Theses

The Last Pillar: Towards Alternatives to R2P's 3rd Pillar Practice

Universiteit Utrecht

Freund, N.V.A. (6232249)
UTRECHT UNIVERSITY

"Human nature is complex. Even if we do have inclinations toward violence, we also have inclination to empathy, to cooperation, to self-control."

- Steven Pinker

"The West won the world not by the superiority of its ideas or values or religion […] but rather by its superiority in applying organized violence. Westerners often forget this fact; non-Westerners never do."

- Samuel P. Huntington

Abstract

The paper aims at answering the following question: What are the contemporary limits of the R2P norm in theoretical/empirical/practical terms since its adoption in 2005? To highlight these limits, the paper will focus on theoretical assumptions of international relations and normative theory through a constructivist lens, while analyzing how the contemporary international arena either facilitates or hampers the development of the norm. These theoretical findings will be weighted up against the empirical facts stemming from three case-studies (Libya, Syria, and Myanmar). The paper will be concluded through a chapter which will bring together all findings and analyze the current answers policy documents have brought forward to somewhat solve the problems inherent to the norm. Finally, the author will propose some solutions of his own.

Acknowledgements

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Introduction

While the United Nations (UN) was formed based on security, entente, and collective action against entities which posed a threat to international peace, the organization has been the focal point of numerous debates around its efficiency, role, and overall legitimacy as an active player in an increasingly interconnected globalized world. The UN—at least in the formal sense acts as a singular entity, but the necessary cooperation between nations regarding imminent threats has not materialized as one would have hoped for (Morrison, 1995). Instead, certain nations, especially the United States (US) carried for a long time the baton of "world-police", promoting liberal values and norms while fighting against counter-ideological threats instead of simply containing them (Scott, 1996: 2). While this phenomenon dominated during and following the Cold War, the trend has however seen a recent shift, as the United States has adopted a somewhat isolationist stance since the end of the Obama presidency, a foreign policy which is undoubtedly upheld through the tenancy of Donald Trump (Holland, 2017). The United States have rather opted to act through coalitions (Yemen Civil War), and United Nations Security Council Resolutions (Libyan Civil War) rather than acting on a unilateral basis. Unilateralism is seen as not only costly in terms of financial cost and human sacrifice but has proven to tarnish one's reputation for being imperialistic, while also fostering grievances and resentment towards the so-called "liberators". As a result, powerful nation states are increasingly reluctant to embark on costly unilateral foreign wars with or without humanitarian purposes. Moreover, academics have pointed out that the ongoing war on terror has shifted Western interest away from strictly humanitarian emergencies (Bellamy, 2005: 38). Can the United Nations effectively fill the increasingly vacant role the Americans once held?

While states have become less concerned with intervention for either humanitarian or ideological purposes, the United Nations has arguably become increasingly irrelevant as an institution over time, highlighted e.g. by the irregular presence of major leaders during conferences and more recently through the speeches of American UN Ambassador Nikki Haley, and the contested decision to move the American embassy to Jerusalem, which illustrated the increasing lack of political weight the UN holds on unilateral state policies (Unwatch.org, 2017). Contemporary American foreign policy seems to be headed towards favoring bilateralism over multilateralism and thus a certain disregard concerning the importance of organizations such as the UN. The apparent weakness to contain and subjugate state interests lies at the core of the continued dilemma around the efficiency, role, and legitimacy of the UN as an active player in the face of conflict. These issues serve to highlight the increased importance of an alternative force which can fulfill the somewhat vacant

role of a global security agent. The UN however, is an organism well-known for its internal structural mischiefs, thus highlighting the contemporary importance of analyzing how, when, and where the UN can be effective in its "moral duty" to intervene and uphold humanitarian principles, and when it cannot.

In an effort to address this broad range of issues, states came together at the World Summit Meeting of 2005 to agree upon new principles to guide international society in their quest of maintaining peace and order by replacing the old (i.e. humanitarian intervention), with a new concept called "The Responsibility to Protect" (R2P). The universal vote to adopt R2P was praised to be a "tectonic shift" in the perception of international relations by academics and politicians alike (Slaughter, 2005), but has also attracted many critics, and contestation around the norm's legitimacy as well as its capability to deter and prevent conflict is still very much up for debate. In essence, R2P (most notably the third pillar, which will be the central piece of this paper) is at the forefront of the interminable and in itself much broader debate among scholars and academics regarding international relations; namely the theoretical assumptions of international relations and the new understanding of evolving norms and its potential in the international arena. An underlying dichotomy between theory and practice plagues the future of R2P: It becomes a question of how a developing norm performs over time on an international platform, and how this international platform enables or restricts certain norms to be effective. This effectiveness will be observed through case-studies of several contemporary conflicts specifically Syria, Myanmar, and Libya. The empirical debate nests in the practical limitations of R2P in the anarchic global realm. This tension transcends into the epistemological meaning-in-use of the norm, and inevitably raises an ontological debate on whether norms are static or dynamic in nature, and how best to study the development of norms (or norm change over time).

The continuous presence of conflict remains one of the key characteristics in 21st century world politics. Today, it is estimated that conflict represents upwards of $14.3tn or a total of 13% of world GDP (Bbc.com, 2005). A solid consensual base on how to handle some of these tragedies in the most efficient way still represents a major challenge today for global governance[1]. R2P has surely been designed to overcome some of the difficulties encountered in the past. The conceptual design will be put to the test throughout this paper, analyzing the theoretical, empirical, and practical limits the concept faces today. The complication arising from the commitment behind R2P is the legitimacy and efficiency a constructed norm can have in addressing the issues it aims at solving. The norm had a great chance to see its first practical use during and following the Rohingya crisis, Libyan Civil War

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[1] Global governance, meaning the movement towards political cooperation among transnational actors aimed at negotiating responses to issues that affect a multitude of stakeholders.

and the Syrian Civil War but failed in reaching what it was intended to change. Why? By fear of continued repetition, can the UN rely on a universal understanding of a norm to trump the established legality presented in the UN charter, and the political realities nations are facing in the anarchical global realm? The literature has so far responded to these claims by arguing for structural changes of the Security Council, either to enlarge it, or limit the power of veto. Is the UN stuck in a vicious cycle unless more drastic proposals are brought forward?

Purpose

The aim of this paper is three-fold: Firstly, it aims to showcase the theoretical, empirical and practical limits of R2P. Secondly, the paper will use these limits to argue for the abolishment and/or necessary adjustments to the broadness of the concept. Finally, the paper will use its findings to offer alternative solutions to cover for the lacunas inherent to R2P. The paper will aim at answering the research question: What are the contemporary limits of the R2P concept in theoretical/empirical/practical terms since its adoption in 2005? Sub-questions include: Is the contemporary international milieu advancing or hampering the advancement of the R2P norm? Have the theoretical lacunas of R2P translated into issues one can observe through its implementation in practice?

Methodology

To answer the propositions above, the paper will be separated into five distinct parts. Firstly, it will take a quick glance into the impetus for R2P to emerge, as well as the gradual changes the concept was object to and the forces which dictated the appearance of the final document. Naturally, the chapter will also explain the concept of R2P in detail. Secondly, the paper will examine the environment in which the UN and R2P is currently nesting, and the practical restrictions global governance encounters in the 21st century through international relations theories (classical realism, institutional liberalism). Thirdly, we will examine the development of norms and the necessary conditions for it to be successful through a constructivist lens and normative theory. Fourthly, the paper will examine the practical use of R2P in three case studies: Myanmar, Syria, and Libya, in an effort to correlate the same issue with the findings in the previous chapters. Fifth, the paper will review solutions and policies academics have so far produced in the hope of improving the pitfalls examined throughout the thesis. These solutions will naturally have to be weighed against the conclusions the paper has brought forward. Lastly, the author will highlight potential solutions of his own through a pragmatic approach in an effort to alleviate some of the theoretical dichotomies through practical changes to the concept as a whole.

The concept involves a broad range of subjects within international relations; the paper will thus necessitate an expansive list of qualitative material and sources to explore these limits. The decision to mix theoretical findings and conceptual frameworks with a case-study will serve to confirm theoretical lacunas with empirical realities.

1. *R2P: The Development of a Disputed Concept*

1.1   Impetus for Change

The horrifying event in Rwanda, Srebrenica, and the unauthorized NATO intervention in Kosovo defined the consequences of inaction by the international community, while also raising the issue around action taken without international unity. More importantly, the moral idealistic duty which according to many emerged from those failures was inherently contradictive to the basic principles of international and customary law; the principle of non-interference. The international community had reached a crossroad between the old understanding of common rules, and an inner moral longing to distance itself from them. It has therefore become common refrain, even twenty years after its adoption, that the responsibility to protect presents a challenge to traditional conceptions of state sovereignty (Luck, 2008: 10). Consequently, this part will answer how such a contradictive norm came to prominence in the first place, whether it has been object to transformation along the way, what it aims to achieve or replace, and what debates are central to its understanding.

1.2   Development of the concept and challenges

The first document of note to highlight the failed model the international community was resting on was the Brahimi Report in 2000. Written by Lakhdar Brahimi an Algerian diplomat who served as a UN and Arab League Special Envoy to Syria, reflected on the necessity to deal with "spoilers"- groups (including signatories) who renege on their commitments or otherwise seek to undermine a peace accord by violence (Brahimi, 2000: 4). According to Brahimi, neighboring states in which violence takes place, has a duty, and an interest to part-take in the nearby conflict in an attempt to resolve the situation as the violence can easily transcend across borders and into new territories. If the neighbors are contributing to the conflict as middle-men which can often be the case, by allowing passage of conflict-supporting contraband, or providing base areas for fighters, the support of great powers, or of major regional powers will be required (Brahimi, 2000: 4). The report puts thus great emphasis on the importance of not only United Nation as a focal point in these types of missions, but also entrusting major powers with the ability of contributing financial backing, logistical support, but also military presence if necessary. "*To that end, there is great merit in*

creating a consolidated and permanent institutional capacity within the United Nations system" he notes (Brahimi, 2000: 8). The report was greatly inspired by the African Union's (AU) model which awards the right of military assistance to neighboring states affected by conflict though Article 4(h) of the AU Constitutive Act (Bellamy: 2005: 35). The Brahimi report served to highlight the importance of improving collective security, and resonated well with former Secretary General Kofi Annan, who himself asserted in 1999 that: *"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?"[2].* What had previously been implemented by the AU- a more aggressive, immediate military response to conflict, thus consequently a soft understanding of sovereign rights, was not articulated in the conclusion, rather the need to improve the system through consent of the local parties, impartiality, while the use of collective force should only be an option in self-defense. The Brahimi report remains in a sense very aware of the limitations of global collective security arrangements, as the bedrock principles of peacekeeping, and preventive action should remain unchanged.

Nevertheless, the issues addressed by the Brahimi report and the impetus from former Secretary General Annan sparked the International Commission on Intervention and State Sovereignty (ICISS) to draft a document which would see the birth of the Responsibility to protect[3]. The ICISS document on the Responsibility to Protect saw the potential of the Brahimi Report, but also the limits imposed to it by the contemporary understanding of sovereignty. Sovereignty as a Westphalian concept still dominated the general understanding, and the definition figured in the document accordingly*: "A sovereign state is empowered by international law to exercise exclusive and total jurisdiction within its territorial borders. Other states have the corresponding duty not to intervene in the internal affair of a sovereign state."* (Sahnoun and Evans, 2001: 12). The ICISS report would however seek to redefine the concept of sovereignty, as the contemporary truth around conflicts has seen a shift from inter-state to internal (Lie and Carvalho, 2009: 10) Consequently, a new understanding of sovereignty was born, while also attaching a responsibility to the UN membership; *"from sovereignty as control to sovereignty as responsibility in both internal functions and external duties." (*Sahnoun and Evans, 2001: 13). All members of the UN are consequently not only responsible for their own sovereignty but are indulged in a global task to maintain and promote peace both internally and externally. Sovereignty can thus be 'suspended' if the host state proved either unwilling or unable to fulfill its responsibilities (Bellamy: 2005: 35). It is therefore important to note that sovereignty as a concept became malleable while implying different meanings. The Westphalian idea of sovereignty

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[2] *Report of the Secretary-General on the Work of the Organization* (New York: United Nations, A/ 54/ 1, 1999), p. 48.

