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MASTER OF MILITARY STUDIES

*Red Lines and Responsibility: It's Time for the United States to Lead the Charge in Making
the Responsibility to Protect an International Priority*

SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
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Executive Summary

Title: Red Lines and Responsibility: It's Time for the United States to Lead the Charge in Making the Responsibility to Protect an International Priority

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Thesis: In light of recent global atrocities, specifically the repeated use of chemical weapons and bombing attacks against civilian populations within Syria, and the inadequate international response to halt or prevent these continued attacks and mass atrocities, the United States must use its diplomatic power and influence to lead the international community in a renewed commitment to the principles of the Responsibility to Protect doctrine and promote its adoption as an international legal norm.

Discussion: Since the UN's endorsement of R2P in 2005, a crippling lack of international consensus, cooperation, and contribution regarding key elements of the policy, specifically on the issues of when and how the international community should respond when mass atrocities occur, has continued to hinder and erode the international community's acceptance and ability to implement the principles of R2P in a consistent, effective, or meaningful fashion. The international community has refused to adopt a legally binding R2P obligation upon states to respond to humanitarian crises or threats outside their borders. The UNSC, the institutional body currently charged with authorizing international collective action and military intervention on behalf of vulnerable populations, must rely upon the political will of individual state actors to agree upon and implement R2P collective action mandates. As history has illustrated, the international policies and actions of sovereign states are most heavily influenced and bound by their own national interests.

Conclusion: Without world leadership and increased international consensus regarding the international community's R2P obligations and the adoption of significant procedural UNSC reforms, R2P will likely remain an unreliable and inconsistent international humanitarian intervention mechanism. Therefore, in order for the Responsibility to Protect (R2P) to become a more reliable, effective, and consistently employed international tool for protecting vulnerable populations and preventing and halting mass atrocities around the globe, the United States must lead the international community in making a stronger and more unified commitment to R2P's collective action responsibility and the legal and moral duties it requires.

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Preface

As a political science student in college, I remember studying the 1994 Rwanda genocide, where approximately 800,000 civilians were slaughtered, mostly with machetes, in a period of three months. As I learned more and more about this horrific event and the world's response, I was greatly troubled by the lack of international reaction and questioned how the United States especially could sit by and allow a massacre of this magnitude to occur. Wanting to believe that the United States and the international community had learned from this tragedy, I was optimistic when the United Nations unanimously endorsed the Responsibility to Protect (R2P) in 2005. Like many in the international community, I hoped that this doctrine would be the catalyst necessary to ensure that there are "No More Holocausts" and "No More Rwandas."

Unfortunately, that has not been the case as the international community continues to watch mass atrocities occur all across the globe. Specifically, as I watched the horrific events and tragedies of the Syrian civil war unfold over the past few years, I have on multiple occasions found myself asking how the United States and the international community can continue to stand by as vulnerable civilian populations continue to suffer and die from targeted attacks.

My initial goal in this project was to seek an explanation for why the international community has repeatedly failed to effectively implement the principles of R2P and uphold our duty to protect vulnerable peoples in Syria and other regions of the world where such atrocities are imminent or already occurring. Thus, I have focused my research and analysis on the international community's collective response mechanisms rather than possible preventative measures. This paper aims to shed light on the international and systemic impediments facing the current R2P doctrine and presents an argument for why the United States should lead the international community in strengthening its universal R2P commitment.

“The capable have stood by as the slaughter of civilians unfolded before the world’s eyes. They have looked for excuses to act, rather than for reasons to intervene.”

Edward C. Luck¹

Introduction

In the devastating aftermath of the Second World War, leaders from around the world joined together declaring that the international community would never allow genocide and other mass atrocity crimes like those witnessed in the Nazi Holocaust to occur in the future. Despite the creation of multiple international organizations and human rights treaties, however, mass atrocity crimes remain an all too regular occurrence. Even more concerning, the US and global responses to these deplorable episodes of humanitarian crises have too often been hesitant, disjointed, and ineffective, too often favoring policies of non-intervention by the international community.²

US and other world leaders, including President Jimmy Carter, expressed these same dismayed sentiments after the Cambodian and Burundi genocides of the 1970s.³ Then in the aftermath of the 1994 Rwandan genocide, the international community, again led by US President Bill Clinton, made sweeping decrees of “No More Rwandas.”⁴

Then, riled by a slew of dissatisfying international attempts at humanitarian intervention to protect vulnerable populations suffering from mass human rights violations and genocides in Rwanda, Bosnia, and Kosovo in the 1990s, the international community seemed to reach a positive turning point when the members of the United Nations General Assembly unanimously endorsed the Responsibility to Protect (R2P) doctrine— a two-part concept recognizing the responsibility of sovereign states to protect their own citizens and a binary responsibility of the international community to intervene on behalf of vulnerable populations when states manifestly

fail in their responsibility – as a non-legally binding principle within the United Nations (UN) World Summit Outcome (WSO) Document of 2005.

Since R2P's non-legally binding UN endorsement, however, a crippling lack of international consensus, cooperation, and contribution involving key elements of R2P, specifically concerning the issues of when and how the international community should respond when mass atrocities occur, has continued to hinder and erode the international community's acceptance and ability to implement the principles of R2P in a consistent, effective, or meaningful fashion. Recent cases of international humanitarian crises in Libya and Syria shed further light on the international community's continued struggle to fully define, endorse, and implement R2P as a reliable, supportable, and workable international humanitarian intervention policy. These humanitarian crises and the international community's inconsistent reactions to them highlight the fundamental challenge to champions of the R2P doctrine, as well as the vulnerable populations who seek to rely upon it, continue to face: how to induce sovereign states to accept and consistently act upon an international responsibility to intervene for the humanitarian purposes of protecting the citizens of another state from mass atrocities.

The main objective of this paper is to provide an argument for why the United States should lead the international community in making a stronger and more unified commitment to R2P's collective action clause and the moral obligations it requires. With US leadership, the UN can establish R2P as a more reliable, effective, and consistently employed international tool for preserving global peace and security interests, protecting vulnerable populations from mass atrocities around the globe, and ensuring that there are "No More Syrias."

