Special Issue

Mass Atrocity Prevention (Part II)

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Accomplice to Mass Atrocities: The International Community and Indonesia's Invasion of East Timor

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Abstract

This paper examines early warning of, and political responses to, mass atrocities in East Timor in the late 1970s. Using newly-declassified intelligence and diplomatic records, it describes Indonesia's invasion of East Timor in 1975 and its three year military campaign to crush the East Timorese resistance. It shows that the campaign resulted in mass deaths due to famine and disease, and considers the United Nations' response to the unfolding crisis. It evaluates the level of international awareness of the humanitarian crisis in East Timor by inspecting contemporaneous eyewitness reports by foreign diplomats from states with a keen interest in Indonesia: Australia, the United States, New Zealand and Canada. In contrast to a popular, highly lauded view, the paper shows that these states did not "look away"; rather, they had early warning and ongoing knowledge of the catastrophe but provided military and diplomatic assistance to Indonesia. The paper contrasts a counter-productive effort by civil society activists with a very effective one, and thus demonstrates the role that robust scholarship can play in terminating atrocities.

Issue

This article is part of the special issue "Mass Atrocity Prevention", edited by Professor Karen E. Smith (London School of Economics and Political Science, UK).

1. Introduction

This paper examines early warning of, and political responses to, mass atrocities in East Timor in the late 1970s. It begins with an historical synopsis that examines the Indonesian invasion of East Timor. It shows that Indonesia's three year military campaign to crush the East Timorese resistance resulted in mass deaths due to famine and disease. It then considers the United Nations' response to the unfolding crisis. It goes on to evaluate the level of international awareness of the humanitarian crisis in East Timor by inspecting contemporaneous eyewitness reports by foreign diplomats. In doing so, it shows that there was early warning and ongoing knowledge of the mass deaths in East

Timor; that states chose not to act to terminate the deaths; that they instead provided military and diplomatic assistance to Indonesia. The paper examines two different efforts by civil society activists to bring an end to the mass deaths.

2. Pre-Invasion East Timor

The Democratic Republic of East Timor consists of the eastern half of the island of Timor, as well as the enclave of Oecussi (located in West Timor) and two smaller islands, Atauro and Jaco. It has an area of approximately 15,000 square kilometres, which is slightly larger than Northern Ireland. The western half of the island is part of the Indonesian province of Nusa

Tenggara Timur (the East Lesser Sundas).

Claimed by Portugal as a colonial possession in the 17th century, East Timor remained under Portuguese rule until the 20th century. For much of the 20th century Portugal itself was under the rule of western Europe's most enduring authoritarian system—the fascist Estado Novo, which opposed decolonisation for any of its colonies, including East Timor. On 25 April 1974, a group of Portuguese military officers known as the Armed Forces Movement overthrew the regime, disbanded the paramilitary forces, eliminated censorship and abolished the secret police. The new government formally accepted the terms of the 1960 UN Resolution on Decolonisation. East Timor became a non-autonomous territory under Portuguese administration and placed on the UN's decolonisation agenda.

Indonesia had not shown much interest in annexing East Timor during its own independence struggle in the 1940s. Nor did it show much interest during its liberal parliamentary period in the 1950s. Its Foreign Affairs Minister explicitly denied any claim to East Timor in his submissions to the First Committee of the United Nations General Assembly in 1961. However, once Portugal committed East Timor to a decolonisation process, leading Indonesian officials took the view that decolonisation should result in East Timor being annexed to Indonesia. Australia's Prime Minister advised Indonesia's President Suharto that he was "in favour of incorporation but obeisance has to be made to self determination"[1]. An Indonesian official later remarked that "until Mr Whitlam's visit to Jakarta they had been undecided about Timor. However the Prime Minister's support for the idea of incorporation into Indonesia had helped them to crystallise their own thinking and they were now firmly convinced of the wisdom of this course"[2].

3. The Indonesian Invasion of East Timor

Inside East Timor, the two most popular political organisations were the Timorese Democratic Union (UDT—União Democrática Timorense) and the Timorese Social Democratic Association (ASDT—Associacao Social Democratica Timorense), which changed its name to FRETILIN—the Revolutionary Front for an Independent East Timor (Frente Revolucionária do Timor-Leste Independente) in September 1974. FRETILIN and UDT agreed that East Timor should become independent, and that they would form a transitional government. They formed a political coalition in early 1975 to that effect. However, their mutual suspicion proved to be

too strong, and their political inexperience was exploited by Indonesia, which sought to undermine potential East Timorese unity by playing off one side against the other.

The FRETILIN-UDT coalition collapsed after four months. Indonesian intelligence advised UDT leaders that FRETILIN was planning a coup, and that Indonesia would respect East Timor's right of self-determination if UDT moved against FRETILIN. Accordingly, key UDT members led a preemptive coup against FRETILIN in the early hours of 11 August 1975. FRETILIN fought back on 20 August, defeating most of the UDT forces by 30 August. Between 1,500 and 3,000 people are estimated to have been killed during the internal armed conflict. The Portuguese governor and his administration left the mainland for the off-shore island of Atauro, and later proceeded to Portugal. The defeated forces of UDT, now located in West Timor, signed a petition calling for the integration of East Timor into Indonesia.

Indonesia accelerated its campaign of destabilisation and terror, and ultimately launched a full-scale military invasion on 7 December 1975 in order to defeat FRETILIN in battle, eliminate its leaders and suppress political organizations associated with it. Within two months, all major population centres were in Indonesian hands. By June 1976, there were approximately 32,000 combat troops in 28 battalions, supported by some 3,000 Timorese partisans and civil defence personnel[3]. Indonesia intended to integrate East Timor as its 27th province on 17 August 1976, its own independence day, but the Australian government, which wanted to recognise the takeover, said privately that 17 August "involved them in particular embarrassment as it is the day on which [Australia's] Parliament is to reassemble"[4]. Accordingly, Indonesia brought the date forward by one month, and announced the integration on 17 July 1976, during the Australian Parliamentary recess.

FRETILIN's leaders reorganized the party's national civilian and military structures in order to undertake a protracted guerrilla war. At a conference in Soibada (15 May–2 June 1976), they divided the areas outside direct Indonesian military control, known as liberated zones, into six sectors, and placed each one under military and political command. The reorganisation paid dividends as many local villagers joined the armed resistance, which took advantage of Indonesian security lapses to harass outposts and ambush supply convoys. East Timor's arterial roads were severely degraded by the heavy Indonesian military traffic and by monsoonal rains that caused major landslides. Indonesia's military logisticians were unable to cope. Combat units were

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[1] NAA: A11443 [1]: South-East Asia Branch, Department of Foreign Affairs and Trade (DFAT), loose papers on Portuguese Timor: July-September 1974.
[2] NAA: A10005, 202/1/3, iii: DFAT Correspondence files, Portuguese Timor: negotiations and constitutional developments.

[3] NAA: A13685, 1/1978: The Indonesian integration of East Timor.
[4] British Archives file FCO 24/2208: Political Relations between Australia and Indonesia.

unable to receive timely resupplies, and Indonesia's 15 infantry and marine battalions could do little more than conduct small-scale local patrols[5].

By December 1976, FRETILIN had managed to hold the Indonesian forces to a military stalemate. It was able to organize a functioning society in the mountains. It could provide enough food crops and basic health care to the many tens of thousands of civilians who had accompanied them there. The Indonesian general elections in May 1977 necessitated the redeployment of 14,000 combat troops from East Timor to other parts of Indonesia for pre-election security.[6] By preventing Indonesia's military commanders from regaining the initiative, the elections gave FRETILIN the opportunity to recruit, retrain and reorganize.

4. Airpower after May 1977

Indonesia resumed military operations after the May 1977 elections. Its strategy was based on the assessment that it had to eliminate FRETILIN by the end of January 1978 because heavy rains would force operations to cease then—just as they had at the end of January 1977. It wanted to deny FRETILIN another opportunity to regroup, recruit and retrain. Starting in August 1977, it deployed OV-10F Bronco aircraft that it had acquired from the USA. The significance of the Bronco was that it could be operated from the most rudimentary airfields, and its slow flying speed meant that it could identify and attack villages more effectively. It had been designed specifically for such operations.

The air power offensives targeted agricultural areas and other food sources such as livestock in the liberated zones, where the population lived alongside FRETILIN, and the support bases, which surrounded the liberated zones. The Indonesian Air Force used napalm, which it had acquired from the USSR in 1962 (CAVR, 2006, 7.5). According to survivors who testified before East Timor's Commission for Reception, Truth and Reconciliation:

> The army burned the tall grass. The fire would spread quickly, and the whole area would be ablaze as if it had been doused in gasoline. Those of us who were surrounded didn't have time to escape because the flames were so big. Their strategy trapped many people….After we got out, I could still see the old people who had been left behind by their families. They were in a sitting position. The men put on new clothes, hung belak [crescent-shaped metal chest-ornament worn around the neck] on their necks and wore caibauk [crescent-

shape crown]. The women had put on gold earrings and gold necklaces, prepared their konde [traditional way of styling hair] and wore black veils as if they were going to mass. We just looked at them but couldn't do anything. The enemy was still after us (CAVR, 2006, 7.3).

5. Famine, Disease and Mass Deaths

Illness and food shortages forced civilians to leave the hills and make their way to Indonesian forces in order to surrender. The surrendering population was first detained in transit camps and later dispatched to resettlement camps. Transit camps were located in close proximity to the local military bases. Their function was to enable the Indonesian military to identify members of the resistance and to gain intelligence on the rest of the resistance in the mountains. East Timorese collaborators helped the Indonesian military to identify members of the resistance in the transit camps. Sometimes these collaborators identified people who were not connected to the resistance but against whom they had held grudges prior to the invasion.

Torture and rape were common during the interrogation process (CAVR, 2006, 7.3, 7.7, 7.8; Fernandes, 2011, pp. 48-49). People identified as belonging to Fretilin or its armed wing were either executed immediately or interrogated at greater length and then executed. Female relatives of Fretilin leaders were often made the sexual slaves of Indonesian military officers. At the conclusion of their posting to East Timor, officers frequently transferred their "ownership rights" over these women to other officers. Women who had connections to the resistance or who were believed to know the location of members of the resistance were forced to help the Indonesian military in its search and destroy missions. They were often subjected to torture and rape during these missions.

The transit camps were not equipped to care for the welfare of the surrendering population. Often they were little more than huts made from palm thatch with no toilets. In many cases, the only shelter in the camps was under trees. No medical care was available. Since the detainees' food sources had been destroyed and they had walked for days in order to surrender, they were already in a weakened state when they arrived at the transit camps. Diseases such as cholera, diarrhoea and tuberculosis ensured that most people who were sick died. Detainees were forbidden to grow or search for food themselves but were given a small amount of food on arrival. This food was often distributed after extorting family heirlooms, jewelry, traditional beads or sexual favours. In some cases, the detainees went into protein shock after eating the food, resulting in "chills, fever, bronchial spasms, acute emphysema, vomiting and diarrhoea." (CAVR, 2006, 7.3).

After a period of three months (the exact duration

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[5] NAA: A13685, 1/1978: The Indonesian integration of East Timor.
[6] NAA: A13685, 1/1978: The Indonesian integration of East Timor.

in each camp depended on the prevailing policy there), the detainees were dispatched to resettlement camps. Sometimes they were not sent anywhere; the same transit camps were re-designated as resettlement camps. According to a secret submission to the Australian cabinet in November 1979, "about 200,000 people were in these centres in early September 1979"[7]. Other estimates of the population in these camps range from approximately 300,000 to 370,000 people by late 1979 (Taylor, 1991, pp. 88-90). Whatever the true figure, it should be remembered that the population of East Timor at the time of the Indonesian invasion in 1975 was about 650,000 (Staveteig, 2007, p. 14). Once again, there were severe restrictions on movement as well as inadequate food, medicine, sanitation and shelter. The result was a famine in which many tens of thousands of East Timorese died.

A demographic analysis in 2006 concluded that "Even under the most conservative assumptions, the total number of excess deaths in East Timor during the entire period of Indonesian occupation likely ranges from 150,000 to 220,000" (Staveteig, 2006). According to a revised version of this analysis, "it is likely that 204,000 is a conservative upper-bound estimate on excess mortality. The 'true' number of East Timorese who died because of the Indonesian occupation may never be known" (Staveteig, 2007). The overwhelming majority of the deaths occurred during the famine, whose most deadly phase occurred during a 19-month period in 1978 and 1979 (CAVR, 2006, p. 505).

6. Responses by the United Nations

Immediately after the invasion, the United Nations General Assembly strongly deplored Indonesia's military intervention in Resolution 3485 (XXX) of 12 December 1975, and stated that East Timor had the right to self-determination. The UN Security Council also confirmed East Timor's right to self-determination in Resolutions 384 (1975) of 22 December 1975 and 389 of 22 April 1976. Neither the General Assembly nor the Security Council, however, used the words "invasion", "aggression" or "condemn" in connection with Indonesia's actions. Nor was Indonesia's use of force characterised as unlawful. There were no sanctions on Indonesia. Both organs used the hortatory phrase "calls upon" rather than the more robust "demands" or "decides" in asking "the Government of Indonesia to withdraw without delay" its armed forces from the territory. There were eight General Assembly resolutions concerning East Timor from 1975 to 1982. These were adopted with a declining majority of votes.

Despite the international publicity over the famine, the 1979 Resolution contained no specific criticism of

Indonesia; instead it called upon "all parties concerned" to facilitate the entry of international relief aid "in order to alleviate the suffering of the people of East Timor". Without even mentioning which country was responsible, it expressed its "deepest concern at the suffering of the people of East Timor". Indeed, the 1979 Resolution dropped all references to Article 2, paragraph 4 (requiring states to refrain from the "threat or use of force against the territorial integrity or national independence of any State") and Article 11, paragraph 3 (referring to "situations which are likely to endanger international peace and security") of the UN Charter, which had appeared in previous resolutions. The 1979 Resolution did not reaffirm previous resolutions in the preamble or in the operative part. It made no reference to East Timor's territorial integrity.

FRETILIN's representative at the UN, Jose Ramos-Horta, had deliberately weakened the language of the 1979 General Assembly Resolution (Resolution 34/40 of 21 November 1979) so as to arrest the declining percentage of Yes votes. The tactic was temporarily successful, as Table 1 shows.

Table 1. General Assembly votes, 1975–1982.

Year	Yes	No	Abstain	Not Present	Percentage Voting Yes
1975	72	10	43	19	50%
1976	68	20	49	9	47%
1977	67	26	47	9	45%
1978	59	31	44	16	39%
1979	**62**	**31**	**45**	**14**	**41%**
1980	58	35	46	15	38%
1981	54	42	46	15	34%
1982	50	46	50	11	32%

The United States, Britain and France did not support any General Assembly resolutions from 1975 to 1982. As Permanent Members of the Security Council, they had the ability to make a difference but did not do so. The US's position was subsequently explained by its Ambassador to the UN, Daniel Patrick Moynihan, in his memoirs:

> The United States wished things to turn out as they did, and worked to bring this about. The Department of State desired that the United Nations prove utterly ineffective in whatever measures it undertook. This task was given to me, and I carried it forward with no inconsiderable success (Moynihan, 1978, p. 279).

Only about one-third of the UN General Assembly, largely Third World states, kept the question of East Timor alive in the General Assembly from 1976 until 1982, when the matter was delegated to the UN Secre-

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[7] NAA: A1838 3038-10-15 Part 11: Portuguese Timor—Australian Aid.

tary-General. Only four Western states (Cyprus, Greece, Iceland and Portugal) supported East Timor in this period.

When it occupied East Timor, the Indonesian government would not be opposed by the Non-Aligned Movement, of which it was a founding member. Nor would it be opposed by the Organisation of Islamic Conference, since it had the largest Muslim population in the world. It was also the largest state in the Association of South-East Asian Nations (ASEAN), whose members' policy of non-interference in one another's internal affairs meant that Indonesia was free from any criticism of its conduct in East Timor.

7. Not Looking Away

Even today, a popular but erroneous belief is that the United States looked away when Indonesia was killing East Timorese by the thousands. According to a Pulitzer Prize-winning book by a prominent scholar/diplomat, "When its ally, the oil-producing, anti-Communist Indonesia, invaded East Timor, killing between 100,000 and 200,000 civilians, the United States looked away" (Power, 2002, pp. 146-147). In fact, the United States did not look away but provided military, financial and diplomatic support to Indonesia during the early years of the invasion and for much of the occupation. George Aldrich, Deputy Legal Adviser in the State Department, admitted that the Indonesian forces that invaded East Timor "were armed roughly 90 per cent with our equipment" (US Congress, 1977, pp. 59-64). As Indonesia's napalm-enabled airpower offensives began in 1977, the US military aid proposal totaled $51.9 million[8]. Later that year, a western diplomat reported that Indonesian forces were "running out of military inventory. The operations on Timor have pushed them to the wall" (McArthur, 1977). The Carter administration helped them replenish their arsenal by authorizing weapons sales of $112 million for fiscal year 1978 (Nevins, 2005, p. 53). Vice-President Walter Mondale then flew to Jakarta and announced the sale of A-4 Skyhawk ground-attack aircraft to the Indonesian Air Force (Chomsky & Herman, 1979, pp. 191-192). According to declassified Australian intelligence reports, the Suharto regime received "the greater part of her military aid from the US, and the remainder from Australia"[9]. Indonesia acquired foreign equipment as Table 2 shows.

The US provided Indonesia with military aid in the form of direct grants, credit sales and transfer from excess stocks. From 1967–1975, US military aid was US$104 million. In addition, it sold Indonesia other equipment commercially, outside the aid program. The military assistance was unaffected by Indonesia's invasion of East Timor. Australia provided military aid—mainly in the form of equipment—in a series of three-year programs: A$26 million from July 1972 to June 1975 and A$31 million from July 1975 to June 1978[10].

Table 2. Foreign military transfers.

Armaments	Country of origin
V-150 armoured cars, C-130 (Hercules) transport aircraft, F-51 (Mustang) ground-attack aircraft, OV-10F (Bronco) ground-attack aircraft, T-33 (Shooting Star) trainer aircraft, T-34C (Turbomentor) trainer aircraft, Bell 204 and 205 (Iroquois) helicopters, UH-34-D (Choctaw) helicopters, F-5E, F-5F and A-4 (Skyhawk) aircraft	USA
Patrol boats, Sabre and Nomad aircraft, Sioux helicopters	Australia
Fokker F-27 (Troopship) transport aircraft, three corvettes.	The Netherlands
At least sixteen BO-105 (Bolkow) helicopters, two submarines.	West Germany
CASA-212 light transport aircraft	Spain
Puma helicopters, Refurbishment of AMX-13 light tanks	France
Decca air-defence radars; Hawk aircraft (on order).	UK

8. Warning of the Famine—The Church in East Timor

The use of the word "genocide" to characterise the situation in East Timor appeared in a letter from a Catholic priest smuggled out by Sister Natalia Granado Moreira and Sister Maria Auxiliadora Hernandez, who had been Dominican missionaries in East Timor. The letter was translated from the Portuguese and published in Nation Review in January 1978:

> The war is entering its third year and it seems it won't stop soon. The barbarities (understandable in the stone age), the cruelties, the theft, the firing squads without any justification, are now part of everyday life in Timor. The insecurity is total and the terror of being arrested is our daily bread. (I'm on the list of the persona non grata—any day they might make me disappear.) Fretilin troops who surrender are shot dead: for them there are no

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[8] NAA: A13685 12/1976: Military Study—Indonesia, Part 1.
[9] NAA: A13685, 12/1976: Military Study—Indonesia, Part 1.

[10] NAA: A13685 12/1976: Military Study—Indonesia, Part 1.

jails….Our residence, Bispo Medeiros, was destroyed by the fire of the invaders, Dare seminary destroyed, the Catholic colleges of Maliana and Soibada destroyed. Timor was not integrated. It was annexed. It was not liberated from "communism". It was given to Islamic Indonesians. Freedom in any form does not exist….The world ignores us and it is a pity. We are on the way to a genocide (Hurst, 1978, p. 9).

9. Knowledge of the Famine—New Zealand Diplomats

In the same month as the priest's letter was published, the New Zealand Ambassador to Indonesia paid a visit to East Timor (Leadbeater, 2006). He said that "in the words of one Catholic priest, 'everything was taken away' by the Indonesian troops." But he made allowances for this, commenting that this was "hardly surprising, of course. Indonesian troops have behaved badly in many of the outer provinces during the last 25 years, and at the present time they are displaying a marked lack of understanding in Irian Jaya." Over the course of his visit, he wrote, "we found ourselves placing less and less reliance" on the views of the Catholic clergy. He reported that "providing emergency accommodation and food supplies for the refugees is a huge problem for the administration at the present time, and one which will continue for some while". At Suai, in the south, he reported seeing a "make-shift camp which had been hastily erected when some 8,000 had come down from the hills only a few weeks before. This was little more than palm frond bivouacs which had been built by the refugees themselves, with assistance from the local people and the local military organisations". Rather than ring alarm bells, however, he wrote that it was "the price of success: if people were not breaking away from the FRETILIN activists there would be no refugees."

Positively disposed towards his Indonesian hosts, he reported that "the island of Timor is by no means an attractive piece of real estate….The Timorese people are poor, small, riddled with disease and almost totally illiterate, very simple and, we were told again and again, 'primitive'. They are almost completely under the influence of their 'rajas'. Considered as human stock they are not at all impressive—and this is something that one has to think about when judging their capacity to take part in an act of self-determination or even to perform as responsible citizens of an independent country."

"We spoke no Portuguese or Tetum," he reported, "while few of the 'locals' spoke Bahasa Indonesia, so that quite often we had to get interpretation from Tetum into Portuguese into Bahasa into English." He reported that the people he spoke with were "mostly administration and administration-connected people" because "to achieve much more would have required

fluency in Portuguese and Tetum and a deliberate effort to cultivate people who might regard themselves as in some degree disaffected". He said that "the FRETILIN propaganda machine has several times accused the Indonesian Government of mounting a new and massive invasion of East Timor", and admitted that "in private senior [Indonesian military] officers have acknowledged that a special effort was being made" to subdue the resistance. However, he had been assured by them that "anyone quitting FRETILIN was being received 'as a brother'…in fact only one FRETILIN activist had been captured in the strict sense of the word, a squad leader who was taken near Bobonaro, and no-one seemed to be quite sure what had happened to him"[11].

10. Knowledge of the Famine—Australian Diplomats

Under Australian law, the Archives Act provides for the declassification of most government documents after 20 years. But the Australian government has refused to declassify its nearly 40-year old Foreign Affairs records that would reveal in full its knowledge of the famine. It claims that their release would compromise Australia's security, defence or international relations. Legal challenges and public pressure have ensured the release of many documents, however, and what they reveal is that Australian diplomats and other government officials were aware that a major humanitarian catastrophe was occurring in East Timor.

Even before the invasion, the documents show that Australian officials concluded that the "Indonesian invasion of Portuguese Timor would be contrary to Article 2(3) and (4) of the Charter which provides that international disputes shall be settled by peaceful means and obliges members to refrain from the threat or use of force, against the territorial integrity or political independence of another State"[12]. However, although officials believed "Indonesian action would fall into the category of outright aggression"[13], influential Australian policymakers felt their aim should be to "do our best to contain the damage to the Australian/Indonesia relationship and act to limit a recrudescence of latent hostility to Indonesia in Australia"[14]. Australian principles, according to this view, "should be tempered by the proximity of Indonesia and its importance to us and by the relative unimportance of Portuguese Timor"[15].

Australian officials were given timely and accurate

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[11] NAA: A1838, 3038-7-1 Part 18: Portuguese Timor: External Relations.
[12] NAA: A1838 935-17-3 Part 21, iii: Portuguese Timor: UN Fourth Committee.
[13] NAA: A1838 935-17-3 Part 21, iii: Portuguese Timor: UN Fourth Committee.
[14] NAA: A10463 801-13-11-10 Part 1: Australian Embassy Jakarta correspondence files.
[15] NAA: A10463 801-13-11-10 Part 1: Australian Embassy Jakarta correspondence files.

advice about the catastrophic famine from highly credible sources. For example, on 24th May 1978, Australian Ambassador Tom Critchley and First Secretary David Irvine called on Indonesian Brigadier-General Adenan, Director-General for Foreign Relations and Security in Indonesia's Department of Foreign Affairs. Adenan advised them that supporters of FRETILIN were "suffering lack of both ammunition and food." Those who had surrendered recently "were in poor physical condition" and "some could not even stand"[16]. Here was an opportunity to offer humanitarian aid directly to the Indonesian government or to pressure it internationally to allow humanitarian aid in. But such aid would not be allowed to enter for another 17 months, and the death toll mounted.

A month later (30th June 1978), Ambassador Critchley and Acting Defence Attaché Captain R.J. Whitten called on General Mohammad Yusuf, Minister for Defence and Commander of the Indonesian Armed Forces. General Yusuf said that he had "just returned from East Timor" and that "one of the biggest problems was the 270,000 women and children to care for." The Embassy went on to note that "apparently the majority are women and children who have become separated from their menfolk." The Embassy commented that the figure:

> seems unduly high to us considering that the total population of the province is somewhere between 500,000 and 600,000. But it was repeated….General Yusuf has a reputation as a dull and taciturn officer but on this occasion he was very forthcoming and gave the impression that he was well briefed and in command of his subject—East Timor. Although other unimportant subjects were mentioned he returned to the East Timor problem[17].

In other words, General Yusuf was saying clearly that a major humanitarian catastrophe was occurring in East Timor. He said that the assistance of international voluntary agencies including the ICRC would be very welcome. But there was no follow-up, and the death toll mounted.

Mr. D. Campbell and Mr. P. Alexander of the Australian Embassy visited West Timor from 10–14 August 1978 in the context of an Indonesian aid proposal. The Embassy traveled to Atambua, not far from the East Timorese border. Thus, it "presented an opportunity to gain some information on the general East Timorese situation as well as that existing on the West Timorese side of the border"[18]. They reported that the situation in East Timor was:

far more severe….[They were shown] some very recent photographs…of the condition of the refugees in Bobonaro. The photographs depicted many sick, starving and malnourished women and children, typical of famine scenes throughout the world….The condition of the refugees, many of whom had in any case arrived in a desperate condition, was extremely poor. The Indonesian authorities were "doing almost nothing" to alleviate the situation. [They heard estimates that] at least 1.5% of the refugees were dying monthly and that in some groups the death rate was around 8% per month. Asked why the Indonesian authorities were not reacting to the gravity of the situation, [they were told that] it was largely because of the sensitivity of the local military commanders to publicity about the critical situation in many parts of East Timor. [Their informant] did not believe authorities in Dili were informing the central Government about the gravity of the problem which had emerged partially as a result of the Amnesty. For this reason he had written recently to General Benny Murdani in Jakarta, informing him of the need for urgent Government assistance. However, all he had received for his trouble was a rap over the knuckles from Dili military authorities who had flown to Atambua by helicopter to deliver the reprimand[19].

The Australian officials concluded that "the Indonesian Government is not coming to grips with the critical condition of many refugees not far from the border with West Timor. Whether this is because of sensitivity to publicity or logistical problems is unclear, but the problem will probably become worse as more weak Fretilin followers come out of the hills to take up the Presidential amnesty. While, with the aid of international agencies, the Government appears to have managed the refugee situation on the western side of the border capably, in East Timor itself the situation has grown worse over the past twelve months. Unless there is firm Government action, people will continue to die of hunger…"[20]. Here was another warning of mass deaths—and here, yet again, was inaction as the death toll mounted.

11. Knowledge of the Famine—Other Ambassadors

The Australian ambassador visited East Timor along with nine other foreign ambassadors from 6 to 8 September 1978. The ambassadors were briefed that approximately 125,000 people had come down from the mountains, and that as many as a quarter of them

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[16] NAA: A1838, 3006-4-3 Part 24: Indonesia: Relations with Portuguese Timor.
[17] NAA: A1838, 3006-4-3 Part 24: Indonesia: Relations with Portuguese Timor.
[18] NAA: A1838, 3006-4-3 Part 24: Indonesia: Relations with Portuguese Timor.

[19] NAA: A1838, 3006-4-3 Part 24: Indonesia: Relations with Portuguese Timor.
[20] NAA: A1838, 3006-4-3 Part 24: Indonesia: Relations with Portuguese Timor.

were suffering from cholera, malaria, tuberculosis and advanced malnutrition. The Ambassador reported in confidence that the visit had been carefully controlled by the Indonesian authorities, who were clearly anxious that the tragic plight of many of the refugees seen should not be blamed on their administration. The US Ambassador Ed Masters agreed, writing that "these refugees were being given clothing and food in a show obviously set up for our benefit" although this may have been the usual procedure, he added. He said they were "in a pitiful state. The children had bloated stomachs and…many adults suffered from malaria, malnutrition and dysentery. There were also some cases of TB [tuberculosis]" (Masters, 1978). Many ambassadors came away shocked by the condition of the refugees. One visitor wrote an eyewitness account. The following is an excerpt:

> Every week, scores of starving people, dressed in rags that cover only some parts of their bony bodies, drag children with sunken eyes, bloated stomachs and ugly leg sores down the tortuous mountain paths to make their way to Indonesian rehabilitation centres. Indonesians were handing out new clothes to replace their rags. Formed into two rows of welcoming humanity they waved red-and-white Indonesian flags and shouted "selamat Datang" to ambassadors visiting them. I could clearly distinguished the newer arrivals from the older inhabitants, by their bony legs covered in sores. Malnutrition differed only in degree. The women swayed weakly, their hands gasping the flags moving slightly as they mumbled their messages of welcome. At a Red Cross station a Timorese woman slept on a stretcher on the floor dressed in rags with a piece of white cloth protecting her face from scores of flies attacking it. A medical aide from Jakarta would occasionally go into the room to fan away files from her eyes. The heat was unbearable. She had just come down from the hills two days earlier, and was suffering from cholera, he told me. The head of the district told journalists that 56 refugees had died on the march from the hills because of illness and malnutrition (no one used the word "starvation"). The visiting ambassadors were conspicuously moved by the sight. A few shook their heads in disbelief. The ambassador of Papua New Guinea, Dominic Diya told me: "We are a poor country but I have not seen anything like this. I am shocked to see the conditions of the refugees" (Chiang, 1978).

The Australian Broadcasting Corporation's correspondent in Jakarta, Warwick Beutler, reported on the Ambassadors' visit on Australian national public radio:

> "Some of the Ambassadors were lost for words to describe the tragedy of thousands of people emerg-

ing from the mountains of East Timor in appalling health. Papua New Guinea's Ambassador said he'd never seen human beings in such a bad state. Australia's Ambassador, Mr Tom Critchley, said their condition was deplorable….Canada's Ambassador, Mr Glen Shortliffe, describes it as a major humanitarian problem" (ABC, 1978).

He said that most envoys agreed that "only an international relief effort could prevent more people from dying." The Australian Embassy in Jakarta sent a cable back to Foreign Affairs headquarters in Canberra with suggestions on how to deal with questions in Parliament about this unwelcome publicity. "The people of Timor," it said, "have always been poor and most of them seem to have always lived barely above the subsistence line. Infrastructure is practically non-existent and the long-term problem is one of development. The land is poor, literacy rates are low and there are very few skilled workers. The Indonesian Government is therefore understandably anxious to ensure that any reference to the poor condition of the Timorese should make it clear that the problem is not repeat not of Indonesia's making. In short that East Timor was a poverty stricken country before the civil war started. Although the basic problem was not repeat not created by the recent civil war, the war exacerbated the position"[21].

It will be recalled that the so-called civil war was fomented by Indonesia, lasted only three weeks in August 1975, and resulted in total deaths on all sides of fewer than 3,000 people. But the Australian Embassy was more interested in providing public relations cover for the Indonesian authorities. It chose to blame poverty and the civil war but did not mention the Indonesian military's use of napalm or its destruction of agricultural areas and other food sources such as livestock. The Australian Ambassador to Indonesia, Tom Critchley, explained why Indonesia was unwilling to allow international humanitarian assistance to enter East Timor:

> While we obviously should not repeat not say so publicly, I believe that the Indonesians may be reluctant to seek foreign aid in large quantities in East Timor in particular, they are unlikely to want foreigners there administering it. If the Timorese are to become loyal Indonesians, the Indonesian Government must get the credit for relief and development work. The Indonesians may also want to avoid any impression that the assistance coming from abroad is greater than that coming from Jakarta. For this reason, I expect them to remain cautious about accepting foreign assistance[22].

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[21] NAA: A1838, 3038-10-11-2 Part 5. Visits of Australians to Portuguese Timor.
[22] NAA: A1838, 3038-10-11-2 Part 5. Visits of Australians to

As the deaths due to the famine continued, the Indonesian military sealed East Timor off from the outside world. It continued to deny access to the ICRC, insisting that any foreign aid be channeled through the Indonesian Red Cross, over whose operations it exercised strong control.

The international relief effort was still more than one year away, and the East Timorese population, hungry, weakened and ill, continued to die. Meanwhile, on 3 October 1978 the Australian High Commission in Ottawa, Canada, received a copy of the report of the visit to East Timor by the Canadian Ambassador to Indonesia. Australian officials described it as "the most comprehensive account we have. The paras on the displaced persons (22–30) are quite graphic and para 33, which compares Indonesia's receptivity to various aid donors, including Australian worth reading"[23]. Nevertheless, the Ambassador's report (Paras 34–35) "develop[ed] an argument in favour of the Indonesian position at the UN". Canadian diplomats advised their Australian interlocutors that Australia's intended vote on the 1978 General Assembly resolution "would have more influence on the Canadian position that the actual content of the resolution"[24]. Australia did not support the 1978 Resolution, and the famine continued.

