

THE RESPONSIBILITY TO PROTECT: FROM DOCUMENT TO DOCTRINE—BUT WHAT OF IMPLEMENTATION?

BACKGROUND

Between 1990 and 1994, the United Nations Security Council passed twice as many resolutions as had been passed in the entire history of the United Nations (“U.N.”),¹ as the notion of what constituted a “threat to international peace and security” under Chapter VII of the U.N. Charter was expanded to include humanitarian concerns.² The decade following the end of the Cold War saw Security Council resolutions authorizing Chapter VII interventions in Somalia,³ Liberia,⁴ Rwanda,⁵ Haiti,⁶ Sierra Leone,⁷ and Kosovo.⁸ This led many to posit the emergence of a challenge to the assumed inviolability of state sovereignty.⁹

However, the interventions of the 1990s were inconsistent, lacking any coherent theory with which to justify the infringement of sovereignty in each case.¹⁰ In his Millennium Report, Secretary-General Kofi Annan issued a challenge: “[I]f 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?”¹¹

In December 2001, the International Commission on Intervention and State Sovereignty (“ICISS”) published its response in a report entitled *The Responsibility to Protect* (“R2P”).¹² The core tenant of the R2P is that sovereignty

1. Thomas G. Weiss, *The Sunset of Humanitarian Intervention? The Responsibility to Protect in a Unipolar Era*, 2 SECURITY DIALOGUE 135, 136 (2004).

2. Alex J. Bellamy, *Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention After Iraq*, ETHICS & INT’L AFF., Summer 2005, at 31, 34; Martti Koskenniemi, *The Police in the Temple Order, Justice, and the UN: A Dialectical View*, 6 EUR. J. INT’L LAW 1, 2 n.7 (1995).

3. See, e.g., S.C. Res. 751, ¶ 2, U.N. Doc. S/RES/751 (Apr. 24, 1992); S.C. Res. 814, ¶¶ 5–6, U.N. Doc. S/RES/814 (Mar. 26, 1993).

4. See, e.g., S.C. Res. 788, U.N. Doc. S/RES/788 (Nov. 19, 1992).

5. See, e.g., S.C. Res. 929, ¶ 3, U.N. Doc. S/RES/929 (June 2, 1994).

6. See, e.g., S.C. Res. 940, ¶ 4, U.N. Doc. S/RES/940 (July 31, 1994).

7. See, e.g., S.C. Res. 1181, U.N. Doc. S/RES/1181 (July 13, 1998).

8. See, e.g., S.C. Res. 1244, ¶ 9, U.N. Doc. S/RES/1244 (June 10, 1999).

9. See, e.g., FRANCIS KOFI ABIEW, THE EVOLUTION OF THE DOCTRINE AND PRACTICE OF HUMANITARIAN INTERVENTION 16–17 (1999); Martin Griffiths, Iain Levine & Mark Weller, *Sovereignty and Suffering*, in THE POLITICS OF HUMANITARIAN INTERVENTION 33, 34 (John Harriss ed., 1995). Note however, that the trend toward challenging the inviolability of state sovereignty was not nearly as “new” as such commentary suggests. For example, in 1905, Oppenheim wrote about the appropriateness of intervention upon state sovereignty in cases of great human suffering. L. F. L. OPPENHEIM, OPPENHEIM’S INTERNATIONAL LAW, 1 PEACE 439–44 (Robert Jennings & Arthur Watts eds., 9th ed. 1992).

10. ABIEW, *supra* note 9, at 230.

11. The Secretary-General, We the Peoples: The Role of the United Nations in the Twenty-First Century, ch. 4, at 48, delivered to the General Assembly, U.N. Doc. No. A/54/2000 (Apr. 3, 2000), available at <http://www.un.org/millennium/sg/report/full.htm>.

