



# The Three Pillars of the Responsibility to Protect

Alex J. Bellamy

Agreed by Heads of State and Government at the 2005 World Summit, the Responsibility to Protect (RtoP) principle has come a long way in a short space of time. The principle was employed by the United Nations Security Council in response to crises in Darfur, Cote d'Ivoire, Central African Republic, Yemen, South Sudan and Mali, Syria and, most controversially in Libya. It has also been employed by the United Nations Secretary-General, other senior UN officials and several member states in relation to these crises and those in the Democratic Republic of Congo (DRC), Kenya, Kyrgyzstan, and Guinea. Through RtoP, international society has come to view emerging crises through the prisms of atrocity prevention and response – focusing increasingly on what the world can do to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Inevitably, however, as the principle has come into widespread diplomatic use it has aroused controversy and debate, not least in relation to the use of military force (as in the case of

Libya) and the use of the veto to block decisive action through the UN Security Council (as in the case of Syria). Focusing on the three pillars of RtoP, this chapter attempts to provide context for the other contributions to this volume by outlining the emergence of RtoP, clarifying the meaning and scope of its three pillars, and examining debates about the relationship between them.

## Emergence

Although the phrase ‘responsibility to protect’ was first coined only in 2001, the concept is the product of long-standing efforts to identify and define crimes that have ‘shocked the conscience of mankind’ and to protect populations from them. As the UN Secretary-General has argued, RtoP is a political concept based on existing international law. The story of the principle’s emergence therefore begins with international law.

In 1947, in the shadow of the Holocaust, the newly formed UN General Assembly approved the Genocide Convention, which prohibited the crime of genocide, created a universal responsibility to prevent that crime, and required the punishment of perpetrators.<sup>1</sup> In *Bosnia vs. Serbia* (2007), the International Court of Justice (ICJ) found that states have a legal responsibility to do what they can, within existing law, to prevent genocide. Specifically, the court found that states had a responsibility to take positive action to prevent genocide when they have prior knowledge about its likely commission and the capacity to influence the suspected would-be perpetrators. The four Geneva Conventions (1949) and subsequent Protocols (1977) established the immunity of all non-combatants in armed conflicts, whether in international or non-international, from the intentional use of force against them and required that Parties cooperate with one another to prevent violations of the law. The Rome Statute of the International Criminal Court (ICC) (1998) extended some of these provisions to contexts outside of armed conflict under the rubric of ‘crimes against humanity’, whilst the International Criminal Tribunal for Yugoslavia (ICTY) confirmed that the practice of ‘ethnic cleansing’ constituted one such crime. When states committed to the RtoP concept in 2005, therefore, they were effectively acknowledging the legal obligations

that they already had and committing themselves to ensuring that this existing law be upheld everywhere, all the time.

During the 1990s, however, the gap between these international legal responsibilities and realities on the ground became glaringly obvious. Genocide in Rwanda and Srebrenica; mass killing and ethnic cleansing in Angola, Bosnia, Burundi, Croatia, East Timor, Kosovo, Liberia, Sierra Leone, Zaire/DRC; state repression in northern and southern Iraq; and acute state fragility and civil war leading to mass human suffering in Somalia exposed the hollowness of legal responsibilities in the face of governments and armed groups willing and able to use mass civilian suffering to achieve their objectives. International society was initially ill-prepared to respond. UN peacekeepers recoiled in the face of the *genocidaires* in Rwanda and stood aside as Security Council mandated ‘safe areas’ collapsed in Bosnia. US forces were hounded out of Mogadishu, taking UN peacekeepers with them. Political and diplomatic efforts proved insufficient to stop Angola’s slide back into war and the mass violence that greeted East Timor’s vote for independence. These, and other, crises exposed the weaknesses of international society’s capacity and willingness to protect populations. They also created a global crisis of internal displacement, as up to twenty million people were forced from the homes but left unable to claim the protections afforded by International Refugee Law because they had not crossed an international border.

Gradually, international agencies began to learn the lessons of these failures and to develop new concepts such as the ‘protection of civilians’ and ‘sovereignty as responsibility’. First, Francis Deng and Roberta Cohen developed initial ideas about ‘sovereignty as responsibility’ in the context of the crisis of displacement in the mid-1990s. Deng was appointed as the UN Secretary-General’s Special Representative on Internally Displaced Persons (IDPs) in 1993. Deng and Cohen developed the concept of sovereignty as responsibility as a diplomatic and moral tool to persuade states to allow IDPs access to humanitarian assistance and protect their human rights (Cohen and Deng 1998). This concept rested on the idea that sovereignty entailed responsibilities as well as rights and that chief among those responsibilities was the state’s duty to protect populations in

its care. When states are unable to exercise this duty, they should request international assistance. If they do not, then they should be held accountable (Deng and al. 1996:1). From this, RtoP derived its focus on ‘responsibility’, the notion that the primary responsibility to protect rests with the sovereign states, and the idea that the purpose of external action should be to assist states to fulfill their obligations and, failing that, to provide protection to vulnerable populations.

Second, there a range of regional initiatives sought to respond to the humanitarian challenge: A number of regional organizations established their own initiatives that contributed to the emergence of RtoP. Most notably, Article 4(H) of the Constitutive Act of the African Union (AU), adopted in 2000, gave the organization a right to intervene in the affairs of its Member States in matters relating to genocide and crimes against humanity. The AU also developed its own peacekeeping capacities and adopted a protection mandate in Darfur (2003). The EU established and deployed high readiness brigades in response to protection crises and in the mid-1990s the OSCE established its High Commissioner for National Minorities to assist states under stress. NATO also incorporated the protection of civilians into its crisis management work (MacFarlane and Foong 2006:174).

Third, many humanitarian agencies identified protection as a core goal. Often caught on the frontline of emergencies caused by armed conflict, natural disasters and poverty, humanitarian relief agencies increasingly recognized the limits of traditional approaches that distributed aid on the basis of need and neutrality without regard for the underlying politics. Sometimes, this approach created the phenomenon of the ‘well fed dead’ - civilians given food, housing and medical relief by humanitarians only to be killed or displaced again by armed conflicts. Sometimes, humanitarians inadvertently made matters worse by aiding *genocidaires* and unwittingly providing bases for armed groups, as happened in eastern DRC after the Rwandan genocide (Terry 2002). In response, many humanitarian organizations, including Oxfam and CARE, adopted ‘protection’ as one of their core goals, promoting the idea that the protection of people from egregious crimes ought to be core business for humanitarians.<sup>2</sup>

Fourth, the theory and practice of peacekeeping evolved so that protection moved from the periphery to the centre. High profile peacekeeping failures in Rwanda and Bosnia prompted fresh thinking about the protection roles and responsibilities of UN peacekeepers. In 2000, the UN's Panel on Peace Operations (so-called 'Brahimi report') argued that peacekeepers that witnessed violence against civilians should be 'presumed to be authorized to stop it, within their means'. Starting in 1999, with the UN Mission in Sierra Leone (UNAMSIL), the Security Council has with increasing regularity employed Chapter VII of the UN Charter to authorize peacekeepers to use 'all necessary means' to protect civilians. Today, most UN peacekeeping operations have a protection mandate (Holt and Berkman, 2006).