Background and Evolution of the Responsibility to Protect

Throughout the 1990s, the international community demonstrated a significant level of complacency and ineffectiveness through its failure to adequately respond to international

humanitarian crises, highlighted by the Rwandan and Srebrenica Genocides of 1994 and 1995 respectively. In March of 2000, in response to the international failure to respond to these mass atrocities of genocide and other crimes against humanity, then-UN Secretary-General Kofi Annan challenged member states to derive new strategies and approaches through which the international community could protect vulnerable civilian populations and prevent future situations of mass atrocities and humanitarian crisis.⁵ In response to this challenge, the International Commission of Intervention and State Sovereignty (ICISS), an independent commission established by the Government of Canada, presented a new global humanitarian intervention framework through which the international community could more decisively and effectively protect vulnerable populations by intervening to prevent or halt situations of mass atrocity crimes from occurring, in September of 2001.⁶

In December 2001, ICISS published its report, “Responsibility to Protect,” which proposed the formulation of a three-part responsibility for the humanitarian protection of vulnerable or targeted populations from four mass atrocity crimes – genocide, war crimes, crimes against humanity, and ethnic cleansing.⁷ This responsibility first placed a duty upon sovereign states to protect their citizens from avoidable catastrophe or harm, followed by a subsequent responsibility upon the international community to react and intervene as necessary to assist other states in their obligations of providing for and protecting their citizens.⁸ And while the ICISS report did not specifically propose a responsibility for any state to employ military intervention into the sovereign boundaries of another state as part of a necessary reaction, it did provide for the right of states within the international community to intervene militarily to protect vulnerable populations within the borders of another state, as “an exceptional and extraordinary measure” when a state proves either unwilling or unable to do so.⁹ Lastly, the

ICISS report placed a third responsibility upon states of the international community to take actions necessary to provide “full assistance with recovery, reconstruction, and reconciliation.”¹⁰

As to the first level of responsibility articulated within the ICISS’s R2P proposal – that sovereign states shall protect their civilian populations from mass atrocity crimes, particularly genocide, war crimes, ethnic cleansing, and crimes against humanity – this concept can already be found within both international law and human rights conventions.¹¹ As international relations expert Edward C. Luck asserts, “even Thomas Hobbes’s seventeenth century masterpiece *Leviathan* – often portrayed as the ultimate ode to absolute unadulterated sovereignty – recognized that the sovereign power had an obligation to protect the people under its rule.”¹² More recently, this concept that state sovereignty is contingent upon a responsibility to protect domestic populations was advanced in the 1990s, predominantly through the humanitarian work and advocacy for the international protection of internally displaced persons (IDPs) in Africa of Francis M. Deng, a Brookings Institution scholar and former U.N. special advisor for the prevention of genocide, and his colleagues.¹³ In their 1996 book *Sovereignty as Responsibility*, Deng and his co-authors argued that sovereignty does not simply provide an absolute bar against foreign interference within one’s state, but also conveys upon sovereign states a fundamental responsibility to protect their citizens.¹⁴

Through his work in Africa, Deng also promoted the concept that the international community should intervene to protect vulnerable and targeted civilian populations in times of international humanitarian crisis. Specifically, he stressed that “when governments were unable to fulfill their responsibilities or provide basic necessities, such as food, medicine, shelter, and security, they were expected to request and accept offers of aid from the international community.”¹⁵ If a state refused or deliberately obstructed access for assistance purposes, thus

placing individuals at risk, Deng posited that the international community should take a series of calibrated steps to provide necessary assistance and protection to suffering populations.¹⁶ Deng's proposed steps ranged from "diplomatic demarches to political pressures, sanctions, or as a last resort, military intervention."¹⁷ Based on Deng's framework, a state's failure to provide protection and life-supporting assistance should serve as a waiver of a state's sovereignty rights and "legitimized the involvement of the international community."¹⁸

While the second level of responsibility proposed within the ICISS report – collective action and international intervention to protect vulnerable populations suffering or targeted within another states' borders – is also not an entirely new concept within international law and practice, it is a less accepted concept and has therefore consistently been a subject of more challenge and question within the international community. As Professor Saira Mohamed explains, the [ICISS] report on R2P did not create this debate but rather "shifted the terms of the debate regarding international intervention from questioning the right to intervene to declaring the responsibility to do so."¹⁹ And unfortunately, as Professor Mohamed notes, the majority of the challenges to this second R2P responsibility stem more from political concerns concerning the autonomy and self-determination of third party states than from international legal concerns.²⁰

Ultimately, these political concerns became central to the debate during the first formal R2P discussion at the 2005 UN World Summit, a meeting attended by over 170 heads of state and "billed as the largest gathering of world leaders in history."²¹ It was at this World Summit, that the international community agreed to endorse the principles of R2P, which was adopted as part of a UN General Assembly resolution on September 16, 2005.²² Much narrower in language and spirit from the original ICISS proposal, as well as Deng's framework, the adopted language

of the UN R2P doctrine was provided in paragraphs 138 and 139 of the 2005 World Summit

Outcome (WSO) Document:

138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.²³

In accordance with the ICISS R2P proposal, the UN R2P policy did incorporate the international community's consensus that all sovereign states first have an inherent responsibility to protect their citizens from human rights violations and mass atrocity crimes. This recasting of sovereignty as a responsibility rather than an inherent right reinforces principles of sovereignty already provided for within existing international human rights, humanitarian, criminal, and refugee law.²⁴

Regarding the second R2P responsibility for collective action, however, the UN's R2P policy only provides a basic framework for how and when other sovereign states within the international community should consider authorizing and taking collective action to assist in

either preventing or halting mass atrocity crimes perpetrated against vulnerable or targeted populations within another state when such crimes occur or appear likely to occur.

After its unanimous endorsement by the UN in 2005, the R2P seemed to be the UN's proposal for how to stop the international community's past inability to effectively prevent or halt mass atrocity crimes – genocide, ethnic cleansing, war crimes, and other crimes against humanity - from continuing to repeat. Albeit with inconsistency at times, since its 2005 endorsement, the United Nations has on multiple occasions openly criticized sovereign states and authorized sanctions and interventions when a state has failed in its obligation to protect its population and prevent mass atrocities.²⁵ In fact, since its formal endorsement of the R2P principles at the 2005 World Summit, the UN has adopted at least thirty resolutions and six UNSC presidential statements that refer to the principles of R2P and has responded to numerous situations in which the occurrence of or risk of mass atrocity crimes appeared imminent with moderate successes.²⁶ As then UN Secretary-General Ban Ki-Moon provided in his seventh annual report on R2P in 2015, “over the past ten years, concerted international engagement in Cote d’Ivoire, Guinea, Kenya, and Kyrgyzstan helped to avert the recurrence of atrocity crimes.”²⁷

