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Revivifying the Responsibility to Protect: Strengthening the Normative Consensus for Atrocity Prevention

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Introduction

The principle of the Responsibility to Protect (R2P) has had a perplexing legacy since its adoption in paragraphs 138 and 139 of the UN World Summit Outcome document of 2005. Unanimously approved by the UN General Assembly, the document declared that both individual states and “the international community, through the United Nations,” had the responsibility “to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.”¹ Unanimously reaffirmed by two UN Security Council resolutions of 2006 and 2009, R2P has been hailed as “the most successful initiative in the normative arena since the genocide convention.”²

Since 2005, the Responsibility to Protect has been invoked in more than 150 resolutions by the UN Security Council, Human Rights Council, and General Assembly. More than 60 nations from six continents have established official R2P Focal Points facilitating coordinated national and international efforts to prevent and halt mass atrocities.³ Even the representatives of states actively engaged in perpetrating mass atrocities and other gross human rights violations have praised the doctrine. In 2009, the Sudanese ambassador to the UN described the duty of states to protect their own people as a “sublime principle to which we all aspire.” The governments of North Korea and Syria have issued similarly effusive statements, and Iran has affirmed “the obligation and prerogative of a state to defend its own people against aggression and protect them from the four most egregious crimes.”⁴

Nonetheless, certain aspects of the R2P doctrine have come under withering attack. Critics have trained their fire principally on the third “pillar of responsibility” which holds that, “If a state is manifestly failing to protect its populations, the international community must be prepared to take appropriate collective action, in a timely and decisive manner and in accordance with the UN Charter,” as stipulated by Chapter 6 on the “Pacific Settlement of Disputes,” and Chapter 7 on “Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression.”⁵ Critics from the Global South have decried the “double-standard policies” under which Western powers have propped up “friendly dictators” while invoking humanitarian ideals to attack hostile regimes.⁶ Nor have the criticisms of R2P been limited to representatives of developing nations. China and the Russian Federation, while

¹ United Nations (UN), *General Assembly Resolution 60/1*, October 24, 2005 (UN Doc. A/Res/60/1).

² Brett R. O'Bannon, ed., *Introduction to Reassessing the Responsibility to Protect: Conceptual and Operational Challenges*, 1st ed. (New York: Routledge, 2017), 6.

³ “What is R2P?,” *Global Centre for the Responsibility to Protect* (n.d.), accessed September 21, 2024, <https://www.globalr2p.org/what-is-r2p/>; “Global Network of R2P Focal Points,” *Global Centre for the Responsibility to Protect* (n.d.), accessed September 21, 2024, <https://www.globalr2p.org/the-global-network-of-r2p-focal-points>.

⁴ Quoted in Aidan Hehir, *Hollow Norms and the Responsibility to Protect* (Hampshire: Palgrave Macmillan, 2019), 106, 107.

⁵ Global Centre for the Responsibility to Protect, *What Is R2P?*; see chapters 6 and 7 of the United Nations Charter (1945), <https://www.un.org/en/about-us/un-charter/>.

⁶ Mojtaba Mahdavi, “A Postcolonial Critique of Responsibility to Protect in the Middle East,” *PERCEPTIONS: Journal of International Affairs* 20, no. 1 (2015), 13. For example, a 2009 background note by UN General Assembly President Miguel D'Escoto Brockmann of Nicaragua depicted Pillar Three as “redecorated colonialism” justifying “arbitrary and selective interventions against the weakest states.” Quote on page 11.

Matthew Levinger. “Revivifying the Responsibility to Protect: Strengthening the Normative Consensus for Atrocity Prevention.” In “Evidence-Based Approaches to Preventing Genocide and Mass Atrocities.” Edited by Jamie D. Wise and Kristina Hook. Special Issue, *Genocide Studies and Prevention* 18, no. 1, 190–211. <https://doi.org/10.5038/1911-9933.18.1.1962>.

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professing their support for human rights,⁷ have repeatedly utilized their veto power in the UN Security Council to shield states that are perpetrating mass atrocities from punitive international responses. In recent years, the US and its Western allies have increasingly bypassed the doctrine altogether, moving toward a policy of “military intervention without the baggage of the international responsibility to protect.”⁸

This essay addresses three sets of questions concerning the evolution of R2P since 2005. First, how can we measure the power of norms? Drawing on insights from the scholarly literature on norm diffusion and norm fragmentation, the opening section of the essay examines how certain norms play a consequential role in shaping human behavior, whereas others are prone to manipulation and cooptation.

Second, how can we reconcile the ostensible consensus on behalf of the principle of R2P with the collective failure of UN member states to unite around practical strategies for its implementation? Between 2005 and 2022, the number of people displaced by violent conflict and human rights violations around the world grew from 37 million to 108 million;⁹ and many countries have engaged in an escalating series of crimes against humanity. Does this collective failure to protect civilian populations mean that R2P is essentially a toothless norm—or does this norm possess potential untapped power?

Third, what possibilities exist to reframe the global civilian protection agenda that might increase its normative power? The concluding section focuses on the need for stronger international support for “Pillar Two” interventions aimed at building social resilience and preventing communal violence. It also discusses the question of how to speak more effectively about Pillar Three interventions involving “appropriate collective action” by the international community to protect civilian populations. This section will address the challenges of building support for civilian protection strategies in an era increasingly dominated by the rhetoric and practice of great-power competition. It will also explore potential alternative narrative strategies, such as reframing robust and coordinated atrocity prevention efforts as an essential component of climate change adaptation.

Measuring Norms

Given the lack of clearly defined enforcement mechanisms established by the World Summit Outcome document, the power of the R2P doctrine rests principally in its capacity to reshape the normative landscape for conduct by states and international institutions. But scholars disagree about the nature and significance of the R2P norm. Aidan Hehir views R2P as a “hollow norm” that is “inherently malleable, can be affirmed without cost, and regulated by those it seeks to constrain rather than either an impartial body or those it seeks to protect.”¹⁰ Other observers, such as Amitav Acharya, argue that R2P is undergoing a healthy process of “norm diffusion” and “norm circulation.” The “creation of international norms is never a *one-*

⁷ See, for example, Ministry of External Affairs, Government of India, “XIV BRICS Summit Beijing Declaration,” June 23, 2022, accessed September 21, 2024, <https://www.mea.gov.in/bilateral-documents.htm?dtl/35435/XIV+BRICS+Summit+Beijing+Declaration>.

⁸ David Chandler, “The R2P is Dead, Long Live the R2P: The Successful Separation of Military Intervention from the Responsibility to Protect,” *International Peacekeeping* 22, no. 1 (2015), 4, <https://doi.org/10.1080/13533312.2014.992572>.

⁹ “Figures at a Glance,” UNHCR USA (n.d.), accessed September 21, 2024, <https://www.unhcr.org/us/about-unhcr/who-we-are/figures-glance>.

¹⁰ Hehir, *Hollow Norms*, 77. See also Carsten Stahn, “Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?,” *American Journal of International Law* 101, no. 1 (2007), 99–120, <https://www.jstor.org/stable/4149826>; Jeffrey S. Bachman, *The Politics of Genocide: From the Genocide Convention to the Responsibility to Protect* (New Brunswick: Rutgers University Press, 2022); Alan Bloomfield, “Norm Antipreneurs and Theorising Resistance to Change,” *Review of International Studies* 42, no. 2 (2016), 310–333, <https://doi.org/10.1017/S026021051500025X>; Alan Bloomfield and Shirley V. Scott, eds., *Norm Antipreneurs and the Politics of Resistance to Global Normative Change*, 1st ed. (Oxford: Routledge, 2017); Diana Panke and Ulrich Petersohn, “Why International Norms Disappear Sometimes,” *European Journal of International Relations* 18, no. 4 (2011), 719–742, <https://doi.org/10.1177/1354066111407690>.

way or a *one-step* process ... carried out by a single agent," he writes; and ultimately, the ongoing debates over the meaning and operational modalities of R2P are helping forge an international consensus over "new principles of collective action."¹¹ In the words of Gareth Evans:

Normatively, R2P has achieved a global take-up unimaginable for the concept of humanitarian intervention which R2P has now rightly, and almost completely, displaced. . . [T]here is no longer any serious dissent evident in relation to any of the elements of the 2005 Resolution.¹²