[3] International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001).

is and remains highly influential in international relations, and although the malleability of the underlying meaning of it has been mentioned before by academics, the concept has remained untouched in the legal and customary practice of international law. Stephen Krasner for example denotes four distinct ways in which sovereignty can be understood: domestic sovereignty, referring to the organization of public authority within a state and to the level of effective control exercised by those holding authority. Independence sovereignty, referring to the ability of public authorities to control transborder movements. International legal sovereignty, referring to the mutual recognition of states or other entities. Finally, Westphalian sovereignty, referring to the exclusion of external actors from domestic authority configurations (Krasner, 1999: 9). Contrary to Westphalian and legal sovereignty, Krasner underscores that 21st century sovereignty should not only be defined as territorial authority, but also control (Krasner, 1999: 10). The two characteristics of authority and control are both intertwined with the notion and perception of legitimacy (Luck, 2008: 12). Legitimacy both domestically and internationally is a subjective concept, and do not always coincide with one another, as their source can be embedded either in local or global values, traditions, cultures, legal, political, or constitutional structures. Thus, the new subjective meaning and implication of state-sovereignty quickly became a matter of dispute between the global North and the global South during negotiations around the concept of R2P. This divide is simply a product of history as the 20th century and the period of colonization more generally violated on numerous occasions the Westphalian concept, which further increased the importance and value smaller fragile states held and still hold for their sovereign rights. This common understanding of what sovereignty entails, and the constructed limits applied by the norm was the primary obstacle in achieving consensus. Smaller states understood R2P first and foremost as an enabling norm rather than restrictive in nature. R2P became thus quickly feared by smaller states as an impetus for more powerful states to intervene. On the other hand, powerful states, including most pointedly the United States were reluctant to accept a norm which implied an automaticity of response (Luck, 2008: 11). The North-South divide on the notion and implication of sovereignty, including the difference between domestic and international sovereignty helps us understand why a consensus on R2P could only be reached by limiting the concept- from humanitarian disasters as a whole- to (only) four specific crimes and violations listed in the Outcome Document from the 2005 World Summit: Genocide, war crimes, crimes against humanity and ethnic cleansing.

The North-South divide resulted in a compromise in which the outcome document differed in certain regards to the Commission's suggestion that the General Assembly (GA) and/or regional organizations might, if needed act to legitimize military intervention for humanitarian purposes if the United Nation's Security Council (UNSC) proved unable or unwilling (Morris, 2013: 1270). In fact,

the UNSC rejected any attempts by the commission to cancel or even restrict the veto-power in matters which concerned the four crimes and violations listed in the Outcome Document (Bellamy, 2006: 145). To win over the reluctant permanent five members of the UNSC (P-5), this idea was thus quietly dropped. As for the Chinese government, it opposed the concept throughout the process while insisting that all questions and matters relating to the use of force deter to the UNSC. Russia on the other hand supported the rhetoric, but shared China's belief that no action should be warranted without UNSC approval (Bellamy, 2006: 151). Opinions outside the UNSC were similarly divided. The Non-Aligned movement (NAM) rejected the concept completely. India argued for already sufficient power of the council over humanitarian emergencies and observed that political will not a lack of authority was the reason for previous failures to act (Bellamy, 2006: 152). Although the concept was adopted unanimously it remained vague and unclear for many. Former Secretary General Ban Ki-moon thus tempted to clarify things by drafting a document which explained how R2P rested on three separate pillars; Firstly, states have a primary responsibility to protect their own population from the four crimes listed in the outcome document. This part also urges all member states to promote human protection within their borders, such as adopting human rights monitoring mechanisms. The second pillar includes forms of international assistance – technical, financial and military – to help countries meet these obligations. Only the last pillar involves coercive measures by outsiders, including financial, diplomatic and military steps the UNSC can take if a certain state is found guilty breaching one of the four crimes. It remains nevertheless a last-resort emergency option if all non-military options fail. The questions around the use of coercive force and how it may be used to avert mass atrocities is particularly absent from the literature around R2P. Some may explain this lacuna by arguing that R2P encompasses more than just coercive intervention, which is true (Paris, 2004: 571). Nevertheless, the lack of strategic implementation regarding the coercive tool is striking, considering one of the concept's central points is the quick and decisive action it aims to implement. It is thus a policy instrument of critical significance whose practical application and operational assumptions are still very much open for interpretation (Paris, 2004: 572). The supplementation of pillars has also further divided states on the matter, as most Asian government including China chose to endorse the first and second but not the third (Thakur, 2017: 306).

As a result, the 2005 UN World Summit on R2P had somewhat distanced itself from what was previously brought forward by the initial ICISS document. The ICISS report takes into consideration the issue of authority and several precautionary principles. By contrast, the World Summit Outcome document, which most closely represents the views of state leaders, rejects the imposition of systematic criteria. Rather, the society of states only declared that they were *"prepared to take*

collective action… on a case-by-case basis", rather than asserting that they were *obliged* to do so (Glanville, 2010: 292). Conclusively, the concept became a moral responsibility, rather than a legal one.

1.3   Customary expansion and legal obligations

R2P came to prominence due to many factors which have and will be further highlighted in the next section, but it is important to note that it is primarily a product of a continuous shift in terms of security within the UN framework. Its role and relevance to the development of human rights and the mechanisms to prevent breaches has evolved considerably over the years. The cardinal principle of the UN Charter- the foundational legal document which dictates order in international society- is the prohibition of the use of force found in article 2 (4). In the context of R2P and humanitarian intervention in general, it is of vital importance to understand that from its inception, the article was setup to proscribe international use of force: States were free to exercise military means within their borders, while protection of populations within other states was outlawed. By virtue of article 2 (7) this international – domestic dichotomy was corporatized (Morris, 2013: 1268). The UNSC gradual expansion of the concept of threat to international peace and security, and factors such as decolonization has led the contemporary and future applicability of the right of self-determination to be in a state of flux.

Let us firstly review the cornerstone of international security set forth in Chapter VII of the UN Charter. Article 39 provides: "*The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.*" (Un.org). Articles 43-47 envisaged that states would make armed forces available to the UN through special agreements, although this process has in truth never been implemented. Rather, when the UNSC determines that force is appropriate, it has on each occasion authorized Member States to utilize 'all necessary means' to restore peace, resting on Article 25 which holds UN members legally obliged to carry out decisions of the UNSC adopted under Chapter VII. Since Chapter VII was initially envisaged to apply to conflicts which are strictly interstate in nature, as international law neither authorizes nor prohibits civil wars within states, a shift in the basic understanding of the Charter was needed. The UNSC has been willing- on occasions- to intervene in what are clearly domestic affairs. The tendency to interpret and 'revolutionize' its understanding of the Charter has simultaneously created ambiguity as to when and how military action should be enforced. It also puts greater emphasis on the importance of legitimacy and consequently consensus among all member states. While Somalia (1992) and Haiti (1994) can be

highlighted as examples where global consensus was met and thus action undertaken, many other humanitarian disasters which warranted international response (Burma, Chechnya, Zimbabwe, Zaire/DRC, Sudan, and most notably Rwanda) failed miserably to do just that tells us the gradual deviancy from Charter based interpretation has only satisfied the situation moderately, while creating new problems along the way.

1.4   Replacing and/or fixing a Broken Concept?

The decision to implement the new concept of R2P rests not only on previous failures to act, but also in addressing the failures of the past model of "humanitarian intervention". The practice was heavily debated between pluralists and realist as well as between weak and strong states. The main concern addressed by pluralists was the absence of an international consensus on the rules governing a practice of unilateral humanitarian intervention, which in turn would lead to a weakened international order built on the rules of sovereignty, non-intervention, and non-use of force (Bull, 1984: 193). They also affirmed that the practice is based on the cultural predilections of those with the power to intervene (Wheeler, 2000: 29). The defense of the non-intervention rule is based on what is known as consequentialism; The well-being of all individuals is better served by a legal rule that prohibits humanitarian intervention than by allowing it in the absence of agreement over what principles should govern such a right (Wheeler, 2000: 29). Consequently, realist thinking has been particularly critical vis-à-vis the practice, insisting that an absence of principal agreements would automatically lead external intervention to be cloaked by a pursuit of national self-interest. Legalizing a right for humanitarian intervention would thus lead to abuse (Wheeler, 2000: 29). As a result, the practice never had a legal framework to rest on and has not been an exception to the rule prohibiting the use of force in Article 2 (4) of the UN Charter.

While the practice has been criticized by weaker state for allowing stronger states to judge them, it is however important to note that the practice was arguably quite short-lived in its heyday. No resolutions mentioned humanitarian dimensions in any conflict from the end of World War 2 (WW2) until the Six Day War of 1967, while the first mention of the International Committee of the Red Cross (ICRC) was not until 1978 (Weiss, 2004: 136). The topic was central to only about ten percent of academic articles at the outset of the 90s, while comprising nearly half by the end of the decade (Weiss, 2004: 136). Since then, more urging matter such as fighting terrorism has dominated powerful state's agendas. It is therefore important to note, that the historical perspective regarding the practice is short, and its abandonment towards another possibly better concept can arguably be understood as short-sighted or possibly lead to something worse entirely. One can thus ask what differentiate the two practices from each-other, and has R2P responded to humanitarian

intervention's shortcomings? What separates the two concepts most notably in theory at least is a shift away from the need to intervene mainly for political concerns (dictatorships, failing state structures) to a priority and duty to safeguard those suffering. Regarding the term 'suffering', critics have often argued that the four crimes are not sufficient while advancing new criteria such as overthrows of democratic regimes to the list. Ironically, R2P can be interpreted as quite soft as its "just cause threshold" is higher than many would have hoped for, nor does it align with the 1998 Statute of International Criminal Court (ICC) whose 'crimes against humanity' includes everything from murder and slavery to imprisonment (Weiss, 2004: 139).

The main challenge for both concepts remains the increasingly vague understanding of what sovereignty entails. While sovereignty has been the bedrock for international relations for a long time, and the stabilizing factor which safeguards weaker states from the potential abuse of stronger ones, the concept of sovereignty as a responsibility is not an entirely new concept, as Francis Deng, Special Representative of Secretary General already back in 1995 mentioned this thought (Deng, 1995: 249-286). It has also been implied through American foreign policy and democracy promotion which aims at consolidating state structures. Humanitarian intervention experienced a major downturn during the Bush presidency as the American approach to humanitarian intervention had morphed into "post hoc rationalizations for uses of force otherwise difficult to reconcile with international law." (Weiss, 2004: 143). Washington's broad and loose understanding of humanitarian intervention following the wars in Afghanistan and Iraq suggests the concept was used more as a response to self-defense rather than humanitarian per se, which damaged not only the norm, but subsequently the quest for conceptual deviation of sovereignty. Ironically, the ICISS's four criteria is not one that somehow addresses the possibility of abuse. Rather, the key element of change lies in the factors of usage. While R2P lists four factors which should imply an automictic response by its members, humanitarian intervention is more structured around the practical part of the operation, focusing on precautionary principles such as right intention, last resort, proportional means, and reasonable prospects for success, while entrusting the UNSC with every decision regarding military assistance (Weiss, 2002: 141-157). While these principles are still very much embedded in R2P, the new concept has arguably been drafted on the premise of countering inaction, thus strengthening the weak moral impetus for states to act in the face of conflict. Western states argued that the problem with humanitarian intervention was not a lack of it, rather, there needed to be more.

Besides the strong focus on sovereignty as a responsibility, R2P differs little in what humanitarian intervention sought to achieve. Since human rights can only be defended by democratic states and

the monopoly of force to sustain such norms, they both aim at solidifying, reconstitute, or build stable states from failed, collapsed, or weak ones. (Weiss, 2004: 138). Both concepts argue therefore that ethical concerns should trump legality. And while Security Council authorization should always try to be obtained, supreme humanitarian emergency should on moral principles override this legal necessity. While humanitarian intervention *'belongs in the realm not of law but of moral choice, which nations, like individuals, must sometimes make'* (Franck and Rodley, 1973: 304), R2P is a concept which wants to supplement what humanitarian intervention lacked in its legal framework by creating a stronger moral responsibility which would eventually through time and normative socialization act as a counter-force to contemporary state behavior. A resolution such as R2P represents thus a problem which serves to highlight the normative limitations of a system of international law which is encouraged to be broken by states through humanitarian requirements (Wheeler, 2000: 41). Accepting the ongoing conflict between morality and legality, both challenged by R2P and humanitarian intervention has arguably tainted and thus weakened international law considerably. While R2P highlights the importance of the international community to act collectively against grave acts of violence, the fact of the matter remains that it is still the rich, often western states that will do most of the lifting, while the poor and weak will undoubtedly be at the receiving end (Luck, 2008: 18). This tendency is and will undoubtedly remain true as R2P like humanitarian intervention vests every major decision to the UNSC. A mechanism that not merely is, but is also seen to be, transparent, fair, and broadly participatory must be established to determine international will. Such a mechanism is still not present at the current time (Ayoob, 2002: 88). The legal aspect behind UNSC authorization is not the only issue facing R2P. Much like humanitarian intervention, the criterion of clarity poses some problems. While the authorization requirement itself is clear, the notions of peace, breach of the peace, and aggression are ill-defined. "*The notion of aggression has remained so contentious that a 1974 General Assembly resolution that purported to define – and so clarify – aggression with a view to assisting Security Council decision-making still remains controversial.*" (Brunée and Toope, 2010: 319). Furthermore, as mentioned before, R2P clearly lacks the strategic tools in terms of its implementation seen through papers like 'Responsibility while protecting' (Tourinho, Stuenkel and Brockmeier, 2015: 190-200) but this also holds true for the steps after the operation has taken place. Many nations have thus rightly expressed their concern that the new concept of R2P has not brought any answers to which humanitarian intervention was similarly lacking.