While UN Member States have demonstrated an increased willingness to recognize the international community's responsibility to prevent and halt atrocity crimes over the past ten years, the international community's lack of consensus, cooperation, and at times, willingness to contribute to identified R2P situations has continued to hinder the practical implementation of R2P. This dilemma can be attributed mainly to organizational limitations, policy deficiencies, and inconsistent international support for R2P as an authoritative international norm. Despite R2P's endorsement as a moral norm rooted in the principles of human rights and international

law, the R2P provisions do not establish any form of binding legal requirement upon third party states of the international community to assume responsibility for the citizens of another state, even when they are in peril or suffering as the subjects of mass atrocity crimes. Nor has a majority of the international community of sovereign states supported the recognition of the R2P collective action provision as a norm of customary international law – “a general and consistent practice of states followed by them from a sense of legal obligation.”²⁸ Most notably, during the 2005 World Summit, the United States, joined by several other states, repeatedly emphasized that the responsibility of the international community to protect vulnerable populations adopted in the 2005 WSO document did not create a new legal duty upon sovereign states, nor was it intended to do so.²⁹

As former UN Secretary-General Ban Ki-moon contends, the UNSC Member States’ inconsistent acceptance, interpretation, and implementation of R2P has “raised important practical questions, particularly with respect to timely and decisive international response” to international atrocities and humanitarian crises.³⁰ In an effort to address these R2P’s deficiencies and implementation issues, Ban Ki-Moon published a 2009 report, “Implementing the Responsibility to Protect,” that outlined a three pillar approach and implementation strategy for R2P.³¹ In this report, Ki-Moon organizes the state and international community responsibilities to protect into the following three pillars: (1) “the protection responsibilities of the State; (2) international assistance and capacity-building; and (3) Timely and decisive response.”³² The first pillar encompasses each state’s primary responsibility for protecting its citizens from the four identified mass atrocity crimes of genocide, war crimes, crimes against humanity, and ethnic cleansing.³³ The second pillar embodies the international community’s “responsibility to encourage and assist States in fulfilling their obligation to protect their citizens.”³⁴ Lastly, the

third pillar provides that if the international community determines that a State is failing in its responsibility to protect its citizens, the international community “has a responsibility to use appropriate diplomatic, humanitarian, and other means to protect populations from these crimes, and must be prepared to take collective action to protect populations.”³⁵

National Interests Trump International Commitment

As provided above, the second and third pillars of the UN R2P doctrine, as outlined in the Secretary-General’s 2009 Report, present a broad strategy the international community’s collective use of humanitarian intervention to prevent or halt mass atrocity crimes against civilians inside the borders of another sovereign state in a variety of forms, including coercive military force when all other peaceful and nonmilitary options have either been attempted or deemed inappropriate or ineffective. While their inclusion in the UN R2P articles signals an international consensus that military humanitarian intervention is necessary at times to prevent or stop grave human rights violations and suffering, the language neither provides much clarifying guidance nor establishes any legal requirements for how the international community shall undertake such collective intervention in reality.

The international community intentionally limited its level of expected or required responsibility to protect suffering populations by including merely a “statement of preparedness,” through which the international community “expressed a willingness and a [preparedness] to take collective action, in a timely and decisive manner...on a case-by-case basis...” rather than a duty or legal obligation.³⁶ Thus, while Article 139 of the 2005 WSO document does provide the international community with the authority to intervene into another state to aid in the protection of vulnerable or targeted populations in limited circumstances, the

language intentionally does not go as far as to require UN Member States to employ collective action for R2P interventions.³⁷

By design, the myriad of ambiguities and overly vague language within the final 2005 WSO R2P provisions leave much room for flexible and differing interpretations as well as resolutions in favor of nonintervention even in severe humanitarian crises. During the 2005 World Summit, the United States emphatically stressed that the responsibility of the international community to protect vulnerable populations adopted in the 2005 WSO document must not intend to create a new binding legal duty upon sovereign states.³⁸ Because of this opposition, the UN was unable to establish any form of binding legal requirement upon third party states of the international community to assume responsibility for the citizens of another state, even when they are in peril or suffering as the subjects of mass atrocity crimes.

In a letter sent to UN member states in August 2005, former US Ambassador to the UN John Bolton expressed the US position and principles relating to the draft R2P section of the World Summit Outcome document. As Bolton first explained, the United States was in agreement with the overarching idea that “the host states have a responsibility to protect its population from atrocities,” and that the international community has a “more general and moral interest and role to play in cases involving genocide, ethnic cleansing, crimes against humanity and other large-scale atrocities in which national authorities are unwilling or unable to protect their citizens.”³⁹ Additionally, the United States agreed that “the international community must be prepared to use diplomatic, humanitarian, and other peaceful measures to protect civilian populations against such atrocities.”⁴⁰ As Bolton further explained, the US government agreed that the occurrence of these mass atrocity situations pose a significant risk to international peace

and security, and are therefore an issue which the UN Security Council has a responsibility and authority per the UN Charter to address when and if a case arises.⁴¹

However, Bolton went on to explain that the United States government did not support the notion that the UN Charter created a standing legal responsibility or obligation for the Security Council or any of its member states, which would require their support or action in any and all cases where a particular peace or security threat arises.⁴² Rather, the United States maintained that the appropriate R2P process would include a case-by-case review of each individual situation by the UN Security Council as it presents itself.⁴³ Lastly, Bolton declared that the United States “[would] not accept any language providing that either the United Nations as a whole, or the Security Council, or individual states, have an obligation to intervene under international law.”⁴⁴ Because of this, the United States emphasized the need for broader language asserting that the international community is “prepared to take action in such cases,” rather than creating a specific or binding legal obligation responsibility upon the international community.⁴⁵

In a 2008 Heritage Foundation Report, Steven Groves provided further rationale for the US position that the UN draft the R2P in a manner as not to create a legally binding obligation upon the UN, UNSC, or third-party sovereign states.⁴⁶ First, Groves argued that “adopting a doctrine that compels the United States to act to prevent atrocities occurring in other countries would be risky and imprudent.”⁴⁷ As Groves explained, “the United States needs to preserve its national sovereignty by maintaining a monopoly on the decision to deploy diplomatic pressure, economic sanctions, political coercion, and especially its military forces.”⁴⁸

As Groves explains, agreeing to an R2P doctrine in which the United States could be legally bound to the R2P collective action authorizations of an international body would compromise this essential national sovereignty interest.”⁴⁹ Therefore, Groves insists that a

legally binding R2P would put the United States in an undesirable position in which it may not only be obligated to prevent any and all acts of mass atrocities around the world, but will likely be burdened with a disproportionate share of the international community's R2P commitment as other countries plead military, financial, and resource inferiority.⁵⁰ As Groves points out, "the right to make authoritative decisions on foreign policy and national resources, particularly the use of the nation's military forces is integral to national sovereignty" and one which the United States should fully retain.⁵¹

In his 2008 report, Groves also argues that the UN R2P doctrine and its established review and approval process could potentially restrict or delay the United States from taking necessary actions in the event that the United States does determine a situation exists in which international intervention is necessary.⁵² Groves maintains that the United States, and US national interest, should be the ultimate determiner for whether and when US military forces and other government resources are employed both domestically and internationally.⁵³

Unfortunately, the United States and the majority of the international community currently remain unwilling to establish a more specific or legally binding R2P obligation upon states to respond to humanitarian crises or threats outside their borders. Because the collective action language of Article 139 of the 2005 WSO document remains overly vague and fails to provide clear implementation guidance, the UNSC has failed in recent years to garner universal consensus on the questions of how to implement humanitarian military intervention when international crises present themselves. As Ban Ki-moon highlights, the language and attempted implementations of R2P "have raised important practical questions, particularly with respect to timely and decisive response."⁵⁴ The provision specifically fails to resolve the matter of how or

when collective action or coercive force should be employed or identify by whom it should be implemented.

