

Some Concerns About “The Responsibility Not to Veto”¹

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Abstract

Ariela Blätter and Paul D. Williams propose that the international community could more effectively end serious abuses such as genocide and crimes against humanity if the permanent five members of the UN Security Council adopted a “responsibility not to veto;” that is, an informal agreement not to use their veto power when action to respond to genocide or mass atrocities is proposed and has the support of a simple majority on the Council. While there is much to recommend the proposal, it may not in fact promote the protection of civilians as it is intended to do. The historical record shows a number of instances where inappropriate military action was counterproductive to civilian protection, and it is not clear how easy it would have been for a military intervention to help rather than harm civilians in some cases in which intervention was not forthcoming. Ultimately, the RN2V proposal would be stronger if it were part of a package of more fundamental institutional changes, including improving the UN’s ability to respond to budding crises non-violently.

Introduction

Since the publication of *The Responsibility to Protect* (R2P), R2P has gained increasing international acceptance, including an adoption of the general principle by the UN General Assembly as part of the 2005 World Summit.² Unfortunately, gross human rights abuses have continued — and the international community has often continued to do little about them.

One barrier to action may be the UN Security Council (UNSC). The major substantive difference between R2P as articulated in the original report and in the World Summit outcome document is that the UN’s statement pointedly does *not* include the provision that coalitions and individual states may take action against serious abuses when the UN Security Council (UNSC) cannot or will not authorize them to do so.³ Even states that could (politically and militarily) act without UNSC authorization may be loath to do so without the legitimacy and political cover that authorization would bring. Yet, the permanent five members of the UNSC (P5) have divergent geopolitical interests and ideologies, and so where some members (or international activists) see a need for intervention, others are likely to have interests at stake or disagree about the need — and exercise their veto.

To address this problem, Ariela Blätter and Paul Williams have suggested that the P5 adopt a norm they call “the responsibility not to veto” (RN2V).⁴ Where there is majority support on the UNSC for intervention, where genocide or mass atrocities have occurred, and where a P5 member does not have “vital security interests” at stake, they should abstain from using their veto power (5). RN2V would not, realistically, be adopted as a formal procedural rule, but as an

2 International Commission on Intervention and State Sovereignty. *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*. Ottawa, ON: International Development Research Centre, 2001; A/RES/60/1. 16th Sept. 2005, p. 30.

3 International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, pp. 53—55.

4 Ariela Blätter and Paul D. Williams. ‘The Responsibility Not to Veto’. In: *Global Responsibility to Protect* (forthcoming). Numbers in parentheses refer to this article.

informal norm that would prevent interventions from being unjustifiably blocked, and de-fang threats of a veto to do the same.

The R2P concept represents a significant conceptual advance in the process of reconciling concerns for sovereignty and self-determination with the need to not let serious human rights abuses go unchallenged. And the *responsibility* element of the concept implies that, when gross human rights abuses are at stake, the P5 ought not see their use of the veto as a choice subject only to political calculation.

But RN2V may not accomplish its goals of expanding the protection of civilians, for two reasons. First, RN2V implicitly privileges *military* action over non-military responses to human rights abuses.

Second, it circumvents the veto based on the seriousness of abuses rather than any characteristic of the proposed intervention and thus risks making inappropriate interventions too easy to authorize. Blätter and Williams try to bracket questions of whether military interventions are generally (or ever) good solutions to human rights abuses, and of how sincere especially Western support for them is (4—5). But, since their proposal is about lowering the bar for intervention, it cannot be evaluated outside a context of concern for what kind of interventions it is likely to enable.

An RN2V norm could be a good thing. But it requires that we do more to fix the context in which UNSC decisions are taken — addressing the remaining dissensus over the scope of R2P, building institutional support for actions short of military intervention, and taking more seriously the ways in which international involvement contributes to the problems that R2P is intended to solve — or risk that any norm making military action easier could do more harm to civilians than good.

RN2V and Military Action

Officially, the R2NV proposal is generic — “the P5 should not use their veto power to block *action* in response to genocide or mass atrocities” (5, emphasis mine). However, there is a strong tendency to understand this “action” as military in nature.

For instance, when discussing whether or not the veto has been an actual barrier to R2P implementation, Blätter and Williams point out that no veto since the adoption of the 2005 World Summit outcome document “was cast in order to block a humanitarian military intervention” (8). A limitation of the Uniting For Peace process is that it cannot be used to “sanction military force nor to create a binding resolution” (10). In the three major cases they discuss as failures to address mass atrocities — Rwanda, Kosovo, and Darfur — the path not taken is either explicitly or implicitly UNSC-authorized military intervention (15, 16, 18, 29). A form of the R2NV proposal was put forward in the original ICISS report that gave rise to the R2P concept, but as an agreement among the P5 “not to apply their veto power... to obstruct the passage of resolutions authorizing military intervention for human protection purposes...” (quoted at 20). The US

Genocide Prevention Task Force recommended a US policy of refraining from veto with respect to “resolutions instituting sanctions and/or authorizing peace operations” (quoted at 24), and recommended the creation of an overall oversight position for genocide prevention as part of the national *security* staff. The limited cases in which RN2V may have made a difference are ones in which “a P5 member has threatened or used its veto power to block a proposed humanitarian military intervention” (28).

The point of this litany is to show how easy it is to slide into implicitly equating “action” with “military action.” The fact that such an equation is picked up in several of the other sources Blätter and Williams cite indicates that the tendency is not peculiar to them.

The focus on military solutions is understandable. By restricting the cases in which RN2V would apply to genocide and mass atrocities, the principle is restricted to emergencies, in which a robust military intervention that can halt the abuses by force looks like the natural or only solution. But if RN2V differentially lowers the bar for military operations, whether this is a good thing or a bad thing depends on whether the bar is too high or too low already.

The (Non)Intervention Record

Blätter and Williams clearly think that the burden on military intervention is too high — and with some reason. They are not alone in wishing that decisive action had been taken in Rwanda or Darfur.

But the historical record is ambiguous. Their argument for RN2V focuses on three cases in which UNSC authorization was not forthcoming: Rwanda, Kosovo, and Darfur (15—18). Blätter and Williams are implicitly asking, “would RN2V make it more likely that a military authorization would be authorized in a case where genocide or mass atrocities were being committed?” Let us grant that the answer to this question is “yes.”

The question we *should* be asking, however, is, “would RN2V make it more likely for civilians to be protected from genocide and mass atrocities?”⁵ Answering that question requires looking at interventions that *have* been authorized as well, and the actual record of success of interventions that have happened (authorized or not).

