The Promise of Pillar II

Analysing International Assistance under the Responsibility to Protect

In the lead up to the 10th anniversary of the Responsibility to Protect (RtoP) agreement, pillar II (which refers to international assistance with state consent) was heralded by the UN Special Advisor on RtoP as the most promising aspect of the Responsibility to Protect. With so little written on pillar II, however, it is difficult to evaluate this judgement. Addressing this lacuna, the article scrutinises the promise of pillar II to highlight two key strengths. First, the consensual support for pillar II amongst UN Member States reveals that even those that were critical of the RtoP in the aftermath of Libya in 2011 still favour the idea of international assistance. At the same time, there remain concerns over the use of force within pillar II as illustrated by events in Cote d'Ivoire in 2011. Second, pillar II's utility lies in its potential for addressing the threat posed by non-state armed groups. This is particularly important when one considers that in thirteen of the fourteen years since 2000, rebel groups (rather than governments) have been the primary perpetrators of one sided mass killing against civilians in wartime. Accordingly, pillar II can be seen to hold considerable promise for tackling the threat of mass violence by non-state armed groups in the 21st century. However, the article also raises concerns over unintentionally legitimising illegitimate governments through assistance. To illustrate these points it draws on the assistance provided in Mali (2013-15) and Iraq (2014-15).

Introduction

Taking office in 2013, United Nations Special Advisor on the Responsibility to Protect, Jennifer Welsh, stated that her primary goal is to advance understanding of 'international assistance' claiming that it is the 'most promising aspect of the Responsibility to Protect'.[1] The timing of the statement is important. The post-conflict crisis in Libya juxtaposed with the on-going mass violence in Syria led critics to proclaim the death of the RtoP, 'Revived in Libya, Buried in Syria'.[2] Against this backdrop, Welsh shifts the emphasis away from the highly controversial military dimension of what is known as pillar III to, instead, shed light on the importance of pillar II. This stems from the tripartite distinction set out by the UN Secretary-General (UNSG) in his 2009 report 'Implementing the Responsibility to Protect'[3]:

- Pillar I, 'the protection responsibilities of states': the domestic responsibilities of states to protect people (not just citizens) from the four crimes of genocide, war crimes, crimes against humanity, and ethnic cleansing.
- Pillar II, 'international assistance and capacity building': the international community provides assistance to help the target state to protect its population from the four crimes, such as the cases of Mali, the Central African Republic and Iraq.

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[1] Interview with Jennifer Welsh, 'R2P is dead, long live R2P: the future of the responsibility to protect', Stanley Foundation, 8 Nov. 2013, http://www.responsibilitytoprotect.org/index.php/edward-luck/5223-stanley-foundation-r2p-is-dead-long-live-r2p-interview-with-dr-jennifer-welsh, accessed 1 Jan. 2014.

[2] Mohammed Nuruzzaman, 'The "Responsibility to Protect" doctrine: revived in Libya, buried in Syria', Insight 15: 2, 2012. Also, David Rieff, 'R2P R.I.P.', New York Times, 7 Nov. 2011.

[3] Report of the UN Secretary-General, 'Implementing the responsibility to protect',' (A/63/677), 12 Jan. 2009.

- Pillar III, 'timely and collective response': the international community takes collective action (under Chapters VI, VII and VIII of the UN Charter) without the consent of the state in question, because the UN Security Council judges it to be 'manifestly failing' to protect its population from the four crimes, as in the case of Libya.

To paraphrase Wight, the three pillars are not like 'three railroad tracks running parallel into infinity'[4] and instead, as Bellamy explains, they are 'conceptually intertwined'.[5] Yet whilst this is true, it seems fair to say that pillar II remains the most overlooked and under-researched of the three pillars.[6] Helping to address this lacuna, in August 2014, the UNSG released his sixth RtoP report which notably focused specifically on pillar II.[7] The report advanced the understanding of pillar II set out in 2009,[8] and formed the basis of the General Assembly informal interactive dialogue in September 2014 which saw UN Member States present their views of pillar II.[9] More recently, the UNSG's seventh RtoP report expanded further on 'international assistance and capacity-building',[10] prior to the 2015 informal interactive dialogue where a total of '1 Regional Organisation (the European Union) and 69 Member States spoke on behalf of 89 countries'.[11]

The purpose of this article is to build and expand on the groundwork laid by the UNSG. To do this, the article is structured in four sections. Section one provides an overview of pillar II to flesh out what is means but also to underline the different forms of response and different actors involved. Section two identifies the consensual support within the UN General Assembly as one of its key strengths. Section three highlights the utility of pillar II through a focus on the threat of mass violence posed by non-state armed groups in the 21st century. Section four asks

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[4] I draw here on Wight's seminal description of the three traditions that underpin the English School approach, see M. Wight, International theory: the three traditions, G. Wight and B. Porter (eds.), (New York: Holmes and Meier, 1992), p. 260.

[5] This is why Bellamy rejects the idea of sequencing, Alex Bellamy, The responsibility to protect: a defense (Oxford: Oxford University Press, 2015), p.193.

[6] The former UN Special Advisor of the Responsibility to Protect, Edward Luck, made this point in his Keynote Speech, 'The responsibility to protect in theory and practice', Ljubljana, Slovenia, April 2012.

[7] Report of the UN Secretary-General, 'Fulfilling our collective responsibility: international assistance and the responsibility to protect' (A/68/947/S/2014/449), 12 Aug. 2014.

[8] Report of the UN Secretary-General, 'Implementing the Responsibility to Protect' (A/63/667), esp. pp. 15-22.

[9] The President of the General Assembly's overview can be found at http://www.un.org/en/ga/president/68/pdf/letters/932014Responsibility%20to%20Protect%20-%203%20September%202014.pdf, accessed 11 May 2015.

[10] Report of the UN Secretary-General, 'A vital and enduring commitment: implementing the responsibility to protect' (A/69/981-S/2015/500) esp. pp. 9-15.

[11] The Global Centre for the Responsibility to Protect, UN General Assembly Informal Interactive Dialogue on the Responsibility to Protect: 'A vital and enduring commitment: Implementing the responsibility to protect,' 8 Sept. 2015, http://www.globalr2p.org/resources/797 accessed 09 Sept 2015

the question 'who is being assisted?' to raise concerns over the legitimacy of the government seeking assistance. Essentially, sections two and three underline the promise of pillar II which poses a direct challenge to all those that claim the RtoP is dead. At the same time, section four raises concerns that need to be factored into future pillar thinking and implementation. In so doing, it develops the 'challenges and recommendations' outlined by the UNSG.[13]

Overall, the article develops this research agenda for it is evident that there is an urgent need to gain a more informed understanding of pillar II. As Ban Ki-moon states, 'The everyday reality of populations in current crises, including those in the Central African Republic, Iraq and South Sudan, also illustrates vividly why such international assistance is more important than ever'.[14] Such crises have seen calls for international assistance in the wake of tens of thousands of civilians killed, millions of people displaced, and millions more in need of humanitarian assistance.[15]

What is pillar II?