Consequently, the collective action provisions within Article 139 of the 2005 WSO document merely create an imperfect and unenforceable moral responsibility at best. As such, the United Nations Security Council (UNSC), the institutional body currently charged with authorizing international collective action and military intervention on behalf of vulnerable populations under Chapter VII of the UN Charter, remains wholly reliant upon the individual consent, political willingness, and logistical support of its member states to both authorize and mobilize any collective action deemed necessary for R2P purposes.⁵⁵ And as Aiden Hehir warns, “mobilizing political will and changing the behavior of states through moral advocacy alone on such fundamental issues as human rights and sovereignty is, if history is a guide, extremely onerous, if not impossible.”⁵⁶ Thus, relying on the moral and political willingness of individual sovereign states places the future of R2P and the fate of vulnerable populations in an unpredictable and precarious position in which indecisive, inconsistent, and ineffective implementation will likely become the norm.

The political will of sovereign states to take actions or expend national resources on international operations is usually more heavily influenced by national policy interests and objectives rather than moral obligations to populations outside its borders. As Patricia Marchant explains, states are usually reluctant to intervene into another sovereign state on “purely humanitarian grounds” before crimes against humanity have occurred, even when all warning signs and sources provide clear indications that the situation is moving in that direction.⁵⁷ In reality, states will inevitably consider myriad factors, including resource assessments, risk, and anticipated costs, when determining whether international intervention is reasonable and

supportable. As a result, if given the option, states are naturally more likely to choose nonintervention when they do not perceive national interest or international acclaim associated with committing troops or funds to save populations beyond their own borders.⁵⁸

Even assuming the UNSC is able to muster the political consensus of its members to authorize collective action, the R2P articles provide no clear direction on who in the international community should be tasked with this responsibility. Further, the language within Article 139 provide the UNSC with no authority to do the tasking or to shape the scale of effort. This adds another problematic dimension to the R2P dilemma because as Simon Chesterman explains, “unless the United Nations establishes its own armed forces it will remain dependent on the national forces, which in turn are dependent on the domestic political support.”⁵⁹

Hence, proponents for a more practical and sustainable international R2P doctrine must seek a firmer foundation upon which to build consensus and support for this collective obligation. Without significant state leadership, greater consensus, and substantial reforms to the language and intent of the UN R2P provisions, international determinations for whether collective actions should be employed continue to be defined, influenced, and limited primarily by the domestic concerns, national policy interests, and other shifting motives of individual states.

Building Global R2P Consensus is Crucial

Unfortunately, even in today’s age of globalization and world development, state and non-state actors continue to commit mass atrocity crimes against vulnerable populations at alarming rates throughout the world. In recent years, the world has watched as governmental leaders and terrorist organizations have used the tools of genocide, ethnic cleansing, and other horrible crimes against humanity to target vulnerable populations and move forward their

political or extremist agendas. Additionally, as transnational political and crime organizations expand their presence and influence throughout the world, these organizations will also continue to use violent and extreme tactics of violating human rights and using vulnerable populations as pawns in their tactics. As this trend continues, the occurrence of mass atrocity crimes will continue to present a significant risk to both global stability and national security.

In his 2015 UN report, Ban Ki-Moon declared that “experience in the past decade demonstrates that timely and decisive response remains essential to protecting populations and that a collective response can dampen the determination of potential perpetrators to commit atrocity crimes.”⁶⁰ He also expressed that “the [international R2P record] also shows a lack in both the political will and cohesion of the international community, which has compromised the pursuit of a consistent and timely response to protecting populations.”⁶¹ Although drastically different in scope, execution, and results, the UNSC’s recent responses to the humanitarian crises in Libya and Syria together highlight the international community’s continued struggle to reach consensus on the implementation of R2P as a peremptory international norm and the dangers that discord poses to the international community’s ability to not only protect vulnerable populations, but ultimately to fulfill its responsibility to maintain international peace and stability. As Alex Bellamy points out, cases such as Libya and Syria illustrate that R2P still “faces a range of unresolved challenges which could inhibit the establishment of consensus in responding to future protection crises and leave protection operations exposed to some critical vulnerabilities.”⁶² These cases demonstrate that the clear and formal establishment of obligations, guidelines, and limitations for the execution of collective action under Pillar III of R2P is necessary to ensure R2P’s future viability as a legitimate, reliable, and meaningful mechanism for preventing and stopping continued and future mass atrocities against civilians.

The international community continues to suffer from a significant moral and procedural gap when it comes to responding effectively to prevent and halt mass atrocities. However, an international R2P doctrine and process remain more desirable than the alternative of allowing individual states or groups of states to take unilateral action when and how they see fit to respond to humanitarian crises that arise. A strengthened international R2P process has the potential to provide more consistency, legitimacy, and effectiveness to R2P interventions as states share in the decision-making and cost burden sharing of such interventions.

In an increasingly divided world where national politics, more so than international legal and moral norms, still drive the policies and actions of the great powers and the institutions they control, the international community must find ways to garner stronger support and international consensus to ensure practical attainment of the ideals of the R2P doctrine. To this end, the international community must strive to formalize stronger international R2P consensus and commitment on the essential and often controversial issues of when, by whom, and under whose authority military forces and other state-supported organizations must be mobilized across sovereign international borders to protect vulnerable populations from mass atrocities and human suffering.

Thus, to ensure the UNSC and international community are better prepared and capable to react to future international humanitarian crises in a more decisive, timely, and effective manner, the UN must formalize and adopt more specific requirements for the early investigation of suspected atrocity situations, as well as for authorization and implementation of R2P now. By developing more specific reporting and review criteria, the second and third pillars of the R2P doctrine would provide a more effective framework for legitimate, consistent, and timely investigation, authorization, and implementation measures of R2P collective action.

