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Introduction

The Responsibility to Protect (R2P) has been a prominent and sometimes controversial feature of International Relations debates over the last decade. At times it has seemed as if critical encounters between R2P scholars and critics of R2P have generated more heat than light. This is no doubt because both advocates and critics are motivated by a genuine attempt to prevent extreme violence directed towards civilians. On the one side, R2P advocates are compelled by the horrific circumstances of genocide and crimes against humanity, for instance, in Rwanda and Srebrenica. On the other side, critics are compelled by a concern that R2P can be exploited by states as a pretext for military interventions, which can easily go beyond their mandate and contribute to further violence against civilian populations. In this sense, the debate around R2P has often been characterized by a fierce dispute about the best way to prevent violence against civilians.

In this article we attempt a critical dialogue around R2P that takes as a starting point the common ground shared by almost everyone. One issue confronting such a dialogue is the problem of specificity. A well-defined research focus is a necessity since a general discussion opens up the real risk of talking past one another and hewing too closely to our own research. Indeed, though we each have an interest in the debate around R2P, our research backgrounds are quite distinct, encompassing expertise on R2P and the United Nations; Nuclear, Chemical and Biological Weapons; and national security and intelligence. With this in mind, we have sought out a case that speaks directly to our collective expertise, while revealing something interesting for the broader issue of R2P.

This article examines the debate around R2P following the chemical weapons attack

in Syria in 2013.[1] By this time over 100,000 Syrian had been killed by conventional weapons, yet it was the chemical weapons attack that was described by prominent R2P advocates as the 'game changer' which led them to advocate for military intervention. This raises questions on why this particular war crime changed the position of some R2P advocates, when there was extensive documentation of prior war crimes and crimes against humanity. It also raises questions on what types of evidence should inform R2P advocacy and whether this evidence needs to be verifiable in the public realm.

We argue that R2P advocates are often confronted with crisis circumstances that incentivise the opportunistic or pragmatic mobilisation of political momentum. In the Syrian case, a curious blend of security norms – for instance, the taboo against the use of chemical weapons and the associate logic of deterrence – and humanitarian norms were evident in case for intervention made by *both* R2P advocates and the US and UK governments. This situation poses significant problems for R2P advocacy. First, the conflation between humanitarian norms and security norms risks undermining its conceptual and moral integrity. Second, the association of R2P intervention with the imperatives of security discourse opens it up to the perception and potential reality that powerful states sometimes exploit humanitarian pretexts in pursuit of other strategic imperatives.

Before we make this case it is worth stating clearly what this article does and does not do. First, we do not consider intervention to be synonymous with R2P. Of the three R2P pillars, coercive intervention is only a possible response under the third pillar, which relates to the use of force by the UN Security Council if a state is manifestly failing to protect its people from war crimes and crimes against humanity. The first pillar is about state responsibilities to protect their own people, and in this sense, R2P applies to all countries at all times. Some R2P advocates may want it to equate to military intervention (though this is a minority position) and many critics of R2P assume that it equates to military intervention. However, there is nothing in the agreement on R2P that confirms this view. With this in mind, an important distinction we draw in our analysis is between R2P as a 'policy agenda' and R2P as a

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[1] This collaboration was born out our desire for otherwise disparate epistemic communities—in this case, Critical Security Studies, R2P, and arms control and disarmament respectively—to problematize and resolve problems more readily in the policy arena. For an earlier discussion of the Syrian case which sparked this conversation, see Taylor (2013).

'rallying cry': the former we take to be the solid bedrock of R2P practice; the latter, we suggest, is open to the problematic dynamics set out above.

