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## **“Responsibility while Protecting”: Reforming R2P Implementation**

MARCOS TOURINHO, OLIVER STUENKEL and  
SARAH BROCKMEIER

*This article explores the political impact of the Brazilian proposal “Responsibility while Protecting” (RwP) on the normative evolution of the Responsibility to Protect (R2P). For much of the last two decades, public and policy debates about humanitarian intervention have been dominated by the question of whether and in what circumstances these measures were legitimate or acceptable in international society. The 2011 intervention in Libya sparked a different policy debate: a debate on how protection should actually be conducted. This article analyses debates on the “how” of the implementation of R2P by examining the substance and political impacts of the Brazilian proposal. RwP articulated the need for responsible means of protection, particularly when military force is used in the name of collective security and humanitarianism. This article argues that the proposal was able to raise important normative issues and contribute to change the terms of the humanitarian intervention debate. Yet, while RwP was extensively debated, it was never sufficiently developed to materialise into specific proposals that could address the problems of collective security and human protection in practice. As debates about the practical implementation of R2P gain renewed strength, the ideas articulated in the Brazilian proposal provide a useful starting point for advancing reform.*

The intervention in Libya in 2011 was an early test for the coercive, non-consented operationalisation of the Responsibility to Protect (R2P), sparking a policy debate on *how* and under what circumstances protection should actually be conducted.<sup>1</sup> This article analyses these debates on the “how” of the implementation of R2P by examining the substance and impact of the Brazilian 2011 proposal of a “Responsibility while Protecting” (henceforth RwP). While much has been written about RwP’s origins, why the Brazilians proposed it and why they stopped pushing it, little has been said about its actual impact on the normative

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1. Roland Paris, “The ‘Responsibility to Protect’ and the Structural Problems of Preventive Humanitarian Intervention”, *International Peacekeeping*, Vol. 21, No. 1 (2014), pp. 569–603. On the events and impact of the Libya intervention itself, see Sarah Brockmeier, Oliver Stuenkel and Marcos Tourinho, “The Impact of the Libya Intervention Debates on Norms of Protection”, this special issue.

development of R2P, and as a contribution to overcome the impasse manifested in the aftermath of the intervention in Libya.<sup>2</sup>

The article unfolds in three parts. First, it discusses the aftermath of the UN-authorised military intervention in Libya in 2011. It briefly describes differences in opinion about the scope of the operation and emphasises the normative debates that followed. It argues that while RwP was motivated by events in Libya, it raised broader, more longstanding questions about collective security and humanitarian intervention. Second, it assesses RwP's political impact and situates it in the normative trajectory of R2P, notably in the complex post-World Summit discussion on how exactly to prevent mass atrocity crimes. It argues that RwP helped make the political debate about the relative utility of military force for protection purposes more clear and nuanced. It attracted a wider range of participants to the discussion by emphasising not only the moral issues associated with enforcing R2P, but also other problems with the collective security system, such as authority and accountability. It enabled a debate on the use of force and R2P at a time when the discussions were extremely polarised and provided a useful structure for future discussions on these issues. Third, it explores political debates about R2P *after* RwP was proposed, and finds that in multiple domains, notably in the United Nations (UN), discussions are moving towards the pursuit of mechanisms for effective *and* responsible protection.<sup>3</sup> This is a synthesis between the first articulations of R2P, which focused primarily on the question of "effectiveness" of protection, and the concerns articulated by RwP, which pondered the need to consider the methods of R2P implementation more carefully. The article concludes by arguing that while the political impact of RwP has thus far been limited if compared to its full potential, the proposal helped shift the terms of the debate about the use of force in R2P and effectively articulated the need for more responsible means of protection.

### Libya and the Use of Force under R2P: A New Set of (Practical) Problems

"The Security Council today has taken an historic decision," stated Secretary-General Ban Ki-Moon on 17 March 2011.<sup>4</sup> The landmark resolution 1973 signalled a new era in the protection of civilians from mass atrocity crimes. After a decade of debates, contestation and a slow infiltration of the normative agenda of the UN, the time for unequivocal implementation of R2P had arrived.<sup>5</sup> The robust authorisation of military force to impose a no-fly zone in Libya for the purposes of protecting

2. On the proposal, see notably Paula Almeida, "Brazilian View of Responsibility to Protect: From 'Non-Indifference' to 'Responsibility while Protecting'", *Global Responsibility to Protect*, Vol. 6, No. 1 (2014), pp. 29–63; Oliver Stuenkel and Marcos Tourinho, "Regulating Intervention: Brazil and the Responsibility to Protect", *Conflict, Security & Development*, Vol. 14, No. 4 (2014), pp. 379–402. See also Matias Spektor, "Humanitarian Interventionism Brazilian Style?", *Americas Quarterly* (Summer 2012), pp. 54–59; Thorsten Benner, "Brazil as a Norm Entrepreneur: The 'Responsibility while Protecting' Initiative", *Global Public Policy Institute Working Paper* (2013), pp. 4–11.

3. Here, we borrow the "effective and responsible protection" construct from the final report of the project from which this special issue emerged. See Thorsten Benner *et al.*, "Effective and Responsible Protection from Atrocity Crimes: Toward Global Action" (Berlin: Global Public Policy Institute, 2015).

4. Ban Ki-moon, UN Secretary-General, "Statement by the Secretary-General on Libya", UN Secretary-General Portal, 17 March 2011, available: <<http://www.un.org/sg/statements/?nid=5145>> (accessed 20 March 2014).

5. For an account of the slow infiltration of R2P in the UN normative agenda, see Alex J. Bellamy, *Responsibility to Protect: The Global Effort to End Mass Atrocities* (Cambridge: Polity, 2009).

civilians only two weeks after the imposition of targeted sanctions on the Qadhafi family was an unusual demonstration of swiftness in the often-deadlocked Security Council.

However, as military operations continued through the first half of 2011, the endgame in Libya looked nowhere close. In the aftermath of the intervention, the country entered a civil war between regime loyalists and the National Transitional Conference (supported by the UN-authorized NATO intervention). The Qadhafi regime had mobilised a large number of foreign fighters, which, together with an enhanced flow of arms, brought about substantial instability to the Sahel. The freezing of assets controlled by the Libyan government affected access to cash throughout the country and further complicated the humanitarian situation.<sup>6</sup> Muammar al-Qadhafi was not brought in to form a national unity government; rather, he was killed later that year.