Fifth, the UN Security Council adopted a thematic agenda on the protection of civilians in armed conflict. In 1998, at the request of Canada, which was then a non-permanent member, the Security Council requested a report from the Secretary-General on how the UN might improve the protection of civilians in armed conflict. The following year, it adopted Resolution 1265 expressing its 'willingness' to consider 'appropriate measures' in response to 'situations of armed conflict where civilians are being targeted or where humanitarian assistance to civilians is being deliberately obstructed'. Periodic reports of the Secretary-General on the protection of civilians in armed conflict have become a recurrent feature of the Council's work and through this it has, among other things, pledged to work towards an end to impunity, requested that Member States ratify key human rights treaties, adopted an *aide memoire* on protection, and demanded humanitarian access in crisis situations.

These, and other, initiatives allowed the then UN Secretary-General, Kofi Annan, to declare in 1999 that 'state sovereignty, in its most basic sense, is being redefined...States are now widely understood to be the servants of their people, not vice versa'.<sup>3</sup> This emerging conception of sovereignty as entailing responsibilities clashed, however, with more traditional ways of understanding it. Since 1945 at least, sovereignty had been commonly understood as entailing a right to non-interference, a right reflected in Article 2(7) of the UN Charter. This raised the difficult question of how the international community should respond to situations in which the state failed

to protect its own population from conscience-shocking crimes or when the state itself was among the principal perpetrators of such crimes. These questions were brought into sharp focus by the crisis in Kosovo in 1998-1999. When international negotiations, sanctions and observers failed to stem the tide of violence, which included the systematic ethnic cleansing of Kosovar Albanians by Yugoslav government forces, NATO decided to intervene militarily despite not having a UN Security Council mandate to do so. The intervention triggered a major debate on the circumstances in which the use of force for human protection purposes might be justifiable, the intricacies of which were reflected in the findings of an international commission on the issue which found that NATO's actions were 'illegal but legitimate'.<sup>4</sup>

At issue was the relationship between the state and its own population, the credibility of the international community's commitment to very basic standards of human rights and the role of the UN in the twenty-first century. The dilemmas were set out succinctly by Kofi Annan in his 1999 Address to the General Assembly:

To those for whom the greatest threat to the future of international order is the use of force in the absence of a Security Council mandate, one might ask...in the context of Rwanda: If, in those dark days and hours leading up to the genocide, a coalition of States had been prepared to act in defence of the Tutsi population, but did not receive prompt Council authorization, should such a coalition have stood aside and allowed the horror to unfold?

To those for whom the Kosovo action heralded a new era when States and groups of States can take military action outside the established mechanisms for enforcing international law, one might ask: Is there not a danger of such interventions undermining the imperfect, yet resilient, security system created after the Second World War, and of setting dangerous precedents for future interventions without a clear criterion to decide who might invoke these precedents and in what circumstances?<sup>5</sup>

It was in part to find answers to these questions that Canada decided to establish an International Commission on Intervention and State Sovereignty (ICISS), chaired by Gareth Evans and Mohammed

Sahnoun, in 2000. The commission's report, entitled *Responsibility to Protect*, was released in December 2001 and endorsed by Annan, who described it as 'the most comprehensive and carefully thought-out response we have seen to date'.<sup>6</sup> The ICISS argued that states had a responsibility to protect their citizens from genocide, mass killing and ethnic cleansing and that when states proved either unwilling or unable to fulfil this duty, residual responsibility was transferred to the international community. From this perspective, RtoP comprised three interrelated sets of responsibilities: to prevent, react and rebuild.<sup>7</sup> The Commission identified proposals designed to strengthen the international community's effectiveness in each of these areas, including a prevention toolkit, decision-making criteria for the use of force, and a hierarchy of international authority in situations where the Security Council was divided.

RtoP would not have enjoyed such a rapid rise without the endorsement of Kofi Annan and his decision, taken in the wake of the oil-for-food scandal, to summon a world summit to consider proposals for UN reform. In preparation for summit, Annan commissioned a High Level Panel to examine the challenges confronting the organization and make recommendations as to how it might meet them. In its final report, the Panel (which included Gareth Evans) endorsed 'the emerging norm that there is a responsibility to protect', supported the ICISS proposal for criteria to guide decisions about the use of force, and called for the permanent members of the Security Council to exercise restraint in their use of veto in situations involving large-scale violence against civilians.<sup>8</sup> Annan adopted most of these recommendations in his own blueprint for reform, *In Larger Freedom*.<sup>9</sup> This put RtoP squarely on the international agenda at the 2005 World Summit.

In summary, RtoP emerged out of the failure to protect populations from genocide and mass atrocities in the 1990s. Developments in a range of fields – including peacekeeping, refugee and displacement work, humanitarian relief, international diplomacy, and regional action – in response to these failures focused international attention on the protection of human life in situations of conscience-shocking inhumanity. The crises in Rwanda and Kosovo exposed critical challenges relating to the political will to act (Rwanda) and the

authority on which action may be taken (Kosovo). The ICISS was established in response to these challenges and its report coined the phrase ‘responsibility to protect’, developing earlier ideas about the state’s primary responsibility to protect its own population and the role of the international community when it fails to do so.

## 2005 World Summit Agreement

RtoP was unanimously endorsed by the 2005 World Summit, the largest ever gathering of Heads of State and Government. The Summit’s outcome document was later adopted as a General Assembly resolution. Paragraphs 138-140 of the World Summit’s Outcome Document declared that:

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 of the United Nations, to help protect populations from 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 before crises and conflicts break out.