Rwanda

While the standard narrative of Rwanda is that “the international community did nothing,” that is not quite true. The international community did not do anything that stopped the genocide. But it was deeply involved in Rwanda.

First, we should not dismiss the UN Assistance Mission for Rwanda (UNAMIR) merely because it failed to stop the genocide. UNAMIR did protect Rwandan civilians (either directly or

5 Relatedly, we should worry about, “would RN2V make it more likely that a military intervention would be authorized where genocide or mass atrocities are *not* occurring?”

by evacuating them to friendly zones), and many members of the mission acquitted themselves bravely despite a lack of resources and support from New York (including members of the Ghanaian contingent, who remained in numbers greater than those authorized by the UN).⁶ One estimate puts the number of civilians protected by UNAMIR at the height of the genocide at between 20,000—25,000.⁷

Aside from UNAMIR, the Rwandan Patriotic Front (RPF) was incubated in Uganda, and in fact UNAMIR's predecessor, the UN Observation Mission Uganda-Rwanda (UNOMUR) in 1993 was given a mandate to stop cross-border arms transfers from Uganda.⁸ The French had been involved with the Rwandan government long before the genocide, and French military assistance was instrumental in repulsing earlier RPF offensives.⁹ The Belgians had supported the government of Rwanda until 1990, when they switched support to the RPF, though the Belgians then sent troops to help support the regime alongside French and Zairian forces.¹⁰

The most robust international intervention was the French-led (and almost entirely French-manned) *Opération Turquoise*, which entered Rwanda in June 1994, after the peak of the killing.¹¹ History has not been kind to *Turquoise*.

On the one hand, the mission probably did save some lives of Rwandans threatened with genocide or RPF reprisals. Prunier credits the French with protecting 8,000 refugees at the Nyarushishi camp and “[l]ittle groups here and there.”¹² Vaccaro claims the French “directly protected or evacuated” 11,500 people, and provided humanitarian assistance in their zones of control that saved an “undetermined” number of lives.¹³ Of course, it is difficult to put exact numbers of the number of people *not* killed, because the counterfactual depends assumptions about factors such as the progress of the genocide and the actions the RPF would have taken had the French not interfered with their advance.

But even if *Opération Turquoise* did some good, it was motivated in significant part by cynical French geopolitics — a combination of (former) alliance with the genocidal regime and desire to halt the advance of the RPF, who were perceived as allied with the anglophone (and,

6 J. Matthew Vaccaro. ‘The Politics of Genocide: Peacekeeping and Disaster Relief in Rwanda’. In: *UN Peacekeeping, American Policy, and the Uncivil Wars of the 1990s*. Ed. by William J. Durch. New York, NY: St. Martin's Press, 1996, pp. 367–408, pp. 383—385; Henry Kwami Anyidoho. *Guns Over Kigali: The Rwandese Civil War — 1994 (A Personal Account)*. Fountain edition. Kampala, Uganda: Fountain Publishers, Ltd., 1998, pp. 50—51, 64—66; Gérard Prunier. *The Rwanda Crisis: History of a Genocide*. Revised Edition. London: Hurst & Company, 1997, p. 254.

7 Vaccaro, ‘The Politics of Genocide’, p. 397.

8 S/RES/846. 22nd June 1993.

9 Prunier, *The Rwanda Crisis*, pp. 100—108.

10 Vaccaro, ‘The Politics of Genocide’, pp. 374—375; Prunier, *The Rwanda Crisis*, p. 101.

11 Vaccaro, ‘The Politics of Genocide’, pp. 386, 397—399; Prunier, *The Rwanda Crisis*, pp. 281—311; Jean-Bernard Merimée. *Final Report on Operation Turquoise Authorized by Security Council Resolution 929 (1994)*. S/1994/1100. 27th Sept. 1994. The UN reported a total force of 2,514 French personnel and 508 personnel from Chad, Congo, Egypt, Guinea-Bissau, Mauritania, Niger, and Senegal. A further breakdown of the 508 African personnel does not seem to be available, but Prunier claims that the only African troops deployed were Senegalese.

12 Prunier, *The Rwanda Crisis*, p. 292.

13 Vaccaro, ‘The Politics of Genocide’, p. 398.

hence, US-aligned) Ugandans. And even if its main intent was not to protect the *genocidaires*, it served to cover the retreat of genocidal elements out of Rwanda, notably into the Democratic Republic of Congo (DRC, then Zaire).¹⁴ Philip Gourevitch puts it bluntly: “the signal achievement of the *Opération Turquoise* was to permit the slaughter of Tutsis to continue for an extra month, and to secure safe passage for the genocidal command to cross, with a lot of its weaponry, into Zaire.”¹⁵ Ultimately, the *genocidaires* were able to use Congolese refugee camps as a base for attacks on Rwanda, providing one of the sparks for the wars in the DRC.¹⁶

Turquoise was unusual both in that it was a national military operation under UN aegis and that it has been so roundly condemned. Typical UNSC action under RN2V would more likely take the form of UN peacekeeping missions, perhaps with more “robust” mandates to protect civilians. National or coalition action under UN aegis — like *Opération Turquoise* or the more recent intervention in Libya (see below) — is possible, but if history is a guide will be less common. And, aside from *Turquoise*, national military operations in conjunction with UN peacekeeping missions — such as the UK’s Operation Barras alongside UNAMSIL in Sierra Leone, and the EU’s Operation Artemis alongside MONUC in the DRC — generally have good reputations.¹⁷

But on the balance sheet of problematic UN-authorized operations we could add the ill-fated US presence alongside UNOSOM II in Somalia in 1993.¹⁸ And if we look at the sorts of operations that *might* receive UNSC authorization, the picture is even more mixed. There are a number of military operations that we might consider “near authorizations” — where the UNSC or a UN mission gave some support short of authorization, or where a retroactive endorsement was given. Especially in the latter sort of case, we might expect — or even hope — that missions good enough to be welcomed would in fact be authorized in advance by a UNSC less hobbled by the veto and the negotiations it entails. But the UN has thrown its support behind some problematic operations, such as Kimia II (materially supported by the UN mission in the DRC, MONUC) and Lightning Thunder (endorsed by the president of the security council) in the DRC and the first ECOMOG operation in Liberia (retroactively endorsed in S/RES/1116/1997).¹⁹

14 On motivations, see Prunier, *The Rwanda Crisis*, pp. 278—280, 284—286.

15 Philip Gourevitch. *We Wish to Inform You that Tomorrow We Will Be Killed With Our Families: Stories from Rwanda*. New York, NY: Picador USA, 1998, pp. 160—161.