12. Int’l Comm’n on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect: Report of*

entails responsibility.¹³ Each state has a responsibility to protect its citizens; if a state is unable or unwilling to carry out that function, the state abrogates its sovereignty, at which point both the right and the responsibility to remedy the situation falls to the international community. This proposal refutes the long-standing assumption enshrined in Article 2(7) of the 1945 U.N. Charter, that there is no right to “intervene in matters which are essentially within the domestic jurisdiction of any state.”¹⁴ This Note considers how the ICISS’s challenge to this traditional notion of sovereignty has been responded to in the four years since its publication.

Part I outlines the basic elements of the R2P report. Part II surveys responses to the report. Part III considers commentary on the R2P in the context of the Iraq war and the mass atrocities in Darfur, Sudan. Finally, Part IV covers recent developments affecting the status of the R2P framework, leading this author to observe a growth in political commitment to the R2P principles that has yet to be matched by the operational capacity required to meet that commitment.

I. THE R2P FRAMEWORK

The R2P takes a comprehensive approach to humanitarian crises, framing intervention as a continuum from diplomatic and economic sanctions through to military intervention as a last resort. Furthermore, it incorporates “responsibility to prevent” and “responsibility to rebuild” as essential elements on either side of intervention.¹⁵ The report establishes six principles that must be satisfied before a military intervention takes place:

1. *Just Cause*

To warrant military intervention, there must be an extraordinary level of human suffering, as evidenced by either large-scale loss of life, which can be “actual or anticipated, with genocidal intent or not,”¹⁶ or by large-scale ethnic cleaning “actual or anticipated, whether carried out by killing, forced expulsion, acts of terror, or rape.”¹⁷

2. *Right Intention*

The primary purpose must be to prevent or stop human suffering.

3. *Proportional Means*

the International Commission on Intervention and State Sovereignty (Dec. 2001). The Commission members were Gareth Evans (Australia), Mohamed Sahnoun (Algeria), Gisele Cote-Harper (Canada), Lee Hamilton (United States), Michael Ignatieff (Canada), Vladimir Lukin (Russia), Klaus Naumann (Germany), Cyril Ramaphosa (South Africa), Fidel V. Ramos (Phillipines), Cornelio Summaruga (Switzerland), Eduardo Stein Barillus (Guatemala) and Ramesh Thakur (India).

13. *Id.* In this sense, R2P builds upon the work of Francis Deng. See generally FRANCIS M. DENG ET AL., *SOVEREIGNTY AS RESPONSIBILITY* (1996).

14. U.N. Charter art. 2, ¶ 7.

15. ICISS, *supra* note 12, at xi.

16. ICISS, *supra* note 12, at 32.

17. *Id.*

The intervention should be the minimum necessary to prevent or stop human suffering.

4. *Last Resort*

Military intervention can only be employed if all non-military options have been considered.

5. *Reasonable Prospects*

Military intervention should not go forward unless there is a reasonable likelihood of success.

6. *Right Authority*

Security Council authorization should be sought prior to military intervention, either by raising the matter directly with the Security Council or by requesting that the Secretary-General exercise his powers under Article 99 of the U.N. Charter. If authorization fails in a compelling case, then there are two alternatives. The first is for the U.N. General Assembly to hold an emergency session under a "Uniting for Peace" procedure, under which a decision to intervene can be made by a two-thirds majority of the General Assembly.¹⁸ The second is for regional organizations to gain Security Council authorization under Chapter VIII of the U.N. Charter.

According to ICISS members, the report acknowledges past failures of the Security Council but maintains that "the task is not to find alternatives to the Security Council as a source of authority, but to make the council work better . . ." ¹⁹ In this regard the ICISS proposes that when there would otherwise be majority support for intervention, a permanent member of the Council should abstain from using its veto to block the intervention unless the state has a vital national interest at stake.

In circumstances when all possible attempts to obtain Security Council authorization fail, the report does not actively endorse intervention, but leaves open the question it poses as to whether more harm lies in "damage to the international order if the Security Council is bypassed or in the damage to that order if human beings are slaughtered while the Security Council stands by."²⁰

II. RESPONSES TO THE R2P FRAMEWORK

Amongst scholars, responses to the R2P have ranged from heralding the framework as a watershed document to criticizing it for being either too radical or too conservative. Still others claim indifference, believing that such proposals have no impact on the *realpolitik* driving actual decision making.

