Responsibility To Protect (R2P):  
The Reconceptualization of Humanitarian Intervention

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Abstract
I have analyzed humanitarian intervention within the framework of Responsibility to Protect (R2P), particularly in relation to the three statements of my thesis. First, the conceptual aspect of humanitarian is discussed in regards to the definition of sovereignty fostered by the norm, and limitations and constraints on the practice. Secondly, inadequacy of the Chapter VII of the UN charter to understand the nature and dynamics of conflicts today is dealt and whether R2P fills the gap is looked up to. Third, the partnership with regional organizations and agencies as imagined by the norm is discussed as to find out whether this approach takes real politics in its consideration about conflict solution. Underneath of this split analysis lies a single purpose of understanding humanitarian intervention under the light of Responsibility to Protect.
Chapter 1. Introduction

This chapter presents the topic of the thesis. It starts with thorough introduction to humanitarian intervention and recent developments in the field of humanitarian intervention—Responsibility to Protect. Then it proceeds to introduce the research questions and the methodology adopted for the research purpose. It ends with why it was necessary to write thesis on humanitarian intervention in general and Responsibility to protect in particular.

Humanitarian intervention is a challenging and often controversial practice which has been long discussed and undertaken in international politics. The debate on humanitarian intervention entails state sovereignty and non-intervention which international law deems fundamental principle of world system and versus the discourse of human rights overreaching national sovereignty. The international community has many times failed to act timely and in appropriate manners in cases of humanitarian crisis and thus criticized for a number of reasons—legitimacy, legality, operational capabilities and so on. The debate of state sovereignty and non intervention is intact. The compelling urge for the intervention in crisis-ridden societies may get even stronger in the future. After the decision of intervention is taken, proper conduct of intervention and post intervention capacity building is challenging. The present UN charter (VII) that authorizes the use of force to maintain international peace and stability does not envision in explicit terms intervention in crisis-ridden societies and their post-conflict transformation but has been employed in decision making. Given these anomalies persisting, the R2P norm as an outcome of the 2005 World Summit and recently adopted in 2009 by the UN General Assembly,
has become a strong rationale for humanitarian intervention. My study while studying the topic of humanitarian intervention in general and the debate surrounding it, will primarily argue for R2P as a re-conceptualization of humanitarian intervention. I aim to argue that the present mechanism of governing intervention is traditional and R2P, if established as an unequivocal international norm, can be a good governance of the issue, morally defensible and pragmatically sound.

1.1. Statement of the Problem

I have got three arguments in terms of existing practice of humanitarian intervention. First of all, there is a conceptual chaos about humanitarian intervention. The misconception about humanitarian intervention results from the messing up of every sort of intervention under the term ‘humanitarian’. To answer, I will briefly study the political philosophy of normative theorization vis-à-vis realism which is also the source of Responsibility to protect norms. Even further, I will see if R2P presupposes regime change for civilian protection purpose. Secondly, some people argue that humanitarian intervention is wrong when assessed on the yardstick of ‘state sovereignty concept and thus should be ruled out from global diplomacy as it is allegedly against the fundamental principal of non-intervention and state sovereignty. They also argue that humanitarian intervention does more harm than good for civilians have to suffer from this, and sometimes even pushes states to worse condition of anarchy. I will briefly look at the legal arrangements in international law and look why the treatment of humanitarian intervention under the UN chapter VII clause of ‘peace and stability’ is inadequate to understand the nature and dynamics of intra-state conflicts seeing it in
relation to development deficiencies presumed by responsibility to protect norm. Next to answer is why intervention still makes sense if drawn up in the philosophy of international society tradition and concept of human security emerging beyond the state borders. I summarily dismiss the idea of unilateral non-authorized intervention as argued to have been permitted by R2P. I will problematize this alternative argument which presupposes the possibility for regional organization to intervene in conflicts and seek late-authorization by the Security Council. I will try to address these problems to argue that humanitarian intervention, if carried out properly and with good intention, is a strong tool to promote the ideals of human rights, and good governance. Recently, the UN has adopted a policy called Responsibility to Protect (R2P) which has a mixed response from the member states of the United Nations. I will argue, thirdly, that R2P while being able to address the long-standing debate of ‘state sovereignty’ and ‘non-intervention, emphasizes that governance issue (which I think is a root problems to humanitarian crisis) should be taken into consideration in intervention. My thesis will basically focus on how and why R2P is a desirable tool both pragmatically and morally for humanitarian intervention and how it calls for unequivocal and shared understanding about humanitarian intervention in international politics. The lack of collective and well-shared understanding results from the tension between the emerging norm of human security and the continued dominance of traditional security concerns, respect for state sovereignty, and a very practical challenges to carry out intervention. The discourse of human security is yet to be established as unequivocal and unconditional policy of the United Nations in regards to intervention.
1.3. **Background of the Study**

After Kosovo intervention by NATO force in 1999 the debate about ‘unauthorized intervention’ involves further argument: whether it is legitimate to do so in compelling situation with reasonable prospect of success. NATO’s intervention in Kosovo (1999), India’s intervention in East Pakistan (1971), Vietnam’s war against Pol Pot’s genocidal regime in Cambodia (1978) and Tanzania’s intervention in Uganda (1979) all had fueled debates on legitimacy and ethics of unauthorized intervention in the UN Security Council. Recently, the humanitarian military intervention adopted by the UN Resolution (1973) in Libya which ended with the supremacy of interim civilian government, has again left many questions unanswered, the most important being whether it was humanitarian intervention to protect civilians in the first place given ‘civilian’ were well armed and party to warring situation. At the time of writing news is coming that post-intervention in 2011, some Eastern Libyan leaders in oil-rich region are seeking autonomy raising fears that the country will disintegrate after the overthrow of Muammer Gaddafi by the outside military intervention (Al jazeera March 6, 2012). In the wake of Arab Spring where civilians are rising for the democratic transformation of their country and incumbent government turning apathetic and sometimes hostile to their demands, the question of humanitarian intervention might hold more importance in the days to come. News follow that the former Secretary General Kofi Annan has been appointed as a peace envoy to mediate in Syrian situation where rebel are protesting calling an end to Bassar Al Assad regime and the US government has recently decided to assist rebellions providing logistics and support materials (March 6, 2012, Foreign Policy). The three permanent Security Council members other than China and Russia have
thrown debate in the United Nations up to military intervention in Syria. Similarly, a UN
delegation under Kofi Annan has been deployed in Kenya to assist in post-election process to
strengthen democratic institutions. While the above mentioned events do not relate yet to
military intervention, they try to provide a glimpse on how international community is
responding towards conflict by different avenues and tools.

1.3. Research Design and Methodology

My study is normative argument. I will try to argue for the rationale behind the
emergence of Responsibility to Protect norm focusing on Humanitarian Intervention. Positivists
design would not help my study as it believes that “the world exists as an objective entity,
outside the mind of the observer, and in principle knowable in its entirety” (Della Porta&
Keating 2008, p. 24). Positivist believe that the reality out there is the result of casual
variables, independent of human intentions meaning that reality is knowable provided that we
succeed to analyze the relationship between variables. This scheme puts every kind of
knowledge in line with the scientific modality of natural science. Contrary to this, the social
science studies the ‘constructive’ aspect of the reality meaning that knowledge is subjective.
Subjects perceives the empirical world and schematize it to facilitate social knowledge which
have spatial-temporal dynamics. However, it does not mean that positivist designs in social
sciences are irrelevant given that positivist quantitative analysis has a lot to do with social
sciences research. The sole orientation of my study is normative argument which aims to argue
about certain questions surrounding humanitarian intervention and recent developments in the
field responsibility to protect. I call it a normative argument because I have some questions
about intervention practice which would entail moral commitments on the part of international
society of states and those questions have been mentioned dispersedly but not been incorporated in entirety in existing policy making level.

I share moral commitments on part of states as talked by cosmopolitans in their conception of public good that every individuals are entitled with in regard to some basic human rights principles, however I depart from them in the sense that I do not think hard for cosmopolitan’s argument for the universal foundation structure to realize ethics in international politics, neither do I (over) emphasize the absolute communitarians which gives an ideal authority to states upon its citizens. Synthesis is possible between these two branches of ethics in the existing international systems provided that the ethical norms are assimilated by states and individuals in day to day state of affairs. As Cochran Molly views that holding absolute universalistic or particularistic tendencies both do not address the current problems in international politics. Finding ‘middle ground’ between ethics and international system is very essential for maintaining order (1999, p 14-18). As norms do not exist in vacuum, we should find way to realize them in existing world politics. I absolutely believe on the constructive effect of the norm R2P on state behavior which can eventually be turned to the betterment of the public as there is nothing as absolute fact but interpretations. Communication of such interpretations will help build shared inter-subjective understanding about the problems.

“Value judgment, the instruments used for normative choices, provide rules for choosing among alternative possibilities in a given situation, without them all human actions would be equally significant, or equally insignificant” (Meehan 1971, p 137) Normative theorizing helps us find a way forward choosing from alternatives available. Positivists way
would not help to find out a way forward because they engage in description and explanation of facts available which methodologically constraint them to make value judgment. They accuse ethical judgment as something detached from empiricity of the world, but it is not possible to reside on the basis of descriptions and explanations alone, even with reference to the purely physical environment. “Knowledge of relevant empirical considerations will not solve normative problems, but it is equally clear that normative problems cannot be solved without due regard to for relevant empirical considerations” (Ibid p, 144). Without having prior knowledge of the empirical world, it is impossible to build any normative judgment.

Having said that, I am arguing for the Responsibility to protect which has become a strong norm in recent days in relations to humanitarian intervention. I build normative assumptions on the empiricity of humanitarian military intervention and argue for the choices available: to continue with the existing arrangement and practice or to choose an enhanced understanding fostered by the norm R2P. I think that the position held by cosmopolitans normative theorists to realize the normative commitments of states on some ‘universal ethics’ based on the strong foundation structure assumes supra-nationality in world politics which is over ambitious and indirectly helps to make it a power discourse. On the other hand, pluralist conception of state sovereignty and non-intervention leads ethics to being subject of politics and clearly ignores the recent and powerful diffusion of human security concept beyond the borders of states. Injecting the conception of state as subservient to ‘human being’ can only be possible if we, based on empirical evidence, are able to disseminate such emerging norms to have play constructive effects on the understanding of state leaders, diplomats, and political institution.
I have retrieved information concerning the topic from different sources primarily from the United Nations. In addition to this, the literature surrounding the topic has been intensively studied to validate the empiricity of the phenomenon. As my study is more conceptual in design, I have focused mainly on the books, journals, articles, policy documents, legal sources and so on.

1.4. Delimitation of the Study

I want to delimitate the scope of my thesis by only taking humanitarian intervention involving the non-consensual use of force, or threat, in the sense that the intervening power deploys armed forces in the territory of the target state for civilian protection purposes. Other measures which involve the distribution of relief assistance by civilian personal in the case of humanitarian crisis like natural disasters, epidemic disease have not been considered. Sometimes intervention is carried out with invitation or the consensus of host government; my study will not take them in consideration. My inquiry is limited to the use of force in response to compelling situations of human individuals like extreme human rights violations committed by repressive governments or from a collapse of government leading to a state of anarchy. Intervention for other purpose than to assist civilians in the dire need of protection, intervention to rescue one’s own national from troubling situation from other country will also not be considered in the study.

I have talked about other theories in relations to intervention only to make concessions to my own understanding; the aim is not to argue for them.
1.5. Significance of the Study

My study, while looking at the evolution of the topic, has tried to address the core confusions surrounding humanitarian intervention. This in return will help build common understanding about humanitarian intervention. As I support the underlying assumptions about the Responsibility to Protect policy to argue for my point of view, this in turn will help create more support for the policy by member states of the UN. I hope to contribute some clarity to this topic so that in future stakeholders will try to discern between the case of purely ‘humanitarian’ cause and the others ‘undertaken to maintain international peace and stability’. Most importantly, my interpretations of the norm R2P might probably contribute some to the understanding of humanitarian intervention.

The purpose of this chapter is to deal with an essential debate regarding humanitarian intervention. The debate concerns realism and normative theorization in international relations on how each of them perceive humanitarian intervention. In doing so, my interpretation stands on finding synthesis between these contending perspectives. My assumption as earlier follows again that responsibility to protects is a great deal amalgamation of pragmatism and international idealism enraptured in the norm itself.

The debate about humanitarian intervention is clear because the debate calls for moral judgment- morally right or wrong? Unlike other social phenomenon, it skips off cross cuttings and free riding of perspectives and actors. The debate can be summarily categorized in two groups- ones of realists, who frown their eyes upon the relevancy of morality in international politics and doubt that such a morality whatsoever constrain state interest, and the other of International moralist who begin their analysis of politics with the primacy of ethics guiding state actions. Each category is like a kernel which accommodates similar layers of other perspectives which have their origination in the kernel itself. For example, realist perspectives on International Relations may include the concepts of power, state interest, alliance creation, hegemony of state ideology, security dilemma, balance of power and so on which are inspired by a fact that states try to maximize their power: the basic dictum of realism. Similarly, normative theorization in International Relations may include perspectives that argue for
morality or ethics to be the guideline of politics; national or international. Such theorization focuses on the sociological process of development and put ‘social consciousness’ of an individual at the center of their analysis. Thoughts of International Society based on solidarity and Kantian cosmopolitanism are the perspectives which operate with the crux assumption of human being as a social animal and his social responsibility towards fellow beings. Hence at the basic level, the debate is not all about momentary or phenomenal outcomes of intervention but a long-standing debate between realism and liberal thoughts which has long been shaping the theorizing process in political philosophy. I start with realism and its implication for humanitarian intervention.

