In the spring of 1994, members of the Hutu tribe viciously slaughtered almost 800,000 Tutsis in a genocide campaign in Rwanda while the international community sat back and let the madness unfold. Not only were the Hutus morally culpable for their heinous acts, but every state (to some extent) was also morally to blame for the United Nations’ failure to stop or even attempt to stop the Hutu rampage. Four years after the genocide in Rwanda, President Clinton apologized for the Western world’s inaction in the face of such terrible acts. Then, a year later, as an ethnic cleansing campaign swept across Kosovo, and with the members of the United Nations Security Council (UNSC) divided on the decision to intervene, NATO decided to bring an end to the Serbian ethnic cleansing of Albanians. However, NATO’s bombing campaign produced thousands of civilian deaths by bringing about a lack of potable water, electricity, and medical necessities. In both cases the UN failed to act.

Even though NATO acted in Kosovo, it caused more harm than it should have. The intervention in Kosovo only consisted of a NATO air campaign. No ground forces were used. The bombing focused on destroying dual use targets (electrical grids, highway interchanges, oil refineries, bridges, fuel depots, etc.) as a way of undermining Slobodan Milosevic’s ability to wage war on the civilian population. Although this strategy brought about the capitulation of Milosevic’s forces, it also caused the death of thousands of civilians due to foreseeable but unintended...
results as well as residual effects (lack of potable water, food, shelter, and medical attention).

In an attempt to respond to the international community’s lack of response to the tragedies of genocide and crimes against humanity, Secretary-General Kofi Annan, during the 2000 United Nations General Assembly, made a plea to the international community “to try to find, once and for all, a new consensus on how to approach the issue of humanitarian intervention and to forge unity around the basic questions of principle and process involved” when it is required.

In 2000, the International Commission for Intervention and State Sovereignty (ICISS) was formulated to grapple with the legal, moral, operational, and political issues surrounding the use of external military intervention for human protection. Many issues come into play when determining if using force to stop force is necessary. Nonetheless, I will focus on the moral aspects of military intervention. I will show that a state can lose its moral right to pursue a policy of nonintervention, and when a state loses its moral right to nonintervention, military intervention can be required, if further necessary conditions are met.

Aligning the just war tradition with the norm of right intention is essential in order to set conditions for a just and lasting peace. The concept of “Right Intention” is central to protecting the innocent. And so, of course, military intervention is a justified act of war and is essential in helping and protecting those people that cannot stop grievous and permanent harm from being unjustly done to them. Justice is predicated on the fulfillment of human rights, which constitute the core of international justice. Human rights are supposed to dictate a state’s governance—both externally toward the citizens of other states and internally toward a state’s own citizens and inhabitants. Unjust war, oppression, and genocide arise from unjust state institutions, so establishing a lasting peace is predicated on safeguarding basic human rights, fidelity to the principle of civilian immunity, and the recognition of the international responsibilities to protect.

I plan to make the case for the Responsibility to Protect as well as examine its conditions and content, in an eleven-section analysis. Section 1 shows the evolution of the emergent norm of the Responsibility to Protect but also exposes some of the worries raised by the doctrine. In sections 2 and 3, I will show that where the conditions of sovereignty fail there is no right to recognition or right to nonintervention, but
that the absence of a right to nonintervention is not sufficient reason to establish either a right or duty to intervene.

In my view, there are a number of necessary conditions that are, when taken all together and fulfilled, sufficient to justify military intervention. These include not only serious, widespread violations of physical security rights, but in order for a military intervention to be called for it must have a reasonable chance of success, must be used only as a last resort, must be welcomed by those being harmed by the precipitating violations, must be all things considered proportionate, must be undertaken voluntarily by states, must not abridge the rights of the soldiers it involves, and the target state must have had ample opportunity to redress the problem itself.

The focus of this chapter turns to rights and duties in sections 4 through 8. The precedence of securing physical security rights is the topic of section 4. In sections 5 and 6, I will propose that safeguarding basic rights requires the fulfillment of both negative and positive duties and advocate that the international community can and should fulfill this duty via the UN. Later, I suggest that the duty to intervene is not exclusively a military duty. I then turn to a discussion of the rights of soldiers.

In the remainder of this chapter (sections 9, 10, and 11), I will discuss aspects of the obligation to intervene by looking at the availability of the resources that are provided by states voluntarily as bearing on whether the international community is obligated to intervene. I then explain that in the event that the international community fails to act where required, individual states may act. The chapter ends with my proposal that the UN also has a duty to improve in order to more efficiently and effectively respond to this obligation.

THE ICISS, WORLD SUMMIT, AND IMPLEMENTING THE RESPONSIBILITY TO PROTECT

In 2001, the ICISS published “The Responsibility to Protect,” which replaced the term Humanitarian Intervention with the term The Responsibility to Protect (RtoP or R2P). The terminology was changed because the commission believed that arguing for or against the right of one state to intervene in another was outdated and unhelpful. Humanitarian
agencies have also opposed the existing term since it militarized the word *humanitarian*. Military action, the intentional killing of others, should be seen for what it is—intervention or military intervention—but should not be called humanitarian because it denigrates the actual meaning of the word *humanitarian*, which should denote actual relief and assistance, not assistance by way of killing those who are trying to kill others. And so the ICISS replaced humanitarian intervention with the responsibility to protect because, “1) state sovereignty implies primary responsibility for the protection of citizens rests with the state itself, and 2) where a state is unable to or unwilling to avert grievous issues (Genocide, War Crimes, Crimes against Humanity, and Ethnic Cleansing), the principle of non-intervention yields to the international responsibility to protect.”

The Responsibility to Protect doctrine consists of three specific responsibilities: (1) the responsibility to prevent—to identify early warning signs of trouble and take action to mitigate underlying issues; (2) the responsibility to react—to respond to the situation with appropriate measures; and (3) the responsibility to rebuild—to provide (following military intervention) full assistance with restoration efforts.

In order to justify the use of military force (the react phase), there has to be serious and irreparable harm occurring to human beings: either (1) large-scale loss of life, actual or anticipated, and with genocidal intent or not, that is the product either of deliberate state action, or the neglect or inability to act, or a failed-state situation; or (2) large-scale ethnic cleansing, actual or apprehended, whether carried out by killing, forced expulsion, acts of terror, or rape.

In addition, the ICISS stated that the UNSC should take into account that if the UN fails to discharge its R2P obligations, then the UNSC may not rule out other means (states acting unilaterally, subregionally, or regionally) to meet the seriousness of the situation. Although the ICISS states that there is no better or more appropriate body than the UNSC to authorize military intervention for human protection, it recognizes the case that other states might act if the UN fails to and that this would greatly undermine the credibility of the UN.

In 2005, at the World Summit (WS), the UN General Assembly agreed that the responsibility to protect was an important feature in safeguarding the innocent, and unanimously agreed (Resolution 63/308) to paragraph 139 of the 2005 WS regarding R2P: “The UN will be prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, 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.76

The ICISS suggested that the duty to intervene existed not only in actual cases of genocide but in instances involving large-scale loss of life, even though it might have occurred without genocidal intent. However, these stipulations, which were incorporated in the 2001 ICISS, were weakened during the 2005 World Summit. Although the ICISS’s proposal was discussed during the 2005 WS, member states unanimously agreed to provisions that were less demanding than what the 2001 “The Responsibility to Protect” proposed.

The 2001 ICISS publication suggests that the UNSC has a duty to intervene. However, by the 2005 World Summit, it seemed that the UNSC only had a right (not necessarily a duty) to intervene. The justification for force is no longer large-scale loss of life, “actual or apprehended,” with genocidal intent or not,7 but rather applies to cases of “actual” genocide, war crimes, ethnic cleansings, and crimes against humanity.8 Also, reacting to a crisis does not seem as paramount as it did in 2001 when the ICISS stated that the principle of nonintervention yields to the international responsibility to protect. Instead, the 2005 WS consensus was that the UN would be prepared to act on a case-by-case basis. On another note, the World Summit did not make any reference to the international community’s ability to take independent action if the UNSC fails to take action. This makes it seem as if the UN wants to position itself as the only institution that can decide when intervention is warranted.

In 2009, UN Secretary-General Ban Ki-moon issued “Implementing the Responsibility to Protect” to the General Assembly, in an attempt to transform the results of the 2005 World Summit into an R2P operational policy. The operational framework consists of three pillars: Pillar One—the protection responsibilities of the state (to secure and protect human rights and support the work of the UN Human Rights Council); Pillar Two—international assistance and capacity building (to develop mutual and active partnerships and assist those failing states that are “under stress before crises and conflicts break out”);9 and Pillar Three—to assure timely and decisive response, which can involve not only peaceful measures (UN Charter, ch. VI), but also coercive measures (UN Charter, ch. VII).10
Sovereignty implies responsibility. However, “It is the responsibility of the international community to take timely and decisive action to prevent and halt genocide, ethnic cleansing, war crimes and crimes against humanity when a State is ‘manifestly failing’ to protect its population.”\textsuperscript{11} But essential to employing coercive action when necessary is that the permanent members of the UNSC “refrain from employing or threatening to employ the veto in situations of manifest failure to meet obligations relating to the Responsibility to Protect, as defined in paragraph 139 of the Summit Outcome, and to reach a mutual understanding to that effect.”\textsuperscript{12} As of 2009, the General Assembly reaffirmed its respect for the UN Charter, citing the results it had reached for R2P during the 2005 WS, and decided to continue its consideration of R2P.