To resolve this debate, it is first important to examine how norms function at various stages of their evolution, as well as their significance in shaping collective behavior. Martha Finnemore and Kathryn Sikkink have developed a three-stage model of the norm "life cycle," moving from "norm emergence" to "norm cascade" and finally to "internalization." Stage 1, norm emergence, is set into motion by "norm entrepreneurs" who "call attention to issues or even 'create' issues by using language that names, interprets, and dramatizes them."¹³ The transition to Stage 2, norm cascade, occurs after the norm reaches the "tipping point" when "norm entrepreneurs have persuaded a critical mass of states to become norm leaders and adopt new norms." During the norm cascade, more countries "begin to adopt new norms more rapidly even without domestic pressure for such change," by a process of "socialization" through which "norm leaders persuade others to adhere." Finally, in Stage 3, internalization, "norms may become so widely accepted that they are internalized by actors and achieve a 'taken-for-granted' quality that makes conformance with the norm almost automatic."¹⁴

Norms come in different types: *regulative norms* serve to "order and constrain behavior," while *constitutive norms* "create new actors, interests, or categories of action." Both types of norms, write Finnemore and Sikkink, "channel and regularize behavior; they often limit the range of choice and constrain action." As the authors acknowledge, however, mapping the life cycle by which norms are adopted does not resolve the question of "which norms will be influential in world politics and under what conditions they will be influential."¹⁵ In other words, the widespread adoption of a norm does not necessarily transform the behavior of actors who profess to support it. In the case of R2P, it is not clear whether the norm cascade that culminated in the unanimous approval of the World Summit Outcome document has

¹¹ Amitav Acharya, "The R2P and Norm Diffusion: Towards a Framework of Norm Circulation," *Global Responsibility to Protect* 5, no. 4 (2013), 479. See also Alex J. Bellamy, *The Responsibility to Protect: A Defense* (Oxford: Oxford University Press, 2014); Ramesh Thakur and William Maley, eds., *Theorising the Responsibility to Protect* (Cambridge: Cambridge University Press, 2015); Ramesh Thakur, "The Responsibility to Protect at 15," *International Affairs* 92, no. 2 (2016), 415–434, <https://www.jstor.org/stable/24757892>; Ramesh Thakur, *Reviewing the Responsibility to Protect: Origins, Implementation, and Consequences*, 1st ed. (Abingdon: Routledge, 2019).

¹² Gareth Evans, foreword to *Implementing the Responsibility to Protect: A Future Agenda*, ed. Cecilia Jacob and Martin Mennecke (New York: Routledge, 2020), xix. See also Gareth Evans, "Responsibility to Protect (R2P): The ICISS Commission Fifteen Years On," *Simons Papers in Security and Development*, no. 54/2016, Burnaby: School for International Studies, Simon Fraser University, October 2016, accessed August 21, 2024, <https://www.gevans.org/opeds/SWP2016-54%20ICISS.pdf>; Thomas G. Weiss, "R2P After 9/11 and the World Summit," *Wisconsin International Law Journal* 24, no. 3 (2006), 741–760; Edward C. Luck, "Sovereignty, Choice, and the Responsibility to Protect" *Global Responsibility to Protect* 1, no. 1 (2009), 10–21, <https://doi.org/10.1163/187598409X405451>; Bellamy, *A Defense* (first mentioned in note 11); Thakur and Maley, *Theorising the Responsibility*; Alex J. Bellamy, *The Responsibility to Protect: The Global Effort to End Mass Atrocities* (Cambridge: Polity, 2009); Alex J. Bellamy and Edward C. Luck, *The Responsibility to Protect: From Promise to Practice* (Cambridge: Polity Press, 2018); Peter Hilpold, ed., *Die Schutzverantwortung (R2P): Ein Paradigmenwechsel in Der Entwicklung Des Internationalen Rechts?* (Leiden: Martinus Nijhoff, 2013); Luke Glanville, *Sharing Responsibility: The History and Future of Protection from Atrocities* (Princeton: Princeton University Press, 2021).

¹³ Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 4, (1998), 896–897, <https://www.jstor.org/stable/2601361>.

¹⁴ *Ibid.*, 901–904.

¹⁵ *Ibid.*, 891, 894, 905–906.

contributed meaningfully to the internalization process by which conformance to the norm becomes “almost automatic.”

Jeffrey Legro has presented three criteria for assessing the efficacy of norms in influencing the behavior of actors in the international system: *specificity*, *durability*, and *concordance*. Specificity is a measure of “how well the guidelines for restraint and use are defined and understood.” Durability “denotes how long the rules have been in effect and how they weather challenges to their prohibitions.” Concordance reflects “how widely accepted the rules are in diplomatic discussions and treaties (that is, the degree of intersubjective agreement).”¹⁶ Legro identifies several further features of concordance that are relevant to R2P:

Do [states] affirm their approval by committing reputations to public ratification? Do states put special conditions on their acceptance of prohibitions, thus diminishing concordance? Or do they take rules for granted, never even considering violating their prescriptions?¹⁷

As Aidan Hehir observes, “for Legro, that states simply express their support for a norm is not in itself sufficient evidence that the norm is, or will be, effective”; rather, their commitment must be matched “by the implementation of measures designed to regulate and judge adherence to the given norm.”¹⁸ The next section of this essay will apply Legro’s concepts of specificity, durability, and concordance in seeking to evaluate the normative power of R2P in influencing state behavior.

Is R2P a “Hollow Norm”?

The World Summit Outcome document stipulates three pillars of the responsibility to protect:

Pillar One: Every state has the Responsibility to Protect its populations from four mass atrocity crimes: genocide, war crimes, crimes against humanity and ethnic cleansing.

Pillar Two: The wider international community has the responsibility to encourage and assist individual states in meeting that responsibility.

Pillar Three: If a state is manifestly failing to protect its populations, the international community must be prepared to take appropriate collective action, in a timely and decisive manner and in accordance with the UN Charter.¹⁹

This section of the essay will assess the efficacy of each pillar of the R2P norm in catalyzing constructive action to reduce the risk of mass atrocities. My discussion will focus on three questions:

1. Does the R2P norm make states less likely to perpetrate or tolerate atrocity crimes on their own territory?
2. Does this norm advance effective international cooperation to prevent mass atrocities?

¹⁶ Jeffrey Legro, “Which Norms Matter? Revisiting the ‘Failure’ of Internationalism,” *International Organization* 51, no. 1 (1997), 34–35, <https://doi.org/10.1162/002081897550294>.

¹⁷ Ibid, 35. See also Hehir, *Hollow Norms*, 156–159.

¹⁸ Hehir, *Hollow Norms*, 157–158.

¹⁹ Global Centre for the Responsibility to Protect, *What is R2P?*.

3. Does it increase the likelihood of effective international action to halt ongoing atrocities?

In addressing each of these questions, I will focus both on the *nature* of the R2P norm and on its *effectiveness* in influencing state behavior. By nature, does it function primarily as a regulative norm that “orders and constrains behavior,” or is it also a constitutive norm that “creates new actors, interests, or categories of action”? Regarding effectiveness, to what extent does it exhibit the features of specificity, durability, and concordance, which are signs of the internalization of norms in international decision-making processes?

Pillar One: Does R2P Dissuade States from Perpetrating Atrocities?

Even the most ardent advocates for R2P make cautious claims about its effectiveness in reducing state-sponsored atrocity crimes. Gareth Evans, the co-chair of the International Committee on Intervention and State Sovereignty (ICISS), which developed the concept of the responsibility to protect, acknowledges that the record of the international community in reacting to mass atrocities since 2005 has been “at best mixed.”²⁰ Ivan Šimonović states this point in starker terms:

In assessing R2P’s impact, an atrocity-prevention reality check based on available numbers and trends indicates quite disappointing results. Despite an increase in the number of states expressing commitment to and institutionalization of R2P, in recent years, atrocity crimes have been on the rise. Lack of respect for some previously established norms of customary humanitarian law has been so widespread and flagrant that we are facing a threat of their potential “de-customizing.”²¹

Hehir argues that two factors limit the normative force of Pillar One of R2P: First, as a regulative rather than constitutive norm, it exercises little influence over the regimes most likely to perpetrate mass atrocities. Second, its lack of specificity, durability, and concordance undermine the norm’s coherence, providing violators with ready-made excuses for non-compliance.