16 For overviews of the wars in the DRC and a discussion of the Rwandan causes, see Gérard Prunier. *Africa’s World War: Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe*. New York: Oxford UP, 2009, esp. ch. 1; Jason K. Stearns. *Dancing in the Glory of Monsters: The Collapse of the Congo and the Great War of Africa*. New York, NY: PublicAffairs, 2011, esp. chs. 1—2.

17 There is also some statistical evidence that non-UN peace enforcement missions have a positive effect on peace, when deployed alongside UN missions. See Nicholas Sambanis and Jonah Schulhofer-Wohl. ‘Evaluating Multilateral Interventions in Civil Wars: A Comparison of UN and non-UN Peace Operations’. In: *Multilateralism and Security Institutions in an Era of Globalization*. Ed. by Dimitris Bourantonis, Kostas Ifantis and Panayotis Tsakonas. New York, NY: Routledge, 2008, pp. 252—287.

18 See, e.g. William J. Durch. ‘Introduction to Anarchy: Humanitarian Intervention and ‘State Building’ in Somalia’. In: *UN Peacekeeping, American Policy, and the Uncivil Wars of the 1990s*. Ed. by William J. Durch. New York, NY: St. Martin’s Press, 1996, pp. 311—366.

19 Ban Ki-Moon. *Twenty-Seventh Report of the Secretary-General on the United Nations Organization Mission in*

None of these operations have been criticized by such consensus as *Turquoise*, but they have all been accused of being at least unhelpful and often of counterproductively escalating the conflict or endangering civilians in their own right.²⁰ These criticisms should give us pause over a proposal that would make it easier to authorize military operations just because they are argued for in terms of responding to human rights abuses.

Kosovo

While Blätter and Williams imply that the UNSC's failure to authorize the NATO intervention in Kosovo should be seen as a problem that RN2V would have avoided, it is not absolutely clear that the intervention *ought* to have been authorized. Even supporters of the NATO campaign acknowledge that the success it had in driving Serbian forces out of Kosovo and halting abuses was costly in terms of civilian lives, displacement, and property destruction.²¹ In particular, the decision to pursue an air campaign rather than a ground invasion turned out to be problematic — arguably, it was less effective in stopping Serbian forces from committing atrocities and unjustifiably increased the harm to civilians through NATO attacks on dual-use infrastructure inside the Serbian-controlled areas of the Federal Republic of Yugoslavia.²²

Finally, military intervention contributed to the empowerment of the Kosovo Liberation Army (KLA). The fact that international attention was drawn to the situation in Kosovo most strongly once violent clashes between the KLA and Serbian forces began put a nail in the coffin of the non-violent (and KLA rival) Democratic League of Kosovo (LDK) movement. Military intervention into a conflict between two armed groups (however mismatched) risked making the NATO intervention look less like a politically impartial “humanitarian intervention” and more like an intervention to support one side of a civil war.²³

While action may have been merited in Kosovo, it is far from clear that the actual military intervention undertaken was the best response to the human rights abuses there.

the Democratic Republic of the Congo. S/2009/160. 27th Mar. 2009, pp. 3–4 (Kimia II); S/PRST/2008/48. 22nd Dec. 2008, (Lightning Thunder); S/RES/1116. 27th June 1997, (ECOMOG).

20 See, respectively Congo Advocacy Coalition. *DR Congo: Civilian Cost of Military Operation is Unacceptable*. Nov. 2009. URL: <http://www.oxfamamerica.org/press/pressreleases/dr-congo-civilian-cost-of-military-operation-is-unacceptable> (visited on 21/07/2010); Enough Project and Resolve Uganda. *No Excuses: The End of the Lord's Resistance Army is in Sight*. Enough Project and Resolve Uganda. 16th Jan. 2009. URL: http://www.enoughproject.org/files/publications/Joint_LRA_statement_jan_16_Final.pdf (visited on 15/03/2011); Human Rights Watch. *Waging War to Keep the Peace: The ECOMOG Intervention and Human Rights*. Human Rights Watch. 1993. URL: <http://www.hrw.org/legacy/reports/1993/liberia/> (visited on 15/03/2011).

21 See, for example, Ivo H. Daalder and Michael E. O'Hanlon. *Winning Ugly: NATO's War to Save Kosovo*. Washington, DC: Brookings Institution Press, 2000, p. 193.

22 Daalder and O'Hanlon, *Winning Ugly*, p. 131; Henry Shue. ‘Bombing to Rescue?: NATO's 1999 Bombing of Serbia’. In: *Ethics and Foreign Intervention*. Ed. by Deen K. Chatterjee and Don E. Scheid. New York, NY: Cambridge UP, 2003, pp. 97–117; Noam Chomsky. *The New Military Humanism: Lessons from Kosovo*. Monroe, ME: Common Courage Press, 1999, ch. 4.

23 A concern NATO planners seem to have shared. See Daalder and O'Hanlon, *Winning Ugly*, p. 104.

Darfur

Reading Darfur as Rwanda 2.0 — exemplified by the careers of both Paul Rusesabagina, the proprietor of the *Hotel Mille Collines* that sheltered many Tutsi from the genocide in Rwanda, and Don Cheadle, the actor who played Rusesabagina in the film *Hotel Rwanda*, as Darfur activists²⁴ — glosses over significant differences and complexities. Importantly, though we may regret a lack of swift military intervention in Rwanda, it is even less clear that military intervention in Darfur would have found a clear and appropriate military target, especially as the crisis mutated from direct killing to the effects of widespread displacement and insecurity.

Civilian deaths in Darfur have taken place over a long period of time, and *violent* deaths have decreased significantly from the peak of the violence in 2003—2004. Since then, about eighty percent of the deaths in Darfur have been from causes other than violence, such as disease.²⁵ By 2005, large military operations were giving way to a much more dispersed sort of violence (though still coordinated to some extent by the government of Sudan) along with increased criminal activity and splintering of rebel groups and militias.²⁶ In terms of violence patterns, the more apt (but still imperfect) analogy to Darfur is not the period of intense genocidal killing in Rwanda in mid-1994, but rather the broader Rwanda/DRC crisis spanning from 1990 to the present, characterized by periods of intense military and paramilitary violence and long stretches of insecurity and distributed abuses.

The question of how many violent deaths there have been in Darfur is often an issue because of disputes over whether the crisis counts as genocide — and advocates rightly point out that even non-violent “excess” deaths are the result of social disruptions created by violence and may have been intended by the government of Sudan. But my point here is about anti-atrocity strategy rather than genocidal intent. A peace enforcement-style military intervention, with a mandate to force entry and oppose the government and allied forces, was most plausibly a solution to the direct violence against civilians that Darfur saw in 2003—2004. “Robust” military intervention,

24 For just one discussion of their activism, which I in no way intends to demean, see Don Cheadle and John Prendergast. ‘ ‘Never Again’ — Again’. In: *USA Today* (1st Mar. 2005).