140. We fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide.

This commitment to RtoP has been reaffirmed several times by the UN Security Council, including in Resolutions 1674 (2006), 1894 (2009) and 2150 (2014) and in 2009 the General Assembly committed itself to ongoing consideration of its implementation (A/RES/63/308). It is important to distinguish between the RtoP that governments have agreed to adopt and the ideas that helped shape it, including the proposals of the ICISS, mentioned earlier. There are six key points to bear in mind in this regard.

First, RtoP is narrow in scope, but universal and enduring in its coverage. RtoP applies everywhere, all the time. In other words, all states have a permanent responsibility to protect their populations from the four crimes. As the UN Secretary-General pointed out in 2012, the question is never one of whether or not RtoP ‘applies’ – because this wrongly implies that there are situations in which states do not have a responsibility to protect their populations – but of how best to realize its goals in any given situation.<sup>10</sup> The principle is narrow, though, because it relates only to the four crimes identified in the 2005 World Summit Outcome Document: genocide, war crimes, ethnic cleansing and crimes against humanity and to their prevention. RtoP does not relate directly to threats to human life stemming from natural disasters, diseases, armed conflict in general or non-democratic forms of government.<sup>11</sup>

Second, states have a responsibility to protect all populations under their care, not just citizens or civilians in times of armed conflict. Paragraphs 138-139 specifically refer to populations and not citizens or civilians in armed conflict.

Third, RtoP is based on well-established principles of international law. The crimes to which it relates are enumerated in international law. In addition, states already have legal obligations to prevent and punish genocide, war crimes and crimes against humanity; assist states to fulfill their obligations under international humanitarian law; and promote compliance with the law. In addition, the World Summit Outcome Document is clear in stating that RtoP is to be implemented through the UN Charter. Nothing in the RtoP principle permits action outside the UN Charter.

Fourth, the World Summit Outcome Document calls explicitly for the prevention of the four crimes and their incitement. As such, prevention is at the core of RtoP, with other measures contemplated only when prevention fails or (in line with Article 42 of the UN Charter) is thought likely to fail by the UN Security Council.

Fifth, force may be used only when authorized by the UN Security Council and when other, peaceful, measures adopted under Chapters VI and VIII of the UN Charter are thought unlikely to succeed.

Sixth, Member States declared their support for the mandate of the Special Adviser for the Prevention of Genocide. This mandate, approved in 2004, includes tasks directly related to early warning and assessment: (a) to collect existing information, in particular from within the UN system, relating to violations of human rights that could give rise, if nothing were done, to genocide; (b) to bring situations of concern to the Secretary-General and, through him, to the Security Council; (c) to make recommendations to the Security Council, through the Secretary-General, on actions to prevent or halt genocide; (d) to liaise with the UN system on activities for the prevention of genocide and to enhance the capacity of the UN system to analyze and manage relevant information.<sup>12</sup>

### **The UN Secretary-General's Implementation Strategy**

The UN Secretary-General, Ban Ki-moon has often spoken of his 'deep and enduring' personal commitment to RtoP.<sup>13</sup> In February 2008, the UN announced the appointment of Edward Luck as the

Secretary-General's Special Adviser on the RtoP with responsibility for the further conceptual, political and institutional development of the concept. Luck adopted a careful and consultative approach based on a forensic understanding of the 2005 agreement and deep engagement with Member States. Key to this diplomatic effort was Luck's insistence on distinguishing what states had actually agreed in 2005 from the various other forms of RtoP circulating in academic and civil society circles.<sup>14</sup> The result was the 2009 report of the Secretary-General on *Implementing the Responsibility to Protect*, a landmark report that identified the three pillars of RtoP and which continues to guide thought and practice. The Secretary-General's first report on RtoP clarified the meaning and scope of the concept and set out a comprehensive strategy for its implementation. It maintained that RtoP 'is an ally of sovereignty, not an adversary', that grows from the principle of sovereignty as responsibility rather than through the doctrine of humanitarian intervention.<sup>15</sup> As such, it contended that RtoP was focused on helping states to succeed, not just on reacting when they fail.

The Secretary-General set out a comprehensive strategy for implementing RtoP, adopting a 'narrow but deep' approach: narrow in its exclusive focus on the prevention of four crimes (genocide, war crimes, ethnic cleansing and crimes against humanity) and protection of populations from them, but deep in its ambition to employ all instruments available to the UN system, regional and sub-regional arrangements, Member States, and civil society. This strategy was organized around the idea that RtoP rested on three pillars. These pillars were non-sequential (one does not need to apply pillars one and two before moving to pillar three) and of equal importance, such that the whole edifice of RtoP would collapse if it were not supported by all three pillars.<sup>16</sup>

The first pillar refers to the primary responsibility of the state to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their incitement.<sup>17</sup> The Secretary-General described this pillar as the 'bedrock' of RtoP which derives from sovereign responsibility itself and the international legal obligations that states already had (para. 138).<sup>18</sup> The Secretary-General recognized that although this commitment was unambiguous, the

question of how states might best exercise their RtoP was more difficult to answer. As such, he called for more research on why some societies plunge into mass violence whilst others managed to escape this fate.<sup>19</sup> He also proposed a variety of additional measures that states could take to fulfill their primary responsibility to protect.

These included, first, encouraging peer-review of their performance in meeting their RtoP obligations through the Human Rights Council's Universal Peer Review (UPR) mechanism.<sup>20</sup> Second, ensuring that states are parties to the relevant instruments of human rights law, international humanitarian law and refugee law, as well as to the Rome Statute of the International Criminal Court (ICC). The Secretary-General argued that states should also incorporate this law into domestic jurisdiction and implement it faithfully.<sup>21</sup> Third, states should assist the ICC and other international tribunals by, for example, locating and apprehending indictees.<sup>22</sup> Fourth, RtoP principles should be localized into each culture and society so that they are owned and acted upon by communities.<sup>23</sup> Fifth, states, even stable ones, should ensure that they have mechanisms in place to deal with bigotry, intolerance, racism and exclusion.<sup>24</sup>

These themes were further amplified by the Secretary-General in his 2013 report on RtoP, which focused on the state's primary responsibility to protect.<sup>25</sup> In this report, the Secretary-General further underscored the primacy of the state's responsibility to protect its own populations and identified some of the factors found within states and societies that give rise to genocide and mass atrocities. In an attempt to offer concrete advice to states about what they ought to do to fulfill their commitment to RtoP, the Secretary-General offered seven core recommendations. States should, he argued:

- Appoint a senior-level focal point with atrocity prevention responsibilities;
- Conduct a national assessment of risk and resilience;
- Sign, ratify and implement relevant international legal instruments;
- Engage with and support other Member States and regional or subregional arrangements to share experiences and enhance cooperation to promote the effective use of resources;

- Participate in peer review processes, including the universal periodic review of the Human Rights Council.
- Identify and form partnerships with other Member States, regional and subregional arrangements or civil society for technical assistance and capacity building;
- Participate in international, regional and national discussions on the further advancement of the responsibility to protect and its implementation.<sup>26</sup>

Whilst some of these recommendations (appoint a focal point, sign and ratify relevant treaties, conduct an assessment) were clear and specific, others were less so (identify and form partnerships). And, whilst the Secretary-General signaled a clear intention to evaluate the extent to which Member States were actually implementing these recommendations, there was relatively little follow-up and no formal process engaging member states in dialogue on implementation beyond the annual informal debate of the General Assembly.