18. Although the decision would not directly authorize intervention, it would have a legitimating effect on the proposed intervention in addition to sending a strong signal to the Security Council that it should reconsider its initial failure to authorize.

19. Gareth Evans & Mohamed Sahnoun, *The Responsibility to Protect: Revisiting Humanitarian Intervention*, FOREIGN AFF., Nov/Dec 2002, at 106.

20. ICISS, *supra* note 12, at 54–55.

Many scholars view the R2P framework as the most comprehensive approach to humanitarian intervention ever proposed.²¹ However, others are wary of the report, considering it dangerously disrespectful of current international law.²² For instance, one scholar comments that “though conceding that no customary international law legalizes such unilateral humanitarian intervention, their pro-intervention analysis is based on the assumption that such a law does exist.”²³ There are also significant fears that the R2P principles are simply cover for legitimating the neo-colonialist tendencies of the major powers.²⁴

Such fears have increased in light of more recent attempts to expand the R2P to circumstances beyond its originally intended scope. A 2004 article argued for the R2P principles to be expanded to include a “duty to prevent” potential security disasters, particularly nuclear.²⁵ Subsequently, an argument was made for preemptive strikes on suspected terrorist targets under the banner of this “duty to prevent.”²⁶

Some scholars, though not opposed to the report, do not believe it has added anything to the discussion of humanitarian intervention. For instance, one commentator argues that the report is nothing more than a revival of Saint Augustine’s “Just War” theory of the 400s.²⁷ Others criticize its legitimization of the status quo through its reliance on the Security Council as the authorizing body of choice.²⁸ Finally, others argue that a mere change in language from “humanitarian intervention” to the “responsibility to protect” does not absolve the ICISS from having to deal with the debates that have always existed regarding intervention.²⁹ In particular, a fundamental problem with intervention is that no matter what criteria is established, the decisive factors will always be “authority, political will, and operational capacity”³⁰

21. See, e.g., David M. Malone, *Recent Books on International Law*, 97 AM. J. INT’L L. 999, 1001 (2003) (reviewing HUMANITARIAN INTERVENTION: ETHICAL, LEGAL, AND POLITICAL DILEMMAS (J. L. Holzgrefe & Robert O. Keohane eds., 2003) (commenting that “by far the most influential intellectual contribution to the contemporary debate over humanitarian intervention has been the inclusive, highly substantive ICISS report”)); Joelle Tanguy, *Redefining Sovereignty and Intervention*, ETHICS & INT’L AFF. Spring 2003, at 141–42 (commenting that the report “should have perennial value”).

22. See, e.g., Mary Ellen O’Connell, *Taking Opinio Juris Seriously*, in CUSTOMARY INTERNATIONAL LAW ON THE USE OF FORCE 28–29 (Enzo Cannizzaro & Paulo Palchetti eds., 2005).

23. David Vesel, *The Lonely Pragmatist: Humanitarian Intervention in an Imperfect World*, 18 BYU J. PUB. L. 1, 18–19 (2003).

24. See, e.g., Mohammed Ayoob, *Third World Perspectives on Humanitarian Intervention and International Administration*, 10 GLOBAL GOVERNANCE 99, 115 (2004).

25. Lee Feinstein & Anne-Marie Slaughter, *A Duty to Prevent*, FOREIGN AFF., Jan./Feb. 2004, at 136.

26. Ivo Daalder & James Steinberg, *Preventive War, A Useful Tool*, L.A. TIMES, Dec 4, 2005, at M3.

27. Annual Joint Seminar of the Canadian Pugwash Group and Science for Peace, Mar. 23, 2002, *The Responsibility to Protect*, 4 (prepared by Erika Simpson) (citing Walter Dorn).