Much like humanitarian intervention, R2P is stuck in the same dilemma as its predecessor; The never-ending debate between morality's power to trump international conventional law. Let us not forget that the concept is primarily based on western values, which do not always coincide with

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others, and are by no means "universal" as we would like to believe. Just like states, political theorists are also engaged in a debate around states and their rights to interfere. Pluralists and communitarian arguments suggest no states have the right to meddle with another's sovereign rights. There should be no imposition of supposedly 'universal' western conceptions of how human rights should be promoted or defended (Jackson, 2005). As mentioned earlier, the American stand on the concept is dominated by resistance towards the necessity to intervene. Thus, the realist argument points out that powerful states like the US will only engage with its moral duties if their national interests is at stake (Glanville, 2010: 296). However, while all realists agreed on the principle during the age of humanitarian intervention, some are now in favor of external actors' duty to intervene as grave violations of human rights often spawn undesirable flows of refugees, spread of international terrorism through globalization. International order is therefore much more vulnerable to local insecurities, therefore international efforts against it is warranted (Glanville, 2010: 296). At the complete other side of the spectrum are cosmopolitan scholars like Martha Nussbaum who insists state boundaries are 'morally arbitrary' and that states through the virtue of common humanity have an obligation to protect others beyond one's designated border (Menon, 2009: 240-241). While arguments on the rights of states to intervene, either by moral or legal principles divides the international spectrum and academics alike, one key problematic of both R2P and humanitarian intervention remains commonly unanswered; Michael Walzer speaks of 'imperfect duty' to define intervention since this duty although global in theory, rests on no specific agent as no state bears a stronger or weaker moral obligation to do so (Walzer, 2015: xiii). This 'imperfect duty' has consequently led to a common criticism of UN interventions: to be extremely selective in their scope, depending greatly on which state or coalition of states are willing to sacrifice resources for a problem which according to realists is not theirs to begin with (Wheeler, 2000: 30). The 'imperfect duty' is even more complicated to overcome since the UNSC is dominated by powerful actors which rarely see eye to eye on what determines to be defined as an emergency, as well as clashing interests dominating the decision-making.

1.5   Findings

The decision to draft a new solution to the world's most pressing humanitarian matters satisfies some of the drawbacks presented by the previous concept of humanitarian intervention. In theory, R2P is tempting to eliminate the issue of by-standing through normative beliefs. Critics such as Mohammad Ayoob are however increasingly worried R2P will open the floodgate for increased aid through the cloak of national interest. A great power to determine other sovereign entities' fate in the hands of a few has understandably raised alarm for anti-imperialists and post-colonial academics

alike. An alternative route beyond Security Council authorization (Kosovo) is less likely to be found in R2P, as was seen in Darfur. Conclusively, the new concept of R2P has potentially solved one issue by aggravating another; R2P language can serve to highlight potential for abuse (cloak of ulterior interests), while being a potential dangerous tool itself used by states keen to avoid assuming any responsibilities (Bellamy, 2005: 53). Lastly, the initial documents as well as the ICISS draft on R2P has undoubtedly failed in offering a strategic concept on the practical aspect of such operations as well as lacking a clear direction in terms of post-intervention policies. In short, R2P can be fruitfully conceptualized through three key aspects- moral, legal, and political. Each of these three aspects of international relations bears serious limitations and debate around the idea behind a global responsibility which much like humanitarian intervention seems for now as things stand, destined to be a product of state irresoluteness.

2. *Theoretical Analysis and Implications of Contemporary Settings*

2.1   International Anarchy: Theoretical Assumptions

To properly understand the concept and limitations of R2P, it becomes vital to analyze the different debates surrounding the theoretical framework within international relations which are embedded in the concept of R2P and are thus vital to our understanding regarding a potential successful implementation of the norm, and whether contemporary institutionalism is a powerful enough agency to condition states to new rules and regulations. This part will hence discuss the potential limits an organization such as the UN faces in a globalized interconnected world, while also looking at present alternative security arrangements to R2P and the potential effects it can have on the future of the norm.

As we already mentioned in the introductory chapter, the UN has arguably faced and still faces issues around its relevance on the international stage. This of course is object to opinion and contestation, but the 1945 signatories of the UN Charter certainly envisaged it as the centerpiece of future diplomatic global entente which would act as a buffer to future conflicts between states. Today, it has sadly turned into a sarcastic joke either by mocking its Goliath-like bureaucracy, or its incapacity to resolve internal conflicts through peace-operations lasting over fifty years. We seem to be still far away from Francis Fukuyama's hope that one day all nations will be liberal democracies and friction between states a thing of the past. Instead, we are still stuck in a never-ending debate

between realists and liberals in an axis of contention in international relations theory. These theories are also central to the concept of R2P, as the contemporary debate is concerned with the extent to which state action is influenced by "structure" (anarchy and the distribution of power) versus "process" (interaction and learning) and institutions. Alexander Wendt asks two important questions which must be answered to render R2P a useful and solid concept in contemporary global politics: *"Does the absence of centralized political authority force states to play competitive power politics? Can international regimes overcome this logic, and under what conditions? What in anarchy is given and immutable, and what is amenable to change?"* (Wendt, 1992: 391).

Let us first analyze the five key components that constitute realist claims and the biggest theoretical dent to the concept of R2P: Firstly, states are the major player regarding world affairs (Morgenthau, Michelson and Davis, 1973: 10; Waltz, 1979: 95). Secondly, the competitive nature of the international environment severely punishes any state if it fails to safeguard its vital interest, or if they pursue objectives beyond their means (Keohane, 1986: 331). Thirdly, the concept of anarchy created by individual states in the global system is the principal force shaping motives and actions of states (Waltz, 1959: 224-38; 1979: 79-128; Hofmann, 1965: 27, 54-87, 129; Aron, 1973: 6-10). Fourth, anarchy constrains states to constant paranoia, thus making states primarily preoccupied with power and security, predisposed toward conflict and competition, while often failing to cooperate even in the face of common interests (Aron, 1973: 5; Gilpin, 1986: 304). Lastly, international institutions affect the prospects for cooperation only marginally (Waltz, 1979: 115-16; Morgenthau, Michelson and Davis, 1973: 512). These five presumptions are however questioned by liberal institutionalists which comprise of many different schools of thoughts including functionalists, neo-functionalists, constructivists, all from now on will be referred to as liberal institutionalists in their quest to disprove classical realist assumptions.

Firstly, liberal institutionalists challenge the presupposition that states are the major player in world affairs, citing that everything from labor unions, political parties, multinational corporations, and transnational and trans-governmental coalitions are increasingly relevant in determining the nature of global behaviors (Grieco, 1988: 3). Secondly, liberal institutionalists challenge the assumption that states are unitary or rational agents. Arguing instead that authority is heavily decentralized in modern state structure, and that this process is gradually being mirrored internationally (Mitrany, 1966: 54-55, 63, 69-73, 88, 134-38). Thirdly, nuclear weapons have increasingly deterred states' interest in security and power, rather, states are increasingly inclined to cooperate, while needing partners to secure greater comfort and well-being for their home publics (Grieco, 1988: 3). Lastly, realism's pessimism around international institutions are greatly exaggerated, as they promote cooperation while performing important tasks without challenging state sovereignty (Mitrany, 1966:

133-37). Globalism and multilateralism has according to liberal theory enabled states to distance themselves from realist presupposition- more importantly, that institutionalism has the capacity to mitigate anarchy's constraining effects on interstate cooperation. If R2P is to become one day an accepted norm enshrined in customary law, this theoretical assumption must hold true.

2.2   Why do States Cooperate?

For now, the UN is an institution that must keep up with contemporary times which resolves not only around states, NGO's, civil society, but also the business world. It is indeed arguably impossible to understand political behavior and therefore institutions if only states were brought into the center of political analysis (Evans, 1997: 62). Globalization has had a major impact on the nature of the state according to Peter Evans and his essay *"The Eclipse of the State"*, in which he argues that the exchange of goods between domestic production systems has shifted over to a flow of goods increasingly within production networks which are being organized globally rather than nationally (Ibid.: 66). It would likewise be a false analogy to separate institutions from the process of globalization, which similarly to states has adopted policies which are based on the Anglo-Saxon model of ideological consensus. Also known as the "Washington consensus", it is rooted in a neo-liberal understanding of modern economics. Just as neo-classical political economy negated the state's role in the development of a more productive and efficient society, the same holds true for civil society today which encourages states through structural adjustment plans to endorse an economy based on imports and decentralization (Ibid.: 69). This tendency has led the state structure as well as state authority to become further obsolete, while strengthening the political grip of the financial world. Military and economic aid for humanitarian purposes rests majorly on the willingness of the P-5, but like any other developed nation, its primary *raison d'être* is increasingly rooted and dictated by financial interests. *"Foreign exchange trading in the world's financial centers exceeds a trillion dollars a day... greater than the total stock of foreign exchange reserves held by all governments."* (Cable, 1995: 27). Although Institutional liberalist thought expresses the benefits of globalization which leads to greater cooperation and thus normative regulations, it can similarly be argued that this phenomenon has had an adverse effect as financial and economic importance within governments and the inevitable tie with this branch highlights realist assumptions; the capitalist system is rooted in logics of interests rather than morals. The main question to ask is therefore: When and how do states choose to organize activities internationally? What particular modes of organization—coordination, collaboration, integration—are selected under what conditions? Ruggie's analysis concludes that international organizations are defined by the strategic attributes of the goods states have chosen to produce, not any intrinsic feature, yielding a structural

organization of international organization which is asymmetrical in nature as well as complex

rearticulations of functional spaces and authority relations, not above, but across states. (Ruggie,

1998: 53). Collective arrangements are turned to only to compensate for "imperfections in the state

system" or when the state system is incapable of finding a solution. These arrangements exist for a

compensative purpose and must therefore not impose a greater cost on states than to the situation

they are responding. The collective response is negotiated and is thus unstable by nature (Ruggie,

1998: 57). Ruggie gives us an insight on how international collective response and authority can be

constructed (for economic purposes) which benefits the system as a whole. It presents us with a

vision on institutions, which considers the realist principles of international anarchy while also

highlighting the importance of trade, economics, and liberal values which pushes states to cooperate

with one another in sectors which would otherwise only be centered around competitiveness. An

organization like the UN expands authority to tackle global issues like the financial crisis,

environmental hazards, or health-related obstacles, delegating power and authority across the

organization. International organizations are thus able to cooperate on numerous issues while

ignoring the classical realist presumption that states are naturally individualistic by nature. While

classical realism is extremely sceptic regarding institutional influence to mold state behavior, liberal

institutionalism offers a clear understanding that this phenomenon is indeed taking place. A clear

dichotomy between the theories is therefore not present since liberal institutionalism builds upon

realist beliefs of anarchy: *"The new liberal institutionalist basically argues that even if tile realists are*

correct in believing that anarchy constrains the willingness of states to cooperate, states nevertheless

can work together and can do so especially with the assistance of international institutions." (Grieco,

1988: 1). R2P represents such a collaboration, which according to liberal institutionalism can be

achieved if certain principles are met. According to constructivist theory, most governments would

accept collective management if outcomes are positively interdependent in the sense that potential

gains exist which cannot be realized by unilateral action (Wendt, 1992: 416). Most governments

would therefore accept- although in varying degrees- that many issues (peace and security, economy

etc.) demand collective management (Newman, 2001: 241). This argument is correlating with liberal

theory which suggests common economic interests as well as the promotion of democracy is an

extended form of national security based on the beliefs that one's security is linked to the security of

others (Newman, 2001: 248). These liberal traits can indeed be seen in practice throughout modern

history, as private banks and governments work in tandem with the International Monetary Fund to

contain international crisis. In trade, all states negotiate agreements under the General Agreement

on Tariffs and Trade (GATT), while energy crisis spark cooperation without necessarily reaching a

positive outcome, but it is cooperation nonetheless (Grieco, 1988: 4). Why then should R2P not fall within this reasoning?

The theoretical assumption on cooperation posited by liberal institutionalism and constructivists falls short on one important issue which is addressed by John Maersheimer in "The False Promise of International Institutions", where he explains how liberal institutionalism chooses to ignore security issues in international relations due to its extreme intangibility in terms of regulation and consensus (Maerscheimer, 1994: 5-49). Moreover, he criticizes the idea of collective security by arguing that the theory is vastly incomplete by taking for granted that states will naturally over time learn to trust each-other fully (Maerscheimer, 1994: 5-49). Lastly, the author criticizes the bold predicament made by critical theories which claims institutions have the power to shape and mold state behavior away from realist presumptions. According to Fischer, "*critical theory holds that social reality is constituted by intersubjective consciousness based on language and that human beings are free to change their world by a collective act of will.*" (Fischer, 1992: 430). In this context, institutions are particularly important since they can act as a powerful tool to alter the constitutive and regulative norms of the international system. Critical theory relies thus heavily on the idea of discourse but fails according to Maerscheimer to explain the determinants of which discourses become dominant and which fail. In addition, the theory is self-contradictory: If discourse is not determinative but mainly a reflection of development on the objective world, then the objective world is the ultimate driver of the international system, not constructed ideas themselves (Maerscheimer, 1994: 5-49). Maerscheimer gives a relevant outlook into R2P which falls under the category of a constructed norm within the context of security. His thought can thus be utilized to highlight potential limits the concept holds within an international context, but also the shrewd and highly tensed nature imbedded in the concept of security. While Maerscheimer holds an extremely pessimistic but convincing stance on the normative power of institutions to promote change through normative practice, some of his arguments are flawed according to Keohane and Martin (Keohane and Martin, 1995: 39-51). The factual proof that the North Atlantic Treaty Organization (NATO) and the European Community (EC) have both expanded after he predicted their downfall since the fall of the Soviet Union suggest they matter beyond the need for collective security against a common enemy- "*Mearsheimer assumes that his view is privileged, in the sense that we must accept realism unless overwhelmingly convincing evidence is presented for an alternative view; but the fact that states invest in international institutions make this stance quite problematic*" (Ibid: 41).