The World Summit Outcome Document states that 'the international community should, as appropriate, encourage and help States to exercise this responsibility'. It goes on to say 'we also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out'.[19] The statements embody the central tenants of pillar II (as it became known in 2009) as they speak of encouraging and helping states through international assistance so that the state in question can build the necessary capacity to protect its population from the four crimes. This led the UNSG claim that pillar II should be understood as an 'active partnership between the international community and the State'.[20] In 2013, the UN General Assembly Member State representatives expressed a common

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[13] UNSG report, 'Fulfilling our collective responsibility', pp. 17-20.

[14] UNSG report, 'Fulfilling our collective responsibility', p. 3.

[15] On Mali, see UNSC Resolutions 2227 (2015), 2164 (2014), 2100 (2013), 2085 (2012) and 2071(2012), and the UN Secretary-General Reports S/2015/426, S/2015/219, S/2014/943, S/2014/692, S/2014/403, S/2014/229, S/2014/1, S/2013/582, S/2013/338, S/2013/189. On the CAR, see UNSC Resolutions 2217 (2015), 2212 (2015), 2196 (2015), 2181 (2014), 2149 (2014), 2134 (2014), 2127 (2013), 2121 (2013), 2088 (2013), and the UN Secretary-General Reports S/2015/576, S/2015/227, S/2014/857, S/2014/562, S/2014/142, S/2013/787, S/2013/261, S/2013/677 and S/2013/470, and Human Rights Council Resolution A/HRC/RES/23/18. On Iraq, see UNSC Resolutions 2233 (2015), 2170 (2014), 2169 (2014), 2110 (2013), the Statement by Dieng and Welsh (18 June 2014), the UNSC Press Statement on Iraq SC/11437(11 June 2014) and the Human Rights Council Resolution A/HRC/RES/S-22/1.

[19] United Nations, World Summit Outcome Document, (A/RES/60/1), p. 30.

[20] UNSG report, 'Implementing the responsibility to protect', p. 15.

interest over the need to consider the role of international assistance under the RtoP. Responding to this, the UNSG published a twenty page report stating '[a]n elaboration of pillar II is long overdue, given its central place in this critical task of implementation'.[21] To be clear, the UNSG did not set out to identify new legal or political developments as such. Instead, the report advances our understanding by clarifying the definitional and operational parameters of pillar II, its relationship with pillars I and III, different forms of assistance, as well as the challenges and recommendations facing pillar II in the future. Unable to go into all these things here, this section offers an overview for those unfamiliar with pillar II operations.

The first priority is to clarify the relationship between international assistance and other activities such as peacekeeping and the protection of civilians (POC). The relationship is somewhat blurred as these are related yet separate concepts that share 'the same normative foundation'.[23]Since 2009, the UNSG has increasingly asked policymakers to overcome the 'tendency to see the RtoP as disconnected from related activities' such as POC.[24] Furthermore, the UNSC has made explicit reference to the RtoP and POC in resolution 1706 (2006) on Darfur as well peacekeeping and international assistance in resolution 1996 (2011) on South Sudan.[25] Despite these synergies, Tardy warns that attempts to bring these activities together may be counterproductive.[26] Identifying three areas of concern, Tardy points out that the RtoP is narrower in operational scope than peacekeeping because it focuses solely on the four crimes. Yet whilst this is accurate, Tardy's second two concerns stem from the coercive element in RtoP more commonly associated with pillar III activities (a point which the author acknowledges). In contrast, the focus here is on pillar II which is not plagued by the same level of controversy that the coercive element of pillar III is. Yet there are still concerns (the use of force is discussed below). For example, the RtoP is often interpreted as less neutral than peacekeeping or POC.[27] The picture is somewhat muddied by the changing nature of peacekeeping which evolved under the broader umbrella of 'peace operations'

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[21] UNSG report, 'Fulfilling our collective responsibility', p. 3.

[23] Global Centre for the Responsibility to Protect, 'The relationship between the responsibility to protect and the protection of civilians in armed conflict', Policy Brief, 9 May 2011, p. 1. Also, Victoria Holt and Glyn Taylor with Max Kelly Protecting civilians in the context of UN peacekeeping operations (Department of peacekeeping operations and the office for the coordination of humanitarian affairs, 2009), p. 21.

[24] UNSG report 'Fulfilling our collective responsibility', pp.19-20.

[25] The UNSG explains, '[I]n some cases, such as the Security Council resolution 1996 (2011) establishing the United Nations Mission in South Sudan (UNMISS), peacekeepers were explicitly mandated to support national authorities in implementing their responsibly to protect'. UNSG report 'Fulfilling our collective responsibility', p.17.

[26] Thierry Tardy, 'The dangerous liaisons of the responsibility to protect and the protection of civilians in peacekeeping operations', Global Responsibility to Protect, 4:4, 2012, pp. 424-448.

[27] Hugh Breakey, Angus Francis, Vesselin Popovski, Charles Sampford, Michael G. Smith, and Ramesh Thakur Enhancing protection capacity: a policy guide to the responsibility to protect and the protection of civilians in armed conflicts (Institute for Ethics, Governance and Law, 2012), p. xxv

to uphold a commitment to 'impartiality' rather than 'neutrality'.[28] Yet clearly, pillar II is about assisting a preferred actor and does not set out to be impartial. Therefore as policymakers and analysts respond to the UNSG's 2015 call (to overcome the tendency to differentiate between these related activities) such aspects will need to be further reflected on and addressed in due course.

The core purpose of the pillar II report is to outline 'ways in which national, regional, and international actors can assist States in fulfilling their responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity'.[29] At its simplest level, therefore, pillar II can be thought of as state x requesting assistance to protect its population from the four crimes and the international community providing it. As the statement also explains, this may involve a hybrid approach as 'international community' is broken down to highlight the role that multilateral organisations, regional and sub-regional actors, non-governmental organisations and civil society groups can play in facilitating the RtoP.[30] On one hand, this is positive as it highlights that the UN does not have to carry the burden of pillar II alone – which it may not be able to do if the 21st century is as disordered as some suggest.[31] On the other hand, as more actors become involved, cooperation can become even more challenging. For example, in 2013, the UN Security Council passed UN Resolution 2100 authorising UN assistance in Mali through the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).[32] Yet as Weiss and Welz explain, the assistance in Mali came from a variety of actors: the United Nations, the African Union (AU), and the Economic Community of West African States (ECOWAS), which reflected: i) different capabilities, ii) risk aversion, and iii) leadership rivalry.[33] In other words, the assisters did not represent a harmony of interests.[34] The AU went as far as stating that the UN Resolution is 'not in consonance with the spirit and partnership that the AU and the United Nations have been striving to promote for many years'.[35] Evidently, the case of Mali should not be