The second pillar refers to the international community's responsibility to assist and encourage states to fulfill their responsibility to protect, particularly by helping them to address the underlying causes of genocide and mass atrocities, build the capacity to prevent these crimes, address problems before they escalate, and encouraging them to fulfill their commitments. (paras. 138 and 139).<sup>27</sup>

In 2009, the Secretary-General identified four specific aspects of this Pillar II responsibility.<sup>28</sup> First, encouraging states to meet their pillar one responsibilities (para. 138) so that those inciting or planning to commit the four crimes need to be made aware that they will be held to account.<sup>29</sup> The Secretary-General also suggested that this include incentives to encourage parties towards reconciliation.<sup>30</sup> Second, helping states to exercise their responsibility, especially by supporting security sector reform aimed at building and sustaining legitimate and effective security forces makes an important contribution to maintaining stability and provides states with the capacity to respond quickly and legitimately to emerging problems.<sup>31</sup> Third, helping states build their capacity to protect through targeted economic development assistance, which would assist in preventing the four crimes by reducing inequalities, improving education, giving the

poor a stronger voice, and increasing political participation.<sup>32</sup> He maintained that international assistance should help states and societies to build the specific capacities they need prevent genocide and mass atrocities.<sup>33</sup> The third element of Pillar II was the provision of assistance to states ‘under stress before crises and conflicts break out’. He suggested that the UN and regional arrangements could build rapidly deployable civilian and police capacities to help countries under stress and noted that where relevant crimes were committed by non-state actors, international military assistance to the state may be an effective form of assistance.<sup>34</sup>

Many of these ideas were developed further in the Secretary-General’s 2014 report on RtoP, which focused specifically on pillar II and the question of international assistance.<sup>35</sup> As with his treatment of the first pillar, the Secretary-General’s follow-up on international assistance included some concrete recommendations for action by Member States, though these were somewhat vaguely worded, leading some states to ask, privately, what it was, specifically that the Secretary-General wanted them to do. The Secretary-General asked that states:

- Leverage existing mechanisms and institutions to encourage States to fulfil their responsibility to protect;
- Invest in tools to encourage States to fulfil their responsibility to protect;
- Improve existing forms of national, regional and international assistance by incorporating atrocity crime risks and dynamics into conflict analysis;
- Focus existing capacity-building efforts on eliminating horizontal inequalities and design or strengthen capacity-building programmes aimed at the seven inhibitors of atrocity crimes;
- Enhance the availability and expertise of specialized civilian resources;
- Ensure that international assistance under pillar II is coordinated and coherent.<sup>36</sup>

Undoubtedly the most difficult and controversial of RtoP's three pillars, Pillar III refers to the international community's responsibility to take timely and decisive action to protect populations from the four crimes through diplomatic, humanitarian and other peaceful means (principally in accordance with Chapters VI and VIII of the UN Charter) and, on a case-by-case basis, should peaceful means 'prove inadequate' and national authorities are manifestly failing to protect their populations, other more forceful means through Chapter VII of the UN Charter (para. 139).<sup>37</sup> The wording agreed by states in 2005 suggests that Pillar III comprises two steps. The first, set out in the opening sentence of paragraph 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 the four crimes), involves an on-going responsibility to use diplomatic, humanitarian and other peaceful means to protect populations. The paragraph's second sentence sets out a wider range of measures that may be used if two conditions are satisfied: (1) 'should peaceful means be inadequate' (in other words, judged inadequate by the Security Council in line with Article 42 of the Charter) and (2) 'national authorities are manifestly failing to protect their populations'. In these situations, it may be appropriate to take timely and decisive action through the Security Council, including enforcement measures under Chapter VII of the Charter.<sup>38</sup> The Secretary-General noted that military intervention was just one of the measures that might be used, a theme he returned to in 2012 in arguing that effective use of non-coercive measures was an important aspect of pillar III which would reduce the need for the use of force.<sup>39</sup>

In the context of Pillar III, the Secretary-General suggested that permanent members of the Security Council should refrain from using their veto in situations of manifest failure and should act in good faith to reach a consensus in such cases.<sup>40</sup> He also stressed that the UN should strengthen its capacity for the rapid deployment of military personnel.<sup>41</sup> Finally, he suggested that the UN should strengthen its partnerships with regional and sub-regional arrangements to facilitate rapid cooperation.<sup>42</sup>

The ‘Arab Spring’ uprisings and the post-election crisis in Cote d’Ivoire in 2010-2011 propelled RtoP to the forefront of international attention and placed the focus squarely on the principle’s controversial third pillar. RtoP was explicitly used by the Security Council in its resolutions on Libya (Res. 1970 (2011); Res. 1973 (2011)), which first imposed a raft of targeted sanctions and embargoes and referred the situation to the ICC and then authorized the use of force to protect civilians and police a no-fly zone. The implementation of these resolutions by NATO and its partners, and the role of UNOCI peacekeepers in the violent resolution of the conflict in Cote d’Ivoire, brought fresh urgency to questions about the implementation of Security Council resolutions and the emergence of a new concept – ‘responsibility whilst protecting’ – which was proposed by Brazil (see below).

