Should the United Nations engage in peacekeeping missions based on the Responsibility to Protect?

A Conceptual Discourse Analysis

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Abstract

Unanimously endorsed in 2005, the Responsibility to Protect is the newest principle guiding UN peacekeeping, and the first including a legitimisation of the use of force. To tackle the question whether the UN should engage in peacekeeping missions based on R2P, my BSc thesis seeks a better understanding and assessment of the R2P doctrine. After a thorough literature review of the dominant views and critiques of R2P, a conceptual analysis illuminates the four central concepts inhabiting the principle. The main insight from the academic debate is the prevalence of different, contradictory interpretations, resulting in disagreement around its meaning. Making use of a concept map, the conflicting perceptions of *sovereignty, security, protection* and *intervention* are drawn out and connected to their theoretical background, underlying assumptions, and implications for the R2P doctrine. Consequently, I conduct a discourse analysis of the main debates surrounding the emergence of R2P at the UN, evoking the dominant interpretations of the four central concepts. The UN discourse echoes the clashing interpretations previously established in the conceptual analysis, whereby disagreement around its meaning results in different evaluations of the principle. Finally, the gained insights will be integrated into a conclusion on the conflicted understanding of R2P, aiming at a greater awareness of the representation of the doctrine and its implications for UN peacekeeping. This thesis argues that the principle primarily needs clarification and delimitation to be advanced in the UN and evaluate its relevance for peacekeeping. Lastly, I reflect on my contribution, and point to future research.

[13.169 words, excl. references]

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Abbreviations

AU – African Union

EU – European Union

GA – General Assembly

IR – International Relations

NAM – Non-Aligned Movement

R2P – Responsibility to Protect doctrine

SG – Secretary-General

UK – United Kingdom

UN – United Nations

UNSC – United Nations Security Council

USA – United States of America

1. Introduction

Since their first operation almost 75 years ago, UN peacekeeping has become one of the main tools to respond to complex violent conflicts. As the only international body claiming legal authority to endorse military interventions, they originally based this capacity on the need to defend international peace and security. But over the last few decades, the idea of UN primary responsibility for the protection of human rights and civilians has been increasingly consolidated, requiring them to intervene in conflicts for principles of solidarity or humanity (United Nations 2010).

Post-cold war, the changed nature of violent conflict, the geopolitical world order and thus shift in the UNSC resulted in growing numbers of UN peacekeeping interventions, as well as increased broadening of their activities (Kenkel 2013). In the early 1990s, several great missteps of UN missions solicited broad criticism and calls for reform. At the same time, the new millennium has again seen the number of military and civilian personnel participating in UN peacekeeping operations around the world reaching unprecedented new highs[1]. Not only the number of UN peacekeepers has become larger, but their mandates are also increasingly more complex. (United Nations 2010).

In response to the failure at preventing the genocides of Rwanda in 1994 and Srebrenica in 1995, the UN convened the debate on peacekeeping, its future and redirection. In an attempt to defend the future of peacekeeping, the GA unanimously endorsed the R2P principle in 2005 (Bellamy 2009). This affirms positive responsibilities for the protection of civil populations from genocide, mass atrocities, ethnic cleansing and crimes against humanity, defining a new imperative for peacekeeping interventions. The primary responsibility is assigned to the state, founded inherently in its sovereignty. The concept of sovereignty as responsibility sees the social contract[2] violated when the state fails to meet this duty. At the same time, a fundamental responsibility lies with the international community, which is called upon to encourage and assist the state in its R2P. If a particular state is either unwilling or unable to fulfil its responsibility or is itself perpetrating the four specified crimes, the international community is "prepared to take collective action, in a timely and decisive manner" (United Nations 2005, p. 30). Consequently, if peaceful means are deemed insufficient, the UNSC may authorize military interventions to restore R2P (United Nations 2005; Deng 2010).

[1] The peak was in May 2010, with 126,000 peacekeepers. As of January 2021, there are 85.782 total personnel (United Nations 2011b, 2021)

[2] Social contract theory originated during the Enlightenment period. It determines the legitimacy of the authority of the state over the individual in a (not necessarily explicit) contract, whereby the subject, the population, submits to the authority (of the government or ruler) in exchange for protection of their rights or maintenance of security.

The UNSC has the ultimate authority to determine a threat to international peace and security and approve of actions, sanctions and interventions taken[3]. However, its composition and functioning are increasingly under scrutiny, as many see the set-up as outdated, undemocratic, geographically unrepresentative, and inherently unequal. With UNSC authorization also being central to the R2P doctrine and implementation, these critiques also play into the development of the principle (Newman 2013; Mahdavi 2015).

1.1. Literature overview

The academic literature on UN peacekeeping, as well as the doctrine of R2P is very broad and equally varied. Where there seems to lie a prevalent consensus on the need and ongoing role for UN peacekeeping in general, R2P and its role for interventions evokes a greater divergence. One side applauds the great potential that lies in the doctrine and argues for increased operationalization. Its main success is found to lie in the reconciliation of conflicting views on intervention and IR, deemed a revolutionary normative shift (Acharya 2013; Bellamy 2014). These authors analyse it to be able to decrease the four crimes overall greatly and therefore appeal for more use and more intervention based on R2P. Moreover, they denounce the criticism of the doctrine as founded in contrasting, outdated views of IR and sovereignty, as well as bare misconceptions and misrepresentations of the norm and its origins. Therefore, they appeal for continuous clarification of the norm, to increase its applicability (Evans 2008; Bellamy 2009, 2010, 2014; Badescu and Weiss 2010; Thakur 2013, 2017).

The other side disagrees, framing R2P as the cause for more violence, power inequality and humanitarian tragedy. The doctrine is viewed as a catalyst for war, military intervention and thus equally more harm and suffering. The inherent inequality of the UNSC and the world order is argued to be enhanced and aggravated by R2P, labelling it an imperialistic tool. They maintain the role of the UN in peacekeeping to be undermined by such a mandate, only opening new room for criticism and distrust. Moreover, they imply R2P to be open to manipulation, enabling regime-change oriented and otherwise self-interested wars. Instead, they argue to uphold the inviolability of national sovereignty and the distinction between international and domestic jurisdiction, confining UN peacekeeping to a more clearly coordinating, humanitarian and less military function (Glover 2011; Graubart 2013; Newman 2013; Mahdavi 2015; Dunford and Neu 2019).

This disagreement points to a tension between R2P's attempted concession to both dominant theories of IR, Realism and Liberalism. Realism sees the state as ultimate authority, coming together as

[3] Such a resolution is taken on with 9 out of 15 members voting in favour, including the non-vetoes of the five permanent members (P5), China, France, Russia, the USA and the UK (United Nations 2010).

independent, self-interested entities in IR. There, a state of nature is assumed, where only temporary alliances aiming to maintain the existing power balance can be tied (Yoshida 2013). Liberalism can be thought of as a critique to this view, accentuating the mutual benefits of IR and a supranational authority. To them, diplomacy and international regulations have positive effects, aiming to correct the current order and establish sustainable peace and security (ibid.). These theories are explanatory, but also inherently normative, as their analysis of the world inherently prescribes a specific view of it. A common critique is that they represent self-fulfilling prophecies; subscribing to either description of IR automatically reinforces that view through dominant behaviour, discourse, and international organisation structures (Bertrand 2020). Both sides of the R2P debate outlined above criticize the stark differentiation between the two theories, not wanting to subscribe to either. R2P advocates pride the principle on its achievement in reconciling these two views and providing a revolutionary paradigm shift (Thakur 2019). Critics attack this attempted compromise as an overstretch, designating the principle as either too liberal, too conservative, or simply not operationalizable (Gallagher 2012).
The UN is equally innately designed to incorporate both views, originating from a liberalist tradition but born within the confrontation of heavy realist critiques. Their institutions and functions are thus attempting to unite the two theories (Bertrand 2020). However, R2P seems to renew this conflict and deepen the fronts, challenging the future role of the UN and peacekeeping.

1.2. Research Plan

This disagreement demands a revisit of the underlying justifications and implications of R2P for UN peacekeeping, and a consequent evaluation of its representation at the UN. After gaining insights into its conceptual origins, conflicting interpretations and consequences for peacekeeping, a potential rectification of the principle can be derived. Therefore, this paper asks:

Should the United Nations engage in peacekeeping missions based on the Responsibility to Protect?

This question, as well as the topic and field of peacekeeping in general, is inherently interdisciplinary (Colonomos and Beardsworth 2020). To discuss violent conflict, let alone mass atrocities, crimes against humanity, ethnic cleansing and genocide and how to minimize or even entirely avoid them from happening requires a conflict analysis understanding, drawing on the social sciences, IR, and philosophy. This thesis takes a normative approach, asking to consider intentions and weigh outcomes and consequences. Simultaneously, the field of action of peacekeeping and the UN is a political playing field, involving sovereign nation states as main actors, decision-making processes, coalitions, political deliberations and trade-offs. An intervention legitimised by the UN is executed by its member states, and thus necessarily politically motivated (Bellamy 2008). Furthermore, mobilizing, financing and sustaining an intervention also brings economic considerations and reasoning to the table. Troops are

predominantly contributed by poorer, developing countries, whereas the wealthy nations mainly contribute financially. Moreover, these discrepancies in state capacity highlight the inequality of the world order and economic relations. The necessary distinction between the seemingly universal UNSC authorization of an intervention and its largely privatized execution challenges the legitimacy of any intervention, however collectively it may be framed (Mahdavi 2015).

To provide an adequate and contextualized answer to this research question and attempt to synthesize the relevant input from the dominant scholarly literature, these several perspectives need to be considered. Overall, this thesis takes a constructivist worldview in assuming that there is not one, undisputed system of meaning. Instead, knowledge is always socially constructed and relational, whereby several meanings can exist at the same time. Therefore, the objective of this thesis lies in uncovering these contested and opposing interpretations of R2P at the UN, to analyse their implications for the reality of peacekeeping.

After the departure of the problematic and question are introduced and established, motivating my approach and focus on the R2P doctrine, the literature review lays the foundation for the **conceptual analysis**. Following an extensive overview of the academic debate and thereby introducing the dominant viewpoints and representative authors, the relevant concepts of *sovereignty*, *security*, *protection* and *intervention*, inherent to the principle of R2P will be delineated. Central to R2P lies the notion of *sovereignty*, which is reformulated from the Westphalian notion of state sovereignty to sovereignty as responsibility (Deng 2010). Three other key ideas are *security*, interpreted varyingly between state and human security, *protection* and its conceptualization from an international obligation to independent emancipation as well as the resulting *intervention*, which is questioned for its ability to fulfil humanitarian objectives and contrasted against the international norm of non-interference.
Within each of these concepts, the opposing schools of thought will be retraced, focussing on the underlying assumptions, highlighted aspects and resulting perceptions. After visualizing the conflicting interpretations of the four concepts in a concept map, the findings of the analysis will be captured in a data management table, following Van der Lecq (2012), which creates a structured overview, depicting conflicts as well as commonalities between the concepts and their sources in underlying assumptions. Consequently, the implication of these findings for the perspective on R2P may be inferred.

The third section takes on a **discourse analysis**, revealing that the two contrasting views of the concepts and their resulting interpretations of the principle can both be found in the dominant discourse surrounding R2P at the UN. Building on a Weberian understanding of meaning constructed

through language, the discourse on R2P circulated through the UN is understood as constructing a narrative, influencing the perception of it as well as room for action on peacekeeping interventions (Wernersson 2016). Consequently, the discourse analysis of UN resolutions and debate transcripts discussing, endorsing, and criticising R2P reveals the way R2P is framed and contested at the UN. The four key concepts laid out in the literature review and defined in the conceptual analysis provide the framework for the discourse analysis, aiming to understand their interpretations by the UN. The previously constructed data management table will provide guidance on deviations and situation of the UN discourse in the broader literature and theoretical context.

Finally, the gained insights will be integrated and organized in the last section, the **conclusion**. This thesis will conclude on the view of R2P in the academic literature, in the IR context in general as well as at the UN and assess its representation before taking a normative standing. The analysis of the R2P doctrine as advanced at and by the UN will indicate a first overview at the different interpretations and resulting implementations inhabiting the principle, before evaluating its consequences, perils and opportunities. All in all, this thesis makes a first effort towards a better understanding of the role of R2P for UN peacekeeping, reflects on its limitations and points towards the need for further research.

2. Conceptual Analysis

"My optimism is based on the fact that R2P has achieved something that other projects aimed at eliminating genocide and mass atrocities have not: genuine and resilient international consensus."

- *Alex Bellamy, Responsibility to protect: A defense, 2014, p. 1*

2.1. Literature review

Bellamy's quote demonstrates the confidence in the R2P concept and the consensus that it has brought about. As a project, its main aim was to reconcile the theoretical and normative contradictions that blocked international response to mass atrocities and other crimes against humanity (Badescu and Weiss 2010). This argument circles around the legitimate use of military force: one side prioritises hard national sovereignty and non-interference, the other the need to protect civilians also within states, arguing for humanitarian intervention (Evans 2008; Bellamy 2010; Thakur 2013).

Thakur (2013) concedes that the success of R2P lies in its shift of the international discourse on intervention. This was achieved by distancing itself from the humanitarian intervention concept, which focuses on the rights of intervening powers and taking a victims-based perspective instead, prioritising the needs and interests of those to be protected. In fact, R2P is argued to reject humanitarian intervention, with the objective of limiting its dangers. Therefore, R2P is fundamentally a normative project, aiming to reframe the conceptualization of intervention (Acharya 2013; Thakur 2013, 2017).

R2P proponents pride the concept on being the most significant normative shift in IR since at least a century, proposing a novel view of state sovereignty (Thakur and Weiss 2009; Bellamy 2010). Most academic literature concerns itself with the norm itself, its conceptualization, contestation, normative pull and function. Discussions on its shortcomings propose certain framing or reframing of it, the addition or eradication of certain elements, essentially focussed on its formulation and content. In what way it may influence international collective action or intervention is measured by its employment in resolutions or relevance to the preceding discussions. Scholars counter critique of the norm by reiterating the meaning and objective of R2P, conceding that the other side has simply misunderstood (Bode and Karlsrud 2010; Evans 2008). A significant part of the literature is consequently concerned with the diverse meanings inhabiting the concept, which is also what this thesis has set out to analyse (Badescu and Weiss 2010; Acharya 2013).

In favour of R2P

The principal advocates for R2P, often actively involved in its foundation and conception, frame the norm relatively consistently. Reflecting on past UN failure to prevent genocides[4], they argue that intervention can sometimes prevent greater evil. Therefore, the need for an international duty to protect arises (Evans 2008; Thakur 2017). Bellamy (2010) suggests that there is a prevalent consensus on the demand for intervention in general. R2P thus only takes up how this intervention should look like (Thakur 2017), which Evans (2008) formulates as underlying objective of R2P.

These authors base R2P on the formulation as adopted in the World Summit Outcome document 2005. Here, the primary responsibility lies with the state, whose obligation to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity is inherently founded in its sovereignty. Furthermore, the international community accepts a residuary responsibility to assist and support states in fulfilling that responsibility, using diplomatic, humanitarian, and other peaceful means (United Nations 2005). As a result, R2P preserves and expands state sovereignty and responsibility, but strengthens UN responsibility to act collectively (Thakur 2017). The emphasis lies on preventive measures and stopping the four crimes in their incitement, subscribing to capacity-building of vulnerable states and an early-warning mechanism. At the same time, international assistance is necessary to be able to hold states accountable to their R2P. In case of manifest state failure and if peaceful means were deemed inadequate, the signatory states declared their preparedness to take collective action in accordance with the UN Charter, in cooperation with regional organizations and on a case-by-case basis (United Nations 2005). This conceptualization is based on sovereignty as

[4] Usually, the examples of Rwanda in 1994 and Srebrenica in 1995, both with UN peacekeeping missions present at the time of the crimes' perpetration, are cited.

responsibility, where the protection of the national population becomes a precondition to be recognized as legitimately sovereign and internationally respected (Deng 2010).

Pointing to the history of humanitarian intervention and just war tradition, critics harbour suspicion towards a Western bias and interest in R2P. In response, many proponents frame R2P as the result of a North-South dialogue, representing a distinctly African contribution. The implementation of R2P is assumed to primarily benefit those who suffer and are in danger of experiencing the four delineated crimes (Deng 2010; Acharya 2013; Thakur 2013, 2017).

However, the fear that R2P will only be applied to weak countries is not fundamentally refuted. The UNSC authorization is posed as inevitable restriction to achieve international consensus on the concept, dismissing concerns around P5 veto inequality. Moreover, introducing the "balance of consequences"[5] as legitimacy criterion for intervention makes it difficult to use force against the most powerful countries. Nevertheless, the "reality that interventions may not be mounted in all cases should not be a reason for not doing them in any case" (ICISS in Evans 2008, p. 293). Institutionalising the norm is further assumed to generate peer pressure, demanding all states to fulfil their R2P as indispensable for the recognition of their sovereignty (Evans 2008).

Next to its "enabling" function, proponents highlight its complementary "restraining" function[6] (Thakur 2017, p. 295). Deciding for R2P should not be considered a decision for military intervention, as those had also been frequented before (Deng 2011). Instead, the principle proposes curtailing intervention by making it rule-based, founded in the UN Charter and only UNSC authorized. The legitimacy for R2P intervention is restricted to the four crimes, and "manifest" failure of the state to protect its population (United Nations 2005, p. 30).