28. See, e.g., Jeremy I. Levitt, *The Responsibility to Protect: A Beaver Without a Dam?*, 25 MICH. J. INT’L L. 153, 176 (2003) (reviewing INTERNATIONAL COMMISSION ON INTERVENTION AND STATE SOVEREIGNTY, THE RESPONSIBILITY TO PROTECT (2001), and THOMAS G. WEISS & DON HUBERT, THE RESPONSIBILITY TO PROTECT: RESEARCH, BIBLIOGRAPHY, BACKGROUND (2001)).

29. Jennifer Welsh et al., *The Responsibility to Protect: Assessing the Report of the International Commission on Intervention and State Sovereignty*, 57 INT’L J. 489, 500 (2002).

30. S. Neil Macfarlane et al., *The Responsibility to Protect: Is Anyone Interested in Humanitarian Intervention*

Nonetheless, it is clear that just four years after publication, the R2P report has gained enough significance that its framing of the issues and the language it employs now infiltrate almost all discussions of humanitarian crises.

III. THE R2P FRAMEWORK IN LIGHT OF CURRENT AFFAIRS

For those who fear that the R2P framework could legitimate the interventionist tendencies of global superpowers, the U.S.-led invasion of Iraq provided a case in point. After the initially stated security rationale for intervention proved illegitimate,³¹ post-hoc humanitarian-based rationales were invoked.³² Since the invasion, proponents of the R2P have had an increasingly difficult time garnering support, with Europeans in particular stating their reluctance to endorse the R2P for fear of legitimating the Iraq war.³³

Commentators argue that the invasion of Iraq brought “humanitarian intervention into disrepute.”³⁴ The ICISS members reply that this conclusion is unfair because if the precautionary principles established by the R2P had been followed there would have been no humanitarian justification for entry into Iraq.³⁵ The reality remains, however, that to the extent the Iraq war is perceived to indicate the potential for misuse of the R2P doctrine, “it will be more difficult next time for us to call on military action when we need it to save potentially hundreds of thousands of lives.”³⁶

This observation has particular salience considering the global response to the situation in Darfur, Sudan, where approximately 300,000 people have been killed³⁷ and 1.75 million displaced since February 2003.³⁸ Darfur presents a textbook example of a government that is “unable or unwilling” to protect its citizens, and an international community equally “unable or unwilling” to take on the default sovereign responsibility that the R2P envisages.

tion?, 25 *THIRD WORLD Q.* 977, 980 (2004).

31. See generally COMPREHENSIVE REPORT OF THE SPECIAL ADVISOR TO THE DIRECTOR OF CENTRAL INTELLIGENCE ON IRAQ'S WEAPONS OF MASS DESTRUCTION (“the Dulfer Report”) (Sept. 30, 2002) available at http://www.cia.gov/cia/reports/iraq_wmd_2004 (stating that although Saddam Hussein harbored the intention of accumulating weapons of mass destruction, they were unable to find evidence of stockpiled weapons).

32. Press Release, The White House, President Bush Discusses Iraq in Veterans Day Address (Nov. 11, 2003) available at <http://www.whitehouse.gov/news/releases/2003/11/20031111-10.html> (discussing bringing freedom from dictatorship to the Iraqi people).

33. THE FUND FOR PEACE, NEIGHBORS ON ALERT: REGIONAL VIEWS ON HUMANITARIAN INTERVENTION 6 (2003).

34. Ian Williams, “Intervene with Caution,” IN THESE TIMES, available at <http://www.inthesetimes.com/site/main/article/601>, quoted in Bellamy, *supra* note 2, at 38.

35. Ramesh Thukur, “It’s Time to Redefine a Just War,” UNU UPDATE, Sept.–Oct. 2003, available at <http://update.unu.edu/archive/issue27.htm>, quoted in Vasuki Nesiiah, *From Berlin to Bonn to Baghdad*, 17 HARV. HUM. RTS. J. 97, 97 (2004).