2.1 Realism in International Relations.
“Realism is an approach to international relations that has emerged gradually through the work of a series of analysts who have situated themselves within, and thus delimited, a distinctive but still diverse style or tradition of analysis” (Donnelly, 2000, p. 6). As the proverb goes ‘all roads lead to Rome’, all paradigms of realism meet to the constraints on politics imposed by human nature in the absence of international authority. Old realism developed in the work of Thucydides, Machiavelli, Hobbes, and Spinoza who profess a fundamental existence of human nature in shaping the courses of individual actions and activities and they approximated this egoistic self of human being to the nature of state. Machiavelli wrote “it must needs be taken for granted that all men are wicked and that they will always give vent to the malignity that is in their minds when opportunity offers” (qtd in Donnelly, 2000, p,7). Similar line of thinking is evident in Hobbes’s state of Nature where individuals come into conflict with each other because of their drive for felicity over scarce goods and with the absence of supreme moral
authority this leads to a war all against all (Tuck, 1989). The old realism equates individual’s will
to power for self-felicitation as a driving force to that of state’s drive for power or at least for
survival in essentially “anarchical world”. Interesting to mention here, the realization of self-
help or basically anarchical nature of the world found its way into social and political analysis of
Renaissance politicians and philosophers after the society broke up with the medieval system of
“Divine Providence” (Carr 1981, p62). Political secularism, which developed after the end of
“divine rule”, further strengthened the realist tradition in political philosophy. Realist dismissed
that morality or idealism determines the course of history and emphasized on the Darwinist
determinism in politics. (Ibid p, 46) in which states have to strive for self-sufficiency for their
survival or else ‘strong do what they can and weak suffer what they must” (Thucydides). The
course of history is not determined by the morality but objective conditions of individuals who
are naturally inadequate and unsecured that they will always strive for amassing wealth and
glory. Ethics and morality become profession of stronger to ease out their way to satisfy their
natural state of insufficiency. Morality is the product of power claimed Machiavelli.
(Bondanella, 2005, p, 53, 80)

The old school of realism primarily focuses on the primacy of human nature in its relation to
society. It imagines an individual in the ‘state of nature’ in which an individual might do virtually
anything for his survival. It is an axiomatic fact for some realist that such ‘will’ in individual
comes out of eternal inadequacy of human heart and continued insecurity and fear for his
survival. In other words, the individual finds no assurance and protection from any authority in
the state of nature. “The law of the jungle still prevails” (Schuman 1941, p9). Contrarily, some
realists argue that such an anarchist ‘will’ is biological as well as theological trait of human
being which inspires him to cater his individual interest at the expense of other. The individual motive-centered analysis is further extended to analyze interstate relations. Presumptions follow that the state is but a collective name for diverse individuals. The predicament of state in self-help system of international relations is similar to the natural predicament of an individual in which an individual toils for self-preservation. States always seek rational choice of getting best-equipped; militarily, economically, ideologically so that they can ward off the threat of aggression by other states, and hegemonize others to get their interests fulfilled. Naturally every state follows the rational choice of excelling their might to no limit for not knowing how stronger another state is. Every state has an incentive to defect in favor of individual rational choice which leads to the ‘constant state of war’.

It is interesting to observe that realism as an orientation of thought or as an approach in political analysis has a recurrent revival in the history and often out in dialectic with ethics. It is often binary confrontation between realism and ethics that has characterized particular phase of the history with the dominance of particular style of thinking. In the Medieval period, it was supposed that there existed universal ethics. Codes of such ethics were ecclesiastical in nature and were set on to differentiate between ‘civilized’ and ‘barbarian’. The Renaissance period saw the emergence of realism that had its root in ‘secularization’ of human existence and political system based rationality. As a balance of thought, international ethics stood side by side with realism on the base of ‘law of nature’ decipherable with human reason. It was argued that what is naturally right is also morally right. The Modern era marks the supremacy of realist thinking which is reflected in inter-state wars for security or power, European colonization, Industrial competition, climate adulteration and so on. On the one side, realism believed on
empiricism and progress of human society and on the other side of the thought, ethics entered the form of equality and social justice for those who were left behind the bar of human progress. E. H Carr writes:

“Starting from the postulate that fundamental characteristic of human nature is to seek pleasure and avoid pain, (Jeremy) Bentham deduced from his postulate a rational ethic which defined the (public) good in the famous formula ‘the greatest happiness of the greatest number’. As has often been pointed out ‘the greatest happiness of the greatest number performed the function, which natural law had performed for a previous generation, of an absolute ethical standard” (Carr 1981, P, 26)

The underlying assumption of old realism that individual nations act on the basis of rational choice of self-interest was once again revived to the forefront of political analysis after the stark failure of international idealism, a term that realist writers have retrospectively imposed on the interwar scholars, which was schematized in the League of Nations. Post WWII era once again saw the dominance of realist thought in international politics with different school trying to understand state-behaviors in changed scenario of the Cold War, arms race, super-power rivalry, nuclear weapons proliferations and so on. Post WWII realism incorporates into its analysis the internationalism of world politics. Unlike the old school of realism which believes that states always and firmly opt for the fulfillment of individual interest, post WWII realist writers like Hans Morgenthau, Reinhold Niebuhr, and Kenneth Waltz etc. try to explain flexibility of state-behavior and dynamism of structure in international politics. Neo-realism, particularly structural realism developed by Kenneth Waltz defines“...international politics can
be thought of as a system precisely defined structure is neo-realism’s fundamental departure from old realism” (Waltz: 2008 p, 62). He is of the belief that such structure is defined in terms of ordering principles of the world i.e. anarchical system and the distributions of capabilities. He is also of the view that bipolar world of the cold war was safer than multi polar world of today as it was easy to locate the problems and cost-effective to solve the problems in the former one. However, basic assumption of the realism is always traceable that state look for their individual interest in this or that form. As Thompson puts it, “Human Nature has not changed since the day of classical antiquity” (1985: 17)

2.1.1 Realism and Humanitarian Intervention (HI). Humanitarian intervention for the protection of civilians is a recurrent phenomenon after the end of the Cold War. The Cold War period was relatively peaceful. Kenneth Waltz writes, “The main reason for the prolongation of post war peace... (62) was that the bipolar balance of power and nuclear deterrence”. No major and outright wars took place between the two main superpowers, but the era saw wars in the Third World, as well as intra-state conflicts which in most cases were proxy wars between the two powers. Intervention was exacerbated by the necessity of maintaining sphere of influence by each of two superpowers. Moreover as Wheeler writes that states were reluctant to violate the notion of sovereignty as it was considered to be the sacrosanct property of a nation (Wheeler, 2000, p, 69) Peacekeeping forces under the United Nations were deployed mainly in Africa with the consensus of the host state. Humanitarian Military intervention under the collective mechanism of the United Nations boosted after the end of the Cold War and the collapse of the Socialist bloc. It remains to date as a legitimate international policy if not legally encoded in international law. Also, it is a legacy
of a long-standing philosophical and scholarly debate between morality and realist motives of a state.

The implication of realist thought regarding humanitarian intervention is that states consciously calculate their interest in intervening into conflict society as it entails a risk of one’s soldiers and huge resources. Realists often criticize that “Humanitarian claims always cloak the pursuit of national self interest and that legalizing a right of humanitarian intervention would lead states to abusing it. Unless vital interests are at stake, states will not intervene it this risks soldiers lives or incurs significant economic cost, and States selectively apply humanitarian intervention because they have no business risking their soldiers’ lives or those of their non military personal to save stranger (Wheeler:2000 p,31). In other words, states usually respond to any occasion of intervention in two ways: either they actively participate motivated by national interest or they turn apathetic to such occasion as it would be at their best interest. Realists point to a number of such examples of “…genocide in Rwanda has seen little action from international community as few had any stakes in intervening into the conflict, unwillingness to persecute the Iraqi regime for using chemical weapons against Kurds in 1980s (as long as Saddam was an American ally). International community failed to intervene in the Darfur genocide at its early stages. (Nick 2006) Nevertheless, an intervention took place in Kosovo, although the scales of two conflicts are incomparable.

Realists try to justify their underlying presumption that international morality is the product of power by explaining individual state’s motive behind the internationalization of intervention as a norm. E. H Carr wrote,
“...there is a difficulty regarding it as an absolute standard independent of the interests and policies of those who promulgate it. Cosmopolitanism wrote Sun Yat-sen, is the same thing as China’s theory of world empire two thousand years ago...China once wanted to be sovereign lord of the earth and to stand above every nation...hence she espoused cosmopolitanism” (78)

The similar view was expressed by small and developing countries during worldwide conference of ICISS. They sensed vested interest of big powers in promulgating the norm R2P and were worried that the norm could be misused to exert external influence in domestic politics of a state. According to such views, R2P opens the door to potential abuse by states that might use R2P arguments to justify unilateral and self-interested intervention” (Chesterman 2001:231, Wheeler 2005). Moreover, this new ‘military humanitarianism’ has been reconstituted by the West to serve fill the threat vacuum that otherwise might exist due to economic instabilities and inequalities between the West and the Rest, views Pugh (2007) through critical perspective. He is of the view that peace enforcement operations or humanitarian intervention “serve a narrow, problem-solving purpose-to doctor the dysfunctions of the global political economy within a framework of liberal imperialism” (39-58). The basic assumption of the ‘prudence’ is to enable the sound standing of unruly parts of the world so as to serve the interest of global capitalist order spearheaded by the Western developed states.

In conclusion, it can be said that realist are skeptical about the custom of humanitarian intervention because according to them states act according to their individual interest. If it is in their best interest, they may even profess about ethical principles calculatively though but it
is unwise to think that state actions will be guided by ethical principles. Ethics becomes a byproduct of empiricism. Realism “maintains that universal moral principles cannot be applied to the action of states” (Morgenthau: 1954, p.9)

2.2 Normative Theorizing in International Relations
For the purpose of discussion, I have relegated all metaphysical or ideational perspectives in one wide container- the normative theorization because of their professing to one or another kind of norms which are usually infused with morality on the part of states. Normative theorization is a paradigm of thinking which may include different strands of thoughts in it; but all based on intellectual reasoning in contrast with realist’s crude analysis of international politics. Such theorization focuses on the ‘socialness’ of an individual and rational faculty of human mind that tells them to stay in harmony with other beings.

“Many liberals of the nineteenth Century, and their predecessors of the middle eighteenth, thought the natural condition of men to be one of harmony. Dissension and strife do not inhere in man and society; they arise instead of mistaken belief, inadequate knowledge, and defective governance. With the evils defined, the remedies become clear: educate men and their governors, strip away political abuse” (Waltz 2008, p.3).

John Locke (1632-1704) in his account of the Hobbesian state of nature supposed that it would generally be possible to live an acceptable life in the absence of central government controlling diverse polities. In the state of complete freedom of choice, men would choose not to “harm another in his life, health, liberty or possessions” (qtd in Wolff 2006 p.18) because it his in his interest to live in harmony than to go to war. Locke believed that interstate relation
does not exist in anarchy, but in a society without a government based on reason of mankind. Similarly Rousseau (1712-1778) found the natural goodness of human beings. Against Machiavellian ‘wicked moral’, Rousseau looked pity or compassion in basic human nature- “an innate repugnance at seeing a fellow-creature suffer” (Wolff, 2006 p, 73). Immanuel Kant (1724-1804), unlike Machiavellian scholars who view that international politics was all about conflict among states, believe that states are superficial and transient. His thoughts appeal to international morality whose ultimate source is human beings. Those who follow Kant’s tradition in international relations heed the community of mankind or civitas maxima as the ultimate reality (Bull: 1976 p, XII). They could be called cosmopolitans in terms of universal humanism. The concept human rights and security beyond the boundary of one’s state and transnational civil movement on various issues of human life today is based on the intellectual feed of Kantian philosophy. These liberal approaches to human relations or interstate relations stands in opposition to the basic assumption of realism that conflict is perpetual in international relations for self preservation of one’s interest. Relative and potential gain of cooperation between states on the basis of shared interest of the subjects is the line of reasoning of liberal philosopher. And their intellectual enterprise in purely based on the reasoning not on how states actually behave in realpolitics. Elsewhere scattered views of liberal politics which believe on the contractual relationship of states for maintaining order, peace and prosperity for the broader humanity has gained a scientific scrutiny in the field of international relation in Hugo Grotius’ conception of international society further developed by Grotian thinkers like Martin Wight and Headley Bull and so on.
Hugo Grotius (15833-1645) founds the basis for harmony between states in terms of rules of conduct agreed by the states concerned. “Grotius advanced... that states and the rulers of states in their dealings with one another were bound by rules and together formed a society” (Bull: 1990, p, 72). His conception of international society is based on collectivism of states which will take action against states and rulers that violate international law. At the underneath of his thought lies the essential biasness between states- ones that abide by collective rules and carry forward them to strength it even more and the ones that violate them or the rogue states.