25 There is substantial debate over the mortality rates and patterns in Darfur, and everyone agrees that reliable data is difficult to obtain in such an insecure situation. Degomme and Guha-Sapir report the eighty percent figure, as part of a project at the Centre for Research on the Epidemiology of Disasters, whose earlier work was judged the most reliable and objective of available mortality estimates by the US Government Accountability Office (GAO). Even Eric Reeves, an activist and analyst who has calculated his own estimates and persistently criticized others for undercounting violent deaths, praises this estimate and concurs that the bulk of deaths in Darfur post-2004 have not been the direct result of violence. See Olivier Degomme and Debarati Guha-Sapir. ‘ Patterns of Mortality Rates in Darfur Conflict’. In: *Lancet* 375. 9711 (2010), pp. 294–300, p. 297; David Gootnick and Nancy Kingsbury. *Darfur Crisis: Death Estimates Demonstrate Severity of Crisis, But Their Accuracy and Credibility Could be Enhanced*. Report to Congressional Requesters GAO-07-24. Washington, DC: United States Government Accountability Office, Nov. 2006; Eric Reeves. *Quantifying Genocide: Darfur Mortality Update, August 6, 2010*. Aug. 2010. URL: <http://www.sudanreeves.org/Article269.html> (visited on 10/03/2011).

26 See Julie Flint and Alex de Waal. *Darfur: A New History of a Long War*. Revised and Updated Ed. New York, NY: Zed Books, 2008, ch. 6.

aimed at defeat of forces threatening civilians, in later phases (or earlier ones) would have risked being counterproductive by escalating the level of violence or threatening the humanitarian presence.²⁷ Though the UN has been criticized for caring too much about the consent of the Sudanese government, these worries would have been especially sharp had an intervention had to force entry over Sudanese resistance. Even at the height of the fighting, such an intervention may have brought grievous harm to civilians (though not with the same immoral intent).

To be fair, Blätter and Williams restrict their Darfur case to the period 2003—2006, and I am sure they recognize the changing nature of the conflict. But a military intervention even by 2006 may have been less appropriate than in very early phases, and an RN2V norm would still have been operative, potentially with perverse effects, when there were still activist calls for no-fly zones and other military operations post-2006.

While this may be reason to wish that intervention had happened in 2003 or 2004, it is not clear how much of a problem the veto or threat thereof was. As Blätter and Williams themselves point out, the threat of a Chinese veto may have provided cover for other states' unwillingness to act, rather than thwarted action (18). And even the indirect normative effect of making unwillingness to authorize force shameful may not have been sufficient; the earliest serious warnings to reach the ears of the UN Secretariat and UNSC seem to have been around April 2004, and only the unusual step of authorizing a non-UN force to intervene would have been likely to get an effective force in the field before late in the year, even had political action been immediate.²⁸

The other question that would have arisen for a military intervention in Darfur — as it did in Kosovo — was impartiality. Though the bulk of human rights abuses in Darfur are the responsibility of the government of Sudan and its allied paramilitaries, violations were also committed by rebel groups.²⁹ The violence against civilians in Darfur was part of a brutal counterinsurgency campaign waged on territory at least partly held by insurgents.³⁰ An intervention would not have been in the position of just protecting defenseless civilian populations from attack, but of protecting civilian areas that were also bases of operations for contending armed groups. If it were “robust” in the sense of having an aggressive mandate to try to defeat abusive armed groups, it would have had to decide how far it was willing to become a party to the conflict, and whether the military defeat of particularly abusive groups (such as the

27 Even the Enough Project, which is fairly hawkish on Darfur, came out against militarily enforced no-fly zones in later phases of the conflict. See John Prendergast and Julia Spiegel. *Khartoum Bombs and the World Debates: How to Confront Aerial Attacks in Darfur*. Strategy Briefing 5. Washington, DC: Enough Project, July 2007. URL:

http://www.enoughproject.org/files/publications/no_fly_zone.pdf (visited on 10/03/2011).

28 On the timing of warnings: Michael G. MacKinnon. ‘The United Nations Security Council’. In: *The International Politics of Mass Atrocities: The Case of Darfur*. Ed. by David R. Black and Paul D. Williams. New York, NY: Routledge, 2010, pp. 72—73.

29 Even at the height of the fighting; see Georgette Gagnon, Leslie Lefkow and Jemera Rone. “*If We Return, We Will Be Killed*” *Consolidation of Ethnic Cleansing in Darfur, Sudan*. Human Rights Watch, Nov. 2004. URL: <http://www.hrw.org/en/reports/2004/11/14/if-we-return-we-will-be-killed-consolidation-ethnic-cleansing-darfur-sudan-0> (visited on 16/03/2011), pp. 32—38.

30 Gérard Prunier. *Darfur: The Ambiguous Genocide*. Revised and Updated Ed. Ithaca, NY: Cornell UP, 2007, ch. 4.

janjaweed) justified handling abuses by different groups differently. Even had a military intervention been deployed in 2004, when the primary source of death was systematic killing, maintaining the character of the force as a bulwark against human rights abuses rather than a party to the conflict would have been a challenge.³¹

A military intervention in Darfur would have needed to be careful not create a similar bias in favor of militant groups that occurred in Kosovo. As it was, non-violent civil society groups in Darfur, particularly women's groups, were largely excluded from political negotiations.³² Approaching Darfur as a military operation may have exacerbated the tendency to treat the armed actors as the important ones, with non-violent actors entering the scene only after security had been established (at which point many decisions would already have been made).

Arguably the most reasonable option by the time a peacekeeping mission was deployed was something very like the hybrid African Union/UN PKO that was actually deployed — the African Union/United Nations Hybrid Operation in Darfur (UNAMID) was given a Chapter VII mandate to protect civilians under imminent threat, but aimed primarily at protecting humanitarian access and enabling a political solution.³³ That operation was, of course, deployed even with the veto power in place. And, while concerns about Sudanese sovereignty (and a threat of a veto on measures to enhance the force that Sudan would have opposed) may have helped hamper the African Union Mission in Sudan (AMIS, UNAMID's predecessor) and UNAMID's effectiveness, the veto power need not have been an obstacle to providing the force with resources to carry out its non-coercive tasks better, such as the helicopters and reconnaissance units that the Under Secretary-General for Peacekeeping requested in 2007 for the already-authorized UNAMID.³⁴ More effective ways of resourcing the mission — especially the earlier AU mission — may have been at least as helpful to civilians as RN2V.

