

# Book Reviews

## *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All*

**By Gareth Evans**  
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REVIEWED BY MELANNE CIVIC

“It has taken a desperately long time for the idea to take hold that mass atrocities are the world’s business: that they cannot be universally ignored and that sovereignty is not a license to kill” (p. 11). Gareth Evans opens his book with this condemnation of the international community’s decades of practical indifference to gross and systematic human rights abuses in its wide range of manifestations. Evans, a former Australian state minister, had more than 20 years in government service behind him and was just starting nearly a decade of public interest service as president and chief executive officer of the International Crisis Group, a Brussels-based nongovernmental organization, when he was appointed to co-chair the International Commission on Intervention and State Sovereignty (ICISS). The commission produced a report that outlines the *responsibility to protect* (R2P) concept.

Despite the universal vow of “never again” at the conclusion of World War II, the United Nations (UN) and member states have floundered or even looked the other way when faced with the mass atrocities committed in Cambodia, Rwanda, Bosnia, Somalia, Kosovo, and elsewhere, citing traditional notions of state sovereignty and agreements drawing upon the UN Charter as a prohibition for interference. Evans does not accuse the international community of seeking to avoid action but rather describes it as being faced with a dilemma that previously seemed irreconcilable.

This dilemma is reflected in the text of the UN Charter. Article 2.1 states the guiding principle of the equal sovereignty of all members. Article 2.7 expands on this concept and maintains that “nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state.” While sovereignty often is cited as a bar to intervention of any form, article 2.7 does not frame this right as absolute and qualifies sovereignty rights. Chapter 7, article 39 allows for intervention in the cases of a “threat to the peace, breach of the peace, or act of aggression.” Yet even under the provisions of chapter 7 of the charter, the dilemma remained: when do otherwise domestic issues of rights abuses occurring within borders, or state indifference to the plight of its people, rise to the level of international concern, justifying and even requiring intervention?

Clearly, the path of creative legal interpretations of the international community’s right to breach state sovereignty was not a productive way to get at the problem of internal

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threats to a nation's population and an external right to intervene. Evans describes how the debate shifted in the 1990s from state security to *human security*. While human security as a basis for outside intervention was not widely embraced, this shift in perspective nevertheless opened the door for a debate centered on individuals and the state's role in providing for and protecting their rights. Evans relates how Francis Deng, a former Sudanese diplomat and Representative of the UN Secretary-General on Internally Displaced Persons from 1992 to 2004, articulated the concept of sovereignty as a duty in 1996: "I am wholly respectful of your country's sovereignty, but the essence of being a sovereign country these days is not just protection from outside interference—rather, it's a matter of states having positive responsibilities of their own citizens' welfare, and to assist each other" (p. 36).

At the UN Millennium Summit in 2000, this debate crystallized with Secretary-General Kofi Annan calling for a reconciliation of state sovereignty principles and the reality of *gross and systematic violations of human rights*. The ICISS was formed by Canadian foreign minister Lloyd Axworthy on September 14, 2000, as an independent international body with a mandate to "promote a comprehensive debate on the relationship between intervention and sovereignty, with a view to fostering global political consensus on how to move from polemics towards action within the international system." Axworthy appointed Gareth Evans as co-chair of the commission.

The concept of R2P marks a shift in the traditional formulation of sovereignty and states rights, as it seizes upon the human rights paradigm. The concept of human rights begins from the position that rights intrinsically include associated duties and that states have certain

duties to their citizens, including recognizing the "inherent dignity and equal and inalienable rights of all members of the human family." Drawing upon this well-established principle of the international human rights–duties continuum, R2P finds that states' sovereignty rights have corresponding duties and responsibilities. Furthermore, in the event of mass and gross breaches of such duties, the international community has a responsibility to intervene to protect against mass human rights abuses. Thus, R2P refers to the duties of a state—and to the duties of the international community when the state cannot or will not fulfill these duties—to prevent mass atrocity, to react when such atrocities occur, and to rebuild after atrocities and/or interventions (p. 43).

