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Pascoal SANTOS PEREIRA*

Responsibility to Protect: One Step Towards a Liberal International Order?

Abstract

In an international political moment in which an international intervention is legitimized by an explicit reference to a “responsibility to protect” civilians in Libya, this paper aims at tracing the evolution of this concept and tries to understand to what extent the development of this concept was central to and legitimized this specific intervention. The concept of responsibility to protect will also be analyzed under the liberal order framework to which it apparently owes much of its content. Even though a direct conceptual connection may be made between this liberal framework and the current intervention in Libya, through the conceptual corpus of the responsibility to protect, it is not clear whether the absence of such corpus would have led to a different outcome in this particular situation.

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A Introduction

The discussions around a responsibility to protect endangered populations, either as a responsibility of the host state, or as a responsibility of the international community have been one of the major academic and political debates on the creation of a normative framework embedded in a liberal tradition of international action.¹ One of the main controversial issues has been the definition of a threshold for the international community to intervene when national authorities are not able or willing to assume the responsibilities they have towards their citizens, in cases of humanitarian emergencies.

This paper aims at presenting the evolution of the concept of a responsibility to protect and to understand it under the light of its liberal substratum. First, Section B is an outline of the world order after the end of the Cold War, as an introduction to the Section C, in which we line up the main ideas behind the responsibility to protect. In Section D, we will discuss some of the implications of the liberal ideas, in which the responsibility to protect lies conceptually. And finally, in Section E, we will address the current international intervention in Libya, with a “responsibility to protect background”, as in these events the UN Security Council (SC) for the first time mandated an international action by using this specific conceptual *corpus*.

1 Additionally to the literature referred to in this paper, some further readings may be illustrative of the intensity of these debates (not exhaustive): Alex J. Bellamy, Whither the Responsibility to Protect? Humanitarian Intervention and the 2005 World Summit, *Ethics & International Affairs*, 20 (2006) 2, 143-169. Alex J. Bellamy, Realizing the Responsibility to Protect, *International Studies Perspectives*, 10 (2009), 111-128. Alex J. Bellamy, *Responsibility to Protect: The Global Effort to End Mass Atrocities*, Cambridge 2009. Alex J. Bellamy, The Responsibility to Protect - Five Years on, *Ethics & International Affairs*, 24 (2010) 2, 143-169. Cristina G. Badescu/Thomas G. Weiss, Misrepresenting R2P and Advancing Norms: An Alternative Spiral?, *International Studies Perspectives*, 11 (2010), 354-374. Dan Bulley, The Politics of Ethical Foreign Policy: A Responsibility to Protect whom?, *European Journal of International Relations*, 16 (2010) 3, 441-461. Daniel Warner, The Responsibility to Protect and Irresponsible, Cynical Engagement, *Millennium - Journal of International Studies*, 32 (2003) 1, 109-121. Ekkehard Strauss, The Emperor's New Clothes – The United Nations and the Implementation of the Responsibility to Protect, Baden-Baden 2009. Gareth Evans, When is it Right to Fight?, *Survival*, 46 (2004) 3, 59-78. Gareth Evans, The Responsibility to Protect: An Idea whose Time Has Come... and Gone?, *International Relations*, 22 (2008) 3, 283-298. Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes once and for all*, Washington DC 2008. Gareth Evans/Mohamed Sahnoun, The Responsibility to Protect, *Foreign Affairs*, 81 (2002) 6, 99-110. Mahmood Mamdani, Responsibility to Protect or Right to Punish?, *Journal of Intervention and Statebuilding*, 4 (2010) 1, 53-67. Thomas G. Weiss, The Sunset of Humanitarian Intervention? The Responsibility to Protect in a Unipolar Era, *Security Dialogue*, 35 (2004) 2, 135-153.

B The End of the Cold War: A Brand New World Ahead?

