

Distributing Duties and Counting Costs¹

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Abstract

Building on arguments advanced in a new book on the idea of 'special responsibilities' in world politics, this article brings to the foreground what is often in the background of R2P debates. Specifically, it explores how far a special responsibilities frame can bridge the gap between the 'permissive' character of the R2P regime and the cosmopolitan desire to see decisive humanitarian rescue as an obligation. Special responsibilities also provides an opening to consider the other side of the register, namely, how the burdens and costs of intervention should be distributed. To date, it is realists who have raised such questions; I argue that, constructivists need to address them too. With better burden-sharing arrangements, great powers will be more inclined to accept the further movement of R2P in the direction of an obligatory regime.

Introduction

We should not be surprised to find that the 'intervention question' is highly contested in theory and practice. Much has been written about the contestation about what is to be done in relation to Syria, just as there remains a heated debate in capitals around the world about what *was* done in Libya. About the only thing all protagonists agree on is that R2P is now front and centre in diplomatic and public discussions about the efficacy and appropriateness of using force, as a last resort, to halt or limit conscience-shocking violence and brutality. The guiding theme of this paper is not to engage directly with the diplomacy of R2P – others in

¹ I would like to acknowledge the editorial advice and support of Luke Glanville, and his fellow editors of *GR2P*. Additionally, Jocelyn Vaughn provided invaluable RA support during the drafting of the article. An earlier version of the paper was presented to the UQ Saint Lucy's history and theory reading group – thanks to all who contributed valuable critical commentaries at this session, including Richard Devetak, Heather Rae, Andrew Phillips, Hun Joon Kim and Chris Reus-Smit.

the academic community have done this exceptionally well.² Rather, in light of the theme of this Special Issue, the article asks what contributions recent International Relations (IR) theory – particularly realism and constructivism - have made to our understanding of important normative dilemmas relating to armed intervention.

Before going any further, it is necessary to clearly state that the focus of the discussion relates to R2P situations in which instruments short of military intervention have failed (which means leaving out of the analysis a range of important issues relating to prevention and assistance). The justification here is not the valorization of the use of force; instead, it is to reiterate an argument made by Nicholas J. Wheeler in his classic *Saving Strangers*, that debates about humanitarian interventions pose hard questions – and reveal some answers – about the normative character of international society at a particular moment in history.³

The paper is structured along the following lines: it opens with a discussion of an important new constructivist contribution to how ‘responsibilities’ for international order and justice are distributed. This book, by prominent constructivist scholars, persuasively argues that the idea of ‘special responsibilities’ brings with it the possibility of linking some of the more abstract claims in normative theory to the context of actually existing states and institutions.⁴ Intriguingly, they chose not to examine R2P as one of their ‘regimes’ despite the fact that the responsibility to prevent or halt genocide is perhaps the most special responsibility of all.

² See recent policy papers by Alex Bellamy, such as Alex Bellamy, "The Responsibility to Protect: Towards a "Living Reality", " (United Nations Association-UK, 2013), accessed 17 June 2013.

³ Nicholas J. Wheeler first made this argument in 1992, then later in 2000. Nicholas J. Wheeler, "Pluralist or Solidarist Conceptions of International Society: Bull and Vincent on Humanitarian Intervention," *Millennium - Journal of International Studies* 21, no. 3 (1992); *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000).

⁴ M. Bukovansky et al., *Special Responsibilities: Global Problems and American Power* (Cambridge University Press, 2012). This is a multi-authored book by Mlada Bukovansky, Ian Clark, Robyn Eckersley, Richard Price, Christian Reus-Smit, and Nicholas J. Wheeler.

Fortunately, many other works in normative political theory have considered whether there is a ‘duty to protect’ and how this ought to be distributed; the claim in the article is that some of these claims can be usefully coupled to the idea that great powers and international institutions having a special responsibility for humanitarian protection.

A feature common to both the book *Special Responsibilities* and recent normative thinking on R2P is the lack of attention that is given to *how* the burdens of leadership *ought* to be shared. As I argue in the second half of the paper, any normative claim about ‘agency’ must be accompanied with a political and institutional framework for allocating the costs. This is a concern that both realists and neoliberal institutions have voiced in relation to the ability and willingness of a hegemonic power to be the solution for the world’s collective action problems. In a high profile article in *International Security*, the realist thinker Robert Pape raises this issue in a dramatic fashion. His opening contention is that the R2P framework has drastically lowered ‘the bar’ for intervention such that the United States, in particular, will ‘be compelled to intervene in countless humanitarian crises in the future.’⁵ While Pape’s article has many flaws,⁶ he asks an important question about what special *burdens* the United States has to bear for the common good – a dimension of R2P that has not received sufficient attention. Given the prominence of the journal in the American International Relations (IR) academy, it is likely this attention deficit will be short-lived.⁷

⁵ Robert A. Pape, "When Duty Calls: A Pragmatic Standard of Humanitarian Intervention," *International Security* 37, no. 1 (2012): 47.

⁶ These are exposed by Gareth Evans and Ramesh Thakur, "Humanitarian Intervention and the Responsibility to Protect," *International Security* 37, no. 4 (2013).

⁷ One can only hope that Pape’s important contribution to the debate is not the *only* or principal text that these future-possible outputs engage with. It is worth noting that R2P (and humanitarian intervention) is one of the few areas of the discipline that has *not* been dominated by the American heartland. During the drafting of this article, *International Security* published two new articles on R2P; see Aiden Hehir ‘The Permanency of Inconsistency: Libya, the Security Council, and the Responsibility to Protect’, *International Security*, Summer 2013, Vol. 38, No. 1, Pages 137-159; and Alan Kuperman ‘A Model Humanitarian Intervention? Reassessing Nato’s Libya Campaign’, *International Security*, Summer 2013, Vol. 38, No. 1, Pages 105-136.