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[28] Joachim Koops, Norrie MacQueen, Thierry Tardy, Paul D. Williams (eds.), The oxford handbook of united nations peacekeeping operations (Oxford University Press, 2015), p. 50.
[29] UNSG report, 'Fulfilling our Collective Responsibility', p.1.
[30] Report of the Secretary-General, 'The role of regional and sub-regional arrangements in implementing the responsibility to protect', (A/65/877–S/2011/393), June 2011.
[31] Randall Scwheller, *Maxwell's Demon and the Golden Apple: global discord in the new millennium* (Baltimore: John Hopkins University Press, 2014), pp. 101-105.
[32] UN Security Council, Resolution 2100, S/RES/2100 (2013)
[33] Thomas Weiss and Martin Welz, 'The UN and the African Union in Mali and beyond: a shotgun wedding?', International Affairs, 90:4, 2014, pp. 889–905.
[34] The same problem has been raised with regard to the assistance provided in South Sudan and the Central African Republic as regional states acted to serve their own vested interest, see Spencer Zifcak, 'Missing in action: the security council and the responsibility to prevent mass atrocities in Central Africa', in Vasilka Sancin (ed.), Responsibility to protect: where do we stand ten years after? (Ljubljana: University of Ljubljana, 2015), p. 320.
[35] Paul D. Williams and Arthur Boutella, 'Partnership peacekeeping: challenges and opportunities in the United Nations-African Union relationship', African Affairs, 113:451, 2014, pp. 254-278, p. 256.

misunderstood as a straightforward case of state x seeking assistance and the international community providing it. Various actors may provide different forms of assistance for very different reasons.

Moving on to different forms of assistance, the UNSG outlines three different categories of action: 1) encouragement, 2) capacity-building, and 3) assisting states to protect their populations, with each then further divided into different types and guiding principles.[36] There are two types of encouragement. First, 'raising awareness' as the international community should do all it can to remind states they have an RtoP. Second, it highlights that 'international actors can use confidential or public dialogue to remind States under stress of the importance of meeting their responsibility to protect'.[37] This is more controversial as any public expression of encouragement, for example, through the universal periodic review process may not be received favourably by the state under scrutiny. In other words, one state's encouragement is another state's condemnation. Of course, a normative argument can be made that this remains the right course of action. Moreover, even if we look at the most extreme cases of mass violence we find evidence that unwanted public criticism has actually had a positive impact. Bellamy argues that the public condemnation by the Democratic People's Republic of Korea (DPRK) has acted as 'a powerful catalyst for deeper international engagement'.[38] In public, such states reject any perceived condemnation but this can lead them to engage more with the international community behind closed doors. To be clear, the crisis in DPRK would actually come under pillar III of the RtoP, because a) the state in question is perpetrating mass violence and is therefore 'manifestly failing' to protect its population from the four crimes, and b) it does not consent to the international community intervening to protect the population of DPRK. At the same time, however, if such extreme cases do evidence (as Bellamy argues) that public scrutiny can facilitate progress, then this does give credence to the idea that, a part of pillar II's promise lies in its focus on encouragement.

Regarding capacity-building, if the state in question is unable rather than unwilling to protect their population from the four crimes then there is nothing to be gained by condemning it. A 'needs assessment' is therefore required on a case-by-case basis and the UNSG outlines seven

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[36] UNSG report, 'Fulfilling our collective responsibility', p.1.
[37] UNSG report, 'Fulfilling our collective responsibility', p. 8. Also, UNSG report, 'A vital and enduring commitment: implementing the responsibility to protect', p. 10.
[38] Alex Bellamy, 'A chronic protection problem: the DPRK and the responsibility to protect', International Affairs, 91: 2, 2015, 225-244, p. 244.

capacities that aid the mitigation of the four crimes.[41] The international community must identify what capacity is needed and how this can best be implemented through discussions at the local, national, and international level. Two key aspects are identified: "inhibitors" and "watchdogs". The former focuses on 'the particular capacities, institutions and actors that help prevent escalation from risk imminent crises'.[42]The latter focuses on building 'concrete support and skills development' for those that 'can hold authorities to account'[43], the culmination of which is that pillar II asks us to think carefully about strengthening the capacity of states, but, furthermore, about incorporating checks and balances to reduce the threat of mass violence.

The third form of assistance focuses on 'assisting states' in times of 'impending crises' through: a) disputing resolution expertise, b) human rights monitoring, c) law enforcement and criminal investigation, d) protection of refugees and the internally displaced and e) protection of civilians in humanitarian emergencies. The broad range of measures re-enforces the idea that the RtoP should be understood as a 'tool-box'.[46] A common misconception, therefore, is that an RtoP use of force can only occur under pillar III. The key aspect is that a pillar II use of force takes place with the consent of the state. As the UN Secretary-General explains, 'States may in some cases seek assistance from regional or international military forces to protect civilians subject to or at risk of atrocity crimes'.[48] This is what differentiates pillar II military assistance in Mali from the pillar III military intervention in Libya in 2011. The vast majority of states are willing to accept a pillar II use of force precisely because it does not undermine state sovereignty (see section two).

In sum, pillar II is a broad umbrella. A 'needs assessment' should be conducted on the requesting state to identify what assistance is needed and how best to implement it. This may see different actors involved and/or different forms of assistance provided. This is beneficial as the more actors involved in the supply side dictates that there is more capacity to meet the demands of the requesting state. Yet, it also raises challenges as each actor may have their own

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[41] 'The seven inhibitors include a professional and accountable security sector; impartial institutions for overseeing political transitions; independent judicial and human rights institutions; the capacity to assess risk and mobilize early response; local capacity to resolve conflicts; media capacity to counteract prejudice and hate speech; and capacity for effective and legitimate transitional justice', Report of the UNSG, 'A vital and enduring commitment: implementing the responsibility to protect', p. 10, footnote 20.
[42] UNSG report, 'Fulfilling our collective responsibility' , p.10
[43] UNSG report, 'Fulfilling our collective responsibility' , p.10
[46] For example, Gareth Evans identifies three 'mass atrocity toolboxes' for 'prevention', 'reaction', and 'rebuilding' which include both structural and direct policy options. Gareth Evans, The responsibility to protect: ending mass violence once and for all (Washington, D.C.: Brookings Institution Press, 2008), p. 252.
[48] UNSG report, 'Fulfilling our collective responsibility', p.13.

interest at stake. Prior to exploring the challenges facing pillar II further in section four, section two and three illustrate the promise of pillar II.