In 2001, the ICISS emphasized the need for specific guidelines for R2P intervention in its “Responsibility to Protect” report, which provided that “any new approach to intervention on human protection grounds needs to...establish clearer rules, procedures, and criteria for determining whether, when and how to intervene.”⁶³ In his 2009 UN Secretary-General Report, then Secretary-General Ban Ki-Moon also embraced this sentiment in his comprehensive plan and recommendations for operationalizing the R2P principles with the UN system when he stated the following:

The credibility, authority, and hence effectiveness of the United Nations in advancing the principles relating to the responsibility to protect depend, in large part, on the consistency with which they are applied. This is particularly true when military force is used to enforce them. In that regard, Member States may want to consider the principles, rules, and doctrine that should guide the application of coercive force in extreme situations relating to the responsibility to protect.⁶⁴

Adopting more specific standards and rules to guide the international community’s role and responsibility in reviewing and responding to grave international humanitarian crises will ultimately set clearer expectations for all international actors, including both potential perpetrators and responders, regarding the international community’s likely R2P responsiveness.

Specifically, to meet this need for clearer expectations and standards, the UNSC should establish a mandatory reporting requirement by which the UN General Assembly or UNSC must assign an independent review panel, such as the UN Special Advisor for Genocide and Responsibility to Protect or the International Criminal Court, to investigate suspected or reported atrocity situation must be reviewed by an independent panel. The mandatory investigation requirement would need to include reporting requirements and deadlines as well.

Establishing mandatory reporting and investigation requirements would provide the UN with a mechanism to avoid the barriers caused by UNSC P-5 veto power and to ensure that mass atrocity situations will at least be investigated in a timelier manner. When presented with

completed investigations and reports confirming the occurrence of mass atrocities, the international community would be less able to successfully ignore or downplay situations, or in the case of the P-5 members, justify the use of their veto to block international collective action and intervention when situations of mass atrocities exist and require responsive action. Mandatory investigation and reporting requirements would also place potential perpetrators on notice that any actions constituting or even foreshadowing mass atrocity crimes will result in international attention and investigation at a minimum.

Established guidelines will increase the level of consistency with which the international community reacts to and addresses R2P situations, even if it continues to do so on a case-by-case basis. States and world leaders will likely find it more difficult to choose and justify national policies of non-intervention in the future if the international community has formulated and adopted specific guidelines for how the international community shall respond when a potential or confirmed humanitarian crisis requires international attention. As a result, the international expectation for R2P intervention will likely factor more heavily into States' determinations of political will, as it should.

United States as Driver of International Consensus and Action

In addition to increased international consensus and substantive reforms to the UNSC processes for reviewing and implementing R2P collective action to respond to and stop mass atrocities from occurring around the world, the international community's inconsistent record on R2P actions highlights the international community's need for a leader to take the reins and guide the international community's collective R2P response when serious humanitarian crises and mass atrocities present themselves. Therefore, it is imperative that the United States, as the most powerful state within the international community, embrace a more prominent leadership

role in strengthening the R2P principles within UNSC priorities. Enhanced US leadership on international R2P matters will benefit US national security interests both domestically and abroad, while also motivating other sovereign states to dedicate more political will and capital to an international R2P obligation.

The United States is currently in the most influential position to lead the international movement toward international R2P reform and consensus. Possessing the world's largest military and diplomatic organizations and serving as both an original P-5 Member of the UNSC and the leading financial contributor to both the UN and NATO, US power, influence, and assets place the United States in a position to combine the necessary components of diplomatic influence, political willingness, and whole of government resources necessary to institute a more consistent and reliable international R2P doctrine and response.

Furthermore, US leadership is necessary to drive the international community to reach a more consistent and dedicated position regarding R2P intervention. In her 2002 article "Raising the Cost of Genocide," Samantha Power contends that without US leadership, other states have repeatedly shown an unwillingness and hesitation to take action to halt genocides from occurring.⁶⁵ Power continues that "American leadership remains essential for mobilizing local, regional, and international responses to genocide."⁶⁶ Through diplomatic influence, political outreach, and military assistance, the United States has the means to increase both domestic and international political will and commitment toward providing consistent and effective responses to deter, prevent, and halt international cases of mass atrocities.

The alternative, doing nothing in response to mass atrocity crises, poses a much more substantial threat to the long-term national security interests of the United States and its allies. As UN Secretary General Ban Ki Moon highlighted in his 2015 Secretary-General Report on R2P to

the UN General Assembly, mass atrocity crimes “are a deep affront to humanity” that pose a “serious threat to international peace and security, as these situations often create severe humanitarian conditions and can generate lasting instability both within and across borders.”⁶⁷ Specifically, Ban Ki Moon points out that “atrocity crimes exacerbate wider protection needs, turn existing crises into more severe humanitarian emergencies, and create conditions particularly harmful to vulnerable groups such as women and children...Such crimes often amplify sources of conflict, limit the scope for peaceful resolution of crises, produce significant refugee flows and internal displacement, and destabilize neighboring countries.”⁶⁸

As history and current events both demonstrate, no part of the world, developed or developing, is immune from the threat of mass atrocity crimes. In their book *Economic Aspects of Genocides, Other Mass Atrocities, and Their Prevention*, researchers Charles H. Anderton and Jurgen Brauer explain that “the sheer number, scale, and geographic scope of mass atrocities are vast, as are their frequency and duration.”⁶⁹ As their research illustrates, the amount of violence, death, and destruction resulting from mass atrocity cases in the past century alone has significantly exceeded the death tolls and long-term devastation caused by other forms of war and violent conflict.⁷⁰

Realizing the significant and costly effects that humanitarian crises such as that taking place in Syria, can have not only on the civilians of the state involved, but throughout the world and will likely continue to present in the future, the United States needs to lead the international community in recognizing such crises as more serious international situations demanding of the same immediate international attention and action as other violent conflicts and terrorist attacks. As the United States and other world powers, such as China, continue to expand their global military and economic presence into more regions of the world, mass atrocity situations in all

regions of the world will increasingly pose a threat to national security and economic interests. Therefore, the United States must stress to its global partners that these situations have clear and lasting effects on international global stability, economic structures, and national security issues, and thus, require the increased commitment of international political will, capital, and energy for both the prevention and halting of such situations regardless of where they occur in the world.