Apart from their intrinsic merits, what justifies a close engagement with both of these sources is that the Bukovansky *et al* book and Pape's article both place the United States at the centre of their respective narratives. The United States government has become more closely aligned with R2P under the Obama administration as is evident from the creation of an Atrocity Prevention Board (APB).⁸ What this policy initiative obscures, however, is the deeper question of how the government understands its obligations to protect other peoples who are at risk. It is logically possible to have procedures for inter-agency coordination and yet fall short of taking decisive action when the situation demands. A recent evaluation of the APB made this point when it noted the deafening silence of the Board in relation to Syria.⁹

Pape's concern about the R2P regime being overly permissive is at odds with the liberal account of the US's role in upholding the norm of the prevention and punishment of genocide. As Samantha Power argued, before she took up the post as special advisor to the President (in Obama I) and then Ambassador to the UN (in Obama II), the problem with the US has historically been *too little* interventionism to prevent genocide and not *too much*. One explanation for America's blind spot here, identified in the *Special Responsibilities* book, is that although genocides and other mass atrocities generate regional problems by virtue of the cross border harms that accompany such crimes, they rarely constitute the kind of 'threat' (in the conventional sense) to global security such that the national interest and the global good can easily be conjoined. Kofi Annan understood this when he noted that the Rwanda

⁸ For a good update on the US 'road to R2P' see Bruce W. Jentleson, "The Obama Administration and R2P: Progress, Problems and Prospects," *Global Responsibility to Protect* 4(2012).

⁹ John Norris and Annie Malknecht, 'Atrocity Prevention Board: Background, Performance, Options'. <http://www.americanprogress.org/issues/security/report/2013/06/13/66457/atrocities-prevention-board/>. Centre for American Progress paper.

genocide ‘came from within’.¹⁰ In contrast, in many other domains in which moral leadership is required, for example the control of nuclear weapons proliferation or climate change, the US and other great powers have a strong mutual interest in creating and sustaining cooperative arrangements for their mutual advantage.

The argument unfolds in a dialectical fashion. It argues that a constructivist account of special responsibilities takes us further than the current interpretation of what the R2P norm means and how it is operationalized, specifically in relation to agency. Special responsibilities provide a vocabulary for thinking about power and legitimacy – yet they do not go far enough in dealing with important pragmatic concerns about burden sharing. Distributing duties must also be attentive to calculating the costs of intervention.

1. Allocating the Responsibility to Protect

Special Responsibilities: Global Problems and American Power examines ‘the differentiated set of obligations’ that exists in contemporary international society with respect to nuclear proliferation, global finance, and climate change. By special responsibilities, the authors mean ‘a differentiated set of obligations, the allocation of which is collectively agreed [...] for managing collective problems in a world that is characterized by both formal quality and inequality of material capability.’¹¹ As noted above, what is missing from this list of cases is the protection of peoples from genocide and other mass atrocities (something partially

¹⁰ Kofi Annan, *Interventions: A Life in War and Peace* (New York: Penguin, 2012). 74.

¹¹ Bukovansky et al., *Special Responsibilities*: 16.

redressed by two of the authors have subsequently written an article that considers R2P as a subset of the UN Security Council's special responsibilities¹²).

The co-authors provide a two-fold account of their decision in the book's Introduction – each reason can be rejected upon close scrutiny. First, they argue that it 'is still a recently emerging norm' that remains too fluid to generate meaningful conclusions. The extent to which R2P is a 'new' norm or whether it should be regarded as a modification of an existing norm has been hotly debated in recent years. In general, politicians and diplomats have been the most keen to represent R2P as a new departure, whereas much of the scholarship in this area takes the history of the norm either back to European great powers seeking to protect 'Christians' from atrocities committed by the Ottoman Empire¹³ or to the evolution of UN interventions in Africa during the wars of decolonization.¹⁴ This is not the place to meaningfully evaluate these different arguments about the 'origins' of humanitarian intervention and where to situate R2P within this evolution, suffice to say that it is inadequate either to argue that R2P 'began' with the 2001 Canadian Commission or to try and claim some kind of continuity from the current R2P framework back to the abolition of the slave trade or the protection of Christian minorities. What is surely apposite to note is that R2P continues to receive widespread support by UN member-states, evidenced by the annual dialogue in the General Assembly¹⁵, and in on-going references to R2P in UN Security

¹² Ian Clark and Christian Reus-Smit, "Liberal Internationalism, the Practice of Special Responsibilities, and Evolving Politics of the Security Council," *International Politics* 50, no. 1 (2013).

¹³ Gary J. Bass, *Freedom's Battle: The Origins of Humanitarian Intervention* (New York: Alfred A. Knopf, 2008); Alex J. Bellamy, *Massacres and Morality: Mass Atrocities in an Age of Civilian Immunity* (Oxford: Oxford University Press, 2012).

¹⁴ Anne Orford, *International Authority and the Responsibility to Protect* (New York and Cambridge: Cambridge University Press, 2011).

¹⁵ For a summary of the statements made in the UNGA interactive dialogue, see <http://responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/4331-un-general-assembly-dialogue-on-the-report-of-the-secretary-general-on-the-responsibility-to-protect-timely-and-decisive-response>.

Council resolutions.¹⁶ On this basis, the claim that R2P is an evolving norm – as the current UN Secretary-General often describes it - is not premature (as the *Special Responsibilities* book implies).

The second reason why Bukovansky *et al* did not apply special responsibilities to R2P is more substantive and requires careful consideration. They claim that R2P is primarily located at the level of the state and its domestic obligations to prevent genocide. In their words, there has been ‘less overt discussion of any specific international distribution’ and, as such, R2P is limited mainly to ‘the assignment of this general responsibility’.¹⁷ I agree there is more work to be done here, nevertheless, there have been important political, legal, and diplomatic debates about how special responsibilities are assigned, to which actors, and by what authority. In other words, there are good ‘constitutional’ and practice-based reasons for treating R2P as a norm that gives effect to *special* responsibilities – rather than to *general* duties that are assigned to all members of the UN system.¹⁸

Where does the language of special responsibilities come from historically? It came to the fore during diplomatic negotiations during the 1930s in relation to the recommendations of the Mandates commission in which European great powers conveniently became custodians over their former colonial possessions – a practice that Japan was quick to emulate, arguing

¹⁶ A recent UNSC debate about peace and conflict in Africa provides a guide to how R2P continues to inform crisis management inside the Council. The UNSC ‘stresses the importance of the responsibility to protect as outlined in the 2005 World Summit outcome document, including the primary responsibility of Member States to protect their populations from genocide, ethnic cleansing, crimes against humanity and war crimes. The Council further underlines the role of the international community in encouraging and helping States, including through capacity-building, to meet their primary responsibility’. S/PRST/2013/4 (15 April 2013).

¹⁷ Bukovansky *et al.*, *Special Responsibilities*: 19.

