, “Implementing the Responsibility to Protect.” In that report, he tries to operationalize R2P. His team formulated what is now a cornerstone in academic and policymaker discussions, the strategy of three pillars. Pillar I calls for strategies that will encourage states to provide protection for their citizens; Pillar II discusses international assistance and capacity building; Pillar III analyzes how to operationalize in a timely manner and how to make prudent decisions.\(^2\) Since 2009, the UN Secretariat has published another report each year in order to clarify the strategies needed for the implementation of R2P.

Comparing the three pillars to the *Agenda for Peace* of former UN Secretary-General Boutros Boutros-Ghali from 1992 is quiet revealing. In both cases, esteemed teams widened the concept of the rights of intervention based on previous intellectual and political work. They saw situations such as civil wars, destabilization of states’ institutions, and humanitarian crises as situations that may call for international actions. In both cases, the responsibility for intervention was put on host governments, while the international community was asked to support the efforts for conflict resolution in different ways. During that period, the *Agenda* was groundbreaking for its comprehensive concept of conflict: it called for intervention before, during, and after conflict erupts. This stance is also adopted in the conceptualization of the three pillars of R2P. Finally, both doctrines adopt more than just military means to achieve their elaborate goal of terminating threats.

The R2P doctrine and its three pillars add nuance to the global normative movement regarding the protection of people. The 2005 doctrine provides clear conditions that demand international action. This consensus was also a result of recommendations made after failures to protect people in Rwanda and Srebrenica during the mid-1990s. These failures contradicted the ideals mentioned in the *Agenda for Peace*. R2P emphasizes the responsibility of governments towards their people. An important emphasis in the R2P doctrine is that any intervention must stabilize the situation, not undermine governments. Furthermore, R2P stipulates clearly that one country alone cannot be involved in such situations, and that all countries must follow the criteria of

---

\(^2\) UN, A/63/677, 12 January 2009.
Chapters 6-8 in the UN Charter. All these normative innovations provide legitimate actions that will improve state stability before, during, and after crises.\(^3\)

A decade after the famous resolution on R2P was accepted, it was on the verge of becoming a travesty. From the perspective of approximately sixty million refugees and internally displaced people around the globe,\(^4\) the UN deliberations and academic debate on R2P seem like a cynical academic exercise. The last report by the Secretary-General, “A Vital and Enduring Commitment,” shows that in contradiction to the title of his report, the number of conflict areas is on the rise. In addition, there is evidence that, at least in the near future, this trend will continue.\(^5\) Personal security in the Middle East and North Africa (MENA) region is deteriorating. Other states such as Nigeria, the Democratic Republic of the Congo (DRC), and the Central African Republic are seeing decreases in stability and security.

**UN Security Council on R2P**

Both the *Agenda for Peace* and R2P mandate that the UN Security Council (UNSC or Council) authorize intervention on R2P. In principle, unlike in the *Agenda*, R2P gives the UNSC clear criteria for intervention. In practice, the members of the Council hesitate to use it in different conflict situations. From 2006 to January 2015, R2P was mentioned only thirty times out of 546 resolutions adopted by the Council. From 2006 to 2010, it was mentioned only four times. Comparing the two time periods, the number of times that R2P was mentioned from 2010 to 2015 – 26 – the time frame analyzed in this paper, is an improvement.

The travesty of R2P could have been avoided if the Security Council had used the new doctrine consistently and in multiple cases. As I argued above, the Council can adopt resolutions regarding any state, because every state has a potential for human atrocities. In practice, the Council avoids justifying its resolutions on the basis of R2P. Seven of the resolutions examined are general normative commitments by the Security Council on issues such as the protection of civilians (POC) and identification of R2P as an important norm for the maintenance of international peace and security.


---

*go.brandeis.edu/R2P*
Out of the extensive list of countries eligible to be included as those where war crimes, ethnic cleansing, and crimes against humanity are being committed, the Security Council finds it suitable to include only nine countries. Besides that, the discussions that link R2P and Security Council actions are not consistent or connected to other actions in these countries. Moreover, the Council did not mention R2P in the context of Afghanistan, Mexico, Pakistan, or Ukraine. All of these countries suffered the loss of more than 2000 citizens.