Additionally, the presence or instigation of the four crimes is a necessary, but not sufficient reason for military intervention. Even if all other peaceful measures are deemed inadequate, UNSC authorization as well as adherence to the Charter remain restraining hurdles. The use of force can only be a last resort. Moreover, the seriousness of threat, motivation and primary purpose of the intervention, proportionality of the international response and balance of consequences must be considered (ICISS in Evans 2008, p. 293). Nevertheless, the ability to mobilize timely and decisive collective action, including military, is defined as its main function (Bellamy 2010). It is argued the doctrine provides a consensual, multilateral approach to intervention, introducing precautionary principles and legitimacy criteria and placing it in UN responsibility instead of leaving it to unilateral action by those willing and powerful (Badescu and Weiss 2010; Thakur 2013). As Deng (2010) suggests, the close relationship

[5] This criterion asks for a weighing of the harm versus good that an intervention would likely bring about. Attacking the militarily strongest countries would likely escalate and be difficult to sustain.
[6] Refers to the „enabling" and „restraining" of interventions.

between R2P crimes and threats to international peace and security triggers UNSC involvement already. Evans (2008) adds that it is also possible to justify R2P on strict national interest grounds, tying it to global security, trafficking, refugee streams and terrorism.

As outlined above, the main pride in R2P lies in reconciling international responsibility with national sovereignty, framed as its greatest obstacle. It is celebrated for linking assistance, intervention, and reconstruction into one conceptually coherent framework. If applied, intervention is only required to fill a power vacuum: when the state fails to fulfil its R2P obligations, its sovereignty is virtually revoked. Consequently, the implementation of R2P is limited to where sovereignty is dysfunctional and until it is restored, finally rebuilding state institutions and a legitimate, effective government. Non-intervention is preserved as default, consolidating the legitimacy of the sovereign state when fulfilling its R2P (Evans 2008; Thakur 2017). Therefore, R2P is not seen as undermining the international order and sovereignty but reinforcing it (Deng 2010). R2P strengthens UN power to decide on intervention in humanitarian issues, averting great power unilateral action and thereby reinstating the values of neutrality and impartiality and restricting military force to both legal and legitimate use (Thakur 2017). Lastly, inviolable national sovereignty, obstructing the possibility of intervention, is rejected as it neglects those living outside of state responsibility (Deng 2011).

Criticizing R2P

What is considered R2P's greatest achievement, reconciling state sovereignty with humanitarian intervention, can equally be conceived of as its weakness. Critics detect a tension between its attempted concession to both dominant IR theories, Realism and Liberalism. Either, R2P is denounced as too liberal, enabling the powerful West to push their agenda. The principle is deemed incompatible with the UN charter, international law, and norms. Others criticize R2P for being too realist, not challenging the existing imperial order and therefore reinforcing global inequality. The centrality of the state "enables anti-interventionists to legitimize arguments against action by claiming that primary responsibility in certain contested cases still lies with the state, and not (yet) with an international body" (Bellamy in Morris 2013, p. 1271). At the same time, this also demonstrates that critics do not necessarily subscribe to one camp or the other. In fact, the authors are often generally critical of those theoretical distinctions and approaches (Gallagher 2012; Glover 2011).
The most common criticism is that R2P has not yet been accepted as an international norm, and that other factors, such as non-interference and sovereign equality outweigh its importance in foreign policy-making and international decision-making, pointing to its inconsistent application (Morris 2013).

As bemoaned by its proponents, the dominant interpretation of R2P is focussed on its military component. While some dismiss the doctrine's other aspects entirely (Glover 2011), most concede to

them but justify their focus by highlighting the authorization of military intervention as most controversial element, in need of further deliberation (Gallagher 2012).

Morris (2013) poses that to be accepted and useful, R2P should be reduced to its first pillar[7]: state responsibility to protect its population from the four crimes as criterion for legitimate sovereignty. The international community could build state capacity to fulfil their R2P, but any interfering or even forcefully intervening element should be omitted from the concept. According to Morris, such decisions necessarily follow geopolitics and strategic national interest, and therefore undermine the concept's normative value. He finds the real power of R2P to lie in its denotation of responsible sovereignty (Morris 2013). In contrast, Bellamy (2010) argues that the use of force as last resort is fundamental to effectively hold state perpetrators accountable.

Some critics admit to the dilemma between inaction, tolerating state-perpetrated or unhalted atrocities and intervening, violating state sovereignty and territorial integrity (Newman 2013). The threat of unilateral intervention is recognized. However, R2P is seen as only reinforcing this dynamic, handing the superpowers a new tool for governing the Global South (Glover 2011; Mahdavi 2015).

In their view, the doctrine does not sufficiently hinder abuse. Instead, it insinuates that protecting is a consensual matter that can be done a-politically (Morris 2013). The political and economic considerations that play into intervention are glossed over by labelling it a universal responsibility and situating it in UN authority (Gallagher 2012). Bellamy (2008), R2P's most prominent defender, concedes to this fact: "Decisions about intervention will continue to be made in ad hoc fashion, by political leaders balancing national interests, legal considerations, world opinion, perceived costs and humanitarian impulses – prior as much as post R2P" (p. 3). However, he concludes that R2P is the most rule-based and consensual approach to intervention possible, limiting it as much as possible. Critics disagree, condemning its ignorance of the inequality of the UNSC and world order.

This resembles a realist view of IR: essentially a state of nature, insecurity, and instability. Here, national sovereignty is the only indicator of stability that needs to be upheld for states to engage in diplomacy and multilateral negotiations (Gallagher 2012). In the perpetual power struggle, collective security is never fully reached, and states remain primarily self-interested and sustaining.

Taking this perspective, Gallagher (2012) argues that the primary state R2P clashes with an international responsibility to assist other states. The constant instability makes it impossible to know how much capacity is needed to secure the own state, and thus how much can be invested in others. Moreover, this would mean weaker states become more powerful at the expense of strong states,

[7] In his report "Implementing the R2P", the SG Ban Ki-Moon proposed a formulation of R2P in three pillars: state responsibility, international responsibility to assist and build state capacity, and the capacity for the international community to intervene in case of state failure.

undermining their comparative advantage. Consequently, adopting R2P foreign policy should only be opted for when national interests are at stake, or served. A realist cost-benefit analysis then results in an essentially strategic, geopolitical intervention mechanism.

However, realism also provides grounds for R2P. They acknowledge the power to protect and security as central pillar to state authority. Even for Hobbes, when the state fails to protect its population, its sovereignty is inevitably breached. R2P incorporates this conditionality of sovereignty in contemporary circumstances, where mass atrocities are increasingly state-perpetrated and civilians the main victims of violent conflict (ibid.).

Nevertheless, the application of the realist worldview to R2P illustrates how the fear of abuse and power inequality play into the principle. For realists, an intervention or even assistance is always a strategic and self-interested choice, expanding power and therefore perpetuating global inequality. Deng (2010), initiator of sovereignty as responsibility, also recognizes that power imbalance leads to double standards in R2P implementation.

Glover (2011) builds on this critique, linking R2P to the wider practice of peacekeeping and its focus on statebuilding. The concept is based on the Westphalian state ideal: intervention is justified by the failure of statehood, with the international community taking over as sovereign and rebuilding and transforming the state as deemed appropriate. Furthermore, Glover argues that constructing peace and security as antonym of war and crimes against humanity allows the propagation of an objective, universal peace. This is founded on the Liberal peace thesis, which believes that liberal democratic values and a free market are essential to sustainable peace. Therefore, the intervening parties impose their assumably superior view of peace and values. Moreover, relating political violence to the need for foreign intervention denies the population agency, deeming them incapable of holding power accountable on their own. Instead, they are framed as "passive beneficiaries of an external 'responsibility to protect.'", thereby promoting a dependency on the international community and powerful states (Mahdavi 2015, p. 12). Consequently, R2P undermines emancipatory liberation. While rejecting violence in the fight for national liberation or emancipation, war to bring about Liberal peace is justified. It is "not a bottom-up political strategy based on political empowerment and indigenous democratisation, but rather a hegemonic Liberal strategy" (Glover 2011, p. 24). These critics associate the principle with a wider Western agenda, promoting liberal democracy and market economy, rejecting its objectivity and neutrality (Mahdavi 2015). This inevitably generates suspicion and controversy (Newman 2013).

Many point out that there is not sufficient empirical evidence of successful international interventions, and that they may even aggravate crises (Gallagher 2012). A top-down approach to disrupt and rebuild the state is in fact as likely to cause violence as it is to bring about peace, built on the faulty premise

that a strong state authority will automatically be accepted as legitimate (Campbell and Peterson 2013). Additionally, states battling separatist movements and violent insurgencies are sensitive to domestic conflict on the international agenda, as violent actors could attempt to seek out intervention (Newman 2013).

These assessments are representative of postcolonial critique, whereby R2P is problematised by its entanglement with a dysfunctional world order. Regardless of attempts to achieve conceptual purity, diversify its roots or safeguard against abuse, in the current international system, the concept would serve the powerful West and perpetuate global inequality (Mahdavi 2015). The same power imbalance that leads to selective and inconsistent implementation of R2P, undermines international accountability. Most authors cite the US-invasion of Iraq as well as non-response to Israel's aggressions against Palestine as examples of this double-standard (Newman 2013; Morris 2013; Mahdavi 2015). The most powerful states are factually above international law, as no credible authority can hold them accountable (Gallagher 2012).

Therefore, these authors argue that a real effort towards a more just and equal world order must precede the implementation of R2P. UNSC reform is one of these themes, as its current set-up and functioning is not deemed geographically representative, democratic, or legitimate.

However, Mahdavi (2015) recognizes broader problems with operationalization, identifying a clear distinction between the justification and execution of an R2P response. While the UNSC is central to its legitimation, it has practically no influence on the mandate's execution. This process is essentially privatized, leaving authority to those with the capacity to implement it, usually the most powerful, Western forces. Consequently, even a neutral justification of intervention does not have much influence on its realization, inevitably dominated by power play.

Another suggestion to precaution R2P implementation is sequencing the pillars, requiring other steps before military or intervening measures. Moreover, the proportionality of the response should be tied to monitoring criteria, and protection of civilians should be clearly disentangled from regime change and counterinsurgency. Lastly, empowering regional organizations and broadening R2P in the context of regional and local norms is stressed (Newman 2013; Mahdavi 2015).

Underlying these critiques is the assumption that military intervention is of benefit to its perpetrators, wherefore powerful countries seek it out. Dunford and Neu (2019) even argue that R2P has resulted in increased use of force, aggravating human rights abuses and mass atrocities. This contrasts the advocates of the principle, who pose that the use of force is routinely avoided in international action, therefore strengthening the mobilizing function of R2P (Bellamy 2008; Bode and Karlsrud 2019).

Most uniformly, the critics of R2P suggest that the consensus around the norm is less consolidated than is often claimed. The notion that disagreement prevailed only around its implementation, but not

around the general concept, is dismissed: "Implementation is everything, because it is only through implementation that the effectiveness and viability of a political idea such as R2P can be determined" (Newman 2013, p. 255). The discourse around the principle, they argue, is dominated by suspicion and resistance to liberal intervention. Instead, norms like sovereignty, territorial integrity and non-interference are continuously emphasized, pointing towards a more critical view of R2P (ibid.).

Nevertheless, also R2P advocates admit that there is an ongoing need to improve the concept's functionality. The initial argument that simply operationalization is necessary, has been weakened by first implementations. Largely judged unsuccessful, the need for further clarification of the concept's scope, limits and monitoring is increasingly apparent. Continued consideration within the GA is essential to generating a larger consensus (Evans 2008; Bellamy 2010). Its indeterminacy opens it up for suspected abuse and makes it impossible to verify compliance. Uncertainties and disagreements on its relationship to other international norms, like non-interference, hinder operationalization. Without a shared expectation of behaviour, its normative pull is insignificant. (Badescu and Weiss 2010; Bellamy 2010). At the same time, indeterminacy is considered a central function of international norms, fundamental to establishing consensus. This function is summarized by Bode and Karlsrud (2019, p. 478):

"For states, we find that it allows flexibility to judge how much risk their troops should be exposed to in any given situation and the ability to determine this on a case-by-case basis. For the UN, ambiguity enables plausible explanations for why action is taken in one instance but not replicated in the next, and for all parties to save face and continue their cooperation without damaging political relations."

To elucidate this fundamental ambiguity, the conceptual analysis will break the R2P doctrine down into its central concepts.

2.2. Conceptual Analysis

The academic debate around R2P unveils several different, even contrasting interpretations inhabiting the principle. Most of the criticism targets the potential for abuse of the doctrine, founded in its indeterminate nature. The advocates of R2P in turn reiterate the meaning and scope of the concept, detecting misunderstandings, and calling for further clarification.

I argue that disagreement surrounds the four concepts of *sovereignty*, *security*, *protection* and *intervention*.

The central conflict compasses the notion of *sovereignty*. R2P proponents argue that the concept strengthens sovereignty, adding further legitimacy criteria. Critics disagree, maintaining that R2P undermines *state sovereignty* by providing grounds for legitimate international intervention.

The concept of *security* ties into this conflict. While critics tend to focus on a traditional view of *state security* as essential to the collective security system, R2P supporters gravitate towards the *human security* paradigm, prioritizing the safety of the human.

Consequently, the issue of *protection* is introduced. Proponents assert that the achievement of R2P lies in its shift from the rights of the intervening parties to the perspective and needs of the *population to be protected*, emphasizing the neutrality and centrality of protection to the doctrine. Critics object this, either by posing that protection is never a neutral exercise or arguing that this interpretation of protection denies the victims agency. Therefore, the protection function of R2P is contested.

Most controversially, the matter of *intervention* is problematised in the debate on R2P, with military intervention and the use of force drawing most of the attention. On the one hand, proponents emphasize the need for R2P to circumscribe *military intervention* internationally, to avoid great power unilateral action and tie it into a greater spectrum of collective action. On the other hand, R2P is described as a catalyst for military intervention, legitimising and thus intensifying the use of force. With the UN depending on the political will and capacities of its member-states, any justification of intervention enables powerplay and exacerbates global inequality, underlining the need to uphold *non-interference*.

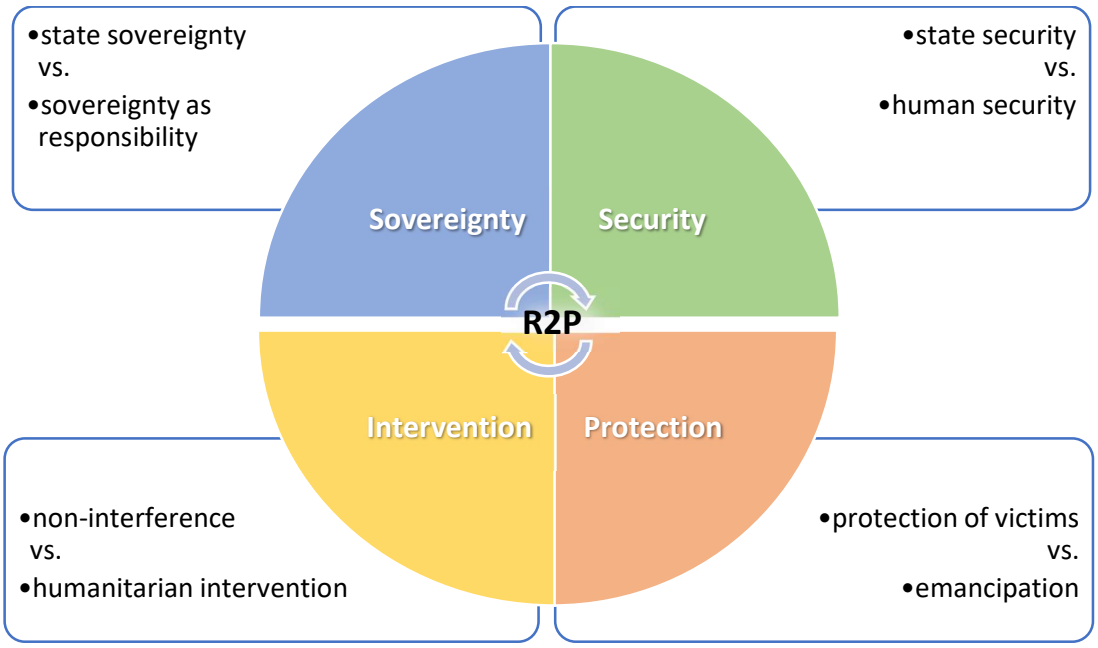
Consequently, this conceptual impurity and diversity of interpretations can be recognized as not only central component of the academic debate, but also inherent to the R2P doctrine. Bode and Karlsrud (2019) describe normative ambiguity to be a central characteristic of international norms. It is necessary to reach consensus in the international community, and therefore integral to their formulation. This fulfils several functions, as both the UN and the individual states can make use of this flexibility to their benefit, constructing their behaviour as consistent with R2P and thus legitimate.

However, to study the doctrine and its representation in the UN as well as implications for peacekeeping, these contradictions and indeterminacies need to be better understood. Before this thesis sets out to analyse the UN discourse, therefore, it gives a delineation of the conceptual variation central to R2P. Having laid out the varying interpretations will allow to imbed it in the broader IR context, by connecting it to the theoretical background as well as to the discourse.

2.3. Concept map

The concept map visualizes the disagreements around the four central concepts in R2P outlined above: *sovereignty*, *security*, *protection*, and *intervention*. As the main R2P advocates argue, the principle's main achievement and contribution was the reconciliation of these viewpoints, concepts, and theoretical origins (Acharya 2013; Thakur 2017). Inherent to each concept, opposing schools, varying underlying assumptions, and different focal points lead to contrasting resulting interpretations and

conflict. The key components of the R2P doctrine thus equally represent the predominant inconsistencies and clashes.



Sovereignty

State sovereignty is defined as having the supreme authority over the population within a given territory, successfully exercising the monopoly of violence. This authority is thus derived from exercising power and being recognized as legitimate, both internally, by the population, and externally, by the international community (Bertrand 2020). In realism, *state sovereignty* is considered the foundation of IR, and central pillar of the UN. Strictly delimiting domestic against international jurisdiction is argued to be necessary to maintain mutual trust and collective security (Gallagher 2012).

R2P treats sovereignty twofold. On the one hand, it consolidates it as central to IR, prioritizing state responsibility and reinstating non-interference as default. Protection is considered a fundamental duty of the state, and criterion to its legitimacy. On the other hand, R2P renders sovereignty conditional to the state fulfilling this responsibility, providing for its annulment.