¹⁸ The distinction between general and special responsibilities is neatly drawn on p.57 of Bukovansky *et al.* ‘A general responsibility is one held by all members of a particular social order (the modern international system, for example), or when we disaggregate such orders, by all parties to a particular regime of social cooperation.... A special responsibility, in contrast, is one that only particular members of a social order or particular parties to a given regime of social cooperation, have.’

that it too had special responsibilities over weaker countries in East Asia.¹⁹ After the Second World War, special responsibilities became increasingly coupled with the United States' attempts to corral its hegemonic authority through international institutions. At the opening session of the UN General Assembly, President Truman twice invoked the phrase. 'The course of history', Truman argued, 'has made us one of the stronger nations of the world. It is therefore placed upon us special responsibilities to conserve our strength and to use it rightly... in the fulfillment of the long-range tasks of the United Nations.'²⁰ The audience for Truman's articulation of special responsibilities was no doubt 'domestic' as well as international, preparing the American people as well as other state leaders for an era that was about to place greater burdens on and accrue more privileges to the United States than it had hitherto experienced since the birth of the Republic.

From the vantage point of today, it would be hard to claim that America has used its power 'rightly' in relation to the prevention of genocide and the protection of peoples from mass atrocities. Far from accepting a special responsibility to protect, the United States committed egregious acts in its military campaigns against 'communist' regimes in South-East Asia, and it has been a bystander to genocide in East Timor, Cambodia, and Rwanda. It is well-documented that at the time of the Rwandan crisis the Clinton administration's legal counsel advised against calling the crisis 'genocide' for fear that this would trigger an obligation the United States government was not prepared to meet. Before taking up her post as senior advisor to President Obama, and then Ambassador to the UN (in his second term), Samantha Power detailed the willful ignorance of the Clinton Administration during the Rwanda crisis. She quotes from an official paper prepared by the Office of the Secretary of Defence (May 1

¹⁹ Bukovansky et al., *Special Responsibilities*: 33.

²⁰ *Special Responsibilities*: 33-34.

1994), which stated in shorthand: ‘Genocide Investigation: Language that calls for an international investigation of human rights abuses and possible violations of the genocide convention. *Be Careful. Legal at State was worried about this yesterday – Genocide finding could commit [The U.S. government] to actually “do something”.*’ Later in the article, Susan Rice, who Power replaced at the UN, is quoted as saying ‘If we use the word “genocide” and are seen as doing nothing what will be the effect on the November [congressional] election?’²¹

Against this bleak backdrop, the diplomatic and military action taken by the United States government – in partnership with key multilateral institutions - to protect civilians in Libya in 2011 stands out as a rare moment when special responsibilities prevailed over narrow national interest calculations. What explains this turn around? One argument that has been advanced in the literature by Alex Bellamy and Paul Williams²² is that ten years of painstaking diplomatic negotiations in relation to R2P means that it has become an influential framework in terms of how states calibrate their obligation to protect civilians. Does this mean we can meaningfully talk about leading states and institutions accepting that they have a duty (or responsibility) to prevent or halt genocide and other mass atrocities? A cursory glance at commentaries in influential foreign policy sites, such as *Foreign Affairs* and *Foreign Policy* suggests that such a conclusion is premature. There is no consensus about whether Libya points to the growing acceptance of R2P or whether it should be discarded (in Rieff’s often-quoted phrase, ‘R2P: RIP’²³).

²¹ Emphasis in original, Samantha Power, "Bystanders to Genocide," *The Atlantic Monthly*, September 2001, <https://www.mtholyoke.edu/acad/intrel/power.htm>, accessed 17 June 2013.

²² See, for eg, Paul Williams and Alex Bellamy, "Principles, Politics, and Prudence: Libya, the Responsibility to Protect, and the Use of Military Force," *Global Governance* 18, no. 3 (2012).

²³ David Rieff, ‘R2P: R.I.P.’, *New York Times* 7.11.11. <http://www.nytimes.com/2011/11/08/opinion/r2p-rip.html>

The horrifying crimes against humanity being perpetrated in Syria forms part of the skeptics' case against R2P. Yet recognizing a responsibility to intervene does not compel an actor to accept this responsibility unless prior conditions have been met, usually understood as including the following: force being a last resort; that it is used proportionally; absolute care is taken to minimize harm to civilians; and that the application of military power has a reasonable prospect of success. Syria fails these prudential criteria on at least two of these conditions, which is why R2P advocates have, in general, not made an argument that Syria is an R2P situation that demands the application of coercive force.²⁴

The fact that critics routinely and incorrectly ascribe to R2P the simplistic view that a 'just cause' is both a necessary and sufficient condition to warrant a military intervention, is itself reason alone for revisiting the normative foundations of the regime. What we find when we examine the regime in detail is that the 'agency' question – in relation to the international community and the adoption of coercive measures to prevent or limit a mass atrocity – has been consigned to the margins of the debate. Greater clarity about this important question might overcome some of the grounds on which critics wrongly impugn R2P.

2. Intervention as an 'Optional' Duty: Generalised and Special Responsibilities in the R2P Regime

²⁴ Anne-Marie Slaughter is an exception. As she argued on 28 May 2013, 'In Syria, the moral, strategic, and political arguments all converge in favour of decisive action to stop the killing, if not forever, at least for now, to create a space for peace'. Anne-Marie Slaughter, "Going to School on Syria's Suffering," *The Globe and Mail*, 29 May 2013, <http://www.theglobeandmail.com/commentary/going-to-school-on-syrias-suffering/article12206757>, accessed 17 June 2013..

R2P is referred to in the academic and public discourse as a norm or principle. Yet there are good reasons for treating large-scale policy areas such as R2P as a ‘regime’ in which responsibilities are allocated and distributed. Going back to the classic definition in the IR literature, regimes are ‘principles, norms, rules, and decision-making procedures around which actor expectations converge in a given issue-area’.²⁵ The regime is nested in the United Nations system where two of its principal organs have shaped its development - the General Assembly and the Security Council. What makes it meaningful to talk about it as a regime is that R2P gives effect to multilateral efforts to establish cooperative arrangements to prevent, contain, or halt genocide and other mass atrocities.

