

# Responsibility to Protect and Rising Asian Powers

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## Abstract

Responsibility to Protect (R2P) is the national and international responsibility to protect populations against mass atrocities. This article discusses prospects for the implementation of R2P objectives in a world where Asian powers rise. It focuses not only on prevention and assistance but also decisive action, the most controversial aspect of R2P, tied to the UN Security Council where China resides as a permanent member with a veto. The Indian R2P position also highlights, supplemented with some comments, on selected East Asian states. It concludes that the rise of Asian powers does not threaten the national responsibility to protect. Voluntary international assistance is not threatened, but assistance with coercive elements might be. Unless more clear criteria are established for the possible use of military force, mandates from the Security Council which allows this will probably be rare. Particularly, China will oppose interventions that may forward regime change in targeted states.

## Keywords

Responsibility to Protect (R2P), mass atrocities, the UN Security Council, veto, sovereignty, responsibility

## I. Introduction

The world order develops in a multipolar direction. In Asia, China and India in particular are rising powers, with China as the most likely challenger to US influence globally. The expected implications for several international issue areas are substantial. This article discusses one such issue, that is, the expectations connected to the national and international communities' responsibility to protect

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populations from mass atrocities (Responsibility to Protect [R2P]). The article poses the following question:

What are the prospects for the implementation of R2P objectives in a world with rising Asian powers?

The article has the following structure: the Section II, after the introduction, explains what R2P is, its worldwide adoption in 2005, the background and some relevant events in the aftermath of its adoption. Section III focuses on how China and India understand R2P, including possible changes since 2005. A few selected East Asian state's relations with R2P underpin the Chinese and Indian positions. The discussion is carried out in Section IV, while in Section V, the main arguments are summarized.

The article connects to ongoing debates about the potential embedded in the R2P principle and to debates about the obstacles that often spoil effective implementation. It is also possible to see the article as a contribution to a broader debate about 'global governance', a concept primarily used as a tool to understand global change, sources as well as implications (Hewson & Sinclair, 1995). Governance comprises the systems of authoritative norms, rules, institutions and practices, by means of which any collectivity, from the local to the global, manages its common affairs. Governance has been equated with 'governing' and understood as the process aspect of government. However, there is no government at the global level. Global governance is therefore considered as an instance of governance in the absence of government, or as coordination of actions without hierarchical control (Mayntz, 2003; Ruggie, 2014).

Global governance highlights relocations of authority across multiple levels and areas. It is a comprehensive change-oriented concept concerned with many issues, but of special relevance for discussion in this article is the capacity of world organizations to address world problems. This includes a number of expectations to the UN, for instance, about how to deal with challenges calling for possible humanitarian-based interventions (Hewson & Sinclair, 1995), a question highly relevant when focus is on implementation of R2P objectives with rising Asian powers as the background. According to Ruggie (2014), the global governance concept has this capacity to capture how power is exercised across the globe, including how actors relate to each other on specific issues.

## **II. Responsibility to Protect**

### *The Adoption and the Pillars*

In autumn 2005, the United Nations General Assembly housed the World Summit, the largest gathering of state leaders ever to take place. In the Outcome Document, unanimously endorsed (GA Resolution 60/1 of 16 September 2005), the leaders collectively recognized (§138 and 139) that all populations are entitled to protection from mass atrocities, defined as genocide, crimes against humanity,

war crimes and ethnic cleansing. This is the objectives of the Responsibility to Protect, or R2P, the commonly used acronym. The UN Security Council adopted a supportive declaration on 28 June 2006 (SC Resolution 1674), and the General Assembly confirmed its support on 15 September 2009 (GA Resolution 63/308). Several later reports of the UN Secretary General endorse R2P.

R2P represents a comprehensive approach to deal with humanitarian crisis. This article focuses on prevention and action, comprised of three pillars. First comes the pure national dimension of R2P, that is, prevention at state level. The second pillar is prevention through international assistance to vulnerable states. The third one activates when states, despite help, manifestly fail to protect. The international community are then prepared to act, on a case-by-case basis, through the Security Council, which has a repertoire of both peaceful and coercive measures at its disposal. To use peaceful measures is the first choice. Use of military force is the last resort, when other measures were without success, or when a conflict has escalated to a level where other options are not relevant.

The definitions provided vary, often without clarification, even in the academic literature. This can be confusing. The most commonly used labels to define R2P are concept, principle, doctrine or norm. The preferred choice for this article is 'principle'. R2P is more than a proposal. It includes sufficient shared understanding as a foundation for action, but in specifying consequences for perpetrators, it is weaker than a norm.

The article discusses prospects for the implementation of R2P objectives. However, it is important not to confuse the term 'implementation' with results or effects. Implementation comes with intentions connected to desirable outcomes. It does not guarantee success, but may instead produce something unintended, unwanted or both.