The interpretations of this rendition of *responsible sovereignty* vary. One side argues that this formulation strengthens sovereignty, as upholding this duty gives the state a new-found legitimacy and consolidates its status within the international community, protecting it from outside interference (Thakur 2017; Bellamy 2010). The other side disagrees, arguing that as the doctrine provides grounds for intervention, it automatically undermines sovereignty. Full and unconditional recognition of state sovereignty would inevitably protect the state from outside interference and ensure its territorial integrity. Realism argues that intervention threatens IR in general, as national sovereignty is the only

constant allowing multilateral alliances to be founded. Without this guarantee, the collective security regime would disintegrate (Gallagher 2012).

Tying sovereignty to such externally evaluated criteria would differentiate between weak and strong states, and thus disrespect sovereign equality (Newman 2013; Glover 2011). A postcolonial take says that the inherent inequality of the global system would only enable powerful countries to target weaker countries. Justifying intervention thus aggravates power play and discrepancies. Building on a realist worldview, the inherent self-interested nature of states makes all interventions necessarily strategic and geopolitically motivated.

Lastly, some critical scholars see the focus on state sovereignty as inherently problematic. Framing peacekeeping as the reinstitution of state sovereignty is based on the Westphalian state ideal, assuming that a strong, centralised state is inherently pacifying and legitimate (Campbell and Peterson 2013). Therefore, alternative forms of legitimate authority are neglected, and a Western worldview reinstated (Mahdavi 2015).

Security

The debate on sovereignty reveals a disagreement on the character of security. One side argues that R2P undermines *international* or *collective security*, as it justifies the breaching of state sovereignty. The underlying assumption of security is therefore *state security*, maintaining the international order and power balance, based on relations between equally recognized and respected sovereign states. The other side disagrees and seeks to establish a further-reaching security, emphasizing the security of people, the population, also within state borders. In contrast to territorial state security, denotating the absence of inter-state warfare, the *human security* paradigm places the protection of civilians central, going beyond the absence of physical violence. However, this blurs the distinction between international and domestic jurisdiction, moving internal matters and insecurity to the responsibility of the international community and UN. Founded on the objective of creating a deeper order within the system, challenging sovereignty is considered a necessary function. (Williams and Griffin 2004). The UN has been actively institutionalising this paradigm, shifting their involvement from the strict international sphere into domestic affairs of states and the universal advocating for human rights. Nevertheless, the tension between protection obligations and traditional collective security, both at the heart of the UN, continue to run high and unresolved (United Nations 2009a, c).

Protection

The debate around protection is thus closely linked to the security dilemma. R2P advocates place the need for *protection of civilians* in the centre of the doctrine. The need to eradicate crimes against humanity, mass atrocities, ethnic cleansing and genocide is considered a moral obligation (Evans 2008). It is therefore necessary to overrule sovereignty and state borders if they serve as shields to such crimes, blocking protection.

However, critics argue that there is a dissonance in this claim. Framing protection as international intervention denies the population their collective rights and agency towards self-liberation and resistance. It neglects their power to *emancipate* and free themselves from oppression and violence. Therefore, R2P would not really serve to protect the population, but rather the interests of the intervening parties. The R2P concept thus inhabits an inconsistency and does not honestly serve to protect and empower the populations, but reinforces global inequality.

Consequently, while there is a prevailing consensus on the need to eradicate the four crimes, as well as to protect human rights, the function of R2P towards this remains disputed. The principle's advocates maintain that the international community responds too weak and slow to grave injustices and violations, demanding R2P as catalyst for collective action (Evans 2008; Bellamy 2009; Thakur 2013). Critics fear the reduction of choice to either inaction or intervention, justifying military action, which is inherently tied to geopolitical powerplay and strategic calculations (Morris 2013; Newman 2013; Mahdavi 2015). This inevitably aggravates human loss and runs counter to the frame of protection. According to some, it even increases the instigation of the four crimes (Dunford and Neu 2019).

Intervention

The fundamental controversy surrounding *intervention* encapsulates the other three debates, posing the different interpretations of *sovereignty*, *security* and *protection* against each other. Most scholars admit to the dilemma of inaction facing genocide or other mass atrocities, often shielded by impotent or abusive states. If the state is unwilling to accept assistance, or even wilfully perpetrating crimes, the international community's capacity for influence through peaceful and diplomatic means is incredibly limited.

Proponents claim that R2P reconciles this dilemma, and places intervention in line with international law and norms. By restricting it with rules and tying it to UNSC authorization, they argue it would overall reduce the need and propensity for the use of force. At the same time, the option of last resort is a necessary leverage to hold abusive states accountable (Bellamy 2010; Thakur 2017).

Nevertheless, the experience of *military interventions* mounted against weaker states, motivated by humanitarian objectives, not only lacks empirical success, but is also strained by selectivity and double

standards. The collective memory of colonialism and *humanitarian intervention* raises suspicion around a framework including the use of force in its response spectrum. As a result, the norm of *non-interference* is considered fundamental to *collective security* and IR, rejecting R2P (Mahdavi 2015; Thakur 2017). This juxtaposition is contained in the UN charter itself, which stipulates member states as equal, autonomous entities and criminalizes the use of force in general, but at the same time legitimizes UNSC authorization of the use of force.

Furthermore, while the literature of both sides of the debate predominantly focusses on *military intervention*, the R2P doctrine also stipulates economic, diplomatic, and political reactionary means. The type of intervention that is problematised therefore also needs to be clearly distinguished and understood.

The central disagreement around the *intervention* element of R2P reveals a different perception of *intervention* in the international sphere. One portrays states as willing to intervene, looking for ways to justify it or circumvent UNSC authorization. On the one hand, proponents of R2P seem to subscribe to this view, maintaining R2P's restraining function, precautioning against unilateral *intervention* (Bellamy 2010). On the other hand, however, they disagree, arguing that R2P is necessary to mobilise collective action, claiming that the international reaction is usually lacking political will (Evans 2008; Bellamy 2010).

Critics of R2P agree with the danger of *intervention* and argue that powerful states seek it out to further their own national interests and geopolitical power. It is therefore an inherently strategic, unequal enterprise, undermining international law and sovereign equality, and needs to be prohibited (Glover 2011; Gallagher 2012; Newman 2013; Mahdavi 2015).

2.4. Data management table

The data management table summarizes the four concepts analysed and delineated above and links their different interpretations to the relevant theoretical background, underlying assumptions, and main insights. This illuminates the focus or interpretation of the different theoretical lenses, and resulting evaluations of the R2P doctrine, tying it into the broader theoretical debate and context of the discipline of IR.

The broader understanding equips the following discourse analysis and enables me to detect the different interpretations of the concepts as they are represented in the dominant UN discourse surrounding R2P emergence.

Concept	Theory	Insights	Assumptions
Sovereignty	State sovereignty	- States are the legitimate authority over a specific population in a given territory, holding the monopoly on legitimate violence. - States are independent and equal entities in the international system. - Building block of IR	- State territory is absolute and not competed. - The state is the only legitimate sovereign authority and exerciser of violence. - Sovereign states are equal
	Sovereignty as responsibility	- State sovereignty is dependent on fulfilling the responsibility to protect its population. - The state has a primary responsibility to protect.	- States have obligations towards their subjects and the international community. - Sovereignty is conditional.
Security	State security	- International security is the maintenance of the current order and balance of power. - State sovereignty and non-interference are fundamental to the collective security system.	- The state is the essential provider of security. - The international and domestic jurisdiction are necessarily separate.
	Human security	- International security is the security (physical, economic, political) of all people. - The protection of civilians overrides all other norms. - The collective security system strives to create a deeper order within the international system.	- The international community has an obligation to ensure human security, in the international as well as national realm.
Protection	Responsibility to protect	- States have a primary responsibility to protect their populations. - The international community has a residuary responsibility in assisting the states to fulfil theirs. - In case of the state manifestly failing to do so, the international community may intervene (militarily as last resort) to protect civilians.	- The international community has a responsibility towards the protection of human rights. - The international community can protect foreign populations, if necessary, with military force.
	Emancipation	- International collective action or intervention is an inherent strategic and geopolitical powerplay, thus serving the powerful West and the upholding of global inequality and imperial relations. - There is no neutral or apolitical protection.	- The international community cannot protect foreign populations. - Oppressed or prosecuted populations can (better) liberate and protect themselves.
Intervention	Non-interference	- The international norm of non-interference needs to be upheld to secure collective security and respect sovereign equality.	- Powerful states seek to expand their power and undermine weak states.

		- Respecting sovereign equality means prioritising non-interference. - Domestic and international jurisdiction need to be distinct.	- States will fulfil their protection obligations domestically.
	Humanitarian intervention (in R2P)	- In the face of gross human rights violations and state failure to protect its population or perpetrator behaviour, the international community must intervene. - The UNSC as only authority on the use of force can legitimize multilateral, proportional and humanitarian intervention.	- The international community has a responsibility towards the protection of human rights. - The international community can protect foreign populations, if necessary, with military force.

Regardless of their own rejection of these distinctions, proponents tend to subscribe to liberalism, while the opposition to R2P can be traced to the IR theories of Realism and Postcolonialism. Realism takes *state sovereignty* as the ultimate authority, building the foundation of IR. There, a state of nature is assumed, where inherently self-interested states perpetually struggle for power. Consequently, *collective security* can only ever build on temporary alliances, aiming to maintain the existing power balance (Yoshida 2013). Though Postcolonialism was formulated as a critique of the existing system, its fear of insecurity, inequality and self-interested powerplay in the international realm often draws on a realist worldview and proposed solutions.

While the two sides are rather consistent internally, the conflicting views of the concepts are seemingly incompatible, posing strict contradictions. Nevertheless, the reconciliation of the two schools and perspectives is what R2P proponents celebrate as its main achievement. Moreover, incorporating, conceding and adapting to the most dominant critiques could be the only chance at survival and success of the doctrine.

Drawing on the extensive literature on R2P, the conceptual analysis has analysed the formulation of R2P and its objectives, as well as its indeterminacies and the resulting conflicting interpretations. *Sovereignty*, *security*, *protection* and *intervention* are central not only to the R2P doctrine, but also IR in general. Understanding them differently can have grave consequences for how the doctrine will be used and what influence it will have. The interplay between the two sides will clarify their representation and relationship, as well as the consequences for foreign policy and the international community at the UN. Therefore, the conceptual analysis provides the theoretical framework to be applied in the following discourse analysis.

3. Discourse Analysis

As the literature review has shown, R2P is fundamentally a normative project, with the objective of reconciling the different views on intervention (Badescu and Weiss 2010). Therefore, it aims to construct a shared expectation of international action in response to genocide, war crimes, ethnic cleansing and crimes against humanity. Celebrated as main achievements are the declared shift from humanitarian intervention, adding restrictions to military force and allowing it only as last resort. Moreover, the rights of intervening powers are reframed as the rights of populations to be protected, tying this responsibility inherently to sovereignty (ibid.). R2P advocates claim that its fundamental principle is widely accepted in the international community, with controversy and disagreement only remaining around implementation and further clarification (Bellamy 2014; Thakur 2017). Determinacy, agreement around its meaning and plausibility are considered necessary for a relevant normative pull, compliance and thus effectiveness (Achary 2013; Colonomos and Beardsworth 2020). At the same time, as Thakur (2017, p. 323) points out:

"Conceptual purity and analytical consistency are requirements of academic rigour divorced from the untidy and messy real world of politics inhabited by policy-makers."

The UN is the central arena in which the R2P doctrine has been discussed, endorsed, and implemented. How it is consolidated and institutionalised as well as contested is thus mainly visible through UN discourse (Thakur 2017). This constructs the meaning and implications of R2P for the international community and order and should therefore be the main unit of analysis (Gallagher 2012). In UN debates, the "fluid relationship between language and reality is exploited as different constructions of meaning try to become dominant" (Wernersson 2016, p. 19). However, such various meanings and contestations are not always openly voiced, remaining under the surface. Different understandings or interpretations of the norm often exist at the same time, allowing a broader range of actions and behaviour to appear consistent with the norm, with no way to determine violations (Bode and Karlsrud 2019). Therefore, the following discourse analysis will serve to illuminate the conceptualization of R2P at the UN.

3.1. Code and documents

The literature review and conceptual analysis have revealed four central themes along which the contestation of R2P runs: *Sovereignty*, *security*, *protection* and *intervention*. Within each of these concepts, two opposing sides and interpretations were detected. The discourse analysis will retrace these in the dominant UN discourse surrounding the doctrine's emergence and early consolidation in the organization. After reconstructing their relevance for the doctrine in the UN discourse, the conflict

between their varying interpretations will reveal the disagreement around the representation of R2P at the UN.

The selected cases for the discourse analysis are resolutions, concept notes and debate transcripts[8] from 2005 to 2009. I have chosen to focus on official UN documents only, because the research question as well as motivation for the discourse analysis asks how the UN informs the debate on R2P, how they interpret and operationalize the doctrine. Though the UN is made up of individual member-states, it is here not of interest how they present and interpret the R2P principle in their national context, but rather how they employ it in the UN, relating it to the organization and other member-states.

The timeframe sets out with the official endorsement of R2P in the **World Summit Outcome document in 2005**, representing its birth into the organization. As Bellamy (2010) pointed out, lingering concerns lead to a weakened initial R2P formulation and rare UNSC implementation. 2009 marks the last year in which a plenary discussion on the principle took place. Less than two years later, the first military intervention was mandated based on R2P, often referred to as its "coming of age" (Bellamy 2014; Thakur 2013). This period therefore represents the emergence of R2P at the UN, where the different UN organs actively try to establish a consensus on the doctrine, focussing on clarification and contestation.

Consequently, the substantial debates in the **plenary GA meetings in 2008 and 2009** (United Nations 2008, 2009b) demonstrate the variety of interpretations and concepts inhabiting the principle, where all member-states voice their position on R2P. The GA debates thus provide an extensive overview of the discrepancies across membership. The GA debate in 2009 was a response to the **Secretary-General's (SG)[9] report "Implementing the Responsibility to Protect"** (United Nations 2009a), aiming to further operationalize the doctrine and consolidate its institutionalization, which is therefore also part of the discourse analysis. Lastly, the resulting official **GA resolution** concludes on further action to be taken regarding R2P and the GA president[10] summarizes the 2009 debate in his **concept note** (United Nations 2009c).

The included documents and moments are frequently mentioned and discussed in the literature. The two GA debates are thereby framed inconsistently. On the one hand, R2P advocates describe them as proof of a widespread commitment to the principle. They detect a fundamental consensus on R2P and see most member-states as unwilling to renegotiate, rather seeking to consolidate and implement the

[8] All documents are sourced from the UN digital library. The meeting records are either transcripts of speeches delivered in English or translated to English.
[9] At the time, this was Ban Ki-Moon.
[10] At the time, this was Miguel d'Escoto Brockmann, representative of Nicaragua.

principle (Bellamy 2010; Badescu and Weiss 2010). R2P critics on the other hand highlight member-states' points of contention around R2P's potential to legitimize armed intervention and the lack of clarity about its triggers. Therefore, they foreground lingering concerns over R2P and its coercive elements (Morris 2013). This ambiguity underlines the need to analyse these GA debates to better understand the representation of R2P at the UN.

Nevertheless, the selection provides only a limited glance at the discourse on the doctrine. Aside from disregarding statements outside of the UN, the selected cases only encompass the GA and SG, not the UNSC. On the one hand, these two organs are explicitly assigned to continue consideration of the R2P doctrine, therefore providing substantial discussions about its content. On the other hand, the UNSC simply does not publish many meeting transcripts, posing a practical limitation. While the veil of legal language may also partly obscure the GA debate transcripts, the individual speeches leave more room for analysis than official resolutions. Still, the limited scope of this thesis does not allow for a broader analysis of each member-state, its historical relationship with the four crimes, other member-states, or relevant coalitions. The analysis will also disregard differences in leadership at the time[11], or contemporary political events. This discourse analysis can therefore not claim completeness or aims at generalizability. Instead, it must be seen as a first step towards understanding the representation of R2P, and the four central concepts inhabiting it, at the UN.

The choice of these four concepts constitutes another limitation, as they circumscribe a certain perspective from which R2P is analysed. Though deduced from the literature review, the conceptual lens illuminates only specific aspects of the doctrine. The following analysis must therefore be understood as highly context dependent.

The selected documents were coded for the four concepts from the conceptual analysis: *sovereignty*, *security*, *protection,* and *intervention*. Within each document, the analysis delineates the concept's various framing and interpretations, whereby the surrounding discourse will be consulted to understand their respective representation. The insights from the conceptual analysis and data management table enable me to situate the discourse analysis in its theoretical background, connect it to the broader context of IR and evaluate its implications for UN peacekeeping.

[11] Therefore, when referring to a specific country, I am in fact referring to the country's UN representative at that moment in time. For simplicity reasons, I will use the colloquial name of the country instead. This does not represent any political stances on the country's status or have any further relevance to the analysis.

3.2. Conceptual Discourse Analysis

The **World Summit Outcome document** from 2005 lays the foundation for the R2P principle at the UN. Here, all 191 member-states[12] endorsed the concept, accepting the responsibility to protect their population from the four crimes of genocide, war crimes, ethnic cleansing, and crimes against humanity. Simultaneously, they confirmed the responsibility of the international community to assist states in their R2P. Moreover, in case of manifest state failure and if peaceful means were deemed inadequate, the signatory states declared their preparedness to take collective action in accordance with the UN Charter, in cooperation with regional organizations and on a case-by-case basis. They committed themselves to continue consideration of the concept in the GA, setting-up an early warning capacity and building capacity of vulnerable states (United Nations 2005).

In this foundational document, the four central concepts go unmentioned. Therefore, it fails to clarify how these concepts interact with each other in the principle. It does not distinguish or prioritize the states or the international community's responsibility, clearly delimiting *sovereignty* or domestic and international jurisdiction. It is not explained how the four crimes interact with international *security.* Moreover, *protection* is presupposed as a clearly defined task, and *intervention* is framed as collective action, referring to non-peaceful instead of military means.

