

## Interview - Gareth Evans

Written by E-International Relations

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E-INTERNATIONAL RELATIONS, SEP 2 2011

e-IR's Alex Stark recently interviewed Professor Gareth Evans:

**Why did it take so long after World War II for the international community to agree that they had the responsibility to protect civilians from genocide and mass atrocities? It seems like the world said “never again” a number of times before anyone took proactive steps to make this a reality.**

As we look back over the course of human history one of the most depressing, and distressing, realities we have to acknowledge has been our inability to prevent or halt the apparently endlessly recurring horror of mass atrocity crimes – the murder, torture, rape, starvation, expulsion, destruction of property and life opportunities of others for no other reason than their race, ethnicity, religion, nationality, class or ideology. The capacity of human beings to perpetrate – or to look the other way when others are perpetrating – the most appalling destruction of the lives, liberty and capacity for any kind of happiness of their fellow human beings seems to know no bounds.

No crime in history has been more grotesque than the Nazi Holocaust, with its comprehensively and meticulously organized extermination of six million Jews. Even if some other mass atrocity crimes, those of Stalin and Mao for a start, have involved even more unbelievably large numbers, none has more fundamentally demeaned our sense of common humanity.

What is in some ways hardest of all to believe is how little changed in the decades after World War II. One might have thought that Hitler's atrocities, within Germany and in the states under Nazi occupation, would have laid to rest once and for all the notion – predominant in international law and practice since the emergence of modern nation states in the 17<sup>th</sup> century – that what happens within state borders is nobody else's business: to put it starkly, that sovereignty is essentially a license to kill.

But even with the Nuremberg Tribunal Charter and its recognition of “crimes against humanity” which could be committed by a government against its own people; even with the recognition of individual and group rights in the UN Charter, and more grandly in the Universal Declaration of Human Rights and the subsequent International Covenants; even with the new Geneva Conventions on the protection of civilians; and even after all Raphael Lemkin's efforts, culminating in the Convention signed in 1948, to get recognition of the new crime of genocide – aimed at preventing and punishing the worst of all crimes against humanity, attempting to destroy whole groups simply on the basis of their race, ethnicity, religion or nationality – the killing still went on.

Why didn't things fundamentally change? Essentially because the overwhelming preoccupation of those who founded the UN was not in fact human rights but the problem of states waging aggressive war against each other. What actually captured the mood of the time, and that which prevailed right through the Cold War years, was, more than any of the human rights provisions, Article 2(7) of the UN Charter: “Nothing should authorise intervention in matters essentially within the domestic jurisdiction of any State”.

The state of mind that even massive atrocity crimes like those of the Cambodian killing fields were just not the rest of the world's business was dominant throughout the UN's first half-century of existence: Vietnam's invasion of Cambodia in 1978, which stopped the Khmer Rouge in its tracks, was universally attacked as a violation of state

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sovereignty, not applauded. And Tanzania had to justify its overthrow of Uganda's Idi Amin in 1979 by invoking 'self-defence', not any larger human rights justification. The same had been true of India's intervention in East Pakistan in 1971.

With the arrival of the 1990s, and the end of the Cold War, the prevailing complacent assumptions about non-intervention did at last come under challenge as never before. The quintessential peace and security problem – before 9/11 came along to change the focus to terrorism – became not interstate war, but civil war and internal violence perpetrated on a massive scale. With the break-up of various Cold War state structures, and the removal of some superpower constraints, conscience-shocking situations repeatedly arose, above all in the former Yugoslavia and in Africa.

But old habits of non-intervention died very hard. Even when situations cried out for some kind of response, and the international community did react through the UN, it was too often erratically, incompletely or counter-productively, as in the debacle of Somalia in 1993, the catastrophe of Rwandan genocide in 1994, and the almost unbelievable default in Srebrenica in Bosnia just a year later, in 1995.