Additionally, as evident in the Syrian crises, international inaction, deadlock, and inconsistency may also further embolden state and non-state actors engaging in acts of mass atrocities or war crimes to escalate their actions once they see that the UNSC is not likely to take action against them. This international inconsistency and inaction has the potential to create an increased sense of confidence amongst the state and non-state actors who are contemplating targeting vulnerable civilian populations. Specifically, state and non-state actors who have a mutually beneficial or dependent relationship with a P-5 member of the UNSC are more likely to act with a warped sense of confidence and without the fear of repercussions if they believe their ally will use a veto to prevent any adverse international sanctions or intervention. This appeared to be the case in Syria as both the Syrian regime and armed rebel forces responded to the UNSC's continued failures to garner consent for collective action by continuing to escalate their armed violence against targeted civilian populations in parallel to the UNSC's lack of action.⁷¹

In the alternative, if the United States, specifically through its leadership roles in both the UNSC and NATO, led the international community in developing more consistent R2P principles, mandatory reporting requirements, cooperation agreements, and implementation procedures, the international community might be able to take a more decisive and timely response toward state and non-state actors who engage in such deplorable behaviors. As Political Scientist Daniel Jonah Goldhagen predicts in his book *Worse than War*, a more serious

application of resources by the more powerful and influential countries in the international community “would radically change potential perpetrators’ cost benefit calculus, heavily tilting the scales toward [less violent or extreme] political options.”⁷² By more rapidly and effectively deploying their resources to investigate and respond to humanitarian crises, the international community could ultimately pose a powerful deterrence to potential perpetrators who are contemplating engaging in such atrocities.

In order to accomplish this, the United States must first formally and openly reaffirm its commitment to protect vulnerable populations outside its own country borders when they are targeted or threatened with atrocity crimes. As provided in the ICISS 2001 report, “the key to mobilizing international support is to mobilize domestic support.”⁷³ Reinforcing this idea, Madeleine Albright and Richard Williamson recommended in their 2009 Brookings Institute Report, “The United States and R2P,” US leadership “should articulate a clear vision of US support for all three pillars of R2P and should not shy away from using the phrase [Responsibility to Protect].”⁷⁴ This is exceptionally important after the recent international inaction in response to the Syrian crisis, specifically the horrors of Aleppo, as well as recent controversies over US Presidential Executive Orders pertaining to border security and immigration enforcement. The United States must also strive to go beyond rhetoric and lead the international R2P movement through its example by committing whole-of-government resources to early investigation and response when humanitarian crises present themselves. By doing so, the United States will be more likely to spur other influential world leaders to do the same.

Contrary to the position of Bolton and Groves, who argue that the United States should remain independent and distant from an international R2P doctrine and obligation to respond to mass atrocities, a strong case can be made for why an international R2P doctrine and process is

advantageous to the national security interests of the United States, as well as its international allies. First, the United States must not fear an international obligation which compels the United States to act to prevent atrocities occurring in other countries. Because mass atrocity crimes threaten national security as well as global peace and stability, such an international obligation would be similar to the current collective defense obligation shared by the United States and its NATO allies, which requires all NATO allies to provide individual or collective assistance in response to an attack against any NATO member.⁷⁵ As such, the United States should develop the increased political willingness and desire to engage with international partners in order to act promptly and decisively to stop such situations when they arise.

While taking a unilateral, independent approach to its R2P response allows the United States the ability to retain its national sovereignty and control the employment of its resources and military forces, participating in R2P operations as part of an international body rather than as an independent state remains the most desirable option because it leads to increased operational legitimacy and assistance for R2P interventions. Furthermore, the UN Charter requirement for UNSC review and approval prior to military intervention by any state or group of states into the sovereign borders of another state serves as both a prevention and protection mechanism against unjustified and unnecessary unilateral state aggression.⁷⁶

In order to maintain the international support and legitimacy for the R2P doctrine, all R2P-related acts of humanitarian intervention, specifically those involving the use of force or military invasion, must be determined necessary and justified to restore international peace and security, rather than to promote the self-interests of individual states. By its creation and charter, the UN has been deemed as “the applicator of such legitimacy.”⁷⁷ As the ICISS 2001 report explains, “Collective intervention blessed by the UN is regarded as legitimate because it is duly

authorized by a representative international body; unilateral intervention is seen as illegitimate because self-interested.” The controversy and legitimacy questions raised as a result of the recent US unilateral bombing operations in response to the Syria sarin-gas attacks in April 2017 serve as a prime example of the legitimacy issues raised by autonomous state action. Thus, in order to maintain legitimacy of the R2P doctrine and related interstate interventions, the United States must make all attempts to use the established UNSC process for authorizing and overseeing international humanitarian intervention in the future.

By convincing the international community to adopt a more comprehensive and cooperative international R2P approach, the United States may also be able to convince other world leaders and regional partners to share a larger amount of the burden of response and resource allocation when responding to mass atrocity crises. Further, there is no reason to believe that the United States would need to sacrifice its leadership position as part of an international R2P operation. Previous US engagement in humanitarian interventions, such as the NATO responses in Kosovo and Libya, demonstrate that the United States would, as the main contributor, be able to retain control and authority over such operations and forces.

Lastly, but most importantly, the United States needs to maintain its support and respect of UNSC authority over the review and approval of humanitarian intervention and use of force decisions in order to ensure that other international actors continue to do the same. As the 2001 ICISS Report predicts, “those who challenge or evade the authority of the UN as the sole legitimate guardian of international peace and security in specific instances run the risk of eroding its authority in general and also undermining the principle of a world order based on international law and universal norms.” While unilateral interventions and responses may provide the benefits of autonomy, efficiency, and speed, each time such independent acts are

taken, the authority of the UNSC is undermined and further eroded. Consequently, the choice to bypass the UNSC process and initiate independent R2P-related interventions sets a dangerous international precedence. Specifically, those States wanting and willing to use force and interstate invasions to achieve self-interested goals will likely use these independent US acts as justification for their own unilateral interstate invasions. Thus, preserving the authorization approval for R2P interventions at the international level, specifically by the UNSC, serves as both a control measure to protect against independent, self-interested state aggression disguised as R2P operations and used by those States willing to use unilateral force and interstate invasions to achieve individual state interests at the expense of international peace and security.

Conclusion

Because future global conflicts will likely continue to involve grave humanitarian crises of significant magnitude, these situations will also continue to pose substantial humanitarian threats to massive numbers of civilians as well as political threats to international, regional, and national peace, security, and stability. Thus, the world still needs an international R2P doctrine.

In order to realize the international community's R2P aspirations and implement international collective action responsibilities in a more consistent, reliable, and effective manner, the UN needs a leader to take the helm, institute substantive R2P reforms, and build necessary international consensus. The United States is currently in a position to be such a leader. Using its political and diplomatic influence, the United States must seek and support significant reforms aimed to remedy the current R2P doctrinal shortcomings and strengthening consensus on what the international community's R2P responsibilities actually entail. Through this leadership and initiative, the United States can lead the international community in establishing clearer, more explicit parameters and mechanisms for the execution and enforcement of the international community's R2P's collective action obligations. With each

step towards R2P consensus, reform, and action, the international community will move closer towards ensuring “never again” becomes more actionable promise than empty platitudes.