Sovereignty

The **GA debate 2008** discusses the application of R2P to natural disasters. It is therefore more specific but remains relevant as the first plenary session where member states discuss the principle's scope and limits.

Several countries condone a notion of *responsible sovereignty*, arguing that the state must accept international aid, if necessary to protect its population. However, most base this in existing human rights law, and not in R2P. Moreover, Malaysia, Japan and China prioritize the state's R2P, reiterating the need to respect the principles of *state sovereignty* and *non-interference* in internal affairs. If the state fulfils this responsibility, Iran contends that R2P becomes irrelevant, thereby ignoring pillar I. Most member-states reject a duty to accept foreign aid, arguing that any rule establishing such authorization would conflict with international law, reaffirming *sovereignty*, impartiality, neutrality, and *non-intervention*. These principles are generally seen as uncontroversial, restricting international intervention to the target state's consent. However, Poland and Thailand understand R2P and *responsible sovereignty* as building on them, not undermining them.

[12] Montenegro and South Sudan were admitted in 2006 and 2011, respectively, making up the 193 member-states of today.

This mirrors the conflict surrounding sovereignty, as the two different viewpoints result in different evaluations and consequent application of R2P. While *state sovereignty* and *non-interference* remain uncontested, the need to clarify their relationship to R2P becomes apparent. In the 2008 debate, the notion of *responsible sovereignty* has not yet been fully delimited or accepted.

In his report "**Implementing the R2P**", the SG poses *state sovereignty* as potential shield for mass violence perpetrated on populations. Introducing *sovereignty as responsibility*, he ties sovereignty to not only rights but also obligations. These are derived from pre-existing law and founded inherently in sovereignty, strengthening it.
The SG affirms the state as foundation to R2P, reinforcing the UN Charter. Lastly, he places international intervention in a framework for supporting the state in meeting its obligations and, in extreme cases, restoring its sovereignty.

In contrast to the previous year, in the **GA debate 2009**, most countries from all continents support the notion of *responsible sovereignty*. While Colombia and Uruguay reiterate the need to respect standing principles of IR, with Panama only subscribing to "continued developing" of the notion, Japan poses it as essential to peace and security and Azerbaijan as reinforcing the Charter and *state sovereignty*. South Africa and Ghana already condone that sovereignty may only be recognized as legitimate upon fulfilling the outlined responsibilities.
The USA and Costa Rica even describe *responsible sovereignty* as unanimously agreed upon, with Chile assigning it "considerable legal meaning".
The EU[13] underline *state sovereignty* as primary and undisputed principle of IR but define it as inherently *responsible sovereignty*. A few countries repeat the worry that *state sovereignty* can be abused as a shield, whereby Ireland entirely rejects the opposition between state and international interests and demands closer alignment. The protection from the four crimes needs to override the inviolability of *state sovereignty* or *non-interference*, holding the state accountable.
Together with the EU, the AU[14] emphasizes prevention and capacity-building, understanding international assistance and *responsible sovereignty* as equal and complementary components. This corresponds to the formulation in the World Summit Outcome document.
For Timor-Leste, asking for international assistance was an exercise of *responsible sovereignty*. Also reflecting on past successful intervention, the Solomon Islands urge caution, as unchecked assistance may instead weaken *state sovereignty* and foster dependence. Botswana equally reiterates the need to respect *state sovereignty,* even in intervention, underlining the importance of this principle.

[13] EU = consists of 27 member-states from the European continent.
[14] AU = consists of 55 member-states from the African continent.

While the founding in international law was mostly evoked in support of *responsible sovereignty*, Members of the NAM[15] connect this to the notion's irrelevance. They agree to continue consideration of R2P but highlight the primacy of the undisputed principles of international law. Guatemala argues that these are difficult to reconcile, pointing to prevailing disagreements despite alleged conceptual breakthroughs. Arguing that it is not *state sovereignty* that has hindered action, but the lack of political will and selectivity, Hungary and Cuba agree that *state sovereignty* needs to remain inviolable. Sudan and Liechtenstein argue that IR must be based on mutual respect, with *non-interference* and sovereign equality as foundation. Ecuador calls for complete elimination of discretionary power and double standards in R2P. Otherwise, they feel unable to commit to the principle. North Korea and China accept encouraging and assisting sovereignty but reject intervening in internal affairs. Qatar agrees that this would pose a threat to international peace and security, which Cuba and Sri Lanka pose as violating the UN Charter and international law. Sudan and Iran even claim R2P actively aims to undermine them. Morocco fears that R2P threatens the founding principles of peacekeeping: consented intervention, use of force only in self-defence and impartiality.

All member-states emphasize the primacy of state responsibility and sovereignty. However, this can be evoked both in support of R2P and *responsible sovereignty*, basing it in international law and principles, or against R2P, rejecting its relevance beyond existing law and legitimacy to challenge inviolable *state sovereignty*.

The **concept note** of the GA president offers a summary of the 2009 GA debate. He highlights *state sovereignty* as a necessary condition for developing countries to ensure their rights, acknowledging their historical experience and struggle in colonialism to recover these rights, therefore validating their concerns around R2P and sovereignty.
Consequently, he repeats the NAM's position, arguing that *responsible sovereignty* either means nothing new at all, founded in the social contract, or it violates international law and the UN Charter, justifying international intervention and the use of force and undermining *state sovereignty*.

Security

In the **GA debate 2008**, only Iran makes an explicit mention of security, underlining the need to distinguish between domestic and international jurisdiction. International intervention based on R2P is deemed a threat to *collective security*, which is based on *state security.*

[15] NAM = 120 developing world states that characterize themselves as not formally aligned with or against any major power bloc.

In his report "**Implementing the R2P**", the SG outlines the UN Peacekeeping shift from *state security* to *human security*. Moreover, he links R2P type cases to threats to international peace and security, which already trigger UNSC action in the UN Charter. At the same time, he underlines the role of the GA when the UNSC fails to exercise its responsibility.

In the **GA debate 2009**, several NAM member-states recognize that development, peace, security and human rights are interlinked and mutually reinforcing, thus subscribing to the *human security* paradigm, which Armenia poses central to R2P. South Africa expands this by stating that pillars I and II circumscribe the UN Charter obligations of security and development, which CARICOM[16] recognizes as main objectives of R2P. Costa Rica agrees that R2P should strive towards *human security*, but reminds that UNSC action should remain limited to threats to international peace and security.
Japan distinguishes R2P from *human security*, limiting it to the protection from the four crimes.
The Philippines fear that R2P may deepen the imbalance in UN budget and efforts for the promotion of peace, security and human rights against development.

The EU follows the SG's link of R2P to *international peace and security*, therefore inherently linking it to UNSC action and intervention. The AU supports this, seeing R2P as bolstering both the UN Charter and responsibility and connecting it to their own principle of non-indifference[17]. Consequently, they place intervention in a continuum of measures to enforce accountability in *responsible sovereignty* and uphold *international peace and security.*

Within the NAM, the biggest international organization after the UN, differences are apparent. While Qatar concedes that the concept of security should expand and incorporate new concepts, such as R2P and *human security*, Nicaragua considers the *collective security* system as not sufficiently evolved to allow R2P to operate as intended. Accordingly, coercive force should be authorized only in line with the Charter. Sri Lanka elaborates this by stating that a threat to *international peace and security* does not automatically justify military intervention, and Cuba by citing the prohibition of the use of force in international law apart from self-defence. Russia also recognizes the danger of rushed R2P application to the *collective security* system. Sudan reinforces non-interference as foundation of IR, to which Iran adds that the existing UN Charter was sufficient to address the full range of threats to *international peace and security*. Therefore, R2P cannot grant a new right of intervention.

[16] CARICOM = Caribbean Community, comprising Anguilla, Antigua and Barbuda, Bermuda, Belize, British Virgin Islands, Cayman Islands, Commonwealth of Dominica, Grenada, Republic of Haiti, Montserrat, Federation of St. Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Commonwealth of the Bahamas, Barbados, Co-operative Republic of Guyana, Jamaica, Republic of Suriname, Republic of Trinidad and Tobago, Turks and Caicos Islands

[17] The principle of non-indifference is founded in the AU constitutive act, enabling AU member-states to request intervention by the Union to restore peace and security.

Both the USA and Nicaragua see lacking political will as greatest obstacle to timely international response to mass atrocities. Though, while the USA uses this to argue for R2P as strengthening the central UN role in peace and security, Nicaragua rejects R2P, referring to the need to operationalize existing instruments first. India reiterates past failures to respond to mass atrocities, even when they were a clear threat to international peace and security, which North Korea connects to the demand to fundamentally review the responsibility and role of the UN.
Colombia instead sees the need for R2P in tying the use of force to UNSC authorization and Charter compliance, arguing for the legitimacy of the concept as effectualizing state sovereignty and *international security*.

Like Colombia, some stress the centrality of the UNSC to R2P as inherently limiting intervention to matters of *international peace and security*. Most NAM states however question the role of the UNSC, deeming it unrepresentative and proposing a stronger role of the GA instead. Often, repeated failure of the UNSC to maintain *international peace and security* in the face of mass atrocities is pointed out, citing Gaza, Iraq, Somalia, and Afghanistan. CARICOM argues for reform of the UNSC prior to institutionalising R2P, abolishing the veto and broadening geographical permanent representation.
Panama however disagrees, rejecting the lack of UNSC reform as an excuse to not consolidate R2P. Several states highlight the authority of the GA in cases where the UNSC is deadlocked, and the need to strengthen accountability of the UNSC.

In his summarizing **concept note**, the GA president underlines the centrality of the existing *collective security* system to the UN, dealing with threats to international peace and security. Intervention can only be undertaken in accordance with the Charter, and thus not to enforce human rights. Questioning the ability of R2P to enhance respect for international law and the Charter, he points to widespread reservations by the member-states.

Again, the UN discourse on *security* ties in with the academic debate and conceptual analysis. The disagreement prevails around the fundamental view of *intervention* in IR; sought-out or avoided. Consequently, member-states either see the need to restrict or mobilize it. Moreover, connecting R2P crimes to threats to *international peace and security* can be evoked to justify UNSC authorized intervention, founded on the *human security* paradigm. Focussing on *state security*, R2P is feared to undermine the *collective security* system by challenging *non-interference*.

Protection

In the **GA debate 2008**, member-states seek to define *protection*. Many take a legal perspective, founding it in human rights law. Moreover, several Asian countries reiterate the inviolability of the principles of *sovereignty* and *non-intervention*, basing international assistance in solidarity and

sovereign equality as the only way to ensure purely humanitarian and unpolitical or strategic international assistance. Japan further underlines that R2P protects only from the four defined crimes. Various states demand clear definitions of the four crimes as well as the concept of *protection*, as unclarity remains around the relationship of R2P to other international norms and law as well as responsible parties and precise tasks. Mexico highlights the inherent obligations in exercising *protection* and urges to make them apparent.
Only the UK, France and Spain delineate their definition of *protection*: relief and assistance, respecting the principles of humanity, *sovereignty* and *non-intervention* and emphasizing prevention.

In his report "**Implementing the R2P**", the SG connects the past failures of the UN to protect and prevent the four crimes to the fundamental principles of UN peacekeeping, impartiality, the non-use of force and consent, arguing for their reform and reconsideration. Moreover, he defines *protection* of the population as fundamental duty of the state, reiterating *responsible sovereignty*. Aligning state and international responsibility, he emphasizes the assistance and building of national capacity and disconnects international protection from the use of force, instead proposing a wide range of measures and focus on prevention and early-warning.

Like in 2008, in the **GA debate 2009,** *protection* is predominantly connected to human rights law. The vast majority situates the need to protect and promote human rights primarily in the national arena, tying it to *responsible sovereignty*. Some accentuate the limitation of R2P to the four crimes. South Korea and Kenya frame R2P as a call for states to address human rights violations in their jurisdiction and protect their populations from atrocities, essentially reducing it to pillar I. Bosnia demands for international standards and law to be incorporated into national legislation.
Several countries expand the concept of *protection* to democratic values, the rule of law, an independent judiciary, good governance, observance of international law, grassroots participation, and human rights training programmes. Timor-Leste reminds of the responsibility to rebuild, supporting reconciliation and the building of civil institutions post-conflict. Therefore, R2P is tied into the wider peacekeeping and statebuilding agenda.

Various countries from different alignments understand R2P to be based in existing international law and fully consistent with the fundamental principles of the UN. Costa Rica and Guinea-Bissau frame it as paradigm shift, placing the human and its rights central to *protection* and *security*, connecting it to *human security*. At the same time, others underline that although R2P integrates several existing international law obligations, "it remains a political concept and does not in itself constitute a new norm". Brazil frames it as political call to abide by existing law and *protection* principles. While India also argues that R2P does not go beyond pre-existing agreements, they see their previous ineffectiveness necessitating a new consensus, to which R2P serves. Equally, the USA, Nicaragua and

Slovakia highlight the need to first mobilize existing UN mechanisms and strengthen the Human Rights Council. Bosnia and Japan remind members to sign the Rome Statute[18], to which Botswana adds that the main failure of *protection* has thus far been the lack of political will.
Canada and Ghana emphasize the need for accountability to ensure *protection*, to which Colombia adds openness to international oversight concerning human rights, as well as to assistance, if necessary, thereby supporting the first two pillars of R2P. Canada highlights the international responsibility: "People do not lose their inherent human rights because the State cannot or will not ensure them (…) We all share in this R2P."
Morocco on the other hand rejects R2P, arguing that it could in fact damage the human rights regime's already fragile credibility by opening new room for disagreement.

R2P's capacity for *protection* and its relationship to international law remains central to the debate. While proponents embed it within existing principles, arguing for its validity and ability to strengthen human rights observance, critics use this embedment to claim R2P's irrelevance. Some also frame R2P entirely inconsistent with international law or endangering an already frail consensus.

The GA president does not mention *protection* in his summarizing **concept note**, failing to comment on the prevailing disagreement or take a clear stance.

Intervention

In the **GA debate 2008**, attitudes towards intervention are generally negative. This must also be seen in context of discussing international response to a natural disaster and not the four R2P crimes. Previously mentioned referrals to *non-interference* can equally be understood to represent an anti-interventionist stance.
The majority asserts that international law does not provide a "right to assistance", automatically triggering *intervention* in the case of state failure. The uncertainty around such practice is seen as open for abuse, raising the need for clarification again. Several countries stress the need for precautionary measures and precise tasks and responsibilities, upholding *sovereignty* and *non-interference*. Argentina demands a balance between the right to *protection* and *non-intervention*. Pointing to a necessary distinction between state and international responsibilities, their equal standing as proposed in the World Summit is rejected. Malaysia moreover reiterates the need to refine and strengthen existing law before developing new one. A vast majority argues that, in the context of natural disasters, *intervention* should remain only consent based.

[18] The Rome statute is the treaty that established the International Criminal Court. 123 states are party to it.

In his report "**Implementing the R2P**", the SG focusses on the restraining functions of R2P on *intervention*. Connecting it to *responsible sovereignty*, a state fulfilling its protection obligations would in fact add insurance to its *non-interference* and safety from *intervention*. Moreover, he contrasts it with *humanitarian intervention*, as R2P necessitates accordance with the UN charter, UNSC authorization and resorting to the use of force only as last resort. However, the SG frames collective international *military intervention* as sometimes the only way to meet the state's R2P obligations and potentially restore its sovereignty.

In the **GA debate 2009**, the discussions on *security* and *protection* have demonstrated that many states connect the four R2P crimes to *international peace and security.* This already triggers UNSC action and is the only legitimate ground for authorizing the use of force, thus providing a justification for *intervention*.

The AU rejects absolute *non-interference*, reinforcing the need to define situations that trigger an *intervention*, to which Ghana proposes the four crimes. They base this position in existing international law, again underlining the constitutional AU principle of non-indifference. Singapore agrees that *intervention* is a necessary last resort but prioritizes support and assistance of the state.
Timor-Leste and Sierra Leone draw on their experience of international *intervention*, designating it fundamental to their current peace, security, and human rights, whereby Kenya highlights their success with an early, diplomatic *intervention*.
Palestine denounces the double-standards and selectivity that lead to international failure to respond to their experience of human rights violations, which several NAM member-states repeat. They connect it to the need for UNSC reform, prior to R2P implementation or authorization of the use of force. Moreover, they understand the capacity for *military intervention* to inherently discredit the idea of R2P and ability to unambiguously strengthen state capacity to protect their population. While some only demand further contemplation of the third pillar, others call for its complete eradication. Proponents of R2P argue that the long-term objective of R2P is to render *military intervention* in pillar III irrelevant through consistent implementation of pillar I and II, however stipulating *intervention* as necessary leverage to achieve this.

Nevertheless, the threshold and competence to decide for *intervention* remains unclear to critics and supporters alike. Pointing to UNSC discretionary power in deciding whether to intervene or the distinction between preventive or reactive *intervention*, all accentuate the need for clear guidelines and precautionary restrictions. The NAM argue that from the historical experience of developing countries in colonialism, trust in the powerful legitimizing *intervention* cannot be presupposed. Some highlight tensions between R2P and national interests, whereas others place it entirely in opposition with the UN Charter, violating *non-intervention* and non-use of force.

Many times, the authority of the UNSC in implementing R2P is fundamentally questioned. While supporters follow the SG in posing it as central limitation to the principle, most NAM member-states reject this, arguing that its historical record reveals the interjection of geopolitical interests. Bound by political realities, consistent implementation throughout the UN will always be hampered, which makes it difficult to achieve universal acceptance of the principle.

