

# Responsibility to Protect as a ‘Standard of Civilisation’

An English School Approach to the ‘Responsibility to Protect’

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## Abstract

*This thesis sets out to examine whether the Responsibility to Protect concept resembles the nineteenth-century 'Standard of Civilisation.' The recent debate on the Responsibility to Protect and the UN Security Council's reluctance to invoke the concept in conflicts like Syria and Myanmar has generally focused on either political unwillingness or the misuse of power to impose regime change and advance foreign national interests in weak states. Little attention has been paid to the normative character of R2P viewed in a broader historical, ethical and legal perspective. During the last two decades, a small group of scholars have utilised the nineteenth-century concept 'Standard of Civilisation' in their analysis of standards in contemporary international society. 'Standard of Civilisation' was a concept developed in order to rank states based on European values. The scholarly field has largely been neglected in mainstream literature, but given the critique of R2P being politicised and advancing Western standards, it is assessed to be relevant to examine R2P in comparison to the 'Standard of Civilisation.'*

*The examination is conducted through two qualitative studies; one examining the process by which R2P came to emerge and a second which examines the implementation of the concept and the outcome. Both studies utilised the English School framework, thus emphasises the conceptions of states in a historical and ethical context.*

*A broad historical, ethical and legal comparison of R2P and the 'Standard of Civilisation' reveals that the issues surrounding R2P arise from the different conceptions of how international society ought to be. While the European Union and the US, in general, have sought to advance liberal values of individual human rights and democracy, thus holding a solidarist conception, other states such as China, Russia, Brazil and India has emphasised the traditional notion of sovereignty and non-intervention, thus holding a pluralist conception. Placed in between the two conceptions were the African states who sought to establish a collective humanitarian security system free of other standards.*

*It is found that the concept as initially adopted at the 2005 World Summit Outcome Document resembled a pluralistic and inclusive 'Standard of Civilisation.' However, due to the vague definition, room was left for interpretation when the concept was eventually implemented.*

*Consequently, R2P came to resemble a solidarist and rather intrusive 'Standard of Civilisation' based on Western conceptions and which arguably led to exploitation and maintenance of hierarchy amongst states. The implementation was met with scepticism and rejection from the non-Western world. The findings are discussed in relation to the mainstream IR literature to point to the deficiency of only considering R2P in relation to ethics or in relation to power structures. Both must be considered. The thesis concludes by arguing that R2P must be implemented with a pluralist conception since the solidarist aspirations of advancing liberal values might eventually be revolted against.*

## Abbreviations

AU	African Union
ECOWAS	Economic Community of West African States
EU	European Union
ICC	International Criminal Court
ICISS	International Commission on Intervention and State Sovereignty
IR	International Relations
R2P	Responsibility to Protect
SoC	Standard(s) of Civilisation
TWAIL	Third World Approaches to International Law
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UNOCI	United Nations Operation in Côte d'Ivoire
US	United States of America
WSOD	World Summit Outcome Document

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## Introduction

*“We think ourselves more advanced and enlightened than our international legal predecessors of the pre-1914 era. How ironic and perhaps disturbing it is to realise that we, as civilizational architects, may be putting those men of embarrassing attitudes to shame<sup>1</sup>.”*

In 2005, the United Nations General Assembly politically committed to the principle of Responsibility to Protect and the event has been celebrated as a new era for human rights in the international community as it accommodates the challenges faced when genocide, war crimes, ethnic cleansing and crimes against humanity threaten or are committed against a population<sup>2</sup>. It came as a response to the atrocities being committed throughout history, such as the Holocaust, Cambodia, Rwanda and Srebrenica and an expression of an international vow of “never again<sup>3</sup>.”

The concept entails that sovereignty is not just about protection from foreign intervention and interference, but also imply a responsibility to protect one’s population and responsibility of the international community to prevent and react the crimes. The human rights agenda hence became empowered, as it was now universally agreed that in cases of grave breaches of the international human rights conventions, the international society of states had a toolbox to implement to prevent and react. Various actors, including states, organisations and scholars, welcomed and celebrated the principle. The United Nations itself declared the adoption of the 2005 World Summit Outcome Document a fresh programmatic opportunity for the UN to help prevent atrocity crimes<sup>4</sup>. The British historian, Martin Gilbert<sup>5</sup>, called the principle:

*“...the most significant adjustment to sovereignty in 360 years<sup>5</sup>.”*

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<sup>1</sup> David P. Fidler, “The Return of the Standard of Civilization,” *Chicago Journal of International Law* 2, no. 1 (Spring 2001): 157.

<sup>2</sup> UN General Assembly, Resolution 60/1, 2005 World Summit Outcome, A/RES/60/1, §138 (Sep 16, 2005), [http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_RES\\_60\\_1.pdf](http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf).

<sup>3</sup> “World Not Fulfilling ‘Never Again’ Vow, Secretary General Tells General Assembly Meeting on Responsibility to Protect,” Meetings Coverage, United Nations, Sep 5, 2012, <https://www.un.org/press/en/2012/ga11270.doc.htm>.

<sup>4</sup> “About,” Responsibility to Protect, United Nations Office of Genocide Prevention and Responsibility to Protect, accessed Nov 1, 2018, <http://www.un.org/en/genocideprevention/about-responsibility-to-protect.html>.

<sup>5</sup> “Sir Martin’s Web Citings,” Sir Martin Gilbert., accessed Nov 11, 2018, <https://www.martingilbert.com/martins-citings/>.

President and CEO of the International Crisis Group, Gareth Evans, celebrated the principle in 2006 as:

*“...an emergence of a new international norm, one that may ultimately become a new rule of customary international law with really quite fundamental ethical importance and novelty in the international system<sup>6</sup>.”*

The Responsibility to Protect (R2P) is the latest enlargement of the international human rights agenda; thus the latest development of an internationally accepted standard since the United Nations General Assembly proclaimed the Universal Declaration of Human Rights in 1948<sup>7</sup>. The Declaration laid the foundation for nine subsequent fundamental human rights treaties, which all UN Member States have ratified at least one of, plus a number of other treaties, declarations et cetera<sup>8</sup>. The rights are monitored by various organisations, including the UN Human Rights Committee<sup>9</sup> and NGOs such as Amnesty, which does a comprehensive work to advocate and assess each state’s compliance with human rights<sup>10</sup>. Initially, the human rights agenda seems on the rise, but if one digs deeper into the conceptual framework and implementation of human rights, the picture might not be just as bright. The Secretary General of Amnesty International, Salil Shetty, exhibits a disheartening view of the contemporary human rights situation:

*“As we enter the year in which the Universal Declaration of Human Rights turns 70, it is abundantly clear that none of us can take our human rights for granted.<sup>11</sup>”*

The implementation of human rights is suffering difficulties. Countries, small and large, and even some of the permanent members of the United Nations Security Council are fighting against the human rights agenda. Russia threatens to leave the European Court of Human

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<sup>6</sup> Gareth Evans, “From Humanitarian Intervention to the Responsibility to Protect,” *Wisconsin International Law Journal* 24 (2006-2007): 704.

<sup>7</sup> “Universal Declaration of Human Rights,” Documents, United Nations, accessed Nov 1, 2018, <http://www.un.org/en/universal-declaration-human-rights/>.

<sup>8</sup> “Ratification of 18 International Human Rights Treaties,” Status of Ratification, United Nations Human Rights Office of the High Commissioner, accessed Nov 3, 2018, <http://indicators.ohchr.org/>.

<sup>9</sup> “Human Rights Committee,” United Nations Human Rights Office of the High Commissioner, accessed Nov 1, 2018, <https://www.ohchr.org/en/hrbodies/ccpr/pages/ccprindex.aspx>.

<sup>10</sup> “What We Do,” Amnesty International, accessed Nov 2, 2018, <https://www.amnesty.org/en/what-we-do/>.

<sup>11</sup> Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (2018): 12, <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>.



Rights<sup>12</sup>, while at the same time attempts to close down human rights groups working within Russia<sup>13</sup>. Some rights are considered as being incompatible with Russian culture, such as freedom of sexual orientation, and are perceived as yet another Western attempt to scrutinise the Russian culture and narrative<sup>14</sup>. China too overtly opposes the human rights agenda and threatens foreign diplomats who dare to bring up the subject with trade measures<sup>15</sup>. Within China, the many political prisoners, executions and increasing restrictions on the citizens' right to freedom of speech, religion, political orientation etc. continually violate human rights<sup>16</sup>. In Saudi Arabia, practices that are inherent in the culture are in opposition to some of the human rights, which means that compliance would conflict with cultural norms<sup>17</sup>. The International Criminal Court, which was established with the intention to mitigate against and prosecute violators of grave violations of human rights and humanitarian law, also faces challenges. Several African countries have threatened to leave the Court because of accusations of the Court mainly targeting African countries<sup>18</sup>. In general, human rights are accused of imposing Western liberal and individual values upon the rest of the world, thus being out of touch with other cultures and societies<sup>19</sup>. In academic circles, some scholars accuse them of being Eurocentric both in origin and as they are exercised today<sup>20</sup>. The resistance is experienced in practice as well. Countries determined to undermine human rights have been voted into the

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<sup>12</sup> Maria Tsvetkova, "Russia may end cooperation with European Court of Human Rights: RIA," *Reuters*, March 1, 2018, <https://www.reuters.com/article/us-russia-court-echr-withdrawal/russia-may-end-cooperation-with-european-court-of-human-rights-ria-idUSKCN1GD47U>.

<sup>13</sup> Daisy Sindelar, "Russian human rights group faces threat of closure," *The Guardian*, Oct 14, 2014, <https://www.theguardian.com/world/2014/oct/14/russian-human-rights-group-faces-threat-closure>.

<sup>14</sup> Human Rights Watch, "Russia: Government vs. Rights Groups. The Battle Chronicle," *Human Rights Watch*, June 18, 2018, <https://www.hrw.org/russia-government-against-rights-groups-battle-chronicle>.

<sup>15</sup> China Digital Times, "China Buying International Silence on Human Rights," *China Digital Times*, June 22, 2017, <https://chinadigitaltimes.net/2017/06/china-buying-international-silence-human-rights/>.

<sup>16</sup> Camila Ruz, "Human Rights: What is China accused of?," *BBC News*, Oct 21, 2015, <https://www.bbc.com/news/magazine-34592336>.

<sup>17</sup> Adam Taylor, "The facts – and a few myths – about Saudi Arabia and human rights," *The Washington Post*, Feb 9, 2015, [https://www.washingtonpost.com/news/worldviews/wp/2015/02/09/the-facts-and-a-few-myths-about-saudi-arabia-and-human-rights/?utm\\_term=.c7f1dccc78f2](https://www.washingtonpost.com/news/worldviews/wp/2015/02/09/the-facts-and-a-few-myths-about-saudi-arabia-and-human-rights/?utm_term=.c7f1dccc78f2).

<sup>18</sup> Franck Kuwonu, "ICC: Beyond the threats of withdrawal," *AfricaRenewal Online*, May-July 2017, <https://www.un.org/africarenewal/magazine/may-july-2017/icc-beyond-threats-withdrawal>.

<sup>19</sup> "Statement by H.E. Vice Foreign Minister WANG Guangya at the 58<sup>th</sup> Session of the United Nations Commission on Human Rights (Geneva)," Human Rights, Permanent Mission of the People's Republic of China to the UN, accessed Nov 6, 2018, <http://www.china-un.org/eng/zghlhg/jjhshsw/rqwt/t29329.htm>.

<sup>20</sup> E.g. Makau Mutua, "Savages, Victims, and Saviors: The Metaphor of Human Rights," *Harvard International Law Journal* 42, no. 1 (Winter 2001).

human rights bodies<sup>21</sup> and efforts to reduce or completely remove funding from UN human rights bodies have been suggested<sup>22</sup>. In the West, the target of the accusations, the human rights agenda also faces challenges. Internationally, the experiences in Libya, Iraq, and Afghanistan have caused a reluctance to intervene with force in countries where grave breaches of the human rights are committed<sup>23</sup>. Domestically, human rights have faced challenges as a consequence of the War on Terror, which have led some Western countries to put restrictions on civil rights in the name of national security<sup>24</sup>. It is evident that the challenges are many.

The criticism seems to have a spill-over effect on R2P, the icing on the human rights cake. The two are undeniably linked as international human rights standards represent the foundation on which R2P has emerged. However, the concept stands accused of being just another tool for the West's 'imperialistic' ambitions to intervene in weaker states in disguise of human rights protection<sup>25</sup>. Others claim that R2P is the latest invention of the neo-colonialists to maintain their stronghold in former colonies<sup>26</sup>. After the R2P intervention in Libya, which resulted in the death of Gaddafi, several critical voices rose. In the New York Times Opinion section, David Rieff wrote:

*“R2P is a doctrine born on good intentions, but one of its great drawbacks is that it turns into a form of policy work write large, guided by fables of moral innocence and righteousness.”<sup>27</sup>*

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<sup>21</sup> Simon Tisdall, “Why are world’s worst violators joining UN human rights council?,” *The Guardian*, Oct 11, 2018, <https://www.theguardian.com/politics/2018/oct/11/eritrea-joining-human-rights-council-membership-undermine-work-hrc>.

<sup>22</sup> Marjorie Cohn, “Responsibility to Protect – The Cases of Libya and the Ivory Coast,” *Global Policy Forum*, May 15, 2011, <https://www.globalpolicy.org/qhumanitarianq-intervention/50201-responsibility-to-protect-the-cases-of-libya-and-the-ivory-coast.html?itemid=580>.

<sup>23</sup> Simon Tisdall, “The epic failure of our age: how the west let down Syria,” *The Guardian*, Feb 10, 2018, <https://www.theguardian.com/world/2018/feb/10/epic-failure-of-our-age-how-west-failed-syria>.

<sup>24</sup> Helen Fenwick, “Responding to the ISIS threat: extending coercive non-trial-based measures in the Counter-Terrorism and Security Act 2015,” *International Review of Law, Computers & Technology* 30, no. 3 (2016): 185.

<sup>25</sup> Global Policy Forum, “Venezuelan President Hugo Chavez’s Speech to the United Nations World Summit,” *Global Policy Forum*, Sep 16, 2005, <https://www.globalpolicy.org/social-and-economic-policy/poverty-and-development/the-millennium-summit-and-its-followup-1-32/29676.html>.

<sup>26</sup> H.L.D. Mahindapala, “R2P – latest acronym for neo-colonial interventions,” *World Institute for Asian Studies* 12, no. 2420 (2007), <http://www.asiantribune.com/node/6797>.

<sup>27</sup> David Rieff, “R2P, R.I.P.,” *The New York Times*, Nov. 7, 2011, <https://www.nytimes.com/2011/11/08/opinion/r2p-rip.html>.

According to the historian, Samuel Moyn, the intervention in Libya may have been the ending of R2P, as he writes:

*“The West’s appeal to the responsibility to protect Libyans from the troops massed at the gates of Ben Ghazi as a warrant for the regime change they actually conducted has threatened and perhaps destroyed the doctrine...<sup>28</sup>”*

Their critique does not stand alone, and the failure to implement R2P in Syria, where atrocities have been committed for years, implies the lack of confidence in the concept<sup>29</sup>. China and Russia continuously vetoed resolutions on Syria, while the West has condemned their actions of protecting a regime committing atrocities against its own people<sup>30</sup>. R2P seems to have offered no help to the Syrian people. Paddy Ashdown, a British lawmaker and former high representative to Bosnia and Herzegovina depressingly states:

*“R2P has diminished from a high hope into an interesting collection of words lying on the table<sup>31</sup>.”*

If these critiques have some truth to them, rather than celebrating the adoption of the R2P principle, the international community ought to acknowledge the crisis that the human rights agenda is facing at present. The allegedly good intentions of the R2P concept seems to clash with the realities, but this is no news to International Relations (IR) scholars who offer different explanations why that might be.

The R2P concept is claimed to advance Liberal Internationalism, because R2P presumes the establishment of good governance, democracy in this context, to prevent long-term conflict and mass atrocities, and advance human rights<sup>32</sup>. The recent development experienced by the

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<sup>28</sup> Samuel Moyn, “Luke Glanville, Sovereignty and the Responsibility to Protect,” *Law and History Review* 33, no. 1 (Feb. 2015): 270-271.

<sup>29</sup> Tom Esslemont, “As Syrian deaths mount, world’s ‘responsibility to protect’ takes a hit: experts,” *Reuters*, Oct 25, 2016, <https://www.reuters.com/article/us-mideast-crisis-syria-law/as-syrian-deaths-mount-worlds-responsibility-to-protect-takes-a-hit-experts-idUSKCN12O2S3>.

<sup>30</sup> BBC, “Syria War: Anger after Russia vetoes resolution at UN,” *BBC*, April 13, 2017, <https://www.bbc.com/news/world-europe-39585071>.

<sup>31</sup> Esslemont, “As Syrian deaths mount, world’s ‘responsibility to protect’ takes a hit: experts.”

<sup>32</sup> Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All* (Washington D.C.: Brookings Institution Press, 2009): 88.

R2P agenda is thus due to the political unwillingness of Western decision-makers, as argued by Gareth Evans<sup>33</sup>. However, seen from the perspective of Realism, R2P is somewhat of an ideological principle, which appears to be just another tool to fulfil the national interests of those in power. The concept is thus fated to become a tool of national interests, rather than a moral commitment<sup>34</sup>. The realist perspective is a rather important one because Realism has been dominating in IR and foreign policy throughout time and been the guiding school of thought for many policymakers<sup>35</sup>.

Furthermore, a group of scholars, referred to as Third World Approaches to International Law (TWAIL), is mainly critical of the R2P concept. R2P is perceived as yet another way to legitimise and maintain existing international power structures, as it eventually allows strong states, those in the West, to interfere in weaker states, the Global South, hence reinforcing the inequality in international society. The other point of critique is that intervention consequently may lead to regime change followed by state-building picturing the image of the West. For TWAIL scholars, R2P is highly problematic as it may be misused and resemble the logic of the nineteenth-century civilising missions and colonialism executed at the time<sup>36</sup>.

A fourth critique is heard from the English School. English School scholars have argued that the human rights agenda itself represents a modern ‘Standard of Civilisation,’ which maintains a distinction between the ‘civilised’ and the ‘non-civilised’<sup>37</sup>. Therefore, following this logic, R2P has emerged from a foundation, which is inherently discriminatory.

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<sup>33</sup> Gareth Evans, “Responsibility to Protect: Ten Years On,” (speech, Pretoria December 7, 2015 and Cape Town December 9, 2015), Global Leadership Foundation, [https://www.g-l-f.org/site/g\\_l\\_f/assets/pdf/evans\\_-\\_responsibility\\_to\\_protect\\_-\\_ten\\_years\\_on.pdf](https://www.g-l-f.org/site/g_l_f/assets/pdf/evans_-_responsibility_to_protect_-_ten_years_on.pdf).

<sup>34</sup> Jack Donnelly, “The Ethics of Realism,” in *The Oxford Handbook of International Relations*, eds. Christian Reus-Smit and Duncan Snidal (New York: Oxford University Press, 2008): 152.

<sup>35</sup> Tim Dunne and Brian Schmidt, “Realism,” in *The Globalization of World Politics: An Introduction to International Relations*, ed. John Baylis, Steve Smith, and Patricia Owens (Oxford: Oxford University Press, 2008): 92.

<sup>36</sup> Sue Robertson, “‘Beseeching Dominance’: \*Critical Thoughts on the ‘Responsibility to Protect’ Doctrine,” *Australian International Law Journal* 12 (2005): 43-44.

<sup>37</sup> E.g. Jack Donnelly, “Human Rights: A New Standard of Civilization?,” *International Affairs* 74, no. 1 (Jan. 1998) or Mehdi Mozaffari, “The transformationalist perspective and the rise of a global standard of civilization,” *International Relations of the Asia-Pacific* 1, (2001).

## Contribution of the Study

Considering the critique of human rights of being Eurocentric and the R2P of being an excuse for Western intervention in the light of the current crisis of the human rights agenda, one ought to ask whether the critique is justified. Is the human rights agenda a Western neo-imperial project, which serves to place the Western states on the moral high ground and in a position where it can impose its standards on non-Western countries? Is the R2P concept a means to justify Western interventions in other states who do not live up to the standards? Looking back in history, standards imposed by one part of the world on the rest of the world is not unheard of.

In the nineteenth century, the Europeans imposed a 'Standard of Civilisation' (SoC) on the societies and peoples, whom the Europeans encountered while attempting to expand the international society of Europe. The standard consisted of a set of requirements, which societies had to oblige to achieve membership in the 'Family of Civilised Nations,' thus creating a hierarchy amongst states with the European states on top of the mountain of 'civilisation'<sup>38</sup>. The term was eventually put to rest after the Second World War, as the Europeans could no longer claim to be the centre of civilisation after the atrocities, which happened within their own stronghold<sup>39</sup>. It could be viewed praiseworthy that the standard eventually disappeared from the international agenda; however, one still has to keep in mind that it took two devastating world wars in the epicentre of 'civilisation' to discredit the standard as a morally embarrassing piece of legal history. Furthermore, despite its allegedly contemporary insignificance, the SoC is the foundation upon which modern-day international law is built<sup>40</sup>. This information may be surprising for many students of international law, as it seems to have disappeared from the mainstream textbooks. However, English School scholars brought up the term in the 80s in the analysis of IR, to understand and explain the expansion of European international society in the nineteenth and early twentieth century<sup>41</sup>. Recently, the term has once again been used to characterise contemporary issues and tendencies. A small group of

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<sup>38</sup> Berry Buzan, "The 'Standard of Civilisation' as an English School Concept," *Millennium Journal of International Studies* 42, no. 3 (2014): 577.

<sup>39</sup> Gerrit W. Gong, *The Standard of 'Civilization' in International Society* (New York: Oxford University Press, 1984): 87.

<sup>40</sup> Buzan, "The 'Standard of Civilisation' as an English School Concept," 577-78.

<sup>41</sup> Buzan, "The 'Standard of Civilisation' as an English School Concept," 577-78.

contemporary scholars and political thinkers have argued that the SoC has succeeded in a comeback or that it has been there the whole time, disguised as either liberalism, democracy, development or good-governance. The most attention-grabbing claim though is one of the human rights as a predecessor of the classical SoC<sup>42</sup>. The comprehensive codification of human rights in international law initially makes it an exceptionally powerful standard, and with the history of the previous standards, it might be relevant to look into the claims.

Despite the latest research on SoC, the mainstream literature, politicians, and scholars are ignoring it, consciously or unconsciously, even though one of the most important documents of international law, the Statute of the International Court of Justice, refers indirectly to the standard:

*The Court whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:*

- a. *International conventions, whether general or particular, establishing rules expressly recognized by the contesting states;*
- b. *International custom, as evidence of a general practice accepted as law;*
- c. *The general principles of law recognized by civilised nations<sup>43</sup>;*

Hence, it is right there; written into the core of international law. The comparison with the nineteenth century European SoC is thus interesting, as it is argued to have served to exploit power asymmetries in the international community<sup>44</sup>.

This thesis will utilise the concept of SoC in an analysis of R2P in order to identify the possible issues it is facing from a broader perspective and address the issues of perceiving the principle through one set of glasses. I argue that the English School allows the analysis to address a broader range of elements, as it incorporates the perspectives of Realism and Liberalism into one framework. From an English School perspective, the R2P principal must be regarded in

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<sup>42</sup> E.g. Jack Donnelly, "Human Rights: A New Standard of Civilization?," *International Affairs* 74, no. 1 (Jan. 1998) or Mehdi Mozaffari, "The transformationalist perspective and the rise of a global standard of civilization," *International Relations of the Asia-Pacific* 1, (2001).

<sup>43</sup> United Nations, *Statute of the International Court of Justice*, 1 UNTS XVI, §38 (Oct. 24, 1945), <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>.

<sup>44</sup> Brett Bowden, "The Colonial Origins of International Law. European Expansion and the Classical Standard of Civilization," *Journal of the History of International Law* 7, no. 1 (2005): 1.

the light of changing dynamics in international society and not only in the view of power structures or international norms<sup>45</sup>. The purpose of this thesis is to explore to what extent the most recent development within the human rights agenda, R2P, resembles a new SoC. I argue that it is vastly relevant to examine, because if it proves to be the case, we as students, teachers, and practitioners of international relations and international law, especially in the West, must alter the way we talk about, perceive and advocate R2P. Why? Because we must not commit the same mistakes as our predecessors and become guilty of suppression, exploitation and discrimination while assuming ourselves acting from the moral high ground. It is especially relevant in these times where other normative regimes are influencing the international scene to a larger extent, such as China who explicitly states its approach:

*“We don’t import models from other countries, neither do we export the Chinese model. We will never place demands on other countries to copy the way China does things<sup>46</sup>.”*

If international actors and analysts keep maintaining the principle of equality of sovereigns as the foundation for international society, while at the same time advocate for standards, which serve to rank states, we are deceiving ourselves by pretending equality and anarchy to exist while ignoring the allegedly hierarchical tendencies.

### Course of Action

The study relies on an examination of whether R2P truly unites human rights protection and sovereignty as it claims to or if it maintains the hierarchy in international society. Because R2P seeks to unite the two norms of sovereignty and human rights, they are the main objects of consideration.

I argue that the SoC is an important term in IR because it may justify exploitation of the asymmetries of power, which exists between different political communities and maintains hierarchy among states<sup>47</sup>. The first chapter will offer an overview of the most important

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<sup>45</sup> Edward Newman, “R2P: Implications for World Order,” *Global Responsibility to Protect* 5 (2013): 255-257.

<sup>46</sup> “China presents its take on human rights at global forum in Beijing,” *Diplomacy*, South China Morning Post, last modified Dec 07, 2017, <https://www.scmp.com/news/china/diplomacy-defence/article/2123305/china-presents-its-take-human-rights-global-forum>.

<sup>47</sup> Kalypso Nicolaidis et al, “From Metropolis to Microcosmos: The EU’s New Standards of Civilisation,” *Millennium: Journal of International Studies* 42, no. 3 (2014): 731.

contributions of the English School literature and studies dealing with the classical SoC and modern SoC. The reviewed articles will contribute with a basic understanding of SoC; which norms are so considered today; and which controversies are identified within the field itself. Throughout the review, it will be revealed that human rights and democracy are recognised as modern SoC; however, they are subjects to two competing conceptions of international society, namely the solidarist and the pluralist conception. As such, the field does not question the existence of SoC in present international society, but rather discuss whether the modern SoC maintains hierarchy in international society. The review represents the foundation for the theoretical considerations.

The second chapter will describe the applied methodology to account for the procedure and the choices made throughout of the study. The study is an evaluative research consisting of two qualitative studies. The first is a comparative study of the R2P report prepared by the International Commission on Intervention and State Sovereignty and the conceptions of states to determine the process of the emergence of the R2P principle. The second is a case study of the outcome of R2P, thus the implementation. The conflict in Côte d'Ivoire from 2010 to 2011 has been chosen as the case of analysis.

The next two chapters are the core of the study. Chapter three contains the comparative study of the assumptions in the International Commission on Intervention and State Sovereignty's (ICISS) report and among the UN Member States in the process prior to the adoption of R2P. The analysis intends to establish the concerns and possibilities of R2P. The main argument of the chapter is that the ICISS report is solidarist in nature and uses the language of a modern liberal SoC, but the diplomatic discussions and the World Summit Outcome Document (WSOD) suggest a mainly pluralist conception among the member states. However, the adopted concept resembles a SoC by definition, as it conditions sovereignty based on humanitarian values, but it initially ought to be viewed as a legitimate and pluralist version of a SoC. The concept was vaguely defined though and left room for various interpretations, which would be essential for how the concept eventually was implemented and subsequently perceived.



In chapter four, the outcome of the concept is analysed based on the Côte d'Ivoire case to assess the validity of the concerns and possibilities identified in the previous chapter. The case is chosen because it is perceived as a "prime example of R2P in action"<sup>48</sup>. The case has not enjoyed as much attention in academic circles; however, it has much to offer regarding interpretation and implementation of R2P. Whereas the implementation of R2P in, e.g. Libya was conducted against the will of a functioning state<sup>49</sup>, two parties claimed the right to govern in Côte d'Ivoire<sup>50</sup>. The study reveals that R2P contains some inherent issues in regard of determination of rightful sovereign, interpretation of mandates, the distinction between human rights protection and regime change and impartiality of the international community. Because of different conceptions, implementation of R2P was interpreted differently, and consequently, the implementation of the concept came to be seen by the West as a success, while others saw it as part of a liberal internationalist agenda, thus an intrusive SoC.

Chapter five offers a discussion of the findings in comparison with mainstream IR literature in order to disclose the insight provided by the English School framework and the SoC term, and why the term is relevant in the study of IR. I argue that the ethics of Liberalism are facing a crisis, and therefore pluralism must dominate the international society. However, because international society evidently also is guided by moral purpose and because the realities of conflicts today require response systems to mass atrocities, international society cannot rely solely on the assumptions of Realism. A pluralist conceptualisation and interpretation of R2P may be a solution to the maintenance of respect of sovereignty and cultural diversity while also being able to respond to the gravest breaches of human rights.