Then the killing and ethnic cleansing started all over again in Kosovo in 1999. Not everyone, but certainly most people, and governments, accepted quite rapidly that external military intervention was the only way to stop it. But again the Security Council failed to act, this time in the face of a threatened veto by Russia. The action that needed to be taken was eventually taken, by a coalition of the willing, but without the authority of the Security Council, thus challenging the integrity of the whole international security system (just as did the invasion of Iraq four years later in far less defensible circumstances).

### **What are the historical and theoretical roots of the concept of RtoP (Responsibility to Protect)?**

Throughout the decade of the 1990s a fierce doctrinal, and essentially ideological, argument raged over these issues. On the one hand, there were advocates, mostly in the global North, of "humanitarian intervention" – the doctrine that there was a "right to intervene" ("droit d'ingérence" in Bernard Kouchner's influential formulation) militarily, against the will of the government of the country in question, in these cases. On the other hand there were defenders of the traditional prerogatives of state sovereignty, who made the familiar case that internal events were none of the rest of the world's business. It was very much a North-South debate, with the many new states born out of decolonization being very proud of their new won sovereignty, very conscious of their fragility, and all too conscious of the way in which they had been on the receiving end in the past of not very benign interventions from the imperial and colonial powers, and not very keen to acknowledge their right to do so again, whatever the circumstances. And it was a very bitter debate, with the trenches dug deep on both sides, and the verbal missiles flowing thick and fast, often in very ugly terms.

This was the environment which led Kofi Annan to issue his now famous challenge to the General Assembly in 1999, and again in 2000:

If humanitarian intervention is indeed an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of our common humanity?

And it was this challenge to which the Canadian-government responded by appointing the International Commission on Intervention and State Sovereignty (ICISS), which I was asked to co-chair with the Algerian diplomat and UN Africa adviser Mohamed Sahnoun. This Commission came up in 2001 with the idea of "the responsibility to protect", in its report of that name, which took the whole debate in a new, and what is now acknowledged to be much more productive, direction.

The core idea of the responsibility to protect is very simple. Turn the notion of "right to intervene" upside down. Talk not about the "right" of big states to do anything, but the responsibility of all states to protect their own people from

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atrocities, and to help others to do so. Talk about the primary responsibility being that of individual states themselves – respecting their sovereignty – but make it absolutely clear that if they cannot meet that responsibility, through either ill-will or incapacity, it then shifts to the wider international community to take the appropriate action. Focus not on the notion of “intervention” but of protection: look at the whole issue from the perspective of the victims, the men being killed, the women being raped, the children dying of starvation; and look at the responsibility in question as being above all a responsibility to prevent, with the question of reaction – through diplomatic pressure, through sanctions, through international criminal prosecutions, and ultimately through military action – arising only if prevention failed. And accept coercive military intervention only as an absolute last resort, after a number of clearly defined criteria have been met, and the approval of the Security Council has been obtained.

As many blue-ribbon commissions and panels have discovered over the years, however, it is one thing to labour mightily and produce what looks like a major new contribution to some policy debate, but quite another to get any policymaker to take any notice of it. But the extraordinary thing is that governments *did* take notice of the idea: within four years – after two further reports (by a High Level Panel appointed by the UN Secretary General, and by Secretary-General Annan himself) the responsibility to protect had won unanimous endorsement by the more than 150 heads of state and government meeting as the UN General Assembly at the 2005 World Summit, and within another year had been embraced in a Security Council resolution.

The language of the relevant paragraphs, 138 and 139, of the World Summit Outcome Document, the product of protracted and difficult lead-up negotiations, did not contain all the elements in the original Commission report – a notable omission was agreement on criteria for the use of military force – and it did contain some changes in the language of some of the original proposals in the Canadian and other reports which preceded the 2005 Summit. But they were essentially presentational. The core underlying ideas remained absolutely unchanged.