While Maerscheimer insists that institutionalist reasoning mainly applies to political and economic cooperation instead of security, as no relative gains can be gained for a cooperation of this nature, Keohane and Martin cites the possibility to yield additional information (intelligence) as a relative

gain through a security cooperation. If one can secure more information, it may be possible to follow policies that more nearly maximize utility, therefore institutionalism is directly applicable to security problems as realists define them (Ibid: 44), while insisting that successful functioning of institutions, and thus cooperation, depend heavily on the operation of reciprocity, both specific and diffuse (Keohane, 1986: 1-27).

Proposition	Liberal Institutionalism	Realism
States are the only major actors in world politics	No; other actors include: - Specialized international agencies - supranational authorities - interest groups - trans-governmental policy networks - transnational actors (MNCs, etc.)	Yes
States are unitary-rational actors	No; State is fragmented	Yes
Anarchy is a major shaping force for state preferences and actions	No; forces such as technology, knowledge, welfare-orientation of domestic interest is also salient	Yes
International institutions are an independent force facilitating cooperation	Yes	No

2.3   Contemporary International Milieu, and the Undesired Effects on Security Cooperation

While the liberal theories argue that the end of the Cold-War, multilateralism, and globalization has benefited institutional consensus and cooperation, it can be argued that it has likewise created an undesired effect. We have already seen through Peter Evans that the tie between state behavior and contemporary capitalism has only intensified in recent time, thus giving the financial sector a more prominent role in international relations furthering realist beliefs and arguably weakening the power of moral impetus from civil society as a whole. The economic intertwine of states, businesses, and civil society has according to Richard Haass resulted in numerous centers of powers. He notes*, "States are being challenged from above, by regional and global organizations; from below, by militias; and from the side, by a variety of nongovernmental organizations (NGOs) and corporations. Power is now found in many hands and in many places."* (Haass, 2008: 1). R2P nests indeed in an international milieu which is inherently different from the one present during the era of humanitarian intervention. As far as states go, American hegemony is in decline, which according to Haass has resulted in an era of multipolarity. Multipolarity, unlike the period of US hegemony will be dominated by a multitude of regional powers trying to assert their influence, thus restraining the ability to build collective responses and make institutions work (Haass, 2008: 5). As David Rieff has pointed out, multipolarity is by definition competitive, not cooperative (Rieff, 2007). This is illustrated by the inability to reach agreements in the Doha Round of global trade talks, the Iranian nuclear deals, or the Paris agreement on global emission standards. Entropy dictates that systems consisting of many actors tend toward greater randomness and disorder in the absence of external intervention (Haass, 2008: 5).

As of today, the glaring contradictory impulse within the UN collective security concept remains: The realist recognition that collective security must be enforced by great powers, and consequently, must be consonant with their interest, while internalizing an idealist expectation that the UNSC would gradually evolve as an institution beyond great power confabulation into genuine global governance (Anderson, 2009: 59). Adam Roberts and Dominick Zaum define collective security as a system in which each state *"accepts that the security of one is the concern of all and agrees to join in a collective response to threats to, and breaches of, the peace."* (Roberts and Zaum, 2008: 11). According to these authors, the UN collective security system is not about a collective security as such from the very beginning. It is rather a system of selective security as; *"[A]lthough the UN provides a framework for states to collectively address, and take action on, certain wars and crises, it does not—indeed cannot—do so for all."* (Roberts and Zaum, 2008: 7). This empirical reality brings us

to an important question regarding the UN system as collective security: Is the selective aspect of the system a bug, or an inherent feature, and if it is a bug, can it be fixed?

While this paper and the general opinion indicate that the collective security system is malfunctioning and represents a challenge to overcome. It is however important to note that a close reading of the Charter shows that selectivity is built into the UN framework. This is not only a political reality, but also a legal one, since selectivity, in a praxis combining rules and behavior, is able to provide stability to an otherwise only questionable stable collective security system (Anderson, 2009: 65). Stability comes from its selectivity and has both a practice and Charter based aspect to it. This further complicates the quest for a pragmatic approach towards R2P since a potential change would necessitate an overhaul of the inherent foundations the UN rests upon. This naturally brings questions over the possible impetus for innovation within the UN framework, resting directly on the willingness of states to perform changes or clauses to the Charter. The status quo has arguably been maintained since the very conception of the UN, and this will likely continue according to Tsebelis' veto player theory. In Tsebelis' book "Veto Players: How to analyze political institutions" a veto player is described as "*one who has in his power to prevent a change from the status quo*" (Tsebelis 2002: 4). The theory argues that the shape of legislative policies is influenced (only) by veto players. The players who are entrusted with veto-power will naturally take advantage of the political tool to further their interests and hence veto policies that go against these interests. The theory uses the notion of veto players to build a comprehensive rational-choice institutionalist theory of comparative political institutions (Ganghof, 2003: 7-8). It claims that a political system's potential for policy change mainly depends on the (1) number of veto players, (2) the distances between these players' policy ideal points and (3) the player`s internal cohesion (ibid). Considering the magnified clashes of interests in a multipolar world which involves powerful players with differing ideologies, they will likely find it difficult to agree on a change of the present policy. Hence, the status quo is likely to prevail. For now, contemporary security arrangements are object to debates and contestations.

2.4   Competing Security Systems?

The possibility of even modest liberal internationalist global governance in security matter was at its zenith under American hegemony and its protective global security "umbrella". This guarantee is considerably less likely in a competitive multipolar world (Anderson, 2009: 59). The description of international security system is indeed not of one, but of two according to Anderson (UN, US) which operate in parallel while conjoined at several points (Anderson, 2009: 66). These two

systems differ in terms of power, reach, and overall capability. While the American is strong and resolute, the UN system is seen as weak and indecisive. Not in direct competition with each-other, rather, the American security umbrella offers a genuine alternative system of international peace and security that is separate from its dominant role within the UN collective security apparatus of the UNSC (Anderson, 2007: 454-65). The American willingness to extend a security guarantee to a sizeable portion of the globe, explicitly and implicitly, shifts the necessity, and the overall impetus for quality of a UN collective security system (Anderson, 2009: 67). Anderson argues that, *"most leading players in Europe, Asia, and Latin America, and even the Middle East, are unwilling to test the strength of that system: countries pay insincere lip service to the UN system, while actually relying on the US system."* (Anderson, 2009: 67). Countries choose to rely on the American safety net due to its guarantee which is external from the UN system altogether, while avoiding the headache of endless negotiations of a mutual-assistance system (Anderson, 2009: 72). There is however a limit to the American reach in what Anderson refers to as 'fourth tier'; countries, regimes, and places that lie outside the American security umbrella. It comes therefore as no surprise that the legal letter of UN collective security receives its greatest expression in places in which major powers have the least at stake. In this regard, a functioning UN collective not only matters, but is of pivotal importance, at least in moral terms. Anderson defines thus the UN collective security as collective altruism, which do not upset the security equilibrium, but create a useful specialization and a division of labor. It is consequently a beneficial equilibrium, even if the American system halts considerably the impetus for the creation of a stronger collective one.

2.5   Findings

While realism and institutionalism disagree in some fundamental respects, it can be concluded that both would be extremely warry of the potential for R2P to become a strong normative practice. While liberal institutionalism has proved to be useful in the understanding of collective security arrangement, this cannot be applied to the concept of R2P for several reasons. Firstly, R2P is not an incentive for inter-dependent relative gains. In fact, it is very much located on the complete opposite end, as the practice involves a financial cost. Secondly, it is a duty being distributed unequally among states in practice. Thirdly, there is little to no reciprocity, as the concept is better defined as a selective arrangement, rather than a mutual one. Fourth, Keohane's argument of a potential gain of information for intelligence purposes cannot be applied to R2P, as the concepts is a security arrangement for moral purposes, it is not designed at least on paper to yield any gains beyond protection. Institutionalist theory is however useful because it posits that institutions remain stagnant unless the rest of the world varies. This holds true for the concept of R2P as well, which

according to the theory would be dependent on a change of behavior from states rather than institutions due to the inability of institutions to mold states into a normative practice which yields no relative gains per se.

Additionally, the theoretical framework presented in this part can yield an answer which is not present in contemporary literature on R2P. There is in fact a double-edged sword present when analyzing the limits of the concept from a theoretical perspective as realism restricts potential practice of R2P due to a lack of potential relative gains for the external actor(s). Conclusively, this automatically eliminates irrelevant states on the global economic stage from the equation since no major powers would have anything notable to gain from an otherwise potentially costly operation. Similarly, liberalist and liberal institutionalist theories have an opposite effect which would theoretically obstruct any state to interfere in a foreign territory where it has vested economic interests as intervention can further disturbances and unrest in socio-economic terms. This issue is further intensified by a UNSC which is comprised of powerful states which in aggregate have interests vested on every corner of the world. These arguments also resonate with the intrinsic issue noted earlier that the practice is and will continue to be inherently prone to be selective (as long as the UNSC is the executive power of global security). Finally, it can be concluded that the concept of R2P holds on to little theoretical backing, even from the positive side of the institutional theory spectrum.

3. **Normative Theory**

3.1 Initial Assumptions

It is common assertion that the theories we have so far encountered (realism and liberal institutionalism) are not adept in explaining why wars for strictly humanitarian purposes occur. According to the logics applied by these theories, this phenomenon should not exist in the first place. Yet it does. This part will hence focus on the normative aspect of international relations in relation to external intervention. The recent pattern of humanitarian interventions after the Cold War raises the issue of what interests intervening states could possibly be pursuing. In most of these cases, the intervention targets are insignificant by any usual measure of geostrategic or economic interest. Why, then, do states intervene? Additionally, the paper will examine some models of normative theory constructed by pioneers in the field of normative analysis to locate R2P within

these models to give a better indication of its current trajectory, whether it has potential to become a solid and legitimate norm in contemporary global politics.

Martha Finnemore has long contested the applicability of classical international relations theories to areas which are strictly humanitarian in their scope. Realist and liberal theories are only useful to analyze the geostrategic and/or economic interests for states (Finnemore, 1996: 153-185). Yet, examples such as Somalia posits that military action can occur without little to no strategic or economic interest to the major intervener. Finnemore argues thus that the pattern of intervention cannot be understood apart from the changing normative context in which it occurs (ibid.) The context is of high importance because it molds conceptions of interest. Norms are intersubjective, rather than merely subjective, which leave broad patterns of the sort that social science strives to explain (ibid.). To prove her theory, Finnemore argues that the normative standards towards military intervention has shifted and have done so in correlation with each-other: "*normative understandings about which human beings merit military protection and about the way in which such protection must be implemented have changed, and state behavior has changed accordingly. This broad correlation establishes the norms explanation as plausible.*" (Ibid.). There is thus a clear dichotomy between the classical theories evoked earlier and normative theory. The issue, according to Finnemore is a problem of 'theoretical focus'; Realism and liberals do not investigate interests, they assume them as a given. More importantly, normative theory permits an understanding of interests which are not static by nature, instead, interests are molded by socially constructed norms, thus rendering interests an evolving phenomenon through social interaction; "*The social nature of international politics creates normative understandings among actors that, in turn, coordinate values, expectations, and behavior. Because norms make similar behavioral claims on dissimilar actors, they create coordinated patterns of behavior*" (Ibid.). While normative theory puts greater emphasis on a collective understanding which in turn puts greater pressure on states to conform to certain collective standards, the theory does not posit that norms or a set of norms have the capability alone to determine action, rather, to create a permissive condition for it; *"New or changed norms enable new or different behaviors; they do not ensure such behaviors."* (Ibid.). There is no denying that norms certainly play an important role in determining state behavior, as many studies confirm (Katzenstein, 1996). The question regarding this paper must however find out whether the norm of R2P has enough potential so-to-say according to normative theory to alter state behavior. What constitutes a solid basis for norm institutionalization? Does the R2P norm fall under this category?