In chapter six, I offer a few suggestions on how to achieve an international collective security system against the gravest atrocities based on a pluralist conception. The conceptual suggestion rests on the acknowledgement of pluralism in international society to achieve such a system. If such a condition is accepted, the international community ought to oblige rather than to be

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<sup>48</sup> "Responsibility to Protect' Remains Worthy, yet Elusive, Concept in Decade after World Leaders Pledge to End Atrocities, General Assembly Hears," Meetings Coverage, United Nations, Feb 26, 2016, <https://www.un.org/press/en/2016/ga11764.doc.htm>.

<sup>49</sup> Alex J. Bellamy and Paul D. Williams, "The new politics of protection? Côte d'Ivoire, Libya and the responsibility to protect," *International Affairs* 87, no. 4 (July 2011): 825.

<sup>50</sup> Global Centre for the Responsibility to Protect, "Côte d'Ivoire."

prepared to act, to avoid impartial decisions; however, it is inherent in the decision-making that even the crimes in question are facing practical challenges; thus the decisions may still be objects of abuse. Regarding implementation, I suggest that the Security Council strictly refrain from exercising judgement about rightful sovereign based on any other criteria than the four atrocity crimes, to avoid being partial. Furthermore, former colonisers should refrain from accepting a leading role in an armed intervention, because it always will invite to suspicion of neo-imperialism.

## Chapter I

### Literature Review and Theory

The next chapter will present a literature review of the contemporary research of SoC to reveal which norms in international society are considered SoC within the field. The review will provide an account of the English School approach to IR; SoC in the analysis of IR and account for the arguments of whether and how SoC still exists, and how it influences the international society. The literature reviewed is limited in scope, such that it only includes literature, which either uses SoC within an English School analytical framework or perceives the concept as an integral part of international society. Literature, which does not refer directly to a modern SoC but still incorporates the language of *civilisation*, *imperialism* or *Eurocentrism*, such as much research by TWAIL scholars<sup>51</sup>, would also be relevant for the review. However, the SoC framework captures the focus of TWAIL researchers, namely, international law as a regime and discourse of domination and subordination; thus the point will not be neglected<sup>52</sup>.

#### The English School Approach in International Relations

Before moving into further details of SoC in English School analysis of international society, the following section will offer a brief description of the English School approach, to account

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<sup>51</sup> E.g. Makau Mutua, "Savages, Victims, and Saviors: The Metaphor of Human Rights," *Harvard International Law Journal* 42, no. 1 (Winter 2001), Antony Anghie, "The Evolution of International Law: Colonial and Postcolonial Realities," *Third World Quarterly* 27, no. 5 (2006) and Samuel Moyn, *The Last Utopia* (The Belknap Press of Harvard University Press, 2012).

<sup>52</sup> Makau Mutua, "What is TWAIL?," *American Society of International Law. Proceedings of the Annual Meeting* (2000): 31.

for the analytical framework used by the scholars utilising SoC. The English School approach was originally designed to incorporate Realism and Liberalism into one theory of IR that focused on international society, and offers a holistic view of IR, as it considers philosophy, history, and law in one analytical framework<sup>53</sup>. The School accepts the realist assumption of anarchy in the system of states and power politics, while simultaneously acknowledges corporation among states through international institutions and the importance of ideas<sup>54</sup>. The core claim of the English School is that:

*...the practice of states is shaped by international norms, regulated by international institutions, and guided by moral purposes<sup>55</sup>.*"

In this sense, the English School is similar to Constructivism, but the English School has its roots in world history, international law, and ethical theory<sup>56</sup>. The approach identifies three spheres in IR, which influence each other and operates simultaneously. Those spheres are respectively the international system, the international society, and the world society; notably, the international society is the main object of analysis<sup>57</sup>. The international society is shaped by shared norms, interests and institutions among states and presupposes that states are conscious of those<sup>58</sup>. It is provided that the states of international society seek to develop and maintain stability<sup>59</sup>. Sovereignty determines membership in international society as it is perceived as the main right, while recognition of others' sovereignty is the main duty<sup>60</sup>. To understand the ideas and behaviour of states, one must look to diplomats and foreign-policy makers, as they act on behalf of populations; thus context and language are the keys of the examination<sup>61</sup>.

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<sup>53</sup> William A. Callahan, "Nationalising International Theory: Race, Class and the English School," *Global Society* 18, no. 4 (Oct. 2004): 308.

<sup>54</sup> Robert W. Murray, "Introduction," in *System, Society and the World: Exploring the English School of International Relations*, ed. Robert W. Murray (Bristol: E-International Relations, 2015): 1-2.

<sup>55</sup> Tim Dunne, "The English School," in *The Oxford Handbook of International Relations*, eds. Christian Reus-Smit and Duncan Snidal (New York: Oxford University Press, 2008): 268.

<sup>56</sup> Barry Buzan, "The English School: an underexploited resource in IR," *Review of International Studies* 27 (2001): 480-3.

<sup>57</sup> Dunne, "The English School," 271.

<sup>58</sup> Nicholas J. Wheeler, "Pluralist or Solidarist Conceptions of International Society: Bull and Vincent on Humanitarian Intervention," *Millennium: Journal of International Studies* 21, no. 3 (1992): 465.

<sup>59</sup> Dunne, "The English School," 273.

<sup>60</sup> Dunne, "The English School," 272-3.

<sup>61</sup> Richard Little, "The English School's Contribution to the Study of International Relations," *European Journal of International Relations* 6, no. 3 (2000): 402.

Within the School, two interpretative approaches to how international society ought to look have developed, namely the pluralist conception and the solidarist conception<sup>62</sup>. The pluralists emphasise minimalist rules, protection of national sovereignty, and maintenance of international order, while the solidarists emphasises the individual within the state<sup>63</sup>.

In the second sphere, the international system, states interact with each other and is based on the realist assumption of anarchy, thus emphasises power politics<sup>64</sup>. According to the realist school of thought, a Balance of Power will naturally occur in such system<sup>65</sup>, but English School thinkers do not perceive the Balance of Power as a defining feature of the system, as it is only one institution of several. Furthermore, English School thinkers have argued that world history has shown how anarchy has led to hegemony and hence to hierarchy<sup>66</sup>. The international system is interesting to the English School not because of the system itself, but because of how it influences the international society<sup>67</sup>. Incompliance with common institutions in the international society is understood to create instability, and the international system will thus become more dominant. Notably, if the most powerful actors of international society do not comply with shared rules and norms, international society is at threat, while less important actors, might just find themselves on the edge of international society and not enjoy the full recognition and membership of the international society<sup>68</sup>. The third sphere, the world society, is defined as:

*“...made up of individuals and it presupposes a ‘world common good’ which identifies the ‘common ends or values of the universal society of mankind’<sup>69</sup>.”*

The world society thus emphasises a community of humankind rather than one of nation states<sup>70</sup>. The English School assumption is that to build common institutions and rules there

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<sup>62</sup> Buzan, “The English School: an underexploited resource in IR,” 478.

<sup>63</sup> Murray, “Introduction,” 9-10.

<sup>64</sup> Buzan, “The English School: an underexploited resource in IR,” 474.

<sup>65</sup> William C. Wohlforth, “Realism,” in *The Oxford Handbook of International Relations*, eds. Christian Reus-Smit and Duncan Snidal (New York: Oxford University Press, 2008): 141.

<sup>66</sup> Little, “The English School’s Contribution to the Study of International Relations,” 407.

<sup>67</sup> Dunne, “The English School,” 276.

<sup>68</sup> Dunne, “The English School,” 277.

<sup>69</sup> Little, “The English School’s Contribution to the Study of International Relations,” 411.

<sup>70</sup> Wheeler, “Pluralist or Solidarist Conceptions of International Society,” 464-65.

ought to be an underlying sense of common interests and values; thus the international society needs a guarantee from the world society<sup>71</sup>. Similarly to the international system, world society is stronger at some times, and weaker at others, and presently, human rights lie at the centre of the English School's idea of world society, and the emergence of international humanitarian law and international criminal law are seen as further developments of world society, as they create restrictions on the claim of sovereignty<sup>72</sup>.

The question for the English School is not whether all three spheres are present, but rather how strong they are in relation to each other<sup>73</sup>. The three spheres are to be perceived as analytical categories rather than spheres of the real world<sup>74</sup>. Accordingly, international society is regulated by a series of institutions; diplomacy, international law, the balance of power, and state sovereignty<sup>75</sup>. As the term *international society* is widely used in general reference to the society of states regarding policy shaping, it is important to distinguish between the analytical term and the practical term. In order to distinguish between the analytical sphere and the "real" world, the term *international community* will be used when referring to the real world.

### The 'Standard of Civilisation' in International Relation Theory

SoC has been used by English School scholars to explain the European expansion of international society in the nineteenth and early twentieth century. The English School's emphasis on the expansion of international society is relevant to understand IR, as it laid the foundation for the development of international law, and diplomatic and international legal practice – laws and practices, which are still present in the international community today<sup>76</sup>. Accordingly, the term has gained new scholarly interest. In 2013, Millennium: Journal of International Studies held its annual conference on the subject of SoC as a response to the

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<sup>71</sup> Little, "The English School's Contribution to the Study of International Relations," 412.

<sup>72</sup> Dunne, "The English School," 278-9.

<sup>73</sup> Wheeler, "Pluralist or Solidarist Conceptions of International Society," 463-64.

<sup>74</sup> Dunne, "The English School," 281.

<sup>75</sup> Cornelia Navari, "World Society and English School Methods," in *System, Society and the World: Exploring the English School of International Relations*, ed. Robert W. Murray (Bristol: E-International Relations, 2015): 20.

<sup>76</sup> Buzan, "The 'Standard of Civilisation' as an English School Concept," 577-78.

renewed emphasis<sup>77</sup>. Subsequently, the journal published included several articles by leading scholars on the subject. The following review includes several of the articles as well as articles prepared by other scholars, and it is structured based on three ways of utilising the term. They are respectively the classical SoC; normative framework; and analytical framework. The historical framework offers a basic understanding of what the classical SoC was and how it was apparent in the nineteenth and early twentieth century. The literature using SoC as a normative framework seeks to establish whether such standards still exist, and discuss how they ought to be perceived in contemporary international society, while the literature utilising an analytical framework offers case studies exposing how SoC unfold in practice. The three approaches to researching SoC will contribute with a comprehensive understanding of what the term entails, why it is still important and what issues are contained in it. Eventually, it will also clarify why the term is relevant for considerations about R2P.

### The Classical ‘Standard of Civilisation’

The most important work regarding the historical account is Gerrit W. Gong’s work from 1984: *The Standard of “Civilization” in International Society*<sup>78</sup>. It constitutes the framework utilised by most of the contemporary scholars. Gong traces the emergence of the SoC in two historical records; nineteenth-century treaties between European and non-European countries and international legal texts written by international lawyers, notably from Europe<sup>79</sup>. Gong finds that when the notion of natural law was replaced by positivism in the nineteenth century, the sovereign state became the highest authority<sup>80</sup>. However, not every society was considered ‘civilised’ enough, or even ‘civilised’ at all, to count as a sovereign state, and a standard emerged as a response to the practical and philosophical issues arising when the Europeans encountered other societies and peoples. The practical issues were concerned with the protection of European life, liberty, and property in foreign states, while the philosophical issues were concerned with which countries should be legally recognised under international

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<sup>77</sup> “Call for Papers: 2013 Millennium Annual Conference ‘Rethinking the Standard(s) of Civilisation(s) in International Relations’,” 2013 Conference, Millennium: Journal of International Studies, last modified May 2, 2013, <https://millenniumjournal.org/category/2013-conference/>.

<sup>78</sup> Gong, *The Standard of ‘Civilization’ in International Society*.

<sup>79</sup> Gong, *The Standard of ‘Civilization’ in International Society*, 23.

<sup>80</sup> Gong, *The Standard of ‘Civilization’ in International Society*, 42-43.

law. The solution to these pressing issues became known as the ‘Standard of Civilisation’<sup>81</sup>. According to the standard, ‘civilised’ states enjoyed the full rights and duties of international law. The rights included the authority to determine whether other states could enter the ‘Family of Civilised Nations’ and to determine which legal capacity those states which did not meet the requirements were to enjoy<sup>82</sup>. Gong identified five requirements of the classical SoC, which characterised the ‘civilised’ states of the time:

- there must be a guarantee of basic rights, especially the rights of foreign nationals;
- an organised political bureaucracy and the capacity to exercise self-defence must exist;
- international law must generally be accepted;
- obligations of the international system must be fulfilled by diplomatic interchange and communication; and
- compliance with the norms and practices of the ‘civilised’ international society must be accepted, which excludes but not limits to practices such as suttee, polygamy, and slavery<sup>83</sup>.

The first requirement solved the practical issue of protection of the rights of Europeans staying abroad and was resolved by establishing treaty relations<sup>84</sup>. The scope of all the requirements solved the philosophical problem, as they were to be fulfilled if a state wished for full recognition and membership in the international society. European public law thus became international law<sup>85</sup>. From the requirements, it is evident that statehood alone did not guarantee access. Thus, the ‘civilised’ determined who was to be considered ‘civilised’ based on vaguely defined requirements, very much resembling the point of A. Pagden in 1988:

*“Only the civilised can know what it is to be civilised”<sup>86</sup>.*

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<sup>81</sup> Gong, *The Standard of ‘Civilization’ in International Society*, 24.

<sup>82</sup> Gong, *The Standard of ‘Civilization’ in International Society*, 30, 55-56.

<sup>83</sup> Gong, *The Standard of ‘Civilization’ in International Society*, 14-15.

<sup>84</sup> Gong, *The Standard of ‘Civilization’ in International Society*, 60.

<sup>85</sup> Gong, *The Standard of ‘Civilization’ in International Society*, 54.

<sup>86</sup> Brett Bowden, “The ideal of civilisation: Its origins and socio-political character,” *Critical Review of International Social and Political Philosophy* 7, no. 1 (2004): 45.

Those societies that did not meet the requirements and therefore could not be considered ‘civilised’, but at best ‘semi-civilised’, would be standing outside the protection of international law. ‘Barbarous’ states were recognised as ‘semi-civilised’ and only enjoyed limited legal status and personality. Such states included Persia, Siam, China, Japan and Abyssinia, all considered ‘civilised’ to some extent, but not developed enough to understand or comply with international law<sup>87</sup>. Those states were theoretically the ones considered potential “candidates” to become members of the international society and eventually, China, Japan, and Siam all achieved membership<sup>88</sup>. However, even though a ‘semi-civilised’ state lived up to the requirements of SoC and attained status as ‘civilised’, it did not necessarily mean that they were considered as equals to the European states<sup>89</sup>. Outside of the scope of SoC, one would find the ‘savage’ peoples. Societies, which fell under this categorisation, were seen as objects to international law, as many of them were colonised and therefore considered part of the European empires and not individual entities. Hence, any legal agreement concerning ‘savage’ peoples was a matter between the colonisers and the rest of the ‘civilised’ states<sup>90</sup>. Gong did not put much emphasis on this group of societies in his account since SoC was a matter between the ‘civilised’ nations in regard of, e.g. ‘civilised’ warfare; and in between ‘civilised’ nations and ‘semi-civilised’ nations<sup>91</sup>.

The account of the expansion of international society offered by Gong is what he calls a confrontation of civilisations and cultures<sup>92</sup>. Along with the creation of the United Nations and the decolonisation, Gong argues that the classical SoC came to rest. The new states objected the idea of the classical SoC as insulting, and the concept became increasingly irrelevant<sup>93</sup>. Furthermore, the two World Wars discredited the claim of superiority and a higher level of civilisation within the European sphere; thus, international law went from law between ‘civilised’ states to law between ‘sovereign’ states<sup>94</sup>. Gong notes though that a SoC will always be a part of a society wherein cultural diversity and pluralism exist alongside hierarchy and

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<sup>87</sup> Gong, *The Standard of ‘Civilization’ in International Society*, 56-57.

<sup>88</sup> Gong, *The Standard of ‘Civilization’ in International Society*, 130-237.

<sup>89</sup> Gong, *The Standard of ‘Civilization’ in International Society*, 59-62.

<sup>90</sup> Gong, *The Standard of ‘Civilization’ in International Society*, 58.

<sup>91</sup> Gong, *The Standard of ‘Civilization’ in International Society*, 64.

<sup>92</sup> Gong, *The Standard of ‘Civilization’ in International Society*, 3.

<sup>93</sup> Gong, *The Standard of ‘Civilization’ in International Society*, 84.

<sup>94</sup> Gong, *The Standard of ‘Civilization’ in International Society*, 87-89.



anarchy<sup>95</sup>. Gong's account is a fundamental contribution to the understanding of the classical SoC and the expansion of the international society; however, he largely neglects the role of the colonies in the expansion thesis. Therefore, the historical account of the classical SoC prepared by scholar Brett Bowden, a giant in the field, is equally relevant, as it draws quite a different picture.

Bowden argues, just as Gong, that the classical SoC represents the foundation of much international law as we know it today, but rather than the standard being a gatekeeper for membership of the international society, it was a means of European imperialism. Thus, Bowden emphasises the colonies in his account and argues that it was never meant to be a standard to be achieved by non-European states; thus the hierarchy of states was openly stated<sup>96</sup>. He further argues, that the SoC indeed survived the crisis in Europe in the early twentieth century, and is still a defining feature for who is to be considered 'civilised' and 'uncivilised' in contemporary international society. Bowden criticises Gong for reducing the European expansion to a cultural or civilisational confrontation, as it was rather a confrontation between sovereign European states and non-sovereign societies; thus international law became an imperial tool of 'civilising' and exploiting the 'barbarian' and 'savage' peoples<sup>97</sup>. However, two points about Bowden's account must be noticed; he does not explain the membership achieved by Japan, China, and Siam; and his methodological approach, similar to that of Gong, largely neglects the agency of other societies and states, as it is mainly based on European publicists. Gong and Bowden both face the general critique of the English School regarding its emphasis on the European perspective<sup>98</sup>. However, their accounts offer two interpretations of the same story and expose their conflicting interpretations.

Gong accepts a solidarist view of the international society, as he tends to represent the classical SoC as a progressive expansion of the Westphalian state system as noticed by Christopher Hobson<sup>99</sup>. It is also apparent in his claim that a standard of modernity may be a successor to

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<sup>95</sup> Gong, *The Standard of 'Civilization' in International Society*, 248.

<sup>96</sup> Bowden, "The Colonial Origins of International Law," 3.

<sup>97</sup> Bowden, "The Colonial Origins of International Law," 22-23.

<sup>98</sup> Little, "The English School's Contribution to the Study of International Relations," 414-15.

<sup>99</sup> Christopher Hobson, "Democracy as Civilisation," *Global Society* 22, no. 1 (2008): 82.

the classical SoC and thus “bring the blessing of civilisation to all<sup>100</sup>.” Consequently, Gong alludes to the positive aspect of a SoC and perceives it to strengthen the international society and transcend the traditional notion of sovereignty. A point he argues in an article from 2002<sup>101</sup>. However, he is still aware of the coercive power and hierarchical element that a SoC holds<sup>102</sup>. In contrast, Bowden accepts a pluralist view, as he perceives the expansion of the European international society as a European imperialistic project; thus the values and norms of international society are exclusive rather than inclusive, which eventually justifies suppression and exploitation<sup>103</sup>. Based on the two accounts, it may be concluded that a SoC is a set of requirements that condition the sovereignty of a state and the debate is about the normative interpretation of such requirements and how they shape international society.

### Normative Modern ‘Standards of Civilisation’

Berry Buzan, a contemporary English School scholar, addresses the continuing existence of SoC and argues that despite the universality of international society, SoC is now utilised to distinguish between who can join which club and who cannot<sup>104</sup>. He advocates for the continuing use of the term in contemporary IR by arguing:

*“The reason is partly that a spade should be called a spade, but mainly that it is important to highlight the continuity of the practice and not to pretend that things have changed when they have not<sup>105</sup>.”*

Various scholars have taken up the challenge and identified several contemporary SoC, hence representing the second approach. Professor of International Politics, Yongjin Zhang, argues that the existence of SoC in international society is an inevitable practice and identifies human rights and democracy as such standards<sup>106</sup>. He is mainly critical towards the claim of the classical SoC being a product of the expansion of European international society, but rather an

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<sup>100</sup> Gong, *The Standard of ‘Civilization’ in International Society*, 91.

<sup>101</sup> Gerrit W. Gong, “Standards of civilization today,” in *Globalization and Civilizations*, ed. Mehdi Mozaffari (Abingdon, UK: Taylor & Francis, 2002): 77.

<sup>102</sup> Gong, “Standards of civilization today,” 93.

<sup>103</sup> Bowden, “The Colonial Origins of International Law,” 19.

<sup>104</sup> Buzan, “The ‘Standard of Civilisation’ as an English School Concept,” 585.

<sup>105</sup> Buzan, “The ‘Standard of Civilisation’ as an English School Concept,” 577.

<sup>106</sup> Yongjin Zhang, “The Standard of ‘Civilisation’ Redux: Towards the Expansion of International Society 3.0?,” *Millennium: Journal of International Studies* 42, no. 3 (2014): 677.

expansion of a Westphalian project, which contests the arguments of Gong and Bowden<sup>107</sup>. He justifies his claim by arguing that in practice the classical SoC did not require of non-European countries to adopt European culture, but rather required a specific behaviour in regard of international relations; thus internal structures did not matter<sup>108</sup>. The current SoC, however, is taking a much more intrusive form, embedding human rights and democracy in the normative structure of the international society, thus penetrating the domestic affairs of sovereign states with norms of legitimate statehood and rightful state action<sup>109</sup>. Zhang's argument of the indifference towards internal structures is insufficient though, as Gong showed how domestic legal regimes and cultural practices were features of the requirements of membership in the international society, however, those were vaguely defined. His argument of human rights and democracy as new SoC is widely supported though, but not all regard them as intrusive. Jack Donnelly too identifies human rights as a contemporary SoC but argues that human rights represent a positive and inclusive standard, because it advances 'civilised' behaviour and contributes positively to the international society by restraining state behaviour; similarly to the classical standard that required 'civilised' states to oblige to the laws of war<sup>110</sup>. Donnelly takes on a robust solidarist view of the international society and associates his arguments with the solidarist interpretation by declaring the 'original' state sovereignty as a myth<sup>111</sup>. He further argues:

*"...human rights offered a new inclusive standard that emphasized what is shared by and owed to everyone<sup>112</sup>".*

Thus, he assumes human rights to be natural law<sup>113</sup>. He then moves on and contradicts this statement, by arguing that international society ought to be viewed as open for all because even though it is European in origin, everyone can join as long as they meet the required standards<sup>114</sup>.

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<sup>107</sup> Zhang, "The Standard of 'Civilisation' Redux," 678.

<sup>108</sup> Zhang, "The Standard of 'Civilisation' Redux," 682.

<sup>109</sup> Zhang, "The Standard of 'Civilisation' Redux," 678.

<sup>110</sup> Jack Donnelly, "Human Rights: A New Standard of Civilization?," *International Affairs* 74, no. 1 (Jan. 1998), 4-11.

<sup>111</sup> Donnelly, "Human Rights: A New Standard of Civilization?," 22.

<sup>112</sup> Donnelly, "Human Rights: A New Standard of Civilization?," 14.

<sup>113</sup> Frédéric Mégret, "International law as law," in *International Law*, eds. James Crawford and Martti Koskenniemi (Cambridge University Press, 2012): 68.

<sup>114</sup> Donnelly, "Human Rights: A New Standard of Civilization?," 22.

This argument is similar to the fifth requirement being compliance with the norms and practices of the ‘civilised’ international society as identified by Gong. Donnelly’s justification resembles a circular understanding of the standard – it is European, but all can join, as long as they adapt to European standards set by the Europeans. A part of European law thus becomes natural law?

Despite the debatable fallacies, Donnelly does not stand alone in holding such view. Mehdi Mozaffari argues that human rights are a modern SoC indeed, but so is also democracy<sup>115</sup>. His account is based on the examination of international ethics, law, and politics while assuming anarchy to be the ordering principle of the international system, just as Donnelly. The conclusion of his article states that to construct durable, peaceful and generative cooperation in international society, a domestic democratic culture is necessary, because non-democracies’ culture is alien to enter into contracts voluntarily and they are products of force, thus are unable to establish stability in international society<sup>116</sup>. Hence, he utilises the argument of the Democratic Peace Theory and argues that the notion of democracy works through attraction<sup>117</sup>. Just as Donnelly, Mozaffari acknowledges the inherent issues of the classical SoC and that they may be relevant to a modern SoC, but both scholars prioritise the new standard’s requirement of ‘civilised’ behaviour towards the citizens<sup>118</sup>.

Tanja Aalberts argues along the same lines as Mozaffari, as her utilisation of the SoC framework leads her to conclude that the modern standard discloses itself as the principle of equality among sovereign states as a key institution of international society based on the requirement of liberal statehood<sup>119</sup>. Hence, it follows from this conclusion that human rights, free market economy, and democracy are included in such a standard, implying that sovereign equality requires a certain state structure and a certain international and domestic attitude<sup>120</sup>. Aalberts’ view of a modern standard, therefore, ought to be perceived as exclusive. Not close

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<sup>115</sup> Mehdi Mozaffari, “The transformationalist perspective and the rise of a global standard of civilization,” *International Relations of the Asia-Pacific* 1, (2001): 254.

<sup>116</sup> Mozaffari, “The transformationalist perspective and the rise of a global standard of civilization,” 247-49.

<sup>117</sup> Mozaffari, “The transformationalist perspective and the rise of a global standard of civilization,” 260.

<sup>118</sup> Mozaffari, “The transformationalist perspective and the rise of a global standard of civilization,” 251-52.

<sup>119</sup> Tanja E. Aalberts, “Rethinking the Principle of (Sovereign) Equality as a Standard of Civilisation,” *Millennium: Journal of International Studies* 42, no. 3 (June 2014): 786.

<sup>120</sup> Aalberts, “Rethinking the Principle of (Sovereign) Equality as a Standard of Civilisation,” 786.

to all states in the world adopts the liberal democratic model<sup>121</sup>. Thus, the scholars' claim of inclusiveness should be viewed with wonder when the values are based on the preferences of one part of the world: the West. David P. Fidler explains why these modern SoC came to emerge. After the Cold War, with no other large ideologies to compete with, liberalism took hold and came to influence international law and international relations<sup>122</sup>. Hence, as Communism collapsed, international relations evolved from pluralistic rationalism to solidaristic rationalism<sup>123</sup>. Fidler argues for the strength of this move, as solidarist rationalism provides a stronger foundation for international law, as it naturally requires a common framework of interests and values among the states in international society<sup>124</sup>. Consequently, Fidler's logic implies the universalisation of liberal values and structures.

Donnelly, Mozaffari, Aalberts, and Fidler all have a common denominator in their arguments; the rise of a global, liberal SoC, including democracy and human rights among the dominating norms. They all aspire to a solidarist conception of international society and the dominance of the world society, but it is puzzling that they all recognise that the classical SoC was Eurocentric and imperialistic; however, they do not relate themselves to the issues it might have for modern standards, even though the logic is the same; conditional sovereignty. Instead, they celebrate the current standards of civilisation as being inclusive and for obliging states to norms working for a better and more peaceful world; a world based on liberal values and norms. The underlying assumptions of their accounts are that human rights represent natural law, democracies ensure peace and stability in international society, sovereignty is conditional, while at the same time claim that sovereign equality is the foundation of international society. It can fairly be argued, that according to this reasoning, full sovereignty is granted to those fulfilling the modern SoC and anarchy may exist in between them, while those who do not, find themselves in the periphery of international society; thus hierarchy exists alongside the anarchy — an observation, which is not made by any of the four scholars.

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<sup>121</sup> "Freedom in the world 2018: Democracy in Crisis," Reports, Freedom House, accessed Dec 23, 2018, <https://freedomhouse.org/report/freedom-world/freedom-world-2018>.

<sup>122</sup> Fidler, "The Return of the Standard of Civilization," 139.

<sup>123</sup> Fidler, "The Return of the Standard of Civilization," 147.

<sup>124</sup> Fidler, "The Return of the Standard of Civilization," 152.

The other branch of the field adopts a pluralist conception in their studies of contemporary SoC. They mainly identify the same standards, but they view them from a different perspective. Christopher Hobson too identifies democracy as a new standard, as he argues that what we call ‘democracy’ is almost universally accepted as being a good thing, but suggests that it works through coercion rather than attraction<sup>125</sup>. Hobson argues that the processes of domination, hierarchy, and violence are neglected during the celebration of the expansion of democracy and the alleged democratic peace may indeed secure peace in between the democracies themselves, but it also encourages war against non-democracies, as have been seen more than a few times throughout recent history<sup>126</sup>. Furthermore, Hobson argues that the expansion of democracy contains an inherent conflict; while promising emancipation, it maintains hegemony, hierarchy and justifies neo-imperial violence<sup>127</sup>. Non-democracies become ‘(post)modern-day barbarians’ and may become a threatening “Other” for the liberal democracies, thus the increased risk of the waging war against non-democracies<sup>128</sup>.