The promise of a new era for R2P soon turned into an intricate political game. On the one hand, the countries leading the enforcement of the mandate argued that once started, military operations could not be “micromanaged” by the Security Council and claimed full authority in its exercise. In an operation described as “a model” by its officials,<sup>7</sup> the intervening coalition relied on the authorisation in UN Security Council Resolution (UNSCR) 1973 to use *all necessary means* to protect civilians to conduct broad operations. Less than one month after operations began, the leaders of France, the UK and the United States argued in an op-ed that, because real and lasting protection of civilians could not take place with Qadhafi in power, they could not allow him to stay in government.<sup>8</sup> In contrast, several other members of the Security Council suggested NATO had deliberately stretched the UN’s mandate for the purposes of regime change, and at times worked effectively as an air force for Libyan rebels.<sup>9</sup> They recalled that peace negotiations had been halted as military operations began and emphasised the great human costs that large-scale military operations inevitably entail. For them, in addition to refusing to share information with the rest of the UN Security Council, NATO went beyond the mandate to enforce a no-fly zone and protect civilians and instead engaged in open warfare, including through the transfer of arms to rebel groups in the country, a violation of the arms embargo. These differences in perspective led to a profound polarisation in the Security Council.<sup>10</sup>

Reflecting the increasingly radical rhetoric on the issue of intervention at that time, Michael Ignatieff wrote in early 2012: “As new powers like Brazil, India and China rise to the top of the international order, their resistance to intervention

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6. Due to humanitarian concerns, a substantial amount of frozen assets were released in August 2011. See Associated Press, “US: UN Approves Release of Libyan Funds”, CBS News, August 2011, available: <<http://www.cbsnews.com/news/us-un-approves-release-of-libyan-funds/>> (accessed 17 September 2014).

7. Eric Westervelt, “NATO’s Intervention in Lybia: A New Model?”, NPR, 12 September 2011, available: <<http://www.npr.org/2011/09/12/140292920/natos-intervention-in-libya-a-new-model>> (accessed 1 November 2014).

8. Barack Obama, David Cameron and Nicolas Sarkozy, “Libya’s Pathway to Peace”, *The New York Times*, 14 April 2011, available: <<http://www.nytimes.com/2011/04/15/opinion/15iht-edlibya15.html>> (accessed 20 March 2014).

9. Westervelt, *op. cit.* Not all NATO members supported UNSCR 1973. Germany, for instance, a non-permanent member of the UNSC at the time, abstained.

10. Brockmeier, Tourinho and Stuenkel, *op. cit.*

will become increasingly influential".<sup>11</sup> In an argument that the question of intervention had "divided the world", he addressed Russia and China directly: "This is not your world, they want us to know, and history is not moving in your direction. You will have to reckon with us. We shall indeed".<sup>12</sup> He furthermore argued that the situation symbolised a return to the 1990s, when the world could decide between inactivity in the face of mass killings (as seen in Rwanda) and humanitarian intervention outside of international law (as seen in Yugoslavia).<sup>13</sup> The fact that a member of the International Commission on Intervention and State Sovereignty (ICISS), created in 2001 to further R2P, would make such a comparison suggested an acute fear that the progress made over the past 15 years would be undone by the post-Libya stalemate.

The confrontation, however, was not about R2P as a principle. Critics of the way the intervention in Libya was conducted did not challenge it as a norm, indicating that the rule-making operation that began with the efforts by Annan to "redefine sovereignty" and with the establishment of the ICISS had been largely successful.<sup>14</sup> Nor was the problem about the applicability of R2P in the particular case of Libya—a debate that had halted further UN action in countries like Myanmar or Sri Lanka. Rather, the crisis was about the practical operationalisation of R2P. The aftermath of resolution 1973 made explicit that although a consensus existed then about R2P as a concept (on the basis of its 2005 World Summit articulation), this was not sufficient to assure smooth international (normative) implementation.<sup>15</sup>

In response to the challenges faced by the intervention in Libya, and in the context of the polarisation described above, Brazilian diplomats led by then Foreign Minister Patriota developed a proposal aimed at raising the level of the debate.<sup>16</sup> Following a statement from President Rousseff at the 2011 General Assembly, Brazil presented the paper "Responsibility while Protecting: Elements for the Development and Promotion of a Concept".<sup>17</sup> The proposal was composed

11. Michael Ignatieff, "The Libya Case: A Teachable Moment", *Süddeutsche Zeitung Special Supplement*, 3 February 2012, available: <<http://www.americanacademy.de/sites/default/files/upload/MSC%202012.pdf>> (accessed 12 August 2014).

12. Michael Ignatieff, "How Syria Divided the World", *The New York Review of Books*, 11 July 2012, available: <<http://www.nybooks.com/blogs/nyrblog/2012/jul/11/syria-proxy-war-russia-china/>> (accessed 15 April 2014).

13. Ignatieff, "How Syria Divided the World", *op. cit.*

14. It was Francis Deng, in the context of the protection of internally displaced persons, who first publicly used the idea of sovereignty as responsibility. Francis M. Deng *et al.*, *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, DC: Brookings Institution, 1996).

15. The "conceptual" consensus on R2P has been widely discussed in the literature. See Mónica Serrano, "Responsibility to Protect and Its Critics: Explaining the Consensus", *Global Responsibility to Protect*, Vol. 3 (2011), pp. 1–13; Alex J. Bellamy and Paul D. Williams, "The New Politics of Protection? Côte d'Ivoire, Libya and the Responsibility to Protect", *International Affairs*, Vol. 87, No. 4 (2011), pp. 825–850; Gareth Evans, "End of the Argument", *Foreign Affairs* (November 2008), available: <[http://www.foreignpolicy.com/articles/2011/11/28/gareth\\_evans\\_end\\_of\\_the\\_argument](http://www.foreignpolicy.com/articles/2011/11/28/gareth_evans_end_of_the_argument)>.