Finally, we should not be too optimistic about the prospects of success of a military intervention. Darfur is a large area with poor infrastructure, difficult to access either by air or sea. Even an intervention with maximum political will and all the resources of a powerful nation behind it would likely have found ending human rights abuses there and controlling the situation difficult.³⁵ The mere fact that many of the abusive forces were irregulars does not necessarily mean that they would be easy to defeat — as the US' experience in Iraq and the shortcomings of NATO's Kosovo campaign should demonstrate.

31 For a broader discussion of such questions, in the context of the Kimia II operation in the DRC, see Daniel H. Levine. 'Civilian Protection and the Image of the 'Total Spoiler: Reflections on MONUC Support to Kimia II'. In: *African Security Review* 20. 1 (2011).

32 International Crisis Group. *Darfur's Fragile Peace Agreement*. Africa Briefing 39. Nairobi/Brussels: International Crisis Group, 20th June 2006. URL: <http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/sudan/B039%20Darfurs%20Fragile%20Peace%20Agreement.ashx> (visited on 16/03/2011), esp. p. 2, n. 1.

33 S/RES/1769. 31st July 2007.

34 S/PV.5784. 27th Nov. 2007, p. 6.

35 International Crisis Group. *Getting the UN Into Darfur*. Africa Briefing 43. Nairobi/Brussels: International Crisis Group, 12th Oct. 2006. URL: <http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/sudan/B043%20Getting%20the%20UN%20into%20Darfur.ashx> (visited on 16/03/2011), p. 17.

What Are the Lessons of the Historical Record?

Blätter and Williams conclude that there have been egregious cases of abuse that merited some form of military intervention but in which UNSC authorization for that action was not forthcoming. This is true, but it is not the only lesson we should focus on. Looking not only at the non-interventions in Darfur and Rwanda and the unauthorized intervention in Kosovo, but also at other authorized and/or blessed interventions like *Opération Turquoise*, ECOMOG, Kimia II, and Lightning Thunder, illustrates two issues.

First, even if a military intervention is warranted, that does not mean that *this* one is warranted. *Opération Turquoise* was deployed in a genuinely bad situation — though late, violence continued in Rwanda. But it arguably made the situation worse, because it was poorly thought out and beholden to French geopolitical interests that caused them to *de facto*, even if not maliciously, favor the *genocidaires*. The NATO bombing of Kosovo was addressed towards genuine human rights abuses, but it is not clear that it was the most effective way of halting them. An intervention in Darfur would have been entering a complex situation where it could have counterproductively escalated violence.

Under the best of circumstances, military intervention to end human rights abuses is chancy. Dallaire famously claimed that he could have ended the genocide in Rwanda with a few thousand more troops and a stronger mandate, a claim that has haunted many people concerned with preventing such abuses. But this may have been too optimistic; especially considering that even had political will not been lacking, it would have been difficult to deploy troops to Rwanda before the genocide spread to a much more distributed form of killing in the countryside.³⁶ Many genocides and mass atrocities — such as Darfur — are likely to have just this sort of distributed character that makes a military solution to them more difficult.

Given the destructiveness of military operations, this is a serious concern. We can be assured that any military intervention will lead to the loss of life, including innocent life. We therefore should not support it unless we are also quite certain that some good will come of it — this is why just war theorists focus not only on just cause, but also on concerns about proportionality and likelihood of success. A war fought for a good reason that fails to accomplish its goals, or does so at a cost out of line with the value of those goals, is one we should not support even if its goals are lofty.

Second, aside from concerns about the character of particular military forces, privileging military action at the international level risks creating a moral hazard by enhancing the credibility and power of military actors on the victims' side at the expense of non-military ones. If our international norms protect sovereignty up until the point at which genocide and mass atrocities occur (usually within the context of other kinds of violence) and then call forth military

36 Scott R. Feil. *Preventing Genocide: How the Early Use of Force Might Have Succeeded in Rwanda*. Report to the Carnegie Commission on Preventing Deadly Conflict. Carnegie Corporation of New York, Apr. 1998.

intervention, local non-military actors may languish without international support and engaging in violence may be seen as the way to get things done. Kosovo is especially instructive on this point — there was a long history of non-violent resistance to the FRY that was eroded as non-violence failed to get results, and after the NATO bombings the violent KLA emerged as the main Kosovar leadership faction.³⁷

It is not clear that RN2V, as stated by Blätter and Williams, helps the UN address these issues. In fact, a mere veto-evading privilege for military operations would steamroll them. With regard to the first issue, nations that had sincere but misguided, or even cynical, reasons for declaring military action necessary for addressing genocide or mass atrocities would have a powerful normative bludgeon to gain approval for unwarranted or inappropriate military action. RN2V lowers the bar for *all* military action, not just well-thought-out and appropriate military action. With regard to the second, I would just reiterate my comments above that, as “the responsibility to react” is currently understood, RN2V does privilege specifically *military* action.

The Majoritarian Condition

Blätter and Williams’ most obvious defense against my concerns is the RN2V requirement that a majority on the UNSC support the action. RN2V does not say that any military intervention must be supported, just that the veto should not be used to block the view of a majority of the council. Unwise interventions can still be voted down.

Among the non-permanent members are many states who do not see eye to eye, and so gaining majority support on the UNSC is significant. But we should not be too sanguine about the quality of a majority opinion, given what Blätter and Williams rightly say about the degree to which UNSC decisions are made in negotiations, beyond formal votes on measures. Were RN2V in place, a state that favored an intervention would have strong incentives to lobby other Council members for support. Even with veto threats, the US reportedly offered strong inducements to UNSC members in the run-up to the 2003 Iraq war.³⁸ In the case of Iraq, even such lobbying by the US and the UK may not have led to a majority vote — but the depth and breadth of the international consensus against Iraq was unusual. The problematic Kosovo intervention may well have been able to garner a majority, and the nearly universally condemned (in hindsight) *Opération Turquoise* was actually authorized.

Adopting RN2V might also change voting and lobbying behavior in two ways. First, lobbying of non-permanent members would be higher-stakes. Under the current regime, there is a limit to how many resources a state that supports intervention will devote to winning over non-permanent UNSC members. With RN2V in place, the importance of these members would increase, and

37 Howard Clark. *Civil Resistance in Kosovo*. Sterling, VA: Pluto Books, 2000, esp. 186—189. To be fair, as Clark points out, leadership failures in the non-violent LDK were also a factor in its demise and the rise of the KLA — the failures of non-violence and the violent NATO solution were something of a feedback loop.