The end of the Cold War represented the possibility of overcoming the former geopolitical framework based on the military balance of power and nuclear deterrence between the two superpowers of the time which had shaped the International Relations since the Second World War. The events in 1989 represented what, for some, was an *end of History*,² as Western democracies and values defeated their counterpart and were therefore allowed to settle a liberal order based on rules and institutions; this liberal order would stress the priority on protecting individual rights, whereas the previous realist framework prioritized state security.³ This order was already drafted since 1945 with the creation of the United Nations (UN), but its potential impact in ruling international peace and security was undermined by the bipolar contention.

The international consensus on the primacy of the SC's role was evident during the Gulf War in 1990-1 but it was soon obscured by a new set of events which impeded this procedure to be repeated. The inability of the international community in supplying a proper reply to these *new wars*⁴ proved that the UN structure was insufficient and inadequate for a proper response to this new kind of crises. These conflicts were not necessarily new in themselves; they rather belonged to a *new typology* of conflicts: the "classical" wars were mainly waged between states and the aggressor was external; in the post-Cold War era, conflicts are mainly waged inside states and the repressor is internal.⁵ These were also conflicts which rose in eroded or disintegrated states and in which *identity politics* became a valid central feature.⁶ Even though major humanitarian crisis in the 1990s such as in Yugoslavia, Rwanda and Northern Iraq were not unprecedented, the international indifference could almost be considered as immoral given the dimension of the reported violations of the human rights. But a right/obligation to intervene, even for humanitarian purposes, was undermined by the principles of sovereign equality and non-interference in domestic jurisdiction, some of the most solid principles of International Relations and actual cornerstone in attempting to achieve a peaceful international community.

The dead-lock in which the international community was trapped was evident at its outmost during the Kosovo crisis in 1999, when a group of states undertook a joint military action against Yugoslavia in order to force Belgrade to stop the severe violations of human rights on the Albanian population in Kosovo. This war was waged in the name of the protection of human life and was even considered by the British Prime-Minister Tony Blair, to be fought, not for territory, but for values,⁷ and thus the first moral war to be fought for. Even if the intervening states justified their action with

2 Francis Fukuyama, *The End of History and the Last Man*, London 1992.

3 David Chandler, *The Responsibility to Protect?, Imposing the "Liberal Peace"*, *International Peacekeeping*, 11(2004) 1, 59-81.

4 Mary Kaldor, *New and Old Wars – Organized Violence in a Global Era*, Stanford 2007.

5 Kaldor (2007), 123.

6 Kaldor (2007), 80.

7 Chandler (2004), 75.

its moral legitimacy, this intervention was illegal since it lacked the formal authority of a SC resolution.⁸

Legitimacy and legality could not remain in such a pronounced opposition; an exact definition and framework for the application of this obligation to intervene became a priority. Thus, in his annual report to the General Assembly in 2000,⁹ the UN Secretary-General Kofi Annan challenged the international community to define the exact terms of such a framework. The challenge was taken by the Canadian government which formed an International Commission on Intervention and State Sovereignty (ICISS) for that purpose.

C A Responsibility to Protect Human Lives

The ICISS brought its final report *The responsibility to protect* to Kofi Annan one year later. The title of the report points at two important elements: first, this responsibility to protect seems to spin from the “sovereignty as responsibility” proposed by Francis Deng and Roberta Cohen in the 1990s, concerning the protection of the internally displaced.¹⁰ On the one hand, this sovereignty as responsibility assumes that the sovereign state is responsible for protecting the life of the population living in its territory. On the other hand, this would imply that the state would lose its legitimate sovereignty in case it could not protect its own population. The second element is the calculated move from a *right to intervention* to a *responsibility to protect*.¹¹ As a “right”, it would have been too easily associated to unilateralism or to violation of the principle of non-intervention, jeopardizing the purpose of the report by the skepticism it would raise.¹² The same argument may be used for justifying the focus on “protection” instead of “intervention”.¹³

The report, explicitly based on human security, presents four basic objectives for a new approach on interventions for humanitarian protection: to establish rules,