16. Interview with multiple Brazilian diplomats, Brasília, Rio de Janeiro, São Paulo, New York, September 2012–May 2014.

17. See United Nations, "A/66/151–S/2011/701: Letter Dated 9 November 2011 from the Permanent Representative of Brazil to the United Nations Addressed to the Secretary-General", UNDOC, November 2011, available: <<http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/POC%20S2011%20701.pdf>> (accessed 20 August 2014). For Brazil's broader engagement with R2P and the development of RwP in Brazil's foreign ministry, see Kai Michael Kenkel, "Brazil and R2P: Does Taking Responsibility Mean Using Force?", *Global Responsibility to Protect*, Vol. 4, No. 1 (2012), pp. 5–32; Almeida, *op. cit.*; Stuenkel and Tourinho, *op. cit.*

of three main ideas, each raising longstanding issues associated with the use of military force in general, and with humanitarian purposes specifically. First, the paper emphasised the need to further improve the use of preventive and non-coercive measures in the implementation of R2P, since military force often causes more harm than good in protection crises, and should be used only when subordinated to political and diplomatic strategies. Second, it emphasised the need to establish more specific *criteria* for the authorisation of coercive intervention under R2P. This element of the proposal also echoes the debate about the relative utility of military force in solving humanitarian challenges, and the need for moderation in its use. Third, the proponents of RWP were concerned with the lack of practical (not formal) authority of the Security Council in managing crises once the use of force has been delegated to third parties. To address this issue, the proposal called for greater normative and institutional *accountability* of those intervening under the delegated authority of the UN Security Council.<sup>18</sup>

Many elements of the paper were not new.<sup>19</sup> The proposal had firm sources in the traditions of just war theory and international humanitarian law, notably the principles of “do no harm” (*primum non nocere*), last resort (*ultima ratio*) and proportionality.<sup>20</sup> The concerns expressed in RWP did not reflect the themes that emerged from the Libya intervention alone; rather, they address longstanding limitations of the collective security system. For instance, it addresses issues like the inconsistency and selectivity in the actions of the Security Council due to lack of criteria,<sup>21</sup> the problem of delegation of the authority to use force,<sup>22</sup> hierarchical differentiation within the Security Council<sup>23</sup> and other problems of the collective security system that apply to but go beyond cases in which R2P is invoked.<sup>24</sup> The aftermath of the intervention in Libya, the first test for the

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18. Similar evaluations of the core elements in the RWP proposal were made in Gareth Evans, “Responsibility while Protecting”, *Project Syndicate*, 27 January 2012, available: <<http://www.gevans.org/opeds/oped118.html>> (accessed 24 June 2014); Almeida, *op. cit.*

19. Evans, “Responsibility while Protecting”, *op. cit.*; Eduarda Passarelli Hamann, “The Protection of Civilians in Armed Conflict and Brazil’s ‘Responsibility while Protecting’”, *NOREF Policy Brief* (October 2012).

20. Stuenkel and Tourinho, *op. cit.*, p. 13. See also Antônio de Aguiar Patriota, Minister of External Relations of the Federative Republic of Brazil, “Multipolaridade da Cooperação e Direito Internacional”, Paper presented at the IX Winter Course of the Center of International Law, Belo Horizonte, 8 July 2013.

21. See Brian Urquhart, “The UN and International Security after the Cold War”, in Adam Roberts and Benedict Kingsbury (eds.), *United Nations, Divided World: The UN’s Roles in International Relations* (Oxford: Clarendon Press, 2013), pp. 81–103; Adam Roberts and Dominik Zaum, “Selective Security: War and the United Nations Security Council since 1945”, *The Adelphi Papers*, Vol. 47, No. 395 (2008).

22. Dan Sarooshi, *The United Nations and the Development of Collective Security* (Oxford: Oxford University Press, 1999); Simon Chesterman, *Just War or Just Peace? Humanitarian Intervention and International Law* (Oxford: Oxford University Press, 2001); Vaughan Lowe et al., *The United Nations Security Council and War* (Oxford: Oxford University Press, 2010).

23. Gerry Simpson, *Great Power and Outlaw States* (Cambridge: Cambridge University Press, 2004), pp. 165–193.

24. The fact that the suggestions made in the RWP proposal go beyond cases in which R2P is involved was raised as a criticism to the proposal by the UN secretary-general special advisor on R2P. Edward C. Luck, “Opening Statement of Dr. Edward C. Luck, Special Adviser to the United Nations Secretary-General on the Responsibility to Protect. Informal Discussion on the ‘Responsibility While Protecting’ Initiative Organized by the Permanent Mission of Brazil”, New York, UN Conference Room 3 (NLB), 21 February 2012, available: <<http://www.un.org/en/preventgenocide/adviser/pdf/ELs%2021%20February%20statement%20-%20English.pdf>>.



actual use of military intervention under R2P,<sup>25</sup> appeared to be a timely opportunity to re-engage with these issues.

### Impact of RwP in R2P's Normative Trajectory

The "practical test" of the humanitarian intervention in Libya provoked an intense political debate over how the coercive dimensions of R2P should be better implemented. At that time, while some praised the decisiveness of the response and the fact that a massacre in Benghazi had indeed been avoided,<sup>26</sup> others questioned the extent to which a military campaign alone could address the security problems at hand.<sup>27</sup> It was in this political context that the idea of RwP emerged. The proposal articulated ideas that engaged a wide range of political actors in this discussion. This section assesses the immediate impacts of the proposal in political debates on the issue, as well as on the normative trajectory of R2P.

#### *A Look Back: Initial Reactions to RwP*

The international response to the RwP proposal was notable and in its extent a surprise to its Brazilian authors and to key members of the R2P advocacy community. Simon Adams, director of the Global Center for the Responsibility to Protect, remembers that it was impossible to talk about R2P in 2012 without also talking about RwP:

Every public speech I gave, every interview I gave to the media, everywhere I went [...], I would get a question about Brazil and the Brazilian initiative. [...] It came up all the time. [...] It was the centre around which the entire debate revolved.<sup>28</sup>

Initially, policy makers and analysts questioned whether RwP represented an attempt to substitute R2P or whether it should be seen as an addendum and therefore a contribution to R2P.<sup>29</sup> This uncertainty was expressed in the cautious approach of Edward Luck, then the Secretary-General's Special Advisor on R2P, who was concerned with opening discussions that could undermine the legitimacy

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25. Paris, *op. cit.*

26. Ivo H. Daalder and James G. Stavridis, "NATO's Victory in Libya: The Right Way to Run an Intervention", *Foreign Affairs*, April 2012; Anders Fogh Rasmussen, 12th Secretary-General of NATO, "NATO Secretary General Statement on End of Libya Mission", NATO website, 28 October 2011, available: <[http://www.nato.int/cps/en/natolive/news\\_80052.htm](http://www.nato.int/cps/en/natolive/news_80052.htm)> (accessed 16 December 2014).