Given the history he lived when the ethics of an individual and states so to say would be deduced from the religion, and would be a differentiating factor between ‘civilized’ and ‘barbarous’ one cannot be surprised at Grotius’s hierarchical division of the world- Western, civilized and the non-Western ‘to be civilized’. Kingsberry and Roberts (1990) observe:

Grotius takes a view of international society which Martin Wight models, perhaps rather too simply, as two concentric circles. The inner circle is the society of Christian states, possessed of special rights and duties originating both in the commonality of their shared perceptions and in the rectitude of the Christianity which underlay it. The Non-Christian communities in the outer circle were part of the system not through positive volitional law, but through natural law (p,14). Grotius was of the thought that the states on the periphery stick to the rules of game because what is good for an entire community is, rationally, good for an individual member too. And it is the burden of such community to guard and promote such communal rules and regulations. “Grotian image of war as a fight for the common good (against violators of international norms) attractive as a restraining influence primarily because it is premised upon the maintenance, perhaps even strengthening, of international society” (Ibid, p,16). Such
‘collectivism’ of use of force to safeguard international law and norms has been underpinned in the current internationalism developed after the World Wars.

Headley Bull broadened the thought of international society by including some flexibilities in its reasoning. Different from Grotian thought of hierarchical international society, Headley Bull situated his thought on the growing internationalism of world politics after the World wars and the continuity and change of the actors involved in international setting. He defined international society a bit broadly:

“A society of states (or international society) exists when a group of states, conscious of certain common interests and common values form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institution” (p,1)

One can read between the lines of Headley Bull the fact that international society exists only when states conceive themselves to be bound by a common set of rules, the otherwise not. The ‘otherwise’ invites the coercive acts in international relations. It does not however mean that international society always lives in peace and harmony and that problems always come from outcasts, or the rogue states. Bull cleverly embraces the political realities of states and states that “Whether or not there is consensus, I should say, depends not simply on the number of intensity of conflicts, but on what these conflicts are about, and whether they are conducted in a framework of agreed rules” (Bull 1990: 8). What is primarily important is whether states play by the rules of game or not, the intensity and speed of the game is of another thing, according to Bull. Against the neo-realist approach that ‘states use regimes as arenas for competition and
establish norms to cloak power and interests, powerful states are restrained by such norms and the humanitarian outcomes of the action are as important as the motives.’ (Pugh: 2007, p, 51).

Actions of states are subject to public opinion and bear accountability for the right or wrong.

Finally, state sovereignty, non-intervention, internal self-determination is the characteristic principles of international society of today. These principles are confirmed in the text of international law and infringement of them invites individual or collective coercion. So many other norms define the society today of which fundamental human rights are the ones upheld sacrosanct and punished collectively. These developments in international relations have their origin in the very concept of international society developed since Grotius, finding way in the form of international principles and laws.

2.2.1 Normative Theorization and Humanitarian Intervention

Intervention for protection is a moral discourse. It is of utmost clear that international law and/or the United Nations Charter principles do not explicitly permit the act of intervention in one state by another state or group of states on the pretext of humanitarian saving. However, the legitimacy of intervention is sought on the basis of normative reasoning that all individual regardless of differences have inalienable rights and it is the responsibility of a civilized society to respect and protect such rights. Moral justifications and arguments on intervention almost always originate from one or the other normative theories of International Relations.

Arguments of the theory of International Society which has its roots in Grotius’s thinking would concern the use of collective force permissible in international relations provided that the state in question offends against the principles of such a society. Force is justified on the basis of just war principles, which have now made their way into the normative justifications of intervention.
discussed by the Commission on R2P principle: “just cause, right intention, right authority, last resort, proportional means and reasonable prospects” (ICISS, p 32).

Liberal Peace thesis developed under the philosophy of Immanuel Kant’s ‘perpetual peace’ in politics, and utilitarianism in economics for the ‘greatest happiness of greatest number’ concept would argue that international peace and stability stand on the foundation of democracy and human rights. Failed or failing states pose potential threats to international harmony by encouraging crimes and criminal activities within and beyond its borders. Liberal Peace theorists are of the view that “international peace and individual rights are best advanced through cosmopolitan frameworks whereby democratic and peaceful states take a leading responsibility for ensuring the interest of common humanity” (Chandler, 2007, p, 60). Democratic standing of states is pre-conditional to harmonious world and hence the ‘rogue’ and weak states have to be democratized by international assistance of various kinds.

The normative approach to international relations understands humanitarian intervention as having benign purpose of transforming unruly parts of the world to a sound and robust political standing which thereby would make possible the peace and stability imagined by the present internationalism. Ideational cosmopolitanism has seen the way with the overriding importance of human rights and security elsewhere documented in international law and practiced as customs. However, the structure of cosmopolitan thoughts is a distance away as the states are understood to be the prime actor in international relation. The reality of the contemporary world reflects the solidarity framework of state relations bound by some common and uncompromising ideals of social life. The order anticipates moral character of the states in its
relation to individuals, their rights, security and provisions a commitment to coerce perpetrators. Real politics aside, normative reasoning of humanitarianism anticipates states to be the protector of wider welfare of mankind and guardians of human rights. Views may differ and contrast regarding how such an idea is executed in real terms. Hence, there exist strands of thoughts on the value judgment of the practice in real life. Responsibility to protect as a new humanitarian norm has been pretty much able to synthesize the gap between the real world and the ideal world normative reasoning. The following chapter will develop the ideas further.

Table 1: A summary of the two orientations of thoughts.

<table>
<thead>
<tr>
<th>Constituents</th>
<th>International Realism</th>
<th>Normative Theorization</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Action</td>
<td>• Realism dictates that state action are guided by self interest, power defines the history.</td>
<td>• It assumes that state actions can be guided by norms that underpin moral obligation of states towards materializing certain ideals.</td>
</tr>
<tr>
<td>Epistemology</td>
<td>• It is a posteriori knowledge that keeps on forming through empirical behavior of states.</td>
<td>• It is priory knowledge that aims to achieve certain purpose collective or individual in the future by proposing moral guidelines.</td>
</tr>
<tr>
<td>Determinant</td>
<td>• Capabilities defines state position, hence the world order is hierarchical</td>
<td>• Cooperation and rules of conduct defines world order. It assumes that the basis for peace and security lies in how states play by</td>
</tr>
<tr>
<td>Classification</td>
<td>Description</td>
<td>Description</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Performance</td>
<td>• It argues that states might adhere to the rhetoric of morality but underneath is the desire to fulfill its own interest</td>
<td>• States are moral agent that strive to achieve and promote collective or individual ideals,</td>
</tr>
<tr>
<td>Debate</td>
<td>• Usually an antithetical thoughts to normative theorization</td>
<td>• Usually synthetic thoughts in the sense that it tries to capture real politics and idealism.</td>
</tr>
<tr>
<td>Military Intervention</td>
<td>• Considers military intervention as a tool to fulfill interest of powerful states.</td>
<td>• It considers military intervention for protection purpose as embodying moral philosophy and reflects today’s reality of Human Security and Human Rights.</td>
</tr>
</tbody>
</table>

This classification is intended to serve a purpose for the analysis in Chapter 4. I have sought to find out how these two thoughts are accommodated in the philosophy behind the norm-Responsibility to Protect.
Chapter 3. Humanitarian Intervention in International Relations.

The aim of this chapter is to provide detailed background information to the practice of humanitarian intervention in international relations since history (even before the formation of modern state system in early seventeenth century) down to present day. The focus is to report the tradition of both the practice and the scholarly debate about humanitarian intervention. The later part of the chapter focuses on Responsibility to protect which is reinforced to be understood as a part of the same tradition and its understanding about humanitarian military intervention. By doing so, I intend to define humanitarian military intervention in the framework of the R2P norm. Furthermore, it is discussed if assisting in regime change, contrary to what the international principle of self-determination says is permissible in responsibility to protect norm.

Humanitarian intervention is a moral discourse in international relations. A state or group of states resort to threat or use of force in another state’s territory to prevent or deter systematic oppression of the civilian population, which might be inflicted by the state or other internal actors, without the consent of the state in question. If protecting the mass from killings and lethal atrocities or systematic killings of genocidal intent is uneatable purpose of humanitarian intervention whosoever the perpetrator and whatsoever the causes might be, then the history dates back to the early diplomatic practice of European state system. Historically, the concept of collective use of force was applied to protect religious minority. “The greater part of the history of humanitarian intervention is the history of intervention on behalf of persecuted religious minorities” (Ganji, 1962, p,17). Such intervention cited humanity derived from the natural rights, natural law and just war tradition as a source of legitimacy.
Since these sources of international law were heavily influenced by Christianity, it is safe to say that such interventions would comprise some religious biasness against non-Christians\(^1\).

Nevertheless, the natural rights\(^2\) referred by such sources were believed to be universal and hence practice was deduced that foreign intervention and punishment could be undertaken on behalf of the humanity. It is a right cause to punish rulers if he treats his subjects to the extremity against common humanity. Hugo Grotius in 1625 had provided some concept on humanitarian intervention in his writings: “If however, the wrong is obvious, in case some [tyrant] should inflict upon his subject such treatment as no one is warranted in inflicting, the exercise of the right vested in human society is not precluded\(^3\)”.

In the medieval writings of Suárez, Grotius and Gentili on the line of solidarism\(^4\), it was figured as an exception to the principle of non-intervention in a conscious attempt to put some limits on the powers of the sovereign vis-a-vis his subjects\(^5\). The idea of intervention established itself as a customary international law and was much discussed and debated over its legitimacy. The main reason of contention was whether it was legitimate to use the force against another state since custom after the establishment of the modern state system\(^6\) considered non-intervention

\(^1\) Such intervention would be in the form of civilizing missions by Christian people.

\(^2\) I understand natural rights to be the core rights that come to human as being human for example- right to life, fair trial, right to exercise one’s own religion to name but a few examples.

\(^3\) Grotius, *De Jure Belli ac Pacis*, Book II, Ch.XXV, pp. 583 and 584. See also book I, Ch.IV, pp.157-158: ‘the right to make war may be conceded against a king who openly shows himself the enemy of the whole people...for the will to govern and the will to destroy cannot coexist in the same person’.

\(^4\) Solidarism refers to a moral standing of society of states than some social principles are universal and upholding them is in the welfare and happiness of mankind.

\(^5\) Meron in “Common Rights of Mankind in Gentile, Grotius and Suarez”

\(^6\) Refers to the Westphalia treaty of 1648 between European states which established non-intervention and respect for one another’s sovereignty as core ordering principles of state system putting an end to custom of might is right practice in the then international relation.
to be the core principle of state order. The Covenant of the League of Nations and its successor
the United Nation and its Charter in 1945 established the legal basis for the use of force under
the collective security mechanism and intervention became the custom practice of states rather
than the rule due to the legal authorization of force through UN deliberations. It added some
clarity to customary international law of state specifying the mechanism and modality of the
use of force in their international relations. However, states were still reluctant to accept the
use of force under the humanitarian terms as they thought it infringes the pluralist system of
international society fostered by the UN charter. Humanitarian claims were not accepted as a
legitimate basis for the use of force in the 1970s but a new norm of UN authorized
humanitarian intervention developed in 1990s marking a normative shift in international
society of states. Wheeler argues that the unilateral interventions during the Cold War- India’s
war against Pakistan over Bangladesh, Vietnam’s intervention in Cambodia to oust Pol Pot, and
Tanzania’s intervention against Uganda to end Edi Amin regime could have been accepted as
humanitarian intervention by the then international society as they produced significant
humanitarian results by saving lives. Due to the Cold War politics and states’ reluctance to
speak clearly about intervention, and the fear of setting bad precedent for the use of force,
international society did not pronounce in loud that force could be used on humanitarian basis
(Wheeler, p 55-111 ). It was the 1990s that the idea of intervention evolved stronger on the
normative basis of human rights protection and saw a number of humanitarian intervention
during this period with mixed records of success and failure. However, it was never an easy
choice in international relations to resort to the use of force in foreign territory due to various
reasons of legitimacy and efficiency. It is interesting to note that intervention authorized by UN
Security Council do not much draw controversy on the legitimacy aspect but occasionally on efficiency. Similarly, unauthorized intervention both draws controversy on legitimacy and efficiency. And international Community has ambivalence response to unauthorized intervention in the sense that they turn positive to such intervention if an outcome is positively humanitarian, legitimacy gets fairly shadowed as in the case of NATO intervention in Kosovo in 1999 but the question of legitimacy and legality prevail in international forum if the intervention goes wrong. Recently, UN authorized military force in Libya in 2011 to assist and protect Libyan population in their movement to overthrow Col. Gaddafi from power. At the time of writing, uprising is going on in Syria against Assad regime and international community has been engaging through different ways and contemplation of military intervention to halt gross violation of human rights could never be off the table. The recent norm Responsibility to Protect, adopted in 2009 partially by the General Assembly, has assigned the international community with the responsibility of military intervention to halt civilian casualties in conflict. Interpretations and debate on the discourse has been going on as to confirm an unequivocal norm on the intervention practice. Regime change which is politically controversial strategy of intervention is again on the question if it could be the purpose of military intervention.