## *Background*

A Canadian government initiative established the Commission on Intervention and State Sovereignty (ICISS) whose December 2001 report introduced R2P to the international audience. UN failure to respond to mass atrocities in the 1990s (Rwanda, Srebrenica and Kosovo), made, on several occasions, the then Secretary-General Kofi Annan to plead world leaders to oblige themselves on behalf of humanity. The ICISS report inspired the adoption of R2P at the 2005 World Summit, but the adopted version is weaker in content (Shack, 2016). It recognizes that R2P has both national and international dimensions. Yet, to be prepared to act is not equal to an obligation. It contains a right, but not a duty. Anchored to the Security Council, R2P embeds inside existing international law. The ICISS Commission discussed alternative procedures when the Council is unable to decide (ICISS, 2001, chaps. 6.28–6.40), but the Outcome Document very clearly stated that a Security Council mandate, in accordance with international law, must be in place before member states and relevant regional organizations can act. This was not a receipt for smooth implementation, but it made the 2005 consensus possible. Bellamy catches the point: 'Consensus on R2P was possible precisely

because it did not change – or even seek to change – the basic rules governing the use of force’ (Bellamy, 2015, p. 14). The ICISS report suggested a variety of tools connected to each R2P pillar. The Outcome Document has only few general references to them.

R2P first invoked for a particular conflict in Sudan in 2006 (Darfur). Yet, the Security Council remained passive towards alleged mass atrocities in Sri Lanka in 2008–2009. With respect to Libya, in 2011, the Council for the first time ever authorized the use of force for human protection purposes against a functioning government (SC Resolution 1973 of 11 March 2011). Other comparable missions have been with government consent, or there has not been any government to hold accountable. R2P language informs many Security Council resolutions, and certain noticeable successes report on prevention (Ban, 2015). Most UN peace missions incorporate R2P directly in the mandate texts as calls for protection of civilians (Ban, 2016). Despite this, after 2011, the Security Council has been almost unable to deal effectively with the most severe atrocity crimes.

Since 2009, the UN Secretary-General has delivered yearly reports on R2P to the General Assembly, followed by debates. The 2009 and 2015 reports are particularly concerned with implementation of R2P objectives. In his R2P report from 2017, Secretary-General António Guterres writes: ‘The consensus on the purposes of the responsibility to protect spans every continent. There is no longer any question that the protection of populations from atrocity crimes is both a national and an international responsibility, which is universal and enduring’ (Guterres, 2017, p. 3). Yet, too often, these purposes do not match reality on the ground. The Secretary-General expresses severe concern about fails to take necessary steps, with significantly increased number of civilians subjected to atrocity crimes over the past few years, and refugee crisis on a scale not seen since the end of World War II (WW2). He does not accept this: ‘It is imperative that we put an end to these negative trends, indeed, we have a responsibility to do so’ (Guterres, 2017, p. 3). Although he does not point directly to any Asian state or case, it is relevant to connect at least some of his indignation to Russia and Chinas’ frequent uses of vetoes in the Security Council in the shadow of the Syrian civil war.

### **III. China and India**

#### *Responsibility to Protect and China*

As a rising power, China has both the appetite and the capacity to influence global affairs (Barelli, 2018). China is the only pure Asian state among the five permanent Security Council members, having used the veto several times to halt suggested resolutions on Syria. Beyond any reasonable doubt, mass atrocities have been committed in this conflict. The vetoes therefore may look like a general opposition to R2P. However, that conclusion is too hasty. It is partly true for R2P pillar three, but not for pillars one and two. China initially opposed many of the suggestions launched by ICISS. At the World Summit, during the discussions before adoption of the principle, China argued in favour of a narrowing (Fung, 2016), and, it was

not alone. The newly appointed US ambassador to the UN, John Bolton, made it very clear that the USA would not support a text obligating the Security Council. The USA had no intention to establish a new kind of legal responsibility for the international community (Shack, 2016). China shared this view by endorsing the Outcome Document's restricted R2P version. Since then, the Chinese position has moved somewhat in general favour of R2P. Today, China appears as a supporter of R2P pillars one and two, but rather than a short-term reactive response at the outbreak of a conflict, they support a long-term strategy for the lasting protection of vulnerable populations (Fung, 2016). According to Barelli (2018), Chinese officials embrace the idea that more power and global influence generate more responsibility. A more proactive approach involves China more directly in addressing complex international questions, adding Chinese perspectives to their solutions. Barelli refers particularly to a speech about this by Foreign Minister Wang Yi at the China Development Forum on 25 March 2015.

