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Richard Illingworth

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DISCUSSION

Not the 'Fairest Norm of Them All' but Still Needed: On Hobson and Criticism of the Responsibility to Protect

Richard Illingworth

School of Social & Political Sciences, University of Glasgow, Glasgow, UK

ABSTRACT
The Responsibility to Protect (R2P) – a commitment to prevent and respond to mass atrocity crimes – has often come under fire. In my contribution to this forum, I wish to respond to some points raised by Christopher Hobson's interesting article titled *The Moral Untouchability of the Responsibility to Protect*. In doing so, I offer some thoughts about the direction of scholarship on R2P, arguing that, despite its flaws, abandoning the R2P doctrine would do nothing to help confront the persistent reality of mass atrocity violence.

Introduction

The Responsibility to Protect (R2P) – which is a United Nations (UN) commitment to prevent and respond to acts of genocide, war crimes, crimes against humanity, and ethnic cleaning (mass atrocities) – has often come under fire. Sometimes this is because it is accused of being a continuation of postcolonial logics, supporting the interference of the powerful in the affairs of the weak (Mallavarapu 2015). Sometimes it is because R2P is viewed as being too militaristic, supporting the use of force for spurious humanitarian ends (Moses 2017). Sometimes R2P is criticised for failing to produce adequate solutions to ongoing cases of mass atrocity violence (Hehir 2018). In my contribution to this forum, I wish to respond to some points raised by Christopher Hobson's interesting article titled *The Moral Untouchability of the Responsibility to Protect*, published in the *Journal of Intervention and Statebuilding* in 2022. In doing so, I offer some thoughts about the direction of scholarship on R2P, arguing that, despite its flaws, abandoning the R2P doctrine would do nothing to help confront the persistent reality of mass atrocity violence.

R2P is a political commitment that fits around a broader UN and international legal agenda of human protection. It is understood as incorporating three pillars, set out in a report by UN Secretary-General Ban Ki-Moon (UNGA 2009). Pillar 1 refers to the responsibility of states to protect their population from the four crimes. Pillar 2 is the responsibility of the international community to assist other states in meeting their responsibility.

Finally, pillar 3 stipulates that states must be prepared to take timely and decisive action in response to a state manifestly failing in its domestic protection duty.

In his article, Hobson seeks to critique R2P. Hobson (2022, 368), while emphasising that R2P stems from 'the laudable goal of reducing instances of mass atrocities and creating a climate in which it is more difficult to use extensive violence against civilian populations', argues that these original 'good intentions' have become blurred in the discourse. He is particularly keen to criticise the academic following that surrounds R2P. His starting point is to emphasise that the R2P's 'positive' logic is straightforward: '[m]ass atrocities are bad; R2P seeks to reduce or stop mass atrocities; there is an emerging or existing consensus supporting R2P; therefore, R2P is a worthy aim that should be supported as the best way to manage such cases' (Hobson 2022, 371).

However, Hobson thinks that we need to scrutinise R2P's meaning and intentions more, rather than simply assuming its normative claims and political validity. In particular, Hobson's critique centres on the concept of R2P's so-called 'moral untouchability'. The idea here is that because R2P aims to stop some of the most shocking acts human beings are capable of, then it becomes impossible to overtly challenge the usefulness of R2P as a doctrine; lest one be viewed as standing against the underpinning logic that atrocities are wrong. For Hobson (2022, 372), this means that most writing on R2P is fundamentally positive, or at best moderately critical, rather than questioning it in any fundamental sense. If though, he suggests, R2P *is* fundamentally flawed, then propping up its logic and failing to criticise the doctrine may actually harm the very thing R2P was designed for: preventing us from effectively making progress towards halting atrocities.

(Mis)Reading the responsibility to protect

R2P, as Hobson acknowledges, lacks independent agency as it is an idea implemented in practice by states and relevant entities. What he suggests though is that because R2P's logic is inherently flawed it therefore directs states to flawed policy choices. Hobson makes this point at multiple junctions (372–373; 378), though he never really gives a full explanation for why he thinks that R2P, as a doctrine, is fundamentally flawed. Nevertheless, the clearest reasoning that he does offer is via a critique of R2P's third pillar as a mechanism for responding to mass atrocities through the use of military force. I will say more on this line of critique shortly, but first I wish to say something about its general focus. Hobson (2022, 373) first rightly notes of R2P that 'the doctrine is wider than military intervention', though he then quickly adds to this that 'it is the third pillar that is ultimately most determinative in shaping what R2P means'. This latter point, combined with his subsequent critique of NATO's military intervention in Libya, suggests a reading of R2P that primarily equates the R2P doctrine, *as a whole*, with the use of coercive military force as a response mechanism. However, we should be clear that R2P is about much more than the application of military force against a host state's will. First, the three pillars of R2P speak to a much broader doctrine of domestic and international prevention. Second, the third pillar, as a framework for response to atrocities already underway, should not be conflated with the use of coercive military force alone. Centring R2P as being predominantly about the application of coercive force obscures the broad range of policy areas