Along the same lines, Christian Reus-Smit even argues that a liberal SoC will increase conflict and disharmony in the international society, as it inevitably places Western states at the top of the civilisational hierarchy. This structuring will naturally be revolted against because of an increasing feeling of inequality, which eventually will lead to less involvement in international society, thus increased conflict and discord<sup>129</sup>. Reus-Smit, however, does not question whether the hierarchy already exists. According to Brett Bowden’s logic, it does. Bowden argues that the great powers of international society are engaging in an attempt to ‘civilise’ the world based on liberal universalism, hence arguing along the realist reasoning - because it is the West that dominates, it is the West that sets the rules<sup>130</sup>. The inherent issue, according to Bowden, is the move from the international system to the international society, because its institutions inevitably will be based on the Western model<sup>131</sup>. From this follows that the Non-western States

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<sup>125</sup> Hobson, “Democracy as Civilisation,” 88.

<sup>126</sup> Hobson, “Democracy as Civilisation,” 78.

<sup>127</sup> Hobson, “Democracy as Civilisation,” 95.

<sup>128</sup> Hobson, “Democracy as Civilisation,” 90.

<sup>129</sup> Christian Reus-Smit, “Liberal Hierarchy and the license to use force,” *Review of International Studies* 31 (2005): 72.

<sup>130</sup> Brett Bowden, “In the Name of Progress and Peace: The “Standard of Civilisation” and the Universalizing Project,” *Alternatives: Global, Local, Political* 29, no. 1 (Jan.-Feb. 2004): 54.

<sup>131</sup> Bowden, “In the Name of Progress and Peace,” 50.

have to adapt their internal structures to the Western standards to engage with the West, very similar to the logic of the classical SoC<sup>132</sup>. Bowden views the notion as problematic because the ideas have inherent flaws and lead to the perception that norms, such as the human rights, are incompatible with cultures and government structures foreign to the West, and therefore requires the Non-western States to neglect local cultures<sup>133</sup>. The universalism in the solidarist account therefore eventually leads to the Western liberal values representing the global culture, and invites to more Western intervention in the ‘uncivilised’ world to save themselves from ‘barbarism’; a ‘hierarchy of states’ does therefore exist<sup>134</sup>. In a later work, Bowden argues for a pluralist understanding of SoC, stating that if such standards are to have any place in the world, they need to be implemented with a pluralist approach and be very limited in scale, to avoid the imperialist overtones<sup>135</sup>. Furthermore, he stipulates that the Western perception is not the only valid perception:

*“Basic human rights, a decent standard of living, and a just system of government are achievable in societies that are something other than replicas of the West (...) people will revolt against totalitarianism and any universalising system<sup>136</sup>.”*

The accounts offered by Hobson, Reus-Smit and Bowden are stressing that any SoC should be viewed with precaution, as the concept has some inherent flaws and issues. Furthermore, it maintains the state of hegemony and hierarchy among states, which contests the solidarist accounts. When such standards are sought imposed on others, neo-imperial violence is claimed justified, hence SoC is a means of self-interest justified by claimed universal norms; just as assumed by Realism. Nevertheless, if the modern international standards of human rights ought not to be advanced, as argued by the pluralists, how should the international society relate to comprehensive suppression and gross human rights violations? The obvious critique of this

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<sup>132</sup> “A ‘civilized’ state exists as an organized political bureaucracy with some efficiency in running the state machinery, and with some capacity to organize for self-defence.” and “A ‘civilized’ state adheres to generally accepted international law, including the laws of war; it also maintains a domestic system of courts, codes, and published laws which guarantee legal justice for all within its jurisdiction, foreigners and native citizens alike.” in Gong, *The Standard of ‘Civilization’ in International Society*, 14-15.

<sup>133</sup> Bowden, “In the Name of Progress and Peace,” 61.

<sup>134</sup> Bowden, “In the Name of Progress and Peace,” 63 and 54-55.

<sup>135</sup> Brett Bowden, “To Rethink Standards of Civilisation, Start with the End,” *Millennium: Journal of International Studies* 42, no. 3 (2014): 630.

<sup>136</sup> Bowden, “In the Name of Progress and Peace,” 65.

account is that history shows that sovereignty is not untouchable and non-intervention may cause impunity<sup>137</sup>. Would it also be fair to ask whether gross intra-state human rights violations generate instability in international society as well? These are questions that the pluralists do not offer answers to. Ethical dilemmas seem to be inherent in both of the accounts, and the ontological tension between them is evident.

### Modern ‘Standards of Civilisation’ in Practice

The normative discussions are not complemented much with empirical analyses of contemporary IR. To establish how modern ‘standards of civilisation’ is utilised in practice and within which conception, the following section will account for a few case studies on the subject matter, thus representing the analytical approach. Nicolaidis et al. examine whether a SoC exists within the European Union (EU). They adopt the English School approach and the classical SoC as a comparative benchmark while applying two distinctive categories; the maintenance of hierarchy within the EU and new members’ lack of agential power<sup>138</sup>. The study finds that the practices within the EU, such as market liberalisation, decision-making norms, and norms tolerance for minorities, represent a SoC and that the EU seems to find it perfectly appropriate to continue to set standards for others and thus maintain an international hierarchy<sup>139</sup>. According to the study, it became apparent already in the Maastricht Treaty of 1992, which made the promotion of human rights, democracy and the rule of law one of EU’s primary goals for its foreign policy<sup>140</sup>. However, the EU itself was never intended of being in the receiving end itself; hence the hierarchy is maintained<sup>141</sup>.

Furthermore, the study confirms that the EU emphasises the liberal values and the promotion of EU as a model to be copied, while simultaneously neglecting its colonial history<sup>142</sup>. Arguably, the practice of EU resembles the solidarist conception of international society, and assumes itself as a ‘standard-imposer,’ just as was the case with the classical SoC in the

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<sup>137</sup> Dunne, “The English School,” 275.

<sup>138</sup> Nicolaidis et al, “From Metropolis to Microcosmos,” 725.

<sup>139</sup> Nicolaidis et al, “From Metropolis to Microcosmos,” 732-41.

<sup>140</sup> Nicolaidis et al, “From Metropolis to Microcosmos,” 732.

<sup>141</sup> Nicolaidis et al, “From Metropolis to Microcosmos,” 728.

<sup>142</sup> Nicolaidis et al, “From Metropolis to Microcosmos,” 744.



nineteenth century. Accordingly, the old 'standard-imposer' is still conducting its old practice, thus supporting the arguments of the pluralists.

Yannis Stivachtis also provides an empirical contribution to the literature by examining the experience of a 'standard-receiver' being Russia after the fall of the Soviet Union. Similar to Fidler, Stivachtis' work it is based on the assumption that the end of the Cold War and the collapse of the communist ideology made room for liberalism and the Western agenda to become decisive for inter-state relations<sup>143</sup>. Nevertheless, in contrary to Fidler, Stivachtis points to the asymmetrical power relations between the West and Russia, which made it possible for the West to impose standards on Russia if the latter had any aspiration of gaining admission to the international society. He accepts the critical pluralist approach to SoC, as he notes that the classical standard was constituted of unacceptable international requirements; thus one should naturally approach a new SoC with a critical mind<sup>144</sup>.

The study identifies three requirements that Russia had to subscribe to; the political system should be democratised, a free market should be established, and the conduct of the foreign policy should be altered, thus resembling the standards identified by the previous studies. The three requirements constituted the new SoC of post-Cold War international society and were determining factors regarding who was in and who was out. The adaptations that Russia had to undertake did not come without costs though. The democratisation was established in 1994, but not without suppressing the anti-Yeltsin political forces and barring them from running in the election. The liberalisation of the economy came with high inflation in a state, which was already struggling economically<sup>145</sup>. The new foreign policy requirement was initially unfamiliar to the country and created a conflict within the government between those seeking to become a member of the 'civilised' international society and those seeking for Russia to become a 'Euro-Asian' power<sup>146</sup>. Stivachtis demonstrates in his article that to gain membership in the international society even big powers may be required to fulfil certain standards,

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<sup>143</sup> Yannis A. Stivachtis, "Liberal democracy, market economy, and international conduct of standards of 'civilization' in contemporary international society: The case of Russia's entry into the 'community of civilized states'," *Journal of Eurasian Studies* 6 (2015): 133.

<sup>144</sup> Stivachtis, "Liberal democracy, market economy, and international conduct," 131.

<sup>145</sup> Stivachtis, "Liberal democracy, market economy, and international conduct," 136-8.

<sup>146</sup> Stivachtis, "Liberal democracy, market economy, and international conduct," 138-40.

emphasising the continued existence of SoC. The study suggests that such standards are not initially compatible with all societies and requires adaption at the expense of local customs, hence supporting the arguments of Bowden. It must be noted though, that the study is conducted based on Western sources, which seems to be the general trend within the literature on the subject. William Callahan points to this issue and incorporates sources of the ‘standard-receiver’ in a comparative analysis of China’s entry into international society, to overcome the Eurocentrism in the classical English School approach<sup>147</sup>. His work shows how differently the expansion of European international society was perceived. While classical English School scholars saw the treaties made with China as a positive step towards order in international society, the Chinese diplomatic history perceives the period as a great embarrassment<sup>148</sup>. The point made by Callahan is significant, as it exposes how essential the sources of analysis are for the conclusions made, and reveals that Eurocentrism lies within the modern English School pluralist account as well.

It is evident from the studies of the contemporary SoC that liberal values, thus human rights, democracy and free markets have replaced the classical SoC. As such, there are no contestations within the field about whether such standard exists and which requirements it seeks to impose. Even though some of the literature dates back to before the new millennium, e.g. the work of Donnelly, SoC as a term in international relation theory seems to be absent from mainstream literature on human rights etc. The scholars cited within the field is diligently citing and reviewing each other, but mainstream scholars seem in large to neglect the field and depart from reviewing the literature. It is somewhat puzzling because if assuming the concerned scholars are right, acknowledging the existence of a modern-day SoC may contribute to the understanding of why some ideas are taking hold in international society and establishing themselves as institutions, such as sovereignty, while others do not, as seems to be the case of R2P.

Because the literature mostly seems neglected, along with the insight, which the SoC application offers, I find it relevant to place R2P within that framework, to establish if the field

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<sup>147</sup> Callahan, “Nationalising International Theory,” 307.

<sup>148</sup> Callahan, “Nationalising International Theory,” 322.

has anything to contribute with in regard of R2P. The discussion is especially relevant because the R2P concept, in theory, accommodates the solidarist conception by emphasising human rights being an international matter and the pluralist conception by placing the respect of sovereignty at the centre of order in the international society. Hypothetically, R2P ought to be a solution to the inherent dilemmas of the two conceptions, and be a mediator between the international society and the world society. Thus, at first glance, R2P does not serve as an intrusive SoC, and the previous literature becomes irrelevant for the subject matter. However, considering the challenges and criticism faced by R2P the past years, I ask whether it is relevant anyway, because as emphasised by Gong: a discipline is eventually defined by its history, and international law is not an exception to that<sup>149</sup>. I ask from a position that predominantly sympathises with the pluralist arguments, as the previous literature review has revealed the solidarist arguments insufficient and Western-oriented. However, I also hold the position that grave breaches of human rights violations are unacceptable and a matter of international concern, thus the study is also an attempt to contribute with thoughtful insight in order to offer suggestions for the future of prevention of and reaction to atrocity crimes.

### Research Question

The present study seeks to explore whether R2P ought to be considered as a modern SoC and how that is apparent in the interpretations of international society. In order to clarify whether the literature on SoC has significance regarding the R2P debate, the present thesis seeks to answer the following research question:

**To what extent does Responsibility to Protect resemble a modern ‘Standard of Civilisation’?**

The following chapter will account for the research design and the choices made throughout the study.

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<sup>149</sup> Gong, *The Standard of ‘Civilization’ in International Society*, 242.

## Chapter II

### Methodology

I seek to offer a deeper understanding of the R2P concept and its implementation, and the utilisation of the SoC term may be able to give valuable insight into why the R2P is currently in a crisis, as it incorporates a variety of elements. The academic field researching and debating SoC is located within the English School, as represented in the previous literature review; thus the concept is also defined within the approach. To answer the research question, I will adopt the English School theoretical approach as well. I argue that to identify common denominators between SoC and R2P, an analysis of the institutions of international society, as identified by the English School, is required. However, even though the SoC literature is the inspiration of this study, and the English School approach is the framework adopted, the pluralist and solidarist conceptions and arguments are also objects of assessment and critique throughout the study.

#### Philosophical Considerations

By adopting the English School approach, I acknowledge the risk of adopting a self-fulfilling philosophy, and that the choice of theory may lead to conclusions extended from circular argumentation: if one looks hard enough, one will find what one is looking for. However, I justify my choice by arguing that because SoC is a normative term, thus a matter of conceptions and interpretations, the real question is whether the alleged ‘standard-receivers’ perceive R2P as such a standard rather than whether the ‘standard-imposers’ do. The English School allows for such an assessment.

The ontological assumption of the English School is relativism, thus assume that social reality consists of several different constructions; therefore there is no such thing as a shared social reality<sup>150</sup>. Accordingly, two branches have developed within the school. The pluralist account relies on the assumption that the multicultural conditions of international society make it

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<sup>150</sup> Rachel Ormston et al., “The Foundations of Qualitative Research,” in *Qualitative Research Practice: A Guide for Social Science Students and Researchers*, eds. Jane Ritchie et al. (SAGE, 2013): 5.

possible only to maintain and create the norms, which keeps order<sup>151</sup>. The most important of such norms is the one of sovereignty, and if individual rights are incorporated into international law, sovereignty will be undermined<sup>152</sup>. The argument is that universal human rights are impossible to agree on, any such attempt will create instability in international society<sup>153</sup>. Therefore, intervention based on humanitarian concerns cannot be justified, and any effort to develop world society is undesirable<sup>154</sup>. It is advanced by the assumption that there are various views of life; thus sovereignty and non-intervention are the best solutions to achieve the moral value of freedom and to avoid neo-imperial violence and exploitation, only order-creating norms can morally be justified<sup>155</sup>. Juridically, the pluralist focus is on Article 2(4), which prohibits the use of force, except in self-defence, and Article 2(7), which states the principle of non-intervention in the Charter of United Nations<sup>156</sup>. This interpretation of international society is related to that of the IR School of Realism. Realist reasoning assumes that states will always act in self-interest and that the state will always seek to fulfil the national interests as a priority<sup>157</sup>. If an international responsibility contradicts a national interest, the state will opt out of that particular international responsibility<sup>158</sup>. National interests reveal itself in the attempt to increase power, which may also include the advancement of rights and democracy<sup>159</sup>. Based on this logic, it naturally follows that states only cooperate as long as it serves their interests, and as these will be contradictive to some extent, it is not possible to create a collective system of security<sup>160</sup>. However, there are some significant differences as well. Realists assume the continuous state of anarchy and argue for its ability to constrain national interests<sup>161</sup>, while ES pluralists prefer the state of anarchy but acknowledge a state of hierarchy when hegemony exists in international society<sup>162</sup>. In this concern, SoC is a means to maintain hegemony and

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<sup>151</sup> Dunne, "The English School," 274.

<sup>152</sup> Buzan, "The English School: an underexploited resource in IR," 478.

<sup>153</sup> Wheeler, "Pluralist or Solidarist Conceptions of International Society," 471.

<sup>154</sup> Buzan, "The English School: an underexploited resource in IR," 478.

<sup>155</sup> Dunne, Tim. "The English School," 274-75.

<sup>156</sup> Wheeler, "Pluralist or Solidarist Conceptions of International Society," 471.

<sup>157</sup> Dunne, Tim and Brian Schmidt, "Realism," 92.

<sup>158</sup> Adrian M. Gallagher, "A Clash of Responsibilities: Engaging with Realist Critiques of the R2P," *Global Responsibility to Protect* 4 (2012): 336.

<sup>159</sup> Anthony F. Lang Jr., "Humanitarian Intervention," in *Ethics and World Politics*, ed. Duncan Bell (Oxford: Oxford University Press, 2010): 329.

<sup>160</sup> Gallagher, "A Clash of Responsibilities," 338.

<sup>161</sup> Wohlforth, "Realism," 133.

<sup>162</sup> Little, "The English School's Contribution to the Study of International Relations," 407.

hierarchy<sup>163</sup>. Methodologically, there are some crucial differences as well. The neorealist thinker, Kenneth Waltz, argued that because states are rational and exist in a self-help system, the domestic structures and ethical preferences of states are not of much importance in the analysis; thus states are defined based on the power they hold<sup>164</sup>. It is not the assumption of the English School, which includes ethics as previously stated.

The solidarist account takes a different view and holds that universal fundamental rights exist and that prevention of gross violations of human rights holds as much, maybe even more, importance in the UN Charter as sovereignty and non-intervention<sup>165</sup>. Hence, SoC is acceptable regarding human rights and the relationship between state and citizens<sup>166</sup>. As demonstrated in the literature review, solidarists arguments rely on human rights as natural law, Democratic Peace Theory simultaneously with a notion of equality of sovereigns when discussing SoC. The interpretation closely resembles that of liberal internationalism, which consists of the notion of respect for human rights, democratic governance, economic opportunity, and equality of sovereigns. According to this logic, the involvement of international institutions in domestic affairs is expected and tolerated<sup>167</sup>. The assumptions precede the Liberal Peace Thesis, which conditions legal and political legitimacy to moral authority<sup>168</sup>. Thus sovereignty is valued subordinate to human rights<sup>169</sup>. Accordingly, the state ought to contain institutions aiming at providing order and resources to its members, which in turn consent to the rules and institutions of the state<sup>170</sup>. The emphasis on the advancement of democracy is known as the Democratic Peace Theory, which argues that liberal democracies tend not to go to war with each other, and therefore peace will be achieved if liberal democracy becomes widespread<sup>171</sup>.

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<sup>163</sup> Hobson, "Democracy as Civilisation," 95.

<sup>164</sup> Kenneth Waltz, "Realist Thought and Neorealist Theory," *Journal of International Affairs* 44 (1990): 36-37.

<sup>165</sup> Wheeler, "Pluralist or Solidarist Conceptions of International Society," 471.

<sup>166</sup> Buzan, "The English School: an underexploited resource in IR," 478.

<sup>167</sup> Arthur A. Stein, "Neoliberal Institutionalism," in *The Oxford Handbook of International Relations*, eds. Christian Reus-Smit and Duncan Snidal (New York: Oxford University Press, 2008): 214-6.

<sup>168</sup> David Chandler, "The Responsibility to Protect? Imposing the 'Liberal Peace'," *International Peacekeeping* 11, no. 1 (2004): 60.

<sup>169</sup> Michael J. Smith, "Humanitarian Intervention: An Overview of the Ethical Issues," *Ethics & International Affairs* 12 (March 1998): 76.

<sup>170</sup> Smith, "Humanitarian Intervention: An Overview of the Ethical Issues," 76.

<sup>171</sup> Bowden, "In the Name of Progress and Peace," 44-45.

Regarding interventions based on humanitarian concerns, the liberal approach prescribes that such a decision must be taken collectively to avoid abuse, which is stressed by Michael Walzer<sup>172</sup>. The liberal project within the English School framework is thus a means to embrace the role and necessity of the state in IR without resorting to realism<sup>173</sup>. However, solidarist accounts are not restricted to liberal internationalism and may be based on other values regarded universal, and therefore I will refer to the solidarists in the review as the ‘liberal solidarists’. The ontological tension within the School, is still a matter of discussion, and in order to accommodate this tension within the framework of the present study, I accept relativism, but places myself in a position where the pluralist concerns are highly considered, simultaneously with an emphasis on accommodating the need of a collective security system towards mass atrocities.

As I seek to generate a hypothesis about R2P, the research question is best answered by adopting an inductive approach, because observations from the world are required to learn about unobserved facts. Thus, my epistemological position is based on inductive logic<sup>174</sup>. The observations are extended from history, law, and philosophy to make assessments about the international society and R2P’s position within it<sup>175</sup>. The ontological assumption and epistemological approach of the study necessarily lead to uncertainties of the inferences, as they cannot be assumed objective knowledge; they depend on which “glasses” one chooses to wear and from which standpoint. Therefore, to assume the conclusions to be true, further research and consensus must be conducted within the field<sup>176</sup>. This study must be viewed as an invitation to further consideration and research.

## Definitions and Scope

When placing R2P in an English School framework an understanding of the history of the alleged standard, including the ethical justifications for its emergence and the structure of the

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<sup>172</sup> Michael Doyle and Stefano Recchia, “Liberalism in International Relations,” in *International Encyclopedia of Political Science*, eds. Bertrand Badie, Dirk-Berg Schlosser, and Leonardo Morlino (Los Angeles: SAGE, 2011): 1438.

<sup>173</sup> Murray, “Introduction,” 3.

<sup>174</sup> Ormston et al., “The Foundations of Qualitative Research,” 7.

<sup>175</sup> Callahan, “Nationalising International Theory,” 308.

<sup>176</sup> Ormston et al., “The Foundations of Qualitative Research,” 8.

international society at the given time, how it is incorporated in international law and the implementation of it, is required. Various concepts must hence be defined and included. The first concept, SoC, was defined by Gong as:

*“...an expression of the assumptions, tacit or explicit, used to distinguish those that belong to a particular society from those that do not<sup>177</sup>.”*

From the definition, it is assumed that:

1. A society exists which not every state is a member of, in this context the international society of sovereign states.
2. Assumptions are expressed, either tacit or explicit, of what is required for membership.

The term serves two purposes; one is within an analytical framework of IR, another is a political term. I acknowledge this distinction, and the definition serves as the analytical term, while the solidarist and pluralist conceptions of it serves as the political term. Thus, SoC is only a universally valid legal principle if so accepted<sup>178</sup>.

Consideration of power structures is an inherent part of the question as SoC is claimed to be a political tool of the powerful against the less powerful<sup>179</sup>. Both Realism and the English School prefer a state of anarchy, which logically should be preserved by power balancing, hence the Balance-of-Power Theory. It predicts that states are likely to guard against one state becoming so powerful that it can coerce others of its will or even eliminate them<sup>180</sup>. Should hegemony happen anyway, the English School argues that hierarchy consequently will emerge<sup>181</sup>. I chose to define hierarchy in international society as follows:

*“The inequality that exists where some agents systematically have more power than others and are institutionally recognised to have higher worth<sup>182</sup>.”*

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<sup>177</sup> Gong, *The Standard of ‘Civilization’ in International Society*, 3.

<sup>178</sup> Gong, *The Standard of ‘Civilization’ in International Society*, 59.

<sup>179</sup> Dunne, “The English School,” 276.

<sup>180</sup> Wohlforth, “Realism,” 141.

<sup>181</sup> Little, “The English School’s Contribution to the Study of International Relations,” 407.

<sup>182</sup> Nicolaidis et al, “From Metropolis to Microcosmos,” 727.



I adopt this definition because it is efficiently utilised and explicitly places hierarchy in the context of institutions of international society.

R2P is not only a matter of intervention and reaction to atrocity crimes, and much emphasis has been put on R2P as a preventive measure. However, because the primary controversies surrounding R2P are found within the part of R2P dealing with intervention, that is the main focus of this study. The analysis will assess human rights protection and sovereignty, as they are the two norms R2P seeks to unite. However, it will be restricted to that. There are several elements related to R2P that could be included in such an analysis but which I have chosen to omit for various reasons. The first is the relationship between the International Criminal Court (ICC) and R2P. It has been argued that R2P and the ICC are complementary and supportive of each other, but because the ICC and R2P each have its own mandate and its own purpose, I chose to analyse R2P in isolation from ICC. This choice is based on the controversies surrounding both establishments, and on the differing nature of their relationship depending on the context<sup>183</sup>. However, it must be noted that ICC played a crucial role in the Côte d'Ivoire case; thus the full picture of the conflict will not be disclosed. Peacekeeping operations is another element related to R2P, as R2P has been implemented in several peacekeeping operations<sup>184</sup>. As such, protection against atrocity crimes is just one task among others, and therefore the overall peacekeeping operations will not be taken into account, but only the part, which is concerned with the implementation of R2P.

### Approach and Research Design

As I seek to evaluate to what extent R2P resembles a modern-day SoC it is implicit that the analysis is of an international 'norm'. The perceptions of such a norm are decisive to evaluate the character of it; which is the aim of the study. The research question is therefore qualitative in nature, as it seeks to obtain a comprehensive interpretation of the conceptions of the

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<sup>183</sup> Alex Bellamy, "Responsibility to Protect: Justice and Responsibility – Related but Not Synonymous," in *War Crimes Trials and Investigations*, ed. Jonathan Waterlow and Jacques Schuhmacher (Palgrave Macmillan, 2018): 264-5.

<sup>184</sup> "Protecting Civilians," What We Do, United Nations Peacekeeping, accessed Dec 26, 2018, <https://peacekeeping.un.org/en/protecting-civilians>.

international actors regarding R2P<sup>185</sup>. I will conduct an evaluative research, in which information about process and outcome is essential, to reveal the factors, which shaped the development of R2P; in this context, the logic and foundational assumptions. Furthermore, it identifies the effects and consequences arising from the implementation of R2P<sup>186</sup>. Two issues are relevant for this kind of research in the R2P context:

- What assumptions underpin the conceptualising of R2P in comparison to the concept adopted in the WSOD?
- How was R2P successfully or unsuccessfully implemented and which factors were decisive for the outcome?

The research consists of two multidisciplinary studies. They both contain a descriptive and normative part. Both cases entail the use of primary and secondary sources, as the study aims at bringing a new perspective deviant from the present R2P mainstream literature by using primary data as a comparative element<sup>187</sup>. The analyses are performed through a *substantive approach*, meaning that the data is treated to capture meanings and interpretations of the world<sup>188</sup>. In order to include multiple interpretations, TWAIL literature will be considered. In general, TWAIL scholars seek to put more emphasis on the historical continuity between the colonial era and contemporary international law. The fundamental argument is that the foundation of many international laws can be traced back to the colonial encounter, and the TWAIL scholars seek to tell the “story” from a Third World perspective and highlight the inherent injustice currently existing in the international order<sup>189</sup>. The analytical codes used when analysing and interpreting the data are the international institutions regarding sovereignty and human rights<sup>190</sup>.

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<sup>185</sup> Jane Ritchie and Rachel Ormston, “The Applications of Qualitative Methods to Social Research,” in *Qualitative Research Practice: A Guide for Social Science Students and Researchers*, eds. Jane Ritchie et al. (SAGE, 2013): 38.

<sup>186</sup> Ritchie and Ormston, “The Applications of Qualitative Methods to Social Research,” 33.

<sup>187</sup> Jane Lewis and Carol McNaughton Nicholls, “Design Issues,” in *Qualitative Research Practice: A Guide for Social Science Students and Researchers*, eds. Jane Ritchie et al. (SAGE, 2013): 53.

<sup>188</sup> Liz Spencer et al., “Analysis: Principles and Processes,” in *Qualitative Research Practice: A Guide for Social Science Students and Researchers*, eds. Jane Ritchie et al. (SAGE, 2013): 272.

<sup>189</sup> Robertson, “‘Beseeching Dominance’: \*Critical Thoughts on the Responsibility to Protect’ Doctrine,” 41.

<sup>190</sup> Spencer et al., “Analysis: Principles and Processes,” 272.

The first analysis is a comparative study of the conceptual emergence of R2P. The descriptive part will account for the basic assumptions of the documents serving as the foundation for the concept of R2P. The main document in this context is the 2001 report of the International Commission on Intervention and State Sovereignty entitled *The Responsibility to Protect*. The review of the report serves to identify underlying assumptions and the ethics behind such. The normative part is an interpretive study of the perspective of state actors in international society and how those influenced the concept adopted in 2005<sup>191</sup>.

The second analysis is a case study of the implementation of R2P in Côte d'Ivoire in 2010-2011. The descriptive part is an outline of the historical event based on secondary sources. The normative part is a comparison of the actions throughout the case and the perceptions of such actions by agents in relation to their conceptions of international society as identified in the previous analysis. It is based on primary sources and secondary sources. The interpretation of primary sources makes it possible to determine the initial perception of the implementation of R2P, and the secondary sources contribute with insight regarding agendas.

## Data Collection

### *Primary Sources*

In regard of source selection, I remain loyal to the English School tradition and primarily rely on statements by diplomats and foreign policymakers, and they are chosen based on the logic of *purposive sampling*, which means that they are expected to enable a detailed exploration and understanding of the general perceptions of R2P<sup>192</sup>. Thus, they are sought restricted to statements directly referring to R2P or human rights and sovereignty in a R2P context. The English School assumption is that to understand the actions of international actors, one has to understand their beliefs prior to their actions<sup>193</sup>. Two issues are inherent in this choice. Firstly, the statements and actions of diplomats and foreign policymakers do not necessarily represent the dominant conceptions of the populations, which they represent. However, because

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<sup>191</sup> Gary King, Robert O. Keohane and Sidney Verba, *Designing Social Inquiry* (New Jersey: Princeton University Press, 1994): 36-37.