A key component of a coordination regime is the ‘differentiated set of obligations’ as the actors understand them (and argue about them). This point is best illustrated by returning to the operative paragraphs in the World Summit Outcome Document (WSOD)²⁶ which capture, in broad terms, the collectively agreed upon allocation of roles and responsibilities for managing and responding to the threat of genocide and mass atrocities. There is a *generalized* responsibility in the R2P regime to protect that falls on ‘each individual state’ to prevent ‘its populations’ from experiencing the four crimes of genocide, ethnic cleansing, war crimes, and crimes against humanity. Such a general responsibility is evident in the words of paragraph 138 of the WSOD in which member states ‘accept that responsibility and will act in accordance with it.’²⁷ Such a general responsibility is universal – it does not apply to certain categories of states in the way that the nuclear non-proliferation regime distinguishes between ‘classes’ of states – nuclear weapons states and non-nuclear weapons states.

²⁵ Stephen D. Krasner, "Regimes and the Limits of Realism: Regimes as Autonomous Variables," *International Organization* 36, no. 2 (1982).

²⁶ The World Summit, a high-level meeting of the General Assembly to search for solutions to global threats, took place from 14-16 September 2005.

²⁷ United Nations General Assembly, "'World Summit Outcome', a/Res/60/1, 24 October," (2005).

What measures are required to fulfill this general responsibility to protect is imprecise, though it is understood to include preventing or responding effectively to incitement and other atrocity trigger-points. Generalized responsibilities also include the obligations states have, by virtue of the 1948 Genocide Convention, to ‘prevent and punish’ these acts. Such exhortation has not been matched by a parallel move to establish universal legal jurisdiction, although state practice is evolving in this direction albeit incrementally.²⁸

The generalized norm of sovereignty-as-responsibility is widely accepted among all sovereign states at least at the declaratory level. In fact, the R2P framework has been successful in shifting the discourse away from the rights and prerogatives of sovereign statehood towards an acceptance that such prerogatives must not become a gangster’s charter such that states can commit grave violations of human rights with impunity. Where R2P has been *less* successful is in showing the connection between:

- Claim I: the abandoning of sovereignty as a norm that protects potential human rights violators, and
- Claim II: asserting that there is a duty to come to the aid of actual or potential victims.

The 2001 ICISS report (or ‘Canadian Commission’ on R2P) argues that the ‘host’ state had the primary responsibility, while the international community bears a ‘residual responsibility’.²⁹ In effect, the problem with the ICISS version of allocating responsibility, replicated in the operative paragraphs of the World Summit which go no further than stating a

²⁸ Jennifer Welsh, ed. *Humanitarian Intervention and International Relations* (Oxford: Oxford University Press, 2003), 54-55.

²⁹ International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001). 16-17.

preparedness to act,³⁰ is that both founding documents of the regime move too rapidly from Claim I to Claim II without providing moral or institutional reasons *why certain actors or institutions have a duty to protect*. In effect, as the philosopher Kok-Chor Tan argues, the diplomatic framework is ‘permissive’ rather than ‘obligatory’ thereby limiting the effectiveness and the legitimacy of the regime.³¹

In the 2005 World Summit framing of the R2P regime, there is a commitment to *consider* taking action on a case-by-cases basis and a *preparedness* to do so, but there is not a clear sense of a duty to act coercively when required. In this sense, the prevailing diplomatic consensus – especially among the great powers – *falls short of accepting that there is an obligation to protect*. Interestingly, an earlier wording of this key paragraph was more forthright – ‘recognising our shared responsibility to take collective action’ - but this wording was altered at the insistence of John Bolton, then the Permanent Representative of the United States to the United Nations.³² Bolton’s view was that great powers may have a right to intervene but there is no duty that can bind them to do so. While Bolton’s clear preference was for R2P to remain a permissive rather than an obligatory regime, there was no evidence that any of the other permanent members were ready to have their freedom of movement constrained by the anti-mass atrocity regime that was being established. Yet, as Alex Bellamy pointed out at the time, without a good answer to ‘who’ should act, appeals to ‘do something’

³⁰ Para 139 of the WSOD framed the international community’s R2P in terms of preparedness to act.

³¹ Kok-Chor Tan, "Military Intervention as a Moral Duty," *Public Affairs Quarterly* 9, no. 1 (1995): 88; see also Luke Glanville, "The International Community's Responsibility to Protect," *Global Responsibility to Protect* 2, no. 3 (2010): 294.

³² Peters, "The Security Council's Responsibility to Protect," 9. See also the discussion in Glanville, "On the Meaning of 'Responsibility' in the 'Responsibility to Protect'."

in the face of a mass atrocity crime are likely to ‘evaporate amid disputes about where the responsibility lies’.³³

3. Taking the Duty to Protect Seriously

That we should accept a *prime facie* case that there is a duty to protect citizens of another state at risk – or experiencing – a mass atrocity crime is grounded in a commitment to protecting their basic right to life.³⁴ If we are to take human rights seriously, then we need not only avoid harming others, we have positive duties to assist and protect those who are in danger even if it is their own state that is the source of their insecurity.³⁵ In other words, we are bound by such norms as humanitarian rescue by virtue of our membership of that moral community of humankind.³⁶ For Shue, Teson, and other like-minded scholars, we are bound to over-rule the right of non-intervention when it serves to shield governments who were ‘engaged in the systematic murder of large numbers of their own people’.³⁷ Overruling the principle of nonintervention quickly leads to the conclusion that we should also ‘overrule the right of third-party states to neutrality’.³⁸

³³ Alex Bellamy, ‘Responsibility to Protect or Trojan Horse? The Crisis in Darfu and Humanitarian Intervention after Iraq’, *Ethics and International Affairs* 19(2), pp.

³⁴ Luke Glanville makes this point in his contribution ‘Is Just Intervention Morally Obligatory’ in Caron E. Gentry and Amy E. Eckert eds., *The Future of Just War: New Critical Essays* (Athens: University of Georgia Press, 1914, forthcoming).

³⁵ Henry Shue, ‘Limiting Sovereignty’, in *Humanitarian Intervention and International Relations*, ed. J.M. Welsh (Oxford: Oxford University Press, 2003), 21.

³⁶ Carla Bagnoli, ‘Humanitarian Intervention as a Perfect Duty’, in *Humanitarian Intervention*, ed. Terry Nardin and Melissa S. Williams (New York: New York University Press, 2006), 120.

³⁷ Thomas M. Franck, *Recourse to Force: State Action against Threats and Armed Attacks*, vol. 15. (Cambridge: Cambridge University Press, 2002). 183.

³⁸ Kok-Chor Tan puts this neatly when he argues, ‘both offending and neutral states lose their appeal to sovereignty in situations of severe rights abuses’. See his essay Kok-Chor Tan, ‘Duty to Protect,’ in *Humanitarian Intervention*, ed. Terry Nardin and Melissa S. Williams (New York: New York University Press, 2006), 93.