Second, it is important to recognise that in the limited cases where proposals for R2P intervention are made, there is no specific threshold or criteria that must be met. The R2P agreement outlines four crimes, but includes the prevention of the crimes, so there is no need for the crimes to be occurring for intervention to be an option. The UN Security Council have only ever said that they will consider situations on a case-by-case basis. Nevertheless, we suggest that any proposal for R2P intervention needs to give credible evidence and reasons that justify that course of action. It is the character and quality of this information that can be called into question in the circumstances we examine

Section one begins by outlining the various claims made about the Syrian chemical weapons incident of 2013 and pointing to a contradiction between humanitarian and security norms in the rhetoric of some prominent advocates for R2P intervention. It then outlines a crisis dynamic that can confront R2P advocates and incentivise the opportunistic mobilisation of political momentum. Section two explores the consequences of mobilising security norms in this context, via analysis of 'intelligence' as a category of information produced by states. It then shows how crisis dynamics can incentivise information emanating from states over and above independent attribution. Section three contrasts R2P as a 'policy agenda' with R2P as a 'rallying cry' and provides a cautionary note in relation to the latter.

In lieu of conclusion, a final section recapitulates the argument and reflects on the dialogical process that has animated it. In doing so it draws out the internal tensions of the paper, as well as the interesting moments of learning and shared insight that have made the enterprise worthwhile. We suggest that this kind of critical dialogue is both generative of new thinking and productive of concrete research – and to that extent should be more common than it is.

Analyzing the 2013 calls for intervention
We begin by outlining the response from the R2P community to the use of chemical weapons in Syria in August 2013, which was described as a 'game-changer' by some R2P advocates (Evans 2013; Weiss 2014: 36). While the chemical weapons attacks

altered the political landscape—and thereby crossing Obama's 'red-line'—it is puzzling that the use of chemical weapons changed the terms of debate for some of those viewing the crisis through the lens of R2P. This raises important questions about the way R2P advocacy operates in crisis circumstances, and particularly the sort of evidence that should be relied upon in making a case for R2P intervention. There are no agreed threshold criteria for R2P, and there is no requirement for R2P-crimes to be occurring prior to intervention, as prevention is a key aspect.[2] Evidence still forms a key element for those making the case for intervention as the situation on the ground (and interpretation thereof) is critical to formulating an appropriate response. This evidence is often in the form of state intelligence.

R2P applies to four crimes–genocide, war crimes, ethnic cleansing and crimes against humanity–as well as the prevention of these crimes (United Nations 2005). By the time chemical weapons were used in Syria the UN's Independent International Commission of Inquiry on the Syrian Arab Republic had regularly reported crimes against humanity and war crimes, and by July 18, 2013, such that "[w]ar crimes and crimes against humanity have become a daily reality in the country" (United Nations 2012; 2013a; 2013b 2). At this time more than 100,000 people had been killed in Syria since the conflict began (BBC 2013). There was no doubt that the situation in Syria fit within the purview of R2P, including pillar three of R2P, with the Syrian government 'manifestly failing' to protect their population from war crimes and crimes against humanity.

The chemical weapons attack changed the policies that were advanced by some R2P advocates. Before August 2013 there had been almost no calls from R2P advocates that military intervention was the appropriate response to mass violence in Syria (Glanville 2014)[3]. Yet after the chemical weapons attacks proponents of R2P began to recommend that western states use military force in Syria to protect civilians. In the weeks that followed the chemical weapons attacks, prominent R2P advocates, Gareth Evans, Lloyd Axeworthy and Allan Rock advocated air strikes in Syria, drawing on NATO's 1999 Kosovo intervention as a model (Evans 2013; Axeworthy and Rock

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[2] For debates for and against the use of criteria see respectively Evans (2008: 139-146) and Bellamy (2009: 45-46 and 149-155)

[3]   As Glanville highlights, a notable exception to this was Anne-Marie Slaughter (2013) "Going to School on Syria's Suffering," *The Globe and Mail,* 29 May.

2013)[4]. Here they argue that while the use of force would be outside of international law, it could still be a legitimate response to the use of chemical weapons against civilians.[5] These three authors stress that before military intervention could be taken there would need to be clear evidence that the Assad government had used chemical weapons. By seeking this assurance, each author was careful that their call for intervention was specific to the use of chemical weapons, rather than broader war crimes and crimes against humanity.