In 2010, the Secretary-General published “Early Warning, Assessment and the Responsibility to Protect,” not only to inform but also to strengthen interactive dialogue in the General Assembly. This was followed in 2011 by “The Role of Regional and Sub-regional Arrangements in Implementing the Responsibility to Protect.” Three key points in this document, detailed below, are: the essential nature of the regional and subregional actors, peaceful measures as a strategy to mitigate threatening situations, and the necessity of coercive means to stop genocide.

First, the UN recognizes that regional and subregional actors are not only essential in monitoring human rights violations and assisting in capacity building, but also have a stake in a neighboring state’s protection of its citizens because violations or grave failures might have spillover effects (refugees and violence) on one’s own state.

Second, the report recognizes that enacting peaceful measures can be a strategy to mitigate a dangerous situation; however, the UN wholeheartedly recognizes the limitations contained in these measures. “Financial tools like travel bans, targeted sanctions, and restrictions on arms and equipment often take too long to become effective, are difficult to implement and monitor, and can cause collateral damage to trading partners and neighboring countries.”\textsuperscript{13}

Third, cognizant that sanctions can be problematic and unreliable, the report recognizes (as a last resort) the importance of coercive means, while acknowledging that it lacks procedural development regarding the implementation of coercive means (military intervention) to stop genocide. “The Report notes that these methods [military intervention] are necessary but underdeveloped, needing further discussion.”\textsuperscript{14}

This point is critical, since coercive means will on occasion be needed
in preventing acts of genocide, but the UN has no effective standing military capacity.

Although the UN has recognized this emergent necessity and has taken steps to develop such a framework, it is still is unclear how the responsibility of using sanctions or using military force should be distributed, planned, resourced, and executed. Paragraph 139 of the 2005 WS (as the basis for the R2P doctrine) is inherently problematic because it states that the UNSC will review each violation on a case-by-case basis instead of universally declaring that it will take appropriate measures regarding all manifested failures to protect.

In addition, some of the UN literature is ambiguous. Article 2.7 of the UN Charter states: “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter.” In addition, Article 138 of the 2005 World Summit (which comes before Article 139 on R2P) declares, “Individual sovereign states still bear the primary responsibility to protect their populations, and we accept that responsibility and will act in accordance with it.” The ambiguity in the doctrine encourages some to believe that the notion of sovereignty always entails a right to nonintervention instead of the realization that sovereignty is itself conditional on securing human rights, among other things. “Not surprisingly, governments tend to be very keen on the idea of political sovereignty; they tend to assume that they have an automatic right of military resistance to any violation of national sovereignty,” or perhaps they just believe that they are in fact legitimate.

Either way, I am not discounting that states should bear the primary responsibility for protecting their own citizens. However, better articulation and clarity of that concept is needed. Articles 2.7 and 139 have been cited by countries that do not consent to external coercion. In certain situations, when the UN has contemplated the use of external force to remedy human rights violations, the states that are responsible for these violations have posited that granting the use of coercive means is too rash because it is the state that has the primary responsibility to fix the issue and not the international community. Jennifer Welsh notes that some state violators have attempted to dissuade the international community from getting involved by trying to “delegitimize external involvement in their internal crises; in the case of Darfur, for example, the Sudanese government claimed that it had not yet manifestly failed
to exercise its primary responsibility to protect its population and that outside intervention was therefore premature.”

SOVEREIGNTY AND THE RIGHT TO NONINTERVENTION ARE CONDITIONAL

Shortly after the 1648 Treaty of Westphalia, which denounced external influence into domestic affairs and established state sovereignty, Thomas Hobbes and John Locke developed their own nuanced version of the state sovereignty concept. Hobbes suggests that since man is always competing for honor and dignity he must be subdued and coerced in order to compel his obedience and performance. Hobbes states, “Coercive power is used to compel men equally to the performance of their covenants, by terror of some punishment, greater than the benefit they expect by the breach of their covenant.” Establishing a common power is the only way to protect citizens against injury by others and invasion by foreigners. The only way to establish such a common power is for members of a state “to confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their wills, by plurality of voices, unto one will.” The sovereign commands his subjects but is himself above the rule of law. All of the subjects will obey those dictates that “concern the common peace and safety, and therein submit their wills, every one to his will, and their judgments, to his judgment.”

What follows is that “nothing the sovereign representative can do to a subject, on what pretence [sic] so ever, can properly be called injustice, or injury,” because the sovereign has ultimate power to decide what is best. Furthermore, a sovereign ruling and controlling a piece of territory has the right to rule as he sees fit, because for Hobbes the international domain is a state of nature, and no one really has secure rights in a state of nature. Not only does a powerful sovereign have absolute domestic power, but also unchecked freedom internationally, since there is no global sovereign. States can be interfered with, aggressively attacked, and so on, without any violation of a right to nonintervention. Justice does not prevail. Rather, the international domain is predicated on survival of the strongest where wealth, power, and rational interests guide actions instead of justice. Peace between states is achieved by power, impotence, or *modus vivendi.*
Locke’s account of sovereignty is much different. For Locke, a state’s people are not considered subjects but citizens. Men voluntarily unite into a community of government—a body politic—for public good and safety. It is the consent of the people from which a ruler derives his power. As Locke posits, “The governments of the world, that were begun in peace, had their beginning laid on that foundation, and were made by the consent of the people,” and not by absolute unchecked power and coercion of the people, because men agree to join and unite into a community “for their comfortable, safe, and peaceable living one amongst another, in a secure enjoyment of their properties, and a greater security against any, that are not of it.” Some reciprocity exists between ruler and citizen and both are subject to the rule of law. Citizens not only have certain basic constitutional rights but also have the right to evaluate, criticize, dissent, and even secede from their body politic. The sovereign’s rule, “in the utmost bounds of it, is limited to the public good of society; it is a power, that hath no other end but preservation, and therefore can never have a right to destroy, enslave, or designedly to impoverish the subjects.”

If a sovereign uses its power to destroy, enslave, or impoverish its citizens, then that sovereign—failing to uphold the standards of conduct that it was charged with—will not only cause alarm and concern domestically but also internationally among the free system of states. “Actions of men and of rulers must be in conformity to the laws of nature, and the fundamental law of nature is the preservation of mankind.” A sovereign who has renounced the way of peace and who has used force to accomplish his unjust ends, such as a despot, “renders himself liable to be destroyed by the injured person, and the rest of mankind, that will join with him in the execution of justice, [against] any other wild beast, or noxious brute, with whom mankind can have neither society nor security.” Locke’s view, arising out of natural law, supports a conditional notion of domestic sovereignty or legitimacy, and the idea that the international order is bound by various moral norms rooted in natural law, supporting, perhaps, a right to nonintervention for legitimate sovereign states.

The Lockean notion of sovereignty has slowly taken hold of, and has begun to shape, international law and politics and practice. This constrained notion of a state’s power (subjecting itself to a limited authority both domestically and internationally) would inevitably become the
world order that we have today. The Lockean conception of sovereignty is conditional upon the fulfillment of certain moral criteria. That is, we have moral criteria governing the legitimacy and recognition/standing of states. “Political entities are legitimate only if they achieve a reasonable approximation of minimal standards of justice, again understood as the protection of basic human rights.”

States that adequately protect core human rights are recognized as “a member in good standing of the system of states, with all of the rights, powers, liberties, and immunities that go along with that status.” Such powers and liberties include the right to territorial integrity, to self-determination, to noninterference, to make treaties, to make just war, and to enforce legal rules within its boundaries. David Luban points out: “When State A recognizes State B’s sovereignty it accepts a duty of non-intervention in B’s internal affairs; in other words, it commits itself to pass over what B actually does to its own people.”

If a state does not meet this minimum standard of justice then that state loses its moral right to noninterference, because “a state must be legitimate in order for a moral duty of non-intervention in its affairs to exist.”

Sovereignty, insofar as it entails a right to nonintervention, presupposes legitimacy, and legitimacy presupposes the effective realization of core human rights, including physical security, subsistence, and basic liberty rights. “Human rights set a necessary, though not sufficient, standard for the decency of domestic political and social institutions.” This necessary standard implies a dual responsibility: “[E]xternally—to respect the sovereignty of other states, and internally, to respect the dignity and basic rights of all the people within the state.” A state that adequately protects and respects the human rights of its own people as well as the human rights of citizens in its external relations with other states can be a considered a member in good standing of the international community because “it successfully carries out the requisite political functions,” needed in order to guarantee its legitimacy. “Human Rights fulfillment is 1) a necessary condition of the decency of a society’s political institution and of its legal order, and 2) sufficient to exclude justified and forceful intervention by other peoples.”

**INTERVENTION IS REQUIRED**

Although members of the international community share principles and common ground, these states do not take interest in everything other
states do. However, they do take interest when states fail (whether deliberately or not) to reasonably secure these basic rights of their citizens. The key point here is that to guarantee a state’s right to political self-determination and nonintervention that state must reasonably honor the core rights of its own people.

States that manifestly violate core human rights (whether intentionally or not) lose their moral right to nonintervention because they not only violate the basic rights of their citizens but also “pose a fundamental threat to peace and stability within the international order.” A state that has failed to observe the moral conditions of legitimate sovereignty leaves the state system with a gap: there is a population neither organized nor represented by a legitimate state, resulting in the destabilization of the state-system/international community. It is as if a population becomes “stateless,” since its state fails to fulfill certain conditions necessary to recognition as a legitimate state in the international arena. The state system is a system of states. If we have moral criteria governing the recognition/standing of states, then the system is compromised where those conditions are not fulfilled.