<sup>192</sup> Jane Ritchie et al., "Designing and Selecting Samples," in *Qualitative Research Practice: A Guide for Social Science Students and Researchers*, eds. Jane Ritchie et al. (SAGE, 2013): 113.

<sup>193</sup> Ian Hall, "Interpreting Diplomacy: The Approach of the Early English School," in *System, Society & the World*, ed. Robert W. Murray (Bristol: E-International Relations, 2013): 34.

diplomats make the choices on behalf of their population, with or without their consent, they have the dominant role in the creation and maintenance of norms<sup>194</sup>. Secondly, what is expressed and stated by diplomats in open UN discussions, may not be the same as what is expressed and stated domestically or behind closed doors. However, the relevant archives for conducting more comprehensive research are not approachable, but a close reading of the primary sources combined with well-informed secondary sources may offer similar conclusions. The selected statements are generally limited to those of United States of America (US), the European Union (EU) as a collective, the African Union (AU) as a collective, China, Russia, Brazil, India, and South Africa. The choice is based on their diversity. As the world hegemon, the perception of US can hardly be ignored, while the European States, due to their colonial past and contemporary political position, still are relevant regarding international influence, which Nicolaidis et al. demonstrated in their study<sup>195</sup>. China and Russia are both permanent members of the UN Security Council, and therefore hold a formal power, which is crucial concerning the implementation of R2P. Brazil, India and South Africa represents a large number of people and has a history of countering the hegemony of US; thus their statements and perceptions are equally relevant<sup>196</sup>. As it has not been possible to extract statements from the chosen states on every subject matter of the analysis, I have in some cases relied on previous statements to determine the respective state's conception. That method is less valid, as the states may experience a change in politics. However, the statements before the adoption of R2P and after implementations of it are generally similar, except for a few cases. Therefore, I estimate the reliability of the method fair. Statements by small states will also be included to a limited degree to give a voice to the concerns of those of less power, as they might differ from those of large and more powerful states. The account and analysis of the ICISS report are based purely on the report itself<sup>197</sup>. Legal sources are subtracted from the United Nations Treaty Collection<sup>198</sup> and the Security Council Resolutions<sup>199</sup>. Statements from member states are

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<sup>194</sup> Hall, "Interpreting Diplomacy: The Approach of the Early English School," 35.

<sup>195</sup> Nicolaidis et al, "From Metropolis to Microcosmos."

<sup>196</sup> Faith Maberera and Yolanda Spies, "How Well Does R2P Travel Beyond the West?," in *The Oxford Handbook of the Responsibility to Protect*, eds. Alex J. Bellamy and Tim Dunne (Oxford University Press, 2016): 208.

<sup>197</sup> ICISS, "The Responsibility to Protect," *Report of the International Commission on Intervention and State Sovereignty* (Dec. 2001), accessed Oct 12, 2018, <http://responsibilitytoprotect.org/ICISS%20Report.pdf>.

<sup>198</sup> "United Nations Treaty Collection," United Nations, accessed Dec 26, 2018, <https://treaties.un.org/>.

<sup>199</sup> "Security Council Resolutions," United Nations Security Council, accessed Dec 26, 2018, <http://www.un.org/en/sc/documents/resolutions/>.

either taken from the United Nations Databases<sup>200</sup> or official government sites of the various states.

### *Secondary Sources*

Both the descriptive and normative parts of the analyses also rely on secondary literature. Most of this literature falls under the category of First World literature, therefore to expand the scope of perceptions TWAIL literature is included. The general neglect of Third World voices in English School literature has been subjected to criticism, and as demonstrated by Callahan, such perceptions may be decisive for the conclusions. Therefore, Third World views are included. The descriptive part, thus the historical emergence of R2P, is based on the account offered by legal textbooks to expose the legal and ethical issues prior to the concept. Spencer Zifcak<sup>201</sup> and Luke Glanville's<sup>202</sup> articles are the primary sources, as they clarify the key issues of humanitarian intervention, and builds a background for what the ICISS report sought to achieve. In regard to the interpretation of the various states' attitude towards the ICISS suggestion, I have utilised three main articles; Edward Luck who was co-chair in ICISS and predominantly holds a liberal view<sup>203</sup>; Adrian M. Gallagher who engage with the realist critique<sup>204</sup>; and Faith Maberera and Yolanda Spies who takes a Third World view by focusing on the agency of African countries and other small states<sup>205</sup>. The combination of these three views contributes to a diverse platform for interpretation. The descriptive part of the case study is compiled by information from six main sources. The website of the International Coalition for the Responsibility to Protect has served to create an overview of the case<sup>206</sup>. The facts from the website have been supplemented with articles by Alex J. Bellamy and Paul D. Williams who primarily focused on the issues within the UN system<sup>207</sup>; Charles T. Hunt who focused on the

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<sup>200</sup> "Official Documents and Bibliographic Databases," Databases, United Nations, accessed Dec 26, 2018, <http://www.un.org/en/databases/index.html>.

<sup>201</sup> Spencer Zifcak, "The Responsibility to Protect," in *International Law*, ed. Malcolm D. Evans (Oxford: Oxford University Press, 2014).

<sup>202</sup> Luke Glanville, "Sovereignty", in *The Oxford Handbook of the Responsibility to Protect*, eds. Alex J. Bellamy and Tim Dunne (Oxford University Press, 2016).

<sup>203</sup> Edward Luck, "Sovereignty, Choice and the Responsibility to Protect," *Global Responsibility to Protect* 1, (2009).

<sup>204</sup> Gallagher, "A Clash of Responsibilities."

<sup>205</sup> Maberera and Spies, "How Well Does R2P Travel Beyond the West?."

<sup>206</sup> "The Crisis in Côte d'Ivoire," Crises, International Coalition for the Responsibility to Protect, accessed Oct 14, 2018, <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-ivory-coast>.

<sup>207</sup> Bellamy and Williams, "The new politics of protection?."

three pillars of the concept<sup>208</sup>; journalist Paul Melly who accounted for the financial relationship between France and Côte d'Ivoire<sup>209</sup>; and former South African President, Thabo Mbeki, who offers a highly critical account from an African point of view<sup>210</sup>. Mbeki's account is supplemented with the account of former Ambassador of Côte d'Ivoire to the US, Pascal Kokora, who offers a critical insight into the French agency in the intervention<sup>211</sup>. The five approaches offer five different views of the case study, and by combining the historical facts from each, a comprehensive and reasonably valid account is provided.

### Reliability and Validity

I estimate that the reliability of the study is fair, as it mainly relies on data free for all to find and use. However, as it is the ontological assumption of the research that the world is subjectively experienced it is given that it also applies to the author. In this sense, the interpretation of some data may be interpreted differently by others, but I seek to validate my reasoning and interpretations by openly declare my conception of international society which sympathise with the pluralist ontology.

I argue that the methodology applied is suitable to answer the announced research question within the scope of a master thesis; however, more comprehensive research would lead to an even deeper understanding, but as previously stated, this study ought to be viewed as an invitation to more research.

Furthermore, data is purely collected from English language sources. Côte d'Ivoire sources are mainly in French; thus the language barrier may have prevented essential points to be revealed. The study cannot be used to generalise about R2P cases, as every case is different. In this sense, the study is restricted. However, by analysing Côte d'Ivoire, different issues may be revealed

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<sup>208</sup> Charles T. Hunt, "Côte d'Ivoire," in *The Oxford Handbook of the Responsibility to Protect*, eds. Alex J. Bellamy and Tim Dunne (Oxford University Press, 2016).

<sup>209</sup> Paul Melly, "Why France must tread carefully in Ivory Coast," *BBC*, April 12, 2011, <https://www.bbc.com/news/world-africa-13047838>.

<sup>210</sup> Thabo Mbeki, "What the World got Wrong in Côte D'Ivoire," *Foreign Policy*, April 29, 2011, <https://foreignpolicy.com/2011/04/29/what-the-world-got-wrong-in-cote-divoire/>.

<sup>211</sup> Pascal Kokora, "Worldwide Campaign for the Liberation of Laurent Gbagbo," *Fresco Courriels*, Sep 20, 2018, <https://frescocourriels.com/worldwide-campaign-for-the-liberation-of-laurent-gbagbo/>.

in comparison to, e.g. Libya, which has been comprehensively studied throughout the academic world.

## Chapter III

### Conceptualising Responsibility to Protect

The following chapter will offer an analysis of the R2P concept to establish its conceptual resemblance with a Soc. When establishing the emergence of R2P, one will have to consider its predecessor humanitarian intervention to understand the controversy. I will not discuss the many ethical dilemmas and positions on humanitarian intervention, as they are already studied thoroughly by others<sup>212</sup>, but instead offer a brief account for the fundamental controversies. The concept of R2P came to be as a consequence of the discussions following the humanitarian intervention in Kosovo exercised by NATO and the inaction regarding the genocide in Rwanda<sup>213</sup>. The essence of humanitarian intervention is that a state or a group of states intervene in another state based on humanitarian concerns and justified by the view that individuals are subjects to international law, just like states, and therefore deserve protection<sup>214</sup>. Despite its humanitarian aspirations, it is a controversial concept, as the implementation of such a concept opposes the high standing norm of sovereignty and the highly regarded Article 2(4) of the UN Charter, which states that:

*“All states shall refrain in their international relations from the threat or use of force against the territorial integrity and political independence on any state, or in any other manner inconsistent with the purpose of the United Nations<sup>215</sup>.”*

The only exceptions to this rule are the conduct of self-defence and the use of force authorised by the Security Council in response to threats and breaches of international peace and security<sup>216</sup>. Some argue, however, that a right of humanitarian intervention exists in customary law, assumed it is a threat to international security and peace and is authorised by the Security

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<sup>212</sup> See e.g. Michael J. Smith, “Humanitarian Intervention: An Overview of the Ethical Issues,” *Ethics & International Affairs* 12 (March 1998).

<sup>213</sup> United Nations Office of Genocide Prevention and Responsibility to Protect, “About.”

<sup>214</sup> Zifcak, “The Responsibility to Protect,” 510-512.

<sup>215</sup> United Nations, *Charter of the United Nations*, 1 UNTS XVI, §2(4) (San Francisco, Oct 24, 1945), <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>.

<sup>216</sup> Charter of the United Nations, §51 and Chapter VII.

Council<sup>217</sup>. Previously, Security Council authorised interventions were conducted either with the consent of the governing authorities or in cases where no functioning government was present to give such consent<sup>218</sup>. Cases became controversial when states intervened without explicit Security Council authorisation, such as the NATO intervention in Kosovo<sup>219</sup>. For the Security Council it became a matter of sovereignty versus human rights protection, and some of the veto-wielding members, China and Russia, fiercely opposed the right of intervention, as their notion of sovereignty was strictly related to the notion of non-intervention. The matter created division in between the UN member States and some argued for the right of non-intervention as a virtue of the inviolable sovereignty, while others argued that the protection of human rights exceeded the rights of sovereignty. Eventually, UN Secretary General, Kofi Annan, appealed to the international community for a redefinition of sovereignty to include international responsibilities of protection of human rights in cases of mass atrocities. Hence, the emergence of R2P<sup>220</sup>.

### The ICISS Report

The Canadian Government and a group of major foundations established in 2001 the ICISS to accommodate the Secretary General's appeal<sup>221</sup>. The ICISS report is widely acknowledged to be the foundation upon which the concept was presented to the General Assembly and the concept which Kofi Annan sought to emphasise. The justification for compiling the report was based on the argument that international institutions did not accommodate the new international needs or modern expectations of the pre-1945 world<sup>222</sup>. Because of globalisation, ties between states and peoples had become closer and consequently led to trends of multilateral cooperation, which concerned human rights issues as well, as strongly advocated by the increasing number of non-governmental organisations<sup>223</sup>. However, the trend towards a more

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<sup>217</sup> Zifcak, "The Responsibility to Protect," 511.

<sup>218</sup> Glanville, "Sovereignty," 158-59.

<sup>219</sup> Zifcak, "The Responsibility to Protect," 513-14.

<sup>220</sup> Glanville, "Sovereignty," 158-160.

<sup>221</sup> ICISS, "The Responsibility to Protect," VII.

<sup>222</sup> ICISS, "The Responsibility to Protect," 3.

<sup>223</sup> ICISS, "The Responsibility to Protect," 7.



connected world with new humanitarian expectations did not equal to the loss of the significance of sovereignty, as stated by the authors of ICISS:

*“...sovereignty does still matter. It is strongly arguable that effective and legitimate states remain the best way to ensure that the benefits of the internationalization of trade, investment, technology and communication will be equitably shared. (...) They will also be likely to be those most respectful of human rights<sup>224</sup>.”*

The Commissions further argues that simultaneously with the notion of the equality of sovereigns, it is widely acknowledged that sovereignty implies a responsibility; externally and internally. Externally, a responsibility towards respecting other states sovereignty, and internally, there is a responsibility towards one’s population regarding human rights protection<sup>225</sup>. Thus, sovereignty and responsibility is the minimum requirement of good international citizenship<sup>226</sup>. The report also points to the increasing commitment to democratic governance throughout the nation States of the world<sup>227</sup>.

In order not to create controversy, the report changed the language in the debate from a ‘right to intervene’ to a ‘responsibility to protect’<sup>228</sup>. The concept of a ‘responsibility to protect’ rests on two basic principles; state sovereignty implies responsibility; and if the respective state is unwilling or unable to protect its people from grave breaches of human rights, that responsibility then becomes a matter of the international community<sup>229</sup>. The responsibility of the international community requires action with appropriate measures, including military intervention in the most extreme cases consisting of large-scale loss of life or large scale ‘ethnic cleansing’. The authorisation rests mainly on, but are not restricted to, the Security Council<sup>230</sup>. If the Security Council fails to uphold its responsibility, the General Assembly and regional organisations should be empowered to act<sup>231</sup>. The legal foundations of the alleged emerging

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<sup>224</sup> ICISS, “The Responsibility to Protect,” 7-8.

<sup>225</sup> ICISS, “The Responsibility to Protect,” 13.

<sup>226</sup> ICISS, “The Responsibility to Protect,” 8.

<sup>227</sup> ICISS, “The Responsibility to Protect,” 13.

<sup>228</sup> ICISS, “The Responsibility to Protect,” 11.

<sup>229</sup> ICISS, “The Responsibility to Protect,” XI.

<sup>230</sup> ICISS, “The Responsibility to Protect,” XII-XIII.

<sup>231</sup> ICISS, “The Responsibility to Protect,” 53-54.

norm were; sovereignty entails obligations; the Security Council is responsible for the maintenance of international peace and security; obligations under human rights law and humanitarian law exists; and the developing state practice<sup>232</sup>.

Furthermore, the Commission offers four principles for military intervention being; the just cause threshold; precautionary principles; right authority; and operational principles<sup>233</sup>. The ICISS report's conceptual framework was adopted by the Secretary General's High-level Panel on Threats, Challenges and Change; however, the Panel stressed that the responsibility should be exercised only with the endorsement of the Security Council. The Panel asserted that state-sponsored genocide and other mass atrocities should be considered as threats to international security and peace, and therefore it was under the jurisdiction of the Security Council to respond to them. Eventually, the Secretary General recommended the responsibility to protect to be adopted at the World Summit in 2005<sup>234</sup>.

It is apparent from the account that the ICISS report contains some inherent assumptions about the international society, which legitimises the idea of 'sovereignty as responsibility', thus R2P. I have identified two assumptions, which will be analysed compared to the conceptions of the member states prior to the adoption of R2P. The first assumption is that a new standard of behaviour has emerged based on human rights, thus the 'responsibility' part of the 'sovereignty as responsibility' notion. The other assumption is that the sovereign states are equal<sup>235</sup>. The validity of these two assumptions is crucial as they legitimise the claim of sovereignty as responsibility. In the two following sections, I will discuss these two assumptions to establish the ethical foundations of the ICISS report in comparison with the state conceptions, and subsequently make conclusions about the final concept.

### Human Rights as a New Standard of Behaviour?

The report describes the human rights norm as the new standard of behaviour in international relations referring to the Universal Declaration of Human Rights (UDHR), the two Covenants

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<sup>232</sup> ICISS, "The Responsibility to Protect," XI.

<sup>233</sup> ICISS, "The Responsibility to Protect," XII-XIII.

<sup>234</sup> Zifcak, "The Responsibility to Protect," 517.

<sup>235</sup> ICISS, "The Responsibility to Protect," 12.

of 1966 on civil-political and social-economic-cultural rights, the establishment of the International Criminal Court and the implementation of such rights in domestic legislation<sup>236</sup>. The character of these legal documents is defined as follows:

*“These legal foundations include fundamental natural law principles; the human rights provisions of the UN Charter; the Universal Declaration of Human Rights together with the Genocide Convention; the Geneva Conventions and Additional Protocols on international humanitarian law; the statute of the International Criminal Court; and a number of other international human rights and human protection agreements and covenants<sup>237</sup>.”*

The Commission thus regards human rights as natural law, which is part of the solidarist account. Noticeably, the Commission itself calls human rights a ‘standard’ of conduct for states, thus being a tool to judge and restrain state conduct which is what is argued by Donnelly. Regarding the development within the human rights agenda, the Commission furthermore states:

*“The Significance of these developments in establishing new standards of behaviour, and new means of enforcing those standards, is unquestionable<sup>238</sup>.”*

The statement is somehow controversial, recalling Donnelly’s argument that a standard of human rights motivates to ‘civilised’ behaviour’ and are unproblematic, as they are not internationally being imposed by force, except for in extreme cases<sup>239</sup>. The language is very similar; thus solidarist perceptions shine through the report. Arguably, the report distinguishes between legitimate state behaviour and illegitimate state behaviour based on human rights protection; thus sovereignty is conditional. The logic resembles Gong’s definition of a SoC that sovereignty alone does not grant membership in the international society, and according to the report it depends on the ability to protect against mass atrocities. Furthermore, a close reading of the report reveals the Commission’s emphasis on the implementation of democracy to realise human rights protection goals. Among others, it mentions:

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<sup>236</sup> ICISS, “The Responsibility to Protect,” 14.

<sup>237</sup> ICISS, “The Responsibility to Protect,” 16.

<sup>238</sup> ICISS, “The Responsibility to Protect,” 14.

<sup>239</sup> Donnelly, “Human Rights: A New Standard of Civilization?,” 20-21.

*“Root cause prevention has many dimensions. It may mean addressing political needs and deficiencies, and this might involve democratic institutions and capacity building...<sup>240</sup>”* And: *“In many states, the result of the end of the Cold War has been a new emphasis on democratization, human rights and good governance. But in too many others, the result has been internal war or civil conflict – more often than not with ugly political and humanitarian repercussions<sup>241</sup>.”*

The language is generally cautious about stating democracy as rightful political structure, but the report makes a point of celebrating the increasing commitment to democratic governance around the world and the advancement of human rights in the same breath while opposing it to internal war and conflict. Furthermore, it must not be forgotten that Article 21 of the UDHR states:

*“The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures<sup>242</sup>.”*

The ICISS thus supports Hobson’s point of democracy being universally viewed as something good. The two points by the Commission, the universality of human rights, including human rights protection as rightful state behaviour, and emphasis on democracy as legitimate statehood as conditions for the maintenance of sovereignty is by definition a SoC, as it assumes human rights protection and democracy to arbitrate sovereignty, hence membership of the international society. Politically, it is solidarist in nature and compliments the arguments of the solidarist scholars’ notion of a modern SoC.

The assumptions are perceived differently though depending on which State one is observing, and this is decisive for the final political characterisation of R2P as a SoC. The policy of EU shares the perception of ICISS about human rights and democracy, which is evident in the Union’s statement:

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<sup>240</sup> ICISS, “The Responsibility to Protect,” 23.

<sup>241</sup> ICISS, “The Responsibility to Protect,” 4.

<sup>242</sup> United Nations, “Universal Declaration of Human Rights,” §21(3).

*“The European Union is founded on a strong engagement to promote and protect human rights, democracy and the rule of law worldwide. Human rights and democracy are inextricably connected. Only in a democracy can individuals fully claim and realise their civil, political, social, economic and cultural rights. Only when human rights are respected can democracy flourish<sup>243</sup>.”*

The commitment to human rights and democracy are not only sought to be achieved within the EU, but the Union also see it as its foreign policy to advance the principles of human rights and democracy on which it is created itself. It is furthermore, the Union’s conviction that to sustain international peace, respect for human rights and democracy must be the rocks on which international community is built<sup>244</sup>. This policy is written into the Treaty on the EU and makes it a fundamental engagement<sup>245</sup>. The beliefs of EU substantiates the study of Nicolaidis et al. of EU perceiving itself as a model to be copied, and it implies the conception of EU to be solidarist.

US held the same belief as EU of human rights and democracy as inseparable concepts. It was stated in George W. Bush’ speech to the General Assembly during the 2005 World Summit:

*“The work of democracy is larger than holding a fair election; it requires building the institutions that sustain freedom. Democracy takes different forms in different cultures, yet all free societies have certain things in common. Democratic nations uphold the rule of law, impose limits on the power of the state, treat women and minorities as full citizens. Democratic nations protect private property, free speech and religious expression. (...) And democratic nations contribute to peace and stability because they seek national greatness in the achievements of their citizens, not the conquest of their neighbors. (...) The United Nations must stand for integrity, and live by the high standards it sets for others<sup>246</sup>.”*

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<sup>243</sup> “Human rights and democratic governance,” International Cooperation and Development, European Commission, assessed Nov 18, 2018, [https://ec.europa.eu/europeaid/sectors/human-rights-and-governance\\_en](https://ec.europa.eu/europeaid/sectors/human-rights-and-governance_en).

<sup>244</sup> European Commission, “Human rights and democratic governance.”

<sup>245</sup> European Union, *Consolidated Version of the Treaty on European Union*, 2012/C 326/01, §21(1) (Lisbon, Dec 13, 2007), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012M%2FTXT>.

<sup>246</sup> “Statement of H.E. Mr. George W. BUSH, President of the United States of America, 2005 World Summit, High Level Plenary Meeting, September 14, 2005,” United Nations, accessed Nov 3, 2018, <http://www.un.org/webcast/summit2005/statements/usa050914.pdf>.

The standards, to which Bush refers, can be identified as democracy, human rights, and the rule of law, and he holds these standards to lead to the stability and peace in international society; thus the statement can be characterised as liberal solidarist in nature, cf. the arguments of Mozaffari, Aalberts and Fidler. By this logic, human rights have the best conditions to flourish within a democracy, hence, to protect human rights in a society, that particular society must also adopt a democratic political structure. It follows that if protection and advancement of human rights require a particular political ideology, they ought to be perceived as exclusive rather than inclusive.

For others, the notion of human rights protection and a specific political structure were not inseparable. Many African countries strongly supported the need for human rights protection but did not explicitly make the connection with a democratic structure<sup>247</sup>. It has to be viewed in the light of the AU being the first intergovernmental organisation to include interventions based on humanitarian concerns in its Charter, Art. 4(h) in 2000. The support of the doctrine from several African countries was encapsulated by Tanzania when stating:

*“We must not stop misusing the principles of sovereignty and non-interference in the internal affairs of states to mark incidences of poor governance and unacceptable human rights abuses<sup>248</sup>.”*

However, the AU put much emphasis on regional organisations’ empowerment to take urgent action prior to Security Council authorisation. The argument motivated the emphasis on regional organisations that the Security Council may not be able to appreciate the nature and development of the situations properly, hence insinuate the importance of cultural and historical considerations<sup>249</sup>. AU’s perception of human rights protection is solidarist in nature, note *not* liberal solidarist, as it is restricted to the protection of human rights, and does not integrate the notion of democracy in the human rights protection argument, but rather emphasises cultural and historical diversity.

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<sup>247</sup> Zifcak, “The Responsibility to Protect,” 517.

<sup>248</sup> Zifcak, “The Responsibility to Protect,” 518.

<sup>249</sup> African Union Executive Council, 7<sup>th</sup> Extraordinary Session, The Common African Position on the Proposed Reform of the United Nations “The Ezulwini Consensus,” Ext/EX.CL/2 (VII) §B(i), (Addis Ababa, March 7-8, 2005), [http://responsibilitytoprotect.org/files/AU\\_Ezulwini%20Consensus.pdf](http://responsibilitytoprotect.org/files/AU_Ezulwini%20Consensus.pdf).

China has long rejected the notions of human rights as stipulated in the UDHR and instead emphasised the rights of development, health, nutrition and housing<sup>250</sup>. At the 58<sup>th</sup> Session of the United Nations Commission on Human Rights in 2002, the Chinese Foreign Minister stated:

*“Owing to their different history, culture, social systems and the stage of economic development, it is only natural for countries to adopt various ways, approaches and processes in realizing human rights. (...) It is neither practical nor democratic to ask all these many countries to follow a single social system and lifestyle, and to measure such a diverse world against one particular value<sup>251</sup>.”*

The Chinese scepticism of internationally imposed human rights follows the logic of Bowden when arguing that the institutionalism of human rights inevitably will be Western, thus without regard for other cultures and societies. Hence, the Chinese put much emphasis on the diversity of human rights perceptions and rejected the idea of human rights protection requiring a specific political system. As such, the Chinese accepted a pluralist perception based on cultural diversity regarding human rights. Brazil supported the Chinese emphasis on each State’s individual responsibility to protect its own citizens, by focusing on the actions, which the states themselves could apply domestically. Furthermore, they stressed their pluralistic conception by pointing to diversity rather than a one-model-fits-all approach. The former Brazilian president, Luiz Inácio Lula da Silva stated before the 2005 World Summit:

*“I have always said, and I wish to repeat, that each country must do its own part. We have strived to implement in Brazil the same measures, we have been proposing in the international sphere. We have no pretension of being a model for others, but we are motivated by great enthusiasm and political resolve<sup>252</sup>.”*

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<sup>250</sup> South China Morning Post, “China presents its take on human rights at global forum in Beijing.”

<sup>251</sup> Permanent Mission of the People’s Republic of China to the UN, “Statement by H.E. Vice Foreign Minister WANG Guangya at the 58<sup>th</sup> Session of the United Nations Commission on Human Rights (Geneva).”

<sup>252</sup> “Statement by H.E. Mr. Luiz Inácio Lula da Silva, President of the Federative Republic of Brazil, at the High Level Plenary Meeting of the General Assembly,” United Nations, accessed Oct 5, 2018, <http://www.un.org/webcast/summit2005/statements15/bra050915eng.pdf>.

The statements reveal that the perceptions of human rights protection is fluctuated among the states and exposes their conception of which role human rights ought to take in international society. Said in other words, the EU and the US perceives human rights as universal and inseparable of democracy, and it is an integrated part of their foreign policy. Their conception resembles the liberal solidarist perception as hold by Donnelly et al. The AU acknowledge human rights protection as not purely being a domestic matter too; however, they do not imply democracy to be part of such a system. Furthermore, they stress the importance of cultural and historical pluralism. China and Brazil emphasise the responsibility of the state itself while rejecting the notion of a specific set of values and systems being decisive for how human rights ought to be realised domestically. Supposedly, the assumption about human rights emphasised by the ICISS report is not universality shared but evaluates according to the European and American conception.

### Sovereignty and Equality

The second assumption of the concept of R2P as developed by the ICISS is that the international society is based on the equality of sovereigns. The argument is extracted directly from the UN Charter, which stipulates in Article 2(1) that the principle of sovereign equality of all members is the foundation of the UN organisation<sup>253</sup>. The equality of sovereigns as stated by the ICISS entails two questions: what does it mean to be ‘sovereign’ in the eyes of ICISS compared to the member states and how equal are they really in practice and in their perceptions?

The ICISS’ perception of sovereignty is based on the Westphalian concept of the legality of a state in regard of international law and argues that sovereignty implies an internal responsibility towards one’s population in addition to the responsibility of recognising the sovereignty of other states. The traditional notion of sovereignty is stated in the UN General Assembly Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty adopted in 1965, which declares:

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<sup>253</sup> Charter of the United Nations, §2(1).



*“No State has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are condemned. (...) Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State<sup>254</sup>.”*

In other words, the principle of non-intervention is well established, and states are free to choose their internal structures and policies without interference – it clearly states a pluralist conception of international society. The Commission thus adopts an alteration of the notion of sovereignty. Because of the increasing internal conflicts and numbers of killed civilians, the Commission argues that the traditional idea of sovereignty must be complemented by self-empowerment and freedom of the people. Secondly, the responsibility to prevent and react lies with the international community. Hence, the Commission’s re-characterisation of sovereignty from ‘sovereignty as control’ to ‘sovereignty as responsibility<sup>255</sup>.’ If such a notion is true, the definition of responsibility is essential for what that means for international society. Regarding the previous section, ‘responsibility’ and human rights protection is equivalent, both regarding the state itself and secondarily regarding the international community. As such, human rights protection is held in higher regard than the protection of sovereignty, thus resembles the solidarist arguments.