China has voted in favour of several Security Council resolutions reminding governments about their national responsibility, in accordance with R2P's first pillar. They have also accepted the assistance to build state preventive capacities described in pillar two, including assistance with a certain coercive character. Towards Syria, China has abstained from some suggested resolutions vetoed by Russia and sided with Russia in others. Yet, they have also voted in favour of resolutions aimed at easing the humanitarian situation, including one demanding the destruction of Syria's chemical weapons (SC Resolution 2118 of 27 September 2013) and one authorizing humanitarian agencies to access rebel-held areas without government consent (SC Resolution 2165 of 14 July 2014) (Barelli, 2018). The third pillar is more problematic for China, due to their traditional reluctance to interventions. Fung (2016) describes two conditions for China to accept the use of force, to invoke R2P strictly within the confines of the Outcome Document language, and that applying R2P must not lead to significant changes in the target state's political infrastructure. With respect to Libya, China abstained from voting, allowing the mandate to pass, due to the presence of a regional consensus for intervention, cautious not to appear at odds with the Arab League and The African Union (Chen, 2016). Yet, in the aftermath, they have criticized how NATO implemented the mandate, illustrated by these words from Garwood-Gowers: 'The Libyan experience with R2P seemed to trigger renewed Chinese determination to resist efforts to impose non-consensual civilian protection measures under R2P's third pillar' (Garwood-Gowers, 2016, p. 92).

In 2012, Chinese scholars launched a concept called 'Responsible Protection (RP)', an attempt to develop the third pillar under the commitment to operate within the current international order. It became rather short-lived and was never formally adopted as official Chinese policy. Instead, China has shown support for an initiative with many similarities, the Brazilian Responsibility while Protecting (RwP) (Fung, 2016). A proposal from Brazilian diplomats addressed to the UN Secretary-General emphasized the need to demonstrate high level of responsibility when implementing R2P. The proposal included more debate in order to specify criteria before authorizing coercive interventions, shorter mandate periods, and closer ties during implementation between the Council and implementing actors

(Brochmeier et al., 2016). The main purpose was to ensure as far as possible that consensus is maintained throughout the course of an operation (Evans, 2015).

### *Responsibility to Protect and India*

India has been more reluctant to back R2P than has China. Ganguly (2016) explains this with reference to India as a post-colonial state extremely zealous about safeguarding its sovereignty. Yet, for a very long time, India has also been discontent with the UN regarding its long-lasting conflict with Pakistan. Therefore, bilateral resolutions of disputes have become a cardinal principle guiding India's foreign policy. India was hostile to the deliberations of ICISS, and others had to persuade it to support UN endorsement of R2P.

The General Assembly debate on R2P in 2009, following the first R2P report from the Secretary-General, moderated the Indian position somewhat. India expressed general support for the need to protect civilians from mass atrocities, but still categorically opposed R2P as basis for humanitarian interventions. According to the Indian view, this would make the principle an instrument for the pursuit of parochial national interests and the toppling of anti-Western regimes (Ganguly, 2016). Today, India does not resist R2P pillars one and two, but it still sees pillar three as a threat to state sovereignty (Makhija, 2019). This explains why, according to Bommakanti (2017), India, in most R2P debates, has been concerned more with the motives of the intervening state or states than with the outcome of the interventions.

India served as a non-permanent member of the Security Council in 2011–2012. The period included the 2011 crisis in the Ivory Coast where India voted for sanctions and in favour of a UN peacekeeping mission, the 2011 Libyan crisis and the beginning of the Syrian civil war. Similar to China, but without the possibility to use the veto, India abstained from voting upon Resolution 1973 (Libya). Ganguly (2016) mentions pressure from particularly the US in a period of improving US-Indian relations as decisive for the Indian choice, but also the wish to avoid standing alone with the only no-vote. India very much disliked the regime of Ghadaffi, but it continued to insist for external armed interventions to be the last resort, not the first. Towards the end of its term, India voted in favour of non-military sanctions against the Assad regime, but Russia and China used their vetoes to block the proposed resolutions (Makhija, 2019).

India has demonstrated preference for broad multilateral engagement in peaceful solutions to conflicts. She is the world's largest contributor to UN peacekeeping missions. During 70 years, more than 200,000 Indian military and police officers, both men and women, have served. It includes the most challenging missions worldwide and all UN missions in Africa, with the largest number of troops in DR Congo (DPO, 2018).

### *Some Selected East Asian States*

If the Chinese and the Indian R2P positions, with similarities and differences, are recognizable among other East Asian states, this may indicate the degree of

support the rising powers can expect from their geographical neighbourhood on this issue. The scope of the article allows only brief comments on a limited number of states, but the selection is not random. It concentrates on some quite dominant East Asian actors, including Indonesia with the world's largest Muslim population. These states can influence R2P-based decisions in the Security Council directly only when they serve a term there, a condition they share with India. They can also present their arguments in the yearly UN General Assembly R2P debates or clarify positions if asked to participate in implementing efforts under pillar two or three. Views are also expressed through government statements and via other available channels.