27. "Statement by H.E. Ambassador Li Baodong, Permanent Representative of China to the United Nations, at the Security Council Meeting on the Situation in Libya", Permanent Mission of the People's Republic of China to the UN website, 17 March 2011, available: <<http://www.china-un.org/eng/hyyfy/t824183.htm>> (accessed 16 December 2014); Martin Beckford, "Libya Attacks Criticised by Arab League, China, Russia and India", *The Telegraph*, 21 March 2011, available: <<http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8393950/Libya-attacks-criticised-by-Arab-League-China-Russia-and-India.html>> (accessed 16 December 2014).

28. Interview with Simon Adams, New York, 22 May 2014.

29. Thomas Wright, "Brazil Host Workshop on 'Responsibility while Protecting'", *Foreign Policy*, August 2012, available: <[http://bosco.foreignpolicy.com/posts/2012/08/29/brazil\\_backs\\_responsibility\\_while\\_protecting](http://bosco.foreignpolicy.com/posts/2012/08/29/brazil_backs_responsibility_while_protecting)> (accessed 20 August 2014).

of the concept.<sup>30</sup> At the time, most states agreed that the concept of R2P remained untouched by RwP. Important exceptions were, especially in the first months of debating the concept, France, the UK and, to a lesser extent, the United States. They interpreted the Brazilian proposal as a direct criticism of the way they conducted the Libya intervention, and were thus initially more critical of the proposal. Wanting to present NATO operations as a success, France in particular saw RwP simply “as a tool to make the life of the P5 harder”.<sup>31</sup> An ambassador recalls the reaction of his French counterpart Alain Juppé when the idea was first suggested to him at the Cannes G20 meeting in early November 2011: “He went kind of pale. He said: But this is going to tie our hands militarily! This is unacceptable”.<sup>32</sup> Adams remembers diplomats from France, the UK and the United States describing the move as a “spoiling tactic”.<sup>33</sup> This sentiment was not limited to policy makers. Yang Razali Kassim, an academic, wondered whether RWP was “a counter-response to roll back R2P”, or whether it was “a move to better implement R2P as the new doctrine to resolve the international community’s dilemma over human suffering”.<sup>34</sup> The main focus of criticism was Brazil’s initial proposal of translating the legal principle of “last resort” into a strict chronological sequencing of the three pillars of R2P, an idea that was widely rejected and soon left behind.<sup>35</sup> Over the next months, most early critics of RwP dropped their opposition to the concept. Other than Britain and France, the majority of countries were over time convinced by the way Brazil conducted the discussions, and by civil society advocacy that the proposal was indeed an attempt to facilitate a discussion on the most controversial aspects of R2P.<sup>36</sup>

### *Framing the Debate about the Use of Force*

The aftermath of the Libya intervention and the worsening situation in Syria provoked heated debates about the utility and terms of operationalisation of military

30. This initial caution with the concept of RwP was expressed clearly in the 2012 report of the Secretary-General on the issue, where the concept of RwP is mentioned but also completely disfigured by the characterisation provided. See United Nations, “A/66/874–S/2012/578 Report of the Secretary-General. Responsibility to Protect: Timely and Decisive Response” (International Coalition for the Responsibility to Protect, August 2012).

31. Interview with senior European diplomat directly involved in the discussions.

32. Interview with a high-level ambassador present at the meeting, Berlin, 4 June 2013.

33. Interview with Simon Adams, New York, 22 May 2014. The P3 is, in UN circles, a common term to refer to France, the United Kingdom and the United States. Germany, “Statement by Ambassador Wittig on Protection of Civilians in Armed Conflict in the Security Council (As Delivered)”, The Permanent Mission of Germany to the United Nations, November 2011, available: <[http://www.new-york-un.diplo.de/Vertretung/newyorkvn/en/\\_pr/speeches-statements/2011/20111109\\_20Wittig\\_20on\\_20Protection\\_20of\\_20Civilians.html](http://www.new-york-un.diplo.de/Vertretung/newyorkvn/en/_pr/speeches-statements/2011/20111109_20Wittig_20on_20Protection_20of_20Civilians.html)> (accessed 14 August 2014); Interview with German diplomat, Berlin, 17 June 2013.

34. Yang Razali Kassim, “Rise of the Responsibility while Protecting (RWP)”, in Yang Razali Kassim, *The Geopolitics of Intervention* (Cham: Springer International Publishing, 2014), pp. 1–14.

35. On Brazil’s rejection of the rigid chronological sequencing, see Stuenkel and Tourinho, *op. cit.*, p. 394.

36. For civil society and member state positions, see statements listed on Global Centre on Responsibility to Protect, “Informal UN General Assembly Discussion on the ‘Responsibility while Protecting’ 2012”, Global Centre on Responsibility to Protect, 18 October 2012, available: <<http://www.globalr2p.org/resources/344>> (accessed 20 October 2014). On the EU’s follow-up discussions on RwP, see Sarah Brockmeier, Gerrit Kurtz, and Julian Junk. “Emerging Norm and Rhetorical Tool: Europe and a Responsibility to Protect”, *Conflict, Security & Development* Vol. 14, No. 4 (2014), pp. 429–460.



power for human protection purposes. In this context, RwP was an early contribution to organise the discussion about the use of force and collective security regarding R2P in a clearer way, adding a degree of specificity compared to the discussion at the World Summit. The Brazilian proposal suggested the establishment of what could be described as a "code of conduct" for the practical operationalisation of R2P, particularly in its coercive dimensions. It initiated a discussion on developing "guidelines" or "parameters" for the operationalisation of R2P. Even though the discussions were centred on the concept of R2P, such a code would be consequential for all authorisations of the use of force by the Security Council. RwP did not question the merits of R2P, "but rather Security Council working methods".<sup>37</sup>

While the debate about how to legitimately operationalise the use of force in humanitarian crises remains largely unresolved, the questions raised in the discussions about RwP have consistently re-emerged when the current institutional arrangements for addressing mass atrocity crimes are put into question.<sup>38</sup> The next time a situation like in Libya in early 2011 arises, argued a European diplomat at the UN, "the IBSA countries [India, Brazil, South Africa] will most likely request many more caveats before agreeing to support such a resolution".<sup>39</sup> Hence, from a political perspective, RwP helped to shift the burden of proof about the utility of force to those proposing a military intervention.<sup>40</sup> In light of growing instability in Libya and following the establishment of a need for responsible means of protection, those in favour of the use of military force are likely to have to explain their operational plans in greater detail and consider checks and balances more explicitly.

