The principle's earliest advocates went to considerable lengths to distinguish it from the bad old days of ‘humanitarian intervention’ in part to assuage fears and in part to burnish R2P’s apparent novelty. However, experience shows that in the face of determined perpetrators force, with all the problems that entails, sometimes is necessary to protect from populations. This piece suggests the need to bring the use of force back in to debates about implementing R2P.

Keywords


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 are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

A/RES/60/1, 16 September 2005, para. 139
For some, this wordy sentence found in the middle of paragraph 139 of the World Summit Outcome Document agreed in 2005, is the very essence of the Responsibility to Protect: a veiled commitment to use force, should it be needed, to protect populations from atrocity crimes. This was a commitment sorely lacking in the dark days of the 1994 Rwandan genocide, and one that the UN Security Council could find no common ground on when it came to other horrors such as in Bosnia and Kosovo. Yet, over the past decade or so, this sentiment has yielded to another, more sceptical view about the use of force to protect populations, a view guided by the seemingly ‘endless wars’ of the global ‘war on terror’ and the troubled legacy of intervention in Libya. That sentiment was always evident to some extent in debates on R2P. The principle’s earliest advocates went to considerable lengths to distinguish it from the bad old days of ‘humanitarian intervention’ in part to assuage fears and in part to burnish R2P’s apparent novelty. Today’s advocates and students of R2P evince embarrassment that the principle ever called for the use of force. The UN Secretary-General’s recent reports have, for example, focused on ‘advancing atrocity prevention’ (2021), ‘prioritizing prevention’ (2020), learning lessons from prevention (2019), and ‘accountability for prevention’ (2017). None so much as implies that force may be occasionally needed to protect populations from atrocity crimes let alone that such force might be a moral obligation or practical necessity.

There are good practical and political reasons for all this nervous shuffling. It may be thought necessary to downplay this troublesome part of R2P so as to make the principle fit more comfortably into a post-liberal order where human rights must subsist beneath sovereign rights and not condition them as advocates of R2P and other allied agendas had once hoped. Better that a trimmed down form of R2P survive than it be dropped altogether. It may also be a natural and pragmatic response to the evident boundedness of international solidarity. No point advocating for something no one has any appetite for. But the shuffling obscures an important and uncomfortable reality: that force is sometimes the only alternative to grudging acceptance the perpetrators’ victory. This much should have been clear to anyone paying attention to Syria’s civil war. The moment Russia and Iran decided to back Assad to the hilt, in 2012 at the latest, was the moment there was only ever going to be military solutions to that political dispute. Yet the rest of the world buried its head in the sand as the United Nations ploughed ahead with a diplomatic process everyone knew was doomed to fail while its humanitarian agencies funnelled money disproportionately into government hands, helping those it was supposed to be protecting civilians from. Beyond Syria, a cursory glance at the most generally recognised genocides since 1900 reveals that of around 19 cases
all except a very few (one or two) ended with either the perpetrators achieving their objectives or being defeated militarily. Of those military defeats, more than half were caused by external intervention.¹

Nor can we find much solace in the hope that there are workable alternatives to military intervention in these situations. Things other than force that might do just as much to protect civilians and end atrocities if only they could be properly resourced and employed in the right combination. In practice, we find the full panoply of alternatives employed to only limited effect. Take, for example, the big five cases of the post-Cold War era: Rwanda, Democratic Republic of the Congo, Darfur, Bosnia, and Syria. The UN deployed peacekeepers in four of the five cases, in the fifth, Syria, there were Arab and UN monitoring missions. In four of the five cases, the UN imposed comprehensive sanctions and arms embargoes. In the fifth, Syria, it tried to disarm the country of its chemical weapons while dozens of countries imposed unilateral sanctions. In all five cases, the UN and regional organisations used mediation, offered peace terms, and dangled incentives for compliance. In all five, neighbouring states accepted vast numbers of refugees (amounting, for example, to half the country’s pre-war populations in the cases of Bosnia and Syria) and the UN marshalled huge humanitarian relief efforts. In all five cases, civilians organised to protect themselves peacefully and in all five other civilians armed themselves for protection. Three of the five cases were referred to international criminal tribunals while atrocities were ongoing. While some of these measures undoubtedly eased human suffering and saved some lives, even when combined they could not by themselves end atrocities or protect populations from them. Only force could have saved the men and boys of Srebrenica, or the civilians gassed in Douma and smashed in Aleppo.

Excluding force from R2P’s panoply of measures has a structural effect which tilts the balance still further in the direction of perpetrators, perhaps decisively so in the long term. Perpetrators usually commit atrocities to achieve things they consider to be important, things they cannot achieve in other ways at an acceptable cost. To dissuade them, outside parties must reliably convince them that the costs of committing atrocities likely outweigh the considerable benefits they foresee. Where coercion succeeds, it does so because perpetrators face genuine uncertainty about how outsiders will respond. Remove that uncertainty by taking the use of force off the table, and the persuasive power of coercion evaporates too. If perpetrators confidently expect non-intervention

should they commit atrocities to solve a pressing problem (e.g. suppress armed rebellion) or achieve a cherished goal (e.g. expel the Rohingyas) then no amount of alternative forms of pressure will likely succeed. Perpetrators expect to pay a price to achieve their goal and since they are usually pursuing something they think very important when they commit atrocities, only a seriously high cost will dissuade them. What is more, perpetrators know that their atrocities will be time limited, after which they may have every opportunity for rehabilitation. The skilled amongst them might even persuade the UN and other donors to pay to reconstruct what they themselves have torn down. In that context, an approach to protection that, for example, emphasised refugee protection and humanitarian aid to the exclusion of military force would be one that incentivised rather than deterred atrocity crimes.

Humanitarian war, like all war, inflicts physical as well as moral injury. It is difficult, dangerous, expensive, and uncertain in its outcome. It kills civilians, displaces populations, and causes unforeseeable chaos. To insulate themselves from these costs, moral and material, states and the UN can, and increasingly are, foreswearing the use of force to stop atrocities. Many welcome this development, seeing intervention itself as the source of the problem. But it is a false economy dressed up as a viable and more palatable alternative, one that ultimately shifts the burden of injuries to those least able to bear them, the victims of atrocity crimes. An R2P without access to the full range of measures available to the UN Security Council is an R2P incapable of marshalling ‘timely and decisive’ action to protect populations when, as they often are, peaceful means are inadequate and ‘national authorities … manifestly failing to protect their populations’. Even with its multitude of attendant problems, a world with less humanitarian intervention will likely be a world with more atrocities and less protection.