Though France connects the principle of R2P to the right of *humanitarian intervention* for the benefit of victims, most member-states vehemently reject this comparison. Based on collective instead of unilateral action and in accordance with the UN Charter, as well as focussing on a wide range of appropriate timely actions emphasizing prevention and capacity-building instead of solely on *military intervention*, R2P is constructed as fundamentally different from *humanitarian intervention*.
The most critical NAM-members however equate R2P to *humanitarian intervention*, based on its ability to legitimize *intervention* with the aim of protecting a population. North Korea and Pakistan further remind of the previous rejection of the concept of *humanitarian intervention* at the UN. To them, any violation of the principle of *non-interference* is a fundamental threat to *international peace and security*, breaching international law. Morocco calls for the preserving of consent, impartiality and use of force only in self-defence as guiding principles of peacekeeping, contradicting the SG. Sri Lanka reiterates that a threat to *international peace and security* does not automatically justify *intervention*, renouncing the argument of UN Charter coherence.

In contrast, the EU does not see R2P as challenging *sovereignty* nor justifying arbitrary *intervention*. Placing it in line with the UN Charter and UNSC authorization, they negate it lowering the threshold for the legitimate use of force. Instead, they argue that achieving consensus on a framework placing *intervention* in a wider array of protection measures would more likely alleviate abuse. Ambiguity and lacking consensus enable the wilful to point to UN disagreement and inaction, triggering unilateral *military intervention*. Therefore, R2P compromises inaction and unilateral *military intervention*. Moreover, while the supporters argue that the potential misuse of a concept does not invalidate it inherently, Qatar maintains that not the nobility of the principle, but its misuse leads to criticism.

Summarizing the 2009 debate, the GA president uses his **concept note** to conclude on the historical experience of developing countries, arguing that colonialism also used R2P arguments. He therefore rejects the capacity for intervention in R2P, fearing abuse.

In *intervention,* the conflicts around *sovereignty*, *security* and *protection* become apparent once more. The relationship and priority as well as fundamental understanding of those result in a different view on *intervention*, seeing it as necessary tool to ensure *protection* and *human security*, or threatening to

undermine *state sovereignty* and *collective security*. R2P's role as restraining or enabling *intervention* is equally contested, depending on the view of international *intervention* in the current world order.

The official **GA resolution** in response to the SG's "Implementing the R2P" makes no explicit mentions of any of the four concepts. Reflecting the inability to achieve international consensus, the GA only reaffirms the UN Charter, recalls the original formulation of R2P and "decides to continue its consideration of the responsibility to protect".

3.3. Summary

The analysis of the principal discourse surrounding the emergence of R2P at the UN has confirmed conflicting representations of its central concepts: *sovereignty*, *security*, *protection* and *intervention*. Moreover, the discourse analysis has revealed how different interpretations allow member-states to evoke the same concept but achieve very different results and meanings for R2P.

In the debate around *sovereignty*, primary state responsibility is employed both to support the principle and back it by international law and to reject its relevance, reiterating the state as only legitimate authority. This falls back on different understandings of sovereignty: *responsible sovereignty* with obligations to the international community, or absolute *state sovereignty*, immune to the international jurisdiction.

Charter-based UNSC reaction to threats to *international peace and security* is either used as an argument for intervention in response to R2P crimes or to stress the inviolability of *state sovereignty* as fundamental to *collective security*. Again, this can be retraced to different interpretations of security, emphasizing *human security,* thus aligning state and international responsibility to protect civilians, or focussing on *state security* and upholding the strict distinction between domestic and international jurisdiction.

Protection is connected to the existing human rights law and review. Some therefore assert its validity, ability to strengthen human rights observance and thus *protection*. Others reject its relevance, arguing that the existing agreements and mechanisms should be strengthened first, or that R2P threatens to undermine the already fragile system.

Finally, different views of *intervention* in IR result in conflict around its role for the principle. R2P advocates understand it as necessary last resort to secure *protection* and *human security,* valuing R2P for mobilizing collective action and holding abusive governments accountable. Critics see *intervention* as a hegemonic tool to impose a liberal agenda and expand geopolitical power, therefore framing it as a threat to *international security* and rejecting its legitimisation.

The prevailing disagreement around the meaning of the four central concepts therefore results in ambiguity, restricting its compliance pull and effectiveness (Badescu and Weiss 2010; Colonomos and

Beardsworth 2020). In turn, application has been uneven and limited. R2P is only part of the international discourse when states actively choose to apply it either as a diplomatic tool or to legitimize military intervention (Bellamy 2010).

4. Conclusion

This thesis has set out to understand the R2P doctrine and its relevance for UN peacekeeping, as the newest principle guiding this international regime, and the first legitimising the use of force. After discussing its representation in the academic literature, the conceptual analysis situated it in the greater IR context. Here, disagreement around the meaning of the four central concepts in R2P was detected, resulting in different interpretations of the principle. Consequently, the discourse analysis revealed these conflicting representations employed at the UN. In this last section, these different insights will be integrated to conclude on my research question:

Should the UN engage in peacekeeping missions based on the R2P?

The literature review revealed two sides to the debate. The supporters of R2P celebrate the principle for reframing sovereignty, making it accountable to the international community for protecting its population from the four specified crimes. The other side rejects R2P as undermining sovereignty and thereby the international community's funding principle, exacerbating global power inequality. Most of the academic literature highlights the need for clarification, whereby critics condemn ambiguity as open to abuse, and supporters argue for determinacy to strengthen applicability.
The conceptual analysis retraced this disagreement and unclarity to contrasting interpretations of the four concepts central to the doctrine. *Sovereignty*, *security*, *protection* and *intervention* were analysed to incorporate two contradictory viewpoints, resulting in different evaluations of R2P.
Disagreement around the meaning of R2P obstructs compliance, as there is no shared expectation of behaviour (Badescu and Weiss 2010; Bellamy 2010). Therefore, the discourse analysis examines the four concepts in the UN discourse on R2P, to understand its representation in the organisation and implications for peacekeeping. Mirroring the different camps from the conceptual analysis, the different interpretations of the four concepts were employed to evoke different meanings of the R2P doctrine. Often, building on the same concept thus resulted in contrasting consequences, supporting or rejecting the principle.

While normative ambiguity has been established as fundamental function of international norms (Bode and Karlsrud 2019), it seems to render R2P inoperable. However, this remaining unclarity not only undermines implementation, but also poses challenges to concluding on R2P for UN peacekeeping. Therefore, this thesis argues that the principle primarily needs clarification and

delimitation, following both the academic debate and demands in the UN discourse. To consolidate a consensus at the UN and render it legitimate, R2P needs to respond and adapt to the dominant criticism.

Its implementation needs to be defined and tied to monitoring mechanisms, clarifying the role of intervention for the doctrine. There is a dissonance in arguing that R2P restrains intervention, assuming that those capable are willing to intervene, while simultaneously posing the need to mobilize political will for intervention. It is unclear whether the use of force is integral to R2P's function, serving as credible threat to enforce accountability, or to be avoided, restricting it with rules.

Moreover, deciding if peaceful means are inadequate is left entirely to the UNSC. However, if the emphasis is on prevention, early warning capability needs to be strengthened. Effective enough, they could recommend measures, limiting the discretionary power of the UNSC.

Regional organizations need to be integrated to the R2P doctrine and criteria for proportionality and the use of force must be established (Yamashita 2012).

Additionally, the clash between universal UNSC legitimisation and essentially privatized execution of a mandate needs to be curtailed. Executing actors could be required to report regularly to the UNSC, reviewing the mandate and adapting to the circumstances in the field. Consequently, open mandates like Libya 2011[19] could be avoided.

Furthermore, UN peacekeeping in general is increasingly under scrutiny and reform, questioning its underlying assumptions, values, and practices. It is important to continuously reflect on empirical results and reconsider objectives to strengthen legitimacy of the UN and its peacekeeping, and thereby R2P.

Continued consideration in the GA is essential to further consensus, allowing for more consistent implementation[20]. Inaction in Syria is not only a result of disagreement, but also reason for renewed fears of selectivity and double standards.

Furthermore, I believe that addressing UNSC reform is necessary, not only to broaden consensus around R2P, but also to defend the credibility of the UN. Undertaking it will surely raise new questions

[19] The R2P mandate for Libya in 2011 authorized "to take all necessary measures", which resulted in NATO ousting Gadhafi from power and declaring the mission a success. However, the dominant view in the academic literature as well as in the UN is that the R2P intervention turned into a regime-change war, fought for other objectives than purely humanitarian. Moreover, this abuse is considered fundamental for blocking UN action in Syria, with P5 China and Russia explicitly mentioning the failure in Libya as a reason for not intervening there (Kazianis 2011; Hehir and Murray 2013; Morris 2013; Thakur 2013; Stuenkel 2014; Mahdavi 2015).

[20] On the 17th and 18th of May 2021, the GA convened a plenary meeting on R2P for the first time since the analysed debates in 2009. The meeting was concluded with the adoption of a resolution deciding to include R2P in its annual agenda and requesting annual reports on R2P from the SG. Unfortunately, this happened too far into the process of writing this thesis, not allowing me to include it in my analysis. Consequently, I look out to future research continuing the query on the representation of R2P and its central concepts at the UN.

and challenge the UN system, but continuing to neglect concerns around geographic representation and democracy would undermine its legitimacy fundamentally.

While this thesis has served to illuminate the R2P doctrine and the contested meaning of its central concepts, it is necessary to circumscribe its scope and limitations. Beyond those inherent to the discourse analysis, this thesis is limited to the conceptualization and discursive employment of R2P during its emergence. Implementation in UNSC resolutions, but also the practice of R2P missions has been neglected entirely. Following Williams and Griffin (2004), within the context of a dynamic IR system, conceptualization is never equal to reality. The gap between mandate and practice is also thematized by Bode and Karlsrud (2019), asking to reflect on the divergence between the conceptual discourse analysis of R2P and its real application. Several questions remain unanswered:

How are R2P and its four central concepts employed in the UNSC discourse?

How has the representation of R2P changed in the GA debate 2021?

How does R2P impact the authorization of the use of force?

How does it further the protection of civilians from the four crimes?

Following postcolonial critique, can international intervention ever be legitimate, in the current global and UN system?

These questions and many more illustrate the need for further research. This thesis is therefore limited in its assessment of R2P and its role for UN peacekeeping, and rather represents a first effort towards a better understanding of R2P. An examination of the practice of peacekeeping, as well as further analysis of the ongoing discourse and empirical findings in UN missions is central to understand and conclude on R2P's relevance and consequences.

5. Bibliography

Acharya, Amitav. 2013. *The R2P and norm diffusion: Towards a framework of norm circulation*. Global Responsibility to Protect, 5(4), pp. 466-479.

Badescu, Cristina and Thomas Weiss. 2010. *Misrepresenting R2P and Advancing Norms: An Alternative Spiral?.* International Studies Perspectives Vol. 11, pp. 354–374.

Bellamy, Alex J. 2009. *Responsibility to Protect*. Polity.

Bellamy, Alex J. 2010. *The Responsibility to Protect—Five Years On*. Ethics & International Affairs, Vol. 24, no. 2, pp. 143–169.

Bellamy, Alex J. 2014. *The Responsibility to Protect: A Defense.* Oxford University Press.

Bertrand, Gilles. 2020. *Relations et organisations internationales - Cours 1.* Sciences Po Bordeaux.

Bode, Ingvild and John Karlsrud. 2019. *Implementation in practice: The use of force to protect civilians in United Nations peacekeeping*. European Journal of International Relations, Vol. 25(2), pp. 458–485.

Campbell, Susanna and Jenny H. Peterson. 2013. *Statebuilding*. Routledge Handbook of Peacebuilding Routledge.

Colonomos, Ariel and Richard Beardsworth. 2020. *Introduction – Plausible, Norms of Warfare: Reducing the Gap Between the Normative and the Empirical.* European Review of International Studies Vol. 7, pp. 193-202.

Deng, Francis. 2010. *From 'Sovereignty as Responsibility' to the 'Responsibility to Protect'.* Global Responsibility to Protect, 2(4), pp. 353-370.

Deng, Francis. 2011. *Sovereignty as Responsibility for the Prevention of Genocide*. Confronting Genocide, pp. 57-79. Springer, Dordrecht.

Dunford, Robin and Michael Neu. 2019. *Just War and the Responsibility to Protect: A Critique*. Zed Books Ltd.

Evans, Gareth. 2008. *The Responsibility to Protect: An Idea Whose Time Has Come … and Gone?* International Relations, Vol 22(3), pp. 283–298. SAGE Publications.

Gallagher, Adrian. 2012. *A Clash of Responsibilities: Engaging with Realist Critiques of the R2P.* Global Responsibility to Protect, Vol. 4, pp. 334–357.

Glover, Nicholas. 2011. *A critique of the theory and practice of R2P*. E-International Relations, pp. 1-30.

Graubart, Jonathan. 2013. *R2P and Pragmatic Liberal Interventionism: Values in the Service of Interests*. Human Rights Quarterly, Vol. 35, (1), pp. 69-90.

Hehir, Aidan and Robert Murray. 2013*. Libya, the Responsibility to Protect and the Future of Humanitarian Intervention.* Palgrave Macmillan.

Hobson, Christopher. 2016. *Responding to Failure: The Responsibility to Protect after Libya.* Millennium: Journal of International Studies, Vol. 44(3), pp. 433–454.

Kazianis, Harry. 2011. *Intervention in Libya: Example of "R2P" or Classic Realism?* E-International Relations.

Kenkel, Kai Michael. 2013. *Five generations of peace operations: from the "thin blue line" to "painting a country blue".* Rev. Bras. Polít. Int. Vol. 56 (1), pp. 122-143.

Mahdavi, Mojtaba. 2015. *A Postcolonial Critique of Responsibility to Protect in the Middle East.* Perceptions, Volume XX, Number 1, pp. 7-36

Morris, Justin. 2013. *Libya and Syria: R2P and the spectre of the swinging pendulum.* International Affairs Vol. 89: 5, pp. 1265–1283.

Newman, Edward. 2013. *R2P: Implications for World Order*. Global Responsibility to Protect 5, pp. 235–259.

Stuenkel, Oliver. 2014. *The BRICS and the Future of R2P - Was Syria or Libya the Exception?* Global responsibility to protect Vol. 6, pp. 3-28.

Thakur, Ramesh and Thomas Weiss. 2009*. R2P: From Idea to Norm—and Action?* Global Responsibility to Protect. Vol 1, pp. 1-46.

Thakur, Ramesh. 2013. *R2P after Libya and Syria: Engaging Emerging Powers*. Center for Strategic and International Studies, The Washington Quarterly Vol. 36:2, pp. 61-76.

Thakur, Ramesh. 2017. *The United Nations, Peace and Security: From Collective Security To The Responsibility To Protect*. Cambridge University Press.

Thakur, Ramesh. 2019. *Global Justice and National Interests: How R2P Reconciles the Two Agendas on Atrocity Crimes.* Global responsibility to protect Vol. 11, pp. 411-434

United Nations. 2005. *World Summit Outcome Document, A/RES/60/1, paragraphs 138-140.*

United Nations. 2008. *General Assembly. Summary record of the 23rd meeting.*

United Nations. 2009a. *Implementing the responsibility to protect. Report of the Secretary-General.*

United Nations. 2009b. *General Assembly. 96th to 101st plenary meeting.*

United Nations. 2009c. *Concept note on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.*

United Nations. 2010 [2008]. *United Nations Peacekeeping Operations- Principles and Guidelines*.

United Nations. 2011a. *Responsibility while protecting: elements for the development and promotion of a concept.*

United Nations. 2011b. *United Nations Peace operations – Year in Review: 2010.*

United Nations. 2021. *Peacekeeping Operations Fact Sheet – 31. January 2021.*

Van der Lecq, Ria. 2012. *Why we talk: An interdisciplinary approach to the evolutionary origin of language.* In A.F. Repko, W.H. Newell, & R. Szostak (Eds.): Case studies in interdisciplinary research, pp. 191-223. Thousand Oaks, CA: Sage.

Wernersson, Hanna. 2016. *Legitimizing Vetoes: A Discourse Analysis of How Vetoes are Motivated in the United Nations Security Council*. Uppsala Universitet.

Yamashita, Hikaru. 2012. *Peacekeeping cooperation between the United Nations and regional organisations*. Review of International Studies, Vol. 38, No. 1, pp. 165-186. Cambridge: Cambridge University Press.

Yoshida, Yuki. 2013. *A Theoretical Assessment of Humanitarian Intervention and R2P*. E-International relations, pp. 1-16.

6. Appendix

The exemplary pages from the GA debate 2009 were coded following the colours from the concept map: *sovereignty* is blue*, security* is green, *protection* is orange and *intervention* is yellow/red. General comments about the doctrine are pink. These excerpts were chosen to illustrate the contradicting interpretations of R2P, its central concepts and relationship to other international law and principles.

1. France evokes humanitarian intervention as conceptual origin of R2P, arguing in support of it. Framing respect for humanitarian law as first step to R2P, they place it in line with and reinforcing each other.

Mr. Lacroix (France) (*spoke in French*): At the outset, I would like to say that my delegation fully endorses the statement made earlier by the Permanent Representative of Sweden on behalf of the European Union.

In 2005, the heads of State and Government, meeting at the World Summit, wanted to ensure that never again would we witness mass atrocities in the world — crimes of intolerable scope and cruelty that were all too widespread in the twentieth century. For that purpose, they defined by common agreement and by consensus the principle of the responsibility to protect which brings us here today. This principle is in line with other thinking and legal frameworks.

By virtue of both its preventive dimension and its operational aspect, which can, if necessary, result in a collective action under Chapter VII, it is a key element in the fight against mass atrocities on a par with international humanitarian law, international human rights law and the international criminal justice.

Let me recall that its emergence was made possible by the conceptual leap made in the 1990s with the birth of the right of humanitarian intervention for the benefit of victims, as formulated by France and Bernard Kouchner, and which was ratified by several resolutions of the General Assembly. The Convention on the Prevention and Punishment of the Crime of Genocide, whose sixtieth anniversary we have just celebrated, also paved the way for the responsibility to protect.