In this context, the fourth report of the Secretary-General, issued in 2012, focused on the third pillar of RtoP. This report: (1) clarified the relationship between the three pillars, reiterating their mutual interdependence such that efforts under the first two pillars should reduce the need to exercise the third; (2) identified the tools available to the UN for timely and decisive response, demonstrating that there is much more to Pillar III than the use of force and that, as a general rule, the more coercive the measure is, the less likely it is to be employed; (3) identified the key partners in protection, noting the role played by humanitarian action, peacekeeping, regional arrangements and civil society; and (4) considered the concept of ‘responsibility while protecting’.<sup>43</sup>

These reports, and the Secretary-General’s strategy overall, were generally well received by the UN’s member states. The General Assembly’s first interactive dialogue on RtoP broadly vindicated the Secretary-General’s strategy.<sup>44</sup> Ninety-four speakers, representing some 180 governments (including the Non-Aligned Movement) from every region participated.<sup>45</sup> Of those, only four (Cuba, Venezuela, Sudan and Nicaragua) called for renegotiation of the 2005 agreement. The others typically agreed with the Secretary-General’s interpretation of RtoP’s meaning and scope and welcomed his report.<sup>46</sup> The challenge, Member States agreed, was to implement RtoP, *not* re-negotiate it. Within this context, participating Asian, Latin American and sub-



Saharan African states were eager to stress six key points, which ought to be understood as bedrocks of the global consensus on RtoP. First, that RtoP is a universal principle that should be implemented equally and fairly in a non-selective fashion (early warning and assessment should be non-selective and non-political).<sup>47</sup> Second, that the responsibility to protect lies first and foremost with the state.<sup>48</sup> Third, that RtoP applies only to the four crimes (genocide, war crimes, ethnic cleansing and crimes against humanity) and their prevention. Fourth, the principle must be implemented and exercised in a manner consistent with international law, especially the UN Charter.<sup>49</sup> Fifth, timely and decisive response (Pillar III) encompasses more than just coercion or the use of force. Sixth, prevention is the most important element of RtoP.<sup>50</sup> The General Assembly passed a resolution which acknowledged the Secretary-General's report, noted that the Assembly had engaged in a productive debate, and committed the Assembly to continuing its consideration of the matter.<sup>51</sup> Subsequent reports and debates focused on individual aspects of the Secretary-General's agenda for implementation, especially early warning and assessment (2010), regional arrangements (2011), timely and decisive response (2012), the state's primary responsibility to protect (2013), and international assistance (2014).

The General Assembly's subsequent informal interactive dialogue provided further support for the concept of RtoP and the UN Secretary-General's strategy for implementation. Despite the highly controversial nature of the subject, Member States largely agreed with the Secretary-General's assessment that RtoP was a concept 'whose time has come', his view that nobody now doubts that states do indeed have a responsibility to protect, and belief that international debates have shifted from the question of 'whether' to implement RtoP to that of 'how' to. Member States also accepted the Secretary-General's view that that RtoP applies everywhere and all the time.

Of these, the Assembly's 2012 dialogue – coming in the wake of the controversial intervention in Libya – was perhaps the most crucial test of the Secretary-General's implementation plan. Fifty-eight states, one regional arrangement and two civil society organizations participated in the dialogue. Despite controversies about the use of force, accountability, and concerns about the potential misuse

of RtoP to justify ‘regime change’, no Member State called for the renegotiation of RtoP. Indeed, one of the Member States most critical of the use of force in Libya and Cote d’Ivoire in 2011, South Africa, insisted that there could be ‘no going back’ on what was agreed in 2005. Member States as diverse as Sri Lanka, Iran and Viet Nam voiced their acceptance of RtoP. With almost complete unanimity, States welcomed the Secretary-General’s report and endorsed his view that whilst the third pillar of RtoP included much more than just the use of force or other coercive measures, enforcement measures – including military enforcement – remained an important aspect of the RtoP toolkit, to be used as a last resort. One issue that did emerge, however, was directly pertinent to the Secretary-General’s three pillars. That was the question of sequencing, to which I now turn.

### Three Pillars: To Sequence or Not to Sequence

One of the most significant debates relating to the three pillars of RtoP relates to the relationship between them in particular the question of sequencing. As I noted earlier, in his 2009 report on implementing RtoP, the Secretary-General maintained that the three pillars were non-sequential and of equal importance – a view that was welcomed by Member States at the time. However, in response to what it, and others, saw as problems with the interpretation and implementation of Security Council Resolution 1973 (2011) on Libya, Brazil issued a concept paper on ‘Responsibility while Protecting’ later that year.<sup>52</sup> Among other things, the paper called for the *chronological* sequencing of RtoP’s three pillars. Chronological sequencing is the idea that the international community must work sequentially through the three pillars, testing every available peaceful tool and only resorting to coercion or force when these other measures have failed. A majority of participating states that referred to sequencing in the General Assembly’s 2012 dialogue rejected the idea of chronological sequencing, arguing instead that the international community’s response to genocide and mass atrocities should be appropriately tailored to each situation. Brazil itself offered an alternative, non-chronological, account of sequencing at the 2012 dialogue. It argued that sequencing between the pillars should be ‘logical, based on

political prudence. It does not mean the establishment of arbitrary checklists'. In other words, 'timely and decisive responses' should aim to achieve the greatest degree of protection with the minimal degree of forceful interference but priority should be given to doing what works in order to protect populations from the four RtoP crimes and tailoring international responses to each individual situation. This approach to sequencing would be entirely in keeping with the Secretary-General's recommendations in his 2012 report on RtoP.

However, although Brazil altered its stance on sequencing, a small number of Member States continued to stress the need for chronological sequencing. Because of this, and because chronological sequencing raises conceptual, legal and institutional, and practical questions about this core element of RtoP, it is worth examining in more depth.

Conceptually, the three pillars of RtoP are so intertwined as to make sequencing impossible in practice. States are supported in their efforts to fulfill the first pillar by both pillar two and those elements of the third pillar which relate to assisting 'states under stress' before they reach the point of 'manifest failure'. It makes little sense to deny the obvious overlaps between the two injunctions. Equally, it makes little sense to argue that international society should withhold support from states (pillar two) until they face difficulty achieving their first pillar responsibilities. Nor does it make any sense to argue that pillar two activities should cease when 'timely and decisive response' is needed or that international society's first response to state-based mass killing should be to furnish the perpetrators with assistance (pillar II). There would be obvious moral objections to a concept of RtoP which demanded that the world's first response to the Rwandan genocide should have been to 'assist' the regime that was largely responsible.

Moreover, it is far from clear where the specific injunctions to prevent the four crimes and their incitement found in paragraph 138 of the World Summit Outcome Document would fit into the chronological sequencing schema. Taken literally, sequencing in this context would require either that diplomacy and other peaceful means not be used for preventive purposes because they were also part of 'timely and decisive responses' or that the response component of

RtoP be stripped back to its most coercive aspects. Neither solution is appealing; neither is in keeping with what states agreed in 2005. In short, taken literally chronological sequencing would give rise to a situation where international society could take preventive action only after national authorities had failed to protect their populations from the four crimes. At that point, of course, ‘timely and decisive responses’ would be required too.