So in 2005, with this unanimous General Assembly resolution, we did achieve the long-dreamed of international consensus. It was not a matter of the North pushing something down the throats of the South: there was strong support in the debate from many countries across the developing world, and from sub-Saharan Africa in particular, with many references to antecedents for the new principle in the Constitutive Act of the African Union, and the AU's insistence that the real issue was not “non-intervention” but “non-indifference”. And there was certainly a recognition that mass atrocities had occurred as terribly in the North – most recently in the Balkans – as they ever had in the South: this was a universal problem demanding a universal solution.

Getting so far so fast on so fundamental a conceptual issue, involving so fundamental a rethink of long entrenched beliefs about the nature of state sovereignty, was on the face of it a huge achievement, and one almost unprecedented in the history of ideas. For the lawyers among you, let me acknowledge that it would have been premature in 2005, and still is now, to describe the responsibility to protect as a new rule of customary law. It may become one, but that will depend on how comprehensively this new concept is implemented and applied in practice, as well as recognised in principle, in the years ahead. But with the weight behind it of a unanimous General Assembly resolution at head of state and government level, the responsibility to protect could already in 2005 properly be described as a new international *norm*, not just an emerging norm: a new standard of behaviour, and a new guide to behaviour, for every state.

### **What has happened since 2005? How would you rate RtoP's progress as an international norm since then?**

If I had been talking to you at the end of last year, my report card would have been “*making progress – but slowly*”. Let me explain that evaluation – and leave dangling for the moment the question of what my report card would be right *now*, in light of the events unfolding during the course of this year in Libya and the wider Middle East.

For all the remarkable achievement in 2005, those of us passionate about ending mass atrocities once and for all knew that it was premature to celebrate too joyously. There were three big challenges we knew had to be met if all the new rhetoric was going to be translated into effective action, and if we really *were* going to be able to say “never again” and believe it to be true:

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- The first was conceptual, to ensure that the scope and limits of the responsibility to protect were universally understood, and that there would be no confusion about what kinds of cases to which the principle applied.
- The second was institutional, to ensure that the systems would be in place and the resources at hand for governments, the UN and other international organisations, regional and global, to be able in practice to act in the way the new norm demanded.
- And the third was – as always – political, to ensure that even if there was universal understanding of what needed to be done, and the systems and resources available to do it, there would also be the political will to actually do it.

As to the *conceptual* challenge, I think one could reasonably say by the end of last year that it had been met, though not without a few bumps and grinds along the way. It now seems generally understood that mass atrocity crimes should not be confused with human rights violations more generally, conflict situations more generally, or human security situations more generally: they are more confined, defined essentially as genocide, ethnic cleansing and other large scale crimes against humanity.

One way of putting this in perspective is to think in terms of there being, at any given time, maybe 100 country situations of human rights abuse justifying some kind of international attention and condemnatory response, and maybe 70 situations at any given time where conflict between or within states is occurring or feared. But when it comes to mass atrocity crimes, there are probably likely to be, at any given time, no more than ten or a dozen country situations where such atrocities are actually occurring, feared imminently likely to occur, or where there are early warning signs (like the appearance of hate propaganda on the radio) that they may occur within the not too distant future unless some fast preventive action is taken.

There certainly may be many cases – overlapping with the general human rights and conflict situations I have mentioned – where some kind of long-term preventive effort, aimed for example at achieving better inter-communal relations and at remedying economic and political grievance, may be necessary to stave off disaster at some time in the future. But it avoids confusion – and helps focus attention on the cases most urgently crying out for action – to confine so far as possible the “responsibility to protect” label to the small core of cases I have described.