38 See, for example Joseph Winter. *Analysis: Africa’s Iraq Swing Votes*. BBC News Online. 10th Mar. 2003. URL: <http://news.bbc.co.uk/2/hi/africa/2835913.stm> (visited on 16/03/2011).

more intense lobbying may be more successful. If the US and UK had known that the other P5 nations would not veto operations in Iraq in 2003, they may have been willing and able to produce sufficient inducements to bring a majority of the UNSC to their side, despite the skepticism about the war.

P5 nations may provide a special bulwark to such lobbying — they are, after all, permanent members because they are historically among the most economically and militarily powerful states. So they may be harder to influence than a smaller country.

Second, RN2V would likely tend to make such lobbying easier. It would rely on P5 members internalizing a norm that opposition to military intervention into situations of genocide and mass atrocity is wrong and/or shameful. Public articulation of RN2V would give advocates a way to shame governments that oppose military action for bad reasons — but also for good reasons.

I have no doubt that proponents of RN2V mean for it only to encourage well-designed, thoughtful interventions. But its normative force may not be so easily contained. R2P is about a *goal* — doing what is most effective to protect human beings from grievous abuse. That is one of the ways in which it is a superior conceptual framework to talk about a “right of humanitarian intervention.” RN2V is a different sort of norm, which valorizes not standing in the way of *particular kinds of actions*. Without assuming any malice on the part of those arguing for intervention, it gives them powerful ammunition to overcome the qualms of those in the opposition. What of a member who agrees that the abuses are grave but does not agree that military intervention is warranted? What of a member who agrees that military intervention is warranted, but is worried about the UN’s capacity to carry it out, or the terms of the proposed mission? RN2V would create pressure against such objections, by spreading the idea that opposition to intervention when genocide or mass atrocities are occurring is inherently questionable. Perhaps the best way to think about the worry is to ask: if the Chinese delegation were genuinely convinced that proposed military operations in Darfur would harm more civilians than they would save, would we *want* them to abstain from using the veto?

As a result, though the majoritarian requirement in RN2V certainly makes the concern about bad interventions less powerful than it would be were it not there, it is not sufficient to undercut the concern entirely. Promulgating a norm that military interventions to halt genocide or mass atrocities is something not to be done will tend to create the majorities needed for RN2V to be invoked, even if the intervention may be unwise.

In support of this concern, consider the conditions that allowed a mission like *Opération Turquoise* to be authorized. France, increasingly embarrassed both by the genocide and its inability to protect a francophone client, wanted to “do something.” As the facts of the genocide became better known, so did other members of the UNSC. *Turquoise* was an opportunity for the UN to take action and for France to be seen to be saving lives. Other problematic interventions, such as NATO in Kosovo, or ECOMOG in West Africa, were motivated by similar combinations of concern for international public image, national interest, and probably at least some true altruism. Promoting R2P, if we are not so naïve as to wait for an altruistic revolution, will involve

increasing the pressures that states feel to take action when atrocities are committed, if only to save their image or because they better understand the indirect threats to their self-interest. But situations in which states feel pressured to “do something” are precisely those in which the risks of RN2V are greatest — states are most likely to authorize imperfect or even simply bad interventions when they want to be seen to be doing *something*, and requiring intervention proposals to be able to attract a broad consensus of powerful states may at least put some brakes on that tendency.

Discrediting Opposition

There are two reasons that RN2V might look especially attractive. The first is if we believe that any military intervention, no matter its character, is better than inaction. I hope to have undermined this idea. The second is if we believe that states mostly support interventions for good reasons and oppose them for bad ones; and this seems to be a powerful narrative in the thinking about international response to human rights abuses.

Consider, for example, the case of Chinese reluctance to authorize robust intervention or sanctions in Darfur. Blätter and Williams are agnostic about China’s reasoning, merely noting that it threatened to veto action (18). But many analyses, especially from the activist and journalistic community, see Chinese opposition as an expression of its cynical economic interests in Sudan.³⁹ Little credence is given to China’s stated principled opposition to interference in internal affairs. Conversely, the possibility that there might be cynical motives in favor of intervention in Darfur is addressed primarily by analysts outside the mainstream.⁴⁰ This attitude toward objections seems to have also influenced the UNSC debate. One account acknowledges that some opponents may have had genuine concerns about R2P and Darfur, but goes on to say that “[t]he Council’s deliberations over Darfur did nothing to bridge this divide [between those who accept the basic principles of R2P and those who do not] or assuage the fears of those governments who were genuinely concerned about the R2P concept being high-jacked [sic] for

39 See, for example Danna Harman. ‘How China’s Support of Sudan Shields a Regime Called ‘Genocidal’’. In: *Christian Science Monitor* (26th June 2007); Save Darfur Coalition. *China in Sudan: Having it Both Ways*. Save Darfur Coalition, 18th Oct. 2007. URL: http://darfur.3cdn.net/2573d6e338d592b4a0_csm6beuk7.pdf (visited on 16/03/2011); Economist. ‘Mr. Hu’s Mission to Khartoum: Why China Should Insist on UN Peacekeepers for Darfur’. In: *The Economist* (1st Feb. 2007); Eric Reeves. *Congressional Testimony by Eric Reeves: “Darfur and the Olympics: A Call for International Action”*. 7th June 2007. URL: <http://www.sudanreeves.org/Article169.html> (visited on 16/03/2011); Eric Reeves. ‘Partners in Genocide: A Comprehensive Guide to China’s Role in Darfur’. In: *The New Republic* (18th Dec. 2007); John Prendergast, Julia Spiegel and Lisa Rogoff. *Don’t Quit Now: Bringing the Darfur Genocide to an End*. Strategy Briefing 8. Enough Project, Dec. 2007. URL: http://www.enoughproject.com/files/publications/dontquitb_20071203.pdf (visited on 16/03/2011), Note that the “clustering” of criticism of China in 2007 is largely the result of increased activist attention in the run-up to the 2008 Olympics.

40 Such as Mahmood Mamdani. *Saviors and Survivors: Darfur, Politics, and the War on Terror*. New York, NY: Doubleday, 2009; Allison Kilkenney and Jamie Kilstein. *Interview with Professor Noam Chomsky*. Citizen Radio. 13th May 2009. URL: <http://www.chomsky.info/interviews/20090513.htm> (visited on 16/03/2011).