**Common solutions to encourage the use of R2P**

With the deteriorating global stability in the Middle East and North Africa (MENA) and other regions, solutions are needed in order to invigorate the use of the R2P doctrine around the globe. Currently, two main strategies are being tested to achieve this transformation. One strategy is to call for the clarification of the pillars that form the R2P doctrine, in order to encourage governments to implement it. Using this strategy, representatives of governments and political experts will create the necessary conceptual toolbox that will easily identify situations that require R2P. For example, according to Pillar I, countries are encouraged to adopt legal instruments to prevent genocide. However, the Libyan intervention of 2011 created a global distrust of the R2P doctrine. The elaborate, maximalist interpretation of the mandate, protected by Western nations such as the USA, the UK, and France, was manipulated to legitimize their bombing campaign to topple Gaddafi’s government. In the past few years, this intervention, which ignored any responsibility for reconstruction, cast a shadow on the possibility of agreeing on the three pillars. A majority of countries fear that Western powers will invoke the doctrine for their own selfish interests. From November 2011, Brazil’s initiative calling for “Responsibility While Protecting” (RwP) tried to encourage discussion by emphasizing the need for continuous monitoring of the Security Council on international interventions. However, this initiative raised new questions on the meaning of monitoring and its relation to the effectiveness of interventions. 

A second strategy or solution for implementation of R2P is to wait for transformation in global leadership that can reach consensus in the UNSC. Unfortunately, global

---

affairs are not going this direction. A takeoff of this idea is to encourage the use of R2P by an active group of states willing to execute large military operations for long periods without having a UNSC resolution. This improvisation can use the “Uniting for Peace” resolution by the General Assembly to bypass the Security Council. Unfortunately, one cannot point to any global or regional organization with the capacity and the political support for such a scheme. Moreover, the threat of a regional use of R2P can undermine its legitimization if used as another military intervention for selective national interests.

**Peace operations after the Cold War**

The discussion above challenges the R2P doctrine with a harsh labyrinthine reality of minimal concrete actions. I have pointed out the similarities between the *Agenda for Peace* and the three pillars. One of the explanations for the importance of the Agenda, at that time, was its emphasis on improving the capacity of the UN to react in a flexible manner to different conflict situations by adopting various models of UN peacekeeping operations. Similar to the challenges facing R2P today, peace operations (POs) were criticized during the mid-1990s as a faulty instrument. However, unlike R2P, the practice of POs received a boost from 1999 onwards, and with it came a constant rethinking of the doctrine.⁸

From the 1990s, large multidimensional POs have dealt with core issues that, if not attended to, may require the use of Pillar III of R2P. The operations focus on state stability: state building, nation building and peace building. In state building, they assist the reform and restructuring of state institutions to make their work more efficient and transparent; in nation building, the emphasis is on relationships between the people. In nation building, they influence society through revision of a national constitution or other legal mechanisms that can assist the people in working together in the same polity. Sometimes, truth commissions can play a role in the transformation of violent societies. Peace building, which sometime can be used to include the other goals, emphasizes solving direct issues and problems that lead, or may lead, to the renewal of a violent conflict. In many cases, POs are not an all-state comprehensive engagement. In situations like the DRC, Somalia, and Sudan, the

---

operations were limited in their goals or were deployed to particular parts of the country.

Operationalizing the POs doctrine into concrete actions involves many issues. It is not surprising that the connection between R2P and security issues received more clear support in the context of protection of civilians (POC). These can be seen from open debates in the UNSC that culminated in resolutions such as 1706 on UNMIS in Sudan or 1856 on MONUC in the DRC. However, similar goals can be identified even earlier in the concrete cases of Bosnia and Somalia in the early 1990s, and Sierra Leone after 1999. The main problem for the continued logical linkage of POC and R2P was the widening interpretation of the concept during the 2011 NATO air campaign against Gaddafi’s forces. The Libyan campaign not only destabilized the concept of R2P but also undermined the concept of POC. Wider conceptualization of POC along the lines of the Brazilian government’s proposal of “RwP” may create renewed political support for such logical linkage.

The focus on POC and R2P diminishes other important security issues that are being confronted using POs and that are relevant to the prevention of human atrocities. Military units that were part of the institutionalization of disorder and atrocities, as in Côte d’Ivoire and Haiti, are taken through long disarmament, demobilization, and reintegration processes. Sometimes, because of unique political conditions, international intervention focuses more on consulting on these processes to governments, as in Burundi and in the Central African Republic.

The POs have developed a comprehensive doctrine in the rule of law, which deals with police forces, judicial and legal systems, and correction facilities. Although this rule of law focus has been subject to criticism, the large multidimensional operations in East Timor and Kosovo are examples of how societies in small territories can be stabilized after a total collapse of state institutions. Other operations, such as the one in Liberia, show how prolonged processes can encourage gradual reform in the judicial and police sectors.

In the past decade, the UNSC also agreed on multidimensional goals so that POs can encourage the prolonged transformation of societies. These practices include the redrafting of constitutions, the management of democratic elections and the formation of democratic civil institutions, the advancement of a free press, and the revival of a vibrant civil society. These efforts are accompanied by other activities such as humanitarian aid operations, economic rehabilitation, and restructuring projects. All these goals are supportive of R2P Pillars I and II.