In Hehir’s view, the R2P norm is regulative, not constitutive, because it principally aims to constrain state behavior. He sees little evidence that the UN’s affirmation of R2P has transformed states’ perceptions of their own interests; nor has it fundamentally changed governments’ organizational cultures by creating “new actors” or “categories of action” (apart from the poorly resourced R2P Focal Points in some states and regional organizations). Regulative norms exercise influence primarily through peer pressure—for example, via “naming and shaming” campaigns that threaten violators of the norm with “societal exclusion.”²²

But the states that are “most likely to engage in mass atrocities,” writes Hehir, are “least susceptible to being influenced by this type of societal shaming.” Even the most tyrannical regimes do not lightly embark on campaigns of genocide or ethnic cleansing; they commit these crimes based on a cost-benefit analysis. The “decision to engage in mass atrocities is invariably taken in response to a perceived existential crisis” in which the aggressors believe that “their very existence is dependent on engaging in these crimes.” Thus, “though the costs associated with committing crimes against the target group may be great, the alternative costs of inaction are considered unbearable.”²³

²⁰ Gareth Evans, preface to *Implementing the Responsibility to Protect: A Future Agenda*, ed. Cecilia Jacob and Martin Mennecke (New York: Routledge, 2020), xii. See also Alex J. Bellamy, *Global Politics and the Responsibility to Protect: From Words to Deeds*, 1st ed. (Abingdon: Routledge, 2011).

²¹ Ivan Šimonović, “Conclusion: R2P at a Crossroads: Implementation or Marginalization,” in *Implementing the Responsibility to Protect: A Future Agenda*, ed. Cecilia Jacob and Martin Mennecke (New York: Routledge, 2020), 253.

²² Hehir, *Hollow Norms*, 159.

²³ *Ibid.*, 160–161.

As for the criteria of durability, specificity, and concordance, the R2P norm falls short in each of these areas as well. Although the many UN resolutions referring to R2P may be seen as a sign of its durability, the term has been invoked selectively: for example, the overwhelming majority of these resolutions have addressed conflicts in Africa, while virtually none have dealt with conflicts in Asia, Europe, or the Americas. Moreover, an increasing number of states have expressed hostility toward the concept.²⁴ The Russian government, which justified its 2008 invasion of Georgia by claiming that it had a responsibility to protect endangered “Russian-speaking citizens” in the breakaway republics of South Ossetia and Abkhazia, became highly critical of R2P after the 2011 intervention in Libya. In the United States, the phrase “responsibility to protect” has been notably absent from the speeches and public statements of American political leaders and diplomats ever since the killing of Libyan leader Muammar Gaddafi.²⁵ Regarding specificity and concordance, that Russia could invoke R2P to justify its war of aggression against Georgia is a sign of the concept’s ambiguity and malleability. That a range of regimes guilty of grievous human rights violations—including Sudan, Syria, Myanmar, Saudi Arabia, Bahrain, Iran, North Korea, and Angola—have publicly embraced R2P suggests that at least some world leaders have discordant visions of the doctrine’s meaning.²⁶

The question of why certain perpetrator states have issued performative statements of support for R2P, rather than simply ignoring it, is an intriguing one. Perhaps this choice reflects diplomats’ desire to reap the social benefits of normative compliance, in terms of greater in-group solidarity, without paying any of the costs. Alternatively, these statements could reflect self-conscious efforts to undermine the force of international legal conventions by mocking or satirizing them.²⁷

Hehir makes a stronger claim: namely that (at least since 2011) the UN Security Council has effectively gutted the R2P doctrine of any credible enforcement mechanism by ruling out international action under Pillar Three—which qualified the principle of national sovereignty by declaring that the international community had the responsibility to intervene if the state was “manifestly failing to protect its populations.” Stripped of Pillar Three, Hehir argues, R2P has had the perverse effect of reinforcing the older doctrine of “Westphalian fundamentalism,” holding that sovereignty gave national governments “complete freedom to act however they liked within their own borders,” and that “states *should* be afforded complete internal autonomy.”²⁸ Without Pillar Three, he suggests, R2P is worse than useless, because it provides legitimacy and legal cover to regimes that are committing atrocity crimes against their citizens. Indeed, Hehir suggests that the promulgation of R2P has exacerbated the degradation of the international human rights regime and the increasing incidence of mass atrocities in the world over the past two decades.

This judgment is unwarranted. As Šimonović points out, a wide range of other factors have played a far more significant role in causing the recent spike in atrocity crimes: for example, “tensions and anxieties caused by unregulated globalization, changes in global power relations, the social impact of technological development, climate change, demographic trends, and an increase in migration,” along with the global financial crisis, catastrophic levels of youth unemployment in many developing countries, and intensifying divisions between “key global

²⁴ Ibid., 128–135; 157.

²⁵ See for example Matthew Levinger, “A Core National Security Interest: Framing Atrocities Prevention,” *Politics and Governance* 3, no. 4 (2015), 26–43, <https://doi.org/10.17645/pag.v3i4.322>; James Mann, *The Obamians: The Struggle Inside the White House to Redefine American Power* (New York: Viking, 2012), 281–301, 322–345. The marginalization of political and diplomatic rhetoric regarding R2P has continued under the Trump and Biden administrations.

²⁶ Hehir, *Hollow Norms*, 106–107, 158, 165–171.

²⁷ On the Russian government’s efforts to satirize international law and norms, see Elizabeth Cullen Dunn and Michael S. Bobick, “The Empire Strikes Back: War Without War and Occupation Without Occupation in the Russian Sphere of Influence,” *American Ethnologist* 41, no. 3 (2014), 405–413, <https://www.jstor.org/stable/24027361>.

²⁸ Ibid., 103–107.

and regional actors.”²⁹ The UN did not cause any of these developments by adopting R2P, and Šimonović sees no plausible case that international governance would be better off without it. Nonetheless, he writes, “R2P is currently at a crossroads—and the future is either its implementation or its marginalization.”³⁰

Pillar Two: Does R2P Advance International Cooperation for Atrocity Prevention?

The picture regarding Pillar Two, which calls for international assistance to individual states in meeting their responsibility to protect vulnerable populations, is more mixed. Not surprisingly, Hehir dismisses the value of existing Pillar Two activities. In discussing the international R2P Focal Point Network, he declares that “in a bid to generate state support, R2P has been watered down to the extent that its utility is rendered moot.”³¹ But other observers are more sanguine. A critical difference between preventive activities and actions undertaken in response to ongoing atrocities is that, in the preventive stages, regimes have not yet made the decision to commence a campaign of genocide or ethnic cleansing—thus they may not yet perceive themselves as existentially threatened, and more room may exist for compromise and de-escalation of conflict.

The activities of the various national R2P Focal Points and their associated international networks provide examples of constitutive norm change that creates new political actors and “categories of action” surrounding the civilian protection mission (though whether these activities have meaningfully influenced states’ perceptions of their own interests is another question). Article 4(h) of the African Union Constitutive Act, ratified five years before the adoption of the World Summit Outcome document, proclaimed “the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity.”³² This statement represented an explicit rejection of the “Westphalian fundamentalism” lamented by Hehir.

In the United States, President Barack Obama issued a directive in 2011 establishing an interagency Atrocities Prevention Board, whose mandate was to alert senior policymakers to emerging threats of mass atrocities and devise strategies for coordinated preventive responses.³³ The Latin American Network for Genocide and Mass Atrocity Prevention, launched in 2012, aims to serve as “a regional tool that contributes to the continued mainstreaming of atrocity prevention in national agendas.”³⁴ In Asia, there have been some limited accomplishments in advancing the civilian protection agenda—for example, the establishment of a war crimes tribunal in Cambodia for leaders of the Pol Pot regime in 2006 and the establishment of a regional network of national peacekeeping centers in 2009, as well as the Asia Pacific Partnership for Atrocity Prevention in 2015. But the commitment to the principles of national sovereignty and non-interference in the internal affairs of other states, which is enshrined in the Association of Southeast Asian Nations (ASEAN) Charter, remains an obstacle to advancing the R2P agenda.³⁵

²⁹ Šimonović, *R2P at a Crossroads*, 254.

³⁰ *Ibid.*, 256.

³¹ *Ibid.*, 204.

³² Constitutive Act of the African Union (2000), accessed September 21, 2024, https://au.int/sites/default/files/pages/34873-file-constitutiveact_en.pdf. See also Frank O. Okyere, “African Experiences of R2P Implementation,” in *Implementing the Responsibility to Protect: A Future Agenda*, ed. Cecilia Jacob and Martin Mennecke (New York: Routledge, 2020), 109–123; Solomon A. Dersso, “The African Union,” in *An Institutional Approach to the Responsibility to Protect*, ed. Gentian Zyberi (Cambridge: Cambridge University Press, 2013), 220–246.