Consensual support

It is widely accepted that consensus plays a critical role in the construction of international legitimacy. This is not to suggest that consensus is in itself enough, but that in order to establish an understanding of 'rightful conduct' in legal, moral, and political terms, it is necessary to gain what Clark refers to as a 'tolerable consensus'.[49] One of the key strengths of pillar II, therefore, is that it has the backing of the international community. To understand this it is important to consider the relationship between pillar II and state sovereignty. This is placed at the heart of Ban Ki-moon's interpretation as he explains the 'sprit of pillar II':

> At the 2005 World Summit, States committed to assist one another to succeed in fulfilling their responsibility to protect, not just to react if they fail. Pillar II is therefore a reminder that the responsibility to protect is intended to reinforce, not undermine, sovereignty.[50]

In the aftermath of the controversy that surrounded the intervention in Libya,[51] the statement forms part of the UN narrative which seeks to highlight support for pillar II amongst states precisely because it is intended 'to reinforce, not undermine, sovereignty'. This reflects the UNSG's broader view that the RtoP as a whole (not just pillar II) should be understood as a friend of sovereignty, the purpose of RtoP 'is to build responsible sovereignty, not to undermine it'.[52]

When scholars claim that the RtoP is dead therefore, they grossly overlook the consensual support amongst states for pillar II. This stems from the fact that international assistance does not undermine state sovereignty. To illustrate this, let us consider the statements made by Brazil, Russia, India and China in the UN General Assembly dialogue:

> For R2P to overcome criticism and controversy, it must be made clear that it does not lie in the exceptional and sporadic imposition of coercive measures, but rather in the

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[49] Ian Clark, Legitimacy in international society, (New York: Oxford University Press, 2005).
[50] UNSG report, 'Fulfilling our collective responsibility', p.4.
[51] Jason Ralph and Adrian Gallagher, 'Legitimacy faultlines in international society: the responsibility to protect and prosecute after Libya'. Review of International Studies, 41:3, 2015, pp. 553-573. This has led to broader debates over the implications for Syria, see Justin Morris, 'Libya and Syria: R2P and the spectre of the swinging pendulum', International Affairs, 89:5, 2013, pp. 1265–1283 and Alex Bellamy, 'From Tripoli to Damascus? Lesson learning and the implementation of the responsibility to protect', International Politics, 51: 1, 2014, pp. 23-44.
[52] UNSG report, 'Implementing the Responsibility to Protect', p. 10.

constant and steady task of assisting States in developing capacity to protect their populations and building safer societies.[53]

We positively assess the attempt in the report to formulate a general code of principles to provide international assistance. It is not exhaustive, of course, but it contains some important items. In particular, we fully agree that the key to success of any international assistance is greater consideration of national ownership.[54]

Firstly, we would like to emphasize that assistance should always be requested by the concerned state before it is offered. This is cornerstone for us as far as R2P is concerned. [55]

The international community in providing assistance should strictly abide by the purposes and principles of the UN Charter, respect sovereign equality and national leadership in order to avoid the negative impact on the national situation.[56]

The appeals to 'state equality', 'national ownership', and 'consent' seek to reaffirm the rules embodied within the United Nations Charter. The statements are important, primarily, because of their timing. They show consensual support for the RtoP by the very same states that criticised the implementation of UN Resolution 1973 in Libya.

The level of consensus has led to the stark claim that 'BRICS' support for pillar I and II is absolute'.[57] It seems that this is somewhat overstating the case. For instance, in the 2014 General Assembly informal interactive dialogue, the Brazilian representative stated '[t]he statement that Pillar II encompasses military assistance to States under stress, even when their consent is granted, is problematic' [58] The statement reveals that Brazil's support for pillar II is not necessarily

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[53] Statement by H.E. Antonio de Aguiar Patriota, Permanent Representative of Brazil to the United Nations, 8 Sep. 2014, http://www.responsibilitytoprotect.org/brazil-prepared.pdf accessed 12 Dec. 2014. Emphasis added.
[54] Russia's Statement at the 2014 UN General Assembly Dialogue on the Responsibility to Protect [Transcribed], 8 Sep. 2014, http://responsibilitytoprotect.org/Russia(7).pdf accessed 12 Nov. 2014. Emphasis added.
[55] Statement by Mr. Abhishek Singh, First Secretary, Permanent Mission of India to the United Nations, at the Informal Interactive Dialogue of the General Assembly on the Responsibility of States to protect their populations by preventing genocide, war crimes, ethnic cleansing and crimes against humanity through appropriate and necessary means, 8Sep. 2014, https://www.pminewyork.org/pages.php?id=1962, accessed 12 Sep. 2014. Emphasis added.
[56] Statement by the People's Republic of China at the Informal Interactive Dialogue on the Responsibility to protect [Transcribed], http://www.globalr2p.org/media/files/peoples-republic-of-china.pdf, accessed 12 September 2014. Emphasis added.
[57] Oliver Stunkel, 'The BRICS and the future of R2P: was Syria and Libya the exception', Global Responsibility to Protect 6: 1, 2014, 3-28, p.12.
[58] In the General Assembly informal interactive dialogue, the Brazilian representative stated '[t]he statement that Pillar II encompasses military assistance to States under stress, even when their consent is granted, is problematic' Statement by H.E. Antonio de Aguiar Patriota, Permanent Representative of Brazil to the United Nations, 8 September 2014. Available http://www.responsibilitytoprotect.org/brazil-prepared.pdf Accessed 12. 12. 2014.

'absolute'.[59] This seems understandable because the use of force in international relations is bound to raise concerns and complexities. To put this in context, recall that the use of force in Cote d'Ivoire in 2011 was grounded in a commitment to assisting the government, yet criticised on the grounds that it embodied a coercive element aimed at forcing President Gbagbo out. Piccolino claims that the UNSC was willing to allow him one more year (as Head of State as opposed to President) as part of a longer term strategy to see a legitimate President elected.[60] Critics draw attention to the fact that the French intervention paved the way for the arrest of Gbagbo (the French government denies it was involved in the arrest).[61] This formed part of broader concerns that the UN exceeded its mandate and in effect disposed of the incumbent President by force.[62] This is captured in Charbonneau line of questioning, 'Who gets to decide on the legitimate president of Cote d'Ivoire, and the acceptable parameters of a national political order?' [63] The example begins to illustrate that the coercive dimension of pillar II can also be controversial and asks us to specifically question, who is being assisted?, (section four).