Evident here is a clear tension between the humanitarian norms that underpin R2P and the security norms associated with the use of chemical weapons, which informed the response from the US and UK governments (Carpenter, 2013). While the chemical weapons taboo has its roots in a moral concern about the potentially catastrophic consequences of chemical weapons for civilian populations, this norm has been thoroughly embedded in security discourse on the use of force (Price XXXX). As the 'red line' terminology suggests, the focus here is very much on 'protecting a shared set of international understandings about the proper conduct of warfare' (Carpenter, 2013). As Stahn notes, the conflation of humanitarian and security norms in some justifications for R2P intervention leads to a problematic disjunction:

> R2P was not meant be a punitive concept. It is centered on the idea of protecting civilian populations, rather than sanctioning moral outrage, horror and fear caused through collective punishment. Its development into a punitive tool, i.e. a ''responsibility to punish'' State action or inaction, stands partly in contrast to its humanitarian rationale and would increase fears of instrumentalization that have haunted the concept since its inception." (Stahn 2015: 44)

In this sense, the circumstantial inconsistency, where the conditions for R2P consideration already existed irrespective of the use of chemical weapons, was underpinned by a normative inconsistency between humanitarian and security norms.

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[4]   There was another group of pro-R2P states and NGOs who maintained an 'orthodox R2P' position on Syria, arguing that the use of force in Syria would not be legal without a resolution from the UN Security Council (for discussion see Dunne and Bellamy 2013 6-7).

[5]   Ian Hurd (2013) takes this a step further to argue that international law on the use of force may have changed to allow military intervention in Syria without authorisation from the UN Security Council. For discussion on the limitations of this argument see Dunne and Bellamy (2013 11-12).

Here we can see R2P advocacy interacting with realpolitik. Prior to the chemical weapons attack there was no broad political movement towards military intervention in Syria, whereas afterwards there was a period where states—particularly the US and UK—advocated the use of force in response to chemical weapons. Some R2P advocates joined this movement, tapping into the political momentum in pursuit of a humanitarian outcome. This created an unlikely situation of arguing for military intervention on the basis of R2P *because of the use of chemical weapons*, rather than because of other widespread war crimes and crimes against humanity. This raises broader questions about the nature of R2P advocacy in relation to international politics.

From a structural standpoint, the impetus to mobilise normative resources and political momentum from security discourse is opened up by the particular circumstances that confront the R2P advocates. Often the circumstances demand immediate action: desperate need increases the likelihood that humanitarian intervention will be justified through whatever means are means are available, regardless of conceptual or normative provenance. For instance, advocates and policy makers, frustrated by the failure to intervene in Syria given the ongoing targeting of civilians, may have seen the chemical weapons incident as a catalyst for urgently needed action. Such proposal may align with the security interests of some states and raise security concerns for other states. Take, for instance, the following joint statement issued by the UN Special Advisors for Genocide and the Responsibility to Protect in the wake of the chemical weapons attack:

> The alleged use of chemical weapons in Syria is yet another example of the crimes taking place in the country. All these crimes must be investigated immediately, and those responsible for committing them held to account, as an integral part of a peaceful and sustainable political solution to the disastrous conflict in Syria.

While obviously speaking to the moral concerns that animate their portfolios, this statement immediately evokes security norms and a wider geopolitical context. On the one side, humanitarian and security norms overlap when the punitive dimension of the chemical weapons taboo is highlighted. On the other side, any state with a stake in the conflict must immediately consider what the consequences of such a process might be

and what the associated 'peaceful and sustainable resolution' might entail vis-à-vis their national interest. It was from this perspective that the US and the UK governments mobilised the use of chemical weapons as an opportunity to escalate against the Assad regime, exerting military pressure in support of 'moderate' opposition forces and providing diplomatic leverage at the negotiating table. The point here is that the proposal for R2P intervention arose in a broader political context that was structured by geopolitics as much as morality - and because of this R2P advocates may have felt compelled to speak to both. Together these factors constitute structural circumstances that pull towards the mobilisation of security discourse purveyed by powerful states.