- 8 Chandler (2004), 59. Even though this argument was not used as a justification for this intervention, the fact that it was backed by a significant number of democracies helped to the conception of a “limited intervention” theory in which one of the legitimating criteria for intervention was the total number and the level of democracy of the intervening States (Martin Ortega, *Military Intervention and the European Union*, Chaillot Paper, 45 (2001), <http://www.iss.europa.eu/uploads/media/cp045e.pdf> (this and all subsequent websites were last checked on 1 April 2011)).
- 9 UN Secretary-General, Report of the Secretary-General on the work of the Organization (2000), A/55/1, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N00/609/44/PDF/N0060944.pdf?OpenElement>.
- 10 Alex Bellamy, *The Responsibility to Protect and the Problem of Military Intervention*, *International Affairs*, 84 (2008) 4, 615-39.
- 11 Bellamy (2008), 622.
- 12 International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect – Report of the International Commission on Intervention and State Sovereignty*, 2001a, <http://www.iciss.ca/pdf/Commission-Report.pdf>, 11.
- 13 Gareth Evans, *The Responsibility to Protect: An Idea whose Time Has Come... And Gone?*, *International Relations*, 22 (2008) 3, 283-98.

procedures and criteria to determine whether, when and how to intervene; to legitimate military interventions when necessary, when all alternative actions have failed; to ensure that intervention is carried out only for the purposes proposed and is undertaken with proper concern to minimize human costs; and to help to remove the causes of conflict and to establish the conditions for a durable and sustainable peace.¹⁴

The document is divided in three central components which form the broader concept of responsibility to protect: the responsibility to prevent, the responsibility to react and the responsibility to rebuild. Interventions were also bound to a set of six criteria for justifying them in extreme situations: right authority, just cause, right intention, last resort, proportional means and reasonable prospects.

The ICISS emphasized two particular criteria, namely just cause and appropriate authority, the two most controversial when it comes to intervention. Interventions with a just cause would take place to stop large scale loss of life, as a product either of: deliberate state action; state neglect or inability to act; a failed state situation; or to avert large scale ethnic cleansing, carried out by killing, forced expulsion, acts of terror or rape, either actual or apprehended.¹⁵ As to the decision and implementation of interventions, the central role and first instance is undoubtedly assigned to the SC, as a proper, authoritative and credible institution.¹⁶ Any humanitarian intervention aiming at protecting endangered human lives should be mandated by the SC.

Nevertheless, the members of the ICISS were critical of the SC at the same time and mapped a set of objections to its legitimacy, to the way it operates and to its structure; even some recommendations for reform are suggested in the report. Their major remark concerns the fact that the SC is not representative of the current world and that it lacks democratic legitimacy: on the one hand, the current permanent members of the SC have a veto power, but there are no permanent members from Latin America or Africa; on the other hand, it has proven to be ineffective too often, when its prompt reaction might have saved many lives. Beyond this suggested ambitious reform and a reminder on alternatives to a blockade of the SC, within the UN institutions and by the use of the *Uniting for Peace* procedure,¹⁷ the Commission also opened the way to interventions led by regional international organizations or *ad hoc* coalitions of neighboring states (out of area interventions would be more controversial), which can be legitimized by the UN afterwards.¹⁸ At this point, the ICISS gives the SC two recommendations: its inaction would push towards interventions by *ad hoc* coalitions, outside of the UN discipline and rules and possibly far from its guiding principles; and any successful intervention out of its authority would jeopardize the UN and its credibility.¹⁹

14 ICISS (2001a), 11.

15 ICISS (2001a), 32.

16 ICISS (2001a), 49.

17 UN General Assembly Resolution 377 (1950), *Uniting for Peace*, A/RES/377 (V) (2008) of 3 November 1950.

18 ICISS (2001a), 49-52.

19 ICISS (2001a), 55.

The *timing* of the formal presentation of the report in 2001 has not been fortunate since it coincided with the launching of the “war against terrorism” doctrine, after the terrorist attacks on the US in September that same year, and almost overshadowed all other issues in the international agenda. However, some of the *acquis* of the responsibility to protect was partially used to legitimize the occupation of Iraq in 2003,²⁰ for one of the arguments for this preemptive war was the protection of human lives. But, at the same time as it was justified with a responsibility to protect, this intervention also corroborated all the objections it has been subjected to, for several reasons. First, it could be used as an instrument of external imposition of the Great Powers’ will in vulnerable states. Second, it opens the way to the possibility of legitimate but illegal actions and prevents the necessary authorization from the SC.²¹ Third, the set of criteria for intervention on the final report of the ICISS can be isolated from its context, becoming valid juridical criteria for any intervention, since meeting these criteria would be formally more important than the need for intervention; besides, each one of these criteria is subjective and may have different interpretations.