### *Widening the Debate on R2P*

The terms of the debate as established by RwP allowed for the participation of a wide range of states and civil society actors, coming from more diverse backgrounds than just traditional R2P advocates, fellow BRICS countries (Brazil, Russia, India, China, South Africa) or the G77. In the Lima Declaration at the III Summit of the Arab and South American States, members supported RwP and argued that it should be discussed at the UN as well as within the Union of South American Nations (Union de las Naciones Suramericanas—UNASUR) and the Arab League.<sup>41</sup> In January 2013, at the 7th Ministerial Encounter of the South Atlantic Peace and Cooperation Zone, participants recognised the importance of

37. Gareth Evans, "Responsibility while Protecting", *op. cit.*

38. For instance, "responsible protection", the core idea behind the RwP proposal, has become a key topic of conversation about humanitarian intervention in China. See Gareth Evans, "Protecting Civilians Responsibly", *Project Syndicate*, 25 October 2013, available: <<http://www.project-syndicate.org/commentary/gareth-evanson-moves-by-china-and-other-brics-countries-to-embrace-humanitarian-intervention>> (accessed 21 October 2015); Andrew Garwood-Gowers, "China's 'Responsible Protection' Concept: Re-interpreting the Responsibility to Protect (R2P) and Military Intervention for Humanitarian Purposes", *Asian Journal of International Law* (2014), doi:<http://dx.doi.org/10.1017/S2044251314000368>.

39. Stefan Barriga is an author in public international law and Deputy Permanent Representative at the Mission of Liechtenstein to the United Nations. Interview was conducted in New York, May 2014.

40. For this insight, we are grateful to C.S.R. Murthy.

41. Summit of South American–Arab Countries, "Declaração de Lima" [Lima Declaration], *Itamaraty*, 2012.

RwP and expressed the willingness to discuss the issue further.<sup>42</sup> Even Venezuela, a country known for its resistance to R2P, welcomed the discussions initiated by the Brazilian proposal.<sup>43</sup>

At the peak of its popularity, RwP effectively succeeded in widening the debate about R2P. Countries that understood RwP as a constructive proposal and agreed with the need to address open questions regarding R2P and the use of force came from all regions, including Ireland, Portugal and Luxembourg, Ghana, Kenya and Rwanda, Argentina, Guatemala and Mexico, Egypt, Qatar and Morocco, Malaysia and Singapore, among others.<sup>44</sup> Even the United States, while by no means open to anything that would curtail its powers in the Security Council, came around to at least being open for discussing the concept.<sup>45</sup>

The global response to the idea of responsible protection became most visible in February 2012. At the time, Brazil hosted a meeting at the UN with the objective of further debating its idea. Due to the efforts of some high-profile R2P supporters,<sup>46</sup> the previous months had seen a substantial gain in the strength and legitimacy of the proposal in global debates about R2P. Several international commentators interpreted the proposal as an attempt by Brazil to assume international norm leadership, assertively engaging in a debate it had previously not seen as a priority.<sup>47</sup> In the discussion on pillar three in the 2012 General Assembly debate, 26 out of 58 states referred to RwP. These states ranged from large emerging powers to small European countries. Many in this debate claimed that clarifying the questions raised by Brazil was central to furthering the R2P debate. It is notable how the idea instantly penetrated R2P on a discursive level—being taken up, either explicitly or implicitly, by a large number of state and non-state actors and, albeit vaguely and selectively, by the Secretary-General.<sup>48</sup>

### *A Middle Ground in a Moment of Polarisation*

The boosting and widening of participation in the debates on R2P was not only a product of the RwP proposal, but also a consequence of the Libya intervention itself.<sup>49</sup> Yet, as discussed, the proposal was able to frame and provide the terms

42. South Atlantic Peace and Cooperation Zone (ZOPACAS), “Declaração de Montevideu” [Montevideu Declaration], *Itamaraty*, January 2013.

43. Jorge Valero, Ambassador Bolivarian Republic of Venezuela, “Statement by Ambassador Jorge Valero—Debate on the Responsibility while Protecting”, International Coalition for the Responsibility to Protect, 21 February 2012, available: <<http://www.responsibilitytoprotect.org/21%20Febrero%202012%20Venezuela%20ENG.pdf>> (accessed 10 November 2014). The Brazilian team leading the discussions was deliberate in their choice of speakers at the February 2012 informal debate. They chose to give the floor to positions as distinct as those of France and Venezuela, ensuring a wide representation. Interview with diplomats in the Brazilian Mission to the United Nations, New York, August 2013.

44. E.g., Global Centre for the Responsibility to Protect, “‘Timely and Decisive Response’: Summary of the Informal Interactive Dialogue of the UN General Assembly on the Responsibility to Protect Held on 5 September 2012” (New York: Ralph Bunche Institute for International Studies, 2012).

45. Interview with senior Brazilian diplomat, New York and Brasília, August 2014.

46. Evans, “Responsibility while Protecting”, *op. cit.*; Simon Adams, “Emergent Powers: India, Brazil, South Africa and the Responsibility to Protect”, *The World Post*, 20 September 2012; Jennifer Welsh *et al.*, “Brazil’s ‘Responsibility while Protecting’ Proposal: A Canadian Perspective” (Canadian Centre for the Responsibility to Protect, July 2013).

47. See notably Spektor, *op. cit.*; Benner, *op. cit.*

48. United Nations, “A/66/874-S/2012/578 Report of the Secretary-General”, *op. cit.*

49. Compare Brockmeier, Tourinho and Stuenkel, this special issue.

for a discussion that perhaps would not have happened *at all*, given the extreme polarisation of debates on R2P in the latter part of 2011. These debates were polarised not only because of the disputes over the Libya intervention, but also due to the diplomatic impasse over the crisis in Syria at the UN. These exceptional circumstances further complicated discussions about pillar III and the conditions for the use of force.<sup>50</sup>

In a debate where actors had to be either against or in favour of R2P as an idea, there was little space for states to articulate any criticism without being identified as outcasts who questioned the global R2P consensus. The RwP initiative allowed state and non-state actors to criticise the way NATO conducted the intervention in Libya without being dubbed as "anti-R2P", making the overall debate more refined, nuanced and ultimately more productive.