This section has analysed the response of the R2P community to the Syrian chemical weapons crisis of August 2013, paying particular attention to those advocating from intervention. We noted a curious contradiction implicit in that position, whereby calls for intervention were triggered not by the ongoing targeting of Syrian civilians that had by that time claimed 100,000 lives, a circumstance that fell comfortably under the purview of the R2P doctrine, but rather the use of chemical weapons against civilians. We highlighted an underlying conflation of humanitarian and security norms, and suggested that the impetus for this lay in the structural conditions often faced by R2P advocates, where desperate humanitarian circumstances incentivise pragmatism, and permanent members of the UN Security Council weigh geopolitical interests alongside humanitarian norms. In the next section we point to potential consequences of mobilising security discourse in support of R2P interventions.

Security Discourse and the Case for R2P Intervention

While the conflation of humanitarian and security norms highlighted above tended to undermine the cogency of calls for R2P intervention following the Syrian chemical weapons incident, it also had the potential to undermine the legitimacy and standing of the R2P doctrine. Put simply, where security discourse is drawn into R2P advocacy the information relied upon to make a case for intervention will likely emanate from states that have a strategic interest in the circumstance. It is worth noting that a desire for reliable attribution for the use of chemical weapons was universal across the R2P community, including advocates for intervention, who saw this as an important precondition for any such action. Yet there was a widespread assumption that

independent attribution would confirm the assertion made by the US and UK governments that the Assad regime was behind the attacks. It is certainly the case that any R2P proposal for intervention in Syria was only, at this stage of the conflict, intended to protect Syrian civilians from the Syrian government. One way to unpack the problem presented by this dynamic is to highlight the special character of 'intelligence', the chief source of security information emanating from states.

The starting point for any account of intelligence should be to note that it is geared towards future action and is in that sense concerned with risk management. Faced with an uncertain and often incoherent environment, including enemies that conceal their activities and intentions, and actively seek to mislead, intelligence analysts can only hope to produce 'estimates' or 'assessments' of likely futures, couched in well-rehearsed caveats about probability and the inherent limitations of the analysis (Betts 2007; Lowenthal 2006; Russel 2007). Following on from here it is crucial to recognise that the subjects of intelligence estimates are determined by the risks they may pose to a specific set of interests. Thus, intelligence must be understood as 'a system of knowledge in the service of power' (Der Derian 1993: 35). It answers questions that are of concern to policy makers and political leaders, the end users of intelligence; the priorities and predispositions of users can influence the way these questions are answered, in terms of emphasis and priority; whatever intelligence is produced will be mobilised towards the user's strategic ends (Betts 2007: 66-103; Lowenthal 2006: 174-89).

In this sense, even impartial evidence and informed decision-making is thoroughly structured by national interest imperatives. One way to highlight this instrumental relationship is situate intelligence in a Clauswitzian framework: on that account, 'intelligence is the continuation of war by clandestine interference of one state into the affairs of another' (JDD 1993: 31). As the quintessential weapon of 'cold war', then, intelligence can likewise be understood as the continuation of politics by other means (JDD 1993: 31-32). Importantly, these structuring interests can become much more explicit and influential in the production and use of intelligence, not least around the justification of the use of force.

As Bruce Berkowitz noted on the eve of Colin Powell's now notorious presentation to the United Nations on Iraqi weapons of mass destruction (WMD), intelligence is often

presented as fact – a 'slam dunk' or a 'smoking gun' – in order to strengthen the credibility of a political claim (Berkowitz 2003). Paul H. Barratt, former Secretary of the Australian Department of Defence, makes the same point with regard to the Howard government's assertions about Iraqi WMDs:

> The use of the phrase 'the Australian government knows' was a cardinal sin from the viewpoint of both Australian parliamentary procedure and professionalism in the treatment of intelligence. It admits of no doubt – this was not just an assessment, the best judgment we could make with the available evidence at the time, it was knowledge. We should not expect a subsequent inquiry to find that evidence was 'thin, ambiguous, and incomplete', which was the finding of the inquiry led by former DFAT Secretary Philip Flood (Barratt 2014: 333).