The Outcome Document that emerged from the World Summit in 2005,²² in its paragraphs 138 and 139, introduced for the first time a reference to a “responsibility to protect” in a document produced by the UN. First, it is explicitly stated that each state is responsible for the protection of its population from genocide, war crimes, ethnic cleansing and crimes against humanity. Second, the international community is committed to support populations from the enunciated international crimes, using preferably peaceful means, or collective action when peaceful means are inadequate or when the state failed in its particular responsibilities; any action is supposed to be taken in accordance with the UN Charter and through the SC, on a *case-by-case* basis. Yet the vigorous and unquestionable stress on the central role of the SC²³ is remarkable. With these two paragraphs, the Outcome Document was able to nullify the controversies over the two most problematic criteria presented by the ICISS (just cause and appropriate authority, as already mentioned).

The inclusion of R2P²⁴ in the Outcome Document has nonetheless generated divergent opinions on the importance of this achievement. Some, such as Nicholas Wheeler, were concerned that the Outcome Document did not give a proper answer on what would happen when the SC is unable or unwilling to authorize the use of

20 Aidan Hehir, *The Responsibility to Protect: "Sound and Fury Signifying Nothing"?*, *International Relations*, 24 (2010) 2, 218-39.

21 Chandler (2004), 60.

22 UN General Assembly, 2005 World Summit Outcome, A/RES/60/1 (2005), <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement>.

23 Edward C. Luck, *The Responsible Sovereign and the Responsibility to Protect*, in: Joachim W. Müller/Karl P. Sauvant (eds.), *Annual Review of United Nations Affairs*, Oxford 2008.

24 *R2P* is used here in reference to the whole conceptualization of the responsibility to protect within the ICISS report.

force.²⁵ Some other were rather enthusiastic, such as Alex Bellamy, who considered the inclusion of R2P in an UN document as one of the most important developments achieved on the issue of humanitarian crisis, as it simultaneously formally recognized the responsibilities of the states to their own citizens and reaffirmed the authority of the SC when it comes to intervention.²⁶

D R2P as the Ultimate Achievement of Liberal Peace...

R2P, referred to in the past both as an “emerging norm” by the former UN Secretary-General Kofi Annan and as a mere “concept” by the current Secretary-General Ban Ki-Moon,²⁷ is quite illustrative of a liberal peace paradigm in which it emerged and in which moral values and individuals’ human rights have become central inputs for international action. But although this liberal peace holds a benign concern on the protection of human lives, this discourse is quite often appropriated as to legitimize traditional power and *Realpolitik* goals than a genuine concern on the victims of massive abuses.²⁸

This appropriation of a profoundly liberal value (the moral obligation of protecting endangered populations) by strategists who support the use of force in their international action is illustrative of a convergence of liberal and realist concepts²⁹ and backs the liberal peace as a standardization process of the international society, either by induction or coercion.³⁰ Oliver Richmond states that the responsibility to protect is the heyday of the international-liberal thinking, in which peace turns into a tool for liberal hegemony.³¹ The fact that the provisions on the use of force in the UN Charter have always been dependent on the moral legitimacy of international law and on the balance of power made this convergence of morality and *Realpolitik* possible,³² either under the name of the “responsibility to protect” or the “war against terrorism”.³³ In fact, it is striking to note that self-interest was even recognized as a positive aspect for action in the supplementary volume to the report of the ICISS:

“If risks and costs of intervention are high and interests are not involved, it is unlikely that states will enter the fray or stay the course. Those who advocate

25 Nicholas J. Wheeler, A Victory for Common Humanity? The Responsibility to Protect after the 2005 World Summit, *Journal of International Law and International Relations*, 2 (2005) 1, 102.