12. Two Contrasting Civil Society Actions

As the famine hit hard in 1978, some East Timor campaigners perpetrated a hoax that severely reduced their credibility; they falsified an advertisement for the OV-10 Bronco aircraft placed in the Far Eastern Economic Review by Rockwell International, the aircraft's manufacturer. The original advertisement featured a picture of the Bronco in action and a large caption: "the Bronco workhorse: Ask Thailand about it." They replaced "Thailand" with "Timor" and provided it to The Age, a major newspaper in Australia, in order to publicize US complicity in the Indonesian invasion. While the US was certainly complicit, the hoax was uncovered quickly and the activists' ploy served only to undermine their credibility. Rockwell International's Melbourne office checked with their corporate headquarters at the behest of the US Embassy in Australia, and was informed that the advertisement was a deception. The US Embassy issued a statement to the Australian media: "We find the purported advertisement to be a reprehensible effort to discredit an American corporation by the transparent use of a photomontage in order to misrepresent what they said in one of their advertisements" (Alston, 1978).

Portuguese Timor.
[23] NAA: A1838, 3038-10-11-2 Part 5. Visits of Australians to Portuguese Timor.
[24] NAA: A1838, 3038-10-11-2 Part 5. Visits of Australians to Portuguese Timor.

The Age ran an embarrassed apologia that scorned Fretilin's credibility. It said that the "elaborate hoax" was sent in a letter to a sympathiser in Sydney signed by Fretilin's representative at the UN, Jose Ramos-Horta. The sympathiser, Mr Denis Freney, was "convinced the signature was genuine. Not only that—some of the matters raised in the letter indicate that only Mr Horta could have written it, he says." Meanwhile, it reported, Mr Ramos-Horta was unreachable—"said to be visiting Cuba with a Fretilin delegation" and "after Cuba he would be touring the Caribbean" (Lahey, 1978, p. 2).

At the same time, however, other campaigners were able to establish a high degree of credibility by conducting very sharp, accurate analysis of the situation in East Timor. The best example of this type of credibility-enhancing research in 1978 was conducted by Arnold Kohen, a US-based volunteer journalist in his twenties who spearheaded an energetic and highly effective campaign of raising public awareness with the help of a very small group of scholars. Kohen, who had formed the Cornell-Ithaca East Timor Defence Committee, was the lead writer of an analysis of the causes of the famine. The analysis discussed the food shortages, the Indonesian offensives and the level of US complicity. They sent it in the form of an emergency alert to groups and individuals in the USA and overseas. Kohen provided Professor Noam Chomsky, the renowned linguist and political activist, with a 40 page memo and 100 pages of documentation for a chapter in a book, *The Political Economy of Human Rights*. The book, co-authored with Edward Herman, gave prominence to East Timor, which became a signature issue of Chomsky (Chomsky & Herman, 1979). Chomsky's profile brought the East Timor question into universities around the world, informing many people about the atrocities and their misrepresentation by governments and the media.

The 1978 analysis was disseminated after Congressional hearings had been held the previous year on the situation in East Timor. The hearings were significant because they placed on the record denials by the early Carter administration that the situation in East Timor continued to be serious. The arguments in the 1978 appeal and further analyses and questions developed from this quarter were highlighted at a December 1979 Congressional hearing. When the famine became an international political issue with starving people coming down from the mountains and mass deaths occurring in the camps, US officials had a lot of explaining to do because they had made it look as though the struggle in East Timor had ended.

13. Explaining the Catastrophe

In March 1979, the Indonesian military assessed that it had achieved its war aims; it had defeated FRETILIN in battle and eliminated most of its senior leaders. The remnants of the resistance were reduced to a few

bands of ill-equipped guerrillas who were confined to the mountains, far away from the majority of the population in the towns and villages. Accordingly, on 26 March 1979, the Indonesian government declared that East Timor had been pacified. It established Sub-regional Military Command 164 (Korem 164), which was subordinated to the Regional Military Command (Kodam), headquartered in Bali. The significance of this reorganisation was that it was intended to show that East Timor had the same military administrative structure as Indonesia's other 26 provinces.

In April 1979 the Indonesian government permitted the ICRC to enter East Timor for the first time in almost four years to make a brief and preliminary on-the-spot survey. According to an internal United States State Department document, "It was not until the spring of 1979 that the Government of Indonesia felt East Timor to be secure enough to permit foreign visitors." Only after receiving the green light from the Indonesian military did the US Embassy move to initiate US Government disaster assistance. According to the same internal State Department document, "On June 1, 1979, the US Ambassador to Indonesia, Edward Masters, determined that a disaster of such a magnitude as to warrant US Government assistance existed in East Timor" (USAID, 1979, p. 1).

In November 1979, Australia's Department of Foreign Affairs acknowledged that there was "increased publicity in Australia" and "media criticism of the Indonesian Government for allowing such a situation to develop". As such, there was "strong public pressure on the Government to increase its aid contribution." It prepared a Cabinet submission noting the existence of "a substantial humanitarian problem in East Timor. As many as 200,000 Timorese are in urgent need of food and medical care." It noted that the ICRC "has faced major difficulties both to and within Timor" and that "within Timor, transport costs ($3.3 million) represented a little under one half of the total cost" because "places in greatest need are only accessible by air." While the "provision of RAAF [Royal Australian Air Force] helicopters is feasible without detriment to current commitments" and "could have popular appeal within Australia", they "would be likely to cause presentational difficulties for the Indonesians." For that reason it opposed the provision of RAAF helicopters but suggested an offer of two million dollars to the Indonesian Government instead[25].

With the prospect of an international relief effort—and foreign witnesses—the Indonesian government developed a narrative to explain the dire situation. It blamed the famine on the subsistence farming practices of the East Timorese and on drought.

For their part, Australian diplomats prepared "press guidance" so that the Foreign Minister could deal with media inquiries about the disaster. The Minister's comments, they wrote, should focus on "the positive question of what can usefully be done to help Timorese in need and steer them away from sterile analyses of past errors, body counts and who is to blame for what"[26]. Drawing on Ambassador Critchley's September 1978 cable,[27] they blamed the death toll on the civil war: "Many died during and because of the civil war before Indonesian intervention. Some thousands have left East Timor. We do not wish to get into discussions of how many died; what matters is helping the living." Protecting the Indonesian government from international criticism, they said it had "spent a large amount of money and effort on developing East Timor. Part of the economic problem is that Indonesia has inherited three centuries of colonial neglect….They have had to react to a quickly changing situation and are doing their best"[28].

Where were these starving people coming from? The US State Department's explanations resembled those advanced by the Indonesian regime. On 4 December 1979, State Department officials and US ambassador to Indonesia Edward Masters testified to the US Congress about the famine. The officials showed an aversion to the words "famine" and "starvation," referring instead to "acute malnutrition." For his part, Masters blamed the dire condition of the East Timorese people on "slash and burn agriculture," "extreme backwardness," "prevailing poverty," "lack of infrastructure," "erosion," and "drought." He mentioned the effects of the war briefly but chose to blame the Portuguese, who, as a contemporaneous analysis pointed out, "pulled out of their half of the island four years ago—and never carpet-bombed or defoliated the place" (Kohen & Quance, 1980).

However, Kohen's razor-sharp 1978 analysis had already laid the groundwork for establishing the fact of a humanitarian catastrophe, and had squarely identified the Indonesian offensives as the causative factor. It had also highlighted the level of US complicity. Building on the structure of legitimacy created as a result of this credibility, Kohen worked intensively for several years with journalists and congressional officers, and played a crucial role in developing long-term Congressional contacts. Much of the pressure exerted on Indonesia in 1999, when East Timor was finally liberated, arose as a result of the structure of legitimacy that was built through painstaking efforts in these very important constituencies in 1979, the 1980s and the first two years of the 1990s, when the Santa Cruz massacre cat-

[25] NAA: A1838, 3038-10-15 Part 11. Portuguese Timor—Australian Aid.

[26] NAA: A1838, 3038-10-15 Part 12. Portuguese Timor—Australian Aid.
[27] NAA: A1838, 3038-10-11-2 Part 5. Visits of Australians to Portuguese Timor.
[28] NAA: A1838, 3038-10-15 Part 12. Portuguese Timor—Australian Aid.

apulted East Timor to international prominence (Fernandes, 2011, pp. 63-86).

14. Preventing Mass Atrocities in East Timor

This paper has shown that early warning of mass atrocities in East Timor was available; that key states did not look away but were well-informed of the unfolding calamity caused by the Indonesian military's operations; that they provided military and diplomatic assistance to Indonesia; and that high-quality research by civil society activists did make a difference—not to ending the famine but to creating a structure of legitimacy as a result of this credible research and advocacy. The paper thus contributes to scholarship on mass atrocity prevention by showing that—at least in this case—there was no "early warning" problem but rather a failure to generate the political will to act on these warnings. Until that failure is addressed and early warnings are operationalised into an international commitment to act, efforts to end mass atrocities will be challenged by accusations of illegality, selectivity and cynicism.

Conflict of Interests

The author declares no conflict of interests.

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Article

Genocide Prevention and Western National Security: The Limitations of Making R2P All About Us

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Abstract

The case for turning R2P and genocide prevention from principle to practice usually rests on the invocation of moral norms and duties to others. Calls have been made by some analysts to abandon this strategy and "sell" genocide prevention to government by framing it as a matter of our own national interest including our security. Governments' failure to prevent atrocities abroad, it is argued, imperils western societies at home. If we look at how the genocide prevention-as-national security argument has been made we can see, however, that this position is not entirely convincing. I review two policy reports that make the case for genocide prevention based in part on national security considerations: *Preventing Genocide: A Blue Print for U.S. Policymakers* (Albright-Cohen Report); and the *Will to Intervene Project*. I show that both reports are problematic for two reasons: the "widened" traditional security argument advocated by the authors is not fully substantiated by the evidence provided in the reports; and alternate conceptions of security that would seem to support the linking of genocide prevention to western security—securitization and risk and uncertain—do not provide a solid logical foundation for operationalizing R2P. I conclude by considering whether we might appeal instead to another form of self interest, "reputational stakes", tied to western states' construction of their own identity as responsible members of the international community.

Issue

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1. Introduction

One of the central concerns of many genocide studies scholars and activists is turning the well-worn phrase "never again" into reality. A central component of encouraging genocide prevention is the Responsibility to Protect doctrine that sets out the responsibility of states to uphold the human rights of populations under their own control and in other societies in which the local state cannot or will not protect its own people. Upholding basic human rights and human security around the world is framed as both a moral good and duty that applies to us all. But while most states and in-ternational organizations have rhetorically expressed their support for R2P and genocide prevention, we have yet to see states put the principle into practice in more than a handful of cases.

In the last few years some analysts have tried to foster the political will for genocide prevention by making what they hope will be a more persuasive argument to policy-makers. Instead of relying on moral claims based on responsibility, duty, and the indisputable moral wrongness of genocide, calls have been made to see prevention as a matter of western states' national interest, including their national security broadly construed. This argument speaks to our na-

tional and rational self-interest by suggesting that failure to prevent atrocities abroad imperils western societies in very real ways.

My question in this study is whether genocide prevention conceptualized as a necessary policy to ensure western societies' own security is a logical foundation for asserting that western states live up to their avowed responsibility to protect vulnerable populations around the globe. This is a different, albeit related, question from whether appeals to our national security will be successful in motivating effective genocide prevention by policy-makers.

On the face of it, the genocide prevention-as-national security thesis appears sensible. After all, purely humanitarian appeals have not produced consistent and robust genocide prevention. To get the attention of political leaders and policy-makers do we not need to "speak their language" by appealing to national security? What better way to conceptualize the need for planning and action than to tie genocide prevention to warding off threats, one of the most basic functions of the state? Indeed, in his address announcing the creation of his administration's Atrocity Prevention Board, President Obama emphasized that "[p]reventing mass atrocities and genocide is a core national security interest" of the United States (Presidential Study Directive on Mass Atrocities, 2011, p. 1).

If we look at how this argument has been articulated in policy reports over the past few years, we can see that this position is not entirely convincing. To demonstrate this point I turn to two policy reports that have made the case for genocide prevention based in large measure on national security considerations: *Preventing Genocide: A Blue Print for U.S. Policymakers* by the Genocide Prevention Task Force co-chaired by Madeleine Albright and William Cohen and the *Will to Intervene Project* by the Montreal Institute of Genocide and Human Rights Studies co-chaired by Frank Chalk and Lt. Gen. (Ret.) Romeo Dallaire. The central problem is that both reports fail to offer a sound foundation for prevention grounded in security, first, because the logic of the "widened" traditional security advocated by the authors does not fit comfortably with the evidence provided in the reports; and second, alternate conceptions of security that *prima facia* would seem to accommodate conceptualizing atrocity prevention as a security issue—securitization and risk and uncertain—similarly do not provide a logical foundation for operationalizing prevention.

The question then becomes, how do we make the case for turning R2P from an agreed upon principle into common practice? In the last part of the article I draw on the reports' general appeal to the self-interest of would-be interveners in the west and contemplate whether operationalizing R2P might be more effectively grounded in appeals to reputational stakes tied to western states' construction of their own identity as responsible members of the international community. I then briefly examine whether the codification of R2P as a legal obligation might facilitate atrocity prevention and conclude that entrenching R2P in international law may not facilitate this process of norm internalization and that norm internalization in itself cannot guarantee consistent atrocity prevention. In short, while western governments may want to be *seen* to be doing good, they may not regularly acting to *do* good in the international system even if they were to be required to do so under international law.

Throughout the article, I am also trying to grapple with hard cases in which western interests—security, economic, geo-political—are not at play. These cases suffer from what I call the "Goldilocks problem". These cases constitute one of two kinds of circumstances in which prevention and intervention is unlikely to occur since they fall outside the "Goldilocks zone", that is, the parts of the world that are of direct interest, for a variety of reasons, to western states. Non-Goldilocks cases of atrocity occur in locations that are of either little strategic value or of "hyper" strategic value such that intervention is considered to be too dangerous a proposition for all involved.

My interrogation of the Genocide Prevention Task Force and Will to Intervene reports is admittedly quite narrow. Although the reports are designed to offer a set of policies for policy-makers, my focus is on the underlying security logic found in the reports since the authors ground their policy prescriptions in a logic of national interest tied largely (although not exclusively) to national security broadly construed. I proceed in a fashion analogous to a legal scholar examining the legal reasoning of a judicial decision, and as such, my analysis does not address the potential effectiveness of the prescriptions outlined by the authors, nor do I engage with the very important literatures on genocide prevention or R2P.

2. The Genocide Prevention Task Force and the Will to Intervene Reports: An Overview

2.1. Preventing Genocide: A Blue Print for U.S. Policymakers (The Genocide Prevention Task Force Report)

As its title suggests, the Genocide Prevention Task Force Report is a set of recommendations aimed exclusively at American leaders, policy-makers, and institutions. Noting that R2P is in part the inspiration for the report, the authors suggest that "there is a growing understanding…that states have a basic responsibility to protect their citizens from genocide and mass atrocities" and that "[n]o government has the right to use national sovereignty as a shield behind which it can murder its own people. The challenge for the world community is not only to state this principle, but to implement it" (The

Genocide Prevention Task Force, 2008, p. xxi).

In making the case for genocide prevention as a foreign and defence priority for the United States, the co-authors assert that their report is inspired by three key considerations. The first is the immorality of genocide and other atrocities that constitute "a direct assault on universal human values, including, most fundamentally, the right to life." The report immediately goes on to evoke a second and much more central concern that "[g]enocide and mass atrocities also threaten core U.S. national interests" since genocides "feed on and fuel other threats in weak and corrupt states, with dangerous spill-over effects that know no boundaries." The third concern is reputational. If the United States does not plan for and engage in successful genocide prevention around the globe U.S. "credibility and leadership" may be at stake (The Genocide Prevention Task Force, 2008, p. xv).

As a security threat, genocide is said to fuel instability in weak and undemocratic states. These kinds of states engage in terrorist recruitment, human trafficking, and experience civil strife, all of which have "damaging spill-over effects for the entire globe." Further, the report identifies the monetary costs and logistical challenges of humanitarian responses to refugee flows sparked by genocidal violence, noting that the United States often ends up footing much of the bill to feed, house, and care for refugees. It is in the United States' own interest to pay less up front to prevent genocide than more later to deal with its aftermath. Finally, the report links the United States' national interest and security to America's international reputation, warning that if the country does not establish the capability and will to prevent genocide, the international community will come to see the United States as "bystanders to genocide" which would in turn undermine the United States' ability to be a "global leader" and "respected as an international partner if we cannot take the necessary steps to avoid one of the greatest scourges of mankind" (The Genocide Prevention Task Force, 2008, p. xx).

Having made the security argument, among others, for genocide prevention, the report outlines institutional and funding reforms designed to integrate genocide prevention into US foreign, defence, and development policy-making. Political leaders, specifically the American president, must make genocide prevention a top priority and relevant Congressional committees should do the same. The United States government must develop early warning strategies and intelligence capabilities within existing departments and agencies to identify possible outbreaks of genocidal violence and implement a broad set of development assistance policies focused on democratization (including the protection of human rights and minority rights) and economic development in vulnerable states as an early prevention strategy. Government should also use a carrot and stick "preventive diplomacy" strategy with po-

tentially genocidal regimes, develop plans for either the unilateral or multilateral use of force to stop genocide where the killing has begun, and cooperate with allies and international organizations to strengthen anti-genocide norms and institutions designed to prevent and punish atrocities.

2.2. Mobilizing the Will to Intervene: Leadership and Action to Prevent Mass Atrocities

Much like the *Genocide Prevention Task Force*, the authors of *Mobilizing the Will to Intervene: Leadership and Action to Prevent Mass Atrocities* (W2i, 2009) argue that we must build the will and capacity to stop mass atrocities since genocide and other gross human rights violations constitute threats to ourselves and to the world. An ideational and policy orientation that was sorely lacking in an earlier era of traditional statecraft, the "will to intervene" can be fostered by appealing to our own national interest grounded in a "widened" conception of national security in a post-Cold War, globalized world. Based on case studies gleaned mostly from interviews with American and Canadian officials that try to account for why the international community failed so miserably in Rwanda but managed to act decisively in Kosovo (W2i, 2009), the authors argue that if we want governments to get serious about genocide and mass atrocity prevention we need to stop appealing exclusively to the injustice of such acts and instead frame them through the lens of national interest grounded in national security.

Mass atrocities and the "chaos and loss of life" they visit on their victims in turn "produce shock waves" that act as "seismic wrecking balls" that destabilize the world far beyond the regions in which they occur (W2i, 2009, p. 4). The threats posed by atrocities abroad are identified by the authors as "costs" including: medical, health, and social costs flowing from pandemics that may originate and then spread from atrocity-torn areas; national security costs resulting from the creation of safe havens for piracy and terrorism in countries and regions that experience atrocities; financial and social costs produced by refugee flows; economic costs resulting from loss of access to strategic resources; and the political cost of alienating electoral constituencies at home. To eliminate or diminish these costs, and thus protect ourselves from the fall-out of any or all of these scenarios, governments and civil society must work together to prevent atrocities in the future and stop on-going mass atrocities in order to ensure our own health, security, and economic prosperity (W2i, 2009, pp. 9-17).

The report identifies four pillars around which the "will to intervene" should be mobilized: enabling leadership in government particularly at the Presidential/Prime Ministerial and cabinet levels; enhancing coordination between government departments and ministries; building institutional capacity for effective

prevention and intervention within government; and fostering knowledge through a bottom-up process in which Canadian and American civil society groups as well as the media act to inform government of and press for the need to engage in humanitarian intervention (W2i, 2009, pp. 17-61). Similar to the Genocide Prevention Task Force Report, the first three pillars of W2i involve the introduction of new roles, structures, and processes in the executive, legislature, and civil service to make atrocity prevention a priority both in terms of policy importance and capacity to act.

3. The Problem of Appealing to a Logic of Western National Security

There is a certain attractiveness to the idea that we need to speak to government in the national interest security-oriented cost-benefit language to which it presumably is most accustom and which the Genocide Prevention Task Force and W2i authors hope it is more likely to listen. But what, exactly, is the conception of security to which the reports appeal? Both say that in a globalized world they take security not just to include military security but also economic, physical/health, and even reputational security. The W2i report, for instance, notes that governments once only thought of security as "the defence of territorial borders against invasion and attrition". Now "the meaning of security has expanded…beyond state centric concerns related to defence" to include a "wider variety of international and transnational threats affecting states and their citizens" (W2i, 2009, p. 9). But beyond this the key concept upon which the reports' authors rest their case is left largely undefined. To be fair, the reports are not intended to be scholarly exegeses on conceptions of security or an exercise in the redefinition of security. Nonetheless, as a scholarly reader of these reports I am interested in interrogating the logic of atrocity prevention grounded in national interest as mostly national security. To do this I now turn to three (admittedly not exhaustive) conceptions of security found in the security studies literature. The first is the conception seemingly used by the authors themselves, what sometimes is called in the security studies literature "widened" security. The second and third are two conceptions of security that would appear to be the most friendly to the idea of motivating atrocity prevention and intervention by appealing to national and global security: the process of securitization in which the inter-subjective identification and definition of threats by securitizing actors and an audience define what constitutes a threat and why; and the sociologically informed notions of risk and uncertainty in an interdependent globalized world.

3.1. "Widened" Security

Traditional understandings of security identify threats that are "out there" in the real world which are discernible through rational calculations of what does and does not objectively pose a threat to the survival of the state and society. Once identified, these threats must be neutralized through the application of (mostly military) power and other resources. By adopting a "widened" conception of security the reports say that objective security threats include not only external military or political threats but also the negative effects of a changing climate, the spread of epidemics and pandemics, and the actions of non-state actors such as terrorist organizations and other armed groups (Buzan & Hansen, 2009). The reports thus contend that in this kind of general security climate the follow-on effects of genocide, regardless of where the crime is committed, poses pressing objective threats to Canada and the United States. Further, both reports see genocide not as a military threat or a threat to military assets (although military assets and personnel may be put in harms way to stop genocide and therefore may impose costs on military institutions and personnel) but as a threat to other sectors such as the economy, the health and well-being of citizens, or the political fortunes of Canadian and American politicians. Let us now examine how the logic of linking genocide prevention to an expanded understanding of objective security threats fits with the arguments and evidence provided by the authors. Since W2i provides the most detailed security argument and empirical evidence, I will concentrate on this report specifically.

Under "security costs" the authors of W2i cite the fact that regional and global insecurity is often produced by "failed states" such as Somalia. The authors correctly note that the collapse of the Somali government in 1993 gave rise to warlordism within the country, piracy in the waters off the Horn of Africa, and we might add since the publication of the report, regional terrorism in the form of the now Al-Qaeda affiliated Al-Shabab. Failed states, however, are not necessarily synonymous with or measures of mass atrocities. The two are frequently related phenomena but the former does not always lead to the latter. Al-Shabab's activities have had an entirely negative effect on Somalia's internal security and that of its neighbours, but Somalia's status as a failed state has thus far not produced global or western insecurity. And while the authors assert that western policymakers are beginning to take seriously the link between development, human rights, and security in places like Somalia, the authors leave out how western states actually dealt with the Somali piracy problem. Rather than addressing the problem of lagging development, state failure, and human rights abuses, western states applied hard military power through extensive naval patrols in much the same way that the very traditional security threat of piracy has been countered for centuries.

The authors also recount that weak and failed

states have created the conditions for the emergence of epidemics, such as the typhus epidemic in Burundi in 1997, and that these kinds of regional health crises driven by instability, conflict, and atrocities increase the possibility of global pandemics in an era of global commercial air travel. But as with the Somalia example, the fact situations used in W2i as evidence are not cases in which mass atrocities were at play. To make the claim that mass atrocities are security threats to us because air travel may transport diseases to western countries, we would need evidence from a case where this has already happened or nearly happened. Although the suffering on the ground in refugee camps was enormous, we did not see global disease transmission after Rwanda, or over the many years of the Darfur conflict, or currently coming out of the destruction in South Kordofan or the Blue Nile regions of Sudan. The ebola crises of 2014 did not spawn global disease transmission despite the contagious nature of the disease, considerable fears in the west of such an outcome, and the fact that the health care systems in Sierra Leone and Liberia are still labouring under the damage done by years of conflict.

In terms of political costs, W2i suggests that in Canada and the United States citizens are concerned with human rights at home and abroad and that these increasingly cosmopolitan societies have diaspora communities that assert their cultural, ethnic, religious, and national identities in part by lobbying government to support their foreign policy priorities. While this is an accurate characterization of North America's demographics, the report offers little direct evidence that diaspora politics influences foreign policy and electoral fortunes. Sri Lankan Tamil protests in 2009 in Toronto and Ottawa are mentioned, as are the disruptions they caused, but no real evidence is provided to show whether or how these protests changed Canadian government policies with respect to the then on-going conflict in Sri Lanka. And of course we now know that this conflict ended with government forces, unrestrained by Canadian or other western governments, crushing the Tamil Tigers. Diaspora communities have not had an appreciable effect on electoral outcomes in either the United States or Canada whether or not they vote according to their preference for greater humanitarian intervention in their countries of origin. Voting behaviour in general is not usually motivated primarily by foreign policy or international humanitarian issues. And even when it is, most diaspora and immigrant communities are too small and thinly dispersed across geographically defined electoral ridings, districts, or the Electoral College to affect federal and/or presidential elections in Canada or the United States. By the logic of the W2i report, refugees and already existing expat Rwandans in the United States, for instance, might have been expected to take out their frustrations on President Bill Clinton during his re-election campaign in 1996. As it turned out, Clinton's share of the popular vote increased nation-wide from 43% to 49% between the two elections and Clinton carried four out of the five states (New Jersey, New York, Florida, California, but not Texas) in which most recent immigrants to the United States live (http:www.pewhispanic.org/files/20 13/02/PH_13.01.23_55_immigration_06_states). Similarly the governing Liberal Party of Canada that failed to act during the Rwandan genocide was re-elected in 1997, taking all but two seats in immigrant heavy Ontario and holding all of their ridings in the city of Montreal, home to many Rwandans who fled the genocide (http://www.parl.gc.ca/About/Parliament/FederalRidin gsHistory/hfer.asp?Language=E&Search=Rres&ridProvi nce=10&submit1=Search).

The two cases examined in the W2i report—Rwanda and Kosovo—also unwittingly illustrate the "Goldilocks problem". Countries that experience genocide and are of geo-strategic or economic value to the west lie within the "Goldilocks zone". Not unsurprisingly they are much more likely to capture the attention of the international community (e.g. Libya) while countries that are not strategic or are too strategic, in that they have very powerful friends and neighbours, lie outside the Goldilocks zone. The former cases are either unlikely to be seen as pressing national security issues because of their geo-political remoteness to the west and/or their marginal role even in a globalized political economy, while the latter are considered to be humanitarian crises that cannot be stopped through outside intervention without risking a much wider and destructive conflict no matter how badly behaved the regime or the other parties to an atrocity may be (e.g. the on-going Syrian civil war). It is made painfully clear in the W2i report that neither the American nor Canadian governments were motivated to intervene in Rwanda for moral or strategic considerations. The report repeatedly references comments by American and Canadian officials that Rwanda was of no value and therefore of no strategic interest, or by the logic of the report, not in the national interest and a national security threat. A senior US government source told the authors of W2i that the US "did not have massive strategic interests" in Rwanda (W2i, 2009, p. 91) while in the highest government circles in Canada there was "little interest in Africa (W2i, 2009, p. 69) because it "was not a priority and lay outside of Canada's traditional zone of interest" (W2i, 2009, p. 70). By contrast, as we will see later, the report cites officials and politicians in both countries claiming that Kosovo required intervention because of its strategic location in Europe, the need to make NATO effective and relevant in a post-Cold War world, and in the Canadian case, the need to appear relevant within the NATO alliance and to be seen as a small but important team player. None of the reasons offered by interviewees in the Kosovo case suggest a wider conception of security advocated in the report.

Of course, one of the goals of the W2i report is to change perceptions of what constitutes a challenge to national security. But to make this argument, the report needed to offer direct evidence that the costs to the west the authors associate with genocide, particularly in parts of the world considered non-strategic, really do exist and that governments have in the past responded to what policy-makers consider to be security threats, foreign and potentially domestic, from mass atrocity situations.

3.2. The Securitization of Threat

That a widened traditional conception of security as articulated and illustrated in the reports does not seem to effectively support the case for atrocity prevention may not mean that security considerations cannot provide a logical foundation for upholding R2P. Perhaps we can make a security-focused argument for atrocity prevention by looking at another understanding of security that would seem to accommodate the imperative of rethinking atrocity prevention as a western security issue. Here I turn to the critical security approach known as "securitization". As formulated by Buzan, Waever, and de Wilde in their seminal book *Security: A New Framework for Analysis* (1998) securitization eschews an understanding of security as exclusively military "objective" threats "out there" posed mostly by other states in favour of security understood as an intersubjective discursive process by which *perceived* threats are constructed as threats to the military, political, economic, or social sectors of a state. The process of securitization involves the articulation of a perceived threat through a "speech act" or security discourse in which a particular issue is said to pose an existential threat to a "referent object" (e.g. the state, society, or a country's territory). Responding to such a threat must involve extraordinary measures beyond the usual rules and procedures of "normal" politics (Buzan et al., 1998, p. 21). While an almost infinite variety of non-traditional security issues across any sector of society can be articulated as existential threats to a referent object (e.g. drug trafficking) a threat is not successfully "securitized" until an audience accepts that the issue is a threat. Without the acceptance of the audience we only have a "securitizing move" (Buzan et al., 1998, p. 25). Since threats are not objective and there is no metric by which we can measure objective threats, securitization is all about the construction of shared meaning. "In security discourse, an issue is dramatized and presented as an issue of supreme priority; thus, by labelling it as *security*, an agent claims a need for and right to treat it by extraordinary means". (Buzan et al., 1998, p. 26).

There are three discernible areas in which the Genocide Prevention Task Force and W2i reports conceptualize genocide prevention as a security threat such that it appears to fit the securitization approach. As we have already seen, the reports, like the securitization school, adopt an expanded view of security in which threats range across several sectors beyond the military-political. Second, both reports can be read as an exercise designed to encourage the Canadian and American governments to securitize genocide prevention. The authors of both reports call on the Canadian Prime Minister and U.S. President to use their respective offices to engage in "speech acts", in some cases quite literally in the Speech from the Throne and the State of the Union Address, to communicate the threats associated with genocidal violence abroad to their respective governmental and public audiences. Moreover, the bevy of institutional, procedural, and funding reforms meant to embed the will and capacity to prevent genocide in government institutions mirrors the idea that securitization may be institutionalized when a threat is securitized as persistent or likely to reoccur with some regularity. Finally, securitization would seem to dispense with the criticism I raised earlier about the lack of objective threats posed by genocides in regions outside the "Goldilocks zone". As a constructivist framework, successful securitization need not, and in fact cannot, constitute an "objective" measurable threat. So long as Canadian and American leaders and policy-makers *frame* genocidal violence elsewhere as an existential threat to their own states, economies, or societies, *and* other policy-makers, institutions, and the public *accept* this message, then genocide, wherever it happens, *is* a threat. But within this very same process of the intersubjective construction of meaning lie two compelling problems with reading the reports through the lens of securitization.

The first problem is posed by the requirement that threats be securitized as "existential". Consciously drawing on traditional security studies, securitization scholars assert that international security is about survival. There is, however, no universal standard for assessing whether a threat is existential or not since threats "can only be understood in relation to the particular character of the referent object in question" (Buzan et al., 1998, p 21). What constitutes an existential threat varies across different sectors: the survival of the state or the armed forces, for example, in the military sector; the sovereignty of the state, or international regimes in the political sector; the viability of a sector of the economy; collective identities in the societal sector; a habitable planet in the environmental sector (Buzan et al., 1998, pp. 22-23). Despite the fact that threats are perceived and constructed, threats cannot be of any magnitude; they must be about survival. As noted in my earlier critique of the W2i report, it would be hard to credibly argue, or in the words of the securitization approach to "securitize" through a speech act, the consequences of genocidal violence abroad as reasonably constituting an existential securi-

ty threat to the military, political, economic, social or environmental security of Canada, the United States, or the international system as a whole, particularly in non-strategic countries that fall outside the Goldilocks zone. Indeed with respect to the military sector, Buzan et al. specifically say that peacekeeping and humanitarian intervention cannot be constructed as existential threats because they do not imperil the survival of the state or its armed forces and because they occur as "support for routine world order activities" (Buzan et al., 1998, p. 22).

This observation brings us to the second problem. Aside from constructing threats as existential, securitization also requires that the response to securitized threats be "extraordinary," going beyond the established rules and procedures of normal politics, some of which may become institutionalized over time. Sensibly, neither report argues that the Canadian or American governments should pursue genocide prevention through some equivalent of the Bush Administration's legally suspect approach to the Global War on Terror. The authors of the Genocide Prevention Task Force Report and W2i firmly ground their recommendations in either existing agencies and procedures or the introduction of relatively few new institutions and policies designed to regularize R2P and genocide prevention as standard, not extraordinary, operating procedures. What the reports seem to be recommending is not so much securitization (existential threats and extraordinary responses) but what securitization scholars call "politicization", that is, making an issue "part of public policy, requiring government decision and resource allocations…" (Buzan et al., 1998, p. 23).

That the Genocide Prevention Task Force and W2i authors do not call for extraordinary or extralegal measures is not a failing of the reports. Rather, it is a strength as it shows great respect for the democratic process and the rule of law. It does, however, undermine our ability to make sense of the security logic contained within the reports according to a securitization model. It also means that the "politicization" of genocide prevention recommended in the reports could force prevention to compete for attention and resources alongside other security concerns. Stripped of the argument that genocide prevention is an extraordinary moral imperative, prevention would be "normalized", and ironically given the goal of the reports, rendered just another foreign policy issue among many.

3.3 Risk and Uncertainty

Given the inability of traditional and critical conceptions of national security threats to make the security logic of the GPTF and W2i reports comprehensible, perhaps it would be best to abandon the notion of threat altogether and instead think about the reports as grounded in risk and uncertainty. While the reports themselves speak of "threats" and "costs" linked explicitly to national "security", is it possible to frame the need for robust genocide prevention as a way of reducing "risk" and "uncertainty" in an increasingly interconnected world?