Another critique of such consensus is that the state narrative that underpins pillar II serves states. As a result, state representatives will offer positive assessments of international assistance because it re-enforces their primacy in international relations. For those that wish to see an increase in human protection such state centric narratives can be counter-productive. Aidan Hehir argues that the RtoP cannot increase human protection in the same way that advocates of human security and human rights may hope precisely because it fails to significantly alter the status quo.[64] Drawing on Booth, Hehir warns of the potential pitfall as analysts seek to emphasise the state narrative but in so doing will serve as 'house trained 'critics' of the powerful' who 'always adjust to their rulers agendas and flatter the power which is ruling'.[65] After all, the governments that offer their support can be the same states responsible for gross human rights violations. For example, the DPRK representative claimed pillar II 'should be addressed under the condition of approval and agreement of the

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[59] The Economic Social and Research Council funded a seminar series (2013-2016) which covers this theme, 'The responsibility to protect and prosecute: the political sustainability of liberal norms in an age of shifting power balances'. The series produced 3special issue journals, Criminal Law Forum, Global Responsibility to Protect, and Cooperation and Conflict, for details see http://iisr2p.leeds.ac.uk/current/responsibility-to-protect-and-prosecute/ accessed 23 September 2015.

[60] Giulia Piccolino, 'David against Goliath in Cote D'Ivoire? Laurent Gbagbo's war against global governance', African Affairs, 111: 442, 2011, pp. 1–23.

[61] Katariina Simonen, 'Qui s'excuse s'accuse. . . an analysis of French justifications for intervening in Cote d'Ivoire', International Peacekeeping, 19:3, 2012, pp. 363–376

[62] I would like to thank one of the anonymous reviewers for raising this point.

[63] Bruno Charbonneau, 'War and Peace in Côte d'Ivoire: Violence, Agency, and the Local/International Line' International Peacekeeping, 19:4, 2012, pp. 508-524

[64] Aidan Hehir, 'From human security to the responsibility to protect: the co-option of dissent?', Michigan State International Law Review, 23: 3, 2015, pp. 675-699.

[65] Hehir, 'From human security, p. 599.

government concerned...The number one priority is to get agreement of the given government in a given situation'.[66] The statement reflects that even those responsible for the four crimes may in fact show support for pillar II as they emphasise state consent and state sovereignty.[67] To be clear, RtoP scholars do not advocate assisting such states. [69] If state x is found to be 'manifestly failing' to protect its population then the international community can use all the coercive and non-coercive measures available under pillar III without first exploring the options available under pillar II. Yet, to return to Hehir, RtoP analysts need to continue to reflect on their own role in the construction and reproduction of knowledge.

Overall, the consensual support for pillar II – even by those states that opposed the way RtoP was implemented in Libya – reveals that state representatives see the positive role that it can play as weak states, failing states, and states under stress strive to fulfil pillar I. To understand this further, it is important to consider the role that international assistance has in addressing the threat posed by non-state armed groups.

Non-State Armed Groups

The purpose of this section is to highlight that a key strength of pillar II lies in its potential for addressing the threat of mass violence posed by non-state armed groups in the 21st century. At its broadest level, pillar II sets out to address the 'nature and dynamics of atrocity crimes'.[70] Although there is no causal relationship explaining what causes the four crimes, there is a large body of work which evidences facilitators of mass violence. Drawing on this, the UNSG sets out three stages in which he highlights factors which enable the general risk (stage one), specific threats (stage two), and imminent risk (stage three) of the four crimes. Armed groups are identified within the second stage as essentially, once the scene has been set (stage one) the presence of armed groups reflects a capacity for mass violence which may, or may not; culminate in the imminent threat (stage three). Evidently, the presence of non-state armed groups in countries such as South Sudan, Mali, Nigeria, Côte d'Ivoire, and the Central African

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[66] Democratic People's Republic of Korea's Statement at the General Assembly Dialogue on the Responsibility to Protect [Transcribed], 8 September 2014, http://www.responsibilitytoprotect.org/DPRK(2).pdf, accessed 11 May .2015.

[67] The Syrian representative used the opportunity to delegitimise any form of assistance provided to any actor other than the Syrian government, Statement by the Syrian Arab Republic at the Informal Interactive Dialogue on the Responsibility to Protect – Unofficial Transcription from Webcast – 8 Sep. 2014

[69] As Bellamy explains, '[t]here would be obvious moral objections to a concept which demanded that the world's first response to the Rwandan genocide should have been to 'assist' the regime that was largely responsible'. Alex Bellamy, 'Making RtoP a living reality: reflections on the 2012 General Assembly dialogue on timely and decisive response', Global Responsibility to Protec, 5: 1 2013, pp. 109-125, p. 113.

[70] UNSG report, 'Fulfilling our collective responsibility', p.3.

Republic demonstrate that this is recognised as a key challenge.[71] Critically, pillar II can play a role.

The promise of pillar II lies in asking us to re-conceptualise how we think about mass violence in the 21st century. Traditionally, crimes such as genocide have been thought of as state crimes. The logic is relatively straight-forward in that although many people within a state may hate specific groups they do not possess the power needed to carry out a mass violence. This is captured in R. J. Rummel's aptly entitled Death by government, in which he evidenced that 169,198,000 people were murdered by governments (1900-87) in acts he labelled as 'democide'.[72] Within such circumstances, the state becomes the very architect of the life it had classically been envisaged to prevent: 'poor, nasty, brutish, and short'.[73] It is the power of the state therefore that scholars have traditionally focused on. As Levene explains, 'whilst there is no prima facie case why the state has to be the genocidal agent…it is hard to imagine a modern annihilation campaign without state involvement'.[74] The problem with this conceptualisation of violence, however, is that it fails to acknowledge the rise of non-state actors in the modern world. Critically, weak states, failing states, or states under stress may not have the capacity to address the threat posed by non-state armed groups, and, within such circumstances, international assistance could significantly increase the chances of human protection.

To better understand the threat posed by non-state armed groups, the graph below provides data gathered by the Uppsala Conflict Data Program (UCDP) which compares and contrasts levels of one-sided fatalities between 1989-2013 by two types of actors: governments and rebel groups.[75]

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[71] The Stanley Foundation, Taking stock of the responsibility to protect in Africa: challenges, prospects and priorities for the next decade, pp.3-4.
[72] R. J. Rummel, Death by government (London: Transaction, 2008).
[73] Thomas Hobbes, Leviathan (Oxford: Oxford University Press, 1998), p. 84.
[74] Mark Levene, Genocide in the age of the nationsState, I: the meaning ofgGenocide (London: I. B. Tauris, 2005), p. 77. Levene acknowledges that he takes this understanding from Scot Straus.
[75] UCDP, One-sided violence dataset v 1.4-2014, 1989-2013 Eck, Kristine and Lisa Hultman, 'Violence Against Civilians in War', *Journal of Peace Research*, 2007, 44: 2.