relevant to the doctrine's implementation as a framework for preventing and responding to mass atrocities.

For instance, the Global Centre for the Responsibility to Protect and the Asia-Pacific Centre for the Responsibility to Protect recently co-launched *A Framework for Action for the Responsibility to Protect: A Resource for States* (2023). The framework gives an overview of the diverse policy areas relevant to R2P which includes themes as broad as: combating hate speech; building legitimate and accountable security forces; supporting access to criminal justice; educating on diversity; building early-warning networks via assistance from local civil society actors; scrutinising diplomatic and economic relations with foreign actors; and utilising the UN's broader network of human rights accountability. In total, the Framework provides 25 'actions' with 188 separate sub-point 'recommended actions' that states can employ domestically, bilaterally, regionally, and multilaterally. Of these 188 recommendation actions, I count only 16 (or 8.51%) that directly reference (or clearly allude to) the application of military force, and even many of these do not automatically speak to the use of *non-consensual* force without host-state approval. This suggests that a reading of R2P as being 'fundamentally flawed' based primarily on its connection to coercive military force is itself a fundamentally flawed reading. Indeed, viewing R2P in this way seems to conceptualise it as a kind of 'button' to be pressed when atrocities appear, as if states and the UN press the button to activate R2P and intervention. But R2P is not 'activated'; it is a commitment to prevent and respond to mass atrocities that applies perpetually in all places at all times, speaking to a host of activities relevant to human protection efforts that go well beyond the application of coercive military response once atrocities are already rampant. Thus I think it is important that scholarship on R2P does not conflate the doctrine with military force alone.

Leaving this point aside, let us engage with Hobson's argument about the use of coercive military force itself. With regard to intervention and subsequent regime change in Libya in 2011 – where the UNSC (2011, para. 4) authorised states to 'take all necessary measures … to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory' – Hobson argues that the justification for the UN-authorised and NATO-led intervention was based on an assumption that doing nothing would lead to slaughter *en masse* by Colonel Gaddafi's state forces, a point that he is sceptical of, arguing that the general assumption that not intervening in cases of widescale human rights abuse will lead to genocide (or mass violence) is oversimplified (Hobson 2022, 376–377). He is worried that in setting up the application of military force as the solution to atrocity violence, proponents of R2P make a kind of 'teleological assumption that the occurrence of attacks against civilians will, unless halted or deterred from outside, inevitably escalate towards genocide' (Hobson 2022, 377). In doing so, he argues that using benchmarks like Rwanda to judge what 'will' or 'will not' happen may actually lead to counterproductive solutions. Hobson is also sympathetic to Kuperman's (2009) argument about the moral hazard of intervention and that adhering to the logic of the Libyan intervention means that actors on the ground are encouraged to escalate violence to draw intervention from outside. On this latter point, Bellamy and Williams have refuted such claims about moral hazard before. For instance, they have argued that moral hazard theory drastically overplays the significance that potential intervention has on escalating violence, and that it is domestic factors that

drive atrocities and/or conflict. Indeed, moral hazard theory implies that victims of genocide 'bring it upon themselves', ignoring the long-term context in which political grievance escalates and drives the conditions of rebellions and conflict (Bellamy and Williams 2012, 557).

Hobson is absolutely right to highlight the reality of the suffering in Libya post-intervention. In this vein, scholars have argued that the situation in Libya post-NATO intervention is worse than it was before, with a post-intervention civil war that has 'caused death to thousands more than during Gaddafi's repressive attacks' (Murthy 2018, 162). Of course, what this 'Libya is worse now than it was before' narrative cannot demonstrate is whether Libya is worse now than it would have been *with* Gaddafi left in power to pursue a systematic campaign of slaughter. Indeed, this takes us back to a point raised by Roland Paris (2014, 574) regarding the problem of intervention 'counterfactuals' and the uncertainty of knowing whether the collateral harm of intervention will be better or worse than not intervening at all. Still, one can look at the massive scale of suffering in Syria – hundreds of thousands of lives lost with 86–94% of civilian deaths attributable to the Syrian state regime (Bellamy 2022b, 2) – to see an example of where leaving in place 'the evil that you know' has only served to enable massive scale failures of human protection.