The notion was received with controversy by several states; however, the Western Europe and Others Group nations were in favour of the concept as presented, which may not come as a surprise as the group is compiled mainly by liberal democracies identifying with the inherent assumptions of the ICISS report. The US, many of the nations in the Non-Aligned Movement, and several Latin American nations either required significant amendments or opposed the idea<sup>256</sup>. The US rejected the idea of an obligation of United Nations, the Security Council or individual States to intervene in cases of gross violations of human rights, but would rather

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<sup>254</sup> UN General Assembly, Resolution 2131, Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, A/RES/20/2131, §1 (Dec 21, 1965), <http://www.un-documents.net/a20r2131.htm>.

<sup>255</sup> ICISS, “The Responsibility to Protect,” 13.

<sup>256</sup> Zifcak, “The Responsibility to Protect,” 518.

have it to be determined at a case-by-case basis by the Security Council<sup>257</sup>. Former Special Advisor to the Secretary General on the Responsibility to Protect, Edward Luck, argues that the US reluctance to view the R2P as an obligation derives from their notion of sovereignty as being the freedom of policy choice<sup>258</sup>. Because the US is a permanent member of the Security Council, the emphasis on leaving the decision solely up to the Council is arguably in US' interest. The formal power hierarchy needs mention in this context. Despite the statement of equal sovereignty in the UN Charter, it simultaneously grants five member States (China, France, Russia, UK and US) a permanent seat and the right to veto in the most powerful institution of the United Nations, the Security Council<sup>259</sup>.

Furthermore, the significant position of US in international society at the time must be considered as well. At the time the Commission prepared the report, the legacy of the collapse of the Soviet Union still influenced the international power relations, as it had allowed the US to obtain a hegemonic status, which consequently meant that external constraints on the US became weaker<sup>260</sup>. The previously mentioned statement by Bush resembles the Clinton Doctrine of Democratic Enlargement from the 90s, which entailed the restructure of the American military and security, increased emphasis on economics in international affairs, and the promotion of democracy abroad<sup>261</sup>. The Clinton administration rested on the idea that if the newly established democracies, along with those to come, could develop consumer-oriented middle classes wanting to buy American products, it would naturally advance American national interests and values and lead to more peace and stability in international society<sup>262</sup>. The imposition of such values was even apparent in relation to other considerable powers in the 90s, such as Russia, as Yeltsin made it the main priority to 'become a modern civilised state' in order to maintain the status of Russia in world affairs and develop future capabilities<sup>263</sup> - values fitting into Clinton's liberal aspirations for the international community. Power and

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<sup>257</sup> "Bolton Letter," The Representative of the United States of America to the United Nations, International Coalition for the Responsibility to Protect, accessed Oct 6, 2018, [http://responsibilitytoprotect.org/files/US\\_Boltonletter\\_R2P\\_30Aug05\[1\].pdf](http://responsibilitytoprotect.org/files/US_Boltonletter_R2P_30Aug05[1].pdf).

<sup>258</sup> Luck, "Sovereignty, Choice and the Responsibility to Protect," 11.

<sup>259</sup> Charter of the United Nations, §23(1) and §27(3).

<sup>260</sup> Daniel Abebe, "Great Power Politics and the Structure of Foreign Relations Law," *Chicago Journal of International Law* 10 (2009-2010): 135.

<sup>261</sup> Douglas Brinkley, "Democratic Enlargement: the Clinton Doctrine," *Foreign Policy* 106 (Spring 1997): 112.

<sup>262</sup> Brinkley, "Democratic Enlargement: the Clinton Doctrine," 117.

<sup>263</sup> Stivachtis, "Liberal democracy, market economy, and international conduct," 134-5.

status hence became equivalent to norms and values. The US position to maintain its freedom of choice, while at the same time advance its values internationally, thus reflected the power structures.

However sceptical of the conventional human rights, China recognised the primary responsibility of human rights protection to be within the concern of the state, but also noted that cases of humanitarian crises were concerns of the international community. The Chinese stressed the importance of conforming to the Charter and respect the opinions of the concerned state and regional organisation but emphasised the decision-making be kept within the Security Council framework and that every armed intervention should be considered with precaution<sup>264</sup>. As China is also a permanent member of the Security Council, it is fair to argue that they, as well as the US, have a particular interest in keeping the decision-making of armed interventions within the framework of the Council. Russia aligned itself with China, stressing that forceful action ought only to be authorised by the Security Council in compliance with the UN Charter and the protection of civilians ought not to lead to regime change<sup>265</sup>. Thus stressing the importance of sovereignty as remaining the most important feature of international society along with the centrality of the Security Council. Just as was the case with China and US, the emphasis on the Security Council comes as no surprise, given Russia's permanent seat.

The American reluctance to oblige the international community to respond to mass atrocities was addressed by former President of South Africa, Thabo Mbeki. He commented on the power structures and imbalance existing between states, and emphasised development, peace, security and human rights as being mutually reinforcing, thus no state can stand alone regarding protection. The need was, however, not to be realised because rich and powerful states did not find it in their interest to accommodate such a need; thus the powerful sought to remain powerful and further disempower the powerless<sup>266</sup>. The allusion of interests of the powerful

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<sup>264</sup> "Position Paper of the People's Republic of China in the United Nations Reforms," UN Role and Reform, Permanent Mission of the People's Republic of China to the UN, accessed Nov 6, 2018, <http://www.china-un.org/eng/zghlhg/zzhgg/t199101.htm>.

<sup>265</sup> "Russia's Approach to the Notion of "Responsibility to Protect"," The Embassy of the Russian Federation to the United Kingdom of Great Britain and Northern Ireland, accessed Oct 28, 2018, <https://www.rusemb.org.uk/in3a/>.

<sup>266</sup> "Statement by H.E. Mr. Thabo Mbeki, President of the Republic of South Africa to the High-Level Plenary Meeting of the General Assembly," United Nations, accessed Oct 28, <http://www.un.org/webcast/summit2005/statements15/south050915eng.pdf>.

being decisive was interpreted differently by India and served as a justification of India's reluctance towards R2P. SD Muni, the former Indian Special Envoy to Southeast Asian countries, explains that because of India's own record of humanitarian interventions and their own covert intentions, the Indians realised that such interventions would inevitably be conducted as national interests disguised as humanitarian action<sup>267</sup>. By pointing out the lack of democracy in UN, India joined in on the statement of South Africa, advancing the fear of abuse of power<sup>268</sup>. Brazilian Foreign Minister, Celso Amorim called the initial concept "the right to intervene in new clothes" insinuating the risk of the concept leading to interventionist tendencies<sup>269</sup>. Some of smaller states shared such concerns. The Venezuelan President, Hugo Chavez, expressed this concern as follows:

*"And what about the "Responsibility to Protect" doctrine? We need to ask ourselves. Who is going to protect us? How are they going to protect us? (...) If we are going to talk about protecting each other; these are very dangerous concepts that shape imperialism and interventionism, as they try to legalize the violation of national sovereignty<sup>270</sup>."*

The concerns came to stand as the main priority over the protection against atrocity crimes. The matter was shared by other developing countries, such as Cuba, Pakistan and Iran<sup>271</sup>. The Algerian Permanent Representative answered the question regarding *who* was going to decide regarding protection, and pointed to the issue of leaving the decision of intervention to the Security Council:

*"...we do not deny that the United Nations has the right and duty to help suffering humanity. But we remain extremely sensitive to any undermining of our sovereignty, not only*

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<sup>267</sup> SD Muni, "R2P – Perspectives from India," *Open Global Rights*, Oct 21, 2013, <https://www.openglobalrights.org/r2p-perspectives-from-india/>.

<sup>268</sup> "Address by Dr. Manmohan Singh Prime Minister of India at the High-Level Plenary Meeting of the 60<sup>th</sup> session of the United Nations General Assembly," United Nations, accessed Oct 28, 2018, <http://www.un.org/webcast/summit2005/statements15/india050915eng.pdf>.

<sup>269</sup> Oliver Stuenkel and Marcos Tourinho, "Regulating intervention: Brazil and the responsibility to protect," *Conflict, Security & Development* 14, no. 4 (2014): 389.

<sup>270</sup> Global Policy Forum, "Venezuelan President Hugo Chavez's Speech to the United Nations World Summit."

<sup>271</sup> "Some Developing Country Statements on the Responsibility to Protect (Delivered during meetings on UN Reform held in 2005)," Institute for International Law and Justice, accessed Oct 16, 2018, <http://iilj.org/wp-content/uploads/2016/08/Statements-from-some-developing-countries-on-the-Responsibility-To-Protect.pdf>.

*because sovereignty is our last defence against the rules of an unequal world, but because we are not taking part in the decision making process of the Security Council...<sup>272</sup>.*”

It is apparent from the statements that several conceptions can be identified regarding the R2P before the adoption. There seems to be no controversy in the idea of the state holding the main responsibility for its population. The controversy is found in the responsibility of the international community to intervene and the redefinition of sovereignty. The first conception is held by the countries, which supported the concept and sought it to be implemented in the WSOD as suggested by the Secretary General. According to this view, cases of gross violations of human rights consequently deprive governments of their sovereign right of non-intervention and thus full membership of the international society. Because the assumptions match the European model, it is doubtful that the region would find itself in the ‘receiver-end’ of the scale; thus EU accepted placing itself at the top of the R2P hierarchy. This attitude resembles the European behaviour in the nineteenth century to some degree when installing European public law as international law.

The US mostly agree with the previous group, however with a substantial difference. In general, the ethical assumptions are accepted; however, the American rejection to make R2P an obligation of the international community could be explained by the power position and hegemonic status of the country. The realist argument for the behaviour is that the US wanted to maintain the power to decide which cases to intervene in and which not, implying the determination whether national interests were at stake or not<sup>273</sup>. An assumption of US solely taking an ‘implementer’ position is inherent in this argument. The realist argument is substantiated further by the South African critique of the powerful states for not seeking to create a collective security system because it seems not to be in their interest. Sovereignty in the American sense is not only based on respect for human rights but also on its freedom to choose; a privilege of the powerful. Because Third World states usually do not have the

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<sup>272</sup> Zifcak, “The Responsibility to Protect,” 518.

<sup>273</sup> Gallagher, “A Clash of Responsibilities,” 336.

capacity to intervene, military interventions are to some extent dependent on the rich and powerful<sup>274</sup>.

The African continent has been the unfortunate host of more humanitarian crises, than any other continent, and hence know the consequences of inaction well<sup>275</sup>. Many of the African countries supported the responsibility of the international community to intervene in cases of grave breaches of the human rights law, and perceived sovereignty depending on minimum standards of good governance and respect for human rights. However, they underlined the importance of keeping the intervention regional and respecting the regional organisation's understanding of the conflict in question. The emphasis may be twofold; the continent has experienced how indecisive and inconsistent the Security Council can be in dealing with humanitarian crises in Africa, such as the inaction in Somalia and Rwanda<sup>276</sup>, and the fear of interventions performed by the powerful against the less powerful, as was the concern of Algeria. The perception of R2P is therefore based on a regional framework.

The last attitude towards the R2P principle identified is expressed by many of the developing countries. They acknowledge the responsibility of the state to protect its own population, however, is against the notion that any form of intervention can be justified by humanitarian concerns, as it may eventually legitimise the conduct of neo-imperialism power by the powerful states. Russia and China are both rather vague in their statements, but both put much emphasis on the Security Council regarding decision-making, which makes sense regarding their permanent seat in the Council. The arguments of this group largely resemble the realist critique of interventions based on power relations.

The perception of inequality among states are expressed throughout the statements, and it is worth noticing how the permanent members do not reject the concept of R2P as long as the decision-making stays within Security Council authorisation, while states standing outside is more reluctant and advocate the maintenance of sovereignty. The statements reflect a concern

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<sup>274</sup> Maberera and Spies, "How Well Does R2P Travel Beyond the West?," 216.

<sup>275</sup> Maberera and Spies, "How Well Does R2P Travel Beyond the West?," 210.

<sup>276</sup> Maberera and Spies, "How Well Does R2P Travel Beyond the West?," 215.

about the formal power hierarchy, which is integrated into the UN system. The AU is somewhat exceptional in this case, supposedly attempting to make a bridge between the two.

### 2005 World Summit Outcome

Despite the initial resistance to the concept, it was eventually adopted at the 2005 WSOD, due to the diplomatic efforts of Canada, Australia, South Africa and Rwanda among others<sup>277</sup>. However, it was adopted with less “weight” than what had been suggested by the ICISS and the High-level Panel. Furthermore, by being a General Assembly resolution, the text was not binding but rather a political commitment<sup>278</sup>. The final text reads as follows:

*138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability*<sup>279</sup>.

The first part of the paragraph is considered the first pillar of R2P, The Protection Responsibilities of the State, as identified by the UN Secretary General in a 2009 report<sup>280</sup>. It commits the Member States to protect their own populations thereby sovereignty is maintained. Thus, the States acknowledge that sovereignty entails a responsibility to protect one’s people, rather than a right to intervene. The crimes considered are already endorsed as crimes under international law in the Genocide Convention<sup>281</sup>, the Hague and Geneva Conventions<sup>282</sup> and

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<sup>277</sup> Mabera and Spies, “How Well Does R2P Travel Beyond the West?,” 218.

<sup>278</sup> Dapo Akande, “International Organizations,” in *International Law*, ed. Malcolm D. Evans (Oxford: Oxford University Press, 2014): 274-75.

<sup>279</sup> UN General Assembly, 2005 World Summit Outcome, §138.

<sup>280</sup> UN General Assembly, Implementing the Responsibility to Protect, A/63/677, 2 (Jan 12, 2009), [https://www.un.org/ruleoflaw/files/SG\\_reportA\\_63\\_677\\_en.pdf](https://www.un.org/ruleoflaw/files/SG_reportA_63_677_en.pdf).

<sup>281</sup> UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, 1021, §1, (Dec 9, 1948), <https://treaties.un.org/doc/publication/unts/volume%2078/volume-78-i-1021-english.pdf>.

<sup>282</sup> “Background,” War Crimes, United Nations Office on Genocide Prevention and the Responsibility to Protect, accessed Oct 14, 2018, <http://www.un.org/en/genocideprevention/war-crimes.html>.

under international customary law<sup>283</sup>. Many of which the vast majority of states are contracting parties. The definition of atrocity crimes is more specific than that of the ICISS report, which also included mass starvation and natural or environmental catastrophes<sup>284</sup>. The paragraph further encourages the international society to help States exercise this responsibility. The Secretary General identifies this as the second pillar, International Assistance and Capacity Building<sup>285</sup>. The two pillars focus on prevention of the four crimes. The second paragraph reads:

*139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those, which are under stress before crises and conflicts break out<sup>286</sup>.*

The second paragraph is the one, which is somewhat controversial and represents the third pillar, Timely and Decisive Response<sup>287</sup>. Chapter VII of the UN Charter gives the Security Council the right to authorise the use of force in cases of threats to international peace and

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<sup>283</sup> “Background,” Crimes Against Humanity, United Nations Office on Genocide Prevention and the Responsibility to Protect, accessed Oct 14, 2018, <http://www.un.org/en/genocideprevention/crimes-against-humanity.html>.

<sup>284</sup> ICISS, “The Responsibility to Protect,” 33.

<sup>285</sup> UN General Assembly, Implementing the Responsibility to Protect, 2.

<sup>286</sup> UN General Assembly, 2005 World Summit Outcome, §138 and §139.

<sup>287</sup> UN General Assembly, Implementing the Responsibility to Protect, 2.



security<sup>288</sup>. The General Assembly thereby agreed to include four atrocity crimes within threats to peace and security. The controversy does not lie in the fact that force has to be authorised by the Security Council, but within the fact that force may be authorised in intrastate cases of atrocity crimes. The legal status of R2P is, therefore, depending on whether the Security Council includes it in a resolution responding to one of the crimes, as UN member States are obliged to comply with Security Council resolutions<sup>289</sup>. Compared to the discussions prior to WSOD, it may be concluded that:

1. The original idea of ‘sovereignty as responsibility’ from the ICISS concept remained, thus conditioning sovereignty to protection against four distinct atrocities. The concept, therefore, by definition resembles a SoC in which sovereignty is conditioned, in this case by specific human rights protection measures instead of ‘civilisation’ measures as was the case in the nineteenth century. However, the unanimous adoption evidence that there was an underlying sense of common interests and values, and initially, the R2P can be categorised as a legitimate SoC.
2. The American emphasis on the international community’s preparedness to respond rather than a responsibility to respond was implemented. Thus, maintaining the freedom of choice by the Security Council. Accordingly, the power structures arguably influenced the outcome.
3. The African appeal of authorisation of regional organisations prior to Security Council authorisation was rejected.
4. The Security Council was given the only authorisation under Chapter VII of the UN Charter regarding authorising the use of force. Hence, similar to the classical SoC, the Security Council was granted the right to determine the legal capacity of those States that did not meet the requirements.
5. No criteria of legitimacy are written into the resolution but would be determined on a case-by-case basis as demanded by US and China<sup>290</sup>. Hence, the criteria for mandating

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<sup>288</sup> Charter of the United Nations, §42.

<sup>289</sup> Akande, “International Organizations,” 275.

<sup>290</sup> Zifcak, “The Responsibility to Protect,” 519-20.

armed intervention relies on the most powerful: the permanent members of the Security Council.

In sum, the R2P concept resembles a modern SoC but is initially valid because it was unanimously accepted, despite the powerful maintaining the monopoly on authorising action by the use of force. Thus, it is a concept accepted in both the pluralist and solidarist sense. R2P differs from the classical SoC in the sense that R2P was an object of negotiation, which is a consequence of the international society being universal, which was not the case in the nineteenth and early twentieth century. The underlying structure of international society hence had an impact on the outcome, thus indicates the assumed anarchy in the international system. However, it still became evident that the states in power, the permanent members of the Security Council, had their requirements implemented into the WSOD; thus it suggests that some States had more impact.

Furthermore, the definition of the concept remained vague enough for the possibility of various interpretations of criteria and implementation; hence it was still objected of negotiation, whereas the classical SoC was explicitly resolved by those already considering themselves part of an exclusive group. Eventually, the suggested requirements of both the solidarist and pluralists standing outside of the Security Council were not satisfied. Instead of satisfying the need for preventing and reacting towards mass atrocities while respecting state sovereignty, the adopted concept contained the possibility to ignore the former and violate the latter, depending on the decision, or lack of decision by Security Council. The assessment of the validity of R2P is thus eventually dependent on the implementation.

Further debates took place in the years following; however, a presentation of these exceeds the scope of this thesis. Suffice it is to say that the controversy of the concept continued among the member States, but it is important to mention that the concept was recognised and reaffirmed by the Security Council in resolution 1674 in 2006; thus the Council acknowledged its role concerning mass atrocities being committed within states<sup>291</sup>. Later, the principle was invoked

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<sup>291</sup> UN Security Council, Resolution 1674, Resolution 1674 (2006), S/RES/1674, §4 (April 28, 2006), [https://www.un.org/ruleoflaw/files/S-Res-1674%20on%20protection%20civilians%20in%20armed%20conflict%20\(28Apr06\).pdf](https://www.un.org/ruleoflaw/files/S-Res-1674%20on%20protection%20civilians%20in%20armed%20conflict%20(28Apr06).pdf).

in Resolution 1706 regarding the situation in Darfur<sup>292</sup>, and it was invoked in resolutions on Libya and Côte d'Ivoire in 2011<sup>293</sup>.

## Chapter IV

### Implementing R2P: The Case of Côte d'Ivoire

This chapter will offer an analysis of the implementation of R2P in the case of Côte d'Ivoire in order to expose the conceptual issues of R2P. A concept is of no worth without implementation, as it will remain as just another paper filled with ink. For that reason, it is essential to understand how the UN and the involved member States implemented R2P, as it came to influence how the concept was perceived and characterised afterwards.

#### Post-Independence Political History

In 1993, President Félix Houphouët-Boigny, who had been president of Côte d'Ivoire since the gain of independence from France in 1960, died. Houphouët-Boigny had kept strong ties with France and encouraged foreign investment throughout his presidency. The currency of the country was pegged with the French currency, and many French citizens settled in the country. The country became the largest exporter of cocoa in the world and also exported a great deal of coffee, with French commodity houses playing a significant role<sup>294</sup>. The growth led to an increase in immigrant workers to accommodate the demand for labour<sup>295</sup>. Politically, the French were not without influence as French advisors were hired into the government<sup>296</sup>. Eventually, the death of Houphouët-Boigny led to conflict over who was to take over power, and because the economic wealth of the country had been distributed unevenly between the north and the south, contesters used ethnic, cultural and religious divisions to gain support. The conflict was advanced further by Houphouët-Boigny's successor, Henri Konan Bédié, who introduced a law requiring that candidates for public office should prove that both their parents

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<sup>292</sup> UN Security Council, Resolution 1706, Resolution 1706 (2006), S/RES/1706, §12(a) (Aug 31, 2006), <http://unscr.com/en/resolutions/doc/1706>.

<sup>293</sup> Zifcak, "The Responsibility to Protect," 521.

<sup>294</sup> Melly, "Why France must tread carefully in Ivory Coast."

<sup>295</sup> Bellamy and Williams, "The new politics of protection?," 829.

<sup>296</sup> Melly, "Why France must tread carefully in Ivory Coast."

were of Ivorian origin<sup>297</sup>. After years of political unrest, Laurent Gbagbo eventually won the election in 2000. While Gbagbo was in power, ethnic tensions in the country rose, partly because he discredited his main opponent, Alassane Ouattara, for not being originally Ivoirian. The tensions penetrated the military, and consequently, the country was divided between Forces Armée Nationales de Côte d'Ivoire who supported Gbagbo in the south and Forces Nouvelles who supported Ouattara in the north<sup>298</sup>.

At the time, French forces were already present in the country because of the post-independence bilateral agreements, and they soon created a buffer zone between the two conflicting parties, instead of supporting Gbagbo in fighting the rebels as initially intended<sup>299</sup>. The French got support by a mission deployed by the Economic Community of West African States (ECOWAS). Later in 2004, the Security Council mandated a UN mission, the United Nations Operation in Côte d'Ivoire (UNOCI) to oversee presidential elections and protect civilians with all necessary means. The resolution also mandated the French forces in supporting UNOCI. Despite the efforts made to bring together the two rival forces, the tension persisted, and the efforts were proved ineffective<sup>300</sup>. In 2002, it was agreed by the Ivoirians that several conditions should be met before presidential elections could take place. The conditions included reunification of the country, restoration of national administration and disarmament by militias and their reintegration in the society<sup>301</sup>. However, it was believed by the UN that a presidential election was the solution to the tensions, despite that the conditions had not been met, and after several evictions, the elections were to take place in 2010<sup>302</sup>.

### Post-Election Conflict

The election took place in two rounds, and the Independent Electoral Commission released the final results on December 2, 2010, declaring Ouattara, the winner. However, the Ivorian Constitutional Council identified some irregularities and annulled some votes from some districts, which eventually led to the declaration of Gbagbo as rightful winner. To solve the

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<sup>297</sup> Bellamy and Williams, "The new politics of protection?," 829-30.

<sup>298</sup> Hunt, "Côte d'Ivoire," 694-95.

<sup>299</sup> Bellamy and Williams, "The new politics of protection?," 831.

<sup>300</sup> Hunt, "Côte d'Ivoire," 695.

<sup>301</sup> Mbeki, "What the World got Wrong in Côte D'Ivoire."

<sup>302</sup> Hunt, "Côte d'Ivoire," 695.

issue, Gbagbo proposed to set up an international commission to verify the results, including the precondition of himself and Ouattara to respect the conclusion of such a commission. The international community rejected the proposal<sup>303</sup>. The situation consequently led both presidential candidates to declare their victory and set up each of their own government in the economic capital; Abidjan. The violent civil war that followed led to the killing of over 3,000 and the displacement of one million<sup>304</sup>. Supporters of both sides were accused of committing gross human rights violations. The Gbagbo supporters were allegedly using heavy weapons against civilians and also targeted UN personnel, and the Ouattara supporters were accused of burning down villages and killing hundreds of civilians when seizing the city of Duékoué<sup>305</sup>. The violence did not come as a surprise, because several human rights NGOs had warned against the risk of ethnic violence in the lead-up to the elections, and given the fact that UNOCI had been present already six years before the election, it seems fair to imply that the mission had failed its mandate to protect civilians against physical harm<sup>306</sup>.

### Response by the International Community

The international community believed Ouattara to be the rightful winner of the election, thus the legitimate President of Côte d'Ivoire. This position was supported by the UN, including the Security Council, the AU, ECOWAS, US<sup>307</sup> and EU<sup>308</sup>. The Security Council's decision of recognising Ouattara as legitimate president-elect was influenced by the recognition of Ouattara by the AU and ECOWAS. By doing so, the Council dismissed the conclusion of the Ivoirian Constitutional Council as being invalid<sup>309</sup>. Both ECOWAS and AU suspended the country until Gbagbo handed over power to the legitimate President, Ouattara, but despite international pressure, Gbagbo refused to step down, which led to a series of trade sanctions, targeting the main exports, cocoa and coffee, and personal sanctions directed against Gbagbo and his associates. However, hate speech and ethnically motivated violence continued to increase, and NGOs began to notice the critical development, and called for more significant

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<sup>303</sup> Mbeki, "What the World got Wrong in Côte D'Ivoire."

<sup>304</sup> Hunt, "Côte d'Ivoire," 696.

<sup>305</sup> International Coalition for the Responsibility to Protect, "The Crisis in Côte d'Ivoire."

<sup>306</sup> Hunt, "Côte d'Ivoire," 696.

<sup>307</sup> Hunt, "Côte d'Ivoire," 697.

<sup>308</sup> International Coalition for the Responsibility to Protect, "The Crisis in Côte d'Ivoire."

<sup>309</sup> Bellamy and Williams, "The new politics of protection?," 832-3.

support for the UN mission and referred to the R2P concept<sup>310</sup>. The Human Rights Council also took notice of the situation and passed a resolution on December 23, 2010, condemning the human rights violations committed in the country<sup>311</sup>. Francis Deng, Special Advisor of the Secretary General on the Prevention of Genocide, and Edward Luck, Special Advisor to the Secretary General on the Responsibility to Protect, initially condemned human rights violations committed by supporters of Gbagbo and reminded all parties of their responsibility to protect<sup>312</sup>. In a second statement in January 2011, the two Special Advisors once again expressed their concern, emphasising the emerging risk of genocide, and calling for steps to be taken within the R2P framework, and remind both parties of their responsibilities to protect<sup>313</sup>. The UN furthermore concluded that Gbagbo did not have sovereign authority as a response to Gbagbo's demand that all foreign forces should leave the country<sup>314</sup>. Consequently, the UNOCI and the French forces became perceived as opponents and thus targets by Gbagbo's supporters<sup>315</sup>.

### Response by the African Region

The AU and ECOWAS made efforts to resolve the conflict by mediation and diplomatic pressure. Former South African President, Thabo Mbeki, and Kenyan Prime Minister, Raila Odinga, were sent by the AU to mediate between the two conflicting parties, and the Peace and Security Council of AU compiled a High-Level Panel to evaluate the crisis and offer a solution. The Panel proposed a government of national unity be established while offering Gbagbo an honourable exit. Gbagbo rejected the offer, and AU reaffirmed its recognition of Ouattara as the rightful president in a resolution adopted in March<sup>316</sup>. ECOWAS also offered Gbagbo exile

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<sup>310</sup> Hunt, "Côte d'Ivoire," 697.

<sup>311</sup> International Coalition for the Responsibility to Protect, "The Crisis in Côte d'Ivoire."

<sup>312</sup> "UN Secretary-General's Special Advisers on the Prevention of Genocide and the Responsibility to Protect on the Situation in Côte d'Ivoire," United Nations Press Release, United Nations, Dec 29, 2010, <http://www.un.org/en/genocideprevention/documents/media/statements/2010/English/2010-12-29-Special%20Advisers'%20Statement%20on%20Cote%20d'Ivoire..pdf>.

<sup>313</sup> "Statement attributed to the UN Secretary-General's Special Advisers on the Prevention of Genocide and the Responsibility to Protect on the Situation in Côte d'Ivoire," United Nations Press Release, United Nations, Jan 19, 2011, <http://www.un.org/en/genocideprevention/documents/media/statements/2011/English/2011-01-19-OSAPG,%20Special%20Advisers%20Statement%20on%20Cote%20d'Ivoire,%2019%20Jan%202011.pdf>.

<sup>314</sup> Hunt, "Côte d'Ivoire," 697-98.

<sup>315</sup> Bellamy and Williams, "The new politics of protection?," 834.

<sup>316</sup> International Coalition for the Responsibility to Protect, "The Crisis in Côte d'Ivoire."

and stipends abroad if he agreed to step down and threatened with the use of force if Ouattara did not assume the presidency. Once again, Gbagbo did not react, and the ECOWAS turned to the UN Security Council as it recognised that it did not hold the necessary military capability to conduct such an intervention<sup>317</sup>. The organisation urged the UN Security Council to strengthen the mandate of UNOCI and strengthen the sanctions against Gbagbo while condemning the attacks on civilians in Duékoué<sup>318</sup>. Through the conflict, ECOWAS put much emphasis on the responsive actions of the UN system, while the AU Peace and Security Council stressed the importance of handing the primary responsibility for the management and resolution of the conflict to Africa<sup>319</sup>.