One-sided Fatalities by Type of Actor, 1989-2013

■ Rebel group ■ Government
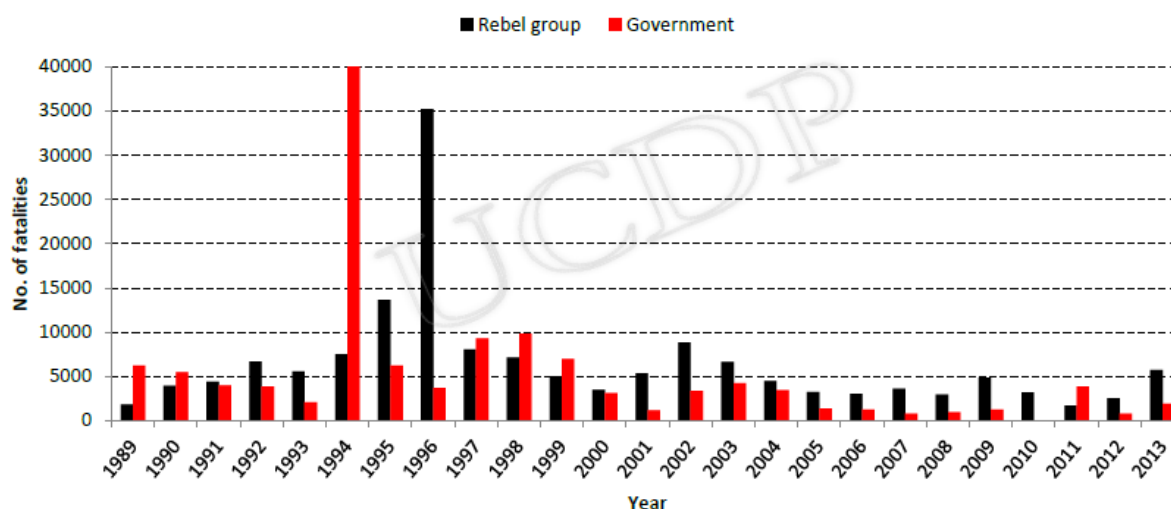
Although mass atrocity crimes do not always occur within the context of war, it is widely accepted that the risk of atrocity crimes 'is more prevalent during armed conflict, especially internal armed conflict'.[76] For instance, Alex Bellamy's study explains that 'of 103 episodes of mass killing (defined as a minimum of 5,000 civilians killed intentionally) observed since 1945…69 cases (67%) occurred within, and 34 cases (33%) occurred outside, a context of armed conflict'.[77] The graph's illustration therefore of violence against civilians in war has three points of relevance for the RtoP. First, even if we combine the number of fatalities committed by rebel groups and governments in the 21st century, the total number of fatalities has never exceeded 15,000. This gives credence to the idea that there is an overall declining level of violence in international relations.[78] Second, in thirteen of the fourteen years since 2000, rebel groups were the primary perpetrators of one sided mass killing. Third, the peak of 40,000 killed in 1994 juxtaposed with the fact that the data does not capture the violence conducted by the Syrian government in 2014-15 reflects that we should never be complacent to the threat posed by governments.

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[76] The Stanley Foundation, Taking stock of the responsibility to protect in Africa: challenges, prospects and priorities for the next decade, p.2.

[77] Alex Bellamy, 'Mass atrocities and armed conflict: links, distinctions, and implications for the responsibility to prevent', The Stanley Foundation, 2011, p. 2.

[78] Steven Pinker, The better angels of our Nature: a history of violence and humanity (London: Penguin, 2011). This has fed into contemporary discussions on RtoP see Alex Bellamy, In Defence of the Responsibility to Protect (Oxford: Oxford University Press, 2015), p.1.

The statistics reflect that non-state armed groups pose a significant threat in the 21st century. Although no-one can predict the future, leading political scientists have begun to forecast that the future of international relations will be increasingly plagued by disorder and ungovernability.[80] The importance of which for the RtoP is that 'emerging threats to human security are increasingly changing the dynamics of atrocity crimes and response efforts'.[81] Quite simply, the state does not hold a monopoly over the perpetration of mass violence. As non-state armed groups become more powerful, the need for pillar II will become even more evident. This may see an increase in military assistance to protect populations from groups such as DAESH, Boko Haram, Al-Shabaab and the Haqqani Network, for, as Edward Luck explains, 'assistance measures under pillar two may include the consent-based use of military assistance or intervention against such armed groups when they commit atrocity crimes'. [82]

Yet, just because pillar II focuses on non-state armed groups, this does not in itself tackle the problem. The dynamics are complex and if the promise of pillar II is not to go unfulfilled it is important to learn lessons from real world events. To gauge this let us consider international assistance in Iraq. Tragically, the civilian death toll in Iraq has nearly doubled year on year since 2012 totalling 17,049 civilians in January 2015.[83] In June 2015 alone, 1,466 Iraqis were killed and 1,679 injured in acts of terrorism, violence, and armed conflict.[84] Crucially, the threat posed by the rise of DAESH has contributed extensively to this increasing death toll.[85] In the same month the UNSG released his sixth RtoP report, the Iraqi government requested international assistance to help protect its population from the threat posed by DAESH.[86] Responding to this, the UK's House of Commons Defence Committee established Oral Evidence hearings within which both Committee members and witnesses expressed concerns 'The Iraqi Security Forces have already been trained and equipped extravagantly and repeatedly in the past decade. To do so again, without first

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[80] Scwheller, 'Maxwell's demon and the golden apple'

[81] The Stanley Foundation, Taking stock of the responsibility to protect in Africa, p. 6, http://www.stanleyfoundation.org/publications/pdb/AfricaTakingStockPDB515.pdf, accessed 6 June 2015.

[82] Edward Luck, 'The responsibility to protect at ten: The challenges ahead', The Stanley Foundation, May 2015, http://www.stanleyfoundation.org/publications/pab/LuckPAB515.pdf, accessed 6 July 2015.

[83] Iraq Body Count, 'Iraq 2014: civilian deaths almost doubling year on year', 1 Jan. 2015, https://www.iraqbodycount.org/analysis/numbers/2014/, accessed 9 Jan. 2015.

[84] United Nations Assistance Mission for Iraq (UNAMIS), 'Casualty figures for the month of June in Iraq continue to be on the high side', 1 July 2015. http://reliefweb.int/report/iraq/casualty-figures-month-june-2015-iraq-continue-be-high-side-enar, accessed 10 July 2015

[85] DAESH were identified as a terrorist group by the UN Security Council in April 2013, UN Security Council Resolution 2170.

[86] To date the Independent International Commission of Inquiry on the Syrian Arab Republic has published nine reports which evidence that the DAESH has committed crimes that come under the RtoP remit. The information is available here http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx, accessed 11 May 2015.

addressing the structural issues, would be a total waste of time and money'. [87] Therefore, whilst the Defence Committee urged the UK Government to increase international assistance, they also raised profound concerns over the type of assistance provided. The example begins to demonstrate that focusing on non-state armed groups is one thing; successfully addressing their threat is something very different.