26 Alex Bellamy, *Responsibility to Protect: The Global Effort to End Mass Atrocities*, London 2009, 91.

27 Luck (2008), 2-3.

28 Chandler (2004), 73.

29 Oliver P. Richmond, *Peace in International Relations*, London 2008, 91.

30 José Manuel Pureza, Para que Servem os Estudos para a Paz?, Paper presented at the International Conference Caminhos de Futuro. Novos Mapas para as Ciências Sociais (18-21 June 2008) organized by the Center for Social Studies, Coimbra 2008, 6-7.

31 Richmond (2008), 93.

32 Hehir (2010), 223.

33 Chandler (2004), 75.

*action to protect human rights must inevitably come to grips with the nature of political self-interest to achieve good ends.*³⁴

At the same time as there is evidence of this appropriation of liberal values, there is also some concern on a paradoxically violent side of this liberal peace which aims at imposing liberal democracy, the rule of law and free market worldwide. Michael Doyle presents three theoretical traditions of pacifism,³⁵ where these current practices derive from and which might help us in understanding this feature. First, a liberal pacifist tradition which states that there would be a diminished disposition to war in states where the interaction of capitalism and democracy is successful. In a capitalist, liberal, individual-oriented and rationalized society, the population would have much to lose with the waging of a war and would prefer to use peaceful means in order to achieve its ends. Second, a liberal imperialist tradition which claims the very opposite idea: free republics are not pacifistic. They encourage a right to property and a notion of common good; therefore a concern for the preservation of the state would increase accordingly. They would even fit as the best form of state for imperial expansion, as means to guarantee the survival of a state. A perception that their lives and properties are not safe would lead the populations to feel that the material welfare of society is facing a constant threat from the neighboring states. Third, a liberal internationalist tradition proposes an intersection of the two previous traditions. On the one hand, liberalism would have a pacifying effect on the relations between liberal states and would allow a specific kind of peace between them: a similar internal political system would have a conditioning effect on the way they relate to each other. On the other hand, these pacifistic restrictions between liberal states would be valid only among them and would not prevent them to use non-peaceful means in their relations with other states, since they do not have a common sociopolitical framework. Any proclaimed moral superiority of the liberal democracies in their international relations would therefore be confined to the special relationship they establish between them. Out of this confined community, the liberal peace discourse would be aimed at *"disciplining those deemed responsible for such abnormal practices through conditionality and effective transnational governance regimes"* and intervening *"to correct abnormalities in others' political, social and economic practices"*.³⁶

The responsibility to protect illustrates the contradictions laying behind this liberal peace/war. First, the spread of democracy and human rights protection can be a reason both for war and for peace, since it is possible to use force to induce

34 ICISS, The Responsibility to Protect: Research, Bibliography, Background - Supplementary Volume to the Report of the International Commission on Intervention and State Sovereignty, 2001b, http://www.iciss.ca/00_Intro-en.asp, 140.

35 Michael Doyle, Liberal Internationalism: Peace, War and Democracy, Articles in Peace, 2004, http://nobelprize.org/nobel_prizes/peace/articles/doyle/index.html.

36 Oliver P. Richmond, The Problem of Peace: Understanding the "Liberal Peace", Conflict, Security & Development, 6 (2006) 3, 291-314.

democratic reforms or the application of human rights.³⁷ Second, the application of a ready-made liberal democratic package can have unexpected and dangerous consequences in fragile societies, since it supports majoritarianism, ignores collective differences and can lead to a loss of sense of community and existing social bonds.³⁸ Third, there is some naivety in any intervention: whenever an intervention takes place, the main argument is that the state is not able or not willing to protect its own population. But will it act otherwise after an intervention? Since that state did not have the capability to protect its population, will it suddenly have those means, even after the defined period of post-intervention reconstruction? Fourth, R2P insists in the central role of the state, even if failed, at the expense of other local capacity,³⁹ equally or even better suited, since the international liberal framework lays precisely on concepts such as sovereignty, territoriality and national jurisdiction. International institutions and the rules they endorse are valid only in a world of equal, homogenous and responsible states. In fact, most of the international society's legal framework is still shaped by state-based security concerns,⁴⁰ rather than by human security and individual rights.