The responsibility to protect is not a geographic concept to be implemented exclusively by developed nations. It was developed, I would recall, as a result of the thinking of prominent figures from every continent. Evidence of that fact is that Article 4 of the Constitutive Act of the African Union (AU) established in 2004 the principle of the right of the Union to intervene in a member State pursuant to a decision of the Assembly in respect of grave circumstances, namely, war crimes, genocide and crimes against humanity.

In fact, States, the international community and the United Nations system have contributed to the implementation of the responsibility to protect for many years. Whether in Kenya in 2008 or in the former Yugoslav Republic of Macedonia in 2001, the international community has demonstrated that it is possible to avoid the worst by mobilizing all stakeholders. Twice in 2006, the Security Council reaffirmed the provisions of paragraphs 138 and 139 of the 2005 Summit Outcome, in its resolution 1674 (2006) on the protection of civilians in armed conflict and in resolution 1706 (2006) on the crisis in Darfur. Resolution 1674 (2006) on the protection of civilians also made it possible to integrate the issues of human rights and international humanitarian law in a dozen peacekeeping operations, thereby making it possible to avoid mass atrocities.

The responsibility to protect therefore already largely exists. Heads of State and Government recognized it as a universal principle nearly four years ago. It is increasingly becoming an expectation among populations throughout the world, as well as among members of the international community in general. We are therefore meeting not to discuss the definition of the concept, but rather to debate the means to strengthen its implementation and its respect, as the Secretary-General calls on us to do in his report (A/63/677).

France welcomes the report presented to us two days ago by the Secretary-General. We believe it is accurate and pragmatic. The report proposes an approach that is both targeted and in-depth, strictly confining the responsibility to protect to four crimes enumerated by the 2005 Final Document, namely, genocide, war crimes, ethnic cleansing and crimes against humanity. France will also remain vigilant to ensure that natural disasters, when combined with deliberate inaction on the part of a Government that refuses to provide assistance to its population in distress or to ask the international community for aid, do not lead to human tragedies in which the international community can only look on helplessly.

France welcomes the important role that the report assigns to preventive action, which is a key component of the responsibility to protect by virtue of the definition it establishes for national sovereignty, under which a State has lasting obligations towards its people.

State respect for human rights law, international humanitarian law and refugee law is the first step towards responsible sovereignty and preventing the four crimes I have mentioned. As the Secretary-General has done in his report, we call on States to fully adhere to the permanent international instruments pertaining to those rights and to collaborate with the

2. Bosnia and the USA follow France in arguing that R2P reinforces humanitarian law. The USA argues that the Human Rights Council and existing machinery needs to be strengthened, with R2P.

A few days ago, we commemorated 14 years since the Srebrenica tragedy, which took place in the heart of Europe. Today we have an international institution and mechanisms that represent the legacy of an unfortunate time in our history, namely, the International Criminal Tribunal for the former Yugoslavia. An important aspect of prevention is the sending of the strong message that perpetrators of crimes of genocide, war crimes, ethnic cleansing and crimes against humanity will be brought to justice and prosecuted.

Becoming a party to international human rights instruments, in particular, the Rome Statute which established the International Criminal Court, and adherence to international humanitarian law and refugee law should be factors of stability for every single State. The political leaders of States parties to the Rome Statute have to be aware that their actions or wrongdoing with respect to human rights or provisions of international humanitarian law are subject to scrutiny. That aspect should not be underestimated, nor should it be misused. In that regard, international standards have to be incorporated into national legislation and carefully guarded. Domestic law in that case would be the first line of defence in upholding human rights and humanitarian law.

Ms. DiCarlo (United States of America): Let me begin by thanking the Secretary-General for his comprehensive and balanced report (A/63/677). We appreciate the opportunity to comment on this important issue today. Since the Holocaust, the world has often said "never again", but we all have much more to do to give those words real meaning and strength. The type of horrors that marred the twentieth century need not be part of the landscape of world politics. The United States is determined to work with the international community to prevent and respond to such atrocities.

Four years ago, at the World Summit, States Members of the United Nations unanimously agreed that sovereignty comes with responsibility and that States have a particular obligation to protect their populations from such atrocities as genocide, war crimes, ethnic cleansing and crimes against humanity. The responsibility to protect follows a path laid out by the African Union's Constitutive Act, in which our African colleagues pledged non-indifference in the face of mass crimes.

The responsibility to protect complements principles of international humanitarian and human rights law to which we have all committed. It reflects our collective recognition of past failures to save the innocent from the worst forms of atrocity and abuse. That is important progress, and the United States supports it.

The Secretary-General reminds us that the great crimes of the past century were not confined to any particular part of the world. They occurred in the North and in the South, in poor countries and in affluent ones. Sometimes they were linked to ongoing conflicts; sometimes they were not. We still know too little about the paths that lead to mass atrocity, but in the twenty-first century we cannot wait for such crimes to occur. We must look for ways to prevent them.

The Secretary-General's report provides an important framework for translating the commitments we made in 2005 into action. It elaborates three pillars that underscore the policies and instruments that we must mobilize, and it highlights the need for stronger conflict management, sufficient resources and better coordination of international efforts.

We must do more to respond effectively to early warning signs. The United States strongly supports effective United Nations human rights machinery, including more credible action from the Human Rights Council and timely information on unfolding and potential calamities from the Office of the High Commissioner for Human Rights and the network of independent United Nations rapporteurs and experts. The United Nations mediation standby teams can also play an important role, but these teams must be strengthened.

The potential for mass atrocities is greatest amid war and civil strife, so we must redouble our efforts to prevent or swiftly respond to outbreaks of violence. That means more effective peacekeeping and peacebuilding, including intensified efforts to address sexual and gender-based violence.

Today we have a better understanding of the ways that poverty, environmental pressures, poor governance and State weakness raise the risk of civil conflict, but the tools at our disposal to address those challenges must be sharper, stronger and deployed more consistently. Where prevention fails and a State is manifestly failing to meet its obligations, we also need to be prepared to consider a wider range of collective

3. Morocco fears that R2P could weaken the human rights review, undermining its credibility by overruling existing international principles like state sovereignty and the non-use of force.

responsibility to protect puts it outside the scope of application of that new mechanism. It could even be dangerous, because injecting it into this mechanism, which remains fragile because it is so new, could damage the mechanism's credibility and viability.

The same call for caution applies to United Nations peacekeeping efforts. The fact that the report mentions it under pillar two as an example of the use of international military means could blur the lines between peacekeeping and peace imposition, and throw into doubt the fundamental and founding principles of peacekeeping: the consent of the parties, the use of force in legitimate defence and impartiality. In this context, it is important to point out that the defensive mandate authorized by the Security Council does not call these three principles, which are the core of the legitimacy of United Nations action, into question.

A clear distinction has been established between the responsibility to protect and what is called the right to humanitarian intervention. The responsibility to protect has also been limited to four categories of crime: genocide, war crimes, ethnic cleansing and wars against humanity. These two facts have enabled progress in Member States' consideration of this principle.

The debate initiated today must be pursued so that we can deepen our thinking in a calm atmosphere and experience and lessons learned can be considered in order to gradually build the foundation of this humanitarian principle.

If we are to make progress towards a consensus on implementing the responsibility to protect, I believe that we cannot just confine ourselves to saying that this responsibility is based on the United Nations Charter. In the same way, we cannot say that it is an international legal norm created instantaneously upon its adoption by a particular summit. It seems to me that it would be difficult, from a political or moral point of view, to use that to establish international legal obligations for all Member States.

That said, my delegation remains committed to making every effort, along with other delegations, to move towards a consensus that could strengthen the implementation of the responsibility to protect. In order to make progress towards such a consensus, it is important that this responsibility be fleshed out on the basis of the many common elements of the primary and indispensable responsibility of States to protect, which is the first pillar, and the need for the international community to assist States and build capacities in that regard, which is the second pillar. Meanwhile, we must continue to think in a concerted way about the third pillar.

In that context, Morocco remains ready to devote itself to moving this discussion forward, helping to eliminate misperceptions and concerns, and promoting the emergence of a universal consensus that would reflect an effective commitment on the part of the international community to the responsibility to protect.

Ms. Blum (Colombia) (*spoke in Spanish*): Colombia has taken note of the report of the Secretary-General on implementing the responsibility to protect (A/63/677). We recognize the importance of the issue and of the ultimate objective of promoting actions and means to strengthen the security and protection of people.

The definitions set out in the 2005 World Summit Outcome Document (resolution 60/1) form an essential framework for the consideration of this topic. Its scope should not be the subject of renegotiation. The 2005 Summit focused on the idea of the responsibility to protect in the event of four specific crimes and acts. Genocide, war crimes, ethnic cleansing and crimes against humanity are extremely grave acts. Member States agreed to address those crimes and acts on the basis of norms and principles of international law. Colombia reaffirms its commitment to the definitions and criteria set out in resolution 60/1, which express the political will of the United Nations.

My delegation has noted with interest the structure proposed in the report regarding the three pillars that can support the implementation of the responsibility to protect: the protection responsibilities of the State; international assistance and capacity-building; and timely and decisive response. While the Secretary-General believes that there should be no specific sequence of the three pillars and that all should be equally solid, it is undeniable that, depending on the circumstances, they can have varying degrees of importance.

Mr. Monthe (Cameroon), Vice-President, took the Chair.

The responsibility of every State reflects one of its essential functions — ensuring the protection and

4. South Korea distinguishes R2P and humanitarian intervention, and frames R2P as strengthening sovereignty.

than ever, we must undertake that task with determination and conviction. We promised it to the victims of odious crimes.

That is the message that Belgium wishes to convey on the occasion of this debate to complement the statement made by the representative of Sweden on behalf of the European Union, to which we fully subscribe.

Mr. Park In-kook (Republic of Korea): At the outset, let me join previous speakers in expressing my deep appreciation for the convening of this plenary meeting on the issue of the responsibility to protect (R2P).

At the September 2005 World Summit, world leaders humbly acknowledged the historic and collective failures of the international community to save human lives, as evidenced by Rwanda's genocide, the massacres in the former Yugoslavia and the ethnic cleansing in Kosovo. They made a solemn promise that they would seek to prevent such atrocities in the future. Furthermore, they affirmed the collective responsibility to protect people threatened by mass atrocities and crimes against humanity.

With the concerted embrace of the historic notion of the responsibility to protect, a lengthy debate over whether to act had ended. Instead, discussions turned to how the principle would be implemented. However, since the 2005 agreement, some concerns and arguments on the concept of R2P have arisen, largely due to misperceptions or overly broad interpretations of the concept.

In that regard, my delegation welcomes the Secretary-General's report (A/63/677) and the General Assembly's debate on implementing R2P, which provides a valuable opportunity to ensure a common understanding of R2P and to reach consensus on the overall direction of its implementation, turning promise into reality. The Republic of Korea fully supports the Secretary-General's clarification of R2P as described in his report, including the following, among others.

First, primary responsibility lies with individual Governments, while the international community bears secondary responsibility. After all, R2P is a call for States to address serious human rights issues and to protect their populations from atrocities. Responsible sovereignty should be upheld.

Secondly, R2P is an ally of sovereignty, not an adversary. R2P helps States to meet their core protection responsibilities and facilitates success in the field. In that sense, the substance of R2P has nothing to do with so-called humanitarian intervention. R2P is distinctly different from humanitarian intervention, since it is based on collective action in accordance with the United Nations Charter, not on unilateral action.

Thirdly, R2P has a narrow scope, applying only to four specified crimes and violations. Based on that understanding, the Secretary-General detailed a three-pillar approach to turn the principle of R2P into an implementable and operational tool by suggesting a wide range of options under each respective pillar.

Pillar one is self-evident. As the report states, the protection of populations is a defining attribute of sovereignty. The policies and measures suggested in the report are all effective tools for authorities to implement R2P.

The Republic of Korea attaches great importance to pillar two, which is the commitment of the international community to assist States. As the Secretary-General's report points out, if the political leadership in a given State is determined to commit R2P crimes, assistance would be of little use. However, if the leadership is willing to implement its R2P responsibilities but lacks the capacity to do so, international assistance can play a critical role.

Among the recommendations and illustrative examples of activities to assist States, we take special note of the role of regional and subregional mechanisms. In fact, the African Union (AU) pioneered the R2P principle by stating in its 2000 Constitutive Act that it would not be indifferent in the face of failure by AU members to protect their populations from genocide, war crimes and crimes against humanity. Building the capacities of regional organizations to assist States and to deal with tense situations within their respective regions would be a sound investment.

While encouraging Member States to consider proposals for building capacity, such as standing or standby rapid response mechanisms, as well as to ask for assistance when under pressure, my delegation stresses the need to mainstream the goals of R2P into the broad activities of the United Nations system. In the areas of human rights, humanitarian affairs, peacekeeping, peacebuilding, governance and

5. Pakistan sets R2P equal to humanitarian intervention, rejecting it as undermining non-interference.

double standards and selective approaches to different conflicts in the world, including situations of foreign occupation, would have to be systematically rectified to remove the doubts about the implementation of R2P.

While we look forward to further debating the concept of R2P in the General Assembly, now and later, I would like to present a few points to this Assembly.

First, ultimately, it boils down to a very simple point, which is that discretion will be the ultimate factor that will decide the application of R2P as far as this stage of the document is concerned. I would like to sound a note of caution. There is a brilliant history of lack of trust in this Organization that is being overlooked while the creation of this discretion is being put forward to the membership. We are peeling away years of protection that we have found ourselves under, which were very sagaciously put there by people of great vision to protect this institution. We have started to peel that protection away with this particular segment.

If members have not noticed, let me point out that everyone agrees to pillars one and two. Yet, before I go on to pillar three, has anyone realized that none of the criteria that should be mandatory in pillars one and two specifically says that "you cannot go to three. This is the considered process of one and two, and you must slowly legitimize your access through it"?

I now come to pillar three. Pillar three was introduced 10 or 15 years ago under another name — the right of intervention. It is that and remains that. The Assembly voted vehemently against it. Today it has reappeared, albeit with a much larger spectre. I must say that Gareth Evans has done some great work in putting the concept together over many years.

The only thing is that this is, in a way, a return, because what are we debating here today? Pillars one and two? Nobody doubts that, but we must add clear criteria to that. It cannot be violated. Pillar three is the right of intervention, no matter how one looks at it or how one does not look at it.

I must say in this regard that, today, when we are squeezed financially, when the World Food Programme is cutting back and when we have not been able to raise adequate funds for crises throughout the world, where are we going to get the funding for pillars one and two to be properly adhered to? Prevention is better than cure, and we are not looking at prevention. Therefore, I think these matters need to be very ably discussed and standardized. We are not to overlook pillars one and two as a done deal and only look at three. One and two must become the solid pillars that will prevent anything from going wrong. In the end, I would say, in financial terms, pillars one and two must be substantiated, not just glossed over.

With that, I will merely add, the responses of the United Nations have never proved us to be great appreciators of the early warning system. We have always been there a trifle late, at the cost of many human lives. I think that, if pillar three is to be adopted by this Assembly, this early warning system should also be strongly substantiated so that we do not have anything go wrong.

Mr. Maurer (Switzerland) (*spoke in French*): Switzerland welcomes the efforts of the Secretary-General to operationalize the responsibility to protect on the basis of the consensus of September 2005. In that context, I would like to thank him for his presentation three days ago of the report before us (A/63/677). It is vital that we continue to ensure together that the notion of sovereignty as responsibility be translated into specific action that is measurable on the ground, with respect for human life and in accordance with the decision that we took four years ago to undertake this cause.

As the Secretary-General points out, the concept of the responsibility to protect is an ally of that of sovereignty. It therefore needs to be considered in the strict framework of paragraphs 138 and 139 of the 2005 World Summit Outcome (resolution 60/1) and on the basis of the narrow but deep approach proposed by the Secretary-General. This approach, which is enshrined in the United Nations Charter, is distinct from that of so-called humanitarian interventions, and we are committed to ensuring that this distinction will be clearly maintained.

The report under review today is an important instrument of political mobilization that enables each State and the international community as a whole to familiarize themselves with the instruments available to prevent mass atrocities. This catalogue should enable us to achieve greater coherence in our approach. It should also lead us to consider all the preventive and assistance measures available before using, as a last

6. Costa Rica links R2P and the four crimes to threats to international peace and security, therefore legitimizing UNSC action and intervention.

State is not providing protection. The range of options that the Secretary-General presents to us is broad and in no way limited to coercive actions or application exclusively by the Security Council. The responsibility to protect prioritizes, first and foremost, prevention and assistance, peaceful means over the use of force, and the establishment of appropriate conditions if the use of force should become necessary as a last resort when other options have been exhausted.

We recognize the importance and complementarity of the various United Nations actors and bodies in implementing the third pillar. In that regard, we support interaction among the Security Council, the General Assembly and the Secretariat, as well as exchanges among those bodies and regional and subregional organizations. Those organizations play a key role in preventing or resolving conflict situations or in avoiding that they result in crimes under the criteria of the responsibility to protect. In that sense, mediation, dialogue and preventive diplomacy are essential both at the regional and at the international levels. It is crucial to deploy a timely and decisive response to prevent such crimes from being committed. Early warning and assessment mechanisms are critical to improving the rapid response capacity of the Organization.

With regard to the use of force, far from authorizing unilateral interventions, the responsibility to protect seeks to expand the multilateral options and to improve the Security Council's performance. That body has great deterrent potential and can apply other binding punitive measures besides military action. Some crimes that meet the criteria of the responsibility to protect also constitute threats to international peace and security, and the Security Council should therefore make use of all the tools at its disposal, including in situations that are not formally on its agenda.

Systematic violations of human rights constitute a threat to peace and security that deserves the special attention of the Security Council. No country or group of countries should be allowed to interfere in or hamper decisions that merit the implementation of the responsibility to protect, including by veto. In that regard, we support the Secretary-General's appeal to the permanent members of the Council to refrain from using the veto in situations where it is evident that there is manifest failure to meet obligations under the responsibility to protect.