Furthermore, I am not convinced about Hobson and others' rejection of the idea that the problem in Libya was not military intervention per se, but the way that military intervention was conducted. Ultimately, military intervention will inevitably be plagued by issues that inhibit its effectiveness. As Paris (2014) highlights, there are tensions that are inherent to the concept of intervening via military force to protect human lives. These include problems of limited state motivation to intervene; counterfactual information about whether military intervention is truly necessarily; the fact that interveners will inevitably kill some innocents and cause collateral damage; the difficulty and desirability of post-intervention rebuilding; and finally, the inconsistency in which cases are acted on. These are all important problems. Still, there are going to be circumstances when the use of force is a necessary and pragmatic option if (i) it is better than doing nothing and (ii) when it is better than the alternatives (see Pattison 2018; also Bellamy 2022a). I also do not think that the problems that are associated with military intervention mean that intervention cannot be 'done better'. Jonathan Gilmore's *The Cosmopolitan Military* (2015), for instance, provides an excellent critique of the strategic and tactical choices made in the deployment of force for humanitarian purposes, outlining a range of steps that would more closely align the original cosmopolitan motivation to intervene and halt atrocities with the cosmopolitan demand to value human lives equally during the conduct of intervention. The problems of military intervention cannot be comprehensively solved, but that does not mean that it is a policy option that ought to be entirely discarded. Nevertheless, it does mean that the use of military force ought to be taken as a presumed last resort (Pattison 2018), and come with honed mechanisms for application, accountability, and checks and balances.

On this point, Brazil's (UN 2011) efforts in calling for a 'Responsibility while Protecting' (RwP) in response to events in Libya represented a genuinely valuable normative proposal for enhancing the implementation of military force for humanitarian purposes. Thought from outside the Western discourse, RwP supports (i) the prioritisation of non-forceful measures prior to the use of force; (ii) limiting the actual conduct of military action to

reduce harms caused to innocents by interveners; (iii) enhanced procedures of account-ability for the use of force. RwP has the potential to unite significant sections of the Global North and South that are currently split surrounding the application of military force under R2P. RwP could help in enhancing transparency of action and providing an accountability mechanism through which other UN members would be able to judge the application of military force for humanitarian ends in the light of accepted standards. As Tourinho, Stuenkel, and Brockmeier (2016, 148) argue, RwP 'widened the range of par-ticipants engaging in the debate and provided a political and normative space for individ-uals and states that supported protection norms in general but had [reservations] to the way in which it had been operationalised in practice'. Unfortunately, these proposals have not been adopted into the R2P framework and 'Brazil's withdrawal from sponsoring RwP leaves an unhealthy void in structuring how to address the basic tenets of discord sur-rounding the implementation of R2P's Pillar III' (Kenkel and Stefan 2016, 51). Still, I think what the RwP debate shows is that it is possible for states (and scholars) to proac-tively engage in debates on how to more effectively operationalise the (unfortunate but sometimes necessary) use of force under R2P.

In contrast, one might simply suggest that removing R2P's connection to coercive force would be the overall better option (see Moses 2017). I, however, am sceptical of this approach, as it would seem to take us back full circle to the pre-R2P world of Rwanda and Kosovo where we are faced with a situation necessitating military force to prevent mass suffering, but clarity is lacking on the legitimate means of response. Some might suggest that the whole logic underlying the belief in the necessity for military force breeds an attitude that force is an inherently good thing, and that we would be better pressed in looking to effectively solve issues of prevention (see Dunford and Neu 2019). This, however, provides an overly idealistic vision for R2P. Prevention is never going to be a guaranteed success and actors with genocidal intent will look to utilise atrocities when it suits them (see Gallagher et al. 2024). An entirely pacifist vision for R2P is therefore a potentially dangerous one as it would serve to enable those actors with genocidal intent to act without fear of reprisal.

Re-shaping the academic discourse?