A relatively new approach in security studies, the risk and uncertainty literature is a direct response to two developments. The first, and most general development, is globalization characterized by increasing interconnections and interactions between states and other international and transnational actors across a number of different sectors, and a blurring of the line between domestic and international economics, politics, cultural, and social practices. In this global context, multiple actors can be effected, positively and negatively, by changes and crises elsewhere in the world. The second development is the advent of transnational terrorism perpetrated by diffuse networks of non-state actors operating with or alongside so-called "home-grown" terrorists, both of whom operate in and exploit the interconnectedness of a globalized world.

What we face in the post-9/11 world is not "threats" or "insecurity" in the present but what sociologist Ulrich Beck has coined a "risk society" confronted with an almost limitless array of incalculable risks in the future. These risks simultaneously result in and constitute uncertainty. "Risk" in a globalized late modern post-Cold-War world transcends time and space, forcing actors to "foresee and control the future consequences of human activity" (Beck, 1999, p. 3). The empirically and policy-oriented literature on risk sees risk as harmful outcomes ranging in severity, irreversibility, uniqueness, numbers affected, and temporal, spacial, and knock-on effects (Inter-Governmental Liaison Group on Risk Assessment, 2002). For constructivist risk and uncertainty scholars, risk cannot be objectively defined. What constitutes a risk, and the probability of that risk, is constructed through meaning attached to the interaction of actors and intersubjective knowledge grounded in cultural beliefs, norms, and biases (Williams, 2008) or epistemic communities (Kessler & Daase, 2008). Risk and uncertainty may also be the prelude to catastrophe (Kessler and Daase, 2008, p. 225). A mass casualty terrorist attack, for example, remains a risk, the certainty of which we do not know or sometimes cannot even conceive, until the attack occurs. Once the attack happens it ceases to be a risk and becomes a catastrophe.

The concept of risk is inextricably linked to uncertainty to such an extent that the two concepts cannot meaningfully stand alone. Since the risks the world faces in the post-Cold War, post-9/11 period are fed by the interdependencies of a globalized world, calculating what risks we face and how likely they are to occur involves a considerable amount of uncertainty. This is what former US Secretary of Defence Donald Rumsfeld

likely meant when he referred to "known unknowns" and "unknown unknowns". Such "unknowns" are produced by the unknowability and thus uncertainty of a complex globalized modern society (Giddens, 1998, p. 23) in which late modernity itself produces untold benefits and risks. How we respond to risk and uncertainty is equally difficult to calculate because responding to risk may itself be risky since we cannot know with certainty the results of our actions. Moreover, the way in which we think and talk about risk can itself be dangerous, turning fairly improbable events, so-called "wild cards" or "discontinuous scenarios", into the possible or even probable (Kessler & Daase, 2008, pp. 225-226).

The GPTF and W2i reports do not consciously ascribe to a risk and uncertainty approach. Instead, the authors identify the threats, present and future, that they think are the by-products of unfettered genocidal destruction. Nonetheless, there are implicit echoes of the risk and uncertainty approach in the reports. The list of negative outcomes for the west associated with genocidal violence abroad includes many of the general risks identified in the risk and uncertainty literature. Further, the risk and uncertainty approach and the GPTF and W2i reports all trace the ability of these negative outcomes to reach North America's shores to the structures and technologies of late globalized modernity such as affordable transnational air travel that can spread refugees, terrorists, and germs around the globe.

As with the traditional and securitization approaches, however, the security logic of the GPTF and W2i reports does not conform particularly closely to the logic of risk and uncertainty. First, the reports do not see the negative effects of genocide on Canadian and American society to be potential risks in the future but actual tangible threats in the here and now. This is so despite the dearth of current or historical evidence in the reports that genocides outside of the Goldilocks zone have such an effect. If the reports had adopted the risk and uncertainty perspective they would each stand on a firmer logical foundation since much of what the reports say by way of the effects of genocidal violence on Canada and the United States is speculative. The authors wager that in a globalized world there are future risks to North America of the negative effects of genocide in far off lands without knowing if the risks are really there, how serious the risks are, or the ability to calculate the effects of Canadian and American prevention and intervention strategies and whether they will ameliorate or exacerbate these risks.

Second, risk and uncertainty scholars are clear that risk in a globalized world transcends time and space. But as I have already noted, the W2i report's own studies of Rwanda and Kosovo unwittingly demonstrate that when it comes to genocidal violence and its effects on the Global North, space does matters. Western states only see genocide elsewhere as a threat or risk to themselves if the society in question is geographical-

ly close enough or strategic enough for atrocities to warrant a response. The 2011 UN-backed NATO intervention in Libya is a case in point. Although all of the intervening members of NATO professed genuine humanitarian concern that the civilian population of Bengazi be protected (Lindstrom & Zetter, 2012) the intervention was also motivated by a variety of other security and reputational factors. France was driven by the geographical proximity of North Africa, the opportunity in a live operation to try out its reintegration into NATO's command structure, show-off a new fighter aircraft, and allow President Sarkozy to realize his personal political goal of asserting his foreign policy prowess in advance of the 2012 presidential election (Lindstrom & Zetter, 2012, pp. 20-24). At the behest of the US, the UK accepted a leading role in the operation to demonstrate the health of the UK–US "special relationship", as well as counter the spread of terrorism in the region, and bolster Prime Minister David Cameron's *bona fides* as an international leader (Lindstrom & Zetter, 2012, pp. 32-38). The United States, meanwhile, was slower to respond and did so primarily to reconfirm its commitment to its European allies, to payback some of those allies for fighting alongside the US in Afghanistan, and to maintain the credibility of the UN Security Council (Lindstrom & Zetter, 2012, pp. 46-48). Canada was keen to show its continuing relevance to NATO and its ability to be a fighting, not peacekeeping, middle power (Domansky, Jensen, & Bryson, 2012). NATO also reckoned that, because of Libya's desert geography and Mediterranean coastline, the use of force without boots on the ground (i.e. without risking NATO casualties) would be "doable" (Lindstrom & Zetter, 2012).

Third, as noted, some scholars in the risk and uncertainty literature argue that risk is the prelude to harm which, when it actually occurs, is catastrophic. While the GPTF and W2i reports tell us in varying degrees of specificity what they think the harms are for Canada and the United States of genocide committed abroad, sensibly neither report claims that these harms would be a "catastrophe". Genocide is literally a "catastrophe" for the victims but it is not a catastrophe for those of us in the west, or if it is, it is a moral catastrophe because of our own lack of response. As such, unfettered genocide cannot be credibly framed as a catastrophe beyond the society or possibly region in which it occurs. The logic of the risk and uncertainty literature in this regard is too tightly tied to mass casualty terrorism aimed at the west to apply to the after-effects of genocide executed far from home.

Finally, while the authors of the GPTF and W2i reports offer several well-meaning policy prescriptions for genocide prevention, they spend little to no time contemplating the possibility that acting to ameliorate risk may unintentionally create greater risks and harm. Both reports, but particularly the GPTF, suggest that long-term prevention to avoid outbreaks of genocidal

violence requires foreign development assistance focused on democratization, robust protection for human rights as well as economic development strategies to foster economic growth, the redistribution of wealth, and equitable access to economic opportunities for all groups in society (The Genocide Prevention Task Force, 2008, pp. 35-53). While these recommendations are laudable they essentially require that societies vulnerable to genocide must be remade not only in the west's imagine, but better. Most western countries, including the United States and Canada, would not live up to the proposed standards set out in the GPTF report.

More importantly, the steps required to bring about these wholesale changes would effectively amount to slow-motion regime change or what could turn out to be, or at least look like, serial meddling in the internal affairs of other states in the name of long-term genocide prevention. Not only do these kinds of prevention strategies risk actual or perceived neo-colonialism, as the risk and uncertainty literature points out, we cannot be sure that our efforts will produce the outcomes we hope for and may in fact risk unintended consequences beyond our control that either do not prevent genocide in the long-run or may make genocide more likely. As genocide scholar Michael Mann has argued, the beginning phase of democratization can increase the potential for genocidal violence, particularly if the democratic idea of the "demos" (the people") becomes intertwined with the "ethnos" (race or tribe) (Mann, 2005, pp. 2-4). Short-term diplomatic, economic, and military interventions face a similar problem in that they may unintentionally inflame potential or actual genocidal situations. Exits too are risky since there is no guarantee that the destruction will not begin anew once international forces leave.

4. Prevention Tied to Self-Interest without Security: Reputational Stakes

We seem to be faced with a conundrum. On the one hand, security and risk variously defined do not appear to provide a secure foundation for fostering genocide prevention when genocide is perpetrated beyond the Goldilocks zone of western national interest. On the other hand, the invocation of moral duties to protect vulnerable populations from predatory regimes and non-state actors continues to fall on deaf ears. How, then, do we make the case for prevention? Perhaps the answer is to retain the idea found in both reports that appeals should be made to national self-interest but decouple national interest from security. To explore this possibility I now turn to another source of national interest: concern for maintaining a state's international reputation.

As a widely agreed upon principle, but one that is not codified in public international law, R2P is analogous in some ways to unwritten customary international law (CIL). Neither is explicitly linked to a set of enforcement mechanisms or sanctions for non-compliance. Studies of the role of reputation in international politics, specifically compliance with customary international law, suggest that states' decisions to follow international rules, norms, and principles are grounded at least in part in states' concern for establishing and maintaining a positive international reputation. In his compliance-based theory of customary international law, Andrew Guzman argues that states comply with CIL in the absence of robust enforcement measures or coercion when they calculate that their good reputations would be at stake if they were to violate these kinds of rules. As such, reputation is tied to "the existence of an obligation in the eyes of other states" (Guzman, 2002, p. 1825). A state's commitment to international law "is only as strong as its reputation. When entering into an international commitment, a country offers its reputation for living up to its commitments as a form of collateral". A state's reputation thus "has value and provides that country with benefits" which it will not wish to jeopardize (Guzman, 2002, p. 1825; Keohane, 1984, p. 26).

As rational actors that make cost-benefit calculations about whether or not to comply with international rules, states must calculate whether the possible loss of reputation will outweigh the costs of complying with a rule, or if the benefits of maintaining ones reputation outweighs the costs of compliance. The primary cost of non-compliance that results in damage to a state's reputation is likely to be an inability on the part of the reneging state to convince would-be partners that it can be trusted to honour its obligations in the future. This is particularly true for economic agreements in which states engage in repeat interactions (Guzman, 2002, pp. 1851-1853). A state that fails to live up to its customary international economic commitments suffers "reputational sanctions" that take the form of tangible economic costs to the reneging state's economy. Reputational sanctions are most severe when the severity of the violation is high, the reasons for the violation are strategically or morally indefensible, when other states know of the violation, and when a state publicly commits to upholding a customary law but then clearly violates it (Guzman, 2002, pp. 1861-1865).

If we take states' commitment to the R2P doctrine and atrocity prevention as analogous to CIL we could then argue that appeals to national self-interest in upholding R2P should be linked to reputational stakes and the possibility of reputational sanctions if the US, Canada, and other states do not comply with their responsibility to protect. Some of the evidence presented in the W2i and GPTF reports suggest that the authors implicitly make this argument as do some of their interviewees.

In their review of Canadian government decision-making in the Kosovo case, the authors of the W2i report mention the perceived importance of showing NATO's relevance and capacity to act in the immediate post-Cold War world and Canada's concern that its own and NATO's reputations were at stake. Minister of Defence Bill Graham recalled that "intervention in Kosovo became a 'Canadian imperative' by virtue of European and U.S. interests in the Balkans" while another cabinet minister suggested that since the conflict in Kosovo was occurring in NATO's backyard, "intervention…was a matter of protecting the prestige of the alliance. NATO's reputation would have suffered from a failure in Kosovo" (W2i, 2009, p. 79). Concerning Canada's own reputational stakes, the Canadian government felt compelled to support and participate in NATO's bombing campaign over Serbia because senior Canadian politicians "also wanted Canada to be seen as a reliable international ally, to strengthen alliance solidarity, and to guarantee Canada a seat at the post-conflict negotiations" (W2i, 2009, p. 85). As for upholding human rights norms, cabinet ministers and senior bureaucrats expressed genuine humanitarian concern that Kosovo not become a repeat of the massacre at Srebrenica or the genocide in Rwanda, the latter of which one official lamented "engendered a sense of shame"(W2i, 2009, p. 83). Once NATO came to frame Serbian actions in Kosovo as yet another instance of Balkan ethnic cleansing, NATO took the stand that "we couldn't allow this to continue" (W2i, 2009, p. 84).

Without going into the details of specific cases, the GPTF report also references the importance of upholding human rights norms and laws, flagging them in a final section of the report as central to effective genocide prevention (The Genocide Prevention Task Force, 2008, pp 93-110). The report also rues at various points the failure in many cases of the United States and its allies to protect the human rights of threatened populations. The authors characterize genocide as "unacceptable" and a crime that "threatens" not just American national security but "our values" (The Genocide Prevention Task Force, 2008, p. ix). Failure to stop it is said to undermine the United States' ability to be a "global leader" and "respected as an international partner" (The Genocide Prevention Task Force, 2008, p. xx). These sentiments where later echoed by President Obama in his *Presidential Study Directive on Mass Atrocities*. "America's reputation suffers, and our ability to bring about change is constrained", Obama argued, "when we are perceived as idle in the face of mass atrocities and genocide" (Presidential Study Directive on Mass Atrocities, 2011, p. 1).

While the reputations of the United States, Canada, NATO, and perhaps the UN appear to have been key factors in the Kosovo and Libya interventions, we may not be able to generalize from this case since we are dealing with a circumstance in which intervention ac-

tually occurred. What role, if any, has reputational considerations played in cases of non-intervention? If the evidence presented in the W2i report on the response to the unfolding genocide in Rwanda in 1994 is any indication, the answer is, not much. With respect to Canada, reputational concerns are only mentioned once in the report in the context of a memo written by a senior official, Robert Fowler, in which he urged quick and decisive action, noting that history would harshly judge Canada's reasons for its lack of concerted response (Memorandum to the Minister of National Defence David Collenette, June 6 1994, quoted in W2i, 2009, p. 78). Fowler recalled his widely-read memo "failed to substantively affect policy" although it "made people [in the Canadian government] feel guilty. That's all" (W2i, 2009, p. 78). As for the United States, W2i shows that reputational concerns played a more direct role in the Clinton Administration's response to the Rwandan genocide but not in a way that included cost-benefit calculations of how the administration's policy might affect the United States' reputation in the eyes of other international actors with whom the United States maintained on-going relationships. Instead reputation was considered only with respect to American public opinion and domestic human rights groups, albeit in rather contradictory ways: to show that the administration was sensitive to public concerns but also determined that any media reports showing the suffering of Rwandan victims would not push the administration into doing something that it did not want to do (The Genocide Prevention Task Force, 2008, pp. 101-102).

Second, as already noted, states' reputations are most at stake when rule violations are severe and when the nature of the commitment violated is clear. But even in these circumstances it is difficult to know how much reputational capital is at stake (Guzman, 2002, p. 1877). The serial ignoring of R2P in all but a few cases suggests that failure to uphold the principle is not seen by a state's allies as a serious violation. As such, states likely do not think less of each other when individual or collective humanitarian intervention is not forthcoming in the face of mass atrocities (what academics and the public think is another matter). And since R2P is a relatively new non-institutionalized principle, the commitment made by states in publicly endorsing R2P is weak relative to other international legal obligations that are codified in treaties and conventions.

Third, the violation of R2P by western states does not demonstrably harm the (mostly western) allies of these states, leaving little prospect that reputations will be damaged and that reputational sanctions will result. Reputational loss and reputational sanctions are likely to be exacted by one's allies only if these same states are the other parties to which a duty or obligation exists that has gone unfulfilled. In R2P most western states in the international system have made a commitment to protect the lives and physical integrity

of populations in states outside of the western alliance. The obligation of R2P, then, is not to one's allies but to third parties who are often powerless populations unable to exact tangible sanctions on western states that fail to act to save them.

The one circumstance in which reputational calculations might be different, however, is if the violation of R2P is attached to an international organization rather than its individual member states *and* if such a violation is seen by members to fundamentally undermine an international organization that is important to their own national interest. As we have seen, this appears to have been at least part of the logic behind the purported necessity of intervening in Kosovo and later Libya.

5. Norms, Identity, and the Legal Codification of Atrocity Prevention

Although reputational stakes are unlikely to play themselves out in the way predicted by compliance theory when applied to upholding R2P and stopping genocide, how states think about certain elements of reputation tied to conceptions of their own identity and how they construct each others' identities, may be a way of retaining some of the insights offered by the literature on reputational stakes but seen through a constructivist rather than a liberal cost-benefit lens.

The central problem identified by the authors of the W2i and GPTF reports is how to turn a norm that most states have agreed to into action. Although both reports argue that self-interest linked to national security threats is the answer rather than appeals to moral duties and obligations, it is still the case that operationalizing R2P must include a discussion of how and why norms are upheld (or not). In this concluding section I would like to very briefly consider, theoretically at least, the relationship between norms and action and whether the legal codification of R2P would up the reputational states, as it were, for states that fail to uphold their responsibility to engage in robust atrocity prevention.

The translation of norms into policy involves two closely related processes: norm internalization and policy-making (Reus-Smit, 2004; Sandholtz & Stiles, 2009; Wendt, 1999). Norm internalization is necessary for policies to emerge that reflect norms to which actors have publicly committed themselves in some way to other actors, be it specific domestic constituents, the general public, other states, non-state actors, or international organizations. This step is linked to self-interest, something the two reports imply but do not argue explicitly. For states to initiate the practice of complying with norms, compliance at first needs to be seen as a matter of national self-interest. But because national self-interest can in certain circumstances lead actors to calculate that non-compliance is in their own interest, national self-interest is an unstable founda-

tion for norm compliance in the long run. For consistent norm compliance, norms need to become integral to an actor's self-conception, a component of one's own identity, and thus reflected in actions or policies in such a way that compliance becomes simply a matter of "this is what we do" because "this is who we are" rather than calculations about whether compliance with a norm furthers self-interest.

The problem is that norm compliance through policies designed to prevent and stop mass atrocities is unlikely to be internalized because atrocity prevention in non-Goldilocks cases—which constitute the majority of real-life cases—is not in the self-interest of western states, or the risks associated with norm compliance are calculated to be too high. As a result, the habit of consistently turning R2P into policy has not yet been developed and thus the first step on the road to norm internalization has not been taken by most states. In instances where R2P has been implemented it has been linked to meeting real threats to the real self-interest of the interveners. This suggests that if the process of R2P norm internalization is happening at all it is stalled at the initial self-interest stage. Thus both Goldilocks and non-Goldilocks cases of self-interested compliance and non-compliance respectively seem to ensure that the R2P norm is destined, at least for the foreseeable future, to lack internalization in a way that a constructivist approach suggests would lead to the implementation of the R2P norm regardless of where mass atrocities occur. Even if the R2P norm were to be fully internalized there is no guarantee that norm internalization itself will always produce norm-compliant policies as has been the case, for example, of repeated non-compliance with the widely recognized norms concerning the treatment of refugees (Sandholtz & Stiles, 2009).

Could the codification of R2P in public international law overcome this norm internalization problem by raising reputational stakes through the codification of enforcement measures and sanctions that are applied to states that fail to engage in robust atrocity prevention? Would upping the reputational ante help transcend compliance with R2P from reputationally-motivated national self-interest to a matter of national identity and legitimacy; that is, the full internalization of the anti-atrocity norm by foreign and defence policy makers?

There are arguments to be made that legal codification might have this effect. First, states that negotiate international treaties do so under the general principle of *pacta sund servanda* (bargaining in good faith). Thus states as a matter of principle, and I would suggest reputation, promise to bargain and uphold international law for the reasons they state publicly and not some pernicious ulterior motive. Second, states can agree to provisions in treaties that tie their good reputations to compliance in ways that are not possible in CIL or written declarations by including clear legal obli-

gations, mandatory dispute resolution and enforcement mechanisms, and robust monitoring capacity. Research suggests that the presence of these kinds of provisions tends to increase compliance since states calculate that violations will be more obvious (there are explicit rules that would be seen to be broken) and be met with mandatory tangible punishments (Simmons, 2008, p. 195). Finally, international law legitimizes behaviours that are codified as "legal" and constructs the identity of actors that uphold international laws as legitimate actors in good standing in the international community (Simmons, 2008, pp. 196-197).

There are, however, very strong headwinds that would likely thwart or at the very least seriously diminish the effectiveness of a codified R2P treaty in terms of fostering norm internalization tied to reputational stakes. While scholars and legal practitioners have made compelling arguments concerning the moral obligations states owe to those requiring protection, as a practical matter, it is hard to conceive of exactly what enforcement mechanisms, particularly sanctions, states would realistically consent to include in such a treaty. We must remember that international treaty law only contains what signatory parties can agree to. While we know that robust monitoring and enforcement mechanisms can change state behaviour in favour of treaty compliance, an explanation for why states would voluntarily agree to include these measures in something akin to a global Good Samaritan law in the first place is less clear. It would likely require states to already have internalized the anti-atrocity norm; precisely the thing that the codification of R2P is meant to produce. To paraphrase Rousseau, "states would have to be prior to laws what they ought to become by means of laws" (Rousseau, 2003). If past human rights instruments like the International Covenants on Political and Civil Rights and Social and Economic Rights are any indication, we would end up with a strong statement of legal obligations to protect vulnerable populations but with weak monitoring through self or third party reporting, and even weaker enforcement.

But perhaps the biggest barrier to fulsome R2P compliance is that identified by Sandholtz and Stiles (2009) noted above. Even when, as in the case of the refugee regime, states universally sign on to international treaties that contain strong legal obligations to uphold a norm that they have fully internalized, violations of these laws and norms by states still occur. The unfolding refugee crisis in Europe is sad testament to this fact. Thus even if states were somehow able to agree to a treaty that clearly articulated their legal obligation to protect and they internalized this norm as an obligation they ought to uphold, there is no guarantee that widespread compliance with R2P would be the result. In the more realistic circumstance in which states would agree to a treaty with weak enforcement provisions, we would be no further along than we are

now with R2P as a statement of principle akin to customary international law. Reputational stakes would still be at play in the self-interested way I described earlier with little threat of adverse reputational or material consequences for western and other states that shirk their humanitarian responsibilities.

One solution to this problem is to take from the W2i and GPTF reports the insight that atrocity prevention and intervention is only going to be saleable to states if it can be shown that national security and other tangible interests are at stake. But unlike in the reports we need to recognize that appeals to security threats and self-interest will only be persuasive for regional states directly and negatively affected by the outbreak of atrocities. In the cases of Kosovo, Libya, and the current attempt to degrade the Islamic State, the intervening states are western states acting to counter proximate regional and global threats and to safeguard their reputations. In cases outside the Goldilocks zone the "first responders" to atrocities are, or could be, regional states whose security and interests are directly at stake. These regional actors could be supported by western states that are committed in principle to the R2P norm as a self-interested reputational, but not a security or strategic, issue.

This solution rests on the principle of subsidiarity. Subsidiarity claims that "each human individual is endowed with an inherent and inalienable worth, or dignity, and thus the value of the individual person is ontologically and morally prior to the state or other social groups" (Carozza, 2003, p. 42). The primary responsibility for upholding human dignity and human security lies with associations, organizations, and authorities at the "lowest" level in a system.

A more explicit embrace of subsidiarity in the implementation of R2P might facilitate genocide prevention and intervention in such a way that action could become more likely and in a way that does not open the door for neo-colonial interference. First, if R2P is seen as primarily the responsibility of states and other actors most directly affected by the ripple effects of atrocities, the world will no longer wait, likely in vain, for just the west to intervene in instances where the west's fundamental national security is not at stake. The operationalization of R2P based on subsidiarity would thus make R2P a truly collective responsibility of the entire international system and not solely the United States and other western countries. This shift could not only spur on timely intervention by regional actors, it may also help diffuse concerns that R2P is really a mask for neo-colonial interference in the affairs of societies in the Global South. Second, western states might be more willing to lend material and other support to local or regional responders since doing so would allow western states to uphold and "own" the R2P norm as part of their national identity but without having to spend their own blood and treasure to do so.

6. Conclusion

In sum, a case can be made that genocide prevention and R2P more generally should be linked to western states' national self-interest. Prevention as self-interest should not, however, be couched in terms of the west's own security but rather concerns for safeguarding states' reputations grounded in conceptions of themselves as good global citizens willing to assist first-responder states directly affected by atrocities. Although I have focused in this article on critiquing the prevention-as-security thesis and offered an alternative self-interest approach to fostering the consistent and robust operationalization of R2P, it is important not to dismiss out of hand the impact of humanitarian arguments. As the GPTF and W2i reports and the brief discussion of the Libyan intervention demonstrates, post-Rwanda, western policy-makers sometimes do genuinely believe that they have a responsibility to protect. Alas this belief is most likely to arise when the killing happens in the "Goldilocks" zone.

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Article

A Core National Security Interest: Framing Atrocities Prevention

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Abstract

This essay analyzes President Barack Obama's communication strategies in his speeches and presidential statements concerning threats of mass atrocities in Libya, Syria, and Iraq from 2011 through 2015. It examines how he has used three rhetorical "frames" to explain events in these countries and to advocate specific U.S. policy responses: the "legalistic" (or "liberal internationalist"), the "moralistic," and the "security" frame. Obama utilized primarily the legalistic frame to justify U.S. military intervention in Libya in 2011, and he relied mainly on the security frame (focusing on terrorist threats against U.S. nationals) to justify the deployment of U.S. military forces against ISIL in Iraq and Syria in 2014–2015. Obama's rhetorical framing of the violence perpetrated by the Syrian regime of Bashar al-Assad since 2011 has been less consistent. Hardly ever in these speeches did Obama suggest that mass atrocities per se constituted a threat to U.S. national security—despite the declaration in Obama's 2011 Presidential Study Directive on Mass Atrocities that "preventing mass atrocities and genocide is a core national security interest" of the United States. Utilizing an approach to linguistic analysis developed by Roman Jakobson, the paper shows how Obama has employed rhetorical devices that emphasize the boundaries between the "in-group" of the American national community and the "out-groups" in other countries who are threatened by mass atrocities. Because members of an in-group are typically depicted as warranting greater concern than members of out-groups, Obama's assignment of victimized communities to out-group status has effectively justified inaction by the U.S. government in the face of genocidal violence.

Issue

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1. Introduction

The opening paragraph of the Albright-Cohen Genocide Prevention Task Force report, published a month after U.S. President Barack Obama's election in 2008, described genocide as a crime that "threatens not only our values, but our national interests" (Albright & Cohen, 2008, p. ix). Three years later, President Obama reiterated this claim in the opening line of his Presidential Study Directive on Mass Atrocities (PSD 10) issued in August 2011: "Preventing mass atrocities and genocide is a core national security interest and a core mor-

al responsibility of the United States" (Obama, 2011f).

Many observers believe that the Obama administration's record in fulfilling the promise of this presidential directive has been mixed. On the positive side of the ledger, the U.S. government has put in place mechanisms to facilitate more timely and comprehensive responses to threats of genocide and mass atrocities around the world. For example, in 2013 the U.S. intelligence community issued its first National Intelligence Estimate on "Global Risks of Mass Atrocities and Prospects for International Response," and the interagency Atrocity Prevention Board (APB) has convened on a

monthly basis since 2012 in order to recommend coordinated policy responses to emerging threats.

Not only has the establishment of the APB provided a standing forum for interagency deliberation concerning threats of genocide and mass atrocities, it has also stimulated increased attention to this issue within individual U.S. government agencies. For example, in the Quadrennial Diplomacy and Development Review issued in April 2015, the U.S. State Department flagged the issue of "preventing and mitigating conflict and violent extremism" as the first of four institutional Strategic Priorities. It identified atrocities prevention as one of five "lines of effort" to achieve this objective (U.S. Department of State, 2015, p. 24). Likewise, the Department of Defense issued guidance on Mass Atrocities Response Operations in its 2012 Joint Publication 3-07.03 on *Peace Operations* (DOD, 2012, Appendix B), and the U.S. Agency for International for International Development (USAID) has published an operational field guide entitled *Helping Prevent Mass Atrocities* (2015).

This new doctrine and administrative machinery for atrocities prevention within the U.S. government have facilitated more robust and sustained attention to civil strife in countries of otherwise peripheral interest to senior U.S. policymakers, including Burma, Kenya, Burundi, the Central African Republic, and South Sudan. But the APB has achieved little traction in influencing the administration's policy priorities in regions of more central concern to U.S. national security, such as North Africa, Syria, and Iraq. In the words of Jim Finkel (2014), a former senior U.S. government official who was a key participant in the APB,

> The Board continues to be viewed skeptically—and occasionally even hostilely—from some quarters within the national security establishment….Despite regular assurances from senior levels within the White House that the President feels strongly about the atrocity prevention initiative he endorsed, there have been persistent signs that parts of the bureaucracy remain skeptical of the policy and the President's "real" intent. This initial skepticism has only grown as the debates over Iraq, Afghanistan, and Syria have unfolded (pp. 1, 27).

This essay will analyze President Obama's rhetorical framing of the atrocities prevention agenda. Through a close reading of fifteen presidential speeches and statements delivered between 2011 and 2015, I will examine how Obama has discussed potential or actual incidents of mass atrocities in Libya, Syria, and Iraq. In particular, I will explore how he has utilized three rhetorical "frames" to describe the violence in these countries and to prescribe the U.S. government's policy response:

- *The legalistic (or liberal internationalist) frame*,

which depicts the violence as a violation of human rights and international law;
- *The moralistic frame*, which emphasizes the brutality of the perpetrators and the suffering of the victims; and
- *The security frame*, which stresses the potential threats that the violence poses to American citizens and the U.S. homeland.

In most of the speeches and presidential statements analyzed here, all three of these frames appeared to a greater or lesser extent, but one or two were typically dominant. For example, the legalistic frame dominated most of Obama's speeches concerning Libya in 2011–2012, whereas the security frame was overwhelmingly emphasized in most of his speeches regarding the Islamic State in Iraq and the Levant (ISIL) in 2014–2015. In Obama's speeches on Syria between 2011 and 2013, the pattern was less coherent: the President vacillated between describing the violence perpetrated by the Assad regime as a violation of international law, as a moral outrage, and as a threat to U.S. national security.

Although President Obama's speeches and statements during this period regularly employed a range of frames to discuss regions at risk of genocide or mass atrocities, virtually never—except in PSD 10 itself and in his April 2012 speech at the U.S. Holocaust Memorial Museum unveiling the Atrocity Prevention Board (Obama, 2012a)—did he depict mass atrocities per se as a threat to U.S. national security interests. Indeed, in his September 2013 speech to the UN General Assembly, the President pointedly excluded atrocities prevention from his list of "America's core interests" (Obama, 2013d). Based on the record of these public speeches, the nameless bureaucrats to whom Finkel alludes in his paper would appear justified in their skepticism about the "President's 'real' intent" concerning the atrocities prevention agenda.

The essay concludes that President Obama's inconsistent framing of the challenge of atrocities prevention has resulted in missed opportunities for advancing U.S. national interests. In a volatile era characterized by unconventional and asymmetric security threats, the U.S. government and its international partners confront challenges not only to their military power but also to the moral legitimacy of their authority. A key strategic objective of emerging adversaries such as the Islamic State is to undermine the legitimacy and credibility of the U.S. and its allies through the commission of mass atrocities and other acts of violence against civilian noncombatants (Cronin, 2012, 2015; Naji, 2004/2006). Although, in any given situation, U.S. leaders may labor under policy constraints that limit their capacity to take effective preventive action, it is essential to articulate a clear and consistent set of principles to inform and explain their decisions. Signaling a robust commitment to atrocities prevention—

both through words and through deeds—is a critical component of the broader effort to reinforce the legitimacy of American power.

2. Reframing the Strategic Narrative: Atrocities Prevention as a Security Interest

In the 2003 study *"A Problem from Hell": America and the Age of Genocide,* Samantha Power presented a stinging critique of the U.S. government's passivity in the face of genocidal violence over the course of the twentieth century. Writing a decade before she herself became U.S. Ambassador to the United Nations, Power pointed out that "the United States has consistently refused to take risks in order to suppress genocide." Because "America's 'vital national interests' were not considered imperiled by mere genocide," she asserted, "senior U.S. officials did not give genocide the moral attention it warranted" (Power, 2003, p. 504).

Power argued that the U.S. government should act more decisively in the face of genocidal violence, not only on moral grounds but also on the basis of "enlightened self-interest":

> [S]ecurity for Americans at home and abroad is contingent on international stability, and there is perhaps no greater source of havoc than a group of well-armed extremists bent on wiping out a people on ethnic, national, or religious grounds. Western governments have generally tried to contain genocide by appeasing its architects. But the sad record of the last century shows that the walls the United States tries to build around genocidal societies almost inevitably shatter. States that murder and torment their own citizens target citizens elsewhere….Citizens victimized by genocide or abandoned by the international community do not make good neighbors, as their thirst for vengeance, their irredentism, and their acceptance of violence as a means of generating change can turn them into future threats (Power, 2003, p. 513).

The 2008 report of the Albright-Cohen Genocide Prevention Task Force echoed the themes sounded in Power's book, describing genocide and mass atrocities not only as "a direct assault on universal human values, including most fundamentally the right to life," but also as a threat to "core U.S. national interests." The report observed:

> [G]enocide fuels instability, usually in weak, undemocratic, and corrupt states. It is in these same types of states that we find terrorist recruitment and training, human trafficking, and civil strife, all of which have damaging spillover effects for the entire world. (Albright & Cohen, 2008, p. xx)

By failing to take timely preventive action, the report declared, "we inevitably bear greater costs—in feeding millions of refugees and trying to manage long-lasting regional crises." Moreover,

> America's standing in the world—and our ability to lead—is eroded when we are perceived as bystanders to genocide. We cannot be viewed as a global leader and respected as an international partner if we cannot take steps to avoid one of the greatest scourges of humankind. No matter how one calculates U.S. interests, the reality of our world today is that national borders provide little sanctuary from international problems. Left unchecked, genocide will undermine American security. (Albright & Cohen, 2008, pp. xv, xx)

Both Power's book and the Albright-Cohen report started from the premise that moral or humanitarian concerns alone were insufficient grounds for motivating action by senior U.S. policymakers. Instead, they argued, it was essential to reframe atrocities prevention as a national security priority. In addition to imperiling "universal human values" including "the right to life," they contended, mass atrocities undermined international stability, facilitated "terrorist recruitment and training," and promoted the "acceptance of violence as a means of generating change."