3.2   Situating R2P

Like every other norm, R2P can be positioned in a certain time-frame to give a certain indication on where and how the norm is evolving. Martha Finnemore and Kathryn Sikkink have conceptualized a model which attempts at explaining the cycle norms are objected to. Three notions are therefore important to understand; Firstly, 'socialized norms' are norms which have been successfully implemented as a collective understanding, on appropriate behavior. It can also be defined as *"induction of new members… into the ways of behavior that are preferred in a society"* (Barnes, Carter, and Skidmore, 1980: 35). Thus, the assumption considers the existence of a society. In the case of R2P, the term society is therefore the 'society of states' and makes sense only within the bounds of an international system. Secondly, the term 'cascade' which signifies the end of the first stage (norm emergence, typified by continuous bargaining and tactical concessions). After their emergence, norms move to a second stage of broad acceptance (Badescu and Weiss, 2010: 360). The tipping point between these first two stages is reached when at least one-third of the total states in the system adopt it, including most importantly critical states without a compromise for the achievement of the substantive norm goal (Finnemore and Sikkink 1998: 890, 895). Lastly, the final goal of socialization is for actors to internalize norms, so that external pressure is no longer needed to ensure compliance (Risse and Sikkink, 1999: 11). Thus, constructivist theory assumes political identity emerges not in isolation, but in relation to and in interaction with other groups of states and international and non-state actors. We can thus locate R2P within the second phase, as R2P has according to this model reached a 'tipping point'. Characteristics of this stage is also present as R2P is experiencing constant socialization and imitation (Badescu and Weiss, 2010: 360).

Norms have the capacity to act as an agent, through the steady integration of states which have a desire over time to conform to a collective shared identity of a given society. Thus, once a norm has been accepted, it is further reinforced through the impetus of states outside the status-quo to embrace this given norm (Risse and Sikkink, 1999: 1-38). Every norm is subject to the same procedures for internalization, R2P included. The paper has shown in previous sections how the norm has evolved through strategic bargaining, moral conscious-raising, argumentation, and persuasion before having 'cascaded' in 2005 through the 192 signatories of the ICISS document. However, constructivist scholars are quick to conclude that the norm has cascaded, without paying attention to how the norm differs from its original understanding. The tipping point is thus debatable as the "compromise for the achievement of the substantive norm goal" has changed drastically over time. Consequently, R2P does not compare favorably to similar humanitarian norms such as the International Criminal Court, the ban on landmines, or child soldiers due to their clarity and common understanding (Badescu and Weiss, 2010: 360).

3.3   What Makes a Norm Successful?

Normative theory suggests that some norms are prone to failure more than others. We have seen through the course of history that some norms have successfully been implemented into customary law, or even enshrined in state constitutions. There are thus some distinct characteristics scholars and academics can trace to give a clearer indication whether a norm has the potential to be successful in the future. Antje Wiener notes that the primary challenge for achieving the highest possible degree of general acceptance increases with the absence of formal government structures (Wiener and Puetter, 2009: 4). Thus, a shared understanding of the norm and its implication is in essence more vital for the acceptance of the norm than its formal validity per se (Finnemore and Toope, 2001: 743-758). As social constructivists argue, in these contexts norms are what actors make of them. These conditions pose an immediate problem to R2P as states have accepted the norm, but differ in their understanding and implementations, especially regarding the different pillars. The clarity of the norm which we have seen has evolved from the initial ICISS document could thus prove to be a huge stumbling block for future development. Finnemore claims that: *"Once people begin to believe, at least in principle, in human equality, there is no logical limit to the expansion of human rights"* (Finnemore, 1996: 12). Human equality is undoubtedly one of the few norms which have arguably successfully been institutionalized by both states and organizations, yet such crimes occur on a regular basis, even from their most staunch defenders. Antje Wiener posits thus that although certain norms are accepted and internalized in every regard, differing interpretation of these norms is still present due to differing cultural practices (Wiener and Puetter, 2009: 12). Norms which are clear and specific, rather than ambiguous and complex, are norms which have a greater chance at being successful in the long term (Finnemore and Sikkink, 1998: 907). Likewise, moral discourses regarding human rights not only challenge and seek justification of norms, they also entail identity-related arguments (Risse and Sikkink, 1999: 13). Antje Wiener highlights thus that the acceptance of norms in internationally diverse settings depends on access to and enactment of their socially constructed meaning (Wiener and Puetter, 2009: 5). While in theory R2P posits than any state has access to its use and practice, it will likely be the major powers who will be entrusted with the task in most cases, while only a handful of states have access to the decision-making process. Human rights norms in particular are dependent on the promotion and implementation resulting from interests, pressures, and capabilities of great powers (Krasner, 1993: 139-167). Unfortunately, third-pillar implementation and practice are still very much contested by powerful states such as China and the US.

Unlike Wiener who highlights the importance of common understanding, acting as the primary vehicle for the successful implementation of a norm (through norm entrepreneurship), others

believe this behavior is simply not enough to create law, *"because part of the success of candidate norms is determined by the extent to which actors in a legal system view a social norm as having the capacity to meet the criteria of legality."* (Brunée and Toope, 2010: 324). Thus, even when a shared understanding arises (which is not the case here), any norm must still be built within parameters of the criteria of legality. While R2P certainly meets some of them through its anchored framework of 'international crime', the potential assessment of threat or breach of international peace and security does not meet legally defined standards. The refusal of the 2005 summit to agree guidelines that would constrain and shape decisions on the authorization of military force puts the norm in a precarious situation according to normative understanding (Brunée and Toope, 2010: 341).

Continuing on the topic of legality, Finnemore and Sikkink are similarly putting great emphasis behind the idea of 'legitimation'; *"an important condition for domestic receptiveness to international norms is a need for international legitimation. If legitimation is a main motivation for normative shifts, we might expect states to endorse international norms during periods of domestic turmoil in which the legitimacy of elites is threatened. If states seek to enhance their reputation or esteem, we would expect states that are insecure about their international status or reputation to embrace new international norms most eagerly and thoroughly." (*Finnemore and Sikkink, 1998: 906). This tendency is not applicable to R2P. Rather, a complete reversed dilemma is occurring: Weak and potentially illegitimate states in political terms fear the judgement of others and have thus on numerous occasions expressed their concerns regarding R2P as being an excuse for external intervention. It is primarily weak states who contest the norm, which is certainly not in accordance with what Finnemore and Sikkink posit.

Another important aspect for a successful implementation and development of a constructed norm is the idea of 'collective pressure' forwarded by Finnemore and Sikkink. In essence, norms are consolidated through the acceptance of the majority which in turn monitors and pressures targeted actors and each-other to conform. It can very much be compared to a system of checks-and-balance. States care about following norms associated with liberalism because being ''liberal states'' is part of their identity in the sense of something they take pride in or from which they gain self-esteem (Finnemore and Sikkink, 1998: 902-4). While R2P can certainly be classified as a 'liberal' norm, the issue noted earlier of 'imperfect duty' has an undesired effect on this assumption. Since no states bears the ultimate responsibility to act, failure to uphold the standards in any given situation in accordance with the norm results in limited pressure or shaming towards any particular state. We can draw a certain parallel with the current issue regarding the refugee crisis in the Mediterranean, where neither France, nor Italy feel obliged to greet the drifting ships. And although public or international pressure by the UN has been present, it has been largely ignored by these states who

use other states' similar stance as an excuse for theirs. Thus, similarly to what Finnemore and Sikkink assumed can be a snowball effect with positive outcomes for the consolidation of a norm, it can in some instances have a reversed effect as well.

It is common assumption in the field of normative studies that new norms are more likely to emerge and become successful if they rest on and is defined by prior norms (Finnemore and Sikkink: 1998). This highlights a dual problematic regarding R2P. Firstly, the norm is very much based on and is a follow-up on the 'failed' norm of humanitarian intervention. Emerging norms may therefore struggle to establish themselves even after status quo norms fail catastrophically (Bloomfield, 2015: 8). Secondly, R2P is a norm which is contesting, or even challenging the strongest normative understanding in international relation: Sovereignty. This norm remains the basic ordering principle of the international system. More importantly still, the third pillar is in direct opposition with another ordering principle of the international system: the UN Charter framework on the non-use of force in international relations. R2P is thus not only challenging a norm, but a legal principle. While this problematic is nothing new (i.e. Shifting and reinterpreting a variety of reasons for war, arguing for expanded exceptions to the fundamental rule prohibiting the use of force), the changing nature of contemporary warfare (Intrastate) puts even greater difficulty on the necessary conditions (threats to international security) for the norm to trump legality. Lastly, international institutions are built around the common understanding of these norms and legal bindings. It is designed to enable any state to defend their sovereignty by requiring consensus, a 'super majority', or the absence of a veto before change can be achieved (Bloomfield, 2015: 17). This naturally puts norm 'antipreneurs' in an inherent institutional advantage compared to norm 'entrepreneurs'. In other words, the quest for institutionalization or norm 'socialization' from those in favor of R2P face a much harder challenge to promote it than those in opposition.

3.4   The importance of Contestation

The old assumptions linked to realist, liberal and liberal institutionalist on state behavior is often criticized as being stuck in the past. Thus, constructivists have begun to examine this behavior through communities with given identities (Wiener, 2014: vii). If international relations are indeed defined as relations among actors of different national roots, the community ontology makes norm generative practice of international relations almost impossible due to the underlying assumption that compliance with a norm depends on the prior existence of a community providing a social milieu that generates recognition and appropriateness. This community must thus exist for both to be obtained (Wiener, 2014: vii). We have seen in the last sections how norms have the capacity to alter state behavior, how they gain prominence and which factors are crucial for their

implementations and socialization. Wiener however, focuses on the importance of communities within international relations, which leads her to an important question which is interesting regarding R2P; whose norms count? (i.e. who has access to contestation) (Wiener, 2014: 4). According to Wiener, the literature on normative theory and practice often *"overlooks the importance of organizing principles as a potential stabilizing force of global governance and instead engages in rather exhaustive discussions of whether they qualify as a legal norm or not"* (Wiener, 2014: 4). Contestation is thus seen as *"the gap between general rules and specific situations''* (Bernstein 2013: 138, citing Sandholtz 2008: 121; Hoffmann 2010: 10). In other words, a gap between generally agreed and well justified norms on the one hand, and relatively specific and often highly disputed rules and regulations, on the other. By focusing on contestation as a major instrument to study which norms 'count', Antje Wiener posits that the theory has the possibility to highlight several defining characteristics for the successful implementation of a norm; "*contestation includes the power of defining the meaning-in-use of the norms that govern a political community. Access to contestation is therefore crucial for just and legitimate political order—whether within the constitutional boundaries of nation-states, or beyond.* (Wiener, 2014: 10). She assumes that: "*contestation may establish which norm is appropriate and how to implement it. On the other hand, contestation is understood as adding to the re-/construction of normative meaning. In the latter case, contestation may either generate changing normativity through critical approval or identify disapproval."* (Wiener, 2014: 19). The power of norms can thus be summarized as being heavily dependent on the degree to which normative meaning overlaps in socio-cultural interfaces (Wiener, 2014: 30). Because norms are products of constant bargaining between the different actors within a community and take shape through different socio-cultural interpretations, it is easy to highlight the immense struggle a norm like R2P will face in order to be solidified considerably. The process will have major difficulty moving further due to cultural differences in the very understanding of the norm which we have seen is still very much open to interpretation, and most importantly, rests on the subjective understanding of state sovereignty, a norm which must by all means be reinterpreted more 'loosely' by UN members if R2P is ever to become solidified and properly entrenched in customary law. This situation is what Wiener calls a 'legitimacy gap'. That is, a discordance between fundamental norms (the right of non-intervention) and organizing principles (R2P), which are generated through politics or policy processes or, for that matter jurisprudence or juris generative practice, and from standardized procedures (treaties conventions or agreements) (Wiener, 2014: 37). Wiener classifies R2P at the intermediary level, where *"normativity is negotiated by a diverse range of agents of global governance."* (Wiener, 2014: 43). A legitimacy gap is thus present, the paper has proved this earlier in the previous section. However, normative contestation theory

indicates that the legitimacy gap will persist as 'legitimacy' rather than 'legality' is central to contestation, we find that most actors cannot participate in regular contestation because the executive powers which dictates the practice is nested in the hands of few, and therefore do not allow a *"multiplicity of actors to claim the right to get involved in the process, re/enacting normative meaning-in-use which would improve the conditions for compromise"* (Wiener, 2014: 75).

3.5   Findings

Constructivist stance on international relations is rightfully concerned with the primitive outlook on international relations offered by realism and liberal institutionalism. The international system rests heavily on common understanding dictated by forces which classical theories struggle to conceptualize. As a result, the paper has tested R2P against parameters all norms are subjected to through their process of emergence to internalization. Normative theory posits that all the relevant pieces of the social structure must be in place for this process to be effective, which includes not only the norm itself, but a range of institutions to oversee compliance with the norms, and the network to monitor norm-compliance and norm breaking (Risse and Sikkink, 1999: 31). The paper has attempted to highlight the relevant pieces of social structure to this process, which have sadly only served to supplement the already pessimistic outlook and lacunas (theoretical, empirical, and practical) inherent to R2P. The paper would add to the contemporary literature that limits arises due to factors inherent to the very nature of the norm: Unlike other humanitarian norms, third-pillar coercion implies a direct, voluntary financial and/or human contribution. Secondly, much like humanitarian intervention, it is a dormant norm in the sense that it becomes only active or legitimately upheld once a situation demands it. Contestation and pressure arises thus on an irregular basis; Socialization of any norm requires time. (Risse and Sikkink, 1999: 31). Thirdly, the norm implies a practice and thus an uncertainty in outcome (ex: conflict spillover: see UN intervention in Libya and Malian conflict). Conclusively, the paper finds little evidence to support that the contemporary understanding of R2P as a normative concept has enough impetus and theoretical backing to be one day enshrined as customary law or be internalized in constructivist terms. Although norms have the potential the re-shape state behavior, molding the system into an institutional entente regulated by common humanity through the adoption of norms, it is presented with a perpetual search for the limits of human ideals. Entrusting states to maintain world order through normative impetus dictated by the willingness and obligatory consensual leadership of the UNSC seem to be one of those limits.