Western political purposes.”⁴¹

Settling the questions of whether China had any sincere opposition to intervention in Darfur or whether activist movement was entranced by militarism are well beyond the scope of this note. But the possibility that opposition to intervention is genuine and support for it cynical should give us pause when considering R2NV. There are some authorizations blocked by veto or threat of veto that were argued for in part on humanitarian grounds, but whose real motivations are widely believed to have been less altruistic — such as the 2003 US-led invasion of Iraq or Russia’s 2008 incursion into Georgia. If we step away from seeing cases where intervention justified on the grounds of halting genocide or mass atrocity is blocked by veto as *prima facie* problems, and recognize that both support for and opposition to interventions can be sincere or deceptive, the case for a norm that makes it generally easier to authorize intervention is weakened.

Getting Serious About R2P

If the case for a blanket boost to interventions is weakened by the mixed record of military force, the case for improving the UNSC’s ability to build consensus and craft *better* interventions where they *are* called for is strengthened.

A charitable reading of RN2V is that its aim is not to privilege military interventions, and certainly not to quiet debate about how to conduct them, but rather to encourage more engagement and better consideration of military action at the UNSC. If China knew that it could not veto a military operation in Darfur without getting into political difficulties, it would perhaps be more willing to engage in the planning process constructively and turn any legitimate concerns into ways to make the operation better (or aggressively try to solve the problem non-militarily to prevent a military intervention from being warranted). Maybe if Kosovo had been a UN operation, it would have avoided some of the problems of the actual NATO operation, for instance by limiting the scope of the air campaign.⁴² Adoption of RN2V might help in this way — but it is a blunt instrument. Especially since P5 nations generally contribute few troops to international missions, it is just as likely that powerful states would either let interventions be authorized with similar inattention to quality or that interventions made possible by RN2V would be shaped by narrow geopolitical interests as much as humanitarianism.⁴³ While we might see some merited interventions take place that otherwise would not have, we would also, I fear, see several more Kosovos and a few *Opération Turquoises* and Operation Iraqi Freedoms.

On the other hand, the P5 veto is itself a crude tool for assuaging my concerns concerns,

41 MacKinnon, ‘The United Nations Security Council’, pp. 86—87.

42 Though see the discussion of Libya, below. Even though an air campaign is the core part of the UN-sanctioned intervention in Libya, there seems to be more concern about limiting it than there was in Kosovo.

43 For instance, in February 2011, the P5 had a total of 290 (of 14,526) police, 173 (of 2,226) military observers/military experts on mission, and 3,668 (out of 82,365) troops in UN peacekeeping missions. Source: United Nations Department of Peacekeeping Operations. *Monthly Summary of Contributors (Police, Military Experts on Mission, and Troops) As of 28 Feb 2011*. 28th Feb. 2011. URL: http://www.un.org/en/peacekeeping/contributors/2011/feb11_1.pdf (visited on 04/04/2011).

which makes RN2V attractive. The veto may block some future Operation Iraqi Freedoms, but it will likely also be used to shut down some future Dallaires. Part of the problem may be conceptual — R2P is a quasi-judicial concept and the UNSC is a political entity, so the fit will never be perfect.

The imperfection both of keeping and eliminating the veto points to what is valuable in the RN2V proposal and is perhaps the basis for helpful revision to the idea and evolution of the norms that govern UNSC practice. What we — and I hope I can include Blätter and Williams here — want is not simply *more* interventions. We want *better* interventions. RN2V captures that desire by trying to shift decisions about intervention from the possibly idiosyncratic preferences of individual P5 members to a broader consensus on the UNSC. My concern is that this solution does not go far enough, and it may be dangerous to adopt RN2V without more comprehensive changes aimed at ensuring it is not too easy to mobilize a consensus behind inappropriate violence.

Part of a more comprehensive solution might be normative. The consensus among Western nations and analysts that sovereignty must give way to human rights abuses seems to have interfered with engaging those outside that consensus. To the extent that other nations (not just China and Russia — for instance, South Africa has been criticized for being unwilling to take a harder line on Zimbabwe) and their publics are not convinced, a sincere dialogue aimed at resolving issues may be warranted.

In addition, the fact that there is often much international involvement in cases where “the international community has done nothing” demonstrates a need for serious change in the accepted norms of involvement with problematic regimes. Some capability is needed for cases that progress as far as Rwanda, Darfur, or Kosovo — and it is natural to worry that, by the time things get that far, the underlying factors driving abuses cannot be undone. But we are looking to the *next* crisis, and there may still be time to avert or mitigate it. The international community needs to examine more carefully its responsibility for creating or enabling mass atrocities, not just its responsibility for preventing or responding to them. China, as noted, has been criticized for supporting the Sudanese government. But how different would Rwanda have looked had the French not supported the ultimately genocidal government? How different might the situation in the east of the DRC now be had the US not armed and funded Mobutu?

The report of the Genocide Prevention Task Force includes a number of preventative recommendations that can be read as requiring reform in the way that states, particularly members of the P5, approach their relationships with questionable regimes. It is difficult, however, to imagine the US taking the recommendation to “interdict funds and arms” to mean that US forces should seize British weapons being sent to Saudi Arabia.⁴⁴

44 Genocide Prevention Task Force. *Preventing Genocide: A Blueprint for U.S. Policymakers*. Washington, DC: United States Holocaust Memorial Museum, The American Academy of Diplomacy, and the United States Institute of Peace, 2008, , p. 43. It should be noted, in fairness, that Western nations often do voluntarily cut support to regimes that have engaged in egregious abuses — as the UK recently did by suspending/revoking arms licenses for Bahrain. My point is that the norm should require action before a crisis is underway.

The current political norm accepts all manner of support to regimes that do not meet human rights standards, even ones that show signs they may devolve into violence, under the banner of “political realism.” This is essentially the same cynical political calculus that RN2V seeks to end at the UNSC — and is likely to be just as difficult to change, of course. But proposing an RN2V norm in a context that turns a blind eye to P5 support to abusive regimes so long as they keep their abuses within bounds risks being a cruel joke. It is as if we are saying to the populations of abusive states: We will not shame nations into cutting support when it could undercut abuses so long as they do not meet a certain threshold of horror, but once they do become horrific, we will do our best to ensure that you are subjected to warfare in addition, in hopes that we might achieve at great cost to you what we had no right to pursue at lesser cost to us.

Finally, part of a solution is likely to be institutional. DPKO is now much more robust than it once was, and we need a similar expansion of the powers and capacities of organs like the Peacebuilding Commission. It is no surprise that effective UN action will not be taken if the UN does not have the capacity to predict problems and plan to address them in advance. Political and peacebuilding missions deserve the same kind of attention — and resources — that PKOs have finally won.