There are many conditions, including a wide range of human rights conditions, that a state must fulfill in order to merit recognition and a right to nonintervention. The failure to fulfill any of these will leave it without a claim to recognition and without a right to nonintervention. But other states cannot justify an intervention by simply pointing out that the “state” they are intervening in has no right to nonintervention. That it has no such right is a necessary condition of the permissibility of an intervention, but not by itself a sufficient condition. Military intervention is required and so permissible only if a number of further necessary conditions are fulfilled. In my view, there are a number of necessary conditions that are, when taken all together and fulfilled, sufficient to justify intervention. I am not arguing for a view that picks out any one condition as sufficient to render intervention permissible. Rather, the only sufficient condition is the fulfillment of all the necessary conditions. In addition to a state’s inability or lack of intent to secure basic physical security rights, other necessary conditions must be satisfied, that is to say, a military intervention should be a last resort, should have a reasonable chance of success, should be proportionate (all things considered judgment), should not abridge the rights of soldiers who are implemented, should be undertaken voluntarily by states that have the resources to do so, should be reasonable in supposing that the victims of the genocide campaign would actually welcome military intervention as
a form of rescue, and the target state should have had ample opportunity to address/correct the problem itself.\textsuperscript{37}

\textbf{PHYSICAL SECURITY RIGHTS TAKE PRECEDENCE}

Security, subsistence, and basic liberty rights, according to Henry Shue, are all necessary to the existence of any rights at all. If anyone is to have any rights at all then they must have basic security, subsistence, and liberty rights which are necessary to the existence of any rights at all. The idea is that you cannot enjoy any rights as a matter of right unless you enjoy the basic rights as a matter of right. “Basic rights, then, are everyone’s minimum reasonable demands upon the rest of humanity; they are the rational basis for justified demands the denial of which no self-respecting person can reasonably be expected to accept.”\textsuperscript{38}

Although on Shue’s account genocide might engender our sympathies in an especially dramatic way, the human rights violation is not any more “basic” than if subsistence or basic liberty rights were also violated. In a sense, the violation of any basic physical security, subsistence, or liberty right is equally “basic” for Shue, so if societies are committed to honoring any rights, then they must be committed to honoring security, subsistence, and liberty, since these are the most basic. Physical security rights are a person’s reasonable guarantee from physical threat and harm, assault, rape, torture, enslavement, murder, etc. Subsistence rights are a person’s reasonable guarantee to an adequate level of food, water, clothing, and shelter. Basic liberty rights are a reasonable guarantee of an adequate level of freedom of personal agency and autonomy by not being subjugated, shackled, chained, imprisoned, quarantined, etc. However, R2P doctrine, as it currently stands, does not support this. But as a moral matter, R2P doctrine should be extended in order to cover all basic rights (physical security, subsistence, and basic liberty) violations, because all of these rights are equally basic.

The widespread systematic violation of subsistence and basic liberty rights seems just as much a threat to agency as widespread killing, etc. Agency is “the capacity of each individual to achieve rational intentions without let or hindrance.”\textsuperscript{39} Agency is “individual empowerment.”\textsuperscript{40} When individuals have it, Michael Ignatieff states, “[t]hey can protect themselves against injustice, and they can define for themselves what they wish to live and die for.”\textsuperscript{41} Without a reasonable guarantee of protecting
subsistence, basic liberty, and physical security rights there cannot be any possibility of any type of agency by a population.

However, as a pragmatic matter, we should limit military intervention to that which protects persons from widespread and systematic physical security rights violations. Resources are finite, and to expand the list of what would require R2P military intervention to include subsistence and basic liberty rights violations is beyond the scope of what the international community can muster. Instead, the international community can use lesser forms of intervention (political persuasion and pressure, sanctions, etc.) as part of the R2P platform in order to hold states accountable for their gross subsistence and basic liberty failures that do not have an immediate and irreparable impact on civilians, as acts of genocide do.

For a military intervention to be pragmatically acceptable and morally required it must be aimed at immediately occurring systemic physical security rights abuses of the most serious sort: genocide, ethnic cleansing, war crimes, and crimes against humanity. R2P military intervention should be reserved for grave cases where not only a basic right is violated but so too is agency, and the harm imposed is immediate and irreparable.

The physical act of murder cannot be undone nor can the psychological effects of being tortured, raped, or witnessing love ones being killed, maimed, tortured, or raped be undone. Not all harms are equal. Some are more destructive than others, and R2P military intervention should be reserved for the most serious of harms. The fundamental nature of the right, the irreparable, immediate, and grave harm incurred, and the deliberate stripping of agency is why the securing of physical security rights should pragmatically take precedence over all other basic rights.

Of course, lack of freedom of movement (being quarantined) or lack of food/shelter cause-harm but this is not the same kind of harm as being slaughtered. Reasonably, physical security rights should be considered as having a special status compared to other basic rights. Genocide, war crimes, and crimes against humanity impose significant physical and psychological dimensions of harm that are immediate, extreme, and irreversible. Malnourishment or lack of freedom can be fixed, not discounting the fact that extreme malnourishment and quarantine (e.g., starving a population as a form of slaughter, keeping a group captive in a camp and subjecting them to forced labor, etc.) could possibly be used as a calculated means to achieving genocide or ethnic cleansing. In such a case, R2P military intervention should still be triggered because it is still a situation in which one group intends and has enacted the
physical destruction (genocide) of another group, but instead of using machetes or gas chambers, this group uses starvation and forced labor as the vehicle to accomplish it.

This does leave at odds, though, some serious physical security rights violations of ethnic cleansing (e.g., quarantine, displacement, prevention of sexual relations, deportation). These violations could be resolved through the use of other peaceful/ less coercive measures instead of military intervention because these physical security rights violations are neither immediate (as in losing one’s life) nor necessarily irreparable. Rather, these types of violations require time in order to produce the desired results. Therefore, implementing measures short of military intervention has the potential to resolve the situation.

SAFEGUARDING BASIC RIGHTS

We can say that all persons have the right to life, to subsistence, physical security, and basic liberty, but, “The proclamation of the right is not the fulfillment of the right.” Rather, there needs to be assurance that the right is honored, because basic human rights are universal and dictate the conduct of all states to “prevent, or to eliminate, insofar as possible the degree of vulnerability that leaves people at the mercy of others.”

The fulfillment of basic human rights is necessary for any attempt at an adequate life. All legitimate states are committed to the human rights of their citizens. This commitment requires states to do more than simply not violate the human rights of their own citizens. It actually requires the institutionalization of positive action. Otherwise, basic human rights cannot be reasonably safeguarded.

A basic right such as physical security entails both negative and positive corresponding duties in order to effectively safeguard that right and actually guarantee its fulfillment. The basic idea behind positive and negative duties is that the positive ones “require other people to act positively—to do something—whereas another kind of rights [the negative ones] require other people merely to refrain from acting in certain ways—to do nothing that violates the rights.” The same can be said about subsistence and basic liberty rights, which also require negative and positive corresponding duties in order to ensure that they are honored. I use physical security rights as an example to illustrate Shue’s point.
The underlying distinction between the two categories is between one of action and one that involves omission of action.

Living in a polity, a person has the negative duty to refrain from intentionally harming others, “but it is impossible to protect anyone’s rights to physical security without taking, or making payments toward the taking of, a wide range of positive actions.” If the fulfillment of honoring these security rights is solely based on the negative duty to avoid doing harm, the negative duty would not reasonably guarantee the fulfillment of those rights. If there is not an institutional apparatus that protects citizens against threats to physical security, then some citizens might choose to violate this precept for various reasons, for instance, because of a lack of moral education, a lack of a willingness to comply, or a lack of penalty for noncompliance.

If the right not to be killed is taken seriously then efforts to enforce its correlate duty not to kill must be made. There has to be a social guarantee against threats that jeopardize one’s enjoyment of physical security rights. The institutionalization of positive duties helps enforce the negative duty. A society can safeguard the security rights of its members by way of restraint and protection against nonrestraint. To ensure that security rights are honored, positive steps must be taken, since we realize that this will be an effective and efficient way to protect persons against nonrestraint. Positive duties are used to stop and punish, and the most effective and efficient way to do this is by designing institutions that try to prevent nonrestraint and punish those for nonrestraint. Members of the polity understand that the institutionalization of positive duties is necessary because it is the best way to coordinate requirements that are essential.

Members of the polity pay taxes, which are used to fund a professional police force, criminal courts, prisons, an educational system for criminal justice professionals, and the moral education of all members. States are the primary obligor for the implementation and operation of positive duties. That is, states are obligated to protect their citizens. Insofar as the positive duties can be most reasonably fulfilled by a state, then it follows that in order for there to be any rights at all there must be states, or at least some type of social form that effectively distributes duties. Although they may not be absolutely necessary, states are the most obvious candidate, since we not only live in a world comprised of states, but they also effectively distribute duties (enforcement, remedia-
tion, backup obligors, etc.). If we are going to have states, then they must protect core rights.

Persons not only have a negative duty to refrain from doing harm, but also a positive duty not to allow such action. If a perpetrator attacks someone and others witness the attack, they do not necessarily have an obligation to stop the attack but do have an obligation to assist when required, for instance, by calling the police, providing an eyewitness account, testifying in court, etc. The negative duty to refrain from inflicting harm, coupled with a basic social structure that protects the right, provides a reasonable guarantee of a person’s basic right to physical security. Murders, although tragic, will still occur; however, as long as the state is reasonably doing what it is expected to do in order to protect its citizens from violations of physical security rights, that state meets a necessary condition toward legitimacy. There are some states that fail at least to some degree because of their citizens’ failure to uphold what is reasonably required of them. For example, a state might have an adequate police force and legal system, but citizens of that state never report attacks on members of minority groups (or on women), never testify in trials against those charged with attacking minority groups, etc. States that find themselves in such a position need to educate their citizenry in an attempt to mitigate ignorance and discrimination.