### Response by the Security Council

On December 20, 2010, the UN Security Council passed resolution 1962, which extended the mandate of UNOCI and authorised additional troops and support to UNOCI<sup>320</sup>. The Security Council thus acted against the will of an executive government<sup>321</sup>. The resolution used R2P language to justify the response and to remind the leaders of their responsibility to protect.

*“...recalling that the Ivoirian leaders bear primary responsibility for ensuring peace and protecting the civilian population in Côte d’Ivoire and demanding that all stakeholders and parties to conflict act with maximum restraint to prevent a recurrence of violence and ensure the protection of civilians<sup>322</sup>.”*

The Secretary General encouraged the Security Council to send even more troops, and as a consequence, the Council unanimously voted to send additionally 2,000 troops and three attack helicopters in January 2011<sup>323</sup>. Some of these forces were deployed at Hotel du Golf where

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<sup>317</sup> Bellamy and Williams, “The new politics of protection?,” 834.

<sup>318</sup> International Coalition for the Responsibility to Protect, “The Crisis in Côte d’Ivoire.”

<sup>319</sup> Hunt, “Côte d’Ivoire,” 702.

<sup>320</sup> International Coalition for the Responsibility to Protect, “The Crisis in Côte d’Ivoire.”

<sup>321</sup> Hunt, “Côte d’Ivoire,” 697-98.

<sup>322</sup> UN Security Council, Resolution 1962, Resolution 1962 (2010), S/RES/1962, (Dec 20, 2010), <http://unscr.com/en/resolutions/doc/1962>.

<sup>323</sup> Hunt, “Côte d’Ivoire,” 699.

Ouattara was located to protect him and his government. As the mediation continued to be unsuccessful, forces supporting Ouattara began an offensive in order to remove Gbagbo, which once again led to escalating violence, including the massive killing of civilians in Duékoué by Ouattara forces and the use of heavy weapons against civilians by Gbagbo forces. Consequently, in March 2011, the Council passed resolution 1975; sanctioning Gbagbo and those associated with him and gave authority to the mission to use all necessary means to protect civilians. The resolution stated that the attacks committed against civilians could amount to crimes against humanity, and furthermore, reaffirmed the responsibility of all states to protect its population<sup>324</sup>. Additionally, acting under Chapter VII of the UN Charter, the Council authorised the prevention of the use of heavy weapons against the civilian population<sup>325</sup>.

The resolution was perceived to carry heavy weight and international legitimacy as the Security Council at the time was compiled by many influential countries, including India, Brazil, South Africa, and Germany among others<sup>326</sup>. Furthermore, the resolution was in line with the resolution adopted by ECOWAS a few days earlier; thus the Security Council could claim regional support<sup>327</sup>. However, concerns about the resolution being used as a tool for regime change was raised already at adoption, as expressed by the Indian representative:

*“We want to put on record that United Nations peacekeepers should draw their mandate from the relevant resolutions of the Security Council. They cannot be made instruments of regime change. Accordingly, the United Nations operation in Côte d’Ivoire (UNOCI) should not become a party to the Ivorian political stalemate<sup>328</sup>.”*

Brazil and China supported India in stressing the importance of the impartiality of UNOCI<sup>329</sup>. The US strongly emphasised its support for Ouattara and called for the Security Council to

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<sup>324</sup> International Coalition for the Responsibility to Protect, “The Crisis in Côte d’Ivoire.”

<sup>325</sup> UN Security Council, Resolution 1975, Resolution 1975 (2011), S/RES/1975, §6 (March 30, 2011), [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/1975%20%282011%29](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1975%20%282011%29).

<sup>326</sup> Hunt, “Côte d’Ivoire,” 700.

<sup>327</sup> ECOWAS, Resolution 1/03/11, Resolution A/RES.1/03/11 of the Authority of the Heads of State and Government of ECOWAS on the situation in Côte d’Ivoire, A/RES.1/03/11, (March 25, 2011), <https://reliefweb.int/report/c%3%B4te-divoire/resolution-ares10311-authority-heads-state-and-government-ecowas-situation-c%3%B4te>.

<sup>328</sup> UN Security Council, 6508<sup>th</sup> Meeting, S/PV.6508, 3, (March 30, 2011), [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/PV.6508](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.6508).

<sup>329</sup> UN Security Council, 6508<sup>th</sup> Meeting, 4+7.



support him too in leading the country into a future of peace and prosperity<sup>330</sup>. South Africa also pointed to the importance of the impartiality of UNOCI and emphasised its support of the resolution based on the argument that it was in line with the approach of the AU<sup>331</sup>. The UK, in contrast, did not perceive the resolution to be controversial:

*“...does not alter the robust mandate of the United Nations Operation in Côte d’Ivoire, under which the Operation is already authorised to use all necessary means to protect civilians, but does reaffirm UNOCI’s role in protecting civilians and preventing the use of heavy weapons against civilians<sup>332</sup>.”*

## Outcome

On April 4, 2011, a military operation was launched by UNOCI and the French to prevent Gbagbo’s forces to use heavy weapons against civilians<sup>333</sup>. UN and French helicopters attacked military camps to destroy heavy weapons and stocks of weapons<sup>334</sup>. The operation was conducted alongside Ouattara’s forces, but the UN Secretary General emphasised that the operation was impartial and that UNOCI was not a party to the conflict, but instead conducted the operation in self-defence and as protection of civilians<sup>335</sup>. Ouattara’s forces eventually detained Gbagbo on 11 April 2011. Initially, reports stated that French troops had detained Gbagbo, but that was denied by the French government, who said he had been handed over by his own presidential guards, while later claiming that the French had never been near Gbagbo’s residential<sup>336</sup>. In January 2016, Gbagbo was prosecuted for crimes against humanity by the ICC in Hague where he had been detained since November 2011<sup>337</sup>. Ouattara called for the establishment of a Truth and Reconciliation Commission, which was immediately supported by the Secretary General who also urged Ouattara to ensure that supporters of Gbagbo would not experience any retaliation. Despite Ouattara’s call for all Ivoirians to abstain from violence

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<sup>330</sup> UN Security Council, 6508<sup>th</sup> Meeting, 5.

<sup>331</sup> UN Security Council, 6508<sup>th</sup> Meeting, 4.

<sup>332</sup> UN Security Council, 6508<sup>th</sup> Meeting, 6.

<sup>333</sup> International Coalition for the Responsibility to Protect, “The Crisis in Côte d’Ivoire.”

<sup>334</sup> Bellamy and Williams, “The new politics of protection?,” 835.

<sup>335</sup> Hunt, “Côte d’Ivoire,” 703.

<sup>336</sup> Kim Willsher, “Sarkozy’s micro-managed intervention in Ivory Coast could win votes,” *The Guardian*, April 11, 2011, <https://www.theguardian.com/world/2011/apr/11/sarkozy-ivory-coast-vote-winner>.

<sup>337</sup> Kokora, “Worldwide Campaign for the Liberation of Laurent Gbagbo.”

against Gbagbo supporters, Amnesty declared that there was an existing risk of violence<sup>338</sup>. Shortly after Ouattara gained the presidency, he sought to restore the relationship with France, meet with French business leaders and called upon French businesses to return to Côte d'Ivoire<sup>339</sup>.

The response to the conflict in Côte d'Ivoire was a combination of diplomatic measures, economic sanctions and the use of force. R2P played a key role throughout the crisis, as it was referred to by several NGOs and used as justification for Security Council resolutions authorising intervention and the use of force. The implementation of R2P came to be seen by some actors as a timely, unanimous and decisive response and hence regarded as a success. However, the aftermath of the case shows that it is not as simple, and some serious issues became apparent.

### Determination of Sovereignty

The determination of which party held the right to govern in Côte d'Ivoire became decisive regarding the actions of the Security Council. The Council's recognition of Ouattara was based on the statements of the AU and ECOWAS, making the support of regional organisations important. The action complimented the emphasis of the African countries on regional organisations in the discussions before the WSOD. Had the African organisations not showed strong support of Ouattara as rightful president, it is unlikely that members such as China and Russia, whom both were reluctant to intervene in a country without acceptance from the host government, would have supported the Security Council statement:

*“In view of ECOWAS’ recognition of Alassane Dramane Ouattara as President-elect of Côte d’Ivoire and representative of the freely expressed voice of the Ivorian people as proclaimed by the Independent Electoral Commission, the members of the Security Council call on all stakeholders to respect the outcome of the election<sup>340</sup>.”*

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<sup>338</sup> International Coalition for the Responsibility to Protect, “The Crisis in Côte d’Ivoire.”

<sup>339</sup> Lisa Bryant, “France, Ivory Coast Move to Warm Relations,” *Voice of America News*, Jan 26, 2012, <https://www.voanews.com/a/france-ivory-coast-warming-relations-138203419/151223.html>.

<sup>340</sup> UN Security Council, Press Release, Security Council Press Statement on Côte d’Ivoire, SC/10105- AFR/2079, (Dec 8, 2010), <https://www.un.org/press/en/2010/sc10105.doc.htm>.

The statement ought to be perceived with wonder. I argue this, from the perspective that the Security Council did not only decide to authorise intervention in a country against the will of a de facto government but also placed itself in a position to determine who was rightful sovereign in a country split by two claims, hence delegitimising the decision of the Ivorian Constitutional Council. By Ivorian constitution, the Constitutional Council was the only one who was authorised to determine the winner of a presidential election<sup>341</sup>. Legally, it is difficult to see how the Security Council holds this kind of authorisation, as the UN Charter states nothing about the Security Council being authorised to determine who is rightful leader of a country. It is puzzling that those holding the rules in high regard, chose to ignore the decision of a legitimate constitutional body, as argued by former South African President, Thabo Mbeki<sup>342</sup>. The decision may be perceived as legitimate as the adoption was unanimous, and the Council was exceptionally compiled by many influential countries and supported by regional organisations<sup>343</sup>. However, the acceptance of such a Security Council action grants the Council a power, which exceeds the original power granted by the Charter. It arguably maintains or even empowers the institutional hierarchy existing in the UN system, by implying that only the most powerful may determine who is sovereign and who is not, just as was the case in the nineteenth century. The Council exercised its authorisation to determine sovereignty, based on unclarified criteria, which makes a conceptual issue of R2P evident. The sovereignty of Côte d'Ivoire and the legality of its institutions were not held in high regard, thus implying different levels of sovereignty and resembles Gong's remark of the classical SoC, which did not grant equality to a state just because it was conceptually considered 'civilised'<sup>344</sup>.

Questions of legitimate governance and enforcement of democracy arise, thus the implementation of R2P and external decision of the rightful government is insinuated. The 2010 election was contested and several incidents of intimidation and violence before the election as performed by both sides<sup>345</sup>. Furthermore, it was evaluated by the election observer mission of the AU, that:

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<sup>341</sup> Mbeki, "What the World got Wrong in Côte D'Ivoire."

<sup>342</sup> Mbeki, "What the World got Wrong in Côte D'Ivoire."

<sup>343</sup> Hunt, "Côte d'Ivoire," 700.

<sup>344</sup> Gong, *The Standard of 'Civilization' in International Society*, 62.

<sup>345</sup> Bellamy and Williams, "The new politics of protection?," 832.

*“...the second round of the presidential elections in Côte d’Ivoire was held amidst major problems in (various northern) regions (...) These problems were stealing of ballot boxes, arresting of candidates’ representatives, multiple voting, refusal to admit international observers to witness counting of ballots, and the murder of representatives of candidates. To that effect, we hereby declare that the second round of voting was not free, fair or transparent in these (northern) localities<sup>346</sup>.”*

The contested democratic election of Ouattara and the human rights abuses carried out by Ouattara supporters during the pre-election period do not fit into the R2P framework. Thus, the decision to acknowledge Ouattara over Gbagbo appears partial and political. The decision did not come without consequence, as it had an essential impact for Gbagbo and Ouattara; it legitimised sanctions against Gbagbo and limited his negotiation opportunities while strengthening the confidence of Ouattara resulting in his resistance to concessions<sup>347</sup>. The determination about who was rightful sovereign was justified by the notion of rightful statehood, being democracy, and rightful state action, being human rights protection, however, the outcome proved otherwise. The uncertainties associated with the election and the human rights abuses by both parties implies that the requirements of sovereignty eventually did not matter much; other interests might have been at stake. Furthermore, the enforcement of democracy eventually led to coercion and violence as C. Hobson argues. The solution to determine whether a state was sovereign or not in the nineteenth century was left to the most powerful by the most powerful, who made judgement based on a set of vaguely defined criteria. The stories seem quite similar.

### Interpretation of the Mandate

The second issue appearing from the course of action in Côte d’Ivoire is the different interpretations of the mandate given to UNOCI by the Security Council. India, China, Brazil and Russia all adopted an interpretation based on restriction and called for the importance of impartiality. The course of action, especially in the final days of the conflict, implied otherwise. UNOCI and the French forces used the mandate given to explicitly targeting Gbagbo’s troops

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<sup>346</sup> Mbeki, “What the World got Wrong in Côte D’Ivoire.”

<sup>347</sup> Bellamy and Williams, “The new politics of protection?,” 833-34.

and their possession of heavy weapons<sup>348</sup>. The move by UNOCI was criticised by the Russian Foreign Minister, Sergey Lavrov as overstepping the mandate because the mandate authorised them to remain neutral<sup>349</sup>. Russia further argued that the use of helicopters to destroy heavy weapons was not an action directly protecting civilians, and as such showed the overstepping of the mandate<sup>350</sup>. India too expressed concern about the interpretation of the mandate on the ground. In the aftermath of mission in May, the Indian representative to the Security Council, critically asked:

*“Who watches the guardians? There is a considerable sense of unease about the manner in which the humanitarian imperative of protecting civilians has been interpreted for actual action on the ground<sup>351</sup>.”*

The concerns of India was supported by Brazil, China and South Africa, among others. Especially South Africa spoke of the overstepping of the mandate while implementing the resolutions and advancement of political agendas, including regime change. Furthermore, the representative argued the importance of such concerns, as the actions would provide ammunition to the sceptics, and that the implementation of the resolutions would be determining for future efforts<sup>352</sup>. For comparison, the UK celebrated the UNICO actions:

*“We believe that UNOCI took a pioneering step in increasing its level of responsibility for civilian protection, and of course, it did so with the authorization and support of this Council<sup>353</sup>.”*

The interpretation of UK was supported by the US<sup>354</sup>, France<sup>355</sup> and the EU in general<sup>356</sup>. The interpretations of the mandate are conflicting, and consequently, the Western countries celebrated the intervention in Côte d’Ivoire as a success, while the countries initially being

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<sup>348</sup> Bellamy and Williams, “The new politics of protection?,” 835.

<sup>349</sup> Russia Today, “Russia lashes out at UN military action in Côte d’Ivoire,” *Russia Today*, April 5, 2011, <https://www.rt.com/news/cote-ivoire-gbagbo-un/>.

<sup>350</sup> Bellamy and Williams, “The new politics of protection?,” 825-26.

<sup>351</sup> UN Security Council, 6531<sup>st</sup> Meeting, S/PV.6531, 10 (May 10, 2011), <http://undocs.org/S/PV.6531>.

<sup>352</sup> UN Security Council, 6531<sup>st</sup> Meeting, 18.

<sup>353</sup> UN Security Council, 6531<sup>st</sup> Meeting, 8.

<sup>354</sup> UN Security Council, 6531<sup>st</sup> Meeting, 15.

<sup>355</sup> UN Security Council, 6531<sup>st</sup> Meeting, 23.

<sup>356</sup> UN Security Council, 6531<sup>st</sup> Meeting, 4.

concerned with R2P, were sustained in their concern. The change in perception, however, can be identified with South Africa. Before the adoption of the WSOD, South Africa spoke for a collective security system, and they welcomed the adoption of resolution 1975 in 2011. However, after the outcome of the mission in Côte d'Ivoire, they expressed severe concern for the mandate being misused to conduct regime change. The case reveals the issue of the R2P concept being so vaguely defined, as it leaves room for those on the ground to interpret it as they wish. The claim of solidarist SoC maintaining stability in international society seems to be disproved in this case.

### Human Protection and Regime Change

A third issue arising from the case is the question of whether the protection of civilians facing grave violations of human rights can be conducted without regime change. UNICO and the French maintained that they had nothing to do with the detention of Gbagbo, but critics argued that the pro-Ouattara forces could not have captured Gbagbo without the support of the peacekeeping forces and the French<sup>357</sup>. UNICO justified the use of force as self-defence and protection of civilians. When UNICO forces were targeted by pro-Gbagbo forces, they acted in self-defence, thus the justification seemed legitimate. However, the justification of protecting civilians is less legitimate when concerning the little action done to prevent or punish the killing of civilians by pro-Ouattara forces in, e.g. Duékoué, as argued by Bellamy and Williams<sup>358</sup>. As stated above, India, China, Brazil and Russia all emphasised the importance of the mandate not being used to perform regime change, however, since Gbagbo insisted on fighting to the end, was there any other solution than to overthrow his government to end the conflict? Keeping in mind that the recognition of Ouattara by the Security Council gave Gbagbo limited options and decreased Ouattara's willingness to negotiate, it raises questions whether the covert aim was for Ouattara to gain power, rather than protecting the population, or whether those two inevitably were connected? The emphasis of China etc. on not supporting regime change, come as a contradiction to the statement of the Council to acknowledge Ouattara as rightful president. The dilemma feeds into the critique of R2P being difficult to distinguish from regime change. How is it possible to protect the population from atrocities

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<sup>357</sup> Hunt, "Côte d'Ivoire," 702.

<sup>358</sup> Bellamy and Williams, "The new politics of protection?," 836.

committed by the government, without removing that same government from power? The irony of this move is, that the government which the international community sought to install, too committed atrocities against the civilian population, so the protection of civilians and rightful state action seemed of less importance when Ouattara was the one in the spotlight.

### Neutrality and Impartiality

The fourth issue coming from the Côte d'Ivoire case is the one of impartiality and neutrality. It is striking to realise that UNOCI and the French forces were cooperating with pro-Ouattara forces to fight Gbagbo's forces' use of heavy weapons, which does not imply much of impartiality. The actions of UNOCI and the French troops were heavily defended by the Secretary General, who himself was a significant actor throughout the conflict in the sense that he too declared Ouattara the legitimate President, pointed to the possibility of mass atrocities being committed and made the connection between the ongoing peace operation and R2P<sup>359</sup>. The impartiality of the Secretary General, alongside with the Security Council may be put into question, thus the UN as a crises mediator.

Furthermore, impartiality also became an issue in which approach the Security Council decided to adopt. ECOWAS appealed consistently to the UN Security Council to take measures against the human rights violations in Côte d'Ivoire, while the AU emphasised a regional solution to the conflict. It must be assumed that the Council decided to give ears to ECOWAS and less to the AU. However, AU eventually joined teams with ECOWAS in appealing to the Security Council<sup>360</sup>, sustaining the point of the regional organisations not being able to solve crises single-handedly, thus needed international support and empowerment – the core argument of the African countries prior to the WSOD of empowering regional organisations.

The agency of France in the conflict may also be considered in light of the colonial history shared by Côte d'Ivoire and France. The French forces were present because of an agreement between the French and the Ivorian governments in 2002. France initially supported Gbagbo, but when they refused to help him fight rebellions and established a buffer zone instead,

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<sup>359</sup> Hunt, "Côte d'Ivoire," 703.

<sup>360</sup> Hunt, "Côte d'Ivoire," 702.

Gbagbo depicted himself as resisting imperial interfering and as the leader of the ‘second decolonisation<sup>361</sup>’. The turn of Gbagbo’s position on France’s presence was arguably not in the interest of the French, as argued by Melly, recalling France’s influence on government and trade in the country<sup>362</sup>. The agency of France in acknowledging Ouattara as the rightful winner of the election is highly underestimated if asking to former Ambassador of Côte d’Ivoire to the US and friend of Gbagbo, Pascal Dago Kokora<sup>363</sup>. By referring to an investigation conducted by the European Investigative Collaborations, Kokora argues that Ouattara was installed in power by the explicit help of France. Actions by the French included military, media, diplomatic and legal means, and eventually having the ICC press charges against Gbagbo with no clear evidence. Furthermore, the former French president, Nicolas Sarkozy is quoted for saying:

*“When I see the care I put in intervene in Côte d’Ivoire ... We evicted Laurent Gbagbo, we installed Alassane Ouattara, without any controversy, without anything<sup>364</sup>.”*

The depicting of Gbagbo as being a significantly “bad loser” is according to Kokora very misleading. For a significant part of the Ivoirians, Gbagbo was perceived as a fighter for multiparty politics, democracy and national reconciliation, and until this day, his old party, the Ivorian Popular Front, is still campaigning for his release<sup>365</sup>. Ouattara, however, had a different image. He was married to a French woman, was a personal friend of Sarkozy and had previously worked at the International Monetary Fund, thus had close links to the Western world. A fact pointed to by Gbagbo when seeking to discredit his opponent by claiming Ouattara’s readiness to advance French interests in the country<sup>366</sup>.

Furthermore, Ouattara’s efforts of restoring the relationship with France after the conflict implies that such claims may hold some truth and the changing accounts of Gbagbo’s arrest came with suspicion. A realist would not hesitate to argue that because of the French interests at stake, France would support Ouattara and seek for the overthrowing of Gbagbo. Before

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<sup>361</sup> Hunt, “Côte d’Ivoire,” 703-4.

<sup>362</sup> Melly, “Why France must tread carefully in Ivory Coast.”

<sup>363</sup> Kokora, “Worldwide Campaign for the Liberation of Laurent Gbagbo.”

<sup>364</sup> Kokora, “Worldwide Campaign for the Liberation of Laurent Gbagbo.”

<sup>365</sup> Kokora, “Worldwide Campaign for the Liberation of Laurent Gbagbo.”

<sup>366</sup> Mbeki, “What the World got Wrong in Côte D’Ivoire.”



reaching such a conclusion, it is important to remember that French troops were legitimate present and brought under the UNOCI mandate authorised by the Security Council – which France is a permanent member of, not to forget though. The Security Council also mandated the attack on heavy weapons to protect civilians, even though the course of action may be contested. However, even if the French had no neo-imperial agenda what so ever, the mere fact that they were a significant agent in the case, undermines the credibility of the mission, as sceptics will always be able to point to the French interests at stake, thus the impartiality of the French. A point made explicit by South Africa in the aftermath of the case. Furthermore, it undermines the presumably good intentions and impartiality of R2P, as the French agency may lead to suspicion of neo-imperialism and liberal internationalism, as argued by Charles T. Hunt<sup>367</sup>.

The proceedings of the intervention in Côte d'Ivoire expose that several issues arose when inflicting the R2P concept. The decisions by the Security Council upheld R2P as a SoC and a very intrusive one of the kind. The enforcement of democracy eventually led to increased violence, and suggestively imperial violence, as the French had severe interests at stake. Despite democracy not being an inherent part of the R2P concept as it was adopted in the WSOD, the interpretation throughout the implementation came to include the enforcement of democracy as a decisive factor, but on undemocratic grounds, thus expose questions of other interests at stake. The interpretation of the mandate divided the states in the Security Council, only confirming the pro-R2P countries in their narrative of legitimate governance and rightful state action, and confirming the sceptical states of their concerns of powerful states' interests being a hidden agenda in disguise of humanitarian action. The South Africa, which placed itself the middle before the Côte d'Ivoire case, positioned itself further to the sceptical side after the case. The case also shows how the idea of separating R2P and regime change is rather difficult, and in this specific case does not justify as an argument, since atrocities were also committed in the name of the "rightful sovereign". The impartiality of the international community has suffered a loss in this case. Neither the Security Council nor the Secretary General acted from an impartial position, but the presence and agency of France may have been the greatest mistake if the UN had any aspirations of acting as an impartial and neutral mediator and conflict solver.

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<sup>367</sup> Hunt, "Côte d'Ivoire," 704.

The determination of who is rightful sovereign is initially identical to the arguments of the solidarist; however, the outcome proves that the actions done to enforce the “democratic” outcome led to exclusion and violence, thus as predicted by the pluralists.

In sum, R2P, as the concept was implemented, resembles a SoC to a large extent. The following table provides an overview of the similarities and differences between the classical SoC and R2P.

**Table I: The Classical Standard of Civilisation and R2P**

	<b>Classical SoC</b>	<b>R2P 2005 WSOD Concept</b>	<b>R2P Côte d’Ivoire Implementation</b>
<b>Society in question</b>	International (European) society	International society	International (democratic) society
<b>Issue</b>	Determination of sovereignty and protection of basic rights of (European) foreigners	Protection against mass atrocities	Democratic justice, protection against mass atrocities and French interests
<b>Philosophical Assumptions</b>	Basic rights; political bureaucracy; international law; diplomatic interchange; norms of the ‘civilised.’ European superiority	Sovereignty as responsibility → protection against genocide, war crimes, crimes against humanity and ethnic cleansing.	Democratic peace through internationally supported candidate → human rights protection
<b>Expression</b>	Explicit	Explicit	Explicit and tacit
<b>Determining body</b>	The ‘civilised’ European nations	UN Security Council	UN Security Council
<b>Solution</b>	Treaty systems, exploitation, suppression and colonisation	Redefinition of sovereignty in General Assembly resolution	Impartial enforcement of democracy and regime change
<b>Application</b>	Exclusive	Inclusive	Exclusive
<b>Political conception</b>	Solidarist	Pluralist	Solidarist
<b>Assumption of structure of the int. system</b>	Hierarchy	Anarchy alongside institutional hierarchy (P5 of Security Council)	Hierarchy

The assumed universal international society came to include the requirement of democracy, just as the classical SoC required European norms in the domestic affairs of “candidates.” The issue at hand eventually, though tacitly, came to include the national interests of the one in power, in this case, France, just as it was a main European interest to protect the rights of their own citizens when abroad. The assumptions prior to the implementation, even though

internationally shared, which was not the case with the classical SoC, the solution became characterised by impartiality and a sense of superiority of democratic norms. The application, therefore, appears exclusive but justified with solidarist claims; thus the hierarchy persists. The main difference is that the classical SoC and the hierarchy it created was explicitly stated, while R2P is initially claimed to exist in an anarchical system, but was used to maintain the hierarchical structure with the liberal hegemon on top. What the overview also reveals though, is that the concept of R2P as adopted at the 2005 World Summit, resembles a pluralistic and minimalistic SoC as previously argued.

Based on the previous arguments, I conclude that R2P as a political and normative SoC through its implementation eventually became a standard fit for impartiality, regime change and violence, with no legal validity as it was not universally accepted. The hierarchy was hence maintained. The subsequent resistance to initiate R2P in other cases and the fear of regime change may partly have come as a consequence of the in-compliance with the respect of sovereignty, e.g. exercised in Côte d'Ivoire, consequently leading to instability in international society considering the consequences of the conflict in Syria. Precisely the point argued by the English School<sup>368</sup>.

## Chapter V

### R2P, Ethics and Power

The implementation of R2P eventually proved it to take the form of a SoC and advance the international hierarchy, by serving as a tool of self-interest while advancing the Western conviction of the ethical truth of human rights and democracy. Thus, power structures and ideas both had an impact on the outcome. The observation eventually influences the mainstream IR literature on R2P, which will be discussed and elaborated in this chapter.

#### The Crisis of Liberal Ethics

When viewing R2P from a SoC point of view, a different picture is being drawn of the crisis of R2P than a lack of political will as otherwise argued by Gareth Evans in a speech to the

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<sup>368</sup> Dunne, "The English School," 277.

South African Institute of International Affairs<sup>369</sup>. Viewed through a liberal perspective and the ICISS report, R2P entails the universality of human rights and the advancement of democracy, thus represent the Liberal Peace Thesis<sup>370</sup>. However, this study has shown that such a notion is not widely shared in international society, and it is apparent in two ways. The first one reveals itself in the perceived hierarchy of international institutions and states. The main issue with R2P is that it contests the core institution of international society, being sovereignty and the emphasis on non-intervention, and the aspirations to unite sovereignty with human rights protection have not succeeded. Furthermore, a sense of inequality circulates among the states.

A number of states, as earlier described, has contested the universality of the UDHR. Thus, human rights seem to be facing difficulties as they are supposed to protect against the state, among others, while simultaneously relying on the state to uphold them<sup>371</sup>. Hence, if the UDHR is perceived as advancing liberal values, it becomes incompatible with cultures and governments upholding another truth thus they appear exclusive and create instability in international society, as was emphasised by Bowden. Several TWAIL scholars also make this point, e.g. Professor Makau Mutua who argues:

*“Human rights, and the relentless campaign to universalize them, present a historical continuum in an unbroken chain of Western conceptual and cultural dominance over the past several centuries<sup>372</sup>.”*

The perceptions of non-Western actors ought not to be ignored, but simultaneously, human rights as an idea ought not to be discarded, as they have offered protection of Third World peoples through international law since the time of decolonisation, as emphasised by Antony Anghie, another TWAIL scholar<sup>373</sup>. Thus, human rights ought to be seen in a pluralist view to be inclusive, as different states perceive rights in different ways.