The sociologist Ervin Goffman (1974) has defined a "frame" as an interpretive schema for organizing and making meaning out of otherwise chaotic social experience. He notes that a frame "allows its user to locate, perceive, identify, and label a seemingly infinite number of concrete occurrences defined in its terms" (p. 21). A frame may take many forms. It may consist of an explicitly formulated set of principles (e.g. the rules to a game of checkers or chess), but more often it is amorphous and articulated only implicitly—involving a set of shared values, assumptions, narratives, metaphors, or social conventions. In recent decades, the concept of framing has made inroads into a wide range of fields including psychology (e.g. Levin & Schneider, 1998; Tversky & Kahneman, 1981), behavioral economics (Kahneman, 2003), public health (Dorfman, Wallack, & Woodruff, 2005), media studies (Scheufele, 1999), and electoral politics (Lakoff, 1996, 2004; Lempert & Silverstein, 2012).

One common framing device is what the international relations scholar Lawrence Freedman (2006) calls the *strategic narrative*: a "compelling story" that "can explain events convincingly and from which inferences can be drawn" (p. 22). In the context of contemporary international conflict, in which small organizations such as insurgencies and terrorist groups can exert influence that far exceeds their material resources, strategic narratives are particularly important framing devices. As John Arquilla and David Ronfeldt

(2001) point out, narratives "provide a grounded expression of people's experiences, interests and values." They both "express a sense of identity and belonging" and "communicate a sense of cause, purpose, and mission" (p. 328; see also Levinger, 2013, pp. 113-134; Martinez, Agoglia, & Levinger, 2013). This enables dispersed groups to define and pursue a common mission in the absence of a centralized hierarchical authority.

If strategic narratives are essential for non-state actors seeking to exert influence on the global stage, they are equally vital for those at the pinnacle of power—such as heads of state—who need to motivate and coordinate actions by thousands or even millions of subordinates, as well as to build and sustain coalitions involving diverse domestic constituencies and international partners. Especially in times of crisis or rapid change, international leadership is inextricably intertwined with the practice of storytelling.

This essay will analyze three ways in which President Obama has framed the stories he has told about potential or actual incidents of mass atrocities in Libya, Syria, and Iraq: the "legalistic" (or "liberal internationalist"), the "moralistic," and the "security" frame. I use the terms "legalistic" and "moralistic," rather than "legal" and "moral," because these speeches contain little rigorous legal or moral reasoning. Moreover, many of Obama's security-related arguments in these speeches utilized visceral and emotionally laden words such as "plots," "threats," "9/11," and "terrorists," rather than more neutral terms such as "national security" or "national interests." In a sense, one might surmise that Obama's principal objective in these speeches was to convey the *aura* of legality, morality, and security (or illegality, immorality, and insecurity), rather than an iron-clad logical exposition.

3. Methodology

The paper analyzes fifteen presidential speeches and statements delivered between 2011 and 2015. Five of these speeches or statements discuss the conflict in Libya (2011–2012), five discuss the conflict in Syria, focusing on actions by the regime of Syrian president Bashar al-Assad (2011–2013), and five discuss the U.S. response to actions by the Islamic State in Iraq and the Levant (ISIL) (2014–2015). The essay utilizes two methods for analyzing these documents, one quantitative and the other qualitative. The quantitative method involves comparing the frequencies of "legalistic," "moralistic," and "security-related" words in the speeches. The qualitative method draws on work by the linguist Roman Jakobson on the "poetics" of language, which explores how the meaning of a text is shaped through the use of patterns of repetition and contrast (Jakobson, 1960; see also Levinger, 1990, Lempert & Silverstein, 2012).

3.1. The Quantitative Method: Calculating Word Frequencies

In the conduct of foreign policy, the U.S. president is a uniquely powerful individual. Unlike in the domestic arena, where the president is often reduced to the role of "cajoler-in-chief"—catering to the demands of Congress, the courts, interest groups, and campaign donors, among others—in his dealings overseas the president possesses the de jure or de facto authority to act with considerable autonomy. For example, he can initiate limited military attacks (including bombing raids and drone or cruise missile strikes), establish no-fly zones, deploy U.S. military personnel for humanitarian operations or other short-term missions, impose sanctions, and engage in bilateral and multilateral diplomatic initiatives, without Congressional approval.

Although, in the short run, the President often has the capacity to act unilaterally without having to persuade his constituents of the wisdom, legitimacy, or even the legality of his decisions, persuasive public communication is essential in at least three respects: First, the President must enlist support for his policies from the U.S. Congress and U.S. public opinion in order to sustain resource-intensive foreign policy initiatives over the long term. Second, the President often needs to recruit support from international partners and neutralize international opposition. Finally, the President may find it useful to signal American intentions and resolve to potential enemies in order to increase U.S. leverage and deter hostile acts.

By calculating the frequencies with which President Obama has used various types of words in speeches concerning potential or actual incidents of mass atrocities, we can determine which rhetorical frame he considered most likely to persuade his domestic and international audiences in particular situations. Moreover, we can distinguish the rhetorical strategies that he employed when he wanted to justify robust action by the U.S. government from those he employed when he wanted to justify inaction, or only symbolic action, in response to atrocities. The words associated with the legalistic, moralistic, and security frames are shown in Table 1.

The frequencies of each of these clusters of words are calculated as in the examples below:

The Legalistic (Liberal Internationalist) Frame (Libya, February 2013):
"[T]hroughout this period of unrest and upheaval across the region the United States has maintained a set of core **principles** which guide our approach….These actions violate **international norms** and every standard of common decency….The United States also strongly supports the **universal rights** of the Libyan people. That includes the **rights**

of **peaceful** assembly, **free** speech, and the ability of the Libyan people to determine their own destiny. These are **human rights**. They are not negotiable" (Obama, 2011a).
Frequency: 130 words per 1,000 (10 words out of 77)

The Moralistic Frame (ISIL, September 2014):
"In a region that has known so much **bloodshed**, these terrorists are unique in their **brutality**. They execute captured prisoners. They **kill** children. They **enslave**, **rape**, and force women into marriage" (Obama, 2014b).
Frequency: 161 words per 1,000 (5 words out of 31)

The Security Frame (ISIL, September 2014):
"Still, we continue to face a **terrorist threat**. We cannot erase every trace of evil from the world, and small groups of **killers** have the capacity to do great harm. That was the case before **9/11**, and that remains true today. That's why we must remain **vigilant** as **threats** emerge. At this moment, the greatest **threats** come from the Middle East and North Africa, where **radical** groups exploit grievances for their own gain" (Obama, 2014b).
Frequency: 110 words per 1,000 (8 words out of 73)

Table 1. Coding of legalistic, moralistic, and security-related words.

Legalistic Words	democra#, free#, global#, human#, international#, law#, legal#, norm#, peace#, principle#, right#, rule#, universal#, value#
Moralistic Words	atroc#, attack# (other), blood#, brutal#, destroy# (other), destruction (other), evil#, genoc#, horr#, innocent#, kill# (other), massacre#, murder# (other), rape#, slaughter#, #slave#, victim#, violen# (other)
Security-related Words	
Visceral	9/11, Al Qaeda, attack# (US), destroy# (US), destruction (US), kill# (US), murder# (US), plot#, terror#, threat#, vigilant#, violen# (US)
Abstract	aggress#, extrem#, interest#, national#, radical#, secur#

As these examples reveal, the coding methodology employed here is more art than science. Certain words are omitted from the word count that arguably should

be included (e.g. "standard," "assembly," "determine," "negotiable" in the legalistic frame; "execute" and "force" in the moralistic frame; "harm" in the security frame). Moreover, the boundaries among the various frames are amorphous. For example, the moralistic passage quoted above includes the word "terrorists," which is coded as a security-related word. Conversely, the security-related passage contains the word "evil," coded as a moralistic word.

Perhaps most interestingly, certain words (attack#, destroy#, destruction, kill#, murder#, violen#) migrate between categories, depending on the contexts in which they are used. They are coded as moralistic words if they refer, implicitly or explicitly, to violence against non-American victim groups. The same terms are coded as visceral security-related words if they refer, implicitly or explicitly, to violence involving Americans. In the above examples, the word "kill" in the sentence, "They kill children," is coded as a moralistic word; whereas the word "killers" in the phrase "small groups of killers" is coded as a security-related word.

Although this word-counting methodology is rough, it reveals striking patterns in President Obama's choice of rhetorical strategies for describing incidents of mass atrocities in North Africa and the Middle East, which will be discussed below.

3.2. The Qualitative Method: Analyzing Poetics

One key—and perhaps unsurprising—finding of this essay is that rhetoric about violence directed against members of the "in-group" (those closely associated with the American national community) is far more likely to motivate robust policy responses by the U.S. government than rhetoric about similar acts of violence directed against members of "out-groups" (those seen as outsiders to the American national community). Thus, for example, "small groups of killers" who threaten the U.S. homeland are more likely to attract a vigorous response than groups that "kill children" in Iraq. Yet, political leaders have considerable flexibility in terms of how and where they draw the boundaries between the in-group and the out-group. For example, depending on the context, citizens of close U.S. allies such as the United Kingdom or Israel might be characterized as in-group members, whereas citizens of other allied states such as India or Saudi Arabia might be relegated to the out-group.

In a classic essay on "Linguistics and Poetics," Roman Jakobson observed that the semiotic content of a text is determined not only by its "referential function" (the ways in which language points to objects and phenomena in the world) but also by its "poetic function" (the ways in which meaning is constructed through the juxtaposition of particular elements of a text with each other). "In poetry," he wrote, "any se-

quence of semantic units strives to build an equation. Similarity superimposed on contiguity imparts to poetry its thoroughgoing symbolic, multiplex, polysemantic essence." Just as "words similar in sound are drawn together in meaning," the reiteration of patterns of parallels and contrasts in a text results in the "reification of a poetic message" and the "conversion of a message into an enduring thing" (Jakobson, 1960, pp. 370-371).

In political speeches, meanings are established and reinforced in large part through the strategic use of the "poetic function." This is especially true for gifted political orators such as Barack Obama, who first catapulted to national fame on the basis of an extended poem that he delivered as the keynote address to the Democratic National Convention in July 2004:

> [T]here's not a liberal America and a conservative America; there's the United States of America. There's not a black America and white America and Latino America and Asian America; there's the United States of America….We are one people, all of us pledging allegiance to the stars and stripes, all of us defending the United States of America (Obama, 2004).

An analysis of the poetic structure of President Obama's political speeches on Libya, Syria, and ISIL can illuminate the ways in which he draws the line between the in-group and the out-groups—and implicitly, the ways in which he argues for either bold or tepid policy responses to threats of mass atrocities. Table 2 presents a poetic analysis of a passage from Obama's speech of September 10, 2014 in which he announced the expansion of the U.S. military campaign to "degrade and ultimately destroy the terrorist group known as ISIL" (Obama, 2014b).

Two paragraphs of this speech were devoted to celebrating the success of the U.S. rescue effort for members of Iraq's Yezidi community who had been trapped by ISIL forces on Mt. Sinjar in Northern Iraq. In a speech delivered five weeks earlier, on August 7, Obama had described the Yezidi as a "small and ancient sect." He had declared that "ISIL forces below have called for the systematic destruction of the entire Yezidi people, which would constitute genocide" (Obama, 2014a).

In the September 10 speech, Obama praised the efforts of American "pilots who bravely fly in the face of danger above the Middle East" in order to defend threatened civilians:

> When we helped prevent the massacre of civilians

trapped on a distant mountain, here's what one of them said: "We owe our American friends our lives. Our children will always remember that there was someone who felt our struggle and made a long journey to protect innocent people." That is the difference we make in the world. And our own safety—our own security—depends upon our willingness to do what it takes to defend this nation, and uphold the values that we stand for—timeless ideals that will endure long after those who offer only hate and destruction have been vanquished from the Earth. (Obama, 2014b)

Table 2 charts the relationships between "in-group" (on the left) and "out-groups" (on the right) in the above passage.

This passage seamlessly combines the moralistic frame (preventing "the massacre of innocent civilians trapped on a distant mountain") with the security frame (vanquishing terrorists "who offer only hate and destruction"). As Table 2 indicates through the use of boldface words, the passage also knits together two groups identified by the word "we": the American saviors (on the left) and the Yezidi innocents (on the right). The grammatical structure of the first sentence is particularly clever: "When **we** helped prevent the massacre of civilians trapped on a distant mountain, here's what one of **them** said: '**We** owe **our American friends [them] our** lives.'" By the end of the sentence, the initial "we" has become "them," and the initial "them" has become "we," suggesting an intimate bond between the rescuer and the rescued. This bond is accentuated by the intimacy of the verbs in the passage: the Yezidi say that the Americans "felt our struggle," and they pledge that their "children will always remember" their benefactors.

Despite the mutual empathy that Obama indicates exists between the Americans and the Yezidi, he is also careful to highlight both the geographic and the cultural distance between these two groups. The Americans had to make a "long journey" to a "distant mountain" (which they flew "above") in order to save the Yezidi. Moreover, the Yezidi are passive: they "say" how grateful they are, they "owe" the Americans their lives, they promise to "remember" their benefactors. The Americans, by contrast, are actively heroic: they "prevent the massacre of civilians," they "protect innocent people," they "do what it takes to defend this nation," and they will "vanquish" terrorists "from the earth." Their actions above that distant mountain were altruistic: at no point does Obama suggest that the security of the American people depended upon the survival of the Yezidi.

Table 2. The poetics of persuasion—Saving the Yezidi and Bombing ISIL.

In-Group	Verb Phrase	Out-Group (+) = positively valued (-) = negatively valued
When		
we	helped prevent the massacre of	civilians trapped on a distant mountain (+)
	here's what	one of **them** (+)
	said:	
		We (+)
	owe	
our American friends		
		our lives**.** (+)
		Our children (+)
	will always remember that there was	
someone	who felt	**our** struggle (+)
	and made a long journey to protect	innocent people. (+)
This is the difference		
we	make in the world.	
And **our** own safety—		
our own security—	depends upon	
our willingness	to defend	
this nation,	and uphold	
the values that **we**	stand for—	
timeless ideals	that will endure long after	those who offer only hate and destruction (-)
	have been vanquished from the earth.	

4. Case Studies

Table 3 shows the frequency (per 1,000 words) with which President Obama used legalistic, moralistic, and security-related words (as identified above in Table 1) in fifteen speeches concerning Libya, Syria, and ISIL delivered between February 2011 and February 2015. The word clusters with the highest frequencies (greater than 10 per 1,000 words) are shown in bold-face. A frequency of 10 per 1,000 words corresponds to approximately one word per paragraph of a written text—or one word per minute in the delivery of a speech.

The Libya speeches analyzed here include four speeches from 2011 and one from 2012. The first three (of February 23, March 18, and March 28, 2011) were delivered before and during the UN-authorized military intervention in Libya that began on March 19. The fourth speech (of September 20, 2011) was delivered at the UN four weeks after the fall of Tripoli to rebel forces; and the fifth (of September 25, 2012) was Obama's annual address to the UN General Assembly delivered two weeks after the killing of U.S. Ambassador Chris Stevens in Benghazi (Obama, 2011a, 2011b, 2011c, 2011h, 2012c).

The Syria speeches include two early condemnations of President Bashar al-Assad's use of violence against civilians (of April 22 and August 18, 2011), followed by two speeches denouncing the Syrian regime's use of chemical weapons (August 31 and September 10, 2013) and Obama's address to the UN General Assembly on September 24, 2013, which devoted considerable attention to the Syrian conflict (Obama, 2011d, 2011g, 2013a, 2013c, 2013d).

Table 3. Word frequencies in President Obama's speeches on Libya, Syria, and ISIL, 2011–2015 (per 1,000 words).

Libya-related Speeches 2011–2012					
Date	**2/23/11**	**3/18/11**	**3/28/11**	**9/20/11**	**9/25/12**
Word count	789	1257	3410	1769	4052
Legalistic words	**38.02**	**22.28**	**11.73**	**13.57**	**20.48**
Moralistic words	8.87	**13.52**	9.68	6.78	4.69
Security-related words	5.07	4.77	6.45	7.35	9.87
Visceral	1.27	1.59	1.17	2.83	5.92
Abstract	3.80	3.18	4.69	4.52	3.95
Syria-related Speeches 2011–2013					
Date	**4/22/11**	**8/18/11**	**8/31/13**	**9/10/13**	**9/24/13**
Word count	320	691	1435	2205	5530
Legalistic words	**37.50**	**18.81**	9.06	**16.33**	**18.63**
Moralistic words	**12.50**	**11.58**	6.97	6.35	5.97
Security-related words	**15.63**	1.45	6.97	**12.24**	**11.57**
Visceral	6.25	0.00	0.70	6.34	3.98
Abstract	9.38	1.45	6.27	5.90	7.59
ISIL-related Speeches 2014–2015					
Date	**8/7/14**	**9/10/14**	**9/23/14**	**2/11/15**	**2/19/15**
Word count	488	1832	531	1206	2500
Legalistic words	8.20	7.64	1.88	4.98	**10.00**
Moralistic words	**22.54**	8.73	0.00	2.49	5.60
Security-related words	**28.69**	31.66	37.66	19.90	25.20
Visceral	**22.54**	24.02	33.90	14.10	19.60
Abstract	6.15	7.64	3.77	5.80	5.60

The ISIL speeches begin with Obama's announcement on August 7, 2014 that he has authorized military operations to defend U.S. personnel in Iraq, as well as Yezidi civilians trapped on Mt. Sinjar in Iraq and threatened with destruction by ISIL. The next two speeches (September 10 and September 23, 2014) report on the progress of the campaign against ISIL. The fourth speech (February 11, 2015) offers a further status report on U.S. and coalition military operations in Iraq and Syria against ISIL; and the fifth speech is Obama's address to the Summit on Countering Violent Extremism held at the U.S. State Department on February 19, 2015 (Obama, 2014a, 2014b, 2014c, 2015a, 2015b).

Several initial conclusions can be drawn from the patterns of word use identified in Table 3:

(1) Obama's speeches on Libya in 2011–2012 were all dominated by the legalistic (or liberal internationalist) frame, and his speeches on ISIL in 2014–2015 were all dominated by the security frame.

(2) In both the Libya-related and the ISIL-related speeches, the framing showed a high degree of "stickiness." In other words, Obama continued

to frame the events on the ground in similar ways despite sometimes dramatic changes in the international and U.S. domestic political context. For example, Obama's speech to the UN General Assembly about Libya in September 2012, which was delivered after the killing of Ambassador Chris Stevens in Benghazi, and in the midst of the 2012 U.S. presidential campaign, discussed the conflict in similar terms as his initial speeches justifying the U.S. military intervention in Libya in February-March 2011. Likewise, there was a high degree of continuity in Obama's framing of the U.S. response to ISIL from the onset of U.S. military operations in Iraq in August 2014 through the Countering Violent Extremism address in February 2015.

(3) In addressing the conflict in Syria, Obama also favored the legalistic frame, but the pattern was less consistent, with the moralistic and security frames appearing to a greater or lesser extent in different contexts.

(4) The most significant pattern in Obama's public communication concerning the conflict in Syria was his relative silence on this topic. From Au-

gust 2011 until August 2013, as the security and humanitarian conditions in Syria disintegrated, Obama rarely spoke publicly at any length about the conflict. The notable exceptions were a press conference and a speech in 2012 in which he warned the Assad regime against the use of chemical weapons.

(5) In none of the fifteen speeches analyzed here was moralistic framing alone utilized to justify a robust U.S. response to potential or actual mass atrocities. Moralistic framing appeared alongside the dominant legalistic framing in Obama's initial speeches about Libya in March-April 2011, and alongside the dominant security framing in his initial speeches about ISIL in August-September 2014. In both cases, the moralistic framing subsided in his subsequent speeches on these topics.

Each of these findings is discussed in further detail below.

4.1. Libya: Democracy Ascendant

The 2008 report of the Genocide Prevention Task Force placed so much emphasis on the relationship between atrocities prevention and U.S. national security largely because the task force members believed that senior policymakers would take decisive action to avert genocide or mass atrocities only if they believed that core U.S. national security interests were at stake.

At first blush, President Obama's rhetoric concerning the Libya crisis in 2011 appears to undermine this premise. The legalistic (or liberal internationalist) frame dominated his speeches of February and March 2011, when the U.S. was planning and initiating its military response to the Qaddafi regime's offensive in Eastern Libya. Legalistic words occurred 38.02 and 22.28 times per thousand words in his speeches of February 23 and March 18 respectively, followed by moralistic words (8.87 and 13.52 words per thousand). The security frame was a distant third (5.07 and 4.77 words per thousand), and hardly any of the security-related terms were visceral words like "terrorism" or "9/11."

In delivering an ultimatum to Libyan President Moammar Qaddafi on March 18, the day before initiating U.S. military strikes, Obama described the stakes of the conflict as follows:

> Now, here is why this matters to us. Left unchecked, we have every reason to believe that Qaddafi would commit atrocities against his people. Many thousands could die. A humanitarian crisis would ensue. The entire region could be destabilized, endangering many of our allies and partners. The calls of the Libyan people for help would go un-

answered. The democratic values that we stand for would be overrun. Moreover, the words of the international community would be rendered hollow. And that's why the United States has worked with our allies and partners to shape a strong international response at the United Nations. Our focus has been clear: protecting innocent civilians within Libya, and holding the Qaddafi regime accountable. (Obama, 2011b)

As James Mann observes, Obama's decision to initiate a humanitarian intervention in Libya was "momentous." According to Mann, most officials within the Obama administration believed that Libya "was not itself of compelling strategic interest to the United States; America's only arguable strategic interest on this issue lay in maintaining strong relationships with close allies who were supporting the United States elsewhere in the world" (Mann, 2012, p. xv).

The military intervention in Libya took place at an extraordinary historical moment, in the midst of the euphoria following the relatively quick and peaceful revolutions in Tunisia and Egypt. Qaddafi had issued chilling warnings against the people of Benghazi and other cities in Eastern Libya, which were reminiscent of the threats by Rwanda's *génocidaires* that had preceded the killing of 800,000 Rwandan Tutsi and moderate Hutu in that country in 1994 (Chollet & Fishman, 2015, pp. 154-155). Moreover, Libya's desert landscape, and the geographic separation of regime forces in the country's West from the rebel-held cities in the East, made it feasible for the U.S. and its allies to intervene militarily without putting large numbers of civilians at risk.

The U.S. leadership role in Operation Odyssey Dawn, the military operation against Qaddafi's forces that began on March 19, 2011, lasted only about a week. Before unleashing attacks on Libyan air defenses and key military targets, Obama had secured an agreement with British Prime Minister David Cameron and French president Nicolas Sarkozy that

> after a few days, the United States would step back and leave it to the British, French and other allies to continue the military campaign on their own….After the first few days, Obama kept American forces out of the combat, despite occasional British and French appeals to the United States to rejoin the air campaign. (Mann, 2012, p. xvi)

The limited duration and scope of the U.S. military intervention in Libya suggests that the power of liberal internationalist rhetoric to motivate vigorous responses to threats of mass atrocities remains unproven.

One striking dimension of Obama's Libya-related speeches is that, although he employed liberal internationalist rhetoric to justify the initial U.S.-led military intervention in early 2011, he subsequently used the

same rhetorical framing strategy to justify American *inaction* as the security situation in Libya deteriorated. In September of that year, after the Libyan rebels had seized control of Tripoli but while Qaddafi still remained at large, Obama congratulated the people of Libya on "writing a new chapter in the life of their nation" by building a "a future that is free and democratic and prosperous." Obama declared:

> Now, even as we speak, remnants of the old regime continue to fight. Difficult days are still ahead. But one thing is clear -- the future of Libya is now in the hands of the Libyan people. For just as it was Libyans who tore down the old order, it will be Libyans who build their new nation. (Obama, 2011g)

A year later, Obama addressed the UN General Assembly under less auspicious circumstances. On September 11, 2012, the U.S. Ambassador to Libya, Chris Stevens, was killed along with three of his colleagues in an attack on the U.S. consulate in Benghazi. The International Crisis Group issued a report describing this incident as "a stark reminder of Libya's security challenges" that should "serve as a wake-up call." Libya, it warned, was devolving into "a country of regions and localities pulling in different directions, beset by intercommunal strife and where well-armed groups freely roam" (International Crisis Group, 2012).

Yet Obama, while mourning Stevens' death and promising to be "relentless in tracking down the killers and bringing them to justice," remained upbeat about Libya's prospects in his September 25 speech at the UN:

> [E]ven as there will be huge challenges to come with a transition to democracy, I am convinced that ultimately government of the people, by the people, and for the people is more likely to bring about the stability, prosperity, and individual opportunity that serve as a basis for peace in our world. So let us remember that this is a season of progress. For the first time in decades, Tunisians, Egyptians and Libyans voted for new leaders in elections that were credible, competitive, and fair. This democratic spirit has not been restricted to the Arab world…. Around the globe, people are making their voices heard, insisting on their innate dignity, and the right to determine their future (Obama, 2012c).

In other words, because democracy was on the march during this "season of progress," the wake-up call sounded by the International Crisis Group and other organizations could be put on hold.

4.2. Syria: The Long Silence

One of the most striking aspects of President Obama's public comments concerning the crisis in Syria since 2011 has been their rarity. On April 22, 2011, Obama issued a 300-word statement condemning "in the strongest possible terms the use of force by the Syrian government against demonstrators" and warning: "This outrageous use of violence to quell protests must come to an end now" (Obama, 2011d). Four weeks later, on May 19, he devoted three paragraphs of a speech on the Middle East and North Africa to discussing the situation in Syria. In this speech, Obama again condemned the violence and announced stepped-up sanctions against the Syrian regime. Obama declared:

> The Syrian people have shown their courage in demanding a transition to democracy. President Assad now has a choice: he can lead that transition, or get out of the way (Obama, 2011e).

President Obama's next public remarks on Syria did not come until three months later, on August 18, 2011, when he issued a 700-word statement accompanying an executive order that further tightened financial and trade sanctions on the Syrian government. In this statement, Obama reiterated the themes found in his earlier comments on this conflict:

> The future of Syria must be determined by its people, but President Bashar al-Assad is standing in their way. His calls for dialogue and reform have rung hollow while he is imprisoning, torturing, and slaughtering his own people. We have consistently said that President Assad must lead a democratic transition or get out of the way. He has not led. For the sake of the Syrian people, the time has come for President Assad to step aside. The United States cannot and will not impose this transition upon Syria. It is up to the Syrian people to choose their own leaders, and we have heard their strong desire that there not be foreign intervention in their movement. What the United States will support is an effort to bring about a Syria that is democratic, just, and inclusive for all Syrians. We will support this outcome by pressuring President Assad to get out of the way of this transition, and standing up for the universal rights of the Syrian people along with others in the international community (Obama, 2011g).

As shown in Table 2, this speech was dominated by the legalistic and moralistic rhetorical frames, with an almost total absence of security-related words. Obama denounced Assad for "imprisoning, torturing, and slaughtering his own people," and repeated his demand that "President Assad must lead a democratic transition or get out of the way." Yet, Obama also clearly signaled his unwillingness to apply any coercive instruments beyond economic sanctions to force Assad

from power. "The United States cannot and will not impose this transition upon Syria," he declared, and asserted that the Syrian people themselves had expressed "their strong desire that there not be foreign intervention in their movement."

Table 4 maps the poetic structure of the first seven sentences of the above passage from Obama's August 2011 speech. This poetic analysis makes clear the emphatic boundaries that Obama drew between the "in-group" of the American people and the "out-group" of the Syrians. It also highlights the passivity of the stance toward the Syrian conflict that Obama advocated.

Table 4 reveals the strenuousness of President Obama's effort to distance the U.S. government from the ongoing conflict in Syria. Unlike in his subsequent speech of September 2014 concerning ISIL, in which brave American pilots flying above the Middle East "felt the struggle" of the Yezidi, the American government and people barely made an appearance here (apart from two uses of the word "we," one of the "United States," and one reference to the undesirability of "foreign intervention"). Moreover, the verbs that Obama employed to describe American action, or inaction (shown in boldface in Table 4), were remarkably passive.

Table 4. President Assad is standing in the way.

In-Group	Verb Phrase	Out-Group
		(+) = positively valued
		(-) = negatively valued
The future of		Syria
	must be determined by	its people, (+)
	but	President Bashar al-Assad (-)
	is standing in	their way. (+)
		His calls (-)
	for	dialogue and reform (+)
	have rung hollow while	he (-)
	is imprisoning,	
	torturing, and	
	slaughtering	his own people. (+)
We	have consistently **said** that	President Assad (-)
	must lead	a democratic transition (+)
	or get out of	the way. (+)
		He (-)
	has not led. For the sake of	the Syrian people, (+)
	the time has come for	President Assad (-)
	to step aside.	
The United States	**cannot and**	
	will not impose	this transition (+)
	upon	Syria.
	It is up to	the Syrian people (+)
	to choose	their own leaders, and(+)
we	**have heard** their strong desire	
	that there **not** be	
foreign intervention	in	their movement….(+)

In the speech on the Yezidi, the Americans acted as saviors of innocents and vanquishers of terrorists, while the Yezidi were associated with passive verbs ("say," "remember," "owe"). In the August 2011 speech on Syria, by contrast, the Americans were passive while the Syrians played the active roles. Obama noted that the U.S. government "has consistently **said** that President Assad must lead a democratic transition"; and that we "have **heard**" the Syrians' "strong desire that there **not be** a foreign intervention." The only active verbs concerning the U.S. government were employed in the negative: "The United States **cannot and will not impose** this transition upon Syria."

Over the subsequent two years, from August 2011 until August 2013, President Obama barely mentioned Syria in his public speeches, apart from issuing a "red line" against the use of chemical weapons by the Assad regime in August 2012 (Obama, 2012b) and reiterating this warning in December of that year (Obama, 2012d). In his speech to the UN General Assembly of September 2011, Obama devoted two paragraphs to discussing Syria (Obama, 2011i); on the same occasion the following year, Obama devoted three paragraphs to the Syrian conflict (Obama, 2012c).

The one great exception to Obama's passive stance toward Syria concerned the use of chemical weapons by the Syrian regime. Obama repeatedly and forcefully made the case that the use of chemical weapons against Syrian civilians represented not just a violation of the laws of war, but also a direct threat to U.S. national security. For example, in his weekly address of September 7, 2013, Obama declared:

> We cannot turn a blind eye to images like the ones we've seen out of Syria. Failing to respond to this outrageous attack would increase the risk that chemical weapons could be used again; that they would fall into the hands of terrorists who might use them against us, and it would send a horrible signal to other nations that there would be no consequences for their use of these weapons. All of which would pose a serious threat to our national security. (Obama, 2013b)

Despite this vigorous rhetoric, Obama and his advisors reportedly did not make an all-out effort to secure Congressional approval for military strikes against Syria in September 2013 (Weiss, 2014). Ultimately, the U.S. response to the Assad regime's chemical weapons attacks was a diplomatic agreement, brokered by the Russian government, under which the Syrian regime agreed to destroy its chemical weapons stock, but under which no one would be held accountable for war crimes against Syrian civilians. Moreover, by focusing this agreement specifically on chemical weapons, the Obama administration tacitly withheld any objection to the Syrian regime's commission of atrocities against its own civilians, provided that it utilized only conventional weapons to carry out these attacks.

4.3. ISIL: "If You Threaten America…"

In justifying military strikes against Libya in his speeches of March 2011, President Obama had framed his arguments in moralistic as well as liberal internationalist terms. The shocking advance of ISIL forces from Syria into Iraq in the summer of 2014 brought this regional conflict back into focus for the U.S. public and its political leaders. Obama again used moralistic appeals to advocate a muscular military response by the U.S. government. This time, however, the moralistic rhetoric was paired not with arguments grounded in international law but with visceral security-related rhetoric reminiscent of the Bush administration's Global War on Terror.

Obama's speech of September 10, 2014 announcing the expansion of U.S. military action against ISIL used the word "terror" or one of its variants 19 times, and the words "threat" or "threaten" 17 times. These terrorist threats, he declared, warranted a decisive and uncompromising response:

> I have made it clear that we will hunt down terrorists who threaten our country, wherever they are. That means I will not hesitate to take action against ISIL in Syria, as well as Iraq. This is a core principle of my presidency: if you threaten America, you will find no safe haven. (Obama, 2014b)

Table 5, which presents a poetic analysis of the above passage, makes clear how far Obama had moved from his passive stance vis-à-vis Syrian aggression in his speech of August 2011. In the earlier speech, the U.S. government was depicted as standing on the margins of the conflict in Syria, offering "support" for a "democratic, just, and inclusive" Syria. But now, the U.S. stood front and center in this conflict, taking an active and if necessary a belligerent role, ready to "hunt down terrorists who threaten our country."

This speech reveals Obama in full "threat and response" mode. "[T]errorists…threaten," he declares; "I will…take action." And then: "you threaten," but "you will find no safe haven." In this speech the out-group has been rhetorically expanded to include not only "terrorists," but also "you." Furthermore, the boundaries around the out-group have been hardened to comprise solely malevolent actors: "terrorists," "ISIL," and "you."

Table 5. No safe haven for terrorists.

In-Group	Verb Phrase	Out-Group
		(-) = negatively valued
I	have made it clear that	
We	will hunt down	terrorists who (-)
	threaten	
our country,	wherever	they (-)
	are. That means	
I	will not hesitate	
	to **take action against**	ISIL (-)
		in Syria, (-)
		as well as Iraq. (-)
This	is	
a core principle of		
my presidency:	if	you (-)
	threaten	
America,		you (-)
	will **find no safe haven.**	

Table 6. Countering violent extremism.