Turning to the institutional problems, ‘chronological’ sequencing is inconsistent with both the UN Charter and paragraph 139 of the World Summit Outcome Document. Not only does neither document demand chronological sequencing, each counsels against it. Article 42 of the Charter states that: ‘Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security...’. This wording clearly permits the Council flexibility to adopt coercive measures without first using peaceful measures in situations where it judges that such measures (‘provided for in Article 41’) ‘would be inadequate’. The proceedings of the UN’s founding conference confirm that this was the intent behind the wording, which was suggested by Canada, and that this was indeed how the article was understood at the time. Its meaning was well articulated by US Secretary of State, Edward R. Stettinius, at the time:

It should be pointed out that the sequence of Articles 41 and 42 does not mean that the Council must in all cases resort to non-military measures in the first instance. While ordinarily this would be the case, since crises generally take a long time to develop, in a case of sudden aggression the Security Council may resort at once to military action without proceeding through any intermediate step, and the language of Article 42 has been refined to make this clear.<sup>53</sup>

This rationale applies equally to all situations in which the Council might consider employing measures under Article 42, including in relation to RtoP’s third pillar. Thus, whilst it might be expected that in most cases the Council would respond to genocide or mass atrocities first with peaceful measures, there may be situations where these crimes begin very suddenly and sharply or where peaceful measures

are judged unlikely to succeed from the outset. In those situations, the Charter expressly permits the Council to employ Article 42 measures without having first adopted measures under Article 41.

In relation to the broader argument that the Council should make recourse to RtoP's third pillar only when member states have exhausted the first two pillars, it should be recalled that Article 39 of the Charter grants the Council an exclusive right to determine 'any threat to the peace, breach of the peace, or act of aggression' and what steps should be taken to restore international peace and security. Article 25 binds the wider membership to accepting the Council's decisions in this regard. This is not the place to discuss the merits or demerits of the UN Charter. It need only be said here that the idea of chronological sequencing in relation to RtoP's three pillars is inconsistent with the Charter and could not be advanced without either revising the Charter itself or persuading the Council to act in ways contrary to the Charter's prescriptions.

Chronological sequencing is also inconsistent with what was agreed in 2005. The first sentence of paragraph 139, cited earlier, speaks of a general international responsibility, held by the United Nations as a whole, to use diplomatic, humanitarian and other peaceful means to protect populations from the four crimes and violations. The strong presumption here is that these activities are ongoing, regular and not confined to the Security Council. 'In this context' of international efforts to protect populations from the four crimes there may be times when collective action is required through the Security Council. The paragraph's second sentence holds that when peaceful measures are inadequate and national authorities are manifestly failing to protect their populations, the Security Council should take timely and decisive action in accordance with the Charter including through Chapter VII.

Four points are of critical importance to understand why these two sentences are not chronologically sequenced. First, and most obviously, nothing in either sentence implies that the Security Council may act in relation to the second sentence only once international society has literally exhausted the first. Second, the first sentence refers to activities undertaken by the UN as a whole, not by the Security Council alone. As such, the second sentence, which refers to action by

the Council, cannot logically be said to follow the first chronologically because the two sentences relate to different entities and organs. From the Council's perspective, the first sentence refers only to the general 'context' of responsibility in which it acts. Third, read in the context of the UN Charter, it is clear that it is for the Council itself to determine whether peaceful means are inadequate and the national authorities 'manifestly failing' in their RtoP. The only conditions placed upon the exercise of this judgment are that decisions be made on a 'case- by-case basis' and in cooperation with relevant regional arrangements where appropriate. Even here, though, it is left to the Council to make determinations on both these points. No authority is granted to any other body in this regard nor any restrictions placed on the Council's judgments. There is no requirement in the text that the Council work through peaceful measures before resorting to enforcement. Fourth, in using the word 'inadequate', paragraph 139 uses the same adjective employed by Article 42 of the Charter and does not require that peaceful measures must have 'proved to be inadequate' which it surely would have done had the intention been to require formal sequencing.

A third problem with chronological sequencing is practical. Sometimes, there is simply no time to allow diplomatic, humanitarian and other peaceful means to have a restraining effect because the timeframe between the emergence of a risk of genocide and mass atrocities and its actualization is very short or because the intensity in which the crimes and violations are committed is so severe. Other times, peaceful measures are patently unsuitable. In these types of context, chronological sequencing would *require* delayed and indecisive responses – precisely the opposite of what Member States called for in paragraph 139 of the World Summit Outcome Document – and cost untold lives. Moreover, the longer that situations are allowed to persist, the more complicated and expensive decisive responses are likely to become. In the dark days of the Rwandan genocide, had the Security Council found the will to act decisively it would have made no sense to demand that it run through its (extensive) repertoire of peaceful measures before authorizing the use of force. Had it done so, the outcome would have been little different to the actual historical result in terms of the number of lives lost.

The picture is further complicated by the irresolvable question of how much time peaceful measures should be given to satisfy the demands of chronological sequencing. At the 2012 dialogue, India argued that ‘sufficient time should be allowed to see that the non-coercive measures employed are bringing the desired results’. But what is ‘sufficient time’ and how can it be known in advance? Hutu *genocidaires* in Rwanda took only 100 days to slaughter 800,000 people. It took the Khmer Rouge a little under three years to cause the deaths of a quarter of Cambodia’s whole population. The perpetrators of genocide and mass atrocities are often highly skilled at forestalling timely and decisive international action. Even when conditions are ‘ripe’, mediation can take months, if not years, to bear fruit, as can other non-forcible measures. Conditions are rarely ‘ripe’ when one party believes it can prevail by perpetrating genocide and other mass atrocities. If chronological sequencing were accepted, at what point would it be agreed that peaceful measures had failed? In all likelihood, the cost of surety would be paid for by the loss of thousands of innocent lives.

Many states have argued that the use of force for RtoP purposes should always be a ‘last resort’. Indeed, this is a point repeatedly emphasized by the Secretary-General. It is important to clarify what ‘last resort’ means. According to the moral tradition from which it arose (the Christian, ‘Just War’, tradition) ‘last resort’ refers to the idea that force or other coercive measures may be used only when they are judged to be the only, or the most proportionate, means of righting a sufficiently grave wrong (one that constitutes a ‘just cause’ in the language of the Just War tradition). Last resort does not require literally the exhaustion of every means short of force. If it did, the use of force would never be justified because there are always alternatives – including accepting the *fait accompli* of genocide. Instead, last resort demands that decision-makers carefully evaluate all the different strategies that might bring about the desired ends, selecting force only if it appears to provide the only feasible, or the most proportionate, way of securing those ends.