³³ Stephen Pomper, “Atrocity Prevention Under the Obama Administration,” in *Implementing the Responsibility to Protect: A Future Agenda*, ed. Cecilia Jacob and Martin Mennecke (New York: Routledge, 2020), 61–86.

³⁴ Thakur, *The Responsibility to Protect* at 15, 420.

³⁵ *Ibid.*; Noel M. Morada, “ASEAN Regionalism and Capacity-Building for Atrocities Prevention: Challenges and Prospects,” in *Implementing the Responsibility to Protect: A Future Agenda*, ed. Cecilia Jacob and Martin Mennecke (New York: Routledge, 2020), 97, 103; Noel M. Morada, “The Association of Southeast Asian Nations,” in *An Institutional Approach to the Responsibility to Protect*, ed. Gentian Zyberi (Cambridge: Cambridge University Press, 2013), 247–267.

Although these institutions have generally failed to spur effective policy responses to the highest profile crises, such as in Syria and Myanmar, they have helped create a global community of interest in atrocity prevention that has reinforced the specificity, durability, and concordance of the civilian protection norm. In the United States, the Atrocities Prevention Board promoted atrocities prevention training programs for U.S. officials from a wide range of agencies, and it pressed for the issuance of a 2012 Joint Publication by the U.S. Department of Defense on mass atrocity response operations. It also helped mobilize coordinated preventive responses to emerging crises in countries such as Burundi and Central African Republic. Though these efforts did not build enduring peace in these troubled nations, they did in some cases help “prevent a small fire from becoming a large one.”³⁶ The Donald J. Trump administration scaled back but did not abolish the Atrocities Prevention Board. President Trump also supported a few measures that led to normative progress in this field: notably by issuing Executive Order 13818, permitting sanctions against any foreign person determined “to be responsible for or complicit in, or to have directly or indirectly engaged in, serious human rights abuse”; and by signing the Global Fragility Act of 2019, which authorized long-term investments for violence prevention and resilience-building initiatives in vulnerable nations.³⁷

Taking stock of the record of R2P implementation in a 2015 report, UN Secretary-General Ban Ki-moon pointed to the “notable successes” of international engagement under Pillar Two to prevent the recurrence of mass atrocities in Côte d’Ivoire, Guinea, Kenya and Kyrgyzstan—even as he lamented the failure of the international response to ongoing atrocities and crimes against humanity in other countries including Syria, South Sudan, Yemen, and North Korea. Ban observed that “the international community systematically continues to underinvest” in atrocity prevention despite “considerable evidence that dialogue and preventive diplomacy play an important role in encouraging States to fulfil their responsibility to protect.” He declared it “imperative that Member States and other international actors devote more energy and resources to effective prevention” measures.³⁸ Ban’s observations remain equally valid today.

Pillar Three: Does R2P Catalyze International Action to Halt Atrocities?

Pillar Three, which calls for “appropriate collective action” by the international community if “a state is manifestly failing to protect its populations,” has always been the most controversial component of the R2P doctrine. Not a single UN Security Council resolution since the 2011 intervention in Libya has referred to international obligations under Pillar Three. Nor have the United States or other nations invoked this principle since then, either in Security Council debates or in other contexts, on behalf of potential international enforcement actions. Thus, there is little evidence that Pillar Three has functioned as a constitutive norm that has transformed states’ perceptions of their interests or the organizational cultures of their decision-making.

As a norm, Pillar Three also fails to satisfy the criteria of specificity, durability, and concordance. Edward Luck illustrated this point through an anecdote from his time as the first Special Adviser to the UN Secretary-General on the Responsibility to Protect. In conversations

³⁶ Pomper, *Atrocity Prevention*, 65–80. The quote is from U.S. Ambassador to the United Nations Samantha Power (Pomper, *Atrocity Prevention*, 69). See also James P. Finkel, “Atrocity Prevention at the Crossroads: Assessing the President’s Atrocity Prevention Board after Two Years,” *Center for the Prevention of Genocide Series of Occasional Papers*, no. 2 (Washington, DC: United States Holocaust Memorial Museum, 2014), accessed July 27, 2024, <https://www.ushmm.org/m/pdfs/20140904-finkel-atrocity-prevention-report.pdf>; James P. Finkel, “Moving Beyond the Crossroads: Strengthening the Atrocity Prevention Board,” *Genocide Studies and Prevention: An International Journal* 9, no. 2 (2015), 138–147, <http://dx.doi.org/10.5038/1911-9933.9.2.1361>.

³⁷ James P. Finkel, “Atrocity Prevention from Obama to Trump 1,” in *Preventing Mass Atrocities: Policies and Practices*, ed. Barbara Harff and Ted Robert Gurr (London: Routledge, 2019), 113–134; Pomper, *Atrocity Prevention*, 74, 79; H.R. 2116—*Global Fragility Act*, 116th Congress (2019–2020), (U.S.A.), accessed September 21, 2024, <https://www.congress.gov/bill/116th-congress/house-bill/2116>; “Global Fragility Act,” *Alliance for Peacebuilding* (n.d.), accessed September 21, 2024, <https://www.allianceforpeacebuilding.org/globalfragilityact>.

³⁸ Ban Ki-moon, *A Vital and Enduring Commitment: Implementing the Responsibility to Protect: Report of the Secretary-General*, July 13, 2015, (UN Doc. A/69/981-S/2015/500), 4–5, 6–7, 10, <https://digitallibrary.un.org/record/798795?ln=en>. See also Šimonović, *R2P at a Crossroads*, 263.

with other UN diplomats, Luck “was surprised that several leading representatives of developing countries” told him that “they had ‘killed’ or ‘buried’ R2P at the 2005 Summit. What they meant, it turned out, was that they once again had resisted the adoption of humanitarian intervention as a unilateral, coercive, and largely military doctrine.”³⁹

The wording of paragraphs 138 and 139 of the World Summit Outcome document has often been derided as “R2P lite,” because it weakened the language of the ICISS report, on which it was based, in several important respects. First, it narrowed the scope of R2P by limiting it to protecting populations only from “genocide, war crimes, ethnic cleansing, and crimes against humanity”—unlike the ICISS document, which had called for international action in response to “serious harm, as a result of internal war, insurgency, repression, or state failure.” Second, it raised the threshold for international action from imminent or actual “large scale loss of life” or “ethnic cleansing”⁴⁰ to situations in which “national authorities manifestly fail to protect their populations.” Third, and most important, it stipulated that only the UN Security Council was authorized to approve international action under Pillar Three—which required unanimous support (or at a minimum abstentions) from all of the Permanent Five (P-5) member states.⁴¹ As Alex Bellamy observes, in the 2005 debates, most states shared the view that a central purpose of the responsibility to protect was “to constrain western interventionism” rather than to facilitate robust responses to mass atrocities; thus they insisted that “the absolute primacy of the Security Council had to be reaffirmed.”⁴²

Already in 2006, Thomas Weiss wrote that the “reluctance among countries that earlier might have been counted among R2P’s friends seems to be growing in UN corridors,” in part because “[t]he world’s worst apprehensions regarding U.S. military activism were rekindled by the Iraq crisis.” In February of that year, the government of Sudan succeeded in fending off U.S. efforts to reinforce the African Union mission in Darfur by linking “even feeble Western activism in Darfur to U.S. and UK action in Iraq,” depicting it as “as one more incursion of a Christian army into an Islamic land.”⁴³

Such critiques grew louder after the 2011 intervention in Libya, which began as an R2P mission and ended with the killing of Libya’s leader. China and the Russian Federation, both of which had abstained from the UN Security Council vote to authorize the intervention, vowed never again to be fooled by the pious pronouncements of Western leaders about the need to protect vulnerable civilians. Thus, they consistently vetoed subsequent UN Security Council resolutions aimed at ending the bloodbath in Syria. Brazil led an after-action review of the Libya intervention, issuing a report entitled “Responsibility While Protecting.” The RWP proposal demanded that “the application of R2P should be consistent with the principles of last resort and proportionality” and called for the Security Council to ensure “greater accountability during the operations undertaken in the name of the R2P.”⁴⁴ The U.S. and its NATO allies,

³⁹ Edward C. Luck, “Building a Norm: The Responsibility to Protect Experience,” in *Mass Atrocity Crimes: Preventing Future Outrages*, ed. Robert I. Rotberg (Cambridge: World Peace Foundation, 2010), 115.