In-Group	Verb Phrase	Out-Group
		(-) = negatively valued
		Violent extremists and terrorists (-)
	thrive when	people of different religions or sects
	pull away from	**each other**
	and are able to isolate	**each other**
	and label	them as
		"**they**" as opposed to
"us";		something **separate and apart**.
So we	need to build	
	and bolster **bridges of communication and trust.**	
		Terrorists (-)
	traffic in lies and stereotypes about	others—
		other religions,
		other ethnic groups.
So let's	share the truth of our faiths with	
each other.		Terrorists (-)
	prey upon	young impressionable minds.
So let's	bring	
our youth **together**	to promote **understanding and cooperation.**	

Lest this critique appear too harsh, it is important to acknowledge steps that the Obama administration has taken to advance a more holistic approach to counterterrorism and counterinsurgency. The promotion of initiatives for Countering Violent Extremism (CVE) is one of these steps. Some observers have criticized CVE as amounting to little more than "counterterrorism lite," arguing that outreach efforts to Muslim communities have been hampered by their security-centric orientation (Alliance for Peacebuilding et al., 2015).

But the following passage from President Obama's speech of February 19, 2015 at the Summit on Countering Violent Extremism, diagrammed in Table 6, suggests the potential value of CVE initiatives in helping to soften the cultural divisions between in-groups and out-groups:

> Violent extremists and terrorists thrive when people of different religions or sects pull away from each other and are able to isolate each other and label them as "they" as opposed to "us"; something separate and apart. So we need to build and bolster bridges of communication and trust. Terrorists traffic in lies and stereotypes about others -- other religions, other ethnic groups. So let's share the truth of our faiths with each other. Terrorists prey upon young impressionable minds. So let's bring our youth together to promote understanding and cooperation. (Obama, 2015b)

Obama here presents a master class in how to elide rhetorical divisions between "them" and "us." Rather than pulling "away from each other," we must build "bridges of communication and trust." Rather than trafficking in "lies and stereotypes about each other," we must "share the truth of our faiths with each other." Rather than allowing terrorists to "prey upon young impressionable minds," we must "bring our youth together to promote understanding and cooperation."

Though words without action are hollow, the invocation of common ideals and common values can be a critical first step toward healing divisions across cultural, and political, and sectarian lines.

5. Conclusion: Expanding the In-Group

In addressing the UN Security Council in September 2013, President Obama identified four "core interests" of the United States in the Middle East and North Africa: to "confront external aggression against our allies and partners," to "ensure the free flow of energy from the region to the world," to "dismantle terrorist networks that threaten our people," and to prevent the "development or use of weapons of mass destruction." He declared that the "United States of America is prepared to use all elements of our power, including mili-

tary force," to secure these interests. Obama also alluded to other American interests in the region, such as "to promote democracy and human rights and open markets," in order to help achieve "a Middle East and North Africa that is peaceful and prosperous." Although "we stand ready to do our part to prevent mass atrocities and protect basic human rights," he cautioned, "we cannot and should not bear the burden of acting alone" (Obama, 2013d). In effect, Obama drew a sharp line between the non-negotiable security interests of the United States—e.g. access to energy and the prevention of attacks on the American homeland—and those of citizens of the region threatened by war or genocidal regimes.

The deterioration of the international security environment in the Middle East during the two years since Obama's 2013 speech illustrates the shortcomings of this approach, which—whether intentionally or not—appeared to elevate the significance of America's "core" security interests above the humanitarian interests of other parties. The stunning rise of the Islamic State was facilitated by systematic assaults on legal and moral order—including mass atrocities in Syria and the breakdown of political and human rights protections for the Sunni minority of Iraq. This essay argues for a more expansive vision of security that acknowledges our moral obligations to others outside the boundaries of our national communities, and that recognizes the connection between U.S. national security and the security of civilians in conflict-affected regions.

Since September 11, 2001, the U.S. government has deployed vast tactical and operational resources to fight terrorist organizations and insurgent movements at the tactical and operational level. It has devoted less systematic attention, however, to developing and implementing a strategy to defeat terrorist organizations at the strategic level. As William Casebeer and James Russell have argued,

> A grand counter-terrorism strategy would benefit from a comprehensive consideration of the stories terrorists tell; understanding the narratives which influence the genesis, growth, maturation, and transformation of terrorist organizations will enable us to better fashion a strategy for undermining the efficacy of those narratives so as to deter, disrupt, and defeat terrorist groups. (Casebeer & Russell, 2005)

Because terrorist organizations are typically far weaker, in terms of their material resources, than the governments against which they are fighting, they seek to find ways to leverage the resources of their opponents to support their own cause. Two common strategies for achieving this objective are what Audrey Kurth Cronin calls *provocation* and *polarization* (Cronin, 2012, pp. 195-199; see also Cronin, 2015).

The provocation strategy involves efforts to encourage one's opponent to overreach—for example by invading Iraq in response to a terrorist attack launched out of Afghanistan—thus depleting its resources and undermining its legitimacy. The polarization strategy attacks the legitimacy of the targeted regime more directly. Through polarization operations, terrorist groups and other insurgencies seek to harden the boundaries between "us" and "them" (the in-group and the out-group). They achieve this in part by smashing conventional morality and the rule of law in their area of operations, often with the assistance of corrupt, despotic, or incompetent regimes against which they are fighting. Unsurprisingly, terrorist organizations are often strongest in regions with weak or predatory governments (for example, Somalia, Yemen, Northern Mali, Northeastern Nigeria, Eastern Syria, and Western Iraq).

One of the seminal strategic texts cited by ISIL leaders is *The Management of Savagery: The Most Critical Stage Through Which the Umma Will Pass*, published online by Abu Bakr Naji in 2004. Naji argued that, in order to move Muslims toward "submission to the administration" of the Islamic state, it was first essential to create conditions of "chaos" or "savagery," as a result of which "a spontaneous kind of polarization begins to happen among the people who live in the region of chaos" (Naji, 2004/2006, pp. 27, 110). At this point, he declared:

> The people, seeking security, rally around the great personages of the country or a party organization or a jihadi organization or a military organization composed of the remainders of the army or the police of the regimes of apostasy. In this situation, the first step of polarizing these groups begins so that they may enter into mutual professions of loyalty with the people of truth by establishing administrative groups that are subordinate to us in the understanding of how to manage the regions which are under their control, along with undertaking proper media propaganda concerning the situation of our regions with respect to the degree of security, justice by means of implementing the sharia, solidarity, preparation, training, and advancement. We will find (by the permission of God) that along with this first step there will be a continuous emigration of the youth of other regions to our regions in order to assist them and live in them, despite the loss of lives and worldly gains [lit. *fruits*] or the pressure of the enemies upon these regions. (Naji, 2004/2006, pp. 27, 110-111)

Put more succinctly, a key strategic objective of the Islamic State is the destruction of legal and moral authority in the "region of chaos," to be achieved in part through the commission of mass atrocities, with the goal of hardening the boundaries between the "in-group" of the pious and the "out-group" of the infidels.

Following Naji's own logic, a comprehensive "counter-narrative strategy" (Casebeer & Russell, 2005) would aim to achieve the opposite objectives. It would seek to:

1) strengthen the rule of law and human dignity in embattled regions;
2) demonstrate our commitment to shared moral principles and our common humanity by preventing mass atrocities and other attacks on civilians; and
3) "expand the in-group" to include marginalized and oppressed populations, while emphasizing the firm boundary that exists between peaceful expression of legitimate grievances and criminal acts of violence.

In other words, to quote President Obama, an effective global counterterrorism strategy would rest in part on a robust commitment to the principle that "preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States" (Obama, 2011f). In most cases, the fulfillment of this commitment would involve principally nonmilitary rather than military activities. As a coalition of international NGOs declared in a recent joint statement on Countering Violent Extremism, "[A]ny strategy to address today's complex threats [should] focus on supporting communities and states to build safe, just, and resilient societies and addressing the core grievances fueling global radicalization" (Alliance for Peacebuilding et al., 2015).

One of the most perplexing puzzles of the Obama presidency is why an individual so uniquely qualified to "expand the in-group"—the first African American president and perhaps the greatest orator of his generation, born to a father from Kenya and a mother from Kansas, raised in Hawaii and Indonesia—has often chosen to harden the rhetorical boundaries between America and the outside world. In the opening paragraphs of his Nobel Peace Prize acceptance speech of December 2009, Obama saw fit to remind his audience: "I am the Commander-in-Chief of the military of a nation in the midst of two wars" (Obama, 2009b). That same month, addressing the cadets of the U.S. Military Academy at West Point, he depicted America's "overarching goal" in Afghanistan as to "disrupt, dismantle, and defeat al Qaeda in Afghanistan and Pakistan," effectively reducing the security of the Afghan people themselves to an afterthought. "If I did not think that the security of the United States and the safety of the American people were at stake in Afghanistan," he declared, "I would gladly order every single one of our troops home tomorrow" (Obama, 2009a).

This hardening of rhetorical boundaries is evident in many of the speeches that Obama has delivered concerning the crises in Libya, Syria, and Iraq. In discussing

the plight of the Yezidi, he could have asserted, in the spirit of John F. Kennedy's Berlin address: "We are all Yezidi." Instead, he settled for rhetorical virtuosity that enlisted moral outrage but highlighted the physical and cultural distance between the Yezidi and Americans. In addressing the threat posed by ISIL, he declared that "a core principle of my presidency" was the law of the jungle: "if you threaten America, you will find no safe haven" (Obama, 2014b).

In *The Obamians,* a portrait of foreign policy decision-making during President Obama first term, James Mann observes that Obama and his closest advisors possessed "a distinctly more modest and downbeat outlook on America's role in the world" than the foreign policy teams of the Clinton and the two Bush administrations (Mann, 2012, p. 71). Obama and his advisors found themselves hemmed in by the constraints of fiscal austerity and the blows to America's confidence and international reputation caused by the global financial crisis of 2008 and the military quagmires in Afghanistan and Iraq. Consequently, "Obama sought to carve out a less assertive role for the United States, one in which it occasionally demonstrated its continuing power and sought to preserve a leadership role in the world, but relied far more on the support of other countries" (Mann, 2012, p. 31).

The present essay is intended as a counterpoint to this "doctrine of restraint," which has served as an implicit organizing principle for President Obama's conduct of foreign policy. Precisely because American military and economic power are increasingly contested and constrained, it is more important than ever for U.S. leaders to engage in robust efforts to craft and communicate a coherent strategic narrative that can enlist cooperation and support from America's friends and international partners. A compelling strategic narrative cannot involve only words; it must involve words that express shared values and that are translated into action. Protecting threatened civilians throughout the world from genocide and mass atrocities is one imperative around which American interests and American values coalesce.

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Conflict of Interests

The author declares no conflict of interests.

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Article

Is a European Practice of Mass Atrocity Prevention Emerging?
The European Union, Responsibility to Protect and the 2011 Libya Crisis

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Abstract

Observers have classified the European Union (EU) as reluctant in its implementation of the "Responsibility to Protect" (R2P) (Task Force on the EU Prevention of Mass Atrocities, 2013). This contribution revisits that argument by employing a more nuanced interpretation of norm implementation than the binary conceptualisation typically applied. By appraising EU reactions to the 2011 Libyan crisis, we investigate whether a "European practice of mass atrocity prevention" is emerging and if so how this relates—or not—to R2P. We do this by investigating EU practices seeking to protect people from genocide, ethnic cleansing, war crimes and crimes against humanity—paying particular attention to the three pillars and four policy areas included in the R2P framework (ICISS, 2001). Our review of EU responses to Libya seeks to unveil whether and if so how EU practice related to mass atrocity prevention in that country rejected, adopted or indeed adapted R2P. The enquiry appraises both how R2P mattered to the EU response and how the Libya crisis affected the Union's approach to mass atrocity prevention and within it R2P. In this way, the study asks how norms can change practice, but also how practice can change norms. As such, our focus is on the inter-relationship between principles and practices of protection.

Issue

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1. Introduction

The "Responsibility to Protect" (R2P) is an internationally endorsed yet disputed approach to balancing respect for state sovereignty with the perceived need at times to circumvent it to protect people (Bellamy, 2011). It proposes that states have the primary responsibility to protect their populations (Pillar One), but also that the international community should intervene to support (Pillar Two) or—if necessary—take over that responsibility (Pillar Three), when a state is unable or unwilling to protect its population from genocide, ethnic cleansing, war crimes and/or crimes against humanity (ICISS, 2001; UN, 2005). From its inception, R2P sought to institutionalise these limitations to state sovereignty and thereby pave the way for more effective international practices[1] of protection, overcoming the

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[1] In this article we use the term "practices" with reference to the so-called "practice turn" in International Relations. We therefore define practices as "socially meaningful patterns of action, which, in being performed more or less competently,

stumbling blocks encountered by the previously proposed principle of "humanitarian intervention". R2P called for a comprehensive reframing of political, economic, judicial and only in the last instance military responses to (expected) mass atrocity situations, amounting to what Martin Gilbert called "the most significant adjustment to sovereignty in 360 years" (Evans, 2011).

Significant efforts by the norm's entrepreneurs brought about positive responses in several international fora, including early endorsement by the United Nations (UN) General Assembly and Security Council. Nevertheless, R2P remains at an emerging stage and is still—perhaps even increasingly—controversial. The logic of contestedness (Wiener & Puetter, 2009), which has prevailed particularly after NATO's 2011 intervention in Libya, has affected the very meaning of R2P—to its supporters as well as its critics. Among the former, some are now framing the norm in a substantially different way; that is, as an agenda to catalyse political will to "do something", but no longer challenging the Westphalian state system's guarding of sovereignty first and foremost. For example, since her appointment the current UN Special Adviser for R2P, Jennifer Welsh, has emphasised the importance of Pillar One and Two and downplayed military action under Pillar Three, i.e. against the will of the target state (The Stanley Foundation, 2013). Instead she has presented R2P as a state-centred norm, which may mobilise a "sense of duty" towards endangered populations but at the same time renews respect for state sovereignty.[2]

The starting point for this enquiry is that, as with any emerging norm, the meaning of R2P is deemed to evolve through practice.[3] The content of a norm is shaped by "contestation" (Wiener, 2008) but also "implementation" (Betts & Orchard, 2014). This enquiry digs deeper into the evolution of R2P by focusing on how it is implemented—in part if not necessarily in full. The goal is to ascertain how—if at all—R2P relates to (changing) practices of protection. To this end, we conceptualise implementation as a non-binary, multi-faceted and dynamic two-way process, and explore

how European Union (EU) principles and practices related to mass atrocity prevention are evolving, thereby perhaps giving R2P a specific meaning in the EU context.

For a truly comprehensive analysis, one should assess EU implementation of R2P across preventive, reactive and rebuilding policies. Recognising, however, that prevention and rebuilding are long-term and structural as well as short-term and operational activities, an assessment of such policies towards Libya would require a broader evaluation of EU foreign, security and defence as well as neighbourhood, trade, development, human rights and conflict prevention policies over a much longer period of time. This, unfortunately, goes beyond the scope of this contribution. We do, however, provide a piece of this puzzle in our appraisal of the EU's reactive policies, ranging from political and economic interventions to military responses to human security challenges in Libya during and shortly after the crisis in 2011.

Libya is an important case in point; first and foremost, because of the serious threat the recent crisis brought (and still brings) to people in that country. Moreover, NATO's 2011 intervention has been promoted by some as a clear-cut case of successful R2P implementation (Evans, 2011), whilst others have accused it of killing the concept altogether (Rieff, 2011). Thus, it is a useful place to start unpacking the all too often binary assessment of R2P implementation and reflect further on the multi-dimensional relationship between principles and practices in this regard. The armed intervention in Libya changed several UN members' attitude towards R2P (Thakur, 2013), and the "norm contestation" (Wiener, 2008) that followed might help explain R2P advocates' change of perspective, as discussed above—and perhaps a changed focus in implementation of certain aspects of the norm, examined below. Moreover, Libya has repeatedly been referred to as a(nother) failure for the EU, as it has been used to illustrate the Union's inability to react to crises—especially by military means (Brattberg, 2011; Manon, 2011). This case is, therefore, selected for its potential to explain (1) if and how the EU has adopted, adapted, or rejected R2P, and (2) how R2P relates to EU practices of mass atrocity prevention during and after the Libya crisis.

Political and academic discussions about R2P implementation in Libya have typically employed a narrow understanding of implementation as a binary uni-directional process and focused primarily on implementation within Pillar Three (Welsh, 2014). Our analysis of the EU's reactive policies during and immediately after the crisis will serve to illuminate less-covered aspects of R2P's three-pillar prescriptions and help us better understand if and how a "European practice towards mass atrocity prevention" is emerging through the EU. The structure of this contribution is as follows: first, we discuss the role of implementation in

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simultaneously embody, act out, and possibly reify background knowledge and discourse in and on the material world" (Adler & Pouliot, 2011, p. 4). To us, actions seeking to prevent, react to or rebuild societies after mass atrocity situations are practices in this sense.

[2] Jennifer Welsh, statements made at the Civil Society Dialogue Network Meeting, "The UN, the EU and the Responsibility to Protect: Challenges and Opportunities", Tuesday 10 March 2015.

[3] We understand norms as "structures of meaning in use" (Wiener, 2009, p. 176) that evolve interactively (Wiener, 2009, p. 176) so that "norm erosion rather than the "power" of norms will eventually carry the day" (Wiener, 2009, p. 176). Such a definition is useful also to understand how "norms" and "practices" (as defined earlier) are mutually constitutive.

norm development and diffusion more generally; thereafter, we focus on the implementation of R2P specifically. Here we study one in-depth case—EU response to the 2011 Libyan crisis—taking into account all three pillars of R2P, but focusing on one segment thereof, namely, the Responsibility to React. The analysis is based on a review of the existing literature, open source documentation, and some 30 semi-structured interviews with foreign affairs officials, experts and NGO representatives conducted by the authors in Brussels and Denmark between 2012 and 2015.

2. Norm Implementation

Despite having originally been developed to make sense of a complex and dynamic process, the theory of international norm diffusion (Finnemore & Sikkink, 1998) has translated into a research agenda focusing more on norm acceptance and institutionalisation than on operational implementation (Betts & Orchard, 2014). This is a problem, first, because norm acceptance is only an intermediate step towards internalisation, which means that the norm has acquired a taken-for-granted character irrespective of the individual beliefs of leaders and officials (Risse & Sikkink, 1999; Risse, Ropp, & Sikkink, 2013). Second, such a focus neglects that the process of norm internalisation is not a unidirectional progression from acceptance to compliance, but rather a recursive negotiation of the meaning of that norm, which emerges especially when the norm is sought implemented. In relation to the norm's life cycle, it has been argued that lack or partial implementation hinders "norm cascading" to other actors (Wiener, 2008; Wiener & Puetter, 2009) and damages the external credibility of norm entrepreneurs (Widmaier & Grube, 2014). Research on norm "localisation"—which refers to contexts "shaped by specific permeable and changeable normative orders" (Zimmerman, 2014, p. 2)—also suggests that norm adoption and rejection are not the only possible outcomes of norm diffusion (Acharya, 2004; Mac Ginty, 2011; Zwingel, 2012). If we focus on the process of internalisation that takes place within an organisation after it has formally accepted a norm (arguably the current state of R2P within the EU), then implementation can be seen as a recursive "writing" of the norm. Far from being a binary development leading to either compliance or non-compliance, implementation is better understood as a process of adaptation to the norm and/or of the norm. It may affect practices in more or less direct or visible ways, often depending on how explicit the reference to the norm is. However, it may also affect the very meaning attached to the norm by the organisation implementing it, with possible repercussions for the institutional and international understanding of that norm. In fact, implementation can become a field of contestation and explain why norms are sometimes understood differently across or indeed within international organisations. In the case of human rights, it has been argued: "different types of norm translation can be distinguished, most importantly *reshaping* or *embedding*" (Zimmermann, 2014, p. 2).[4]

Krook and True (2012) argue that it is especially vague norms that enable "their content to be filled in many ways and thereby to be appropriated for a variety of different purposes" (Krook & True, 2012, p.104). In reality, a norm's ambiguity is all but an objective evaluation and rather the result of negotiated meanings. All norms possess a certain degree of "constructive ambiguity" (Best, 2005; Widmaier & Grube, 2014), which may be exploited first by entrepreneurs to facilitate international acceptance and then by practitioners to guide or allow for (non)implementation. It is through implementation, indeed, that a norm acquires specificity and precision. But this is also when implementation may become blurry if different parts of the organisation implementing the norm have diverging interests or understandings of what the norm means "in practice".

Betts and Orchard (2014) argue that implementation is "a parallel process to institutionalisation which draws attention to the steps necessary to introduce the new international norm's precepts into formal legal and policy mechanisms within a state or organisation in order to routinise compliance" (Betts & Orchard, 2014, p. 1). They suggest that the "implementation process results in clear and observable standards, which may be the only clear indication that the norm has in fact been accepted" (Betts & Orchard, 2014, p. 4) and therefore used as "evidence of successful implementation which is transmitted back to the international level in order to monitor compliance with the norm" (Betts & Orchard, 2014, pp. 4-5).

Following De Franco, Meyer and Smith (2015), we distinguish between three different forms of norm implementation: programmatic, bureaucratic and operational. The first (programmatic implementation) refers to how speeches, statements and strategy documents produced by influential actors within an organisation promote a norm internally and externally. The second (bureaucratic implementation) accounts for how bureaucratic structures and procedures of decision-making and policy development respond to the norm. The third (operational implementation) refers to the norm's mainstreaming into existing policies and resource allocation. As our focus is on reactive "practices", the following will mainly focus on operational implementation, but when appropriate include speeches and statements that qualify as short-term programmatic implementation in guidelines for further action (operational implementation), as illustrated in Table 1.

However, these categories should not be taken as

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[4] Emphasis in original.

clear-cut categories of compliance to specific R2P prescriptions. Such standards would inevitably reflect expectations about what the norm should mean in practice. This methodology would be appropriate if we had a binary understanding of implementation, but not as we approach implementation as the very process by which a norm is reified. In other words, if implementation is a specification and (re)interpretation of the norm, we cannot have pre-fixed standards of compliance. Rather, (at least) part of this research should deal with the intrinsic challenge of finding a way to evaluate implementation. In this article, we have taken on this challenge by examining R2P as a framework structuring action through three pillars and four policy areas and relating this to the EU's practices in a given case. The intention is not to determine causation between R2P and EU practices but to explore relations between (aspects of) the two. Table 1 illustrates how we methodologically examine EU practices during the 2011 Libya crisis in relation to R2P. This approach is tailored to our specific case study and its limited focus on reactive practices. It could be developed further for future research by including medium- and long-term programmatic and bureaucratic implementation as well as the proposed responsibilities to prevent and rebuild.

Table 1. Indicators of EU R2P implementation.

1	Short-term programmatic implementation	R2P (incl. three pillar structure and tool sequencing) promoted in speeches and statements delivered by influential EU actors reacting to developments in Libya and providing guidelines for further action
2	Operational implementation	R2P (incl. three pillar structure and tool sequencing) evident in political, economic, judicial and/or military practices (incl. policies and resource allocation)

3. R2P Implementation

Following the argument above, we focus on implementation to understand what R2P is developing into through related practices reacting to (expected or current) mass atrocities. R2P presents some especially interesting features illustrating how important and yet challenging the study of norm implementation is. First, R2P is an "emerging norm" (De Franco et al., 2015). There has been a series of efforts to operationalise R2P "both within the reasoning as well as the daily work of institutions…to build political support for the concept"

(Vincent & Wouters, 2008, pp. 6-7). However, since the Libya crisis, to which we shall return, a "logic of contestedness" (Wiener & Puetter, 2009) has prevailed. This has in particular related to the international community's remedial Responsibility to React, the focus of this enquiry, and to the fora through which this is implemented. Second, R2P is a "principled norm" (Betts & Orchard, 2014), not creating precise legal obligations and therefore largely depending on implementation to become more specific and precise through practice and precedence. Third, R2P is a "complex norm" (Welsh, 2014) containing more than one set of prescriptions, which "not only apply to different actors (in the case of Pillar One, national governments, and in the case of Pillars Two and Three, to various international actors), but also exist at different levels of specificity" (Welsh, 2014). This means that we can expect substantial variations in the degree and nature of implementation of different prescriptions and that one set of prescriptions therefore may become more heavily "weighted" in the overall understanding of the norm.

Welsh (2014) rightly stresses that "whether or not military intervention occurs is not an appropriate "test" for effectiveness" (2014, p. 136); "R2P's core function, as a norm, is to emphasise what is appropriate and to shine a spotlight on what is deemed inappropriate" (2014, p. 136). R2P is more similar to a "policy agenda" than a "rallying cry" for action (Bellamy in Welsh, 2014, p. 136). Thus, Welsh has argued, R2P's strength should rather be measured "by the degree to which notions of protection are invoked by international actors during times of real or imminent crisis" (Welsh, 2014, p. 136) and how R2P serves "as a catalyst for debate" (Welsh, 2014, p. 136). Therefore, "what the second and third pillars of R2P demand is a "duty of conduct" by members of the international community: to identify when atrocity crimes are being committed (or when there is threat thereof) and to deliberate on how the three-pillar framework might apply" (Welsh, 2014, p. 136). Welsh's argument might certainly be influenced by her positive bias towards the norm in her position as UN Special Adviser for R2P, but it retains strength for our purposes in that it identifies challenges of "measuring" R2P implementation and offers some solutions to it. In the following, we examine empirically how R2P's "duty of conduct", as proposed by Welsh, relates to the EU's reactive practices regarding Libya in 2011. This adds to our more nuanced take on R2P implementation, whilst we explore whether and how a "European practice of mass atrocity prevention" is emerging.

4. Regional Agency and Mass Atrocity Prevention

It is important to focus on regional agency—and that of the EU in particular—in relation to mass atrocity prevention for a range of reasons. First, regional actors and arrangements are explicitly recognised in the UN

Charter (UN, 1945) as important to the maintenance of international peace and security and by the International Commission on Intervention and State Sovereignty (ICISS, 2001) as central to the implementation of R2P specifically. This accredits them legitimacy, authority and responsibility in this regard. Second, regional organisations are becoming increasingly active in security provision; thus, they enhance the range of tools and options available. Third and related, regional organisations increasingly shape the understanding of security challenges and frame responses to them in and beyond their respective regions (Dahl Thruelsen, 2009; Tavares, 2010). Fourth, it has been suggested that regional organisations (can) translate international norms into regional responses to local problems (Dembinski & Reinold, 2011). Fifth, upon request from UN member states after NATO's intervention in Libya, the UN Secretary-General's Report on "The Role of Regional and Sub-regional Arrangements in Implementing the Responsibility to Protect" discussed this issue specifically, albeit not devoid of ambiguities, which remain important to be considered below. Altogether this suggests that studying regional dimensions of mass atrocity prevention may illuminate how related norms like R2P are implemented and influential (or not).

As a highly integrated and influential regional organisation in Europe, with a normative reach that increasingly seeks to go beyond its borders, the EU is a potentially important regional organisation in this realm. Through the so-called "comprehensive approach" (CA), "effective multilateralism" (EU, 2003) and its substantial powers of attraction as well as pressure and persuasion, the Union increasingly seeks to incorporate significant levels of normative conditionality in its external relations (Manners, 2006). This makes the EU a potential norm implementer/shaper outside as well as inside its borders; hence, its practices may matter to international norms and principles. Not surprisingly, therefore, the EU has been perceived as a particularly suitable candidate for the implementation of mass atrocity prevention through R2P (Vincent & Wouters, 2008). Finally, as mass atrocities are understood as the anti-thesis to development, the EU, as the world's biggest aid donor is perceived as a key player in the nexus believed by some to exist between development and mass atrocity prevention (Eggleston, 2014).

5. The EU, R2P and Parallel Principles

In 2003 the EU introduced an overarching principle to guide its crisis management activities: the so-called "comprehensive approach". This appeared for the first time in the official framework for civil-military cooperation (CMCO) (Council of the European Union, 2003), presented as the conceptual response to the "need for effective coordination of the actions of all relevant EU actors involved in the planning and subsequent imple-

mentation of EU's response to the crisis" (Council of the European Union, 2003, p. 2). The European Commission played a vital part in redefining the CA as a conflict-sensitive approach to development cooperation (European Commission, 2011). The successive drafting of the Joint Communication on the EU's Comprehensive Approach to External Conflict and Crises reflected diverging conceptions dividing the European Commission and the Council. While the former has tenaciously insisted on the need to respect development policy's conventional neutrality, the latter has continuously expressed concern that too strong a focus on political neutrality might lead to a failure to act strategically in the framework of the rebranded Common Security and Defence Policy (CSDP) (Pirozzi, 2013, p. 7).

Meanwhile, the notion of "human security" has become central to the development of EU security policy (Curran, 2015; Dembinski & Reinold, 2011; Gottwald, 2012; Martin & Owen, 2010). As outlined by Martin and Owen (2010), not only did the Report on the Implementation of the European Security Strategy (ESS) (Council of the European Union, 2008) explicitly mention human security as a guiding principle of EU external action, it also drew "extensively, and in more detail than in previous texts, on human security ideas, affirming the importance of respect for human rights, and the gender dimension of security" (Martin & Owen, 2010, p. 217). In its drafting the Council was reportedly influenced by then High Representative for European Foreign and Security Policy (EFSP), Javier Solana; by Finland, which during its 2006 presidency of the EU commissioned a study on the European Security and Defence Policy's (ESDP) relation to human security; and by the European Parliament (Martin & Owen, 2010, p. 218). Hereafter, human security was mainstreamed especially by the European Commission into initiatives on human rights and policies on small arms and light weapons, non-proliferation, mine action and human trafficking. Following Martin and Owen (2010), the EU's implementation of human security specified the norm in a way that differed slightly from the UN's original conception by combining "physical protection and material security, and situating it firmly within a crisis management and a conflict resolution policy frame" (Martin & Owen, 2010, p. 219).

Moreover, when the UN released its operational concept for "protection of civilians" (POC) in peacekeeping operations in 2010, the EU not only welcomed but adopted it in its own Guidelines for Protection of Civilians in CSDP Missions and Operations. Like the UN, the EU conceptualised protection of civilians as a comprehensive and long-term effort by national and international actors in cooperation, combining military and non-military measures, not only providing direct protection from physical violence but also protection through political processes and establishment of protective environments, thus, seeking to address the root causes of threats to civilians. In this way, the EU's op-

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erationalisation of POC highlighted human security concerns like protection of human rights, essential services and resources in a stable, secure and just environment as well as protection from physical violence and mass atrocities (De Benedictis, 2015).

To some scholars (Dembinski & Reinold, 2011), the rise of human security in EU security culture and CSDP stated objectives can be explained by the 2005 World Summit Outcome (UN, 2005) and its adoption of R2P. After all, an official and explicit reference to R2P appears already in the EU's 2005 Consensus on Development (EU, 2005). Likewise, the 2008 report on the implementation of the ESS links the two concepts by stressing the importance of human security, whilst at the same time recognising that "sovereign governments must take responsibility for the consequences of their actions and hold a shared responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (Council of the European Union, 2008, p. 2).

Surprisingly though, scholars have found the EU reluctant to mainstream the implementation of R2P (De Franco et al., 2015; Gottwald, 2012; Task Force on the EU Prevention of Mass Atrocities, 2013). Alongside a perceived lack of coordination of organs, instruments and policies, the EU has been accused of lacking a clear strategy (Coelmont, 2014), necessary capacities and political will to protect people outside its borders and prevent mass atrocities (Biscop, 2011). A similar view was expressed by NGO officials interviewed by the authors in 2012 and 2013. This, despite the enhanced and increasingly formalised competencies of the EU High Representative/Vice President of the Commission and the European Union External Action Service, established as the Lisbon Treaty initiated a number of changes intended to increase the Union's shared will, ability, voice and engagement in external relations (EU, 2008). Disparate initiatives continue to take place, but scholars and practitioners still seem to agree that the EU lacks political unity and strategic direction. As a result, its principles and practices related to mass atrocity prevention risk remaining un-coordinated at best and un-cooperative at worst—inside as well as outside the Union (De Baere, 2012; Dembinski & Reinold, 2011; Task Force on the EU Prevention of Mass Atrocities, 2013; Vincent & Wouters, 2008).

6. EU Reactions to the 2011 Libya Crisis

In accordance with the UN Secretary-General's 2011 report, we accept that the EU's "scope, capacity, and authority" constitutes potential for R2P implementation—also beyond the European region. Likewise, we agree that operational implementation of R2P would require preventive, responsive and reconstructive actions across the norm's three-pillar structure, crosscutting various policy areas. This could—as various EU rep-

resentatives have argued—correspond with the Union's existing notion of human security and its comprehensive approach to crisis management (including conflict prevention). In the following, we examine the EU's actual reactions to the Libya crisis—including political, economic, judicial and military means—to assess the extent to which a "European practice of mass atrocity prevention" emerged in this case – and if so, how this related to R2P. In so doing, not only do we ascertain whether R2P was rejected or adopted as a full framework for action but we do also explain how R2P has been adapted to existing principles and practices of the EU.

6.1. Short-Term Programmatic Implementation of R2P

As the Libyan regime responded increasingly violently to the 2011 rebellion against it, the international community reacted by invoking R2P's measure of "last resort". Security Council Resolution 1973 was historic in that for the first time the UN mandated forceful implementation of R2P's Third Pillar to protect a population believed to be threatened by mass atrocities to be committed by its own government. The resolution authorised "all necessary means" for their protection—against the will of Libya's leadership, which was subsequently removed by local rebel forces supported by international use of force. The bombing campaign was initiated by a coalition of willing Western states, with France, the UK and a reluctant US in the lead, supported by regional actors: the Arab League, United Arab Emirates and Qatar. NATO later took over the operation. Initially, the air campaign was relatively restricted, but as it went on, it became increasingly supportive of the rebels' cause to oust Gadhafi, and with that it became increasingly controversial around the world (Dembinski & Reinold, 2011).