Several diplomats privately lauded the initiative not only for taking the discussion forward, but for providing an escape valve that forced those denouncing the Libya intervention to deal with a new constructive proposal. A European diplomat argued that "the post-Libya debate could have escalated even more and led to even more polarisation". In this view, RwP provided an "outlet" for those who wanted to criticise the Libya intervention, but forced them to do it in a way "that they did not have to question the basic idea that civilians should be protected, but how".<sup>51</sup>

## R2P after RwP: Searching for a Synthesis

The concept note outlining RwP was intended as a constructive critique of the practical implementation of R2P.<sup>52</sup> While the Brazilian government continued to insist on the importance of the issue, the promotion of RwP as a concept had ceased to be a priority by mid-2012.<sup>53</sup> Yet, as attempts to resolve the Syrian crisis in the Security Council failed and the dust of the Libya controversy settled, more open political debates about the mechanisms to enforce protection norms began. The political context had changed: given the vulnerable situation of the population in both crises, the argument that military force (through intervention or support) is not always the best solution for protection gained strength. The RwP argument that "the world today suffers the painful consequences of interventions that have aggravated existing conflicts, allowed terrorism to penetrate into places where it previously did not exist, given rise to new cycles of violence and increased the vulnerability of civilian populations"<sup>54</sup> found greater resonance in scholarly and political circles. This section explores the substance of normative debates about R2P implementation taking place *after* the RwP proposal made its political contribution. These debates can be understood as the pursuit of new institutional forms to provide a synthesis of the original idea of R2P (focusing chiefly on effective protection) and the contributions put forward by RwP (focusing primarily on the

50. Interview with UN officials involved in the matter, New York, August 2013.

51. Interview with Stefan Barriga, Deputy Permanent Representative at the Mission of Liechtenstein to the United Nations, New York, May 2014.

52. As mentioned above, while the criticisms were directed specifically to R2P, their substance has implications for the entire collective security system, beyond issues of human protection.

53. On the reasons why Brazil stopped pushing for its concept, see Stuenkel and Tourinho, *op. cit.*

54. United Nations, A/66/151 RwP Concept Note, *op. cit.*

responsibility of those protecting). It is a debate about how to establish mechanisms for responsible *and* effective protection at the same time.<sup>55</sup>

These discussions are organised here around the three central elements of RwP, described above: prevention and non-coercive measures, criteria, and monitoring/accountability in the use of force. They take as a starting point the recognition that the UN must widen the range of policy tools available in its protection efforts. While the “three pillars” framework has been widely embraced as a clarification of the commitments implicit in R2P, it has proved less useful as a guideline of implementation, since the three pillars are often intertwined as they are used simultaneously during crises. Officials at the UN acknowledge that policy choices around protection crises have been excessively focused on the “words” or “war” paradigm (with sanctions and the International Criminal Court (ICC) often considered in the middle), and that more refined options should be made available in the R2P toolkit.<sup>56</sup>

### *Prevention and Non-coercive Measures*

With the enhanced focus on prevention established by the UN Secretariat in the years following the intervention in Libya and during the deadlock over Syria, new difficulties have emerged.<sup>57</sup> It became clear that prevention is easy to agree on at a diplomatic level, but difficult to implement in local political contexts. While sovereignty concerns seem to have been largely resolved in cases in which mass atrocity crimes *have already been* committed, they remain relevant in the negotiation of prevention strategies with member states.<sup>58</sup> In these contexts, states remain concerned about excessive oversight, becoming more vulnerable to foreign intelligence services and with reputational costs of being singled out by the UN for mass atrocity prevention. This is an unresolved issue suggesting the need to widen the range of arguments for prevention beyond the extreme association with mass atrocity crimes. Closer collaboration with other institutions that may already be on the ground, such as peacekeeping operations and, in some cases, the Peacebuilding Commission, may mitigate these fears.

In these contexts, establishing the right structure of incentives may help advance national protection policies. Foreign aid has on some occasions served as leverage in peace negotiations.<sup>59</sup> Targeted sanctions, widely understood as a coercion tool, have also been used to address human protection issues. In the context of prevention, they can provide incentives for engagement in mediation efforts, constrain spoilers of existing peace agreements and, in later stages, limit access to resources for those likely to commit mass atrocity crimes.<sup>60</sup> Difficulties in coordinating with member states’ specific policies of prevention pushed UN institutions to focus on

55. On this debate, see Benner *et al.*, *op cit.*

56. Conversations with UN officials and senior diplomats posted to the United Nations, April 2015.

57. See the following reports of the Secretary-General to the General Assembly: United Nations, “Responsibility to Protect: State Responsibility and Prevention (A/67/929)”, New York, 9 July 2013, and United Nations, “Fulfilling Our Collective Responsibility: International Assistance and the Responsibility to Protect (A/68/947)”, New York, 11 July 2014.

58. We are grateful to Jennifer Welsh for this point.

59. This was the case, for instance, in efforts to discourage Rwandan support for rebel groups operating in the Democratic Republic of the Congo between 2008 and 2010.

60. For an assessment of the effectiveness of targeted sanctions on various threats to international peace and security, see Thomas J. Biersteker, Sue E. Eckert and Marcos Tourinho, *Targeted Sanctions: The Impacts and Effectiveness of UN Action* (Cambridge: Cambridge University Press, forthcoming 2016).

establishing clearer criteria to identify potential crises and elevate them to the appropriate institutional mechanisms to address them. This is a complex effort that is yet to be extensively addressed in both scholarly and policy analysis.

In addition to prevention, RwP suggested the need to subordinate coercive measures (like sanctions or armed violence) to political and diplomatic strategies. Although direct causality is difficult to determine, this perspective has gained strength in current debates. For instance, the UN High Level Panel on Peace Operations concluded in its report that political strategies must have primacy over others, and always guide the design and implementation of peace operations. In this context, they argue, prevention and mediation must take the forefront of UN peace operations.<sup>61</sup> Other re-evaluations of the policy instruments available for the purposes of protection took place in this period. In addition to the review of peace operations, reviews of the Peacebuilding Commission and targeted sanctions took place. While not all of them addressed the issue of protection directly, they contributed to improving the organisation's understanding of the range of policy tools available for these purposes, and attempted to widen it.