⁴⁰ Under the “Just Cause Threshold” of the ICISS report, “Military intervention for human protection purposes” could be justified on the basis of “large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation,” or on the basis of “large scale ‘ethnic cleansing,’ actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape.” International Commission on Intervention and State Sovereignty, synopsis to *The Responsibility to Protect* (Ottawa: International Development Research Centre, December 2001), xi, accessed September 21, 2024, <https://idrc-crdd.ca/sites/default/files/openbooks/960-7/index.html>.

⁴¹ Jeremy Sarkin, “The Rise and Fall (and Supposed Rise Again) of the Responsibility to Protect (R2P) as a Norm of International Law: R2P in the Human Rights Landscape,” in *Reassessing the Responsibility to Protect: Conceptual and Operational Challenges*, ed. Brett R. O’Bannon (London: Routledge, 2016), 59–60. See also Luck, *Building a Norm*, 111–118; Luck, *Sovereignty*; Weiss, *R2P After 9/11*, 750.

⁴² Alex J. Bellamy, “Whither the Responsibility to Protect? Humanitarian Intervention and the 2005 World Summit,” *Ethics & International Affairs* 20, no. 2 (2006), 164, <https://doi.org/10.1111/j.1747-7093.2006.00012.x>.

⁴³ Weiss, *R2P After 9/11*, 752, 759.

⁴⁴ Acharya, *The R2P and Norm Diffusion*, 477.

however, chose to move in a different direction, adopting a de facto policy of “intervention without responsibility”⁴⁵ in their subsequent military deployments to Somalia, Syria, Iraq, Yemen, the Sahel, and other conflict hot spots.

Jeffrey Bachman observes that R2P is a “discretionarily applied international doctrine” that renders the P-5 states “immune from the application of R2P based on their permanent veto-wielding positions on the Security Council.” In effect, Bachman writes, this makes the P-5 members—especially the United States and China—“outlaw states” that have “fully situated themselves outside the reach of laws and norms.”⁴⁶ (Presumably he would have added a third member to his Group of Outlaws had the book been written after Russia’s 2022 invasion of Ukraine.) Whether or not one accepts Bachman’s intentionally shocking formulation, it is hard to contest his underlying point. Pillar Three of the R2P doctrine, whose goals were to deter states from committing mass atrocities while creating a binding legal framework to restrain and regulate military interventions by powerful states against weaker ones, has largely failed on both counts.

Reframing the Civilian Protection Agenda

Aidan Hehir’s critique of R2P rests in part on the distinction between regulative norms, which “order and constrain behavior,” and constitutive norms, which “create new actors, interests, or categories of action.”⁴⁷ The widespread affirmation of the R2P norm in recent years, he argues, has transformed neither states’ perceptions of their own interests nor the organizational cultures that shape their decisions. Thus, R2P’s normative power is primarily regulative rather than constitutive, and—in the absence of clearly defined and consistently applied enforcement mechanisms—it is vulnerable to “instrumental manipulation” to “further selfish ends.”⁴⁸

As argued in the previous section, Hehir makes a persuasive case—though he may underestimate the efficacy of R2P-related initiatives in the prevention phase, before embattled regimes perceive themselves as confronting existential crises requiring the expulsion or extermination of a potential target group.⁴⁹ This section of the essay focuses on a further question: is it inevitable that R2P remain merely a regulative norm, or may it be possible to reframe the civilian protection agenda so that it becomes a constitutive norm that transforms governments’ perceptions of their own interests and their policy-making processes? I will begin with a personal anecdote based on my experiences as founding director of the Academy for Genocide Prevention at the United States Holocaust Memorial Museum from 2004 to 2007.

Constitutive Norm-Building: A Personal Account

Shortly after the opening of the United States Holocaust Memorial Museum in 1993, the Museum established the Committee on Conscience, whose mandate was “to alert the national conscience, influence policymakers, and stimulate worldwide action to confront and work to halt acts of genocide or related crimes against humanity.”⁵⁰ In 2004, the Committee’s staff director, Jerry Fowler, hired me to help launch the Museum’s Academy for Genocide Prevention, envisioned as a center for applied research and professional training that would provide U.S. foreign policy officials with the skills to recognize and respond to emerging threats of genocide and mass atrocities. Having worked on this challenge over the previous year as a visiting fellow at the U.S. State Department, I believed that the mission of the Academy needed to be reframed. The key obstacle to effective genocide prevention efforts by the U.S. government, I had concluded, was not so much the lack of professional expertise but rather an *institutional culture* depicting genocide as a

⁴⁵ Chandler, *The R2P is Dead*, 4.

⁴⁶ Bachman, *The Politics of Genocide*, 13–14.

⁴⁷ Finnemore and Sikkink, *International Norm Dynamics*, 891; Hehir, *Hollow Norms*, 9.

⁴⁸ Hehir, *Hollow Norms*, 77–78.

⁴⁹ *Ibid.*, 159–164.

⁵⁰ “Committee on Conscience,” *United States Holocaust Memorial Museum* (n.d.), accessed September 21, 2024, <https://www.ushmm.org/genocide-prevention/simon-skjodt-center/committee-on-conscience>.

“soft” humanitarian problem that was peripheral to U.S. national security interests, and hence not worthy of a robust and coordinated policy response.

I focused my work at the Holocaust Museum on addressing this cultural challenge: seeking to forge “constitutive norms” that would highlight the relevance of genocide prevention to U.S. national security and help transform relevant decision-making processes by the U.S. government and its international partners. Our team organized off-the-record workshops, bringing together representatives of U.S. military and civilian agencies, other governments, international institutions, think tanks, and humanitarian organizations, to assess emerging threats of mass atrocities and potential coordinated policy responses. We launched the Genocide Prevention Mapping Initiative, a partnership with Google Earth and Humanity United, whose goal was to visualize risks of genocide using Geographic Information Systems (GIS) technology and to build networks of on-the-ground responders.⁵¹

Most important, our team led the Museum’s efforts to launch, in partnership with the American Academy of Diplomacy and the United States Institute of Peace, the Genocide Prevention Task Force, which was chaired by former U.S. Secretary of State Madeleine Albright and former U.S. Secretary of Defense William Cohen. In the initial concept paper for this project, I wrote that the Task Force would seek to “spotlight the challenge of genocide prevention as a core foreign policy priority for the U.S. government, and to move this issue from the margins to the center of mainstream U.S. foreign policy deliberations.”⁵² The final report of the Genocide Prevention Task Force provided the blueprint for the Presidential Study Directive on Mass Atrocities (PSD-10), issued by President Barack Obama in 2011. This directive declared that “[p]reventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States,” and it established a standing U.S. government interagency Atrocities Prevention Board (whose activities were discussed in the previous section).⁵³

Constitutive Norm-Building: Our Collective Challenge

Two decades after my first foray into this field of work as a visiting fellow at the U.S. State Department, it is hard to escape the conclusion that the world’s governments are moving backwards in their efforts to protect civilian populations from genocide and mass atrocities. Thomas Weiss anticipated this development in a 2006 essay:

Shortly after the so-called victory in the war in Iraq, I argued that the sun had set on humanitarian intervention because the obsessions with Afghanistan, Iraq, and terrorism meant that strategic considerations would trump humanitarian concerns for the foreseeable future.⁵⁴

The past decade has witnessed a dispiriting continuation of this trend. The rise to power of populist leaders in many parts of the world, including in the United States, has led to greater political focus on the welfare of embattled “in-groups” and less attention to the plight of vulnerable populations elsewhere in the world. The large-scale crimes against humanity currently being perpetrated by two of the UN Security Council’s P-5 member states—China in Xinjiang Province and the Russian Federation in Ukraine—have severely undercut the prospect

⁵¹ Matthew Levinger, “Geographical Information Systems Technology as a Tool for Genocide Prevention: The Case of Darfur,” *Space and Polity* 13, no. 1 (2009), 69–76. <https://doi.org/10.1080/13562570902781249>.

⁵² Matthew Levinger, “Concept Paper for Genocide Prevention Task Force” (unpublished project proposal), March 2007, 1.

⁵³ Madeleine K. Albright and William S. Cohen, *Preventing Genocide: A Blueprint for U.S. Policymakers* (Washington, DC: United States Holocaust Memorial Museum, The American Academy for Diplomacy, and the United States Institute of Peace, 2008); “Presidential Study Directive on Mass Atrocities (PSD-10),” *Office of the Press Secretary*, August 4, 2011, accessed September 21, 2024, <https://obamawhitehouse.archives.gov/the-press-office/2011/08/04/presidential-study-directive-mass-atrocities>.