### **Given these conditions, which recent cases properly qualify as cases of RtoP in action?**

Viewed through these lenses, there is now less confusion than there was a few years ago as to what are and are not “RtoP” cases. Of the cases most debated, it would now be generally agreed that:

- the coalition invasion of Iraq in 2003 and Russia’s invasion of Georgia in 2008 were *not* justified in responsibility to protect terms (despite the views of Tony Blair and Vladimir Putin, respectively);
- the Burma-Myanmar cyclone in 2008, after which the military regime badly dragged its feet for a time in allowing international assistance, was *not* a responsibility to protect case (contrary to the views of then French Foreign Minister Bernard Kouchner), but could have been if the generals’ behaviour had continued long enough, which in the event it did not, to be characterisable as so recklessly indifferent to human life as to amount to a crime against humanity;
- Somalia and the Congo for many years, Darfur certainly in 2003-04 though more ambiguously since, and Sri Lanka in the horrific final military confrontation in 2009 between government forces and Tamil Tigers, in which so many civilians perished, *have been* properly characterised as responsibility to protect cases, albeit ones where the international community’s response has been, for one reason or another, unhappily inadequate, a point I will come back to in a moment ; and
- Kenya in early 2008 is the clearest case we have had before this year of an exploding situation being widely, and properly, characterised as a responsibility to protect one: in this case, one where – as I will again come back to in a

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moment – the international community’s response *did* prove to be adequate to bring it under control.

There is one major piece of unfinished conceptual business which I will refer to only in passing, though as recent events in Libya and elsewhere in the Middle East have reminded us, it is crucially important to get this right. That is reaching some kind of agreement on the specific criteria that should govern any decision, by the UN Security Council or anyone else, to use coercive military force. Such criteria were spelled out in the Canadian Commission and later reports, but their adoption has been resisted in particular by the U.S., which resists the idea of any possible restriction on its preferred ad hoc decision-making, and a number of developing countries, who obdurately take the precisely opposite view, viz. that to spell out limiting conditions is to recognize the basic legitimacy of such force, and thus to encourage it! I suspect we will be having this argument for a long time yet.

### **What about institutional challenges? What kinds of institutions are needed to protect civilians, and what gaps still exist?**

The *institutional* challenges are essentially threefold:

○ First, to ensure that there are early warning and response “focal points” established within all the key governments and intergovernmental organizations, with people whose day job it is to worry about these issues. On this some significant progress has been made recently with the establishment within the UN system, close to the Secretary-General, of a Joint Office of his Special Advisers on the Prevention of Genocide, and for the Responsibility to Protect, and their staffs; within the US National Security Council, next to the President, of a Director for War Crimes and Atrocities; within the Swiss Government of a small group of full-time officials performing this function; and within a number of other governments, including our own, the identification of specific officials with specific oversight responsibilities in this area.

○ Second, to have in place civilian capability able to be utilized, as occasion arises, for diplomatic mediation, civilian policing and other critical administrative support for countries at risk of atrocity crimes occurring or recurring. Things are moving here, especially on the mediation resources front, but not fast enough. One area where dramatic advances have been made over the last decade and a half, with a separate dynamic of its own but in parallel with the development of the responsibility to protect, has been in establishing the machinery of international criminal justice, first with a series of ad hoc tribunals and courts for the former Yugoslavia and Rwanda, Sierra Leone and Cambodia, and now with the permanent International Criminal Court (ICC) in The Hague.

○ Third, to have in place capable military resources, available both for rapid “fire-brigade” deployment in the most extreme cases which cannot be otherwise addressed (like Rwanda in 1994), and for longer-haul stabilization operations (like those in Sudan and the Congo). A great deal of progress has been made in recent years in rethinking the kind of force configurations, training, military doctrine and rules of engagement on the ground that are consistent with civilian protection and atrocity response operations as distinct from traditional war-fighting. But there is real distance yet to travel before we have in place, actually ready within national systems or regional organisations, the kind of rapid reaction capability that has long been talked about as necessary.