States that invest a reasonable amount of resources in order to arrest, prosecute, and punish perpetrators for their failure to comply with physical security rights meet a necessary condition of legitimacy, since they not only sufficiently protect the security rights of their members but the state also remedies the situation in which the victim has had his security rights violated. The state incarcerates the perpetrator as a form of retribution but also to prevent recidivism. The victim may also receive medical treatment, counseling, and even restitution. By protecting physical security rights, we can say that even a violated person’s right to life/security was honored since the perpetrator has been brought to justice. Even if there is murder, or even, potentially, widespread but isolated murder (for example, murders happen daily across the United States but these do not constitute a concerted, organized event), it does not necessarily mean that these are a human rights failure by a government. If a state reasonably fulfills its duty of policing, prosecuting, imprisoning criminals and aiding the victims, then it has acted reasonably within the domestic jurisdiction.
Human rights are a practical political creation based on common ground and shared principles that are “minimum reasonable demands upon the rest of humanity.” If states are committed to realizing human rights, then they must be committed to protecting them. This commitment requires them to do more than simply not violate the human rights of noncompatriots. States must also act together to ensure that there is some international system in place that will reliably protect the human rights of noncompatriots, remedy violations, etc.

Without any effective international system that takes positive action to protect those rights, basic human rights will be violated by governments that either do not care or that are unable to provide for their people at one time or another.

This being the case, it is not enough for a state to be the primary obligor without any backup obligors. Having backup obligors provides a level of guarantee and protection of subsistence, basic liberty, and physical security rights that could not be met otherwise. This is important because the principle of basic human rights imposes the same duties on all states. It binds us together. Human rights are what we owe each other. Every person is a duty bearer, so if a state fails in its responsibility then others have a duty to help through the auspices of their state.

In order to manage this responsibility and coordinate behavior we have two options: (1) create a new global institution to oversee the international community, or (2) use the existing global structure that we have.

The practical choice is to use an existing global structure that is familiar with human security issues. The United Nations was instituted to facilitate cooperation between states with regard to international law, trade, security, human rights, and peace. However, “one of the reasons why States may want to bypass the Security Council is a lack of confidence in the quality and objectivity of its decision-making. The Council’s decisions have often been less than consistent, less than persuasive and less than fully responsive to very real State and human security needs.” While it does seem problematic in many ways, the UN, ideally conceived, works in conjunction with regional and subregional arrangements by supporting dialogue, education, and negotiation. One
major problem of the UN is that its membership includes some outlaw states and that its charter’s language is ambiguous. Also problematic is the current veto rule wielded by the permanent members of the Security Council. Furthermore, the UN’s original purpose was mainly to facilitate diplomatic engagement, not to function as a vehicle for something like R2P. However, with modifications and improvements, the United Nations can make headway in order to adequately address and remedy R2P cases.

Having an organization of states reduces the burden on any one state. Using an institution that has the organization, potential military capacity, and ability to fulfill the positive duty of enabling systems in order to prevent physical harms is a plausible way to fulfill the obligation that the basic human right of physical security demands. Without any hierarchal organization to oversee the obligations, there are not any feasible strategies for most states on their own to fulfill their obligation to this basic human right. An international unified effort is more effective because it is equipped to implement a course of action that is not only necessary but also sufficient and feasible.

First, the use of a collaborative process (whether it is subregional, regional, or global) would help assuage the concern held by some states that the hegemonic United States would monopolize R2P and use it as a cover for advancing imperial ambitions. In addition, a collaborative process has the potential to encourage a state to assist that might otherwise be preoccupied by self-interested motives (economic costs, public opinion, war fatigue, national interests). Furthermore, a cooperative effort can also mitigate other forms of inaction. For example, the bystander effect is the phenomenon that happens when people witness a person in distress. As the number of bystanders increases in a given situation, the possibility that one of the bystanders will assist the person in need decreases. The more spectators, the greater the possibility of inaction because there is a false belief that someone else will intervene.

Each state waiting for another state to take the lead could lead to inaction. Moreover, entertaining the idea of conducting unilateral action might be so overwhelming (exorbitant economic costs, no clear exit strategy, lack of experience in dealing with these types of issues) that it leads to inaction. Although regional and subregional alliances, coalitions, and organizations can mitigate the bystander effect and play a considerable role in monitoring human rights violations and assisting in capacity building, they are not a global federation of states.
Regional and subregional alliances and coalitions can attempt to alleviate a particular situation, but the UN should not only be cognizant of such action but also have the ability to agree to such action. Otherwise, cases could be hit or miss if left up to regional and subregional organizations. Leaving R2P implementation to regional or subregional alliances, coalitions, and organizations could quite possibly lead to inconsistent responses and to a varying degree of assistance, depending on a state’s geographical location. Hopefully, the UN as a federation of states can oversee all R2P cases and apply a level of impartiality, consistency, and uniformity in dealing with all states in duress. “The task is not to find alternatives to the Security Council as a source of authority but to make the Council work better than it has.”

It might also be the case that a state (in addition to supporting the actions of the UN) wants to further assist in some fashion (because of historical, political, or geographical ties). If a state decides to go above and beyond what is required of it through the UN, this is permissible, supererogatory even, provided that the state is not doing so for personal gain. Risks may be associated with states acting unilaterally. The initiation of unilateral action, particularly extensive unilateral action (e.g., sending military advisors, weapons, and equipment) should have to be agreed upon by the UN to assure that no ulterior motives are present, and if they are, to assure that those motives are not satisfied.

THE INTERNATIONAL COMMUNITY HAS A DUTY TO INTERVENE

In addition to acknowledging the existence of severe, widespread, and systematic violations of basic physical security rights, it is essential that the UN evaluate the remainder of the necessary conditions that need to manifest in order for military intervention to be obligatory. Those necessary conditions (which when taken altogether are sufficient to justify intervention) include that there exist serious, systematic, and widespread violations of physical security rights. Further, military intervention must: have a reasonable chance of success; be employed as a last resort; be welcomed by those whose rights are being violated; be proportionate to the offenses it seeks to interdict; be undertaken voluntarily by states; not abridge the rights of the soldiers it involves; and, lastly, be accompanied
by a stipulated timeline in which the offending state has had an opportunity to redress its violations but failed (whether deliberately or not) to do so. Once the evidence establishes that the state has no intention to honor its citizens’ basic physical security rights, then military intervention is required.

**Reasonable Chance of Success**

Can the R2P military force not only defeat the target regime but also accomplish such a task with limited loss and damage to its own force and resources? In cases where the offending state allows foreign military intervention or does not have a large modernized force to stop the military intervention, the peace-enforcing force has a greater chance of success, because it can adequately interdict the harm to civilians without having to defeat the target state’s standing army. However, in other cases, military intervention will not be successful, for example, a despot who not only refuses access to a foreign military force but also has a large modernized army with a significant air defense capability. In such a case, military intervention seems counterintuitive, and intrusive conventional coercive measures should be ruled out by the nature of the adversary, since success (if one can call it that) would come at a high cost of loss of life among soldiers of the peace-enforcing force as well as significant destruction to backup obligors’ finite resources. At any rate, this does seem problematic, because the use of R2P military intervention will be preferential toward weak or failing states as compared to those that pose a moderate to powerful military.

The point I have tried to articulate throughout this chapter is that states have a responsibility to protect civilians from another state when that state has failed in its responsibility to protect its own inhabitants. And those inhabitants are the victims of serious and widespread grievous harms. Intervening and stopping those grievous harms is congruent with the principle of right intention. But just as some scenarios in war—such as the Korean War (1950–53) and the first Gulf war (1990–91)—did not result in regime change, such can also be the case in R2P scenarios. However, armed military intervention could be used to secure some measure short of a just and lasting peace. The rights that were violated by an outlaw regime against a group of people in its state or the rights that were violated by a nonstate actor operating inside of a burdened society will have been redressed to an extent although for other compounding reasons there wasn’t an occupation or regime change.
Last Resort

Have all alternatives been tried before initiating a military intervention? The initiation of a military intervention should not be premature. Less intrusive (peaceful) measures should first be initiated in order to hold the offending state accountable. In addition, the offending state must be given an adequate amount of time to redress the situation. The UN should make every effort to achieve a pacific settlement, because it recognizes that a full-scale military intervention is the last resort. However, this does not suggest that other, less intrusive coercive measures are a last resort. It could be the case that peaceful measures coupled with less intrusive coercive measures (no-fly zones, naval blockade, drones, etc.) are employed as a way to stop a state’s conduct after initial diplomatic, cultural, and economic sanctions have failed to work.

Just because a state (as the primary obligor) has manifestly failed to protect the physical security rights of its citizens does not suggest that there is no other recourse for the UN (as the backup obligor) than to take on the actual task of protecting the human rights of those whose rights are violated. Rather, the UN as the backup obligor can fulfill its duty by either pressuring the failing state to fulfill its primary obligation or by rescuing the victims of the state’s failure.