A valuable critique provided by Hobson (2022, 374) is that too much focus is given in aca-demic circles to the R2P *doctrine* itself, rather than the actual humanitarian emergencies generated by atrocity crimes. In particular, Hobson sees a tendency in the literature to focus on R2P's status as a 'norm', via models of life cycle, diffusion, non-linearity, etc. Hobson's concern is that the literature focuses too much on how many times R2P gets referenced at the UN, rather than looking at the on-ground realities of atrocity situations. This means that, for him, the literature does not often discuss the nature of harms inflicted, but instead sticks to the 'safety' of UN documents and debates (Hobson 2022, 375).

Hobson takes aim at scholars who choose to theorise about R2P in abstracted terms, or regarding what he sees as an over-fascination surrounding the doctrine's high-level poli-ticisation. At one point, Hobson (2022, 376) criticises Luke Glanville's (2013) article on Grotius, in which Glanville highlights how the justifications for the 2011 intervention in Libya hold parallel to arguments that were made as far back as the sixteenth century

justifying the necessity of intervention to halt tyranny. Hobson criticises *Global Responsibility to Protect* journal for publishing abstracted articles like this one, rather than publishing content focused on the on-ground situation in Libya post-intervention. While Hobson's point may be read as somewhat unfairly critical of articles like Glanville's, or of R2P scholarship in general, nevertheless, his critique about the abstractedness of R2P research is important. In particular, and notwithstanding the value that research on norm theory does have, there probably is a disproportional focus on this topic within the R2P literature. Still, this does seem to discount work relevant – if not directly focused on R2P – that does engage with the human costs of atrocity. As an example, Alex Bellamy's (2022b) *Syria Betrayed* – that some would consider a very powerful and emotive read (see Ferguson 2023) – does not shy away from describing some of the horrors associated with the Assad regime.

Regardless, there probably is a natural tendency within academia and R2P literature to shy away from real-world suffering in favour of abstracted thinking; something I suspect I have been guilty of myself. Perhaps it is because documenting the horrors of atrocity is deemed best left to the fact-finding inquiries of institutional bodies, or the grassroots movements of local civil society groups and charities. Perhaps it is a natural consequence of the cognitive application of those working in academia and their inclination towards 'higher order' thinking. Or perhaps it is a self-defence mechanism for those writing on the subject to avoid the depressing reality of atrocities. Regardless, there is an important message to be taken from Hobson's point which is that those in academia working on mass atrocities ought not to totally separate themselves from the reality of what it is they study. If, for nothing else, it ought to be a motivation to drive research forward on understanding mass atrocities, with the ultimate aim of making some positive contribution towards preventing them.

A further problem that Hobson (2022, 374) associates with R2P's 'moral untouchability' is that the norm's *prima facie* moral appropriateness has created institutional incentives for R2P's self-perpetuation, 'with organisations, journals, research grants, and careers built around R2P, there would be consequences and costs if the doctrine ends up in the ideational dust bin of history'. In this reading, I see it implied that those supporting R2P do so because they cannot afford for R2P to die, lest they have nothing to write about. This seems to presume that those writing on and trying to support R2P's advancement have become ideationally entrenched with supporting the concept because it provides them with a lucrative academic industry. If this logic is true, but we instead reverse it, one might say that those who have built up a reputation as 'R2P-cynics' do not actually want R2P to succeed because it would extinguish their research agendas. I certainly hope that this is not true. The broader point here though is that I do not think R2P is 'morally untouchable' or that the literature is fervently one-sided. There is something ironic in the fact that I came across Hobson's article while co-compiling a comprehensive research bibliography on academic literature written on R2P (120 pages and over 40,000 words long), now published in *Global Responsibility to Protect* journal (2024). The breadth and depth of this bibliography suggest that it would be unfair to read R2P literature as a self-perpetuating industry of pro-R2P discourse. Hobson's article – along with a host of other literature *critical* of R2P – is contained in that bibliography.

Criticism of R2P, as Hobson suggests, is necessary, but criticism without direction on what to do differently is significantly less helpful (see Hunt 2023). A wholly 'utopian'