3.1 Responsibility to Protect (R2P) and Military Intervention

“Fighting war to save lives is an oxymoron” (Seybolt, p 222). Using military force to save particular group of people from perpetrators applies weakening or defeating the perpetrators. Presence of deadly force in foreign land involves multitude of hardships to all involved directly or indirectly. Moreover, presence of military force may prevent or deter casualties and save lives for short term but it cannot guarantee the lasting peace and development of conflicted
societies and continuous presence of military to hold on peace is practically out of the question. Besides, war involves a lot of collateral damages which might regress the society even backward from development and might need a lot of outside help to reparations which might be a difficult expectation. Success of military intervention to save lives depends much on internal and international support, strategies on ground, defined purpose and eventual assistance from international community to rebuild society in the post-conflict phase which again depends much on real world politics\(^7\). It can be observed that most of the time states are unwilling and even apathetic to outsider’s problem because they have so much to do to keep up their own population. Plunging into conflict is a disastrous development and anticipating outsider’s help to solve conflict is an unrealistic thing. In an ideal situation, conflict in the first place is wrong thing and military intervention to save lives in crisis is necessary but an undesirable thing. However, it does not mean to rule out the possibility of military intervention in international relations. Just because war and conflict is a bad thing and costs a lot of lives and properties do not dictate the possibility of military intervention in international relations. And “just the fact that effective international action is not always possible in every instance of major humanitarian catastrophe ever be an excuse for inaction where effective response are possible” (International Commission on Intervention and State Sovereignty 2005 report p,22).

War and conflicts no matter how undesirable and disastrous they are, are the parts of politics. Stupidity and mistakes are all part of human nature. State leaders, whether out of ignorance or obstinacy for power tend to commit stupidity and mistake. As long as there is

\(^7\) I am not very optimistic with the thought that the international community would readily assist post-conflict societies while problems at homes are much pressing and calling than problems at neighbors. By that I mean the world has a lot of pressing issues like, environmental degradation, population growth, unemployment, economic recession, food insecurity etc which easily leaves out the program of committing into stranger’s problems.
thing named power, struggle for power follows because human beings have anything but will to power. Yet morality and ethics can constrain it to the benevolence of those upon whom it is practiced. Question might rise why even think about intervention which might not go smooth and might put lives and properties in jeopardy? It is because human life alone is a supreme thing than politics. And protecting human lives and taking care of their well being is a sole purpose of politics. “This human security perspective, grounded in the belief that the rights of people, not states, are the bedrock of a just and secure world, has found its voice in the concept that states have a responsibility to protect civilians within their jurisdiction” (Seybolt, p.1). The discourse of human security is emerging strong to replace the traditional notion of security which puts emphasis on security through external enemies. “Human security means the security of people – their physical safety, their economic and social well-being, respect for their dignity and worth as human beings, and the protection of their human rights and fundamental freedoms (ICISS report, p, 30). Military intervention which embraces such purpose is permissible and benevolent mission in its essence; the way such decision is taken, the way operation undertaken, the way opinio juris forms, and what the situation during and after the conflict is a secondary things and always leaves room for reconsideration and improvement. Humanitarian intervention is intended only to stop the worst suffering. It is not intended to

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8 This concept is burrowed from Arthur Schopenhauer’ concept of ‘will’ to denote that the world is merely a design of individual wills which are never satisfied, in The World as a Will and Representation. Friedrich Nietzsche in the 19th century developed the concept to the will to power meaning the will to power is a driving force in human beings and the world is but manifestations of what an individual does to achieve such power. The reason why I relate this concept is it is even more relevant in the case of politician or state leaders who might go to the extreme of inhumanity to hold on or rise to the power. See in Critical Theory Since Plato, p 686-692 ed. Hazard Adams (2004), Wadsworth publishing, 3rd edition.

9 A legal lexicon that refers to how other members in the society of states respond to a specific behavior or custom of other members. Customary international law forms when certain behavior of state is approved by opinio juris.
establish a lasting peace or to put a new, or renewed, political system in place, although it can create a basis for peace building. Explicitly political objectives follow (through peacekeeping, reconstruction aid, electoral process and so on), but are distinct from humanitarian objectives. The primary objective of military intervention is to save lives in crisis and is obsolete when it has achieved the goal.

Responsibility to protect (R2P) is a *phase in the evolution process* ¹⁰ of intervention practice in international relations. Based on real practice of issue and community inputs R2P has tried to address questions that have been continuously surrounding humanitarian intervention. The concept was articulated by International Commission on Intervention and state Sovereignty in 2001 as an answer to questions of practice, legitimacy, international order invoked by NATO’s unauthorized intervention in Kosovo in 1999, which was concluded as a , “legitimate, but not legal, given existing international law’ by International Independent Commission on Kosovo (Pattison, p 208). The legitimacy of the intervention was declared independently¹¹, not through Security Council; on the ground that NATO’s intervention saved a substantially large number of lives which otherwise would have died due to the crisis. The Commission, which was sponsored by Canada, was formed to ‘to build a broader understanding of the problem of reconciling intervention for human protection purposes and sovereignty” (ICISS report p,1). The commission concluded that it is the responsibility of a state to protect its citizens from gross human rights violation in the first place. If the state in question fails to fulfill this responsibility,

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¹⁰ To mean, this particular norm has been build upon the past practice, success and failure of humanitarian intervention. The norm looks upon the existing contradictions and tries to put clarity on the subject. As in the evolution process, the latter phase is more advanced and adapted than the former one, so follows in the case of responsibility to protect, I believe.

¹¹ In Taylor S. Seybolt and elsewhere, NATO intervention in Kosovo is considered to have succeeded in its purpose of saving lives. It is unauthorized but is argued to be legitimate for saving Kosovar Albanians from Serb atrocities.
then it falls on the responsibility of international community to intervene and protect civilian under oppression. In such case, the question of sovereignty is conditioned on its capacity to vanguard its citizens against gross human rights violations. This responsibility has three integral and essential components: not just the responsibility to react to an actual or apprehended human catastrophe, but the responsibility to prevent it, and the responsibility to rebuild after the event. (ICISS p, 33). R2P expects that international community should act earlier to prevent crisis from being materialized. R2P takes it as an axiomatic fact that such crisis stem from states’ inability to address developmental deficiency which eventually lead to intrastate conflicts or authoritative government or dictatorship which might be the perpetrator of atrocities against civil population. While R2P does not pinpoint any specific programs to prevent such crisis from being materializing it can be taken for granted that international community in contemporary world do show concern through international diplomacy both soft and hard to prevent such crisis. So far the responsibility to rebuilding after conflict concerns, it is a daunting challenge that follows after the conflict has ended. It needs huge political commitment and international support to build up functioning political institutions and establishing rule of law for the good governance there after which might be prolonging and costly. As the saying goes peace after the war is dangerous, post-conflict societies are too vulnerable for the stable functioning due to various factors. Responsibility to react merely comprises of military intervention which is one instrument in the whole package of responsibility. The norm has considered military means to be the last resort to avert or halt the mass killings and should be contemplated only when there are actual or apprehended mass killings of genocidal intent and severe crimes against humanity. The reason why HI is alerting to ordinary ears is because it
readily connotes to a deadly imagination of war-like situation.’. As Keohane (2003) has put it rightly- “Saying ‘humanitarian intervention’ in a room full of philosophers, legal scholars, and political scientist is a little bit like crying ‘fire’ in a crowded theatre: it can create clear and present danger to everyone within earshot” (p.1). What easily skips people’s mind is when exactly crisis calls for the so called military intervention. Judgments about military intervention is framed without regard to how much non-military efforts does international community in day to day politics employ to avoid the situation of military deployment. If it takes place, ordinary people often tend to imagine it as all-out war, killings and blood shedding in rampant manner which is not true as foreign military engage in strategies to avoid casualties as much as possible. Next, having humanitarian intervention in international customary law and understood as a policy in international relations does not mean that it occurs more than often. Besides the last-resort understanding, the original idea of responsibility to protect avails certain criteria before contemplating military intervention- just cause, right authority, right intention, last resort, proportional means and reasonable prospect of success (ICISS, p 32).

Most literature on humanitarian intervention writes indistinctly that ‘gross human rights violation’ is the condition for humanitarian intervention. What kind of rights they talk about is not clear. The word ‘human rights’ may indicate a myriad of rights coming as being individual a natural, civil, political, economical, and cultural subject and rights associated with them accordingly. The Universal Declaration of Human Rights identify twenty eight such human rights endowed as being a human first\(^{12}\), and separated from civil and political rights which usually rests on a state’s historicity, culture, political arrangement, economic competence and that

\(^{12}\) Universal Declaration of Human Rights 1948 declares fundamental human rights.
they should never be the cause for intervening in another state’s sovereignty. Certain human rights are in contemporary society are like *ius cogens* ¹³ which are non-derogable by states and by far it is clear that responsibility to protect build its idea upon violation of such rights (four mass atrocities) as legitimate cause for intervening in military- “large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or large scale ‘ethnic cleansing, actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape” (ICISS p, 32). I do not think that any state standing on the moral commitment of such rights with responsibility to protect should ever fear about the potential intervention. And moreover, military intervention does not happen in minor cases of human rights violation; it should be ‘large scale’ enough to ‘shock the conscience of mankind’¹⁴. UN has human rights monitoring system to watch casual and minor violation worldwide and recommend states to improve or clarify in case of violation which already works as a ‘naming and shaming’ strategy along with the presence of International criminal court, the insertion of common article 3 in Geneva convention to embrace war crimes and crimes against humanity committed in internal conflicts and custom of ad-hoc criminal tribunals to persecute the war criminal also have preventive effect on conflict. Besides, non-consensual collective military presence is the last resort when soft diplomacy¹⁵ fails short of working to prevent or deter adversaries of the crisis.

One of the criticisms against military intervention is that it prolongs war. As stated above, the

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¹³ *Ius cogens* has legal denotation which refers to constitutional norms which are non-derogable by any member of international society. To be specific, universal human rights, Geneva conventions on human rights and humanitarian law etc are non-derogable rights.

¹⁴ These two terms need careful assessment of how many deaths make “large scale” and ‘shock the conscience of mankind’.

¹⁵ Refers to coercing rogue states to stop inhuman treatment of populus through public condemnation, warning, diplomatic cut off, aid suspension, economic sanctions, mediation and monitoring to name a few.
purpose of military presence is to halt killings and once it has achieved its primary objectives which sometimes might take longer than the expected, peace building process follow through in which case presence of lethal force is obsolete. Traditional peacekeeping force with civilian personnel may assist in peace building process which is widely accepted and customary in international practice. This actually has nothing to do with military intervention which happens only in the case of severity. As ICISS reports:

‘The primary purpose of the intervention must be to halt or avert human suffering.

Any use of military force that aims from the outset, for example, for the alteration of borders or the advancement of a particular combatant group’s claim to self-determination, cannot be justified’(ICISS report p, 35).

The norm says it clear that any purpose other than protecting civilians from physical harm in any forms in a large scale is illegitimate for military intervention. It should be noted that military intervention is not an end in itself but a means, a phase in a whole episode.

On the question of who should intervene the Commission emphasized that the UN Security Council is the most important body to authorize the intervention as the law has it that SC can exercise the right to use force and approval of the Security Council is necessary to intervention from other actors. Taking into practical considerations of SC failing to act timely due to power politics, and in appropriate manner, the Commission identified the second option ‘Uniting for Peace’ which enables General Assembly to take actions on the basis of two-third majority if security council fails to act.  

"The conceptualization of intervention that the ICISS presented was too far reaching for a number of states. What was particularly opposed was the

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idea that intervention could be permissible even if it was not sanctioned by the Security Council” (Hakansson, p, 90). The idea of *ex-post facto* i.e. regional organizations can authorize intervention on the moral standing and approval could be sought after the intervention has taken place had a dangerous precedent-setting effect making intervention as India termed it ‘military humanism’\(^\text{17}\)

International Commission’s report generated wide international ramifications and led to further discussion of the topic. The High Level Panel on Threat and Challenges and Change was established under the Secretary General Kofi Annan to address international dissatisfaction and the Panel exclusively vested authority of intervention in the Security Council and responsibility to protect should be enacted only when the security council decides it is threat to international peace and security assuming genocide ethnic cleansing, and crimes against humanity as events of destabilizing nature. So, the 2005 world Summit recognized the concept of responsibility to protect much in the line of High Panel Report. By contrast, according to the agreement reached at the World Summit, (a) the responsibility to protect transfers to the international community only when ‘national authorities are manifestly failing to protect their populations’. (b) Military intervention will meet the just cause threshold only in the more limited circumstances of ‘genocide, war crimes, ethnic cleansing and crimes against humanity’. (c) Reacting to a crisis is not a fall-back responsibility of the international community. Instead, states are only ‘prepared’ to take collective action ‘on a case-by-case basis’ (d) Any action is to be collective and to be

\(^\text{17}\) India and other developing countries were suspicious of big powers waging intervention in the name of humanitarian basis for otherwise interests. Since the report did not explicitly and with more stress suggested the Security Council for such a responsibility, the conclusions were easily made that anyone in the capacity of intervening could intervene under the humanitarian terms.
taken through the Security Council. (e) No reference is made to criteria for intervention (Pattison, p15)

To Sum up, the original concept of R2P has evolved away and only ‘responsibility to react’ (not prevent and build) have been recognized enabling the security council to authorize the use of force in case of mass atrocities like genocide, ethnic cleansing and crimes against humanity. The General Assembly has adopted resolution document recognizing responsibility to protect in its part in which military intervention is considered as the last resort.\(^\text{18}\) and other phases to follow through suggested by the R2P have not been taken seriously, rather left on chance to world politics.