¹ Edward C. Luck, as quoted in Thomas G. Weiss, *Humanitarian Intervention: Ideas for Action*, Cambridge, MA: Polity Press, 2012, 171.

² Samantha Power, *A Problem from Hell: America in the Age of Genocide* (New York: Harper Perennial, 2007).

³ Gerald Caplan, Samuel Totten and Amanda Grzyb, "Genocide: America says 'Never Again,' but keeps turning a blind eye," *The Globe and Mail* (April 2013), <http://www.theglobeandmail.com/opinion/genocide-america-says-never-again-but-keeps-turning-a-blind-eye/article11541517/>. In 1979, having spent the previous three years doing nothing to stop the Cambodian genocide, Jimmy Carter swore that "never again will the world stand silent... fail to act in time to prevent this terrible act of genocide."

⁴ Aidan Hehir, *The Responsibility to Protect: Rhetoric, Reality, and the Future of Humanitarian Intervention* (New York: Palgrave Macmillan, 2012), 40.

⁵ UN General Assembly, "We the Peoples: The Role of the United Nations in the Twenty-first Century: Report of the Secretary General," *The Millennium Assembly of the United Nations*, A/54/2000 (March 2000), 31-34.

⁶ International Commission on Intervention and State Sovereignty, "The Responsibility to Protect," (December 2001), 2. Per the ICISS report, the Government of Canada created the independent commission in September 2000 in response to the UN Secretary General's challenge, and outlined its mandate as "generally to build a broader understanding of the problem of reconciling intervention for human protection purposes and sovereignty; more specifically it was to try to develop a global political consensus on how to move from polemics – and often paralysis – towards action within the international system, particularly through the United Nations." Membership of the Commission included representations from both developed and developing countries, in efforts to represent "a wide range of geographic backgrounds, viewpoints, and experiences" in relation to the current international debate on international intervention into sovereign states for the protection of vulnerable or targeted civilian populations.

⁷ ICISS, "The Responsibility to Protect," VII.

⁸ Ibid, XII.

⁹ Ibid, VII, XII. Specifically, in order for military intervention to be warranted, the ICISS report proposed that "there must be a serious and irreparable harm, including either large scale loss of life or ethnic cleansing, occurring to human beings, or imminently likely to occur."

¹⁰ Ibid, XII.

¹¹ Jennifer M. Welsh, "Who Should Act? Collective Responsibility and the Responsibility to Protect," *The Rutledge Handbook of the Responsibility to Protect*, eds. W. Andy Knight and Frazer Egerton (New York: Routledge, 2012), 103; Edward C. Luck, "Sovereignty, Choice, and the Responsibility to Protect," *Global Responsibility to Protect*, vol. 1, 1 (2009), 3.

¹² Luck, "Sovereignty," 13-14.

¹³ Roberta Cohen, "From Sovereign Responsibility to R2P," *The Rutledge Handbook of the Responsibility to Protect*, eds. W. Andy Knight and Frazer Egerton (New York: Routledge, 2012), 14. Alex J. Bellamy, *Responsibility to Protect: The Global Effort to End Mass Atrocities* (Cambridge: Polity Press, 2009), 21-23.

¹⁴ Cohen, "From Sovereign Responsibility to R2P," 14. Francis M. Deng, Michael H. Armacost, S. Kimaro, Terrence Lyons, Donald S. Rothchild, and I. William Zartman, *Sovereignty as Responsibility: Conflict Management in Africa* (Washington D.C., Brookings Institution Press, 1996). UN General Assembly, "Implementing the Responsibility to Protect: Report of the Secretary-General," A/63/677, (January 2009), 6.

¹⁵ Cohen, "From Sovereign Responsibility to R2P," 14.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Saira Mohamed, "Taking Stock of the Responsibility to Protect," *Berkeley Law Scholarship Repository*, Berkeley Law (January 2012), 324.

²⁰ Mohamed, "Taking Stock," 324.

²¹ High-Level Panel on Threats, Challenges, & Changes, *A More Secure World: Our Shared Responsibility*, P 201, U.N. Doc. A/59/2005 (March 2005), as cited in Mohamed, "Taking Stock," 326.

²² UN General Assembly, "2005 World Summit Outcome: Resolution/adopted by the General Assembly," A/RES/60/1 (October 2005), 1, 30, available at: <http://refworld.org/docid/44168a910.html> [accessed 17 February 2017].

²³ UN General Assembly, "2005 World Summit Outcome," A/RES/60/1, 30.