E ...Or How Libya Brought New Attention to an Old Concept

The recent and current events in Libya seem to add new important elements to the discussion on the international community's responsibility to protect. The Resolution 1973⁴¹ of the SC for the first time authorizes member states "*to take all necessary measures [...] to protect civilians*",⁴² after having reiterated that it was the Libyan authorities' responsibility to protect its citizens.. In a previous resolution, Resolution 1970⁴³, the SC already warned the Libyan authorities that it was their responsibility to protect their own population and that the "*widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population may amount to crimes against humanity*".⁴⁴ This particular reference to crimes against humanity does not seem to be a minor one, since it refers directly to one of the crimes settled at the 2005 World Summit Outcome Document as legitimizing international action when the state fails to protect its population. Since the Resolution 1973 was based on the previous Resolution 1970, there is no doubt that they are in line with the concept of the responsibility to protect and constitute already a landmark on the application of this controversial concept.

37 John Terrence O'Neill/Nicholas Rees, *United Nations Peacekeeping in the Post-Cold War Era*, Oxon 2005, 173.

38 Richmond (2008), 92.

39 Richmond, (2006), 298.

40 Chandler (2004), 60.

41 SC Resolution 1973 (2011). S/RES/1973 (2011), of 17 March 2011.

42 SC Resolution 1973 (2011). at 4.

43 SC Resolution 1970 (2011). S/RES/1970 (2011), of 26 February 2011.

44 SC Resolution 1970 (2011).

However positive the inclusion of this concept in a SC Resolution is, some remarks arise so as to how this particular event may be determinant on the forthcoming debate on the responsibility to protect. First, it seems to be a relative victory for those who support a minimalist version of a "responsibility to protect" instead of the broader approach sponsored by the ICISS in its final report. On the one hand, this constitutes a conceptual appropriation of and a clear recognition of the central role the SC in having the responsibility to protect actions and repels the possibility of a responsibility to protect action to be taken by a non-UN actor, which was not completely repudiated in the ICISS report.⁴⁵ On the other hand, the ICISS final report stressed the importance of a comprehensive approach of the concept which would contain three different responsibilities: to prevent, to react and to reconstruct. Even though the academic discussion on R2P has derived gradually towards a more preventive approach,⁴⁶ the reference to a international community's responsibility to protect in the 2005 World Summit Final Outcome was self-speaking for its emphasis on the reaction aspect of R2P.

Second, the issue of the set of criteria deemed useful by the ICISS in 2001 was completely sidelined. This trend was already visible in the 2005 World Summit Final Outcome, when it stated that any collective action under the scope of the responsibility to protect was to be decided "*on a case-by-case basis*".⁴⁷ And the recent SC Resolutions on Libya confirm a practice in which too narrowly defined criteria can undermine the SC's decisions and actions. It finally confirms that, no matter what reason leads to a collective action, the decision by the SC is still based on political reasons rather than on legal grounds.⁴⁸ Yet, these criteria were always controversial: on the one hand, a list of criteria would always be ambiguous, vague and erode the SC's role in international security.⁴⁹ On the other hand, the non-compliance with the criteria could more easily justify 'inhumanitarian non-intervention' than 'inhumanitarian intervention',⁵⁰ overemphasizing the role of the host state on the responsibility to protect.⁵¹

Third, this practical application of the concept of a responsibility to protect is not particularly innovative. According to Aidan Hehir, even if it has changed the discourse on humanitarian interventions, the way the discussions on R2P evolved has gradually undermined key issues, such as the reform of the SC, the legitimacy of unilateral interventions and the threshold for intervention..⁵² One can even speculate on whether this international intervention in Libya would have been possible without ten years of debates around R2P; actually, there is no significant normative, legal or

45 ICISS (2001a), 53-4.

46 Hehir (2010), 226.

47 UN General Assembly (2005), at 139.

48 Hehir (2010), 226.

49 Chandler (2004), 69.

50 Simon Chesterman, *Hard Cases Make Bad Law*, in Anthony Lang (ed.), *Just Intervention*, Washington DC 2003, 54.

51 David Chandler, *Unravelling the Paradox of 'The Responsibility to Protect'*, *Irish Studies in International Affairs*, 20 (2009), 27-39.