4. __Case-Studies__

4.1 Libya

The intervention in Libya was launched in 2011 through UNSC resolution 1973. The mission was characterized as humanitarian in its scope and is widely regarded as a successful example of third pillar practice; The international community had fulfilled its responsibilities to protect civilians against abuses of a state which clearly did not (Eckert, 2002: 87). When analyzing the situation which occurred before foreign intervention took place, it is particularly important to note than the Libyan case was not in any way different than many other humanitarian disasters since the adoption of R2P. The situation descended into chaos as government forces clashed against rebel movements, a common occurrence during the Arab Spring. At a similar time, equally serious crimes against humanity were conducted in Bahrain and Yemen, the international community however were much quicker to condemn Libya in particular (Nuruzzaman, 2013: 63). Indeed, this situation did not warrant intervention more than any other, yet it is still the only one of two (other one being Ivory Coast) examples of R2P put into practice we have to this day.

The requirements put forward by R2P in terms of ethics and standards for such a mission have proven to be successful, and a major boost for R2P supporters. The fidelity to *jus in bello* through the establishment of a no-fly one and the protection of civilians- as well as the desert battle space has arguably proved that there were reasonable expectations of fidelity to this principle. Legitimacy was also met though Council Resolution 1973. The intervention had significant support from the individuals under threat and from the international community more generally (including, notably, the Arab League). The intervention had most importantly proven to be able to meet the criteria of reasonable prospect for success (both in outcome, and damage limitation) (Pattison, 2011: 271-77). Pessimists however would argue that the sheer rapidness to implement military force was in clear violations of relevant provisions in the ICISS report, the 2005 World Summit Outcome Document and the 2009 report of the Secretary-General. The report recommends use of force only as a last resort, only after all other measures have been exhausted- the second pillar of the 2009 report of the Secretary-General—the responsibility of the international community to assist the state in question— was skipped (Nuruzzaman, 2013: 63). In addition, less than three weeks separated considerations, expressed concerns, and light sanctions (Resolution 1970), to authorization of "all necessary measures" (Resolution 1973). Further violations to Resolution 1973 were also present- France supplied arms to the National Liberation's Army (NTC) rebel group, in direct opposition to what the international community had envisaged through the arms embargo on all parties in Libya (Fahim,

2011). The NTC rebel group backed up by Western arms were found guilty of conducting arbitrary arrests, torture and unlawful killings. Neither the UNSC nor NATO has launched any investigation to probe the rebels' crimes (Nuruzzaman, 2013: 65). The language used by states regarding R2P for the Libyan case highlights the issues of vagueness of the concept while offering an escape route for states to ignore their responsibilities; In fact, only France and Venezuela referred to the concept, and even then, it was only in respect to the first pillar. Additionally, the textual composition of the UNSC's resolutions referred only back to pillar one, without any mention of a wider international responsibility (Gray, 2013: 1272). Since it was deemed inexpedient to cite the concept, especially in pillar three guise, it signifies that the concept remains controversial and contested. The observable trend suggests that the UNSC will cite the concept in thematic resolutions, but not in relation to specific cases. More importantly still, this trend also suggests the concept is subject to a far lesser level of norm-cascade than is often suggested in scholarly literature (Welsh, 2010: 426). Although the mission can be characterized as humanitarian, regime change featured in its objective, which automatically cloaks the purpose of the mission with certain doubt. The initial objectives of Mission Creep as of mid-May 2011 had arguably changed from what was first envisaged (i.e. protection of civilians), to regime change. This can be concluded based on the rhetoric of several coalition leaders which would only characterize the mission as a success by whether Qaddafi's reign ended (Pattison, 2011: 271-77). The political importance to not 'lose face' for coalition leaders highlights that greed and self-interest plays a role in what was seemingly a mission of humanitarian scope initially, which gradually shifted into a war of political nature with something at stake for the external forces. Thus, the initial thought that damage limitations would be minimal can be disputed since regime change is generally a dangerous recipe to face for external actors; a larger number of innocent individuals are likely to be killed; the potential for instability in neighboring regions is greater; and the costs of intervening in terms of the intervening soldiers' lives may be much higher, given the likely need for a significant deployment of ground troops. Intervention became thus only possible because ground-troops were not necessary to fulfill this mission (Pattison, 2011: 271-77).

As the theoretical assumptions pointed towards, the operation was heavily led by Western states as the military apparatus was largely supplied by France and the United Kingdom, with command shared with the United States. According to Human Rights Watch, NATO-bombings have failed to bring any evidence of a valid military target in eight separate incidents (Hrw.org, 2012). Indeed, *Operation Odyssey Down* did not look, resemble, or feel like a mission whose primary objective was humanitarian protection. The mission was plagued by political disunity and strategic disagreement about targeting, as an inherent problematic link arose between military means and humanitarian ends (Dunne and Gifkins, 2011: 2). Even the most ardent international advocates of R2P have

acknowledged that the mandate was stretched to breaking point and maybe beyond it (Evans, 2011).

The BRICS countries (Brazil, Russia, China and South Africa), all represented at the council were all aware of the upscale in military terms and had argued that a narrow civilian protection mandate was being exceeded, but to no avail (Evans, 2013). Similarly, a third of Security Council members abstained from Resolution 1973, and only two with Security Council veto and two as ordinary members on rotational basis were prepared to support the mission (Dunne and Gifkins, 2011: 8-9). The urgency of the situation was sufficiently great, however, to persuade them to abstain rather than to oppose the resolution.

The Libyan case can be termed as a success due to several factors. Firstly, unlike other humanitarian interventions in the past e.g. Kosovo, it was a legitimate operation in the sense that it was an authorized military operation by the UNSC. Secondly, UNSC authorization was achieved quickly. Thirdly, the aim of the mission was achieved without 'boots on the ground'. These reasons give necessary ground to argue for the Libyan intervention advanced the cause of the R2P doctrine, *"although a final judgment to this effect cannot of course be made until the country's governance is inclusive, the protection of citizens' human rights is substantially secure and economic recovery is on a sound footing"* (Zifcak, 2012: 11).

Following the overthrow of Qaddafi in 2011, the National Transitional Council declared that the country would become a democracy through the drafting of a new constitution and the promise of an election. While elections for the National Congress were held in 2012, a new constitution beyond the temporary Libyan interim Constitutional Declaration (2011-2013) has yet to be drafted. The international society were optimistic for the future of the country, but it was not until 2015 when figures concerning Foreign Direct Investments (FDI) and Gross Domestic Product (GDP) finally came close to pre-war heights. The Libyan GDP was worth 50.98 billion US dollars in 2017, still some way behind 87.14 billion US dollars back in 2008 (Nordeatrade.com) Although there is some glimmer of hope for the Libyan economy due to its geographical position and its abundancy in natural resources, structural reforms remain essential.

Lastly, the Libyan intervention had a massive spillover effect which led to the Malian Tuareg uprising. The success of the mission in Libya is thus further tainted by subsequent civil and military casualties which occurred as former Qaddafi militants fled the country they once ruled into a Sahel region which has since then been increasingly a breeding ground for religious extremism and terrorism (Fessy, 2012).

The first intervention under R2P can thus be viewed as controversial and is by no means an example of consensual global leadership. The assessment on how much force is to be used may not always be containable within the terms of a UNSC mandate determined in advance. Nor is it practicable or sensible to back-track for an extension of the mandate during war. Thus, a clear line between the protection of civilians and regime change cannot always be easily drawn (Zifcak, 2012: 12). Ramesh Thakur notes however that *"If defeat of a non-compliant state or regime is the only way to achieve the human protection goals, then so be it. In Libya, the West's strategic interests coincided with UN values"* (Thakur, 2011). However, this validates theoretical assumptions that military operations of this nature will exclusively be led by NATO/Western- forces. Indian UN ambassador Singh Puri even went as far as calling the implication of NATO as the "armed wing" of the UNSC dedicated not to protect civilians but only to see out the Benghazi government (Plett, 2011). The question one can ask is whether a different form of action could have been taken and still be as effective. Gareth Evans noted that: *"Many of us would have been much more comfortable if NATO had confined its role, after neutralizing the Libyan air force and halting the ground forces moving on Benghazi … essentially to a watching-brief role: maintaining the no-fly zone and being prepared to attack whenever civilians or civilian areas were being put at risk by reachable targets"* (Schmitt and Sanger, 2011: 8). The paper would argue that the Libyan case highlights the issue around implementation, rather than appropriateness of the norm; A non-liberal state such as Russia demanded immediate cease-fire rather than a no-fly zone, which shows a contestation of means rather than the ends of protective intervention (Dunne and Gifkins, 2011: 10). Naturally, non-Western states are all too familiar with the possibility of abuse through cloaked interests. As we have seen throughout this paper, selectivity plays a huge role in any foreign intervention; although easily disputed, critics of the intervention have naturally pointed out possible agendas behind the impetus to act. Enormous oil reserves and financial capital, as well as accumulated gold reserves placing Libya 31th globally according to the World Bank are often cited (Obel, 2011; Hargreaves, 2011). Terming Libya a success-story for the norm of R2P is thus far-fetched. Indeed, action taken on the basis of a commitment to a principle derived from altruistic individual impulses cannot be reasonably cited as constituting a precedent or new norm (Hehir, 2011). Moreover, the conflict spillover in Mali has caused further questions regarding the consequences of foreign intervention, as well as confirming the lack of a clear direction the international community has planned in the long term for Libya; the lack of long-term strategic goals present in the ICISS outcome document has evidently led Libya to an uncertain future. The fragile definition of sovereignty and the North-South divide surrounding the Libyan case is epitomized throughout. It also raises the question on the commitment of nations such as BRICS to take 'timely and decisive action' to prevent humanitarian disasters or mitigate their worst effects.

4.2   Syria

The Syrian crisis began in 2011 between the Assad regime and opposition groups which has escalated into a war which has cost the life of over half a million people. As of June 2018, the war had created 5.6 million refugees, and displaced at least 6.6 million persons. Today, it represents the largest cause for displaced humans in any conflict. In addition, more than 13.1 million Syrians remain in dire need of humanitarian assistance (Globalr2p.org, 2018: 6). The Human Rights Council (HRC) have on multiple occasions reported that the Assad government has violated numerous times humanitarian law through war crimes as a matter of state policy. Furthermore, the Syrian government have been found guilty in denying food and medicine to besieged civilians, and most notably use of chemical weapons. The Organization for the Prohibition of Chemical Weapons (OPCW)-Joint Investigative Mechanism determined that Syrian government forces used chlorine gas between 2014 and 2015 and that ISIL was responsible for two sulfur-mustard attacks during 2015 and 2016 (Globalr2p.org, 2018: 7). The conflict naturally breaches many facets of international law, while falling within the scope of "threat to international security" as hundreds of thousand crossed borders for refuge while the so-called Islamic State of Iraq and the Levant (ISIL) continues to operate on a global level having caused multiple civilian and military casualties.

Based on the empirical facts of the conflict, the concept of R2P should in theory be applied. Syria has failed to uphold its primary responsibility to protect its own population through pillar one, while pillar two has also proven to be ineffective as the Syrian government has ignored the international community's request to alter its violent conduct towards protestors. Thus, according to the logic applied to Libya, and the outcome document of 2005, the Syrian war warrants the implementation of pillar three as all other attempts have failed to address the situation. Nevertheless, the Syrian crisis has led to UN-led negotiations aimed at ending the civil war, including separate talks between governments, while every member of the Security Council has expressed deep concern at the rapidly deteriorating situation in Syria. However, different emphases were plainly visible when its members considered what action should be taken (Zifcak, 2012: 16). Russia has systematically shielded Syria from accountability measures, while both Russia and China have jointly vetoed six UNSC draft resolutions. Russia alone has independently vetoed the same amount (Globalr2p.org, 2018: 7). Clear disagreement between the permanent members on the validity of intervention is visibly present; the Russian, Brazilian, Indian, Chinese and South African delegations all argued that the situation was essentially a domestic matter for the Syrian authorities to resolve, while maintaining that the conflict did not constitute a threat to international peace, and that a foreign intervention would further destabilize the region (Zifcak, 2012: 16-17). In addition, due to the heavily urbanized character of the country, air strikes and bombing tactics would have unavoidably led to heavy civilian fatalities.