To take another example, the rise of the Boko Haram in Nigeria juxtaposed with claims that former President Goodluck Jonathan lacked the political will to address this threat raises profound problems for international assistance. As Owen and Usman explain, the failure of Jonathan's administration to manage the economy, in particular corruption in the oil industry had security implications as this facilitated the rise of the Boko Haram. [88] Moreover, the mismanaged response to the abduction of 279 school girls in April 2014 'convinced many citizens that the Nigerian state was no longer interested in or able to fulfil the one role in which it had traditionally excelled: a powerful, if violent, paternalist leviathan providing security of last resort'.[89] In RtoP terms, the government seemed to be unwilling and/or unable to address the threat posed by Boko Haram. Furthermore, Amnesty International drew attention to the fact that senior members of the military conducted war crimes themselves.[90] Accordingly, the example highlights critical challenges facing international assisters. The US responded to the abduction by setting out increased international assistance[91] but even this was criticised by the Nigerian government which claimed the US was unintentionally aiding the Boko Haram.[92]

When one considers the role that non-state armed groups will play in the perpetration of mass violence in the 21st century, it is simply absurd to suggest that the RtoP is dead. It is here that the promise of pillar II lies. Although we should never become complacent to the threat posed by governments, it is also important to develop assistance measures that can enable states to protect their populations from the four crimes. Yet, as the example of Iraq begins to illustrate, debates over

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[87]House of Commons Defence Committee, 'The situation in Iraq and Syria and the response to al-Dawla al-Islamiya fi al-Iraq al-Sham (DAESH), Seventh Report of Session 2014-2015', 5 Feb. 2015, p.42.

[88] Olly Owen and Zainab Usman, 'Briefing: why Goodluck Jonathan lost the Nigerian Presidential election 2015', African Affairs, 114:456, 2015, pp. 455–471, p. 456-457.

[89] Ibid, p. 460.

[90] Amnesty International, Nigeria: senior members of military must be investigated for war crimes, 3 June 2015, https://www.amnesty.org/en/latest/news/2015/06/nigeria-senior-members-of-military-must-be-investigated-for-war-crimes/, accessed 5 June 2015.

[91] For an overview of assistance measures see, The White House, Factsheet: U.S. Efforts to Assist the Nigerian Government in its Fight against Boko Haram, 14 October 2014, https://www.whitehouse.gov/the-press-office/2014/10/14/fact-sheet-us-efforts-assist-nigerian-government-its-fight-against-boko- accessed 18 September 2015.

[92] BBC News, 'Nigeria's Muhammadu Buhari: US 'aiding' Boko Haram with arms ban', 23 July 2015, http://www.bbc.co.uk/news/world-africa-33634607, accessed 23 July 2015.

assistance have arisen amidst broader concerns that the Iraqi government has exacerbated the crisis. This leads us neatly onto the next section.

Assisting whom exactly?

The UN Secretary-General places a strong emphasis on the idea that international assistance should help build 'effective, legitimate and inclusive governance'.[93] The thinking is relatively straightforward in that good governance helps reduce the sources of grievance that can facilitate the practice of mass violence. To do this, the international community needs to assist in the establishment of 'accountable political institutions, respect for the rule of law and equal access to justice, and mechanisms for the fair and transparent management of economic resources and assets'.[94] The end goal is certainly commendable; however, the challenge comes in facilitating this goal. For instance, the idea that the international community should help states establish 'accountable institutions' and/or 'equal access to justice' raises the question, why these are not in place already? If the answer lies in the fact that the elites in charge have inhibited such developments, then international assistance may legitimate governments which are, at least in part, responsible for creating the crisis in the first place. From this perspective, pillar II may become part of the problem as opposed to part of the solution. The assistance in Mali and Iraq raise issues which help illustrate the challenges facing future implementation.

Let us return to UN Resolution 2100 which authorised international assistance to Mali in 2013. The Resolution notably set out the central tenants of pillar II as it sought to, first, reaffirm 'strong commitment to the sovereignty, unity and territorial integrity of Mali', welcome 'the swift action by the French forces, at the request of the transitional authorities of Mali' and 'help the transitional authorities in Mali 'bring to justice those responsible for war crimes and crimes against humanity'.[95] These seem noble goals. The problem is that the UNSC authorised this assistance on the premise that it would facilitate 'full restoration of constitutional order, democratic governance and national unity in Mali', whereas critics point out that Mali did not have these things in the first place. Vliet makes a convincing case that Mali represented a 'dysfunctional political system' rather than a 'flagship democracy'.[96] Years of assistance in

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[93] UNSG report, 'Fulfilling our collective responsibility', p.10.
[94] UNSG report, 'Fulfilling our collective responsibility', p.11.
[95] United Nations Security Council Resolution 2100 (2013) (S/RES/2100).
[96] Martin van Vliet, 'Weak legislatures, failing MPs, and the collapse of democracy in Mali', African Affairs, 113:450, 2014, pp. 45-66. p.45.

the form of aid from the French and Spanish,[97] as well as counterterrorism funding from the US[98] 'consolidated a regime that grew increasingly discredited'.[99] Following the intervention, RtoP advocates warned that 'one of the fundamental causes of the crisis, the marginalization of ethnic Tuareg, remains to be addressed'.[101] Although a new President and Assembly were elected there are on-going concerns that this is business as usual. The fact that Mali called for renewed assistance in January 2015 would give credence to the idea that the original assistance did not address the root causes. The UN response through Resolution 2227 includes a call for 'the Malian authorities to address immediate and long-term needs, encompassing security, governance reform, development and humanitarian issues, to resolve the crisis in Mali'.[102] Only time will tell whether this is achieved. The point of concern here is that assistance may act to legitimise illegitimate governments.

Initially, we saw signs of such caution in response to the August 2014 calls for renewed assistance in Iraq. The UK Prime Minister, David Cameron, opened the House of Commons debate stating that the UK strategy depended on 'the creation of a new and genuinely inclusive Government in Iraq [and] a new representative and accountable Government in Damascus'.[103] Echoing this sentiment, Andrew Mitchell MP argued for a 'focus on local government and accountability', whilst Dan Jarvis MP called for a strategy to 'create a stronger and more accountable Iraqi Government'.[104] The statements echoed US strategy as President Obama committed to limited airstrikes whilst explaining that any greater US involvement depended on a more inclusive Iraqi government being established first. [105] Responding to such calls, Prime Minister Haider al-Abadi increased representation by allocating seven ministerial posts to Sunni leaders in an attempt to reconcile differences. [106] Meanwhile the US and UK has conducted air strikes in both Iraq and Syria as it prioritises the urgent need to address the threat

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[97] Isaline Bergamaschi, 'The fall of a donor darling: the role of aid in Mali's crisis', The Journal of Modern African Studies, 52:03, 2014, pp. 347 – 378.