52 Hehir (2010), 218.

major institutional development since the crisis in Kosovo in 1999, a previous pressing situation in which the SC was bypassed since no political agreement could be attained among the permanent members with veto power.

Nevertheless, a largely non-opposing SC allowed for a timely international reaction in Libya, while a similar legally framed reply has not been possible either in Rwanda or in Darfur. The creation of a narrative of political liberation in Maghreb and the fact that Muammar Gaddafi has been a spoiler in the regular course of this narrative may have pushed for this unusual international mobilization towards a responsibility to react. Ten of the 15 members of the SC voted for that resolution, with the abstentions from Brazil, China, Germany, India and Russia. On the one hand, it can be interesting to analyze why these particular states did not vote in favor of the Resolution, especially in the case of Brazil, Germany and India. But, on the other hand, it can be even more interesting to find out why they did not vote against the Resolution, especially in the case of China and Russia, both permanent members of the SC with veto power. These two states are considered to have been the stumbling stones that impeded a SC mandate for a military intervention in Yugoslavia in 1999.⁵³ Given that there is a certain similarity between Kosovo in 1999 and Libya in 2011, one can wonder on how to understand this shift and perhaps naively argue that even if the responsibility to protect rhetoric has not been genuinely embraced by these two major powers, the insistence and intensity around this concept since 2001 made them realize that it has become a fact, if not a norm yet. Of course, the victims of the atrocities in Kosovo were an ethnic minority in the Yugoslav state and both Russia and China could be claimed to fear a similar *droit de regard* or even intromission on their domestic ethnic conflict by the international community. The victims of the atrocities in Libya are not a minority; they are the people of Libya, without any particular social or ethnic distinction, claiming for the withdrawal of an oppressing power. But are not violations of human rights, to some extent, a reported reality both in China and Russia as well?

F Conclusion

Michael Lipson claims that the UN action is driven by some kind of *organized hypocrisy*,⁵⁴ for there would be both a discrepancy between proclaimed values and a lack of resources assigned to materialize them, and a seminal contradiction between these same values and humanitarian intervention by force. In accordance to what has been discussed in this paper, this could be an illustrative portrait of the tensions within the liberal peace, between liberal values and national self-interests. Nevertheless, a characterization of this world order as a “schizophrenic liberal peace”

53 Klinton W. Alexander, NATO's Intervention in Kosovo: the Legal Case for Violating Yugoslavia's National Sovereignty in the Absence of Security Council Approval, *Houston Journal of International Law*, 22 (2000) 3, 403-49.

54 Michael Lipson, *Peacekeeping: Organized Hypocrisy?*, *European Journal of International Relations*, 13 (2007) 1, 5-34.

may also be accurate, since the tension between those two apparently opposed elements is needed, in order to sustain the whole building of the current international society.

As to the current situation in Libya and the illations it may have on the evolution of the concept of responsibility to protect, the R2P *corpus* as a whole seems strikingly inflated and diverted from the initial challenge made by the Secretariat-General in 2000 “*if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica — to gross and systematic violations of human rights that offend every precept of our common humanity?*”.⁵⁵ The ICISS final report was as comprehensive as it could be, highlighting not only the importance of a responsibility to react, but also the responsibilities to prevent and to reconstruct. As important as these two components can be, this created a too holistic R2P *corpus*, missing a pressing and very precise answer the ICISS was requested for. The international reaction to the events in Libya demonstrates that, apart from an important rhetoric input, the contribution of R2P to this outcome is quite reduced.

55 UN Secretary-General (2000), at 37.