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<sup>369</sup> Evans, “Responsibility to Protect: Ten Years On.”

<sup>370</sup> Chandler, “The Responsibility to Protect? Imposing the ‘Liberal Peace’,” 60.

<sup>371</sup> Duncan Ivison, “Human Rights,” in *Ethics and World Politics*, ed. Duncan Bell (Oxford: Oxford University Press, 2010): 242.

<sup>372</sup> Mutua, “Savages, Victims, and Saviors: The Metaphor of Human Rights,” 210.

<sup>373</sup> Antony Anghie, “The Evolution of International Law: Colonial and Postcolonial Realities,” *Third World Quarterly* 27, no. 5 (2006): 749.

In addition to the scepticism towards the UDHR, the liberalist valuation of sovereignty subordinated to human rights is far from a universal perception of sovereignty. The statements before the WSOD reveals that the traditional notion of sovereignty is very much present in the perception of many states; hence, the argument stressed by Donnelly, that the ‘original’ state sovereignty is a myth does not hold water - it seems to very much present and alive. Legally, the collective security in international society is state-based, recalling the reliance on non-intervention in the UN Charter, much rather than based on individual rights emphasised by the Liberal Peace Thesis, and so it is perceived by many non-Western States. The fact that only the gravest breaches of human rights, namely genocide, ethnic cleansing, war crimes and crimes against humanity, were included in the WSOD, reveals that the international community was only ready to condition sovereignty on crimes already well established in international law. Furthermore, it was kept within the framework of the Security Council which is seated by China and Russia, both well known of resisting interventions not explicitly justified by the UN Charter. The fact that the ICISS report also emphasised hunger, disease, insufficient shelter, crime, unemployment, and environmental disasters and emphasised an empowered role of the UN General Assembly, reveals that the bar was not set high<sup>374</sup>. Hence, the world society in which Liberalism is found did not seem to get advanced much by the adoption of R2P and the concept, therefore, cannot be claimed to prove the solidarist account right. Professor in International Security, Edward Newman, argues that the rising powers of China, Russia, India, Brazil and South Africa are generally resistant to assume a role as norm-takers, especially in regard of liberalist norms, and they unite in the emphasis on pluralist values being sovereignty and non-intervention<sup>375</sup>. This study shows accordingly. The continuing resistance was well captured by Russian President, Vladimir Putin, in a speech in 2014:

*“We have entered a period of differing interpretations and deliberate silence in world politics. International law has been forced to retreat over and over by the onslaught of legal nihilism. Objectivity and justice have been sacrificed on the alter of political expediency. Arbitrary interpretations and biased assessments have replaced legal norms (...) In a situation where you had domination by one country and its allies, or its satellites rather, the search for*

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<sup>374</sup> ICISS, “The Responsibility to Protect,” 15 + 53.

<sup>375</sup> Newman, “R2P: Implications for World Order,” 236.

*global solutions often turned into an attempt to impose their own universal recipes. This group's ambitions grew so big that they started presenting the policies they put together in their corridors of power as the view of the entire international community. But this is not the case<sup>376</sup>.*"

Therefore, as long as R2P is perceived as advancing liberal values, it is unlikely to succeed. The implementation of the concept in Côte d'Ivoire may even have damaged the concept and the Liberal Peace Thesis even further.

The situation in Côte d'Ivoire and the arguments upholding the Democratic Peace Theory is an issue to be discussed. The attempt to impose democracy in a country, which explicitly stated not being ready for it and in need of fulfilling pronounced conditions first, did not lead to the peace initially assumed. Quite on the contrary, the foisted democratic election led to increased internal violence and increased international intervention, which cannot be claimed equal to the advancement of international peace. One can choose to perceive the escalating post-election violence as a consequence of Gbagbo refusing to hand over power, an allegedly very undemocratic move, and the increased international intervention as a necessary means to uphold democratic justice and peace, as argued by European states and US. This perception has been argued insufficient throughout the case study. Or, one can choose to perceive the increasing violence as a consequence of elections being held in a society which was not yet ready for it, consequently leading to increased international intervention. The pre-election history of the country, along with the accounts of Mbeki and Kokora, seem to support this argument. In this case, the claim of democracy equalling to increased peace ought to have been regarded with caution.

The notion of human rights protection conditioning legitimate sovereignty arguably became inseparable from regime change in the Ivorian case – a practice fiercely opposed by many states, which was evident in the discussions before and after the implementation. Hence, the liberal emphasis on rights first and foremost and the practical consequences were not widely perceived legitimate. Furthermore, noble intentions were dubious. Moral authority, thus human

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<sup>376</sup> "Meeting of the Valdai International Discussion Club," Events, President of Russia, Oct 24, 2014, <http://en.kremlin.ru/events/president/news/46860>.

rights protection, conditioning political and legal legitimacy eventually seemed to hold little value throughout the intervention in Côte d'Ivoire. The action of UNOCI and the French forces of conveniently neglecting the human rights violations committed by the Ouattara forces implies that legitimate moral authority was granted based on impartiality at best and foreign national interests at worst. The French financial and political interests in Côte d'Ivoire cannot be ignored in this case, neo-imperialist aspirations or not.

Furthermore, the liberal notion of a legitimate state was also undermined during the R2P implementation. The Ivorian Constitutional Council was overruled by the international community in regard of election results, and by rejecting to establish an international commission to evaluate the election result as suggested by Gbagbo, the international community seemed to care little for domestic institutions and rules. If the legitimate constitutional institutions of a state were considered in high regard, the choice of refusing an international commission to investigate the election result seems incomprehensible. The reliance on domestic institutions providing order is therefore not a sufficient factor for maintaining one's sovereign integrity.

Another issue regarding liberal ethics too became evident in Côte d'Ivoire. Despite the allegedly good intentions of the international community of intervening based on humanitarian grounds, it did not guard against foreign interests influencing the implementation, even though the decision was made collectively. Furthermore, the international community proved incapable of determining the legitimate government in a case with two competing claims. Consequently, the international community took a side on allegedly unjustified grounds, and thus neglected the opinions and safety of a considerable part of the Ivorian population. It has to be seen in the light of the decision being supported by regional organisations, the Security Council and NGOs. If such consensus were not able to make a fair judgement, it is hard to see who can make such a judgement on a reasonable foundation. The liberal claim that collective judgement and a multilateral approved intervention will safeguard against self-interests and ensure just cause therefore seems insufficient.

The last argument against the liberal agenda is that implementing and upholding the implied liberal values make the emerging of humanitarian values in general a hard case. The African

emphasis on preventing and reacting towards mass atrocities, independent of the liberal agenda, stood as the loser in the power game between the those holding strong pluralist conceptions and those holding strong solidarist conceptions. In 2012, ECOWAS held a forum on R2P, which concluded that the implementation of R2P has shown that the concept could be used as an instrument of control by the big powers, referring to the five permanent members in the Security Council<sup>377</sup>. The lack of confidence in the concept is present. Accordingly, the Côte d'Ivoire case shows that the emphasis on the traditional notion of sovereignty might be justified and that fears of R2P being a cloak for neo-imperial aspirations and national interests may hold some truth. The crisis of the ethics of liberalism becomes evident and the liberal justifications for R2P insufficient. As Christian Reus-Smit argues, a liberal SoC will increase the conflict and disharmony, because it will be revolted against and lead to less involvement in international society<sup>378</sup>. Arguably, Syria is an excellent example of the reluctance of international society collectively getting involved in intrastate affairs<sup>379</sup>.

Furthermore, one could ask; if R2P is all about the prevention of and reaction to atrocities, why has its invocation seemed so elective since the adoption in 2005? In 2008, the UN Special Rapporteur on the Occupied Palestinian Territories, Richard Falk, stipulated that the situation in Gaza presented a compelling case for R2P, yet the concept has not been invoked<sup>380</sup>. In Myanmar, a more recent case has the concept not been invoked, despite the Human Rights Council-mandated Independent International Fact-Finding Mission on Myanmar's finding of "genocidal intent," which is prohibited by the Genocide Convention<sup>381</sup>. There no longer seems to be such a thing as an internationally shared objective for human rights protection, not even regarding mass atrocities.

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<sup>377</sup> ECOWAS, *Regional Policy Forum on the Responsibility to Protect* (Abuja: Report, June 11-12, 2012) 6, [http://www.globalr2p.org/media/files/ecowas\\_report\\_on\\_regional\\_policy\\_forum\\_on\\_r2p.pdf](http://www.globalr2p.org/media/files/ecowas_report_on_regional_policy_forum_on_r2p.pdf).

<sup>378</sup> Reus-Smit, "Liberal Hierarchy and the license to use force," 72.

<sup>379</sup> Esslemont, "As Syrian deaths mount, world's 'responsibility to protect' takes a hit: experts."

<sup>380</sup> "Today's Zaman, Richard Falk, 26 December 2008," Other Crises of Concern, International Coalition for the Responsibility to Protect, accessed Dec 27, 2018, <http://www.responsibilitytoprotect.org/index.php/component/content/article/2066>.

<sup>381</sup> Jeremy Wiener, "As Syria, Darfur and now Myanmar have shown, the UN cannot or will not stop Genocide," *National Post*, Oct 9, 2018, <https://nationalpost.com/opinion/jeremy-wiener-as-syria-darfur-and-now-myanmar-have-shown-the-un-cannot-or-will-not-stop-genocide>.



## Neorealism and R2P

Neorealism has for long been the dominant strand in theorising about IR, and throughout this study, the realist view of intervention as a tool for the intervening state to increase power has proven accurate to some extent. It also became apparent in the statements of the states, that many perceived intervention as such. Furthermore, the Western celebration of the implementation of R2P in Côte d'Ivoire in contrast to the criticism heard from countries such as India, Russia and South Africa, could be explained from the realist view that the protection of rights and advancement of democracy can be included in national interests. However, the mere fact that R2P was even adopted ought to be perceived with puzzlement from a realist point of view. Despite the realist claim of states only acting according to national interests; thus an international collective security system is impossible, was initially disproved. The fact is; the states did. The WSOD was adopted unanimously, even across major powers, some of whom traditionally were against interventions based on humanitarian concerns and showed that sometimes states do act even though their national interests are not at stake. It furthermore reveals that there are some common interests shared by states, which exceeds the maintenance of sovereignty by all costs, aimed at developing and maintaining stability in international society. By stipulating in paragraph 139, that the international community is ready to take collective action if peaceful means are not adequate and the national authorities manifestly fail to protect their population, the condition of sovereignty is stipulated to entail the responsibility to protect against the four atrocity crimes. Thus, common human security does matter.

The hostility towards any intervention justified by ethical preferences, which is shared among realists in general, therefore becomes questionable. It may also be argued that ethical preferences are involved in national interests and state security, as those must be defined based on a set of moral values, hence ethics matter<sup>382</sup>. The point is sustained by the engagement by the African countries in the development of R2P. The conditional sovereignty based on atrocity crimes were included in the AU Charter years before the adoption of R2P. The founder of the principle 'sovereignty as responsibility' was a Sudanese scholar, and both African UN Secretary Generals, Boutros Boutros-Ghali and Kofi Annan, made human security a key issue

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<sup>382</sup> Smith, "Humanitarian Intervention: An Overview of the Ethical Issues," 70-1.

throughout their term. Former Special Advisor to the UN Secretary General on the Responsibility to Protect, Edward Luck even stated that “*R2P emerges quite literally, from the soil and soul of Africa*”<sup>383</sup>. The fact that many humanitarian atrocities have taken place on the African continent and that the AU was a strong advocate for the R2P principle, implies that national interests, thus increasing of power, were not the only matter at stake, but so were moral obligations. The African appeal to the international community of a collective human security system implies an African acknowledgement of a reality where they were not able to achieve basic security necessities on their own; thus a self-help based international system did not seem desirable in this context. Based on these observations, I argue that domestic structures and ethical preferences do influence international relations and ought to be considered.

The study also suggests that the domestic ideologies of states influence international relations. The conception of international society matters regarding state behaviour, and it is evident in the pluralist conception of China, Russia, India, etc. and the solidarist conception of US and Europe. Despite the contesting conceptions, it was agreed to condition sovereignty at the WSOD, based on humanitarian values, but when sovereignty is perceived conditioned by domestic matters, it resembles a SoC by definition. When such conditions furthermore are regarded to present the ideology of an exclusive “club” of nations, the SoC maintains a significantly steep hierarchy and advances the ability of the most powerful to achieve their purposes at the expense of the less powerful. Formally, it is apparent in the structure of the Security Council and the position of the five permanent members. Because the members hold significantly different conceptions of international society, their specific conceptions are naturally the ones becoming decisive in issues requiring Security Council actions. Recalling the definition of hierarchy in international society, it seems evident that the conceptions of the permanent five are institutionally recognised to hold higher worth, which grants them more power. Unfortunately, neither of the permanent five represent the African conception.

If continuing to assume a system of anarchy and its ability to constrain national interests, one neglects the voices of those at the periphery of international society. Even though the conditions are restricted to the four atrocity crimes, it still politically advances the justification of

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<sup>383</sup> Mabera and Spies, “How Well Does R2P Travel Beyond the West?,” 211.

intervention based on humanitarian concerns, opening the door for various interpretations due to the vague definition of R2P. The interpretation eventually proved to take the form of the Western solidarist account; thus hierarchy is maintained and maybe even empowered. Therefore, Waltz' underestimation of the national ethics of states consequently blinds one towards the informal hierarchy which is maintained as long as the UDHR are claimed universal and rightful state action along with democracy claimed as being legitimate statehood. The states' conceptions of how international society ought to be are therefore of importance.

## Chapter VI

### The Future of Responsibility to Protect

This study has shown that the R2P concept and its implementation face challenges and unfortunately, despite initially good intentions, it has been ben misused to advance national interests and trump the interests of the 'receiving' state, and eventually the aspirations of the African states; those expressing an urgent need of a collective security system. In sum, the SoC term has contributed to some explanation, as it incorporates power structures and ideology, which both had a decisive impact on the outcome. Hence, the solidarist conception became dominant but resulted in coercion and maintenance of hierarchy, which is the critique and prediction of the scholars holding a pluralist view. The question is whether R2P has any place in a pluralist world. Bowden argues, that if a SoC is to be justified and achieve broad consensus, it needs to be implemented according to the pluralist conception and thus, be very limited in scope. As the world does not consist solely of liberal democracies, R2P needs to mirror that fact, in order not to threaten the existence and integrity of those states, which do not fit into that category. The aim is to develop an institution in international society in which there is room for several types of states, as emphasised by Barry Buzan<sup>384</sup>.

Such an aim does not come along as an easy task, as R2P cannot be isolated from other institutions of international society. Several issues have to be considered. First and foremost, an acknowledgement of the pluralism in international society is necessary, especially by those

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<sup>384</sup> Barry Buzan, "Culture and International Society," *International Affairs (Royal Institute of International Affairs 1944-)* 86, no. 1 (Jan., 2010): 25.

holding power, the permanent five, and by the emerging powers. If such an acknowledgement is not achieved, a SoC might always be the object of power abuse and repression and eventually be revolted against. Such an acknowledgement seems to be appreciated by China, Russia and Brazil already, cf. their explicit statements on refraining from imposing their own “model” on others. It can reasonably be argued that such a conclusion has not been reached by US or EU, given the continuous emphasis on the universality of human rights and democracy. To reach such an acknowledgement, US and EU ought to consider how those norms are talked about and their own normative understanding of them in relation to other cultures and states.

Conceptually, the R2P does resemble a pluralist version of a SoC as it is limited to already agreed upon atrocity crimes and it was adopted unanimously. The problems appear in the decision-making on a case-by-case basis and that the Security Council is holding the paramount importance in decision-making. Decisions made on a case-by-case basis with no explicit criteria stating when to act or an obligation to act leaves room for biased and interest-influenced decision-making. The emphasis of the ICISS report and the AU on the responsibility of the international community to protect against the atrocity crimes should be adopted; thus the international community would be *obligated* to act rather than *prepared* to act as paragraph 139 of the WSOD eventually stated. By obligating the Security Council to act in cases of one or more of the four atrocity crimes, all states face the same SoC, and it thus becomes inclusive.

However, that does not solve the problem of explicit criteria being met, thus which actions represent such crimes. Consider genocide, the gravest crime of them all, and the inherent issues become evident. The definition found in the UN Convention on the Prevention and Punishment of the Crime of Genocide has been contended too narrow to employ and devalued by misapplication. Just consider the initial hesitation of UN to characterise the situation in Rwanda as a genocide<sup>385</sup>. Furthermore, the Russian intervention in Georgia in 2008 was justified on claims of genocide being committed against populations in the South; a claim, which have been contested as misused<sup>386</sup>. It is not within the aim of this thesis to assess the four crimes, but the

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<sup>385</sup> BBC, “How do you define genocide?,” *BBC*, March 17, 2016, <https://www.bbc.com/news/world-11108059>.

<sup>386</sup> “Georgia-Russia Crisis and RtoP (August 2008),” Other Crises of Concern, International Coalition for the Responsibility to Protect, accessed Dec 27, 2018, <http://www.responsibilitytoprotect.org/index.php/crises/178-other-rtop-concerns/2749-the-crisis-in-georgia-russia>.

issues of defining and determining actions within each of them are parts of the reality that R2P faces, thus the task of legitimising the concept is already difficult in the conceptualising phase and becomes especially difficult concerning implementation. To this issue, I offer no answer. Because the four crimes are essential for the R2P, the issues they contain are of crucial importance, and thus the findings of this study are restricted, and to some degree weakened, to the assumption that agreements about the character of the crimes are reached by collective consensus.

The other issue of the Security Council ultimately being the only decisive body reaches beyond R2P. As I have argued earlier, the status of the permanent five is the “peak” of the institutional hierarchy in international society, as also argued by Reus-Smit<sup>387</sup>. Scepticism towards the structure and the methods of the Security Council have been widespread, and campaigns for its reform is not new. Emerging powers such as Brazil, India and South Africa have furthermore expressed a desire to become permanent members<sup>388</sup>. These debates may influence the R2P discussion as well, which became apparent in the statement by Algeria. However, given the fact that the veto power and the position of the permanent five have been discussed since the creating of the UN Charter, and still no reform has taken place, the chance of reform happening within the near future may be unlikely<sup>389</sup>. Because the permanent five hold the two contesting conceptions, the solution must be found within those holding the normative middle ground. Faith Maberera and Yolanda Spies suggest ‘Middle Power Diplomacy’ to create a bridge between the two blocs. They argue that because the middle powers have played a crucial role throughout the history of R2P, such as Canada sponsoring the ICISS report and the engagement of Australia supported by South Africa, these countries alongside emerging middle powers may constitute appropriate norm-makers in the continuing development of R2P<sup>390</sup>. There are indicators that such a suggestion would be a valid approach, given the increasing number of members of the Group of Friends of R2P, which emerged in 2009 and now includes 51 states<sup>391</sup>,

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<sup>387</sup> Reus-Smit, “Liberal Hierarchy and the license to use force,” 88.

<sup>388</sup> Maberera and Spies, “How Well Does R2P Travel Beyond the West?,” 212.

<sup>389</sup> Security Council Report, “The Veto,” *Research Report 3* (Oct. 19, 2015): 2, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/research\\_report\\_3\\_the\\_veto\\_2015.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/research_report_3_the_veto_2015.pdf).

<sup>390</sup> Maberera and Spies, “How Well Does R2P Travel Beyond the West?,” 218.

<sup>391</sup> Group of Friends of R2P, “Statement on Item 2 – Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General,” Department

and the increasing amount of governments appointing a national R2P Focal Point, which today amounts to 60 states<sup>392</sup>. Thus, the commitment to the concept undeniably exists, and it might become possible to find a normative middle ground, which does not lead to either exploitation, as in Côte d'Ivoire, or inaction, as in Syria.

Concerning the implementation of R2P, the Security Council ought to refrain from expressing support for one party in cases of competing claims and solely rely on whether there exists a risk of any of the four atrocity crimes being committed or whether they are committed already, regardless of the party committing them. If such a renunciation is not exercised, human rights protection and regime change can hardly be separated, and implementation of R2P will inevitably become politicised, thus face accusations of abuse. In the same breath, it also seems decisive that the implementation of R2P is emancipated from political preferences such as democracy and the UDHR and remains restricted to the four atrocity crimes.

Following the political restriction, comes the role and character of the intervener. I have previously pointed to the problematic role of France given the colonial history and the obvious financial interests and close links to Ouattara. To avoid accusations of neo-imperialism, I argue that a former colonial power ought not to have a leading role in an intervention, as it will always make room for subsequently scepticism and wonder whether neo-colonialism was intended or not. However, a neutral advisory role of a former colonial power may be desired, as such a state would arguably be more acquainted with the local politics, history and culture of the country in concern. In hindsight though, France ought to have been excluded as an actor, given the many controversies, and an additional study of the relationship between ICC and France during the conflict may have revealed those controversies explicitly<sup>393</sup>. However, such considerations were outside the scope of this study.

The empowerment of regional organisations, as emphasised by the AU, may also have accommodated the accusations of neo-imperialism. Throughout the Côte d'Ivoire case, the AU

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of Foreign Affairs and Trade AU, June 19, 2018, <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/38th-hrc-joint-statement-gof-responsibility-to-protect.pdf>.

<sup>392</sup> "Global Network of R2P Focal Points," Our Work, Global Centre for the Responsibility to Protect, accessed Dec 19, 2018, [http://www.globalr2p.org/our\\_work/global\\_network\\_of\\_r2p\\_focal\\_points](http://www.globalr2p.org/our_work/global_network_of_r2p_focal_points).

<sup>393</sup> Kokora, "Worldwide Campaign for the Liberation of Laurent Gbagbo."

stressed the importance of a regional solution, but to employ such an approach, resources needed to be granted, as the AU were not capable of exercising a sufficient intervention as emphasised in the Ezulwini Consensus prior to the WSOD. Willingness to grant such financial resources is yet to be proved, and the advocacy for predictable and sustainable financing of AU-led operations is ongoing, with the latest efforts committed in September 2018<sup>394</sup>.

## Conclusion

This study has sought to determine to what extent R2P resembles a modern ‘Standard of Civilisation.’ The fact that the literature considering SoC has been neglected in the mainstream academic discussions and literature on R2P and human rights, in general, is rather puzzling because it contributes with significant knowledge of why the human rights agenda is facing a contemporary crisis. However, it is not surprising given the uncomfortable past that the SoC represents, but as Gong emphasised; a discipline is eventually defined by its history, and international law is not an exception to that. Therefore, I have chosen to utilise the SoC in the analysis and discussion of the newest human rights development to contribute with a new perspective of R2P and to participate in the current debate on modern SoC and how they ought to be perceived.

Initially, the R2P concept was a groundbreaking achievement, conditioning sovereignty to the responsibility to protect one’s population against the four atrocity crimes. The event made it evident that the international community shared some underlying assumptions and general values about what was required to be a member of the international society while simultaneously maintaining the guarded and highly valued sovereignty of states. Even though the concept was not legally binding but rather a political commitment, the international community, by definition, unanimously adopted a modern SoC but contrary to the nineteenth century SoC, it was characterised by pluralism, minimalism and inclusiveness. Thus it came about as a valid norm. However, the concept remained vague enough to contain the potential of being used for exploitation and suppression; a concern that was expressed by the states’

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<sup>394</sup> African Union, “Joint Statement: African Union – United Nations in the margins of the seventy-third session of the United Nations General Assembly,” Press releases, African Union, last modified September 23, 2018, <https://au.int/en/pressreleases/20180923/joint-statement-african-union-%E2%80%93-united-nations-margins-seventy-third-session>.

competing conceptions prior to the WSOD. Due to the diplomacy of African States, Canada and Australia among others, the adoption successfully came through despite these concerns, which ought to be considered a great achievement.

Eventually, the implementation of R2P in Côte d'Ivoire finally showed the ugly face of SoC when used to exploit asymmetries of power. R2P became a tool of imposing democracy in a country that explicitly expressed not being ready for it, questionable justified diplomatic and armed support to one party, oppression of the legitimacy of constitutional institutions, implied neo-imperialism and eventually regime change – all in the name of human rights protection. The event drew a picture of the hierarchy of sovereigns, which allowed those in power to determine the fate of the less powerful, thus their sovereign status; the same practice as the one exercised through the classical SoC. The institutional hierarchy, in which the permanent five members of the UN Security Council are placed at the top, was sustained by granting the Security Council the power to determine the sovereignty of a state based on its domestic affairs. The power was expressed not only through the determination of atrocity crimes being committed but also through the Council's statement of support for one party in a questionable democratic election outcome.

Furthermore, the hierarchy was expressed through the implementation exercised by France, supported by US, EU and the UN Secretary General, which left the non-Western World with legitimate questions and suspicion of neo-imperialism, and with no consequences for the intervener. R2P made it possible to install a pro-French president in contrast to the incumbent anti-French president. The study cannot on reasonable ground, stipulate whether France intended to exercise neo-imperialism in Côte d'Ivoire, but the implications are evident, and the questions were and will be asked.

The main difference between R2P as implemented and the classical SoC is that the assumptions were explicitly stated during the expansion of the European international society. In contrast, the implementation of R2P was marked by a claim of democratic justice and human rights protection while covertly advancing national interests of a foreign power. Therefore, the concept ought to be presented and perceived as what it is; a prospect of exploitation of power asymmetries, if not implemented with precaution.



In the aftermath of Côte d'Ivoire and Libya, the Security Council has been resistant to include R2P in resolutions, as it eventually became associated with regime change and Western agendas. Thus, a concept, which initially was adopted as a legitimate SoC, became associated with the exploitation of power and national interests. In light of the findings, R2P cannot be viewed and celebrated as a universal achievement to end mass atrocity crimes once and for all. However, there are plenty of indications of increasing commitment to the concept from middle power states and small states, and even though it by definition resembles a modern SoC, it may be able to contribute to the intended aim of ending mass atrocities and create stability in international society if implemented with a pluralist conception. I argue that an alteration of how R2P is perceived in the West ought to be applied in order to do so though. R2P ought not to be associated with human rights and democratic governance in general, and the language should strictly be that of preventing atrocity crimes, not advancing universal human rights and democracy. Furthermore, one should still keep in mind that even though several states contest the universality of the UDHR, it does not equal to no rights, as rights may be expressed and understood relatively.

The pluralism in international society is evident, and by neglecting that fact and continuously trying to advance the liberal agenda while covertly pursuing national interests, I argue that the Western states risk standing guilty of suppression, exploitation and discrimination, just as our nineteenth-century predecessors. Other states have come to that acknowledgement, and the increasing influence of China, Russia, India, etc. seems only to advance the pluralist conception. Furthermore, an insistence of associating R2P with liberal values contributes to the deprivation of a collective security system – a system much needed and wanted by those who experienced too many atrocities already. The assumption of a liberal truth ought to be discarded, in academic and diplomatic circles alike, and an acknowledgement of the agency and conceptions of other states, as being equally legitimate ought to be reached. Competing conceptions should not stand in the way for finding a solution to prevent and react to atrocity crimes as the current ones in Syria and Myanmar. At least not if the international community meant it when they vowed: “never again.”

## Bibliography

### Books and Journal Articles

- Aalberts, Tanja E. "Rethinking the Principle of (Sovereign) Equality as a Standard of Civilisation." *Millennium: Journal of International Studies* 42, no. 3 (June 2014): 767-789.
- Abebe, Daniel. "Great Power Politics and the Structure of Foreign Relations Law." *Chicago Journal of International Law* 10 (2009-2010): 125-141.
- Akande, Dapo. "International Organizations." In *International Law*, edited by Malcolm D. Evans, 248-279. Oxford: Oxford University Press, 2014.
- Anghie, Antony. "The Evolution of International Law: Colonial and Postcolonial Realities." *Third World Quarterly* 27, no. 5 (2006): 739-753.
- Bellamy, Alex. "Responsibility to Protect: Justice and Responsibility – Related but Not Synonymous." In *War Crimes Trials and Investigations*, edited by Jonathan Waterlow and Jacques Schuhmacher, 263-299. Palgrave Macmillan, 2018.
- Bellamy, Alex and Paul D. Williams. "The new politics of protection? Côte d'Ivoire, Libya and the responsibility to protect." *International Affairs* 87, no. 4 (July 2011): 825-850.
- Bowden, Brett. "In the Name of Progress and Peace: The "Standard of Civilisation" and the Universalizing Project," *Alternatives: Global, Local, Political* 29, no. 1 (Jan.-Feb. 2004): 43-68.
- Bowden, Brett. "The Colonial Origins of International Law. European Expansion and the Classical Standard of Civilization," *Journal of the History of International Law* 7, no. 1 (2005): 1-24.
- Bowden, Brett. "The ideal of civilisation: Its origins and socio-political character," *Critical Review of International Social and Political Philosophy* 7, no. 1 (2004): 25-50.
- Bowden, Brett. "To Rethink Standards of Civilisation, Start with the End," *Millennium: Journal of International Studies* 42, no. 3 (2014): 614-631.
- Brinkley, Douglas. "Democratic Enlargement: the Clinton Doctrine." *Foreign Policy* 106 (Spring 1997): 111-127.
- Buzan, Barry. "Culture and International Society," *International Affairs (Royal Institute of International Affairs 1944-)* 86, no. 1 (Jan, 2010): 1-25.
- Buzan, Barry. "The English School: an underexploited resource in IR," *Review of International Studies* 27 (2001): 471-488.