Part of the utility of having institutional machinery in place is that it doesn’t necessarily have to be fully deployed to be effective: the prospect of that may be enough. That the threat of indictment and punishment would be a significant deterrent to wrongful behaviour occurring has always been a significant part of the rationale for developing a proper international criminal justice system (just as it has always been with domestic systems). A good but largely unnoticed example of how all this can work occurred during the visit to Sierra Leone in 2004 of the then UN Special Adviser on the Prevention of Genocide, Juan Mendez. When he became aware that hate speech was beginning to be heard on certain media outlets (reminiscent of that which had been spread to devastating effect by Radio Mille Collines in Rwanda ten years earlier), he issued a statement making clear that such behaviour was potentially subject to prosecution in the new ICC and calling upon the national authorities to put an end to it, which they did.

### **What have been the political challenges since 2005? Has the international community been able to overcome the problem of political will?**

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The *political* challenge since 2005 has been two-fold, first to hold the line against possible backsliding on the World Summit consensus in the UN General Assembly, and secondly to create an environment whereby the key member states would actually have the political will to implement the appropriate response – whatever that might be across the spectrum from assistance, to persuasion, to coercion – at each stage of the emergence of a clear mass atrocity crime/responsibility to protect situation.

On the first point, the news by the end of last year was encouraging. Successive major debates in the UN General Assembly in 2009 and 2010, revisiting the 2005 resolution, and another late last year in the context of establishing the Joint Office I mentioned, all saw attempts by small groups of spoilers to derail the 2005 consensus – and each time those attempts were rebuffed by the great, and indeed overwhelming, majority of other member states. I was something of a warm-up act for the 2009 debate, arguing before the assembled delegates in the Trusteeship Council chamber for RtoP against my old nemesis Noam Chomsky (who of course saw it as just a new excuse for the great powers to get up to their old imperialist interventionary tricks) In the debate which followed, of the 94 delegates who spoke (representing between them some 180 member states, because some of the presentations were on behalf of regional or other groups), there were only four – Venezuela, Cuba, Nicaragua and Sudan – who sought to directly roll back 2005 in the interests of unqualified state sovereignty. Others had reservations and qualifications, mainly to do with the Security Council and the double standards inherent, here as elsewhere, in the Permanent Five's veto rights when it came to implementing the coercive elements of the doctrine, but UN members from all regions were overwhelmingly positive and supportive of its basic elements. And that pattern was sustained last year. I'll come to what happened *this* year, in Cote d'Ivoire and Libya, in a moment

### **How well had RtoP actually worked in practice before this year?**

At the end of last year the evidence was mixed. Although increasingly invoked by key figures, including Secretary-General Ban Ki-Moon, obvious successes in its application were thin on the ground, with Kenya in early 2008 being the only really clear example of the responsibility to protect playing an important energizing role in stimulating an effective response to a rapidly emerging large-scale atrocity crime situation – with that response, interestingly, coming here in the form of a diplomatic rather than military solution.

Failures or weaknesses were easier to identify. Darfur is a case where the international community's response has been from the outset, and remains, much less focused and effective than it could and should have been (although it was only in 2005 that RtoP emerged as an accepted international principle, whereas most of the damage in Darfur was done earlier, in 2003 and 2004). Sri Lanka in 2009 was another case where the international community largely dropped the ball – as has now been abundantly demonstrated with the recently released Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, which is a devastating indictment of the Colombo government's callous irresponsibility in the conduct of its final military operation against the LTTE, and by extension of the failure of the international community to respond effectively while there were still innocent lives to save.

The Democratic Republic of Congo can perhaps be regarded as another, although the UN, EU and African Union have made large-scale efforts to halt the slide into further violent chaos, and the problems in that continent-sized country are nightmarishly intractable. And another, more controversial, example might be thought to be Israel's treatment of the people under its control in the occupied Palestinian territories, especially in the context of its assault on Gaza in 2008-09.

The lesson I for one drew from the cases of non-application or ineffective application of the RtoP norm was not that the norm itself was inherently ineffective, or irrelevant. Rather it was that we just had to do much better in applying it in the future.