Given these two choices, the UN/international community will, of course, first attempt to persuade (e.g., negotiations, public criticism or condemnation—what James Nickel refers to as *jawboning*) and then if it has to, try to compel or coerce the state (e.g., through economic sanctions, withholding of assets, denying trade, etc.) to fulfill its primary obligations before undertaking any attempt at implementing military force to rescue the innocent and physically force the culprit to change its behavior. The UN cannot license intervention at the very first sign of a state’s failure to secure basic human rights. This would essentially undercut a state’s status as the primary obligor.

Although “the primary aim is to rescue not to punish,” I feel that this language lacks specificity. Establishing refugee camps or no-fly zones could temporarily rescue civilians from harm, but this does not solve or stop the problem; it just creates different problems. Any adequate long-term solution will have to address the rehabilitation of degraded political and social institutions as well as try offenders in the International Criminal Court. Military intervention should not be a never-ending commitment or blank check, rather, only what is required to adequately remedy the situation.
Welcome the Intervention

Do civilians who are being harmed by their own state actually welcome the military intervention? That is, would civilians reasonably subject themselves to further danger knowing that the force that is intervening is there to stop the genocide and ultimately protect them? I believe that in such an imagined scenario, when other implemented actions (negotiations, sanctions, etc.) have not worked, civilians must realize that they will continue to be harmed by acts of genocide, and so must willingly accept a military intervention, even if there is a possibility of being unintentionally killed by UN forces, as their best chance to be saved from the horrors they currently suffer. Civilians in this dire circumstance must recognize that if there is not a military intervention the murder of the innocent will continue.

Stipulated Timeline

Military interventions should not be launched prematurely. States that have failed in their duty to reasonably safeguard the physical rights of their citizens must be pressured to fulfill their duty to protect. The notion that states be allowed to remedy internal issues is important. Giving states a chance to fulfill their duties as primary obligor of their citizens' human rights seems consistent with R2P and the Lockean conception of sovereignty.

However, a reasonable assessment and timeline must be stipulated to the offending state. If a timeline is not dictated to a state, then it is the state once again that has unlimited authority over its citizens, and this should not be the case. The question, though, is how much of an opportunity a state should have to bring itself into compliance with human rights before it loses its right to nonintervention. It seems reasonable to suggest that a state's moral right to nonintervention is questionable until the evidence establishes that the state either has no intention to fulfill or cannot fulfill its members' human rights. We should assume no right to intervene unless it can be shown that there are widespread human rights failures and that there is no prospect of their being corrected in a reasonable time frame. Once we are in possession of facts sufficient to establish a right to intervene, the offending state has lost its right to nonintervention, and military intervention is required (as long as all necessary conditions have been met). A military intervention would not only be used to stop the irreparable, immediate, and grave harm but also
to secure the rights of those people. The international community only fulfills that obligation after the attempt to pressure the state has not worked and systematic and widespread harm remains.

All Things Considered Proportionate

Will military intervention save and protect more lives than it will harm? If the intervening military force has to first defeat a large standing army, the bombing of dual use facilities will be the lynchpin of such an operation in order to degrade its adversary’s ability to communicate, resupply, and move forces. Such action would most likely kill thousands of civilians as a consequence of unintended results and residual effects, which clearly would undermines the reasons the UN used military force in the first place. This might violate the notion of proportionality. Of course, this depends on what good is achieved on the other side of the balance. However, prima facie, this type of strategy seems overly destructive.

In addition to analyzing the proportionality at the tactical level, an “all things considered” analysis must be conducted as well. The proportionality analysis should not only pertain to the states that are about to take up arms. The proportionality criteria must be applied in an all things considered analysis that not only encompasses the effects on the warring parties but also takes into account subregional, regional, and global strategic ramifications. The proportionality analysis pertains to the ability to secure the just cause in light of the harm (to include accounting for destructive second- and third-order effects not only to the parties to the conflict but to other states in the region as well). I call this an “all things considered” analysis to draw attention to the fact that second- and third-order effects (instigating greater regional instability, escalating a subregional conflict into a regional war, etc.) need to be accounted for instead of myopically restricting the proportionality analysis to the initial belligerents in the conflict.

It might be that the UN has pro tanto reasons in favor of committing forces. However, in conducting a thorough all things considered analysis, the UN recognizes that although it has a genuine reason for committing troops it could very well instigate a larger conflict in the region or even a World War III–type scenario. The UN might have adequate reason for action, but the inclination to employ force does not necessarily override competing reasons that are also present. In this case, the expected good to be achieved does not outweigh the harm that might result.
In sum, military intervention is required and so permissible when all necessary conditions have been met. If any of the necessary conditions is not met, then a full-scale military intervention is not justified. However, just because a robust military intervention is not justified, this does not suggest that the UN is excused from acting in situations that fall within the scope of R2P. The UN must fulfill its duty to protect and aid as best as possible in every situation. However, the extent of the intervention can vary depending on the situation. It is possible that lesser coercive forms (naval blockade, weapon caches, drones, etc.) may be employed (if they do not trigger worse results) even though a conventional R2P military intervention might not be justified. There will also be cases where pacific means will be applied but with little effect, although they are really the only reasonable options to pursue. Sometimes, the UN as the backup obligor—even if it might have both peaceful and coercive measures at its disposal—will not be able to fully intervene to the extent necessary to stop severe physical security rights violations because one or more of the necessary conditions have not been met. However, the UN is, all things considered, required to intervene to some degree for all R2P cases.

The UN has a positive duty to protect and aid in every case of genocide, ethnic cleansing, war crimes, and crimes against humanity, but this leaves unanswered the question of how other states ought to treat a state’s failure of sovereignty when it arises out of something other than a systematic widespread violation of physical security rights. One possibility is to link failure to meet the conditions necessary to sovereignty to certain sanctions designed to persuade the delinquent state to reform its current practices or failures, for instance, by creating a kind of sanctions scale ranging from low- to mid- to high-level sanctions/actions that might be applied to compel a state to redress its widespread and systematic violations. R2P peaceful measures are appropriate and permissible in response to certain categories of failure of sovereignty (widespread and irreparable violations of basic rights [physical security, subsistence, and basic liberty]) but R2P coercive measures (military intervention) are only appropriate/permissible in response to widespread and systematic violations to physical security rights: genocide (some forms of) ethnic cleansing, war crimes, and crimes against humanity. Designating measures as either peaceful or coercive is consistent with R2P doctrine terminology. As stated earlier, some peaceful measures are coercive in nature. However, the distinction between the two categories lies with the use of military force, which is deemed a “coercive measure.” Everything short of implementing military force falls into the “peaceful measures” category (see Table 1). I will
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<th>Human Rights Violation</th>
<th>Initial Response</th>
<th>Follow-up Response</th>
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| Religious discrimination, violations of free speech rights, arbitrary arrests and imprisonment, sexual and gender-based violence, summary executions, etc. | **Low-level Peaceful Measures**  
Diplomatic and cultural sanctions—e.g., expressed concern, nonrecognition, refusal to participate in cultural exchanges, exclusion from various undertakings within global civil society, etc. | These human rights violations although serious do not justify military intervention. Depending on their severity, the international community measures, as a result of triggering R2P. |
| Large-scale recruitment and use of child soldiers, refusal of humanitarian aid, widespread gender-based violence, and R2P-specific issues: genocide, ethnic cleansing, war crimes, and crimes against humanity | **Mid-level Peaceful Measures**  
Diplomatic, cultural, and economic sanctions, including public criticism and condemnation, denial of trade, freezing assets, etc., in addition to implementing low-level peaceful measures | **Low-level* Coercive Measures**  
Include implementing peacekeeping, naval blockades, providing arms and supplies to the civilians who are being harmed, etc. |
|                                                                                     | **Mid-level Coercive Measures**  
Include establishing no fly zones, disabling electronic network systems, using drones and special forces advisors, in addition to low-level coercive measures | **High-level Coercive Measures**  
Include destroying the targeted state’s air assets (jet fighters and attack helicopters), increasing to a full-scale military intervention in addition to implementing both low- and mid-level coercive measures |

*Coercive measures are only employed once all necessary conditions have been met. They range from low- to mid- to high-level depending on what level of force is reasonable and proportionate and in alignment with all things considered.
elaborate on the implementation of armed drones as a justified use of force (\textit{jus ad vim}) in the following chapter.

At the less intrusive end are various low-level forms of diplomatic and cultural sanctions (nonrecognition, refusal to participate in cultural exchanges, exclusion from various undertakings within global civil society, etc.) that would be initiated in order to demonstrate the international community's intolerance for violations of free speech rights, arbitrary arrests and imprisonment, sexual and gender-based violence, etc. These infractions would trigger R2P peaceful measures designed to deal with the aforementioned human rights violations. While a state that widely denies free speech rights will fail to satisfy the conditions of sovereignty, and thus will have no right against intervention, other states may not permissibly intervene militarily since that is not the kind of human rights violation that justifies military intervention, though it might justify cultural, diplomatic, or economic sanctions or some other sort of response.

Mid-level sanctions focus on curtailing serious widespread and systematic violations such as large-scale recruitment and use of child soldiers, refusal of humanitarian aid to the population, widespread gender-based violence, and R2P-specific issues: genocide, ethnic cleansing, war crimes, and crimes against humanity. In these sort of scenarios, both low-level (diplomatic and cultural sanctions) and mid-level (public criticism and condemnation) and economic sanctions (from denial of trade to freezing assets, etc.), would be implemented in order to pressure the state in violation to redress the situation.