lens that takes the status quo as essentially functional and effective would not be appropriate when we look at the current state of the world and the numerous instances of mass atrocities occurring therein (see Global Centre for the Responsibility to Protect n.d., *Populations at Risk*). However, it is unfair to label R2P proponents as readily occupying this position. The authors most associated with supporting R2P that Hobson (2022, 371–372) criticises for presenting a one-sided view (e.g. Bellamy; Evans; Glanville), are not blind to reality. They fully appreciate that mass atrocity prevention regularly fails, and they do not think that states and other actors should continue doing things in exactly the same way that they currently are. Indeed, many of the so-called R2P 'advocates' occupy a space not too dissimilar to that of so-called R2P 'sceptics', to use Gallagher and Ralph's (2015) language. Both camps would like to see reform of relevant structures, institutions, attitudes, and policy in favour of a more effectively functioning human rights and atrocity prevention system. Here, there is space for normative convergence between advocates and sceptics, and more dedicated work on the issue of R2P reform within the academic literature. My recently published monograph, *Strengthening the Responsibility to Protect*, tries to occupy that space (Illingworth 2024). It is a far from perfect piece of work, nor does it try to comprehensively solve R2P's ills, but it makes some tentative steps at iteratively trying to advance the R2P agenda more positively via a systematic approach that identifies problems, but crucially, tries to proactively offer solutions.

Ultimately, to those that wish to disavow the R2P I ask: what is the alternative? There is no plausible rival candidate to replace R2P with, as Pattison (2015, 204) notes. Abandoning R2P would be to discard the more than two decades of effort so far put into building the norm. States agreed to R2P in 2005, which means that it gives an accountability system to scrutinise practice in the light of the universally agreed principles that R2P encapsulates (Šimonović 2019, 256). This provides a useful basis for scrutinising atrocity prevention practices and a normative engine to drive forward positive change. I have argued that R2P reflects powerful moral tenets of cosmopolitan human protection duties, even though practice fails to live up to this and reform *is* necessary (Illingworth 2024, chapters 2–3). International law is often defied but we do not call to abandon international law. Human rights are often violated but we do not call to abandon human rights. Why is it then that when R2P is flouted we often see calls to abandon it?[1]

Conclusion

In the conclusion to his article, Hobson draws on the Disney classic, *Snow White*, suggesting that R2P proponents looking in their 'magic mirror' have become fixated with affirming that R2P is 'the fairest norm of them all'. I will indulge myself with an allegory drawn from another Disney heavy-hitter, *Frozen*. In this story [spoilers ahead], the main protagonist, Queen Elsa – when angered by her sister Anna's sudden desire to marry Prince Hans – flees her homeland of Arendelle after being branded a monster following the accidental reveal of her special icy powers. After leaving, she magically erects herself a new palace made from ice, but unbeknownst to her, this exercise of her powers leads to Arendelle suffering the effects of an extreme and enduring winter. With Anna now venturing out to find Elsa, the people of Arendelle are left exposed to both the ramifications of eternal winter as well as the authoritarian oppression of what turns out the be the murderous and power-craving evil Prince Hans. A couple of conclusions might be

taken from this story and applied to the R2P context. First, just as the magical powers of Queen Elsa harmed the people of Arendelle when left unchecked, R2P has the power to cause more harm than good if poorly implemented, abused, or lacking accountability. Second, just as forcing Elsa to flee caused harm by enabling the evil Hans free reign to seize power and rule unchecked, discarding the R2P as a concept will not help protect vulnerable populations at risk of mass atrocity crimes. Regarding criticism of R2P, I do not think that Hobson and others should 'let it go', but I do think that criticism needs to operate more productively alongside calls for reform.

Criticism is important, but criticism based on false assumptions or without clarity on what to do differently will not help to serve the human protection agenda. Rather than doing away with R2P, I call on the R2P discourse to work more proactively on finding solutions to addressing the doctrine's weaknesses. Rather than taking R2P as 'the fairest norm of them all', positioning oneself instead as a 'critical friend' to R2P would mean rejecting overly optimistic idealism as well as overly cynical fatalism to occupy a middle ground where progress might be more readily identifiable, and where positive strides can be made towards halting mass atrocity crimes.

Note

1. I am grateful to my former colleague, Jason Ralph, for this rhetorical stance.

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Disclosure statement

Notes on contributor

Dr Richard Illingworth is a lecturer in international relations at the University of Glasgow (UK). He uses this forum piece to respond to some criticisms levelled at the Responsibility to Protect (R2P). He received his PhD in 2021 while working as part of the European Centre for the Responsibility to Protect, University of Leeds (UK). Utilising a cosmopolitan lens, his work focuses on how to reform mass atrocity prevention and response efforts as understood via the R2P. He is the author of *Strengthening the Responsibility to Protect: A Transitional Cosmopolitan Approach* (Routledge, 2024).

ORCID

Richard Illingworth http://orcid.org/0000-0003-2162-0455

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