According to the Asia-Pacific Centre for the R2P, housed by the University of Queensland in Australia, both Japan and South Korea acknowledge that the UN Security Council occasionally needs to authorize coercive measures, but they prioritize prevention and international assistance. They do not oppose R2P pillar three as India in particular does, but both are concerned about potential use as justification for coercion. This seems to match the Chinese position quite well. The need for further deliberations to strengthen consensus has been part of Japan and South Korea's policy preferences on R2P since 2005. In a statement delivered by Japan at the General Assembly's informal dialogue on R2P in September 2017, stressing the prioritization of prevention, Japan also signalled support for initiatives to suspend the veto in cases of mass atrocities.

Vietnam has experienced mass atrocities combat. In 1978, they toppled the genocidal Pol Pot regime in Cambodia with a unilateral invasion. Vietnam communicated primarily border violations with Cambodian troops opening fire against Vietnamese ones, not humanitarian reasons. Reluctant international response followed, despite the known character of the toppled regime. The new Vietnamese supported government strived many years for access to the Cambodian UN seat.

Vietnam delivered a statement at the General Assembly Plenary Meeting on R2P in July 2009 highlighting the state's responsibility and the international community's critical role in helping the states concerned. By doing so, it signaled a general acceptance for R2P pillar one and two. It did not directly oppose pillar 3, but it requires, according to the Vietnamese view, clarification to avoid possible confinement to coercive military force as the only alternative. This is a recognizable position compared to both the Chinese and the Indian ones. On the other hand, due to internal security problems with separatists in the southern part of the country, Thailand has taken a more quiet position in relation to R2P. It has not excluded taking part in collective international actions, but Thai politicians are inclined not to define any of its own domestic affairs as R2P type situations (Kraisoraphong, 2012).

The government of Indonesia also embraces R2P pillar one, but support for pillar two comes with a reservation. Assistance can be potentially problematic if it takes the character of interference into domestic affairs. Pillar three is hardly mentioned, but in a statement to the General Assembly in September 2015, Indonesia highlighted cooperation particularly between the UN and ASEAN (Association of Southeast Asian Nations) and expressed support for building community resilience. According to Alexandra (2012), robust development of civil society in Indonesia is among the positive implications of the democracy

process. Local NGOs (non-governmental organizations) have demonstrated their ability to put pressure on the government to exercise its responsibility, as reflected in R2P pillars one and two.

Although with some variations, the selected states seem more to support than to diverge from how China and India understand the principle. The rising powers can find resonance for their respective R2P positions among states situated in the East Asian region.

## IV. Discussion

This article's discussion about prospects for implementation of R2P objectives assumes redistribution of influence. The rising powers strengthen their relative positions. This is not limited to material issues, but it affects the normative sphere as well. Harig and Kenkel (2017) address this question. They argue that rising powers are not satisfied with subordinate roles as norm takers. They may not yet be able to make new norms, but they definitely seek to shape existing ones, with ambitions to influence the normative foundations of the international order.

### *Responsibility to Protect Pillars one and two*

Prevention often communicates as particularly important because it is always less costly and less politically controversial to prevent a crisis from developing into a manmade catastrophe, compared to any kind of action when the catastrophe visualizes. Successful prevention generates fewer cases where state leaders have only two choices, that is, to mobilize military forces or to do nothing (Bellamy, 2009a). Fragile situations highlight the importance of understanding the capacity of available policy measures in combination with political willingness to apply them. Early warning is essential. ICISS described the past cases as ad hoc and unstructured (ICISS, 2001, chaps. 3.9 and 3.12), but according to former UN Secretary-General Ban Ki-Moon (2015), there has been a considerable improvement in the capacity of various actors to identify risk factors and to develop preventive strategies. Both the ICISS report and the annual reports from the Secretary-General to the UN General Assembly contain many suggestions of efforts designed at prevention. Some address root causes in order to make future occurrence of violent conflict less probable, others are of the immediate kind.

Prevention is primarily a national responsibility, with relevant efforts like building of stable and inclusive political institutions, creating good education and job opportunities for the population, fighting corruption, etc. However, prevention often includes an additional international component, that is, mutual assistance among states or government cooperation with regional organizations and relevant UN bodies. The space for dialogue is normally widest in early stages of a crisis, but national authorities may need international help to spark such dialogues and to assist as mediators during the following process. NGOs normally lack the



resources for comprehensive crisis engagement, but their presence on the ground, more or less everywhere, makes them particularly suited to observe the early signals of a crisis and to inform authorities who can mobilize the more influential actors. The International Crisis Group (ICG) exemplifies an NGO with an explicit focus on early warning (ICISS, 2001, chap. 3.13). Atrocity crimes require military, financial and technical means. Restricted access to small arms and illicit financing is therefore of utter importance, but difficult to obtain solely at the national level. The UN Security Council regularly addresses these questions. In Resolution 2482 about threats to international peace and security, adopted on 19 July 2019, the Council urges member states to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, and to assist each other in preventing terrorists from acquiring such weapons, in particular in conflict and post-conflict areas.