At the beginning of the crisis in February 2011, then High Representative Catherine Ashton condemned the repression of peaceful demonstrators and the violence against and death of civilians in Libya. She went on, in accordance with R2P Pillar One, to urge the Libyan authorities to refrain from any further violence against the population. Shortly after, Council President Herman Van Rompuy acknowledged the EU's own responsibility, in accordance with Pillar Two, to support Libya and protect the Libyan population henceforth. To this end, he stated, "European leaders…acted with swiftness and determination, diplomatically…and militarily" (Van Rompuy, 2011b). Nevertheless, the EU was criticised for its "slow and incoherent" response to the crisis (Gottwald, 2012, p. 5). Gottwald (2012) questioned whether Van Rompuy was speaking of the EU at all in his reference to "European leaders", and if so, whether his assessment was fair. Whether or not he was referring to the Union or to particular member states, Van Rompuy's statement does demonstrate significant support within the EU at the time for R2P's forceful

implementation, and that amongst its advocates was the then President of the Council. Not only did he stress that R2P was put into action with perseverance and success, but he added that there was "a responsibility to assist the new Libya with the political transition, the reconciliation and the reconstruction of a united country" (Van Rompuy, 2011b).

Critics have argued that the Union's response to the crisis showed a gap between EU rhetoric and action (Gottwald, 2012). However, in diplomacy more generally and according to the R2P framework specifically, rhetoric *is* action. It is one diplomatic tool among many—a tool, which the EU repeatedly used in response to the Libyan crisis—and as such an indicator of programmatic implementation of R2P, as defined above. Upon the adoption of Resolution 1973, Ashton and Van Rompuy (2011) declared that the EU was "ready to implement this resolution within its mandate and competencies". This statement was supported by the Council, representing all 28 member states, which expressed its satisfaction with the resolution and "underlined its determination to contribute to its implementation". Van Rompuy (2011a) emphasised that "the European Council wants the safety of the Libyan people to be secured by all necessary measures". The Council soon urged Gadhafi to relinquish power, and when the Libyan Contact Group recognised the National Transitional Council (TNC) as the legitimate governing authority in Libya, the EU—itself a member of the Contact Group—supported that decision. Subsequently, both Van Rompuy and Ashton reminded the TNC of their responsibility, as the governing authority, to protect the citizens of Libya and reiterated the EU's Responsibility to Assist them in this endeavour (Pillars One and Two).

In other words, the EU as a whole committed itself explicitly to R2P in response to the Libya crisis. Although there were significant disagreements in the wider international community as well as amongst EU member states about whose responsibility it was to do what and, thus, how R2P should be implemented, the Union's member states did agree to voice their shared support: first, for the Libyan authorities'—initially Gadhafi and later the TNC—Responsibility to Protect all Libya's people (Pillar One); second, the EU's Responsibility to Assist them in this (Pillar Two); and third, only in the last instance and upon the UN's request and mandate for the international community to take over some of that responsibility (Pillar Three). Despite disagreements among the member states (cf. Germany's abstention in the Security Council vote on Resolution 1973), they did reach consensus in the Council and in effect upon the EU's short-term programmatic implementation of R2P in reaction to the Libya crisis.

6.2. Operational Implementation of R2P

Despite significant disagreements along the way, the Union's member states also agreed to launch a series of joint operational responses to the crisis. In March 2011, the Union convened an Extraordinary Council meeting of European leaders in Brussels. At this emergency meeting the Council called for Gadhafi's resignation and welcomed the TNC in his place. Subsequently, the EU opened a liaison office in Benghazi in May and promised further support to the new Libyan authorities in border management and security reform, to the economic, health and education sectors as well as to the Libyan civil society (Gottwald, 2012).

Field experts were deployed inside and on the borders of the country. Frontex Joint Operation Hermes 2011 responded to Union concerns of increased migration flows following the crisis, although it failed to accept or promote any Responsibility to Protect these people. Nevertheless, while the Union was bringing some 5,800 EU citizens home from Libya, EU Commissioner for International Cooperation, Humanitarian Aid and Crisis Response, Kristalina Georgieva, was one of many who reminded the EU of its Responsibility to Protect not only its own citizens but also the Libyan population (Georgieva, 2011).

In 2011 the Strategy for Security and Development in the Sahel had announced EUR24.5 million in EU assistance to Libya, allocated under the European Development Fund, Instrument for Stability, European Neighbourhood Policy Instrument, thematic programmes and budget lines. However, by October 2011 the Commission and certain member states had provided over EUR152 million towards humanitarian aid and civil protection in the country (ECHO, 2011), illustrating the Union's support for and use of non-coercive tools in reaction to the crisis. The EU also implemented a number of coercive sanctions. It adopted and helped enforce UN sanctions, including the arms embargo and targeted sanctions mandated by UN Security Council Resolution 1970 as well as the no-fly zone and extension of the asset freezes added in Resolution 1973. The Union added further sanctions of its own. Overall, some 40 individuals close to the regime, key financial entities, the National Oil Corporation and five of its subsidiaries, the port authorities, and 26 energy firms in Libya were targeted by EU sanctions (Koenig, 2011).

The Union considered military responses as well, but favoured a UN mandate and hoped to support the delivery of humanitarian aid rather than actively engaging in the armed conflict. In April 2011, the EU responded to a request from the UN Office for the Coordination of Humanitarian Affairs and declared itself ready to deploy up to 1,000 personnel to facilitate safe movement and possible evacuation of internally displaced people and assist humanitarian aid access in Libya. HR Ashton clearly stated that this mission was "unlikely" to be deployed, but she argued that if it was requested, it should be ready; hence, she said at the time, planning was initiated (Al Jazeera, 2011). Particu-

larly relevant to our analysis, is the fact that all EU member states supported the HR's initiation of the operational planning process, although they disagreed profoundly on how such a response should be implemented. For example, Sweden and Finland, both members of the Nordic Battle Group, rejected the idea of its deployment. Meanwhile, UN humanitarian chief, Valerie Amos, expressed concern that the proposed EU force (EUFOR) "blurred lines" between military and humanitarian action and stressed that it should only be called upon as a last resort. In the end, EUFOR Libya was not deployed, as the UN never requested it.

Interviews conducted with EU officials between 2012 and 2013 revealed an organisational culture anchored in a "civilian power" Europe ideal, deeply uncomfortable with forcible humanitarian intervention. Interviewees also stressed that the EU has no legal basis for initiating military operations and is heavily dependent on member states' willingness to mobilise resources, particularly the few countries with an expeditionary model and means of foreign policy. However, the argument most interviewees put forward was that if the "desired outcome is saving lives" then a forcible military intervention might not be the best option. Naturally, variations occurred across interviews with respondents from different parts of the EU system. While officials from the EU Military Staff did not exclude Mass Atrocity Response Operations (MARO)[5] in principle—they suggested that the Petersberg tasks (incl. peace-enforcement) in fact include MARO. Officials from DG DEVCO, the development agency of the European Commission, stressed rather the importance of non-coercive measures for both prevention of and reaction to mass atrocities.

Overall, in response to this crisis the Union repeatedly stressed the Libyan authorities' protection responsibilities—first to Gadhafi and later to the TNC. It recognised its own responsibilities in this regard too. EU reactions to the crisis ranged across the three pillars and from political and economic measures to considering military options and humanitarian assistance. This indicates a clear correlation, albeit not necessarily causation, between the R2P norm, framework and tools, on the one hand, and the Union's response to the Libyan crisis, on the other—suggesting that the two may indeed have been mutually reinforcing. The EU explicitly supported Pillar One, Two and Three responsibilities to protect the Libyan population in various political statements and operational activities, which indicates the Union's support for the R2P framework as a whole as well as its component parts. There is evidence of short-term programmatic implementation as well as operational norm implementation, which indicates that

in this case existing scholarly interpretations of EU R2P implementation are too simplistic. It is worth noting, however, that the EU approach to Pillar Three also in this case seems to emphasise humanitarian assistance and capacity building within the existing crisis management framework, in continuity with the EU's normative agenda on human security, as described by Martin and Owen (2010), rather than more mainstream interpretations of what R2P's Pillar Three should entail. In particular, according to officials from the EEAS multilateral relation division, the Libya crisis revealed different interpretations of Pillar Three among member states and substantial resistance to R2P's limitations to state sovereignty emerged.[6] Nevertheless, this did not amount to a rejection of R2P altogether nor to absence of joint EU reactions to the crisis in Libya—rather it seemed to shape the nature of the two. As argued above—norm implementation is not simply an either-or question—instead we proposed an alternative approach, which allows for and recognises nuanced implementation or weighting of various aspects of a norm. It makes better analytical sense, we suggest, to thoroughly examine relations between norms and practices, in our case between R2P and EU crisis response in Libya, than to get stuck in chicken-or-egg discussions considering correlation vs. causation which does not allow for parallel principles and practices to co-exist.

7. The EU's Parallel Protection Principles and Practices after Libya

Having to face another crisis in Mali shortly after the Libya crisis—and partly as a consequence thereof—the EU reconsidered its approach to crisis management and civilian protection. In 2013 the EU Military Committee deemed it necessary to develop a military concept for "POC in EU-led Military Operations", adopted in March 2015. Although its focus was notably on POC rather than R2P, the concept illustrates continued attention to and focus on protection in EU external action. The Union's operationalisation of POC thus runs parallel to the R2P framework, but reveals a continued EU acceptance of and preoccupation with its own responsibility in this regard—if now by another name (De Benedictis, 2015).

Our interviewees confirm increased attention to mass atrocity prevention after the Libya crisis. Intelligence officials at the EU Intelligence Centre, in particular, reported being explicitly "tasked" to monitor risks of mass atrocities in Libya in 2012. Likewise, the drafting of the Joint Communication on the EU's Comprehensive Approach was given new impulse. The document—released in December 2013—does not mention R2P explicitly but arguably integrates parts of the R2P

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[5] MARO operations are a doctrinal concept that is detailed in Appendix B to the US Department of Defence Joint Publication on Peace Operations (DOD, 2012).

[6] Interviews conducted in Brussels in June 2012.

framework into the CA. It expands the CA's scope to include all "stages of the conflict cycle" (European Commission & High Representative of CFSP, 2013, p. 2), including those of conflict prevention and sustainable long-term development, and strengthens the connection between security and development, also at the core of the EU's initial interpretation of R2P. This too indicates an overall normative agenda seeking to incorporate and integrate parallel principles in practice.

The practical inter-relationship between human security, POC, R2P and CA became apparent with the first implementation of CA after its formalisation; that is, in EU reactions to the Mali crisis. To operationalise the CA, the EU Delegation in Bamako received a short-term stabilisation package of EUR20 million through the Instrument for Stability, primarily intended to support the "protection of civilians" (European Commission, 2013) by helping the "Malian local authorities, to re-establish the presence of the State" (European Commission, 2013), indicating continued—and preferred—EU support for what in R2P terms are Pillars One and Two, as one might have expected from the findings above regarding EU implementation of R2P.

8. Conclusions

This article shows how the 2011 Libya crisis in many ways was a revealing moment for EU practices of mass atrocity prevention. During the crisis, the EU operationalised R2P, incorporating its own interpretation of the emerging norm while integrating it into its existing security cultures, structures and policies. The EU did this by adapting R2P to its own needs, traditions and interests. Thus, we take issue with those observers who suggested that the Libya intervention strengthened the hand of those within the EU pushing for more forceful interpretations of the norm (Dembinski & Reinold, 2011), as well as with those who argued it may have broken the EU consensus on R2P altogether (Brockmeier, Jurtz, & Junk, 2014). Our findings show rather how the EU has consistently conflated parallel principles like R2P and POC with its comprehensive approach in a way that is consistent with its original approach to human security. That is, as part of its development policy and crisis management activities.

While the use of the human security label has declined, as R2P is now also doing, the way in which R2P was implemented in Libya and the comprehensive approach was formalised to incorporate POC thereafter shows both adoption and adaptation of R2P. Reference to the three-pillar structure is explicit, continuous and apparent, whilst the EU emphasises its responsibility to assist—particularly in preventing and rebuilding, while limiting its considerations regarding the use of the military to crisis management—and particularly humanitarian and technical assistance to

fragile states and populations. So, R2P's duty of conduct was adopted in the Libya case, but R2P was at the same time adapted to the Union's existing normative agenda and integrated into the development of the comprehensive approach to conflict and crisis, now including protection of civilians. Different organs and representatives of the EU remain sceptical about the added value of an "R2P lens"—not to mention label—to their ongoing work (De Franco et al., 2015; Task Force on the EU Prevention of Mass Atrocities, 2013). However, R2P has influenced EU crisis response, civilian protection and early warning in and beyond Libya, even if an explicit reference to R2P has become ever more problematic because of the increasing norm contestation after that crisis.

In sum, we show how the conflation of R2P with related principles and practices has placed most of the norm's "weight" on the first two pillars. This is where there has been a wider and stronger consensus among EU institutions and member states since 2005 and still in 2015. In so doing, the EU is contributing (a) to what we propose is a changing conception of the R2P norm, which no longer constitutes the same challenge to traditional notions of sovereignty, and (b) therefore to (European) practices of mass atrocity prevention that are still state- rather than human rights-centred and integrated into development policies and crisis management missions rather than humanitarian interventions.

Conflict of Interests

The authors declare no conflict of interests.

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Article

R2P's "Ulterior Motive Exemption" and the Failure to Protect in Libya

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Abstract

Mass atrocity prevention has been controversial, both when members of the international community have taken action as well as when they have failed to do so. In 1999, then UN Secretary-General Kofi Annan challenged the international community to reconcile the need to respect state sovereignty with the need to protect populations from egregious human rights violations. R2P's emergence offered an opportunity to move past the discourse and practice associated with its predecessor—"humanitarian intervention." However, while R2P has succeeded in changing the discourse, it has failed to make a change in practice. A source of this failure is R2P's "ulterior motive exemption." Using the R2P intervention in Libya as a case study, this article concludes that because ulterior motives existed: (1) NATO's primary intent of civilian protection quickly evolved into the intent to overthrow Muammar Qaddafi; (2) in exceeding its mandate, NATO committed an act of aggression; (3) NATO continued to militarily support the rebels while they were committing war crimes and severe human rights violations; (4) NATO's actions resulted in civilian casualties, which NATO has refused to investigate; and (5) NATO abdicated its responsibility to protect Libyans from the human suffering that continued subsequent to Qaddafi's execution.

Keywords

humanitarian intervention; Libya; NATO; R2P

1. Introduction

At the end of a decade that saw varied responses to numerous mass atrocities, then UN Secretary-General Kofi Annan challenged the international community to reconcile the need to preserve state sovereignty rights with the human right to be protected from the most egregious forms of human rights violations. The Canadian government responded to Annan's challenge by forming the International Commission on Intervention and State Sovereignty (ICISS). In 2001, ICISS published *The Responsibility to Protect* (R2P).

Gareth Evans and Ramesh Thakur, R2P's principal authors, have gone to great lengths to separate R2P from the "right to intervene" and "humanitarian intervention" discourse that preceded it. According to Thakur (2013), R2P is victim- and people-centered; it puts the needs of the victims and potential victims ahead of the needs of the intervening states, whereas humanitarian intervention is deferential to the preferences and priorities of the intervening states. For Evans and Thakur (2013), the shift away from a right of humanitarian intervention to the responsibility to protect is exemplified by R2P's embrace of "a whole spectrum of preventive and reactive responses, with coercive military action reserved only for those extreme and exceptional cases" (p. 202). The shift in discourse is further buttressed by R2P's incorporation of its three core elements: (1) the responsibility to prevent; (2) the responsibility to react; and (3) the responsibility to rebuild. Evans and Thakur (2013) argue that if interventions are truly motivated primarily by humanitarian

concerns, then the solidarity implied by its implementation would also be expressed prior and subsequent to the military intervention.

In their concerted efforts to distance R2P from its predecessors, Evans and Thakur (2013; Thakur, 2015) have demonstrated a preoccupation with celebrating the change in discourse ushered in by R2P, while failing to objectively evaluate whether the change in discourse can effectively change the way states intervene for alleged humanitarian purposes in practice. For example, in response to a critique authored by Robert Pape (2012), Evans and Thakur (2013) argue that Pape took the intervention debate "straight back to the deeply divisive, problematical, costly (in blood and treasure), and utterly ineffectual pre-2001 status quo ante" by resurrecting the humanitarian intervention discourse (p. 202). Success in changing the discourse is far from trivial; it is significant for all the reasons Evans, Thakur, and other R2P proponents have cited. However, a change in discourse is only as valuable as the changes in practice it elicits. Therefore, currently, the more important question is whether R2P interventions in practice will mirror the change in discourse.

The 2011 R2P intervention in Libya provides the first and only case for analysis. The intervention in Libya has been hailed a success by the media and politicians (Kuperman, 2013a; O'Connell, 2011), as well as R2P's architects and proponents (Pattison, 2011; Thakur, 2011; Thakur, 2013; Weiss, 2011a). However, as will be demonstrated through an analysis of the NATO-led intervention in Libya, R2P's "ulterior motive exemption" ensures the likelihood that the overall change in discourse around intervention for alleged civilian protection will not be met with a similar change in practice. NATO's ulterior motives had a detrimental effect on the intentions behind NATO's use of force, raising significant questions regarding whether the presence of ulterior motives and, therefore, multiple intentions behind the use of force, can be restrained while carrying out an intervention.

This article begins with a discussion of R2P's ulterior motive exemption. It then analyzes the role ulterior motives played in NATO's actions in Libya. This article concludes that because ulterior motives existed: (1) NATO's primary intent of civilian protection quickly evolved into the primary intent of overthrowing Muammar Qaddafi; (2) in exceeding what was mandated by Security Council Resolution 1973, NATO committed an act of aggression in violation of the UN Charter; (3) NATO continued to militarily support the rebels despite the fact that they were committing war crimes and egregious human rights violations; (4) NATO's actions resulted in civilian casualties, which NATO has refused to investigate; and (5) NATO abdicated its responsibility to protect Libyans from the human suffering that continued subsequent to Qaddafi's execution.

2. R2P's "Ulterior Motive Exemption"

R2P's right intention principle states that the "primary purpose of the intervention, whatever other motives intervening states may have, must be to halt or avert human suffering" (ICISS, 2001, p. XII). According to ICISS (2001), intervention cannot be justified if, from the outset, the intent of the intervening force is to alter borders or advance "a particular group's claim to self-determination" (p. 35). Further, ICISS (2001) states that regime change is not a legitimate objective, though it allows that disabling a regime's ability to harm its own people "may be essential to discharging the mandate of protection" (p. 35.).

That R2P permits other motives is referred to as the "ulterior motive exemption" because it allows intervening states to have motives other than civilian protection driving their participation in an intervention. ICISS's inclusion of an ulterior motive exemption in R2P is based on the reality of how states operate in international affairs. ICISS (2001) notes, "Complete disinterestedness—the absence of any narrow self-interest at all—may be an ideal, but it is not likely always to be reality: mixed motives, in international relations as everywhere else, are a fact of life" (p. 36). ICISS (2001) argues that the variety of costs involved when participating in a military intervention, including budgetary costs and physical risk to military personnel, make it politically necessary for participants in a military intervention to have some degree of self-interest in the intervention.

In his defense of the ulterior motive exemption, James Pattison (2010) reiterates much of what has already been presented, while also emphasizing the importance of differentiating between "intentions" and "motives." Pattison argues that intentions and motives are often wrongly used interchangeably. The intention of the intervening force equates to the purpose behind the intervention. For the intention to be humanitarian, the purpose of the intervention must be to prevent, reduce, or halt the human suffering resulting from the humanitarian crisis. The motive, however, is better explained as the reason behind the intervening force's involvement in the intervention. According to Pattison (2010), conflating intention with motive "leads to the conclusion that there can be no such thing as 'humanitarian intervention' since interveners rarely, if ever, possess humanitarian motives" (p. 155).

Defenders of R2P's ulterior motive exemption inevitably get trapped in a logical fallacy. In the effort to minimize the impact considerations of national interest will have on an intervention and to distinguish intent from motive, they tend to isolate self-interests from intentions and motives from intent. Defenders seek to justify the claim that military intervention for civilian protection can be carried out by intervening states that hold ulterior motives for their participation without the

intervening states acting on the motives that drove their participation in the first place. Yet, if intervening states are motivated to provide civilian protection within a humanitarian crisis by their desire to achieve something in their self-interest, what the intervening states seeks to achieve must also be part of their intent. In other words, the ulterior motive will ultimately impact the purpose behind the intervention, extending it beyond achieving civilian protection. If the reason for participating in the intervention is motivated by self-interest then it would follow that the intervening states would seek to satisfy their self-interest. Not doing so would be logically inconsistent.

Roland Paris (2014) levies similar criticisms regarding R2P's ulterior motive exemption, as well as the lack of attention paid to how ulterior motives will impact interventions in practice. Paris finds defenses of the ulterior motive exemption unsatisfactory because "they investigate the mixed motives problem as a normative, legal and procedural puzzle, but largely overlook the impact of mixed motives on the feasibility of preventive humanitarian intervention" (p. 574). Paris (2014) also raises the possibility that self-interested acts emanating from intervening states' ulterior motives could result in a backlash against R2P, "particularly if the doctrine is viewed as a 'cover' for imperialism, pre-emptive war, or other ulterior motives" (p. 574). In response to Paris, Thakur seems more concerned with Paris' repeated references to "humanitarian intervention" than he is with the issues Paris raised. According to Thakur (2015), any backlash against R2P due to the doctrine being viewed in the ways Paris describes "will come more from the use of the language of humanitarian intervention than from mixed motives" (p. 17). Thakur's response to Paris further demonstrates a preoccupation with discourse. Contrary to Thakur's claim, it is how R2P interventions unfold in practice rather than the language that is used to discuss the interventions that will determine whether R2P is viewed as "humanitarian intervention" in new clothing.

3. R2P and Libya at the Security Council

On February 25, 2011, ten days after the first anti-Qaddafi protests were held, the United Nations Security Council met to discuss the situation in Libya. Secretary-General Ban Ki-moon briefed the Security Council on the situation in Libya, claiming that reports indicated that more than 1,000 people had already been killed by violence and indiscriminate use of force (United Nations, Security Council [UNSC], 2011a). Ki-moon would go on to note that accounts provided by the press, human rights groups, and civilians included allegations of indiscriminate force, arbitrary arrests, targeting of peaceful protesters, detention and torture of members of the opposition, and the use of foreign fighters. After making these allegations, Ki-moon added

that he lacked "conclusive proof, but the reports appear to be credible and consistent" (UNSC, 2011a, p. 3).

The next day, the United Kingdom introduced Resolution 1970. Unanimously adopted, Resolution 1970 referred to "widespread and systematic attacks…against the civilian population" and reminded Libya of its "responsibility to protect its population" (UNSC, 2011c, p.1). The resolution imposed an arms embargo, banned Libyan officials from traveling, froze officials' assets, and referred the situation to the International Criminal Court (ICC). Following the resolution's adoption, France stated, "The text unanimously adopted today, recalls the responsibility of each State to protect its own population and of the international community to intervene when States fail in their duty" (UNSC, 2011b, p. 5).

Unanimous support for Resolution 1970 included affirmative votes from China and Russia—two countries traditionally opposed to interference in the internal affairs of sovereign states. A key factor in their support was the demands of regional stakeholders, such as the Arab League, African Union, and Organization of the Islamic Conference, for a cessation to the hostilities in Libya (Chang, 2014). Also, though the resolution referred the situation to the ICC, it did not include language that could have been interpreted as authorizing the use of force against Libya. Russia made sure to emphasize this point. In a likely reference to the United States using Saddam Hussein's failure to abide by Security Council resolutions to justify the invasion of Iraq in 2003, Russia argued that "it does not enjoin sanctions, even indirect, for forceful interference in Libya's affairs" (UNSC, 2011b, p. 4). Finally, both Chinese and Russian citizens living in Libya were at potential risk. Therefore, it was in their interest to ensure their safe evacuation from Libya (Chang, 2014).

Following the Security Council's adoption of Resolution 1970, rather than a cessation in hostilities, the next three weeks saw an escalation in the violence between Qaddafi's security forces and the armed opposition. The rebels made significant territorial gains, beginning in eastern Libya, then moving to the central coast, and then farther west. By March 5, the rebels controlled about half of Libya's populated areas. The rebels' success did not last long. A little more than a week later, Qaddafi's forces had retaken nearly every area held by the rebels other than their primary stronghold of Benghazi (Kuperman, 2013b).

Qaddafi's forces had taken up positions in preparation to move on Benghazi when the Security Council next met to discuss the situation in Libya on March 17. France introduced a draft resolution prepared in conjunction with the United States and United Kingdom. In support of the draft resolution, France stated, "We do not have much time left. It is a matter of days, perhaps even hours….Every hour and day that goes by increases the burden of responsibility on our shoulders" (UNSC, 2011e, p. 3). Following France's remarks, Resolution

1973 was adopted with ten votes for, none against, and five abstentions. Resolution 1973 authorized Member States "through regional organizations or arrangements…to take all necessary measures…to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya" (UNSC, 2011d, p. 3).

Four of the five BRICS countries—Brazil, Russia, India and China—were joined by NATO member Germany in abstaining. Presciently, each of the five abstaining countries raised issues particularly relevant to the role ulterior motives would ultimately play in the NATO-led intervention. For example, Brazil recognized the League of Arab States' support for the implementation of a no-fly zone, but argued, "It is our view that the text of resolution 1973 (2011) contemplates measures that go far beyond that call" (UNSC, 2011e, p. 6). Germany was primarily concerned that military intervention would cause more harm than good. "If the steps proposed turn out to be ineffective," Germany worried, "we see the danger of being drawn into a protracted military conflict that would affect the wider region. We should not enter into a militarily confrontation on the optimistic assumption that quick results with few casualties will be achieved" (UNSC, 2011e, p. 5).

China and Russia expressed frustration that questions they asked went unanswered prior to the vote on Resolution 1973 (UNSC, 2011e). Russia criticized some members of the Security Council for failing to address how the no-fly zone would be enforced, what the rules of engagement would be, and whether there would be specific limits on the use of force. Like Brazil, Russia was not convinced that implementation of Resolution 1973 would be limited exclusively to civilian protection, noting that provisions were added to the resolution that exceeded the initial concept sought by the League of Arab States. Russia warned that the "inevitable humanitarian consequences of the excessive use of outside force in Libya will fall fair and square on the shoulders of those who might undertake such action" (UNSC, 2011e, p. 8).

India called into question the objectivity of the information the Security Council had received prior to being asked to vote on Resolution 1973, stating that the resolution authorized "far-reaching measures under Chapter VII of the United Nations Charter, with relatively little credible information on the situation on the ground in Libya" (p. 6). India's criticism is significant because there were alternative narratives to that which was propagated at the Security Council. According to the narrative that justified adoption of Resolutions 1970 and 1973, Qaddafi targeted peaceful protesters with lethal force. However, some protesters in Libya had taken up and used arms from the first day of the uprising on February 15, 2011 (Kuperman, 2013a). Many more began using violent means in their opposition to Qaddafi soon thereafter (O'Connell, 2011).

The urban environment in which the fighting was taking place was a contributing factor in the deaths of civilians during the conflict's early stages. Human Rights Watch reported that in the first seven weeks of intense fighting in Misurata, a total of 949 people were wounded. Of the 949 wounded, 22 were women and eight were children (Kuperman, 2013a). Kuperman concludes, "If government forces had targeted civilian areas indiscriminately, as alleged, the female percentage of wounded should have approached 50 percent, rather than 3 percent" (p. 111). A standard of fifty percent is arguably a high burden to meet to demonstrate indiscriminate use of force, but three percent clearly fails to substantiate such claims. Kuperman (2011) acknowledges that Qaddafi's forces killed hundreds of people while retaking control of cities from the rebels, and likely exceeded the laws of war while doing so; however, comparisons of Qaddafi's actions to those of genocidal regimes were simply unfounded.

Challenges to the narrative that justified the NATO-led intervention were not limited to academic circles. On March 21, only four days after Resolution 1973 was passed, *The New York Times* reported that "the rebels feel no loyalty to the truth in shaping their propaganda…making vastly inflated claims of his [Qaddafi's] barbaric behavior" (Kirkpatrick, 2011). Disregard for alternative narratives does not necessarily mean that some of NATO's members intentionally fabricated their claims. Rather, it emphasizes the problems associated with the ulterior motive exemption. NATO's ulterior motives would not allow it to consider alternative narratives, because to do so could have undermined their justification for the use of force in Libya, which would have impeded them from achieving their self-interested objective of regime change.

Each of the five abstaining countries raised concerns that could have warranted voting against Resolution 1973. This begs the question: why did they choose to abstain? A common explanation for the abstentions was the Arab League's support for the imposition of a no-fly zone. The abstaining countries chose not to vote against the wishes of the regional stakeholders. It is also likely that the lack of certainty regarding what might have happened in Benghazi had Resolution 1973 failed to pass played a significant role in their votes. For Russia and China, "no" votes are equivalent to a veto. Had Russia and China vetoed the resolution, there would not have been an intervention, at least not in the same timeframe. If the failure to intervene resulted in a massacre at Benghazi, as was claimed to be inevitable, there would have been serious political ramifications. Brazil, India, and Germany would have shared these ramifications had they also voted against the resolution. To put it simply, it was easier and less risky to abstain from voting than it would have been to vote against the resolution. For Germany, abstaining also provided the added benefit of not voting against its fel-

low NATO members' resolution while publicly stating that it would not be contributing any of its own forces to the military effort.

4. NATO's Primary Intent: From Civilian Protection to Regime Change

The NATO-led bombing campaign began within hours of the adoption of Resolution 1973, and only one month after Libya's civil war had begun. Pattison (2011) argues that, at least initially, the predominant intention behind NATO's intervention was civilian protection. Yet, even in the early stages of the intervention "regime change did appear to be an intention, but only a secondary one" (Pattison, 2011, p. 273). Other R2P proponents are less willing than Pattison to recognize that NATO's ulterior motive of regime change evolved into regime change being one of its intentions. For example, Weiss (2011a) is dismissive of the idea that NATO may have had other intentions behind the intervention, stating, "The anguished hue and cry about R2P being a ruse for Western Imperialism is disingenuous but resonant in parts of the global South" (p. 289). Further, according to Weiss (2011a), "The international action against Libya was not about bombing for…regime change…or pursuing narrow interests. These may result from such action, but the dominant motivation for using military force was to protect civilians" (p. 291).

Where regime change fits among NATO's early set of priorities is open to debate; however, that NATO was intent on regime change in Libya is not. In a March 3 statement, two weeks before Resolution 1973 was adopted, President Obama stated, "Muammar Gaddafi has lost legitimacy to lead, and he must leave" (Calabresi, 2011). On March 21, 2011, only days after NATO's bombing campaign had begun, Obama stated that it was "U.S. policy that Qaddafi needs to go. But when it comes to our military action, we are doing so in support of U.N. Security Resolution 1973…and we are going to make sure we stick to that mandate" (Condon, 2011). Similarly, in an April 14 letter signed by Obama, Prime Minister Cameron, and President Sarkozy, it states, "Our duty and our mandate under UN Security Council Resolution 1973 is to protect civilians, and we are doing that. It is not to remove Gaddafi by force. But it is impossible to imagine a future for Libya with Gaddafi in power" (Stratton, 2011).

NATO members tried to have it both ways; they repeatedly proclaimed that Qaddafi needed to go while also claiming that they would stick to the mandate defined by Resolution 1973. Despite their efforts, NATO's actions belie their rhetorical reassurances. NATO went beyond anything that could reasonably be interpreted to have been authorized (O'Connell, 2011). According to its own numbers, NATO launched 9,700 strike sorties, destroying 5,900 military targets during its seven month campaign (Amnesty International, 2012b). If NATO had intended to provide civilian protection as it was authorized to do, it would have limited its actions to administering a no-fly zone and bombing forces— including rebel forces—that were threatening civilians. Instead, the "intervention quickly exceeded the UN mandate of civilian protection by bombing Libyan forces in retreat or based in bastions of Khadafy support, such as Sirte, where they threatened no civilians" (Kuperman, 2011).

NATO also repeatedly stood in opposition to forging a ceasefire between the Qaddafi regime and the rebels. Hours before NATO began its bombing campaign, Qaddafi proposed a ceasefire between his forces and the rebels that was rejected (Bumiller & Kirkpatrick, 2011). On April 10, NATO rejected a second ceasefire offer, one that was developed by the African Union, and was fully consistent with what was called for by Resolution 1973. The proposal, endorsed by Qaddafi, included a ceasefire, the creation of corridors for the delivery of humanitarian aid, and a dialogue to open discussions on reforming Libya's political system (Parker & Daragahi, 2011). Again, on April 29, NATO rejected a proposed ceasefire based on the African Union roadmap (Noueihed, 2011).

NATO's response to the ceasefire proposals is not consistent with a humanitarian intent. If NATO's intention was humanitarian, ceasefire offers would have been taken as opportunities to alleviate human suffering across Libya. Instead, NATO openly supported the rebels and repeatedly rejected ceasefire proposals. As Kuperman (2013b) notes, "This significantly extended the war, magnifying the harm to civilians, contrary to the intent of the UN authorization" (p. 197).

Evans and Thakur (2013) are critical of NATO for some of the same reasons noted above. Yet, rather than connect NATO's actions to R2P's ulterior motive exemption, they essentially treat NATO's actions as unbecoming of states who claim to be operating under R2P, stating that they are not sure "that the NATO-led operation in Libya remained a textbook R2P case for its duration" (p. 206). Going beyond what is authorized is a symptom of the ulterior motive exemption and its associated influence over the intervener's intentions. If the motive for participation in a military intervention is something other than civilian protection, the interveners will not limit their actions to the protection of the civilian population. In fact, if the reason for their participation is the pursuance of some self-interested objective, there is no incentive for the interveners to limit their actions to those authorized. Rather, their participation in the intervention actually incentivizes the interveners to go beyond that which was authorized. This is simple logic. If ulterior motives are the driving force behind the decision to participate in a military intervention, then those motives must be pursued to make participation worthwhile.

5. From Authorized Intervention to the Crime of Aggression

Article 2(4) of the United Nations Charter prohibits "threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." There are only two exceptions to the prohibition of the use of force: (1) the use of force authorized by the Security Council under Chapter VII of the United Nations Charter, and (2) the use of force in self-defense under Article 51 of the Charter. The NATO-led intervention began as a lawful use of force because the Security Council authorized it with the adoption of Resolution 1973. However, the force that may be used under Security Council authorization is limited to that which is mandated.