The point here is that because intelligence is always structured by the policy imperatives and security interests of its end users, there is real potential for it to be mobilised in deceptive ways towards broader strategic ends. A similar perspective on the Iraqi WMD case is given by Richard K. Betts, the eminent scholar of intelligence theory and practice:

> Although the bottom line analytic conclusion was wrong, in the absence of adequate collection it was the proper estimate to make from the intelligence available. No responsible analyst could have concluded in 2002 that Iraq did not have stocks of chemical and biological weapons concealed. The principle mistake was in the confident presentation of the analysis and the failure to make clear how weak the direct evidence was for reaching any conclusion and how much the conclusion depended on the logic of deduction from behaviour (Betts 2007: 115).

Of course, what Betts leaves out here is that intelligence agencies were placed under enormous pressure by Bush Administration policy makers to produce estimates in support of a certain policy ambitions. In this sense, there was a relationship between the strength of the estimates about Iraqi WMDs and the political context in which those assessments were made. More broadly, The leaked Downing Street Memo, minutes of a top level British Government meeting in July 2002, indicates: 'that the

intelligence and facts were being fixed around the policy' (cited in Danner 2005). Put simply, the decision to change the Iraqi regime had already been made and WMDs, as well as ancillary humanitarian arguments, were merely convenient pretexts that could justify the policy to the American public and the international community. What this episode indicates is the potential for intelligence to be mobilised towards the strategic ends of powerful states.

To be sure, R2P advocates have usually drawn on a range of information in building a case for intervention. One common source of evidence provided by humanitarian non-governmental organisations (NGOs) or UN organisations working in the effected area. Likewise, media reporting on humanitarian crisis and conflicts is another common resource. However, the chemical weapons issue shows how this information can be problematic. On the one hand, information provided by NGOs tends to be ad hoc and partial – we say more about UN organisations shortly. On the other hand, media reporting has been notoriously unreliable around WMDs.[6] For instance, in the lead up to the Iraq War in 2003, *New York Times* reporter Judith Miller published a series of articles asserting that Iraq had WMD and an ongoing active program to produce them. It turned out that much of this reporting was based in private briefings from a senior Bush Administration official who claimed that there was incontrovertible proof to that effect (Schaffer 2015). More broadly, the recent Chilcot Report (2016), the UK government's inquiry into the Iraq War, makes it clear that a comprehensive media strategy was an integral part of the push for war (Chilcot 2016).[7] The point here is that the other non-state information sources relied upon by R2P advocates at times of crisis are also potentially problematic.

In the immediate wake of the Syrian chemical weapons incident the US and UK governments asserted that the Assad regime was responsible. This claim was based in undisclosed intelligence, the authority of which was mobilised publicly in tandem with emotionally charged images of Syrians dead or dying from exposure to chemical agents. At the same time, the provenance of the chemical weapons attacks was muddied by competing claims made by other state security officials, for instance,

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[6] Perhaps the best acknowledgement of this fact is the mea culpa delivered by the *New York Times* about the failures of its pre-war coverage, which points to the way government officials exploited reporters to push the case for war. See The Editors, 'The Times and Iraq", *New York Times*, May 26, 2004.
[7] The Chilcot Report advances a broader critique of the case for war, which is scathing in its assessment of the way intelligence was used by government.

from Russia and Syria, as well as journalists, foreign affairs analyst, and the various non-state actors on the Syrian battlefield. These competing claims reinforce the malleable and self-interested character of intelligence, particularly around international security crisis, and as it manifests in strategic communication for public consumption (Aistrope 2016, 96-7). R2P advocates making the case for intervention were put in a position where the information immediately available was provided by states, including two leading proponents of military intervention with a recent history of deception around WMD. By contrast, the sort of robust independent evidence that would ideally have formed the basis for determining responsibility was unavailable, despite the fact that a UN OPCW group mandated to collect evidence about the use of chemical weapons in Syria had begun their investigation only a day earlier and were staying in a hotel just twelve kilometres from the incident site.

This is largely because the process through which chemical weapons experts establish attribution is based in a rigorous, transparent and verifiable methodology focused on the assessment of technical information about the chemical agent and the delivery system in question. In this sense, it obligates the accusers as much as it does Assad. There are technical, practical, legal and political hurdles that can constrain a swift outcome. Technical constraints on the UN inspections include not only the procurement of evidence, witness accounts and testimony (from medics, for example), but also the limitations of an [interagency process](#) that requires testing in multiple facilities over the course of several days.