Cases of genocide might invite high-level action, but mid-level sanctions could be initiated right away. It is not that genocide only calls for mid-level sanctions. Rather, the UN implementing its R2P doctrine could start pressuring the failing state by imposing peaceful but stringent mid-level measures right from the start. Implementing these measures would show the state in question that the international community does not tolerate a state's failure to safeguard core physical security human rights. It would have the added benefit of giving the UN time to evaluate that state's compliance with the international community's demands before deciding whether some level of military intervention is called for.

If the targeted state does not redress its violations, and widespread and systematic violations continue, such as genocide and crimes against humanity, then in addition to the previous sanctions listed, coercive sanctions as the most intrusive form of correction should also be implemented. Coercive sanctions range from low level (peacekeeping envoys,
Negative and Positive Corresponding Duties

blockading sea routes, supplying weapons to the civilians that are being harmed, etc.) to mid-level (creating no fly zones, disabling electronic network systems, using armed drones and special forces advisors, etc.) to high level (from destroying the targeted state’s air assets to a full-scale military intervention).

It would be difficult, if not impossible, to develop detailed account of the sorts of failures that could jeopardize or revoke a state’s moral right to nonintervention, along with the various sorts of sanctions that should be applied at each level of transgression. Rather, these suggestions offer a framework for the proposed R2P military intervention previously defined. The international community led by the UN has access to a series of sanctions (peaceful and coercive) that it can implement depending on the given situation. When there is a case of genocide, ethnic cleansing, war crimes, or crimes against humanity, intervention of some sort by the international community is required. Sometimes, peaceful measures will be the only viable actions. At other times, it might be possible to implement mid-level peaceful sanctions along with low-level coercive measures (naval blockade and providing weapons).

Although it would be nice to think that the UN would always initiate military intervention to stop acts of genocide, this is more of an ideal than an expectation. However, in cases where the UN has done what it reasonably can and the killing continues, the moral stain—blame—rests with the state (primary obligor) that is killing its citizens rather than with the international community, which as the backup obligor has fulfilled its positive obligations as fully as could reasonably be expected.

Although the UN is required to intervene, “how much sacrifice can reasonably be expected from one person for the sake of another, even for the sake of honoring the other’s right?”

This question leads to the two remaining necessary conditions that must be addressed—not abridging the rights of the soldiers it involves and using one’s resources for someone else.

RIGHTS OF SOLDIERS

Charles Beitz indicates, “The experience of the period since 1990 is mixed and suggests that the prospects for success vary with the particular political aims of an intervention, the circumstances of the society intervened in, and the military capabilities and political will of the intervening
As Beitz suggests, the political will of those that intervene plays a serious role in determining if intervention will even take place or if it does, then to what extent. Thomas Hill and Kok-Chor Tan both raise points about this issue. Tan posits that “[t]he right of a state not to intervene, or its right to remain neutral, is an aspect of its sovereignty.” And Hill raises a broader point: “Should we use the state’s resources to help others?” Additionally, it may be one thing to spend money and provide supplies to another state in order to assist its population, but it is quite another—as Larry May notes—to jeopardize/sacrifice the physical security of one’s own soldiers in order to protect noncompatriots. In military intervention scenarios, Jeff McMahan notes, it would not be hard to imagine that soldiers would want to resist taking part in such an operation, even by falsely claiming to oppose it on moral grounds.

No doubt, if coercive means are used, the UN peace-enforcing force will sustain casualties, but this should not be seen as a reason to forgo coercive measures if they are warranted. However, a state’s soldiers dying on behalf of noncompatriots raises some concerns that need to be addressed. May states, “It is especially problematic for one state to abridge, or risk of abridging, the special human rights of its own citizens so as to protect the general human rights of the citizens of another state.” May further advances, “A State’s soldiers and other citizens have human rights that may, and sometimes should, be taken into account whether to wage humanitarian war,” because “the justness of the cause does not mean that the rights of those that serve in defense of that cause should always be overridden.” It is not that the rights of soldiers should be an overriding concern, but they should not be dismissed, either. Rather, they should factor into the analysis of whether initiating a military intervention is morally acceptable. Some believe that sacrificing the basic rights of soldiers to save noncompatriots—in most cases—seems like a disservice to a state’s soldiers. For this reason, May believes, “[i]t is especially difficult to justify jeopardizing the lives of soldiers and the basic interests of civilians when we are talking not about wars of self-defense but about wars undertaken for humanitarian reasons.”

Fundamentally, the role of soldiers is to defend their own state from acts of aggression by other state or nonstate actors. Nonstate actors are organizations that have the capacity and capability to influence and/or coerce states, subregions, regions, or even the international community. By defending their state’s political sovereignty and territorial integrity, they protect the lives of their innocent compatriots. Another way that
soldiers protect the lives of their innocent compatriots is by participating in R2P military interventions. The volatility of an outlaw regime has the potential to affect the stability and order of the international domain. Outlaw regimes do not abide by arrangements or treaties, nor do they effectively keep their population from instigating aggressive and criminal acts domestically. So soldiers that are implemented as a R2P military intervention force to stop acts of genocide and end an outlaw regime’s reign are—in a sense—defending their own homelands and the rest of the international community against instability and spillover effects.

Multiple states working in tandem form a collective self-defense force that may be used not only to stop acts of genocide but also to protect the international community. However, there is a limit. The actual threat that Nazi Germany posed internationally by its systematic and widespread violations of physical security rights cannot be generalized to all cases, since most cases of systematic and widespread physical security violations—such as those involving Rwanda, Darfur, and Cambodia—did not truly affect the international community. In most cases, soldiers used in an R2P mission will not be even indirectly defending their own homelands, and they will have been placed in harm’s way to save noncompatriots. Although we recognize that soldiers accept risk in helping others, it is one thing to volunteer for military service. That is, the volunteer agrees to a commitment of possibly being placed in harm’s way. However, it is quite another to be dragooned into military service. That person never volunteered to be placed in harm’s way in order to protect others.

Russia, Austria, Brazil, Turkey, and Norway, among other nations, have compulsory military service for all males. As a rule, the period of enlistment is limited to twelve months of service. The officer corps of these states comprises an all-volunteer force. A state might have the right to force its citizens into military service and make them fight to defend their compatriots and government; however, it seems unreasonable to suggest that they should fight in a distant land to save civilians of another country when they never volunteered for military service in the first place.

A volunteer force is different. Some believe that there is a high level of patriotism among citizens who freely elect to enlist. Whether there is a high level of patriotism or not, one can reasonably understand why, as McMahan suggests, “[p]rofessional soldiers would not be tempted to try to exploit a provision for selective conscientious objection as a means of evading service in a just war of national defense,” because
by fulfilling one’s role as a soldier in a just war of national defense, that soldier not only has fulfilled his professional obligation but more importantly has protected his friends and family, compatriots, and his way of life. However, key factors such as protecting one’s compatriots and one’s way of life in a just war of national defense are immaterial when it comes to R2P military intervention into another state.

For this reason, McMahan suggests that, even if the military intervention is just, “it would not be surprising if some soldiers sought to exempt themselves from fighting in such a war by spuriously claiming to be opposed to it on moral grounds.” That is, some soldiers might attempt to shirk their professional obligation in the belief that protecting people in a distant land is not what they enlisted for and falls outside of the scope of their responsibility. In order to hold these soldiers accountable for their lack of willingness to fulfill their professional obligation, McMahan indicates that a partial solution is “to impose significant penalties on active-duty conscientious objectors; soldiers granted selective conscientious objector status after receiving wages, training, and so on from the military would have to submit to these penalties as a means of demonstrating their sincerity; penalties could range from forfeiture of the benefits of military service, such as educational assistance and retirement funds, through compulsory public service to imprisonment.” McMahan does go onto to say, “If, on the one hand, he refuses to fight and the war is in fact just, he will fail in his duty, as a soldier, to protect innocent people.” If he refuses, then someone else will have to replace him. “Perhaps the real victim of his refusal to fight would be the person who would have to replace him and be exposed to the risks of war in his stead.” Therefore, they might figure out how not to participate. I understand McMahan’s concern. Soldiers, at least those conscripted and perhaps those who have volunteered seeking to escape poverty, or even acting out of ignorance of what they are volunteering for, might deny that they have any obligation to risk their lives for the human rights of noncompatriots.

However, before we rush to impose significant penalties against those soldiers, as McMahan advocates, I think that we should take into account the basic human rights of the soldiers themselves, as Larry May does. Out of respect for those rights, the peace-enforcing force should be comprised only of volunteers, a detailed mission analysis should be conducted prior to disembarkation, and the necessity for military intervention should have been decided in advance by the international community. Fulfilling all three of these requirements will not protect soldiers’ basic rights, but it diminishes the chances of unnecessary risk or rights abridgment. Only if
these three conditions have been met might we be justified in subjecting soldiers to penalties for refusing to participate in military operations.

My own view is that states have an obligation to participate in R2P efforts to protect noncompatriots, but that sending troops to save noncompatriots is only permissible if a state’s soldiers have actually volunteered for military service and that before they enlisted they were aware of the types of missions that they might be involved in. That is, soldiers have a duty to save noncompatriots, but only when they have freely volunteered and are cognizant of the fact that they might be assigned for R2P efforts.

Although there has been a trend over the last few decades of states (e.g., the United States, United Kingdom, France, China, Canada, New Zealand, Sweden, Poland, Japan, and Australia, among others) adopting the model of an all-volunteer military, the term volunteer is problematic in two ways: (1) wherever conditions imposed by social inequality are particularly harsh, we can infer that low-income citizens with limited opportunities will in particular be attracted to military service, and (2) those who do enlist may join without fully understanding the role (in addition to providing national self-defense and natural disaster relief) that they might be called upon to play.