If we pursue this logic in the context of an everyday example from civil society, it is evident that a duty to come to the aid of a stranger is a reasonable expectation on all of us. Take, for example, an ordinary member of the public who is walking through the park on a winter's day. She encounters, to her surprise, a child who is struggling to stay afloat having fallen into a lake. Her society would reasonably expect her to take every conceivable step, short of risking her own life, to come to the aid of the drowning child. Such expectations are set without any reliable information about whether or not the bystander and potential victim share any bonds of kinship - or even bonds of citizenship.

Kantian cosmopolitans, such as Henry Shue, call upon a 'we' to undertake international rescue in much the same way that the bystander is expected to come to the aid of the drowning child. Yet there is no generic 'we' that is capable of acting in a timely and decisive manner to prevent or avert a mass atrocity. The bystander analogy, invoked in various ways by moral philosophers, simplifies the relationship between rescuer and victim such that there is only one possible intervenor – who is acting on impulse rather than engaging in complex calculations of institutional risks and costs of action or inaction.

Moving from ideal theory to action-guiding theory it is evident that, for international actors to be able to carry the burden of a non-optional responsibility to protect, two arguments have to be defended: (i) that the actor or actors in question satisfy an 'agency condition' (ii) that the regime allocates to them a special responsibility to protect, and (iii) that this is related to their functional role in international society and their capability to act effectively to protect or assist the vulnerable (presuming the precautionary criteria have been met).

A great deal has been written on the capacities of collective actors, such as states and institutions, to exercise moral agency.³⁹ The philosopher Peter French makes a good case for establishing the benchmarks for evaluation: 'A collectivity is a candidate for moral agency if it has the following: an identity that is more than the sum of the identities of its constitutive parts and, therefore, does not rely on a determinate membership; a decision-making structure; an identity over time; a conception of itself as a unit'.⁴⁰ A functioning state and a regional organization such as the EU would meet these criteria.

The claim, however, that the international community has the capacity for agency is ambiguous at best.⁴¹ If the international community cannot meet pass the agency 'test', then it follows that any virtuous acts undertaken in its name are 'imperfect duties' – or in Walzer's words, duties that do not belong 'to any particular agent'.⁴² So when there is an atrocity being committed, and transnational civil society is shouting 'something must be done!,' no particular state or institution has a binding obligation to take remedial action. All that is left

³⁹ See, for example, the collection edited by Tony Erskine. Toni Erskine, Association British International Studies, and Association International Studies, *Can Institutions Have Responsibilities?: Collective Moral Agency and International Relations* (New York: Palgrave Macmillan, 2003).

⁴⁰ Quoted in Anthony Lang, "The United Nations and the Fall of Srebrenica: Meaningful Responsibility and International Society," in *Can Institutions Have Responsibilities?: Collective Moral Agency and International Relations*, ed. Toni Erskine (New York: Palgrave Macmillan, 2003), 185. [Note that this quotation arguably leaves out a 5th dimension, namely, clarity about who or what an actor is responsible to – see Chris Brown, "Moral Agency and International Society: Reflections on Norms, the UN, the Gulf War, and the Kosovo Campaign," in *Can Institutions Have Responsibilities?: Collective Moral Agency and International Relations*, ed. Toni Erskine (New York: Palgrave Macmillan, 2003). Luke Glanville, "On the Meaning of 'Responsibility' in the 'Responsibility to Protect'," *Griffith Law Review* 20, no. 2 (2011).]

⁴¹ Erskine casts doubt on the agency of the international community and a lot else besides. Toni Erskine, "Making Sense of 'Responsibility' in International Relations: Key Questions and Concepts," in *Can Institutions Have Responsibilities?: Collective Moral Agency and International Relations*, ed. Toni Erskine (New York: Palgrave Macmillan, 2003).

⁴² The full passage by Michael Walzer is worthy of note: 'The general problem is that intervention, even when justified, even when it is necessary to prevent terrible crimes, even when it poses no threat to regional or global stability, is an imperfect duty – a duty that doesn't belong to any particular agent. Someone ought to intervene, but *no specific state* in the society of states is morally bound to do so'. Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977). xiii.

of R2P is what Nardin calls ‘a rather weak duty’ in which the members of the community are not permitted to be moral bystanders ‘but they can choose *when* and *how* to respond’.⁴³

In the permissive version of the R2P regime, ‘capable states’ may take up the responsibility to protect. Historical or cultural ties are often lauded as mechanisms that link the host state that is failing to protect its peoples to a potential intervening state. Examples here would include the United States claims to special responsibilities in South America and the Caribbean, the United Kingdom in Sierra Leone, France in the Maghreb, India in Sri Lanka, China in South-East Asia. Yet, there may be many reasons why it is wholly unsatisfactory to allow geography or history to determine who has a special responsibility: geography would permit interventions into a great power’s ‘sphere of influence’, and history would allow former imperial powers to assert a special relationship with those who were violently dispossessed.

For the more robust claim that there is a binding obligation to intervene (when all the precautionary criteria have been met), we need to specify more clearly agents that can be identified as having a ‘nonoptional duty’.⁴⁴ Institutions play a key role in this regard. If they are able to concretely allocate the distribution of duties (and how the burdens are to be shared), then they can effectively turn imperfect duties into perfect ones.⁴⁵ First, let us consider how the United Nations fares. The UN better meets the criteria of agency than the general norms and institutions of the ‘international community’.⁴⁶ The UN has legal

⁴³ Terry Nardin, "Introduction," in *Humanitarian Intervention*, ed. Terry Nardin and Melissa S. Williams (New York: New York University Press, 2006), 14.

⁴⁴ "Introduction," 14..

⁴⁵ This point is made by Glanville, "On the Meaning of 'Responsibility' in the 'Responsibility to Protect'."