\textbf{2.2 End of Sovereignty and Non-intervention Debate?}

Today, it may sound somehow prosaic to discuss on the doctrine of sovereignty and non-intervention which are the paramount basis of modern international system enshrined in the Charter of the United Nations as a legacy of Westphalia state system. If we stick to the positivist reasoning of the world system, humanitarian intervention is loudly and clearly a violation of sovereignty and non-intervention doctrine since military intervention involves the presence of lethal force in another state’s territory apparently breaching the principle. UN Chapter 2 (4) declares ‘All Members shall refrain in their international relations from the threat or use of force against the territorial integrity on political independence of any state or

\(^\text{18}\)Only three paragraphs (138,139 and 140) have been adopted in GA in 2009. Information on the Websites of R2P available at: \url{http://www.responsibilitytoprotect.org/}
in any other manner inconsistent with the purpose of the United Nations’. Similarly, Article
39 (Chapter VII) of the UN charter declares that

‘The Security Council shall determine the existence of any threat to the peace, breach of
the peace, or act of aggression and shall make recommendations, or decide what
measures shall be taken in accordance with Articles 41, and 42 to maintain or restore
international peace and security.

This charter provision gives right to the Security Council not only to authorize the threat or use
of the force in cases international crisis that upsets peace and stability but also the right to
determine what makes an international crisis of upsetting nature. This imagination does not
particularly address the case of humanitarian intervention as they involve the dynamics of
events beyond the imagination of the Charter; I will argue this in the coming chapter. However
suffice is it to say that humanitarian military intervention is not defined and codified exclusively
in international law; rather is based on the custom practices of states. Chapter 7(2) declares:

Nothing contained in the present charter shall authorize the United Nations to intervene
in matters which are essentially within the domestic jurisdiction of any state or shall
require the Members to submit such matters to settlement under the present charter;
but this principle shall not prejudice the application of enforcement measures under
chapter VII.

This Charter provision is enough to restrict outsider’s interference in the domestic jurisdiction
of any state. It gives states with the right of self determination. I believe almost all intervention
to the date has been undertaken in the cases which have intrastate war elements which make it
the matter of self-determination of the state in question.

The above mentioned explanation of sovereignty and non-intervention fall in the
tradition of ‘legal positivism’ which emphasize the importance of law ((Holzgrefe p, 15-52).
They do not, however, criticize humanitarian intervention as being out of the question; rather
point to the lack of codification in international law. Given humanitarian intervention has long
been in practised in international relations and states have quietly accepted it for no state
question the existence of the practice; all they do is express their opinions about it when it
happens. Some questions surface ‘why, despite international system regards sovereignty as a
sacrosanct thing, and on what basis intervention on the humanitarian basis takes place in the
world politics? What makes it legitimate to do so? Naturalist tradition of political reasoning
cites the prime importance of rights that comes to an individual as being human. The classic
naturalist tradition, which existed concordantly with the positivist tradition, is still the argument
base for the humanitarian intervention in contemporary world, and puts human beings in the
centre of analysis. Human beings are endowed with certain non-derogable rights by the nature
and upholding those rights are in the welfare of mankind. Influenced by this tradition is the
legal arrangement of human rights in the present international system.

“Together the Universal Declaration and the two Covenants mapped out the
international human rights agenda, established the benchmark for state conduct,
inspired provisions in many national laws and international conventions, and led
to the creation of long-term national infrastructures for the protection and
promotion of human rights. They are important milestones in the transition from a culture of violence to a more enlightened culture of peace.” (ICISS report 30).

Moreover, the Genocide Convention, Geneva Conventions and Additional Protocols on Humanitarian Law, the Statute of International Criminal Court, and a number of legal practice that reach beyond the border in the cases of human rights violation has established human rights and protection the prime responsibility of states. Strong is the emerging norm of human security which underpins the natural thinking in its concept “security of people – their physical safety, their Economic and social well-being, respect for their dignity and worth as human beings, and the protection of their human rights and fundamental freedoms19” (ICISS p, 31).

While the debate of sovereignty and non-intervention may still exist as an excuse for human rights violation cases and criticism against humanitarian intervention by some states, taking them as absolute and non-derogable concept of the international system and thereby shunning or objecting intervention is nothing but ignorance of state leaders towards the shifting debate of human rights and security. Much has changed since the Cold War time. Today, relating inappropriate behaviors of the state towards its citizens to the pluralist thoughts of the world as an excuse or speaking in ambiguous political language on the legitimacy of intervention as would be the case during the cold war is unacceptable, if not condemnable. The debate on sovereignty and non-intervention is overshadowed with the developments after the Kosovo intervention and eventual concept of responsibility to Protect which defines sovereignty as a

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19 ICISS report p. 31. Human security is a broader concept than human rights and intervention on the basis of human insecurity unrealistic since the former involves a lot of other things like economics, civil and other rights; not just fundamental human rights.
responsibility of states towards their citizen. In large scale cases of human atrocities, sovereignty of a state is suspended by the international community, R2P declares.

2.3 Delimitating Humanitarian Military Intervention.

It is as easy to define the concept as hard to understand the nature of crisis that requires outside force. In literal way, military intervention is a unilateral or collective commitment of force in a foreign territory by the international community under the authorization of the United Nations to protect civilians from harms and killings that is ‘in large scale’ and enough to ‘shock the conscience of mankind’. What makes it humanitarian and different from invasion (only in terms of infringement of the sovereignty doctrine) is its benign purpose of saving people from physical harm in another’s territory without violating the principle of territorial integrity or changing the political modality of the state (sometimes secondarily it might assist in doing so as a follow-up after the conflict has ceased to exist). Military intervention in itself is not a long-term solution of the conflict but just a quick response to the emergency situation and is undertaken following the just war tradition. Customs and R2P norms outline the criteria for military intervention which I have already outlined elsewhere. Having these criteria however does not mean that all of them should be exhausted before contemplating military intervention. Neither military intervention as a last resort in conflict prevention does necessarily mean that every soft measure has to be adopted before military intervention is not taken nor that reconstruction has to follow up after the intervention. It all depends on the cases and requirements of the troubled societies on a case by case basis. It could be quick response to deter mass killings or prolonged one depending on the nature of conflicts. Military intervention is different from the traditional peacekeeping force as the latter
is installed to observe and monitor cease-fire agreement under the consensus of warring parties and may include non-combatant personnel to assist in different phases of peace building. Military intervention in its true form is non-consensual use of force and has broader mandate of operational activities. It refers to ground, air, naval forces deployed to rescue people in dire emergencies instigated by perpetrators. International community has deployed military forces in foreign land for different purposes. The table following shows the military intervention in the post-cold war period to the date.

**Table 2. The List of military intervention after the end of the Cold War.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Military Operation</th>
<th>Purpose</th>
<th>Actors</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1991-96</strong>&lt;br&gt;(Northern Iraq)</td>
<td>Operation Provide comfort</td>
<td>Protect Kurdish population against state oppression</td>
<td>US, UK, France and Turkey</td>
<td>Legal- UN Security Council Authorization</td>
</tr>
<tr>
<td><strong>1991-95</strong>&lt;br&gt;(Somalia)</td>
<td>UNOSOM I Operation Provide Relief</td>
<td>To fight against state Hybrid Operation- UN</td>
<td>UN armed soldiers</td>
<td>Legal- UN Security Council Authorization</td>
</tr>
<tr>
<td>Year</td>
<td>Force</td>
<td>Mission Objective</td>
<td>Command</td>
<td>Legal Framework</td>
</tr>
<tr>
<td>------------</td>
<td>-----------------</td>
<td>-----------------------------------</td>
<td>---------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>1992-95 (Bosnia and Herzegovina)</td>
<td>UNPROFOR</td>
<td>To deter mass killings of Bosnian Muslims</td>
<td>UN Armed Forces</td>
<td>Security Council Authorization</td>
</tr>
<tr>
<td></td>
<td>Operation Deliberate Force</td>
<td></td>
<td>NATO command</td>
<td>UN soldiers with peacekeeping mandate</td>
</tr>
<tr>
<td>1994 (Rwanda)</td>
<td>UNAMIR</td>
<td>To deter Civil War of genocidal intent</td>
<td>UN soldiers with peacekeeping mandate</td>
<td>Legal- UN Security Council Authorization</td>
</tr>
</tbody>
</table>

Remarks - As of now, no mission on the ground, Somalia still remains a failed state.
<table>
<thead>
<tr>
<th>Operation Support</th>
<th>Hope</th>
<th>Remarks- despite intervention, Somalia saw the worst crimes of genocide.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1999 (Kosovo)</strong></td>
<td>Operation Allied Force</td>
<td>To deter secessionist violence and mass expulsion</td>
</tr>
<tr>
<td></td>
<td>Operation Allied Harbor</td>
<td>KFR was authorized by the UN as an international administration of the province</td>
</tr>
<tr>
<td><strong>1999-2000 (East Timor)</strong></td>
<td>UNAMET INTERFET UNTAET</td>
<td>Civil War violence on Indepence issue</td>
</tr>
<tr>
<td></td>
<td>UN Armed forces</td>
<td>Legal- UN Security Council Authorization</td>
</tr>
<tr>
<td>Year</td>
<td>Event</td>
<td>Nature</td>
</tr>
<tr>
<td>------</td>
<td>-------</td>
<td>--------</td>
</tr>
</tbody>
</table>

Remarks: the first invocation of R2P.


It is a matter of meticulous observation that every military intervention is not humanitarian no matter how much rhetoric of human right protection is maintained. Military intervention for other purpose, such as US attack in Afghanistan on the pretext of ‘war on terror’ does not fall in the category of ‘humanitarian’ regardless of US engagement in the reconstruction of this war-torn country as a later course of action which may appear like having humanitarian outcome (through reconstruction and democratic transitional government). Post 9/11, War on terror is legitimated under self-defense clause of international law. Similarly
rescuing one’s own personal from another state’s territory in an emergency case in the host
country is also not humanitarian. One thing which should be strictly delimitated about
humanitarian intervention is that it should not be the practice of *ex post facto*\(^{20}\) legitimation
argued to be hind sighted by the original ICISS document and as it was in the practice during the
cold war period. Ex post facto practice gives room for the misuse and manipulation of
intervention practice. I will discuss about the danger of devolving the actors of intervention
away from the UN which increases the possibility of ex post facto legitimacy in analyses
chapters. So I define military intervention as implied by R2P that the ones that follow the
criteria laid down by the norm: just war principles criteria, the last resort, and taken with UN
authorization in the cases of mass atrocities crimes which the state in question has clearly failed
to stop.

2.4 Forceful Regime Change and the Responsibility to Protect

Since most of the interventions are induced with political conflicts, even the sacred
purpose of intervention cannot do away with political accusation. Maintaining neutrality is a
difficult choice on the field. Protecting civilians on the crisis is the one and only purpose of
military intervention. The questions like whom should they be protected from and how
naturally follow. “In most of the interventions saving civilians and defeating perpetrators go
simultaneously, the line is blurred. No matter how politically neutral intervention is aimed to
appear like, such crosscutting makes intervention politically controversial. This is the difficulty
on the field level” (Seybolt 178). It happens often that dictatorship in power try to suppress
civilian voices going to the extent of killings and torturing. All means of democratic

\(^{20}\) Practice of seeking approval and legitimacy of intervention after it has taken place.
maneuverings from the international community might have been exhausted with no improvement. Or one ethnic group is in the power and the next protest against the behavior of the power to the subjects by different means and violence and killings may follow. Customs say that intervention for the purpose of changing political modality is wrong and against the ‘self-determination’ principle of international society of states. But what happens when protecting civilians necessitates changing political modality or regime? If the source of atrocities is dictatorship in power and has misused state authority to suppress the voice for political change? Does humanitarian military ever allow for the forceful regime change? This is a very difficult question and involves a lot of observation and political wisdom before committing into such a purpose i.e. defeating perpetrators on power and eventually replacing them to save civilians. This particular question holds much importance and needs a loud answer in the discourse of intervention to make intervention less controversial for it is this dilemma which generates an array of parallel interpretations enough to make intervention allegedly a political mission rather than humanitarian. However, equally important it is to specify under what conditions such a mission is permissible because not doing so would invite the danger of political imperialism by big powers against small ones in the name of humanitarian intervention. The urge should be loud and clearly defined to provide efficiency and legal appropriateness. Responsibility to Protect as adopted as an international norm in existing form of adoption does not speak about the possibility of regime change intervention. However it should be understood by hindsight that it is possible if defeating the perpetrators would protect civilians. And assumes that international community should join hand to build peace in such society through safe and meaningful transition. Interventions away from UN-deliberations or ex
post facto intervention would perhaps misuse this definition, this is the reason why I think responsibility to protect in its entire imagination of intervention is careful enough to hand over this burden in the sole responsibility of the United Nation through early surveillance and monitoring of conflict societies.