Citizens might enlist for patriotic reasons. However, there are other reasons that attract low-income persons to join the military, such as to earn college money or other financial benefits, for the job security a military career affords, for occupational training, to acquire family medical insurance, or even to provide a ticket out of an economically depressed home environment. In such cases, have these citizens freely decided to enlist or do they feel that they really do not have many alternatives to joining the military?

To be a soldier defending one’s own country or assisting one’s compatriots is one thing; to be attached to a UN peace-enforcing or peacekeeping force in a distant land as a part of a collective defense force assisting an ally is quite another. We can give some weight to the fact that they have voluntarily enlisted, but in order for a citizen to be truly considered a volunteer, that citizen would not only have to reside in a country where equitable living conditions are the norm, but would have to be aware of all of the potential roles that a soldier might fill.

Recruiting materials would have to highlight this reality in order for it to be pervasive in public culture. There would have to be a shared understanding on the part of both state and citizen regarding all of the potential operations (police force, intervention, etc.) the enlistee might anticipate, so that citizens who were thinking about enlisting understood the
multifaceted nature of a state’s military. Soldiers should not be significantly penalized for not wanting to contribute in a military intervention if at the time of their enlistment they were not even aware the possibility of being involved in such a role. Defending one’s state is by far the first priority, but if one’s compatriots are secure from harm (they are not being attacked by another state), then it is possible that soldiers could be implemented in a peace-enforcing/peacekeeping force if such a situation arises.

Maybe currently there are only a few countries that have just background conditions (social, economic, and political institutions). If citizens, as co-legislative members of the state (with just background conditions and fully understanding what they are volunteering for) freely consent without mental reservation to enlist to serve their state, then we can say that those soldiers actually comprise an all-volunteer force. Therefore, in either case, defending their state and compatriots or defending noncompatriots in a distant land, an all-volunteer force is not being used against its will. However, as it currently stands, the preponderance of military forces will most likely be comprised from states that have substantial militaries like those of the United States and China, but the United States and China do not have just background conditions.

Second, a detailed mission analysis is needed. Subjecting soldiers to risks is one thing; sending them to their death is quite another. As Michael Walzer states, “Risking one’s life is not the same as losing it.”

By suggesting that troops should be committed to a peace-enforcing force in a distant land, I do not believe that states should not give special weight to the human rights of its own soldiers, but giving special weight to the rights of soldiers does not entail that soldiers should not be implemented when needed. Rather, a state honors the rights of its soldiers not only by using military intervention as last resort but also by developing clear attainable military objectives, fully analyzing the risks and costs associated with the operation, and having a coherent exit strategy that avoids an endless entanglement. Development of a unified and synchronized plan helps achieve political and military aims and saves soldiers’ lives, because it neither needlessly places soldiers in harm’s way nor continually exposes them to the ills of war while politicians figure out what the next step is.

Third, the choice to initiate military intervention should be decided by the international community. Not only is this decision the result of collective reasoning but also such a decision may in fact epistemically provide a justified belief that assisting is warranted to the soldiers that are to be involved in the intervention. McMahan suggests, “We should offer soldiers a source of guidance about the morality of war that would be
more impartial and more authoritative than their own government, this could provide a basis for holding them accountable for their participation in unjust wars—perhaps accountable in law but certainly accountable to their own consciences.” Although McMahan’s point is about establishing an impartial international court that would review all matters of *jus ad bellum* (justice of war) for all wars in an attempt to prevent the initiation of unjust wars by eliminating skewed excuses available to unjust combatants, we can also use an international collective body to provide facts and judgments that should reinforce the justness of R2P military intervention.

A collective body, or the UNSC, might on some level seem more authoritative than a state’s own government, but it is highly unlikely that soldiers from State A would agree to serve the international body requiring military intervention if their own state did not. State A’s soldiers are not going to agree to go to war if the political leadership and even popular consensus of State A does not agree with it in the first place. In addition, if State A does not endorse the intervention, then its soldiers are not going to war. There is little prospect that an international commission will order a state to participate in an R2P mission against its own will, and so soldiers will never face the prospect of going into an R2P mission solely because an international commission has judged it warranted.

However, a collective body (the international community) deciding all things considered that military intervention is warranted provides some assurance to soldiers that the intervention their state is asking them to undertake really is justified and is not just an attempt to pull off some sort of imperialistic land grab, etc. This assumes that it is reasonable to suppose that the international community, or UNSC, can be trusted. Even if it can be trusted more than any one state or one’s own state, it may still not be particularly trustworthy. However, if there is a level of trust, then soldiers might reasonably believe that what they are doing is morally justified. Soldiers acting as part of a R2P force would be able to satisfy their own consciences regarding the moral justification of the operation that they were involved in, since the international community, in addition to their own state, has collectively recognized that action needs to be taken.

THE VOLUNTEERING AND AVAILABILITY OF MILITARY RESOURCES

Kok-Chor Tan’s point is broader and focuses on whether a state has the right to remain neutral. The international community has an obliga-
tion as a backup obligor to protect and aid civilians when a state has failed to do so, regardless of whether that state is unable or unwilling to avert grievous acts. However, each state should be left to judge for itself if it can assist or not. The international community should in good faith defer to a state’s own judgment about its ability to assist. Within this decision-making process there must be some scope for reasonable disagreement. That is, if a state decides that it is not able to assist, then the international community should accept this answer. Reasonable disagreement parameters encompass a state’s capability to assist. If a state believes that by assisting another state it might jeopardize the fulfillment of basic human rights (such as subsistence rights) to its own people, then it is not required to assist. If states claim that they do not have the ability to assist so as to “free ride” on the willingness of other states to bear the burden, then those states are morally culpable for their inaction. Assuming states have a right to decide for themselves whether they have the ability to assist, and even to make a (reasonable) mistake about whether they have such ability, there is still the problem of states making an unreasonable mistake or simply refusing to assist so that others bear the burden of R2P. When this is the case, those states that are assisting have the right to jawbone or publicly criticize those states that prefer to free ride or make an unreasonable mistake. If states simply refuse to contribute to R2P efforts although they have the resources to do so, then these states are morally culpable for their inaction. Refusing to assist is unreasonable, and such states should be publicly criticized for their refusal. Although a capable state has a duty to act, other states do not have the right to compel/coerce that state to fulfill its duty.

Even if a state is not capable of supporting an R2P mission with money, soldiers, or supplies, it can still show solidarity by publicly supporting the UN’s decisions to implement R2P efforts. To remain absolutely neutral—neither denouncing a state that is committing acts of genocide nor supporting UNSC resolutions to stop such a state—is reprehensible.

Some states might disagree, because this places R2P efforts and the rights of others ahead of one’s own compatriots. However, “The objection that a state can never have a duty to sacrifice some of its own for others no matter how grave the situation is rests on the false premise that moral duties begin and end at the border of states.” Kok-Chor Tan declares that (of course) states have a responsibility to their own people. Nevertheless, if a state’s people are adequately cared for (this includes its army being comprised of a volunteer force) and somewhere in the world innocent people are being slaughtered, then that state’s ability to
assist and protect should be focused toward those that need its assistance urgently, since its own members have already been provided for.

There may be cases where citizens of a certain state want to invest in a space program or attempt to find a cure for cancer. These are great programs. However, R2P should not be discounted on account of these projects. I recommend that a portion of the monies and resources that would go to these projects be diverted and then allocated to R2P. If states do not recognize the importance of protecting persons against widespread physical security rights violations, then R2P is a hollow concept. Tan does not specify what he means by “adequately cared for,” but if a state reasonably protects its members’ basic rights, then this is the tipping point where those states should help those whose basic rights are being violated. States in this position might have the potential to assist. However, I recognize that some states that secure their own members’ basic rights might have very few military resources.

In such a case, “our priority ought to shift from our immediate community to the larger community of humanity.”71 That is, “our general duties to humanity in these cases ought to override our special duties to compatriots.”72 I adopt Shue’s position here. Shue argues for the priority of basic rights (physical security, subsistence, and basic liberty) over non-basic rights (for example, right to cultural and scientific advancements, paid vacations, property ownership), such that states such as the United States must take measures in their conduct of international relations aimed at securing the basic rights of others around the world before they can permissibly invest in the nonbasic rights of their own citizens.73 Wealthy states such as the United States would be not only able to fund R2P efforts but also secure the nonbasic rights of its own citizens. Most likely, U.S. citizens and citizens of comparable states aiming at securing the basic rights of others around the world would only lose some of their own preference satisfaction. (Possibly certain textiles, food, industry and automotive products are only manufactured to help other nations so they are not readily available to U.S. citizens. Therefore, U.S. citizens would have to choose between items A, B, and C instead of items A through N. Additionally, there might be fees or larger fees at museums and national parks and other federally funded programs might incur reductions.) Of course, as Shue suggests, there must be limits and guidelines. Otherwise, “it is possible for the costs to be unreasonably high if the scope and magnitude of alleged duties is indefinite and open-ended,”74 and able states would deny assistance because it would be a never-ending commitment to help others in every way imaginable.
More than two and one-half centuries ago, Emmerich de Vattel, a distinguished thinker whose writings are influential on international law and political philosophy, recognized this fundamental point. Vattel posited a similar concept: “Hence whatever we owe to ourselves, we likewise owe to others, so far as they stand in need of assistance, and we can grant it to them without being wanting ourselves.”\textsuperscript{75} No state can invoke the nonbasic rights of its citizens as grounds for not acting to secure the basic rights of others, because in the case of basic rights, “the duty to avoid deprivation must be universal.”\textsuperscript{76} So states that affirm R2P might be putting the nonbasic rights or at least preference satisfaction of their citizens at risk. Most likely, many states and their citizens will not be happy about this, especially those states that provide extensive nonbasic rights and many privileges to their citizens.