Practical constraints include the inescapable problem that Syria is an active war zone, and UN inspectors must prioritise both their own personal safety, as well as their mission's integrity. Ensuring the adherence to protocols including the proper handling of evidence and selection of witnesses is a difficult task during the course of any conflict, whether Assad and the rebels comply or not. No one outside of the select few negotiators, likely not even the UN inspectors themselves, could have been aware what evidence has been supplied by Assad's regime, the rebels, or external actors such as Russia, France, the UK, US and Israel.

The Assad government's legal obligations were complex and not altogether as rigid as commonly supposed. Syria is not a state-party to the international convention banning the use of chemical weapons, though they are party to the 1925 Geneva Convention.

Assad was under no legal obligation to facilitate inspections of Syria's sovereign territory, despite assertions to the contrary based on customary international law. In fact, it was Assad who agreed to the UN inspections by the OPCW group that had just begun.

Simply put, independent verification that robust attribution could have been based in was difficult to establish. Indeed, the UN investigation reported four months later in December 2013, with the narrow conclusion that Sarin had been used against civilians. A second UN fact-finding mission reported six months after the incident, in February 2014, that the perpetrators had access to the Syrian chemical weapons stockpile. More recently, an OPCW-UN investigation has released a report on chemical attacks carried out in 2014 and 2015, indicating that the Syrian government used the chemical agent chlorine on two occasions, while ISIS affiliated forces used mustard gas on another occasion (OPCW 2016). In three other cases the OPCW group could not make a conclusive attribution (OPCW 2016). Overall, the OPCW group received 130 new allegations of chemical weapons use between December 2014 and August 2016 from UN member states, with alleged involvement of the Syrian government and a wide range of other actors in the conflict (OPCW 2016). We can see here both the difficulty in establishing robust verification of chemical weapons use and the reality that multiple parties in the conflict are deploying them.

The point here is that the independent attribution that R2P advocates for intervention might have relied upon instead of state intelligence was not available—and by its very nature could not have been. Moreover, the UK and US governments were unwilling or unable to publicly disclose the technical information that would have allowed independent experts to confirm attribution. According to an advisory opinion from noted chemical weapons specialist J. Perry Robinson:

> Whether the many allegations of Syrian poison-gas warfare are or are not true cannot reasonably be judged on the evidence currently in the public domain… [Furthermore] the several governments which have explicitly accused the Syrian regime of using Sarin nerve-gas against the rebels seem to be withholding evidence that, if disclosed, might make their charges more believable than they are. The gap in disclosure is not so much intelligence from sensitive sources or methods but is instead straightforward description

for scientific audiences of the procedures that have been used for analysing physiological and environmental samples.

As it turned out, the public case for military intervention made by the UK and US governments did not ultimately withstand high levels of community cynicism about deceptive intelligence around WMDs and Middle-Eastern wars. Nevertheless, what all this highlights is the danger faced by R2P advocates making a case for intervention in a crisis situation. In the absence of timely independent attribution there is potential for assumptions based in state intelligence to be acted on. In such an environment the reticence and scepticism of expert communities is liable to be drowned out by the political momentum and the demand for action. As one chemical weapons specialist sees it:

> Instant judgement does not equal instant justice. It merely satisfies other hidden desires: the dark gratification of being able to Saddam-ise yet another political leader, the clamouring for policy objectives that have little to do with the chemical attacks as such, the uncontrollable eagerness to impart wisdom by a fast growing class of blabberati, the need to simplify complex realities for a tweeting global audience, or whatever. Unfortunately, these calls reveal more about the person's ignorance of both the purpose and process of the investigation than the desire to know the truth (and nothing but the truth).

The point here is that the chemical weapons attacks in Syria indicate a problematic dynamic around security crisis. On the one hand, the sort of robust independent evidence that would ideally form the basis of an R2P case for military intervention is often *unavailable* when there is political momentum for action – or indeed when the prospect of further civilian casualties seems imminent. On the other hand, the information that *is* available (which inevitably informs the political momentum for action) is produced by state intelligence organisations and shaped by the interests and priorities of its end users.