Sometimes states may speak it loud in the public that they do have moral support for minorities or some segment of societies at display of violence for political cause. Or they may exercise their influence in internal affairs of another state as day-to-day diplomacy. These state of affair should not make a big issue because these are part of day to day diplomacy. However, it may follow that some states for political reasons may interfere in another states’ political environment as vigilante and stimulate the situation to make it ripe for intervention for political reasons or assist in arm and ammunition to the rebel groups so as to change or shuffle the existing government to their political favor. It is morally wrong and a subject of loud condemnation internationally. Responsibility to Protect imagines intervention to protect civilians from large scale killings nag genocide, and the civilians with arms are not civilians in the real sense. They are parties to the war and treated accordingly. The situation may arise that civilians take up arms for self defense which could be a convincing reason and a right cause if done so but taking up arms for political cause is a different thing from humanitarian. Is it good for international community to be taking side of one or another warring party and be politically controversial conflict? I do not make value judgment of such engagement but what concerns is such intervention is not ‘humanitarian’ and interventions to protect ‘armed civilian’ is a feigned mission. While responsibility to protect is general and does not try to seek the dynamics of conflicts, it is good in the sense that it makes clear that perpetrators of violence could be
defeated to protect civilians which is itself a lot more telling but confusing in the sense that it does not specify who are civilians and who are party to the conflicts.
Chapter 4 Analysis: Responsibility to Protect: Reconceptualization of Humanitarian Intervention

This chapter analyses Humanitarian intervention within the perimeter of Responsibility to Protect. Basically, the three thesis questions surrounding humanitarian intervention debate are dealt and assessed as to find out whether the norm has been able to address them during its normative journey.

4.1 Conceptual Contribution of Responsibility to Protect to Humanitarian intervention

Putting together these two concepts on the same scale might mislead the readers to misconception. It is not to suggest that the concept of Responsibility to Protect and Humanitarian intervention are mutually interchangeable. No, they are not, for the concept of Humanitarian intervention is just a part of the whole program of the Responsibility to Protect. It does not and cannot whole reflect the objectives of R2P, but it can be an important tool to achieve ultimate purpose of the norm- to protect civilians in extreme humanitarian situation. As Evans Gareth (2008) puts it “The very core of the traditional meaning of “humanitarian intervention” is coercive military intervention for humanitarian purposes— nothing more or less. But “the responsibility to protect” is much more than that.” (p.56). Moreover, the norm has clearly and explicitly expressed the fact that the humanitarian military intervention is one such coercion among the series of other coercions -diplomatic, political, economic, legal – and can be undertaken by the international community as a last resort tool to save civilians. As I have mentioned in the beginning of this thesis, Skeptics of R2P all very easily take the concept
as something that waits for human atrocities to happen for its applicability, and all very easily either forget, ignore or do not know the nucleus of the concept- preventive actions. The preventive actions first by the states to inhibit the atrocities from taking place and secondarily by the international community to assist the state in question to avert the possibility of such atrocities was what the World Summit had its understanding about the concept of R2P which speaks in Outcome Document as ““appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter,” (Outcome Document). R2P has been able to assign a limited weight to HI in international debate about conflict solution.

Having established HI as a last resort to prevent or halt mass atrocities undertaken carefully under certain criteria and case specific, R2P has further put order in what otherwise was a conceptually chaos issue of intervention in terms of legal, ethical and political questions. While the basic defining characteristic of intervention act remain the same i.e deployment of military force in another state’s territory with protection purpose which is also the traditional understanding about intervention, R2P has created demarcation on what should make an intervention ‘humanitarian’, actors and procedures. The R2P framework of humanitarian intervention does not involve the ones that are taken with the consent from the host state or those to rescue one’s own nationals from emergencies situation of another state. The recent past provides ample examples of intervention by states in another state’s territory all leaving a need for more clarity in the concept. International community’s inaction in Rwanda, inability to protect Bosnian Muslims in Srebrenica, unauthorized yet consequently legitimate NATO intervention in Kosovo, the fake rhetoric of R2P in Iraq war 2002 by the US and allies, and recent war on terror all have presented challenge to the concept of HI and R2P itself. The
decade of 1990s entrapped academic as well as general populous in the quagmire of humanitarian intervention. On the positive side, it is because of these instances that led international community to huge discussion and debates regarding the issue which has eventually culminated into R2P as an effort to provide shared understanding on the subject. Post cold war, some questions were on making: What, indeed, is humanitarian military intervention? And who has an authority to do so? Is it a necessary policy option?. R2P emerged as answers to them and from a conceptual chaos to a defined norm.

The most elemental contribution or Responsibility to Protect to the debate about Humanitarian intervention is theoretical ones that seek to answer the existential questions posed by its skeptical: Is it a necessary policy option? In the preceding chapter of my thesis, I have written about the theoretical antagonism regarding HI by classifying the thoughts into two broader categories- International morality and Political Realism. The context deserves a short mention here. The natural law tradition until the treaty of Westphalia in 1648 presided as the basis for reasoning on the legitimate use of force (just war). Force could be used in another state’s territory to protect the rights which were acknowledged on the simple reasoning that the nature has bestowed certain rights upon being a human. “Westphalia Treaty established modern international system based on state sovereignty and non intervention.” (Seybolt p.8. Post-Westphalia, the positive law reasoning has followed the trace of natural law thoughts once discussed and debated by Grotius and its traditions. The current internationalism featuring plural identity of state yet under collective security mechanism and wide recognition of human rights inherited from past tradition of natural law reasoning is the fundamental source of contradiction in the debate about humanitarian intervention. This moralistic-legalistic approach
in international system Post UN period, has apparent diametric character of thoughts- one as a legal identity of state as a sovereign entity exempt from external intervention, and master of one’s own political conscience, and the other as a legal as well as moral universal human being defined in numerous treaties and conventions. One among a number of occasion in which a legal state under the current political system and a universal legal human being confronts with each other is such as the debate on sovereignty vs. human rights. The question put in simple is: what if a state violates or fails to keep its legal as well as moral obligation towards its citizen? Is sovereignty so hard a principle that should be preserved at the expense of life of its own citizen? Or the most thought provoking question: “If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to Rwanda, Srebrenica- to gross and systematic violation of human rights that offend every percepts of our common humanity?” (Annan: 2000, 48).

Sovereignty is no more sacrosanct. “The defense of state sovereignty, by even its strongest supporters, does not include any claims of the unlimited power of a state to do what it wants to its own people’ (ICISS p, 8). “This modern understanding of sovereignty in which the state does not have unlimited power, is central in the ICISS approach to the question of intervention for human protection purposes and in the development of the R2P: (Amneus 2008: p, 250). This fundamental shift in the concept of sovereignty as responsibility, not sovereignty as authority, has its roots in prior developments in academia and practice. Past experiences have taught the world that bestowing absolute sovereignty on an abstract ‘state’ has done worse to the integrity of living humanity. And hence comes the “tectonic shift” (Slaughter, 2005, p 627) that sovereignty is a flexible concept which entails a state’s internal responsibility to protect its
citizens from harms. The first home of sovereignty is the state itself which is conditional in relation to its capacity to protect its citizens from grave violation of human rights. Should the state fail to do so, the sovereign obligation of the state in question is undertaken by the international community to save the population. The GA endorsement in 2009 declares:

Each individual State has the responsibility to protect its population 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... The international community should, as appropriate, encourage and help states to exercise this (sovereign) responsibility and support the United Nations...(2005 outcome document: Paragraph 138 under Human rights and the rule of Law)

This postmodern interpretation of sovereignty that accentuate the rights of people as a foundation of just and secure world has ended, theoretically, the long-standing confrontation between state sovereignty and human rights. Scholars and policymakers often tend to relate R2P to the emerging global agenda of Human Security, and even so in the cases of natural disasters. Human security, which is defined as “security of people – their physical safety, their economic and social well-being, respect for their dignity and worth as human beings, and the protection of their human rights and fundamental freedoms,” (ICISS p, 31), though could be said as a long term objective of R2P. But, they are not the rationale for intervention, and this matter of fact is articulated elsewhere in the discourse. It is true that human security is directly proportional to an outbreak and escalation of internal conflicts and the long-term vision the
Politics is to curb instigators of conflict at their origin to lay a solid foundation for peace and development, but humanitarian intervention does not intend to install any kind of political programs in the conflict area. HI under R2P only has mandate to protect civilians from immediate crisis. Often in the cases of natural disasters, there have been some attempts of invoking R2P which I think is a perfunctory knowledge of the subject. The invocation of R2P has only to do altogether with a security situation that is instigated by conflict or war between two or more party. Here the military intervention has to be understood in traditional security terms: deployment of deadly force in foreign territory with protection mandate- not in the terms of traditional peacekeeping or humanitarian assistance in the cases of natural disasters. Both over and ill aggrandizing of the concept would push the debate again to pre-R2P impression of intervention in which any troop or battleship present in foreign territory would readily or forcibly be an emblem of humanitarian intervention. Amidst such collages of thoughts, R2P has deconstructed traditional understanding of HI, and reconstructed it within its own parameters.

Sovereignty debate has become cliché whenever there is an intervention real or possible. Critics of humanitarian intervention supplicate to international laws and the UN charter to argue that intervention is an utter infringement of state-sovereignty and non-intervention which have been cardinal principles of international order post Westphalia to the date. Many developing countries foresaw that intervention could be used at any time by the powerful West to satisfy their interest. The Head of UN mission of a major G-77 country alleged, “the concept of the responsibility to protect does not exist except in the mind of Western imperialist” (qtd. in Evans 2011).

The intrinsic rationale of all resistance to humanitarian intervention is the very concept of sovereignty, be it advocated genuinely or hypocritically. For those who make bona fide arguments against humanitarian intervention alleging it as against the rules of international order, the R2P framework has a lot at its disposal to conciliate with their arguments. HI within the schema of R2P does not violate the traditional understanding of sovereignty rather bolsters it with consorting international assistance to state’s capacity to actualize sovereign authority. Traditional statehood and political sovereignty of the state remains the same; HI is not altering them. It is only the functional interpretation of sovereignty invoked in the cases of mass atrocities even that as a last resort. Primarily states are supposed to protect their own population from genocide, war crimes, ethnic cleansing and crimes against humanity. A role is invested upon international society, but this role is first to “encourage and help states” to exercise their responsibility to protect their own people, and secondly to use “appropriate diplomatic, humanitarian and peaceful means...to help protect populations” (Outcome Document Para 138). A plain conclusion can be deduced from the above provision: international community is simply a companion to state in question in exercise of their sovereignty proper and protector of sovereignty when there are threats present to it. So lucid is the fact present in the language of R2P before any contemplation of intervention act. The fear of intervention rather than the fact stimulates skeptic formulations about sovereignty in particular and intervention in general. In my view, sovereignty as responsibility is not an erosion of state-centric sovereignty instead it is a fortifier of the concept in changing circumstances.
4.2 Demarcation and Constraints on the concept

Besides political dilemma of sovereignty, R2P has further outlined the circumstances and criteria that should be exhausted before contemplating military intervention. The just war principles laid in ICISS report is argued as a threshold for military intervention. I have mentioned those threshold principles earlier in my thesis\textsuperscript{22}. While assessing these criteria by a conflict can be of an immense challenge with results no cut and dried, collaring a consensus among states may prove a Herculean task. Alex J. Bellamy (2006) has perceived two unavoidable pitfalls of this: an excuse for inaction citing conflict as being disqualified according to these criteria while real life situation might suggest otherwise, or as a vindication for all kinds of intervention (p, 146-148). The story does not end in here. Let us assume for a moment that states have a common understanding about the conflict, and then the question of who wills to tread down that dangerous trail of military advance is so much powerful that keeps on intimidating the norm of R2P. Then, is it that the R2P framework of HI is ‘sound and fury signify nothing’\textsuperscript{23}, as argued by its skeptics? No.