Does a rejection of ‘chronological’ sequencing diminish the relative importance of the first two pillars of RtoP by pushing the concept inexorably towards its most coercive aspects? Pakistan raised this

concern explicitly in the General Assembly and Singapore argued that the first two pillars were mere ‘window dressing’ for the third. There are at least two reasons for thinking that the non-sequential account of the three pillars, articulated by the UN Secretary-General in 2009, does not give undue weight to the coercive elements of RtoP. First, the state’s primary responsibility to protect its population from the four crimes and violations is an enduring legal obligation that predates the emergence of RtoP. Pillar one is the day-to-day business of government through which most of the world’s states protect their own populations as a matter of routine. Likewise, RtoP’s second pillar – assistance to help states fulfill their primary responsibility to protect – ought to be part of the fabric of international relations, a core and habitual practice that is normal business for the UN and its partners. Whilst much of the UN’s work contributes to this goal, pillar two support is not yet a self-conscious or systematic part of the organization’s daily business. In 2012, Vietnam argued that this aspect of RtoP is ‘immensely important’. The direction of attention and resources to prevention should reduce the need for recourse to Article 42 of the Charter, but it does not follow that the use of this article undermines work on prevention. Indeed, as the Secretary-General pointed out in his 2012 report, past history has taught us that the more coercive the tool, the *less* likely it is to be used. What is more, as mentioned earlier, determined action in relation to the first two pillars may make action under the third pillar unnecessary.

## Conclusion

Implementation of RtoP within the UN has therefore come a long way in a short space of time, though many significant challenges remain. Among the key achievements are the widening and deepening of the shared understanding of RtoP as agreed in paragraphs 138-140 of the World Summit Outcome Document and consensus on the principle. This includes consensus on the nature and scope of RtoP’s three pillars, notwithstanding debate about the nature of the relationship between them. As the UN Secretary-General has argued, no one now doubts that there is a responsibility to protect or disputes the concept’s meaning and scope. The global debate on RtoP is moving past the question of the principle itself towards matters relating to its



implementation, but that does not mean that the concept does not confront innumerable challenges and controversies. It is one thing to agree on an abstract principle, it is another thing entirely to agree on how that principle should be interpreted and realized in specific cases and to persuade states to change important aspects of both domestic and foreign policy.

## NOTES

1. The story behind the Genocide Convention is conveyed by Power, Samantha (2002). *A Problem from Hell: America and the Age of Genocide*, New York: Basic Books.
2. For example, O'Callaghan and Pantuliano (2007). *Protective Action*, Oxfam International, *Beyond the Headlines: An Agenda for Action to Protect Civilians in Neglected Conflicts*. Oxford: Oxfam GB for Oxfam International, 2003; OCHA, *Special Report: Civilian Protection in Armed Conflict*. New York: OCHA Integrated Regional Information Network, 2003.
3. Kofi Annan (1999). 'Two Concepts of Sovereignty', *The Economist*, 18 September.
4. Independent International Commission on Kosovo, *The Kosovo Report*. Oxford: Oxford University Press, 2000.
5. Kofi Annan (1999). 'Annual Report to the UN General Assembly', 20 September.
6. Kofi Annan (2002). 'The Responsibility to Protect', address to the International Peace Academy, 15 February 2002, UN press release SG/SM/8125.
7. International Commission on Intervention and State Sovereignty (2001). *The Responsibility to Protect*. Ottawa: IDRC.
8. UN High Level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility*, A/59/565, 2 December 2004, para. 203. On the issue of veto restraint see Ariela Blatter and Paul

- Williams, 'The Responsibility not to Veto', *Global Responsibility to Protect*, 3 (2) 2011.
9. Kofi Annan (2005). 'In larger Freedom: Towards Development, Security and Human Rights for All', A/59/2005, 21 March 2005.
  10. Ban Ki-moon (2012). *Responsibility to Protect: Timely and Decisive Response*, Report of the Secretary-General, A/66/874-S/2012/578, 25 July.
  11. Contrary to what some academics have claimed. See, for example, Robert Pape (2012). 'When Duty Calls: A Pragmatic Standard of Humanitarian Intervention', *International Security*, 37 (1).
  12. S/2004/567, annex.
  13. First set out in his landmark 'Berlin speech' in 2008. Ban Ki-moon, 'Responsible Sovereignty: International Cooperation for a Changed World', SG/SM/11701, 15 July 2008.
  14. The point was emphasized in one of Luck's first publications on RtoP after assuming the role of special adviser. Edward C. Luck (2007). 'The Responsible Sovereign and the Responsibility to Protect', *Annual Review of United Nations Affairs*, 2006/2007. Oxford: Oxford University Press, pp. xxxv.
  15. *Implementing the Responsibility to Protect*, para 10(a).
  16. *Ibid.*, para. 12.
  17. World Summit Outcome Document, para 138.
  18. *Ibid.*, para 11(a).
  19. *Ibid.*, paras. 15 and 22.
  20. *Ibid.*, para. 16.
  21. *Ibid.*, para. 17.
  22. *Ibid.*, para. 19.
  23. *Ibid.*, para. 20.
  24. *Ibid.*, para. 21.
  25. *Responsibility to Protect: State Responsibility and Prevention. Report of the Secretary-General*, A/67/629-S/2013/399, 9 July 2013.
  26. *Ibid.*, para. 71.

27. World Summit Outcome Document, para. 139.
28. *Implementing the Responsibility to Protect*, para. 28
29. *Ibid.*, para. 32.
30. *Ibid.*, para. 32
31. *Ibid.*, para. 46.
32. *Ibid.*, para. 43.
33. *Ibid.*, para. 44.
34. *Ibid.*, para. 40.
35. *Fulfilling our collective responsibility: international assistance and the responsibility to protect. Report of the Secretary-General, A/68/947-S/2014/449*, 11 July 2014.
36. *Ibid.*, para. 77.
37. A/60/L.1, 20 September 2005, paras. 138-140. See *Implementing the Responsibility to Protect*.
38. *Implementing the Responsibility to Protect*, para. 49.
39. *Responsibility to Protect: Timely and Decisive Response. Report of the Secretary-General, A/66/874-S/2012/578*, 25 July 2012.
40. *Implementing the Responsibility to Protect*, para. 61.
41. *Ibid.*, para. 64.
42. *Ibid.*, para. 65.
43. Ban Ki-moon (2012). *Responsibility to Protect: Timely and Decisive Response, A/66/874-S/2012/578*, 25 July 2012.
44. See Office of the President of the General Assembly, 'Concept Note on Responsibility to Protect Populations from Genocide, War Crimes, Ethnic Cleansing and Crimes Against Humanity', undated (July 2009); ICR2P, 'Report on the General Assembly Plenary Debate', p. 3; and Global Centre for the Responsibility to Protect, 'Implementing the Responsibility to Protect: The 2009 General Assembly Debate: An Assessment', August 2009, p. 3.
45. Including 51 statements from sub-Saharan Africa, the Asia-Pacific, Latin America and the Caribbean. Global Centre, 'Implementing', p 1.