R2P encompasses these three dimensions: prevention, reconstruction/rebuilding, and, in the most extreme cases, military action. While many emphasize R2P's interventionist element, Evans is firm in his description of its multifaceted quality and the implications for the international community. Herein is the link of R2P to new concepts of national security and complex operations prevalent in the United States and elsewhere in the international community, which, arguably, are consistent with R2P, although not explicitly so. As the 2002 U.S. National Security Strategy concluded, "America is now threatened less by conquering states than we are by failing ones." National Security Presidential Directive 44 of 2005 expands on this position through the policy determination that the United States "has a significant stake" in assisting countries "at risk from conflict or civil strife . . . to anticipate state failure, avoid it whenever possible, and respond quickly and effectively when necessary and appropriate to promote peace, security, development, democratic practices, market economies,

and the rule of law.” Likewise, Department of Defense (DOD) Directive 3000.05, first issued in 2004 under the Bush administration and revised and reissued in 2009 by the Obama administration, identifies stability operations as a core mission, on a par with combat operations, and directs DOD to have the “capability and capacity to . . . establish civil security and civil control, restore or provide essential service, repair critical infrastructure, and provide humanitarian assistance.” Similarly, Canada, the United Kingdom, France, Australia, and other members of the international community have come to view stability and reconstruction operations for failed and failing states as security imperatives and national duties.

Evans admonishes those who invoke R2P inappropriately and points out the negative results to which this leads: too narrowly, as an exclusively interventionist doctrine justifying military force, or too broadly, in contexts in matters of human security such as the ravages of HIV/AIDS, weapons proliferation, and the destabilizing effects of climate change (p. 64). According to Evans, the overly narrow interpretation not only ignores the preventative facets of the responsibility, but also confuses the *necessary* with the *sufficient*: “It is necessary for a case to be really extreme for coercive military force to be an option, but the fact that it is extreme is not itself sufficient that force *should* be applied” (p. 59). Evans warns that using R2P too broadly risks diluting its capacity to mobilize international consensus in the cases where it is really needed (p. 69).

Prevention, in fact, is described by Evans as the most important dimension of the responsibility to protect: prevention of conflict, of human rights abuses, and of suffering resulting from state actions or failure to act where action is needed. Prevention encompasses a full range

of actions—political, diplomatic, legal, and economic—and rests primarily with the sovereign state itself. Only when the state fails or refuses to prevent widespread human rights breaches is the international community’s responsibility triggered, and even then, “a very big part of its preventative response should be to help countries to help themselves.” This element of prevention in R2P is consistent with and builds upon UN Charter chapters 6 and 8, to help protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. Evans outlines that the UN World Summit’s acceptance of the ICISS report takes this concept a step further, extrapolating a responsibility of “helping states to *build capacity* to protect their populations . . . and to assisting those which are under stress *before crises and conflicts break out*” (p. 80).

What sets Evans’ treatment of R2P apart are not only his insider perspective on the development of the concept, his comprehensive research, and his refined writing style, but also his extension of analysis to the operational level. This renders his treatment particularly useful for practitioner and policymaker alike. Evans examines what it means, in practical terms, to seek to prevent conflict, to stabilize, reconcile the harms committed, and rebuild; who should participate in such activities; the importance of developing a standing capacity to respond; what tools are available short of military intervention; and what criteria determine when it is legal and legitimate to intervene.

As Evans reminds the reader throughout, and as the ICISS report maintains, the responsibility to prevent conflict is the single most important dimension of the responsibility to protect.

Evans outlines the four sector-based dimensions for stabilization and reconstruction, which are the foundations of conflict prevention and

post-conflict stabilization in R2P: security, good governance, justice and reconciliation, and economic and social development. He argues that best practices indicate that these objectives must be pursued “more or less simultaneously and in an integrated manner” (p. 149). Sustainable security cannot be achieved in the absence of justice, reconciliation, and economic development unless the wrongs of the past are addressed, systems for justice and rule of law are instituted, and a sound economic base is established. Likewise, justice, rule of law, and security will be tenuous in the absence of economic development, if much of the population lives in dire poverty and without hope.