The first R2P pillar, the national responsibility to protect, is not controversial. There are states who do not fulfil their responsibility, but no government officially denies that they are responsible for protection against mass atrocities. The imagination that with political authority follows responsibilities towards citizens seems to span worldwide. It is not a particular Western idea, but it is possible to trace it back in time through different cultures. The obligations that underpin the pillar today are firmly embedded in pre-existing, treaty-based and customary international law (Ban, 2009, p. 12). There is hardly any reason fearing that this will change with rising Asian powers. With reference to Yeophantong, O'Hagan describes practice in imperial China, embedded in the Chinese Confucian tradition: 'The ruler, who was mandated from heaven, was charged with the maintenance of order through rightful conduct and government by example. This took the form of the ruler assuming the responsibility for the protection of both the spiritual and material welfare of his or her subjects' (O'Hagan, 2015, p. 289).

The second R2P pillar activates the international component. The real world might come up with cases where it is difficult to draw a sharp border between when the voluntary ends and coercion in some form begins. Yet, assistance from abroad to help states fulfil their responsibility to protect is in principle not controversial when based on voluntarily mutual help. Again, we find cultural support. With reference to the works by Ephraim Isaac and Paul Gordon Lauren, O'Hagan (2015) concludes that all of the world's major religious traditions deal with human responsibilities to others, and that these others are not limited to the domestic political community. She adds: 'What remains controversial in relation to R2P, however, is the extent of these responsibilities and the degree to which it is viewed as legitimate to use force in pursuit them' (O'Hagan, 2015, pp. 290–291). According to Ban Ki-Moon (2009), measures under pillar two can play a critical role in the international implementation of the responsibility to protect, particularly when national political leadership is weak or divided and lacks the capacity to deal with a threatening armed opposition committing atrocity crimes.

The second pillar may include cases where support comes with a certain degree of coercion, for instance, as pressure from abroad to accept suggested efforts. Recipients might consider it as unwanted interference into internal affairs. India and Indonesia have expressed this kind of worry. China, on the other hand, has not

officially fronted scepticism to the second pillar. It was not problematic for it to support Security Council Resolution 2482's call for states to assist each other in the combat against illicit arms trade, but this resolution came with a general text directed to all UN member states, not a specified selection of them. Gaining consensus around general texts is always easier, compared to texts criticizing particular actors. The need to balance the text against national interests appears limited.

On the other hand, the Chinese attitude to the Myanmar Rohingya case is possible to interpret in a sceptical perspective. Myanmar security forces had deliberately targeted civilians and carried out mass atrocities against the Rohingya and other minorities, with evidence of ethnic cleansing in the Rakhine province (Human Rights Council, 2018). From August 2017 to August 2018, more than 750 000 Rohingya Muslims escaped to neighbouring Bangladesh (Kirby, 2018). Since Myanmar denied UN investigators' access, the report relies on interviews with victims. No Security Council resolution addresses the case. China has refused to negotiate on a potential resolution, including a UK drafted one that aimed to oblige Myanmar to work closer with the UN. However, China supported a so-called presidential statement, dated 6 November 2017, (S/PRST/2017/22) which is weaker in its criticism of Myanmar authorities (Yhome, 2019). The statement not only condemns the attacks against Myanmar security forces, but it also expresses concern over human right violations committed by these forces. It reminds the Myanmar government of its primary responsibility to protect and is supportive of efforts to solve the crisis initiated by Bangladesh authorities.

Yhome (2019) describes how China, when the Rohingya crisis evolved in 2017, offered to mediate. The Myanmar government refused the offer. Despite this, China continued to defend Myanmar's sovereignty and territorial integrity in the Security Council. It has supported dialogue with Bangladesh, but wished minimum involvement by the UN, arguing that pressure from abroad was not helpful to resolve the problem.

China's position related to the Myanmar case is easier to understand when national interests supply the picture. National interests refer to the basic determinants that guide state policy in relation to the external environment (Evans & Newnham, 2008). The concept is difficult to define with clarity suited for scholarly analysis. National interests may change over time if perceptions of the environment change. Yet, political use is common, in order to obtain legitimacy for a particular policy (Griffiths & O'Callaghan, 2002).