It was noted previously that Resolution 1973 authorized Member States "through regional organizations or arrangements…to take all necessary measures…to protect civilians and civilian populated areas under threat of attack" (UNSC, 2011d, p. 3). Resolution 1973 also demanded the establishment of a ceasefire and reinforced the arms embargo previously established by Resolution 1970. Further, Resolution 1973 reaffirmed Libya's sovereignty, independence, and territorial integrity.

It is clear that the NATO-led intervention exceeded its mandate in violation of its legal obligation to limit its actions to those that were authorized. First and foremost, NATO participated on the side of the rebels in their civil war with the Qaddafi regime. Not only did NATO support the rebels in their efforts, NATO was responsible for direct attacks against Qaddafi's forces who did not pose a threat to civilians. Qaddafi, no matter how reviled by some, maintained the legal right as Libya's head of state to defend Libya from an armed internal threat. Any actions taken by NATO that went beyond that which was mandated constitute acts of aggression. Related, the NATO-led intervention was operating under a mandate that required that all civilians and civilian-populated areas be protected. By taking sides in the civil war, NATO put civilians in areas loyal to Qaddafi, especially in Tripoli, at greater risk as the rebels and NATO made their advances. Civilian supporters of Qaddafi not only deserved the same level of protection as the civilian supporters of the armed rebels, but their protection was also required under Resolution 1973.

NATO joined the rebels in rejecting multiple ceasefires offered by Qaddafi despite Resolution 1973 demanding the immediate establishment of one. Whether Qaddafi's offers were to be trusted is debatable, but the offers were consistent with Resolution 1973. Yet, NATO rejected the offers outright in violation of the spirit of their mandate. Additionally, some NATO members participating in the intervention provided arms to the rebels in violation of Resolutions 1970 and 1973. Evans and Thakur (2013) ask a series of important questions in this regard:

> If the objective genuinely was, and remained throughout, "the protection of civilians and civilian populated areas" and not regime change as such, why—at least after the initial defense of Benghazi—were ceasefire offers that may have been serious rejected outright without exploration? Why were fleeing personnel posing no immediate risk to civilians, and locations of no obvious military significance, targeted? Why did the interveners break their own arms embargo in supplying the rebels? (p. 206).

Again, Evans and Thakur (2013) view NATO's behavior as evidence that at some point during the intervention it strayed from its commitment to R2P's principles, rather than NATO's behavior being directly connected to R2P's ulterior motive exemption.

Criticism of NATO for exceeding its mandate has generally been understated. It is not simply the case that NATO marginally exceeded its mandate. The NATO powers that led the intervention actively opposed alternative resolutions to Libya's civil war so that it could achieve its objective of regime change. NATO's actions demonstrate that it never intended to limit its actions to those authorized. The provision of weapons to the rebels in violation of Resolution 1973 is a clear and unequivocal violation of international law. More egregiously, NATO's participation in a civil war on the side of the rebels constitutes an act of aggression, crossing the line that separates the lawful and unlawful use of force. NATO's attempt at a defense of its actions included the claim that in order to fulfill its mandate to protect civilians, it was necessary to overthrow the Qaddafi regime (Evans & Thakur, 2013). In other words, NATO claimed it needed to exceed its mandate in order to carry out its mandate. Based on the evidence, such a defense is unconvincing.

6. NATO's Complicity in Crimes Committed by the Rebels

One week into NATO's intervention, it was reported that the rebels had been perpetrating the same violations of human rights that they accused Qaddafi of (Zucchino, 2011). In June 2011, about half-way through the civil war, the International Commission of Inquiry on Libya submitted its provincial report. The Commission concluded that both Qaddafi's security forces and the rebels had committed war crimes. Despite knowing early on that the rebels had allegedly committed acts that constituted war crimes, NATO continued to provide the rebels with offensive military support in Libya's civil war.

The full extent of the crimes committed by the rebels was documented in the International Commission of Inquiry on Libya's March 2012 report to the Human Rights Council. The Commission (2012) concluded that the rebels "committed serious violations, including war crimes and breaches of human rights law, the latter continuing at the time of the present report" (p. 2). Specifically, during the civil war, the Commission found that the rebels committed "acts of extrajudicial executions of those perceived to be loyalists, suspected mercenaries and captured Qadhafi soldiers, particularly when towns first came under control of *thuwar* (anti-Qaddafi forces)" (p. 197). Further, the Commission stated that allegations of violations of international humanitarian law and human rights law were not being treated equally. The Commission (2012) concluded, "Failure to apply criminal law to crimes committed by *thuwar* during and after the end of the conflict creates an environment of impunity and leaves the victims of *thuwar* violations without protection of the law, justice and redress" (p. 195).

As Prashad (2012) notes, "NATO's partisan bombardment allowed the rebels to seize the country faster than they might have had in a more protracted war, but it also allowed them carte blanche to continue with their own crimes against humanity." Because NATO was openly supporting the rebels, it was clear the rebels would be able to commit their crimes with impunity. This sentiment was echoed in the Commission's report, which stated that the Commissioners were "deeply concerned that no independent investigation or prosecution appear to have been instigated into killings committed by *thuwar*" (Independent Commission of Inquiry on Libya, 2012).

Because of NATO's military support for the rebels, it shares responsibility for how the rebels conducted themselves during and after the civil war. NATO was aware that the rebels were committing crimes, even going so far as to warn the rebels against committing crimes against civilians less than two weeks into the intervention (Bumiller & Kirkpatrick, 2011). Further, the International Commission of Inquiry on Libya stated explicitly in June 2011 that the rebels had committed war crimes. If NATO's primary intent was civilian protection, why did some of its members arm the rebels and continue to participate in a civil war in support of rebels that were committing war crimes? In doing so, NATO is complicit in the rebels' crimes.

7. Civilian Casualties from NATO Airstrikes

As noted previously, NATO launched 9,700 strike sorties, destroying 5,900 military targets during its seven month campaign (Amnesty International, 2012b). In November 2011, NATO claimed, "We have carried out this operation very carefully, without confirmed civilian casualties" (Chivers & Schmitt, 2011). Kristele Younes, director of field operations for Civic, noted a serious

contradiction in NATO's position regarding civilian casualties. Younes states that NATO created its own definition of what constitutes a "confirmed" civilian death from NATO airstrikes—only those confirmed by a NATO investigation. Yet, NATO also refused to investigate allegations. Therefore, by NATO's logic, it could claim that there were zero civilian casualties. Younes stated, "The position was absurd. But they made it very clear: there was no appetite within NATO to look at these incidents" (Chivers & Schmitt, 2011).

In late 2011 and early 2012, *The New York Times*, Amnesty International, and Human Rights Watch conducted investigations into NATO airstrikes. *The New York Times* found "credible accounts of dozens of civilians killed by NATO in many distinct attacks. The victims, including at least 29 women or children, often had been asleep in homes when the ordinance hit" (Chivers & Schmitt, 2011). Amnesty International (2012b) was able to document at least 55 civilian casualties from NATO airstrikes, including 16 children and 14 women. Many of the deaths were the result of NATO airstrikes on private homes in urban and rural areas of Libya. Following its investigation, Amnesty International (2012b) concluded that NATO "made significant efforts to minimize the risk of causing civilian casualties….However, scores of Libyan civilians who did not directly participate in hostilities were killed and many more injured as a result of NATO strikes" (pp. 5-6). Human Rights Watch (2012b) came to similar findings in its investigation, acknowledging that the overall loss of civilian life in NATO airstrikes appears to demonstrate that precautions were generally taken. However, "NATO air strikes killed at least 72 civilians, one-third of them children under age 18" (Human Rights Watch, 2012b, p. 4).

The International Commission of Inquiry on Libya found that NATO successfully avoided killing large numbers of civilians in its airstrikes. However, the Commission (2012) confirmed civilian casualties and "found targets that showed no evidence of military utility" (p. 2). The Commission (2012) stated that it was unable to draw conclusions regarding these incidents based on "the information provided by NATO" (p. 2). The Commission called upon NATO to complete an investigation to fill the information gap. Amnesty International (2012b) and Human Rights Watch (2012b) have called for the same. Amnesty International (2012b) called on NATO "to take all necessary measures to ensure that independent, impartial and thorough investigations are conducted without further delay, that the findings be publicly disclosed, and that adequate reparation be afforded to all victims of any violations and their families" (p. 18). In its response, NATO expressed regret that civilians were harmed in its airstrikes, but deflected Amnesty International's call for investigations, claiming that NATO "has no mandate to conduct any activities in Libya following OUP's (Op-

eration United Protector) termination on 31 October 2011" (Amnesty International, 2012b, p. 18).

International law requires that suspected violations of international humanitarian law be investigated by the state responsible for the acts in question. Further, when appropriate, those responsible for the violations must be punished and the families of those who were victimized must be compensated. Following NATO's intervention, Russia repeatedly asked for an impartial investigation into the means NATO used during its intervention in Libya. In a statement expressing the United States' refusal to allow such an investigation, Ambassador Rice stated,

> This is a distraction and a diversion…from the fact that this Council's actions, and that of NATO and its partners, saved tens of thousands, if not hundreds of thousands, of Libyan lives….And if the Libyans want to work with NATO to investigate any concerns they have, we're more than willing to do that. I think it's notable that we have not heard that call from the Libyan government (Goodman, 2012).

The U.S. response to Russia's call for investigations is problematic for two reasons. First, even if Rice's claims were true, civilian casualties from NATO airstrikes would still be relevant and would still require investigation under international humanitarian law. Second, Rice implies that NATO was innocent of any potential wrongdoing because the new Libyan government had not called upon NATO to investigate civilian casualties from its airstrikes. However, the rebels had no incentive to call for investigations, because NATO made it possible for them to take power and because the rebels had committed crimes of their own.

NATO's refusal to investigate civilian deaths caused by its airstrikes further calls into question the intentions behind its actions in Libya. The refusal demonstrates a lack of honesty, remorse, and willingness to accept responsibility. These are not the characteristics of an intervener committed to civilian protection; they are the characteristics of an intervener bent on achieving the objectives that motivated its involvement in the conflict in the first place. Prashad asks a series of pertinent questions: "The real question is, why won't NATO allow an evaluation of the Libyan war? What if we discover that the number of civilian casualties, the bombing in places like Marjah, the bombing in places in the center of Tripoli, had indeed cost the lives of a very large number of civilians? What is the harm of NATO coming under an evaluation?" (Goodman, 2012). Allowing such an evaluation, according to Prashad, would demonstrate "the actual commitment to human rights and to responsibility to protect civilians that the United States purports to support" (Goodman, 2012). Yet, rather than do so, NATO members have continued to shield themselves from any accountability.

8. NATO's Shared Responsibility for Rebel Crimes Committed Post-Intervention

Thanks to NATO's support, the rebels ultimately succeeded in overthrowing Qaddafi. NATO's lack of concern for the crimes committed by the rebels during the civil war continued unabated following the war's conclusion and the summary execution of Qaddafi, itself a war crime. In fact, far from concerned that Qaddafi had been executed, Secretary of State Hillary Clinton and Prime Minister David Cameron made light of it. When informed of Qaddafi's death, Clinton joked, "We came, we saw, he died" (Daly, 2011). Meanwhile Cameron, in a speech celebrating the Hindu festival of Diwali, said, "Obviously, Diwali being the festival of good over evil, and also celebrating the death of a devil, perhaps there's a little resonance in what I'm saying tonight" (Media Lens, 2011).

While celebrating the death of Qaddafi, the same NATO powers that had facilitated the rebels' success turned their backs on Libya. Post-intervention Libya was consumed by rampant lawlessness. Some of the most horrific human rights violations were perpetrated by the rebels against both real and perceived Qaddafi loyalists. Four days after Qaddafi was killed, Human Rights Watch documented the execution of Qaddafi supporters in Sirte. According to Peter Bouckaert, "We found 53 decomposing bodies, apparently Gaddafi supporters, at an abandoned hotel in Sirte, and some had their hands bound behind their backs when they were shot" (Human Rights Watch, 2011a). These executions were part of what Daniel Williams (2011) describes as "a vast revenge killing spree." According to Williams (2011), "Members of these militias have engaged in torture, pursued suspected enemies far and wide, detained them and shot them in detention." Execution of individuals who have been detained is a war crime.

The town of Tawergha was cleansed of its 30,000 inhabitants by the rebels. Tawergha had been populated mainly by citizens loyal to Qaddafi. On October 30, 2011, Human Rights Watch (2011b) reported that even after cleansing the town, the rebels continued to terrorize those who had been displaced. Human Rights Watch (2011b) received "credible accounts of some Misrata militias shooting unarmed Tawerghans, and of arbitrary arrests and beatings of Tawerghan detainees, in a few cases leading to death." Tawerghans who were interviewed by the International Commission of Inquiry on Libya (2012) described being tortured and forced to confess to crimes they did not commit. The Commission concluded that the attacks against Tawerghans constituted war crimes when committed during the civil war and crimes against humanity subsequent to it.

In January 2012, three months after Qaddafi had been executed, Doctors Without Borders (MSF) announced that it was no longer able to provide medical

treatment at detention centers in Libya because its staff were being delivered patients who showed clear signs of torture. These patients had undergone interrogation sessions involving torture carried out by the rebels. "Patients were brought to us in the middle of interrogation for medical care, in order to make them fit for more interrogation," MSF General Director Christopher Stokes said in a statement. "This is unacceptable. Our role is to provide medical care to war casualties and sick detainees, not to repeatedly treat the same patients between torture sessions" (Doctors Without Borders, 2012). On February 16, 2012, Amnesty International (2012a) reported on attacks carried out by rebels against African migrants, forcibly displacing entire communities. A few days later, Human Rights Watch reported that villages that were home to Qaddafi supporters were being razed and that those who were displaced were being refused access to their homes (Human Rights Watch, 2012a).

In its March 2012 report, the International Commission of Inquiry on Libya (2012) provides a thorough summary of the crimes committed by the rebels subsequent to the end of Libya's civil war:

> Torture and other forms of ill-treatment are prevalent in detention centres, and at least a dozen individuals died as a result of torture at the hands of *thuwar*. The *thuwar* have also carried out revenge attacks against targeted communities perceived as loyalist. The Commission found acts of extrajudicial killings, torture, enforced disappearance, indiscriminate attacks, and pillage. Tens of thousands are prevented from returning home. No investigations have been carried out into any violations committed by the *thuwar* (p. 197).

The former rebels are responsible for some of the most egregious human rights violations imaginable. Without NATO's support, it is unlikely that the rebels would have been in the position to commit the acts detailed above. NATO's refusal to investigate its own actions and its continued support for the rebels while they were committing war crimes during the civil war contributed to a culture of impunity in Libya. The lack of accountability represents a clear case of victors' justice.

9. Filling the Accountability Vacuum?

In November 2011, Brazil introduced the concept of "responsibility while protecting" (RWP) as part of an effort to ensure that the use of force for humanitarian purposes produces as little violence and instability as possible (UNSC, 2011f). The main idea behind RWP is that through committing itself to holding intervening states accountable for exceeding that which is authorized, the Security Council can better ensure the protection of civilian populations. In support of its proposal,

Brazil stated, "In the event that the use of force is contemplated, action must be judicious, proportionate and limited to the objectives established by the Security Council. Enhanced Council procedures are needed to monitor and assess the manner in which resolutions are interpreted and implemented to ensure responsibility while protecting" (p. 17).

Though well-intended, Brazil's proposal is ultimately short-sighted. Even if institutionalized, RWP cannot overcome the ulterior motives problem or the accountability vacuum, which is unfortunate because accountability could be one of the only means to minimizing the ulterior motive problem. Regarding the former, Xenia Avezov (2013) argues, "While it is politically incorrect to say so, intervention is often guided by a calculation of economic, political, and human costs to the intervener. Neither R2P nor RWP realistically address these costs of intervention and how they influence the decision to intervene." Regarding the latter, Brazil's proposal presumes an international system made up of sovereign states that equally benefit from and are accountable to international law, and that the institutions necessary to hold Libya's former rebels and their NATO benefactors accountable for their violations of international law are effective. The reality is that the ICC is plagued by its own biases and has also failed to garner universal recognition. This is evident in that not a single former rebel has been investigated, even though Resolution 1970 referred the situation in Libya to the ICC without limiting the referral to only those crimes committed by Gaddafi's regime. Further, unlike the United States, the United Kingdom and France are members of the ICC, yet neither has been investigated for its complicity in the rebels' crimes. Additionally, even if there were formal mechanisms at the Security Council that could assess the manner in which the United States, United Kingdom, and France implemented Resolution 1973, any attempt at accountability ranging from censure to a more tangible punishment would be vetoed.

10. Conclusion

The responsibility to protect's ulterior motive exemption permits intervention in a humanitarian crisis for the purpose of providing civilian protection when the intervener is driven to do so for reasons other than providing that protection. The purpose of this exemption is to promote intervention in cases in which providing civilian protection alone would not sufficiently motivate states to act. The problem with this approach is that it assumes that the intervener is capable of restraining itself from taking actions that seek to achieve the self-interested objective that motivated its involvement in the first place when such actions may undermine the purpose of the mission.

Evidence shows that NATO's ulterior motive for in-

tervening in Libya had disastrous consequences. The NATO-led intervention was based on a distorted narrative, which was relied upon throughout the duration of Libya's civil war in order to justify NATO's continued involvement, and NATO's continued involvement was needed to ensure that its self-interested objective was achieved. While achieving its objective, NATO violated international law by committing an act of aggression against Libya in violation of the United Nations Charter; by killing civilians in its airstrike without completing publicly disclosed investigations required by international humanitarian law; and by its complicity in crimes committed by the rebels due to its continued military support of the rebels despite being aware that the rebels were committing war crimes and other egregious human rights violations during the conflict. Additionally, NATO failed to act on its responsibility to rebuild when it turned its back to the crimes being committed by the rebels after the overthrow of Qaddafi.

The emergence of R2P was supposed to correct the deficiencies associated with its "humanitarian intervention" predecessor. R2P has successfully shifted the discourse regarding when, why, and how the international community ought to respond to pressing humanitarian crises resulting from a state's neglect or inability to protect its population from mass atrocity crimes, or its active participation in the commission of such crimes. However, it has not yet succeeded in bringing interventionary practice in line with the discourse, and it is not clear currently whether doing so is even possible. Such criticism may seem harsh when considering R2P's relative youth, but it should not be interpreted this way. R2P's ulterior motive exemption is not the root of the problems identified here; the prioritization of self-interests even when these interests are in competition with humanitarian objectives is the root of the problem. Surrounding R2P's ulterior motive exemption with a number of principles that seek to constrain an intervener's actions to those which are required for civilian protection cannot overcome such a great obstacle; nor can the development of responsibilities while protecting.

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Conflict of Interests

The author declares no conflict of interests.

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Commentary

Is R2P a Fully-Fledged International Norm?

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Abstract
This commentary examines whether R2P is a fully-fledged norm. As a normative aspiration R2P is almost universally accepted. However as a standard of behaviour that states implement as a matter of course R2P is far from fully-fledged. By examining state responses to refugee crises in Syria it is argued that powerful states are failing in their special responsibility to protect.

Issue
This commentary is part of the special issue "Mass Atrocity Prevention", edited by Professor Karen E. Smith (London School of Economics and Political Science, UK).

What would it mean to say R2P is a fully-fledged international norm? There are several aspects to answering this question. The first is to understand what we are talking about when we use the term "norm". This word is used to describe both an existing social reality and an aspiration for a new reality. That can be the cause of some confusion. As an aspiration R2P is clear. It articulates a universal standard of appropriate behaviour. States should protect their populations and when they manifestly fail to do that the international community should protect those populations. Because this is clear, and because it was unanimously adopted by states in 2005, we might say the R2P is fully-fledged as a normative aspiration. As Alex Bellamy (2015, p. 12) notes, "the key debates now are ones about how best to implement R2P, not about whether to accept the principle itself". The question becomes more complex, however, when we use "norm" to describe social reality. From this perspective we can say that R2P is a norm because states are more conscious of their responsibilities to protect populations (their own and others) and because they are aware that if they fail to protect their own populations other states (or entities like the ICC)

might intervene in their internal affairs. Bellamy (Bellamy 2015, p. 8) offers strong evidence that this too is clearly the case. The number of United Nations Security Council resolutions reminding states and UN peace operations of their responsibility to protect has increased. States—if not their populations—are more aware of their responsibility to protect. But it seems any description of R2P as a norm (especially a fully-fledged norm) demands more. If we use that term to describe social reality rather than normative aspiration then we are surely using it to describe the *fulfilment* of the responsibility R2P articulates and states accept.

This poses a more demanding set of criteria and opens up a further set of questions. What does it mean to fulfil the responsibility states recognise and do all states have the same responsibilities? On the first, it is far too simplistic to say the continuing commission of atrocities demonstrates the failure of R2P to influence reality. This ignores the fact that states for the most part do not commit atrocity crimes, a standard that—we accept—predates 2005. But more significantly, citing the evidence of ongoing atrocities as evidence of R2P's failure ignores instances where states have acted

collectively to protect populations from such crimes. Evidence that international intervention has actually prevented violence and protected populations is available (UN News Centre 2015). R2P is not simply a matter of declaring the *intention to protect* in an increased number of UN Resolutions. Moreover, we cannot expect R2P to dictate state behaviour because, of course, states do have other responsibilities. These include responsibilities to their own citizens, as well as a responsibility to deliberate with other states as part of a process that is necessary to determine how best to protect. Now obviously there is a risk here that an emphasis on deliberation can be spun in a negative way. We are fully aware that the images of unhurried diplomacy do not look good against the images of immediate suffering. The "do something" mantra *is* always right. But so is the "do what?" question; and in some instances, such as Syria, it is not always obvious about what should be done, which means there is a responsibility to deliberate. As Jennifer Welsh (Welsh, 2013) writes, R2P involves "the responsibility to consider" what can be done to protect.

Deliberation in this sense is necessary to find appropriate solutions to existing problems, but it can also reveal the tragic nature of the problem, which—in its strictest sense—involves making a choice from scenarios that are equally bad (Brown, 2007). But tragedy is not a permanent feature of human relations (Erskine & Lebow, 2012). Deeply embedded in the R2P norm is a responsibility to "reduce our vulnerability to tragedy"—the phrase is Richard Ned Lebow's (2012, p. 65)—and that requires broader conceptualisations of the norm. Take the crisis in Syria as an example. Because the focus has been on events *inside* Syria there is a tendency to say either that R2P has failed to influence events or that protection is not a prudent option. Obviously the Syrian government has "manifestly failed" to protect its population. But has the international community manifestly failed? At the most demanding level, the answer again is yes. It did not come to a consensus in a way that stopped the killing *inside Syria*. But at another level it did accept the responsibility to consider what ought to be done and some access for humanitarian relief operations has been negotiated. But let us look at what has been happening *outside* Syria. From this perspective we get a very different view of R2P. It leads us to consider what more could have been done and it leads us to the second question about whether all states have the same responsibility to protect.

The atrocities inside Syria have caused a refugee crisis outside that state. Aside from dead bodies, refugees are perhaps the most obvious manifestation of atrocity crimes. People protect themselves by fleeing persecution and violence. Because R2P tells us the international community has a responsibility to assist these people and to protect them it surely implies guaranteeing a form of asylum. Again, this predates

R2P. The 1951 Refugee Convention has long since articulated a responsibility to those with a "well-founded fear of persecution". But if the R2P norm is about creating the political will so that states fulfil their responsibilities *as a matter of course*, then R2P (both the scholarly articulation of it and state practice) is not fully-fledged. Few authors talk about asylum as a tool of R2P. Those that do suggest "[t]here may be no easier way for the international community to meet its responsibility to protect than by providing asylum and other international protection on adequate terms" (Barbour & Gorlick, 2008, p. 533; see also Davies & Glanville, 2010; Orchard, 2014). The relative lack of attention, moreover, distorts our assessment of state responses to Syria. The responsibility to protect *is* being fulfilled in those states—Turkey, Lebanon, Jordan, Egypt and Iraq—that have taken in nearly four million refugees between them. R2P's influence is not simply confined to chambers and corridors of the UN in New York. Victims of atrocity crimes are being protected. As far as Syria is concerned, R2P is not entirely failing but the world is relying on five states to uphold it.

This begs the question of what others are doing to assist these states. This is particularly pertinent for those states which claim to promote R2P and for those that have a "special responsibility to protect". The idea of a "special responsibility to protect" is a way of allocating the burden of meeting what would otherwise be an unspecified and general responsibility. This is necessary because there is a risk that R2P—as a general (and somewhat unspecified) norm—will not be fulfilled if states expect others (such as those in the region) to bear the burden. A special responsibility is often thought of as "significantly more strenuous" (Kagan, 1988) than a general responsibility and Mlada Bukovansky et al. (2012) have recently argued that such responsibilities can be allocated based on a capacity to do good. If we take this to be the case then surely the strongest states are failing in their responsibility to protect. As noted, this is not a question of humanitarian military intervention. Military strength is redundant when a military solution is not available. Strength here is the capacity to protect the vulnerable by providing a form of asylum and it is obvious in the case of Syria that the strongest are not meeting their responsibility. Among European states, for instance, only Germany can claim to be meeting its responsibility when considering the number of resettlement pledges per capita alongside GDP per capita. States like the UK, Denmark and the Netherlands "all stand out as being countries which could afford to shelter more refugees of the Syrian conflict" (Gracio, 2015).

Bukovansky et al. (2012, p. 220) also argued that those bearing a special responsibility "should not be entitled to successful appeal to undue costs in those situations where they deliberately, recklessly or negligently created the situation of vulnerability". It is hard

to argue that outside states were culpable of creating the Syrian population's situation of vulnerability. This stands in contrast to the role of outside states such as the UK and Australia in creating the vulnerability of Iraq to Islamic State (Ralph & Souter, 2015). Of course, there was a greater level of previous external intervention there than there was in Syria. One might argue that certain external states bear a special responsibility by virtue of their omissions—e.g. a failure to overthrow Assad—but this is weak given the significant uncertainty that such actions would have eased the population's vulnerability. Many states, not least the Chinese, argued that regime change leads to political instability, which in turn leads to more, if not greater, vulnerability and harm. Their preference was for a political solution that included the Assad regime. Those making this argument can now, moreover, cite external interventions such as Libya in 2011 to make their point. External humanitarian intervention may have been necessary in 2011—a point the Chinese acknowledged with their abstention on Resolution 1973—but regime change (either as a goal or as a consequence of the intervention) always risked creating a power vacuum, which in turn would create a new situation of vulnerability. By 2015 this concern seemed to be realised in the events in Libya.

It might be hard to connect European actions to the cause of the humanitarian crisis inside Syria, but its link to the fate of refugees that have fled the violence is less difficult to establish. Indeed commentators have noted how European actions have *exacerbated* the vulnerability of refugees in a number of ways. For instance, a new fence between Greece and Turkey "stopped migration across the land border, but led to a doubling in—more dangerous—crossings of the Aegean in the first half of 2014" (Anonymous, 2015). In addition the EU cut the resources it devoted to search and rescue missions under the misplaced assumption that such missions were acting as a "pull" factor for migrants and the boat trips would stop if the missions were withdrawn (Anonymous, 2015; see also Davies & Orchard, 2015). It is also possible to argue that the NATO-led intervention in Libya, or at least the failure to leave a functioning government in place, has contributed to the situation of vulnerability. Not only has the civil war there displaced more than 400,000 Libyans, the lack of authority there has hindered a humanitarian response to those fleeing other conflicts as they to try to cross into Europe. The charge that Europe failed in its responsibility to rebuild Libya became something of a political football in the 2015 British election, but that does not mean there was no substance to it (Paterson, 2015). Alexander Betts makes a similar point, suggesting that external powers that destabilize countries through their foreign policies have a moral responsibility to do more. This means going beyond providing asylum – which can mean only protecting those who arrive on one's territory—and acting on a responsibility to assist other states by sharing the responsibility for refugee protection through resettlement schemes (Betts, 2015).

All this suggests the R2P norm is far from fully-fledged if by that we take it to mean states fulfil their responsibilities as a matter of course. But here we agree with Bellamy, R2P has immense potential. States accept it as a normative aspiration. If we are to deliver on that potential, however, we have to take a critical perspective, particularly on the record of those states that have a special responsibility to do more because they have a unique capacity, and especially when they are culpable of creating or exacerbating situations of vulnerability. That does not mean, as we have argued, strengthening further the powerful state's commitment to military intervention. Military intervention poses many risks to the national interest and to the populations the responsible state is trying to protect. We witnessed in 2014 and 2015 the consequences of military intervention in Libya. It was not necessarily inevitable that the 2011 intervention would lead to the collapse of that state, but if military intervention inevitably leads to regime change—which the P3 argued was the case—then the risk of state collapse was always going to be high. Again this does not mean that R2P should evolve in a way that excludes the kind of military intervention that only the powerful states can provide. But it does mean that military intervention is not the only way strong states can meet their special responsibility to protect. These states should, as Jennifer Welsh (2014) has argued, stop looking at R2P as if it is something that is done by functioning states outside their territory and inside the territory of failing states. The responsibility to protect is sometimes best dealt with inside functioning states. This requires a shift in the discourse on R2P so that it asylum is not forgotten as a means of assessing whether the capable and culpable are fulfilling their special responsibility to protect.

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Conflict of Interests

The authors declare no conflict of interests.

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Article

Perpetrators, Presidents, and Profiteers: Teaching Genocide Prevention and Response through Classroom Simulation

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Abstract
Perhaps the most difficult aspect of genocide studies to impart to students is that of genocide prevention and response. However, without a critical understanding of these issues, our future leaders and policy makers may be at a disadvantage when faced with very real genocides. This article explores the benefits and challenges of teaching this topic through classroom simulation at the university level by discussing in-depth one simulation created and used by the author.

Issue
This article is part of the special issue "Mass Atrocity Prevention", edited by Professor Karen E. Smith (London School of Economics and Political Science, UK).

1. Introduction

In December 2014, a United Nations helicopter was shot down near the town of Walikale in the North Kivu province of the Democratic Republic of Congo. Thirty-three United Nations peacekeepers were killed. The UN issued the following statement: "We are deeply saddened by the death of 33 UN troops that were killed in DRC. Their efforts towards peace will not be in vain. We condemn the actions of whoever shot the helicopter down. We also demand they step forward and accept responsibility for their actions. We are currently investigating the situation. The UN is committed to the peace of the region" (Hilsum, 2014)[1]. The situation remained unclear but it was rumored that the missiles used had been supplied by China. Meanwhile, a violent split occurred between two powerful rebel militia groups operating in the region. General Nkende, who has close ties with DRC President Joseph Kabila, ap-

peared to have lost control of a mysterious fellow rebel leader known as the Panther of Kalehe. Though he denied it, Nkende appeared to have issued orders for the Panther to begin an ethnic cleansing of Hutu civilians in the Kivu provinces. CNN reported that this recent outbreak of violence led to at least 10,000 deaths and that "The ICRC is overwhelmed trying to provide aid." (Gladstone, 2014). [2] Despite the recent defeat of M-23 in the Kivu provinces that ethnic and political violence flared again with deadly results including entire villages murdered by forces under the control of General Nkende and the Panther of Kalehe. The resulting refugee crisis displaced thousands more, destabilized the eastern provinces, and exacerbated powerful conflicts between Uganda and Rwanda and the Democratic Republic of Congo.[3]

Fortunately, none of these events actually took

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[1] This is a fictional blog entry written by a student playing a freelance reporter in the class.

[2] This is a fictional article written by a student in the class.

[3] All of the fictional events in this scenario were developed by students in HIST 4740: Comparative Genocide at the University of Nebraska-Omaha.

place but were generated in the course of a four week Genocide Prevention and Response Exercise (GENPRE-VEX) which took place in the context of my course on Comparative Genocide at the University of Nebraska-Omaha. This multi-faceted exercise included seeking to define a genocide, to determine the motivations of the perpetrators, and to illustrate the challenges in orchestrating a response. In this article, I will explore the difficult challenges of educating students at the university level not only on genocide but also on its prevention and the responses to it. As part of this contextualization, I will focus on the GENPREVEX that I used in the course, describing its methodology and the advantages as well as challenges of the exercise. This discussion addresses the benefits, difficulties, and considerations associated with using a simulation pedagogy at the university level to teach about responses to genocide in the modern context.

2. Teaching about Genocide in the University Classroom

> Genocide is a study that often forces students and adults to make a "leap in their imagination" because "their vocabulary of morality fails them and their vision of a normal world is forced to expand to take in the most divergent visual and written images." - Strom, Margot Stem, and William S. Parsons, *Facing History and Ourselves: Holocaust and Human Behavior.* (Parsons & Totten, 1991, p. 86)

Genocide education in the university classroom continues to be seen in the context of Holocaust education because the Holocaust was the first genocide to receive real attention at both the secondary and higher educational levels. Even the teaching of this important topic received relatively little attention until the 1970s when a combination of public interest and the rise of Holocaust denial spurred a push, led in large part by survivors, to include the Holocaust in educational curricula. The goal in doing so was to combat both benign ignorance and outright denial. Looking back after forty years, it is not perhaps not surprising that, for some, "the Holocaust became the hegemonic model of genocide." (Apsel, 2004, p. 109) Battles over the uniqueness of the Holocaust have contaminated both the study of this period and of the larger topic of genocide. For many, the Holocaust is seen as a singular and/or unexplainable event. It is also often, therefore, seen as without comparison, sometimes to the extent that any attempt at comparison is seen as disrespectful. Such a viewpoint places the Holocaust outside the realm (and hence discussion) of genocide in general. As a result, the "other genocides" fall by the wayside as they "do not have a critical mass (as the Holocaust does) that advocates for the inclusion of such information in the classroom"

(Totten, 2001a).[4] Therefore, one must recognize that theoretical and philosophical approaches to understanding the Holocaust remain pivotal in our approach to "other" genocides and toward a comparative perspective.