An essential cross-sector dimension of the stabilization process is disarmament, demobilization, and reintegration (DDR), which cuts across security, justice and reconciliation, and economic development elements. DDR means that former combatants relinquish their weapons, stand down from belligerent activities, ideally engage in a reconciliation process addressing the harms that were committed, and reintegrate into the economic and social base of society. Evans notes the complexity of DDR and the importance of identifying and engaging all stakeholders, including women (p. 156) who may not have carried arms, but could have been forced into dependency roles or subjected to gender-based crimes such as rape as a weapon of war.

As to who should participate in peacebuilding, Evans argues that, short of military intervention, the responsibilities of conflict prevention, stabilization, and reconciliation rest squarely with civilians rather than military actors—with the local government being the first line of defense. In the absence of capacity or will, R2P means that the responsibilities fall to the international community to fulfill. He

describes the advances in civilian preparedness in prevention, stabilization, and reconstruction in the European Union (civilian rapid reaction capabilities) and United States (Civilian Response Corps). The UN has a number of standby arrangements, mostly to address surges in its peacekeeping force needs. Additionally, the UN has been developing a capacity to respond to conflict prevention and stabilization needs with “quick impact projects,” and, after the writing of this book, the UN Department of Peacekeeping Operations announced a shift in strategy to “develop a small standing capacity of civilian police, other rule of law elements, and human rights experts for complex peace operations in post-conflict environments.”

Evans also emphasizes the critical importance of what is often referred to as “local buy-in” to the peace, stabilization, and reconciliation processes, to “win . . . a deeper understanding among the major parties . . . that they have shared interests, a common vision, and must learn to live and work in collaboration with each other” (p. 150). Evans notes that history has demonstrated that imposing a peace settlement and reconciliation programs on the population, for example, inevitably will end in failure, and that local engagement and local buy-in must be part of the mindset of the international community from the outset and throughout the whole process (pp. 150–151).

Where prevention and stabilization efforts fail, a range of tools are available to the international community, short of military humanitarian intervention. Evans echoes the recommendations of the ICISS Report and the 2005 UN World Summit document: that R2P encompasses a responsibility to react, and that the reactions by the international community should proceed “from the less to more intrusive and from less to more coercive” (p. 105). Evans

discusses the place and time for diplomacy, political sanctions and incentives, economic sanctions, and other nonmilitary means of influence. He also examines the transitional justice strategies that seek to prevent the return to conflict. Evans is realistic in his analysis of the effectiveness of each option and offers practical examples of what has worked—or failed to work—and what seemed to be the driving forces of success or failure.

As a last resort, when all other efforts have failed, R2P allows for military intervention. As Evans observes, “Hard as it may be for many to instinctively accept, if there is one thing as bad as using military force when we should not, it is *not* using military force when we *should*” (p. 128). Evans conducts a legal analysis of the factors that justify the use of military force under R2P, examining the UN Charter and arguments of customary international law obligations. He scrutinizes criticisms levied against the UN Security Council as being outdated or crippled by inaction through the veto power.

Evans discusses the several criteria of *legitimacy* defined in the ICISS report. Legitimacy is a matter of process and perception—that decisions have been made on solid evidentiary grounds and are perceived to be just and right—whereas *legality* refers to abiding by the law. Legitimacy criteria for the use of force under R2P include analysis of the seriousness of the harm if intervention were not to occur; assuring that intervention is for the proper purpose of averting a threat of mass atrocity; determining whether all other available options have been exhausted, that force is proportional to the harm to be prevented, and that the minimum force necessary to prevent the harm is utilized; and balancing the consequences—whether the ultimate results will be worse in the event of military action or inaction (p. 141). Taken as a whole, these factors inform legitimacy determinations. These criteria were reiterated by the Secretary-General but were left unaddressed by the UN World Summit of 2005 and have not been taken up by the UN Security Council.

The responsibility to protect is an important and compelling concept, one that is far more complex than common usage would imply. Gareth Evans takes the reader beyond a casual understanding, debunking the myths surrounding R2P that undermine acceptance and dilute its potential effectiveness. He also correlates the abstract with the practical to create a useful guide for the practitioner. Finally, Evans outlines the gaps that remain in capacity to respond in potential cases of R2P and presents recommendations for mobilizing political will. [PRISM](#)