The scope of what Chinese leaders see as national interests expands with rising power. China supports free trade, but it opposes the liberal democracy and many of the values connected to a liberal world order. To keep other powers, particularly the USA, away from its 'doorsteps', has high priority. The magnificent growth of the Chinese economy in the last two decades has not only made it possible for China to build up its military strength and to expand its strategic space, but it has also developed dependency on import of natural resources. The so-called Belt and Road Initiative (BRI), primarily focused on creating trade routes through investment in infrastructure, has both defensive and offensive strategic elements. China has signed treaties under this initiative with a large number of states and

invested huge amounts in many of them. It is in China's national interest to secure investments and loans. Political unrest is a threat. Stability in recipient states is therefore highly prioritized. Myanmar is for China a bridge to the Indian Ocean. A pipeline through Myanmar is important for China's oil supply. The potential of conflicts spilling over the mutual border is a critical concern for Chinese authorities. The ethnic groups on both sides share cultural affinities (Yhome, 2019).

### *Responsibility to Protect Pillar Three*

Barelli writes: 'It is widely accepted, today, that the international community should contribute to prevent, and if prevention fails, to respond to atrocity crimes. What is less clear is under what circumstances, and how, it should do so' (Barelli, 2018, p. 185). The UN has a long tradition of preference for dialogue and peaceful persuasion. The toolbox contains a wide range of non-coercive and non-violent responses (Ban, 2009). Yet, the most controversial of the R2P pillars is the third one, because the international community, through the Security Council, may give a mandate allowing for the use of military force, as they did with Libya in March 2011. After the Libya intervention, several states around the globe fear misuse of this pillar, by Western powers in particular. The view is widespread that the implementing actors stretched the mandate far beyond the intentions, forwarding a regime change. The Syrian people have paid the price. The Security Council never found common ground to halt mass atrocities there.

The outcome of third pillar's discussions depends heavily on how one understands the most important of the constitutive institutions that underpins current world order, state sovereignty. The constitutional independence of sovereign states, described in the UN Charter chapter 1, articles 2.1, 2.4 and 2.7, is traditionally understood as states never being subject to external interference into domestic affairs without their consent. They can voluntarily abide rules, but no external power can force them. Among the defenders of this position, we find states with a doubtful human rights reputation, but also many small states that simply consider non-intervention as the ultimate protection against the ambitions of the powerful. Sovereignty, as traditionally understood, provides determinacy and order in the international system (Chopra, 1994). Yet, ICISS embraced an understanding alternative to the traditional one, where responsibility is an aspect of sovereignty, a prerequisite for a legitimate claim. Without legitimacy, there is no sovereignty to violate, connected to an idea with deep historical roots of legitimate rule based on moral standards. The language changes, from 'right to intervene' to 'responsibility to protect' (Evans, 2015).

Former UN Secretary-General Kofi Annan reminded several times the present-day reader of the UN Charter about its purpose, which is to protect human beings, not abusers. In an interview, Dr Francis Deng, former UN Special Advisor on the Prevention of Genocide used these words: 'I don't see sovereignty as a negative concept enabling you to barricade yourself against the world' (Hehir, 2010, p. 83). However, the traditional understanding of state sovereignty, at least in its most restricted version, seems at best compatible with a domestic responsibility to

protect only, with no outside interference in cases of failure. Yet, Stahn (2007), as do Bellamy (2009b), talks about a growing acceptance of sovereignty as responsibility, but the extent seems to be rather diffuse. It might perhaps be estimated, but probably difficult to measure.

China has traditionally been protective of sovereignty, understood as non-intervention. According to the Chinese view, to challenge sovereignty has no role in the UN Charter. If R2P represents such a challenge, it would be easily abused by states for self-interests (Fung, 2016). China sees sovereignty as the cornerstone of the whole system of international law (Barelli, 2018). Regime stability is paramount. With negative implications for domestic stability, Chinese support for R2P intervention under pillar three is unlikely (Chen, 2016). This is partly rooted not only in its own struggle for sovereignty, to protect itself from external interference, but also in resistance towards Western liberal society (Barelli, 2018).

China and Russia often rely on each other in the Security Council, with a view to strengthen their respective positions within a body otherwise dominated by Western powers (Barelli, 2018). Yet, this is not the whole story. At the general level, China opposes restrictions to sovereignty that are non-reciprocal and non-voluntary, but the real approach is more pragmatic. An image as responsible is preferable because it gains trust abroad for rising influence and enhanced legitimacy for the government at home (Chen, 2016). Well, few outside observers look to China in search for a country with a good human rights reputation. When China chooses friends for investments, a satisfactory degree of domestic order and stability is more important than human rights issues. However, a reminder here is plausible. R2P is about mass atrocities, not any violations of human rights. According to Frost (2009), state leaders frequently use ethical terms to explain their state's behaviour to an international audience, but the ethical aspects need not be their main concern. Rather, it might simply be an expectation, more or less a prerequisite for legitimate participation. Both China and India have signalled that they intend to be responsible rising powers. The exact meaning of this is difficult to define, and many political issues call for responsible leadership. Yet, it is hardly possible to avoid protection of civilians situated close to the top of that list. To communicate responsibility through a general willingness to protect may therefore have an effect in itself, even when not or poorly followed up versus concrete cases.