The crisis is defined on the international stage as anarchic. Russia, Iran and Hezbollah, unlike the Western coalition continue to provide essential military support to the Syrian government. All parties involved in the conflict have committed indiscriminate attacks on medical facilities and civilian infrastructure which have demonstrated a complete disregard for international law while directly violating UNSC Resolution 2139 and 2286 (Bbc.com, 2018). This disregard further highlights the weakness of the UNSC to uphold and enforce compliance with its resolutions when divisions among permanent members exist. Consensus is not only lacking in terms of use of force, but also potential investigations into crimes committed by the Assad regime: Resolution S-16/1 drafted by the HRC which condemned the Syrian government while calling for the reaffirmation of the freedom of expression, lifting censorship restrictions and the immediate release of political prisoners was voted against by China, Russia, Pakistan and Malaysia, while Nigeria and Saudi Arabia abstained (Zifcak, 2012: 17). Resolutions stalled for political reasons as well; unlike Gaddafi, al-Assad was not isolated politically from the Arab League, which might explain why the league was reluctant to intervene until ten months after the initial uprising in 2011. Syria's web of alliances in the Arab world similarly served a strong disincentive to Security Council condemnation and action, particularly amongst those of its members with direct military and economic interests in the region. Strategically speaking, Syria presented a far greater challenge in military terms than what Libya ever did; It had substantial military resources; the military command and security intelligence services were cohesive and loyal to the government; the President had retained the confidence of a substantial part of the populace, particularly in Damascus and Aleppo, while opposition victories had been sporadic (Zifcak, 2012: 31).

Several draft resolutions were presented to the General Assembly as different states sought to ease the conflict in question. The European draft most importantly had to drop several features which included economic sanctions due to pressure from non-Western states such as China and Russia most notably. The UN were thus stuck in a deadlock due to an 'unbalanced' Western-led resolution which according to opponents only sought to punish the Syrian government without any measures taken against the so-called 'terrorist groups' which fought for its demise (Zifcak, 2012: 25). Moreover, the ongoing operation in Libya had complicated a consensus further due to an overextension of the mandate in military terms; this had naturally positioned opponents on the defensive fearing that a mandate to aid Syria would lead to a mandate whose primary objective was to topple the Syrian government (ibid.).

The Syrian case represents thus in every aspect the shortcomings in entrusting competing states the task of maintaining world order. Implementation and practice of the R2P concept (especially pillar

three) rests fundamentally on the shoulders of these states. The problem of selectivity encountered in previous chapters is present throughout the Syrian case. It is easy to understand the reluctance of some members to endorse any intervention due to vested interests and alliances. The complexity of the situation in political terms also encouraged states to be extremely cautious; an operation of military capacity would possibly not only lead to an unknown future for Syria but could very easily destabilize the whole region as sectarian division and violence among these groups is a defining feature of the ongoing crisis. The inability to pass resolutions which (only) granted the right to investigate crimes committed by the Syrian regime (Resolution S16/1) indicates however a firm resolve of states, small and big, to protect domestic interests far beyond the idea of territorial sovereignty only. Lastly, the intervention in Libya has created a strong impetus to block any resolution on the Syrian crisis; many states feared the overextension of a mandate in Syria and the firm grip Western states would hold on such an operation (Zifcak, 2012: 29). While the initial goal in Libya was met and proponents of R2P claimed a victory for the norm, the Syrian case indicates that R2P has been damaged rather than solidified through its implementation in Libya.

4.3   Myanmar

The widespread violence present in Rakhine state in 2012 left almost 400 people dead while displacing upwards of 700,000, most of them Rohingyas- a stateless Muslim minority of Bengali descent persecuted for many decades by the Burmese Buddhist majority, especially following the military coup d'état of 1962. The Rohingya have been the target of a host of human rights abuses by the Myanmar government, suffering a form of Burmese apartheid. The Rohingyas have experienced difficulties in obtaining citizenship since the enactment of the 1982 Citizenship Law in Burma, which did not recognize the Rohingyas as a genuine minority in the multi-ethnic country. As a consequence of being 'stateless', the Rohingyas are deprived of basic rights such as access to education, healthcare, shelter, safe water and employment. In a response to the persecution committed by radical Buddhists, the central government's only given solution to the conflict is to resettle this group with any country that will take them in (Smith, 2013).

Myanmar which was formerly known as Burma has undergone political transformations in the past few years, allocating 75% of the seats to democratically elected representatives at the Assembly and only 25% to the old military regime. Myanmar has thus been termed as a success-story of 'norm socialization', as human rights have slowly appeared through decades of international pressure. The country has been rewarded for their positive steps, as Barrack Obama became the first American President to visit the country in 2012, and economic sanctions were lifted by Western states the same year.

Ironically, there has been significantly more forced displacement of ethnic minorities in the three years since the transition began in 2011 than in the three years prior (Gabaudan and Teff, 2014). More importantly, politicians have used policies of ethnic cleansing of Rohingya Muslims as a tactic to gain Buddhist votes (Kristof, 2014). Nobel prize winner and leader of the National League for Democracy (NLD) Aung San Suu Kyi has refuted claims of ethnic cleansing, while maintaining that the humanitarian situation in Myanmar is not as serious as the international community claims (Stoakes, 2013). The situation in Myanmar once again highlights the fragile nature constructivist theory on norms holds, while also blinding reality as human rights improvements can easily be used as tactical concessions to rejoin the concert of nations.

R2P would have been a legitimate tool for the international community to use as the HRW and the UN themselves have categorized the crisis as an operation of "ethnic cleansing", while the Myanmar government has proven to be unwilling and/or unable to protect the Rohingya (Lewis, Aung: 2018). The violence was committed by both civilians and government officials: "*The genocide against the Rohingya was planned, organized, and executed by the elements of Myanmar's government that should have protected the Rohingya under the RtoP principle and Genocide Convention*" (Crossman, 2014: 61). Annan and the international community have themselves asserted that the atrocity of genocide should never be allowed to happen again; yet, the Myanmar crisis has gone largely unanswered. Even if the Rohingyas are not 'citizens' of Myanmar, the government is still responsible under R2P to protect the Rohingya since *"they are human beings living within the territory of Myanmar"* (Morada, 2012: 5). Although pillar one initiatives from the international community were present from the very beginning of the crisis, pillar two initiatives have been completely subdued by economic resolutions lifting travel bans and sanctions from both the EU and the US. By lifting these sanctions, the international community has effectively overlooked human rights abuses in favor of promoting business opportunities in Myanmar (Phillips, 2013). The Burmese government has on multiple occasions asserted its commitment to improve conditions in the Rakhine state, but reports have confirmed that the human rights of the Rohingya population has deteriorated further with no movement in sight for progress (Washingtonpost.org, 2014).

Myanmar is of geo-strategic importance for many states. The US most notably has made Myanmar a significant partner in the "pivot to Asia" foreign policy which aims at consolidating American military presence in Southeast Asia. To this end, the US is pursuing and maintaining a military-to-military cooperation with Myanmar (Barta, 2012). American oil firms are particularly keen to explore Myanmar's offshore oil and gas reserves, which foreign experts estimate to be on par with Brazil's reserves (Mani and Babar, 2018: 297). R2P has generally been associated with Western states, yet the Rohingya crisis proves that the doctrine can become subdued even by its promoters once

interests are at stake. More importantly still, the country represents a buffer zone between the two competing giants China and India. The state of Rakhine in particular is important due to its opening on the Gulf of Bengal which represents an alternative route for Chinese trade, as both the Formosa and Malacca Straits can be subject to economic, political, and security concerns for the Chinese authorities. China has thus financed the construction of a deep-water port in KyaukPhyu as well as dual pipelines built at a cost of US$2.45 billion. Known officially as the Thelong Myanmar-China Oil and Gas Pipeline Project – it runs 771km from the coast of Rakhine state to Yunnan province in southwestern China. The port and pipelines will be a strategic addition to the maritime infrastructure for China's "Belt and Road Initiative" and will complement existing facilities in Chittagong in Bangladesh, Gwadar in Pakistan, and Colombo in Sri Lanka. India similarly has funded the Kaladan multi-modal project designed to provide a sea-river-land link to its remote northeast through Sittwe port (Bhaumik, 2017).

It comes therefore as little surprise that China and India were against any intervention in Rakhine, as well as many members of the Association of Southeast Asian Nations (ASEAN) joined Myanmar in voting against measures which would allow access for aid workers, ensure the return of all refugees and grant full citizenship rights to the Rohingya (Theguardian.com, 2017). The Myanmar government has also denied the UN and its partners access to northern Rakhine for humanitarian purposes. The international community's efforts have arguably been largely insufficient and has subsequently failed in their coordinated actions aimed at protecting the Rohingya under the R2P doctrine. First pillar pledges have fallen on deaf ears and have been for all matters ineffective in achieving their ends.

Following the horrible episode which saw thousands of Rohingyas stranded at sea as no ASEAN country had any intention of granting them entry, international pressure mounted, and countries such as Indonesia, Malaysia, Thailand, and especially Bangladesh finally decided to set up refugee camps for the fleeing population. Talks of repatriation have begun; the Myanmar and Bangladeshi governments have agreed upon a procedural framework for refugee return, which was supposed to have started on 23rd of January 2018 has been delayed as the situation in Rakhine State is not conducive to repatriation and no refugee has returned through formal channels (Crisisgroup.org, 2018). This is unlikely to change in the short or medium term, and indeed Rohingya continue to leave Rakhine for Bangladesh. The failure to develop long-term strategies for the refugees poses the risk that hundreds of thousands of Rohingya will live in limbo or that the host country's sentiment will turn against them (ibid.). The UN must learn from past mistakes, as the situation is very much a repetition from what was seen in 1991-92. Most of the 250,000 refugees returned from Bangladesh between 1993 and 1997 under a repatriation program arranged through the auspices of the United

Nations High Commissioner for Refugees (UNHCR). The UNHCR remained active in the Rakhine state from 1994 onwards but low financial backing meant it has been unable, in practice, to provide adequate protection to many of the refugees who have returned to Burma (Hrw.org, 2000). This presents the "Responsibility After Protecting" concept with a great opportunity to show its potential value through constant pressure on the Burmese government while enabling sufficient funds for future humanitarian missions in the Rakhine state. Although the situation has persisted for more than six years, R2P can still hope for some success as concerted efforts are required to ease the burden on Bangladesh and provide alternative options for the refugees.

The paper would argue that concept of R2P in Myanmar has failed in every aspect; unlike Libya and Syria which presented issues around pillar three implementations, the Rohingya crisis highlights issues around the so-called 'uncontested' nature of pillar two. While one might accord some leeway for the fragile and contested nature of pillar three implementation due to UNSC functional shortcomings, Myanmar illustrates that realist forces such as economic opportunities can also negatively impact states to maintain a strategy which encourages a state through pressure to implement the necessary means to address the situation. Most of the international community have lacked impetus for such a discourse by lifting sanctions and encouraging changes which only serve as cover-up for other grave violations of human rights. Human rights norms can thus have a negative effect, as any 'advancement' might trigger the international community to accord favorable resolutions as a reward when the situation is in fact in desperate need for stricter coercive strategies. The Rohingya crisis can be defined as an international impasse stemming primarily from the political weight associated to vested economic interests in the Rakhine state and Myanmar's geostrategic importance to competing entities. The large number of refugees currently residing in camps throughout South-East Asia is reminiscent of the prior conflict in 91-92. The international community must thus implement and allocate enough resources for a mission which should seek at protecting the once repatriated Rohingya populace from a similar fate in the future. The concept of R2P can a useful agent to facilitate such a mission, allowing humanitarian assistance within Rakhine borders, while continuing to apply constant pressure on the local government for changes concerning human rights and the basic rights of the Rohingyas. Although R2P has failed in Myanmar for now, the next stages of the continued battle for repatriation and advancement of rights should put the concept on another test.

4.4   Findings

Since its adoption in 2005 through the Summit Outcome Document by the ICISS, the full scope of R2P (1st, 2nd and 3rd pillars) has only been implemented on two occasions (Libya and Ivory Coast). While R2P is not and shall not be an excuse or a tool to grant external intervention, it has been designed to facilitate it as its predecessor (humanitarian intervention norm) was largely failing due to a normative reasoning which did not correlate with international customary law. Although efforts have tempted to alter the perception of sovereignty as customary international law, these case-studies showcase the that an imminent departure from the Westphalian concept of international order is far from being a reality. The practice remains heavily dependent on enough impetus from influential states while being easily dead-locked by a potential veto from the P-5. The necessary ingredients to pass a mandate such as Resolution 1973 will remain extremely scarce. R2P has however arguably been a step forward as states have become actively vocal in respects to the 1st and 2nd pillar aspects of the concept. R2P has been a major ingredient in enabling the international community to evolve into a system which monitors humanitarian disasters actively and voices its opinion on a regular basis while putting pressure on violating states to conform. The paper would thus argue that a norm-cascade has taken place regarding the first two pillars, although Myanmar has showed that 2nd pillar initiatives can be subdued by vested interests taking the upper-hand, and that advancement in one aspect of human rights can quell infringements in another. Once a violating state is denying or rejecting these claims however is when R2P seems to be encountering issues. The notion and consequences in terms of practice through coercion following this denial is something which was already heavily contested during the conception of R2P and its infamous 3rd pillar. The importance of sovereignty cannot be understated; the case-study of Syria highlights that states are actively participating to defend and halt resolutions infringing sovereign rights of another nation far beyond military and financial coercion only (In what states would claim are "internal affairs" i.e. Resolution S16/1).