⁴⁶ The best treatment of the institutions of the international community is Hedley Bull, *The Anarchical Society* (Macmillan: Houndmills, 1977).

personality; it has a Charter specifying procedures and purposes; and the UN must act in accordance with customary international law – it is not a law unto itself. In relation to decisions about international peace and security, the Charter tells us that the organisation has delegated its authority to the UN Security Council – in effect, conferring on it both special rights and duties to its fifteen members (and the UN Secretariat that supports the Council). With respect of the use of force, the UN's competences are greater than many realists suppose. According to the Charter, the Security Council has the power to authorize when coercive measures should be adopted, under Chapter VII, for whatever the Council deems to be a threat to peace and security – and these resolutions are legally binding on all member-states.⁴⁷

While it is true that positivist international lawyers have not been very good at setting out precisely what the responsibilities of UNSC members actually are⁴⁸ it is noteworthy that legal and diplomatic opinion has most often been forthright when the UN Security Council has *failed* to live up to its special responsibility for humanitarian protection. Official UN reports on Rwanda and Srebrenica found that in both cases the UN Security Council had not exercised its responsibility to stop the genocides.⁴⁹ The famous 'Clinton Apology' in 1998 also reinforced the sense of a retrospective responsibility that had not been met: 'We come here today', Clinton said, 'partly in recognition of the fact that we in the United States and the world community did not do as much as we could have and should have done to try to

⁴⁷ Michael Doyle, "Dialectics of a Global Constitution," *European Journal of International Relations* 18, no. 4 (2012).

⁴⁸ See, for example, the ILC document on the Doctrine of State Responsibilities [add]International Law Commission, "Draft Articles on the Responsibility of States for Internationally Wrongful Acts," (UN GAOR, 56th Sess, Supp No 10, p 43, UN Doc A/56/10, 2001), accessed 17 June 2013.

⁴⁹ Anne Peters, "The Security Council's Responsibility to Protect," *International Organizations Law Review* 8, no. 1 (2011): 4.

limit what occurred'.⁵⁰ The clear inference from several commissions on the failure to prevent a genocide from happening is that action to prevent and protect populations from mass atrocities *is not something that Council members can adopt or not at will* – they have an obligation to take coercive measures, when necessary, unless it can be demonstrated that the political and military costs of action are unreasonably high (an issue discussed further below).⁵¹ This allocation of a special responsibility to UN Security Council members ought not to be regarded as a 'delegated' general responsibility (as Bukovansky et al imply) – particularly in relation to the role and identity of the five permanent members.

The decision to limit a duty to protect to the Security Council helped to assuage the concerns of the 'global south' that powerful states would not be able to unilaterally override the norms of non-intervention (Article 2.7) and non-use of force (Article 2.4) in the name of humanitarian protection. The importance of the consent of the wider community of actors is a feature of the 'special responsibility' framework – and is one that is not given sufficient prominence in earlier normative theorizing about intervention. By situating special responsibility in a relational framework, the contributors to the book remind us that the allocation of differentiated responsibilities must be collectively agreed.

In order to limit the permissiveness of the regime, an important measure would be for the permanent members of the Security Council⁵² to refrain from using their veto to block an R2P resolution that has been tabled in good faith. The right of veto is an explicit recognition that the great powers in the international system have a disproportionate burden in relation to

⁵⁰ Quoted in Power, "Bystanders to Genocide."

⁵¹ For a discussion of 'low cost' interventions, see e.g. Pape, "When Duty Calls."

⁵² Elected members of the Council also have a special responsibility to act – and vote – in ways that enable R2P action to be taken. By virtue of their non-permanent status, and the fact that they do not possess an individual veto power, elected members have reduced responsibilities in comparison with the P5.

providing for the conditions of international order and justice.⁵³ ‘The veto power’ is therefore ‘intrinsically correlated with a special responsibility’.⁵⁴ Rather than use their veto power in R2P situations where their reasonable objections were not taken on board, a P5 member ought to cast a ‘constructive’ abstention that is supported by a normative justification explaining their reservations. This comes close to describing how China and Russia voted in the UNSC Res. 1973 that enabled military action in Libya. To date, the United States government has not renounced the use of the veto in relation to hypothetical R2P situations – although it has roundly condemned this practice when it has been done by others (particular during Council deliberations on Syria in 2012).

Assigning a duty to the Security Council to decide whether or not to mandate an R2P mission is a simpler moral argument than assigning the duty to implement the decision.⁵⁵ What, then, counts as the agency condition for undertaking international rescue? The *Special Responsibilities* book brings dimensions to this question that are under-emphasized in the normative theory literature. According to Bukovansky et al, agency is closely linked to vulnerability. The case for assigning special responsibilities to an agent is at its most forceful ‘when the alleviation of the vulnerability is wholly or largely dependent upon their action.’⁵⁶

The US armed forces are the most capable in responding to the demands of the most vulnerable facing an extreme atrocity. Militarily the United States has the hardware and

⁵³ Lobbying for the restricted use of the veto is nothing new; there was a UN General Assembly resolution to that effect in 1946. See UNGA, "Ga 61st Plenary Meeting, Res 40(1)," (13 December 1946), accessed 17 June 2013.

⁵⁴ Peters, "The Security Council's Responsibility to Protect," 25.

⁵⁵ The terms responsibility and duty are not strictly inter-changeable: responsibility has both a forward-looking dimension relating to what you *should* do and a backward-looking dimension about what your *have* done – the latter is a question of moral and legal accountability. It is the forward-looking dimension of responsibility that is of interest in this paper, which is why it is appropriate to view this form of responsibility as a duty – an act that must to be carried out by moral persons or institutions.

⁵⁶ Bukovansky et al., *Special Responsibilities*: 222.

personnel for complex coercive interventions. By comparison, other serious military powers in the world – such as the UK and France - can be operationally challenged even by a relatively limited engagement such as the Libyan mission ‘Unified Protector’. During the 2011 conflict, Germany was asked to replenish British and French stocks of precision weapons that had been depleted by the air strikes⁵⁷ – and Germany complied despite its earlier diplomatic caution about the intervention (evident from the fact that it abstained in the critical vote on Res. 1973). The capability dimension of the ‘agency condition’ means that a country with global military reach, such as the United States, has special responsibilities to undertake protective interventions that have been mandated by the Security Council *even when it can be shown that the US is not culpable in any way for the origins of the harm being done to the people in the target state*. The same could be said for other permanent members of the UNSC and the stronger security alliances such as NATO who must make the forces available for last resort interventions mandated in New York.⁵⁸

Proximity matters when interventions are being undertaken – both for logistical reasons and because of the enhanced legitimacy that regional groupings experience. This explains the growing power of regions in influencing whether a UNSC Chapter VII resolution is going to be passed (China, in particular, has made this a de facto condition for its non-vetoing of an intervention resolution).⁵⁹ It was also the reason why Australia was asked to lead the INTERFET operation in East Timor in 1999 following the atrocities committed by pro-

⁵⁷ The same article quotes a ‘a defence industry source’ saying – without any outward sign of irony – that they were turning to Germany because ‘they haven’t expended many munitions in a meaningful sense since World War Two so they should have ample stocks.’ “Libya: Germany Replenishes Nato’s Arsenal of Bombs and Missiles,” *The Telegraph*, 28 June 2011 accessed.