Costa Rica and Denmark came here to follow up on the concrete implementation of the commitments agreed at the highest level in 2005. We are committed to international efforts to prevent the recurrence of the crimes of the past. Promoting the responsibility to protect must be a common objective that transcends geographical borders, levels of development and political, religious or ideological barriers.

In the words of a distinguished Scandinavian, the late Secretary-General Dag Hammarskjöld, the United Nations was created not to take mankind to heaven, but to save humanity from hell. We urge the international community to move forward together to ensure that the responsibility to protect is an increasingly tangible reality, a concept applicable in practice and a lasting hope for the victims of mass atrocities. In order to advance this concept, Denmark and Costa Rica support the Secretary-General's proposal that regular annual or biennial reports be submitted on progress made in the implementation of the responsibility to protect.

Mr. McLay (New Zealand): I am deeply conscious of the fact that the first debate of the General Assembly in which I have the honour to participate on behalf of my country is focused on what the representative of Sweden, speaking on behalf of the European Union, described as the recurring nightmare of mass atrocities. It is hard to imagine an issue more significant or relevant to so many innocent victims or a responsibility more historic. It is why we are here. With that in mind, New Zealand thanks you President d'Escoto Brockmann for facilitating this debate.

As many have already reminded us, in 2005 the entire United Nations membership, including more than 150 world leaders, adopted the World Summit Outcome (resolution 60/1). In that declaration, as a response to our collective failure to prevent genocide and mass atrocity crimes — at a time when, as we were reminded this morning, the world remained silent and stood still — the international community unequivocally agreed on the responsibility to protect (R2P), its scope and its key elements. So the principle of R2P has already been adopted. Given that clear mandate, this debate can be only about the implementation of the responsibility to protect and should be a discussion of the Secretary-General's report (A/63/677), which was derived from the Summit.

7. Cuba rejects R2P's capacity for intervention, framing international peace and security as collective security built on the prohibition of the use of force and absolute state sovereignty. R2P thus undermines existing law and principles.

under an indiscriminate humanitarian mantle, could in practice entail a violation of the principle of State sovereignty and in general of the Charter of the United Nations and international law. One need only recall so-called humanitarian intervention and the old "temporary interposition" of the early twentieth century.

Cuba reaffirms that respect for State sovereignty is one of the essential foundations of international relations and cannot be rejected, even for noble purposes. Without it, the United Nations could not survive and the small countries of the South would be left to the mercy of the large and powerful countries.

To claim that the principle of sovereignty has hampered United Nations activities to assist the suffering is to distort the truth. The Organization's failure to act is sometimes caused by, inter alia, lack of political will, selectivity, double standards, limited development resources and dysfunctions in some of its bodies, such as the Security Council.

Despite the fact that it is 60 years old, the Charter of the United Nations has the international community's unanimous support, and its provisions — including its principles and purposes — do not require amendment or reinterpretation.

The norms of international law and the Charter of the United Nations codify the legal framework for international cooperation to resolve international problems of an economic, social, cultural or humanitarian nature, as well the obligations of States to promote and protect human rights. Solutions to such problems are set out in Chapter IX of the Charter. In particular, Article 60 provides that responsibility for the discharge of such functions shall be vested in the General Assembly and, under its authority, in the Economic and Social Council.

In that connection, we consider that the General Assembly is the appropriate forum for the in-depth consideration of genocide, war crimes, ethnic cleansing and crimes against humanity, which are horrendous crimes that we repudiate. Certainly, the decisions of the Assembly are not binding. However, as it is a democratic and transparent body of universal composition, its decisions can provide legitimacy and attract international consensus much more effectively than those of the Security Council.

The Security Council lacks the capacity to take decisions on international problems of an economic, social, cultural or humanitarian nature. In international law, international peace and security are linked to the prohibition of the threat or use of force because, in keeping with the spirit of the Charter, the concept of collective security can be activated only in an inter-State situation or to protect a State against external aggression, which poses a threat to international peace.

No juridical norm can legally justify humanitarian intervention by the Security Council under Chapter VII of the Charter. If such a legal norm existed, we believe that the current, unjust international order, plagued by double standards, would guarantee neither credibility nor justice for all States on an equal basis. It would represent a violation of the main achievements of contemporary international law — the illegality of war and the prohibition of the use of force. Thorough reform of the composition and working methods of the Council would be required to ensure the non-abusive and non-selective use of that term.

We need only cite the Security Council's utter failure to act during Israel's attacks against Lebanon in 2006 and against Gaza in late 2008, when obvious acts of genocide and war crimes were occurring; or, at the other end of the spectrum, the attempt by a permanent Council member to invoke the responsibility to protect against Myanmar following Cyclone Nargis in 2008. The countries affected by omission or commission in such cases are always developing countries.

We reaffirm that international humanitarian law does not provide for the right of humanitarian intervention as an exception to the principle of non-use of force. The non-coercive nature of the Council's work conflicts with its ability to take decisions of a coercive nature. That is why humanitarian actors must fully respect the guiding principles of humanitarian assistance and work to provide humanitarian assistance at the request and with the consent of the affected State.

Countless questions illustrate the legal, political and ethical complexity of this problem. For example, who decides if there is an urgent need for intervention in a particular State; what criteria, within what framework and on the basis of what conditions? Who decides when it is obvious that a State's authorities are not protecting its population, and how is the decision reached? Do small States also have the right and the

8. Sudan also underlines non-interference, as "only when the cardinal principle of non-intervention is violated are international peace and security threatened", subscribing to a state security view. Setting R2P and humanitarian intervention equal, they reject its legitimacy.

and reflect further upon it, as recommended in paragraph 139 of the 2005 World Summit Outcome Document, in order to implement the responsibility to protect.

Mr. Ajawin (Sudan): At the outset, my delegation would like to take note of the report of the Secretary-General on implementing the responsibility to protect, as contained in document A/63/677. My delegation would have preferred the General Assembly to debate the concept of the responsibility to protect prior to the preparation of such a comprehensive report, as has been the norm in the United Nations.

My delegation also aligns itself with the statement made by the Ambassador of the Arab Republic of Egypt on behalf of the Non-Aligned Movement.

Paragraphs 138 and 139 of the 2005 World Summit Outcome (resolution 60/1) have generated a sea of intellectual and diplomatic controversy as to the precise interpretation and implementation mechanism of the notion of the responsibility to protect (R2P). At the centre of these controversial debates is the delicate balance between respect for State sovereignty and the need for intervention in States' affairs under the pretext of humanitarian intervention, which, when legitimized, becomes the responsibility to protect.

Our understanding of paragraphs 138 and 139 is based on the following. Paragraph 138 merely reaffirms and restates the legal duties of a sovereign State to protect its citizens or population from genocide, war crimes, ethnic cleansing and crimes against humanity. These duties are conferred on the sovereign State by what is known in political philosophy jurisprudence as the social contract between the governed and the governor or between the crown and its subjects.

Likewise, paragraph 139 can be divided into, on the one hand, a reaffirmation of the commitment of the Members of the United Nations to Chapters VI and VIII of the Charter, and, on the other, the use of force. It is the second part of that paragraph that introduces intervention by use of force, if and when necessary, under the pretext of the responsibility to protect.

First, there is a tendency to misinterpret the notion of the responsibility to protect to mean the right of intervention in the affairs of a sovereign State. Secondly, some contend that discussions about the notion of the responsibility to protect were finalized in the 2005 World Summit Outcome, and that there is no room for other interpretations or further negotiations.

This could be true in that there is a worldwide consensus that the Summit reaffirmed the role of the State in protecting its citizens from crimes against humanity. However, there is still no consensus as to the applicability of R2P to our political realities. Those misinterpretations are precisely why the majority of countries are apprehensive and cautious about the debate surrounding the idea of R2P.

My delegation strongly believes in the notion of non-interference as articulated in paragraph 4 of Article 2 of the United Nations Charter, which states that:

> "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State."

That article is very much in the spirit of the Treaty of Westphalia, which emphasized that international relations must be based on mutual respect and that every State shall refrain from interfering in the affairs of others.

This doctrine of non-interference is the glue that has kept countries together and motivated them to work collectively for international security, which culminated in the creation of the United Nations. It is only when the cardinal principle of non-intervention is violated that international peace and security are threatened.

A case in point was when Hitler used force to defend ethnic Germans in the Sudetenland as a pretext for his invasion of Czechoslovakia — an example of R2P dating to the Second World War. Similarly, the contemporary political history of interventions in countries such as Iraq and Somalia, to mention just two, has shown beyond doubt that the road to intervention is no bed of roses, but that it can also be thorny.

Moreover, the concept of the responsibility to protect provides no explicit or airtight provisions to allay the fear that one country or group of countries or organizations might abuse this principle. Indeed, the concept of the responsibility to protect is not new at all; what is new about it are the efforts and the school of thought that seek to enshrine it as a concept under

international law — which could be interpreted as the legalization of humanitarian intervention.

Some may argue that humanitarian intervention is not the same as the concept of the responsibility to protect. However, under close scrutiny, we find them to be two sides of the same coin. Humanitarian intervention is defined by *The Concise Oxford Dictionary of Politics* as

> "entry into a country of the armed forces of another country or international organization with the aim of protecting citizens from persecution or the violation of their human rights".

On the other hand, the concept of the responsibility to protect is laid out in paragraph 138, which defines the crimes or violations that warrant the invocation of the concept: genocide, war crimes, ethnic cleansing and crimes against humanity. The second part of paragraph 139 authorizes the use of force as a means of implementing the concept of the responsibility to protect. Therefore, it could be humbly submitted that the concept of the responsibility to protect equals humanitarian intervention.

Some forceful advocates who intend to use the notion of the responsibility to protect as a tool for humanitarian intervention like to point to the 1994 Rwandan genocide as supporting evidence for the possible need for future interference. It is my delegation's contention, however, that the failure of the United Nations to save lives in Rwanda during the 1994 genocide was not due to a lack of authorization within the United Nations Charter, which permits or warrants intervention in accordance with Chapter VII and the provisions and doctrines of international law, but that it was partly due to the lack of decisive decision-making by the top decision makers at the United Nations, coupled with a lack of political motivation on the part of some members of the Security Council.

That was very clear, despite early warnings in 1993 by the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions that genocide was a real possibility, as well as by the Force Commander of the United Nations Assistance Mission for Rwanda, Roméo Dallaire, in January 1994, on which the Security Council failed to act. Had Rwanda been one of the countries where some members of the Security Council had economic and political interests, I believe that the genocide would have been promptly stopped.

In a nutshell, what is needed are not romantic words to dress up the failures of the United Nations, but serious reform within the Security Council to achieve the desired paradigm shift towards a world that enjoys security while respecting human rights and the autonomy of States to run their own affairs. Reform that either abolishes veto rights or that gives Africa two permanent seats, pursuant to the African position in respect of Security Council reform, would at least guarantee fairness and respect for Security Council decisions, which have been characterized by apathy and indecisiveness.

However, even if the concept of the responsibility to protect becomes an accepted instrument under international law, its effective use will not be immune to the political influence of some members of the Security Council. To give the Security Council the privilege of being executor of the concept of the responsibility to protect would be tantamount to giving a wolf the responsibility to adopt a lamb.

For my country, which is one of the developing countries, the history of the responsibility to protect to date, be it in earlier centuries or in our modern history, has made us too scared to let down our guard, since we know that it can be misused by some powerful countries to achieve imperial hegemony over less powerful ones.

The way forward should be the establishment of an effective early warning mechanism, as articulated in the report of the Secretary-General, and not the usurpation of the doctrine of State sovereignty.

Mr. Faati (Gambia): We thank the President of the General Assembly for convening this debate to discuss the report of the Secretary-General entitled "Implementing the responsibility to protect" (A/63/677).

My delegation fully associates itself with the statement made by the representative of Egypt on behalf of the members of the Non-Aligned Movement. We would like to express our appreciation to the Secretary-General for a very interesting and informative report, in particular with respect to the issues raised under the three pillars, in the section entitled "The way forward" and in the annex.

My delegation does not have problems with the concept of the responsibility to protect (R2P), as

9. Iran also rejects the legitimisation of intervention, reiterating the need to uphold the Charter and international law as sufficient to address the full range of threats to international peace and security, also referring to collective security based on state sovereignty.

United Nations and of regional and subregional organizations should be mutually reinforcing and well coordinated.

Slovakia will continue working with other Member States to that end, consistently and tirelessly. As has already been stated by many previous speakers, our common goal should be to ensure that genocide, war crimes, ethnic cleansing and crimes against humanity never occur again. We owe it to the victims and survivors of the Holocaust, Cambodia, Rwanda and Srebrenica to do so.

Mr. Al Habib (Islamic Republic of Iran): My delegation would like to express its appreciation to the President of the General Assembly for having convened this thematic debate on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We believe it is necessary to continue to consider this complicated issue and its implications, bearing in mind the principles of the Charter and international law, as expressed in paragraph 139 of the 2005 World Summit Outcome Document (resolution 60/1). Our appreciation goes also to the Secretary-General for introducing his report (A/63/677) at our 96th meeting, on 21 July 2009. Let me also recognize the well-thought-out concept paper on the responsibility to protect distributed by the President of the General Assembly.

My delegation supports the statement made by the Permanent Representative of Egypt on behalf of the Non-Aligned Movement.

I would like to state that the Islamic Republic of Iran fully shares the sentiment that the international community must be vigilant lest the horrors of the mass killings and genocide of the past be repeated in the future. That is a message clearly expressed by world leaders in 2005, as documented in the World Summit Outcome Document.

While there is still a lot to be discussed and clarified about the very notion of the responsibility to protect and its definition, limits, scope and possible implications, examining this abstract concept in practical terms may put it in better perspective and help to make it more concrete. Hence, discussions of the Secretary-General's report should not be divorced from discussions of the concept itself and its political and legal implications. After all, looking forward should not prevent us from looking back and reminding ourselves of the lessons of history.

Having said that, my delegation would like to make a few preliminary observations concerning the notion of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

First, it goes without saying that it is the obligation and prerogative of any State to defend its own people against aggression and protect them from genocide, war crimes, ethnic cleansing and crimes against humanity. Every State will embrace this responsibility. Other States or the international community at large may step in to help upon request on a case-by-case basis and through the United Nations. This by no means whatsoever may imply permission to use force against another State under any pretext, such as humanitarian intervention. Any attempt to pseudo-legalize such forms of intervention would seriously undermine the well-established principles of international law and pave the way for all manner of politically motivated interventions in other countries under the guise of humanitarian intervention. In fact, the controversy is centred on the implied authorization of the use of force that this notion entails. I am sure that no one would like to turn the clock back to the time when theories of just war prevailed.

Secondly, the Charter of the United Nations is explicitly clear on the general prohibition of the threat or use of force in international relations between States, as embodied in paragraph 4 of Article 2 of the Charter. Self-defence against prior armed attack, as recognized under Article 51 of the Charter, is the only exception to this general peremptory rule of international law.

The Security Council can take action, too, in accordance with the purposes and principles of the Charter, when it determines a threat to international peace and security, a breach of the peace or an act of aggression. The World Summit itself reaffirmed in paragraph 79 of the Outcome that the relevant provisions of the Charter are sufficient to address the full range of threats to international peace and security. The Summit, then, granted no new right of intervention to individual States or regional alliances on any grounds.

Decades before that, the International Court of Justice had warned against such interventionist policies, when in a unanimous vote in 1949, it articulated that:

> "The Court can only regard the alleged right of intervention as the manifestation of a policy of force, such as has, in the past, given rise to most serious abuses and such as cannot, whatever be the defects in international organization, find a place in international law … From the nature of things, [intervention] would be reserved for the most powerful States, and might easily lead to perverting the administration of justice itself." (*International Court of Justice, The Corfu Channel Case, Merits, judgment of 9 April 1949, page 35*)

Thirdly, the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as a humanitarian notion should not, then, be misused or indeed abused to erode the principle of sovereignty and undermine the territorial integrity and political independence of States or intervene in their internal affairs. States need to be highly alert against any ad hoc interpretation of this rather vague notion to destabilize the Charter-sanctioned principles of international law, particularly respect for the sovereignty, territorial integrity and political independence of States and the principle of non-use of force in international relations and non-interference.

The Secretary-General himself acknowledges the danger of misusing this notion for inappropriate purposes. That authenticates the concern of many Member States that have long warned against political manipulation of new and loose concepts, as well as against selective application and double standards in invoking them.

Fourthly, there is no illusion that tragic cases of genocide, crimes against humanity and outrageous acts of aggression have been left unanswered not because of a lack of empowering legal norms, but simply due to a lack of political will dictated by power politics — that is, political and strategic considerations — on the part of certain major Powers permanently seated in the Security Council. We experienced the bitter consequences of the United Nations failure to stop the aggressor during the eight years of war imposed by Saddam's regime. We have also witnessed the repeated failure of the Council to live up to its responsibility and to take appropriate action against the Israeli regime's continuous aggression and mass atrocities in the occupied Palestinian territories and in neighbouring countries.

Fifthly, therefore, the key to preventing and suppressing such grave crimes in the future would be to faithfully implement the United Nations Charter, avoid selectivity and double standards, and accelerate the reform process with the aim of remedying the deficiencies that have resulted in the failure of the whole United Nations system to act where action was needed. It would simply be a distortion of the truth to blame the principle of sovereignty for the inaction or dysfunction of the United Nations system.

Sixthly, we fully agree with the many delegations that stressed that the notion of the responsibility to protect must be limited to the four grave crimes identified in paragraphs 138 and 139 of the 2005 World Summit Outcome, subject to the terms and qualifications identified and laid out therein. Any attempt to apply this notion to other situations would only render it more complicated and blurred. Needless to say, paragraphs 138 and 139 should be read and understood in the context of the Document in its totality. Here, I would like to also highlight the imperative of identifying and addressing the wide range of economic and political root causes that underlie or contribute to mass atrocities. Aggression and foreign occupation, foreign interference and meddling, poverty, underdevelopment and exclusion are among the main such causes, to name a few.