⁵⁴ Weiss, *R2P After 9/11*, 758.

of UN approval for effective civilian protection missions anytime in the near future. Meanwhile, some critics have charged that the Biden administration's "provision of arms that are killing civilians in Gaza" is "alienating the Global South" and "seriously undermines our credibility on human rights worldwide."⁵⁵

The emergence of "great-power competition" as the dominant organizing principle for U.S. foreign policy has had further polarizing effects, making it more difficult to coordinate atrocity prevention efforts with international rivals and non-aligned states. For example, although the Biden administration was quick to accuse the Chinese Communist Party of committing genocide against its Uighur minority, it has remained quiet about atrocity crimes elsewhere in the world, as well as in Ethiopia and Sudan. This perceived double standard fuels suspicions that the United States is instrumentalizing charges of genocide for its own geopolitical advantage.

Ironically, even as the issue of atrocity prevention is increasingly marginalized from mainstream foreign policy deliberations in the Western world, it is becoming more and more abundantly clear that atrocity prevention is indeed a "core national security interest" of the United States and its international partners. The history of Russian atrocity crimes from Chechnya to Ukraine provides a case in point. The campaign of annihilation unleashed against Grozny in 1999–2000, at the outset of the Second Chechen War, provided a model for Russia's subsequent bombardments of Syrian cities from 2015 onward and Ukraine beginning in 2022. The absence of robust international responses to Russian war crimes in Chechnya and Syria helped create a permission structure that emboldened Russian President Vladimir Putin in escalating his war of aggression against Ukraine. The Russian bombing campaign in Syria had the further effect of weaponizing refugee flows that destabilized and fractured the European Union, contributing to the success of the 2016 Brexit campaign in the United Kingdom and the rise of illiberal populist governments in Hungary and other Eastern European EU member states.

Criminal violence and human rights violations perpetrated by nonstate actors can have equally pernicious effects on the national security of the United States and other nations. Violence committed by gangs and transnational criminal organizations in Central America and Haiti has caused increasing refugee flows across the U.S. southern border, aggravating the polarization of American domestic politics. Moreover, insurgencies and international terrorist movements thrive in conditions of political instability and mass violence. Abu Bakr Naji, the seminal political strategist cited by ISIS leaders, argued that a precondition for moving Muslims toward "submission to the administration" of the Islamic state was to create conditions of "chaos" or "savagery," through which "a spontaneous kind of polarization begins to happen among the people who live in the region of chaos."⁵⁶ By the same logic, preventing atrocities and building more stable and resilient communities in regions under stress is a vitally important step toward reducing the appeal of terrorist groups.

Critics of R2P often claim that it imposes a potentially infinite set of obligations, which are impossible to fulfill, on the United States and other nations. During the 1990s, American opponents of humanitarian interventions argued that the United States could not become "the world's policeman." John Bolton, the U.S. Ambassador to the United Nations at the time of the 2005 World Summit, was a staunch proponent of this view. On the eve of the Summit, Bolton issued a letter to the other UN member states acknowledging that the "international community has a particular interest and role to play in cases involving genocide, ethnic cleansing, crimes against humanity and other large-scale atrocities" when national authorities were perpetrating or permitting these crimes, because the "risk in such cases to international peace and security is clear." Nonetheless, Bolton denied that "either the United Nations as a whole, or the Security

⁵⁵ Charles Blaha, "Why Is the US Still Sending Arms to Israel without Conditions?," *Australia Broadcast Corporation*, February 19, 2024, accessed September 21, 2024, <https://www.abc.net.au/listen/programs/radionational-breakfast/us-arms-israel/103487188>.

⁵⁶ Abu Bakr Naji, *The Management of Savagery: The Most Critical Stage Through Which the Umma Will Pass*, trans. William McCants (John M. Olin Institute for Strategic Studies at Harvard University, 2006), 26–27, 110, accessed September 27, 2024, https://www.narrativespace.net/uploads/1/1/7/9/117904861/management_of_savagery.pdf.

Council, or individual states” had any “obligation to intervene under international law” in cases of genocide or mass atrocities.⁵⁷

Six years later, at the outset of the 2011 intervention in Libya, Bolton stated this critique more harshly. Dismissing R2P as a “a gauzy, limitless doctrine without any anchor in U.S. national interests,” Bolton declared:

The “responsibility to protect,” of course, is limitless by its own terms. Why are we not using force to protect the North Koreans, who’ve suffered through decades of totalitarian rule? Why are we not using force to protect Zimbabweans from Robert Mugabe, whose abuses are easily on a par with Qaddafi’s? What about Syrians, Iranians, Tibetans, etc.? The endlessness of the responsibility to protect is not a conceptual problem with the doctrine, but its essence. It cannot be “corrected,” because that is its core message. And its error lies not just in its unbounded vistas, but in its critical dirty secret among the international High-Minded: It requires using someone else’s troops, usually ours, to achieve moral satisfaction.⁵⁸

There is an irony in Bolton’s denunciations of the “limitless” nature of R2P, given that he, more than virtually any other figure in the U.S. foreign policy establishment, is known for his limitless ambitions for U.S. international primacy. Not only was Bolton one of the strongest advocates for the 2003 U.S. invasion of Iraq, but he has called at various times for bombing Iran and North Korea, and has taken credit for planning coups d’état in other unspecified nations.⁵⁹ One can imagine Bolton advocating U.S. military interventions against virtually all of the countries on the above list, provided that these interventions could be justified on the basis of U.S. national security rather than the responsibility to protect.

Our goal here is not to emulate John Bolton; rather, I seek to identify ways of forging international consensus on behalf of collaborative and cost-effective strategies to prevent and halt atrocity crimes in conflict-prone regions around the world. Bolton is correct that the challenges are vast and our resources for addressing them are inherently constrained. Moreover, threats to international peace and security are likely to become increasingly acute over the coming generation as a consequence of continuing population growth and intensifying competition for resources in many countries of the Global South, as well as the destabilizing effects of climate change.

The imperative of climate change adaptation is indeed a key reason why protecting civilian populations from atrocity crimes is so essential. A recent study predicted that 410 million people around the world may be displaced by sea level rise by the year 2100;⁶⁰ and millions more may be forced to move by drought and rising temperatures in arid regions. The

⁵⁷ John R. Bolton, Letter on the Responsibility to Protect, August 30, 2005, accessed September 21, 2024, http://www.humanrightsvoices.org/assets/attachments/documents/bolton_responsibility_to_protect.pdf. See also Luck, *Sovereignty*, 19–20.

⁵⁸ John R. Bolton, “Irresponsible: Against a ‘Responsibility to Protect’ in Foreign Affairs,” *American Enterprise Institute*, April 1, 2011, accessed July 25, 2024, <https://www.aei.org/articles/irresponsible-against-a-responsibility-to-protect-in-foreign-affairs/>.

⁵⁹ Gregory Krieg, “John Bolton on: Bombing Iran, North Korea, Russia, and the Iraq War,” *CNN*, March 23, 2018, accessed September 21, 2024, <https://www.cnn.com/2018/03/23/politics/what-john-bolton-said-iraq-iran-north-korea/index.html>; Martin Pengelly, “John Bolton Says He Helped Plan ‘Coups d’Etat’ in Other Countries,” *Guardian*, July 13, 2022, accessed September 21, 2024, <https://www.theguardian.com/us-news/2022/jul/13/john-bolton-planned-coups-donald-trump-january-6>.

⁶⁰ Aljosja Hooijer and Ronald Vernimmen, “Global LiDAR Land Elevation Data Reveal Greatest Sea-Level Rise Vulnerability in the Tropics,” *Nature Communications* 12, no. 3592 (2021), 1–7, <https://www.nature.com/articles/s41467-021-23810-9>.

silver lining of climate change is that its timeline and effects are relatively predictable—so governments and citizens around the world have time to prepare for and adapt to the coming changes in a systematic manner. Such adaptations, however, will only be possible through robust international cooperation. It may be feasible, over a period of decades, to peacefully move hundreds of millions of people displaced by drought or rising seas to more hospitable regions. But if millions more are suddenly and unexpectedly displaced by wars and mass atrocities (as has recently been the case in Syria, Afghanistan, Ukraine, Venezuela, and other countries), the challenges to global peace and security will become overwhelming.