36. Kenneth Roth, *The War in Iraq: Justified as Humanitarian Intervention?* 2–3 (Kroc Institute, Occasional Paper #25:OP:1, 2004).

37. INTERNATIONAL DEVELOPMENT COMMITTEE, DARFUR, SUDAN: THE RESPONSIBILITY TO PROTECT, 2004–05, H.C. 67-1, at 3 (figure accurate as of March 2005).

38. The Secretary-General, *Monthly Report of the Secretary-General on Darfur*, ¶ 20, delivered to the Security Council, U.N. Doc. S/2005/719 (Nov. 16, 2005).

This problem draws attention to a common critique of the R2P—namely that operational capacity is a prerequisite for the R2P's implementation.³⁹

Currently no centralized global military capacity exists, and conventional wisdom holds that the country with the greatest capacity, the United States, is overstretched with its commitments in Iraq and Afghanistan. However, the inter-relationship between political will and operational capacity is complex and focusing solely on operational constraints creates somewhat of a red herring. There is a plausible argument that if the United States was serious about protecting civilians in Darfur, operational capacity would not be a limiting factor. With current troop deployment levels near capacity, protecting civilians in Darfur would not be costless; there would be risks involved with withdrawing troops from their current placements to redeploy them. But if protecting civilians in Darfur was a sufficiently high political priority this is a risk that would be taken.⁴⁰ The lesson of the current situation—where an under-resourced and undersized African Union force has been charged with the responsibility to protect Darfuri civilians amidst a genocidal regime⁴¹—is not only that without the requisite operational capacity civilians will remain unprotected, but also that even if operational targets can be met, they will not be met without political commitment.

The second lesson to be drawn from Darfur relates to criticisms of the R2P's reliance on the Security Council as the body of choice for authorizing humanitarian interventions. Even if operational capacity was not a barrier, any force would have difficulty gaining Security Council authorization given China's oil interests in Sudan. The R2P report attempts to address this problem with the suggestion that authorization could be gained under a "Uniting for Peace" procedure, or ultimately with a modified veto system.⁴² However, the likelihood of a modified veto system being accepted will depend on the outcomes of the current discussions on U.N. reform. For those dead and dying in Darfur, such discussions come too late.

IV. PUTTING PRINCIPLES INTO ACTION

It is unclear whether even Security Council reform would be enough to change the long history of inaction by the Council in the face of genocidal crises. Being made up of nothing more than five Member States, there is little reason to hope that the Council en masse will respond to *realpolitik* considerations any differently than each individual state responds. However, there is surprisingly broad support for the R2P amongst civil society,⁴³ a support

39. S. Neil Macfarlane et al., *supra* note 30.

40. Interview with Mark Shaffstall, Nat'l Sec. Fellow, John F. Kennedy Sch. of Gov't, Harvard Univ., in Cambridge, Mass. (Jan. 18, 2006).

41. The current African Union force has 4,882 troops. Former Lieutenant General and U.N. Commander in Rwanda, Romeo Dallaire, estimates 44,000 NATO-quality troops would be needed to protect civilians in Darfur. Eric Reeves, *Darfur: Shame and Responsibility*, DISSENT (Fall 2005).

42. See *supra* Part I.

43. Civil society organizations from countries as diverse as Cameroon, Democratic Republic of the

which is being increasingly matched by state-level support. Particularly telling in this regard was the adoption of the Outcome Document of the World Summit by the U.N. General Assembly in September 2005, which includes a commitment to the basic principles of the R2P report. Article 139 states:

[W]e are prepared to take collective action . . . through the Security Council, in accordance with the Charter, including Chapter VII . . . should peaceful means be inadequate and national authorities . . . manifestly {fail} to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.⁴⁴

This growing commitment is further evidenced by the creation of a position, the U.N. Special Advisor on the Prevention of Genocide.⁴⁵ Furthermore, these developments are consistent with broader discussions about U.N. reform. For example, the Secretary-General's High-Level Panel, dealing with refashioning the U.N. to face the twenty-first century, stated that "we endorse the emerging norm that there is a collective international responsibility to protect, exercisable by the Security Council authorizing military intervention as a last resort."⁴⁶