What I conclude from these critical points that both May and Tan present, is twofold: (1) there is no algorithm for determining whether a particular state ought to contribute, as often the issue at hand will be difficult and subject to reasonable disagreement, and (2) given the voluntarist nature of the international community, states have a right to act on their own reasonable judgments, even if those judgments are viewed, even correctly viewed, by others as incorrect. The international community has no right to compel any state to contribute militarily to an intervention that the international community has a duty to undertake. This is one sense in which one might say that states retain a right to remain neutral. However, it is not the traditional idea of neutrality in the sense of taking no moral stance.

\textbf{IF THE UN FAILS TO ACT, INDIVIDUAL STATES MAY ACT}

States in the international context are analogous to individual persons in the domestic context. Just as individual persons cannot fulfill their duties to secure and protect the rights of one another except through coordinating their efforts together and constituting/acting as a domestic state, so too individual well-ordered states cannot fulfill their duties to secure and protect the rights of persons beyond their borders except through coordinating their efforts together and constituting/acting as an international community or federation of states (e.g., the UN). A world state is not required since we already have a system of states, and most of those states adequately protect their citizens’ basic human rights.
Forcing states into a nonvoluntary global/international order is similar to conscripting civilians into military service. It violates their autonomy. In addition, it does not seem any more practical than the system of states that we already have. Both the strength and weakness of the UN comes from the voluntary aspect of it. If the international community or federation of states fails in its duties, then individual well-ordered states may have a duty to act individually; indeed, it was their duty to act individually that they were rationally fulfilling by coordinating their efforts with other well-ordered states.

This is, presumably, analogous to the domestic case: if a state is functioning as it should, then a person has no duty perhaps to do more than call the police or testify in court as a contribution to protecting the rights of his fellow citizens. But if the state fails, then a person may have a duty to do more to actually come to the aid of those whose rights are being violated. For example, if there was a house fire and if members of the local fire department were on strike, then citizens would have to attempt to alleviate the situation without state assistance.

**THE UN’S DUTY TO IMPROVE**

“The solution is not to reduce the United Nations to impotence and irrelevance: it is to work from within to reform it.”\(^77\) Awareness goes a long way. The international community recognizes that R2P is a positive duty, and with that the UN has a duty to improve. The UN recognizes that one of the best ways to reduce R2P cases is by not only working directly with countries but by also involving regional and sub-regional communities which assist in the education and monitoring of neighboring states. The UN has made positive gains by addressing its concern for physical security rights of all people. Just as there is legal enforcement at the state level—a positive obligation to protect—there needs to be legal enforcement at the international level as well. Beitz states, “It is unrealistic to believe that analogous conditions are likely to be satisfied at the global level in the absence of global institutions that enforce them.”\(^78\) I believe what Beitz is referring to is that there is a strong demand for competent global institutions that decisively enforce positive duties when states fail to. Human rights are supposed to be capable of guiding political action. If states not only fail to adequately protect basic human rights but, even more, commit genocide,
there needs to be a global institution that is capable of stopping the situation.

Recognizing that R2P is a positive duty also gives impetus to develop operational—not just conceptual—doctrine, because if the UN recognizes that it has a positive duty to act in every case (using peaceful or a combination of peaceful and coercive measures), then it would want to develop a system that could plausibly do just that by responding to grievous violations in an efficient and effective manner. As it currently stands, the UN is more prepared to implement peaceful measures although these are less effective, so it would need to operationalize coercive measures. However, the practical problem is the fact that the UN does not have a standing military. The state system constrains what sort of military capacity the UN can have at its disposal. States have argued about an array of military concerns: command structures issues, costs, unclear mission objectives, troops committed to the UN ex ante, etc.\(^7\) Although working out this issue is no small task, it needs to be done in order for the UN to effectively and efficiently handle military intervention if warranted.

McMahan points out that one possibility would be to create “a special force under international control whose only purpose would be to carry out humanitarian military operations.”\(^8\) He further goes on to say that “[t]his would have to be a volunteer force composed of individuals who would not be members of any national military force.”\(^9\) Along with McMahan, I believe that there needs to be a specific force for R2P. However, I believe that his concept is impractical.

It is difficult to imagine that many countries would fund such a force. In addition, what soldiers get paid in the United States and in the UK is much different from what they get paid in countries such as Bangladesh and the Republic of Sudan. Whatever salary the UN would be able to muster for this special force (a result of state contributions) would most likely only draw enlistment from third world countries. The result would be as if the UNSC had outsourced R2P missions: first world nations would pay third world enlisnees to fight in order to implement their policies. In addition, such an international volunteer force would lack expertise, top-notch training, and state of the art military equipment. It would be comprised of a motley lot of people from some of the poorest nations on earth looking for work. In addition, who would lead such a force?

Like McMahan, I believe that there is a need for a standing R2P force. However, the preponderance of money, special equipment, and mili-
tary trainers for this force should come from the permanent members of the UNSC. Fair cost sharing definitely needs to be thoroughly addressed; however, I will only briefly mention that a plausible way forward would be to institute an international tax system to support R2P missions. Although there has been a lot of discussion about changing/updating the UNSC, I do not foresee the five permanent members' status as changing in the near term. That is, I believe that they will remain permanent members. Maybe additional members (e.g., Germany, India, Brazil, etc.) will be added as permanent members. Regardless of what changes to the UNSC will occur, the permanent members will continue to play a decisive role in global politics. On another note, the UN’s Military Staff Committee (which consists of the chiefs of staff of the permanent members of the Security Council) can advise in the development of such a R2P force.

The benefit of having more political control and power should also come with the burden of funding, equipping (to some extent), and training the military force for R2P missions. The permanent members of the UNSC would equip the R2P force with state of the art equipment for intelligence, surveillance, and reconnaissance and also with armed drones. In addition, the permanent members of the UNSC would incorporate their own air assets (fighter, bomber, and refueling aircraft) into an R2P campaign. Soldiers (from the five permanent members of the UNSC) would be used in an advisory and trainer role in order to develop this cosmopolitan R2P force (of which the preponderance of soldiers would come from third world nations) with the skills needed to be implemented successfully. Other first world nations would also be required (but to a lesser extent than permanent members of the UNSC) to contribute monies and equipment to funding this R2P force. In addition, the ten nonpermanent members of the UNSC should be tasked to provide logistical support (sea and airlift capabilities, training facilities, etc.) for the R2P force. Soldiers for R2P would remain as members of their own state's military but would be assigned to an R2P role under the direction of the UN.

One benefit of this type of approach would be that the R2P force composed of soldiers from third world states might have regional or subregional commonalities with the failed state that they are to militarily intervene in. An R2P force having cultural, historical, and/or political ties with the failed state as well as, possibly, a common language would only further benefit the situation. On another note, not having American soldiers deployed to some distant country for an R2P mission might actually
help the situation, because many states view the hegemonic United States as unjustifiably having its hand in everything. Many people view U.S. soldiers deployed in other states as agents of imperial expansionism or as representing the desire to secure natural resources for American use.

An earmarked R2P force that is properly funded, trained, and equipped would not only be operationally ready to engage in military intervention in a timely and decisive manner, but even more, it might be seen as a deterrent to states that intend to deliberately harm a group of people in their own state.

**CONCLUSION**

The honoring of basic rights (physical security, subsistence, and basic liberty) can only be adequately upheld by institutionalizing positive measures that provide protection from and punishment for nonrestraint. It is essential to the very idea of a right that there are not only negative duties not to harm but positive duties to create institutions to protect and that these often involve the institutionalization of backup obligor responsibilities to protect and aid where primary addressees fail to protect their members.

The Lockean notion of state sovereignty and right to nonintervention is predicated upon securing core human rights. Sovereignty implies responsibility. States that violate any basic rights in a systematic way lose their standing as states with a right to nonintervention.

However, military intervention is not considered permissible just because a state has lost its moral right to nonintervention. In addition to widespread systematic violations of physical security rights, there are further necessary conditions (a last resort, a reasonable chance of success, all things considered proportionate, the rights of soldiers, undertaken voluntarily, welcomed, and a reasonable timeline) that would have to be satisfied before a military intervention was required and so permissible. Intervention is all things considered required, although depending on the situation the response might be limited, but that does not change the fact the back-up obligor (the UN) must assist in some fashion (negotiations, condemnation, sanctions, etc.) when military intervention is not a viable option.

Having an institution that can reasonably deal with every nonideal case is a step toward this goal. The UN is an organization that is united
to protect and promote the basic human rights of all persons. As Vattel states, “Nations or states are bodies politic, societies of men united together for the purpose of promoting their mutual safety and advantage by the joint efforts of their combined strength.” Over the past decade, the R2P norm has emerged and is continuing to evolve. When a state does not reasonably safeguard the basic rights of its citizens, the international community, headed by the UN, must make timely decisions and take decisive action (either peaceful or a combination of both peaceful and coercive) in order to protect and aid those who have been targeted. Regardless of what group is the victim of these atrocities or omissions to protect their physical security rights, all persons should be respected and their basic human rights should be observed with equal weight and equal concern, because “basic human rights bind all states regardless of their consent.”