The skepticism about humanitarian intervention is only epistemic. The three pitfalls mentioned in the preceding paragraph only have epistemic footing, that they are curable along with pragmatic undertaking of the concept. The first skepticism that should criteria were to be agreed upon for the defense of the use of force, they would also become a test against which inaction could be measured, imagines the international community under the ‘veil of

\textsuperscript{22} For detailed information on threshold principle for HI, see ICISS report at : http://responsibilitytoprotect.org/ICISS%20Report.pdf

\textsuperscript{23} The Responsibility to Protect: ‘Sound and Fury Signifying Nothing’? by Hehir Aidan, International Relations; Jun2010, Vol. 24 Issue 2, p218-239, 22p
ignorance\textsuperscript{24}, indifferent and unaffected by the conflicts beyond their territory and also states as morally void entity. It is not so. I think three forces are at work behind undertaking a decision to intervene. First, moral-legal obligation of states that they should maintain the very principles on which the world order functions. Second, human beings are naturally compassionate creatures, that they cannot turn indifferent to the suffering of somebody be that a stranger. This feeling manifests in the form of pressure, domestic and/or international compelling international community to protect innocents. Last but more staunch, state interests involved in the conflicts. So it goes that if states have interests whatever- geo-political, economic, strategic, and environmental- there is more possibility for intervention. The realists might have it that the first two imperatives are only submissive to the third one which is true too in many cases. However, they miss the fact in between the lines of HI discourse of R2P that authority of intervention could be devolved to the states concerned or regional organizations that have interest in the conflict area in partnership with the United Nations. The Security Council can pass resolutions authorizing the use of force based on the information collected through UN agencies, and civil society and media that would assign the actors with interest to intervene. So far assessing the criteria is concerned, crimes of genocidal intent and the war crimes defined by the humanitarian law are in themselves pleading enough to satisfy the intervention criteria. Assessment of these criteria depends on the expertise of the UN human rights global infrastructure and the representation of conflict in media. These are only functional challenge of the criteria laid by the R2P, not the existential ones.

\textsuperscript{24}John Rawl’s term but in different context here.
The second pitfall concerns the fear that anyone who can rationalize certain conflicts by those criteria can invoke the rhetoric of responsibility to protect and can intervene eventually. This again assumes that states are free of choice in the international system, that it is so easy a task to justify their action to peer states. In reality it is just vice versa. First of all, states might play rough if there are no rules present. In other words, actually if there are no governing criteria for intervention, states can abuse the concept and might be able to appeal for legitimating. What if there is no any constraint or limitation on the part of states in their use of force in foreign territory? Secondly, it is simply not easy to justify the action to peer states for they are not ignorant of the clandestine motif of intervention. States are obliged to the laws regarding the use of force and are held accountable for the abuse of it. They have to justify convincingly to other states in multilateral forum. With the endorsement of Responsibility to protect HI, which was otherwise a chaos concept with no defined limitation, has travelled to the multilateral deliberation which certainly is more democratic than that not having it.

4.3 Understanding of conflict as a Developmental Deficiency

Among other, one situation that induces mass atrocities crime is civil war. In fact, “particularly after the end of the Cold War, more people have been killed in intrastate conflicts than in interstate wars”\(^\text{25}\) (Smith 2010, p, 98). Post Cold War, out of ... (Taylor Seybolt) instances of UN authorized intervention, had civil war elements instigated by various reasons. Facts suggest that there is often a natural co-relation between civil war and humanitarian intervention after the demise of the Cold War. Hence it follows that part of peaceful and secure world depends on our

efforts to curb and contain potential causes for civil conflicts around the world. It is difficult to
catalogue the causes of civil war as they could be incredibly dynamic in nature. Gallately and
Kiernan (2003) present:

“historical grievances and enmities; recent or bitterly rankling social traumas; arrogant
elites prospering in the midst of widespread poverty; poor governance; poor education;
(including strong prejudices) ; rapid political, social, or economic dislocation, colonial
occupation; war and revolution” (pp, 374-375)

State’s failure to address dissenting population through robust and equal development of the
society is like a catalyst in the chamber of civil war and potential intervention. “The relationship
between civil war and failures in development is strong and goes in both directions: civil war
powerfully retards development; and equally, failures in development substantially increase
proneness to civil war” predict Paul Collier (2004, p. I).

Realizing the fact that early capacity building of states through international assistance of
various kinds might mitigate conflict from escalation, various actors, particularly the UN and its
agencies have diverted huge resources towards conflict prevention. Preventive diplomacy
which refers to the diplomatic action taken at the earliest possible stage, “to prevent disputes
from arising between parties, to prevent existing disputes from escalating into conflicts and to
limit the spread of the latter when they occur” 26 has been an enduring effort of the UN and its
agencies. Given the increasing trend of internal conflicts and also due to the “emergence of
stronger normative frameworks in favor of international efforts to prevent violent conflict and

26 see “An Agenda for Peace: Preventive diplomacy, peacemaking and peace-keeping” (A/47/277 - S/24111), 17
mass atrocities and to ensure the inclusion of more voices in governance, peace and security”, preventive diplomacy has become the ‘single most important dimension’\textsuperscript{27} of conflict prevention.

If we see intervention as a military operation, it does not necessarily consider how much preventive measures have been deployed prior to the decision of action. Neither it is that all of the criteria should be exhausted before such decision. Situations may call to act immediately bypassing the questions of soft diplomacy or back off foreseeing even greater disaster of potential intervention. This kind of interpretation is true and reflects reality. However, there is empirical misperception in such interpretation. It considers military intervention as a single tool to fix every problem. Similarly, it takes that the intervention takes place out of nowhere like a sword slinging by a single and invisible thread potential to fall down anytime. The integrity of humanitarian intervention is so easily ignored that truth sounds alarming and ridden with conspiracy and hidden agendas. The phenomenon is understood entirely in military term which leads to the wide imagination of it being deadly misused or converted with agendas and so on.

First and foremost, I believe that any intervention that from the beginning has some other purpose than protecting innocents and undertaken without prior observation and deliberation of conflicts in a multilateral forum are not humanitarian in purpose; they are in fact an act of aggression. Secondly, I think that the traditional understanding of Security through hard coercion envisioned in UN charter is an empirical misperception in regard to humanitarian intervention.

\textsuperscript{27} ICISS report
The second argument of my thesis that understanding HI according to Chapter VII framework of the UN charter cannot capture the dimension of conflicts in changed circumstances after the cold war suggests towards eliminating the original causes of conflicts for a secured world. The charter VII (39) provisions Security Council the authority to ‘determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41, and 42\textsuperscript{28} to maintain or restore international peace and security’. This chapter provision has a mechanical understanding of the conflict and in fact hints at no more than the decision making procedure. It is too traditional to understand socio-economical dimension of conflicts. To elaborate, it waits for crisis to happen and then calls for action on the part of international community. When the crisis is in its loud manifestation, states have responsibility to use peaceful measures to address it. In case such measures fail, they will recourse to unpalatable means of hard power. The chapter does not consider the roles of preventive measures prior to the conflicts. It is reactive. On the other hand, while conflicts anywhere might spillover and destabilize the region calling for third party mediation, the kind of conflicts which invites humanitarian intervention are not as large and all out a threat to global peace and security as the past World Wars. And it is this World-War-anxiety that had stimulated the formulation of Chapter VII which has a rustic military tone as to what ought to be done in such situations.

Today internal conflicts are frequent that have roots to development and governance issue and it is not beyond the capacity of international community to curb them at origin obviating possible military solutions in the future. The decision making authority which is invested upon

\textsuperscript{28} Article 41 directs states to exploit soft measures in the time of crisis and Article 42 permits the use of deadly force should peaceful diplomacy fail to work.
the Security Council still makes the sense in relation to the use of force but its understanding about conflicts are frequently challenged by unpredictable dimensions of conflicts. The Security Council is a mechanical body to make decision which is dependent on other actors and agencies for intellectual feeding and expertise about conflicts.

Nevertheless, Chapter VI of the UN charter has series of measures for ‘Pacific Settlement of Dispute’: ‘by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, and resort to regional agencies or arrangement’. It can be argued that these measures well could play to prevent situation from deteriorating. However, these arrangements imagine and intend large disputes between two or more member states under UN collective security mechanism. Yet again, first, there is a rupture of interstate large scale disputes and war-prone conflicts in those arrangement rather than intrastate civil war and conflicts which usually have been cases for intervention after the Cold War. Yet again, secondly, these arrangements are reactive to conflicts rather than finding the real causes of conflicts and eradicating them through international assistance and maneuvering. Prevention, in real term, has been overshadowed by over militarization of conflicts in the Charter provision.

The preceding analysis stumps off to a question: how military intervention is different from a traditional understanding the one that the Security Council carries as both involve military solution of conflict? Not much, facially. But if we associate humanitarian intervention within the schema of the R2P, the difference widens transcendentally leaving the traditional understanding to obsolete in terms of assessing conflicts. Unlike the Charter provision which has a broader approach to conflict, R2P has narrowed down conflicts of potential intervention
to that of emanating from development deficiency and poor governance. In other words, The Charter puts every conflict in a single basket and obstinately tries to befit them. There is hardly any difference in its understanding about an act of aggression, terrorism, independence and factionalism, civil war and so on as all of them constitute a single basis for the use of force ‘to maintain international peace and security’, according to the Charter. One of the reasons for wide misperception about humanitarian intervention is the very international custom of understanding the conflict of humanitarian crises by the same lenses which are used to observe the other kind of conflicts. And such observation goes without saying because of the intrinsic misperception lying in the supreme international protocol i.e. the UN charter.

It is not intended here to argue that R2P has created parallel governance of humanitarian intervention away from the Charter understanding. It goes rather like a division of labor within a same unit for better efficiency of the production system. R2P maintains that the decision to use force for protection purpose is in the hand of the Security Council itself, but the basis for such decision should be built upon the knowledge refined through independent and expert infrastructure within and away from the UN system. In practice, this would mean conflicts have case-specific causes which are to be assessed and analyzed in right manner, and attempted to prevent at the earliest possible. For this purpose, a stable and authentic infrastructure is needed to fulfill the purpose. R2P has imagined so through international assistance, capacity building and human rights watch to avoid conflicts in the first place. As a supplementary role to the Security Council, it aims to provide wise information on conflicts so that the force could be used timely and appropriately for effective governance. R2P does not depart away from the Security Council; it simply devolves away from it in its understanding about the conflicts. It
assumes that conflicts can be prevented because they have curable causes. And humanitarian intervention is not a single tool to fix such problem but one among many other solution. If seen through this perspective, R2P has pushed humanitarian intervention to the extreme margin, and insisted on capacity building of a state through visible international support. This has fostered the understanding that cases of intervention as defined by the R2P, at the core results from weak and state failings in development and governance terms.

4.2 A Pragmatic Approach to Conflict Solution

In chapter 3, I have discussed in long about the tensions inherent between international realism and normative theorization and how such tension manifests in the question of humanitarian intervention. The debate between these tendencies of thought ends up seemingly polemical. An interesting fact that contributes to such an impasse is that none of the thoughts best reflect what happens in real world. Unpredictability ascertains international relations. Both of the thoughts cannot consistently maintain their standpoint. Realists who argue that moral judgments have no place in international relations cannot summarily dismiss the significance of moral constraints on state relation because the legal framework of present international system underpins moral constraints on individual as well as state behavior. Similarly, Moral norms alone cannot shape international relation; multitude of state motifs is at work. In relation to HI, ‘responsibility’ hinges morality on the part of states to its citizens and on the part of international community to a ‘sovereign fail’. Humanitarian intervention as stated earlier is a moral discourse. Skeptics of humanitarian intervention might argue that states manipulate it according to their motifs, but it is impractical to discard the whole moral philosophy behind the concept. Charles Beitz (1979) had rightly argued that “one might be skeptical about the
possibility of international morality because one is skeptical, in general, about all kinds of morality” (p, 15). My argument is that HI under R2P has been able to synthesize morality and real practice or theory and practice.

The theoretical synthesis between international morality and practice is prominent in R2P’s definition of state sovereignty as responsibility by further strengthening the principle that is to say without eroding the state-centric Westphalia sovereignty. Skeptics of intervention often recourse to sovereignty and non-intervention principles defined in international law for turning down the discussion about intervention. At least, such was some state’s response after the Outcome document was articulated in 2005 particularly East Asian Nation. They have accused R2P to be more interventionist and would become a tool for big powers to intervene into small states’ affairs. In my view, the rationale of sovereignty for criticizing humanitarian intervention originates from the very fear that the policy would be misused. Having realized such school of opinions, R2P has re-conceptualized sovereignty in new framework. It has only functionally defined sovereignty to be on the part of international community after the individual sovereign entity fails flatly in its responsibility to protect population from the four grave crimes. The moral responsibility of state and the opinio juris in the practice have been cleverly accommodated in the R2P norm. I think R2P does not leave room for ‘open interpretation’ of sovereignty which otherwise would add confusion to the practice.

The another practical consideration of realpolitik appears in selective method of intervention adopted by the norm. Conflicts are not all alike. Making decision to intervene in the conflict

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requires a watchful assessment and future implication of the decision. Real politics plays role and accountability of the action is at question. The case-by-case approach taken by R2P is pragmatically sound and avoids a sweeping generalization of the nature of conflicts. Hence, the common accusation that R2P is more interventionist, and any conflict that squarely fulfils the criteria set by the norm is a potential subject of intervention is a fallacious reasoning provided by HI skeptics. I think R2P has pronounced a distasteful but a candid fact that if there is no ‘reasonable prospect of success’ of military intervention, backing off is more practical and safer than involving in the conflict. This fact takes into account the existing power structure in the world. It implies that the primary purpose of intervention is to deter the crimes of mass tortures and killings so long as it can do so. If intervention exacerbates further conflicts, or the lives of people will be at stake even more than before the intervention, no matter how unpleasant the consequences might be, the decision should not be made, or the troops should be backed off from the ground. Humanitarian intervention should not be understood as an ambitious political program, but merely a tool, practical and conditional on the circumstances.