### Criteria

The problem of criteria for the use of force under R2P has long been part of the R2P debate. Pattison shows that some form of criteria is already embedded in R2P as adopted in the 2005 World Summit.<sup>62</sup> This was a central question of policy debates about protection since the ICISS and the High Level Panel on Threats, Challenges and Change carried out discussions on the proposed norm.<sup>63</sup> The delineation of criteria for R2P (with specific crimes and the reaffirmation of the ultimate authority of the Security Council) was an effort to establish the basis upon which coercive measures would be appropriate and legitimate under R2P and were crucial to widen support for the proposal in the first place. Since then, however, discussions about criteria have stagnated in abstractly defined just war principles. To date, few efforts have been made to further specify criteria beyond these and towards the direction of specific trigger thresholds.<sup>64</sup>

While some, notably Bellamy, are critical of establishing more precise guidelines for R2P implementation<sup>65</sup> in the logic of a potential R2P–RwP synthesis, this issue

61. United Nations Department of Political Affairs, Information Note on High-Level Independent Panel on Peace Operations, 16 June 2015, available at: <<http://www.un.org/wcm/content/site/undpa/main/about/speeches/pid/25942>> (accessed 18 June 2015).

62. James Pattison, "The Case for Criteria: Moving R2P Forward after the Arab Spring", in Robert W. Murray and Alasdair McKay (eds.), *Into the Eleventh Hour: R2P, Syria and Humanitarianism in Crisis* (E-International Relations, 2014), available: <<http://www.e-ir.info/wp-content/uploads/R2P-Syria-and-Humanitarianism-in-Crisis-E-IR.pdf>> (accessed 21 October 2015).

63. Interview with João Clemente Baena Soares, a member of the High Level Panel on Threats, Challenges and Change, Rio de Janeiro, May 2013. The issue had also been addressed in some detail in the 2001 ICISS report. See International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001), available: <<http://responsibilitytoprotect.org/ICISS%20Report.pdf>> (accessed 12 October 2014).

64. Broad just war reasoning has been considered previously in all major articulations of the responsibility to protect. See ICISS, *op. cit.*; United Nations, "A/66/151–S/2011/701", *op. cit.*

65. Alex Bellamy, "The Responsibility to Protect and the Problem of Military Intervention", *International Affairs*, Vol. 84, No. 4 (2008), pp. 625–630.



is important for both sides of the original debate. For those primarily concerned with *effective* protection, enhanced criteria will strengthen arguments for measures in cases where Security Council members remain uninterested, increasing the political costs of neglect. One must recall that the most frequent use of force for human protection is *not* in cases in which there is no consent of the state, like in Libya or Syria, but rather *with* the consent as in the cases of Mali and the Central African Republic (CAR). In these cases, finding the necessary resources is the greatest challenge for protection.<sup>66</sup> In the recent case of the CAR, for instance, it took five months until sufficient resources were in place to start operations. On the other hand, for those concerned with the responsibility of interveners and avoiding great power abuse, more specific criteria would increase the costs of and provide an obstacle for those abuses. Establishing clear criteria (or the specific motivating “just cause”) also has implications for the determination of how much force to use, if that may be the case.<sup>67</sup> As Evans and Thakur write, the non-adoption of criteria of legitimacy for the use of force or simply informal guidelines for the Security Council “remains unfinished international business”.<sup>68</sup>

Some incipient efforts have been made to further the discussion of criteria beyond abstract natural law principles. One specific suggestion was made by Pape, who suggests what he termed a “pragmatic standard”, involving:

- (1) an ongoing campaign of mass homicide sponsored by the local government in which thousands have died and thousands more are likely to die;
- (2) a viable plan for intervention with reasonable estimates of casualties not significantly higher than in peacetime operations and near zero for the intervening forces during the main phase of the operation; and (3) a workable strategy for creating lasting local security, so that saving lives in the short term does not lead to open-ended chaos in which many more are killed in the long term.<sup>69</sup>

While the article provoked controversy,<sup>70</sup> no substantive progress has been made since in the definition of more specific guidelines in R2P. In the case of non-consented military force, much of the discussion continues to point back to the ICISS’s proposal (taken up by the High Level Panel on Threats, Challenges and

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66. This fact suggests the consideration in R2P debates of a number of other policy instruments that possess wider acceptance than delegated third-party interventions. The recent establishment of intervention brigades in “enhanced peacekeeping” operations, for instance, is more widely accepted than third-party interventions and may be a mechanism to devolve to the United Nations the ultimate authority over peace enforcement mandates with the use of military force. This would not be without significant challenges: the lack of resources for such operations remains critical and their impact on the principle of neutrality of peacekeeping operations remains unclear.

67. In the evaluation of proportionality in military action, broader goals (such as political change as opposed to human protection) imply an escalation in the means through which they may be achieved. The lack of a clear definition of the legitimate goals and means was at the core of the controversy that followed the Libya intervention.

68. Gareth Evans, Ramesh Thakur and Robert A. Pape, “Correspondence: Humanitarian Intervention and the Responsibility to Protect”, *International Security*, Vol. 37, No. 4 (2013), pp. 199–214.

69. Robert A. Pape, “When Duty Calls: A Pragmatic Standard of Humanitarian Intervention”, *International Security*, Vol. 37, No. 1 (2012), pp. 41–80, p. 43.

70. Alex Bellamy and Robert A. Pape, “Reconsidering the Cases of Humanitarian Intervention”, *International Security*, Vol. 38, No. 2 (2013), pp. 200–202; Evans, Thakur and Pape, *op. cit.*



Change) of establishing some loose prudential criteria for the use of force under R2P.

### *Monitoring and Accountability*

The RwP proposal advocated for improved mechanisms to "monitor and assess the manner in which resolutions are interpreted and implemented".<sup>71</sup> The purpose was specifically to ensure the transparency of operations authorised under the collective security system and the accountability of the actions of those to whom the Council grants the authority to use force. Yet the absence of military capability or advisory capacity in the Security Council has historically been a political choice of member states. In its Article 45 the Charter establishes a Military Staff Committee, whose responsibility would be exactly to plan and oversee military operations authorised by the Security Council. The Military Staff Committee, with very few exceptions, never had a real role—although its activity could satisfy demands for greater transparency in UN-authorized military operations. Suggestions to increase the actual and advisory military capacity of the Council or the Secretariat were rejected over the course of the last decades.<sup>72</sup> In other areas, the Security Council itself developed mechanisms that could serve that purpose without affecting the balance that keeps great powers engaged with the UN. Sanctions Committees, for instance, mirror the Security Council formation and are responsible for overseeing UN sanctions regimes, including the establishment of independent enquiry commissions, monitoring teams and panels of experts. These panels of experts, which are widely recognised as increasing the quality of sanctions implementation, serve as investigative panels to provide the Council with credible and impartial information about events on the ground.<sup>73</sup> The reports of such independent commissions, created as standard practice, would over time contribute to improving the quality of moral and operational decisions taken by the Council both before and during military operations.