This section has explored the implication of crisis dynamics that confront R2P advocates. We have established that intelligence, the chief source of information emanating from states, is implicitly (and on some notable occasions, explicitly) shaped by national interest, in particular the policy goals of its end users. We have

suggested that this information is often the most readily available in crisis situations, especially when independent verification can involve complicated and time consuming processes. Under these circumstances, R2P advocates confronted by desperate humanitarian crisis and the political momentum to catalyze preventative action may be tempted to mobilize security discourse.

Rallying Cry vs Policy Agenda

One way to unpack these concerns is via the distinction between different 'goals' of R2P. There are different agendas evident in various approaches to R2P, which have usefully been delineated as 'rallying cry' R2P or 'policy agenda' R2P. The former is about 'speaking R2P', which is to say describing a situation as R2P to elevate it within political debates; the later refers to implementing and mainstreaming the prevention strategies of R2P throughout domestic, regional and international infrastructure, which may be done with or without describing it as R2P (Bellamy 2010; Stamnes 2009). There are three key limitations to the 'rallying cry' approach. First, R2P, as set out in the World Summit agreement, applies to all states at all times. Having a threshold, whereby a situation becomes an 'R2P case', has conceptual weaknesses, since it assumes that R2P comes into effect only when there is a manifest failure to prevent mass atrocity crimes. Second, the 'rallying cry' version can also have perverse effects. For example, the drive to 'prove' that genocide was occurring in Darfur – with the goal of facilitating international intervention – was sometimes at the expense of humanitarian agencies focusing on medical aid for a population at a time when preventable illness was the biggest cause of death (Flint and de Waal 2008: 186). The escalation of the Darfur crisis predates the R2P agreement, so is not a good test-case for the concept, but it does highlight that much more could have been done on the 'policy agenda' side of R2P, particularly with key deficiencies in early warning on the Darfur crisis, for which there was little outside awareness during the height of the violence (Gifkins 2016). Third, the 'rallying cry' version of R2P has shown limited effectiveness in changing the underlying political dynamic (Bellamy 2010). By implication, the 'rallying cry' will only be effective when the underlying political dynamic, which is to say state interests, are aligned with intervention. As such, the 'type' of R2P that advocates were drawing on in the Syrian case had real limitations.

An important way to emphasis the issues at stake here is to situate these two approaches to R2P in a broader account of sovereignty. There are two traditions that are relevant. *De jure* sovereignty, most familiar to internationalists and cosmopolitans, points to the norms, practices and social relations that have given meaning to sovereignty over time; *de facto* Sovereignty, most familiar to classical realists and critical legal scholars, points to the quality of ultimate authority that allows the sovereign to identify a crisis and act decisively to resolve it, and to make rules but not be bound by them, particularly in exceptional circumstances (Moses 2013). According to Jeremy Moses,

> [...] while *de jure* theories of sovereignty find meaning for the term in shared understanding , practices, legitimacy and recognition, *de facto* theories find sovereignty in the opposite: at points of crisis, misunderstanding, lack of recognition, and, most importantly, in the forceful resolution of these intense political conflicts (Moses 2013:124).

It is important to recognise that these two versions of sovereignty are not mutually exclusive: they describe the normative quality and hierarchical character of sovereignty. While sovereignty emerges and is reproduced in social contexts that shape identity and possibilities for action, the ultimate authority of the sovereign in that social context means that norms and regularities that might bind some actors are much more contestable at the apex of political power. The most obvious practical manifestation of this tension is in the fraught relationship between international law and national interest. According to Morgenthau, 'a nation can take upon itself any quantity of international legal restraints and still remain sovereign, provided these legal restraints do not affect its quality as the supreme law giver and law enforcing authority' (cited in Moses 2013: 124). Without ceding sovereignty to some centralised international entity like the UN – which would then assume the sovereign quality of law giver and law maker – international law will remain weaker than domestic legal regimes, which are sanctioned by sovereign power. At the same time, we can point to the way influential assemblages of norms, practices, rules and historical structures shape, constrain and enable the exercise of sovereign power in palpable ways.