To an answer to a common objection that “R2P applies only to Weak and Friendless Countries, Never the Strong”30, The ICISS report has articulated the same answer as discussed before:

4.41 Military action can only be justified if it stands a reasonable chance of success, that is, halting or averting the atrocities or suffering that triggered the intervention in the first place. Military intervention is not justified if actual protection cannot be achieved, or if the consequences of embarking upon the intervention are likely to be worse than if

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30 Evan Gareth has answered to five common objections against R2P. See: Responsibility to Protect: Ending Mass Crimes once and for All. P, 61-62.
there is no action at all. In particular, a military action for limited human protection purposes cannot be justified if in the process it triggers a larger conflict. It will be the case that some human beings simply cannot be rescued except at unacceptable cost—perhaps of a larger regional conflagration, involving major military powers. In such cases, however painful the reality, coercive military action is no longer justified. (ICISS p, 37)

In my views, R2P has understood HI in utilitarian terms; take it as long as it yields results. Overextending its scope and limitation or posing ambitious question of altering existing power structure of the world would not help what we have at our disposal.

Another feasible approach, the R2P has taken, to achieve global peace is to realize the policy in partnership with regional organizations. R2P has drawn the legal basis for partnership from the Chapter VIII of the UN charter. The charter provision has devolved to regional organization some authority to deal ‘with matters relating to the maintenance of international peace and security...[in] consistent with the Purposes and Principles of the United Nations’ (Chapter VIII, Article 52). Such matters include the pacific settlements of local disputes with local resources available. R2P follows the same principle of decentralization of responsibility to the regional organization capable of solving disputers locally. Issues can better be resolved locally for many reasons, the most important being cultural relativity. A commonsensical fact exists that member states in a regional organization do join the organization because they have some sort of cultural proximity with each other. They have a privilege of being understood to each other in dispute settlement process than the ones who comes from different culture. This socio-
cultural fact that plays important role in dispute settlement is taken into consideration by the
R2P in line with the UN charter provision. Next, it makes a lot of sense in today’s world to
devolve some responsibility to regional organizations as well as state alliance due to solid
presence of them in every region of the world - the EU, AU, ASEAN, NATO, to name but a few. A
sound partnership with regional organizations has a lot of practical benefits:

1. Regional organization might have better interest to intervene into local conflicts which
   might not always be possible through high politics of the Security Council.
2. Regional organization has better understanding of the nature of conflicts and first hand
   information in relation to the conflicts.
3. In case of Security Council’s unwillingness or inability, regional organization can take
   over the responsibility with Council authorization.
4. Such devolution is better for increasing efficiency and effectiveness of the UN system in
   conflict resolution.

Having said that, I think three conclusions (fears?) thoroughly follow: a) that regional
organizations can determine in its own conscience the tools and methods for conflict solution
b) that the Security Council always should trust the assessment of the conflicts provided by
regional organization, and c) the custom might evolve as to bypassing the Security Council’s
resolution or post-intervention justification i.e. ex-post facto authorization.

The usual fear of unauthorized intervention emanates from the first conclusion that regional
organization, defense agency or coalition of the willing states can determine the tools and
method of conflict solution in their good conscience, even the use of force. One can easily
adhere to such assumption since such speculation is prevalent in academics. And also, some regional organization, states, and defense organization are simply more equipped and influential than the UN, for example, NATO, EU, the USA. Should these actors use force into conflicts elsewhere, their global influences sometimes persist over the legality of the action. Take for example the case of NATO in Kosovo intervention. However, the legal arrangement in the Charter itself and provision in the Responsibility to protect both dissipates such fear about unauthorized intervention as they strictly restrict the use of force by regional arrangements. Such authority is solely invested upon the Security Council and regional arrangement can play only as a subordinate role. Article 53 speaks:

The Security Council shall, where appropriate, utilizes such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council...’

In line with the charter provision, R2P has also put an emphasis on ‘There is no better or more appropriate body than the United Nations Security Council to authorize military intervention for protection purpose’ (ICISS p XI-XII). Though it proposes ‘Uniting for Peace’ alternative to make decision in case the SC fails, the intention is ‘not to find alternative to the SC, but to make the SC work better than it has’. It is relevant here to reinforce the third statement of my thesis that argument that Responsibility to Protect permits unauthorized intervention by regional organization and agencies simply do not have rational validity. And it is my conviction that any
custom practice opposite what is legally permissible would undermine the whole philosophy of the Responsibility to Protect.

The second conclusion that assessment of conflict falls on the part of potential interveners has genuine concerns. Responsibility to Protect norm has outlined the threshold criterion for intervention, but who has the right to conflict assessment in real terms? And how would that take place? Since the norm comes from the multilateral forum of the United Nations, it goes without saying that the UN human rights surveillance infrastructure worldwide, and its peace support missions on the field would be best capable of assessing potential or real conflicts, or there is no alternative. Based on such assessment the Security Council would make a decision in deliberation with the General Assembly. However, on the existent level of practice, this practical fact is yet to be realized. In fact the future aim of the norm should move towards synchronizing the available human rights and peace infrastructure of the United Nations on the subject of early warning and conflict assessment before the use of force. The Peace building Commission which was established in 2005 could best be a partner to Responsibility to Protect framework as one of the mandate of the former is to:

‘to provide recommendations and information to improve the coordination of all relevant actors within and outside the United Nations, to develop best practices, to help to ensure predictable financing for early recovery activities and to extend the period of attention given by the international community to post conflict recovery’ (A/RES/60/180, S/RES 1645 (2005)
Similarly, as to early warning of the conflict, R2P could look up to the Human Rights Council for information regarding the conditions of human rights so as to take preventive actions before serious crimes take place. Unfortunately, the discussed aspect of the synchronization has not made way to the General Assembly endorsement of the R2P in 2009. The challenge of finding consensus from member states on these matters is still there and R2P should be making in explicit terms on that task in the future. Indirectly these agencies have played role in conflict assessment, though.

Finally, late authorization of intervention known as ex post facto authorization is a *prima facie* reasoning about military intervention within R2P. Regional organization or agencies or willing states might seek post intervention authorization from the Council on the excuse that rapid action was necessary in the first place. Legally, scholars argue that the Security Council has the legal right to late authorization as it is endowed with the right to make decision appropriate to the UN Purpose and Principles. Practically, late authorization makes sense because sometimes conflicts might break out in no time making it impossible to seek prior authorization from the Council. It can be understood that the SC legally has right to late authorization, and also that some conflicts call rapid actions postponing the question of prior authorization. I argue however that the governance of the sole issue i.e. humanitarian intervention within the parameter of the Responsibility to protect would gradually diminish the need of late authorization as a conflict in any part of the world would be in constant watch and early prevention would be at the place. The decision to intervene would be taken meticulously after a good length of time spent in discussions and deliberation. This would have some benefits:
1) It avoids unilateral and unauthorized intervention making the issue more of bureaucratic concern than the political.

2) It would push intervention to the margin of utility as prevention would be considered the most important.

3) It helps building shared understanding about the military intervention which would eventually become an effective tool in conflict solution.

4) It promotes multilateralism among member states.

5) It has a constructive impact on the governments and bureaucrats of the member states on their responsibility to respect and deliver people’s rights.

The above-mentioned practical aspects of the norm Responsibility to Protect in regards to humanitarian intervention need a great deal of political will as well as material resources to actualize in the practice. A shared understanding of the subject among member states of the UN is mandatory toward that direction. The norm R2P has great deal of pragmatic consideration in its imagination about the use of force for protection purpose.
Chapter 5 Conclusion and Recommendation

Responsibility to Protect has fostered a precise understanding of intervention practice by institutionalizing the concept which otherwise would be a matter of international conscience. The governance of issue within the traditional arrangement of the UN Charter VII would compel a thorough understanding of intervention to be a security threat rather than a systemic dysfunction of a polity and international community would react accordingly, most of the time, with military means. The decision of military intervention would be taken depending upon individual states’ perception about the conflict in hand and the force could be used as a reaction sometimes devoid of strict procedures and serious understanding of the nature of conflict. Chance would prevail over inevitability. It is not to mean that before R2P such was the scenario, but the custom had all possibility of such unmethodical practice. High level politics would determine whether to intervene and what means and procedures, not the situation of conflict at hand. R2P has brought about definitiveness in chaotic practice of intervention by lending a pragmatic framework of observation, methods and procedures to the phenomenon.

I have discussed in the previous chapters how Responsibility to Protect has been able to re-conceptualize intervention practice in a new framework which is more systematic in procedures and accurate in knowledge about conflict. I borrowed a number of precepts from R2P norm and saw how they correspond to my understanding i.e. HI as a re-conceptualized norm. The analysis chapter took on the debate on sovereignty, constraints and limitation of the practice, and partnership aspect of R2P to see how these percepts contribute to a new understanding of
Humanitarian Intervention. During the analysis, I was answering in my mind to the critiques of military intervention which was discussed in the chapter 3 in the form of two bents of mind, namely realism and normative theorization. My position was to be at the central line of thoughts finding synthesis between them on the subject military intervention in the schema of Responsibility to Protect.

I have argued for Responsibility to Protect because it is morally defendable norm and practically desirable. It is morally defendable in the sense that it ascribes states with moral imperatives to take care of their citizens from harm and strive for their well being. It once again reminds state authority that the source of sovereignty is its people and protecting them is the ultimate objective of statehood. On the broader level, society of states is supposed to be helping the state in question in its exercise of sovereignty proper through different means. The moral duty of an individual state is extended beyond its border to uphold not only the ideals of peaceful society but to secure its own existence as a state.

HI under R2P is practically desirable, in the sense that it takes into account the reality of the world. It hinges with liberal approach that strife and conflicts are part of society and can be sorted out with discussions and deliberations. R2P’ endeavor to watch conflicts and solve them through interstate deliberation is the part of same philosophy. Similarly, R2P sits in harmony with the accusations spoke out by its critics and opponent. The accusation against HI comes from diverse sources all bending to realist line of thoughts, which I have discussed in Chapter 3. As an answer to them, R2P has redefined the practice of intervention building upon such accusations which makes it practically sound. To name, R2P’s partnership with regional
organization in conflict solutions is one among such. I have discussed in length in the Chapter 4 on how R2P is a pragmatic norm for conflict solution.

Having said, R2P does have some drawbacks. The major drawback consists of lack of political will on behalf of international community to accept the norm in its entirety or as conceived in the original 2005 outcome document. The General Assembly of the United Nations has endorsed the concept but how the words will translate into deeds remains a major challenge for the norm. Despite of R2P’s understanding of conflicts as a political as well as economic failures of the state, the present mechanism falls on the reactive aspect of the norm. Prevention and post-conflict buildings of a state are left on chance to international politics. Towards the end of the analysis chapter I have mentioned some of the drawbacks of the Responsibility to Protect norm for example how regional organization will gradually evolve to conflict assessment due to R2P’s partnership mechanism, the lack of synchronization of the policy to the existing human rights and economic infrastructure at the UN, possibility of late-authorization and so on to name but a few. The future endeavors of the norm should be directed towards achieving its ambition within the existing infrastructure of the UN.

Proper institutionalization of Responsibility is needed for efficient governance of the issue, but not away from the Charter mechanism regarding the use of force. R2P has often been represented in academia as parallel governance to that of the Security Council authority. While it is desirable to find out alternatives in case of the SC impasse, it will prove merely an aspiration to establish a parallel governance of intervention through R2P. Real politics still dictates that member states are the key actors to translating ideas into deeds. Responsibility to
protect as an institution should grow as an expert body which would recommend the Security Council about necessary measures to be taken in particular conflicts.

In my views, R2P can have a constructive effect on individual state. The ideas encapsulated in R2P should be disseminated to states so that the concerned will be aware of his/ her political responsibility as well as the costs involved for turning away from responsibilities. Let me borrow, here the theme of constructivism which believes that social reality is constructed through ideational entrepreneurship. They focus on the ‘institutional, discursive, and inter-subjective procedures by which international governance develops” (Haas and Haas:2002, p,575). They do not, of course, neglect the instrumental dimensions of social reality, but explain that our perceptions of the world matters in creating social reality. They “hold the view that the building blocks of international reality are ideational as well as material; that the ideas have normative as well as instrumental dimensions; that they express not only individual but also collective intentionality...” (Ruggie: 1998, p, 87). The constructivist say about the norm of responsibility to protect would be that if the norm hits the debate far and wide then the collective understanding would be possible. Constructivists would argue that the norm might construct a ‘social truth’ and henceforward would guide our actions if communication is persisting to everyone concerned. Humanitarian intervention as a social truth needs a far-reaching consensus on the subject. This will in turn help to reduce the cases of military intervention in the future as well as deter its misuse. The knowledge of HI philosophy can empower people against bad political culture.
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