Debates about monitoring and accountability of the use of military force as authorised by the Council take place within a context of rigid hierarchies, which complicates institutional reform. Beyond the veto power, informal differentiation is at the core of the Council's operating procedures. Inevitably, elected members do not share the knowledge of past agreements that mark negotiations between permanent members. They are effectively excluded from informal negotiations where, in practice, many of the important decisions are taken.<sup>74</sup> Because of a traditional "pen holding" system, the same member states remain responsible for items in

71. A/66/151 RwP Concept Note, *op. cit.*

72. Adam Roberts, "Proposals for UN Standing Forces: A Critical History", in Vaughan Lowe, Ada Roberts, Jennifer Welsh, and Dominik Zaum (eds.), *The United Nations Security Council and War* (Oxford: Oxford University Press, 2010).

73. Alix J. Boucher and Victoria K. Holt, *Targeting Spoilers: The Role of United Nations Panels of Experts* (Washington, DC: Henry L. Stimson Center, 2009); Alex Vines, "Monitoring UN Sanctions in Africa: The Role of Panels of Experts", in *Verification Yearbook* (London: Verification Research, Training and Information Centre [VERTIC], 2003), p. 260. More recently, on proliferation cases (which have their own appointment practices due to great power sensitivities) the impartiality of these experts has been questioned.

74. David L. Bosco, *Five to Rule Them All: The UN Security Council and the Making of the Modern World* (Oxford: Oxford University Press, 2009).

the agenda for several decades. It is not uncommon for former colonial powers to be “pen holders” of their former colonies in the Council agenda.

Thus, debates about the implementation of the responsibility to protect are immersed in a political dynamic in which those with privileges in the process attempt to maintain them at almost any cost while others consistently seek to gain greater access to information and membership, while at the same time normatively regulate the actions of those in charge. The lack of further regulation of the Security Council is perhaps the main issue uniting the five permanent members when it comes to R2P and RwP. This is the main obstacle to practically “reforming” to improve R2P as initially proposed in the RwP concept note.

## Conclusion

For much of the last decade, public and policy debates about humanitarian intervention have been dominated by the question of whether and in what circumstances a humanitarian intervention is legitimate or acceptable in international society. With the normative consolidation of R2P in the UN following the 2005 World Summit<sup>75</sup> and the efforts made gradually by its proponents in the Security Council and General Assembly, substantial agreement was reached about the acceptability of coercive measures for human protection under certain circumstances, and “how” to address crisis situations moved to the centre of debates.<sup>76</sup> The military intervention in Libya and its complicated aftermath forced an intensification of this discussion, and a reconsideration of the extent to which the collective security apparatus, including with the use of military force, is appropriate or sufficient to address these problems.<sup>77</sup>

As this discussion was taking place, Brazilian diplomats argued for the need for more responsible means of protection, for a “responsibility while protecting”. First, it emphasised the need to focus on prevention and non-coercive means, highlighting that military strategies should be subordinated to political and diplomatic ones. Second, it revisited the debate about under what criteria, and for which motives, force should be deployed to protect civilians. Third, it sought to enhance mechanisms of monitoring and accountability of the mission and those implementing the mandate on behalf of the Security Council.

Several years after the launch of the idea, some preliminary conclusions can be made with regard to its contributions to the normative trajectory of R2P. The concept helped to broaden and deepen policy debates about R2P. It widened the range of participants engaging in the debate and provided a political and normative space for individuals and states that supported protection norms in general but had restrictions to the way in which it had been operationalised in practice. By emphasising that complex ethical issues emerge when military force is used for protection purposes, the proposal brought the argument to mainstream discussions that the use of force (“doing something”) did not necessarily mean achieving the moral high ground. This argument only gained strength in the following years

75. See Murthy and Kurtz, this special issue.

76. See Serrano, *op. cit.*; Bellamy and Williams, *op. cit.*; Evans, “End of the Argument”, *op. cit.*

77. Jennifer Welsh, “Civilian Protection in Libya: Putting Coercion and Controversy Back into RtoP”, *Ethics & International Affairs*, Vol. 25, No. 3 (2011), pp. 255–262.

as the political crisis in Libya worsened and the full range of consequences of that military engagement became clear.

RwP is now considered by some “the most significant recent development in the evolution of the R2P doctrine”.<sup>78</sup> Brazil’s initiative successfully articulated the need for responsible means of protection, particularly when military force is used in the name of collective security and humanitarianism. While there may be disagreements about how much military coercion can achieve, the right balance between political regulation and military autonomy and the ideal institutional arrangements to ensure a system of checks and balances, these are questions that have been raised and will not go away. Given the great power disparities in the UN Security Council, they may well never be addressed, but they are now part and parcel of the norm’s vocabulary and discourse.

The proposal was important but the idea of a responsibility while protecting remained largely abstract and was never sufficiently developed to materialise into specific proposals that could address the problems of collective security and human protection in practice. In fairness, it was not an easy context: the Syrian crisis made the discussion toxic in policy circles, and there was limited appetite in much of the global south to support a proposal that effectively, if implicitly, recognised the legitimacy of humanitarian intervention under certain circumstances. In Europe, few were willing to explicitly challenge French and British positions and side with a southern emerging power perceived to have very specific interests in Security Council reform. As a result of these impasses, RwP did not evolve further and the political and normative issues identified in the proposal remained for some time largely unaddressed.

Yet, as new crises emerge, scholars and policy practitioners continue to seek new ways to address the difficult problems identified in the RwP proposal. While these attempts, which take place in both scholarly and policy communities, are still ongoing and are therefore open-ended, they have thus far indicated that the political groundwork established by RwP has helped initiate debates about what potential reform could be carried out to improve the practical implementation of R2P.

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78. Derek McDougall, “Responsibility while Protecting”, *Global Responsibility to Protect*, Vol. 6, No. 1 (2014), pp. 64–87.

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