However, civil society groups in Africa warn of "bold commitments left completely unimplemented to embrace the declaration of yet another 'new beginning' without asking the difficult questions about how, in practice, it is to be brought about."⁴⁷ The point is well made; even with a political commitment to the R2P by civil society, state actors, and the U.N. as a whole, it will still be enormously difficult to make the R2P operational. Although there is an ever-present danger that focusing on the operational challenges for the military will let the political decision-makers off the hook, there are nevertheless some very real practical difficulties ahead.

Recent proposals have addressed the lack of attention dedicated to operational capacity. For example, the Working Group for a U.N. Emergency Peace Service ("UNEPS") suggests the formation of a permanent service comprising individually recruited volunteers from states worldwide.⁴⁸ Such a service

Congo, Lebanon, Sri Lanka, and the United States have endorsed the R2P framework. See *Civil Society Orgs Join R2P CS to Lobby Ambassadors*, July 2005, available at http://www.responsibilitytoprotect.org/index.php/civil_society_statements/293?theme=alt1.

44. World Summit Outcome Document, G.A. Res. 60/1 ¶ 139, U.N. Doc. A/60/L.1 (Sept. 20, 2005).

45. Letter from the Sec'y Gen. to the President of the Security Council, U.N. Doc. S/2004/567 (July 13, 2004). Although in practice the position has yet to yield any tangible effect on civilian protection, the existence of the role at least begins to develop the institutional mechanisms necessary for the implementation of the R2P.

46. The Secretary General's High-Level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility*, ¶ 203, delivered to the General Assembly, U.N. Doc. A/59/565 (Dec. 2, 2004).

47. Greg Puley, *The Responsibility to Protect: East, West and Southern African Perspectives on Preventing and Responding to Humanitarian Crises* 25 (Project Ploughshares, Working Paper No. 05-5, 2005), available at http://www.responsibilitytoprotect.org/index.php/civil_society_statements/378?theme=alt1.

48. ROBERT C. JOHANSEN, A UNITED NATIONS EMERGENCY PEACE SERVICE TO PREVENT GENOCIDE AND CRIMES AGAINST HUMANITY 1, 6 (2005), <http://www.globalactionpw.org/unepps/UNEmergencyPeaceService.pdf>.

would avoid the lengthy and oftentimes politically untenable task of getting Member States to commit troops out of their general military pool during such emergencies. Within the United States, a House Resolution has been introduced in favor of such a service.⁴⁹ In November 2004, European defense ministers agreed to establish a Rapid Reaction Force of 60,000 with troop contributions from member states.⁵⁰ The African Union has also agreed to establish an African Standby Force.⁵¹

However, proposals for multinational standing forces have been discussed for many years without gaining traction when it comes to the issue of expending the political capital required to face the enormous practical challenges they create.⁵² As such, these recent proposals may be viewed with skepticism. Indeed, even in the relatively resource-rich European Union, the Rapid Reaction Force is many years away from achieving its target capability for peace-making operations.⁵³ There are enormous inter-operability challenges to working with any multinational force, and no military doctrine or rules of engagement have yet been established for missions whose primary purpose is civilian protection in a non-permissive environment.⁵⁴

LOOKING AHEAD

There is much “in principle” support for the R2P from state actors, civil society, and in recent months, the U.N. as a whole. However, three key challenges threaten actual implementation: a lack of political will, a lack of authorization, and a lack of operational capacity. As has been noted, none of these challenges are novel,⁵⁵ but the dispersion of the R2P framework amongst policy-makers worldwide has at least revived the focus on these challenges and created a common framework through which potential solutions can be discussed.

49. H.R. Res. 180, 109th Cong. (2005) (“[A] United Nations Emergency Peace Service . . . could save millions of lives, billions of dollars, and is in the interests of the United States.”).