### **So what about the recent events in Cote d'Ivoire and Libya? Is NATO's military involvement in Libya a step forward or a step backwards for the concept of RtoP?**

On the face of it these cases were spectacular steps forward. Both involved Security Council resolutions – the first of their kind specifically invoking the responsibility to protect in a particular country situation – approving “all necessary

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measures” (which in UN-speak means military force) to secure civilian protection objectives in the context of atrocity crimes being committed and feared. But there has certainly been a negative reaction to the very broad way in which NATO interpreted its mandate in Libya, and the question we have to address is whether we now have a new benchmark for how to handle extreme cases in the future, or whether this year will rather prove to be the high water mark from which the tide will subsequently recede.

The Cote d'Ivoire intervention, which came to a more or less successful conclusion with the defeat and apprehension of the resisting Gbagbo forces in April, has been the less controversial of the two, but it was also a less clear-cut RtoP case: it was complicated by a number of legitimate agendas running simultaneously – regional organization action to enforce a democratic election outcome and a UN mandate extending to force protection rather than just civilian protection. But the Libyan case was, at least at the outset, a textbook case of the RtoP norm working exactly as it was supposed to, with nothing else in issue but stopping continuing and imminent mass atrocity crimes.

It is worthwhile briefly recapping the sequence of events. In February this year, Muammer Gaddafi's forces responded to the initial peaceful protests against the excesses of his regime, inspired by the Arab Spring revolutions in Tunisia and Egypt, by massacring, on the ground and from the sky, perhaps more than a thousand of his own people. That led to the first UN Security Council Resolution 1970 of February 26, which specifically invoked "the Libyan authorities' responsibility to protect its population", condemned its violence against civilians, demanded that this stop and sought to concentrate Gaddafi's mind by applying targeted sanctions, an arms embargo and the threat of International Criminal Court prosecution for crimes against humanity.

Then, as it became apparent that Gaddafi was not only ignoring that resolution but planning a major assault on Benghazi in which no mercy whatever would be shown to perceived opponents, armed or otherwise – his earlier reference to “cockroaches” having a special resonance for those who remembered how Tutsis were being described before the 1994 genocide in Rwanda – the Security Council followed up with Resolution 1973 of 17 March. This also invoked the responsibility to protect principle, reasserted a determination to ensure the protection of civilians, deplored the failure to comply with the first resolution, called for an immediate ceasefire and a complete end to violent attacks against and abuses of civilians, and explicitly authorised military intervention by member states to achieve these objectives.

That coercive military action was allowed to take two forms: “all necessary measures” to enforce a no-fly zone, and “all necessary measures...to protect civilians and civilian populated areas under threat of attack”. Only “a foreign occupation force” was expressly excluded. Ground troops were just a bridge too far for the Arab League to contemplate, and its political support was absolutely crucial in ensuring that there was both a majority on the Council and no exercise of the veto by Russia or China. That regional support was also, politically, an absolute precondition for the U.S. to be able to act without laying itself open to the allegation throughout the Arab-Islamic world of being up to its old Iraq-invading, crusading tricks.

NATO action commenced immediately, and can certainly be credited with stopping a major catastrophe in Benghazi. Some sceptics are now suggesting, inevitably, that this threat was always exaggerated, but the short answer is it is inconceivable that Arab League support for the Security Council would have been forthcoming if it was not, and had not been perceived to be, very real. The NATO intervention has also been crucial in securing what seems now to be – as at the end of August 2011 – the overthrow of the Gaddafi regime by the rebel forces. Although NATO observed some constraints in its engagement, including the obvious one of not putting fighting troops on the ground, and the struggle was more prolonged than would have been the case had it been in full warfighting mode, there is little doubt that its role was decisive. It was unequivocally committed to the rebel side, and to securing regime change, and acted accordingly military – although arguing that removal of the Gaddafi regime is not for any other reason than that this is the only way that civilians can be protected from atrocities in the areas under that regime's control. All this has resulted in a widespread perception – not only among the familiar cynics, sceptics and spoilers – that NATO in Libya stretched its “responsibility to protect” mandate to the absolute limit, and maybe beyond it. Many of us would have been much more comfortable if NATO had confined its role, after neutralising the Libyan air force and halting the ground forces moving on Benghazi, confined itself essentially to a watching-brief role: maintaining the no-fly zone