China prefers to solve conflicts peacefully. Its increased involvement in UN Peacekeeping efforts after the Cold War reflects this. Beginning with Cambodia in 1992, later involvements include East Timor, Mali, South Sudan, Darfur, DR Congo and Liberia. With about 2600 personnel deployed, in 2016, China was the largest contributor among the Security Council veto powers, as well as the second largest contributor to the UN Peacekeeping budget among all UN member states (ISDP, 2018).

China does not claim an absolute version of sovereignty where state leaders can do what they want to their people. Although China is significantly uncomfortable with the third pillar of R2P, it quietly accepts that, under authorization of the Security Council as an absolute prerequisite, coercive means including military force may be employed to halt mass atrocity crimes (Barelli,

2018). In relation to pillar three, we can talk about a move from initial reservation of R2P in general, towards a cautious endorsement of a conservative interpretation of the principle, this pillar included (Chen, 2016). With the particular influence given by the status as a veto power, it is in China's interest to preserve the prerogatives held by the Security Council. Among these prerogatives is the option to authorize the use of military force in extreme situations. China has never suggested any change of international law on this point.

As one of the permanent Council members, China can veto any proposed decision it dislikes. Many scholars have studied this arena for decisions and concluded that we cannot expect debates there to be real deliberations with careful weighting of arguments. Decisions will often reflect domestic and global imperatives of the veto powers, and vetoes frequently block proposed resolutions. Sometimes when atrocity crimes have been committed, or are at risk, veto powers support opposing factions and put these allegiances ahead of their protection responsibilities (Ban, 2016), despite calls not to use this powerful instrument when mass atrocities are on the agenda.

The basis for the Councils work is cooperation. The ability to act depends on collective agreement (Nadin, 2014). The dilemma of selective response has accompanied all discussions about humanitarian-based interventions, from long before R2P entered the international sphere. According to Mamdani (2011), this is the subordination of law to the dictates of power. Rimmer (2015) questions whether R2P can be of worth when only weaker states are the recipients of interventions. Yet, Bellamy (2015) sees this as somewhat different. R2P has entered an imperfect world, but the principle pushes the Security Council into a new territory. Acceptance of R2P does not in itself resolve difficult questions about realization of objectives in complex cases. However, it does not help to wish away political realities.

The Security Council will never adopt a resolution criticizing, for instance, the Chinese treatment of the Uighur minority, despite indications that basic human rights were systematically violated. On the other hand, one cannot exclude the possibility that the Council will address the treatment of minorities in India, if a relevant situation develops. India has no veto for disposal. Based on a number of case studies through two decades up to 2004, before the adoption of R2P, Martin Binder (2015) explained the UN's selective response to humanitarian crisis. Responses were neither random nor explainable by one single determinant. The extent of human suffering, negative spill over to neighbours, media attention, previous UN involvement, the military strength a target state might mobilize and its ties to one or more of the veto powers were relevant explanations. As expected, the territories of the veto powers themselves fell outside the radar.

As a rising Asian power, although India possesses both diplomatic and other resources usable to influence international issues on a broader scale than what small and middle sized states are able to, its capacity to influence issues on the global level does not match the position of China. India has served seven 2-year terms in the Security Council, but the Indian political leaders frequently argue that India deserves a permanent seat, as the world's largest democracy with about 16% of world

population. Brazil, Germany and Japan (G4) back each other in seeking permanent seats and advocating Security Council reforms, so far without sufficient support. China seems to be the permanent member most opposing the Indian claim.

Japan's support for the call not to use veto when mass atrocities are on the agenda is interesting in the light of Japan seeking a permanent seat, but for the moment, the Japanese influence on this issue is minor. Yet, the issue itself is highly relevant, as Stojkovski explains: 'Bearing in mind that R2P is considered to be a normative standard and a moral imperative of the international community, the question of how the five permanent states use their veto in cases of mass atrocities logically focuses' (Stojkovski, 2017, p. 88). The ICISS report addressed the question (ICISS, 2001, chaps. 6.20–6.21), and so did former Secretary General Ban Ki-Moon. In his first R2P report to the UN General Assembly, he pointed particularly to the privileges of tenure and the veto power granted to the permanent five under the UN Charter. He wrote: 'I would urge them to 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 on §139 of the Summit Outcome, and to reach a mutual understanding to that effect' (Ban, 2009, pp. 26–27). France and UK have expressed support (Stojkovskij, 2017), but the multiple uses of vetoes by Russia and China in the Syrian war do not indicate any broader mutual understanding among the permanent members, even 10 years after Ban Ki-Moon's urgent call.