⁵⁸ Recognised in NATO doctrine. See “Allied Joint Publication 3.4.1 ‘Peace Support Operations’,” (July July 2001), accessed 17 June 2013.

⁵⁹ See Bellamy and Williams for an interesting discussion of ‘regions as gatekeepers’ Alex J. Bellamy and Paul D. Williams, “The New Politics of Protection? Côte D’Ivoire, Libya and the Responsibility to Protect,” *International Affairs* 87, no. 4 (2011).

Indonesian groups after the UN monitored self-determination had occurred. The African Union's constitutional commitment to protective intervention (Article 4h of the Constitutive Act of the African Union) brings geography and institutional legitimacy together in its stipulation that the AU has a right to intervene for human protection purposes. However, as Anne-Marie Slaughter argued in relation to Syria, when the going gets very tough, it is possible that regions are either divided or impotent, which is why proximity alone is an unreliable guide to the distribution of responsibilities. As Slaughter puts it, 'regional organizations are still unable to solve regional problems without great power leadership'.⁶⁰

4. What costs or risks must duty-bearers incur?

The prime actor of concern to the authors of the *Special Responsibilities* book is the US. Had they chosen to focus on the special responsibility to protect, they would surely have argued that it is hard to think of any humanitarian intervention – requiring significant military power – that would be possible without US leadership. What is intriguing about R2P, in this regard, is the lack of attention as to how the burdens of military intervention ought to be shared – compared to, for example, the endless arguments between EU capitals and Washington in relation to burden-sharing within NATO. For practical reasons, while American might have to lead an intervention to limit or halt genocide, must it also pay for the deployment?

To make realists even more anxious, the standard precautionary criteria used by R2P advocates⁶¹ does not include minimizing the risks to the armed forces personnel of the intervening state. Instead, consideration is given to the risk to non-combatants in the target

⁶⁰ Anne-Marie Slaughter, 'The Syria Lessons', Project Syndicate, May 28 2013. *Add web address.*

⁶¹ See Evans's book *Ending Mass Atrocities for Good*. Page?

state rather than any explicit focus on the operational environment that any intervening force is likely to enter. What is left out of these considerations is any clear-sighted discussion of the risks and burdens that are born by the intervening powers (at least with respect to the political and diplomatic decision-making process).

Robert Pape brings these questions to the fore. His concern is with the overly permissive character of the regime as well as the silence around how the ‘costs’ of intervention are to be met. In relation to the former, he believes that R2P ‘would obligate states to intervene in far more cases than would ever be practical’.⁶² While he argued that Libya was a textbook intervention, it also raised (for him) the concern that the US and other members of the international community might be ‘compelled to intervene in countless humanitarian crises in the future’? Unlike the genocide convention, which set ‘the bar’ for intervention too high according to Pape, R2P ‘sets the bar for intervention so low that virtually every instance of anarchy and tyranny... represents an opportunity for the international community to violate the sovereignty of states.’⁶³

In place of the R2P framework, Pape proposes a new international treaty that endorses a new ‘pragmatic humanitarian intervention standard’. There are some novel and important arguments in this ‘new’ standard. The first relate to how the cause is framed. In place of the four crimes highlighted by the R2P framework, Pape suggests this is replaced by an empirical calculation or ‘mass homicide threshold’. This threshold is crossed ‘when a local government manifests intent... by mobilizing armed forces for a campaign of “mass homicide”’. He puts

⁶² See Pape, "When Duty Calls." Advocates of R2P regularly point out that ‘too little intervention and too late’ has historically been more harmful than ‘too much’. It is worth noting that the UNSC has only chosen to give effect to the international community’s responsibility to protect ‘into service’ – without host state consent – in two cases: Libya and the Cote d’Ivoire in 2011 (Darfur being an ambiguous case in that UNSC Res. 1706 was passed under Chapter VII but included the consent of the government of Sudan).

⁶³ "When Duty Calls," 43.

the figure somewhere between 2,000 and 5,000 civilians.⁶⁴ An international coalition of willing states, with active regional support, should then undertake humanitarian intervention provided there are good grounds for thinking it can be effective.⁶⁵

It is here that Pape introduces two conditions relating to the burdens such actions impose on the interveners. He is right to argue that the R2P literature, be it academic or policy-oriented, pays insufficient attention to this issue: as he puts it, the R2P regime ‘offers no moral (or other) guidance for how states should adjudicate this issue, and so would effectively obligate them to commit vast resources to provide for the welfare of foreigners even if this came at the expense of obligations to their own citizens’.⁶⁶ Some consideration of this issue is provided in the normative political theory literature – though it is not well developed. Take, for example, David Miller’s claim that actor ‘A’ has a diminished responsibility to help ‘B’ to the extent that ‘B’ is culpable for their own vulnerability.⁶⁷ Additionally, when it can be shown that the most capable actor had *no* causal responsibility for the atrocity, then it is reasonable that the intervener should consider how best to deploy their limited capabilities to meet contending commitments to ‘insiders’ and ‘outsiders’.

In light of the absence of guidance on how to limit the call on the most powerful – ie the United States – Pape advances what he calls a ‘low cost’ model of humanitarian intervention in which the cost for intervening personnel should be ‘effectively near zero’. He is not alone

⁶⁴ “When Duty Calls”, 53.

⁶⁵ It is interesting that Pape is more ‘enabling’ with respect to the agency question than mainstream R2P advocates who, since the Canadian Commission report, have placed attached to the UN Security Council an exclusive role in deliberating upon – and giving effect to – human protection interventions without the consent of the host state. In their response to Pape, Evans and Thakur are highly critical of what they regard as a backward step to the old language of the right of interveners rather than the responsibilities of states and the international community collectively. See Correspondence: Humanitarian Intervention and the Responsibility to Protect, *International Security* 37.4 (2013), pp. 199-214.

⁶⁶ “When Duty Calls,” 52.