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and being prepared to attack whenever civilians or civilian areas were being put at risk by reachable targets, but stopping short of moving into full war-fighting, regime-change mode, and being prepared to wait for rebel military pressure, regional and international diplomatic pressure, targeted sanctions and the threat of ICC prosecution, to take their course. It may have taken longer to get a result, but it would place much less stress on RtoP

The key non-Western Security Council members whose non-opposition to the March resolution was crucial to its passage – Russia, China, India and Brazil – have all expressed concern about NATO's perceived military overreach, as has the Arab League, and all have made it clear that they would not contemplate any similar action in Syria even though the violence directed by the Assad regime against its civilian opponents has been if anything even worse than Gaddafi's.

The question on many minds, not least my own, has been whether this represents a serious setback for the responsibility to protect norm, giving new traction to those who would seek to not only undermine but reverse everything that has been achieved over the last decade. Or does it just reflect the degree of difficulty and controversy that is absolutely bound to be present – as I for one have always acknowledged – whenever the hardest and sharpest instrument in the RtoP response toolbox, coercive military action, is called in aid.

I think we now have our answer, following another general debate in the UN General Assembly in July on the whole RtoP concept – this time focused on the role of regional organizations in its implementation. And it's a good one. A backlash had been widely anticipated, but although there were a number of comments about NATO going too far in interpreting Resolution 1973, it just didn't come. As in the earlier debates in 2009 and 2010, there was a certainly evident a greater degree of comfort with measures at the less intrusive end of the spectrum – going to individual states' own responsibility (the so-called "Pillar One" of the 2005 Resolution), and other states' responsibility to assist them ("Pillar Two") – than there was with the rather more robust forms of engagement, and ultimately intervention, envisaged when a state is "manifestly failing" to protect its own people ("Pillar Three"). But there was overwhelming support for the basic concept, and absolutely no move to overturn it. Cuba, Venezuela and Iran were the most negative, but if anything their voices were less harsh than they had been in the past.

### **What is the final takeaway on RtoP? Are you optimistic or pessimistic that this norm will survive in a useful form?**

As I have often been heard to say, there is a well-established view that anyone who approaches anything in international relations with an optimistic frame of mind – as I have always done – must be plain ignorant, incorrigibly naive, or outright demented. But for all the difficulties of application that lie ahead case by case, I do believe that the responsibility to protect is an idea whose time has come, that it is here to stay, and that it really will make a difference in the years and decades to come.

We have seen in just a few short years a fundamental shift in attitudes on the scope and limits of state sovereignty. The notion that the state could do no wrong in dealing with its own people has meant that for centuries human rights catastrophes have gone unprevented, unchallenged and even unremarked. The emergence and consolidation, and implementation to the extent we have seen, of the new responsibility to protect norm may not in itself guarantee that the world has seen the end of mass atrocity crimes once and for all. But it is not unreasonable to claim that it certainly gives us a better chance of getting there than we have ever had before.

Maybe, just maybe, we'll be able to say "never again" in the future without having to periodically look back, as has so often been the case in the past, asking ourselves, with a mixture of anger, incomprehension and shame, how *did* it happen again.

***Professor the Hon Gareth Evans AO QC has been Chancellor of the Australian National University since January 2010, and a Professorial Fellow at The University of Melbourne since July 2009, and is President Emeritus of the Brussels-based International Crisis Group, the independent global conflict prevention and resolution organisation which he led from 2000 to 2009.***

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