46. The statement of the Non-Aligned Movement (NAM) is particularly instructive here. See Statement by Maged A. Abdelaziz, Permanent Representative of Egypt, on Behalf of the Non-Aligned Movement on Agenda Item 44 and 107: 'Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields; follow-up to the outcome of the Millennium Summit: report of the Secretary-General', New York, 23 July 2009. According to the Global Centre, 40 states explicitly welcomed the Secretary-General's report and over 50 endorsed his interpretation of RtoP as involving three pillars. Global Centre, 'Implementing', p. 2. The NAM conveyed 'its appreciation' to the Secretary-General for his report.
47. See Statement of Hilario G. Davide Jr., Permanent Representation of the Philippines to the United Nations to the Thematic Debate on the Report of the Secretary-General on Implementing the Responsibility to Protect (A/63/677), New York, 23 July 2009 and Statement by Jim McLay, Permanent Representative of New Zealand to the United Nations to the United Nations, 17 July 2009.
48. E.g. see statement by Leslie K. Christian, Ambassador and Permanent Representative of Ghana to the United Nations on Agenda Items 44 and 107: 'Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields; follow-up to the outcome of the Millennium Summit: report of the Secretary-General', 23 July 2009 and Statement by Claudia Blum, Permanent Representative of Colombia to the United Nations, 23 July 2009.
49. Statement by Maged A. Abdelaziz, Permanent Representative of Egypt, on Behalf of the Non-Aligned Movement on Agenda Items 44 and 107: 'Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields; follow-up to the outcome of the Millennium Summit: report of the Secretary-General', New York, 23 July 2009.
50. See Global Centre, 'Implementing', p. 6.
51. A/RES/63/308, 7 October 2009.
52. *Responsibility while Protecting: elements for the development and promotion of a concept*, concept note written by the Foreign Ministry of Brazil, 9 November 2011.

53. Cited by Edward C. Luck (2006). *The UN Security Council*. London: Routledge, note 13, p. 136. This is a generally accepted interpretation of Article 42, and I know of no objections to this view. Also see Vaughan Lowe, Adam Roberts, Jennifer Welsh and Dominik Zaum (2008). 'Introduction' in *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945*. Oxford: Oxford University Press, p. 7.

## REFERENCES

- Annan, Kofi (1999). 'Two Concepts of Sovereignty', *The Economist*, 18 September 1999.
- Annan, Kofi (1999). 'Annual Report to the UN General Assembly', 20 September 1999.
- Annan, Kofi (2002). 'The Responsibility to Protect', address to the International Peace Academy, 15 February 2002, UN press release SG/SM/8125.
- Annan, Kofi (2005). 'In larger Freedom: Towards Development, Security and Human Rights for All', A/59/2005, 21 March 2005.
- Blatter, Ariela and Paul Williams (2011). 'The Responsibility not to Veto', *Global Responsibility to Protect*, 3 (2) 2011.
- Cohen, Roberta and Francis M. Deng (1998). *Masses in Flight: The Global Crisis of Internal Displacement*, Washington, DC: The Brookings Institution.
- Deng, Francis; Sadikiel Kamaro; Terrence Lyons; Don Rothchild and I. William Zartman (1996). *Sovereignty as Responsibility: Conflict Management in Africa*, Washington, DC: Brookings Institution.
- Holt, Victoria and Tobias C. Berkman (2006). *The Impossible Mandate? Military Preparedness, the Responsibility to Protect and Modern Peace Operations*, Washington, DC: Stimson Centre.
- Independent International Commission on Kosovo (2000). *The Kosovo Report*, Oxford: Oxford University Press.

- International Commission on Intervention and State Sovereignty (2001). *The Responsibility to Protect*, Ottawa: IDRC.
- Ki-moon, Ban (2012). *Responsibility to Protect: Timely and Decisive Response*, Report of the Secretary-General, A/66/874-S/2012/578, 25 July 2012.
- Lowe, Vaughan; Adam Roberts, Jennifer Welsh and Dominik Zauam, (2008). 'Introduction' in *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945*, Oxford: Oxford University Press.
- Luck, Edward C. (2006). *The UN Security Council*, London: Routledge.
- Luck, Edward C. (2007). 'The Responsible Sovereign and the Responsibility to Protect', *Annual Review of United Nations Affairs*, 2006/2007, Oxford: Oxford University Press.
- MacFarlane, Neil and Yuen Foong (2006). *Human Security and the UN*, Bloomington: Indiana University Press.
- O' Callaghan, S. and Pantuliano, S. (2007). *Protective action: Incorporating civilian protection into humanitarian response*. Humanitarian Policy Group, Overseas Development Institute.
- OCHA (2003). *Special Report: Civilian Protection in Armed Conflict*, New York: OCHA Integrated Regional Information Network.
- Oxfam International (2003). *Beyond the Headlines: An Agenda for Action to Protect Civilians in Neglected Conflicts*, Oxford: Oxfam GB for Oxfam International.
- Pape, Robert (2012). 'When Duty Calls: A Pragmatic Standard of Humanitarian Intervention', *International Security*, 37 (1), 2012.
- Pape, Robert (2012). 'When Duty Calls: A Pragmatic Standard of Humanitarian Intervention', *International Security*, 37 (1), 2012.
- Power, Samantha (2002). *A Problem from Hell: America and the Age of Genocide*, New York: Basic Books.
- Terry, Fiona (2002). *Condemned to Repeat? The Paradoxes of Humanitarian Aid*, Ithaca, NY: Cornell University Press.
- UN High Level Panel on Threats, Challenges and Change (2004). *A More Secure World: Our Shared Responsibility*, A/59/565, 2 December 2004.