China has accepted that there might be situations where the international community needs to use military force for protection purposes, a position India seems to oppose under all circumstances. Yet, after 2011, China has been very clear that all interventions forwarding regime change are unacceptable. Yet, in line with a more confident and responsible China on the international arena, we can perhaps expect initiatives to establish concrete criteria connected to R2P pillar three. Before such criteria are established, if they ever will, military interventions sanctioned by the Council will probably be very rare, perhaps even more selective than before. This is hardly good news for those who experience mass atrocities today, although it might also prevent interventions that create more problems than they solve. It is an established knowledge, demonstrated through a number of implementation studies, that leaving up to others to implement decisions often creates problems. Implementing actors may interpret mandates different from decision-makers. Actors may also have other, perhaps not communicated, reasons for their participation than the pure humanitarian ones. The Security Council cannot implement decisions themselves. They depend on member state resources and their political will. Yet, this loosens the Council's control over the implementation process. According to Dunne (2015), the operational control the Security Council is able to exercise upon implementing actors is very limited.

The Chinese view, supported by Russia and many Asian states, is not that sovereignty comes without responsibilities, rather that undermining sovereignty through interventions leads to state collapses and civil wars, creating environments where massive human rights abuses are likely to occur (Averre & Davis, 2015). Yet, this is hardly good news for proponents of a new understanding where legitimate state sovereignty depends on responsibility. It is more a position

defending sovereignty even when the responsible component is weak or absent, based on an imagination that available alternatives are worse. It might be plausible to follow Webb (2014) who points to another way of seeing the veto, as an instrument of slowing down calls for military action. This seems particularly relevant in cases where there are qualified reasons to doubt that the last resort stadium is now. However, states do not always stand by their flagged positions confronted with a concrete challenge. During heavy fighting in 2008–2009, the Sri Lankan government forces defeated the Tamil rebels. There were accusations on both parties for having committed atrocity crimes. India provided humanitarian assistance to Sri Lanka's Tamil population despite protests from the Sri Lankan government about violation of sovereignty (Ganguly, 2016). Sri Lankan sovereignty was obviously not that important for India, with around 60 million Tamils living in its own southern regions.

The 2005 Outcome Document recommended implementation of R2P objectives through relevant regional organizations. In Africa, cooperation between the African Union and the UN has been fruitful. To what extent Asian UN members will support such cooperation in the years to come probably depends on how it relates to the sovereignty of the target states, particularly if we have a pillar three situation where implementation through a regional organization implies weak Security Council control once the mandate is given. In Asia itself, regional arrangements are rather poorly developed. ASEAN probably has a potential, in cooperation with the UN, to play a more extensive role in providing assistance and support for capacity building, but this intergovernmental organization is a rather loose cooperation arrangement where trust between member states is highly questionable, and where the traditional understanding of state sovereignty prevails.

## V. Conclusion

The article questioned what the prospects are for implementation of R2P objectives in a world with rising Asian powers. Events surely may take other directions than expected. Yet, based on behaviour and statements from actors, statements from actors with increased influence in shaping the evolving global architecture, its normative foundations included, and we can say something about probable scenarios, at least for the nearest 2–3 decades to come.

It is not possible to see the developing world order as a threat to R2P pillar one. Actually, no serious international actor anywhere in the world opposes that domestic authority implies responsibility to protect the population from mass atrocities. The keyword is prevention. The second R2P pillar mobilizes international assistance. Such assistance may come in various forms. As long as we talk about mutual agreed efforts, this pillar too is unproblematic and expected to remain so. However, assistance from abroad can have a coercive dimension. The widespread adherence to a traditional understanding of state sovereignty among Asian states, the two rising powers included, might give reasons to expect more pressure on the pillar confronted with such cases. Here, the Chinese official

support can perhaps become a moderating factor, at least for cases where national interests are not at stake.

R2P pillar three, involving the possible use of military force, is more controversial. China is the most important Asian actor in this respect, due to their position in the Security Council. China has not completely excluded the possibility that military force is relevant in certain, but seldom occurring, circumstances. However, one must expect that a more powerful and confident China will use its increased influence to shape the conditions for when such circumstances occur, in a restrictive direction. The use of force as the last choice will probably come more into focus. In this, China will find broad support in its Asian neighbourhood. India expects to back this position. Unless a broad agreement about more clear criteria for the activation of R2P pillar three establishes, China will probably continue to veto suggested Security Council resolutions that may embed a potential for regime change in the targeted states.

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