- Buzan, Barry. "The 'Standard of Civilisation' as an English School Concept," *Millennium Journal of International Studies* 42, no. 3 (2014): 576-594.
- Callahan, William A. "Nationalising International Theory: Race, Class and the English School." *Global Society* 18, no. 4 (Oct 2004): 305-323.
- Chandler, David. "The Responsibility to Protect? Imposing the 'Liberal Peace'." *International Peacekeeping* 11, no. 1 (2004): 59-81.
- Donnelly, Jack. "Human Rights: A New Standard of Civilization?." *International Affairs* 74, no. 1 (Jan 1998), 1-23.
- Donnelly, Jack. "The Ethics of Realism." In *The Oxford Handbook of International Relations*, edited by Christian Reus-Smit and Duncan Snidal, 150-162. New York: Oxford University Press, 2008.
- Doyle, Michael and Stefano Recchia. "Liberalism in International Relations." In *International Encyclopedia of Political Science*, edited by Bertrand Badie, Dirk-Berg Schlosser, and Leonardo Morlino, 1434-1439. Los Angeles: SAGE, 2011.
- Dunne, Tim. "The English School." In *The Oxford Handbook of International Relations*, edited by Christian Reus-Smit and Duncan Snidal, 267-285. New York: Oxford University Press, 2008.
- Dunne, Tim and Brian Schmidt. "Realism." In *The Globalization of World Politics: An Introduction to International Relations*, edited by John Baylis, Steve Smith, and Patricia Owens. Oxford: Oxford University Press, 2008.
- Evans, Gareth. "From Humanitarian Intervention to the Responsibility to Protect." *Wisconsin International Law Journal* 24 (2006-2007): 703-722.
- Evans, Gareth. *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All*. Washington D.C.: Brookings Institution Press, 2009: 79-104.
- Fenwick, Helen. "Responding to the ISIS threat: extending coercive non-trial-based measures in the Counter-Terrorism and Security Act 2015." *International Review of Law, Computers & Technology* 30, no. 3 (2016): 174-190.
- Fidler, David P. "The Return of the Standard of Civilization." *Chicago Journal of International Law* 2, no. 1 (Spring 2001): 137-157.
- Gallagher, Adrian M. "A Clash of Responsibilities: Engaging with Realist Critiques of the R2P." *Global Responsibility to Protect* 4 (2012): 334-357.
- Glanville, Luke. "Sovereignty." In *The Oxford Handbook of the Responsibility to Protect*, edited by Alex J. Bellamy and Tim Dunne, 151-166. Oxford University Press, 2016.

Gong, Gerrit W. "Standards of civilization today." In *Globalization and Civilizations*, edited by Mehdi Mozaffari 77-96. Abingdon: Taylor & Francis, 2002.

Gong, Gerrit W. *The Standard of 'Civilization' in International Society*. New York: Oxford University Press, 1984.

Hall, Ian. "Interpreting Diplomacy: The Approach of the Early English School." in *System, Society & the World*, edited by Robert W. Murray, 34-39. Bristol: E-International Relations, 2013.

Hobson, Christopher. "Democracy as Civilisation." *Global Society* 22, no. 1 (2008): 75-95.

Hunt, Charles T. "Côte d'Ivoire." In *The Oxford Handbook of the Responsibility to Protect*, edited by Alex J. Bellamy and Tim Dunne, 693-716. Oxford University Press, 2016.

Iverson, Duncan. "Human Rights." In *Ethics and World Politics*, edited by Duncan Bell, 239-255. Oxford: Oxford University Press, 2010

King, Gary, Robert O. Keohane and Sidney Verba. *Designing Social Inquiry*. New Jersey: Princeton University Press, 1994.

Lang Jr., Anthony F. "Humanitarian Intervention." In *Ethics and World Politics*, edited by Duncan Bell, 324-341. Oxford: Oxford University Press, 2010.

Lewis, Jane and Carol McNaughton Nicholls, "Design Issues." In *Qualitative Research Practice: A Guide for Social Science Students and Researchers*, edited by Jane Ritchie et al, 47-76. SAGE, 2013.

Little, Richard. "The English School's Contribution to the Study of International Relations." *European Journal of International Relations* 6, no. 3 (2000): 395-422.

Luck, Edward. "Sovereignty, Choice and the Responsibility to Protect." *Global Responsibility to Protect* 1, (2009): 10-21.

Mabera, Faith and Yolanda Spies. "How Well Does R2P Travel Beyond the West?." in *The Oxford Handbook of the Responsibility to Protect*, edited Alex J. Bellamy and Tim Dunne, 208-226. Oxford University Press, 2016.

Mégret, Frédéric. "International law as law." In *International Law*, edited by James Crawford and Martti Koskeniemi, 64-92. Cambridge University Press, 2012.

Mutua, Makau. "Savages, Victims, and Saviors: The Metaphor of Human Rights." *Harvard International Law Journal* 42, no. 1 (Winter 2001): 201-245.

Mutua, Makau. "What is TWAIL?." *American Society of International Law. Proceedings of the Annual Meeting* (2000): 31-38.

Moyn, Samuel. "Luke Glanville, Sovereignty and the Responsibility to Protect." Review of *Sovereignty and the Responsibility to Protect: A New History*. By Luke Glanville. *Law and History Review* 33, no. 1 (Feb 2015): 269-271.

Mozaffari, Mehdi. "The transformationalist perspective and the rise of a global standard of civilization." *International Relations of the Asia-Pacific* 1, (2001): 247-264.

Murray, Robert W. "Introduction." In *System, Society and the World: Exploring the English School of International Relations*, edited by Robert W. Murray, 1-9. Bristol: E-International Relations, 2015.

Navari, Cornelia. "World Society and English School Methods." In *System, Society and the World: Exploring the English School of International Relations*, edited by Robert W. Murray, 18-23. Bristol: E-International Relations, 2015.

Newman, Edward. "R2P: Implications for World Order." *Global Responsibility to Protect* 5 (2013): 235-259.

Nicolaidis, Kalypso et al. "From Metropolis to Microcosmos: The EU's New Standards of Civilisation." *Millennium: Journal of International Studies* 42, no. 3 (2014): 718-745.

Ormston, Rachel et al. "The Foundations of Qualitative Research." In *Qualitative Research Practice: A Guide for Social Science Students and Researchers*, edited by Jane Ritchie et al., 1-26. SAGE, 2013.

Reus-Smit, Christian. "Liberal Hierarchy and the license to use force." *Review of International Studies* 31 (2005): 71-92.

Ritchie, Jane and Rachel Ormston, "The Applications of Qualitative Methods to Social Research." In *Qualitative Research Practice: A Guide for Social Science Students and Researchers*, edited by Jane Ritchie et al, 27-46. SAGE, 2013.

Ritchie, Jane et al. "Designing and Selecting Samples." In *Qualitative Research Practice: A Guide for Social Science Students and Researchers*, edited by Jane Ritchie et al, 111-146. SAGE, 2013.

Robertson, Sue. "'Beseeching Dominance': \*Critical Thoughts on the 'Responsibility to Protect' Doctrine." *Australian International Law Journal* 12 (2005): 33-55.

Smith, Michael J. "Humanitarian Intervention: An Overview of the Ethical Issues" *Ethics & International Affairs* 12 (March 1998): 63-79.

Spencer, Liz et al. "Analysis: Principles and Processes." In *Qualitative Research Practice: A Guide for Social Science Students and Researchers*, edited by Jane Ritchie et al, 269-294. SAGE, 2013.

Stein, Arthur A. "Neoliberal Institutionalism." In *The Oxford Handbook of International Relations*, edited by Christian Reus-Smit and Duncan Snidal, 201-221. New York: Oxford University Press, 2008.

Stivachtis, Yannis A. "Liberal democracy, market economy, and international conduct of standards of 'civilization' in contemporary international society: The case of Russia's entry into the 'community of civilized states'." *Journal of Eurasian Studies* 6 (2015): 130-142.

Stuenkel, Oliver and Marcos Tourinho. "Regulating intervention: Brazil and the responsibility to protect." *Conflict, Security & Development* 14, no. 4 (2014): 379-402.

Waltz, Kenneth. "Realist Thought and Neorealist Theory." *Journal of International Affairs* 44 (1990): 21-37.

Wheeler, Nicholas J. "Pluralist or Solidarist Conceptions of International Society: Bull and Vincent on Humanitarian Intervention." *Millennium: Journal of International Studies* 21, no. 3 (1992): 463-487.

Wohlforth, William C. "Realism." In *The Oxford Handbook of International Relations*, edited by Christian Reus-Smit and Duncan Snidal, 131-149. New York: Oxford University Press, 2008.

Zhang, Yongjin. "The Standard of 'Civilisation' Redux: Towards the Expansion of International Society 3.0?." *Millennium: Journal of International Studies* 42, no. 3 (2014): 674-696.

Zifcak, Spencer. "The Responsibility to Protect." In *International Law*, edited by Malcolm D. Evans, 509-533. Oxford: Oxford University Press, 2014.

## News Articles and Websites

African Union. "Joint Statement: African Union – United Nations in the margins of the seventy-third session of the United Nations General Assembly." Press releases (Sep 23, 2018). <https://au.int/en/pressreleases/20180923/joint-statement-african-union-%E2%80%93-united-nations-margins-seventy-third-session>.

Amnesty International. "What We Do." Accessed Nov 2, 2018. <https://www.amnesty.org/en/what-we-do/>.

BBC. "How do you define genocide?." *BBC*, March 17, 2016. <https://www.bbc.com/news/world-11108059>.

BBC. "Syria War: Anger after Russia vetoes resolution at UN." *BBC*, April 13, 2017. <https://www.bbc.com/news/world-europe-39585071>.

Bryant, Lisa. “France, Ivory Coast Move to Warm Relations.” *Voice of America News*, Jan 26, 2012. <https://www.voanews.com/a/france-ivory-coast-warming-relations-138203419/151223.html>.

China Digital Times. “China Buying International Silence on Human Rights.” *China Digital Times*, June 22, 2017. <https://chinadigitaltimes.net/2017/06/china-buying-international-silence-human-rights/>.

Cohn, Marjorie. “Responsibility to Protect – The Cases of Libya and the Ivory Coast.” *Global Policy Forum*, May 15, 2011. <https://www.globalpolicy.org/qhumanitarianq-intervention/50201-responsibility-to-protect-the-cases-of-libya-and-the-ivory-coast.html?itemid=580>.

Esslemont, Tom. “As Syrian deaths mount, world’s ‘responsibility to protect’ takes a hit: experts.” *Reuters*, Oct 25, 2016. <https://www.reuters.com/article/us-mideast-crisis-syria-law/as-syrian-deaths-mount-worlds-responsibility-to-protect-takes-a-hit-experts-idUSKCN12O2S3>.

European Commission. “Human rights and democratic governance.” International Cooperation and Development. Assessed Nov 18, 2018. [https://ec.europa.eu/europeaid/sectors/human-rights-and-governance\\_en](https://ec.europa.eu/europeaid/sectors/human-rights-and-governance_en).

Freedom House. “Freedom in the world 2018: Democracy in Crisis.” Reports. Accessed Dec 23, 2018. <https://freedomhouse.org/report/freedom-world/freedom-world-2018>.

Global Centre for the Responsibility to Protect. “Côte d’Ivoire.” Populations at Risk Previously Studied Situations. Last modified Dec 15, 2012, [http://www.globalr2p.org/regions/ca\\_te\\_divoire](http://www.globalr2p.org/regions/ca_te_divoire).

Global Centre for the Responsibility to Protect. “Global Network of R2P Focal Points.” Our Work. Accessed Dec 19, 2018. [http://www.globalr2p.org/our\\_work/global\\_network\\_of\\_r2p\\_focal\\_points](http://www.globalr2p.org/our_work/global_network_of_r2p_focal_points).

Global Policy Forum. “Venezuelan President Hugo Chavez’s Speech to the United Nations World Summit.” *Global Policy Forum*, Sep 16, 2005. <https://www.globalpolicy.org/social-and-economic-policy/poverty-and-development/the-millennium-summit-and-its-followup-1-32/29676.html>.

Group of Friends of R2P. “Statement on Item 2 – Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General.” *Department of Foreign Affairs and Trade AU*, June 19, 2018 <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/38th-hrc-joint-statement-gof-responsibility-to-protect.pdf>.

Human Rights Watch. “Russia: Government vs. Rights Groups. The Battle Chronicle.” *Human Rights Watch*, June 18, 2018. <https://www.hrw.org/russia-government-against-rights-groups-battle-chronicle>.

Institute for International Law and Justice. “Some Developing Country Statements on the Responsibility to Protect (Delivered during meetings on UN Reform held in 2005).” Accessed Oct 16, 2018. <http://iilj.org/wp-content/uploads/2016/08/Statements-from-some-developing-countries-on-the-Responsibility-To-Protect.pdf>.

International Coalition for the Responsibility to Protect. “Bolton Letter.” The Representative of the United States of America to the United Nations. Accessed Oct 6, 2018. [http://responsibilitytoprotect.org/files/US\\_Boltonletter\\_R2P\\_30Aug05\[1\].pdf](http://responsibilitytoprotect.org/files/US_Boltonletter_R2P_30Aug05[1].pdf).

International Coalition for the Responsibility to Protect. “Georgia-Russia Crisis and RtoP (August 2008).” Other Crises of Concern. Accessed Dec 27, 2018. <http://www.responsibilitytoprotect.org/index.php/crises/178-other-rtop-concerns/2749-the-crisis-in-georgia-russia>.

International Coalition for the Responsibility to Protect. “The Crisis in Côte d’Ivoire.” Crises. Accessed Oct 14, 2018, <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-ivory-coast>.

International Coalition for the Responsibility to Protect. “Today’s Zaman, Richard Falk, 26 December 2008.” Other Crises of Concern. Accessed Dec 27, 2018. <http://www.responsibilitytoprotect.org/index.php/component/content/article/2066>.

Kokora, Pascal. “Worldwide Campaign for the Liberation of Laurent Gbagbo.” *Fresco Courriels*, Sep 20, 2018. <https://frescocourriels.com/worldwide-campaign-for-the-liberation-of-laurent-gbagbo/>.

Kuwonu, Franck. “ICC: Beyond the threats of withdrawal.” *AfricaRenewal Online*, May-July 2017. <https://www.un.org/africarenewal/magazine/may-july-2017/icc-beyond-threats-withdrawal>.

Mahindapala, H.L.D. “R2P – latest acronym for neo-colonial interventions.” *World Institute for Asian Studies* 12, no. 2420 (2007). <http://www.asiantribune.com/node/6797>.

Mbeki, Thabo. “What the World got Wrong in Côte D’Ivoire.” *Foreign Policy*, April 29, 2011. <https://foreignpolicy.com/2011/04/29/what-the-world-got-wrong-in-cote-divoire/>.

Melly, Paul. “Why France must tread carefully in Ivory Coast.” *BBC*, April 12, 2011. <https://www.bbc.com/news/world-africa-13047838>.

Millennium: Journal of International Studies. “Call for Papers: 2013 Millennium Annual Conference ‘Rethinking the Standard(s) of Civilisation(s) in International Relations’.” 2013



Conference. Last modified May 2, 2013, <https://millenniumjournal.org/category/2013-conference/>.

Muni, SD. "R2P – Perspectives from India." *Open Global Rights*, Oct 21, 2013. <https://www.openglobalrights.org/r2p-perspectives-from-india/>.

Permanent Mission of the People's Republic of China to the UN. "Position Paper of the People's Republic of China in the United Nations Reforms." UN Role and Reform. Accessed Nov 6, 2018. <http://www.china-un.org/eng/zghlhg/zzhgg/t199101.htm>.

Permanent Mission of the People's Republic of China to the UN. "Statement by H.E. Vice Foreign Minister WANG Guangya at the 58<sup>th</sup> Session of the United Nations Commission on Human Rights (Geneva)." Human Rights. Accessed Nov 6, 2018. <http://www.china-un.org/eng/zghlhg/jjhshsw/rqwt/t29329.htm>.

President of Russia. "Meeting of the Valdai International Discussion Club." Events. Accessed Oct 24, 2014. <http://en.kremlin.ru/events/president/news/46860>.

Responsibility to Protect, United Nations Office of Genocide Prevention and Responsibility to Protect. "About." Accessed Nov 1, 2018. <http://www.un.org/en/genocideprevention/about-responsibility-to-protect.html>.

Rieff, David. "R2P, R.I.P.:" *The New York Times*, Nov. 7, 2011. <https://www.nytimes.com/2011/11/08/opinion/r2p-rip.html>.

Russia Today. "Russia lashes out at UN military action in Côte d'Ivoire." *Russia Today*, April 5, 2011. <https://www.rt.com/news/cote-ivoire-gbagbo-un/>.

Ruz, Camila. "Human Rights: What is China accused of?." *BBC News*, Oct 21, 2015. <https://www.bbc.com/news/magazine-34592336>.

Sindelar, Daisy. "Russian human rights group faces threat of closure." *The Guardian*, Oct 14, 2014. <https://www.theguardian.com/world/2014/oct/14/russian-human-rights-group-faces-threat-closure>.

Sir Martin Gilbert. "Sir Martin's Web Citings." Accessed Nov 11, 2018. <https://www.martingilbert.com/martins-citings/>.

South China Morning Post. "China presents its take on human rights at global forum in Beijing." *Diplomacy*. *South China Morning Post*, Dec 07, 2017. <https://www.scmp.com/news/china/diplomacy-defence/article/2123305/china-presents-its-take-human-rights-global-forum>.

Taylor, Adam. "The facts – and a few myths – about Saudi Arabia and human rights." *The Washington Post*, Feb 9, 2015.

[https://www.washingtonpost.com/news/worldviews/wp/2015/02/09/the-facts-and-a-few-myths-about-saudi-arabia-and-human-rights/?utm\\_term=.c7f1dccb78f2](https://www.washingtonpost.com/news/worldviews/wp/2015/02/09/the-facts-and-a-few-myths-about-saudi-arabia-and-human-rights/?utm_term=.c7f1dccb78f2).

The Embassy of the Russian Federation to the United Kingdom of Great Britain and Northern Ireland. "Russia's Approach to the Notion of "Responsibility to Protect"." Accessed Oct 28, 2018. <https://www.rusemb.org.uk/in3a/>.

Tisdall, Simon. "The epic failure of our age: how the west let down Syria." *The Guardian*, Feb 10, 2018. <https://www.theguardian.com/world/2018/feb/10/epic-failure-of-our-age-how-west-failed-syria>.

Tisdall, Simon. "Why are world's worst violators joining UN human rights council?." *The Guardian*, Oct 11, 2018. <https://www.theguardian.com/politics/2018/oct/11/eritrea-joining-human-rights-council-membership-undermine-work-hrc>.

Tsvetkova, Maria. "Russia may end cooperation with European Court of Human Rights: RIA." *Reuters*, March 1, 2018. <https://www.reuters.com/article/us-russia-court-echr-withdrawal/russia-may-end-cooperation-with-european-court-of-human-rights-ria-idUSKCN1GD47U>.

United Nations. "Address by Dr. Manmohan Singh Prime Minister of India at the High-Level Plenary Meeting of the 60<sup>th</sup> session of the United Nations General Assembly." Accessed Oct 28, 2018. <http://www.un.org/webcast/summit2005/statements15/india050915eng.pdf>.

United Nations. "Official Documents and Bibliographic Databases." Accessed Dec 26, 2018. <http://www.un.org/en/databases/index.html>.

United Nations. "Statement of H.E. Mr. George W. BUSH, President of the United States of America, 2005 World Summit, High Level Plenary Meeting, September 14, 2005." Accessed Nov 3, 2018. <http://www.un.org/webcast/summit2005/statements/usa050914.pdf>.

United Nations. "Statement by H.E. Mr. Luiz Inácio Lula da Silva, President of the Federative Republic of Brazil, at the High Level Plenary Meeting of the General Assembly." Accessed Oct 5, 2018. <http://www.un.org/webcast/summit2005/statements15/bra050915eng.pdf>.

United Nations. "Statement by H.E. Mr. Thabo Mbeki, President of the Republic of South Africa to the High-Level Plenary Meeting of the General Assembly." Accessed Oct 28, 2018. <http://www.un.org/webcast/summit2005/statements15/south050915eng.pdf>.

United Nations. "United Nations Treaty Collection." Accessed Dec 26, 2018. <https://treaties.un.org/>.

United Nations Human Rights Office of the High Commissioner. “Human Rights Committee.” Accessed Nov 1, 2018.

<https://www.ohchr.org/en/hrbodies/ccpr/pages/ccprindex.aspx>.

United Nations Human Rights Office of the High Commissioner. “Ratification of 18 International Human Rights Treaties.” Status of Ratification. Accessed Nov 3, 2018, <http://indicators.ohchr.org/>.

United Nations Office on Genocide Prevention and the Responsibility to Protect. “Background.” Crimes Against Humanity. Accessed Oct 14, 2018.

<http://www.un.org/en/genocideprevention/crimes-against-humanity.html>.

United Nations Office on Genocide Prevention and the Responsibility to Protect. “Background.” War Crimes. Accessed Oct 14, 2018.

<http://www.un.org/en/genocideprevention/war-crimes.html>.

United Nations Peacekeeping. “Protecting Civilians.” What We Do. Accessed Dec 26, 2018.

<https://peacekeeping.un.org/en/protecting-civilians>.

United Nations Security Council. “Security Council Resolutions.” Accessed Dec 26, 2018.

<http://www.un.org/en/sc/documents/resolutions/>.

Wiener, Jeremy. “As Syria, Darfur and now Myanmar have shown, the UN cannot or will not stop Genocide.” *National Post*, Oct 9, 2018. <https://nationalpost.com/opinion/jeremy-wiener-as-syria-darfur-and-now-myanmar-have-shown-the-un-cannot-or-will-not-stop-genocide>.

Willsher, Kim. “Sarkozy’s micro-managed intervention in Ivory Coast could win votes.” *The Guardian*, April 11, 2011. <https://www.theguardian.com/world/2011/apr/11/sarkozy-ivory-coast-vote-winner>.

## UN Documents

UN General Assembly. *Convention on the Prevention and Punishment of the Crime of Genocide*. 1021 (Dec 9, 1948). Available at <https://treaties.un.org/doc/publication/unts/volume%2078/volume-78-i-1021-english.pdf>.

UN General Assembly. *Implementing the Responsibility to Protect*. A/63/677, 2 (Jan 12, 2009). Available at [https://www.un.org/ruleoflaw/files/SG\\_reportA\\_63\\_677\\_en.pdf](https://www.un.org/ruleoflaw/files/SG_reportA_63_677_en.pdf).

UN General Assembly. Resolution 2131. *Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty*. A/RES/20/2131 (Dec 21, 1965). Available at <http://www.un-documents.net/a20r2131.htm>.

UN General Assembly. Resolution 60/1. *2005 World Summit Outcome*. A/RES/60/1 (Sep 16, 2005). Available at

[http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_RES\\_60\\_1.pdf](http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf).

UN General Assembly, *Universal Declaration of Human Rights*, (Dec 10, 1948). Available at <http://www.un.org/en/universal-declaration-human-rights/>.

United Nations. *Charter of the United Nations*. 1 UNTS XVI (Oct 24, 1945). Available at <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>.

United Nations. “‘Responsibility to Protect’ Remains Worthy, yet Elusive, Concept in Decade after World Leaders Pledge to End Atrocities, General Assembly Hears.” Meetings Coverage (Feb 26, 2016). Available at <https://www.un.org/press/en/2016/ga11764.doc.htm>.

United Nations. “Statement attributed to the UN Secretary-General’s Special Advisors on the Prevention of Genocide and the Responsibility to Protect on the Situation in Côte d’Ivoire.” United Nations Press Release (Jan 19, 2011). Available at <http://www.un.org/en/genocideprevention/documents/media/statements/2011/English/2011-01-19-OSAPG,%20Special%20Advisers%20Statement%20on%20Cote%20d'Ivoire,%2019%20Jan%202011.pdf>.

United Nations. *Statute of the International Court of Justice*. 1 UNTS XVI (Oct 24, 1945). Available at: <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>.

United Nations. “UN Secretary-General’s Special Advisors on the Prevention of Genocide and the Responsibility to Protect on the Situation in Côte d’Ivoire.” United Nations Press Release (Dec 29, 2010). Available at <http://www.un.org/en/genocideprevention/documents/media/statements/2010/English/2010-12-29-Special%20Advisers'%20Statement%20on%20Cote%20d'Ivoire,.pdf>.

United Nations. “World Not Fulfilling ‘Never Again’ Vow, Secretary General Tells General Assembly Meeting on Responsibility to Protect.” Meetings Coverage (Sep 5, 2012). Available at <https://www.un.org/press/en/2012/ga11270.doc.htm>.

UN Security Council. “Security Council Press Statement on Côte d’Ivoire.” Press Release. SC/10105-AFR/2079 (Dec 8, 2010). Available at <https://www.un.org/press/en/2010/sc10105.doc.htm>.

UN Security Council. Resolution 1674. *Resolution 1674 (2006)*. S/RES/1674 (April 28, 2006). Available at [https://www.un.org/ruleoflaw/files/S-Res-1674%20on%20protection%20civilians%20in%20armed%20conflict%20\(28Apr06\).pdf](https://www.un.org/ruleoflaw/files/S-Res-1674%20on%20protection%20civilians%20in%20armed%20conflict%20(28Apr06).pdf).

UN Security Council. Resolution 1706. *Resolution 1706 (2006)*. S/RES/1706 (Aug 31, 2006). Available at <http://unscr.com/en/resolutions/doc/1706>.

UN Security Council. Resolution 1962. *Resolution 1962 (2010)*. S/RES/1962 (Dec 20, 2010). Available at <http://unscr.com/en/resolutions/doc/1962>.

UN Security Council. Resolution 1975. *Resolution 1975 (2011)*. S/RES/1975 (March 30, 2011). Available at [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/1975%20%282011%29](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1975%20%282011%29).

UN Security Council. 6508<sup>th</sup> Meeting. S/PV.6508 (March 30, 2011). Available at [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/PV.6508](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.6508).

UN Security Council. 6531<sup>st</sup> Meeting. S/PV.6531 (May 10, 2011). Available at <http://undocs.org/S/PV.6531>.

## Legal Material, Reports and Speeches

African Union Executive Council. *The Common African Position on the Proposed Reform of the United Nations "The Ezulwini Consensus."* 7<sup>th</sup> Extraordinary Session, Ext/EX.CL/2 (VII) (Addis Ababa, March 7-8, 2005). Available at [http://responsibilitytoprotect.org/files/AU\\_Ezulwini%20Consensus.pdf](http://responsibilitytoprotect.org/files/AU_Ezulwini%20Consensus.pdf).

Amnesty International. *Report 2017/18: The State of the World's Human Rights*. 2018. Available at <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>.

ECOWAS. *Regional Policy Forum on the Responsibility to Protect*. (Abuja: June 11-12, 2012). Available at [http://www.globalr2p.org/media/files/ecowas\\_report\\_on\\_regional\\_policy\\_forum\\_on\\_r2p.pdf](http://www.globalr2p.org/media/files/ecowas_report_on_regional_policy_forum_on_r2p.pdf).

ECOWAS, *Resolution A/RES.1/03/11 of the Authority of the Heads of State and Government of ECOWAS on the situation in Côte d'Ivoire*, A/RES.1/03/11, (Kaduna: March 25, 2011), <https://reliefweb.int/report/c%3%B4te-divoire/resolution-ares10311-authority-heads-state-and-government-ecowas-situation-c%3%B4te>.

European Union. *Consolidated Version of the Treaty on European Union*. 2012/C 326/01 (Lisbon, Dec 13, 2007). Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012M%2FTXT>.

Evans, Gareth. "Responsibility to Protect: Ten Years On." Speech, Pretoria Dec 7, 2015 and Cape Town Dec 9, 2015. Available at [https://www.g-l-f.org/site/g\\_l\\_f/assets/pdf/evans\\_-\\_responsibility\\_to\\_protect\\_-\\_ten\\_years\\_on.pdf](https://www.g-l-f.org/site/g_l_f/assets/pdf/evans_-_responsibility_to_protect_-_ten_years_on.pdf).

ICISS. *The Responsibility to Protect*. Dec 2001. Available at <http://responsibilitytoprotect.org/ICISS%20Report.pdf>.

Security Council Report. *The Veto. Research Report 3*. Oct. 19, 2015. Available at [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/research\\_report\\_3\\_the\\_veto\\_2015.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/research_report_3_the_veto_2015.pdf).