It is in this context that the R2P community seeks to change norms around genocide and crimes against humanity. In this sense, we can associate 'policy agenda' R2P with *de jure* sovereignty, to the extent that it seeks to impact the legal and normative dimensions of sovereignty. Conversely, we can associate 'rallying cry' R2P with *de facto* sovereignty to the extent that it is only ever at the point of crisis and the 'forceful resolution of intense political conflicts' that calls for military intervention arise. In this sense, any advocate of R2P intervention must be especially careful to insulate against the perception and possibility of *de facto* sovereign power working through international law and humanitarian pretexts.

Linking calls for R2P intervention explicitly to the use of chemical weapons – despite extensive evidence of other war crimes and broader crimes against humanity – does nothing to dissuade claims that R2P is a pretext for the pursuit of national interest. As Mallavarapu highlights, colonial legacies leave some states suspicious of the power imbalances involved in military intervention for humanitarian purposes, especially when former colonial powers often lead interventions in their former colonies (2015). Bellamy has contested these neo-imperial arguments on the grounds that they deny the consistent support for R2P from many states in the Global South (2015: 112-120). It is certainly the case that African states have led on R2P with Article 4(h) of the Constitutive Act of the African Union giving the African Union the right to intervene in cases of war crimes, genocide and crimes against humanity, predating the 2005 World Summit agreement. However, despite these defences, calling for intervention in response to the deaths of 1400 from chemical weapons, but not for the deaths of over 100,000 from conventional weapons does raise real concerns about the role of R2P advocacy. The R2P community must be on guard against advocacy that risks undermining the purported impartiality of the R2P doctrine and inviting the perception (and potential reality) that powerful states manipulate humanitarian crisis as pretexts for the pursuit of their of other policies.

This perception and possibility may be to some extent unavoidable, but that does not necessarily overwhelm R2P as a positive project. It suggest that 'policy agenda' R2P is the most promising avenue for tangible political change. Raising awareness, building early warning systems, developing and mobilising regional and international

networks for preventative diplomacy, and much other important work, stand to make very significant contributions to preventing war crimes, genocide and crimes against humanity. It is around the issue of military intervention that we suggest more caution is required. At the very least, our analysis of the Syrian chemical weapons crisis of 2013 indicates that there must first be reliable and verified evidence, a humanitarian (as opposed to political) motive, a high chance of success given a proportionate use of force, and a strict adherence to international law.

In Lieu of Conclusion: Critical Reflections on Dialogue

This article opened by outlining our attempt to build common ground in the debate around R2P intervention, via a dialogue on the Syrian chemical weapons incident of 2013. By bringing to bear our respective research expertise on this narrow issue we have developed a critical perspective on the incident that we think sheds some light on the broader dynamics relevant to R2P interventions. We want to conclude now with some critical reflections on this dialogical collaboration, in which we disaggregate our perspective and talk about the strengths and weaknesses of the exercise. Before we do that, it is worth restating the case we have made across the article.

We have argued that R2P advocates are often confronted with crisis circumstances that incentivise the opportunistic or pragmatic mobilisation of political momentum. In our examination of the Syrian chemical weapons attack of 2013, we identified a curious blend of security norms – for instance, the taboo against the use of chemical weapons and the associated logic of deterrence – and humanitarian norms in the case for intervention made by *both* R2P advocates and the US and UK governments. We suggested that this circumstance highlights some important problems facing R2P advocates. First, the conflation risks undermining the conceptual and moral integrity of the R2P project. Second, the association of R2P intervention with the imperatives of security discourse opens it up to the perception and potential reality that powerful states sometimes exploit humanitarian pretexts in pursuit of other strategic imperatives. In the final part of the paper we indicated that these dynamics are

particularly relevant for 'rallying cry' R2P and suggested that the 'policy agenda' approach is on much safer ground.

We want to finish this paper by reflecting on the processes of dialogue that has animated this article.

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