Conclusion

My analysis in this paper leads to three conclusions about how the international normative consensus for atrocity prevention can be strengthened:

(1) *Pillar Two of R2P Needs Reinforcement*

UN Secretary-General Ban Ki-moon's 2015 observation that "the international community systematically continues to underinvest" in atrocity prevention remains valid today. Although the U.S. and other states have supported violence prevention initiatives such as the Global Fragility Act (GFA), the funding and other resources devoted to these efforts have been limited. The GFA's five-year budget for programs in nine countries is \$1.15 billion—an average of about \$25 million per country per year.⁶¹ Given the enormous security challenges confronting some of the countries on the list (for example, Libya and Haiti), this investment is but a drop in the bucket of unmet needs.

The paucity of resources for violence prevention initiatives makes it critical that these resources be used in an efficient and coordinated manner to maximize their catalytic effect. Although Pillar Two refers to the responsibility to "assist individual states" in protecting their people, assistance programs should not focus on supporting national governments alone. Rather, they should seek to help integrate the resources of a wide range of actors (including national, provincial, and local governments, along with regional organizations, development assistance agencies, civil society groups, and private sector firms) in assessing and responding to emerging risks. In recent years, various organizations have experimented with collaborative mapping initiatives utilizing GIS technology to strengthen early warning networks as well as to help mobilize local and global resources for resilience building and preventive action.⁶² Such initiatives warrant further development. Community-based peacebuilding dialogues—provided that they are integrated with other relevant programming by governments, civil society organizations, and international assistance providers—can also play a constructive role.⁶³

(2) *Pillar Three of R2P Needs Resuscitation.*

Without Pillar Three, which authorizes international action to halt ongoing atrocities, R2P is profoundly weakened. A core element of R2P is that a state's sovereign authority is contingent

⁶¹ Alliance for Peacebuilding, *Global Fragility Act*; Susanna Campbell and Corinne Graff, "Implementing the Global Fragility Act: What Comes Next?" (Washington, DC: United States Institute of Peace, April 7, 2022), accessed July 25, 2024, <https://www.usip.org/publications/2022/04/implementing-global-fragility-act-what-comes-next>.

⁶² Levinger, *Geographical Information Systems Technology*; Elisenda Calvet-Martínez, "The Use of Geospatial Imagery in Myanmar for Mass Atrocity Prevention," in "Evidence-Based Approaches to Preventing Genocide and Mass Atrocities," eds. Jamie D. Wise and Kristina Hook, special issue, *Genocide Studies and Prevention* 18, no. 1 (2024), 96–111, <https://doi.org/10.5038/1911-9933.18.1.1958>; Jennifer Leaning, "The Use of Patterns in Crisis Mapping to Combat Mass Atrocity Crimes," in *Mass Atrocity Crimes: Preventing Future Outrages*, ed. Robert I. Rotberg (Cambridge: World Peace Foundation, 2010), 192–219; "Data for Peace," *Fund for Peace* (n.d.), accessed September 21, 2024, <https://fundforpeace.org/what-we-do/data-for-peace/>; "We Transform Conflict in the Digital Age," *Build Up* (n.d.), accessed September 21, 2024, <https://howtobuildup.org/>; "Case Studies," *Ushahidi* (n.d.), accessed September 21, 2024, <https://www.ushahidi.com/in-action/case-studies/>.

⁶³ The Neem Foundation's dialogue program in Northeast and Northwest Nigeria provides an excellent example of this integrated approach. "Social Cohesion, Stabilization, and Reintegration," *Neem Foundation* (n.d.), accessed September 21, 2024, <https://neemfoundation.org.ng/social-cohesion-stabilisation-reintegration/>.

on its commitment to protecting its population from genocide and other atrocity crimes. Stripped of any international enforcement mechanism, it instead emphasizes the primacy of the state in fulfilling its civilian protection responsibilities, along with the responsibility of the international community to “assist individual states” in fulfilling those duties. Thus, it may ironically be viewed as reinforcing a fundamentalist Westphalian view of sovereignty, holding that states have freedom to act inside their borders without interference from other states or international organizations. States such as Sudan may celebrate R2P as a “sublime principle to which we all aspire,” even as they oversee campaigns of genocidal violence.

The key obstacle to resuscitating Pillar Three is the deadlock among the P-5 member states of the UN Security Council, which has been aggravated by the Russian war on Ukraine, the conflict in Gaza, and the intensifying rhetoric and practice of “great-power competition.” This challenge has no easy answer. One approach taken by R2P advocates has been the 2015 “Political Declaration on Suspension of Veto Powers in Cases of Mass Atrocities” advanced by France and Mexico, calling for “voluntary restraint on the use of the veto by the Permanent Members of the UN Security Council when faced with mass atrocities.” Although the declaration has been signed by 104 UN member states, none of the P-5 states are likely to abide by this pledge in cases where they perceive threats to their vital national interests.⁶⁴ Another long-standing initiative has been the campaign to amend the UN Charter to change the membership and working procedures of the Security Council. But, because any amendments to the UN Charter require unanimous support from the P-5 states, each of which would potentially stand to lose power under the new arrangements, the campaign for UN reform has gone nowhere.⁶⁵

Given these constraints, how then to proceed? “The United Nations’ system of collective security,” writes Tim Murithi, “is slowly dying, suffocated by the egregious actions of some of its most powerful members.” Under the current circumstances, “More and more countries in Africa and elsewhere in the global South are refusing to align with either the West or the East, declining to defend the so-called liberal order but also refusing to seek to upend it as Russia and China have done.”⁶⁶ Murithi is one of a growing number of experts calling for the invocation of Article 109 of the UN Charter, which enables a special “charter review conference” to be convened by a “two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council,” bypassing the veto power of the P-5 states.⁶⁷ Murithi envisions the creation of a “new multilateral system” in which no single country possesses “veto power over collective decision-making,” and in which authority is “split between nation-states and supranational actors, including the AU, the EU, the Association of Southeast Asian Nations, and the Organization of American States.”⁶⁸

In the absence of a comprehensive overhaul of the UN architecture through a charter review conference—an unlikely prospect in the immediate future—more modest and incremental steps may be useful. Currently, advocates for R2P seem to be adhering to an implicit agreement that it is best not to jeopardize hard-won normative progress by pushing for

⁶⁴ “Political Declaration on the Suspension of Veto Powers in Cases of Mass Atrocities,” *Global Centre for the Responsibility to Protect*, August 1, 2015, accessed September 21, 2024, <https://www.globalr2p.org/resources/political-declaration-on-suspension-of-veto-powers-in-cases-of-mass-atrocities/>.

⁶⁵ Under Article 108 of the UN Charter, Amendments to the Charter must be ratified “by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.” United Nations, *United Nations Charter (1945), Chapter 18, Amendments*, accessed September 21, 2024, <https://www.un.org/en/about-us/un-charter/chapter-18>.

⁶⁶ Tim Murithi, “Order of Oppression: Africa’s Quest for a New International System,” *Foreign Affairs*, April 18, 2023, accessed August 21, 2024, <https://www.foreignaffairs.com/africa/global-south-un-order-oppression>.

⁶⁷ UN Charter, *Chapter 18, Amendments*. See also Global Governance Forum, *A Second Charter: Imagining a Renewed United Nations* (2023/2024), accessed September 21, 2024, <https://globalgovernanceforum.org/wp-content/uploads/2023/08/SecondCharter-Imagining-Renewed-United-Nations.pdf>, 36–38; Aude Darnal et al., “A [New] World Order: What, Why, and How?,” *Stimson Center*, July 12, 2023, accessed September 21, 2024, <https://www.stimson.org/2023/a-new-world-order-what-why-and-how/>.

⁶⁸ Murithi, *Order of Oppression*.

robust international action to halt ongoing atrocities. But it is not worth keeping quiet to maintain an artificial consensus. It may be necessary to bring the deep political divisions over R2P back into the open as an initial step toward clarifying and consolidating the norm.