As such, one of the challenges of teaching "other" genocides has sometimes been the artificial pressure to measure non-Holocaust atrocities in comparison with the Holocaust.[5] Fortunately, more and more educators are teaching about genocide in its own right in formats in which the Holocaust is *one* genocide among many without need for an "Olympics of suffering" which attempts to privilege the pain of one victim group over another. We now see that both Holocaust and Genocide education can coexist without competing. This is evident most clearly at the university level in the proliferation of Holocaust and Genocide Studies centers, programs, and curricula. Indeed, the Holocaust can now be a helpful entrée into the field of comparative genocide. Teaching about genocide at the secondary level, however, lags far behind. Holocaust and Genocide scholar Samuel Totten sees the teaching of genocide as falling into what Elliot Eisner calls a "Null curriculum." Eisner defines this by saying "what schools do not teach may be as important as what they do teach….Ignorance is not simply a void [;] it has important effects on the kinds of options one is able to consider; the alternatives one can examine, and the perspectives with which one can view a situation or problem." (Totten, 2001a, p. 209) Thus, one might argue that a comprehensive study of genocide offers opportunities that a more narrowly focused course does not. This is not, of course, an attempt to advocate the removal or minimization of the Holocaust in our curricula but rather to argue *for* the *addition* of genocide studies as a natural partner for such courses and *against* the construction of an artificial boundary between the two. It is perhaps ironic (or perhaps fitting) that the word "genocide" first appeared in print in a book about the Holocaust—Rafael Lemkin's *Axis Rule in Occupied Europe*. Lemkin coined the term in 1944. Indeed though, it must be pointed out that Lemkin himself formulated the concept of genocide in the wake of the murder of Armenians during World War I rather than the Holocaust (Bartrop, 2012, p. 186; Schabas, 2009, p. 30).

So why teach about genocide? One answer is that "a fundamental reason for studying genocide is to provide students with information and learning opportunities that will help them examine questions of human behavior" (Parsons & Totten, 1991, p. 86). That is to say, the all-encompassing nature of genocide provides opportunities for students to explore complexities that

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[4] Here, "other genocides" is used by some as a linguistic minimization when compared to the Holocaust.
[5] Even the term "other genocides" perhaps mistakenly imparts a uniqueness to the Holocaust.

continue to exist in the world around them and to compare how varying circumstances and individuals in different times and for different reasons resulted in the mass killing of innocent human beings. Indeed, it is in the comparison that students often find the most intellectual growth. A second pressing motivation for teaching about genocide as its prevention is that genocides, sadly, remain frequent occurrences in modern life. The study of the Holocaust may inspire students to become socially active against discrimination and violence in the world, but, given their focus on more recent mass atrocities, courses in genocide studies more often demand that students "not only to learn about the complex processes of history and human destructiveness but also to act, to intervene, and to become engaged in constructive human actions" (Apsel, 2004, p. 120). Indeed, including the prevention aspect in such courses seeks to "develop our sense of the ongoing challenges of being part of an engaged, committed citizenry" (Apsel, 2004, p. 124). Calls for actions about today's potential genocides and mass atrocities accompany teaching about genocide almost explicitly and these calls must go beyond the platitude of "raising awareness." We are challenged to ask how we will respond and prevent these tragedies in a way that Holocaust education does not always overtly demand. Fortunately, more and more, the Holocaust can be seen as "entry point to a 'multidirectional memory'" that does not exclude comparison or discussion of other genocides (Bos, 2014, p. 417). Current events throughout the world reinforce the fact that leaders who can recognize, prevent, and/or respond to genocides will continue to be vital players in the protection of human rights around the globe.

3. HIST 4740: Comparative Genocide

"Teachers need to send a clear message to students that studying complex human behavior usually defies simple answers." - William Parsons and Samuel Totten (Parsons & Totten, 1991, p. 87)

Designing a course in comparative genocide can be a daunting prospect. First, it must be noted that this article is based on a U.S. university level course. Time available, accessibility, and other teaching requirements will vary at different educational levels and in different countries. Thus, the discussion of the course and the GENPREVEX should be seen as one approach that can be modified to suit different student audiences. Creating an effective comparative genocide course by its very nature entails mastery in several different content areas. First, students must struggle with the very definition of what genocide is and the historical development of the term. Second, they must also understand the nuances of human psychology as it relates to perpetrators, victims, and bystanders. Third, they

must be conversant in the complexities of multiple genocides. Lastly, they must begin to tackle the immensely difficult issues of genocide prevention, the responsibility to protect, responses to genocide, and various forms of post-genocide justice. These admittedly lofty goals motivated my development of HIST 4740: Comparative Genocide at the University of Nebraska-Omaha.

The course relied on Ben Kiernan's monumental *Blood and Soil* as the foundational text in addition to three other assigned texts (see footnote).[6] We began with a discussion and debate about how to define genocide. Thus, from the very beginning, complexity formed a main theme of the course. Our next series of lessons focused on the psychology of genocide beginning with Milgram and Zimbardo and discussing recent scholarship on why people kill (Milgram, 1969; Staub, 1989; Waller, 2002; Zimbardo, Musen, & Polito, 1992). We then moved on to our first genocide, that of the Native Americans in the United States (Lindsay, 2012). Each four-lesson block covering a particular genocide started with a general introduction from Kiernan's coverage of the event. This introduction was then enriched by detailed readings which relied heavily on as much witness and perpetrator testimony as possible. We then studied the Herrero-Nama Genocide (1904–1907), the Holocaust, the Cambodian Genocide, and Rwanda: Herrero/Nama Genocide (Olusoga & Erichsen, 2010), Holocaust (Borowski, 1967; Browning, 1992; Levi, 1993), Cambodia (Ung, 2000), and Rwanda (Clark, 2010; Gourevitch, 1998; Hatzfeld, 2005). Our historical and geographical examination of genocide closed with students examining various issues regarding prevention, justice, and reconciliation (Heidenrich, 2001; Sewall, Raymond, & Chin, 2010). By carefully choosing a few examples as well as thematic material, I hoped to avoid a common problem with comparative genocide courses, namely that "we usually try to teach too much…We are addicted to coverage" (Parsons & Totten, 1991, p. 86). Naturally, some may feel pressures to include certain genocides, but ultimately at the university level the decision rests with the professor. In our course, with a detailed but hopefully manageable understanding of the history of genocide in various contexts as well as the complexities of prevention and response in the modern era, we began the capstone project for the course: the Genocide Prevention Exercise or GENPREVEX.

4. Walking in a Pedagogical Minefield: The roots of the GENPREVEX

"Any simulacrum [of the Holocaust] would be unspeakably vulgar." - Thomas Laqueur (Schweber, 2004, p. 60)

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[6] Graduate students also read (Stone, 2010). Other mandatory reading was Olusoga & Erichsen (2010), Stearns (2011), Stone (2010) and Ung (2000).

How do we introduce students the complicated mission of identifying, preventing, and responding to genocide in the present? This task is difficult for a variety of reasons. First, finding a "potential" genocide to study in the context of prevention can be difficult as one is often forced to prove a negative. That is, one must find a place where a genocide did not occur or was prevented which can be a difficult endeavor. Secondly, finding source material beyond journalistic sources that deals with the complex interplay of domestic politics, international strategy, issues of sovereignty, NGOs and corporate activity, and national security interests can be overwhelming for students. Lastly, textbook and secondary material (while important) usually speaks in generalities that are easy for students to simply agree with but which do not often challenge them to imagine their implementation on the ground.

In order to address some of these issues, my approach was to create a simulation where students would take on the roles of the myriad of actors in genocide prevention and response. In choosing to run a simulation, I knowingly entered into a pedagogical region of virulent debate. The central issue stems—as many in genocide education do—from Holocaust education. It is not at all uncommon for educators (most often at the secondary school level) to attempt to impart some form of knowledge about the Holocaust through some experiential activity. Almost without fail, these events are so deeply problematic that we might question why anyone would attempt them. Yet teachers continue to do so. One method is an attempt to encourage "identification" through literature. P.R. Bos argues that this approach assumes "that it teaches 'empathy, compassion, and history' in students, and makes them better witnesses to the event" (Bos, 2014, p. 413).

Interestingly, he goes on to note that "in European schools, even in the education of 14–18-year-olds, identification with the victims is not the goal. It would have seemed improper to us, for both non-Jews and Jewish children of survivors alike, to presume that we knew what this kind of suffering was like, or to compare our own experiences to theirs." (Bos, 2014, p. 413).

An even more problematic option is when teachers turn to simulations. These "simulations" often involve segregation, embarrassment, and menial labor as a way of teaching the marginalization that Jews felt. In one such exercise in South Carolina, students played Jews one day and Germans the next. The teacher leading this exercise then made a cringe-worthy observation: "'The students in the first group were pretty downtrodden,' she said. 'Then their talk changed. It's very interesting to see how quickly they switch roles. I've had several say, I'm so glad I'm German today'"(Phillips, 2011). In another Holocaust simulation, students were made into victims complete with numbers inked on their arms. One participant summed up this destructive pedagogy aptly, saying: "It's kind of irri-

tating, but it's only one day" (Fittes, 2015). As Samuel Totten unequivocally notes, "the best advice in regard to simulations intended to provide students with a sense of Holocaust history, including what the victims lived through and/or the choices that both perpetrators and victims made, is to *avoid them* [emphasis mine]" (Totten, 2001b, p. 251). There is also the issue of honoring and respecting the experience of victims and survivors. For example, could we really simulate the experience of the gas chamber? Of course not. That space, above any in the Holocaust, is one with no witnesses, no survivors. It is truly an unknowable space. Moreover, the danger that any student would walk away from such a simulation believing that they "knew what it was like" is a most disconcerting thought. Ill-conceived simulations are not confined to the Holocaust either. In 2006, mtvU and the Reebok Human Rights Foundation facilitated the creation of a game called "Darfur is Dying" in which users choose to play a member of a Darfurian family during the genocide in Sudan (http://www.darfurisdying.com). The designers note that the game "provides a window into the experience of the 2.5 million refugees in the Darfur region of Sudan." (Ruiz, York, Stein, Keating, & Santiago, 2006). The surrounding educational material and ways that one can take action are excellent, but the game itself is simplistic and unhelpful in generating an understanding of the conflict. It is important to note that most mainstream Holocaust and Genocide museums and educational institutions do not support pedagogies that are experiential simulations. (USHMM's site "Guidelines for Teaching about the Holocaust", http://www.ushmm.org/educators/teaching-about-the-holocaust/general-teaching-guidelines; Bos, 2014) Regardless, this is a continuing problem in some areas, particularly secondary schools.

So why consider a simulation or exercise at all? I felt that in order to help my students understand the most difficult topics of the course—genocide early warning, prevention, and response—the best approach would be for them to experience for themselves the complexities of decisions and the variety of actors and perspectives involved.[7] The addition of such a project adds an explicit focus on activism and respect for human rights that often remains tangential when conducting an historical survey of genocides. As Betty Reardon, founder of the Peace Education Center at Columbia notes "neither education for action nor education for reflective contemplation characterizes courses in peace studies or peace education. Rather, the learning objectives are still too often built upon traditional educational goals of subject matter mastery" (Reardon, 2013, p. 5). A well-conceived simulation can take students into a world where they can make their own de-

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[7] Simulations are *de rigeur* in a variety of other disciplines such as political science when dealing with other subject matter.

cisions and get a glimpse of the complexity of interactions between actors. However, Professor James Brown proceeds cautiously, pointing out that, "game-like simulations may aid the process of dialogue and subsequent critical consciousness that leads to action. But even the best simulations require great care, lest they become mere entertainment" (Brown, 2007). The director of the Stanford History Education Group, Sam Wineburg, insightfully notes "all endeavors in history education inevitably encounter the tension between the knowable and the unknowable as it is woven into the very fabric of the discipline" (Schweber, 2004, p. 62). A properly designed and thoughtful simulation has the potential to bring the unknowable to students in a way that reading and discussing texts alone cannot.

For all these reasons, I decided to have my students work their way through a genocide simulation. However, I also recognized that the ethical problems of simulating an historical genocide (like the Holocaust) made a choice of reenacting history simply impossible and, to me, unpalatable. The obvious workaround seemed to be to build the exercise around a genocide that had not occurred but *could* occur in the present context. In searching for a setting that met these requirements, I decided upon the Democratic Republic of Congo, particularly the eastern Kivu provinces, an area which has a history of genocide and mass atrocity and constantly ranks high as the site for a potential genocide by the standards of NGOs such as Genocide Watch. Its experience with genocide is current enough for there to be a good deal of information on both the history and the actors, many of whom are still in power. In addition, having spent time in the DRC, I bring a personal connection and perspective to the topic. Lastly, students had read *Dancing in the Glory of Monsters* by Jason Stearns prior to beginning the simulation. There is no reason that instructors could not choose a different hot spot for their exercise. In any case, by choosing a believable but fictional genocide, I opted to give students more room for charting their own courses while avoiding any attempt to simulate the "experience" of genocide. Students would play the roles of actors and make decisions, but they would not engage in experiential forms of simulation as those mentioned above. They would also, admittedly, not focus on the victim experience.

The design for the GENPREVEX was inspired by several other pedagogical simulations. A major influence was the "Reacting to the Past curriculum" developed at Barnard College. The RTTP teaching format

> consists of elaborate games, set in the past, in which students are assigned roles informed by classic texts in the history of ideas. Class sessions are run entirely by students; instructors advise and guide students and grade their oral and written work. It seeks to draw students into the past, promote engagement with big ideas, and improve in-

tellectual and academic skills. ("Reacting to the Past," 2014)

RTTP "games" ask students to play roles in historical events from "The Threshold of Democracy: Athens in 403 B.C." to "The Trial of Anne Hutchinson: Liberty, Law, and Intolerance in Puritan New England." Each published game includes a "game book" which delineates the historical context and rules of the game, an instructor manual, and a series of companion texts and primary source readings. There are no Holocaust games and only one genocide-related game, "The Needs of Others: Human Rights, International Organizations and Intervention in Rwanda, 1994", which is in development.[8] The games provided by RTTP touch on very important aspects of history throughout time and place but few of them treat such difficult and emotionally fraught topics as genocide or mass atrocity.[9] Thus, for the reasons already mentioned, I had departed immediately from the RTTP model by choosing a fictional event that had yet to happen. This meant that the exercise was open-ended and not constrained by a history that had already happened. Though I maintained the use of "victory conditions," they served more as guidelines than as strict tools for assessment of success or failure. Regardless, the model of the RTTP was immensely helpful, particularly in creating the necessary course materials.

RTTP is not the only organization that has relied on similar exercises. Former Secretary of State Madeleine Albright uses an intensive simulation when teaching future public policy students. In a 2012 interview, she noted "I have found it helpful for my students to participate in crisis simulation exercises, where each is allowed to play a role" (Kanani, 2012). COL (ret) Dwight Raymond, a co-author of the U.S. military's handbook on Mass Atrocity Prevention and Response Operations, helps run genocide simulations like the one held at Stanford University in 2015. This simulation required participants to "work within an interagency framework to formulate U.S. government policy options to mitigate mass atrocities in Syria, drawing on the range of tools available to policymakers, including sanctions, accountability mechanisms, humanitarian assistance, strategic messaging, and armed force" (MAPRO, 2015). In 2012, representatives from fifteen government agencies had taken part in a similar table-top exercise which was termed an "action conference, not a discussion conference" aimed at helping leaders execute actions on the ground in a related military exercise. A facilitator reported that "[the exercise] replicates what happens in the real world and provides the most realis-

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[8] I would like to thank the author, Kelly McFall, for sharing his insights and his work on this particular game with me.

[9] This is, of course, not to minimize the importance of the topics covered but simply to note that the issues covered tend to be more historicized and distant than the Holocaust and genocide.

tic training environment for our training audiences" (Hernandez, 2012). Thus, I sought to draw on a variety of precedents in creating a useful simulation of genocide prevention and response.[10]

5. Genocide Simulation in the Classroom

At the beginning of the Fall semester in 2014, I assigned students their roles for the GENPREVEX. The roles were dependent on the number of students. The roles in play during this simulation are listed below:

> President of the United States (Barack Obama)
> Secretary General of the United Nations (Ban Ki Moon)
> President of Rwanda (Paul Kagame)
> President of Uganda (Yoweri Museveni)
> President of China (Xi Jinping)
> MONUSCO Commander (LTG Carlos Alberto dos Santos Cruz
> Oil and Mineral Corporation (a fictional company, AU79)
> Human Rights Watch
> International Committee of the Red Cross (Peter Maurer)
> Journalist #1—Mainstream Media (i.e. CNN, Fox, etc)
> Independent/Freelance Journalist
> Rebel Leader (Raia Mutomboki Group—*Génocidaire*, Gen. Nkende, a fictional character)

I debated between choosing the roles for the students or allowing them to choose. Ultimately, I decided to choose for them. This allowed me to both play on the strengths of individual students and to place others outside of their comfort zones. For example, I had two veterans in the class; one was given the role of the Secretary General of the U.N. rather than the military commander of UN forces to place him in a diplomatic rather than military position. Conversely, the second student, a graduate student, was given the role of *génocidaire* as the leader of a rebel group in Eastern DRC. This played to both his experience in the military and also his maturity which was crucial to this role. Student feedback seems to support this choice. One student noted that he "had little if any knowledge about International Corporations and the role they played going in." He went on to become a very adept player. Other students preferred being assigned roles because, naturally, some roles were more ethically suspect than others, particularly that of the perpetrators. One student

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[10] The United States Institute of Peace runs a series of simulations for policymakers, many of which focus on response to atrocities, both real and fictional. For a list of some of these, see http://www.usip.org/simulations

noted assigned roles "relieved the class of any misgivings about playing a morally reprehensible person or faction [and] relieved anyone from asking to play the *génocidaire* or classmates believing someone wanted to play this role." This is an important insight and should not be misread as removing the moral/ethical component from play but, rather, allowing the students to play their roles as honestly as possible without worrying that they were being judged by their classmates.

Assigning roles at the outset of the class gave the students twelve weeks to research the historical context and behavior of their role in the Great Lakes region of Africa before the exercise began. Several assignments over this twelve-week period helped ensure that each student was fully prepared to participate in the GENPREVEX. First, all students read *Dancing in the Glory of Monsters: The Collapse of the Congo and the Great War of Africa* by Jason Stearns, a book which lays out the complexities and roots of violence in the modern Democratic Republic of Congo. Secondly, students were required to read and report on media, journal articles, and one book related to their role and its historical context. Thirdly, prior to the beginning of the exercise, each student was required to craft a preliminary strategy. Finally, at the end of each week of the exercise, each student wrote a summary and reaction from the perspective of their role. All of these products and more went into the cumulative creation of a portfolio to be turned in at the end of the semester. In this way, students remained connected to their roles in a present, fictional genocide while studying the details of multiple past genocides. As one student reflected, "Course readings were very important for understanding the context and history of the roles played by all of the students in our simulation."

Each role contained a brief background to the individual or organization as well as a series of victory and defeat conditions meant to help guide the behavior of the player. It was, however, made clear to students that their grades were not dependent on winning or losing but on how accurately and honestly they played their role. Below is one example of an assigned role and its description:

> ***International Corporation***
> *You are a major multi-national corporation specializing in electronics, especially mobile electronics. As such, the minerals you need that are available in eastern DRC are vital to your business. And if you can get them more cheaply than your competitors, so much the better. You have one allegiance first and foremost: to your shareholders. Your mission is to increase the value of your company so that they (and you) make money. If this means that you engage in some…questionable…business practices you are willing to consider it.*
> *On the other hand, you are certainly aware of the*

possibilities of a public relations disaster if some of your "partnerships" become public. You seek to protect yourself by working through middlemen on the ground to supply you with the materials you need, even if this means dealing with rebel groups that are committing atrocities. You don't see yourself as responsible for criminal activity as you are simply buying minerals…for the moment.

Victory Conditions
You may win if at the end of the game:
- *You have established strong relationships with mineral suppliers in the region.*
- *You have increased the value of your company (GM discretion)*
- *The conflict is ongoing such that your bottom line benefits*

You may lose if at the end of the game:
- *Your sketchy relationships in DRC are revealed by the press*
- *The violence is successfully ended or reduced*
- *The rebels are defeated*

Suggestions and Guidance
You need those minerals and eastern DRC is the best place to get them for cheap, giving you an edge on your competitors that translates to dollars back home and makes your yacht payments. You should do everything you can from this perspective to make sure that protect these dealings.

Powers and Responsibilities
You have money. Lots of it. How you spend it is up to you. You may consult with the GM about the many ways you can employ this resource. Some are more savory than others, but each can have its own results that may be useful to your ends. You are not completely immoral (more like amoral). You see the conflict as separate from your business dealings.

All this preparation resulted in a powerful simulation. I should note that it was intended that a genocide at least begin to take place in order that the students have to respond to it. The learning goals regarding the prevention aspect were gained from reflecting on the developing genocide and brainstorming wargaming what *could* have been done to prevent it. Nothing about the exercise or the course suggests that genocide is inevitable; throughout the course in their assigned readings, students are repeatedly confronted with both historical efforts to prevent genocide and the current theories of R2P and genocide prevention.

In 2014, the fictional Congolese mass atrocity of 2014 began with ethnic tensions in the eastern province of North Kivu, led by a mysterious rebel leader of a Raia Mutomboki group. This group's leader fought un-

der the pseudonym "The Uncle".[11] He sought to unite various groups of local militia to attack Hutus who he associated with FDLR (*Forces dèmocratique de liberation du Rwanda*) from Rwanda that had committed atrocities against Congolese Tutsis. "The Uncle" laid out his plan in his initial game plan in part by writing "my first step will be to negotiate with fellow Raia groups, offer assistance to the Tembo and Kifuafua ethnic groups that look toward my faction for protection, and finally to secure an operative deal with corporate and/or Chinese representatives in order to begin the flow of resource trade." He was, in fact, successful enough to gain DRC President Joseph Kabila's support and emerge as General Nkende. Very shortly, however, things began to spiral out of control. The Uncle's actions, masked by his concerns for security, quickly led to the targeting and murder of Hutu civilians. This, in turn, led to a burgeoning humanitarian crisis as thousands of refugees and survivors flooded the roads in search of safety in the larger towns of the region. The Red Cross recognized the danger and began to develop a plan to assist these refugees, but found itself stymied frequently by a variety of complications. Human Rights Watch as well began clamoring for action but found little interest in the real power brokers. These frustrations were borne out by the students playing these NGOs. One remarked that "as an NGO, you have no idea what to do or where to do it, and you're frantically trying to meet with leaders that couldn't care less about you."

Meanwhile, negotiations were taking place behind the scenes between the Uncle and President Kabila. In return for legitimacy, the Uncle, now in the open as General Nkende, pledged to support Kabila's policies in the region (while Kabila helpfully looked away from the militia's human rights abuses). It is important to note here that the GENPREVEX format allows actors to shift in their roles during the course of the exercise. They can begin as victims and become génocidaires. In addition, they can move from rebel to an instrument of the government as Nkende does. The UN was slow to act, attempting to build a consensus with Uganda Rwanda, and the DRC before moving on these rebel groups. Naturally, this allowed the militia to commit more atrocities and to gain more support. Moreover, Uganda and Rwanda's interests historically have been to increase their own control in the region and so they were less interested in how to prevent violence than how to turn it to their advantage (Prunier, 2009). The students playing these roles did a superb job of aggressively pursuing their own goals in the region. As the Red Cross struggled to set up camps for refugees, our fictional

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[11] The Raia Mutomboki are a group of paramilitary militias operating in the North Kivu province of DRC. For more, see (Stearns, 2013). This and other information about the DRC is available online at http://www.riftvalley.net/publication/raia-mutomboki

corporation, AU79, sought to make deals with a variety of actors to secure its mineral interests in the region. This eventually led it into an agreement with various rebel groups in exchange for their operation and safeguarding of mineral extraction as well as to China's more distant involvement in this process. Frequently, we would use maps that partially depicted the current situation on the ground. These maps would be updated before each class meeting (see Figure 1).

Our student journalists struggled to sort out the truth on the ground and were required to publish several articles each week which one did with the aid of a fantastic online application they discovered: Newsjack (see Figure 2; http://newsjack.in). Our mainstream reporter, working for CNN, published via the fictionalized Newsjack website while our freelance/independent journalist, who was on the ground, published via a blog, DRC Daily (http://drcdaily.blogspot.com).

Student journalists actually conducted interviews with various actors in character inside and outside of class, sometimes even scoring exclusive interviews. In addition, their efforts affected the other players. As one participant noted, "everyone was much more involved than I thought, and everyone stayed in character even outside of the classroom. It was intricate and often I would call up classmates with frantic concerns after an e-mail was blasted out or a story was leaked."

Given the amount of contact outside of class and the fictional nature of the simulation, which allowed for many contingencies, I, as the facilitator, at times was called upon to act in a "God" role or to play roles which lacked students or became necessary. I would also selectively leak information to various parties based on what they could be expected to know to help spur action and move the simulation along. One of the more interesting of these roles was as the "Panther of Kalehe." The Panther was a local militia leader initially allied with General Nkende. However, he eventually chafed at the normalization of relations with Kabila which failed to benefit him and began escalating violence on his own, in defiance of Nkende's attempts to control him. When his troops shot down a UN helicopter with missiles supplied by China in an attempt to undermine the general's legitimacy in the region, the situation escalated even further. MONUSCO, the UN armed force in the region was slow to act, not least given the military weakness of troops supplied by member nations which accurately reflected the reality on the ground. As the semester (and the simulation) ended, MONUSCO was preparing a major offensive against the Panther but was hamstrung in dealing with Nkende due to his close ties with Kinshasa. The United States was providing intelligence and considering limited Special Forces action in support of MONUSCO. During and after the simulation, students reflected on the issue of prevention as well. One of the most common suggestions by students for improvement was that the simulation be allotted more time than four weeks to allow them to develop their actions even more deeply.
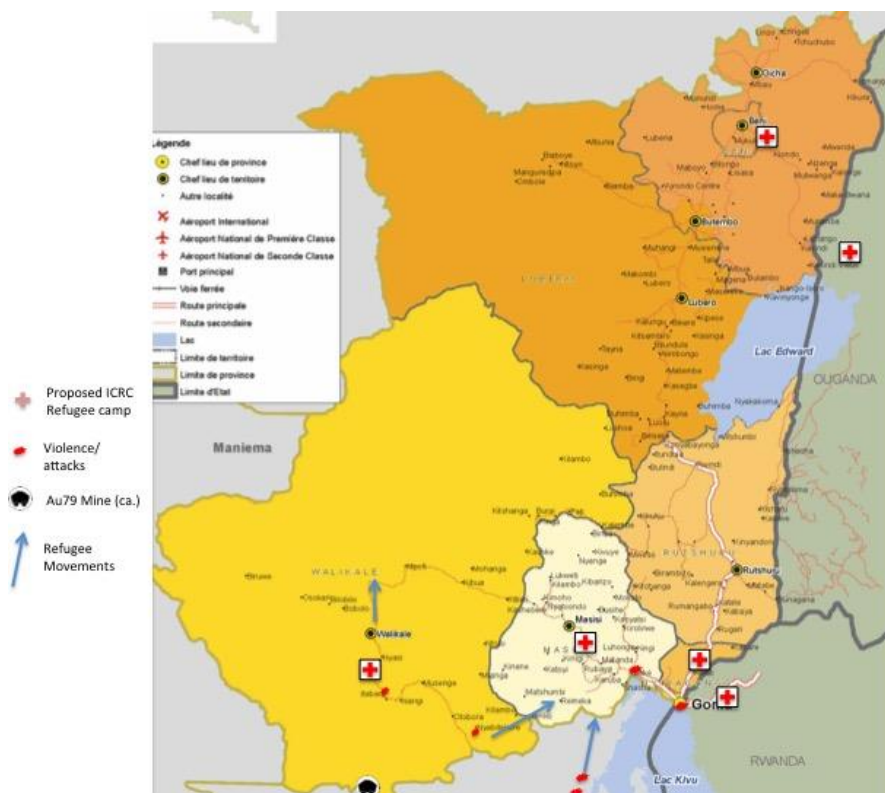
Figure 1. Map depicting attacks on civilians, movement of refugees, gold mines, and locations of proposed Red Cross refugee camps.

Figure 2. One of the first news articles out of the simulation.

6. Conclusions and Outcomes

"The students played to the self interests of their factions well enough to reveal the machinations that enable genocide in ways I did not expect." - Student feedback, 2014.

Overall, this simulation demonstrated what I found to be one successful approach to bringing the complexities of genocide to life for students in a way that was neither simplistic nor disrespectful to the memory of historical atrocities. At the beginning, I was admittedly concerned about the possibility of simulation becoming more about winning and "fun" than about learning. Yet, I was pleased to find that this was not the case. While students reported being excited about taking part in the simulation and while there were certainly moments of levity, on the whole, participants became very careful stewards of their roles. As one remarked, "students took their roles seriously and showed a great deal more motivation than I would have hoped for." In addition, as the facilitator, I was able to call "timeouts" and to step in at times to highlight key phenomena that were occurring. I was also able to be a resource for individual players to access when considering their next move or when they needed the position of a role or actor not present in the simulation to be played. Students were able to reach levels of complexity that were often incredible. Our investigative reporter published a story on forced prostitution in the corporation's mining camps and was then threatened with deportation by the Congolese government. The Secretary General of the UN called for several summits which often devolved into bluster by all sides; much more seemed to be accomplished behind the scenes via bilateral agreements and even then, the UN found itself often unclear on who to trust. As a result, Ban Ki Moon and President Obama directly confronted one of the major complexities of genocide prevention and response, in this case, sanctions:

"Knowing that the UN and America were the big contributors, we discussed pulling funding. The problem is that would've hurt the DRC President but moreover it would've been detrimental to the people. Many decisions fell into a similar predicament; one action, against or for, the leader has 10 times the effect on the population. Sometimes we think of the simple fix which could be easier to accomplish and it would take less money and less resources. When actually sitting in the position to make that call, it changes things."

Students appear to have really been able to grasp some of the key issues surrounding intervention in genocide on the ground. As one noted, "I don't think it is a stretch to believe that students understood the 'mental gymnastics' groups and individuals go through as they decide to ignore or support a perpetrator of genocide, but they likely got a better view of these an other forces in action."

What were the lasting outcomes of this exercise? First, students improved their academic research and critical thinking skills. I would echo my colleague's observation from her RTTP experience that for some students "especially those who have learned how to navigate the [traditional academic] system and find themselves at ease in the traditional lecture-review-test schema, role-immersion games can be perceived as a destabilizing step out of their comfort zone, requiring the mastery of skills that go beyond good comprehension of the text, attentive note-taking and retention of key information" (Saltamacchia, 2015, p. 7). One participant in the simulation noted that "it forced you to research in a way that you normally wouldn't." Students needed to deal with scholarly material, historical contexts, recent journalistic media accounts, as well as the fictional material generated by their classmates and this challenged them in a way that a more standard presentation might not.

Secondly, students seemed to gain a greater appreciation for the complexities of mass atrocity prevention and response when it was taken out of a textbook and placed before them in "realtime." This simulation became very real and stressful as one participant remarked. "For example: when the [Uncle who] was allegedly committing genocide was given a high ranking position in the army and had legitimate power, I had to deal with dozens of phone calls from frantic individuals trying to conduct damage control." Bear in mind, these are real phone calls from other players outside of class. For some students, the simulation opened them to further investigation of genocide on their own. Our corporate executive reported that "I had little if any knowledge about International Corporations and the role they played going in. Now I am actively looking at conflict mining and how it plays a role in genocides." Another reflected that, "I learned a lot, think about this

stuff *all the time* [emphasis student] while listening to the news." Finally, in summing up, one participant explained that "even as information kept coming out about the actions of corporations and rebel groups as well as the surrounding countries it really showed the complexities as well as reluctance of the international community to act. Lack of response even in a controlled setting was very powerful."

Student feedback and learning outcomes from the course suggests that many became more aware of the importance of taking action to prevent genocide and the many actors involved. The GENPREVEX appears to have addressed one of the key goals of U.S. education as articulated by the United States Holocaust Memorial Museum, "to examine what it means to be a responsible citizen" (USHMM "Why Teach About the Holocaust?", http://www.ushmm.org/educators/teaching-about-the-holocaust/why-teach-about-the-holocaust).

What does this discussion tell us about the utility of simulations in both teaching about genocide and in inspiring students to become responsible stewards of human rights in a global context? First, it shows that we *can* conduct a simulation without venturing into dangerous ethical waters and by minimizing the danger of oversimplifying an historical event. By NOT choosing an actual genocide, such as the Holocaust, we instantly avoid the danger of attempting to recreate an experience that we cannot possibly feel or understand in the ways that its victims did. Secondly, it shows that we can and must place the simulation in the historical context of comparative genocide with the recognition that all genocides have elements in common; without this recognition, our students and future policymakers will lack the ability to recognize these recurring warning signs in modern genocides. As Joyce Apsel reminds us, "by studying the similarities and differences of processes and patterns of destruction, students gain a deeper understanding of how elites compute a calculus of genocide and decide that eliminating certain groups is a politically effective policy. Emphasizing the "rationality" of genocide is crucial." (Apsel, 2004, pp. 117-118). This exercise appears to have been successful in doing this for its participants.

Perhaps I should close with some thoughts on the future of simulations in teaching about genocide. I reiterate the critiques and general condemnation of attempting to create experiential simulations of past genocides aimed at getting students to "get" what it was like. However, I suggest that simulations like the GENPREVEX allow us to sidestep this danger by focusing on the modern complexities faced by decision-makers in a world of gray, where clear distinctions between right and wrong are few and where they are free to attempt their own actions without the constraints of what actually happened. None of this is possible, of course, without the significant historical background of past genocides gained in the first part of the

course. A simulation such as this can be scaled up to include more actors and with a knowledgeable instructor facilitating can be guided to highlight a myriad of different issues. Lastly, it seems that exercises such as these *do* motivate students to be more aware of the world around them, the potentials for genocide globally, and the decidedly complicated factors affecting our response.

Conflict of Interests

The author declares no conflict of interests.

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