In a broader context — where a serious conversation is being had about all elements of how to use the UN to address genocide and atrocities, where all the major and minor powers feel part of a genuine conversation, and where institutional weight is thrown behind non-military options — RN2V would helpfully clear the way for extreme measures in extreme cases. But absent deeper reforms, it risks making it easier for the UN to be seen as “doing something” at heavy cost in human lives.

Is Libya RN2V In Action?

As this essay was being written, the UN Security Council took action on a plausible case of “mass atrocities.” It authorized “all necessary measures” to protect civilians in the conflict between government and rebel forces in Libya, where there had been credible reports of government abuses, including attacks on civilians with heavy weapons.⁴⁵

Traditionally intervention-averse P5 members declined to vote against the resolution — China and Russia (along with Brazil, India, and Germany) both abstained from the vote on Libya.⁴⁶ It is plausible to speculate that, given the broad international consensus that Qaddafi’s government was massacring civilians as part of its counterinsurgency, Russia and China felt that they could not, politically, veto resolutions to intercede — that is, that they felt constrained by an RN2V-like norm.

At the time of writing, it has been barely two weeks since the resolution on Libya was adopted, and US-led airstrikes on Libyan targets began (command has since been transferred to

45 S/RES/1973. 17th Mar. 2011, p. 3.

46 S/PV.6498. 17th Mar. 2011, p. 3.

NATO). So it is both irresistible and a bit irresponsible to comment on what these events imply about the wisdom of reinforcing the RN2V norm.

The intervention in Libya has some worrisome aspects. First, the authorizing resolution explicitly rules out “a foreign occupation force... on any part of Libyan territory,” raising concerns about the ability of air power to protect civilians any more efficiently in Libya than it did in Kosovo.⁴⁷ At the time of writing, there is talk of support to the rebels, perhaps covert Western assistance — which provides “ground forces” but raises questions of who, exactly, we would be supporting, and whether the intervention can (or should) maintain any form of impartiality that would distinguish it as a civilian-protection force rather than a party on the side of the rebels.⁴⁸

Second, it quickly became clear that while early discussions of intervention focused on the creation of a no-fly zone (NFZ), the intervention would go beyond that. The language of the resolution did not restrict action to the imposition of an NFZ, and coalition forces quickly began striking targets beyond air defenses, such as armor and artillery, on the grounds that they were being used indiscriminately against civilians.⁴⁹ On 28 May 2011, President Obama announced that while “regime change” in Libya was not part of the “military mission,” the US would work with allies to cut off arms to the government, “assist the opposition,” and “hasten the day when Qaddafi leaves power.”⁵⁰

Moving beyond a NFZ may have been appropriate. But it exposed a lack of true consensus.

The AU took a hesitant line toward military action in Libya from the start, calling on 23 March for the “cessation of all hostilities.”⁵¹ The Arab League had originally supported the NFZ, but then balked at the expanding mission.⁵² A European diplomat said bluntly (and anonymously), “[t]he no-fly zone was a diplomatic thing, to get the Arabs on board.”⁵³ China’s representative, at the debate over the resolution, voiced concerns about the implementation of the mission that he claimed were not answered, but explained his country’s abstention as deference to the special circumstances and support of the Arab League; the Indian representative was

47 S/RES/1973. 17th Mar, 2011, p. 3.

48 On support and the identity of the rebels, see: Jon Lee Anderson. ‘Who Are the Rebels?’ In: *The New Yorker* (4th Apr. 2011); Mark Mazzetti and Eric Schmitt. ‘C.I.A. Agents in Libya Aid Airstrikes and Meet Rebels’. In: *The New York Times* (30th Mar. 2011).

49 For an account of one of the earliest such strikes, see: Dan Murphy. ‘How French Jets Saved Libya’s Rebels at the Last Minute’. In: *The Christian Science Monitor* (20th Mar. 2011).

50 Barack Obama. *Remarks by the President in Address to the Nation on Libya*. 28th Mar. 2011. URL: <http://www.whitehouse.gov/the-press-office/2011/03/28/remarks-president-address-nation-libya> (visited on 01/04/2011).

51 *Press Statement of the 268th Meeting of the Peace and Security Council*. Press Statement PSC/PR/BR.1(CCLXVIII). Addis Ababa, Ethiopia: African Union Peace and Security Council, 23rd Mar. 2011. URL: http://www.au.int/en/sites/default/files/268th_FINAL_Press_Statement_-_Libya_EN.pdf (visited on 04/04/2011).

52 Richard Leiby and Muhammad Mansour. ‘Arab League Asks U.N. For No-Fly Zone Over Libya’. In: *The Washington Post* (12th Mar. 2011); Robert Marquand. ‘Arab League Now Worried About Qaddafi Retaliation After Supporting Libya No-Fly Zone’. In: *The Christian Science Monitor* (20th Mar. 2011).

53 Quoted in Greg Jaffe and Karen DeYoung. ‘In Libya Mission, War Blurs Humanitarian Focus’. In: *The Washington Post* (31st Mar. 2011).

concerned that the UN's envoy and the African Union mission had not yet reported their findings.⁵⁴ Finally, one journalist (though one clearly opposed to the intervention) claimed to have been told that the US secured Arab League support for the NFZ by promising to turn a blind eye to the crackdown in Bahrain. The dissensus is worrisome because it paints a picture different from that imagined in the RN2V proposal — not one where a clear and robust consensus may otherwise have been blocked by Chinese intransigence, but rather one where China stepped aside and an intervention was authorized while several parties may have had reasonable concerns out of a rush to “do something.”

Exemplifying this paper's concerns that a focus on making political will easier to obtain may undermine effectiveness, the director of Human Rights Watch praised the resolution, spent one brief sentence on “effective protection,” and then moved on to other nations in which the Security Council should act.⁵⁵

It is too early to pass even a provisional judgment on the effectiveness of the UN-sanctioned intervention in Libya. I sincerely hope that, in retrospect, it will protect civilians and provide a supportive example for Blätter and Williams. But my reason for discussing it here is that it is not a case in which a veto would *clearly* have been unreasonable.

Conclusion

In the end, I hope that my comments can contribute to a development of the themes driving RN2V rather than undermine them. If we hope for an international order where human rights abuses are addressed in a timely and effective manner, and not subject to the vagaries of national interest, improving UN response to them must be part of the solution. I have only argued that we should be wary of changes that would inherently increase the chances of a military intervention being authorized — without institutional or normative changes to help guard against militarization of situations where it could be avoided by earlier effective non-military action, and against hasty or inappropriate particular interventions.

54 S.PV/6498 17th March 2011, pp. 5—6, 10.

55 Kenneth Roth. ‘The Security Council Has At Last Lived Up to its Duty’. In: *Foreign Policy* (18th Mar. 2011).