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- ²⁴ UN General Assembly, “A Vital and Enduring Commitment: Implementing the Responsibility to Protect: Report of the Secretary-General: Follow-up to the Outcome of the Millennium Summit,” A/69/981-S/2015/500 (July 2015), 7.
- ²⁵ Luke Glanville, “The Responsibility to Protect Beyond Borders,” *Human Rights Law Review*, vol. 12, 1 (2012), 3.
- ²⁶ UN General Assembly, “A Vital and Enduring Commitment,” 2-5. While not legally binding, Security Council presidential statements are made by the President of the UNSC on behalf of the UNSC members and used by the UNSC as an official mechanism to express the UNSC’s position on a given matter when the UNSC is unable to pass a UNSC resolution due to a P-5 veto or lack of consensus.
- ²⁷ *Ibid*, 4-5.
- ²⁸ Restatement, Third, Foreign Relations Law of the United States, 102(2) (1987).
- ²⁹ Lee Feinstein and Erica De Bruin, “Beyond Words: U.S. Policy and the Responsibility to Protect,” in *Responsibility to Protect: The Global Moral Compact for the 21st Century*, eds. Richard H. Cooper and Juliette Voinov Kohler (New York: Palgrave Macmillan, 2009), 186.
- ³⁰ UN General Assembly, “A Vital and Enduring Commitment,” 5.
- ³¹ UN General Assembly, “Implementing,” 1-33.
- ³² UN General Assembly, “Implementing,” 2.
- ³³ *Ibid*, 2, 10-14.
- ³⁴ *Ibid*, 2, 15-21.
- ³⁵ *Ibid*, 2, 22-27.
- ³⁶ Mohamed, “Taking Stock,” 327. Josie Hornung, “R2P’ as an Emerging Norm, www.e-ir.info/2015/01/24/r2p-as-an-emerging-norm.
- ³⁷ Mohamed, “Taking Stock,” 327.
- ³⁸ Feinstein and De Bruin, “Beyond Words, 186.
- ³⁹ John R. Bolton, letter sent to U.N. member states conveying US amendments to the section on the responsibility to protect of the draft outcome document being prepared for the September 2005 High-Level Event, (August 2005), 1.
- ⁴⁰ Bolton, letter, 1-3.
- ⁴¹ *Ibid*.
- ⁴² *Ibid*.
- ⁴³ *Ibid*.
- ⁴⁴ *Ibid*.
- ⁴⁵ *Ibid*.
- ⁴⁶ Steven Groves, “The US Should Reject the U.N. ‘Responsibility to Protect’ Doctrine,” *The Heritage Foundation*, Backgrounder, No. 2130, May 1, 2008, 1.
- ⁴⁷ Groves, “US Should Reject,” 1.
- ⁴⁸ *Ibid*.
- ⁴⁹ *Ibid*.
- ⁵⁰ *Ibid*, 6-7.
- ⁵¹ *Ibid*, 9.
- ⁵² *Ibid*, 10.
- ⁵³ *Ibid*, 10.
- ⁵⁴ UN General Assembly, “A Vital and Enduring Commitment,” 5.
- ⁵⁵ Patricia Marchak, *No Easy Fix: Global Responses to Internal Wars and Crimes Against Humanity* (Quebec, Canada: McGill-Queen’s University Press, 2008), 9.
- ⁵⁶ Hehir, *Future of Humanitarian Intervention*, 259.
- ⁵⁷ Marchak, *No Easy Fix*, 10.
- ⁵⁸ *Ibid*.
- ⁵⁹ Simon Chesterman, *Just War or Just Peace? Humanitarian Intervention and International Law* (New York: Oxford University Press, 2001), 182.
- ⁶⁰ UN General Assembly, “A Vital and Enduring Commitment,” 12.
- ⁶¹ *Ibid*, 12.
- ⁶² Alex J. Bellamy and PD Williams, “The New Politics of Protection? Cote D’Ivoire, Libya, and the Responsibility to Protect,” *International Affairs*, 87 (4), 2011, 847.
- ⁶³ ICISS, “The Responsibility to Protect,” 11.
- ⁶⁴ UN General Assembly, “Implementing the Responsibility to Protect,” 26.

⁶⁵ Samantha Power, "Raising the Cost of Genocide," *The New Killing Fields: Massacre and the Politics of Intervention*, eds. Nicolaus Mills and Kira Brunner (New York: Basic Books, 2002), 260.

⁶⁶ Power, "Cost of Genocide," 261.

⁶⁷ UN General Assembly, "A Vital and Enduring Commitment," 6.

⁶⁸ Ibid, 6.

⁶⁹ Charles H. Anderton and Jurgen Brauer, *Economic Aspects of Genocides, Other Mass Atrocities, and Their Prevention* (New York: Oxford University Press, 2016), 3-4.

⁷⁰ Anderton, *Economic Aspects of Genocides*, 4. As Anderton and Brauer's research illustrates, "estimated fatalities totaled over only three genocides (Cambodia 1975-1979, Pakistan/Bangladesh 1971, and Sudan 1983-2002) surpass the total estimated military fatalities for the 237 intrastate wars since 1900. Furthermore, data through 2015 provided by the National Consortium for the Study of Terrorism and Responses to Terrorism at the University of Maryland show that almost as many people were killed in just one month at the height of the 1994 Rwandan genocide as were killed in all international and domestic terrorist incidents worldwide since 1970."

⁷¹ Adams, "Failure to Protect," 5.

⁷² Daniel Jonah Goldhagen, *Worse than War: Genocide, Eliminationism, and the Ongoing Assault on Humanity*, (New York: Public Affairs, 2009), 558.

⁷³ ICISS, "The Responsibility to Protect," 70.

⁷⁴ Madeleine K. Albright and Richard S. Williamson, "The United States and R2P: From Words to Action," Brookings Institute (2009), 11, <https://www.brookings.edu/research/the-united-states-and-r2p-from-words-to-action/> [accessed April 27, 2017].

⁷⁴ UN General Assembly, "A Vital and Enduring Commitment," 12. Eglantine Staunton, "France and the Responsibility to Protect," AP R2P Brief, Vol 5, No. 4 (2015).

⁷⁴ François Hollande, "Speech by François Hollande, President of the French Republic at the 68th United Nations General Assembly," September 2013, <http://www.ambafrance-us.org/spip.php?article4925>.

⁷⁴ United Nations Charter, Article 27. While the UN Charter does not specifically provide for a UNSC veto power, the permanent five veto power is derived from the UNSC voting requirement that "decisions of the Security Council on all other matters [besides procedural matters] shall be made by an affirmative vote of nine members including the concurring votes of the permanent members."

⁷⁴ "The Responsibility to Protect," Report of the Commission on Intervention and State Sovereignty, Ottawa, Canada: International Development Research Centre, 2001, xiii, <http://responsibilitytoprotect.org/ICISS%20Report.pdf>, accessed on March 21, 2017. United Nations Security Council, "The Right to Veto," <http://www.un.org/en/sc/meetings/voting.shtml>, accessed on March 20, 2017. "All five permanent members have exercised the right of veto at one time or another. If a permanent member does not fully agree with a proposed resolution but does not wish to cast a veto, it may choose to abstain, thus allowing the resolution to be adopted if it obtains the required number of nine favourable votes."

⁷⁴ Aidan Hehir, *The Responsibility to Protect: Rhetoric, Reality, and the Future of Humanitarian Intervention*, New York: Palgrave Macmillan, 2012, 258.

⁷⁴ Security Council Report, *The Veto*, December 7, 2016, <http://www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php>.

⁷⁴ Euan McKirdy, "8 Times Russia blocked a UN Security Council Resolution on Syria," CNN, (April 13, 2017), <http://www.cnn.com/2017/04/13/middleeast/russia-unsc-syria-resolutions/>, Accessed on April 30, 2017]. The Security Council Veto, Security Council Report, March 2017, 1, http://www.securitycouncilreport.org/un-security-council-working-methods/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/working%20methods_the%20veto.pdf.

⁷⁵ North Atlantic Treaty, Article 5, April 4, 1949, 63 STAT 2241. Article 5 provides: "The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of the individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area."

⁷⁶ United Nations, Charter of the United Nations, (1945). Article 2(4) provides "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." The UNSC authority to determine international threats is provided in Article 39, which provides, "The Security Council shall determine the

existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.” Lastly, Article 42 provides the UNSC with the authority to “take such actions by air, sea, or land forces as may be necessary to maintain or restore international peace and security.”

⁷⁷ ICISS, “The Responsibility to Protect,” 48.

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