50. *EU Approves Rapid Reaction Force*, BBC NEWS, Nov. 23, 2004, available at <http://news.bbc.co.uk/1/hi/world/europe/4034133.stm>.

51. African Union, Protocol Relating to the Establishment of the Peace and Security Council of the African Union, Art. 13, July 9, 2002, available at http://www.africa-union.org/root/au/Documents/Treaties/Text/Protocol_peace%20and%20security.pdf.

52. See, e.g., CARL CONETTA & CHARLES KNIGHT, COMMONWEALTH INSTITUTE PROJECT ON DEFENSE ALTERNATIVES, DESIGN FOR A 15,000-PERSON UN LEGION 1 (1995), <http://www.comw.org/pda/unlegion.htm#a>. The notable exception to the trend of these ideas never becoming operational is the multinational Standing High Readiness Brigade (SHIRBRIG), consisting of a commitment by 15 countries to supply troops on a case-by-case basis. See SHIRBRIG, <http://www.shirbrig.dk/shirbrig/html/facts.htm> (last visited Feb. 11, 2006).

53. CAROLINE EARLE, HENRY L. STIMSON CENTER, EU CONTRIBUTIONS TO PEACE OPERATIONS: DEVELOPMENT OF A EUROPEAN RAPID REACTION FORCE AND CIVILIAN CAPABILITY 1 (2002), available at <http://www.stimson.org/fopo/?SN=FO20020425356> (noting that the Force will not have the capacity to undertake anything other than light peacekeeping operations until 2008–2012).

54. Victoria K. Holt, *The Responsibility to Protect: Considering the Operational Capacity for Civilian Protection* 34–39 (Henry L. Stimson Center, Working Paper, 2005), available at http://www.stimson.org/fopo/pdf/Stimson_CivPro_pre-pubdraftFeb04.pdf.

55. See *supra* note 30.

Actors working at the domestic level must tackle the issue of political will. In democratic systems, politicians are influenced by the constituencies that vote for them. Within the United States, the recent formation of mass political coalitions to lobby in support of the R2P indicates the beginning of such work.⁵⁶ However, the voices of those concerned that the R2P will be used to justify neo-imperialist interventions are also growing.⁵⁷ Ultimately, proponents of the R2P may have to rein in its application to the circumstances of mass atrocity for which it was originally intended.

Resolving the issue of authorization will require shifts at the international level as well. Current discussions on U.N. reform may help resolve the issue, especially if the veto system within the Security Council can be modified for cases involving humanitarian crises. Here, the success of building political will within the domestic polities of France, Germany, and the United States is critical, since without that pressure there will be no reason for these countries to accept a reduction in their current veto power. For China and Russia, pressure from their polities is less likely to have an impact. However, a move toward accepting a modified veto by France, Germany, and the United States would generate pressure for China and Russia to follow suit.

Finally, operational capacity must be worked on at both domestic and international levels, with success largely dependent on whether there is the political commitment to implement the R2P. Consideration must be given to improving the rapid reaction capabilities of regional forces. If the political barriers to entry are met, then the significant practical challenges posed by any standing multinational force must also be overcome. This will require a kind of communication between military and political leaders across different states that has yet to be seen.

In conclusion, the R2P principles offer promise for populations suffering atrocities from which their government is unable or unwilling to protect them. The R2P has gained increasingly broad support since its initial publication, which bodes well for the future emergence of an international norm regarding intervention on humanitarian grounds. However, unless this “in principle” support is matched by a political commitment to making the reforms needed for the R2P to be operational, the ICISS report will merely mark the turn of another century of inaction in the face of mass human suffering.

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56. See, e.g., The Responsibility to Protect-Engaging Civil Society, <http://www.responsibilitytoprotect.org> (last visited Dec. 20, 2005); The Genocide Intervention Network, <http://www.genocideintervention.net> (last visited Dec. 20, 2005).

57. See, e.g., David Rieff, *A Nation of Pre-emptors?* N.Y. TIMES, Jan. 15, 2006, §6 (Magazine) at 11.

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