The practice of R2P shows a bias towards reactive action during a crisis. In comparison, the discourse of POs discouse delineates actions before and after a crisis. Moreover, POs doctrine points to the sui generis characteristics of conflict resolution. It offers multiple ways to operationalize key concepts into practice. Therefore, it is reasonable that the revival of R2P can stem from a doctrinal linkage between POs doctrines and practices, both of which can reconcile many differences that surround the implementation of the three pillars of R2P. This line of thinking was hinted at in the 2014 report of the UN Secretary-General’s Panel of Experts on POs. These experts worked on rethinking contemporary challenges to POs. Unfortunately, in his summary of this report, Ban Ki Moon didn't develop the question of how the linkage between the three pillars of R2P and POs can provide a beneficial framework that will encourage responsible and more effective interventions.

A potential for the use of POs in the Syrian conflict

The prolonged failure to respond to the Syrian conflict, which has so far led to the death of 250,000 people and displaced half of the Syrian population, provides a concrete and paradigmatic case for the failure to implement R2P. The Syrian conflict is characterized by rifts at all political levels: between global powers such as the USA and Russia, regional powers such as Iran, Saudi Arabia, Turkey and a multitude of intra-state actors. These actors do not include dozens of others – such as Jordan, Lebanon and the EU member states, among others – also affected by this conflict.

One of the problems of using R2P in UNSC resolutions on the Syrian conflict, as discussed above, is the fear that the Libyan maximalist precedent will repeat itself. The maximalist all-or-nothing interpretation of R2P shifts the discussion from the

---

protection of people to the defeat and persecution of culprits. The Russians want to use R2P to support their pro-Assad operations in Syria, as they used it to legitimate their interventions in Georgia and Ukraine. Global supporters of the moderate anti-Assad opposition forces also want to use R2P to strengthen or legitimate their actions against Assad. The political rift between the global and regional powers regarding Syria explains why the UNSC was able to adopt resolutions on this conflict only on relatively minor issues: sending a short-term, small observer force (UNSMIS); condemning the more extremist political organizations of ISIS and al-Nusra; meager efforts to curtail the danger of chemical weapons; and the continuation of humanitarian operations in Syria. As in the case of UNSC resolutions, the two separate bombing campaigns led by the USA and Russia against ISIS during 2015 didn't build trust in the norm of R2P.

In contrast, the flexible POs toolbox can encourage renewed cooperation between these powerful nations while they find better ways to protect people. Putting an emphasis on global cooperation to aid people may force cooperation with Assad forces and different moderate Islamist groups, but it would encourage deployment both in urban, rural and border areas. In these territories, POs can be used for limited goals. For example, POs can be deployed to create protected territories along the borders. In these demilitarized areas, civilians can live under local international administration. These pilot projects can receive consensus as they prevent spillover to neighboring countries and encourage people to go back to these territories as an interim solution. At the same time, they do not undermine Syrian sovereignty.

Another goal can be identifying actors that might undermine the achievement of legitimate goals. For example, prudent decisions should be made regarding cooperation against Al-Nusra and ISIS forces if they are threatening regions that receive international aid.

Local regions in Syria that have shown resiliency in the face of chaotic actions should be rewarded, without discrimination, with aid. Moreover, they should receive reconstruction support to sustain civilian lives and to prevent further deterioration of Syria into a collapsed state. All regions should be ranked on a spectrum of their protection of civilians as incentives for continuous humanitarian support. Adopting these strategies will prove to all sides that protecting the lives of civilians is being
rewarded without discrimination, whether they are pro-Assad or supportive of the opposition.

Maximalist implementation of the norm of R2P is unattainable. However, these and other limited strategies can offer a meaningful implementation according to the three pillars simultaneously, and perhaps in due time assist mediators to the conflict in their efforts to design a comprehensive peace settlement as a political framework. In these endeavors, even limited gains towards protecting civilians are beneficial for the renewal of support for the implementation of R2P.

**Conclusion**

Using different models of POs to implement the three pillars of R2P can reinvigorate confidence in R2P as a global norm. Countries support the norm, and the General Assembly’s resolutions and various actions adopted by the UNSC have proven it. However, both maximalist and minimalist interpretations of Pillar III inhibits almost any action.

R2P and POs should be used as interim levels of intervention and should complement one another. To implement R2P is to understand that the practice of POs provides multiple potential designs that can be used to stop short of the maximalist R2P threshold. Even the Syrian case waits for imaginative interventions that will not only strike a political balance between the powers, but also find ways to implement certain crucial elements of R2P. These interventions will save lives and mitigate the scourge of war.