[98] Pincus, W., 'Mali insurgency followed years of U.S. counterterrorism programs', The Washington Post, Washington, DC., 16 Jan. 2013, https://www.washingtonpost.com/world/national-security/mali-insurgency-followed-10-years-of-us-counterterrorism-programs/2013/01/16/a43f2d32-601e-11e2-a389-ee565c81c565_story.html, accessed 20 January 2015

[99] Bergamaschi, 'The fall of a donor darling', p.347.

[101] Global Centre for the Responsibility to Protect, 'Mali', http://www.globalr2p.org/regions/mali, accessed, 12 Jan. 2015.

[102] UN Security Council S/RES/2227 (2015), p. 11.

[103] Cited in 'UK Defence Committee Report', p.21.

[104] Cited in 'UK Defence Committee Report', p. 21.

[105] Robin Simcox, 'Go big or go home: Iraq needs U.S. ground troops more than ever', Foreign Affairs, 12 August2014, https://www.foreignaffairs.com/articles/middle-east/2014-08-12/go-big-or-go-home, accessed 29 Jan. 2015.

[106] Muhamed H. Almaliky, 'Mending Iraq', Foreign Affairs, 16 Jan. 2015, https://www.foreignaffairs.com/articles/middle-east/2015-01-16/mending-iraq, accessed 29 July 2015.

posed by DAESH.[107] Tragically, these air strikes are estimated to have led to the deaths of over 584 civilians at this time of writing which act as a chilling reminder that any use of force, even consensual, carries the risk of civilians being killed.[108]

The crises in countries such as Mali, Iraq, Nigeria and South Sudan expose the profound challenges facing pillar II. Going forward, analysts and policymakers need to get to grips with 'the problem of dirty hands'. On one hand, vulnerable groups may be exposed to the real threat posed by non-state armed groups, but, on the other hand, the governments seeking assistance to fight these groups may be either failing to establish 'effective, legitimate and inclusive governance' (to use the UNSG's words) or, worse, involved in committing crimes against civilians. To take the case of Nigeria, Human Rights Watch remind us the US, the UK, and the UN have continued to criticise 'the abusive conduct of the Nigerian security forces' but this 'has not resulted in meaningful change'.[109] A moral dilemma therefore arises as no one wants to expose vulnerable groups to even greater risks but at the same time, we do not want to unintentionally embed bad governance through assistance. The water is muddied somewhat by three factors. First, it could be that the government in question is committing violence but this does not qualify as one of the four crimes and therefore does not indicate a 'manifest failing' whereby options under pillar III would be considered.[110] Second, the government may be judged to pose less of a threat to civilians than the non-state armed group. Third, the government may simply be viewed as the best option available for tackling the non-state armed group. Quickly, we begin to see that there is no easy answer. Furthermore, the premise of the RtoP is that each crisis should be dealt with on a 'case-by-case' basis and that no one size fits all rule can be established. This is precisely because of the difficulties, complexities, and trade-offs involved in such extreme political environments.[111]

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[107] Despite the House of Commons voting against air strikes in Syria in 2013, in July 2015 it came to light that the UK has supported US air strikes in Syria. See Ben Farmer, 'Syria air strikes: Britain will continue targeting ISIL despite lack of parliamentary approval', The Telegraph, 17 July 2015.

[108] Airwars estimates that 'between 584 and 1,704 civilian non-combatants have been killed during the 6,987 airstrikes in Iraq and Syria http://airwars.org/ accessed 23 September 2015.

[109] Human Rights Watch, 'World Report 2015: Nigeria', https://www.hrw.org/world-report/2015/country-chapters/nigeria accessed 20 September 2015.

[110] Paragraph 139 of the World Summit Outcome states, 'we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity', emphasis added. For discussions over establishing whether a state is manifestly failing, see Adrian Gallagher, 'What constitutes a "manifest failing"? ambiguous and inconsistent terminology and the responsibility to protect', International Relations, 28: 4, 2014, pp. 428-444.

[111] For an excellent account on the realities facing practitioners see, Jean-Marie Guéhenno, The fog of peace: A memoir of international peacekeeping in the 21st century (Washington: The Brookings Institution, 2015).

In terms of tentative recommendations, this author draws insight from Paul Williams' study of US assistance in Africa in which he explains:

> To better support effective peace operations in Africa, the United States should take the following steps. First, Washington should use selectivity (supporting existing good practices) rather than conditionality (providing assistance on the promise of the recipient reforming its activities in the future) as the principal criterion for choosing bilateral security partners in Africa and devise metrics for evaluating partner performance.[112]

Although the statement focuses on the US, broader lessons can be learnt, especially for Western states whose power to influence non-Western states is widely accepted to be declining. Within a pillar II context, the appeal to selectivity rather than conditionality implies assisters should be wary of providing assistance based on assurances from the requesting government that they will change their ways. For example, the governments of Nigeria and South Sudan have both been condemned by human rights organisations for conducting war crimes and crimes against humanity and, therefore, need to evidence substantive changes before they are assisted further.[113] This, of course, brings us back to the troubling question, what about the victims? With this in mind, this author stresses that the appeal to selectivity is referenced as something to bear in mind rather than a cast iron rule. As stated, assisters 'should be wary' of providing assistance based on future commitments. This is not the same as suggesting they should never provide such assistance. To draw on Walzer, such moral dilemmas require us to consider 'emergency ethics' and the stark reality is that each crisis will reveal a moral dilemma that needs to be addressed on a case-by-case basis.[114] There is no silver bullet but as the RtoP enters its second decade since the World Summit, such emergency ethics need greater consideration within the context of pillar II.

Conclusion

There is a striking disconnect between the importance of pillar II on one hand and the lack of research into it on the other. Addressing this, the article strives to develop a dialogue on the added value of pillar II. First, it provides an overview of pillar II to highlight that it can represent a hybrid response that incorporates many different types of assistance by a variety of actors. This is positive in that it increases the capacity at the supply side of the equation.

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[112] Paul D. Williams, 'Enhancing US support for peacekeeping in Africa', Council on Foreign Relations, Council Special Report No. 73, May 2015, p.4.

[113] Human Rights Watch, South Sudan: widespread atrocities in government offensive, 21 July 2015, https://www.hrw.org/news/2015/07/21/south-sudan-widespread-atrocities-government-offensive, accessed 23 July 2015.

[114] Michael Walzer, 'Emergency ethics', in Michael Walzer, Arguing about war (New Haven: Yale University Press, 2004), pp. 33-50.

However, it poses challenges as different actors may have their own agenda. Following on from this, sections two and three explained the consensual support for pillar II and its utility for addressing the threat posed by non-state armed groups. These aspects pose a direct challenge to those that claim the RtoP is dead. Having said this, international assistance in crises such as Iraq, Mali, and Nigeria reveal complexities regarding the competing interests of different actors and the legitimacy of the governments requesting assistance. Therefore, whilst there is considerable promise to pillar II, the article fleshes out the challenges and recommendations that it faces at the RtoP enters its second decade since the World Summit.