Finally, we support the continuation of the General Assembly's dialogue on the responsibility to protect in a transparent and inclusive manner in order to address the concerns and questions concerning this notion and its implications.

Mr. Margelov (Russian Federation) (*spoke in Russian*): I would like to thank the Secretary-General for his contribution to the consideration of the conceptual basis of the responsibility of States to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and for his report on this subject, entitled "Implementing the responsibility to protect" (A/63/677). Drafting such an important document on that issue undoubtedly called not only for significant intellectual effort, but also for a degree of courage, because we are talking here about one of the most important issues of our time, on which there is quite a broad diversity of opinion.

The Russian Federation advocates pursuing comprehensive work on the concept of the responsibility to protect. In that regard, we are guided

10. Ecuador suggests R2P's capacity to undermine existing principles like sovereignty, rejecting UNSC authority for military interventions.

Representative of Egypt, on behalf of the Non-Aligned Movement.

Ecuador attaches great importance to the role of the United Nations in establishing a world order based on respect for international law, the norms and principles set forth in its Charter, and the promotion and respect for human rights and international humanitarian law.

In its recently adopted Constitution, our country establishes as a principle for the coexistence of its people the need to respect human rights and to fight for their fulfilment. Our Constitution has an entire chapter of guarantees, among which protection is given particular priority.

Ecuador does not take the responsibility to protect lightly because, although the concept is based on humanitarian action, it is also true that it must be implemented pursuant to premises that do not undermine the guarantees and sovereignty of States.

My delegation has carefully studied the report of the Secretary-General and firmly believes that there is no body other than the General Assembly to consider this very important matter, especially given its political and legal implications. Likewise, in the light of statements made over the past two days, it is clear that we need a deep and sustained discussion on both the conceptual and the operational aspects of this mechanism. There appears to be no clarity or agreement on the political and practical implications of the responsibility to protect.

We believe that some of the proposals in the report belong to negotiations in other areas, such as, for example, disarmament, sanctions, Security Council reform, humanitarian assistance and international cooperation, among others. It is therefore important to take the results that have already been reached in those discussions into account.

It is crucial to ensure that the three pillars be addressed in a balanced manner. As to pillar one, the concept of sovereignty and the implications of any form of intervention can be subject to no interpretation that differs from that established under international law. We believe that other bodies, such as the Human Rights Council, the Peacebuilding Commission and the United Nations system overall, must be taken into account as instruments for implementing the responsibility to protect. We are pleased that the report fully respects and limits itself to the mandate set forth in paragraphs 138, 139 and 140 of the 2005 World Summit Outcome Document (resolution 60/1).

With respect to pillar two, my delegation would have appreciated a more detailed explanation of the implications of military assistance. We also note with concern that, in paragraphs 45 to 47, the issue of development assistance is linked to possible conditionalities with regard to the responsibility to protect. It is important to take into account that any sanction or economic embargo that directly impacts the survival and well-being of innocent civilians cannot be, under any conceptual framework, an acceptable measure.

Another issue calling for greater information and analysis is that of the creation of an early warning system. It is important to take into account existing prevention mechanisms of the United Nations system and of regional and subregional organizations.

With regard to pillar three, we are aware that it is the most complex of all, since it invokes the Security Council as the authority on the matter. We believe that history confirms the role that the Security Council has played in past years in cases such as Rwanda or Cambodia. We must accept that, unfortunately, it has not been an objective, effective and impartial actor, and that its working methods have not had the desired transparency and neutrality. It is therefore legitimate to ask whether the Security Council, with its current composition and decision-making mechanisms, should be the authority responsible for military interventions for humanitarian protection purposes or whether deep, comprehensive reform of the Council should take place first, enhancing its legitimacy and effectiveness.

Thus, so long as there is no full clarity on the conceptual scope, normative parameters or the actors involved, we cannot take any decision committing our States with regard to the application of this concept. That does not mean, of course, that our Organization should remain silent in the face of crimes such as genocide or ethnic cleansing. We must act, but we should do so in strict compliance with international law and its principles of non-intervention and respect for sovereignty, and within the framework of normative agreements and clear policies that completely eliminate discretionality, unilateralism and double standards.

We have seen that it is indispensable to move forward with a constructive dialogue on this delicate

11. Nicaragua suggests R2P's capacity to undermine existing principles and law and argues that the Human Rights Council and machinery must be strengthened first, rejecting R2P's capacity to reinforce them and protection.

The delegation of Nicaragua reaffirms the principles of the United Nations Charter, the most important and universal instrument. Developing the concept that we are discussing today must be considered more carefully since, as was established in the 2005 Outcome document (resolution 60/1) and the report of the Secretary-General before us (A/63/677), it could easily become a right to intervene, the consequences of which we small countries have suffered on several occasions. History has much to teach us in that regard, and anyone who tries to deny history could have other intentions.

The concept in its current iteration is ambiguous and easily manipulated, set out in a single resolution of the General Assembly whose legal force is that of a recommendation under Article 10 of the Charter. The concept, which allows for the possibility of the use of force, could run counter to well-established principles in the Charter, such as non-intervention in the internal affairs of States and the non-use of force in international relations. We wonder how to view the claim that there is a right to the responsibility to protect and to delegate the authority of implementing it to the Security Council — in other words, to the five permanent member States.

Genuine and interdependent economic cooperation in an enabling international environment can do more to avert situations of genocide, war crimes, ethnic cleansing and crimes against humanity. Thus, urgent reform of the international economic environment is needed, starting with the Bretton Woods institutions.

For my country, the general principles of the responsibility to protect agreed in 2005 are not controversial. What concerns us is how to interpret those principles and their potentially selective implementation. The concept cannot be placed above the sovereignty of States or the United Nations Charter. Relevant organs, such as the Human Rights Council and the Peacebuilding Commission, already exist, and we believe that they must be strengthened in that regard.

Mr. Pálsson (Iceland): The elements of the concept of the responsibility to protect (R2P) may be neither new nor original, but the acknowledgement by world leaders in 2005 that they had a responsibility to protect their citizens from genocide, war crimes, ethnic cleansing and crimes against humanity certainly did mark a new departure for the United Nations.

Four years on, the time has come to start making good on the commitments undertaken at the Summit. Therefore, I take this opportunity to thank the Secretary-General for his timely and well-balanced report (A/63/677) and fully subscribe to his view that our task now is not to renegotiate the conclusions of the World Summit, but to look for ways of implementing its decisions in a truthful and consistent manner.

The three-pillar approach laid out by the Secretary-General is clearly derived from the provisions of the World Summit Outcome (resolution 60/1) and provides the right framework for our ongoing work.

The first pillar, the sovereign responsibility of the State to protect its populations from the four identified kinds of atrocities, is the very foundation of R2P, emphasizing as it does the indisputable principle of State sovereignty while also highlighting that State sovereignty entails responsibility. The second pillar is similarly paramount, as it addresses the commitment of the international community to providing assistance to States in fulfilling their basic obligations in safeguarding their populations. Both pillars underscore the importance of prevention as an element of R2P, going hand in hand with early warning and assessment.

As is emphasized by the Secretary-General in his report, peaceful means should always be the preferred course of action, and coercive measures, particularly those undertaken under Chapter VII of the United Nations Charter, should remain an option of last resort. Hence, the third pillar delineates the responsibility of the international community to act in a timely and decisive manner, in accordance with the Charter, on a case-by-case basis and in cooperation with relevant regional organizations, if a State is manifestly failing to protect its people from genocide, ethnic cleansing, war crimes and crimes against humanity.

These are substantial qualifiers, but let us at all times bear in mind that the concept of R2P is essentially about saving human lives. It should not become licence for illegitimate or arbitrary interference or aggression. Quite the contrary, R2P must be seen as a means of reinforcing legality in international affairs and as a way of shoring up respect for the international system embodied in the United Nations. For this reason, my delegation fully supports giving the General Assembly a leading role in fashioning an

12. Qatar connects R2P to humanitarian intervention in colonialism, fearing its misuse and questioning UNSC authority.

international law, must not affect or undermine the territorial sovereignty of States, and must prioritize the protection of populations under occupation and States and populations subject to foreign invasion in violation of their sovereignty. Those who seek to develop the concept must strive to conclude a detailed, internationally agreed definition of situations in which the responsibility to protect should be invoked and of the conditions that must prevail before it can be invoked. This must be done by the principal political forum of the world — the General Assembly.

Furthermore, history has taught us that many measures introduced under noble principles were not in fact what they were purported to be. One of the most important examples of that dark history was the era of colonialism and racial segregation, which were justified even by eminent Western intellectuals of the time as enterprises seeking the welfare of the uncivilized, barbaric nations that were subjected to colonialism.

In addition to these theoretical obstacles, the implementation of the responsibility to protect is also hindered by practical obstacles, the most prominent of which is the fact that the United Nations, the foremost international mechanism through which any humanitarian intervention can be carried out in the name of the international community, is bound by political realities that make it difficult to implement this principle in a consistent or harmonized way, thereby impeding the universal acceptance of the principle. How can the Security Council implement and enforce the responsibility to protect when it has repeatedly and clearly failed to implement and enforce its mandate under Article 24 of the Charter of the United Nations to maintain international peace and security in the face of atrocities committed against populations? These failures can be attributed to certain considerations now under discussion in the context of the intergovernmental process to reform the Security Council. The recent events in Gaza and, before that, in Somalia, Iraq and Afghanistan highlighted the international community's reluctance to implement the responsibility to protect principle fairly, justly and without politicization.

One of the most important factors that have led to criticism of principles that, in theory, should be above criticism — the principles of humanitarian intervention, human security and the responsibility to protect — is their misuse, not to mention the double standards invoked in relation to them and their subjection to such ignoble principles such as the use of force, pre-emptive strikes and hegemony. Worse still are the abuse and exploitation of noble humanitarian principles as cover for pursuing political ends of an entirely apposite nature, as witnessed throughout the era of colonialism and to this very day.

With respect to the scope and mechanism of protection, we emphasize the importance of implementing such concepts in a manner that helps States to protect their populations. We emphasize a comprehensive approach to the protection of civilians because the procedures and provisions that have often been very effective in ending the suffering of civilians include the diplomatic, humanitarian and appropriate peaceful means set out in the Outcome Document of the 2005 Summit.

On the basis of its belief that preventive peaceful solutions are more effective and legitimate than the use of force, and that they are based on the principles of the Charter of the United Nations, in particular Chapter VI, the State of Qatar has repeatedly undertaken joint diplomatic efforts with the United Nations and friendly countries of our region and beyond, and has contributed to resolving international and regional disputes and to protecting the populations affected by those disputes. We take this opportunity to reaffirm the linkage between development and security and the need to promote collective efforts to achieve political and economic development in developing countries within the framework of tripartite cooperation in the service of humanity.

Mr. Beck (Solomon Islands): We are mandated by our leaders to carry on the debate on the concept of the responsibility to protect (R2P). I thank the President of the General Assembly for having convened this plenary meeting and for having organized the stimulating R2P panel discussion that took place yesterday. The full attendance demonstrates the keen interest of all Members in getting R2P right from the outset as we seek consensus on its details, mechanics and structure.

R2P is another never-again mechanism that acknowledges the weakness of the current humanitarian and international conventions and treaties and existing institutional gaps within the United Nations system as it confronts the four international

13. Panama situates R2P in line with international law and the Charter, distinct from humanitarian intervention and strengthening sovereignty. North Korea contrastingly questions R2P as potentially undermining international law, principles and sovereignty, connecting it to the rejected humanitarian intervention.

under the responsibility to protect and to monitor progress along those lines, along with the suggestion that this concept be disseminated among communities, that individual responsibility be promoted and that an end be put to impunity as other ways of preventing genocide.

What we have to do now is initiate a series of discussions aimed at undertaking a periodic review of the implementation of the responsibility to protect by Member States and see how to monitor Secretariat efforts to implement the concept.

My delegation recognizes that some Member States still question this concept. They feel it is a pretext for intervention in their internal affairs. That is why this debate was necessary. The Secretary-General's report has shed light on the avenues for implementing the concept we adopted at the 2005 World Summit. Clearly, implementation involves a broad range of institutional activities in conflict prevention, the promotion and defence of human rights and democracy and other activities described in the report, such as the establishment of an early warning system. My country welcomes these proposals. We agree that the preventive elements of the responsibility to protect are the most important and practical.

The implementation of the concept entails many tasks to be carried out in many areas, including Security Council decisions regarding international peace and security. But we should not use the lack of Council reform as an excuse to not move ahead in the implementation of this concept in all possible areas. In the end, what we have to do is move ahead and improve the entire range of preventive efforts to prevent situations such as those covered by the concept of the responsibility to protect from coming to the Security Council.

From our perspective, the concepts of the responsibility to protect and humanitarian intervention are so dissimilar that they must not be confused. In the past, there have certainly been genocides and various military interventions in which humanitarian criteria were used as a justification, but these were unilateral initiatives that took place outside of the United Nations framework. What the responsibility to protect tries to do is strengthen all these national capacities, first of all, and multilateral capacities, secondly, in order to prevent genocide and crimes against humanity. If a situation were to occur where the recourse to force were necessary, that could not take place outside the international legal framework to which we all belong.

Mr. Pak Tok Hon (Democratic People's Republic of Korea): My delegation associates itself with the statement made by the Permanent Representative of Egypt on behalf of the Non-Aligned Movement.

It is a century-long common aspiration of humankind to live in a new peaceful and prosperous world, free from aggression and war. Contrary to the expectations of humankind at the end of the cold war, world peace and security continue to deteriorate due to the high-handedness and arbitrariness of the super-Power and all types of conflicts. It is worth recalling that in the past, military attacks were launched against a sovereign State on the pretext of humanitarian intervention. And today, aggressions and interventions are ever more undisguised and even justified under the banner of a "war on terror", infringing upon sovereignty and killing a large number of innocent people.

This reality requires United Nations Member States to seriously review the responsibility and role of the United Nations in maintaining international peace and security, with a view to taking appropriate practical measures.

The deliberations on the issue of the responsibility to protect (R2P) is, in our view, also linked to enhancing the United Nations role in conflict resolution. Nevertheless, this is very complicated and sensitive, as it is based on the concept of humanitarian intervention, which was already rejected at the United Nations.

Today, many countries are expressing concern over the responsibility to protect, which calls for the international community to intervene in those situations where genocide, war crimes, ethnic cleansing and crimes against humanity are committed by mobilizing every coercive measure, including the use of force. The concern is, first of all, whether this theory is in conformity with the principles of respect for sovereignty, equality and non-interference in others' internal affairs, as stipulated in the United Nations Charter. The international community can encourage and assist sovereign States in their efforts to fulfil their responsibility to protect their own people, but it cannot act like a master in place of their Governments.

The second concern is whether military intervention can be as effective as envisaged by the responsibility to protect in saving the lives of people and in conflict resolution. Ironically, the wars in Iraq and Afghanistan are testimony to the fact that military interventions — for any reason — have always entailed even more serious human rights violations and have thus further devastated the situation.

Last but not least, the third concern is that the concept of the responsibility to protect may be used to justify interference in the internal affairs of weak and small countries.

If this concept is to really contribute to the protection of civilians, we should be able to apply it without exceptions, including to the massive killings of innocent people in Afghanistan and Gaza. Regrettably, action on those cases cannot even be brought before the Security Council because of the involvement of the super-Power. This is the reality we are facing today.

We hope that the aforementioned concerns will be addressed in the course of deliberations.

My delegation is of the view that it is all the more urgent to take steps towards the fundamental resolution of wars and conflicts within the current framework rather than creating a new protection arrangement. To that end, just international relations based on the principles of respect for sovereignty, equality and non-interference in others' internal affairs should be established without further delay. Those principles, which are stipulated in the United Nations Charter, constitute the cornerstone of international relations, and only a world built on these principles will be free from domination and subjugation, aggression and war.

At the same time, we have to encourage the peaceful resolution of current conflicts through dialogue and negotiations, without foreign interference, and reject any type of act instigating confrontation and conflict.

The Government of the Democratic People's Republic of Korea will fulfil its responsibility to firmly safeguard its sovereignty and dignity from ever-increasing military threats by foreign forces, thus contributing actively to peace and stability in the Korean peninsula and beyond.

Mr. Ntwaagae (Botswana): I should like to express my delegation's sincere appreciation to the President of the General Assembly for convening this series of meetings to discuss the advancement of a critical norm that embodies our individual and collective commitment: the responsibility to protect. I also wish to join preceding speakers in thanking the Secretary-General for his very instructive report (A/63/677). I applaud him for his continued efforts to promote and build a normative consensus around this noble concept.

Four years ago, our heads of State or Government adopted the doctrine of the responsibility to protect as part of the 2005 World Summit Outcome Document (resolution 60/1). That pronouncement, made at the highest political level, was a clear demonstration of a strong collective commitment to protect the world's populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and to eradicate impunity.

We need only recall for a moment some of the gross atrocities of recent years to realize the difference that that concept might have made had it been in effect. Indeed, history is replete with bitter lessons of grave mayhem, partly because we were indecisive as to whether the human rights abuses committed or threatened by the authorities were serious enough to warrant international attention and action. Our past failures to prevent grave human rights violations should challenge us to rededicate ourselves to our solemn oath and pledge to save succeeding generations from the scourge of war and untold sorrows.

We note with pleasure and satisfaction that the Secretary-General's report advocates a three-pillar approach to putting the concept into practice: first, States themselves have the primary responsibility for protecting their populations from genocide, war crimes, ethnic cleansing and crimes against humanity; secondly, the international community has the responsibility to help them do so; and thirdly, only in instances in which a State is manifestly failing to protect its own population does the international community have the responsibility to take timely and decisive action to remedy the situation. Even in such circumstances, it is important that the international community not undermine the sovereignty of the countries concerned under the pretext of providing support and assistance.

We also note that the Secretary-General's report not only demonstrates the urgency of operationalizing the concept as a preventive tool, but also identifies