There is an urgent need for renewed public advocacy highlighting the need for collective action to address ongoing atrocities in the Horn of Africa, the Middle East, and other regions—for example by engaging civil society groups to coordinate activism campaigns on this issue and by leveraging social media platforms to increase awareness and outrage regarding egregious human rights violations.⁶⁹ Experts at institutions such as the Global Centre for the Responsibility to Protect, the International Peace Institute, the Alliance for Peacebuilding, the Auschwitz Institute for the Prevention of Genocide and Mass Atrocities, and the U.S. Holocaust Memorial Museum's Simon Skjodt Center for the Prevention of Genocide should also redouble their efforts to focus global policymakers' attention on the imperative of strengthening Pillar Three responses to genocide and atrocity crimes. One potential institutional nexus for these conversations would be the Global Network of R2P Focal Points, which brings together representatives of 63 governments and regional organizations from around the world.⁷⁰

Leaders and activists from countries of the Global South can play a critically important role in this work of norm consolidation. From the outset of the UN debates over the 2005 World Summit Outcome document, diplomats from the Global South insisted that collective action under Pillar Three not be confined to military intervention alone, but that it also involves the use of "appropriate diplomatic, humanitarian and other peaceful means."⁷¹ Murithi cites the 2011 crisis in Libya as a case in point:

Before NATO intervened, the African Union was pursuing a diplomatic strategy to de-escalate the crisis in Libya. But once the military operation began, the AU effort was rendered moot, and Libya was plunged into a cycle of violence and instability from which it has yet to escape.⁷²

Non-military initiatives to resuscitate Pillar Three might be modeled on existing multilateral agreements in Africa and Latin America such as the AU's "African Charter on Democracy, Elections, and Governance," which mandates a zero tolerance policy against "unconstitutional changes in government,"⁷³ along with the Economic Community of West African States (ECOWAS) "Protocol on Democracy and Good Governance," banning coups,⁷⁴ and the Inter-American Democratic Charter, which includes provisions to "promote and consolidate representative democracy."⁷⁵ As Alex DeWaal observes, the decline in coups in Africa during the early years of the twenty-first century demonstrated "the efficacy of a

⁶⁹ I am grateful to Jordan Ryan for his suggestions on this point.

⁷⁰ Global Centre for the Responsibility to Protect, *Global Network of R2P Focal Points*.

⁷¹ United Nations General Assembly, *2005 World Summit Outcome*, 24 October 2005 (UN Doc. A/RES/60/1), para. 139, accessed September 27, 2024, https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf.

⁷² Murithi, *Order of Oppression*.

⁷³ African Union, *African Charter on Democracy, Elections, and Governance*, January 2007, accessed September 21, 2024, http://archive.ipu.org/idd-e/afr_charter.pdf.

⁷⁴ Leonie Mills, "The Effectiveness of ECOWAS in Mitigating Coups in West Africa," *International Peace Institute*, April 2022, accessed September 21, 2024, <https://www.ipinst.org/wp-content/uploads/2022/04/Leonie-Mills-Effectiveness-of-ECOWAS.pdf>.

⁷⁵ Organization of American States (OAS), *Inter-American Democratic Charter*, Sept. 11, 2001, accessed September 21, 2024, https://www.oas.org/charter/docs/resolution1_en_p4.htm.

multilateral norm, when applied consistently and energetically”—though “[p]utschists have. . . staged a dramatic comeback” over the past decade.⁷⁶

The recent democratic backsliding in Africa⁷⁷ and the rise of ethnic chauvinist political movements in many countries around the world have undermined efforts to protect civilians from genocide and atrocity crimes. One worrisome development in Africa has been the increasingly systematic effort by the Russian Federation to prop up predatory rulers by offering them a “regime survival package” that provides “elites in target countries with military support, economic and political protection from backlash via the UN or other international mechanisms, and the support of political technologists to sell their popularity domestically.” As part of this package, the Russian Expeditionary Corps employs violent methods including “massacres and other violations of international law” that “may secure a government and fulfil perceived short-term needs,” but that sow “persistent instability” in the wider region.⁷⁸

The rising instability in Africa, the Middle East, and other regions highlights the need for more robust regional and global cooperation to protect civilians through multifaceted Pillar Three interventions. Within conflict-afflicted regions, violence spreads across national borders; and the pervasive insecurity accelerates illegal migration to countries of the Global North, which in turn fuels extremist political movements in Europe and North America.⁷⁹ These problems are too big to be solved unilaterally by national governments alone. Principled and strategic multilateral action offers the only plausible path toward stabilizing regions at risk of genocide and other atrocity crimes.

(3) R2P Needs Reframing.

In the previous section of this essay, I discussed the genesis of the Genocide Prevention Task Force, whose report inspired President Obama’s assertion, in Presidential Security Directive 10, that “[p]reventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States.” I believe that Obama’s words ring even truer today than when written. Nonetheless, I am no longer convinced that depicting atrocity prevention as a national security interest is the most productive framing strategy. In practice, few of Obama’s foreign policy advisers accepted the validity of the proposition;⁸⁰ and the claim has had even less salience for top officials in the subsequent two U.S. presidential administrations. Both President Trump and President Biden have centered their foreign policy priorities on the imperative of great-power competition. It is difficult to see how a robust commitment to the responsibility to protect fits within this zero-sum geopolitical calculus.

In the arena of U.S. politics, the word “responsibility” may pose the single biggest communication challenge for advocates of R2P. In recent years, as David Chandler has

⁷⁶ Alex DeWaal, “Multilateralism for Dark Times,” *World Peace Foundation*, December 6, 2023, accessed October 2, 2024, <https://worldpeacefoundation.org/blog/multilateralism-for-dark-times/>. Even when energetically enforced, however, the AU ban on “unconstitutional changes in government” has been “applied in a context that is largely divorced from the broader issues of the rule of law, human rights, democracy and good governance.” Solomon A. Dersso, “Defending Constitutional Rule as a Peacebuilding Enterprise: The Case of the AU’s Ban of Unconstitutional Changes of Government,” *International Peacekeeping* 24, no. 4 (2017), 657, <https://doi.org/10.1080/13533312.2017.1345314>

⁷⁷ See for example Stephanie Lizzo, “Inequity in the Face of Unconstitutionality: The AU’s Punitive Discrepancy,” *Africa Up Close* (blog of the Wilson Center) Sept. 13, 2023, accessed September 21, 2024, <https://www.wilsoncenter.org/blog-post/inequity-face-unconstitutionality-aus-punitive-discrepancy>; Amb. Mark A. Green, “Coups in Africa, Even in ECOWAS,” *Stubborn Things* (blog of the Wilson Center), Sept. 26, 2023, accessed September 21, 2024, <https://www.wilsoncenter.org/blog-post/coups-africa-even-ecowas>.

⁷⁸ Jack Watling et al., “The Threat from Russia’s Unconventional Warfare Beyond Ukraine, 2022–2024” (London: Royal United Services Institute for Defence and Security Studies, February 20, 2024), 23–25, accessed August 21, 2024, <https://www.rusi.org/explore-our-research/publications/special-resources/threat-russias-unconventional-warfare-beyond-ukraine-2022-24>.

⁷⁹ *Ibid.*, 85.

⁸⁰ See for example Mann, *The Obamians*, 281–301; Pomper, *Atrocity Prevention*, 62; Finkel, *Atrocity Prevention at the Crossroads*; Finkel, *Moving Beyond the Crossroads*.

observed, the U.S. and its allies have preferred to deploy their military forces “without the baggage of the international responsibility to protect.”⁸¹ John Bolton is hardly alone in deriding the “international High-Minded” who have produced a “gauzy, limitless” doctrine of responsibility for the welfare of others that lacks “any anchor in U.S. national interests.”⁸² For some people, the word responsibility may imply a vision of collective well-being that cuts against the grain of American individualism.

Whether or not the word “responsibility” is a compelling one in the context of American political culture, the burdens of responsibility to one’s community are central to the human condition. Humans evolved as social creatures, dependent on their communities for their survival. Today, our survival as a species depends on our ability to cooperate in communities of ever greater scale. By shattering the social fabric of vulnerable communities, genocide and other atrocity crimes destroy the capacity for peaceful cooperation, with ripple effects that are often felt around the world. As the Genocide Prevention Task Force observed in its 2008 report, the “reality of our world today is that national borders provide little sanctuary from international problems.”⁸³ The Covid-19 pandemic illustrated the colossal human and economic costs that can ensue when governments seek to manage global crises primarily by hardening national boundaries, rather than through coordinated collective action. In managing the emerging global climate crisis, the world’s leaders cannot afford to make the same mistake again. Peaceful conflict management, both within and between nation states, will be essential prerequisites for navigating the coming disruptions arising from large-scale population displacement and resource disputes. For this reason, preventing mass atrocities and genocide is a core security interest for the human species.

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⁸¹ Chandler, *The R2P is Dead*, 4.

⁸² Bolton, *Irresponsible*.

⁸³ Albright and Cohen, *Preventing Genocide*, xx.

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