5.   **Conclusion: Towards Alternative Approaches**

R2P can arguably still be defined as a norm in the early stages of socialization. Edward Luck aptly reminds us that the lifespan of successful norms is "*measured in centuries, not decades*" (Luck, 2011: 387) For that reason alone, one might hope that with time, it will naturally be consolidated through constant practice. The idealistic belief that socialization will occur regarding todays conceptual framework of R2P is however doubtful. The concept has done nothing to redress the structural

barriers for effective action. The laws governing the use of force and the structure of the UN are the same now as they were in 1991 (Hehir, 2009: 245-264). For all the hype surrounding R2P it constitutes to be no more than a slogan which has served to embolden those convinced that eloquent appeals to behave responsibly influence world politics.

The norm is extremely contested as it is in direct confrontation with international relations theories and customary international law; it represents a total shift in the philosophical perception of international politics and obligates the international community to uphold a standard through discourse and practice which differs from the very nature of state ideology. While discourse (1st and 2nd pillar) can easily be misleading and deceive from its real intentions, practice (3rd pillar) on the other hand offers a more genuine interpretation of the status-quo. The case-studies have shown that the status-quo regarding international relations has not evolved alongside and in correlation with the norm of R2P; That is if R2P is in fact a norm which is an aggregation of the totality of pillars which constitutes it.

Normative literature on the subject is affirming that the norm has cascaded (Badescu and Weiss, 2010; Thakur, 2015; Wiener and Puetter, 2009). However, the issue normative theory is facing with the concept of R2P is the sheer breadth of the norm; While the 1st and 2nd pillars are somewhat focused on states' individual responsibility and a collective willingness to promote and pressure states to conform through non-coercive means, 3rd pillar implementation and practice is totally detached from the other two. Its implementation necessitates ingredients which goes far beyond discourse per se, pushing world leaders to step forward and unite for a cause which is often meddling with either one or the other's interests. "*Instinct should warn us there must be something wrong as well as right with an idea that can be endorsed by such strange bedfellows, and there is. R2P's normative "legs" result from its not always consistent, various iterations as well as from the lack of clarity as to whether it is a legal or merely political concept. It simply means too many things to too many people*" (Alston and MacDonald, 2008). Thus, broadening perspectives of R2P further will naturally open the floodgates to an overflow of appeals to address too many problems; if R2P means everything, it means nothing.

So far (apart from Libya), none of the world powers have accepted concessions on their strategic position in favor of attaining consensus. Given that the ICISS's 'Report of the International Commission on Intervention and State Sovereignty' dedicates well over 2/3 of its general content on 3rd pillar aspect of R2P, it might be more correct to associate the norm with the last pillar more than the two first. Thus, the idea of 'norm cascade' in relation to R2P is questionable since the case-studies only highlight a cascade in the form of the first pillar, as even the foundations of 2nd pillar practice has not been regularly upheld (Myanmar). Ironically then, scholars of normative conduct

within international relations seem to make the same mistake as states do in relation to R2P: Both are cherry-picking the pillar(s) of a norm which was originally accepted in its entirety, which has only served to render parts of R2P open to interpretation and circumvention. Whether proponents of the norm are committing this error on purpose is up for debate, but it highlights the contemporary difficulty of locating a multi-faceted norm like R2P within normative models.

We have seen throughout this paper why states chose to only endorse the first and second pillars, as 3rd pillar framework is currently too far-fetched in relation to the nature of the international arena; One cannot expect a norm which is in direct opposition to customary international law and dependent on UNSC consensus to become successful. R2P necessitates the satisfaction and desire to be solidified over time through constant practice in terms of achieving its end goal i.e. uphold humanitarian principles and reestablish peace through coercive means. Unfortunately, since the norm is "dormant", and dependent on UNSC clearance, practice will remain extremely scarce. The multi-dimensional nature of R2P remains vague and implements an aggregation of ideals which are too distant from one another. The concept of R2P would thus have a much greater chance of cascade and socialization over time if it incorporated only 1st and 2nd pillar aspects with a clear definition and an agreement the international community can rest upon: Individual responsibility to protect its own civilization and international discursive practice to uphold this principle. Thus, the R2P norm should act as a facilitator towards alternatives which punishes breaches. Only when such a norm has been properly internalized and upheld on a regular basis can we begin to speak of the consequences of breaches in the form of normative coercive practice.

If we are indeed to remove the 3rd pillar from the R2P norm, it becomes subsequently vital to create another concept to substitute it; To be meaningful, the R2P spectrum of action must include military force as the sharp-edge option of last resort (Stark, 2011: 5).

The failures of 3rd pillar implementation or humanitarian interventions in general has largely failed due to the failures of the UNSC to act. The ICISS report had indeed already acknowledged this possible scenario in section 6.29-6.40 offering options which would attempt to solve a possible UNSC impasse. The report cites the possibility of engaging the General Assembly "*to seek support for military action from the General Assembly meeting in an Emergency Special Session under the established "Uniting for Peace" procedures. These were developed in 1950 specifically to address the situation where the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security*." (Evans and Sahnoun, 2001: 53). While the report mentions the possibility of regional organizations taking on the responsibility to halt human rights violations, the solution rests on a legal principle absent from the letter of the Charter which requires action by regional organizations always to be subject to

prior authorization from the UNSC. The General Assembly lacks the legal and executive power to authorize any measures of coercive nature. Considering the contested nature around the meaning of sovereign rights and the importance states holds to their Westphalian principles, the two-thirds majority seems ever so unlikely regarding external interventions in particular. Although the questionable power of an overwhelming General Assembly majority dictating outcomes would indeed provide a high degree of legitimacy for an intervention which subsequently could encourage the UNSC to review its position, the unlikelihood, in any but very exceptional case, of a two-thirds majority required by the General Assembly might never occur.

Another alternative which aims at decreasing the stronghold of UNSC executive power on conflict resolutions would be approvals sought ex post facto (Liberia and Sierra Leone), and we might expect certain leeway for future action in this regard. Although this could certainly be considered a viable option, *"interventions by ad hoc coalitions (or, even more, individual states) acting without the approval of the Security Council, or the General Assembly, or a regional or sub-regional grouping of which the target state is a member, do not – it would be an understatement to say – find wide favor"* (Ibid.: 54). The 2001 ICISS Report remains thus hopeful by claiming it would be unrealistic to expect that should the UNSC fail to discharge its responsibility in "conscience-shocking situations" crying out for action that concerned states would not rule out other means and forms of action to meet the gravity and urgency of these situations (Ibid.: 55). While General Assembly pressure and ex post facto alternatives remain viable options, the paper would argue that grave violations of human rights and situations which require immediate attention at the risk of severe human perils merits more assertive options.

It is safe to posit that the main obstacles for 3rd pillar practice are the theoretical forces inherent to international relations which structures and molds the political outcomes conducted by the UNSC. R2P would be another factor which joins the long list of critics describing the executive branch of the UN as "outdated" and in need of reform (Fassbender, 1998; Blum, 2005; Thakur, 2004). R2P has no inherent moral meaning or influence when it is applied inconsistently according to the interests of the P-5. Thus, the "easy alternative" so-to-say to implement 3rd pillar practice on a more regular basis would be a complete abolishment of the UNSC veto. An executive branch functioning as a majority democratic system would naturally lead to more legitimacy and halt any unilateral decisions which might impede the possibility of coercive action, thus minimizing the selective aspect of 3rd pillar practice. However, this solution is far from "easy"; as the paper has already mentioned, the ability to restructure the UNSC is highly unlikely. Realistically speaking then, possible alternatives must not come from new ideas attempting at reconfiguring the UNSC, rather, exploring new aspects

of humanitarian intervention practice which might facilitate the decision-making process and minimize realist forces' influence on the executive should be brought forward.

Conflicts where the UN cannot find consensus by distinguishing the oppressor from the oppressed are bound to result in a UNSC deadlock; The example of Syria should serve as a realistic benchmark for international relations scholars and academics, as no current normative construct in the contemporary international climate can facilitate UNSC action, nor can it guarantee a successful intervention if consensus is met. Such "multi-dimensional" conflicts require not only a rescue but longer-term involvement as well: Military occupation, trusteeship arrangements, nation building, etc. (Nardin, 2013: 73). These types of operations come at a high-cost in both human and financial sacrifice, while their outcome is always uncertain. If a conflict escalates to a level where long-term involvement is necessary, the international community has already failed in its mission, and the possibility of a UNSC authorized intervention practically nil. It becomes thus important to implement and develop a framework for prevention that targets these unique dynamics across the various phases of potential crisis and prioritizes atrocity-focused objectives within broader efforts to prevent conflict, while building strategies accordingly to ensure that self-determination is possible after the killing stops.

If any form of external intervention is ever to be internalized as a norm within an international system, one requires an international agreement on the validity of sovereignty. From this point of view, R2P has arguably had a positive influence as it attempts to suspend the sovereignty of a state if it breaches the four crimes listed in the ICISS Outcome Document: A states' misconduct undermines its claim to sovereignty. Only when the UNSC has concluded the existence of such breaches can it undertake coercive action through mandates. As for the nature of these mandates, the intervention in Libya highlights the difficulty of implementing fully a humanitarian mission whose main objective is the protection of civilians when other aims such as government overthrows are part of the picture. One cannot seem to satisfy both objectives, at least not to their fullest; *"Intervention on humanitarian grounds must be justified only as a response to shocking crimes for which there is no other remedy, not as a way of freeing people from the oppression of alien domination or ordinary home-grown tyranny"* (Nardin, 2013: 79). Furthermore, humanitarian interventions which inhabit political objectives of strategic nature can arguably find strong support through regional and global pressure. One might presume the intervention in Libya would have not taken place were it not for the fall-out between Ghaddafi, the Arab League, and the African Union and their keen willingness to oust him from power. Thus, what needs to be reviewed and strengthened is not interventions which aims at protecting a population through government overthrows and similar political targeting, rather, for cases which benefits from little to no strategic interests for the potential interveners,

cases which are strictly humanitarian in their scope and require international assistance through mandates whose sole mission is to protect (i.e. Humanitarian assistance) By constructing a normative practice distinguishing humanitarian assistance from humanitarian intervention it would also address the current issues developing countries have towards interventionist norms and concepts: It is imperative that the UNSC addresses the negative opinion developing countries hold towards R2P as a ruse for western powers to affect political outcomes.

A normative construct focused around the concept of assistance would however be similarly object to selectivity. A small-scale UN force subcontracted to regional organizations might however partially eliminate this issue. This hypothetical force would aim at upholding peace through emergency assistance and should not serve as an instrument which can tilt the balance of a status-quo in any given conflict, nor should this instrument serve to actively participate in conflicts made up of several competing protagonists. By limiting the force to a small number while legally encroaching its non-political, assistance-only purpose to the Charter, it could restrict realist forces dominating the UNSC decision-making process. A defensive force by nature, it would allow R2P principles to be intermixed with the principles of Protection of Civilians (POC) theory- which is defined as providing "*a robust normative framework for how to act in order to secure the protection of civilians in armed conflict, and during post-conflict reconstruction*" (Lie and Carvalho, 2008: 1). Financed through a compulsory annual UN-member budgeting system, UN military infrastructures might also strengthen the current issue the UN is encountering regarding POC; The present situation appears to be one in which the UN possesses the knowledge but not the means to protect civilians effectively, whilst NATO possess the means but is deficient in protection 'know-how' (Beadle, 2010: 34).

The UN-force would also benefit from continuous legitimacy through UNSC clearance. Furthermore, a stand-by UN force would also be of benefit to the logistical issues the UN has always faced, which has proven to be a great setback to R2P, aimed at being "quick and decisive". Considering "*contemporary conflicts are characterized by anarchy where the dividing lines, between civilian and police on the one hand and combatants and military tasks on the other, are erased*" (Beadle, 2010: 9); A non-partial, a-political defensive force would automatically raise questions on the level of effectiveness such a force would have. The UN has traditionally enjoyed more intrinsic legitimacy due to its adherence to the principle of impartiality but adhering POC theory to humanitarian assistance through military means would require quick decision-making to counter evolving situations on the ground: Volatile unpredictable situations requires aggressiveness (Beadle and Kjeksrud, 2014). Naturally, further research must be conducted to determine the correct balance of power such a force should have, and which means are necessary to protect effectively: While a defensive force with a minimum foot-print might lead to less selectivity through easier achieved

UNSC consensus, the force necessitates enough fire-power to achieve its aim at protecting civilians which are increasingly part of the décor as the intensity of war has shifted from traditional battlefields towards civilian homes, both literally and figuratively speaking; The ratio between combatant and non-combatant casualties in conflicts altogether has been virtually inversed from eight dead soldiers for every civilian to eight dead civilians per fallen combatant (Feste, 2003: 150; Kaldor, 2007: 9). Such a force would naturally be faced with the "footprint dilemma", the dilemma of more intrusiveness to foster more security, but simultaneously face nationalistic resistance against the foreign presence, or applying a smaller footprint which causes less resistance, at the risk of triggering more unpredictable situations (Krause and Mallory, 2010: 68). However, in this case the dilemma would include sovereignty as well; In other words, finding the right balance between sufficient power to be respected militarily, while appearing to encroach minimally on the prerogatives of the sovereign state the force is assisting.

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