⁶⁷ See David Miller, “Distributing Responsibilities,” *Journal of Political Philosophy* 9, no. 4 (2001).

in making this claim. A report on humanitarian intervention commissioned by the Danish government argued that the risk to the intervening forces ‘must be minimal or, preferably, zero’.⁶⁸ The post-Cold War precedents here are Somalia, where the deaths of 18 US Rangers triggered the withdrawal of American forces from the UN mission; and Kosovo, where a heated debate about NATO committing ‘ground troops’ was resolved in favour of the much lower-risk tactic of high-altitude bombing which resulted in no deaths for NATO forces (though its air strikes may have killed several thousand civilian).

It is time to question this view that there should be zero tolerance for casualties on the part of the interveners. After all, in the post 9/11 period we have seen a considerable shift in the rationale for conducting warfare. Other than the initial phase of the war against the Taliban/Afghanistan, which arguably met the self-defence criteria, the wars against Iraq and Afghanistan have been ‘wars of choice’ not wars of necessity. And the casualty threshold for intervening powers proved to be into the thousands for US forces alone in each case (not to mention for extremely high fatalities among the populations being intervened upon). I am not suggesting we should compare the strategic and operational dimensions of a peace enforcement mission with the use of overwhelming military power in ‘self-defence’;⁶⁹ at the same time, these 9/11 wars demonstrate that it is possible to shift public thinking about acceptable casualties relative to the perceived legitimacy of the mission in question.

It is curious that Pape does not consider more seriously the possible benefits of burden sharing to his pragmatic model of intervention. Fellow-realist travellers, in universities and in capital cities, have been engaging in lively discussions about burden-sharing in relation to the

⁶⁸ Danish Institute of International Affairs, *Humanitarian Intervention: Legal and Political Aspects* (Copenhagen: Danish Institute of International Affairs, 1999). 37.

⁶⁹ Ken Booth and I critically evaluate the 9/11 onwards in our book Ken Booth and Tim Dunne, *Terror in Our Time* (New York: Routledge, 2012).

transatlantic relationship for several decades; similarly, the cost of peacekeeping operations are intricately apportioned by various authorizing bodies inside the UN in a manner that is considered to be a legitimate process. More specifically in relation to R2P, a prominent feature of the US government's initiatives in relation to atrocity prevention⁷⁰ has been the contribution that others have to make (in troops or in kind) in order to distribute the costs more fairly: it is noteworthy that, prior to deciding to push for military action in Libya, Obama made a strong case for sharing the special responsibilities to act. In the President's words, 'real leadership creates the conditions and coalitions for others to step up...'.⁷¹

Apart from 'near zero' estimates for armed service personnel, Pape also suggests that a costly humanitarian intervention 'puts soldiers at risk of neglecting their duty to their home state – unless they volunteer and the state releases them from their prior obligations'.⁷² This claim suggests a dubious understanding of the role of soldiers: a more conventional understanding would be that the professional armies deployed by the United States volunteered for active service and are remunerated on the basis of their professional conduct: this requires being involved in whatever military engagements the state 'asks' them to undertake. The vexed question around risk is not whether a soldier is compelled to accept whatever deployment is deemed necessary by a legitimate government – but rather, how much risk service personnel have to take in order to minimize civilian harm during a humanitarian intervention. To date, ethical and legal reasoning in relation to the appropriate risk transfer from soldier to civilian

⁷⁰ Developed further in Tim Dunne and Jocelyn Vaughn, 'Leading from the Front: America, Libya, and the Localisation of R2P', *Cooperation and Conflict* (forthcoming, 2014).

⁷¹ Barack Obama, "Remarks by the President in Address to the Nation on Libya" (National Defense University, Washington D.C., 28 March 2011).

⁷² Pape, "When Duty Calls," p55-56 note 42.

remains closely wedded to contexts in which the civilians in question belong to an enemy state – rather than instances where protecting civilians is the goal of the mission.⁷³

Conclusion

The purpose of this Special Issue is to further integrate academic and policy-relevant writings on R2P with theoretical work being undertaken in International Relations. Such a dialogue matters for several reasons. The norm of sovereignty-as-responsibility has evolved due to the close engagement of IR scholars and scholar-diplomats, as evident from the long-standing personal and institutional contributions made by (among others) Lloyd Axworthy, Alex Bellamy, Roberta Cohen, Francis M. Deng, Gareth Evans, Michael Ignatieff, Edward Luck, Terry Nardin, Tomas G. Weiss, and Jennifer M. Welsh. Indeed, it is hard to think of a cascading norm that has had *more* academic influence exerted upon it than R2P: the point here is not to be self-congratulatory in a disciplinary sense, but instead to remember this example of the relevance of action-guiding IR theory at a time when governments are asking social scientists to account for the impact of their work.

This paper has suggested that new developments in IR theory from different theoretical perspectives not only continue to pose penetrating questions for the R2P agenda while also offering prescriptions. I argued that the special responsibilities framework can be applied to R2P in ways that the authors of the volume did not conceive – the R2P regime has a cogent conception of agency and a reasonably well understood differentiation between generalized responsibilities that all states have to live up to and *special* responsibilities that are accorded to the UN Security Council as an institution and the permanent 5 as a sub-set of the Council's

⁷³ For a fascinating discussion of these issues see David Luban, 'Risk Taking and Force Protection', Georgetown Public Law and Legal Theory Research Paper No. 11-72. Available at: [add]

membership. While disagreeing with the authors about the application of special responsibilities to R2P, the book is nevertheless important because it brings capabilities and responsibilities closer together, something that UN member states are prone to overlook in view of the equalitarian presumption of sovereign state membership of the world body. A second dimension of the special responsibility agenda, not featured in this article but of great import, is the attention given not just to agency but also to legitimacy. As Bukovansky *et al* remind us, international society can endure hierarchical relations between ‘great responsables’ and ‘the rest’ providing that these are regarded as being legitimate. Arguably further work needs to be done on both sides of the register if the legitimated hegemony of the R2P regime – in relation to intervention - is to become more resilient.

Realists are no stranger to the reliance on hegemonic power to get the job done. They are also no strangers to the threat or use of force – albeit providing such action serves the goal of national security. Pape’s contribution to the R2P debate is important because he recognizes that powerful states have a duty to respond to ‘mass homicides’ happening beyond their borders. But this duty should only apply in relation to low-cost interventions – with all the conditions that accompany such a requirement. Attention to burden-sharing is something the R2P regime needs to take forward; yet, there are other elements in Pape’s article that would be deleterious to the intervention agenda, not least the near-zero casualty condition. For interventions to be protective, the paper argued that there has to be a willingness to transfer some battle-space risk from the target population to those doing the protecting.